



The Daily Bulletin: Monday, April 13, 2015

PUBLIC/HOUSE BILLS

H 41 (2015-2016) [REV LAWS TECH CHANGES \(NEW\)](#). Filed Feb 3 2015, *AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO VARIOUS REVENUE LAWS, AS RECOMMENDED BY THE REVENUE LAWS STUDY COMMITTEE.*

AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO VARIOUS REVENUE LAWS, AS RECOMMENDED BY THE REVENUE LAWS STUDY COMMITTEE. Enacted April 9, 2015. Effective April 9, 2015, except as otherwise provided.

Intro. by Howard, W. Brawley, Lewis, Setzer.

[GS 105](#), [GS 153A](#), [GS 160A](#)

[View summary](#)

[Government, Tax, Local Government](#)

H 627 (2015-2016) [FIGHT FINANCIAL TRANSACTION CARD FRAUD](#). Filed Apr 9 2015, *AN ACT TO PROVIDE ADDITIONAL PROTECTIONS TO USERS OF FINANCIAL TRANSACTION CARDS.*

Enacts new GS 75-67 in Article 2A, Identity Theft Protection Act, in GS Chapter 75. Subsection (a) of GS 75-67 requires that a person who owns or operates a scanning device or an automated banking device to ensure that the device is not capable of accepting a financial transaction card unless the card user first enters the five-digit zip code of the cardholder's billing address. Subsection (b) of this section makes it an infraction as defined in GS 14-3.1 for a person to violate the previously stated requirement. Sets the penalty for a violation of this requirement at \$500 per violation and caps the amount at no more than \$500 in any calendar month or \$2,000 in any calendar year. Provides that a person who receives a citation for violating GS 75-67(a) is not subject to the penalty under subsection (b) if the person complied with this statute within 30 days of the issuance of the citation and has remained in compliance. Subsection (c) defines the following terms as having the same meaning as in Article 19B of GS Chapter 14: (1) *automated banking device*, (2) *cardholder*, (3) *financial transaction card*, (4) *presenting*, and (5) *scanning device*. Effective July 1, 2015.

Amends GS 75-67(a), as enacted by Section 1 of this act, effective October 1, 2016, to add the requirement that the owner or operator of a scanning device or an automated banking device ensure that the device is not capable of accepting a financial transaction card unless the card user first enters the five-digit zip code of the cardholder's billing address *and the cardholder's personal identification card*. Amends subsection (c) to add that the term *personal identification code* also has the same meaning as in Article 19B of GS Chapter 14.

Amends GS 14-113.17, effective December 1, 2015, to make a person subject to the punishment and penalties of Article 19B, Financial Transaction Card Crime Act, guilty of a Class I felony (was, a Class 2 misdemeanor). Provides that a crime punishable under Article 19B is punishable as a Class G felony (was, a Class I felony).

Intro. by McNeill.

[GS 14](#), [GS 75](#)

[View summary](#)

[Banking and Finance, Business and Commerce, Consumer Protection, Courts/Judiciary, Criminal Justice, Criminal Law and Procedure](#)

H 628 (2015-2016) [ENERGY SAVINGS INCENTIVES/STATE AGENCIES](#). Filed Apr 13 2015, *AN ACT TO PROVIDE THAT ANY ENERGY SAVINGS REALIZED BY STATE AGENCIES MAY REMAIN AVAILABLE TO THE AGENCY FOR OTHER FACILITY UPGRADES RELATED TO REDUCING ENERGY AND WATER CONSUMPTION*.

Amends GS 143-64.17F, concerning energy savings contracts, providing that the General Fund current operations appropriations credit balance remaining at the end of each fiscal year for utilities of a state governmental unit that is due to energy savings realized from implementing an energy conservation measure is to be carried forward by the unit to the next fiscal year and is appropriated for energy conservation measures by that unit. Prohibits the Director of the Budget from decreasing the recommended continuation budget requirements for utilities for state governmental units carrying forward a credit balance by the amount of energy savings realized from implementing energy conservation measures. Requires state governmental units to submit annual reports on the use of funds authorized pursuant to this statute as required under GS 143-64.12. Makes conforming changes to the section catchline. Makes conforming changes to GS 143-64.12.

Effective for fiscal years beginning on or after July 1, 2015.

Intro. by Harrison, McGrady, Fisher.

[GS 143](#)

[View summary](#)

[Environment, Energy, Government, State Agencies](#)

H 629 (2015-2016) [PROHIBIT MICROBEADS IN OTC DRUGS & PRODUCTS](#). Filed Apr 13 2015, *AN ACT PROHIBITING THE MANUFACTURE AND SALE OF OVER-THE-COUNTER DRUGS AND PERSONAL CARE PRODUCTS THAT CONTAIN SYNTHETIC PLASTIC MICROBEADS*.

Establishes four new prohibitions related to the manufacture, promotion, sale, and distribution of personal care products containing synthetic plastic microbeads. Makes the prohibitions effective as of the following dates:

- December 1, 2017: Manufacturing of personal care products containing the microbeads is prohibited, except for an over-the-counter drug.
- December 1, 2018: The sale, promotion, and distribution of personal care products containing the microbeads is prohibited, except for an over-the-counter drug. Manufacturing of over-the-counter drugs containing the microbeads is prohibited.
- December 1, 2019: The sale, promotion, and distribution of over-the-counter drugs containing the microbeads is prohibited.

Defines key terms, including *personal care product*, *over-the-counter drug*, *plastic*, and *synthetic plastic microbeads*. Effective October 1, 2015.

Intro. by Harrison, Glazier, Fisher.

[GS 130A](#)

[View summary](#)

[Environment, Environment/Natural Resources, Health and Human Services, Health, Public Health](#)

H 630 (2015-2016) [ALTERNATIVE WQ PROTECTION FOR FALLS LAKE](#). Filed Apr 13 2015, *AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE ENVIRONMENTAL MANAGEMENT*

COMMISSION TO EXPLORE ALTERNATIVE MEASURES FOR PROTECTING THE WATER QUALITY OF FALLS LAKE.

Directs the Department of Environment and Natural Resources (DENR) and the Environmental Management Commission (EMC) to do both of the following when implementing the Falls Lake Nutrient Management Strategy: (1) examine the results of the Jordan Lake Nutrient Mitigation Demonstration Project, within the specified timeline, to determine if similar technology in Falls Lake could reduce or prevent excessive nutrient loading and (2) consult with the U.S. Environmental Protection Agency no later than October 1, 2015, to determine if all of the components of the Falls Lake Nutrient Management Strategy are necessary to comply with federal water quality requirements for Falls Lake and if any alternative strategies could be employed in order to comply with federal water quality requirements and report to the Environmental Review Commission by January 1, 2016, on the results of the consultation between DENR and EMC.

Intro. by[View summary](#)

**Environment, Environment/Natural Resources,
Government, State Agencies, Department of Environment
and Natural Resources**

H 631 (2015-2016) [NOTICE BEFORE AUTOMATIC CONTRACT RENEWAL](#). Filed Apr 13 2015, *AN ACT TO REQUIRE WRITTEN NOTICE OF AUTOMATIC CONTRACT RENEWAL FIFTEEN TO THIRTY DAYS PRIOR TO THE AUTOMATIC RENEWAL.*

In addition to established provisions regarding notice of automatic contract renewal provisions, enacts new subsection GS 75-41(b1), concerning contracts between providers of products or services and consumers, establishing that contracts with automatic renewal provisions are only enforceable if, no less than 15 days nor more than 30 days prior to the automatic renewal, the provider of the products or services issues written notice to the consumer that the contract will automatically renew unless the contract is canceled.

Under current law, the provisions of GS 75-41 do not apply to insurers licensed under GS Chapter 58 or to banks, trust companies, savings and loan associations, savings banks, or credit unions meeting specified licensing requirements.

Intro. by Jackson.

GS 75

[View summary](#)

Business and Commerce, Consumer Protection

H 632 (2015-2016) [STUDY STUDENT ONLINE DATA PRIVACY](#). Filed Apr 13 2015, *AN ACT TO REQUIRE THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY ON ISSUES RELATED TO ENSURING PRIVACY OF ONLINE STUDENT DATA.*

Identical to [S 534](#), filed 3/26/15.

As the title indicates. The Joint Legislative Education Oversight Committee shall report on its findings, including any recommended legislation, to the 2016 Session of the 2015 General Assembly.

Intro. by Saine.

STUDY

[View summary](#)

**Education, Elementary and Secondary Education,
Government, General Assembly**

H 633 (2015-2016) [OCC.LIC./PROFESSIONAL DESIGNATION-APPRAISERS](#). Filed Apr 13 2015, *AN ACT TO RECOGNIZE LICENSED AND CERTIFIED REAL ESTATE APPRAISERS AS PROVIDERS OF PROFESSIONAL SERVICES IN THIS STATE.*

Amends GS 93E-1-7 concerning real estate appraiser registration and licensing, adding a new subsection (e) to declare that real estate appraisers that are properly licensed and certified in accordance with GS 93E provide professional services and as such are subject to the provisions of GS 105-41, concerning privilege taxes for professionals.

Intro. by Torbett.

[GS 93E](#)

[View summary](#)

[Business and Commerce, Occupational Licensing](#)

H 634 (2015-2016) [STORMWATER/BUILT-UPON AREA CLARIFICATION](#). Filed Apr 13 2015, *AN ACT TO CLARIFY THE DEFINITION OF BUILT-UPON AREA FOR PURPOSES OF STORMWATER PROGRAMS.*

Amends GS 143-214.7 to also exclude from built-upon area, for the purposes of implementing stormwater programs, a surface of number 57 stone, as designated by the American Society for Testing and Materials, that is laid at least 4 inches thick over a geotextile fabric. Requires the Environmental Management Commission to issue rules to this effect no later than December 1, 2015.

Intro. by Torbett.

[GS 143](#)

[View summary](#)

[Development, Land Use and Housing, Building and Construction, Environment](#)

H 635 (2015-2016) [PROPERTY-LIST SUBTERR. PIPES/PLAT & AS-BUILT](#). Filed Apr 13 2015, *AN ACT TO PREVENT CATASTROPHIC DAMAGE FROM SUBTERRANEAN PIPES BY REQUIRING LISTING OF CERTAIN INFORMATION ON PLATS AND SURVEYS PRIOR TO ISSUANCE OF A PERMIT AND REQUIRING AS-BUILT POST-CONSTRUCTION DRAWINGS PRIOR TO THE ISSUANCE OF A CERTIFICATE OF COMPLETION.*

Requires that before a city or county may issue a permit for the construction, reconstruction, alteration, repair, movement, removal, or demolition of a building pursuant to either GS 160A-417 (municipal) or GS 153A-357 (county) that involves:

- construction of water or sewer lines or related facilities
- public or private storm drainage, or
- stormwater systems,

the city or county must receive a plat that includes specific information about the pipes to be used and the plans for placement of the pipes.

Also adds new statutes, GS 153A-363.1 (county) and GS 160A-423.1 (municipal), requiring post-construction drawings to be submitted that include the same information that was required in the plat before a certificate of compliance can be issued.

Effective October 1, 2015.

Intro. by

GS 153A, GS 160A

[View summary](#)**Development, Land Use and Housing, Building and Construction, Land Use, Planning and Zoning, Property and Housing**

H 636 (2015-2016) **CHALLENGE CITIZENS UNITED**. Filed Apr 13 2015, *AN ACT PROVIDING FOR STOCKHOLDER VOTE ON CERTAIN CORPORATE INDEPENDENT EXPENDITURES AND ELECTIONEERING COMMUNICATIONS*.

Enacts new 163-278.12D prohibiting a corporation from using any money or other corporation property in connection with an independent expenditure or electioneering communication unless the stockholders of the corporation, by the affirmative vote of a majority of all votes entitled to be cast, have: (1) given advance authorization of the total amount of money or property that may be used for all independent expenditures or electioneering communications during a specific fiscal year of the corporation; and (2) directed that the money or property be used for an independent expenditure or electioneering communication relating to a specified candidate, a candidate of a specified political party, a specified political party, a specified political committee, a specified tax exempt entity, or a specified question.

Also requires a corporation to, within 48 hours after making an independent expenditure or electioneering communication, give electronic notice of the independent expenditure or electioneering communication to those stockholders who have requested notice and post notice of the independent expenditure or electioneering communication on the corporation's website. Requires specified information to be included in the notice.

Requires the corporation's annual report to list of all independent expenditures or electioneering communications that the corporation made during the reporting period.

Effective October 1, 2015.

Intro. by Insko, Harrison.

GS 163

[View summary](#)**Business and Commerce, Corporation and Partnerships, Government, Elections**

H 637 (2015-2016) **PROJECT PHOENIX/ASSESSMENT OF STATE BLDGS**. Filed Apr 13 2015, *AN ACT TO APPROPRIATE FUNDS TO ASSESS STATE-OWNED BUILDINGS*.

Appropriates \$600,000 from the General Fund to the Department of Commerce for 2015-16 to be used as title indicates.

Intro. by Stam.

APPROP

[View summary](#)**Government, State Agencies, Department of Commerce**

H 638 (2015-2016) **CAPITALIZE ON WETLAND MITIGATION**. Filed Apr 13 2015, *AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, IN COOPERATION WITH THE WILDLIFE RESOURCES COMMISSION, TO TAKE ACTION THAT ENCOURAGES WETLAND MITIGATION PRACTICES SUPPORTIVE OF PUBLIC RECREATION AND HUNTING ON MITIGATION SITES*.

States the General Assembly's intent to capitalize on wetland mitigation banks that meet federal mitigation requirements for wildlife habitat and hunting opportunities and that the directives in the act are intended to facilitate voluntary

cooperation by third-party groups to realize the goal of increased wildlife habitats and hunting opportunities on lands contained within wetland mitigation banks through the pursuit of federal mitigation credits without increasing the cost of achieving those credits.

Enacts new GS 143-214.15 requiring the Department of Environment and Natural Resources (DENR) to seek more net gains of aquatic resources through compensatory mitigation by increasing wetland establishment of diverse habitats. Also requires DENR to establish with the district engineer of the Wilmington District of the US Army Corps of Engineers compensatory mitigation credit ratios incentivizing the creation or establishment of diverse wetland habitats. Requires DENR to work with the Wildlife Resources Commission to ensure that all purchased mitigation lands or conservation easements on these lands maximize opportunities for public recreation and requires pursuing the voluntary involvement of third-party groups. Requires DENR's Office of Land and Water Stewardship (Office) to catalog an inventory of all its land holdings and determine how many are potential wildlife habitats. Requires the Wildlife Resources Commission to conduct a third-party review of this inventory, and for the Commission and the Office of Land and Water Stewardship to report their findings to the Environmental Review Commission (ERC).

Requires the Office to issue a request for proposal if any nongovernmental entities want to purchase any of the inventoried land that is suitable for wildlife habitat.

Requires DENR to report on its progress to the ERC by March 1 of each year.

Intro. by Millis, J. Bell, Pendleton.

GS 143

[View summary](#)

**Environment, Environment/Natural Resources,
Government, State Agencies, Department of Environment
and Natural Resources**

H 639 (2015-2016) **RISK-BASED REMEDIATION AMENDS**. Filed Apr 13 2015, *AN ACT TO EXPAND THE USE OF RISK-BASED REMEDIATION TO ACCELERATE THE CLEANUP OF CONTAMINATED SITES*.

To be summarized.

Intro. by Millis.

[View summary](#)

H 640 (2015-2016) **OUTDOOR HERITAGE ACT**. Filed Apr 13 2015, *AN ACT TO PRESERVE NORTH CAROLINA'S OUTDOOR HERITAGE FOR FUTURE GENERATIONS AND AMEND VARIOUS WILDLIFE RESOURCES COMMISSION LAWS*.

Part I.

Requires the Wildlife Resources Commission (WRC), in conjunction with the new Outdoor Heritage Advisory Council to develop a plan for implementing the North Carolina Outdoor Heritage Trust Fund for Youth Outdoor Heritage Promotion (Trust Fund) and requires the plan to: (1) provide for the expansion of opportunities for persons age 16 and under to engage in outdoor recreational activities; (2) be eligible for the receipt of funds through check-off donations of not more than \$2 by persons paying for transactions processed through the WRC; and (3) be administered by the Outdoor Heritage Advisory Council. Require WRC to report on the plan to the 2015 General Assembly when it reconvenes in 2016.

Part II.

Enacts new 143B-344.60 establishing the 11 member Outdoor Heritage Advisory Council (Council) to advise State agencies and the General Assembly on the promotion of outdoor recreational activities. Provides for the appointment of Council members, including three members appointed upon the recommendation of the President Pro Tempore of the Senate, three members appointed upon the recommendation of the Speaker of the House of Representatives, and three members appointed by the Governor. Specifies member terms, provides for filling vacancies, and provides for chairmanship of the Council. Effective July 1, 2015.

Part III.

Requires the Legislative Research Commission (LRC) to study the need for expanded access to public lands. Requires examining ways in which public land management plans affect opportunities to engage in outdoor recreational activities and make recommendations for increasing the public's opportunities to access public lands for those purposes. Allow the LRC to make an interim report to the 2015 General Assembly when it reconvenes in 2016 and requires a final report to the 2017 General Assembly when it convenes.

Part IV.

Amends GS 113-276.3 to require license suspension upon a third or subsequent violation for trespassing upon "posted" property to hunt, fish, or trap.

Requires the Wildlife Resources Commission (WRC) to review the provisions of GS Chapter 113, Article 21B that provide for the suspension of hunting privileges upon conviction of criminally negligent hunting and determine whether those provisions should be amended or expanded to provide increased protection to the public from negligent or reckless hunting. Requires consultation with specified groups. Requires the WRC to report its findings and recommendations to the 2015 General Assembly when it reconvenes in 2016.

Part V.

Amends GS 103-2 to allow a landowner or member of his or her family, or any person with the landowner's written permission to hunt with firearms on Sunday on the landowner's property. Excludes hunting of migratory waterfowl on Sunday; chasing deer with dogs, or allowing a dog or dogs to run or chase deer, on Sunday; and hunting within 300 yards of a place of worship or any accessory structure thereof. Provides that the statute does not apply to actions taken in defense of a person's property.

Effective July 1, 2018, amends GS 103-2 further to no longer specifically prohibit hunting within 300 yards of a place of worship or any accessory structure thereof and instead provides that hunting on Sunday and the manner of taking game on Sunday may be prohibited at certain times and in certain locations by rule of the WRC. Requires the WRC to adopt rules implementing this provisions but prohibits any such rules from becoming effective before July 1, 2018.

Effective October 1, 2015.

Part VI.

Requires any rule adopted by the WRC regulating the taking of female bears with cubs or that regulates the taking or possession of cub bears to define cub bears as bears that weigh less than 75 pounds.

Part VII.

Amends GS 113-291.4 to allow the WRC to restrict or prohibit using dogs in hunting foxes during the breeding and raising seasons for game from April 1 through August 1. Requires the WRC to prohibit using dogs in hunting foxes from April 1 through August 1 in Bladen Lakes State Forest Game Land. Effective June 1, 2015.

Part VIII.

Enacts new GS 113-291.5A providing that any person who gives permission to a hunter to enter upon the land to retrieve hunting dogs that have strayed onto the land owes that hunter the same duty of care the person owes a

trespasser.

Part IX.

Enacts new 113-136.1 requiring wildlife protectors to wear and activate a body worn camera when executing a warrant based on information gathered during any undercover operation conducted by the WRC. Prohibits deactivating a body worn camera until the conclusion of the execution of the warrant. Provides that the failure to produce a photograph or video recorded by a body worn camera during the execution of the warrant does not preclude prosecution. Specifies requirements for the body worn camera.

Part X.

Includes a severability clause. Except as otherwise provided, this act becomes effective October 1, 2015.

Intro. by Dixon, Malone, Lucas, Presnell.

[STUDY, GS 103, GS 113, GS 143B](#)

[View summary](#)

[Animals, Environment, Environment/Natural Resources](#)

H 641 (2015-2016) [AMEND BAIL BONDSMEN STATUTES](#). Filed Apr 13 2015, *AN ACT TO REVISE THE STATUTES GOVERNING BAIL BONDSMEN BY CLARIFYING CERTAIN DEFINITIONS, BY CLARIFYING THE STATUTES GOVERNING RETURN OF PREMIUM, ARREST ORDERS, AND APPOINTMENT OF SURETY BONDSMEN, BY BROADENING THE ENTITIES WHO MAY PROVIDE CONTINUING EDUCATION, AND BY MAKING VARIOUS OTHER CHANGES TO THE BAIL BONDSMEN LAWS.*

Amends GS 58-71-1, adding the following terms for use in Article 71, Bail Bondsmen and Runners, of GS Chapter 58: (1) *address*, (2) *approved provider*, (3) *cash deposit*, and (4) *personal identification*.

Amends GS 58-71-20 to provide that if any indemnitor (a person or company bound by an indemnity contract to protect the surety's interest should the defendant default on the bond) presents a notarized request to the surety or surety's agent to terminate the bond and the indemnitor's liability, the defendant may be surrendered without the return of the premium for the bond.

Amends GS 58-71-30 to clarify that a judicial officer is to order the arrest of a defendant upon receiving the request to order the arrest from the surety or the surety's agent and the certified copy of the undertaking.

Amends GS 58-71-71 to require that the 12 hours of education necessary to be eligible to take the licensing exam as a bail bonds person or runner under GS 58-71-70 and the annual three hours of continuing education required for license renewal may be provided by an approved provider (was, specified that the provider had to be the North Carolina Bail Agents Association). Requires that the educational courses offered by the approved providers must be approved by the Commissioner of Insurance before they may be offered and no approved providers may offer courses without the authorization of the Commissioner.

Amends GS 58-71-141 to require that if a surety bonds person does not owe any premium or unsatisfied judgments, then a former insurer must release the bonds person by certifying that status to the Commissioner by email, fax, or mail and must also provide a corresponding notice of release to the bonds person within three days of the surety bonds person's affidavit. Provides that if the surety bonds person does owe any premium or unsatisfied judgments, then the former insurer must submit the notice and supporting documents, including evidence of the owed premium or unsatisfied judgments to the appointing insurer, the surety bonds person, and the Commissioner within 10 days (was, 30 days) after the former insurer receives the affidavit from the surety bonds person. Provides that for the purposes of this statute, owed premium and unsatisfied judgments only apply to insurers and not general agents, managing general agents, or supervising agents.

Makes a clarifying change to the definition for bail bond in GS 15A-531(4).

Becomes effective October 1, 2015.

Intro. by Reives.

[GS 15A, GS 58](#)

[View summary](#)

[Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, State Agencies, Department of Insurance](#)

H 642 (2015-2016) [ACCOUNTABILITY & TRANSPARENCY IN BUDGETING](#). Filed Apr 13 2015, *AN ACT TO REQUIRE ADDITIONAL ACCOUNTABILITY AND TRANSPARENCY IN STATE BUDGETING AND TO MAKE THE CONTINUATION BUDGET THE STARTING POINT FOR STATE AGENCY BUDGETING*.

Amends GS 143C-5-3, now titled *Accountability and transparency in budgeting* (previously, *Availability statement required*) to require the Current Operations Appropriations Act to contain five new areas of specified information, with the ends of ensuring accountability and transparency in budgeting, including amounts of funds required to be reserved to various fund reserves and a fiscal analysis which addresses the state's budget outlook for the upcoming five-year period. Effective July 1, 2015.

Reenacts GS 143C-1-1(d)(7a) concerning the key term *continuation budget* in the State Budget Act. Also provides that the definition now includes enrollment adjustments for universities and community colleges. Repeals GS 143C-1-1(d)(1c), the definition of *base budget* for use in the State Budget Act. Amends GS 143C-3-5(b), concerning the development of the Governor's Recommended Budget, replacing any reference to a "base budget" or "base budgeting" with "continuation budget" or "continuation budgeting." Also amends GS 116-30.3B(b), 116-30.7, and 121-6(c), making conforming changes, namely replacing references to "base budget" with "continuation budget." Effective July 1, 2015, applying beginning with the recommended state budget for the 2017-19 fiscal biennium.

Intro. by Jackson.

[GS 58, GS 116, GS 121, GS 143C](#)

[View summary](#)

[Government, Budget/Appropriations](#)

H 643 (2015-2016) [ROOFING CONTRACTORS/CONSUMER PROTECTION](#). Filed Apr 13 2015, *AN ACT TO PROVIDE CONSUMER PROTECTIONS RELATED TO ROOFING CONTRACTORS*.

Enacts new Article 9, Roofing Contractors, in GS Chapter 75, setting out key terms for use in the section, including *nonresident roofing contractor*, *public contract*, and *roofing contractor*. Provides that the Article is to be in addition to, not in lieu of, a required licensure.

Prohibits roofing contractors from performing four specified acts, including providing anything of value in exchange for allowing the contractor to display advertisement on the consumer's premises. Requires written contracts for roofing repairs and specifies items to be included in those contracts, including a specific notice of cancellation.

Allows a consumer who has entered into a written contract with a roofing contractor for goods or services to be paid from the proceeds of a property and casualty insurance policy to cancel the contract prior to midnight of the third business day after the consumer receives notice that all or part of the claim or contract is not covered under the insurance policy. Provides further requirements for such a cancellation and procedures for the refund of payments to consumers. Requiring contractors to return any payments made to the consumer within 10 days of contract cancellation.

Provides that a violation of this Article will be considered an unfair and deceptive trade practice under GS 75-1.1.

Effective October 1, 2016.

Intro. by Arp.

GS 75

[View summary](#)**Development, Land Use and Housing, Building and Construction**

H 644 (2015-2016) **ONLINE DRIVER EDUCATION**. Filed Apr 13 2015, *AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ADOPT RULES ALLOWING THE PROVISION OF CERTAIN DRIVER EDUCATION INSTRUCTION BY ELECTRONIC MEANS.*

Section 1 of this act adds a new subsection (b1) to GS 115C-215 to direct the State Board of Education (SBE) to adopt rules to allow local boards of education to develop and provide driver education instruction electronically. Also directs the SBE to permit local boards of education to contract with public or private entities to develop and provide driver education instruction by electronic means. Prohibits anything in this subsection from being construed as permitting the use of electronic means to meet any part of driver education instruction that requires actual driving experience.

Section 2 of this act directs the SBE, in consultation with the Division of Motor Vehicles (DMV) to adopt temporary rules to implement the provisions of Section 1 of this act no later than June 1, 2015.

Section 3 of this act provides that for school years beginning before the effective date (6/1/15) of rules adopted by the SBE under Section 2 of this act, a local board of education may implement a program providing driver education by electronic means for that school year providing the program is (1) developed by a local board of education, or (2) a public or private entity contracting with the local board of education. Specifies that for all other school years, the program developed to provide driver education instruction electronically must conform with the rules adopted by the SBE under Section 2 of this act.

Makes this act effective when it becomes law and applies beginning with the 2015-2016 school year.

Intro. by Arp, Horn, Brody.

GS 115C

[View summary](#)**Education, Government, State Agencies, State Board of Education**

H 645 (2015-2016) **STUDY/NO EMISSION TESTING FOR HYBRID VEHICLE**. Filed Apr 13 2015, *AN ACT DIRECTING THE DIVISION OF MOTOR VEHICLES TO STUDY THE FEASIBILITY AND ADVISABILITY OF EXEMPTING ALL NON-PLUG-IN HYBRID MOTOR VEHICLES FROM EMISSIONS INSPECTIONS OR ALLOWING A WAIVER FOR NON-PLUG-IN HYBRID MOTOR VEHICLES THAT FAIL AN EMISSIONS INSPECTION DUE TO AN ERROR THAT DOES NOT IMPACT AIR QUALITY.*

Directs the Division of Motor Vehicles (DMV) in consultation with the Division of Air Quality of the Department of Environment and Natural Resources to undertake a study for the purposes and issues the bill title indicates. Requires the DMV to report its findings and recommendations, including any legislative proposals, to the Joint Legislative Transportation Oversight Committee no later than February 1, 2016.

Intro. by Floyd, C. Graham, G. Graham, R. Johnson.

STUDY, UNCODIFIED

[View summary](#)**Government, State Agencies, Department of Environment and Natural Resources, Transportation**

H 646 (2015-2016) **INSURANCE COVERAGE FOR AUTISM TREATMENT**. Filed Apr 13 2015, *AN ACT TO PROVIDE FOR AUTISM HEALTH INSURANCE COVERAGE*.

Enacts new GS 58-3-192, requiring health benefit plans to provide coverage for the screening, diagnosis, and treatment of autism spectrum disorder. Prohibits an insurer from terminating coverage or refusing to issue, amend, or renew coverage to an individual solely because the individual is diagnosed with autism spectrum disorder or has received treatment for autism spectrum disorder. Prohibits limiting the number of visits an individual may have for treatment of autism spectrum disorder, except provides that coverage for habilitative services may be limited to children age 18 or younger and may be subject to a maximum benefit of 40 hours per week.

Provides definitions for terms as they apply in this statute.

Prohibits denying coverage under this section on the basis that the treatments are habilitative or educational in nature.

Provides that coverage may be subject to co-payment, deductible, and coinsurance provisions of a health benefit plan that are not less favorable than the co-payment, deductible, and coinsurance provisions that apply to substantially all medical services covered by the health benefit plan.

Prohibits construing this section as (1) limiting benefits otherwise available to an individual under a health benefit plan, or (2) affecting any obligation to provide services to an individual under an individualized family service plan, education program, or service plan.

Enacts new GS 58-3-193 to define *habilitative services* to mean health care services that help a person keep, learn, or improve skills and functioning for daily living. Provides that habilitative services include, but are not limited to: (1) physical and occupational therapy, (2) speech-language therapy, (3) speech/swallowing therapy, (4) applied behavior analysis, (5) medical equipment, and (6) orthotics and prosthetics.

Applies to insurance contracts issued, renewed, or amended on or after October 1, 2015.

Intro. by McGrady, Hager, Jeter, Jackson.

GS 58

[View summary](#)

Health and Human Services, Health, Health Insurance

H 647 (2015-2016) **EPI PENS IN ALL CHILD-SERVING BUSINESSES**. Filed Apr 13 2015, *AN ACT AUTHORIZING HEALTH CARE PROVIDERS TO PRESCRIBE, AND PHARMACISTS TO DISPENSE, EPINEPHRINE AUTO-INJECTORS TO AUTHORIZED CHILD-SERVING ENTITIES OTHER THAN SCHOOLS FOR THE EMERGENCY TREATMENT OF ANAPHYLAXIS*.

Enacts new Article 1B of Chapter 90 to permit health care providers to prescribe epinephrine auto-injectors to "authorized entities" and to permit pharmacists and health care providers to dispense pursuant to such prescriptions. The term authorized entity is defined as an entity or organization (other than a school) where allergens capable of causing anaphylaxis may be present, such as camps, colleges, day care facilities, and amusement parks.

Allows authorized entities to maintain a supply of the auto-injectors. Allows employees or agents of the entities to administer an auto-injector to a person who appears to be experiencing anaphylaxis or to provide the auto-injector directly to that person or to a parent, guardian, or caregiver of that person.

Requires anaphylaxis training for designated employees or agents. Specifies required content for the training and authorized providers.

Provides immunity for authorized entities and their employees or agents, health care providers who prescribe the auto-injectors, pharmacists who fill the prescription, and any person who provides the anaphylaxis training. Also limits liability for authorized entities for acts occurring outside the state.

Provides that the administration of an auto-injector does not constitute the practice of medicine.

Effective October 1, 2015.

Intro. by McGrady, Avila, Stevens, Glazier.

GS 90

[View summary](#)

Health and Human Services, Health, Health Care Facilities and Providers, Public Health

H 648 (2015-2016) **PROHIBIT TOXIC FLAME RETARDANTS IN BEDDING**. Filed Apr 13 2015, *AN ACT TO RESTRICT THE SALE AND DISTRIBUTION OF BEDDING THAT CONTAIN TOXIC FLAME RETARDANTS*.

Enacts new Article 41 of Chapter 106 to prohibit the manufacture, sale, or distribution of bedding that includes regulated flame retardants and to prohibit manufacturers from replacing regulated flame retardants with chemicals that have been identified as having similar concerns. Prohibitions to do not apply to the sale of used or renovated bedding.

Authorizes the Commissioner of Agriculture (Commissioner) to grant a time-limited exemption in some circumstances and charge a fee for the exemption. Also authorizes the Commissioner to establish labeling and incentive programs to promote and support manufacturers of bedding that meets fire standards without the use of chemical fire retardants.

Requires the Commissioner to develop an education program for bedding retailers regarding the requirements of the law. Authorizes the Commissioner to participate in a regional collaborative to support implementation of the law.

Requires the Commissioner to submit annual reports to the Environmental Review Commission, with the first being due by January 15, 2016.

Creates an enforcement structure that authorizes the Commissioner to require a manufacturer to produce a certificate of compliance or notify those selling the bedding that it is noncompliant. Authorizes the Commissioner to impose civil penalties, pursue an injunction, or both.

Directs the Board of Agriculture and the Department of Agriculture and Consumer Services to adopt rules.

Amends GS 106-65.97 to require that bedding manufacturers comply with the new requirements.

New requirements apply to bedding manufactured, offered for sale, or distributed after January 1, 2017.

Intro. by McGrady, Harrison, Jeter, Glazier.

GS 106

[View summary](#)

Agriculture, Business and Commerce, Consumer Protection, Environment, Environment/Natural Resources, Government, State Agencies, Department of Agriculture and Consumer Services, Health and Human Services, Health, Public Health

H 649 (2015-2016) **AMEND CORP. GOV/SHAREHOLDER DERIVATIVE SUITS**. Filed Apr 13 2015, *AN ACT TO AMEND THE STATUTES RELATING TO THE PROCEDURES IN SHAREHOLDER DERIVATIVE SUITS*.

Amends GS 55-7-40.1 the definitions section for the provisions concerning shareholder derivative suits, adding a new key term *complaint*, a civil complaint filed in a derivative proceeding, and making clarifying changes to the terms *derivative proceeding* and *shareholder*.

Renames GS 55-7-42 to *Demand; rejection of demand* (was, *Demand*). Clarifies provisions regarding the commencement of a derivative proceeding by a shareholder, including a new exception to the 90 day wait period after a written demand was made, when a shareholder alleges with particularity and the court determines, that imminent irreparable injury to the corporation will result by waiting for the expiration of the 90-day period. Sets out other provisions providing that failure of the corporation to respond to a demand cannot be deemed to be a decision or acknowledgement that the derivative proceeding is in the best interest of the corporation. Also requires the corporation to promptly provide written notice of any rejection of the demand.

Amends GS 55-7-43 concerning the stay of proceedings in shareholder derivative suits, providing that when the corporation commences an inquiry into the allegations as provided for in a demand or complaint as specified, then the court must stay the proceeding for a reasonable time period while the inquiry is completed and the results are presented to the court (previously, allowed but did not require a stay). Makes clarifying changes. Adds language detailing when a corporation or other defendant can move to dismiss complaints pursuant to the dismissal provisions found in GS 55-7-44(a)(4) or (5). Provides that upon such a motion, discovery is stayed until the motion is ruled on, except for discovery permitted pursuant to GS 55-7-44(a), as amended in this act.

Deletes all of the provisions of GS 55-7-44 in their entirety concerning the dismissal of derivative proceedings. Adds new language setting out five circumstances where the court must dismiss a derivative proceeding on motion by the corporation or any other defendant, including that the corporation institutes its own proceeding to address or seek relief on account of, or with respect to, the allegations in the demand or the complaint or the court determines that the proceeding should be dismissed for failure to state a claim for which relief can be granted.

Sets out provisions governing inquiries by the corporation in response to a demand or complaint providing that such an inquiry can be conducted by directors, officers, employees, attorneys or agents acting as authorized by the corporation. Provides for the appointment of a committee of one or more qualified directors as specified. Also allows for the court to appoint a panel of one or more individuals to direct the inquiry with the end of determining if the derivative proceeding is in the best interest of the corporation. Sets out the following terms for use in this section, *material interest*, *material relationship*, and *qualified director*.

Amends GS 55-7-45(a) concerning the discontinuance or settlement of derivative proceedings, clarifying that notices providing that the discontinuance or settlement will substantially affect shareholder interests can be provided in any method approved by the court, including through publication of a press release by a news release service for a public corporation.

Amends GS 55-7-47 concerning foreign corporations, providing that the repose period provided for in GS 55-7-48(2) only applies to a foreign corporation if its principal office is in North Carolina.

Amends GS 55-7-48, clarifying requirements of plaintiffs in derivative proceedings brought on behalf of a public corporation against a director(s) for monetary damages, providing that, upon the motion of the corporation at any time prior to a final resolution, the plaintiff must execute and deposit with the clerk of court a written undertaking as specified to indemnify the corporation against reasonably expected expenses, including attorney's fees. Provides that the court must consider if the derivative proceeding appears to have been commenced or maintained without reasonable cause or for an improper purpose in deciding whether to require such undertaking or surety.

Repeals GS 55-8-25(b1), concerning the creation and appointment of a committee pursuant to GS 55-7-44(b)(2), (concerning dismissal of a proceeding by vote of a committee).

Effective October 1, 2015, applying to demands made and complaints filed on or after that date.

Intro. by S. Ross.

GS 55

[View summary](#)[Courts/Judiciary, Civil, Civil Law, Civil Procedure](#)

H 650 (2015-2016) [EXPUNCTION/BOATING VIOLATION](#). Filed Apr 13 2015, *AN ACT TO PROVIDE THAT A PERSON SHALL NOT BE DENIED AN EXPUNCTION SOLELY BECAUSE THE PERSON HAS A CONVICTION FOR A BOATING VIOLATION.*

Identical to [S 570](#), filed 3/26/15.

Amends various statutes in GS Chapter 15A, as the title indicates.

Intro. by Hardister, Faircloth.

GS 15A

[View summary](#)[Courts/Judiciary, Criminal Justice, Criminal Law and Procedure](#)

H 652 (2015-2016) [RIGHT TO TRY ACT FOR TERMINALLY ILL PATIENTS](#). Filed Apr 13 2015, *AN ACT ESTABLISHING A RIGHT TO TRY ACT TO PROVIDE EXPANDED ACCESS TO INVESTIGATIONAL DRUGS, BIOLOGICAL PRODUCTS, AND DEVICES FOR PATIENTS DIAGNOSED WITH TERMINAL ILLNESS.*

Enacts new Article 23A in Chapter 90 which authorizes, but does not require, a manufacturer of an investigational drug, biological product, or device to make it available to certain terminally ill patients (defined as "eligible patients").

Authorizes the manufacturer to provide the investigational treatment with or without charge to the eligible patient but relieves heirs of any outstanding debt related to the treatment if the eligible patient dies.

Prohibits licensing boards and entities responsible for Medicare certification from taking action against a provider solely because the provider recommended the investigational treatment to the eligible patient.

Prohibits state officials, employees, and agents from blocking or attempting to block access to investigational treatment.

Prohibits private causes of action against manufacturers or people involved with the treatment for harm caused to an eligible patient who participates in the treatment as long as the manufacturer or person made a good-faith effort to comply with the law.

Provides that the law does not affect a health plan's obligation to provide coverage for investigative treatments.

Effective October 1, 2015.

Intro. by Blackwell, Hager, Lambeth, Reives.

GS 90

[View summary](#)[Health and Human Services, Health, Health Care Facilities and Providers, Health Insurance](#)

H 656 (2015-2016) [AMEND COAL ASH MANAGEMENT ACT OF 2014](#). Filed Apr 13 2015, *AN ACT TO AMEND THE COAL ASH MANAGEMENT ACT OF 2014.*

Amends GS 62-133.13 to provide that the Public Utilities Commission must not allow an electric public utility to

recover from the retail customers costs incurred after January 1, 2014 that are related to (1) the management of coal combustion residuals disposed of in coal combustion residuals surface impoundments or (2) an unlawful discharge to the surface waters from a coal combustion surface impoundment unless the Commission determines that it was due to an event of force majeure. Previously the prohibition applied only the latter (unlawful discharge).

Amends GS 130A-309.212(c) to provide that one type of corrective action to prevent unpermitted discharges from coal combustion residuals surface impoundments to the surface waters (specifically, applying for a certain type of permit amendment) is not allowed for seeps, except if necessary to implement a closure plan.

Repeals GS 143-215.1(i), which relates to the compliance boundaries for disposal systems, and GS 143-215.1(k), which relates to corrective action plans when operation of a permitted disposal system results in exceedances of the groundwater quality standards beyond the compliance boundary.

Repeals GS 130A-309.214, which relates to closure of coal combustion residuals surface impoundments. Adds new GS 130A-309-214A, which provides new methods of and schedule for closures of such impoundments.

Amends GS 130A-309.220(b), which relates to the liners required for large structural fills. Removes language that made the liner requirement apply only to structural fills of a certain size so that the requirement applies now to fills of all sizes. Also adds a requirement that leachate collected be properly discharged to a wastewater treatment plant.

Effective when it becomes law.

Intro. by Harrison, Reives, Meyer.

[GS 62](#), [GS 130A](#), [GS 143](#)

[View summary](#)

[Business and Commerce](#), [Consumer Protection](#), [Environment](#), [Environment/Natural Resources](#), [Health and Human Services](#), [Health](#), [Public Health](#)

H 657 (2015-2016) [UNC-FIXED TUITION](#). Filed Apr 13 2015, *AN ACT TO CREATE A FIXED TUITION PROGRAM AS A PAYMENT OPTION AT THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA*.

Enacts new GS 116-11.3 to create a fixed-tuition program to be offered to freshman undergraduate students in the constituent institutions of the University of North Carolina. The cost of the program may vary by institution. In the program, the tuition will stay the same for 12 consecutive semesters (including summers) as long as the student remains enrolled consecutively and remains in good standing. Allows the tuition period to be tolled in certain circumstances. Requires that fees charged to a student in the fixed tuition program be the same as those charged to other students.

Effective when it becomes law and applies to academic years beginning after July 1, 2016.

Intro. by Elmore, Howard.

[GS 116](#)

[View summary](#)

[Education](#), [Higher Education](#), [Government](#), [State Agencies](#), [UNC System](#)

H 659 (2015-2016) [CONTROLLED SUBSTANCES/UPDATE PRECURSOR LIST](#). Filed Apr 13 2015, *AN ACT TO UPDATE THE LIST OF IMMEDIATE PRECURSOR CHEMICALS THAT IT IS UNLAWFUL FOR A PERSON TO POSSESS WITH INTENT TO MANUFACTURE OR DELIVER AND TO CLARIFY WHAT CONSTITUTES CERTAIN DRUG OFFENSES INVOLVING METHAMPHETAMINE*.

Amends GS 90-95(d1)(1) to clarify and expand when it is unlawful for a person to possess a pseudoephedrine product

or a precursor chemical. Amends GS 90-95(d2) to clarify and expand the list of precursor chemicals.

Authorizes the Joint Legislative Commission on Justice and Public Safety to study the authority of state agencies to schedule controlled substances without legislative action.

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

Intro. by Horn, Jackson.

GS 90

[View summary](#)

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, Public Safety

H 660 (2015-2016) **TRANSITION TO PERSONALIZED DIGITAL LEARNING**. Filed Apr 13 2015, *AN ACT TO FURTHER THE TRANSITION TO PERSONALIZED DIGITAL LEARNING IN ALL NORTH CAROLINA K-12 PUBLIC SCHOOLS; TO TRANSITION FROM TEXTBOOKS TO DIGITAL MATERIALS FOR ALL LEARNERS; AND TO REQUIRE THE STATE BOARD OF EDUCATION TO DEVELOP AND IMPLEMENT DIGITAL TEACHING AND LEARNING STANDARDS FOR TEACHERS AND SCHOOL ADMINISTRATORS.*

Furtheres the transition in all of North Carolina's K-12 public schools to personalized digital learning as the title indicates. Includes a sequence of "whereas" clauses that set out the policy rationale and educational goals and purposes of the transition to personalized digital learning in the state's K-12 schools.

Declares that it is the intent of this act to create programs to advance and accelerate the transition to and implementation of digital learning statewide. Acknowledges that the transition to the use of digital tools in the education system will impact all aspects of education, including (1) course content, (2) teaching methods, (3) where and when learning takes place, (4) the resources required, and (5) defining and measuring success.

Directs the State Board of Education (SBE) to take the following steps to accomplish the transition to digital learning in the state's K-12 schools: (1) expand the School Connectivity Initiative, (2) establish a collaborative procurement service, (3) expand access to Digital Learning resources, (4) support and provide professional development for education leaders, and (5) establish a grant program to support the development and dissemination of model digital learning innovations.

Section 7 of this act directs the SBE to contract with the Friday Institute for Educational Innovation, as part of North Carolina State University, to establish the North Carolina Digital Learning Initiative (NCDLI). Requires the NCDLI to report to the SBE, Special Committee on Digital Learning by January 1, 2016, and annually thereafter on the activities set forth in Section 7.

Declares that the provisions of this act are subject to the availability of funds for these purposes.

Intro. by Horn, Saine, Jeter.

UNCODIFIED

[View summary](#)

Education, Elementary and Secondary Education, Government, State Agencies, State Board of Education

H 668 (2015-2016) **REMEMBERING THE HOLOCAUST**. Filed Apr 13 2015, *A JOINT RESOLUTION HONORING THE MEMORY AND LIVES OF VICTIMS OF THE HOLOCAUST, INCLUDING THOSE WHO PERISHED IN AND THOSE WHO SURVIVED NAZI CONCENTRATION CAMPS, AND RECOGNIZING AND HONORING THE UNITED STATES ARMED FORCES WHOSE COURAGE AND BRAVERY LED TO THE LIBERATION OF THOSE CAMPS ON THIS SEVENTIETH ANNIVERSARY OF THE UNITED STATES ARMY'S LIBERATION OF THE INFAMOUS DACHAU CONCENTRATION CAMP.*

As the title indicates.

Intro. by T. Moore, McElraft, Glazier, Szoka.

[JOINT RES](#)

[View summary](#)

[Government, Cultural Resources and Museums](#)

H 670 (2015-2016) [HONOR DEAN E. SMITH](#). Filed Apr 13 2015, *A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DEAN EDWARDS SMITH, LEGENDARY MEN'S BASKETBALL COACH OF THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL.*

As title indicates.

Intro. by Insko, T. Moore, Meyer.

[JOINT RES](#)

[View summary](#)

[Government, Cultural Resources and Museums](#)

H 674 (2015-2016) [FAIR COMPETITION & EMP. CLASSIFICATION ACT](#). Filed Apr 13 2015, *AN ACT TO ENACT THE FAIR COMPETITION AND EMPLOYEE CLASSIFICATION ACT.*

Identical to [S 576](#), filed 3/26/15.

Enacts new Article 4 in GS Chapter 95, Fair Competition and Employee Classification Act, clarifying the distinction between employees and independent contractors. Requires specified notices concerning employee classification to be placed in conspicuous places on each job site. Requires employers engaging the services of independent contractors to post notices of the right to be properly classified as an employee and the right to challenge the employer's employment status classification in court. Prohibits retaliation against individuals who allege that their employment status was wrongly classified by their employers, as described. Prevents any provisions of the Article from being waived or contravened by private agreement. Creates a presumption of employee status that must be rebutted by a party asserting that a hired individual is an independent contractor by a preponderance of the evidence. Specifies what cannot be used in the determination of status as an independent contractor. Details additional provisions related to the employee/independent contractor determination. Creates a civil cause of action for violation of employment status classification requirements. Requires the Commissioner of Labor (Commissioner) to enforce and administer all the provisions of this Article, including the authority to hold hearings and institute criminal and civil proceedings. Sets out civil penalty amounts and considerations in determining penalty amounts. Allows the Commissioner to enter into specified agreements for collection of claims and the maintenance of actions in court. Establishes provisions for the ordering and enforcement of a stop work order upon the receipt of information concerning the violation of the provisions of this Article. Requires, after the second or subsequent violations of the Article within five years of an earlier violation, the Department of Labor to add the employer to the list to be posted on the Department of Labor's website as well as notify the employer that they cannot be awarded a state or local government contract until four years have elapsed. Requires specified agencies to cooperate in regards to the sharing of information concerning suspected misclassification.

Amends GS 95-241(a)(1), making a conforming change, adding this Article to the list that prohibits retaliation by employers for related actions.

Applies to employment existing on or after the date the act becomes law.

Intro. by Glazier, G. Martin, Harrison, L. Hall.

[GS 95](#)

[View summary](#)**Employment and Retirement**

H 680 (2015-2016) **REGULATE TRANSPORTATION NETWORK COMPANIES**. Filed Apr 13 2015, *AN ACT TO REGULATE TRANSPORTATION NETWORK COMPANIES BY REQUIRING A PERMIT FROM THE DIVISION OF MOTOR VEHICLES, MAINTENANCE OF LIABILITY INSURANCE, AND BACKGROUND CHECKS FOR DRIVERS*.

Identical to [S 541](#) filed on 3/26/15.

Enacts new GS Chapter 20, Article 10A, concerning the regulation of transportation network companies (TNC), setting out definitions for use in this section, including prearranged transportation services, transportation network company (TNC), TNC driver (driver), and TNC service (service). Provides that TNCs must hold a valid permit and continuously meet the requirements of this Article to operate in North Carolina. Sets out four regulations for charging fees for use of the service, including that the TNC discloses the fee calculation method via its online application (app) prior to a ride request, the app provides an estimated fee before a ride request is completed, that the TNC sends an electronic receipt to the customer containing the specified information, and the fee must be paid electronically. Authorizes a driver to provide the service for compensation in North Carolina as well as to provide other services if the requirements are met to operate as a for-hire passenger vehicle.

Sets out provisions for obtaining the required permit to operate as a TNC in North Carolina, including paying a \$5,000 nonrefundable application fee to the Department of Motor Vehicles (DMV). Requires the permit to be renewed annually for \$5,000. Sets out the information that is required to apply for the above permit, including proof of the specified insurance requirements, resident agent for service of process, and proof of registration with the Secretary of State to do business in the State.

Provides financial responsibility provisions, requiring TNCs to provide liability insurance for bodily injury or death of others and for injury or destruction of property while a car is used in the service in the amount equal to or greater than \$1.5 million. Requires the TNC to provide liability insurance for each vehicle utilized by the driver while the driver is available on the TNC's app subject to specific limits.

Requires the TNC to disclose in writing to its drivers specified insurance information, including the insurance coverage limits of liability that the TNC provides, and also state that the driver's personal automobile insurance may not provide required or optional coverage when the driver uses a vehicle in connection with a company's online application or platform.

Specifies safety requirements for TNCs and drivers, including a requirement that TNCs require their drivers to have their vehicles inspected annually. Also requires the TNC app to provide specified information after a ride request has been accepted by a driver, including license plate number of the driver's vehicle, a description of the driver's vehicle, and approximate location of the driver's vehicle displayed on a map. Requires a TNC to maintain records of each TNC service provided for one year from the date of the service and the record of each driver for one year from the date the driver terminated their relationship with the TNC.

Requires TNCs, before permitting an individual to act as a driver, to submit an application, including, at a minimum, the address, age, driver's license number, driving history, vehicle registration, and liability insurance information. Also requires a TNC to (1) conduct, or have a third party conduct, a local and national criminal history records check for each applicant, using specified databases and (2) obtain and review a driving record check for each applicant.

Provides seven conditions where if applicable to an applicant or his or her record, then a TNC is prohibited from approving that individual's application to be a driver, including that the applicant does not possess a valid driver's license, is a match in the National Sex Offender Registry, or is not at least 19 years old. Conditions also include various moving violations and criminal offenses.

Authorizes the DMV to issue regulations to implement GS Chapter 20, Article 10A.

Includes a rebuttable presumption that drivers are independent contractors.

Prohibits the regulation of TNCs or services by any other law, regulation, or authority in North Carolina.

Amends GS 20-4.01(27), the definition for passenger vehicles, making technical changes and adding language that provides that vehicles operated in a TNC service under GS Chapter 20, Article 10A, are considered as for-hire passenger vehicles.

Amends GS 20-87 making conforming and clarifying changes.

Amends GS 153A-134 and GS 160A-194, updating language by deleting "digital dispatching services for prearranged transportation services for hire" and replacing it with "A TNC service regulated under Article 10A of Chapter 20 of the General Statutes."

Amends GS 160A-304, Regulation of taxis, making technical changes reflecting the new provisions regulating TNCs and TNC services.

Effective July 1, 2015.

Intro. by W. Brawley, Saine, Hanes.

GS 20, GS 153A, GS 160A

[View summary](#)

Courts/Judiciary, Motor Vehicle, Government, Local Government, Transportation

H 689 (2015-2016) **IN-STATE TUITION/SOME N.C. IMMIGRANT YOUTH**. Filed Apr 13 2015, *AN ACT TO AUTHORIZE CERTAIN IMMIGRANT YOUTH TO RECEIVE IN-STATE TUITION AT THE UNIVERSITY OF NORTH CAROLINA AND COMMUNITY COLLEGES IN THIS STATE*.

Amends GS 116-143.1, providing that, notwithstanding any other provisions of this section, a person who meets all of the following qualifications will be accorded resident tuition status: (1) the person received a high school diploma from a NC school or a GED within NC; (2) the person attended a NC school for at least two consecutive years immediately prior to high school graduation; (3) if the person does not have lawful immigration status, they must file an affidavit with the constituent institution where they are enrolled that states they have filed or will file an application to legalize their immigration status as soon as they are eligible; and (4) the person satisfies the admission standards for the constituent institution or community college and has secured admission and enrolled as a student.

Provides that any information obtained as part of this process will be confidential and is not considered a public record.

Effective July 1, 2015, applying to the 2015-16 academic semester and to each subsequent semester.

Intro. by Luebke, Fisher, Harrison, Meyer.

GS 116

[View summary](#)

Education, Higher Education, Immigration

PUBLIC/SENATE BILLS

S 14 (2015-2016) **ACAD. STANDARDS/RULES REVIEW/COAL ASH/FUNDS**. Filed Feb 2 2015, *AN ACT TO PROVIDE FUNDS FOR CERTAIN EXPENDITURES AND TO CLARIFY AND MODIFY OTHER LAWS*.

AN ACT TO PROVIDE FUNDS FOR CERTAIN EXPENDITURES AND TO CLARIFY AND MODIFY OTHER LAWS. Enacted April 13, 2015. Sections 7 and 8 are effective July 1, 2014. Section 9 is effective retroactively to September 20, 2014. The remainder is effective April 13, 2015.

Intro. by Brown, Harrington, B. Jackson.

GS 62, GS 113, GS 143, GS 143B

[View summary](#)

Education, Environment, Government, Budget/Appropriations, State Agencies, Department of Public Instruction, Department of Administration, Department of Environment and Natural Resources, Department of Health and Human Services, State Board of Education

S 78 (2015-2016) [OFF-DUTY CORRECTIONAL OFFICERS/CONCEAL CARRY](#). Filed Feb 11 2015, *AN ACT TO PROVIDE THAT A STATE CORRECTIONAL OFFICER MAY CARRY A CONCEALED WEAPON WHEN OFF-DUTY*.

AN ACT TO PROVIDE THAT A STATE CORRECTIONAL OFFICER MAY CARRY A CONCEALED WEAPON WHEN OFF-DUTY. Enacted April 9, 2015. Effective December 1, 2015.

Intro. by Randleman, Daniel, Newton.

GS 14

[View summary](#)

Courts/Judiciary, Criminal Justice, Corrections (Sentencing/Probation), Criminal Law and Procedure

ACTIONS ON BILLS

PUBLIC BILLS

H 108: SITE AND BUILDING DEVELOPMENT FUND.

House: Withdrawn From Com

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 04/14/2015

H 127: DOT CONDEMNATION CHANGES.

House: Withdrawn From Com

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 04/14/2015

H 140: LINEMAN APPRECIATION DAY IN NC.

Senate: Withdrawn From Com

Senate: Re-ref Com On State and Local Government

H 159: REGULATE COMMERCIAL DOG BREEDERS.

House: Serial Referral To Finance Stricken

House: Withdrawn From Com

House: Re-ref Com On Rules, Calendar, and Operations of the House

H 241: DESTROY FIREARM/CRIME OF ASSAULT OR MURDER.

House: Withdrawn From Com

House: Cal Pursuant Rule 36(b)

H 292: BEACH BINGO LICENSES.-AB

House: Withdrawn From Com

House: Ref to the Com on Judiciary II, if favorable, Finance

H 366: COMPACT/BALANCED BUDGET.

House: Withdrawn From Com

House: Re-ref Com On Judiciary I

H 438: MODIFY UTILITY ACCOUNT.

House: Withdrawn From Com

House: Re-ref Com On Commerce and Job Development

H 534: NORTH CAROLINA BENEFIT CORPORATION ACT.

House: Serial Referral To Finance Stricken

H 603: REPORTS/VETERANS SERVED BY HOUSING PROGRAMS.

House: Passed 1st Reading

House: Ref To Com On Homeland Security, Military, and Veterans Affairs

H 604: PARENT-TAUGHT DRIVER EDUCATION.

House: Passed 1st Reading

House: Ref to the Com on Education - K-12, if favorable, Transportation

H 605: REDUCE UNFAIR BARRIERS TO PUBLIC EMPLOYMENT.

House: Passed 1st Reading

House: Ref to the Com on Judiciary I, if favorable, State Personnel, if favorable, Commerce and Job Development

H 606: AUTOMOTIVE REPAIR LICENSING BOARD.

House: Passed 1st Reading

House: Ref to the Com on Regulatory Reform, if favorable, Finance

H 607: ALLOW PROTECTED CONSUMER SECURITY FREEZES.

House: Passed 1st Reading

House: Ref to the Com on Banking, if favorable, Judiciary I

H 608: DO NOT CALL REGISTRY/ROBOCALL PREVENTION.

House: Passed 1st Reading

House: Ref To Com On Elections

H 609: HEALTHY AND HIGH-PERFORMING SCHOOLS.

House: Passed 1st Reading

House: Ref To Com On Appropriations

H 610: CITIZENS UNITED DISCLOSURES.

House: Passed 1st Reading

House: Ref to the Com on Elections, if favorable, Rules, Calendar, and Operations of the House

H 611: ENACT DEATH WITH DIGNITY ACT.

House: Passed 1st Reading

House: Ref to the Com on Judiciary I, if favorable, Health

H 612: "BAN THE BOX".

House: Passed 1st Reading

House: Ref to the Com on Judiciary I, if favorable, State Personnel, if favorable, Commerce and Job Development

H 613: CLARIFY POLITICAL SIGN ORDINANCE AUTHORITY.

House: Passed 1st Reading

House: Ref to the Com on Local Government, if favorable, Elections

H 628: ENERGY SAVINGS INCENTIVES/STATE AGENCIES.

House: Filed

H 629: PROHIBIT MICROBEADS IN OTC DRUGS & PRODUCTS.

House: Filed

H 630: ALTERNATIVE WQ PROTECTION FOR FALLS LAKE.

House: Filed

H 631: NOTICE BEFORE AUTOMATIC CONTRACT RENEWAL.

House: Filed

H 632: STUDY STUDENT ONLINE DATA PRIVACY.

House: Filed

H 633: OCC.LIC./PROFESSIONAL DESIGNATION-APPRAISERS.

House: Filed

H 634: STORMWATER/BUILT-UPON AREA CLARIFICATION.

House: Filed

H 635: PROPERTY-LIST SUBTERR. PIPES/PLAT & AS-BUILT.

House: Filed

H 636: CHALLENGE CITIZENS UNITED.

House: Filed

H 637: PROJECT PHOENIX/ASSESSMENT OF STATE BLDGS.

House: Filed

H 638: CAPITALIZE ON WETLAND MITIGATION.

House: Filed

H 639: RISK-BASED REMEDIATION AMENDS.

House: Filed

H 640: OUTDOOR HERITAGE ACT.

House: Filed

H 641: AMEND BAIL BONDSMEN STATUTES.

House: Filed

H 642: ACCOUNTABILITY & TRANSPARENCY IN BUDGETING.

House: Filed

H 643: ROOFING CONTRACTORS/CONSUMER PROTECTION.

House: Filed

H 644: ONLINE DRIVER EDUCATION.

House: Filed

H 645: STUDY/NO EMISSION TESTING FOR HYBRID VEHICLE.

House: Filed

H 646: INSURANCE COVERAGE FOR AUTISM TREATMENT.

House: Filed

H 647: EPI PENS IN ALL CHILD-SERVING BUSINESSES.

House: Filed

H 648: PROHIBIT TOXIC FLAME RETARDANTS IN BEDDING.

House: Filed

H 649: AMEND CORP. GOV/SHAREHOLDER DERIVATIVE SUITS.

House: Filed

H 650: EXPUNCTION/BOATING VIOLATION.

House: Filed

H 651: APPRAISAL BD. RECORDKEEPING & BKGRD. CHECKS.

House: Filed

H 652: RIGHT TO TRY ACT FOR TERMINALLY ILL PATIENTS.

House: Filed

H 653: INTERNATIONAL STUDENT ASSESSMENT.

House: Filed

S 14: ACAD. STANDARDS/RULES REVIEW/COAL ASH/FUNDS.

Ch. SL 2015-7

S 327: ALLOW PRIZE-LINKED SAVINGS ACCOUNTS.

Senate: Withdrawn From Com

Senate: Re-ref Com On Commerce

S 423: FOSTER CARE FAMILY ACT.

Senate: Sequential Referral To Insurance Added

S 549: STUDY REG. HEALTH AUTHORITIES/DATA ANALYTICS.

Senate: Withdrawn From Com

Senate: Re-ref to Health Care. If fav, re-ref to Information Technology

S 600: STUDY/AUTONOMOUS VEHICLES.-AB

Senate: Withdrawn From Com

Senate: Re-ref Com On Transportation

LOCAL BILLS

H 322: ZONING/RECREATIONAL LAND REQ.-MORRISVILLE.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 337: TOWN OF CARY/RELEASE UNNEEDED EASEMENTS.

House: Passed 2nd Reading

House: Passed 3rd Reading

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