



1 maintained by the United States Postal Service, and is available  
2 by fax or mail, upon request."

3 **SECTION 2.** G.S. 1A-1, Rule 4(j2)(2) reads as rewritten:

4 "(2) Registered or Certified ~~Mail-Mail~~, Mail when Delivery is Confirmed  
5 by Electronic Signature Confirmation, or Designated Delivery Service.  
6 – Before judgment by default may be had on service by registered or  
7 certified ~~mail-mail~~, by mail when delivery is confirmed by electronic  
8 signature confirmation, or by a designated delivery service authorized  
9 pursuant to 26 U.S.C. § 7502(f)(2) with delivery receipt, the serving  
10 party shall file an affidavit with the court showing proof of such  
11 service in accordance with the requirements of ~~G.S. 1-75.10(4)~~G.S.  
12 1-75.10(4), 1-75.10(6), or ~~G.S.—1-75.10(5)~~, as appropriate. This  
13 affidavit together with the return or delivery receipt or copy of the  
14 electronic receipt signed by the person who received the mail or  
15 delivery if not the addressee raises a presumption that the person who  
16 received the mail or delivery and signed the receipt was an agent of the  
17 addressee authorized by appointment or by law to be served or to  
18 accept service of process or was a person of suitable age and discretion  
19 residing in the addressee's dwelling house or usual place of abode. In  
20 the event the presumption described in the preceding sentence is  
21 rebutted by proof that the person who received the receipt at the  
22 addressee's dwelling house or usual place of abode was not a person of  
23 suitable age and discretion residing therein, the statute of limitation  
24 may not be pleaded as a defense if the action was initially commenced  
25 within the period of limitation and service of process is completed  
26 within 60 days from the date the service is declared invalid. Service  
27 shall be complete on the day the summons and complaint are delivered  
28 to the address."

29 **SECTION 3.** G.S. 1-75.10 is amended by adding a new subdivision to read:

30 "(6) Service by Mail When Delivery is Confirmed by Electronic Signature  
31 Confirmation. – In the case of service by mail when delivery is  
32 confirmed by electronic signature confirmation, by affidavit of the  
33 serving party averring all of the following:  
34 a. That a copy of the summons and complaint was deposited in the  
35 post office for mailing.  
36 b. That it was in fact received as confirmed by electronic signature  
37 confirmation, an electronic proof of service that is obtained  
38 from the United States Postal Service Internet Web site, is  
39 maintained by the United States Postal Service, and is available  
40 by fax or mail, upon request; and this confirmation is evidenced  
41 by the attached copy of the electronic signature or other  
42 evidence satisfactory to the court of delivery to the addressee.  
43 c. That the copy of the electronic signature or other evidence is  
44 attached."

1           **SECTION 4.** This act becomes effective October 1, 2005, and applies to  
2 actions filed on or after that date.