

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

HOUSE BILL 1025  
RATIFIED BILL

AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, AS  
RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

**PART I. GENERAL TECHNICAL CORRECTIONS**

**SECTION 1.** G.S. 14-50.41 reads as rewritten:

"§ 14-50.41. **Short title.**

This Article shall be known and may be cited as the "~~North Carolina Street Gang Nuisance Abatement Act~~ [~~North Carolina Criminal Gang Nuisance Abatement Act~~].""North Carolina Criminal Gang Nuisance Abatement Act."

**SECTION 2.(a)** G.S. 14-151 reads as rewritten:

"§ 14-151. **Interfering with gas, ~~electric~~ electric, and steam appliances or meters; penalties.**

(a) It ~~shall be~~ is unlawful for any person to willfully, with intent to injure or defraud, commit any of the following acts:

- (1) Connect a tube, pipe, ~~wire~~ wire, or other instrument or contrivance with a pipe or wire used for conducting or supplying illuminating gas, fuel, natural ~~gas~~ gas, or electricity in such a manner as to supply ~~such the~~ such gas or electricity to any burner, orifice, ~~lamp~~ lamp, or motor where the ~~same~~ gas or electricity is or can be burned or used without passing through the meter or other instrument provided for registering the quantity consumed.
- (2) Obstruct, alter, bypass, tamper with, ~~injure~~ injure, or prevent the action of a meter or other instrument used to measure or register the quantity of illuminating fuel, natural gas, water, or electricity passing through ~~such the~~ such the meter by a person other than an employee of the company owning or supplying any gas, water, or electric meter, who willfully ~~shall detach or disconnect~~ detaches or disconnects ~~such the~~ such the meter, or ~~make or report~~ makes or reports any test of, or ~~examine~~ examines for the purpose of testing any meter so detached or disconnected.
- (3) In any manner whatever change, ~~extend~~ extend, or alter any service or other pipe, ~~wire~~ wire, or attachment of any kind, connecting with or through which natural or artificial gas or electricity is furnished from the gas mains or pipes of any person, without first procuring from ~~said the~~ the person written permission to make ~~such the~~ such the change, ~~extension~~ extension, or alterations.
- (4) Make any connection or reconnection with the gas mains, water pipes, service ~~pipes~~ pipes, or wires of any person, furnishing to consumers natural or artificial gas, water, or electricity, or turn on or off or in any manner interfere with any valve or stopcock or other appliance belonging to ~~such that~~ such the person, and connected with ~~his the~~ the person's service or other pipes or wires, or enlarge the orifices of mixers, or use natural gas for heating purposes except through mixers, or electricity for any purpose without first procuring from ~~such the~~ such the person a written permit to turn on or off ~~such the~~ such the stopcock or valve, or to make



- ~~such the~~ connection or reconnections, or to enlarge the orifice of mixers, or to use for heating purposes without mixers, or to interfere with the valves, stopcocks, ~~wires-wires~~, or other appliances of ~~such-them~~, as the case may be.
- (5) Retain possession of or refuse to deliver any mixer, meter, ~~lamp-lamp~~, or other appliance which may be leased or rented by any person, for the purpose of furnishing gas, water, ~~electricity-electricity~~, or power through the ~~same~~, appliance, or sell, ~~lend-lend~~, or in any other manner dispose of the ~~same~~ appliance to any person other than ~~such the~~ person entitled to the possession of the ~~same-appliance~~.
  - (6) Set on fire any gas escaping from wells, broken or leaking mains, pipes, ~~valves~~ valves, or other appliances used by any person in conveying gas to consumers, or interfere in any manner with the wells, pipes, mains, gateboxes, valves, stopcocks, wires, cables, ~~conduits-conduits~~, or any other appliances, ~~machinery-machinery~~, or property of any person engaged in furnishing gas to consumers unless employed by or acting under the authority and direction of ~~such that~~ person.
  - (7) Open or cause to be opened, or reconnect or cause to be reconnected any valve lawfully closed or disconnected by a district steam corporation.
  - (8) Turn on steam or cause it to be turned on or to reenter any premises when the ~~same-steam~~ has been lawfully stopped from entering ~~such the~~ premises.
  - (9) Reconnect electricity, gas, or water connections or otherwise turn back on one or more of those utilities when they have been lawfully disconnected or turned off by the provider of the utility.
  - (10) Alter, bypass, interfere with, or cut off any load management device, equipment, or system which has been installed by the electricity supplier for the purpose of limiting the use of electricity at peak-load ~~periods, provided, however, if periods~~. However, if there has been a written request to remove the load management device, equipment, or system to the electric supplier and the electric supplier has not removed the device within two working days, there shall be is no violation of this section.

(b) Any meter or service entrance facility found to have been altered, tampered with, or bypassed in a manner that would cause ~~such the~~ meter to inaccurately measure and register the electricity, gas, or water consumed or which would cause the electricity, gas, or water to be diverted from the recording apparatus of the meter ~~shall be is~~ prima facie evidence of intent to violate and of the violation of this section by the person in whose name ~~such the~~ meter is installed or the person or persons so using or receiving the benefits of ~~such the~~ unmeasured, unregistered, or diverted electricity, gas, or water.

(c) For the purposes of this section, the term "gas" ~~shall mean~~ means all types and forms of gas, including, but not limited to, natural gas.

(d) Criminal violations of this section ~~shall be are~~ punishable as follows:

- (1) A violation of this section is a Class 1 misdemeanor.
- (2) A second or subsequent violation of this section is a Class H felony.
- (3) A violation of this section that results in significant property damage or public endangerment is a Class F felony.
- (4) Unless the conduct is covered under some other provision of law providing greater punishment, a violation that results in the death of another is a Class D felony.

(e) ~~[Whoever is found in a civil action to have violated any provision]~~ Whoever is found in a civil action to have violated any provision of this section ~~[shall be liable to the electric, gas or water supplier in triple the amount of losses and damages sustained or five]~~ is liable to the

electric, gas, or water supplier in triple the amount of losses and damages sustained or five thousand [dollars] dollars (\$5,000), [whichever is greater]. ~~whichever is greater.~~

(f) Nothing in this section ~~shall be construed to apply~~ applies to licensed contractors while performing usual and ordinary services in accordance with recognized customs and standards."

**SECTION 2.(b)** This section applies to violations committed on or after the effective date of this act.

**SECTION 3.(a)** G.S. 20-9 reads as rewritten:

**"§ 20-9. What persons shall not be licensed.**

(a) To obtain a regular drivers license, a person must have reached the minimum age set in the following table for the class of license sought:

Class of Regular License	Minimum Age
Class A	18
Class B	18
Class C	16

G.S. 20-37.13 sets the age qualifications for a commercial drivers license.

(b) The Division shall not issue a ~~driver's~~ drivers license to any person whose license has been suspended or revoked during the period for which the license was suspended or revoked.

(b1) The Division shall not issue a drivers license to any person whose permit or license has been suspended or revoked under G.S. 20-13.2(c1) during the suspension or revocation period, unless the Division has restored the person's permit or license under G.S. 20-13.2(c1).

(c) The Division shall not issue a ~~driver's~~ drivers license to any person who is an habitual drunkard or is an habitual user of narcotic drugs or barbiturates, whether or not ~~such the use be~~ is in accordance with the prescription of a physician.

(d) Repealed by Session Laws 2012-194, s. 8, effective July 17, 2012.

(e) The Division shall not issue a ~~driver's~~ drivers license to any person when in the opinion of the Division the person is unable to exercise reasonable and ordinary control over a motor vehicle while operating the vehicle upon the highways, nor shall a license be issued to any person who is unable to understand highway warnings or direction signs.

(f) The Division shall not issue a ~~driver's~~ drivers license to any person whose license or driving privilege is in a state of cancellation, ~~suspension~~ suspension, or revocation in any jurisdiction, if the acts or things upon which the cancellation, ~~suspension~~ suspension, or revocation in ~~such the~~ other jurisdiction was based would constitute lawful grounds for cancellation, ~~suspension~~ suspension, or revocation in this State had those acts or things been done or committed in this ~~State; provided, however, State.~~ State. ~~However,~~ any such cancellation shall not prohibit issuance for a period in excess of 18 months.

(g) The Division may issue a restricted or unrestricted ~~driver's~~ drivers license under the following conditions to an otherwise eligible applicant suffering from a physical or mental disability or disease that affects his or her ability to exercise reasonable and ordinary control of a motor vehicle:

- (1) The applicant submits to the Division a certificate in the form prescribed in subdivision ~~(2)-(2)~~ (2) of this subsection. The Division may request the certificate at the applicant's initial application, at any time following the issuance of the license, or at the initial application and any time following the issuance of the license. Until a license issued under this subdivision expires, is cancelled, or is revoked, the license continues in force as long as the licensee presents to the Division a certificate in the form prescribed in subdivision (2) of this subsection at the intervals determined by the Division to be in the best interests of public safety.

...

- (3) The Commissioner is not bound by the recommendation of the examining health care provider but shall give fair consideration to ~~such~~the recommendation in exercising his or her discretion in making licensing decisions, the criterion being whether or not, upon all the evidence, it appears that it is safe to permit the applicant or licensee to operate a motor vehicle. The burden of proof of ~~such~~this fact is upon the applicant or licensee. In deciding whether to issue, restrict, cancel, or deny a license, the Commissioner may be guided by the opinion of experts in the field of diagnosing and treating the specific physical or mental disability or disease suffered by an applicant or licensee and the experts may be compensated for their services on an equitable basis. The Commissioner may also take into consideration any other factors which bear on the issue of public safety.
- (4) Whenever a license is restricted, cancelled, or denied by the Commissioner on the basis of a physical or mental disability or disease, the action may be reviewed by a reviewing board upon written request of the applicant or licensee filed with the Division within 10 days after receipt of notice given in accordance with G.S. 20-48 of the action taken. The reviewing board shall consist of the Commissioner or ~~his~~the Commissioner's authorized representative and at least two medical professionals selected by the Commissioner and duly licensed to practice medicine by the appropriate licensing authority in the State. The medical professionals selected by the Commissioner may be compensated for their services on an equitable basis, including reimbursement for ordinary and necessary travel expenses. The Commissioner or ~~his~~the Commissioner's authorized representative, plus any two medical professionals selected by the Commissioner, shall constitute a quorum. The procedure for hearings authorized by this section shall be as follows:
- a. Applicants shall be afforded an opportunity for hearing, after reasonable notice of not less than 10 days, before the review board established by this subdivision. The notice shall be in writing and shall be delivered to the applicant in person or sent by certified mail, with return receipt requested. The notice shall state the time, place, and subject of the hearing. If a hearing is requested under this subdivision to contest a restriction placed on a license under subdivision (3) of this subsection, the restriction shall be stayed unless the Division determines there is an imminent threat to public safety if continued unrestricted driving is permitted. No stay shall be granted if a hearing is requested under this subdivision to contest a denial or cancellation of a license under subdivision (3) of this subsection. Nothing in this sub-subdivision ~~shall be construed as authorizing~~authorizes the stay of a restriction placed on a license pursuant to another provision of law.
  - b. The review board may compel the attendance of witnesses and the production of such books, ~~records~~records, and papers as it desires at a hearing authorized by ~~the~~this section. Upon request of an applicant or licensee, a subpoena to compel the attendance of any witness or a subpoena duces tecum to compel the production of any books, records, or papers shall be issued by the board. Subpoenas shall be directed to the sheriff of the county where the witness resides or is found and shall be served and returned in the same manner as a subpoena in a criminal case. Fees of the sheriff and witnesses shall be the same as that allowed

in the district court in cases before that court and shall be paid in the same manner as other expenses of the Division of Motor Vehicles are paid. In any case of disobedience or neglect of any subpoena served on any person, or the refusal of any witness to testify to any matters regarding which ~~he~~ the witness may be lawfully interrogated, the district court or superior court where ~~such~~ the disobedience, ~~neglect~~ neglect, or refusal occurs, or any judge thereof, on application by the board, shall compel obedience or punish as for contempt.

c. A hearing may be continued upon motion of the applicant or licensee for good cause shown with approval of the board or upon order of the board.

d. The board shall pass upon the admissibility of evidence at a hearing but the applicant or licensee affected may at the time object to the board's ruling, and, if evidence offered by an applicant or licensee is ~~rejected~~ rejected, the party may proffer the evidence, and ~~such~~ the proffer shall be made a part of the record. The board shall not be bound by common law or statutory rules of evidence which prevail in courts of law or equity and may admit and give probative value to evidence which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs. ~~They~~ It may exclude incompetent, immaterial, ~~irrelevant~~ irrelevant, and unduly repetitious evidence. Uncontested facts may be stipulated by agreement between an applicant or licensee and the ~~board~~ board, and evidence relating ~~thereto~~ to stipulated facts may be excluded. All evidence, including records and documents in the possession of the Division of Motor Vehicles or the board, of which the board desires to avail itself shall be made a part of the record. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference. The board shall prepare an official record, which shall include testimony and exhibits. A record of the testimony and other evidence submitted shall be taken, but it shall not be necessary to transcribe shorthand notes or electronic recordings unless requested for purposes of court review.

...

h. All records and evidence collected and compiled by the Division and the reviewing board shall not be considered public records within the meaning of Chapter 132 of the General Statutes of ~~North Carolina~~ and may be made available to the public only upon an order of a court of competent jurisdiction. An applicant or licensee may obtain, without a court order, a copy of records and evidence collected and compiled under this subdivision about the applicant or licensee by submitting a written request to the Division, signing any release forms required by the Division, and remitting the required fee set by the Division. All information furnished by, about, or on behalf of an applicant or licensee under this section shall be without prejudice and shall be for the use of the Division, the reviewing ~~board~~ board, or the court in administering this section and shall not be used in any manner as evidence, or for any other purposes in any trial, civil or criminal. The prohibition on release and use under this sub-subdivision applies without regard to who authored or produced the information collected, compiled, and used by the Division under this subdivision.

(h) The Division shall not issue a drivers license to an applicant who currently holds a license to drive issued by another state unless the applicant surrenders the license.

(i) The Division shall not issue a drivers license to an applicant who has resided in this State for less than 12 months until the Division has searched the National Sex Offender Public Registry to determine if the person is currently registered as a sex offender in another state. The following applies in this subsection:

...

(4) Any person denied a license or whose license has been revoked by the Division pursuant to this subsection ~~shall have~~ has a right to file a petition within 30 days thereafter for a hearing in the matter in the superior court of the county ~~wherein such person shall reside,~~ where the person resides, or to petition the resident judge of the district or judge holding the court of that district, or special or emergency judge holding a court in ~~such the~~ such the district, and ~~such the~~ such the court or judge is hereby vested with ~~jurisdiction, and it shall be its or his duty to~~ jurisdiction. The court or judge shall set the matter for hearing upon 30 days' written notice to the ~~Division, and thereupon to~~ Division. At the hearing, the court or judge shall take testimony and examine ~~into~~ into the facts of the case and ~~to shall~~ shall determine whether the petitioner is entitled to a license under ~~the provisions of~~ this subsection and whether the petitioner is in violation of G.S. 20-30."

**SECTION 3.(b)** G.S. 20-37.7 reads as rewritten:

**"§ 20-37.7. Special identification card.**

...

(b1) Search National Sex Offender Public Registry. – The Division shall not issue a special identification card to an applicant who has resided in this State for less than 12 months until the Division has searched the National Sex Offender Public Registry to determine if the person is currently registered as a sex offender in another state. The following applies in this subsection:

...

(4) Any person denied a special identification card by the Division pursuant to this subsection ~~shall have~~ has a right to file a petition within 30 days thereafter for a hearing in the matter in the superior court of the county ~~wherein such person shall reside,~~ where the person resides, or to petition the resident judge of the district or judge holding the court of that district, or special or emergency judge holding a court in ~~such the~~ such the district, and ~~such the~~ such the court or judge is hereby vested with ~~jurisdiction, and it shall be its or his duty to~~ jurisdiction. The court or judge shall set the matter for hearing upon 30 days' written notice to the ~~Division, and thereupon to~~ Division. At the hearing, the court or judge shall take testimony and examine ~~into~~ into the facts of the case and ~~to shall~~ shall determine whether the petitioner is entitled to a special identification card under ~~the provisions of~~ this subsection and whether the petitioner is in violation of G.S. 20-37.8.

(c) Format. – A special identification card shall include a color photograph of the special identification card holder and shall be similar in size, shape, and design to a drivers license, but shall clearly state that it does not entitle the person to whom it is issued to operate a motor vehicle. A special identification card issued to an applicant must have the same background color that a drivers license issued to the applicant would have.

(d) Expiration and Fee. – A special identification card issued to a person for the first time under this section expires when a drivers license issued on the same day to that person would expire. A special identification card renewed under this section expires when a drivers license renewed by the card holder on the same day would expire.

The fee for a special identification card is the same as the fee set in G.S. 20-14 for a duplicate license. The fee does not apply to a special identification card issued to a resident of this State as follows:

...

- (3) The applicant ~~or who~~ has been issued a drivers license but the drivers license is cancelled under G.S. 20-15, in accordance with G.S. 20-9(e) and (g), as a result of a physical or mental disability or disease.

...."

**SECTION 4.(a)** G.S. 20-79.3A(c) and (d) read as rewritten:

"(c) Report to General Assembly. – On or before March 15 of each year, the Division shall submit to the Chairs of the House and Senate Transportation Committees, the Chairs of the House and Senate Finance Committees, and the ~~Research-Legislative Analysis~~ Division of the General Assembly a report that identifies each applicant that has applied for a special registration plate to be authorized in the legislative session being held that year and indicates whether the applicant met the requirements of this section. If an applicant meets the requirements of this section, then a bill may be considered during the legislative session being held that year to authorize a special registration plate for the applicant that submitted the application.

(d) Legislative Approval. – If a special registration plate requested under this section is approved by law, the applicant must submit all of the following items to the Division no later than 60 days after the act approving the plate becomes law. If the applicant fails to timely submit the items required under this subsection, the authorization for the special registration plate shall expire in accordance with G.S. 20-79.8(a1). The items to be submitted are:

...."

**SECTION 4.(b)** G.S. 90-414.5(b) reads as rewritten:

"(b) At the written request of the Director of the Fiscal Research, ~~Bill-Legislative Drafting, Research-Legislative Analysis,~~ or Program Evaluation Division of the General Assembly for an aggregate analysis of the data and information disclosed through the HIE Network, the Authority shall provide the professional staff of these Divisions with ~~such~~ the aggregated analysis responsive to the Director's request. Prior to providing the Director or General Assembly's staff with any aggregate data or information submitted through the HIE Network or with any analysis of this aggregate data or information, the Authority shall redact any personal identifying information in a manner consistent with the standards specified for de-identification of health information under the HIPAA Privacy Rule, 45 C.F.R. § 164.514, as amended."

**SECTION 4.(c)** G.S. 120-30.49(a) reads as rewritten:

"(a) The Fiscal Research Division shall, in consultation with the appropriate staff of the ~~Research-Legislative Analysis~~ and ~~Bill-Legislative Drafting~~ Divisions, make an annual report to the General Assembly pertaining to the fiscal effect of federal mandates on, or federal law on which is conditioned the receipt of federal funds by the State and units of local government. The annual report on federal mandates shall include all of the following:

- (1) A listing of federal laws that require the State and any unit of local government, including a county, city, school administrative unit, or other local entity funded by or through a unit of local government to carry out additional or modified ~~responsibilities;~~ responsibilities.
- (2) An estimate of the amount of any increase or decrease in the costs to the State and units of local government in providing or delivering public services required by federal law that are funded in whole or in part by the State or units of local ~~government;~~ and government.
- (3) A listing of any other federal actions directly affecting the expenditures or revenues of the State and units of local government."

**SECTION 4.(d)** G.S. 120-32.01 reads as rewritten:

"§ 120-32.01. Information to be supplied.

(a) Every State department, State agency, or State institution shall furnish the Legislative Services Office and the ~~Research, Legislative Analysis, Fiscal Research, Program Evaluation, and Bill-Legislative Drafting~~ Divisions any information or records requested by them and access to any facilities and personnel requested by them. Except when accessibility is prohibited by a federal statute, federal regulation, or State statute, every State department, State agency, or State institution shall give the Legislative Services Office and these divisions access to any ~~data-base database~~ or stored information maintained by computer, telecommunications, or other electronic data processing equipment, whether stored on tape, disk, or otherwise, and regardless of the medium for storage or transmission.

(b) Notwithstanding subsection (a) of this section, access to the BEACON/HR payroll system by the ~~Research-Legislative Analysis and Bill-Legislative Drafting~~ Divisions shall only be through the Fiscal Research Division and access to the system by the Program Evaluation Division shall only be through the Division Director and two employees of the Division designated by the Division Director.

(c) Consistent with subsection (a) of this section and notwithstanding any other law relating to privacy of personnel records, the Retirement Systems Division of the Department of State Treasurer shall furnish the Fiscal Research Division direct online read-only access to active and retired member information or records maintained by the Retirement Systems Division in online information systems. Direct online read-only access shall not include access to medical records of individual members or to tax records and other tax-related documents of members and beneficiaries. Nothing in this subsection ~~shall limit~~ limits the provisions of subsection (a) of this section.

(d) For the purpose of ensuring financial transparency, accountability, and efficient operation of the Medicaid program finances by the Department of Health and Human Services, employees of the Fiscal Research Division designated by the Director of Fiscal Research shall have access to all records related to the Medicaid program. The Department of Health and Human Services shall cooperate fully with the designated employees of the Fiscal Research Division to facilitate (i) the evaluation of all financial and policy components of the Medicaid program, including financial projections, (ii) the evaluation of the budgetary construction and management of the Medicaid program, and (iii) the identification of unusual financial events. The Department shall also provide the Fiscal Research Division with electronic access to any departmental data for assessing or predicting Medicaid financial outcomes, and to any modeling software used for assessing or predicting Medicaid program financial outcomes. Employees of the Department shall not impede, delay, or restrict the provision of information or limit access to any departmental personnel necessary for the Fiscal Research Division to perform its monitoring and analysis of the Medicaid program.

Nothing in this subsection ~~shall be construed to grant grants~~ Fiscal Research Division employees access to medical records of individuals or other information protected under the Health Information Portability and Accountability Act (HIPAA).

Nothing in this subsection ~~shall limit~~ limits the provisions of subsection (a) of this section.

(e) The Department of Health and Human Services shall provide its annual financial projection of Medicaid program expenditures and requirements for any future fiscal years to the Chairs of the House Appropriations Committee and to the Chairs of the Senate Appropriations/Base Budget Committee no later than the date the Governor presents budget recommendations in accordance with G.S. 143C-3-5. Prior to providing this projection, the Secretary shall cooperatively engage designated employees of the Fiscal Research Division in ongoing bilateral analytical discussions about historical, current, and unanticipated factors that may impact projected Medicaid program financial outcomes that may affect the formulation of an official departmental annual financial projection.

Nothing in this subsection ~~shall limit~~ limits the provisions of subsection (a) of this section."

**SECTION 4.(e)** G.S. 120-36.6 reads as rewritten:



**"§ 120-36.6. Legislative Fiscal Research staff participation.**

The Legislative Services Officer shall designate a member of the Fiscal Research ~~staff~~, ~~staff~~ and a member of the ~~General Research or Bill-Legislative Analysis or Legislative Drafting~~ staff who may attend all meetings of the Council of State, unless the Council has voted to exclude them from the specific meeting, provided that no final action may be taken while they are so excluded. The Legislative Services Officer and the Director of Fiscal Research shall be notified of all ~~such~~ meetings, ~~hearings~~ ~~hearings~~, and trips in the same manner and at the same time as notice is given to members of the Council. The Legislative Services Officer and the Director of Fiscal Research shall be provided with a copy of all reports, memoranda, and other informational material which are distributed to the members of the Council; these reports, ~~memoranda~~ ~~memoranda~~, and materials shall be delivered to the Legislative Services Officer and the Director of Fiscal Research at the same time that they are distributed to the members of the Council."

**SECTION 4.(f)** Article 7B of Chapter 120 of the General Statutes reads as rewritten:

"Article 7B.

~~"Research-Legislative Analysis~~ Division.

**"§ 120-36.8. Certification of legislation required by federal law.**

(a) Every bill and resolution introduced in the General Assembly proposing any change in the law which purports to implement federal law or to be required or necessary for compliance with federal law, or on which is conditioned the receipt of federal funds shall have attached to it at the time of its consideration by the General Assembly a certification prepared by the ~~Research~~ Legislative Analysis Division, in consultation with the ~~Bill-Legislative~~ Drafting and Fiscal Research Divisions, identifying the federal law requiring passage of the bill or resolution. The certification shall contain a statement setting forth the reasons why the bill or resolution is required by federal law. If the bill or resolution is not required by federal law or exceeds the requirements of federal law, then the certification shall state the reasons for that opinion. No comment or opinion shall be included in the certification with regard to the merits of the measure for which the certification is prepared. However, technical and mechanical defects may be noted.

(b) The sponsor of each bill or resolution to which this section applies shall present a copy of the bill or resolution with the request for certification to the ~~Research-Legislative~~ Analysis Division. Upon receipt of the request and the copy of the bill or resolution, the ~~Research~~ Legislative Analysis Division shall consult with the ~~Bill-Legislative~~ Drafting and Fiscal Research Divisions, and may consult with the Office of State Budget and Management or any State agency on preparation of the certification as promptly as possible. The ~~Research-Legislative Analysis~~ Division shall prepare the certification and transmit it to the sponsor within two weeks after the request is made, unless the sponsor agrees to an extension of time.

(c) This certification shall be attached to the original of each proposed bill or resolution that is reported favorably by any committee of the General Assembly, but shall be separate from the bill or resolution and shall be clearly designated as a certification. A certification attached to a bill or resolution pursuant to this section is not a part of the bill or resolution and is not an expression of legislative intent proposed by the bill or resolution.

(d) If a committee of the General Assembly reports favorably a proposed bill or resolution with an amendment proposing any change in the law which purports to implement federal law or to be required or necessary for compliance with federal law, the chair of the committee shall obtain from the ~~Research-Legislative Analysis~~ Division and attach to the amended bill or resolution a certification as provided in this section."

**SECTION 4.(g)** G.S. 120-233(a) reads as rewritten:

"(a) The Committee may contract for consulting services as provided by G.S. 120-32.02. Upon approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional and clerical staff to assist in the work of the Committee. The professional staff shall include the appropriate staff from the Fiscal Research, ~~Research-Legislative Analysis~~, Legislative Drafting, and Information Systems Divisions of the Legislative Services Office of

the General Assembly. Clerical staff shall be furnished to the Committee through the offices of the Senate and the House of Representatives Supervisors of Clerks. The expenses of employment of the clerical staff shall be borne by the Committee. The Committee may meet in the Legislative Building or the Legislative Office Building upon the approval of the Legislative Services Commission."

**SECTION 5.(a)** Section 4 of Chapter 168 of the 1989 Session Laws is repealed.

**SECTION 5.(b)** G.S. 20-118 reads as rewritten:

**"§ 20-118. Weight of vehicles and load.**

(a) For the purposes of this section, the following definitions shall apply:

- (1) ~~Single axle weight. — The gross weight transmitted by all wheels whose centers may be included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle.~~
- (2) ~~Tandem axle weight. — The gross weight transmitted to the road by two or more consecutive axles whose centers may be included between parallel vertical planes spaced more than 40 inches and not more than 96 inches apart, extending across the full width of the vehicle.~~
- (3) Axle group. — Any two or more consecutive axles on a vehicle or combination of vehicles.
- (4) Gross weight. — The weight of any single axle, tandem axle, or axle group of a vehicle or combination of vehicles plus the weight of any load thereon.
- (5) Light-traffic roads. — Any highway on the State Highway System, excepting routes designated I, U.S. or N.C., posted by the Department of Transportation to limit the axle weight below the statutory limits.
- (6) Single axle weight. — The gross weight transmitted by all wheels whose centers may be included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle.
- (7) Tandem axle weight. — The gross weight transmitted to the road by two or more consecutive axles whose centers may be included between parallel vertical planes spaced more than 40 inches and not more than 96 inches apart, extending across the full width of the vehicle.

(b) The following weight limitations shall apply to vehicles operating on the highways of the State:

- (1) The single-axle weight of a vehicle or combination of vehicles shall not exceed 20,000 pounds.
- (2) The tandem-axle weight of a vehicle or combination of vehicles shall not exceed 38,000 pounds.
- (3) The gross weight imposed upon the highway by any axle group of a vehicle or combination of vehicles shall not exceed the maximum weight given for the respective distance between the first and last axle of the group of axles measured longitudinally to the nearest foot as set forth in the following table:

Distance Between Axles*	Maximum Weight in Pounds for any Group of Two or More Consecutive Axles					
	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles	7 Axles
4	38000					
...						
57			80000			

\* Distance in Feet Between the Extremes of any Group of Two or More Consecutive Axles.

\*\* See exception in ~~G.S. 20-118(e)(1)~~ subdivision (c)(1) of this section.

- (4) The Department of Transportation may establish light-traffic roads and further restrict the axle weight limit on such light-traffic roads lower than the statutory limits. The Department of Transportation ~~shall have~~ has the authority to

designate any highway on the State Highway System, excluding routes designated by I, U.S. and N.C., as a light-traffic road when in the opinion of the Department of Transportation, ~~such the~~ road is inadequate to carry and will be injuriously affected by vehicles using the ~~said~~ road carrying the maximum axle weight. All such roads so designated shall be conspicuously posted as light-traffic roads and the maximum axle weight authorized shall be displayed on proper signs erected thereon.

(c) Exceptions. – The following exceptions apply to ~~G.S. 20-118(b) and 20-118(e)~~ subsections (b) and (e) of this section:

...

(2) When a vehicle is operated in violation of ~~G.S. 20-118(b)(1), 20-118(b)(2), or 20-118(b)(3)~~, subdivision (b)(1), (b)(2), or (b)(3) of this section, but the gross weight of the vehicle or combination of vehicles does not exceed that permitted by ~~G.S. 20-118(b)(3)~~, subdivision (b)(3) of this section, the owner of the vehicle shall be permitted to shift the load within the vehicle, without penalty, from one axle to another to comply with the weight limits in the following cases:

- a. Where the single-axle load exceeds the statutory limits, but does not exceed 21,000 pounds.
- b. Where the vehicle or combination of vehicles has tandem axles, but the tandem-axle weight does not exceed 40,000 pounds.

(3) When a vehicle is operated in violation of ~~G.S. 20-118(b)(4)~~ subdivision (b)(4) of this section, the owner of the vehicle shall be permitted, without penalty, to shift the load within the vehicle from one axle to another to comply with the weight limits where the single-axle weight does not exceed the posted limit by 2,500 pounds.

(4) A truck or other motor vehicle shall be exempt from ~~such the~~ light-traffic road limitations provided for pursuant to ~~G.S. 20-118(b)(4)~~, subdivision (b)(4) of this section, when transporting supplies, ~~material~~ material, or equipment necessary to carry out a farming operation engaged in the production of meats and agricultural crops and livestock or poultry by-products or a business engaged in the harvest or processing of seafood when the destination of ~~such the~~ vehicle and load is located solely upon ~~said a~~ light-traffic road.

...

(6) A truck or other motor vehicle shall be exempt from ~~such the~~ light-traffic road limitations provided by ~~G.S. 20-118(b)(4)~~ subdivision (b)(4) of this section when ~~such the~~ motor vehicles are owned, operated by or under contract to a public utility, electric or telephone membership corporation or municipality and ~~such motor vehicles~~ are used in connection with installation, ~~restoration~~ restoration, or emergency maintenance of utility services.

(7) A wrecker may tow any disabled truck or other motor vehicle or combination of vehicles to a place for repairs, parking, or storage within 50 miles from the point that the vehicle was disabled and may tow a truck, tractor, or other replacement vehicle to the site of the disabled vehicle without being in violation of ~~G.S. 20-118~~ this section provided that the wrecker and towed vehicle or combination of vehicles otherwise meet all requirements of this section.

(8) A firefighting vehicle operated by any member of a municipal or rural fire department in the performance of ~~his the~~ the member's duties, regardless of whether members of that fire department are paid or ~~voluntary~~ voluntary, and any vehicle of a voluntary lifesaving organization, when operated by a

member of that organization while answering an official call shall be exempt from ~~such~~ the light-traffic road limitations provided by ~~G.S. 20-118(b)(4)~~ subdivision (b)(4) of this section.

- (9) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, s. 12.
- (10) Fully enclosed motor vehicles designed specifically for collecting, ~~compacting~~ compacting, and hauling garbage from ~~residences~~, residences or from garbage dumpsters shall, when operating for those purposes, be allowed a single axle weight not to exceed 23,500 pounds on the steering axle on vehicles equipped with a boom, or on the rear axle on vehicles loaded from the rear. This exemption ~~shall~~ does not apply to vehicles operating on interstate highways, vehicles transporting hazardous waste as defined in ~~G.S. 130A-290(4)~~, G.S. 130A-290(a)(8), spent nuclear fuel regulated under G.S. 20-167.1, low-level radioactive waste as defined in G.S. 104E-5(9a), or radioactive material as defined in G.S. 104E-5(14).

- ...
- (16) Subsections (b) and (e) of this section do not apply to a vehicle or vehicle combination that meets all of the conditions below, but all other enforcement provisions of this Article remain applicable:

...

For purposes of this subdivision, no additional weight allowances ~~as found in this section~~ shall apply for the gross weight, single-axle weight, and tandem-axle weight, and the tolerance allowed by subsection (h) of this section ~~shall~~ does not apply.

- ...
- (19) Any additional weight allowance authorized by 23 U.S.C. § 127, and applicable to all interstate highways, ~~shall also apply~~ also applies to all State roads, unless the road is a posted road or posted bridge, or unless specifically prohibited by State law or a Department ordinance applicable to a specific road.

(d) The Department of Transportation is authorized to abrogate certain exceptions. The exceptions provided for in ~~G.S. 20-118(e)(4) and 20-118(e)(5)~~ subdivisions (c)(4) and (c)(5) of this section as applied to any light-traffic road may be abrogated by the Department of Transportation upon a determination of the Department of Transportation that undue damage to ~~such the~~ light-traffic road is resulting from ~~such~~ vehicles exempted by ~~G.S. 20-118(e)(4) and 20-118(e)(5)~~ subdivisions (c)(4) and (c)(5) of this section. In those cases where the exemption to the light-traffic roads are abrogated by the Department of Transportation, the Department shall post the road to indicate no exemptions.

(e) Penalties. –

- ...
- (3) If an axle-group weight of a vehicle exceeds the weight limit set in subdivision (b)(3) of this section plus any tolerance allowed in subsection (h) of this section or axle-group weights or gross weights authorized by special permit under G.S. 20-119(a), the Department of Public Safety shall assess a civil penalty against the owner or registrant of the motor vehicle. The penalty shall be assessed on the number of pounds by which the axle-group weight exceeds the limit set in subdivision (b)(3) of this section, or by a special permit issued pursuant to G.S. 20-119, as follows: for the first 2,000 pounds or any part thereof, two cents (2¢) per pound; for the next 3,000 pounds or any part thereof, four cents (4¢) per pound; for each pound in excess of 5,000 pounds, ten cents (10¢) per pound. Tolerance pounds in excess of the limit set in subdivision (b)(3) of this section are subject to the penalty if the vehicle

exceeds the tolerance allowed in subsection (h) of this section. These penalties apply separately to each axle-group weight limit violated. Notwithstanding any provision to the contrary, a vehicle with a special permit that is subject to additional penalties under this subsection based on a violation of any of the permit restrictions set out in G.S. 20-119(d1) shall be assessed a civil penalty, not to exceed ten thousand dollars (\$10,000), based on the number of pounds by which the axle-group weight exceeds the limit set in subdivision (b)(3) of this section.

...  
(g) ~~General Statutes 20-118 shall not be construed to~~ This section does not permit the gross weight of any vehicle or combination in excess of the safe load carrying capacity established by the Department of Transportation on any bridge pursuant to G.S. 136-72.

...  
(k) A vehicle which is equipped with a self-loading bed and which is designed and used exclusively to transport compressed seed cotton from the farm to a cotton gin, or sage to market, may operate on the highways of the State, except interstate highways, with a tandem-axle weight not exceeding 50,000 pounds. Such vehicles ~~shall be~~ are exempt from light-traffic road limitations only from point of origin on the light-traffic road to the nearest State-maintained road which is not posted to prohibit the transportation of statutory load limits. This exemption does not apply to restricted, posted bridge structures."

**SECTION 6.(a)** G.S. 24-10(c) reads as rewritten:

"(c) "Construction loan" means a loan which is obtained for the purpose of financing fully, or in part, the cost of constructing buildings or other improvements upon real property and the proceeds of which, under the terms of a written contract between a lender and a borrower, are to be disbursed periodically as ~~such the construction work progresses; and such progresses.~~ A construction loan shall be payable in full not later than 18 months in case of a loan made under the provisions of G.S. 24-1.1(1) or 36 months in case of any other construction loan made after the execution of the note by the borrower. A construction loan may include advances for the purchase price of the property upon which such the improvements are to be constructed."

**SECTION 6.(b)** G.S. 24-10(g) reads as rewritten:

"(g) Notwithstanding the limitations contained in subsection (a) of this section, a lender described in G.S. 24-1.1A(a)(2) may charge or receive from any ~~borrower~~ borrower, or any agent for a borrower, fees or discounts which in the aggregate do not exceed two percent (2%) on loans made under G.S. 24-1.1 ~~or G.S. 24-1.2(2)~~ when ~~such the~~ such the loans are secured by a second or junior lien on real property. The fees or discounts are fully earned when the loan is made and are not a prepayment penalty under this Chapter or any other law of this State."

**SECTION 6.(c)** G.S. 53-141 reads as rewritten:

**"§ 53-141. Powers.**

Industrial banks shall have perpetual duration and succession in their corporate name unless a limited period of duration is stated in their certificate of incorporation. They shall have the powers conferred by subdivisions (1), (2), and (3) of subsection (a) of G.S. 55-3-02, and subdivision (3) of G.S. 53-43, such additional powers as may be necessary or incidental for the carrying out of their corporate purposes, and in addition thereto the following powers:

...  
(2) To make loans and charge and receive interest at rates not exceeding the rates of interest provided in ~~G.S. 24-1.1 and G.S. 24-1.2.~~ G.S. 24-1.1.

...."

**SECTION 7.(a)** G.S. 39-23.1 reads as rewritten:

**"§ 39-23.1. Definitions.**

In this Article, the following definitions apply:

...

- (7) Insider. – Includes any of the following:
- a. If the debtor is an ~~individual~~individual, any of the following:
    1. A relative of the debtor or of a general partner of the ~~debtor~~debtor.
    2. A partnership in which the debtor is a general ~~partner~~partner.
    3. A general partner in a partnership in which the debtor is a general ~~partner~~partner.
    4. A corporation of which the debtor is a director, officer, or person in control.
  - b. If the debtor is a ~~corporation~~corporation, any of the following:
    1. A director of the ~~debtor~~debtor.
    2. An officer of the ~~debtor~~debtor.
    3. A person in control of the ~~debtor~~debtor.
    4. A partnership in which the debtor is a general ~~partner~~partner.
    5. A general partner in a partnership in which the debtor is a general ~~partner~~partner.
    6. A relative of a general partner, director, officer, or person in control of the debtor.
  - c. If the debtor is a ~~partnership~~partnership, any of the following:
    1. A general partner in the ~~debtor~~debtor.
    2. A relative of a general partner in, a general partner of, or a person in control of the ~~debtor~~debtor.
    3. Another partnership in which the debtor is a general ~~partner~~partner.
    4. A general partner in a partnership in which the debtor is a general ~~partner~~partner.
    5. A person in control of the debtor.
  - d. An affiliate, or an insider of an affiliate as if the affiliate were the debtor.
  - e. A managing agent of the debtor.

...

- (14) ~~Voidable transaction.—The term does not include payment to the State or a political subdivision of the State of taxes, debts, fines, penalties, or other obligations or amounts."~~

**SECTION 7.(b)** G.S. 39-23.8(b), (d), and (e) read as rewritten:

"(b) To the extent a transfer is avoidable in an action by a creditor under G.S. 39-23.7(a)(1), the following rules apply:

- (1) Except as otherwise provided in this section, the creditor may recover judgment for the value of the asset transferred, as adjusted under subsection (c) of this section, or the amount necessary to satisfy the creditor's claim, whichever is less. The judgment may be entered ~~against~~against any of the following:
  - a. The first transferee of the asset or the person for whose benefit the transfer was ~~made~~made.
  - b. An immediate or mediate transferee of the first transferee, other ~~than~~than any of the following:
    1. A good-faith transferee that took for ~~value~~value.
    2. An immediate or mediate good-faith transferee of a person described in sub-sub-subdivision 1. of this sub-subdivision.

- (2) Recovery pursuant to G.S. 39-23.7(a)(1) or G.S. 39-23.7(b) of or from the asset transferred or its proceeds, by levy or otherwise, is available only against a person described in sub-subdivision a. or b. of subdivision (1) of this subsection.

...

(d) Notwithstanding voidability of a transfer or an obligation under this Article, a good-faith transferee or obligee is entitled, to the extent of the value given the debtor for the transfer or obligation, ~~to~~to any of the following:

- (1) A lien on or a right to retain an interest in the asset ~~transferred;~~transferred.
- (2) Enforcement of an obligation ~~incurred;~~ or incurred.
- (3) A reduction in the amount of the liability on the judgment.

(e) A transfer is not voidable under G.S. 39-23.4(a)(2) or G.S. 39-23.5 if the transfer results from one or more of the following:

- (1) Termination of a lease upon default by the debtor when the termination is pursuant to the lease and applicable law.
- (2) Enforcement of a security interest in compliance with Article 9 of Chapter 25 of the General Statutes, the Uniform Commercial Code, other than acceptance of collateral in full or partial satisfaction of the obligation it secures.
- (3) The payment of taxes, debts, fines, penalties, or other obligations or amounts to the State or to any political subdivision of the State."

**SECTION 8.(a)** G.S. 44A-11.2 reads as rewritten:

**"§ 44A-11.2. Identification of lien agent; notice to lien agent; effect of notice.**

(a) As used in this section, the term "contact information" ~~shall mean~~means the name, physical and mailing address, telephone number, facsimile number, and electronic mail address of the lien agent designated by the owner pursuant to G.S. 44A-11.1.

...

(b1) A potential lien claimant making a request pursuant to subsection (b) of this section who did not receive the lien agent contact information pursuant to subsection (c) of this section, and who has not furnished labor, materials, rental equipment, or professional design or surveying services at the site of the improvements, or who last furnished labor, materials, rental equipment, or professional design or surveying services at the site of the improvements prior to the posting of the contact information for the lien agent pursuant to subsection (d) or (e) of this section, ~~shall have~~has no obligation to give notice to the lien agent under this section until the potential lien claimant has received the contact information from the owner.

(c) A contractor or subcontractor for improvements to real property subject to G.S. 44A-11.1 shall, within three business days of contracting with a lower-tier subcontractor who is not required to furnish labor, materials, rental equipment, or professional design or surveying services at the site of the improvements, provide the lower-tier subcontractor with a written notice containing the contact information for the lien agent designated by the owner. This notice shall be given pursuant to subsection (f) of this section or may be given by including the lien agent contact information in a written subcontract entered into by, or a written purchase order issued to, the lower-tier subcontractor entitled to the notice required by this subsection. Any contractor or subcontractor who has previously received notice of the lien agent contact information, whether from the building permit, the inspections office, a notice from the owner, contractor, or subcontractor, or by any other means, and who fails to provide the lien agent contact information to the lower-tier subcontractor in the time required under this subsection, ~~shall be~~is liable to the lower-tier subcontractor for any actual damages incurred by the lower-tier subcontractor as a result of the failure to give notice.

...

(f) In complying with any requirement for written notice pursuant to this section, the notice shall be addressed to the person required to be provided with the notice and shall be delivered by any of the following methods:

- ...
- (3) Physical delivery and obtaining a delivery receipt from the lien agent.
- ...
- (6) Electronic mail, with delivery receipt.
- (7) Utilizing an Internet Web site approved for such use by the designated lien agent to transmit to the designated lien agent, with delivery receipt, all information required to notify the lien agent of its designation pursuant to G.S. 44A-11.1 or to provide a notice to the designated lien agent pursuant to this section.

As used in this subsection, "delivery receipt" includes an electronic or facsimile confirmation. A return receipt or other receipt showing delivery of the notice to the addressee or written evidence that ~~such the~~ notice was delivered by the postal service or other carrier to but not accepted by the addressee ~~shall be~~ is prima facie evidence of receipt.

(g) For purposes of this subsection, "custom contractor" means a contractor duly licensed as a general contractor pursuant to Article 1 of Chapter 87 of the General Statutes who has contracted with an owner who is not an affiliate, relative, or insider of the contractor to build a single-family residence on the owner's property to be occupied by the owner as a residence. A custom contractor ~~will~~ shall be deemed to have met the requirement of notice under subsections (l) and (m) of this section on the date of the lien agent's receipt of notice of its designation as lien agent delivered to it by the custom contractor in accordance with this section if, at the time of the lien agent's receipt of the notice, all of the following conditions are met:

...

After receiving a notice of its designation from a custom contractor pursuant to this subsection, the designated lien agent shall include the custom contractor's name and contact information in responding to any request for information pursuant to G.S. 58-26-45(b)(7).

(h) When a lien agent is not identified in a contract for improvements to real property subject to G.S. 44A-11.1 entered into between an owner and a design professional, the design professional ~~will~~ shall be deemed to have met the requirement of notice under subsections (l) and (m) of this section on the date of the lien agent's receipt of the owner's designation of the lien agent. The owner shall provide written notice to the lien agent containing the information pertaining to the design professional required in a notice to lien agent pursuant to subdivisions (1) through (3) of subsection (i) of this section, by any method of delivery authorized in subsection (f) of this section. The lien agent shall include the design professional's name and address in its response to any persons requesting information relating to persons who have given notice to the lien agent pursuant to this section. For purposes of this subsection, the term "design professional" ~~shall mean~~ means any architects, engineers, land surveyors, and landscape architects registered under Chapter 83A, 89A, or 89C of the General Statutes.

...

(k) The notice to lien agent shall not be filed with the clerk of superior court. An inaccuracy in the description of the improved real property provided in the notice ~~shall~~ does not bar a person from claiming a lien under this Article or otherwise perfecting or enforcing a claim of lien as provided in this Article, if the improved real property can otherwise reasonably be identified from the information contained in the notice.

(l) Except as otherwise provided in this section, for any improvement to real property subject to G.S. 44A-11.1, a potential lien claimant may perfect a claim of lien on real property only if at least one of the following conditions is met:

- ...
- (2) Any of the following conditions is met:



- a. The lien agent identified in accordance with this section has received a Notice to Lien Agent from the potential lien claimant prior to the date of recordation of a conveyance of the property interest in the real property to a bona fide purchaser for value protected under G.S. 47-18 who is not an affiliate, relative, or insider of the owner.
- b. The potential lien claimant has perfected its claim of lien on real property pursuant to G.S. 44A-11 prior to the recordation of a conveyance of the property interest in the real property to a bona fide purchaser for value protected under G.S. 47-18 who is not an affiliate, relative, or insider of the owner.

As used in this subdivision, the terms "affiliate," "relative," and "insider" shall have the meanings as set forth in G.S. 39-23.1.

(m) Except as otherwise provided in this section, for any improvement to real property subject to G.S. 44A-11.1, the claim of lien on real property of a potential lien claimant that is not perfected pursuant to G.S. 44A-11 prior to the recordation of any mortgage or deed of trust for the benefit of one who is not an affiliate, relative, or insider of the owner ~~shall be is~~ subordinate to the previously recorded mortgage or deed of trust unless at least one of the following conditions is met:

...

(n) For any improvement to real property subject to G.S. 44A-11.1, a potential lien claimant ~~shall not be is not~~ required to comply with this section if the lien agent contact information is neither contained in the building permit or attachment thereto or sign posted on the improved property pursuant to subsection (d) or (e) of this section at the time when the potential lien claimant was furnishing labor, materials, rental equipment, or professional design or surveying services at the site of the improvements, nor timely provided by the owner in response to a written request by the potential lien claimant made pursuant to subsection (b) of this section. The lien rights of a potential lien claimant who is given erroneous information by the owner regarding the identity of the lien agent ~~will not be are not~~ extinguished under subsection (l) of this section nor subordinated under subsection (m) of this section.

(o) Except as provided in subsections (l) and (m) of this section, nothing contained in this section ~~shall affect affects~~ a claim of lien upon funds pursuant to G.S. 44A-18.

...

(v) **(Effective October 1, 2018)** Cancellation or expiration of a Notice to Lien Agent pursuant to this section has no ~~affect [effect] effect~~ upon the validity of a previously filed claim of lien or upon the priority of lien rights."

**SECTION 8.(b)** The amendments to G.S. 44A-11.2(v) in subsection (a) of this section become effective October 1, 2018. The remainder of this section is effective when it becomes law.

**SECTION 9.** G.S. 48-3-303(g) reads as rewritten:

"(g) If the agency determines that the individual is not suitable to be an adoptive parent, the ~~replacement~~ preplacement assessment shall state the specific concerns which support that determination. A specific concern is one that reasonably indicates that placement of any minor, or a particular minor, in the home of the individual would pose a significant risk of harm to the well-being of the minor."

**SECTION 10.(a)** G.S. 53-208.45 reads as rewritten:

**"§ 53-208.45. License application.**

(a) Applications under this Article shall be filed through the NMLS in a form acceptable to the Commissioner. To be considered complete, all applications shall be verified by oath or affirmation of the applicant or a designee thereof and shall ~~contain~~ contain all of the following:

- (1) The legal name, along with any ~~assumed names or trade names,~~ assumed business names, principal address, contact information, and social security number or taxpayer identification number of the applicant.

...

- (4) A certificate of authority from the North Carolina Secretary of State to conduct business in this State, if required by the North Carolina Business Corporations Act, Chapter 55 of the General Statutes, or other evidence of the applicant's registration or qualification to do business in this State.

...

- (13) If the applicant seeks to engage in money transmission in this State through authorized ~~delegates;~~ delegates, all of the following:

- a. A list identifying the proposed authorized delegates, including the name, mailing address, and other contact information of a representative of the authorized delegate and associated branch ~~locations;~~ locations.
- b. A sample authorized delegate contract.

...

- (15) A copy of the applicant's most recent audited financial statement, including the balance sheet, statement of income or loss, statement of changes in shareholder equity, if applicable, and statement of changes in financial position and the applicant's audited financial statements for the immediately preceding two-year period. However, if the applicant is a wholly owned subsidiary of another corporation, the applicant may submit either the parent corporation's consolidated audited financial statements for the current year and for the immediately preceding two-year period or the parent corporation's Form 10K reports filed with the United States Securities and Exchange Commission for the prior three years in lieu of the applicant's financial statements. If the applicant is a wholly owned subsidiary of a corporation having its principal place of business outside the United States, similar documentation filed with the parent corporation's non-United States regulator may be submitted to satisfy this ~~provision-~~ subdivision.

...

(b) Upon request by the Commissioner or the Commissioner's designee, the applicant shall furnish any additional information necessary to enable the Commissioner to evaluate the application as required by G.S. 53-208.50.

(c) The Commissioner ~~is authorized,~~ may, for good cause shown, ~~to~~ waive any requirements of this section with respect to any application or ~~to~~ permit any applicant to submit equivalent information in lieu of the information required by this section."

**SECTION 10.(b)** G.S. 53-208.56 reads as rewritten:

**"§ 53-208.56. Licensure authority.**

The Commissioner may by order, deny, suspend, revoke, or refuse to issue a license under this Article, or may restrict or limit the manner in which a licensee or applicant engages in the business of money transmission, if the Commissioner finds both of the following:

- (1) That the order is in the public ~~interest;~~ and interest.
- (2) Any of the following circumstances apply:
  - a. Any fact or condition exists that, if it had existed at the time of application, would have been grounds for ~~denial;~~ denial.
  - b. The licensee or applicant has filed any application, report, or other document with the Commissioner containing statements that, in light of the circumstances in which they were made, were false or misleading with respect to a material ~~fact;~~ fact.

- c. The licensee or applicant fails at any time to meet the requirements of G.S. 53-208.46, 53-208.47, or ~~53-208.48~~; 53-208.48.
- d. A controlling person or key management personnel of the licensee or applicant has been convicted ~~of~~; of any of the following:
  - 1. A misdemeanor in the last 10 years involving fraud, money laundering, theft or wrongful taking of property, bribery, perjury, forgery, counterfeiting, extortion, or conspiracy to commit any of these offenses or involving any financial service or financial service-related ~~business~~; or business.
  - 2. Any felony in the last seven years.
- e. The licensee or applicant has violated or failed to comply with any provision of this Article, rule issued pursuant to this Article, or order of the ~~Commissioner~~; Commissioner.
- f. The licensee has conducted its business in an unsafe or unsound ~~manner~~; manner.
- g. The licensee or applicant is insolvent, has suspended payment of its obligations, has made an assignment for the benefit of its creditors, or has admitted in writing its inability to pay its debts as they become ~~due~~; due.
- h. The licensee fails to respond to and cooperate fully with notices from the Commissioner or the Commissioner's designee related to the scheduling and conducting of an examination or investigation pursuant to ~~§ 53-208.55~~; G.S. 53-208.55.
- i. The licensee or applicant fails to respond to inquiries from the Commissioner or the Commissioner's designee regarding any complaints filed, which allege or involve violation of this ~~Article~~; Article.
- j. The licensee fails to make any report required by this ~~Article~~; Article.
- k. The licensee or applicant is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the money transmission ~~business~~; or business.
- l. The licensee or applicant is the subject of an order entered within the past five years by the authority of any state or federal agency with jurisdiction over the business of money transmission."

**SECTION 10.**(c) G.S. 53-208.62 reads as rewritten:

**"§ 53-208.62. Commissioner's participation in nationwide registry.**

(a) The Commissioner may require all persons subject to this Article to be licensed through the NMLS, and upon issuing ~~such~~ this requirement, the Commissioner shall establish a reasonable transition period. In order to carry out these requirements, the Commissioner ~~is authorized to~~ may participate in the NMLS.

(b) The Commissioner ~~is authorized to~~ may establish relationships or contracts with the NMLS or other entities designated by the NMLS to collect and maintain records and process transaction fees or other fees related to licensees or other ~~person~~ persons subject to this Article.

(c) For the purpose of participating in the NMLS, the Commissioner ~~is authorized to~~ may waive or modify, in whole or in part, any or all of the requirements as reasonably necessary to participate in the NMLS."

**SECTION 11.** G.S. 59-32 reads as rewritten:

**"§ 59-32. Definition of terms.**

As used in this Chapter, except as otherwise defined in Article 5 of this Chapter for purposes of that Article, ~~unless the context otherwise requires~~; the following definitions apply:

- (01)(1) ~~"Act" means the Act.~~ – The North Carolina Uniform Partnership Act and refers to all provisions therein.
- (1)(1a) ~~"Bankrupt" means bankrupt~~ Bankrupt. – Bankrupt under the Federal Bankruptcy Act or insolvent under any State insolvent act.
- (2) ~~"Business" means every Business.~~ – Every trade, occupation, or profession.
- (3) ~~"Conveyance" means every Conveyance.~~ – Every assignment, lease, mortgage, or encumbrance.
- (4) ~~"Court" means every Court.~~ – Every court and judge having jurisdiction in the case.
- (4a) ~~"Domestic corporation" has Domestic corporation.~~ – Has the same meaning as in G.S. 55-1-40.
- (4b) ~~"Domestic limited liability company" has Domestic limited liability company.~~ – Has the same meaning as the term "LLC" in G.S. 57D-1-03.
- (4c) ~~"Domestic limited partnership" has Domestic limited partnership.~~ – Has the same meaning as in G.S. 59-102.
- (4d) ~~"Domestic nonprofit corporation" means a Domestic nonprofit corporation.~~ – A corporation as defined in G.S. 55A-1-40.
- (4e) ~~"Foreign corporation" has Foreign corporation.~~ – Has the same meaning as in G.S. 55-1-40.
- (4f) ~~"Foreign limited liability company" has Foreign limited liability company.~~ – Has the same meaning as the term "foreign LLC" in G.S. 57D-1-03.
- (4g) ~~"Foreign limited liability partnership" means a Foreign limited liability partnership.~~ – A partnership that ~~(i)~~ is formed under laws other than the laws of this ~~State,~~ State and has the status of a limited liability partnership or registered limited liability partnership under those laws.
- (4h) ~~"Foreign limited partnership" has Foreign limited partnership.~~ – Has the same meaning as in G.S. 59-102.
- (4i) ~~"Foreign nonprofit corporation" means a Foreign nonprofit corporation.~~ – A foreign corporation as defined in G.S. 55A-1-40.
- (5) ~~"Person" means individuals,~~ Person. – Individuals, partnerships, corporations, limited liability companies, and other associations.
- (5a) ~~"Principal office" means the Principal office.~~ – The office (in or out of this State) where the principal executive offices of a registered limited liability partnership or a foreign limited liability partnership are located, as designated in its most recent annual report filed with the Secretary of State or, if no annual report has yet been filed, in its application for registration as a registered limited liability partnership or foreign limited liability partnership.
- (6) ~~"Real property" means land~~ Real property. – Land and any interest or estate in land.
- (7) ~~"Registered limited liability partnership" means a Registered limited liability partnership.~~ – A partnership that is registered under G.S. 59-84.2 and complies with G.S. 59-84.3.
- (8) ~~"Service-disabled veteran" means a Service-disabled veteran.~~ – A veteran with a disability that was incurred or aggravated during the veteran's service in the Armed Forces of the United States.
- (9) ~~"Service-disabled veteran-owned small business" means a Service-disabled veteran-owned small business.~~ – A business that satisfies ~~both of all of the~~ following requirements:
- a. The business's net annual receipts do not exceed one million dollars (\$1,000,000).

- b. One or more service-disabled veterans own more than fifty percent (50%) of the business.
- (10) ~~"Veteran" means an~~ Veteran. – An individual entitled to any benefits or rights under the laws of the United States by reason of service in the Armed Forces of the United States.
- (11) ~~"Veteran-owned small business" means a~~ Veteran-owned small business. – A business that satisfies ~~both of all of~~ the following requirements:
  - a. The business's net annual receipts do not exceed one million dollars (\$1,000,000).
  - b. One or more veterans own more than fifty percent (50%) of the business."

**SECTION 12.(a)** G.S. 89F-20(a) reads as rewritten:

"(a) The Board may, consistent with the provisions of Chapter 150B of the General ~~Statues, Statutes,~~ refuse to grant or to renew, suspend, or revoke the license of any person licensed under this Chapter who:

...."

**SECTION 12.(b)** G.S. 89G-5 reads as rewritten:

**"§ 89G-5. Powers and duties.**

The Board shall have the following powers and duties:

...

- (8) To conduct administrative hearings in accordance with Chapter 150B of the General ~~Statues, Statutes,~~

...."

**SECTION 12.(c)** G.S. 106-1041 reads as rewritten:

**"§ 106-1041. Statement of purpose and authorization.**

The North Carolina Department of Agriculture and Consumer Services is authorized to aid and assist agricultural operations and landowners in the preparedness for, response to, and recovery from agricultural emergencies. This authorization is given separate and apart from the authorities authorized by Chapter 166A of the General Statutes and shall not require declaration of a state of emergency pursuant to G.S. 166A-19.20 for its implementation. In the event of a state of emergency declaration and where this Article is inconsistent with the provisions of Chapter 166A of the General Statutes, the provisions of Chapter 166A of the General ~~Statues Statutes~~ shall control as to the areas covered under the declaration. The Board of Agriculture may adopt rules necessary for the implementation and administration of this Article."

**SECTION 13.(a)** The following statutes are amended by deleting the phrase "the the chairs" wherever it appears and substituting the phrase "the chairs": G.S. 96-35, 143B-431.01(d)(1), 143B-431.01(f), 143B-434.2(d), 143B-435.1(d), 143B-437.02(k), 143B-437.012(m), 143B-438.10(a)(7a), 143B-438.10(a)(8), 143B-438.14(d), 143B-472.35(l), and 143B-1285(3).

**SECTION 13.(b)** G.S. 115D-11.6 reads as rewritten:

**"§ 115D-11.6. Apprenticeship Council.**

The State Board of Community Colleges shall appoint an Apprenticeship Council composed of four representatives each from employer and employee organizations respectively and three representatives from the public at large. One State official designated by the Department of Public Instruction and one State official designated by the Department of Commerce shall be a member ex officio of the council, without vote. The terms of office of the members of the Apprenticeship Council shall be designated by the State Board. Any member appointed to fill a vacancy occurring prior to the expiration of the term of his or her predecessor shall be appointed for the remainder of the term. Each member of the Council not otherwise compensated by public moneys, shall be reimbursed for transportation and shall receive such per diem compensation as is provided generally for boards and commissions under the biennial maintenance appropriation

acts for each day spent in attendance at meetings of the Apprenticeship Council. The State Board of Community Colleges shall annually appoint one member of the Council to act as its chair.

The Apprenticeship Council shall meet at the call of the State Board of Community Colleges and shall aid the State Board and the Community Colleges System Office in formulating policies for the effective administration of this Article. The Apprenticeship Council shall establish standards for apprentice agreements which in no case shall be lower than those prescribed by this Article, shall recommend rules and regulations to the State Board of Community Colleges as may be necessary to carry out the intent and purposes of this Article, and shall perform other functions as the State Board of Community Colleges may direct. Not less than once a year the Apprenticeship Council shall make a report through the Community Colleges System Office of its activities and findings ~~to the legislature and to the public.~~ to the public and to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources; the chairs of the Senate Appropriations Committee on Agriculture, Natural, and Economic Resources; and the chairs of the House of Representatives Appropriations Committee on Agriculture and Natural and Economic Resources."

**SECTION 13.(c)** G.S. 143B-434.01 reads as rewritten:

**"§ 143B-434.01. Comprehensive Strategic Economic Development Plan.**

(a) Definitions. – The following definitions apply in this section:

...

(b) Plan. – The Secretary shall review and update the existing Plan on or before April 1 of each year. The Plan shall cover a period of four years and each annual update shall extend the time frame by one year so that a four-year plan is always in effect. The Secretary shall provide copies of the Plan and each annual update to the Governor and the Joint Legislative Commission on Governmental Operations. The Plan shall encompass all of the components set out in this section.

(c) Purpose. – The purpose of this section is to require the Secretary to apply strategic planning principles to its economic development efforts. This requirement is expected to result ~~in~~ in all of the following:

...

(d) ~~(1)~~ Public and Private Input. –

(1) At each stage as it develops and updates the Plan, the Secretary shall solicit input from all parties involved in economic development in North Carolina, including:

...

(2) The Secretary shall also hold hearings in each of the Regions to solicit public input on economic development before the initial Plan is completed. The purposes of the public hearings are ~~to~~ to do all of the following:

...

The Secretary shall hold additional hearings from time to time to solicit public input regarding economic development activities.

...

(e) Environmental Scan. – The first step in developing the Plan shall be to develop an environmental scan based on the input from economic development parties and the public and on information about the economic environment in North Carolina. To prepare the scan, the Secretary shall gather the information required in this subsection and ensure that the information is updated periodically. The updated information may be provided in whatever format and through whatever means is most efficient. The information required to prepare the scan includes all of the following:

...

(2) Compilation of the latest data on the strength of the business environment by State, Region, and county with emphasis on the following dynamics of job

creation: start-ups, expansions, locations, contractions, and failures. Special assessments are to be made of rural, small, and minority business components of overall activity.

...  
(f) Repealed by Session Laws 2012-142, s. 13.4(a), effective July 1, 2012.

...  
(k) Annual Evaluation. – The Secretary shall annually evaluate the State's economic performance based upon the statistics listed in this subsection and upon the Secretary's stated goals and objectives in its Plan. The statistics upon which the evaluation is made should be available to policymakers. The information may be provided in whatever format and through whatever means is most efficient. The statistics are as follows:

...  
(l) Accountability. – The Secretary shall make all data, plans, and reports available to ~~the the chairs of the Senate Appropriations Committee on Agriculture, Natural, and Economic Resources, the chairs of the House of Representatives Appropriations Committee on Agriculture and Natural and Economic Resources, and the Joint Legislative Economic Development and Global Engagement Oversight Committee,~~ the Joint Legislative Economic Development and Global Engagement Oversight Committee, the chairs of the Senate Appropriations Committee on Agriculture, Natural, and Economic Resources, and the chairs of the House of Representatives Appropriations Committee on Agriculture and Natural and Economic Resources at appropriate times and upon request. The Secretary shall prepare and make available on an annual basis public reports on each of the major sections of the Plan and the Annual Report indicating the degree of success in attaining each development objective."

**SECTION 14.** G.S. 106-702(b) and (c) read as rewritten:

"(b) If any plaintiff or plaintiff's successor in interest brings a subsequent private nuisance action against any agricultural or forestry operation, the combined recovery from all such actions shall not exceed the fair market value of ~~his or her property.~~ the property at issue. This limitation applies regardless of whether the subsequent action or actions were brought against a different defendant than the preceding action or actions.

(c) This Article ~~shall apply~~ applies to any private nuisance claim brought against any party based on that party's contractual or business relationship with an agricultural or forestry operation."

**SECTION 15.** G.S. 113A-134.12 reads as rewritten:

**"§ 113A-134.12. Multiyear beach management and restoration strategy and plan.**

(a) The Department of Environmental Quality shall develop a multiyear beach management and restoration strategy and plan that does all of the following:

...  
(10) Provides for and requires adequate public beach access, including ~~handicapped access.~~ access for individuals with a disability.

...  
(b) Each plan shall be as complete as resources and available information allow. ~~Environmental Quality"~~

**SECTION 16.** G.S. 115C-296.2(b) reads as rewritten:

"(b) Definitions. – As used in this subsection:

(1) A "North Carolina public school" is a school operated by a local board of education, the Department of Health and Human Services, the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, ~~the Division of Adult Correction and Juvenile Justice of the Department of Public Safety~~ or The University of North Carolina; a school affiliated with The University of North Carolina; or a charter school approved by the State Board of Education.

...."

**SECTION 17.** G.S. 130A-26A is recodified as G.S. 130A-26.4 and reads as rewritten:

**"§ 130A-26.4. Violations of Article 4.**

(a) A person who commits any of the following acts shall be guilty of a Class 1 misdemeanor:

- (1) Willfully and knowingly makes any false statement in a certificate, record, or report required by Article 4 of this ~~Chapter;~~Chapter.
- (2) Removes or permits the removal of a dead body of a human being without authorization provided in Article 4 of this ~~Chapter;~~Chapter.
- (3) Refuses or fails to furnish correctly any information in the person's possession or furnishes false information affecting a certificate or record required by Article 4 of this ~~Chapter;~~Chapter.
- (4) Fails, neglects, or refuses to perform any act or duty required by Article 4 of this Chapter or by the instructions of the State Registrar prepared under authority of the Article.
- (5) Charges a fee for performing any act or duty required by Article 4 of this Chapter or by the State Registrar pursuant to Article 4 of this Chapter, other than fees specifically authorized by law.

(b) A person who commits any of the following acts shall be guilty of a Class I felony:

- (1) Willfully and knowingly makes any false statement in an application for a certified copy of a vital record, or who willfully and knowingly supplies false information intending that the information be used in the obtaining of any copy of a vital ~~record;~~record.
- (2) Without lawful authority and with the intent to deceive makes, counterfeits, alters, amends, or mutilates a certificate, record, or report required by Article 4 of this Chapter or a certified copy of the certificate, record, or ~~report;~~report.
- (3) Willfully and knowingly obtains, possesses, sells, furnishes, uses, or attempts to use for any purpose of deception, a certificate, record, or report required by Article 4 of this Chapter or a certified copy of the certificate, record, or report, which is counterfeited, altered, amended, or mutilated, or which is false in whole or in part or which relates to the birth of another person, whether living or ~~deceased;~~deceased.
- (4) When employed by the Vital Records Section of the Department or designated under Article 4 of this Chapter, willfully and knowingly furnishes or processes a certificate of birth, death, marriage, or divorce, or certified copy of a certificate of birth, death, marriage, or divorce with the knowledge or intention that it be used for the purposes of ~~deception;~~deception.
- (5) Without lawful authority possesses a certificate, record, or report required by Article 4 of this Chapter or a certified copy of the certificate, record, or report knowing that it was stolen or otherwise unlawfully ~~obtained;~~obtained.
- (6) Willfully alters, except as provided by G.S. 130A-118, or falsifies a certificate or record required by Article 4 of this Chapter; or willfully alters, falsifies, or changes a photocopy, certified copy, extract copy, or any document containing information obtained from an original or copy of a certificate or record required by Article 4 of this Chapter; or willfully makes, creates, or uses any altered, ~~falsified~~-falsified, or changed record, reproduction, ~~copy~~-copy, or document for the purpose of attempting to prove or establish for any purpose whatsoever any matter purported to be shown on ~~it;~~it.
- (7) Without lawful authority, manufactures or possesses the seal of: (i) the Vital Records Section, (ii) a county register of deeds, or (iii) a county health



- department, or without lawful authority, manufactures or possesses a reproduction or a counterfeit copy of the ~~seal;~~seal.
- (8) Without lawful authority prepares or issues any certificate which purports to be an official certified copy of a vital ~~record;~~record.
  - (9) Without lawful authority, manufactures or possesses Vital Records Section, county register of deeds, or county health department vital records forms or safety paper used to certify births, deaths, marriages, and divorces, or reproductions or counterfeit copies of the forms or safety ~~paper;~~ paper.
  - (10) Willfully and knowingly furnishes a certificate of birth or certified copy of a record of birth with the intention that it be used by an unauthorized person or for an unauthorized purpose."

**SECTION 18.** Article 18A of Chapter 136 of the General Statutes is repealed.

**SECTION 19.** G.S. 143-157.1(a) and (b) read as rewritten:

"(a) Appointments. – In appointing members to public bodies set forth in subsections (c) and (d) of this section, the appointing authority should select, from among the most qualified persons, those persons whose appointment would promote membership on the body that accurately reflects the proportion that each gender represents in the population of the State as a whole or, in the case of a local body, in the population of the area represented by the ~~or~~ body, as determined pursuant to the most recent federal decennial census, unless the law regulating ~~such~~ the appointment requires otherwise. If there are multiple appointing authorities for the body, they may consult with each other to accomplish the purposes of this section.

(b) Reports Generally. – Each appointing authority described in subsection (a) of this section shall submit a report to the Secretary of State annually which discloses the number of appointments made during the preceding year and the number of appointments of each gender made, expressed both in numerical terms and as a percentage of the total membership of the body. In addition, each appointing authority shall designate a person responsible for retaining all applications for appointment, who shall ensure that information describing each applicant's gender and qualifications is available for public inspection during reasonable hours. Nothing in this section requires disclosure of an applicant's identity or of any other information made confidential by law. The Secretary of State shall prescribe the form used to report these appointments and may accept these reports by electronic means. Reports by appointing authorities shall be due in the Department of the Secretary of State on or before September 1. From these reports, the Secretary of State shall generate an annual composite report that shall be published by December 1. Copies of the report shall be submitted to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate."

**SECTION 20.** G.S. 143-723 reads as rewritten:

**"§ 143-723. Open meetings; public records; audit.**

The Open Meetings Law (~~Article 33~~ Article 33C of Chapter 143 of the General Statutes) and the Public Records Act (Chapter 132 of the General Statutes) ~~shall~~ apply to the Fund and the Commission, and the Fund and the Commission ~~shall be~~ are subject to audit by the State Auditor as provided by law. The Commission shall reimburse the State Auditor for the actual cost of the audit."

**SECTION 21.** G.S. 150B-1(d) reads as rewritten:

"(d) Exemptions from Rule Making. – Article 2A of this Chapter does not apply to the following:

- ...
- (6) ~~and Juvenile Justice~~ The Department of Public Safety, with respect to matters relating to executions under Article 19 of Chapter 15 of the General Statutes and matters relating solely to persons in its custody or under its supervision, including prisoners, probationers, and parolees.

...."

**SECTION 22.** G.S. 150B-21.11 reads as rewritten:

**"§ 150B-21.11. Procedure when Commission approves permanent rule.**

When the Commission approves a permanent rule, it must notify the agency that adopted the rule of the Commission's approval, and deliver the approved rule to the Codifier of Rules.~~Regulatory Reform~~

If the approved rule will increase or decrease expenditures or revenues of a unit of local government, the Commission must also notify the Governor of the Commission's approval of the rule and deliver a copy of the approved rule to the Governor by the end of the month in which the Commission approved the rule."

**SECTION 23.(a)** Section 16D.4(dd) of S.L. 2017-57 reads as rewritten:

**"SECTION 16D.4.(dd)** In developing and implementing the education and training required by subsections ~~(a) and (b)~~ ~~(bb)~~ and (cc) of this section, the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission shall work with the Division of Adult Correction and Juvenile Justice of the Department of Public Safety."

**SECTION 23.(b)** Section 16D.4(tt) of S.L. 2017-57 reads as rewritten:

**"SECTION 16D.4.(tt)** Sections 16D.4(a) through 16D.4(s) of this act become effective December 1, 2019, and apply to offenses committed on or after that date. Sections 16D.4(t) through 16D.4(x) of this act become effective October 1, 2017, and Sections 16D.4(t) through 16D.4(w) apply to all complaints filed on or after that date. Except as otherwise provided in this ~~act, section,~~ the remainder of this act-section is effective when it becomes law. Prosecutions or delinquency proceedings initiated for offenses committed before any particular ~~section~~ subsection of this section becomes effective are not abated or affected by this act, and the statutes that are in effect on the dates the offenses are committed remain applicable to those prosecutions."

**SECTION 24.(a)** Section 36.7(b) of S.L. 2017-57 reads as rewritten:

**"SECTION 36.7.(b)** Reporting. – The following reports are required:

- (1) By ~~October 1, 2017,~~ October 15, 2017, and every six months thereafter, each State agency shall report on the status of agency capital projects to the Joint Legislative Commission on Governmental Operations.
- (2) By ~~October 1, 2017,~~ October 15, 2017, and quarterly thereafter, each State agency shall report on the status of agency capital projects to the Fiscal Research Division of the General Assembly and to the Office of State Budget and Management."

**SECTION 24.(b)** Section 7(b) of S.L. 2017-206 is repealed.

**SECTION 25.** Subsections (b) and (c) of Section 2 of S.L. 2017-137 read as rewritten:

**"SECTION 2.(b)** Pilot Program to Reduce Inventory of DOT Residue Property. – No later than January 1, 2018, the Department shall establish a pilot program for disposing of residue property in accordance with ~~Section 1(a)~~ Section 2(a) of this act. In implementing this pilot program, the Department shall prepare a request for proposals to select three real estate brokers and three real estate auctioneers or real estate auction firms to dispose of a representative sample of residue properties, selected by the Department, consisting of at least 15 Class A properties, 30 Class B properties, and 45 Class C properties distributed throughout the State. If the quantity of residue property in each class is insufficient to satisfy this minimum, the Department may set a minimum based on the quantity of residue properties available. The term for the initial contracts awarded shall be 180 days. The Department shall repeat the request for proposals process to award contracts for a subsequent 180-day term. The Department shall review the progress of residue property disposition pursuant to each contract awarded through the pilot program. The pilot program shall terminate on January 1, 2019.

"**SECTION 2.(c)** No later than March 1, 2018, and by March 1, 2019, the Department shall report to the Joint Legislative Transportation Oversight Committee on the classification and sale of residue properties pursuant to the pilot program established pursuant to ~~Section 1(b)~~ Section 2(b) of this act. At a minimum, this report shall include information on the following:

- (1) The number and type of properties classified and offered as part of each request for proposal.
- (2) The details of each request for proposal and award of contract pursuant to each request for proposal.
- (3) The number and type of properties sold, including information about the manner of sale, the identity of the purchaser, and the average ratio of sale price to residue property value of the properties sold."

**SECTION 26.(a)** Section 2 of S.L. 2017-174 reads as rewritten:

"**SECTION 2.** This act is effective when it becomes law and applies to any licensee or prospective applicant who seeks to make specified types of alterations or additions to its hospital facilities or to construct new hospital facilities and who submits plans and specifications to the Department of Health and Human Services pursuant to Article 5 of ~~Chapter 113E~~ Chapter 131E of the General Statutes on or after January 1, 2016."

**SECTION 26.(b)** This section becomes effective July 21, 2017.

## **PART II. TECHNICAL CORRECTIONS TO THE NORTH CAROLINA UNIFORM POWER OF ATTORNEY ACT**

**SECTION 27.(a)** G.S. 32C-1-108(b) reads as rewritten:

"(b) If, after a principal executes a power of attorney, the clerk of superior court appoints a guardian of the principal's estate, or general guardian or other fiduciary charged with the management of some or all of the principal's property, the agent is accountable to the guardian or the fiduciary as well as to the principal. The power of attorney is not terminated and the agent's authority continues unless ~~limited, suspended, suspended~~ or terminated by the clerk of superior court in accordance with this Chapter, pursuant to G.S. 32C-1-116(a)(2) or terminated by the guardian of the principal's estate or general guardian pursuant to G.S. 32C-1-110(a)(7) or G.S. 32C-1-110(b)(5)."

**SECTION 27.(b)** G.S. 32C-1-116 reads as rewritten:

### **"§ 32C-1-116. Judicial relief.**

(a) The clerks of superior court of this State shall have original jurisdiction of proceedings under this Chapter. Except as provided in subdivision (4) of this subsection, the clerk of superior court's jurisdiction is exclusive. The following proceedings are included:

- ...
- (2) To terminate a power of attorney or to ~~limit, suspend, suspend~~ or terminate the authority of an agent where a guardian of the estate or a general guardian has been appointed.

...

(b) Without otherwise limiting the jurisdiction of the superior court division of the General Court of Justice, the clerk of superior court shall not have jurisdiction under this subsection over the following actions:

- (1) To modify or amend a power of attorney instrument.
- (2) By or against creditors or debtors of an agent or principal.
- (3) Involving claims for monetary damages, including claims for breach of fiduciary duty, fraud, and negligence.
- (4) To set aside a power of attorney based on undue influence or lack of capacity.
- (5) For the recovery of property transferred or conveyed by an agent on behalf of a principal with intent to hinder, delay, or defraud the principal's creditors.

(c) Proceedings brought under the provisions of subsection (a) of this section shall be commenced as prescribed for ~~in~~ in, and shall be conducted in accordance with, estate proceedings under G.S. 28A-2-6 and may be brought by the following persons:

- (1) The principal or the agent.
- (2) A general guardian, guardian of the principal's estate, or guardian of the principal's person.
- (3) The personal representative of the estate of a deceased principal.
- (4) A person authorized to make health care decisions for the principal.
- (5) Any other interested person, including a person asked to accept a power of attorney.

...

(e) Nothing in this section ~~shall affect~~ affects the right of a person to file an action in the Superior Court Division of the General Court of Justice for declaratory relief under Article 26 of Chapter 1 of the General Statutes.

...."

**SECTION 28.(a)** G.S. 32C-1-109(c) reads as rewritten:

"(c) If a power of attorney becomes effective upon the principal's incapacity and the principal has not authorized a person to determine whether the principal is incapacitated, or the person authorized is unable or unwilling to make the determination, the power of attorney becomes effective upon a determination in a writing or other record in one of the following manners:

- (1) After a personal examination of the principal, by two individuals who are either a physician, a licensed psychologist, or both, that the principal is incapacitated within the meaning of ~~G.S. 32C-1-102(5)a.~~ G.S. 32C-1-102(6)a.
- (2) By an attorney-at-law, a judge, or an appropriate governmental official that the principal is incapacitated within the meaning of ~~G.S. 32C-1-102(5)b.~~ G.S. 32C-1-102(6)b.

Notwithstanding the subsequent capacity of the principal to manage property or business affairs, a power of attorney which becomes effective under this subsection shall remain effective until its termination pursuant to G.S. 32C-1-110(a) or the agent's authority terminates pursuant to G.S. 32C-1-110(b)."

**SECTION 28.(b)** G.S. 32C-1-116(f) reads as rewritten:

"(f) Upon motion by the principal, the clerk of superior court shall dismiss a petition filed under subsection (a) of this section, unless the clerk of superior court determines the principal is incapacitated within the meaning of ~~G.S. 32C-1-102(5).~~ G.S. 32C-1-102(6)."

**SECTION 29.** G.S. 32C-1-112 reads as rewritten:

**"§ 32C-1-112. Reimbursement and compensation of agent.**

(a) If the terms of the power of attorney specify the amount or the way the compensation is to be determined, the agent is entitled to the compensation as specified.

(b) If the terms of the power of attorney do not specify the amount or the way the compensation is to be determined, and the principal thereafter becomes incapacitated, then subsequent to the principal's incapacity the agent is entitled to receive reasonable compensation as determined by the clerk of superior court in accordance with G.S. 32-59.

(c) Unless the power of attorney otherwise provides, an agent is entitled upon request to the clerk of superior court pursuant to G.S. 32-59 to be reimbursed for expenses properly incurred on behalf of the principal."

**SECTION 30.(a)** G.S. 32C-1-114 reads as rewritten:

**"§ 32C-1-114. Agent's duties.**

...

(b) Except as otherwise provided in the power of attorney, an agent that has accepted appointment has no affirmative duty to exercise the powers or to continue to exercise the powers

granted to the agent by the power of attorney, but if the agent exercises any of the granted powers, the agent shall, in the exercise of such powers, do all of the following:

(1) Act loyally for the principal's benefit.

...

(7) ~~Account to the principal or a person designated by the principal in the power of attorney.~~

...

(h) Except as otherwise provided in the power of attorney, an agent is not required to disclose receipts, disbursements, or transactions conducted on behalf of the principal unless ordered by a court or requested by the ~~principal, principal or a person designated by the principal in the power of attorney,~~ a guardian of the estate, general guardian, or, upon the death of the principal, by the personal representative or successor in interest of the principal's estate."

**SECTION 30.(b)** G.S. 32C-3-301 reads as rewritten:

**"§ 32C-3-301. Statutory form power of attorney.**

As a nonexclusive method to grant a power of attorney, a document substantially in the following form may be used to create a statutory form power of attorney that has the meaning and effect prescribed by this Chapter:

"NORTH CAROLINA

STATUTORY SHORT FORM POWER OF ATTORNEY

NOTICE: THE POWERS GRANTED BY THIS DOCUMENT ARE BROAD AND SWEEPING. THEY ARE DEFINED IN CHAPTER 32C OF THE NORTH CAROLINA GENERAL STATUTES, WHICH EXPRESSLY PERMITS THE USE OF ANY OTHER OR DIFFERENT FORM OF POWER OF ATTORNEY DESIRED BY THE PARTIES CONCERNED.

IMPORTANT INFORMATION

This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). Your agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself. The meaning of authority over subjects listed on this form is explained in the North Carolina Uniform Power of Attorney Act.

This power of attorney does not authorize the agent to make health care decisions for you.

...

"IMPORTANT INFORMATION FOR AGENT

Agent's Duties

...

Unless the Additional Provisions and Exclusions in this power of attorney state otherwise, you must also:

(1) Act loyally for the principal's benefit;

...

(5) Cooperate with any person that has authority to make health care decisions for the principal to do what you know the principal reasonably expects, or if you do not

know the principal's expectations, to act in the principal's best ~~interest;~~interest;  
and

- (6) Attempt to preserve the principal's estate plan if you know the plan and preserving the plan is consistent with the principal's best ~~interest;~~and interest.
- (7) ~~Account to the principal (or a person designated by the principal (if any)) in the Additional Provisions and Exclusions.~~

...."

**SECTION 31.(a)** G.S. 32C-2-201 reads as rewritten:

**"§ 32C-2-201. Authority requiring specific grant; grant of general authority.**

(a) Unless the exercise of the authority by an agent under a power of attorney is ~~not~~ otherwise prohibited by another agreement or instrument to which the authority or property is subject, then the following apply:

...

(d) Subject to subsections (a), (b), (c), (e), and (f) of this section, if a power of attorney grants to an agent authority to do all acts that a principal could do, the agent has the general authority described in G.S. 32C-2-204 through G.S. ~~32C-2-216 and G.S. 32C-2-220.~~32C-2-216.

...."

**SECTION 31.(b)** G.S. 32C-2-202 reads as rewritten:

**"§ 32C-2-202. Incorporation of authority.**

(a) An agent has authority described in this Chapter if the power of attorney refers to general authority with respect to the descriptive term for the subjects stated in G.S. 32C-2-204 through G.S. 32C-2-217 ~~and G.S. 32C-2-220~~ or cites the section in which the authority is described.

(b) A reference in a power of attorney to general authority with respect to the descriptive term for a subject in G.S. 32C-2-204 through G.S. 32C-2-217 ~~and G.S. 32C-2-220~~ or a citation to G.S. 32C-2-204 through G.S. 32C-2-217 ~~and G.S. 32C-2-220~~ incorporates the entire section as if it were set out in full in the power of attorney.

(c) A principal may modify authority incorporated by reference."

**SECTION 31.(c)** G.S. 32C-2-203 reads as rewritten:

**"§ 32C-2-203. Construction of authority, generally.**

Except as otherwise provided in the power of attorney, by executing a power of attorney that incorporates by reference a subject described in G.S. 32C-2-204 through G.S. 32C-2-217 ~~and G.S. 32C-2-220~~ or that grants to an agent authority to do all acts that a principal could do pursuant to G.S. 32C-2-201(d), a principal authorizes the agent, with respect to that subject, to do all of the following:

...."

**SECTION 32.** G.S. 32C-3-303 reads as rewritten:

**"§ 32C-3-303. Limited power of attorney for real property.**

...

#### SIGNATURE AND ACKNOWLEDGMENT

\_\_\_\_\_  
Your Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Your Name Printed

State of \_\_\_\_\_, County of \_\_\_\_\_.

I certify that the following person personally appeared before me this day, acknowledging to me that he or she signed the foregoing document: \_\_\_\_\_.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Notary Public

(Official Seal)

\_\_\_\_\_, Notary Public  
Printed or typed name "name" name

My commission expires: \_\_\_\_\_ ""

**SECTION 33.** G.S. 32C-4-403 reads as rewritten:

**"§ 32C-4-403. Effect on existing powers of attorney.**

(a) Except as otherwise provided in this Chapter, the following apply on January 1, 2018.

(1) This Chapter applies to a power of attorney created before, on, or after January 1, 2018, unless there is clear indication of a contrary intent in the terms of a power of attorney or unless application of a particular provision of this Chapter would substantially impair rights of a party.

...  
(4) A rule of construction or presumption provided by this ~~Chapter~~ Chapter, including the rule of G.S. 32C-1-104 regarding durability of a power of attorney, applies to powers of attorney executed before January 1, 2018, unless there is a clear indication of a contrary intent in the terms of a power of attorney or unless the application of the rule of construction or presumption would substantially impair rights of a party created under North Carolina law in effect prior to January 1, 2018, in which case the rule of construction or presumption does not apply and the superseded rule of construction or presumption applies.

...  
(c) References to prior statutes ~~and in~~ powers of attorney, whether executed on or after the adoption of this Chapter shall be deemed to refer to the corresponding provisions this Chapter unless application of the rule of construction would substantially impair substantial rights of a party.

(d) Notwithstanding the provisions of this Chapter, the powers conferred by former G.S. 32A-2 shall apply to a Statutory Short Form Power of Attorney that was created in accordance with former G.S. 32A-1 prior to January 1, 2018."

**SECTION 34.** G.S. 47-43 reads as rewritten:

**"§ 47-43. Form of certificate of acknowledgment of instrument executed by attorney-in-fact, agent.**

When an instrument purports to be signed by parties acting through another by virtue of the execution of a power of attorney, the following form of certificate ~~shall be deemed is~~ sufficient, but ~~shall does~~ not exclude other forms which would be deemed sufficient in law: forms:  
North Carolina, \_\_\_\_\_ County.

I (here give name of the official and ~~his official~~ the official's title), do hereby certify that (here give name of ~~attorney in fact~~, attorney in fact-agent) (the "Agent"), agent for (here give names of parties who executed the instrument through ~~attorney in fact~~, the Agent) (the "Principal"), personally appeared before me this day, and being by me duly sworn, says that ~~he the Agent~~ executed the foregoing and annexed instrument for and in on behalf of (here give names of parties

~~who executed the instrument through attorney in fact), the Principal, and that his the Agent's~~ authority to execute and acknowledge ~~said the~~ instrument is contained in an instrument duly executed, acknowledged, and recorded in the office of (here insert name of official in whose office power of attorney is recorded, and the county and state of recordation), on the (day of month, month, and year of recordation), and that this instrument was executed under and by virtue of the authority given by ~~said the~~ instrument granting ~~him the~~ Agent power of attorney; that the ~~said (here give name of attorney in fact) Agent~~ acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of the ~~said (here give names of parties who executed the instrument through attorney in fact) Principal.~~

WITNESS my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_, (year) \_\_\_\_  
(Official seal.)

\_\_\_\_\_  
Signature of Officer"

**SECTION 35.(a)** G.S. 90-21.13(c) reads as rewritten:

"(c) The following persons, in the order indicated, are authorized to consent to medical treatment on behalf of a patient who is comatose or otherwise lacks capacity to make or communicate health care decisions:

- ...
- (2) A health care agent appointed pursuant to a valid health care power of attorney, to the extent of the authority granted.
  - (3) An agent, with powers to make health care decisions for the patient, appointed by the ~~patient pursuant to Chapter 32C of the General Statutes,~~ patient, to the extent of the authority granted.

...."

**SECTION 35.(b)** G.S. 90-322(b) reads as rewritten:

"(b) If a person's condition has been determined to meet the conditions set forth in subsection (a) of this section and no instrument has been executed as provided in G.S. 90-321, then life-prolonging measures may be withheld or discontinued upon the direction and under the supervision of the attending physician with the concurrence of the following persons, in the order indicated:

- ...
- (2) A health care agent appointed pursuant to a valid health care power of attorney, to the extent of the authority granted.
  - (3) An agent, with powers to make health care decisions for the patient, appointed by the ~~patient pursuant to Chapter 32C of the General Statutes,~~ patient, to the extent of the authority granted.

...

If none of the above is reasonably available then at the discretion of the attending physician the life-prolonging measures may be withheld or discontinued upon the direction and under the supervision of the attending physician."

**SECTION 36.** The Revisor of Statutes shall cause to be printed, as annotations to the published General Statutes, all explanatory comments of the drafters of this part as the Revisor may deem appropriate.

### **PART III. EFFECTIVE DATE**



law. **SECTION 37.** Except as otherwise provided, this act is effective when it becomes  
2018. In the General Assembly read three times and ratified this the 5<sup>th</sup> day of December,

s/ Ralph E. Hise  
Presiding Officer of the Senate

s/ Tim Moore  
Speaker of the House of Representatives

---

Roy Cooper  
Governor

Approved \_\_\_\_\_m. this \_\_\_\_\_ day of \_\_\_\_\_, 2018