

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

FILED SENATE
Apr 4, 2023
S.B. 577
PRINCIPAL CLERK

S

D

SENATE BILL DRS45262-SUF-4

Short Title: DMV Proposed Legislative Changes.-AB (Public)

Sponsors: Senators McInnis, Sawyer, and Lazzara (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO LAWS RELATED TO MOTOR VEHICLES,
3 AS RECOMMENDED BY THE DIVISION OF MOTOR VEHICLES OF THE
4 DEPARTMENT OF TRANSPORTATION.

5 The General Assembly of North Carolina enacts:

6
7 **AUTHORIZE AND STUDY MOBILE DRIVERS LICENSES**

8 **SECTION 1.(a)** G.S. 20-4.01 reads as rewritten:

9 **"§ 20-4.01. Definitions.**

10 Unless the context requires otherwise, the following definitions apply throughout this
11 Chapter to the defined words and phrases and their cognates:

12 ...

13 (21b) Mobile Drivers License. – A supplemental digital version of a valid drivers
14 license that (i) is approved by the Commissioner, (ii) is issued by the Division
15 of Motor Vehicles, (iii) is comprised of the same data elements as are found
16 on a valid drivers license, and (iv) is capable of, and limited to, being linked
17 to and displayed by a mobile device owned by the person to whom the valid
18 drivers license is issued.

19 (21c) Motor Carrier. – A for-hire motor carrier or a private motor carrier.

20"

21 **SECTION 1.(b)** G.S. 20-7 is amended by adding a new subsection to read:

22 "(m1) Mobile Drivers License. – Upon request of an applicant for whom a valid license
23 exists or is issued, the Commissioner may issue a mobile drivers license as a supplement to the
24 valid license. A mobile drivers license is the legal equivalent of a valid license."

25 **SECTION 1.(c)** The Division of Motor Vehicles of the North Carolina Department
26 of Transportation shall study and provide a plan for implementing mobile drivers licenses and
27 mobile special identification cards. The study and plan shall address (i) anticipated drivers license
28 and special identification cards issuance and renewal process changes, (ii) anticipated changes to
29 staffing needs for the Division for implementation of mobile drivers licenses and mobile special
30 identification cards, (iii) estimated one-time and annual costs to the Division or any other State
31 agency resulting from implementation, (iv) evaluation of whether implementation of mobile
32 drivers licenses or mobile special identification cards will be undertaken by the Division or
33 contracted to a third-party vendor and relevant contractual issues associated with either option,
34 (v) changes in revenue for the Division or any other State agency, (vi) security and confidentiality
35 of drivers license information, (vii) concerns of State and local law enforcement agencies within
36 North Carolina, including examining means by which to prevent unintended violations of an



individual's constitutional rights, (viii) an estimated time line for implementation, including steps required to facilitate mobile drivers licenses and mobile identification cards, and (ix) any other issue the Division deems relevant to the study. The Division shall report its findings of this study, including any legislative recommendations, to the North Carolina General Assembly, the chairs of the Joint Legislative Transportation Oversight Committee, and the Fiscal Research Division no later than January 1, 2024.

SECTION 1.(d) Subsections (a) and (b) of this section become effective July 1, 2025.

AUTHORIZE DISCLOSURE OF SOCIAL SECURITY NUMBERS TO THE STATE BOARD OF ELECTIONS

SECTION 2. G.S. 20-7(b2) reads as rewritten:

"(b2) Disclosure of Social Security Number. – The social security number of an applicant is not a public record. The Division may not disclose an applicant's social security number except as allowed under federal law. A violation of the disclosure restrictions is punishable as provided in 42 U.S.C. § 408, and amendments to that law.

In accordance with 42 U.S.C. 405 and 42 U.S.C. 666, and amendments thereto, the Division may disclose a social security number obtained under subsection (b1) of this section only as follows:

- ...
- (9) To the State Board of Elections for verifying voter registration data implementing G.S. 163-82.14."

CLARIFY SCOPE OF INTERLOCK REQUIREMENT

SECTION 3.(a) G.S. 20-17.8 reads as rewritten:

"§ 20-17.8. Restoration of a license after certain driving while impaired convictions; ignition interlock.

...

(a1) Additional Scope. – This section applies to a person whose license was revoked as a result of a conviction of habitual impaired driving, G.S. 20-138.5. Except for a conviction under G.S. 20-141.4(a2), this section also applies to a person whose license was revoked as a result of a conviction under G.S. 20-141.4.

...."

SECTION 3.(b) This section becomes effective December 1, 2023, and applies to offenses committed on or after that date.

INCREASE FEE FOR AUTHORIZATION TO ADMINISTER OATHS

SECTION 4.(a) G.S. 20-42 reads as rewritten:

"§ 20-42. Authority to administer oaths and certify copies of records.

(a) Officers and employees of the Division designated by the Commissioner are, for the purpose of administering the motor vehicle laws, authorized to administer oaths and acknowledge signatures, and shall charge for the acknowledgment of signatures a fee according to the following schedule:

- (1) One signature ~~\$2.00~~\$6.00
- (2) Two signatures ~~3.00~~7.00
- (3) Three or more signatures ~~4.00~~8.00

Funds received under the provisions of this subsection shall be used to defray a part of the costs of distribution of license plates, registration certificates and certificates of title issued by the Division.

...."

SECTION 4.(b) This section becomes effective July 1, 2023.

1
2 **CLARIFY ISSUANCE OF PERMANENT LICENSE PLATES TO EMS/RESCUE**
3 **ENTITIES**

4 **SECTION 5.** G.S. 20-84 reads as rewritten:

5 **"§ 20-84. Permanent registration plates; State Highway Patrol.**

6 ...
7 (b) Permanent Registration Plates. – The Division may issue permanent plates for the
8 following motor vehicles:

9 ...
10 (6) ~~A motor vehicle owned by an incorporated emergency rescue squad.~~

11 ...
12 (10) ~~A motor vehicle owned by a rural fire department, agency, or association.~~

13 ...
14 (21) A motor vehicle owned by (i) an incorporated emergency rescue squad or (ii)
15 a rural fire department, agency, or association. An entity seeking a permanent
16 plate pursuant to this subdivision shall also establish that the entity (i) is listed
17 in the Emergency Medical Services (EMS) System Plan in the county in which
18 the entity provides services, (ii) maintains an active provider number issued
19 by the North Carolina Office of EMS, and (iii) actively provides first
20 responder services to a county, city, or town in the State.

21 (b1) Proof of Eligibility. – The Division may require proof of eligibility requirements
22 under this section and shall revoke any permanent plates issued to an entity that does not meet
23 those eligibility requirements.

24"

25
26 **CLARIFY AUTHORIZED USAGE OF TRANSPORTER PLATES**

27 **SECTION 6.** G.S. 20-79.2 reads as rewritten:

28 **"§ 20-79.2. Transporter plates.**

29 (a) Who Can Get a Plate. – The Division may issue a transporter plate authorizing the
30 limited operation of a motor vehicle in the circumstances listed in this subsection. A person who
31 receives a transporter plate must have proof of financial responsibility that meets the
32 requirements of Article 9A of this Chapter. The person to whom a transporter plate may be issued
33 and the circumstances in which the vehicle bearing the plate may be operated are as follows:

34 (1) To a business or a dealer to facilitate the manufacture, construction,
35 rebuilding, or delivery of new or used truck cabs or bodies between
36 manufacturer, dealer, seller, or purchaser. A plate issued pursuant to this
37 subdivision shall not be used to deliver truck cabs or bodies manufactured,
38 constructed, or rebuilt in another state.

39 (2) To a financial institution that has a recorded lien on a motor vehicle located
40 in North Carolina to repossess the motor vehicle.

41 (3) To a dealer or repair facility to pick up and deliver a motor vehicle that is to
42 be repaired, is to undergo a safety or emissions inspection, or is to otherwise
43 be prepared for sale by a dealer, to road-test the vehicle, if it is repaired or
44 inspected within a 20-mile radius of the place where it is repaired or inspected,
45 and to deliver the vehicle to the dealer. A repair facility may not receive more
46 than two transporter plates for this purpose. A plate issued pursuant to this
47 subdivision shall not be used on a vehicle that is towing or transporting a
48 vehicle authorized to be operated with a transporter plate under this
49 subdivision.

50 ...

(5) To a dealer or a business that contracts with a dealer and has a business privilege license to take a motor vehicle either to or from a motor vehicle auction where the vehicle will be or was offered for sale. The title to the vehicle, a bill of sale, or written authorization from the dealer or auction must be inside the vehicle when the vehicle is operated with a transporter plate. A plate issued pursuant to this subdivision shall not be used on a vehicle that is towing or transporting a vehicle authorized to be operated with a transporter plate under this subdivision.

...
(8) To a business to drive a motor vehicle that is registered or titled in this State and is at least 35 years old to and from a parade or another public event and to drive the motor vehicle in that event. A person who owns one of these motor vehicles is considered to be in the business of collecting those vehicles. The total number of plates issued to a person pursuant to this subdivision shall not exceed two.

...."

STUDY ALTERNATIVE MATERIALS FOR LICENSE PLATES

SECTION 7. The Division of Motor Vehicles of the North Carolina Department of Transportation, in consultation with the North Carolina Department of Public Safety, shall study the use of alternative materials for manufacturing the registration plates issued by the Division. The Division shall report its findings of this study, including any legislative recommendations, to the North Carolina General Assembly, the chairs of the Joint Legislative Transportation Oversight Committee, and the Fiscal Research Division no later than January 1, 2024.

CONFORM ODOMETER DISCLOSURE REQUIREMENT WITH FEDERAL LAW

SECTION 8. G.S. 20-347(d) reads as rewritten:

"(d) The provisions of this disclosure statement section shall not apply to the following transfers:

- (1) A vehicle having a gross vehicle weight rating of more than 16,000 pounds.
- (2) A vehicle that is not self-propelled.
- (2a) A vehicle sold directly by the manufacturer to any agency of the United States in conformity with contractual specifications.
- (3) A vehicle that is ~~10 years old or older.~~ model year 2010 or older.
- (3a) A vehicle that is model year 2011 or newer that is transferred at least 20 years after January 1 of the calendar year corresponding to its designated model year.
- (4) A new vehicle prior to its first transfer for purposes other than resale.
- (5) A vehicle that is transferred by a State agency that assists the United States Department of Defense with purchasing, transferring, or titling a vehicle to another State agency, a unit of local government, a volunteer fire department, or a volunteer rescue squad."

ALLOW ISSUANCE OF MULTIPLE SPECIAL REGISTRATION PLATES TO ELIGIBLE STATE GOVERNMENT OFFICIALS

SECTION 9. G.S. 20-79.5 reads as rewritten:

"§ 20-79.5. Special registration plates for elected and appointed State government officials.

...

(c) Multiple Plates. – A person eligible for a special registration plate pursuant to this section may obtain a plate with the same numerical designation for each vehicle registered in the person's name. The Division shall differentiate special registration plates bearing the same

numerical designation by adding a hyphen and a letter of the alphabet beginning with the letter "A".

EXPAND AUTHORITY OF DIVISION OFFICERS

SECTION 10. G.S. 20-49.1 reads as rewritten:

§ 20-49.1. Supplemental police authority of Division officers.

(a) In addition to the law enforcement authority granted in G.S. 20-49 or elsewhere, the Commissioner and the officers and inspectors of the Division whom the Commissioner designates have the authority to enforce criminal laws under any of the following circumstances:

- (1) When they have probable cause to believe that a person has committed a criminal act in their presence and at the time of the violation they are engaged in the enforcement of laws otherwise within their jurisdiction or that a criminal act had immediately occurred, or is in the process of occurring, on physical property owned, operated, or maintained by either the North Carolina Department of Transportation or the Division, or property operated as a license plate agency for and overseen and regulated by the Division.
(2) When they are asked to provide temporary assistance by the head of a State or local law enforcement agency or his designee and the request is within the scope of the agency's subject matter jurisdiction.
(3) When an emergency exists and response by Division personnel could protect life and property.

While acting pursuant to this subsection, the Division officers shall have the same powers vested in law enforcement officers by statute or common law. When acting pursuant to subdivision (2) of this subsection, the Division officers shall not be considered an officer, employee, or agent-officer of the State or but will have the same law enforcement authority of the local law enforcement agency or designee asking for temporary assistance. Nothing in this section shall be construed to expand the Division officers' authority to initiate or conduct an independent investigation into violations of criminal laws outside the scope of their subject matter or territorial jurisdiction.

...."

MODIFY DEALER PLATE AUTHORIZATION

SECTION 11.(a) G.S. 20-79 reads as rewritten:

§ 20-79. Dealer license plates.

(b) Number of Plates. - A dealer who was licensed under Article 12 of this Chapter for the previous 12-month-24-month period ending December 31 may obtain the number of dealer license plates allowed by the following table; the number allowed is based on the number of motor vehicles the dealer sold during the relevant 12-month-24-month period and the average number of qualifying sales representatives the dealer employed during that same 12-month 24-month period:

Table with 2 columns: Vehicles Sold In Relevant 12-Month-24-Month Period and Maximum Number of Plates. Rows include categories like 'Fewer than 224', 'At least 24 but less than 50', etc.

employed by the dealer during the relevant ~~12-month~~ 24-month period.

A dealer who was not licensed under Article 12 of this Chapter for part or all of the previous ~~12-month~~ 24-month period ending December 31 may obtain the number of dealer license plates that equals four times the number of qualifying sales representatives employed by the dealer on the date the dealer files the application. A "qualifying sales representative" is a sales representative who works for the dealer at least 25 hours a week on a regular basis and is compensated by the dealer for this work.

A dealer who sold fewer than ~~49-98~~ motor vehicles the previous ~~12-month~~ 24-month period ending December 31 but has sold at least that number since January 1 may apply for additional dealer license plates at any time. The maximum number of dealer license plates the dealer may obtain is the number the dealer could have obtained if the dealer had sold at least ~~49-98~~ motor vehicles in the previous ~~12-month~~ 24-month period ending December 31.

A dealer who applies for a dealer license plate must certify to the Division the number of motor vehicles the dealer sold in the relevant period. Making a material misstatement in an application for a dealer license plate is grounds for the denial, suspension, or revocation of a dealer's license under G.S. 20-294.

A dealer engaged in the alteration and sale of specialty vehicles may apply for up to two dealer plates in addition to the number of dealer plates that the dealer would otherwise be entitled to under this section.

This subsection does not apply to manufacturers licensed under Article 12 of this Chapter.
...."

SECTION 11.(b) G.S. 20-87 reads as rewritten:

"§ 20-87. Passenger vehicle registration fees.

These fees shall be paid to the Division annually for the registration and licensing of passenger vehicles, according to the following classifications and schedules:

...

- (7) Dealer License Plates. – The fee for a dealer license plate is double the regular fee for each of the first five plates issued to the same dealer and is ~~one-half~~ the regular fee for each additional dealer license plate issued to the same dealer. The "regular fee" is the fee set in subdivision (5) of this section for a private passenger motor vehicle of not more than 15 passengers.

...."

SECTION 11.(c) G.S. 20-288 reads as rewritten:

"§ 20-288. Application for license; license requirements; expiration of license; bond.

...

(a1) A used motor vehicle dealer may obtain a license by filing an application, as prescribed in subsection (a) of this section, and providing the following:

...

- (2) Proof that the applicant, within the last 12 months, has completed a 12-hour licensing course approved by the Division if the applicant is seeking an initial license and ~~a two six-hour course~~ courses approved by the Division if the applicant is seeking a renewal license. The requirements of this subdivision do not apply to a used motor vehicle dealer the primary business of which is the sale of salvage vehicles on behalf of insurers or to a manufactured home dealer licensed under G.S. 143-143.11 who complies with the continuing education requirements of G.S. 143-143.11B. The requirement of this subdivision does not apply to persons age 62 or older as of July 1, 2002, who are seeking a renewal license. This subdivision also does not apply to an applicant who holds a license as a new motor vehicle dealer as defined in

1 G.S. 20-286(13) and operates from an established showroom located in an
 2 area within a radius of 30 miles around the location of the established
 3 showroom for which the applicant seeks a used motor vehicle dealer license.
 4 An applicant who also holds a license as a new motor vehicle dealer may
 5 designate a representative to complete the licensing course required by this
 6 subdivision.

7 ...

8 (c) All licenses that are granted shall be for a period of ~~one year~~ two years unless sooner
 9 revoked or suspended. The Division shall vary the expiration dates of all licenses that are granted
 10 so that an equal number of licenses expire at the end of each month, quarter, or other period
 11 consisting of one or more months to coincide with G.S. 20-79(c).

12 ...

13 (g) A corporate surety may refuse to renew a surety bond furnished pursuant to this
 14 section by giving or mailing written notice of nonrenewal to the license holder and to the
 15 Commissioner not less than 30 days prior to the premium anniversary date of the surety bond.
 16 The notice must be ~~given or mailed~~ delivered by certified ~~mail~~ mail, or electronically if the
 17 license holder has consented to electronic delivery of notice pursuant to G.S. 20-48, to the license
 18 holder at its last known address. Nonrenewal of the surety bond shall not affect any liability
 19 incurred or accrued prior to the premium anniversary date of the surety bond."

20 **SECTION 11.(d)** G.S. 20-289 reads as rewritten:

21 "**§ 20-289. License fees.**

22 (a) The license fee for each fiscal year, or part thereof, shall be as follows:

- 23 (1) For motor vehicle dealers, distributors, distributor branches, and wholesalers,
 24 ~~ninety seven dollars (\$97.00)~~ one hundred fifteen dollars (\$115.00) for each
 25 place of business.
- 26 (2) For manufacturers, ~~two hundred ten dollars and twenty five cents (\$210.25)~~
 27 four hundred twenty dollars and fifty cents (\$420.50) and for each factory
 28 branch in this State, ~~one hundred thirty dollars (\$130.00)~~ two hundred sixty
 29 dollars (\$260.00).
- 30 (3) For motor vehicle sales representatives, ~~twenty one dollars and fifty cents~~
 31 ~~(\$21.50)~~ twenty-five dollars (\$25.00).
- 32 (4) For factory representatives, or distributor representatives, ~~twenty one dollars~~
 33 ~~and fifty cents (\$21.50)~~ forty-three dollars (\$43.00).
- 34 (5) Repealed by Session Laws 1991, c. 662, s. 4.

35 (b) The fees collected under this section shall be credited to the Highway Fund. These
 36 fees are in addition to all other taxes and fees."

37 **SECTION 11.(e)** This section becomes effective October 1, 2023, and applies to
 38 applications submitted on or after that date.

40 INCREASE PENALTY FOR VIOLATION OF REGISTRATION PROVISION

41 **SECTION 12.(a)** G.S. 20-79.1(k) reads as rewritten:

42 "**§ 20-79.1. Use of temporary registration plates or markers by purchasers of motor**
 43 **vehicles in lieu of dealers' plates.**

44 ...

45 (k) The provisions of G.S. 20-63, 20-71, 20-110 and 20-111 shall apply in like manner
 46 to temporary registration plates or markers as is applicable to nontemporary plates.
 47 Notwithstanding any provision of G.S. 20-111 to the contrary, a violation of subdivision (2) or
 48 (6) of G.S. 20-111 involving a temporary registration plate or marker shall be punished as a Class
 49 I felony."

50 **SECTION 12.(b)** This section becomes effective December 1, 2023, and applies to
 51 offenses committed on or after that date.

PRINT-ON-DEMAND TEMPORARY REGISTRATION PLATES

SECTION 13.(a) Article 3 of Chapter 20 of the General Statutes is amended by adding a new section to read:

"§ 20-79.1B. Print-on-demand temporary registration plates.

(a) Notwithstanding the provisions of G.S. 20-50 and G.S. 20-79.1, the Division may develop and implement procedures necessary for issuance of temporary license plates by dealers to vehicle owners, using print-on-demand technology.

(b) If the Division implements a print-on-demand temporary license plate program pursuant to this section, all dealers licensed on or after the effective date of the program shall be required to purchase and issue only print-on-demand temporary license plates.

(c) The Division shall not impose a requirement relating to the minimum number of sets of temporary plates that must be purchased by a dealer pursuant to a print-on-demand temporary license plate program implemented under this section.

(d) Except as otherwise provided in this section, temporary license plates issued pursuant to this section shall be subject to all conditions and limitations set forth in this Article."

SECTION 13.(b) This section becomes effective January 1, 2024. The Division of Motor Vehicles of the Department of Transportation may adopt rules governing the issuance of print-on-demand temporary license plates prior to that date.

AUTHORIZE DIVISION TO OWN MOTOR VEHICLES

SECTION 14. G.S. 143-341(8)i.3. reads as rewritten:

"§ 143-341. Powers and duties of Department.

The Department of Administration has the following powers and duties:

...

(8) General Services:

...

i. To establish and operate a central motor fleet and such subsidiary related facilities as the Secretary may deem necessary, and to that end:

...

3. To require on a schedule determined by the Department all State agencies to transfer ownership, custody or control of any or all passenger motor vehicles within the ownership, custody or control of that agency to the Department, except those motor vehicles under the ownership, custody or control of the Highway Patrol, the State Bureau of Investigation, the State Capitol Police, the Alcohol Law Enforcement Division of the Department of Public Safety, the Samarcaud Training Academy, or the constituent institutions of The University of North Carolina which are used primarily for law-enforcement purposes. The Division of Motor Vehicles may own and maintain custody and control over a fleet of vehicles used in specialized investigative operations. These vehicles may be received, titled, transferred, or sold as deemed appropriate by the Commissioner of Motor Vehicles."

MODIFY HEADLAMPS AND AUXILIARY DRIVING LAMPS REQUIREMENTS

SECTION 15.(a) G.S. 20-131 reads as rewritten:

"§ 20-131. Requirements as to headlamps and auxiliary driving lamps.

...

1 (d1) Any headlamp modified or installed on a vehicle after initial manufacture of the
2 vehicle shall comply with Federal Motor Vehicle Safety Standard (FMVSS) 108.

3 "

4 **SECTION 15.(b)** This section becomes effective December 1, 2023, and applies to
5 offenses committed on or after that date.

7 **UPDATE SERVICE OF PROCESS BY THE DIVISION**

8 **SECTION 16.(a)** G.S. 1-105 reads as rewritten:

9 "**§ 1-105. Service upon nonresident drivers of motor vehicles and upon the personal**
10 **representatives of deceased nonresident drivers of motor vehicles.**

11 (a) The acceptance by a nonresident of the rights and privileges conferred by the laws
12 now or hereafter in force in this State permitting the operation of motor vehicles, as evidenced
13 by the operation of a motor vehicle by ~~such the~~ nonresident on the public highways of this State,
14 or at any other place in this State, or the operation by ~~such the~~ nonresident of a motor vehicle on
15 the public highways of this State or at any other place in this State, other than as so permitted or
16 regulated, shall be deemed equivalent to the appointment by ~~such the~~ nonresident of the
17 Commissioner of Motor Vehicles, or ~~his the~~ Commissioner's successor in office, to be ~~his the~~
18 nonresident's true and lawful attorney and the attorney of ~~his the~~ nonresident's executor or
19 Administrator, upon whom may be served all summonses or other lawful process in any action
20 or proceeding against ~~him the~~ nonresident or ~~his the~~ nonresident's executor or administrator,
21 growing out of any accident or collision in which ~~said the~~ nonresident may be involved by reason
22 of the operation by ~~him, the~~ nonresident, for ~~him, the~~ nonresident, or under ~~his the~~ nonresident's
23 control or direction, express or implied, of a motor vehicle on ~~such the~~ public highways of this
24 State, or at any other place in this State, and said acceptance or operation shall be a signification
25 of ~~his the~~ nonresident's agreement that any such process against ~~him the~~ nonresident or ~~his the~~
26 nonresident's executor or administrator shall be of the same legal force and validity as if served
27 on ~~him the~~ nonresident personally, or on ~~his the~~ nonresident's executor or administrator.

28 Service of such process shall be made in the following manner:

- 29 (1) By leaving a copy thereof, with a fee of ~~ten dollars (\$10.00),~~ twenty dollars
30 (\$20.00) in the hands of the Commissioner of Motor Vehicles, or in ~~his the~~
31 Commissioner's office. Such service, upon compliance with the other
32 provisions of this section, shall be sufficient service upon the said nonresident.
- 33 (2) Notice of such service of process and copy thereof must be forthwith sent by
34 certified or registered mail by plaintiff or the Commissioner of Motor Vehicles
35 to the defendant, and the entries on the defendant's return receipt shall be
36 sufficient evidence of the date on which notice of service upon the
37 Commissioner of Motor Vehicles and copy of process were delivered to the
38 defendant, on which date service on said defendant shall be deemed
39 completed. If the defendant refuses to accept the certified or registered letter,
40 service on the defendant shall be deemed completed on the date of such refusal
41 to accept as determined by notations by the postal authorities on the original
42 envelope, and if such date cannot be so determined, then service shall be
43 deemed completed on the date that the certified or registered letter is returned
44 to the plaintiff or Commissioner of Motor Vehicles, as determined by postal
45 marks on the original envelope. If the certified or registered letter is not
46 delivered to the defendant because it is unclaimed, or because ~~he the~~ defendant
47 has removed himself or herself from ~~his the~~ defendant's last known address
48 and has left no forwarding address or is unknown at ~~his the~~ defendant's last
49 known address, service on the defendant shall be deemed completed on the
50 date that the certified or registered letter is returned to the plaintiff or
51 Commissioner of Motor Vehicles.

1 (3) The defendant's return receipt, or the original envelope bearing a notation by
2 the postal authorities that receipt was refused, and an affidavit by the plaintiff
3 that notice of mailing the registered letter and refusal to accept was forthwith
4 sent to the defendant by ordinary mail, together with the plaintiff's affidavit of
5 compliance with the provisions of this section, must be appended to the
6 summons or other process and filed with said summons, complaint and other
7 papers in the cause.

8 Provided, that where the nonresident motorist has died prior to the commencement of an
9 action brought pursuant to this section, service of process shall be made on the executor or
10 administrator of ~~such the~~ nonresident motorist in the same manner and on the same notice as is
11 provided in the case of a nonresident motorist.

12 The court in which the action is pending shall order such continuance as may be necessary to
13 afford the defendant reasonable opportunity to defend the action.

14 (b) For service of process upon a defendant in a place not within the United States, the
15 Commissioner of Motor Vehicles shall require a deposit of one hundred dollars (\$100.00) and
16 delivery by private carrier with proof of actual delivery to the defendant is allowed for personal
17 service."

18 **SECTION 16.(b)** This section is effective July 1, 2023, and applies to service upon
19 nonresident drivers on and after that date.

20 **EFFECTIVE DATE**

21 **SECTION 17.** Except as otherwise provided, this act is effective when it becomes
22 law.
23