



CHAPTER 1
ARTICLE 8 - SUMMONS

N.C.G.S. § 1-105.

Service upon nonresident drivers of motor vehicles and upon the personal representatives of deceased nonresident drivers of motor vehicles.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 2024-30, s. 10(a) — twelfth act in the lineage	RETRIEVED 21 September 2026, 03:31 UTC	SOURCE FINGERPRINT 587bff493ca28c7663e19b31 - b502c04a2abdf08a8aa4d55c - 0950c4a36b96a57e
--	--	---	--

§ 1-105(a) The acceptance by a nonresident of the rights and privileges conferred by the laws now or hereafter in force in this State permitting the operation of motor vehicles, as evidenced by the operation of a motor vehicle by the nonresident on the public highways of this State, or at any other place in this State, or the operation by the nonresident of a motor vehicle on the public highways of this State or at any other place in this State, other than as so permitted or regulated, shall be deemed equivalent to the appointment by the nonresident of the Commissioner of Motor Vehicles, or the Commissioner's successor in office, to be the nonresident's true and lawful attorney and the attorney of the nonresident's executor or Administrator, upon whom may be served all summonses or other lawful process in any action or proceeding against the nonresident or the nonresident's executor or administrator, growing out of any accident or collision in which the nonresident may be involved by reason of the operation by the nonresident, for the nonresident, or under the nonresident's control or direction, express or implied, of a motor vehicle on the public highways of this State, or at any other place in this State, and said acceptance or operation shall be a signification of the nonresident's agreement that any such process against the nonresident or the nonresident's executor or administrator shall be of the same legal force and validity as if served on the nonresident personally, or on the nonresident's executor or administrator.

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

- (1) By leaving a copy thereof, with a fee of twenty dollars (\$20.00) in the hands of the Commissioner of Motor Vehicles, or in the Commissioner's office. Such service, upon compliance with the other provisions of this section, shall be sufficient service upon the said nonresident.
- (2) Notice of such service of process and copy thereof must be forthwith sent by certified or registered mail by plaintiff or the Commissioner of Motor Vehicles to the defendant, and the entries on the defendant's return receipt shall be sufficient evidence of the date on which notice of service upon the Commissioner of Motor Vehicles and copy of process were delivered to the defendant, on which date service on said defendant shall be deemed completed. If the defendant refuses to accept the certified or registered letter, service on the defendant shall be deemed completed on the date of such refusal to accept as determined by notations by the postal authorities on the original envelope, and if such date cannot be so determined, then service shall be deemed completed on the date that the certified or registered letter is returned to the plaintiff or Commissioner of Motor Vehicles, as determined by postal marks on the original envelope. If the certified or registered letter is not delivered to the defendant because it is unclaimed, or because the defendant has removed himself or herself from the defendant's last known address and has left no forwarding address or is unknown at the defendant's last known address, service on the defendant shall be deemed completed on the date that the certified or registered letter is returned to the plaintiff or Commissioner of Motor Vehicles.
- (3) The defendant's return receipt, or the original envelope bearing a notation by the postal authorities that receipt was refused, and an affidavit by the plaintiff that notice of mailing the registered letter and refusal to accept was forthwith sent to the defendant by ordinary mail, together with the plaintiff's affidavit of compliance with the provisions of this section, must be appended to the summons or other process and filed with said summons, complaint and other papers in the cause.

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

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

§ 1-105(b)

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

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
12 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

1929	1977		2024
TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT			
Nº	YEAR	ACT	CHARACTER
01	1929	c. 75, s. 1	ENACTED
02	1941	c. 36, s. 4	AMENDED
03	1951	c. 646	AMENDED
04	1953	c. 796	AMENDED
05	1955	c. 1022	AMENDED
06	1961	c. 1191	AMENDED
07	1963	c. 491	AMENDED
08	1967	c. 954, s. 4	AMENDED
09	1971	c. 420, ss. 1, 2	AMENDED
10	1975	c. 294	AMENDED
11	1989	c. 645, s. 1	AMENDED
12	2024	S.L. 2024-30, s. 10(a)	AMENDED

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 1-105 (2024).

PINPOINT

N.C. Gen. Stat. § 1-105(a) (2024).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

This document reproduces the text of one section of the General Statutes of North Carolina from a source file whose SHA-256 digest is printed on every page. The digest fixes the bytes this export was made from; if the State's file changes, the digest will not match.

The text of the section is unaltered. Subsection designators have been moved from the run of text into the margin. The amendment history and the table of authorities are derived from the section by mechanical extraction — they add no characterization of the law.

This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1929, c. 75, s. 1; 1941, c. 36, s. 4; 1951, c. 646; 1953, c. 796; 1955, c. 1022; 1961, c. 1191; 1963, c. 491; 1967, c. 954, s. 4; 1971, c. 420, ss. 1, 2; 1975, c. 294; 1989, c. 645, s. 1; 2024-30, s. 10(a).)

SET IN SPECTRAL AND ARCHIVO
NORTH CAROLINA LAW — STATUTE EXPORT, FORMAT V1

