



The Daily Bulletin: 2017-02-01

PUBLIC/HOUSE BILLS

H 31 (2017-2018) **MATERIAL FACT DISCLOSURE CLARIFICATIONS**. Filed Feb 1 2017, *AN ACT TO CLARIFY THAT THE INCLUSION OF REAL PROPERTY ON A COMPREHENSIVE TRANSPORTATION PLAN IS NOT A REQUIRED DISCLOSURE OR A MATERIAL FACT FOR THE PURPOSES OF DISCLOSURE FOR REAL ESTATE TRANSACTIONS.*

Enacts GS 39-51, *Inclusion of real property in a comprehensive transportation plan not a material fact*, providing that, when real property is offered for conveyance, rent, or lease, it is not a material fact that the real property, or any portion of the real property, is included in a comprehensive transportation plan adopted pursuant to GS 136-66.2 (concerning development of streets and highways in and around municipalities), GS 136-212 (concerning rural transportation planning), or in accordance with federal law. Prohibits a party or a party's agent to the conveyance, rental, or lease of real property to knowingly make a false statement regarding the inclusion of the real property, or any portion of the real property, in such a comprehensive transportation plan.

Amends GS 47E-4, which sets out required disclosures an owner must provide to a purchaser in a residential property disclosure statement, by adding a new subsection to provide that the adoption of a comprehensive transportation plan pursuant to GS 136-66.2, GS 136-212, or in accordance with federal law, is not to be considered a required disclosure under the statute. Prohibits all persons or agents subject to GS Chapter 47E, the Residential Property Disclosure Act, to knowingly make a false statement regarding the inclusion of real property in such a comprehensive transportation plan.

Applies to real estate contracts entered into on or after the date the act becomes law.

Intro. by Hastings, Stone, Davis, Floyd.

GS 39, GS 47E

[View summary](#)

Development, Land Use and Housing, Land Use, Planning and Zoning, Property and Housing, Government, State Agencies, Department of Transportation

H 32 (2017-2018) **LIMITED CIVIL IMMUNITY/SKI PATROL VOLUNTEERS**. Filed Feb 1 2017, *AN ACT GRANTING LIMITED IMMUNITY FROM CIVIL LIABILITY TO VOLUNTEERS IN GOOD STANDING WITH, AND CERTIFIED TO RENDER EMERGENCY CARE BY, THE NATIONAL SKI PATROL SYSTEM, INC.*

Current law, GS 90-21.14(a), grants limited civil immunity to volunteer medical or health care providers of local health departments and community health centers who voluntarily and without the expectation of compensation render first aid or emergency health care treatment to a person who is unconscious, ill or injured. For civil immunity to apply, it must be reasonably apparent prompt decisions and actions are required and any delay in action would seriously worsen the physical condition or endanger the life of the person. Additionally, current law provides that immunity will not apply if the injury or death was caused by gross negligence, wanton conduct or intentional wrongdoing by the person rendering the emergency aid or treatment.

This act extends the grant of limited civil liability to volunteer members of rescue squads, specifically including volunteers who are in good standing with and certified to render emergency care by the National Ski Patrol System, Inc. Clarifies that the term "compensation," as used in the statute, does not include complimentary lift tickets, food, lodging, or other gifts provided by any resort, group, or agency as a gratuity to a volunteer member of the National Ski Patrol System, Inc.

Effective October 1, 2017.

Intro. by Dulin, Dobson, Presnell, Jordan.

GS 90

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

H 33 (2017-2018) [AMEND FIREARM RESTORATION LAW](#). Filed Feb 1 2017, *AN ACT TO RESTORE THE FIREARMS RIGHTS OF CERTAIN PERSONS WHO WERE CONVICTED OF NONVIOLENT FELONIES BEFORE DECEMBER 1, 1995, AND WHOSE FIREARMS RIGHTS HAD BEEN RESTORED BEFORE DECEMBER 1, 1995.*

Amends GS 14-415.1 to add that the statute, which prohibits possession of a firearm by a felon, does not apply to any person who meets all of the following: (1) the person's firearm rights were restored before December 1, 1995, and the forfeiture of the person's firearms rights on December 1, 1995, occurred only because amendments to the statute that were applicable to any person convicted of a felony before December 1, 1995, became effective; (2) the person's felony convictions before December 1, 1995, are only for nonviolent felonies; and (3) the person has not been convicted of any subsequent felony on or after December 1, 1995, that would require forfeiture of the person's firearms rights and cause the person to be disentitled under the statute. Also provides that there is no disenitment under the statute and firearms rights are restored to individuals meeting the same three requirements.

Effective October 1, 2017.

Intro. by Speciale, Pittman, Boswell.

GS 14

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

H 34 (2017-2018) [ACQUIRE TWO RESCUE HELICOPTERS/FUNDS](#). Filed Feb 1 2017, *AN ACT TO APPROPRIATE FUNDS TO THE STATE HIGHWAY PATROL TO ACQUIRE AND OPERATE TWO RESCUE HELICOPTERS.*

Appropriates to the State Highway Patrol for the 2017-18 fiscal year: (1) \$18,200,000 in nonrecurring funds to purchase two rescue helicopters, (2) \$354,965 in nonrecurring funds to provide training related to the operation and maintenance of the helicopters, and (3) \$3,301,633 in recurring funds to provide for the operation and maintenance of the helicopters.

Effective July 1, 2017.

Intro. by Cleveland, J. Bell, Speciale, McGrady.

APPROP

[View summary](#)[Government, Budget/Appropriations, Public Safety, State Agencies, Department of Public Safety](#)

H 35 (2017-2018) [PROTECT NORTH CAROLINA WORKERS ACT](#). Filed Feb 1 2017, *AN ACT TO INCREASE THE NUMBER OF EMPLOYERS WHO ARE REQUIRED TO PARTICIPATE IN THE FEDERAL E-VERIFY PROGRAM; TO REPEAL THE E-VERIFY EXEMPTION FOR TEMPORARY EMPLOYEES; AND TO EXCLUDE FARM WORKERS FROM THE DEFINITION OF EMPLOYEE UNDER ARTICLE 2 OF CHAPTER 64 OF THE GENERAL STATUTES.*

Amends the definitions in GS 64-25 for terms used in Article 2 of GS Chapter 64, Verification of Work Authorization, as follows. Amends the definition of employee to remove the exclusion from the term for individuals whose term of employment is less than nine months in a calendar year; adds that the term does not include a farm worker, an independent contractor, or an individual who provides domestic service in a private home that is sporadic irregular, or intermittent. Adds and defines the terms farm worker and independent contractor.

Effective October 1, 2017.

Intro. by Cleveland, Millis, Conrad.

GS 64

[View summary](#)**Business and Commerce, Employment and Retirement,
Immigration**

H 36 (2017-2018) [ENACT ENHANCED ACCESS TO EYE CARE ACT](#). Filed Feb 1 2017, *AN ACT AMENDING THE SCOPE OF PRACTICE OF OPTOMETRY IN ORDER TO ENHANCE ACCESS TO EYE CARE IN NORTH CAROLINA*.

Includes whereas clauses about the practice of optometry in North Carolina, emphasizing the need to update the statutes governing the practice in order to increase access and affordability of eye care.

Amends GS 90-114, which specifies the practices that constitute the practice of optometry. Deletes clauses that excluded surgery from the practice of optometry. Adds a new subsection (b), which specifies 18 procedures that do not constitute the practice of optometry, including retina laser procedures, LASIK, PRK, certain types of nonlaser surgery, keratoplasty, certain types of injections, the administration of general anesthesia, and procedures performed under general anesthesia.

Effective January 1, 2018.

Intro. by Burr, Collins, Dobson, Howard.

GS 90

[View summary](#)**Business and Commerce, Occupational Licensing, Health and
Human Services, Health, Health Care Facilities and Providers**

PUBLIC/SENATE BILLS

S 24 (2017-2018) [ALLOW RESTAURANTS TO USE OUTDOOR GRILLS](#). Filed Feb 1 2017, *AN ACT ALLOWING ESTABLISHMENTS THAT PREPARE OR SERVE FOOD FOR HUMAN CONSUMPTION TO USE OUTDOOR GRILLS FOR FOOD PREPARATION*.

Amends GS 130A-248 to allow permitted establishments that serve food to use an outdoor grill to prepare food for customers if the establishment satisfies four conditions: (1) the grill must be made of stainless steel and be stationed on a level, concrete foundation, (2) the grill must have a semi-permanent cover to protect it from weather, dust, and animals, (3) the grill, cover, and foundation must be cleaned daily, and (4) the food prepared on the grill must be processed inside the permitted establishment, in the kitchen, or in a room that meets the sanitation requirements for a restaurant kitchen.

Effective October 1, 2017.

Intro. by McInnis, Tarte, J. Davis.

GS 130A

[View summary](#)**Government, State Agencies, Department of Health and
Human Services, Health and Human Services, Health, Public
Health**

S 25 (2017-2018) [REPEAL HB2](#). Filed Feb 1 2017, *AN ACT REPEALING S.L. 2016-99 AND S.L. 2016-3*.

Repeals SL 2016-3 (Public Facilities Privacy & Security Act, commonly known as House Bill 2) and SL 2016-99 (Restore State Claim for Wrongful Discharge, which amended House Bill 2).

Provides that any local ordinance, resolution, regulation, or policy enacted prior to March 23, 2016, is not abated or affected by SL 2016-3, and those that would be valid but for SL 2016-3, remain valid.

Intro. by J. Jackson, Bryant, McKissick.

UNCODIFIED

[View summary](#)**Business and Commerce, Education, Government, State Agencies, Local Government**

S 28 (2017-2018) **ELECTRONIC PAWN & METALS DATABASE**. Filed Feb 1 2017, *AN ACT TO REQUIRE THAT PAWNBROKERS, CURRENCY CONVERTERS, PRECIOUS METALS DEALERS, AND SECONDARY METALS RECYCLERS REPORT INFORMATION ABOUT PAWN TRANSACTIONS AND PURCHASES TO AN ELECTRONIC DATABASE THAT IS ACCESSIBLE TO LAW ENFORCEMENT OFFICERS AND AGENCIES.*

Enacts new GS 147-33.124 to require the Office of Information Technology Services to contract with a third party to operate an electronic database to store and access information reported by pawnbrokers, currency converters, precious metals dealers, and secondary metal recyclers. Specifies four things that the database must do, including allowing state law enforcement officers and agencies to access the database via the Internet and ensure that the information in the database is secure and accessible only by law enforcement. Specifies that information in the database is not a public record.

Amends GS 66-391, GS 66-392, GS 66-410, and GS 66-421 to require pawnbrokers, currency converters, precious metals dealers, and secondary metal recyclers to enter the information recorded for each purchase or transaction into the database within 12 hours of the transaction.

Adds a new Part 4 to Article 45 of GS Chapter 66. Enacts new GS 66-432 providing that nothing in Article 45 (pawnbrokers, metal dealers, and scrap dealers) is to be construed to require information be entered into the database when (1) the database is offline or inaccessible (in which case, the reporting deadline is extended from 12 hours after the transaction to 36 hours from the time that the database is accessible again) or (2) an entity that would otherwise be required to enter information lacks the technology needed to access the database.

Effective October 1, 2017.

Intro. by Randleman.[GS 67, GS 147](#)[View summary](#)**Business and Commerce, Government, Public Safety, State Agencies, Office of Information Technology Services**

S 29 (2017-2018) **ALJ REVIEW OF DPS CIVIL PENALTIES**. Filed Feb 1 2017, *AN ACT TO REVISE THE PROCESS BY WHICH A PERSON MAY APPEAL THE ASSESSMENT OF CERTAIN CIVIL PENALTIES BY THE DEPARTMENT OF PUBLIC SAFETY.*

Amends GS 20-178.1, which sets forth the process for appealing civil penalties assessed by the Department of Public Safety (DPS) pursuant to GS Chapter 20, Article 3 (Motor Vehicle Act of 1937). Provides that a person may contest liability for a penalty by filing a contested case pursuant to GS Chapter 150B, Article 3, provisions for administrative hearings under the Administrative Procedure Act (previously, such persons could request an informal review by the Secretary of the DPS). Also amends the provisions for judicial review, providing that any person dissatisfied with the result of the administrative hearing can seek judicial review as specified in GS 150B, Article 4, provisions for judicial review under the Administrative Procedure Act. Specifies that notwithstanding GS 150B, Article 4, a petition for judicial review can be filed in Superior Court of Wake County or in the superior court of the county in which the penalty was assessed (previously, persons dissatisfied by the final decision of the Secretary who paid the penalty in full within 30 days were allowed to bring an action for refund against DPS in superior court). Makes conforming changes.

Amends GS 20-382.2(b), concerning penalties for failure to comply with vehicle registration or insurance requirements, making conforming changes.

Repeals GS 150B-1(e)(14), which exempted DPS from having to comply with contested case provisions for authorized hearings and appeals under GS 20, Motor Vehicles.

Effective October 1, 2017, applying to civil penalties assessed on or after that date.

Intro. by Randleman.

GS 20, GS 150B

[View summary](#)

Courts/Judiciary, Civil, Civil Law, Government, State Agencies, Department of Public Safety

LOCAL/SENATE BILLS

S 23 (2017-2018) [25TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Feb 1 2017, *AN ACT RELATING TO THE 25TH SENATORIAL DISTRICT.*

Blank bill.

Intro. by McInnis.

Anson, Richmond, Rowan, Scotland, Stanly

[View summary](#)

S 26 (2017-2018) [LOCAL/PITT, GREENE, WAYNE, & LENOIR COUNTIES](#). Filed Feb 1 2017, *AN ACT RELATED TO THE COUNTIES OF PITT, GREENE, WAYNE, AND LENOIR AND THE MUNICIPALITIES WITHIN THOSE COUNTIES.*

Blank bill.

Intro. by D. Davis.

Greene, Lenoir, Pitt, Wayne

[View summary](#)

S 27 (2017-2018) [\\$5 VEHICLE TAX FOR GREENE CO. ECONOMIC DEV.](#) Filed Feb 1 2017, *AN ACT AUTHORIZING GREENE COUNTY TO LEVY A VEHICLE TAX NOT TO EXCEED FIVE DOLLARS FOR ECONOMIC DEVELOPMENT.*

Allows Greene County to levy a tax of not more than \$5 per year upon any vehicle resident in the county and requires the revenue to be used for economic development.

Intro. by D. Davis.

Greene

[View summary](#)

Development, Land Use and Housing, Community and Economic Development, Government, Tax

S 30 (2017-2018) [11TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Feb 1 2017, *AN ACT RELATING TO THE 11TH SENATORIAL DISTRICT.*

Blank bill.

Intro. by Horner.

Johnston, Nash, Wilson

[View summary](#)

ACTIONS ON BILLS**PUBLIC BILLS****H 27: CLARIFY EXPIRATION OF VEHICLE REGISTRATION.**

House: Passed 1st Reading

House: Ref To Com On Transportation

H 28: DOT/ACCESS OF MOTORCYCLISTS.

House: Passed 1st Reading

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

H 29: RECORD OF EXCUSALS FROM JURY DUTY.

House: Passed 1st Reading

House: Ref To Com On Judiciary III

H 30: COLORECTAL CANCER AWARENESS LICENSE PLATE.

House: Passed 1st Reading

House: Ref to the Com on Transportation, if favorable, Finance

H 31: MATERIAL FACT DISCLOSURE CLARIFICATIONS.

House: Filed

H 32: LIMITED CIVIL IMMUNITY/SKI PATROL VOLUNTEERS.

House: Filed

H 33: AMEND FIREARM RESTORATION LAW.

House: Filed

H 34: ACQUIRE TWO RESCUE HELICOPTERS/FUNDS.

House: Filed

H 35: PROTECT NORTH CAROLINA WORKERS ACT.

House: Filed

H 36: ENACT ENHANCED ACCESS TO EYE CARE ACT.

House: Filed

S 21: DL RESTORATION/DWI TREATMENT COURT.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 22: STUDY UNFUNDED LIABILITY/RETIREE HEALTH FUND.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 24: ALLOW RESTAURANTS TO USE OUTDOOR GRILLS.

Senate: Filed

S 25: REPEAL HB2.

Senate: Filed

S 28: ELECTRONIC PAWN & METALS DATABASE.

Senate: Filed

S 29: ALJ REVIEW OF DPS CIVIL PENALTIES.

Senate: Filed

LOCAL BILLS

S 18: 10TH SENATORIAL DISTRICT LOCAL ACT.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 19: EVEN YR MUNICIPAL ELECTION/TOWNS OF TROY/STAR.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 20: 36TH SENATORIAL DISTRICT LOCAL ACT.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 23: 25TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Filed

S 26: LOCAL/PITT, GREENE, WAYNE, & LENOIR COUNTIES.

Senate: Filed

S 27: \$5 VEHICLE TAX FOR GREENE CO. ECONOMIC DEV.

Senate: Filed

S 30: 11TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Filed

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