

# State of North Carolina

**ROY COOPER**  
GOVERNOR

October 10, 2018

**EXECUTIVE ORDER NO. 76**

## **SUSPENDING THE COLLECTION OF CERTAIN MOTOR VEHICLE FEES TO SUPPORT HURRICANE FLORENCE RECOVERY EFFORTS**

**WHEREAS**, Hurricane Florence (“the Hurricane”) made landfall off the coast of North Carolina on or about 14 September 2018; and

**WHEREAS**, impacts from the Hurricane constitute a State of Emergency, as defined in N.C. Gen. Stat. § 166A-19.3(19); and

**WHEREAS**, the undersigned issued Executive Order No. 51 on 7 September 2018, which declares a State of Emergency to provide for the health, safety and welfare of residents and visitors located in North Carolina; and

**WHEREAS**, the President of the United States approved an Expedited Major Disaster Declaration, FEMA-4393-DR, for the State of North Carolina on 14 September 2018, which has since been amended to include additional counties (“FEMA Declaration”); and

**WHEREAS**, the State’s residents have suffered losses and will likely suffer imminent further widespread damage within the scope of N.C. Gen. Stat. §§ 166A-19.3(3) and 166A-19.21(b); and

**WHEREAS**, weather events associated with the Hurricane have resulted in the damage, loss, or destruction of vehicles and vital motorist records, documentation, and identification; and

**WHEREAS**, the Secretary of the North Carolina Department of Transportation (“the Secretary”) is charged with overseeing and managing the Division of Motor Vehicles (“DMV”); and

**WHEREAS**, N.C. Gen. Stat. § 20-14 establishes the fees that the DMV must collect when issuing duplicate drivers and commercial drivers’ licenses; and

**WHEREAS**, N.C. Gen. Stat. § 20-37.7(d) establishes the fees the DMV must collect when issuing special identification cards; and

**WHEREAS**, N.C. Gen. Stat. § 20-85 establishes the fees the DMV must collect when issuing replacement registration plates and processing applications for duplicate or corrected certificates of title and duplicate registration cards; and

**WHEREAS**, N.C. Gen. Stat. § 20-88.03 establishes the late fees the DMV must collect when motorists are delinquent on certain registration fees; and

**WHEREAS**, the expeditious issuance of vital motorist records, identification, and documentation and the waiver of certain late fees will help support long term disaster recovery; and

**WHEREAS**, N.C. Const. art. III § 5(4) vests the Governor with the duty to take care that the laws be faithfully executed; and

**WHEREAS**, the undersigned issued Executive Order No. 63 on 24 September 2018 (“Executive Order 63”), which suspends the enforcement of certain requirements associated with surrendering or retaining title of flood salvage vehicles and suspends the collection of certain salvage vehicle fees; and

**WHEREAS**, House Bill 4, N.C. Sess. Law 2018-134 (“House Bill 4”), which was signed into law 3 October 2018, explicitly authorizes the Governor to waive additional DMV fees; and

**WHEREAS**, further action consistent with House Bill 4 and the North Carolina Emergency Management Act is necessary to facilitate the expeditious issuance of vital motorist records, identification, and documentation and the waiver of certain late fees; and

**WHEREAS**, N.C. Gen. Stat. § 166A-19.10(b) authorizes and empowers the undersigned to make and amend orders, rules, and regulations within the limits of the authority conferred upon him in the Emergency Management Act; and

**WHEREAS**, the execution of the undersigned’s emergency powers under N.C. Gen Stat. § 166A-19.30 is appropriate to ensure the public safety of residents and visitors located in North Carolina during the State of Emergency; and

**WHEREAS**, in order to provide for the rapid and orderly rehabilitation of persons and restoration of property, the undersigned has made the determination that it is in the public interest to suspend the collection of certain motor vehicle fees and provide relief to certain motorists.

**NOW, THEREFORE**, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

**Section 1.**

This Executive Order relates solely to vehicles, as defined by N.C. Gen. Stat. § 20-40.1(49), which are owned in the North Carolina counties identified in the FEMA Declaration as of 9 October 2018 (“FEMA Counties,” individually, “FEMA County”), and fees associated with those vehicles that are due and payable on or after the effective date of this Executive Order.

**Section 2.**

The DMV shall suspend the collection of fees owed pursuant to N.C. Gen. Stat. § 20-85(a)(2), (5)-(6) when processing applications for duplicate or corrected certificates of title, processing applications for duplicate registration cards, and issuing replacement registration plates.

**Section 3.**

The DMV shall suspend the collection of fees owed pursuant to N.C. Gen. Stat. § 20-14 when issuing duplicate drivers and commercial drivers’ licenses.

**Section 4.**

The DMV shall suspend the collection of fees owed pursuant to N.C. Gen. Stat. § 20-37.7(d) when issuing special identification cards.

**Section 5.**

The DMV shall suspend the collection of fees owed pursuant to N.C. Gen. Stat. §§ 20-14, 20-37.7(d) when issuing duplicate special identification cards.

**Section 6.**

- a. The DMV shall suspend the collection of late fees and interest owed pursuant to N.C. Gen. Stat. § 20-88.03 in connection with limited registration plates and vehicle registration renewals.
- b. This Section shall only apply to vehicles with limited registrations that expired on or after 31 August 2018.

**Section 7.**

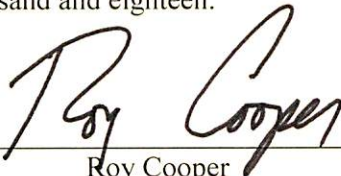
- a. A motorist who qualifies for relief under Section 1 of this Executive Order is entitled to a refund of any fee identified in Sections 2 through 5 of this Executive Order that was assessed and collected by the DMV after 13 September 2018.
- b. A motorist qualifying for relief under Section 1 of this Executive Order is entitled to a refund of the late fees and/or interest identified in Section 6 of this Executive Order if the following apply:

- i. The late fees and/or interest arose from a vehicle with a registration that expired on or after 31 August 2018; and
- ii. The late fees and/or interest were assessed and collected by the DMV after 13 September 2018.
- c. The refunds provided under this Section do not apply to any fees waived pursuant to Executive Order 63.

**Section 8.**

This Executive Order is effective as of 13 September 2018 and shall remain in effect until 31 December 2018. An Executive Order rescinding the Declaration of a State of Emergency will automatically rescind this Executive Order in its entirety.

**IN WITNESS WHEREOF**, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 10<sup>th</sup> day of October in the year of our Lord two thousand and eighteen.

  
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Roy Cooper  
Governor

**ATTEST:**

  
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Elaine F. Marshall  
Secretary of State

