



The Daily Bulletin: Tuesday, July 29, 2014

PUBLIC/HOUSE BILLS

H 272 (2013-2014) **DOT/DMV CHANGES #2** Filed Mar 11 2013, *AN ACT TO (1) PROVIDE THAT THE DIVISION OF MOTOR VEHICLES HEARING ON A LICENSE REVOCATION AS A RESULT OF A DRIVING WHILE IMPAIRED IGNITION INTERLOCK VIOLATION BE HELD IN THE LICENSEE'S COUNTY OF RESIDENCE; (2) DIRECT THE DIVISION OF MOTOR VEHICLES TO ISSUE A SINGLE ANNUAL REGISTRATION RENEWAL STICKER FOR EACH VEHICLE REGISTRATION PLATE; (3) CLARIFY APPLICABILITY OF PERMANENT LICENSE PLATES LAW TO VEHICLES OWNED BY FEDERALLY RECOGNIZED TRIBE; (4) CLARIFY APPLICATION OF DEALER FEE DISCLOSURE REQUIREMENTS; (5) AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PLACE A LICENSE ISSUED UNDER THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW ON PROBATION; (6) PROVIDE THAT NOTICE OF A SUSPENSION, REVOCATION, OR NONRENEWAL OF A LICENSE UNDER THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW SHALL BE GIVEN IN ACCORDANCE WITH RULE 4 OF THE RULES OF CIVIL PROCEDURE; (7) EXTEND BY ONE YEAR THE DEPARTMENT OF TRANSPORTATION DISADVANTAGED MINORITY-OWNED AND WOMEN-OWNED BUSINESS PROGRAM; AND (8) DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY DIGITAL DISPATCHING SERVICES.*

Senate committee substitute makes the following changes to the 4th edition:

Changes the short and long titles.

Deletes all of the provisions of the previous edition in their entirety.

Amends GS 20-17.8(j) to provide that a Division of Motor Vehicles (DMV) driver's license hearing held as a result of an alcohol concentration report from an ignition interlock violation can be held in the county where the alleged violator resides. Effective October 1, 2014.

Amends GS 20-66(c) to direct the DMV to issue a single registration renewal sticker for each vehicle registration plate. Makes technical changes. Effective January 1, 2015.

Amends GS 20-84(b) to provide that the DMV can issue permanent plates for any motor vehicle owned by a federally recognized tribe.

Enacts new GS 20-101.1(d) concerning the conspicuous disclosure of dealer administrative fees, providing that the provisions of GS 20-101.1 do not apply to a dealer fee related to the online registration of a motor vehicle when the dealer fee is separately stated on the buyer's order, purchase order, retail installment sales agreement, lease, or bill of sale. Effective October 1, 2014.

Amends GS 20-294 to authorize the DMV to place a person licensed under the Motor Vehicle Dealers and Manufacturing License Law on probation for a violation under any of the grounds as specified in this section. Makes a conforming change to the title of this act. Effective October 1, 2014.

Also amends GS 20-296 to clarify that notice of a suspension, revocation, probation, or non-renewal of a motor vehicle dealer or manufacturer licensee's license may be provided in any manner authorized by GS 1A-1, Rule 4(j), of the Rules of Civil Procedure. Makes conforming change to refer to licensee probation. Makes technical and conforming changes. Effective October 1, 2014.

Amends GS 136-28.4(e), concerning the DOT Minority/Women Business Program, providing that the Program expires on August 31, 2015 (was, August 31, 2014).

Directs the Revenue Laws Study Committee to study the registration requirements, fees, and penalties applicable to for-hire passenger vehicles including for-hire passenger vehicles directed by digital dispatching services. Findings and recommendations are to be reported to the 2015 Regular Session of the 2015 General Assembly.

Intro. by Stam, Jackson, Bryan.

STUDY, GS 20, GS 136

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Courts/Judiciary, Motor Vehicle, Government, State Agencies, Department of Transportation

H 1133 (2013-2014) **TECHNICAL AND OTHER CORRECTIONS**. Filed May 20 2014, *A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING AMENDMENTS TO THE GENERAL STATUTES*.

Senate committee substitute makes the following changes to the 3rd edition.

Part II. ADDITIONAL TECHNICAL CORRECTIONS AND OTHER AMENDMENTS

Deletes change to subsection (f) of GS 15A-145.5, *Expunction of certain misdemeanors and felonies; no age limitations*, restoring provision that the subsection's expunction of records provisions do not apply to state fingerprint records.

Amends GS 18B-1001 to provide that an on-premises malt beverage permit may be issued for breweries as authorized by GS 18B-1004(7) and (8) (was, breweries as authorized by GS 18B-1104(7)). Amends GS 18B-1114.5 to provide that except for a brewery operating under the provisions of GS 18B-1104(8) (was, GS 18B-1104(7)), all malt beverages sold or sampled under this section must be purchased from a licensed malt beverages wholesaler. Amends GS 18B-1116(a) to provide that a brewery qualifying to act as a wholesaler or retailer of its own malt beverages under GS 18B-1104(8) (was, GS 18B-1104(7)) is not subject to certain provisions of this subsection pertaining to financial interests involving a wholesaler or retailer regarding the brewery's transactions on its premises.

Deletes changes to GS 20-79(d) that authorized independent dealers to display a dealer license plate on a motor vehicle meeting certain requirements.

Adds a new subsection (e) to GS 65-47 to provide that a columbarium, a room or building with niches for the storage of funeral urns, that was built in compliance with the requirements of former subsection (d) of this section is not subject to Article 9 of GS Chapter 65 on or after January 23, 2015, providing that the columbarium (1) continues to exist on the grounds of a private, self-contained retirement community and (2) continues to be reserved exclusively for the use of members of that community. Effective January 23, 2015.

Deletes changes to the provisions of GS 74F-16(6), which exempts a merchant or retail or hardware store from the provisions of GS Chapter 74F, Locksmith Licensing Act, providing that the merchant or store meets certain specified conditions.

Deletes changes to GS 115C-238-29E(c) that prohibited the State Board of Education (SBE) from imposing terms and conditions restricting membership on the board of directors (Directors) of a nonprofit corporation operating a charter school but which allowed the SBE to require the Directors to adopt a conflict-of-interest policy.

Amends GS 136-200.2(j), as amended by Section 12(a) of SL 2014-58 (regarding violations of ethics requirements applicable to the Metropolitan Planning Organizations), and GS 136-211(j), as

amended by Section 12(b) of SL 2014-58 (regarding violations of ethics requirements applicable to the Rural Transportation Planning Organizations), to require the State Ethics Commission (Commission) to report written allegations of violations of either of these sections to the Director of the State Bureau of Investigation (was, Attorney General) for investigation and referral to the District Attorney for possible prosecution.

Amends GS 138A-25, as amended by Section 12(c) of SL 2014-58. Amends subsection (d) to require the Commission to report the failure by any person required to file a Statement of Economic Interest to file or complete the Statement within 60 days of the receipt of notice required under this section to the Director of the State Bureau of Investigation (was, the Attorney General) for investigation and possible prosecution, unless the Commission determines that extenuating circumstances exist. Also amends subsection (e) to require the Commission to report the failure by any person required to file an additional disclosure to do so within 60 days of the receipt of notice required under this section to the Director of the State Bureau of Investigation (was, the Attorney General) for investigation and possible prosecution, unless the Commission determines that extenuating circumstances exist.

Amends GS 108A-116(b1) to provide that a financial institution may challenge a subpoena to investigate the exploitation of disabled and older adults by filing a motion to quash or modify the subpoena within ten days (was, four business days) after receipt or delivery of the subpoena under subsection (b) of this section. Makes a conforming change to delete reference to obtaining an extension of ten days to file a motion to quash or modify a subpoena.

Deletes changes to GS 115C-307(g), which permitted teachers to use data management systems other than the student information management system to document student performance on a daily basis.

Makes additional clarifying and technical changes.

Amends GS 143B-373, concerning the NC Capital Planning Commission (Commission), making technical and clarifying changes. Deletes the Commission's authority to adopt rules and regulations that might be required by the federal government for grants-in-aid for capital improvement purposes made available to North Carolina by the federal government. Also deletes the Commission's directive to adopt rules and regulations consistent with the provisions of GS Chapter 143B. Also deletes language that provided that prior rules adopted by the existing Commission are to remain in full force and effect unless repealed or superseded by the recreated Commission. Further deletes authority to define, by resolution, the types of proposals required to be submitted pursuant to GS 143B-373(c), regarding specific development proposals in Wake County.

Amends GS 143B-426.39 concerning the power and duties of the State Controller, deleting the State Controller's authority over the coordination of data integration and data-sharing across all NC agencies, departments, and institutions.

Amends GS 143B-426.38A (Government Data Analytics Center; State data-sharing requirements), GS 20-7(b2)(concerning disclosure of Social Security numbers) GS 20-43 (Records of DMV), and GS 105-259 (Secrecy required of officials; penalty for violation of tax information), replacing "State Controller" with "State Chief Information Officer" (CIO), giving the CIO all the duties and responsibilities previously assigned to the State Controller in the specified provisions.

Amends GS 143B-431A concerning Department of Commerce contracting functions, making clarifying changes and providing that members appointed by the General Assembly to the Economic Development Accountability & Standards Committee will be appointed to four-year terms beginning July 1. Further provides that the Economic Development Accountability & Standards

Committee will be administratively housed in the Department of Commerce. The Department of Commerce will also be responsible for the administrative costs and staff of the Economic Development Accountability & Standards Committee. Provides that employees of any corporation that contracts with the Department of Commerce pursuant to GS 143B-431A whose annual compensation is less than \$60,000 are not subject to statements of economic interest or filing requirements found in GS 138A-22 (previously, provision stated that officers, members of the governing board, and employees whose compensation was equal to or greater than \$60,000 were subject to the requirements of GS 138A-22).

Deletes all proposed changes to GS 143B-437.012, the Job Maintenance and Capital Development Fund.

Deletes proposed changes to GS 143B-1157, concerning the membership of the State Community Corrections Advisory Board, providing that the Governor is only to appoint one rehabilitated ex-offender (previously appointed two ex-offenders). Provides that changes to the section are effective July 1, 2011 (previously did not have a specific effective date).

Deletes provision which previously provided for the repeal of SL 2011-259, the Dropout Recovery Pilot Program.

Deletes all provisions which were concerned with and established a two-year Dropout Prevention and Recovery Pilot Program.

Amends GS 143B-426.40A(g), concerning payroll deductions for certain employees' associations, to require that the total membership count and the state, political subdivision of the state, or public school employee membership count of a domiciled employees' association that has at least 2,000 members, 500 of whom are employees of the state, a political subdivision of the state, or public school employees must be verified and certified annually by the NC State Auditor. Also requires that the total membership count and the public school teacher membership count of a domiciled employees' association that has at least 40,000 members, the majority of whom are public school teachers, must be verified and certified annually by the NC State Auditor.

Amends Section 6 of SL 2013-417 to require that the specified reports by the Department of Health and Human Services include a detailed timeline for implementation as well as any changes to the timeline and the specific reasons for the timeline adjustment.

Amends the effective date of Section 4 of SL 2013-417 (amending GS 108A-29.1, Drug Screening and testing for Work First Program applicants and recipients). to be March 1, 2015 (was, August 1, 2014).

Amends Section 7 of SL 2014-49, making a technical change.

Deletes proposed changes to Sections 1 and 3 of SL 2011-153, concerning GTCC Innovative Resources Corporation and Guilford Technical Community College.

Intro. by T. Moore.

[GS 1](#), [GS 1A](#), [GS 7A](#), [GS 7B](#), [GS 14](#), [GS 15](#), [GS 15A](#), [GS 20](#), [GS 28A](#), [GS 31](#), [GS 35A](#), [GS 41](#), [GS 42A](#), [GS 44A](#), [GS 45A](#), [GS 50](#), [GS 50A](#), [GS 53](#), [GS 58](#), [GS 66](#), [GS 74F](#), [GS 86A](#), [GS 90D](#), [GS 93D](#), [GS 105](#), [GS 106](#), [GS 108A](#), [GS 110](#), [GS 111](#), [GS 114](#), [GS 115C](#), [GS 115D](#), [GS 116](#), [GS 120](#), [GS 122A](#), [GS](#)

124, GS 126, GS 130A, GS 131E, GS 136, GS 143, GS 143B, GS 147, GS 150B, GS 160A, GS 162

Alcoholic Beverage Control, Business and Commerce, Corporation and Partnerships, Occupational Licensing, Courts/Judiciary, Civil, Civil Law, Family Law, Criminal Justice, Criminal Law and Procedure, Education, Elementary and Secondary Education, Higher Education, Environment, Energy, Government, General Assembly, Public Records and Open Meetings, State Agencies, Department of Commerce, Department of Transportation, Office of State Controller, State Board of Education, State Government, State Property, Local Government, Health and Human Services, Health, Health Care Facilities and Providers, Public Health, Social Services, Adult Services, Transportation

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ACTIONS ON BILLS

PUBLIC BILLS

H 272: DOT/DMV CHANGES #2

Senate: Reptd Fav Com Substitute
Senate: Com Substitute Adopted
Senate: Placed on Today's Calendar
Senate: Passed 2nd Reading
Senate: Passed 3rd Reading

H 366: NC FARM ACT OF 2014 (NEW).

Senate: Conf Report Adopted 2nd
House: Reptd Fav To Concur
House: Re-ref Com On Finance

H 884: DROPOUT PREV./RECOVERY PILOT W/CHARTERS.

Senate: Withdrawn From Com
Senate: Re-ref Com On Rules and Operations of the Senate
Senate: Sequential Referral To Appropriations/Base Budget Added

H 1048: AG SELECTION CRITERIA/NCNG AMENDMENTS (NEW).

House: Ordered Enrolled

H 1133: TECHNICAL AND OTHER CORRECTIONS.

Senate: Reptd Fav Com Substitute
Senate: Com Substitute Adopted
Senate: Placed on Today's Calendar
Senate: Passed 2nd Reading

H 1181: NORTH CAROLINA MEDICAID MODERNIZATION (NEW).

House: Special Message Received For Concurrence in S Com Sub

House: Cal Pursuant 36(b)

House: Placed On Cal For 07/30/2014

H 1193: RETIREMENT TECHNICAL CORRECTIONS ACT OF 2014.

Ratified

H 1194: RETIREMENT ADMIN. CHANGES ACT OF 2014.

House: Special Message Received For Concurrence in S Com Sub

House: Cal Pursuant 36(b)

House: Placed On Cal For 07/30/2014

S 376: MONTGOMERY CO. EMPLOYEES IN STATE HEALTH PLAN.

Senate: Concurred In H/Com Sub

Senate: Ordered Enrolled

S 773: IMPLEMENT GSC RECOMMENDATIONS.

Senate: Concurred In H/Com Sub

Senate: Ordered Enrolled

S 853: BUSINESS COURT MODERNIZATION.

Senate: Conf Com Appointed

S 885: UNC BOG VACANCY ELECTION.

Senate: Passed 1st Reading

Senate: Ref To Com On Select Committee on UNC Board of Governors

Senate: Reptd Fav

Senate: Placed on Today's Calendar

Senate: Adopted

No local actions on bills

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