

## The Daily Bulletin: Tuesday, April 7, 2015

### PUBLIC/HOUSE BILLS

H 548 (2015-2016) [ZONING/MODERNIZE & REORGANIZE](#). Filed Apr 2 2015, *AN ACT TO REORGANIZE, CLARIFY, AND MODERNIZE STATUTES REGARDING LOCAL PLANNING AND DEVELOPMENT REGULATION*.

Enacts new GS Chapter 160D, Local Planning and Development Regulation, which consolidates, reorganizes, and clarifies local planning and development regulations that were previously found in GS Chapter 153A, Article 18 (Planning and Regulation of Development for counties), and GS Chapter 160A, Article 19 (Planning and Regulation of Development for cities and towns). Consolidates city and county planning and development statutes, making the provisions applicable to local governments, while retaining necessary differences, and makes conforming changes. Additionally, makes the following changes.

#### Article 1.

Sets out provisions concerning the applicability of the Article and Chapter. Sets out and defines terms. Adds and defines, or modifies the definitions of, *administrative decision, determination, development approval, dwelling, evidentiary hearing, impact mitigation, landowner, legislative decision, local government, site plan, special use permit, subdivision, subdivision regulation, zoning map amendment or rezoning, and zoning regulation*.

Amends language in GS 160D-1-3 to add that inclusion of an ordinance authorized by this Chapter or local act in a unified development ordinance does not expand, diminish, or alter the scope of authority for those ordinance provisions.

Enacts new GS 160D-1-4 providing that all rights, privileges, benefits, burdens, and obligations created by development approvals made pursuant to this Chapter attach to and run with the land.

Amends GS 160D-1-8 to specify the administrative process to be followed when a common law vested right is claimed.

Amends GS 160D-1-9 to prohibit a governing board member from voting on any zoning map amendment if the landowner of the property subject to the petition or the applicant is a person with whom the member has a close familial, business, or other associational relationship. Clarifies that a planning board or other appointed board member may not vote on a recommendation regarding a rezoning directly affecting someone with whom they have a close relationship even if no direct financial impact would result for the member, and that a staff member may not make an administrative decision affecting someone with whom they have a close relationship even if no direct financial impact would result.

#### Article 2.

Enact new GS 160D-2-3 allowing cities and counties to agree on single jurisdiction for regulation of parcels with split jurisdiction.

Enacts new GS 160D-2-4 to allow hearing and permit processing, but not decisions, to proceed in anticipation of a shift in jurisdiction.

#### Article 3.

Amends GS 160D-3-1 to update planning board functions. Allows a planning board to provide a preliminary forum for review of quasi-judicial decisions, so long as no part of the forum or recommendation is used as a basis for the deciding board.

Enacts new GS 160D-3-8 to allow governing boards to adopt rules of procedure that are consistent with the provisions

of this Chapter. Requires a copy of the rules of procedure to be maintained by the local government clerk and posted on the local government website if one exists.

Enacts new GS 160D-3-9 requiring all members appointed to boards under this Article to take an oath of office before beginning their duties.

#### Article 4.

Amends language in GS 160D-4-3 to allow local governments to issue permits in print or electronic form. Allows applications for permits and development approvals to be made by the landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner. Requires an ordinance enacted under the authority of GS Chapter 160D to designate the staff member(s) charged with making decisions under the ordinance. Specifies the procedures for modifying and revoking permits. Allows a local government to, after the completion of work or activity undertaken pursuant to a development approval, make final inspections and issue a certificate of compliance or occupancy if staff finds that the completed work complies with all applicable state and local laws and with the terms of the approval. Prohibits a building, structure, or use of land subject to a building permit required by Article 11 from being occupied or used until a certificate of occupancy or temporary certificate has been issued.

Amends language in GS 160D-4-4 to clarify the process for providing notice of violations.

Amends language in GS 160D-4-6 to require the administrator or staff to the board to give the board all applications, reports, and written materials relevant to the quasi-judicial matter being considered. Allows the materials to be presented at the hearing or distributed to the members of the board prior to the hearing. Requires a copy of the administrative materials to be given to the appellant or applicant and to the landowner if that person is not the appellant or applicant at the same time it is submitted to the board. Requires that the administrative materials become a part of the hearing record. Specifies that the applicant, the local government, and any person who would have standing to appeal the decision under GS 160D-14-2(d) have the right to present evidence and participate as a party at the evidentiary hearing. Allows objections regarding jurisdictional issues to be made to the board.

#### Article 5.

Enacts new GS 160D-5-1 requiring, as a condition of adopting and applying zoning regulations under this Chapter, a local government to adopt and reasonably maintain a comprehensive plan that sets forth goals, policies, and programs intended to guide the present and future physical, social, and economic development. Sets out the process for adopting the plan, including opportunities for citizen engagement in plan preparation and adoption. Specifies issues that may be addressed in the plan. Requires that plans be adopted by the governing board with the advice and consultation of the planning board. Specifies that the plans are advisory in nature and do not have independent regulatory effect.

#### Article 6.

Amends language in GS 160D-6-3 to clarify who can sign a protest petition for proposed zoning map amendments and clarifies when a protest petition must be filed with the city clerk.

Amends language in GS 160D-6-4 to allow a planning board to review matters other than zoning amendments. Makes additional clarifying language.

Amends language in GS 160D-6-5 to require the governing board, when adopting or rejecting any petition for a zoning map amendment, to approve a statement analyzing the reasonableness of the proposed amendment. Specifies issues that may be considered in the statement of reasonableness. Provides that if a zoning map amendment qualifies as a “large-scale rezoning,” the governing board statement on reasonableness may address the overall rezoning. Makes additional clarifying changes.

#### Article 7.

Amends language in GS 160D-7.2 to clarify that a zoning regulation may also regulate and restrict the buffers, landscaping, parking, and signage. Clarifies that a local government may regulate floating homes over estuarine waters

and over lands covered by navigable waters. Provides that, where appropriate and consistent with the limitations of GS 160D-8-4(c), a zoning regulation may include requirements that street and utility rights-of-way be dedicated to the public, that provision be made of recreational space and facilities, and that performance guarantees be provided.

Amends the language in GS 160D-7-3 by eliminating the use of concurrent legislative rezoning and quasi-judicial conditional use permits. Allows legislative conditional zoning and quasi-judicial special use permits, but does not provide for such as a single process. Allows zoning districts to include form-based districts, or development form controls, which address the physical form, mass, and density of structures, public spaces, and streetscapes. Allows defined minor modifications in conditional district standards that do not involve a change in uses permitted or the density of overall development permitted to be reviewed and approved administratively. Provides that if multiple parcels of land are subject to a conditional zoning, the owners of individual parcels may apply for modification of the conditions so long as the modification would not result in other properties failing to meet the terms of the conditions. Any modifications approved are only applicable to those properties whose owners petition for the modification. Allows a zoning regulation or unified development ordinance to also include development standards that apply uniformly jurisdiction-wide rather than being applicable only in particular zoning districts.

Amends GS 160D-7-4 to allow the use of density bonuses and incentives for affordable housing statewide.

Amends GS 160D-7-5 to allow defined minor modifications to special use permits that do not involve a change in uses permitted or the density of overall development permitted to be reviewed and approved administratively; requires any other modification or revocation of a special use permit to follow the same process for approval as is applicable to the approval of a special use permit. Provides that if multiple parcels of land are subject to a special use permit, the owners of individual parcels may apply for permit modification so long as the modification would not result in other properties failing to meet the terms of the special use permit or regulations. Any modifications approved are only applicable to those properties whose owners apply for the modification.

#### Article 8.

Amends GS 160D-8-4 to provide that the nature and extent of impact mitigation required by a development regulation must be rationally related to and no greater than an amount roughly proportional to the impacts reasonably expected to be generated by the proposed development. Specifies that only those impact mitigation measures expressly authorized by law may be required. Provides that when a dedication of land or construction of facilities is expressly authorized by this statute, a regulation may allow for substitution of a payment in lieu of the dedication or construction. Provides that if a method of calculating the fee is not provided by this statute, the fee required must be no more than an amount generally equivalent to the cost of the dedication or construction that would otherwise be required. Prohibits, unless expressly authorized by law, a local government from imposing a school impact fee as an impact mitigation measure.

#### Article 9.

Amends language in GS 160D-9-3 to clarify the regulation of agricultural activity by municipalities.

Enacts GS 160D-9-9 to provide that development regulations adopted under this Chapter may impose construction and design standards for modular homes that are consistent with GS 143-139.1.

Amends GS 160D-9-14 to allow local governments to establish street setback and driveway connection regulations as a part of ordinances adopted under this Chapter or pursuant to GS 160A-306 and GS 160A-307.

Amends GS 160D-9-47 to provide that other than administrative decisions on minor works, decisions on certificates of appropriateness in historic districts are quasi-judicial and must follow the procedures of GS 160D-4-6.

Amends GS 160D-9-50, demolition by neglect to contributing structures outside local historic districts, to make the statute applicable statewide.

#### Article 10.

Amends GS 160D-10-3 to allow concurrent rezoning and development agreements.

Amends GS 160D-10-4 to no longer limit the term of development agreements to 20 years. Allows a local government to enter into a development agreement with a developer for developable property of any size if the property that would be subject to the development agreement is (1) subject to an executed brownfields agreement or (2) within or adjacent to a central business district and the governing board determines the development would have a substantial effect on the character or function of the central business district.

Amends GS 160D-10-6 to amend and remove items from the list of things that must be included in development agreements. Allows a development agreement to include mutually acceptable terms regarding provision of public facilities and other amenities and the allocation of financial responsibility for their provision, provided any impact mitigation measures offered by the developer beyond those that could be required by the local government are expressly enumerated within the agreement, and provided the agreement may not include a tax or impact fee not otherwise authorized by law.

Amends GS 160D-10-8 to no longer require that periodic compliance review of agreements happen at least every 12 months. Provides that a development agreement is enforceable by any party to the agreement notwithstanding any changes in the development regulations made subsequent to the effective date of the development agreement. Also allows any party to the agreement to file an action for injunctive relief to enforce the terms of a development agreement.

Amends GS 160D-10-11 to prohibit the issuance of development approvals until the development agreement has been recorded with the register of deeds.

Article 11.

Amends GS 160D-11-11 to no longer specify that a probationary inspector's certificate is valid for one year.

Amends GS 160D-11-17, Unsafe buildings condemned, to provide uniform provisions for public hearings and notice for all legislative decisions.

Makes clarifying changes, deletes outdated provisions, and makes language gender-neutral.

Article 12.

Amends GS 160D-12-3 to make the provisions concerning abandonment of intent to repair applicable statewide instead of being dependent on population.

Article 13.

Provides that the same community development programs apply to cities and counties.

Article 14.

Makes clarifying changes in GS 160D-14-2, concerning the appeals of quasi-judicial decisions of decision-making boards when those appeals are in the nature of certiorari as required by this Chapter.

Enacts new GS 160D-14-4 to provide that except as expressly stated, this Article does not limit the availability to any party of civil actions otherwise authorized by law or alter the times in which they may be brought.

Amends GS 160D-14-5 to specify a time period to challenge a development agreement.

Other Provisions.

Makes conforming changes to statutes in GS Chapter 1, 63, 143, 130A, 113A, 153A, and 160A.

Includes a severability clause.

Provides that any local government development regulation validly adopted before July 1, 2016, under authority of the General Statutes revised and reenacted in this Chapter, charter, or local act is not invalid based on inconsistency with this Act. Also provides that any otherwise valid permit or development approval made before July 1, 2016, is not invalid

based on inconsistency with the provisions of this Act. The validity of any plan adopted prior to July 1, 2016, is not affected by a failure to comply the procedural requirements of GS 160D-5-1(b).

Requires any special use district or conditional use district zoning district that is valid and in effect as of July 1, 2016, be deemed a conditional zoning district consistent with the terms of this Act, and the special or conditional use permits issued concurrently with establishment of those districts must be valid as specified in Section 8.1. Deems any valid “conditional use permit” issued prior to July 1, 2016, a “special use permit” consistent with the provisions of this Act.

Requires any local government that has adopted zoning regulations but that has not adopted a comprehensive plan to adopt such a plan no later than December 31, 2017, in order to retain the authority to adopt and apply zoning regulations.

Effective July 1, 2016, and applies to local government development regulation decisions made on or after that date.

**Intro. by Stam, Bryan, Hamilton.**

[GS 1, GS 63, GS 113A, GS 130A, GS 143, GS 153A, GS 160A, GS 160D](#)

[View summary](#)

[Development, Land Use and Housing, Land Use, Planning and Zoning, Government, Local Government](#)

H 591 (2015-2016) [CITIES/PUBLIC TRUST AREAS](#). Filed Apr 2 2015, *AN ACT AUTHORIZING CITIES TO REGULATE CERTAIN STRUCTURES THAT UNREASONABLY RESTRICT THE PUBLIC'S RIGHTS TO USE THE STATE'S OCEAN BEACHES*.

Amends GS 160A-205, Cities enforce ordinances within public trust areas, providing that cities can regulate, restrict, or prohibit the placement, maintenance, location, or use of structures that are uninhabitable and without water and sewer services for more than 60 days and located on the state's ocean beaches. Makes conforming changes.

**Intro. by Tine.**

[GS 160A](#)

[View summary](#)

[Government, Local Government](#)

H 592 (2015-2016) [DEBT ISSUANCE ACCOUNTABILITY ACT](#). Filed Apr 2 2015, *AN ACT TO ENACT THE DEBT ISSUANCE ACCOUNTABILITY ACT*.

Adds a new Article 1A to GS Chapter 142.

Sets forth findings regarding occasions when the General Assembly has authorized the state and state entities to acquire or lease assets in arrangements that can obligate the state to make payments similar to the obligation of the state to make payments for borrowed money. Provides clarifying details as to the nature of these arrangements. Declares that the rationale for enacting Article 1A to GS Chapter 142 is to set limitations on the ability of state entities to enter into financing arrangements that constitute state-supported financing arrangements to ensure that (1) the General Assembly is involved in reviewing and authorizing such transactions and (2) the state entities and officials properly manage such transactions.

Defines the following terms as they apply in this Article: (1) *financing arrangement* (does not include a true operating lease nor provisions in a construction or purchase contract with payments made over an extended period of time under the contract terms), (2) *state entity*, and (3) *state-supported financing arrangement*.

Prohibits a state entity from entering into any state-supported financing arrangement regarding the acquisition of a capital asset with a value or \$5 million or more unless the General Assembly has enacted legislation expressly approving (1) the

acquisition, project, or undertaking to be financed and (2) the use of the state-supported financing arrangement. Provides additional details as to the form of the legislation required. Provides that arrangements to finance transportation infrastructure under partnership agreements entered into by the Department of Transportation in accordance with GS 136-18(39) and GS 136-18(39a) satisfy the project and financing approval requirements.

Effective when it becomes law and applies to financing arrangements entered into on or after that date.

**Intro. by R. Brown, Conrad.**

[GS 142](#)

[View summary](#)

[Banking and Finance, Government, State Government](#)

H 593 (2015-2016) [AMEND ENVIRONMENTAL LAWS - 2](#). Filed Apr 2 2015, *AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS.*

Amends GS 143-215.94V(e) concerning reimbursement or payment of costs associated with the cleanup and assessment of underground storage tanks, adding language providing requirements to be eligible for reimbursement of damages arising from a third-party claim for bodily injury or property awarded in a final adjudicated judgment, providing that an owner or operator must (1) notify the Department of Environment and Natural Resources (DENR) of any such claim; (2) provide DENR with all related documents and pleadings of any filed lawsuit; and (3) provide DENR with copies of all specified reports, including medical reports and statements and investigative reports necessary to determine if such a claim is reasonable and necessary. Sets out limitations for damages arising from a third-party claim for bodily injury or property awarded pursuant to a finally adjudicated judgment.

Amends GS 143-215.94A, adding and defining the following new terms: *third party*, *third-party bodily injury* or *bodily injury*, and *third-party property damage* or *property damage* for use in GS Chapter 143, Article 21A, Oil Pollution and Hazardous Substances Control, Part 2A and 2B.

Amends GS 143-215.94B and GS 143-215.94D concerning claims for funds from the Commercial and Noncommercial Leaking Petroleum Underground Storage Tank Cleanup Funds, providing that any claims for third-party property damage must be based on the rental costs of comparable property during the period of loss of use up to an amount equal to the fair market value. Also provides that in regards to property that is destroyed as a result of a petroleum release, reimbursement will be at an amount necessary to replace or repair the destroyed property.

**Intro. by McElraft.**

[GS 143](#)

[View summary](#)

[Environment](#)

H 594 (2015-2016) [CLARIFY SALE OF ANTIQUE & SPECIALTY VEHICLES](#). Filed Apr 2 2015, *AN ACT TO CLARIFY THE REQUIREMENTS THAT MUST BE MET TO OBTAIN A TEMPORARY SUPPLEMENTAL LICENSE FOR THE SALE OF ANTIQUE MOTOR VEHICLES AND SPECIALTY MOTOR VEHICLES AND TO EXPAND THE DEFINITION OF A "SPECIALTY MOTOR VEHICLE."*

Amends the requirements for obtaining a temporary supplemental license for the off-premises sale of antique motor vehicles and specialty motor vehicles found in GS 20-292.1, now requiring license applicants to have a surety bond in the amount of \$50,000 from a surety company licensed in North Carolina, in addition to being licensed as a motor vehicle dealer. Provides that the notice required to be given to the Division of Motor Vehicles, which details the specific dates and location for which the temporary license is requested, must be given at least 60 days in advance of such dates. Further requires (1) the minimum of three salespersons licensed under GS Chapter 20, Article 12, to be on site at the time of the off-premises sale, (2) that the event be advertised as an "antique" or "collectors" vehicle sale, and (3) that the

required sign that clearly identifies the dealer be posted in a conspicuous location. Also amends the definition for *specialty motor vehicle*, providing additional language that states that it also means any model or series of motor vehicle for private use manufactured at least 10 years prior to the current model year of which no more than 15,000 vehicles were sold within the United States during the model year the vehicle was manufactured.

**Intro. by Hurley, Boles.**

GS 20

[View summary](#)

[Courts/Judiciary, Motor Vehicle](#)

H 595 (2015-2016) [MILITARY EXPERIENCE/LEO CERT. REQUIREMENTS](#). Filed Apr 2 2015, *AN ACT TO RECOGNIZE EXPERIENCE AS MILITARY POLICE OFFICERS FOR PURPOSES OF LAW ENFORCEMENT CERTIFICATION AND TO INCREASE THE SIZE OF THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION*.

Enacts new GS 17C-10.1 to direct the North Carolina Criminal Justice Education and Training Standards Commission (Commission) to waive completion of the Commission-accredited training course and to issue probationary certification to an applicant for employment as a law enforcement officer who is a current or former military police officer. Provides that the Commission must evaluate the applicant's training and experience under GS 93B-15.1(a) to determine if they are substantially equivalent to, or exceed the minimum expectations for, employment as a law enforcement officer and whether the applicant satisfies all of the following conditions: (1) has successfully completed a military police training program and received a military police occupational specialty rating and (2) has performed military officer duties in any branches of military service, active or reserve, or the National Guard for not less than two of the five years preceding the application for certification as a law enforcement officer.

Requires that an applicant certified under subsection (a) of GS 17-10.1 must successfully complete the employing law enforcement agency's in-service firearms training and qualification program prior to employment and serve a one-year probation period. Also requires the applicant to successfully complete the Legal Unit in a Commission-accredited Basic Law Enforcement Training Course and successfully pass the State Comprehensive Examination in its entirety during the one-year probation period.

Subsection (c) provides that the Commission is to issue certification to a former or current military police officer whose combined training and experience is not substantially similar to or does not exceed minimum expectations for employment as a law enforcement officer providing that the applicant meets all of the following requirements: (1) has successfully completed a formal military basic training program and has been awarded a military police occupational specialty rating; (2) engaged in the active practice of military police officer duties in any of the branches of military service, active or reserve, or the National Guard for not less than two of the five preceding years; (3) meets the minimum standards for law enforcement officers as provided in 12 NCAC 9B. 0101 and NCAC 9B. 0111; (4) has successfully completed the Legal Unit in a Commission-accredited Basic Law Enforcement Training Course and any supplementary training as deemed necessary by the Commission, not to exceed 180 hours; and (5) obtain a passing grade on the State Comprehensive Basic Law Enforcement Training Exam.

Provides further provisions concerning certification by members of the National Guard and Reserves for employment as law enforcement officers and defines the following terms as used in this section: *branches of military service*, *combined training*, and *military police*.

Amends GS 17C-3 to change the number of members of the North Carolina Criminal Justice Education and Training Standards Commission to 34 (was, 31) members and provide for the three additional members. Amends the duration of the terms of the Governor's appointments to account for the required type of member employment.

**Intro. by Whitmire, McNeill, Cleveland, G. Martin.**

**GS 17C**

[View summary](#)

**Government, Public Safety**

H 596 (2015-2016) **REPRODUCTIVE HEALTH & SAFETY EDUC. REVISIONS**. Filed Apr 2 2015, *AN ACT TO REVISE THE EXPERTISE REQUIRED FOR REVIEW AND ACCEPTANCE OF MATERIALS USED IN REPRODUCTIVE HEALTH AND SAFETY EDUCATION AND TO PROHIBIT TEACHING ABOUT CERTAIN DRUGS THAT MAY CAUSE SPONTANEOUS ABORTIONS AS A PART OF REPRODUCTIVE HEALTH AND SAFETY EDUCATION.*

Amends GS 115C-81(e1)(4), deleting language which required any information taught in the mandated reproductive health and safety education program to be accepted by professionals and credentialed experts in the field of sexual health education experts, now provides that such information must be accepted by professional and credentialed experts.

Amends GS 115C-81(e1)(4a) concerning the required topics of instruction for the mandated reproductive health and safety education program, adding language that specifically excludes the teaching about drugs marketed under the name "Preven" or "Plan B" or equivalent drugs that can cause spontaneous abortions when otherwise instructing about the effectiveness and safety of FDA-approved contraceptive methods in preventing pregnancy.

Effect when the bill becomes law, and applies beginning with the 2015-16 school year.

**Intro. by Whitmire, Turner, Stam, Conrad.**

**GS 115C**

[View summary](#)

**Education, Elementary and Secondary Education, Health and Human Services, Health**

H 597 (2015-2016) **MEDIATED SETTLEMENT AGREEMENTS**. Filed Apr 2 2015, *AN ACT TO AMEND THE PROVISIONS REQUIRING MEDIATED SETTLEMENT AGREEMENTS TO BE IN WRITING AND SIGNED BY THE PARTIES.*

Amends GS 7A-38.1(l) (concerning mediated settlement conferences in superior court), GS 7A-38.3B(i) (concerning mediation in matters within the jurisdiction of the clerk of superior court), GS 7A-38.3D (concerning mediation in matters within the jurisdiction of the district criminal courts), GS 7A-38.4A(j) (concerning settlement procedures in district court actions), and GS 8-110(a) (concerning the inadmissibility of negotiations in regards to evidence) amending the requirements for the specified settlement agreements, now providing that no such agreement is enforceable unless the settlement agreement or some memorandum or note of the agreement has been reduced to writing and signed by the party to be charged (previously, specified the agreement had to be reduced to writing and signed by all parties).

Effective July 1, 2015, applying to agreements entered into on or after that date.

**Intro. by Stam, Glazier.**

**GS 7A, GS 8**

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**Courts/Judiciary, Civil, Civil Law**

H 598 (2015-2016) **REVISE RULE 11/ALLOW CURE BEFORE SANCTIONS**. Filed Apr 2 2015, *AN ACT AMENDING G.S. 1A-11, RULE 11 OF THE NORTH CAROLINA RULES OF CIVIL PROCEDURE, TO PROVIDE THAT AN ATTORNEY OR PARTY RECEIVE NOTICE AND A REASONABLE OPPORTUNITY TO CURE A VIOLATION OF THE RULE BEFORE SANCTIONS MAY BE ORDERED BY THE COURT.*

Amends GS 1A-1, Rule 11(a), of the NC Rules of Civil Procedure, making technical changes to make language gender-



neutral. Also makes organizational changes. Further provides that if a pleading, motion, or other paper is signed in violation of the rule and notice and reasonable opportunity has been given to cure the violation by the person who signed, yet the violation persists, then reasonable expenses and attorneys' fees can be assessed against the individual who signed the documents (previously, did not provide for an opportunity to cure the violation).

Effective October 1, 2015, applying to pleadings, motions, and other papers filed on or after that date.

**Intro. by Stam, Glazier.**

[GS 1A](#)

[View summary](#)

[Courts/Judiciary, Civil, Civil Procedure](#)

H 599 (2015-2016) [IMPOUNDING VEHICLES WITH LAPSED/NO INSURANCE](#). Filed Apr 6 2015, *AN ACT TO REQUIRE THE VEHICLE BEING OPERATED BY A DRIVER WHO HAS FAILED TO MAINTAIN FINANCIAL RESPONSIBILITY TO BE SEIZED AND FORFEITED TO THE STATE*.

Amends GS Chapter 20 by adding a new statute GS 20-28.10 (Seizure, impoundment, forfeiture of motor vehicles for driving without insurance), providing that the vehicle of an individual that violates GS 20-313 (Operation of motor vehicle without financial responsibility a misdemeanor) is subject to seizure, impoundment, and forfeiture. Establishes one exception to the above provision, providing that when the underlying offense is a violation of GS 20-313 and the defendant tenders proof of financial responsibility that meets specified requirements, then the vehicle will no longer be subject to an order of forfeiture. Sets out the governing law for seizure, impoundment, and forfeiture under this statute, providing it is the same as found in GS 20-28.2 through GS 20-28.9. Adds clarifying language in regards to the applicability of those provisions to this new statute.

Amends GS 20-313 (Operation of motor vehicle without financial responsibility a misdemeanor), which provides that a violation of this statute is a Class 3 misdemeanor and adds language which provides that such a violation also subjects the motor vehicle operated during the violation to forfeiture in accordance with the provisions found in GS 20-28.2 through GS 20-28.9 (previously, did not provide for forfeiture or seizure).

Effective December 1, 2015, applying to offenses committed on or after that date.

**Intro. by Cleveland.**

[GS 20](#)

[View summary](#)

[Courts/Judiciary, Motor Vehicle](#)

H 600 (2015-2016) [HOME SCHOOLERS PARTICIPATE IN SCHOOL SPORTS](#). Filed Apr 6 2015, *AN ACT RELATING TO PARTICIPATION IN PUBLIC SCHOOL INTERSCHOLASTIC PROGRAMS BY STUDENTS ATTENDING HOME SCHOOLS*.

Amends GS 115C-12(23) (regarding the State Board of Education's Power to Adopt Eligibility Rules for Interscholastic Athletic Competition) to require home-schooled students to be allowed to participate in interscholastic athletic activities.

Prohibits the State Board of Education from designating any organization to apply and enforce the Board's rules governing participation in interscholastic athletic activities that does not deem home-schooled students as eligible to participate in interscholastic athletic activities.

Requires that in order to be eligible to participate in interscholastic public school athletics, a home schooled student must meet the residency criteria of GS 115C-366 and participate only at the school where the student would be assigned if enrolled. Requires a home-schooled student to demonstrate any required academic eligibility in all subjects taken in the home school program by a method of evaluation agreed to by the parent and school principal. Sets out additional rules that must be followed.

Permits reasonable fees to be charged to home-schooled students to cover costs of participating in interscholastic programs.

Provides that nothing in this section is to be construed to require a local board of education to establish a local board policy on permitting home-schooled students to participate in interscholastic programs at its schools.

Applies beginning with the 2015-16 school year.

**Intro. by Cleveland.**

GS 115C

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**Education, Elementary and Secondary Education**

H 603 (2015-2016) **REPORTS/VETERANS SERVED BY HOUSING PROGRAMS**. Filed Apr 6 2015, *AN ACT TO REQUIRE STATE AGENCIES THAT PROVIDE HOUSING ASSISTANCE AND HOUSING-RELATED SERVICES TO RESIDENTS OF THIS STATE PROVIDE INFORMATION ABOUT THE MILITARY VETERANS THEY SERVE; AND TO REQUIRE THE DIVISION OF VETERANS AFFAIRS TO PUBLISH THIS INFORMATION ANNUALLY.*

Enacts new GS 165-11.2, Reporting on housing assistance provided to veterans by State agencies, establishing a reporting requirement that each State agency that provides housing assistance or housing-related services to the residents of North Carolina must, no later than April 1 of each year, submit a report to the Director of the Division of Veterans Affairs (VA) that details statistical information concerning veterans, including, but not limited to, the number of veterans that received housing assistance or housing-related services provided by that agency during the previous calendar year and the different types of housing assistance or housing-related services provided to veterans.

Also requires the VA to publish specified information on that agency's website no later than June 1 of each year, including all of the reports received by the agency pursuant to the above provision, a summary of the information contained in the reports it receives, and a list of state agencies that provide housing assistance or housing-related services that failed to submit the required report to the VA.

Sets out and defines the terms for use in GS Chapter 165, Article 1, including *qualifying service* and *veteran*.

Effective when the act becomes law, providing that the first reports required by proposed GS 165-11.2 are due on April 1, 2017.

**Intro. by R. Johnson.**

GS 165

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**Military and Veteran's Affairs**

## **ACTIONS ON BILLS**

**No public actions on bills**

**No local actions on bills**

