

NORTH CAROLINA GENERAL ASSEMBLY  
1961 SESSION

CHAPTER 661  
HOUSE BILL 827

1 AN ACT PROVIDING FOR SERVICE OF PROCESS UPON NONRESIDENT  
2 OPERATORS OF WATERCRAFT AND UPON THE PERSONAL REPRESENTATIVES  
3 OF DECEASED NON-RESIDENT OPERATORS OF WATERCRAFT.  
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5 The General Assembly of North Carolina do enact:  
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7 **Section 1.** The operation, navigation or maintenance by a nonresident or  
8 nonresidents of a boat, ship, barge or other watercraft in the State, either in person or through  
9 others, and the acceptance thereby by such nonresident or nonresidents of the protection of the  
10 laws of the State for such watercraft, or the operation, navigation or maintenance by a  
11 nonresident or nonresidents of a boat, ship, barge or other watercraft in the State, either in  
12 person or through others, other than under the laws of the State, shall be deemed equivalent to  
13 an appointment by each such nonresident of the Secretary of State or his successor in office, to  
14 be the true and lawful attorney of each such nonresident and the true and lawful attorney of the  
15 executor or administrator of each such nonresident for service of process, upon whom may be  
16 served all lawful process in any suit, action or proceeding against such nonresident or  
17 nonresidents growing out of any accident or collision in which such nonresident or  
18 nonresidents may be involved while, either in person or through others, operating, navigating,  
19 or maintaining a boat, ship, barge or other watercraft in the State; and such acceptance or such  
20 operating, navigating or maintaining in the State of such watercraft shall be a signification of  
21 each such nonresident's 846 agreement that any such process against him or his administrator or  
22 executor which is so served shall be of the same legal force and effect as if served on him  
23 personally.

24 **Sec. 2.** Service of such process shall be made in the following manner:

- 25 (1) By leaving a copy thereof, with a fee of one dollar (\$1.00) in the hands of  
26 the Secretary of State, or in his office. Such service, upon compliance with  
27 the other provisions of this Section shall be sufficient service upon said  
28 nonresident.
- 29 (2) Notice of such service of process and copy thereof must be forthwith sent by  
30 registered mail by plaintiff or the Secretary of State to the defendant, and the  
31 entries on the defendant's return receipt shall be sufficient evidence of the  
32 date on which notice of service upon the Secretary of State and copy of  
33 process were delivered to the defendant, on which date service on said  
34 defendant shall be deemed completed. If the defendant refuses to accept the  
35 registered letter, service on the defendant shall be deemed completed on the  
36 date of such refusal to accept as determined by the notations by the postal  
37 authorities on the original envelope, and if such date cannot be so  
38 determined, then service shall be deemed completed on the date that the  
39 registered letter is returned to the plaintiff or the Secretary of State, as  
40 determined by the postal marks on the original envelope.
- 41 (3) The defendant's return receipt, or the original envelope bearing a notation by  
42 the postal authorities that receipt was refused, and an affidavit by the  
43 plaintiff that notice of mailing the registered letter and refusal to accept was

1                   forthwith sent to the defendant by ordinary mail, together with the plaintiff's  
2                   affidavit of compliance with the provisions of this Section must be appended  
3                   to the summons or other process and filed with said summons, complaint  
4                   and other papers in the cause.

5                   Provided, that where the nonresident watercraft operator has died prior to the  
6 commencement of an action brought pursuant to this Section, service of process shall be made  
7 on the executor or administrator of such nonresident watercraft operator in the same manner  
8 and on the same notice as if provided in the case of a nonresident watercraft operator.

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

11                   **Sec. 3.** The provisions of this Act shall also apply to a resident of the State at the  
12 time of the accident or collision who establishes residence outside the State subsequent to the  
13 accident or collision and to a resident of the State at the time of the accident or collision who  
14 departs from the State subsequent to the accident or collision and remains absent therefrom for  
15 sixty (60) days or more, continuously, whether such absence is intended to be temporary or  
16 permanent.

17                   **Sec. 4.** All laws and clauses of laws in conflict with this Act are hereby repealed.

18                   **Sec. 5.** This Act shall be in full force and effect from and after its ratification.

19                   In the General Assembly read three times and ratified, this the 6th day of June,  
20 1961.