



## The Daily Bulletin: 2021-03-24

### PUBLIC/HOUSE BILLS

H 32 (2021-2022) [EQUITY IN OPPORTUNITY ACT](#). Filed Jan 28 2021, *AN ACT TO ENACT THE EQUITY IN OPPORTUNITY ACT*.

House committee substitute amends the 1st edition as follows.

#### Part I.

Further amends the definition of *eligible students*, as it applies to opportunity scholarship grants, set out in GS 115C-562.1(3) to include a child whose parent or legal guardian receives an honorable discharge as an active duty member from the uniformed service of the United States within 18 months prior to application. Applies beginning with applications for scholarship funds for the spring semester of the 2021-22 school year. Makes conforming organizational changes.

Further amends GS 115C-562.1(3) to expand the statutory eligibility criteria for eligible students for scholarships to also include a child in foster care (current criteria requires that the child reside in a household with an income level that does not exceed 150% of the amount required for qualification for the federal free or reduced-price lunch program). Prohibits the State Education Assistance Authority from considering the household income of the foster parent in determining eligibility of a foster care child under this provision. Applies beginning with applications for scholarship funds for the 2022-23 school year.

Deletes and replaces the proposed changes to GS 115C-562.8, which governs the Opportunity Scholarship Grant Fund Reserve. Adds provisions to require the Authority to use up to \$500,000 of funds appropriated in a particular fiscal year to be used for the award of scholarships in the following fiscal year that are unexpended at the end of the fiscal year in which the funds were appropriated to contract with a nonprofit representing parents and families for outreach and scholarship education and application assistance for parents and students, with remaining funds required to be carried forward for one fiscal year and used to award scholarships pursuant to the statute before reverting any unexpended funds to the General Fund (current law only provides for carrying forward unexpended appropriations for one year to award scholarship grants).

Makes a technical change regarding new GS 115C-567.1 regarding the Authority's authority to contract with a nonprofit for outreach and assistance for students and parents. Places the new statute in new Part 4A (was 5) of Article 39. Makes a technical change.

#### Part II.

Makes the following changes to Article 41 of GS Chapter 115C concerning Personal Education Student Accounts for Children with Disabilities.

Amends GS 115C-592 by specifying that an eligible student may be awarded scholarship funds from the NC Personal Education Student Accounts for Child with Disabilities Program if the student has been determined to have one or more of the specified disabilities as a primary or secondary disability on the student's eligibility determination form from the local education agency at the time of application (previously did not refer to the form).

Amends GS 115C-595 by amending the qualifying education expense for which the funds may be used, as follows. (1) Allows the funds deposited into a personal education student account to be used for tuition and fees for a GS 115C-526.5 (appears to intend GS 115C-562.5) compliant school (was, tuition and fees for a nonpublic school). Defines a *GS 115C-562.5 compliant school* in GS 115C-591 as a Part 1 or 2 nonpublic school that consents to comply with the requirements of GS 115C-562.5 (which sets out the obligations of a nonpublic school that accepts eligible students receiving scholarship grants). Defines a *Part 1 or 2 nonpublic school* as a nonpublic school that meets the requirements of Part 1 (Private Church Schools and Schools of Religious Charter) or Part 2 (Qualified Nonpublic Schools) of Article 39 of GS Chapter 115C, as identified and deemed eligible by the Division of Nonpublic Education. (2) Allows the funds to be used by a parent of an eligible student to pay tuition to a Part 1 or Part 2 nonpublic school that is not a GS 115C-526.5 (appears to intend GS 115C-562.5) compliant school

(was, to pay tuition to certain schools) with funds other than funds available in the personal education student account and then request reimbursement from scholarship funds if the parent complies with specified requirements.

Amends GS 115C-595(a1) concerning the disbursement of funds, to require the method by which the State Education Assistance Authority disburses scholarship funds for tuition at a nonpublic school be based upon whether the school is a GS 115C-562.5 compliant school (was, required funds to be disbursed based on whether the nonpublic school elects scholarship endorsement for tuition or reimbursement for tuition). Makes conforming changes by making the process for scholarship endorsement for tuition applicable to eligible students who attend GS 115C-562.5 compliant schools and the process for tuition reimbursement applicable to parents or guardians of an eligible student enrolled in a Part 1 or 2 nonpublic school that is not a GS 115C-562.5 compliant school. Makes conforming changes to an internal cross-reference.

Part III.

Replaces the provisions of proposed GS 153A-460 with the following. Authorizes counties to appropriate up to \$1,000 per child residing in the county who is enrolled in a nonpublic school located within the county to supplement the qualifying child's K-12 scholarship award for the school year. Defines a *K-12 scholarship* as a State-funded scholarship awarded to a student for educational purposes in accordance with Part 2A of Article 39 (nonpublic school scholarship grants) or Article 41 (personal education savings accounts) [the previous edition also included scholarships awarded under Part 1H of Article 9 (special education scholarships for children with disabilities)]. Authorizes counties to annually request de-identified data from the Authority to use as a basis for determining the amount of funds to appropriate for award of supplemental funds for the following fiscal year. Allows counties to award supplemental funds for eligible students receiving scholarships under one or both qualifying K-12 scholarships. Requires counties appropriating supplemental funds to annually remit the funds to the Authority by July 15, with the Authority acting as the fiscal agent for the county in the disbursement of funds to eligible students. Makes conforming changes to no longer amend GS 115C-112.6 concerning special education scholarships, or amend new GS 153-460, effective July 1, 2022, concerning special education scholarships.

Makes the following changes to proposed GS 115C-562.2(f), concerning nonpublic school scholarship grants, and GS 115C-592(f), concerning personal education savings accounts, to provide for the supplemental county scholarships' requirements and disbursement by the Authority under each scholarship program. Adds that the Authority must require applicants to state their county of residence in the application and verify residency as provided in state law. Makes conforming changes regarding the Authority's duty to provide de-identified data for the current school year to a requesting county by February 15, if requested by January 15 (as required in new GS 153A-460 as amended). Mandates that the funds cannot supplant State funds. Requires rather than authorizes the Authority to adopt rules for the disbursement of funds. Makes further technical and clarifying changes.

Now provides for the above changes beginning with county budget ordinances adopted for the 2022-23 fiscal year (was 2021-22 fiscal year) that provide funds for students receiving scholarship funds for the 2022-23 school year (was 2021-22 school year).

Effective June 30, 2021, authorizes the Authority to use up to \$300,000 of any unexpended funds appropriated in the 2019-20 fiscal year for the award of scholarship grants for the 2020-21 school year under GS 115C-562.8 to establish the infrastructure for the supplemental local scholarship funds for the 2021-22 fiscal year.

**Intro. by Arp, Blackwell, Lambeth, Saine.**

[GS 105](#), [GS 115C](#), [GS 153A](#)

[View summary](#)

[Education](#), [Elementary and Secondary Education](#), [Government](#), [State Agencies](#), [UNC System](#), [Department of Public Instruction](#), [Tax](#), [Local Government](#), [Health and Human Services](#), [Social Services](#), [Military and Veteran's Affairs](#)

H 36 (2021-2022) [PROTECT THOSE WHO SERVE AND PROTECT ACT](#). Filed Feb 1 2021, *AN ACT TO INCREASE THE PUNISHMENT FOR DISCHARGING OR ATTEMPTING TO DISCHARGE A FIREARM AT OR INTO AN UNOCCUPIED EMERGENCY VEHICLE AND TO INCREASE THE PUNISHMENT FOR POINTING A LASER DEVICE AT A LAW ENFORCEMENT*

*OFFICER OR OTHER EMERGENCY PERSONNEL WHEN THE PERSON OR ANIMAL IS IN THE PERFORMANCE OF HIS OR HER DUTIES.*

House committee substitute to the 2nd edition makes the following changes.

Amends proposed GS 14-34.1A, to amend the definition of *emergency vehicle* to include a vehicle owned or operated by the Division of Adult Corrections and Juvenile Justice (was, by the Division's Section of Community Corrections).

Amends GS 14-34.8, which makes it a Class I felony to intentionally point a laser at any of the specified categories of persons while that person is in the performance of his or her duties, by amending the included categories to include: (1) a person whose employment duties include the custody, transportation, or management of persons who are detained or confined to a detention facility, youth development center, or correctional institution operated under the State's or local government's jurisdiction (was, a person employed at a detention facility operated under the State's or local government's jurisdiction) and (2) court counselors whose duties include intake, probation, post-release supervision, and court supervision services of juveniles (new). Makes additional organizational changes.

**Intro. by Hastings, Saine, C. Smith, K. Baker.**

GS 14

[View summary](#)

**[Animals, Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, Public Safety and Emergency Management, Health and Human Services, Health, Health Care Facilities and Providers, Military and Veteran's Affairs](#)**

H 53 (2021-2022) **[EDUC. CHANGES FOR MILITARY-CONNECTED STUDENTS](#)**. Filed Feb 3 2021, *AN ACT TO AUTHORIZE STUDENT ATTENDANCE IN A LOCAL SCHOOL ADMINISTRATIVE UNIT FOR CHILDREN OF ACTIVE DUTY MILITARY DUE TO THE MILITARY ORDERS OF THE PARENT AND TO CLARIFY CONTINUOUS ENROLLMENT FOR HIGH SCHOOL STUDENTS WHO ARE DEPENDENTS OF MILITARY PERSONNEL ONCE THOSE STUDENTS ARE ADMITTED TO A STATE INSTITUTION OF HIGHER EDUCATION.*

Senate committee substitute amends the 2nd edition as follows.

Amends GS 116-281 regarding eligibility for need-based scholarships for students attending private institutions of higher education by amending the requirements that must be met for the dependent relative to remain eligible when the active duty member of the US Armed Forces is reassigned outside of the state, to require that the dependent enroll in the institution no later than the fall academic semester immediately following admission (was, immediately following establishment of eligibility). Make an additional clarifying change to the statute.

**Intro. by Cleveland, Bell, Martin.**

GS 115C, GS 116

[View summary](#)

**[Education, Elementary and Secondary Education, Higher Education, Military and Veteran's Affairs](#)**

H 103 (2021-2022) **[AUTOMATIC RENEWAL OF CONTRACTS](#)**. Filed Feb 17 2021, *AN ACT TO AMEND THE REQUIREMENTS FOR CERTAIN AUTOMATICALLY RENEWING CONSUMER CONTRACTS.*

House committee substitute makes the following changes to the 1st edition.

Amends GS 75-41 to require the specified steps to be taken, including providing the specified disclosure statement and obtaining the consumer's consent before charging for an automatic renewal, only when the contract contains an automatic renewal provision for a term of more than one month (was, where the contract automatically renews unless the consumer cancels the contract). Provides that for any automatic renewal of 6 months or more (was, 12 months or more in the 1st edition, current law is an automatic renewal exceeding 60 days), the consumer must be provided with notice at least 15 days but no earlier than 60 days before the date the contract is to be automatically renewed, containing the specified information on the

renewal. Adds that for the purposes of the statute, *automatic renewal provision* means a provision under which a contract is automatically renewed at the end of a definite term for a subsequent term of more than one month; specifies that such renewal is effective unless the customer notifies the seller of their intention to terminate the contract.

**Intro. by Stevens.**

GS 75

[View summary](#)

**Business and Commerce, Consumer Protection**

H 113 (2021-2022) [2021 AOC LEGISLATIVE CHANGES.-AB](#) Filed Feb 17 2021, *AN ACT TO MAKE VARIOUS CHANGES AND TECHNICAL CORRECTIONS TO THE LAWS GOVERNING THE ADMINISTRATION OF JUSTICE.*

House committee substitute makes the following changes to the 1st edition.

Makes a conforming change to GS 7A-38.2 to increase the members of the Dispute Resolution Commission from 17 to 18 to reflect the proposed addition of a court management staff member.

Modifies the proposed changes to Rule 51 of the Rules of Civil Procedure to require the court to reduce oral jury instructions to writing for civil cases subject to GS 90-21.11 (subsection (b) defines *medical malpractice action*) rather than Rule 9(j) of the Rules of Civil Procedure regarding medical malpractice pleadings. Makes technical changes. Modifies the proposed changes to GS 7A-47.3 to direct the Senior Resident Superior Court Judge to designate a specific resident judge or a specific judge assigned to hold court in the district to preside over all proceedings in a case subject to GS 90-21.11 (subsection (b) defines *medical malpractice action*) rather than Rule 9(j) of the Rules of Civil Procedure regarding medical malpractice pleadings. No longer requires consultation with the Administrative Office of the Courts; maintains required consultation with the parties to the case.

Modifies the proposed changes to the Judicial Standards Commission, governed by GS 7A-375. Makes clarifying changes regarding the NCGA's appointment of two alternate members to serve in the event of conflict or disqualification of the two Commission members the NCGA has appointed to serve. Makes a technical correction to a subsection title.

Adds the following provisions.

Amends GS 15A-305 to specify that an order for arrest can only be issued for a defendant's failure to appear as required by a duly executed criminal summons if the summons charged the defendant with a criminal offense.

Amends GS 15A-1011 regarding pleas in district and superior courts. Expands the types of cases authorized for pleas to be received outside of open court in subdivision (a)(4), which currently includes traffic offenses and hunting, fishing, and boating offenses, to include written pleas for the types of offenses specified in GS 7A-273(2) authorized under GS 7A-148(a) (including misdemeanor or infraction cases for alcohol offenses; traffic offenses; hunting, fishing, State park and recreation area rule offenses; boating offenses; open burning offenses; and littering offenses).

Amends GS 51-5.5 regarding magistrates' right to recuse from performing lawful marriages. Adds a new provision to specify that a recusal does not prohibit a magistrate who is also an ordained minister of any religious denomination or a minister authorized by a church from performing lawful marriages as a minister. Makes further clarifying changes.

Amends GS 1C-1603 regarding the procedure for setting aside property exempt from the enforcement of creditors' claims, which are set forth in GS 1C-1601. Current procedure prohibits a clerk from issuing an execution or writ of possession for property after judgment unless notice from the court has been served on the judgment debtor advising the debtor of the debtor's rights. Adds a new provision to specify that this notice is not required if the property exemptions under GS 1C-1601 are inapplicable based on their exception from the exemption, set forth in GS 1C-1601(e), which enumerates 10 exemptions including claims of the federal government and claims of the State. Further amends GS 1C-1603 to eliminate the provision stating that failure to file a motion to designate exemptions or failure to request a hearing before the clerk within 20 days after notice of the debtor's rights was served results in waiver of the personal property and homestead exemptions of Sections 1 and 2 of Article X of the NC Constitution; maintains that such failures result in waiver of the exemptions provided in Article 16.

Amends GS 42-34.1 concerning undertaking an appeal in summary ejection cases, to specify that a plaintiff appellee can apply to the clerk of superior court to immediately issue a writ of possession if the defendant appellant fails to make rental

payments within five *business* days of the day rent is due under the terms of the residential rental agreement (currently only specifies five days).

Enacts GS 7A-49.6 granting a general authorization for judicial officials to conduct proceedings of all types by means of an audio and video transmission in which the parties, the presiding official, and any other participants can see and hear each other. Requires participating parties to be able to communicate fully and confidentially with his or her attorney, if represented. Requires good cause for allowing a witness to testify by audio or video transmission in proceedings involving a jury. Establishes criteria that must be met when the right to confront witnesses or be present is implicated in criminal or juvenile delinquency proceedings, including (1) the court has obtained a knowing, intelligent, and voluntary waiver of the defendant's or juvenile respondent's rights or (2) the court finds that the use of audio and video transmission in the absence of a waiver is necessary to further an important State interest and will not materially prejudice the defendant's or juvenile respondent's rights. Allows parties to object to conducting a proceeding by audio or video transmission, and prohibits holding the proceeding by audio or video transmission if the presiding official finds that the party has demonstrated good cause for the objection. Requires compliance with state and federal laws governing confidentiality and security of confidential information. Provides for public and media access to proceedings and proceeding recordings, if applicable. Specifies that the statute is not intended to limit the court's authority to receive remote testimony under state law. Requires all proceedings to be conducted using videoconferencing applications approved by the Administrative Office of the Courts (AOC). Defines the term *judicial official* to include judges of the appellate, superior court, and district court divisions; clerks of superior court; and magistrates.

Repeals language in the following statutes relating to authority to conduct specific proceedings using audio or video technology, as identified, to reflect the new general authorization for judicial officials to conduct any proceeding using audio or video transmission pursuant to GS 7A-49.6: GS 7B-1906(h) (concerning hearings for continued custody of a juvenile), GS 15A-101.1(2) (defining *document* as used in the provisions regarding electronic technology in criminal process and procedure), GS 15A-245(a)(3) (concerning issuance of search warrants), GS 15A-304(d)(3) (concerning warrants for arrest), GS 15A-511(a1) (concerning initial appearance before a magistrate), GS 15A-532 (concerning conditions for pretrial release), GS 15A-601 (concerning first appearance before a district court judge), GS 15A-941 (concerning arraignment), GS 50B-2(e) (concerning ex parte relief in domestic violation actions), GS 50C-6(e) (concerning temporary civil no-contact orders), GS 50C-7 (concerning permanent civil no-contact orders), and GS 122C-268(g) (concerning inpatient commitment; maintains the requirements for AOC to approve the procedures and type of equipment for audio and video transmission used pursuant to this statute). Applies to proceedings occurring on or after April 1, 2021.

Authorizes the Chief Justice of the Supreme Court to expand the active list of emergency superior court judges to no more than 25, notwithstanding the limit of 10 set in GS 7A-52(a). Expands the Chief Justice's authority to include assignment of emergency judges to hold regular or special sessions of court to address case management issues created by the COVID-19 pandemic. Sunsets the authorities granted on July 1, 2022.

**Intro. by Stevens.**

GS 1A, GS 1C, GS 7A, GS 15A, GS 42, GS 50B, GS 50C, GS 51, GS 122C

[View summary](#)

**Courts/Judiciary, Civil, Civil Law, Civil Procedure, Family Law, Court System, Criminal Justice, Criminal Law and Procedure, Development, Land Use and Housing, Property and Housing, Government, Ethics and Lobbying, General Assembly**

H 156 (2021-2022) **UNCLAIMED PROPERTY DIVISION AMENDMENTS.-AB** Filed Feb 24 2021, *AN ACT AMENDING STATUTES RELATING TO THE STATE TREASURER'S UNCLAIMED PROPERTY DIVISION.*

House committee substitute to the 1st edition makes the following changes.

No longer repeals Section 2.6(b) of SL 2020-80, which effective March 15, 2021, amends GS 116B-67 to allow any person claiming property paid or delivered to the Treasurer to file a claim, instead of limiting claims to those exceeding \$250.

Changes the act's effective date to when the act becomes law (was, March 31, 2021).

**Intro. by Hurley.**

GS 116B

[View summary](#)**Development, Land Use and Housing, Property and Housing, Government, State Agencies, Department of State Treasurer**

H 157 (2021-2022) [PROPERTY FINDER DEFINITION AND GOVERNANCE.-AB](#) Filed Feb 24 2021, *AN ACT DEFINING AND ESTABLISHING GOVERNING STANDARDS FOR PROPERTY FINDERS.*

House committee substitute makes the following changes to the 1st edition.

Makes clarifying changes to new GS 116B-78.1 to require property finders to be licensed as a private investigator by the NC Private Protective Services Board pursuant to GS Chapter 74C (previously more generally provided for licensure by the Board).

Changes the effective date of the act from October 1, 2021, to January 1, 2022.

**Intro. by Hurley.**

GS 28A, GS 116B

[View summary](#)**Business and Commerce, Occupational Licensing, Courts/Judiciary, Civil, Civil Law, Development, Land Use and Housing, Property and Housing**

H 173 (2021-2022) [SEPARATE DIVS-JUV JUSTICE AND ADULT CORR.-AB](#) Filed Feb 25 2021, *AN ACT TO MAKE JUVENILE JUSTICE AND ADULT CORRECTION SEPARATE DIVISIONS WITHIN THE DEPARTMENT OF PUBLIC SAFETY AND TO APPROPRIATE FUNDS.*

House committee substitute amends the 1st edition as follows.

Further amends Parts 2 and 3, Article 13 of GS Chapter 143B to make conforming changes to reflect the establishment of the Division of Adult Correction and the Division of Juvenile Justice as separate divisions within the Department of Public Safety, specifically further amending GS 143B-705 under Part 2, and GS 143B-807, GS 143B-818, GS 143B-830 of Part 3. Makes a technical correction to a conforming change to the title of GS 143B-1155. Adds to the specified statutes amended to make conforming changes, adding statutes from the following GS Chapters: 7B, 14, 15A, and 20; and removing several previously statutes specified in the previous edition from the following GS Chapters: 15A, 122C, 148 and 164. Makes technical corrections to some statutes previously specified. Adds sections to make conforming changes to the following statutes: GS 15A-521; GS 15A-1301; GS 15A-1343; GS 15A-1343.2; GS 15A-1344; GS 17C-3; GS 126-5; GS 148-13 and GS 164-40.

**Intro. by McNeill, Boles, C. Smith.**

APPROP, GS 1, GS 7A, GS 7B, GS 14, GS 15, GS 15A, GS 15B, GS 17C, GS 20, GS 50, GS 65, GS 66, GS 105, GS 106, GS 108A, GS 114, GS 115C, GS 115D, GS 122C, GS 126, GS 127A, GS 130A, GS 131E, GS 135, GS 143, GS 143B, GS 146, GS 147, GS 148, GS 150B, GS 153A, GS 160A, GS 162, GS 163, GS 164

[View summary](#)**Courts/Judiciary, Juvenile Law, Delinquency, Criminal Justice, Corrections (Sentencing/Probation), Government, Budget/Appropriations, State Agencies, Department of Public Safety**

H 212 (2021-2022) [SOCIAL SERVICES REFORM.](#) Filed Mar 3 2021, *AN ACT TO IMPLEMENT VARIOUS PROVISIONS RELATED TO SOCIAL SERVICES REFORM AND TO REPEAL CERTAIN CHANGES TO THE ADOPTION LAWS.*

House committee substitute makes the following changes to the 1st edition.

Makes clarifying changes to the effective dates in Section 2.

No longer repeals Sections 11 and 12 of SL 2019-172, which enacted GS 7B-3807 and GS 7B-3808 to adopt and provide guidance for action under the Interstate Compact on the Placement of Children regulation. Instead, directly repeals GS 7B-3807 and GS 7B-3808.

**Intro. by Stevens, Blackwell, White.**

**APPROP, STUDY, GS 108A**

**Courts/Judiciary, Civil, Family Law, Court System, Government, Budget/Appropriations, State Agencies, UNC System, Department of Health and Human Services, Department of Justice, Local Government, Health and Human Services, Social Services, Child Welfare**

[View summary](#)

H 320 (2021-2022) **MODERNIZE REMOTE BUSINESS ACCESS**. Filed Mar 16 2021, *AN ACT TO MODIFY AUTHORIZATION TO CONDUCT MEETINGS BY MEANS OF REMOTE COMMUNICATION FOR CERTAIN ENTITIES, TO AUTHORIZE NONPROFIT CORPORATIONS TO CONDUCT ALL BUSINESS ELECTRONICALLY UNLESS PROHIBITED IN THEIR ARTICLES OF INCORPORATION OR BYLAWS, AND TO MAKE TECHNICAL CHANGES IN THE SURROUNDING LANGUAGE.*

House committee substitute to the 2nd edition makes the following changes.

Part I.

Makes technical and clarifying changes to GS 55-7-02.

Deletes the standard effective date provision applicable to the Part.

Part II.

Replaces the proposed changes to GS 55A-1-70 with the following. Authorizes corporate officers, directors and members to conduct business of the corporation electronically unless prohibited or limited by the articles of incorporation or bylaws, or by action of the corporation's board of directors. Provides for the Chapter's provisions to supersede any conflicting provisions of Article 40 of GS Chapter 66. Requires members who wish to communicate and conduct business electronically with a corporation to designate the email address to be used for communication and business, and provide any other information required to facilitate communication and business between the member and the corporation, pursuant to the corporation's guidance.

Modifies the proposed changes to GS 55A-7-08 regarding member action by written ballot or electronic voting. Authorizes rather than mandates the provision of written ballots and electronic ballots or notice and instructions for electronic ballots and voting. Removes the proposed requirements of electronic voting systems. Mandates that all members entitled to vote on a matter by given the opportunity to vote by written ballot or electronic voting or both. Makes technical, clarifying and conforming changes to proposed language.

Amends proposed GS 55A-7-09, which authorizes remote membership meetings of a corporation. Conditions the statute's provisions upon remote member meetings not being prohibited by the articles of incorporation of the bylaws. Requires members to be given the opportunity to participate to the same extent as they could participate in person (including voting) and requires that the corporation has implemented reasonable measures to verify that each person participating remotely is a member or a member's proxy (previously required all action and business requiring a vote of the membership to be taken and conducted pursuant to GS 55A-7-08 and did not require the corporation to verify the presence of a quorum at the meeting). Eliminates the previous notice requirements to now only require notice that the meeting will be held by remote communication and sufficient instruction and information on how member can join, in addition to the information required by GS 55A-7-05 (previously included information on voting agenda and members list access). Amends the authority of the board of directors to prescribe additional rules and procedures for remote meetings to require compliance with GS Chapter 55A, including rules concerning votes to be taken during the remote communication meeting or that membership votes on some or all matter must

be cast as permitted in GS 55A-7-08 (previously required compliance with Article 40 of GS Chapter 65). Eliminates the provision specifying that all references to meetings in this Chapter include meetings held by means of remote communication in accordance with the provisions of the Chapter.

Part III.

Eliminates the provisions of previous Part III, which amended GS 47C-3-108 and GS 47F-3-108 regarding condominium association unit owner and planned community association lot owner meetings and owner notifications. Makes conforming organizational changes.

**Intro. by D. Hall, Bradford, Paré, Howard.**

[GS 55, GS 55A, GS 58](#)

[View summary](#)

[Business and Commerce, Corporation and Partnerships, Nonprofits](#)

H 356 (2021-2022) [SPEAKER/PPT APPOINTMENTS 2021](#). Filed Mar 22 2021, *AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE.*

House amendment makes the following changes to the 1st edition.

Provides that Charles McGrady, who is being appointed to the UNC-Asheville Board of Trustees, is from Henderson County not Buncombe County.

**Intro. by D. Hall.**

[UNCODIFIED](#)

[View summary](#)

[Business and Commerce, Occupational Licensing, Government, General Assembly, State Government, Executive](#)

H 380 (2021-2022) [MODIFY CERTAIN DV PROTECTIVE ORDER PROVISIONS](#). Filed Mar 24 2021, *AN ACT TO ALLOW REMOTE PARTICIPATION IN DOMESTIC VIOLENCE PROTECTIVE ORDER RENEWAL HEARINGS, TO ALLOW FOR THE AUTOMATIC EXTENSION OF DOMESTIC VIOLENCE PROTECTIVE ORDERS IN CERTAIN CIRCUMSTANCES, AND TO REQUIRE THAT CERTAIN INFORMATION RELATED TO A DOMESTIC VIOLENCE PROTECTIVE ORDER PETITION BE SEALED.*

Makes the following changes to GS Chapter 50 regarding domestic violence protective orders.

Amends GS 50B-2 to allow an aggrieved party and the defendant to participate in hearings via video conference to consider renewals of protective orders with assistance from the clerk of superior court.

Amends GS 50B-3 to provide that when an aggrieved party files a motion to renew a protective order prior to the expiration of the current protective order but the hearing date on the motion is after the date and time that the current protective order expires, the current protective order is automatically extended to expire at 11:59 p.m. on the date of the scheduled renewal hearing. Makes the extension of the current order effective upon service of the defendant of notice of both the renewal hearing and the extension. Bars an automatic extension from being effective longer than 30 days beyond the original expiration date.

Adds a new provision to require forms used by the court or the Administrative Office of the Courts to record identifying information of the plaintiff or the defendant in an action under the Chapter to be sealed upon filing, with any unauthorized release of sealed information punishable by a Class 1 misdemeanor. Excludes access by court order to law enforcement officers for law enforcement purposes, and to domestic violence advocacy groups approved by the chief district court judge where the action is filed.

Applies to motions filed on or after October 1, 2021.

**Intro. by McNeely, Stevens, K. Baker, Paré.**

[GS 50B](#)

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

H 382 (2021-2022) **HOSPITAL ED CARE/MEDICAID BEHAV. HEALTH SER.** Filed Mar 24 2021, *AN ACT TO REIMBURSE HOSPITALS FOR BEHAVIORAL HEALTH SERVICES PROVIDED TO MEDICAID BENEFICIARIES AWAITING DISCHARGE OR TRANSFER FROM A HOSPITAL SETTING TO A MORE APPROPRIATE SETTING.*

Sets out the NCGA's intent to provide funding to hospitals for behavioral health services provided to Medicaid beneficiaries while those beneficiaries await discharge to a more appropriate setting.

Requires the Department of Health and Human Services, Division of Health Benefits (Division), to develop a clinical coverage policy, or amend an existing policy as applicable; assign a CPT code; and develop billing instructions for Medicaid coverage of the services described in this act that are provided to a beneficiary when: (1) the beneficiary no longer meets criteria for observation under the specified Medicaid Clinical Coverage policy; (2) the beneficiary is not currently receiving inpatient behavioral health services covered under the specified Medicaid Clinical Coverage policy; and (3) a physician, physician assistant, or nurse practitioner has determined that one of the following is action appropriate for the beneficiary: admission to an inpatient psychiatric or behavioral health facility; admission to a facility, other than an inpatient facility, for care for psychiatric or behavioral health needs; or arrangement for community-based services or supports without which the beneficiary cannot be safely discharged to the beneficiary's home due to the beneficiary's psychiatric or behavioral health needs. Requires the clinical coverage policy to provide Medicaid coverage of the following services in an acute care hospital setting when medically necessary and ordered by a physician or other appropriate provider: (1) treatment, including assessment and medication management, of both psychiatric and behavioral health conditions and physical health conditions; (2) crisis stabilization and support; (3) ongoing monitoring of a beneficiary's medical status and medical clearance; (4) nursing services and support; (5) reasonable and appropriate efforts to maintain patient safety; (6) provision of community resource information and psychoeducation, including connections to the relevant local management entity/managed care organization (LME/MCO); (7) development of a safety plan, and plan revisions; and (8) coordination with the beneficiary or the beneficiary's legal representative and the LME/MCO to establish a safe discharge or transfer plan. Requires other ancillary services to continue to be eligible to be billed as separate and additional services.

Requires the Division to submit to the Centers for Medicaid and Medicare Services (CMS) any State Plan amendments that are necessary to establish Medicaid reimbursement or rates for services outlined in this act. Requires the new Medicaid covered services and rates to be implemented as soon as practicable but not before receiving CMS approval. Specifies that the new Medicaid covered services and rates will only be implemented to the extent CMS allows.

**Intro. by Lambeth, White, Potts, Sasser.****UNCODIFIED**[View summary](#)**Government, State Agencies, Department of Health and  
Human Services, Health and Human Services, Health, Health  
Insurance, Social Services, Public Assistance**

H 383 (2021-2022) **MEDICAID MODERNIZED HOSPITAL ASSESSMENTS.** Filed Mar 24 2021, *AN ACT TO REVISE THE HOSPITAL ASSESSMENT ACT TO ACCOUNT FOR MEDICAID TRANSFORMATION.*

Repeals the following, effective July 1, 2020: SL 2020-88 Section 15.1(b) (which enacted Article 7A of GS Chapter 108A, Hospital Assessment Act), (b1), (c), and (d) (all setting out provisions for calculating hospital costs, supplemental assessments, and base assessments for specified time periods); Section 15.2 (setting out conditions under which funds can be transferred from the Medicaid Contingency Reserve to the Division of Health Benefits as needed to cover any shortfall in receipts from the supplemental or base assessment); and Section 15.3 (concerning a new fund code entitled Hospital Assessment Fund).

Creates a new Article 7B, Hospital Assessment Act, in GS Chapter 108A, effective July 1, 2021, providing as follows. Specifies that this Article does not authorize a political subdivision of the State to license a hospital for revenue or impose a tax or assessment on a hospital. Sets out and defines 26 terms that are used in the Act, including defining *acute care hospital* as a

hospital licensed in North Carolina that is not a freestanding psychiatric hospital, a freestanding rehabilitation hospital, a long-term care hospital, or a State-owned and State-operated hospital. Requires assessments to be calculated, imposed, and due quarterly and requires payment within seven days of the due date. Sets out actions that may be taken against hospitals owing a past-due assessment amount. Allows a hospital to appeal a determination of the assessment amount through a reconsideration review. Allows paid assessments to be included as allowable costs of a hospital for purposes of any applicable Medicaid reimbursement formula, except that assessments paid under this Article are excluded from cost settlement; prohibits adding assessments as a surtax or assessment on a patient's bill. Allows the Secretary of Health and Human Services to adopt rules to implement the Article. Provides that if the Centers for Medicare and Medicaid Services (CMS) determines that an assessment is impermissible or revokes approval of an assessment, then that assessment may not be imposed and the authority to collect the assessment is repealed.

Sets out provisions for calculating the assessment imposed against public hospitals (applicable to all public acute care hospitals) and against private hospitals (applicable to all private acute care hospitals). Details the individual components of the formula used to calculate the assessment amount. Requires that the proceeds of the assessments, and all corresponding matching federal funds, be used to make the State's annual Medicaid payment to the State, to fund payments to hospitals made directly by the Department, to fund a portion of capitation payments to prepaid health plans attributable to hospital care, and to fund graduate medical education payments. Requires the Department of Health and Human Services (DHHS) to report to the specified NCGA committees and division when DHHS is notified of a possible change in hospital status. Defines *hospital status* as: (1) a hospital's status as a public acute care hospital, a private acute care hospital, or a hospital owned or controlled by the UNC Health Care system and (2) the operating status of an acute care hospital as open or closed, including new hospitals and hospital closures. Makes the report due 60 days after DHHS is notified of the possible change; specifies the report's contents. Requires DHHS to report to the specified NCGA committees and division when it is notified that a change in hospital status has occurred. Requires the report to be due 60 days after DHHS is notified of the change; specifies the report's contents.

Sets out the percentages to be used in calculating the public hospital assessment and the private hospital assessment for the quarter beginning July 1, 2021. Sets out additional procedures that DHHS must use to determine the percentages used in calculating the public hospital assessment and the private hospital assessment for the quarter beginning October 1, 2021.

Requires DHHS to report to the specified NCGA committee and division by January 1, 2026, with a proposal to replace or adjust the market based percentage as the inflation factor that is used in the hospital assessments under this Article, as well as in the hospital base rates for Medicaid fee-for-service reimbursements, beginning July 1, 2026.

Effective July 1, 2021.

**Intro. by Lambeth, White, Sasser.**

GS 108A

[View summary](#)

**Government, State Agencies, Department of Health and Human Services, Health and Human Services, Health, Health Care Facilities and Providers, Health Insurance, Social Services, Public Assistance**

H 384 (2021-2022) **FIBER NC ACT**. Filed Mar 24 2021, *AN ACT TO FOSTER INFRASTRUCTURE FOR BROADBAND EXPANSION AND RESOURCES IN NORTH CAROLINA BY AUTHORIZING COUNTIES AND CITIES TO INSTALL AND LEASE BROADBAND INFRASTRUCTURE TO INCREASE ADEQUATE BROADBAND SERVICES TO ATTRACT INVESTMENT IN LOCAL ECONOMIES, PROVIDE FOR EDUCATIONAL AND CAREER OPPORTUNITIES, MODERNIZE FARMING TECHNOLOGIES, AND TO PROVIDE FOR IMPROVED HEALTH CARE.*

Enacts new GS 153A-458 giving counties the authority to install or maintain broadband infrastructure to be leased to a private provider if: (1) the lessee is a person operating for profit in this state to provide broadband services to customers and (2) the county has at least one of the following: more than 4.75% of the county is without a provider of broadband infrastructure, or a major military installation. Enacts new GS 160A-499.5 giving cities the authority to install or maintain broadband infrastructure to be leased to a private provider if: (1) the city has at least 60% of its population lying in one of the counties in GS 153A-458(a)(2) (has more than four 4.75% of the county without a provider of broadband infrastructure, or a major

military installation) and (2) the lessee is a person operating for profit in this state to provide broadband services to customers. Defines *broadband infrastructure* as wireline or wireless infrastructure capable of providing terrestrially deployed Internet access service with transmission speeds of at least 25 megabits per second (Mbps) download and at least three megabits per second upload (25:3) or as defined by the Federal Communications Commission, whichever speeds are faster. Allows using ad valorem taxes or any other unencumbered funds in exercising the authority granted under these statutes. Requires holding a public hearing before adopting any resolution at a regular meeting stating intent to install broadband infrastructure for the purpose of leasing in accordance with the specified statute. Sets out requirements for the notice of the hearing, including requiring that it be published at least once, no less than one week before the hearing date. Requires the county/city to prepare a report before beginning installation of broadband infrastructure, to be available in the clerk's office for at least 90 days before the public hearing, that contains: (1) a business plan for providing broadband infrastructure; (2) results of a feasibility study to determine needs and available resources and information specified in the statute. Specifies that the statutes do not grant authority, or shall be construed to do so, to a county/city to use broadband infrastructure constructed under these statutes to provide communications services as defined in under the specified statute or in accordance with Article 16A of GS Chapter 160A (Provision of Communications Service by Cities).

Amends GS 153A-149 and GS 160A-209 to allow levying property taxes to construct wireline and wireless infrastructure. Effective for taxable years beginning on or after July 1, 2021.

Amends GS 159-81 to allow broadband infrastructure for the purpose of leasing under new GS 160A-272.5 to be revenue bond projects.

Enacts new GS 160A-272.5 governing the lease of broadband infrastructure installed or maintained in accordance with GS 153A-458 or GS 160A-499.5 to a private provider for delivery of service to customers. Allows the lease to be for up to 25 years. Requires property to be leased under a resolution of the governing board that authorizes the execution of the lease agreement adopted at a regular governing board meeting; requires 30 days' notice. Requires all leases to meet the following requirements: (1) the lease must be entered into on a technology neutral basis, (2) the lease must be open to similarly situated private providers on comparable terms and conditions, and (3) requests for proposals must be solicited by the governing board before adopting the resolution authorizing the execution of the lease--sets out additional requirements for the requests for proposals and the related advertisements. Specifies that in determining the term of a proposed lease, periods that may be added to the original term by options to renew or extend must be included. Applies to leases entered in on or after October 1, 2021.

Amends GS 153A-459 to allow a county to provide grants to unaffiliated qualified private providers of high-speed internet access service for the purpose of expanding service in unserved areas in the county, no longer specifying that it be for economic development.

Amends GS 160A-321 to provide that as to transfers to another governmental entity, a city-owned public enterprise must not be discontinued in its entirety (was, discontinued), unless the proposal to discontinue in its entirety is first submitted to a vote and approved by a majority of voters.

Amends GS 160A-340.2 by prohibiting broadband infrastructure constructed by a city for the purpose of leasing under new GS 160A-272.5 from being used to provide communication services under Article 16A (Provision of Communications Service by Cities) of GS Chapter 160A.

Effective October 1, 2021.

**Intro. by Clampitt.**

[GS 153A, GS 159, GS 160A](#)

[View summary](#)

**[Government, Tax, Local Government, Public Enterprises and Utilities](#)**

H 389 (2021-2022) [NORTH CAROLINA INNOVATIONS WAIVER ACT OF 2021](#). Filed Mar 24 2021, *AN ACT TO INCREASE THE NUMBER OF NORTH CAROLINA INNOVATIONS WAIVER SLOTS, TO PROVIDE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF HEALTH BENEFITS, THE FLEXIBILITY TO DEVELOP AN ADDITIONAL SYSTEM OF SERVING INDIVIDUALS WITH INTELLECTUAL OR DEVELOPMENTAL DISABILITIES WHO ARE ON THE REGISTRY OF UNMET NEEDS, AND TO REQUIRE THE DEVELOPMENT OF A TEN-YEAR PLAN TO ADDRESS THE REGISTRY OF UNMET NEEDS.*

Appropriates \$11,301,000 and \$26,243,000 in recurring funds for 2021-22 and 2022-23, respectively, from the General Fund to the Department of Health and Human Services, Division of Health Benefits (DHB) to be used to increase the number of NC Innovation Waiver slots, and provide a match for \$27,334,000 and \$54,880,000 in federal recurring funds for 2021-22 and 2022-23. Appropriates the federal funds to DHB for the same purpose. Directs DHB to amend the NC Innovations Waiver to increase the number of slots by 1,000 under the waiver with (1) 800 slots made available January 1, 2022, and distributed using the allocation formula currently in place as of the date the act becomes law, and (2) 200 slots distributed as provided by the act and available January 1, 2022, unless the distribution requires approval by the Centers for Medicare and Medicaid Services (CMS), then the later of January 1, 2022, or the date that CMS grants or denies approval. Provides for distribution using the allocation formula currently in place as of the date the act becomes law if CMD denies approval. Provides for distribution of the 200 slots on a per capita basis to LME/MCOs, with additional slots made available to counties on a per capita basis. Provides for slots to be filled on a first-come, first-served basis determined by a waiting list.

Appropriates \$13,122,000 in recurring funds from the General Fund to DHB for 2022-23 for the NC Innovations Waiver, as a match for the \$27,440,000 in federal recurring funds. Appropriates those federal funds to DHB for the same purpose. Authorizes DHB to pursue any amendment or change to the current NC Innovations Waiver or additional 1115(c) waivers to serve the maximum number of individuals that are on the State's registry of unmet needs, including pursuing a tiered waiver system, making every effort for individuals to have a seamless transition between tiers or waivers and providing flexibility to LME/MCOs to determine how to maximize distributions. In the event approval is not received from CMS by January 1, 2023, requires using the appropriations of subsection (a) to increase the NC Innovations Waivers slots by at least 1,000 slots to be made available as soon as practicable; requires DHB to continue to pursue approval for implementation in the future.

Directs DHB to convene a working group of stakeholders to develop a 10-year plan to address the registry of unmet needs for the NC Innovations Waiver. Requires considering an alternative waiver program and alternative means of distribution of waiver slots, accompanied by cost analysis. Requires DHB to report to the specified NCGA committee by February 1, 2022.

**Intro. by Bradford, Hawkins, Insko, Moffitt.**

**APPROP, UNCODIFIED**

[View summary](#)

**Government, Budget/Appropriations, State Agencies, Department of Health and Human Services, Health and Human Services, Health, Health Insurance, Mental Health**

H 391 (2021-2022) **DENTAL PATIENT TRANSPARENCY ACT**. Filed Mar 24 2021, *AN ACT TO REQUIRE DISCLOSURE OF THE DATA AND METHODOLOGIES USED BY DENTAL SERVICES BENEFIT PLANS BY WHICH DENTISTS ARE SUBJECT TO RATING OR PROFILING SYSTEMS OR DESIGNATIONS TO ENSURE ACCURATE, FAIR, AND USEFUL RATING OF THOSE DENTISTS AND TO INCLUDE ADDITIONAL INFORMATION ON HEALTH BENEFIT PLANS IDENTIFICATION CARDS.*

Identical to [S 248](#), filed 3/11/21.

Enacts GS 58-3-245(e) to place the following responsibilities on every insurer offering a dental services benefit plan which provides a designation or rating or profiling system for dentists in the benefit plan network. Requires the insurer to utilize fair and accurate designations and rating or profiling systems and mandates disclosure to consumers and dentists the basis for the designation, rating, or profile. Adds a requirement to provide a mechanism for a dentist to challenge and correct any erroneous designation or any erroneous data or methodologies used for the designation, or rating or profiling system.

Makes technical and clarifying changes to GS 58-3-247, regarding the requirement for insurers offering health benefit plans to provide subscribers or members with an insurance identification card. Adds a new requirement for insurance identification cards to contain an indication of whether the health benefit plan is a fully insured or self-funded plan, with plans fully-insured noted by using "NCDOI" to indicate to the consumer that the Department of Insurance is able to provide assistance regarding the regulation of the plan. No longer specifically includes in the statute's scope health benefit plans of the State Health Plan for Teachers and State Employees (SHP), as the term health benefit plan is defined under GS 58-3-167 excludes the SHP. Instead enacts GS 135-48.51(7a) to subject the SHP cards to the requirements of GS 58-3-247.

**Intro. by K. Baker, Potts, Sasser, Lambeth.**

**GS 58**

[View summary](#)

**Employment and Retirement, Government, State  
Government, State Personnel, Health and Human Services,  
Health, Health Insurance**

H 392 (2021-2022) **RET. SVC. PURCHASE/OMITTED MEMBERSHIP SERVICE**. Filed Mar 24 2021, *AN ACT TO ALLOW FOR THE PURCHASE OF CREDITABLE SERVICE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM FOR SERVICE IN A PRIOR YEAR WHEN THAT SERVICE WAS ASSUMED TO BE PART-TIME BUT WAS ACTUALLY FULL-TIME SERVICE.*

Amends GS 135-4 and GS 128-26 concerning omitted membership service under the Teachers' and State Employees' Retirement System and the Local Government Employees' Retirement System. Adds identical provisions to each statute to require an employer to provide written notification of the total hours an employee worked in the preceding 12 months upon request from the employee classified as part-time. Requires the employer to provide a copy of the notification to the Retirement Systems Division upon request. Requires an employer to pay the applicable employer contributions if an employee is found to have been classified as part-time in error and was not eligible to earn membership service due to that error so long as the employee has paid a lump sum equal to the applicable employee contributions within one year of the omission. Effective January 1, 2022, and applies to the purchase of service for work performed on or after January 1, 2021.

**Intro. by Belk, Hurley, Gill, Martin.**

**GS 128, GS 135**

[View summary](#)

**Education, Employment and Retirement, Government, State  
Government, State Personnel, Local Government**

H 395 (2021-2022) **EXTEND DEADLINES FOR MANDATORY HIE PARTICIP.** Filed Mar 24 2021, *AN ACT EXTENDING FOR CERTAIN PROVIDERS AND ENTITIES THE DEADLINES FOR MANDATORY PARTICIPATION IN THE STATEWIDE HEALTH INFORMATION EXCHANGE NETWORK KNOWN AS NC HEALTHCONNEX.*

Amends GS 90-414.4(a1), making the following one-year extensions for mandatory connection to the Health Information Exchange (HIE) Network. Requires participation by providers of Medicaid and State-funded health care services not otherwise provided for by October 1, 2022. Requires participations by ambulatory surgical centers, licensed dentists, licensed physicians with a primary practice in psychiatry, and the State Lab of Public Health by June 1, 2022. Requires participation by registered pharmacies, and state health care facilities under the Secretary of the Department of Health and Human Services' jurisdiction by June 1, 2022.

**Intro. by Sasser, Potts, K. Baker, Wray.**

**GS 90**

[View summary](#)

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

H 398 (2021-2022) **PISTOL PERMIT PURCHASE MODIFICATIONS**. Filed Mar 24 2021, *AN ACT TO ALLOW PERSONS TO OBTAIN PISTOL PURCHASE PERMITS FROM A SHERIFF OF A COUNTY THAT IS CONTIGUOUS TO THE COUNTY THAT THE PERSON RESIDES IN.*

Expands GS 14-404 to authorize a sheriff to issue a pistol purchase permit to a resident of any contiguous county if existing criteria of resident applicants are met. Allows the sheriff to decline to issue a permit to a resident of a contiguous county for any reason not prohibited by law. Requires written notice within seven days of refusal and a statement of reason(s), which can be solely because the applicant is not a county resident.

Amends GS 14-402 to allow the sale or transfer and the purchase or receipt of a pistol to a purchaser or receiver who has obtained a license or permit from the sheriff of any county contiguous to the county in which the purchaser or receiver resides.

Applies to offenses committed on or after December 1, 2021, and permit applications received after December 1, 2021.

**Intro. by Adams, Cleveland, Goodwin, Hanig.**

GS 14

[View summary](#)

**Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, Local Government**

H 401 (2021-2022) **INCREASE HOUSING OPPORTUNITIES**. Filed Mar 24 2021, *AN ACT TO PROVIDE REFORMS TO LOCAL GOVERNMENT ZONING AUTHORITY TO INCREASE HOUSING OPPORTUNITIES AND TO MAKE VARIOUS CHANGES AND CLARIFICATIONS TO THE ZONING STATUTES.*

To be summarized.

**Intro. by D. Hall, Moffitt, Brody, Richardson.**

[View summary](#)

H 402 (2021-2022) **BEGIN MODERNIZING IGNITION INTERLOCK LAWS**. Filed Mar 24 2021, *AN ACT TO ELIMINATE THE MANDATORY WAITING PERIODS FOR DRIVERS LICENSE RESTORATION OR LIMITED DRIVING PRIVILEGES IF THE PERSON IS OPERATING A MOTOR VEHICLE THAT HAS A FUNCTIONING IGNITION INTERLOCK SYSTEM INSTALLED ON IT; TO REQUIRE FOR THE RESTORATION OF LICENSES AFTER CERTAIN DRIVING WHILE IMPAIRED CONVICTIONS, OR THE ISSUANCE OF LIMITED DRIVING PRIVILEGES, AN IGNITION INTERLOCK SYSTEM BE INSTALLED ON ONLY THE MOTOR VEHICLES THE PERSON WILL DRIVE; TO ELIMINATE THE RESTRICTIONS ON THE PURPOSES FOR DRIVING AND THE HOURS DURING WHICH A PERSON MAY OPERATE A MOTOR VEHICLE IF THE PERSON IS OPERATING A MOTOR VEHICLE WITH A FUNCTIONING IGNITION INTERLOCK SYSTEM INSTALLED ON IT; TO ALLOW THE WAIVER OR REDUCTION OF COSTS FOR CERTAIN PERSONS REQUIRED TO INSTALL AN IGNITION INTERLOCK SYSTEM; TO REVISE THE MAXIMUM BLOOD ALCOHOL CONCENTRATION LEVEL FOR THE OPERATION OF A MOTOR VEHICLE IN CERTAIN CIRCUMSTANCES TO THE IGNITION INTERLOCK SYSTEM PRE-SET FAIL LEVEL; AND TO REQUIRE THE COURTS COMMISSION TO STUDY WHETHER TO EXPAND THE USE OF IGNITION INTERLOCK SYSTEMS.*

Identical to [S 183](#), filed 3/4/21.

Makes the following changes to GS 20-179.3 regarding limited driving privileges. Eliminates subsection (c1), which set three additional restrictions for limited driving privileges issued to persons convicted of an impaired driving offense with an alcohol concentration of 0.15 or more at the time of the offense, including delaying the effectiveness of the limited driving privilege until 45 days after the final conviction. Amends subsections (g3) and (g5), which permit or mandate a judge to include specified conditions in a limited driving privilege order based on whether the person's license is revoked for an impaired driving conviction where the person had an alcohol concentration of 0.15 or more, which include restricting the applicant to one designated motor vehicle, installing functioning ignition interlock system that prohibits driving with an alcohol concentration greater than 0.00, and requiring the applicant to personally activate the system before driving. Adds provisions to both subsections (g3) and (g5) to specify that when limited driving privilege orders include restrictions set out in those subsections, the other limitations of the statute set out in subsections (a) (which restricts the privilege to driving for seven specified "essential" purposes only), (f), (g), (g1), and (g2) (which each provide further operational hour and purpose restrictions for the privilege) do not apply when the person is operating the designated motor vehicle with a functioning ignition interlock system. Makes clarifying and technical changes.

Amends GS 20-17.8, which provides procedures and restrictions for restoring a license revoked following a conviction for driving while impaired when the person had an alcohol concentration of 0.15 or more, the person had been convicted of another offense involving impaired driving within the preceding seven years, or the person was sentenced under the aggravated level one punishment provisions of GS 20-179(f3). Amends the restoration requirements for applicable licenses to require the person to agree to and indicate on their drivers license that the person cannot drive with an alcohol concentration of 0.02 or greater, rather than setting different alcohol concentration restrictions based on circumstances of the conviction. Now requires

a person subject to these restoration requirements to designate any registered vehicles owned by that person that the person operates or intends to operate and have the designated vehicles equipped with a functioning ignition interlock system approved by the Commissioner of Motor Vehicles (Commissioner; current law requires all registered vehicles owned by the person to be equipped with a functioning system). Requires proof of installation in at least one of the person's designated vehicles prior to license issuance. Eliminates the provisions which allow a person to seek an installation waiver for the person's registered vehicles that are used by other family members and not in the person's possession. Now authorizes the Commissioner to cancel the drivers license of subject persons if they operate a vehicle that is not designated or remove the ignition interlock system from any designated vehicle, other than changing providers or upon sale of the vehicle. No longer authorizes cancellation of a license for registration of a vehicle owned by the person without an installed ignition interlock system. Makes conforming changes regarding revocation hearings for violations of the statute's restrictions. Makes clarifying and technical changes.

Amends GS 20-19(c3), which places four additional restrictions on drivers licenses which are restored following revocation pursuant to the following statutes, as applicable: GS 20-13.2(a) (revocation of a provisional license following a conviction for driving while impaired under 21); GS 20-23 (revocation following out-of-state impaired driving convictions); GS 20-23.2 (revocation following federal impaired driving convictions); GS 20-17(a)(2) (revocation for impaired driving under GS 20-138.1 or impaired driving in a commercial vehicle under GS 20-128.2 if the alcohol concentration was .06 or higher); GS 20-17(a)(1) or (9) (revocation for manslaughter, felony or misdemeanor death by vehicle, or serious injury by vehicle, when the offense involved impaired driving); GS 20-138.5(d) (permanent revocation for habitual impaired driving); or subsection (c3). Adds a fifth additional restriction to require the person not operate a vehicle with an alcohol concentration of greater than 0.00 at any relevant time after the driving for licenses restored after revocation for conviction of impaired driving while less than 21 under GS 20-128.3 or revocation under GS 20-23 or GS 20-23.2 for out-of-state or federal impaired driving offenses which if committed in this State would result in a conviction under GS 20-128.3 (this requirement was previously included in GS 20-17.8(b)(3), but more broadly included revocations for driving while impaired in a commercial vehicle under GS 20-138.2, violations of 20-141.4, and under GS 20-17(a)(1)). Additionally, specifies that the person seeking restoration under subsection (c3) must agree to submit to a chemical analysis at the request of a law enforcement officer who has reasonable grounds to believe the person is operating a motor vehicle on a highway or public vehicular area while consuming alcohol or at any time while the person has remaining in the person's body any alcohol or controlled substance previously consumed (previously, if the officer has reasonable grounds to believe the person is operating in violation of the specified restrictions of (c3)). Further amends GS 20-19 by making clarifying and technical changes, and making language gender neutral.

Enacts GS 20-179.5 to explicitly place the cost of installation and monitoring of an ignition interlock system required by a court or the Division of Motor Vehicles (Division) on the person ordered to install the system, collected by agreed terms with the vendor. Allows a person ordered by a court or required by statute to install an ignition interlock system to lawfully operate a motor vehicle and who cannot afford the cost to apply to an authorized vendor for a waiver of a portion of the costs. Details affidavit and supporting documentation requirements, including that either the person's income is at or below 150% of the federal poverty line or the person is enrolled in one of the five specified public assistance programs. For compliant waivers, requires that the applicant not be required to pay for the system's installation or removal, and receive a 50% discount on the monthly service rate charged. Provides for Division review of a vendor's determination regarding a waiver. Requires the Division to adopt rules to govern review.

Requires the Division to adopt temporary implementing rules under GS 20-179.5, as enacted.

Makes the above provisions effective December 1, 2021, and applicable to limited driving privileges issued on or after that date.

Requires the Division to develop the waiver form to be used under GS 20-179.5 by December 1, 2021.

Directs the Joint Legislative Oversight Committee on Justice and Public Safety to study whether the use of an ignition interlock system as a condition of a limited driving privilege should be expanded to include additional convictions and whether the requirements should apply to limited driving privileges granted pretrial and granted to permit driving during the period of a revocation for refusal to submit to chemical testing. Further requires study of whether the Division rather than courts should be authorized to granted limited driving privileges and to supervise the use of ignition interlocks. Requires reporting findings and proposed legislation prior to the convening of the 2022 Regular Session.

Provides a savings clause for prosecutions for offenses committed before the effective date of the act.

[View summary](#)[Courts/Judiciary, Motor Vehicle, Government, State Agencies,  
Department of Transportation](#)

H 403 (2021-2022) [CLARIFY MOTOR VEHICLE FRANCHISE LAWS](#). Filed Mar 24 2021, *AN ACT TO REVISE AND CLARIFY THE LAWS GOVERNING NEW MOTOR VEHICLE DEALER FRANCHISES*.

Identical to [S 342](#), filed 3/24/21.

Makes the following changes to GS 20-305(4), which makes it unlawful for any manufacturer, factory branch, distributor, or distributor branch, or any field representative, officer, agent, or any representative of the like, to prevent or refuse to approve the sale or transfer of ownership of a dealership, a change in management or principal operator of the dealership, a change in the use of an existing facility to provide for the sales or service of additional line-makers of new vehicles, or relocation of the dealership to another site within the market area, if the Commissioner of Motor Vehicles (Commissioner) has determined the objection to be unreasonable under the circumstances following a hearing on the matter. Makes technical and clarifying changes as well as organizational changes. Adds the following to the unlawful activity of a manufacturer identified in the provisions now organized as subdivision i. Makes it unlawful for a manufacturer to condition the approval of the sale or transfer of the ownership of a dealership by the sale of the business, stock transfer, or otherwise, or the transfer, sale, succession, or assignment of a dealer's franchise, or a change in the executive management or principal operator of the dealership upon the existing or proposed dealer's willingness to renovate, construct, or relocate the dealership facility, or to enroll in a facility program. Also makes it unlawful for a manufacturer to condition the approval of the sale or transfer of the ownership of a dealership by the sale of the business, stock transfer, or otherwise, or the transfer, sale, succession, or assignment of a dealer's franchise, or a change in the executive management or principal operator of the dealership, or a dealer's proposed relocation of the dealership facility, or a dealer's satisfaction of the terms of any incentive program or contest, upon the existing or proposed dealer's willingness to enter into a right of first refusal in favor of the manufacturer.

Makes the following changes to GS 20-305(7), which makes it unlawful for any manufacturer, factory branch, distributor, or distributor branch, or any field representative, officer, agent, or any representative of the like, to prevent or refuse to honor the succession to a dealership by a motor vehicle dealer's designated successor. Regarding the procedure for a manufacturer or distributor to object to an owner's appointment of a designated successor, allows the manufacturer or distributor to request personal and financial data that is reasonably necessary to determine the general business qualifications of the designated successor, in addition to the designated successor's financial ability. Makes conforming changes regarding the timing of the objection following notice of the designation and general information as to the designation's qualifications. Changes the burden of proof placed on the manufacturer or distributor at the evidentiary hearing to determine whether good cause exists for rejection of the owner's appointed designated successor, requires proving that the designated successor is not of good moral character or does not possess reasonable minimum general business experience (rather than alternative proving the successor does not meet the franchisor's existing written and reasonable standards and the uniformly applied minimum business experience standards in the market area considering the volume of sales and service of the new motor vehicle dealer). Makes a similar change to allow the manufacturer or distributor to request the designated successor to complete the application forms generally utilized by the manufacturer or distributor to review the successor's general business qualifications to establish a successor dealership (previously generally referred to the successor's qualifications). Adds a new provision to deem the failure or refusal of the designated successor to agree to any terms or provisions that are in addition to or that vary from the terms or provisions contained in the existing franchise between the parties not to be good cause for the manufacturer or distributor to object to the designated successor. Makes technical changes.

Expands GS 20-305(18) to make it unlawful for any manufacturer, factory branch, distributor, or distributor branch, or any field representative, officer, agent, or any representative of the like, to prevent or attempt to prevent through the exercise of any contractual right of first refusal or otherwise, a dealer located in the State from purchasing, entering into an option to purchase, or complying with any subjective standards or asserting any legal or equitable rights relating to the franchise.

Amends GS 20-305(6) regarding a termination, cancellation or nonrenewal of a franchise. Adds a new provision to deem the establishment of a separate franchise that sells or distributes exclusively or primarily electric vehicles a change of an establishment plan or system of distribution, whereby a franchise is to continue in full force and operation notwithstanding the change. Current law requires the Division of Motor Vehicles (Division) to deny an application of a manufacturer, factory

branch, distributor or distributor branch for a license or license renewal upon occurrence of a change in the established plan or system of distribution under the franchise unless the applicant offers to each motor vehicle dealer who is a party to the franchise that line-make, without any separate or additional fee or charge, a new franchise agreement substantially similar to the previous agreement or files an affidavit acknowledging its undertaking to assume and fulfill, without any separate or additional fee or charge to its dealers, the rights, duties, and obligations of its predecessor under the previous agreement (currently does not specify that the applicant cannot apply separate or additional fees or charge upon the occurrence of a change). Adds a new provision that requires the Division to deny renewal of a license that the Division failed to deny following a change until the applicant offers to each motor vehicle dealer who is a party to a franchise for that line-make a new franchise agreement on substantially the same provisions which were contained in the previous agreement.

Adds the following new provisions to GS 20-305(9). Makes it unlawful for any manufacturer or distributor to require, coerce, or attempt to coerce any of its franchised dealers in the State to either (1) purchase or lease any electric vehicles charging stations at the dealer's expense unless the dealer is actually offering for sale to the public or providing warranty service on electric vehicles manufacturer or distributed by that manufacturer or distributor, or (2) purchase or lease more than one electric vehicle charging station per dealership location owned by the dealer at the dealer's expense. Additionally makes it unlawful for any manufacturer or distributor to require that any of its franchised dealers in the State purchase or lease any diagnostic equipment or tool for the maintenance, servicing, or repair of electric vehicles if the dealer has other such tools available and can perform the work to the applicable required standards of the manufacturer or distributor. Adds a new requirement for manufacturers and distributors having franchised dealers in the State that sell or service multiple brands of electric vehicles manufactured or distributed by the same manufacturer or distributor to design, manufacture and distribute diagnostic equipment, tools, and parts that can be used interchangeably with all brands of electric vehicles sold or distributed to their dealers in the State to the extent practicable.

Changes the definition of motor vehicle set out in GS 20-286, applicable to Article 12, Motor Vehicle Dealers and Manufacturers Licensing Law. Expands the term to include any motor propelled vehicle, regardless of the size and type of motor, source of power, or mode of operation.

Further amends GS 20-205(9) to make it unlawful for any manufacturer, factory branch, distributor, or distributor branch, or any field representative, officer, agent, or any representative of the like, to require, coerce, or attempt to coerce any new motor vehicle dealer in the State to purchase off-lease or other pre-owned vehicles either as part of the franchise agreement or as a part of an incentive program.

Expands GS 20-305(28) to make it unlawful for any manufacturer, factory branch, distributor, or distributor branch, or any field representative, officer, agent, or any representative of the like, to require, coerce, or attempt to coerce any new motor vehicle dealer to purchase, order, or accept any pre-owned or new motor vehicle as a precondition to purchasing, ordering, or receiving any other new motor vehicle(s) (currently limited to purchasing or ordering new motor vehicles as a precondition).

Makes a clarifying change to separate the prohibitions set forth in GS 20-305(12). Subdivision (12) now prohibits requiring, coercing, or attempting to coerce any new motor vehicle dealer to change location of the dealership, removing any further specifications. Enacts new subdivision (12a) to prohibit requiring, coercing, or attempting to coerce any new motor vehicle dealer to make any substantial alterations to the dealership premises or facilities when doing so would be unreasonable, or without written assurance of a sufficient supply of new motor vehicles to justify an expansion, in light of the current market and economic conditions.

Enacts new GS 20-205-(13) as follows. Makes it unlawful for manufacturer, factory branch, distributor, or distributor branch, or any field representative, officer, agent, or any representative of the like, to enter into any release or waiver of rights created under Article 12 with one of its franchised dealers in the state unless the release or waiver complies with six specified criteria, including that the release or waiver does not relate to nonreleasable or nonwaivable rights under the Article, the release or waiver is in no part prospective and is contained to a standalone document. Requires this subdivision to be strictly construed, with any release or waiver found in noncompliance deemed null and void.

Amends and adds to GS 20-305(14) regarding delaying, refusing, or failing to deliver motor vehicles or parts and accessories in reasonable quantities or as ordered pursuant to the franchise and advertised. Regarding sales objectives, requires every manufacturer, factory branch, distributor, or distributor branch to provide each of its franchised dealers with an adequate supply of vehicles in a fair, reasonable, and equitable manner based on each dealer's historical selling patten and planning potential (was, and reasonable sales standards as compared to other same line make dealers in the State). Adds the following new provisions. For a new motor vehicle dealer in the State who sold a total of 250 or fewer new motor vehicles manufactured

or distributed by a particular manufacturer or distributor during the immediately preceding 12 calendar months, require the manufacturer or distributor to allocate to the dealer and deliver in a timely manner, monthly and on a model by model or series basis, no fewer than the number of new motor vehicles of each such model or series that dealer sold at retail during the immediately previous calendar month. Specifies that the dealer reserves the right to refuse to accept all or any portion of any allocation of vehicles made available pursuant to the new requirement. Adds an additional requirement for manufacturers, factory branches, distributors, and distributor branches to provide to each of its franchised dealers in the State the manufacturer's formula used for allocating motor vehicles, and the monthly summary of the number of motor vehicles allocated to each of the franchised dealers in the State by series, product line, and model.

Expands GS 20-305(33), making it unlawful for any manufacturer, factory branch, distributor, or distributor branch, or any field representative, officer, agent, or any representative of the like, to fail to reimburse a dealer located in the State in full for the actual cost of providing a loaner or rental vehicle to any customer who is having a vehicle serviced at the dealership if required by the manufacturer (previously only referred to loaner vehicles). Specifies that the actual costs includes applicable taxes and third-party fees. Expands the provisions to include situations where the manufacturer has represented or indicated to the customer that a loaner or rental vehicle will be provided or that the customer is entitled to such. Adds the following prohibitions. Makes it unlawful for a manufacturer to fail to reimburse the dealer in full as provided by the subdivision whether or not the dealer provides the customer with a motor vehicle similar to the customer's vehicle brought in for service if the dealer does not have a similar model loaner or rental available, or in the event all or some of the time the dealer has provided the loaner or rental is due to the unavailability of one or more parts.

Adds the following to the provisions of GS 20-305(50) which prohibits requiring, coercing, or attempting to coerce the relocation of certain new motor vehicle dealerships. Provides that if a manufacturer, factory branch, distributor, or distributor branch offers incentives or other payments under a program that are in any part conditioned on a dealer's construction of a new facility, facility improvements, or installation of signs or other image elements, a dealer that constructed a new facility, made facility improvements, or installed signs or other image elements required or approved by the manufacturer that were completed at a cost of more than \$250,000 within the preceding 10 years is deemed to be in compliance with the manufacturer's new or successor program requirements and entitled to receive all incentive or other payments awardable under the new or successor program. Removes the governance of a change in location from the cross-referenced provisions.

Adds to the information each motor vehicle manufacturer, factory branch, distributor or distributor branch must specify in writing to each of its licensed motor vehicle dealers pursuant to GS 20-305.1 to include the dealer's manufacturer-sponsored maintenance programs, manufacturer extended warranty, goodwill repairs, and parts exchange programs. Adds to the items to be included in the accompanying schedule of compensation to include reasonable compensation for battery disposal or other disposal charges and shipping and all other associated fees. Changes the requirements for rebutting the presumption of customary parts markup and labor rates by using rates charges by all other franchise motor vehicle dealers located in the dealer's city to town offering the same line-make vehicles, or if none exist, other same segment franchised dealers who are selling competing line-makers of vehicles within the dealer's city or town (previously referred to the dealer's market). Extends the period within which only one audit can be conducted for the following from 12 to 24 months, excluding audits for cause: for warranty or recall parts or service compensation or compensation for used motor vehicle recalls, and for sales incentives, service incentives, rebates, or other forms of incentive compensation. Changes the definition given for audits conducted for cause to include an audit based on the fact that the dealer cannot reasonably substantiate the claim either in accordance with the manufacturer's reasonable written procedures or by other reasonable means; no longer includes that the dealer's claims submissions violate reasonable claims documentation or other requirements of the applicable manufacturer, factory branch, distributor, or distributor branch. Requires a manufacturer to fully compensate a dealer for warranty or recall work and make any chargeback to the dealer's account based on the dealer's failure to comply with the manufacturer's documentation procedure(s) so long as the dealer has documented by other reasonable means. No longer allows the manufacturer to not provide compensation or chargeback when the dealer has failed to comply with the same claim documentation procedure in the previous 12 months and the manufacturer provided a written warning to the dealer in the same period. Adds audits and auditor compensation governed by subsection (b4) to the provisions of the statute of which can be petitioned and heard by the Commissioner in the event of a dispute pursuant to the provisions of subsection (c).

Expands the definition of motor vehicle dealer under GS 20-286, applicable to Article 12, to include a person who for commission, money or value leases or offers for subscription five or more motor vehicles within any 12 consecutive months, or (2) engages in the business of leasing or offering for subscription new motor vehicles or new or used motor vehicles, or used motor vehicles only (whether or not owned by the person) and sells five or more motor vehicles within any 12 consecutive months.

Adds to the provisions of GS 20-305(20) regarding the confidentiality of business, financial, or personal information of new motor vehicle dealers. Prohibits a manufacturer from requiring, or including in any incentive program, a requirement that any of its motor vehicle dealers in the State provide either a financial statement more than once per calendar quarter, or an exclusive financial statement for a franchise when the dealer company operates more than one franchise.

Includes a severability clause.

**Intro. by B. Jones, Wray.**

[GS 20](#)

[View summary](#)

[Business and Commerce, Courts/Judiciary, Civil, Civil Law, Motor Vehicle](#)

H 404 (2021-2022) [IMMUNITY FOR 911 DISPATCHERS](#). Filed Mar 24 2021, *AN ACT PROVIDING THAT PUBLIC SAFETY ANSWERING POINTS, REGIONAL PUBLIC SAFETY ANSWERING POINTS, AND THEIR EMPLOYEES AND AGENTS ARE NOT LIABLE FOR DAMAGES IN A CIVIL ACTION EXCEPT IN CASES OF WANTON OR WILLFUL MISCONDUCT.*

Expands GS 143B-1413 to provide immunity for a public safety answering point (PSAP) and a regional PSAP and their employees, directors, officers, vendors and agents for any damages in a civil action resulting from death or injury to any person or from damage to property incurred by any person in connection with developing, adopting, implementing, maintaining, or operating the 911 system, in addition to the 911 system providers and next generation 911 system providers, and their agents, currently granted immunity. Removes communications service providers from those granted immunity. Specifies that the immunity includes the actions of call taking, dispatching, radio operations, data terminal operations, or any combination of these call-taking functions in a PSAP. More specifically excludes actions arising out of the operation or ownership of a motor vehicle by an employee or agent of a 911 system provider, next generation 911 system provider, PSAP, or regional PSAP. Eliminates the existing provisions providing for the burden of proof in civil actions against a PSAP and its agents.

**Intro. by Zachary, Warren.**

[GS 143B](#)

[View summary](#)

[Courts/Judiciary, Civil, Civil Law, Government, Public Safety and Emergency Management](#)

H 405 (2021-2022) [REORGANIZE JUDICIAL DISTRICTS 30/30A/30B](#). Filed Mar 24 2021, *AN ACT TO DIVIDE DISTRICT COURT JUDICIAL DISTRICT 30 INTO DISTRICTS 30A AND 30B, TO REALIGN SUPERIOR COURT JUDICIAL DISTRICTS 30A AND 30B, AND TO APPROPRIATE FUNDS.*

Amends GS 7A-41 to move Swain County from Superior Court District 30A (Cherokee, Clay, Graham and Macon) to District 30B (Haywood and Jackson), which each are assigned one resident superior court judge. Provides that upon realignment, the existing superior court judicial assistants serving at the pleasure of the senior resident superior court judge are reclassified as trial court administrators.

Amends GS 7A-133 to divide District Court District 30, which is assigned 6 district court judges, into Districts 30A (Cherokee, Clay, Graham and Macon) with three district court judges, and 30B (Haywood, Jackson and Swain) with five district court judges. Provides for the three judgeships established for District 30A to be filled by a district court judge from current District 30 who resides in one of the District 30A counties. Provides that the term of one judge living in Clay County elected in 2020 expires December 31, 2024. Requires the two newly established judgeships for District 30A to be appointed by the Governor pursuant to GS 7A-142, to serve terms to expire December 31, 2022, with successors elected at the 2022 general election for four-year terms. Provides for the five judgeships established for District 30B to be filled by the district court judges from current District 30 who reside in the District 30B counties. Provides for the terms of the two judges living in Haywood County elected in 2020 expire December 31, 2024. Provides for the terms of the three judges living in Haywood County elected in 2019 expire December 31, 2022. Directs the Administrative Office of the Courts (AOC) to assign the two existing district court judicial assistants in Haywood County to the chief district court judge in District 30B, and hire one new district court judicial assistant to serve the chief district court judge in District 30A using funds appropriated by the act. Additionally

requires AOC to ensure Districts 30A and 30B each have a custody mediator, using available funds, unless AOC authorizes program operation in conjunction with another district(s).

Makes the above provisions effective December 1, 2021.

Amends GS 7A-60, increasing the number of assistant district attorneys for Prosecutorial District 43 (Cherokee, Clay, Graham, Haywood, Jackson, Macon, and Swain) from 13 to 15 (makes changes to the statutes as it exists from January 1, 2021, through December 31, 2022, and January 1, 2023, and thereafter). Effective July 1, 2021.

Appropriates \$553,946 and \$759,038 in recurring funds for the 2021-22 and 2022-23 fiscal years to AOC, to be allocated in specified amounts for two district court judge positions, one district court judicial assistant position, and two assistant district attorney positions. Appropriates \$30,970 to AOC for 2021-22 to be allocated in specified amounts for the same described positions. Effective July 1, 2021.

**Intro. by Clampitt.**

APPROP, Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain, GS 7A

[View summary](#)

Courts/Judiciary, Court System, Government, Budget/Appropriations, State Agencies, Department of Justice

H 407 (2021-2022) [SOUTHEASTERN NC BUSINESS COURT ALJ](#). Filed Mar 24 2021, *AN ACT TO APPROPRIATE FUNDS FOR AN OFFICE OF ADMINISTRATIVE HEARINGS FIELD OFFICE IN SOUTHEASTERN NORTH CAROLINA FOR THE SETTING OF BUSINESS-RELATED CASES, FOR A FULL-TIME ADMINISTRATIVE LAW JUDGE TO PRESIDE OVER THOSE CASES, AND FOR A PART-TIME PARALEGAL TO SUPPORT THE FIELD OFFICE'S WORK.*

Appropriates \$153,152 in recurring funds for each year of the 2021-23 biennium from the General Fund to the Office of Administrative Hearing (OAH) to fund a full-time administrative law judge position. Appropriates \$27,553 in recurring funds for each year of the 2021-23 biennium from the General Fund to the OAH to fund a part-time paralegal position to support the administrative law judge.

Appropriates \$38,700 in recurring funds for each year of the 2021-23 biennium from the General Fund to OAH to establish and operate an OAH field office in southeastern North Carolina for the setting of business related cases.

Requires the Chief Administrative Law Judge to appoint a full time administrative law judge that has the experience and expertise to preside over business related cases, to preside over the OAH office funded in this act in southeastern North Carolina.

Effective July 1, 2021.

**Intro. by Shepard, Cleveland.**

APPROP, UNCODIFIED

[View summary](#)

Business and Commerce, Courts/Judiciary, Court System

H 408 (2021-2022) [REGULATION OF RAILROAD CREWS](#). Filed Mar 24 2021, *AN ACT TO PROHIBIT A TRAIN OR LIGHT ENGINE USED IN CONNECTION WITH THE MOVEMENT OF FREIGHT FROM BEING OPERATED IN THIS STATE UNLESS IT HAS A CERTAIN NUMBER OF CREW MEMBERS.*

Amends GS Chapter 136, Article 15 (Railroads), by adding new GS 136-199, requiring a crew of at least two persons for a railroad train or light engine used in a Class I railroad, as defined by the Federal Surface Transportation Board, when moving freight. Provides that any person who willfully violates this section is guilty of a Class 1 misdemeanor and will be assessed a fine as follows: (1) first offense, \$250 to \$1,000; (2) second offense committed within three years of the first, \$1,000 to \$5,000; (3) third and subsequent offenses within a three-year period, \$5,000 to \$10,000. Exempts persons who move locomotives unattached to railcars within a rail yard as well as employees who are temporarily assigned to work with train or yard crews consistent with 49 CFR 218.22 ("utility employee"). Defines light engine as a locomotive or a consist of locomotives not

attached to any piece of equipment or attached only to a caboose, not traveling more than 30 miles outside of a rail yard. Effective January 1, 2022.

**Intro. by Logan, Graham, Insko, Sasser.**

GS 136

[View summary](#)

**Transportation**

H 409 (2021-2022) **REVISE, STUDY, AND FUND LEP ALLOTMENT.** Filed Mar 24 2021, *AN ACT TO REVISE THE STUDENTS WITH LIMITED ENGLISH PROFICIENCY ALLOTMENT, TO REQUIRE THE STATE BOARD OF EDUCATION TO STUDY THE STUDENTS WITH LIMITED ENGLISH PROFICIENCY ALLOTMENT, AND TO APPROPRIATE FUNDS TO THE STUDENTS WITH LIMITED ENGLISH PROFICIENCY ALLOTMENT.*

Requires the State Board of Education (State Board), for the 2021-23 fiscal biennium, to develop guidelines for identifying and providing services to students with limited proficiency in the English language, as follows: (1) requires allocating these funds to local school administrative units and to charter schools under a formula that takes into account the average percentage of students in the units or the charters over the past three years who have limited English proficiency and requires allocating funds to those schools only if average daily membership of the unit or charter school includes at least 20 students with limited English proficiency or if students with limited English proficiency comprise at least 2.5% of the average daily membership of the unit or charter school; (2) requires local school administrative units to use funds allocated to them to pay for classroom teachers, teacher assistants, tutors, textbooks, classroom materials/instructional supplies/equipment, transportation costs, and staff development of teachers for students with limited English proficiency; and (3) requires a county in which a local school administrative unit receives funds under this section to use the funds to supplement local current expense funds. Requires the Department of Public Instruction to prepare a head count of the number of students with limited English proficiency by December 1 of each year and requires those students to be assessed at least once every three years to determine English proficiency.

Requires the State Board to study the allotment for students with limited English proficiency and report on the result by December 31, 2021, to the specified NCGA committee and division. Specifies minimum content of the report.

Appropriates \$3.4 million in recurring funds for 2021-22 from the General Fund to the Department of Public Instruction to increase the allotment for students with limited English proficiency.

Effective July 1, 2021.

**Intro. by Meyer, A. Baker, Hurtado.**

APPROP, STUDY

[View summary](#)

**Education, Elementary and Secondary Education, Government, State Agencies, Department of Public Instruction, State Board of Education**

## PUBLIC/SENATE BILLS

S 342 (2021-2022) **CLARIFY MOTOR VEHICLE FRANCHISE LAWS.** Filed Mar 24 2021, *AN ACT TO REVISE AND CLARIFY THE LAWS GOVERNING NEW MOTOR VEHICLE DEALER FRANCHISES.*

Makes the following changes to GS 20-305(4), which makes it unlawful for any manufacturer, factory branch, distributor, or distributor branch, or any field representative, officer, agent, or any representative of the like, to prevent or refuse to approve the sale or transfer of ownership of a dealership, a change in management or principal operator of the dealership, a change in the use of an existing facility to provide for the sales or service of additional line-makers of new vehicles, or relocation of the dealership to another site within the market area, if the Commissioner of Motor Vehicles (Commissioner) has determined the objection to be unreasonable under the circumstances following a hearing on the matter. Makes technical and clarifying changes as well as organizational changes. Adds the following to the unlawful activity of a manufacturer identified in the

provisions now organized as subdivision i. Makes it unlawful for a manufacturer to condition the approval of the sale or transfer of the ownership of a dealership by the sale of the business, stock transfer, or otherwise, or the transfer, sale, succession, or assignment of a dealer's franchise, or a change in the executive management or principal operator of the dealership upon the existing or proposed dealer's willingness to renovate, construct, or relocate the dealership facility, or to enroll in a facility program. Also makes it unlawful for a manufacturer to condition the approval of the sale or transfer of the ownership of a dealership by the sale of the business, stock transfer, or otherwise, or the transfer, sale, succession, or assignment of a dealer's franchise, or a change in the executive management or principal operator of the dealership, or a dealer's proposed relocation of the dealership facility, or a dealer's satisfaction of the terms of any incentive program or contest, upon the existing or proposed dealer's willingness to enter into a right of first refusal in favor of the manufacturer.

Makes the following changes to GS 20-305(7), which makes it unlawful for any manufacturer, factory branch, distributor, or distributor branch, or any field representative, officer, agent, or any representative of the like, to prevent or refuse to honor the succession to a dealership by a motor vehicle dealer's designated successor. Regarding the procedure for a manufacturer or distributor to object to an owner's appointment of a designated successor, allows the manufacturer or distributor to request personal and financial data that is reasonably necessary to determine the general business qualifications of the designated successor, in addition to the designated successor's financial ability. Makes conforming changes regarding the timing of the objection following notice of the designation and general information as to the designation's qualifications. Changes the burden of proof placed on the manufacturer or distributor at the evidentiary hearing to determine whether good cause exists for rejection of the owner's appointed designated successor, requires proving that the designated successor is not of good moral character or does not possess reasonable minimum general business experience (rather than alternative proving the successor does not meet the franchisor's existing written and reasonable standards and the uniformly applied minimum business experience standards in the market area considering the volume of sales and service of the new motor vehicle dealer). Makes a similar change to allow the manufacturer or distributor to request the designated successor to complete the application forms generally utilized by the manufacturer or distributor to review the successor's general business qualifications to establish a successor dealership (previously generally referred to the successor's qualifications). Adds a new provision to deem the failure or refusal of the designated successor to agree to any terms or provisions that are in addition to or that vary from the terms or provisions contained in the existing franchise between the parties not to be good cause for the manufacturer or distributor to object to the designated successor. Makes technical changes.

Expands GS 20-305(18) to make it unlawful for any manufacturer, factory branch, distributor, or distributor branch, or any field representative, officer, agent, or any representative of the like, to prevent or attempt to prevent through the exercise of any contractual right of first refusal or otherwise, a dealer located in the State from purchasing, entering into an option to purchase, or complying with any subjective standards or asserting any legal or equitable rights relating to the franchise.

Amends GS 20-305(6) regarding a termination, cancellation or nonrenewal of a franchise. Adds a new provision to deem the establishment of a separate franchise that sells or distributes exclusively or primarily electric vehicles a change of an establishment plan or system of distribution, whereby a franchise is to continue in full force and operation notwithstanding the change. Current law requires the Division of Motor Vehicles (Division) to deny an application of a manufacturer, factory branch, distributor or distributor branch for a license or license renewal upon occurrence of a change in the established plan or system of distribution under the franchise unless the applicant offers to each motor vehicle dealer who is a party to the franchise that line-make, without any separate or additional fee or charge, a new franchise agreement substantially similar to the previous agreement or files an affidavit acknowledging its undertaking to assume and fulfill, without any separate or additional fee or charge to its dealers, the rights, duties, and obligations of its predecessor under the previous agreement (currently does not specify that the applicant cannot apply separate or additional fees or charge upon the occurrence of a change). Adds a new provision that requires the Division to deny renewal of a license that the Division failed to deny following a change until the applicant offers to each motor vehicle dealer who is a party to a franchise for that line-make a new franchise agreement on substantially the same provisions which were contained in the previous agreement.

Adds the following new provisions to GS 20-305(9). Makes it unlawful for any manufacturer or distributor to require, coerce, or attempt to coerce any of its franchised dealers in the State to either (1) purchase or lease any electric vehicles charging stations at the dealer's expense unless the dealer is actually offering for sale to the public or providing warranty service on electric vehicles manufacturer or distributed by that manufacturer or distributor, or (2) purchase or lease more than one electric vehicle charging station per dealership location owned by the dealer at the dealer's expense. Additionally makes it unlawful for any manufacturer or distributor to require that any of its franchised dealers in the State purchase or lease any diagnostic equipment or tool for the maintenance, servicing, or repair of electric vehicles if the dealer has other such tools available and can perform the work to the applicable required standards of the manufacturer or distributor. Adds a new requirement for

manufacturers and distributors having franchised dealers in the State that sell or service multiple brands of electric vehicles manufactured or distributed by the same manufacturer or distributor to design, manufacture and distribute diagnostic equipment, tools, and parts that can be used interchangeably with all brands of electric vehicles sold or distributed to their dealers in the State to the extent practicable.

Changes the definition of *motor vehicle* set out in GS 20-286, applicable to Article 12, Motor Vehicle Dealers and Manufacturers Licensing Law. Expands the term to include any motor propelled vehicle, regardless of the size and type of motor, source of power, or mode of operation.

Further amends GS 20-205(9) to make it unlawful for any manufacturer, factory branch, distributor, or distributor branch, or any field representative, officer, agent, or any representative of the like, to require, coerce, or attempt to coerce any new motor vehicle dealer in the State to purchase off-lease or other pre-owned vehicles either as part of the franchise agreement or as a part of an incentive program.

Expands GS 20-305(28) to make it unlawful for any manufacturer, factory branch, distributor, or distributor branch, or any field representative, officer, agent, or any representative of the like, to require, coerce, or attempt to coerce any new motor vehicle dealer to purchase, order, or accept any pre-owned or new motor vehicle as a precondition to purchasing, ordering, or receiving any other new motor vehicle(s) (currently limited to purchasing or ordering new motor vehicles as a precondition).

Makes a clarifying change to separate the prohibitions set forth in GS 20-305(12). Subdivision (12) now prohibits requiring, coercing, or attempting to coerce any new motor vehicle dealer to change location of the dealership, removing any further specifications. Enacts new subdivision (12a) to prohibit requiring, coercing, or attempting to coerce any new motor vehicle dealer to make any substantial alterations to the dealership premises or facilities when doing so would be unreasonable, or without written assurance of a sufficient supply of new motor vehicles to justify an expansion, in light of the current market and economic conditions.

Enacts new GS 20-205-(13) as follows. Makes it unlawful for manufacturer, factory branch, distributor, or distributor branch, or any field representative, officer, agent, or any representative of the like, to enter into any release or waiver of rights created under Article 12 with one of its franchised dealers in the state unless the release or waiver complies with six specified criteria, including that the release or waiver does not relate to nonreleasable or nonwaivable rights under the Article, the release or waiver is in no part prospective and is contained to a standalone document. Requires this subdivision to be strictly construed, with any release or waiver found in noncompliance deemed null and void.

Amends and adds to GS 20-305(14) regarding delaying, refusing, or failing to deliver motor vehicles or parts and accessories in reasonable quantities or as ordered pursuant to the franchise and advertised. Regarding sales objectives, requires every manufacturer, factory branch, distributor, or distributor branch to provide each of its franchised dealers with an adequate supply of vehicles in a fair, reasonable, and equitable manner based on each dealer's historical selling pattern and planning potential (was, and reasonable sales standards as compared to other same line make dealers in the State). Adds the following new provisions. For a new motor vehicle dealer in the State who sold a total of 250 or fewer new motor vehicles manufactured or distributed by a particular manufacturer or distributor during the immediately preceding 12 calendar months, require the manufacturer or distributor to allocate to the dealer and deliver in a timely manner, monthly and on a model by model or series basis, no fewer than the number of new motor vehicles of each such model or series that dealer sold at retail during the immediately previous calendar month. Specifies that the dealer reserves the right to refuse to accept all or any portion of any allocation of vehicles made available pursuant to the new requirement. Adds an additional requirement for manufacturers, factory branches, distributors, and distributor branches to provide to each of its franchised dealers in the State the manufacturer's formula used for allocating motor vehicles, and the monthly summary of the number of motor vehicles allocated to each of the franchised dealers in the State by series, product line, and model.

Expands GS 20-305(33), making it unlawful for any manufacturer, factory branch, distributor, or distributor branch, or any field representative, officer, agent, or any representative of the like, to fail to reimburse a dealer located in the State in full for the actual cost of providing a loaner or rental vehicle to any customer who is having a vehicle serviced at the dealership if required by the manufacturer (previously only referred to loaner vehicles). Specifies that the actual costs includes applicable taxes and third-party fees. Expands the provisions to include situations where the manufacturer has represented or indicated to the customer that a loaner or rental vehicle will be provided or that the customer is entitled to such. Adds the following prohibitions. Makes it unlawful for a manufacturer to fail to reimburse the dealer in full as provided by the subdivision whether or not the dealer provides the customer with a motor vehicle similar to the customer's vehicle brought in for service if the

dealer does not have a similar model loaner or rental available, or in the event all or some of the time the dealer has provided the loaner or rental is due to the unavailability of one or more parts.

Adds the following to the provisions of GS 20-305(50) which prohibits requiring, coercing, or attempting to coerce the relocation of certain new motor vehicle dealerships. Provides that if a manufacturer, factory branch, distributor, or distributor branch offers incentives or other payments under a program that are in any part conditioned on a dealer's construction of a new facility, facility improvements, or installation of signs or other image elements, a dealer that constructed a new facility, made facility improvements, or installed signs or other image elements required or approved by the manufacturer that were completed at a cost of more than \$250,000 within the preceding 10 years is deemed to be in compliance with the manufacturer's new or successor program requirements and entitled to receive all incentive or other payments awardable under the new or successor program. Removes the governance of a change in location from the cross-referenced provisions.

Adds to the information each motor vehicle manufacturer, factory branch, distributor or distributor branch must specify in writing to each of its licensed motor vehicle dealers pursuant to GS 20-305.1 to include the dealer's manufacturer-sponsored maintenance programs, manufacturer extended warranty, goodwill repairs, and parts exchange programs. Adds to the items to be included in the accompanying schedule of compensation to include reasonable compensation for battery disposal or other disposal charges and shipping and all other associated fees. Changes the requirements for rebutting the presumption of customary parts markup and labor rates by using rates charges by all other franchise motor vehicle dealers located in the dealer's city to town offering the same line-make vehicles, or if none exist, other same segment franchised dealers who are selling competing line-makers of vehicles within the dealer's city or town (previously referred to the dealer's market). Extends the period within which only one audit can be conducted for the following from 12 to 24 months, excluding audits for cause: for warranty or recall parts or service compensation or compensation for used motor vehicle recalls, and for sales incentives, service incentives, rebates, or other forms of incentive compensation. Changes the definition given for audits conducted for cause to include an audit based on the fact that the dealer cannot reasonably substantiate the claim either in accordance with the manufacturer's reasonable written procedures or by other reasonable means; no longer includes that the dealer's claims submissions violate reasonable claims documentation or other requirements of the applicable manufacturer, factory branch, distributor, or distributor branch. Requires a manufacturer to fully compensate a dealer for warranty or recall work and make any chargeback to the dealer's account based on the dealer's failure to comply with the manufacturer's documentation procedure(s) so long as the dealer has documented by other reasonable means. No longer allows the manufacturer to not provide compensation or chargeback when the dealer has failed to comply with the same claim documentation procedure in the previous 12 months and the manufacturer provided a written warning to the dealer in the same period. Adds audits and auditor compensation governed by subsection (b4) to the provisions of the statute of which can be petitioned and heard by the Commissioner in the event of a dispute pursuant to the provisions of subsection (c).

Expands the definition of motor vehicle dealer under GS 20-286, applicable to Article 12, to include a person who for commission, money or value leases or offers for subscription five or more motor vehicles within any 12 consecutive months, or (2) engages in the business of leasing or offering for subscription new motor vehicles or new or used motor vehicles, or used motor vehicles only (whether or not owned by the person) and sells five or more motor vehicles within any 12 consecutive months.

Adds to the provisions of GS 20-305(20) regarding the confidentiality of business, financial, or personal information of new motor vehicle dealers. Prohibits a manufacturer from requiring, or including in any incentive program, a requirement that any of its motor vehicle dealers in the State provide either a financial statement more than once per calendar quarter, or an exclusive financial statement for a franchise when the dealer company operates more than one franchise.

Includes a severability clause.

**Intro. by B. Jackson, Perry, Sawyer.**

GS 20

[View summary](#)

**[Business and Commerce](#), [Courts/Judiciary](#), [Civil](#), [Civil Law](#), [Motor Vehicle](#)**

S 343 (2021-2022) [REVISE VEHICLE SALE LAWS](#). Filed Mar 24 2021, *AN ACT TO REVISE AND CLARIFY CERTAIN LAWS GOVERNING THE SALE OF MOTOR VEHICLES*.

Amends GS 20-7 to allow a temporary driving certificate to be valid for identification purposes when conducting business with a licensed motor vehicle dealer, and valid for purposes of motor vehicle registration pursuant to GS 20-52. Makes conforming changes to GS 20-52(a)(1a)b. to allow for an individual applying for vehicle registration to elect to provide the owner's valid temporary driving certificate for identification. Applies to motor vehicle registrations on or after October 1, 2021.

Makes the following changes to GS 20-75.1 regarding conditional delivery of motor vehicles. Adds the purchaser to those entities that the dealer must notify following approval of the purchaser's financing of a conditionally delivered vehicle and execution of the manufacturer's certificate of origin or the certificate of title. Adds a new provision making the purchaser solely responsible for obtaining and paying for insurance on the purchased vehicle, granting immunity to the dealer for the purchaser's failure to place insurance on the purchased vehicle.

Adds to GS 20-79, regarding dealer license plates, to require dealer license plates issued to a new motor vehicle dealer to bear a unique number for each licensed new motor vehicle dealer followed by a hyphen and the numbers "001" for the first plate issued to that dealer and thereafter numbered sequentially for the remainder of the plates issued to that dealer. Applies to dealer plates issued on or after October 1, 2021.

**Intro. by B. Jackson, Perry, Sawyer.**

GS 20

[View summary](#)

**Business and Commerce, Insurance, Courts/Judiciary, Motor Vehicle**

S 344 (2021-2022) **FUNDS/WORKFORCE DEVELOPMENT HOSPITALITY**. Filed Mar 24 2021, *AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE NORTH CAROLINA RESTAURANT AND LODGING ASSOCIATION FOUNDATION, INC., FOR CAREER AND TECHNICAL EDUCATION IN THE HOSPITALITY INDUSTRY.*

Appropriates \$200,000 from the General Fund to the NC Restaurant and Lodging Association Foundation, Inc. (NCRLA Foundation) for each year of the 2021-23 fiscal biennium as a grant-in-aid to provide nationally certified programs in career and technical education focused on developing critical skills necessary for students to succeed in the hospitality sector. Provides that the funds are for instructor support and student training and testing to increase the State's skilled hospitality workforce. Effective July 1, 2021.

**Intro. by Lazzara, Edwards, Barnes.**

APPROP

[View summary](#)

**Business and Commerce, Education, Higher Education, Employment and Retirement, Government, Budget/Appropriations**

S 345 (2021-2022) **PA - TEAM-BASED PRACTICE**. Filed Mar 24 2021, *AN ACT TO ADJUST THE SUPERVISION ARRANGEMENT OF PHYSICIAN ASSISTANTS AND TO MAKE VARIOUS CHANGES TO THE LICENSURE OF PHYSICIAN ASSISTANTS.*

Enacts GS 90-9.3A to require a physician assistant (PA) to execute and maintain a supervisory agreement with a physician, unless the PA practices in team-based settings and has more than 4,000 hours of practice experience as a licensed PA and more than 1,000 hours of practice within the specific medical specialty of practice with a physician in that specialty. Details required content of the supervisory arrangement and requires the arrangement to be made available to the Board immediately upon request. Requires PAs subject to supervisory arrangements to submit an "Intent to Practice Notification Form" to the NC Medical Board (Board) before initiating the practice of medical acts, tasks, or functions of a PA, as specified. Requires PAs to collaborate and consult with or refer to appropriate team members as required and specified. Explicitly deems a PA responsible for the care they provide. Mandates supervision of a PA practicing in a perioperative setting, including the provision of surgical or anesthesia-related services. Makes conforming changes to the PA licensure requirements under GS 90-9.3, and the PA limited volunteer licensure requirements under GS 90-12.4.

Adds *team-based setting* to the defined terms in GS 90-1.1, defining the terms to mean either a medical practice organized under GS 55B-14(c)(3); a physician-owned medical practice where the owner has consistent and meaningful participation in the design and implementation of health services to patients; and licensed health facilities with active credentialing and quality programs where physicians have consistent and meaningful participation in the design and implementation of health services to patients; excludes medical practice that specializes in pain management. Amends *the practice of medicine or surgery* to include using the designation "Physician Assistant" or "PA" as specified.

Makes a technical change to the title of GS 90-12.4B.

Modifies the limitations set forth for PAs in GS 90-18.1 as follows. Allows a person meeting the qualifications for PA licensure to use the title, but prohibits acting or practicing as a PA unless licensed under the Chapter. Adds a new requirement for PAs to clearly designate their credentials in all clinical settings. Makes clarifications to the prescription drug authorities granted to indicate that the required provision of instructions and policies by the supervising physician only applies to PAs subject to supervisory agreements. Requires personal consultation with a physician (rather than the supervising physician) for the prescription of a targeted controlled substance under certain conditions, as previously described. Makes conforming changes. Makes clarifications to a PA's authority to order medications, tests and treatment in hospitals, clinics, nursing homes, and other health facilities to specify that the provision of instructions and review by a supervising physician only applies if the PA is subject to a supervisory agreement. Grants new authority for a PA to prescribe, dispense, compound, order, administer, and procure drugs and medical services, and plan and initiate a therapeutic regimen that includes ordering and prescribing non-pharmacological interventions and diagnostic support services. Authorizes PAs to authenticate any document, including death certificates with their signature, certification, stamp, verification, affidavit, or endorsement to the same extent as a physician. Bars PAs from performing final interpretations of diagnostic imaging studies, as defined, which must be provided by a licensed physician subject to the supervision of the Board. Makes conforming changes.

Amends GS 90-21.81 to include a PA with certification in obstetrical ultrasonography in the defined term *qualified technician*, as used in Article 11, *Woman's Right to Know Act*.

Amends GS 58-3-169 to include a PA primarily responsible for the care of a mother and her newborn child in accordance with State licensure and certification laws in the defined term *attending provider*, as used in the statute governing required coverage for minimum hospital stay following birth.

Expands GS 110-91 to allow a PA to conduct the health assessment of a child required prior to or immediately following admission to a child care facility.

Effective January 1, 2022.

**Intro. by Perry, Lee, Johnson.**

[GS 58, GS 90, GS 110](#)

[View summary](#)

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

S 346 (2021-2022) [EMERGENCY MANAGEMENT ACT REVISIONS](#). Filed Mar 24 2021, *AN ACT TO DEFINE AND CLARIFY THE PROCESS BY WHICH AN EXECUTIVE ORDER IS ISSUED BY THE GOVERNOR*.

Amends GS 166A-19.30 to condition the additional powers granted to the Governor under the statute during a gubernatorially or legislatively declared state of emergency on the concurrence of the Council of State. Makes any executive order issued by the Governor that exercises any of the enumerated powers granted under subsections (a), (b), and (c) of the statute expire 10 calendar days after issuance unless the Council of State concurs; if the Council of State concurs, the order expires 45 calendar days after issuance unless legislatively extended. Prohibits the Governor from issuing a substantially similar executive order arising from the same event as an executive order that was not legislatively extended.

Adds *Council of State* and *executive order* to the defined terms in GS 166A-19.3. Adds *concurrence of the Council of State* and defines the term to mean the consensus, within 10 calendar days of the issuance of an executive order, of a majority of the membership of the Council of State prior to the Governor exercising a power of authority requiring concurrence of the Council

of State. Requires the Governor to document the contact with and response of each member and release the member's response, or no response, provided by each member by name and position on the same website in which the executive order is published. Requires simultaneous release of information by the Governor with exercising the stated authority if concurrence is achieved.

**Intro. by Rabon, Burgin, Ford.**

[GS 166A](#)

[View summary](#)

**Government, General Assembly, Public Safety and  
Emergency Management, State Agencies, State Government,  
Executive, Local Government**

S 347 (2021-2022) [CAPTIVE INSURANCE AMENDMENTS](#). Filed Mar 24 2021, *AN ACT AMENDING STATUTES RELATING TO CAPTIVE INSURANCE*.

Part I.

Amends GS 58-10-375, concerning when a captive insurance company may pay dividends or other distribution; GS 58-10-395, concerning changes to a captive insurance company's plan of operation; and GS 58-10-440, concerning requirements to be met when a captive insurance company or protected cell makes a loan or investment in an affiliate or participant, to make GS 58-10-345(f), making information confidential, applicable to information filed under these statutes.

Part II.

Amends GS 58-10-415(c) to allow the Commissioner of Insurance (Commissioner) to grant an exemption from the statute (concerning annual audits and statement of actuarial opinion) if compliance would cause the insurer a financial or organizational hardship.

Part III.

Amends GS 58-10-430 by allowing the Commissioner to conduct a financial analysis of information submitted to or obtained by the Commissioner and provides that the captive insurance company does not have to pay the expense of the analysis. Makes conforming changes.

Part IV.

Amends GS 58-10-340 by adding and defining *governing board* as it applies to captive insurance companies, as the board of directors or officials possessing similar authority. Amends various statutes to reflect this change, replacing references to "board of directors" with "governing board."

Amends GS 58-10-380 by requiring at least one member of the governing board be a state resident; removes requirements that were dependent on how the company was formed. Allows a captive insurance company's organizational documents (was, articles of incorporation or bylaws) to authorize a quorum of its governing board to consist of no fewer than one-third of the fixed or prescribed number.

Part V.

Amends GS 105-228.4A to exclude two or more protected cell captive insurance companies or special purpose captive insurance companies with a cell or series structure that are under common ownership from those that are taxed as single captive insurance companies. Amends GS 105-228.4A further to provide that the aggregate amount of tax payable under the statute by a special purpose captive insurance company with a cell or series structure with 10 or more cells or series may not be less than \$10,000 and may not exceed the lesser of (1) \$100,000 plus \$5,000 multiplied by the number of cells or series over 10 and (2) \$200,000. Effective for premium taxes imposed for taxable years beginning on or after January 1, 2022.

Amends GS 105-228.4A by adding an exemption from prorated premium taxes for the year in which the redomestication occurs and the premium taxes imposed for the calendar year following the redomestication if the specified conditions are met. Effective for premium taxes imposed for taxable years beginning on or after January 1, 2021, and expires for taxable years beginning on or after January 1, 2024.

## Part VI.

Amends GS 58-10-360 to require all licensed captive insurance companies to be managed at all times by a manager approved by the Commissioner.

## Part VII.

Amends GS 58-10-435 to also allow the suspension or revocation of a captive insurance company's license for (1) refusal or failure to submit an audit report or (2) failure to operate in accordance with the plan of operation approved by the Commissioner.

## Part VIII.

Amends GS 58-10-345 to prohibit captive insurance companies from providing fidelity and surety insurance for the purpose of becoming surety on or guaranteeing the performance of bail bonds.

**Intro. by Johnson, McInnis, Edwards.**

[GS 58, GS 105](#)

[View summary](#)

[Business and Commerce, Insurance, Government, Tax](#)

S 348 (2021-2022) [REGULATION OF RAILROAD CREWS](#). Filed Mar 24 2021, *AN ACT TO PROHIBIT A TRAIN OR LIGHT ENGINE USED IN CONNECTION WITH THE MOVEMENT OF FREIGHT FROM BEING OPERATED IN THIS STATE UNLESS IT HAS A CERTAIN NUMBER OF CREW MEMBERS*.

Amends GS Chapter 136, Article 15 (Railroads), by adding new GS 136-199, requiring a crew of at least two persons for a railroad train or light engine used in a Class I railroad, as defined by the Federal Surface Transportation Board, when moving freight. Provides that any person who willfully violates this section is guilty of a Class 1 misdemeanor and will be assessed a fine as follows: (1) first offense, \$250 to \$1,000; (2) second offense committed within three years of the first, \$1,000 to \$5,000; (3) third and subsequent offenses within a three-year period, \$5,000 to \$10,000. Exempts persons who move locomotives unattached to railcars within a rail yard as well as employees who are temporarily assigned to work with train or yard crews consistent with 49 CFR 218.22 ("utility employee"). Defines light engine as a locomotive with no cars attached. Effective January 1, 2022.

**Intro. by Crawford, Mayfield.**

[GS 136](#)

[View summary](#)

[Transportation](#)

S 349 (2021-2022) [INCREASE HOUSING OPPORTUNITIES](#). Filed Mar 24 2021, *AN ACT TO PROVIDE REFORMS TO LOCAL GOVERNMENT ZONING AUTHORITY TO INCREASE HOUSING OPPORTUNITIES AND TO MAKE VARIOUS CHANGES AND CLARIFICATIONS TO THE ZONING STATUTES*.

To be summarized.

**Intro. by Edwards, Newton, Fitch.**

[View summary](#)

## LOCAL/HOUSE BILLS

H 381 (2021-2022) [EQUAL ACCESS FOR EQUESTRIANS/CERTAIN LANDS](#). Filed Mar 24 2021, *AN ACT TO PROVIDE FOR EQUESTRIAN ACCESS TO CERTAIN GAME LANDS*.

Amends GS 113-264 by adding a provision applicable only to game lands or wildlife refuges in Haywood County, that requires the Wildlife Resources Commission (Commission) to make game lands or wildlife refuges it owns or manages open and available for equine use (meaning use by pack and saddle animals) where there is an established tradition of such use. Specifies that this does not prevent the Commission from establishing operating hours or closure of lands for maintenance or repair. Makes conforming changes. Requires the Department of Natural and Cultural Resources and the Commission to adopt temporary and permanent rules to implement this act.

**Intro. by Pless, Clampitt.**

Haywood

[View summary](#)

**Animals, Environment, Environment/Natural Resources, Government, State Agencies, Department of Natural and Cultural Resources (formerly Dept. of Cultural Resources)**

H 385 (2021-2022) **TOWN OF SUNSET BEACH/DEANNEXATION**. Filed Mar 24 2021, *AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF SUNSET BEACH.*

Removes the described parcel from the corporate limits of the Town of Sunset Beach. Provides a savings clause to the validity of any liens of the Town for outstanding ad valorem taxes or special assessments. Effective June 30, 2021. Deems property in the described territory as of January 1, 2021, no longer subject to municipal taxes for taxable years beginning on or after July 1, 2021.

**Intro. by Iler.**

Brunswick

[View summary](#)

H 386 (2021-2022) **SUNNY POINT RAILROAD RESTRICTIONS**. Filed Mar 24 2021, *AN ACT TO EXPAND THE BAN ON RIGHT-OF-WAY HUNTING IN BRUNSWICK COUNTY TO INCLUDE THE RAILROAD SERVING THE MILITARY OCEAN TERMINAL AT SUNNY POINT.*

Applicable to Brunswick County only, amends SL 1985-840 as follows. Makes it unlawful for any person to hunt any animal or bird from or across the right-of-way of any public road without permission of the owner or lessee of the land abutting the right-of-way from which he is hunting. Expands the prohibition to also prohibit hunting any animal or bird, or from discharging a firearm (except for identified law enforcement authorities acting in their official duties), from or across the right-of-way of any of the US Department of Defense railroad connecting the Leland rail yard interchange with the Military Ocean Terminal at Sunny Point. Increases the minimum fines set forth for violations of the act to at least \$50 and no more than \$100 (was, at least \$10 and no more than \$50) for a first conviction as an alternative to imprisonment of up to 30 days, and at least \$150 and no more than \$250 (was, at least \$50 and no more than \$200) for subsequent convictions within three years as an alternative or in addition to up to 90 days of imprisonment. Expands enforcement authority to include sworn civilian police officers for the Military Ocean Terminal at Sunny Point. Applies to offenses committed on or after October 1, 2021.

**Intro. by Miller, Iler.**

Brunswick

[View summary](#)

**Animals, Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, Public Safety and Emergency Management, Military and Veteran's Affairs**

H 387 (2021-2022) **FLEXIBILITY IN FILLING VACANCIES/DURHAM**. Filed Mar 24 2021, *AN ACT TO PROVIDE FLEXIBILITY IN FILLING VACANCIES ON THE CITY COUNCIL IN THE CITY OF DURHAM.*

identical to [S 269](#), filed 3/11/21.

Amends Sections 13.2 and 13.3 of the Charter of the City of Durham, SL 1975-671, as amended. Authorizes the City Council to appoint a qualified person to fill a vacancy occurring in the office of Mayor or a member of City Council. Requires the City Council to adopt a resolution calling a special election to fill the vacancy if the City Council chooses not to appoint an individual to fill such vacancy and chooses to call a special election (current law requires the City Council to choose a person within 60 days of the vacancy, and if the Council fails to do so within that time period, the Council is barred from choosing and must call a special election by adopting a resolution within seven days of the 60-day period).

**Intro. by Hawkins, Alston, Reives.**

[Durham](#)

[View summary](#)

[Government, Elections, Local Government](#)

H 388 (2021-2022) [DURHAM/ELECTRONIC SCHOOL ZONES](#). Filed Mar 24 2021, *AN ACT TO AUTHORIZE THE CITY OF DURHAM TO ESTABLISH A PILOT PROGRAM FOR THE USE OF ELECTRONIC SPEED-MEASURING SYSTEMS TO DETECT SPEED LIMIT VIOLATIONS IN SCHOOL ZONES*.

Identical to [S 239](#), filed 3/11/21.

Allows the City of Durham (City), by December 1, 2021, to establish and implement a pilot program to use electronic speed measuring systems to detect speeding in school zones. Defines electronic speed measuring system (system) to mean a mobile or fixed device (1) consisting of an automated traffic camera and sensor and (2) capable of measuring speed and producing one or more digital photographs of a motor vehicle violating the speed limit set in a school zone. Requires that the system produce at least one photo clearly showing a recorded image of the vehicle speeding; the vehicle registration number and state of issuance; the date, time, and location of the violation; and the recorded speed. Requires the posting of signs warning of the presence of the system.

Makes a violation of a speed limit set in a school zone detected by an electronic speed-measuring system a noncriminal violation for which a civil penalty of \$250 is to be assessed and for which no points are to be assigned. Requires the City to issue a notice of violation to the registered owner of a vehicle cited for a speeding violation detected by a system, and sets out requirements for what must be contained in the notice, as well as notice delivery requirements.

Makes the registered owner of a vehicle cited for a violation detected by the system responsible for the penalty unless, within 30 days of service of the notification, the owner submits a sworn affidavit containing information concerning who, other than the owner, had control of the vehicle at the time of the violation. If the registered owner fails to pay the penalty or respond to the notice within 30 days, the owner waives the right to contest responsibility and is subject to an additional \$125 penalty. Sets out provisions concerning assigning liability to the actual operator when the operator was someone other than the registered vehicle owner.

Requires that any photos recorded by a system that captures a speeding violation in a school zone also be provided to the investigating law enforcement agency for use as evidence in any proceeding alleging a violation of GS 20-141.1 (speed limits in school zones).

Sets out notification requirements for when a law enforcement officer cites or arrests a vehicle owner or operator in an area when a system is in use for detecting speeding. Prohibits the City from issuing a notice of violation upon receiving such notice from law enforcement.

Requires the City to establish an administrative nonjudicial hearing process to review challenges to penalties assessed under this act. Allows a person dissatisfied with the City's decision at the hearing to appeal the decision to the district court. Appeal must be made within 30 days of notification of a final decision by the City.

Allows the City and the Durham Public Schools Board of Education to enter into an interlocal agreement necessary and proper to effectuate the purpose and intent of this act. The agreement may include provisions on cost-sharing and reimbursement.

Provides that Durham must pay a one time fee of \$1,000 to the Division of Motor Vehicles before implementing the pilot program on the use of electronic speed-measuring systems to detect speeding in school zones.

Requires the City, no later than three years after implementing the pilot program, to report the results of the pilot program to the chairs of the Joint Legislative Transportation Oversight Committee and the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety.

Sets the pilot program to expire upon the earlier of the submission of the required report or three years after the date of implementation of the pilot program.

**Intro. by Hawkins, Alston, Reives.**

STUDY, Durham

[View summary](#)

**Courts/Judiciary, Motor Vehicle, Education, Elementary and Secondary Education, Government, Public Safety and Emergency Management, Transportation**

H 390 (2021-2022) **SCHOOL CALENDAR FLEXIBILITY/CERTAIN SYSTEMS**. Filed Mar 24 2021, *AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO LOCAL BOARDS OF EDUCATION LOCATED IN HENDERSON, POLK, AND TRANSYLVANIA COUNTIES IN ADOPTING THE SCHOOL CALENDAR*.

Includes whereas clauses. Under current law, GS 115C-84.2(d) provides authority to local boards of education to determine the opening and closing dates for public schools under GS 115C-84.2(a)(1). However, the local boards must comply with specified parameters for the opening and closing dates of public schools as provided. Subsection (d) also provides criteria under which the State Board of Education may waive those requirements upon a showing of good cause by a local board of education.

Amends GS 115C-84.2(d) as the title indicates. Allows Henderson, Polk, and Transylvania County Schools to open as early as August 15 (currently, no earlier than the Monday closest to August 26), excluding year-round schools. Deletes the provisions of subsection (d) concerning waiver of the requirements upon a showing of good cause.

Applies beginning with the 2021-22 school year.

**Intro. by Johnson, Moffitt.**

Henderson, Polk, Transylvania, GS 115C

[View summary](#)

**Education, Elementary and Secondary Education**

H 393 (2021-2022) **HEALTH INS./FORMER CITY COUNCIL/GREENSBORO**. Filed Mar 24 2021, *AN ACT AUTHORIZING THE CITY OF GREENSBORO TO PROVIDE HEALTH INSURANCE BENEFITS TO FORMER CITY COUNCIL MEMBERS WHO ARE NOT RECEIVING RETIREMENT BENEFITS*.

Identical to [S 215](#), filed 3/9/21.

This act applies to Greensboro only.

Allows Greensboro to provide health insurance for all former city council members who have obtained at least eight years of service prior to separation from the city and who are not receiving benefits under GS 160A-163(a) (the Local Governmental Employees' Retirement System, the Law-Enforcement Officers' Benefit and Relief Fund, the Firemen's Pension Fund, or a certified retirement plan).

Prohibits providing health insurance through the State Health Plan to all or any class of former officers, employees, or council members who are not receiving retirement benefits under GS 160A-163(a). Allows Greensboro to may provide health insurance to those former officers, employees, and city council members by any means authorized under Article 7 of GS Chapter 160A except for coverage under the State Health Plan.

Effective July 1, 2021.

**Intro. by Brockman, Clemmons, Harrison.**

UNCODIFIED, Guilford

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

H 394 (2021-2022) [DELAY CMS BOARD ELECTIONS/CENSUS DELAY](#). Filed Mar 24 2021, *AN ACT TO AUTHORIZE THE DELAY OF THE 2021 ELECTIONS FOR THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION IF CENSUS DATA IS NOT AVAILABLE TO THE BOARD OF EDUCATION BY A DATE CERTAIN.*

Identical to [S 287](#), filed 3/11/21.

Provided that the federal decennial census information for 2020 has not been received by the Charlotte-Mecklenburg Board of Education (Board) by July 19, 2021, bars holding elections for the Board in 2021. Requires members elected to the Board in 2017 and any persons filling vacancies for those terms to hold over in office until their successors are elected and qualified. Requires elections for the Board to be held at the general election for county offices in 2022, with candidates filing their notices of candidacy between noon on July 25, 2022, and noon on August 12, 2022. Provides for terms of members elected in 2022 to commence on December 6, 2022, and expire on December 25, 2025. Requires the Board to adopt a resolution prior to July 26, 2021, stating its failure to receive the federal census information and that the next election for the Board will occur at the 2022 election as provided by this act. Requires the Board to publish notice of the delay on its website and at least once in a newspaper of general circulation within seven days of adoption of the resolution. Requires the resolution be submitted to the Mecklenburg Board of Elections and the State Board of Elections prior to July 26, 2021.

**Intro. by Belk, Bradford, Carney, Majeed.**

[Mecklenburg](#)

[View summary](#)

[Education, Elementary and Secondary Education, Government, Elections](#)

H 396 (2021-2022) [ADDRESS PANDEMIC LEARNING LOSS/SELECT SYSTEMS](#). Filed Mar 24 2021, *AN ACT TO ADDRESS PANDEMIC LEARNING LOSS BY TEMPORARILY ALLOWING ADDITIONAL ADJUSTMENTS TO THE SCHOOL CALENDAR FOR KANNAPOLIS CITY SCHOOLS AND CABARRUS COUNTY SCHOOLS.*

Under current law, GS 115C-84.2(d) provides authority to local boards of education to determine the opening and closing dates for public schools under GS 115C-84.2(a)(1). However, the local boards must comply with specified parameters for the opening and closing dates of public schools as provided. Subsection (d) also provides criteria under which the State Board of Education may waive those requirements upon a showing of good cause by a local board of education.

Amends GS 115C-84.2(d) as the title indicates. Allows Kannapolis City Schools and Cabarrus County Schools to open as early as August 10 (currently, no earlier than the Monday closest to August 26), excluding year-round schools. Deletes the provisions of subsection (d) concerning waiver of the requirements upon a showing of good cause. Adds new language to GS 115C-174.12 permitting assessments to be given before the conclusion of the fall semester for local boards in Kannapolis City Schools and Cabarrus County Schools that have implemented a school calendar that concludes the fall semester prior to December 31.

Applies beginning with the 2021-22 school year.

**Intro. by K. Baker.**

[Cabarrus, Rowan, GS 115C](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

H 397 (2021-2022) [YANCEY COUNTY OCCUPANCY TAX INCREASE](#). Filed Mar 24 2021, *AN ACT TO CONFORM AND INCREASE THE YANCEY COUNTY OCCUPANCY TAX AUTHORIZATION.*

Amends the taxing authority of the Yancey County Board of Commissioners (Board) under SL 1987-140, as amended.

Authorizes the Board to levy a room occupancy tax of up to 3% of the gross receipts derived from the rental of any room,

lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the county that is subject to State sales tax (previously authorized a 3% flat occupancy tax and did not specifically include tourist camps). No longer explicitly excepts accommodations furnished by educational, religious, or summer camp organizations. Clarifies that the tax is in addition to any State or local sales or room occupancy tax. Authorizes the Board to levy an additional room occupancy of up to 3%, provided the Board also levies the initially authorized room occupancy tax. Provides for the levy, collection, administration, and repeal of the taxes authorized by the act as provided in GS 153A-155; makes conforming repeals to previous provisions providing for the same. Provides for penalties under State law.

Replaces the distribution of proceeds provisions as follows. Now requires the County to quarterly remit the tax proceeds to the Yancey County Tourism Development Authority (TDA), which must use at least two-thirds of the proceeds to promote travel and tourism, with the remainder used for tourism-related expenditures in the county. Restricts use to the direct benefit of the county. Sets forth three defined terms.

Concerning the creation of the TDA upon the Board adopting a resolution to levy the occupancy tax, requires including that the TDA is a public authority under the Local Government Budget and Fiscal Control Act. Requires the resolution to provide for membership, terms of office, and filling of vacancies on the TDA, including that membership be one-third individuals affiliated with businesses collecting the tax and one-half individuals who are currently active in the promotion of travel and tourism in the district. Requires designation of the chair and member compensation, if any. Requires the TDA to meet at the call of the chair and adopt procedural rules. Names the County Finance Officer as the ex officio officer. Charges the TDA with expending the net proceeds of the occupancy tax and promoting travel and tourism in the district, and making tourism-related expenditures in the district. Directs the TDA to quarterly report to the Board, as well as at the close of the fiscal year, on its receipts and expenditures for the preceding quarter and for the year. Makes conforming repeals to eliminate the Chamber of Commerce Board of Directors' authorities under the act.

Makes conforming changes to include Yancey County within the scope of GS 153A-155.

**Intro. by Pless.**

[Yancey](#)

[View summary](#)

[Business and Commerce, Government, Tax](#)

H 399 (2021-2022) [ASHEVILLE/LAW ENFORCEMENT CIVILIAN REVIEW BOARD](#). Filed Mar 24 2021, *AN ACT AUTHORIZING THE CITY OF ASHEVILLE TO ESTABLISH A LAW ENFORCEMENT CIVILIAN OVERSIGHT BOARD*.

Applicable to the City of Asheville only, enacts GS 160A-289.3, authorizing the city to establish, by ordinance, a law enforcement civilian oversight board (board) to review excessive force by law enforcement officers. Lists required content of the ordinance, including designating board composition of five to seven members and stating member qualification. Provides parameters for member qualification, including a ride-along requirement, completion or attesting to complete a citizen academy, and submission to a criminal background check. States disqualifications, including current city employees and former city employees employed in the preceding seven years, immediate family members of a law enforcement officer employed by the city, and persons with any felony conviction, or a Class A1 misdemeanor conviction in the preceding seven years. Also requires the ordinance to provide for appointment following application to and approval by the governing body, and the procedure for hearings.

Provides for two-year terms and prohibits members from serving consecutive terms. Provides for member vacancies. Requires signing a confidentiality agreement upon appointment, with failure to sign or breach of the agreement constituting a Class 2 misdemeanor punishable by up to \$1,000 and automatic removal from the board upon conviction. Provides for reimbursement of member expenses. Requires selecting a chair every two years, with meetings called as necessary.

Charges the board to (1) conduct confidential reviews of law enforcement agency investigations into allegations of excessive force by law enforcement officers, with presentation by specified law enforcement personnel; and (2) to make findings and recommendations to be considered by the head of the law enforcement agency prior to the agency head's final decision as to whether a law enforcement officer employed excessive force in a given case, including whether the officer complied with the department's policies and recommended disciplinary action as appropriate. Requires the chief of police to make the officer's personnel file available to the board and any relevant body camera footage or other necessary material as determined by the

chief. Requires the board to maintain confidentiality of the information provided, with failure to do so constituting a Class 2 misdemeanor punishable by up to \$1,000 and automatic removal from the board upon conviction.

Deems board meetings confidential and provides for restricted access to the meetings. Provides for the chief of police to appoint an advisor. Allows for the subject officer to submit a written statement to the board. Explicitly states that the board is not granted the power of subpoena; the board cannot conduct a review of any other matters; and the board cannot call or interview witnesses except appropriate law enforcement personnel and appointed advisors. Deems written findings and recommendations of the board a personnel record and confidential.

Requires the board to report semiannually and annually on its actions to the chief of police and the governing body, with required information prescribed by ordinance. Deems reports public record. Prohibits using State funds to establish or operate the board. Makes the act's provisions supersede any conflicting local acts.

**Intro. by Fisher, Ager, Turner.**

**Buncombe**

[View summary](#)

**Government, Public Safety and Emergency Management**

H 400 (2021-2022) [ASHEVILLE CITY SCH. BD. APPT/ELECTIONS](#). Filed Mar 24 2021, *AN ACT TO CHANGE THE ASHEVILLE CITY BOARD OF EDUCATION FROM AN APPOINTED BOARD OF EDUCATION TO A BOARD OF EDUCATION WITH ELECTED AND APPOINTED MEMBERS AND TO INCREASE THE MEMBERSHIP OF THE BOARD FROM FIVE MEMBERS TO SEVEN MEMBERS.*

Requires that the Asheville City Board of Education (Board), beginning in 2022, be composed of seven members, with four of those members elected using the nonpartisan primary and election method, and with three of the members appointed by Asheville's governing body.

Requires, beginning in 2022, that four members of the Board be elected using the nonpartisan primary and election method, with the primary held on the date provided by statute for county partisan primaries. Sets out provisions for conducting the election, for filing notice of candidacy, and printing candidate names on ballots without reference to any party affiliation. Specifies that any qualified voter residing in the Asheville City Administrative Unit will be eligible to vote in the general election for all candidates. Provides that members take office at the first regular Board meeting in June following their election, upon which the terms of their predecessors expire. Provides for filling vacancies.

Sets out the following requirements for the 2022 election in order to set up staggered terms: (1) the two members receiving the highest number of votes are to serve four-year terms, and those seats will be up for election in 2026 and every four years thereafter and (2) the two members receiving the next highest number of votes are to serve two-year terms, with those seats up for election in 2024 and every four years thereafter. Specifies that successors to members elected in 2022 serve four-year terms.

Requires, beginning in 2022, that the governing body of the City of Asheville appoint three members to the Board, with terms beginning at the first regular meeting of the Board in June. Requires the appointed members to be residents of the City and be known to be in favor of public education and interested in the welfare of the schools, to be appointed with the sole object in view of maintaining the efficiency of the schools and without any partisan prejudice or bias. Provides for filling vacancies. Sets out the following requirements for the appointments in 2022 in order to create staggered terms: (1) two members are to be appointed to serve four-year terms, and those seats will up for reappointment in 2026 and every four years thereafter and (2) one member is to be appointed to serve a two-year term, with the seat up for reappointment in 2024 and every four years thereafter. Specifies that successors serve four-year terms.

Provides that terms of members appointed to the Board who are serving their terms in 2022 expire upon the qualification of members elected and appointed to the Board in accordance with this act.

Provides for the election of a chair, establishing a quorum, and compensation of Board members.

Repeals SL 1947-255, as amended, concerning the Board.

Applies to elections conducted and appointments made on or after the date that this act becomes law.

**Intro. by Fisher, Turner, Ager.**[Buncombe](#)[View summary](#)[Education](#)

H 406 (2021-2022) [SPEC. SEP. ALLOWANCE/25-YR CLEVELAND CTY LEOS](#). Filed Mar 24 2021, *AN ACT PROVIDING A SPECIAL SEPARATION ALLOWANCE FOR CERTAIN CLEVELAND COUNTY LAW ENFORCEMENT OFFICERS WHO ATTAIN TWENTY-FIVE YEARS OF SERVICE.*

Provides the following, applicable to Cleveland County only.

Requires every sworn law enforcement officer, as defined, employed by Cleveland County who meets four qualifying criteria to receive, beginning in the month in which the officer retires from basic service retirement on and after January 1, 2022, an annual separation allowance based on years of service ranging from 25 to 30 years or greater, corresponding to a percentage of the annual equivalent of the base rate of compensation most recently applicable to the officer for each year of creditable service ranging from 0.725% to 0.850%. Defines creditable service to mean the service for which credit is allowed under the retirement system of which the officer is a member so long as at least 50% of the service is as a law enforcement officer. Requires the allowance to be paid in equal installments on the payroll frequency used by the employer. Restricts qualifications to officers who have completed at least 25 years of creditable service, are not 62 years of age or older, have completed at least 10 years of continuous service as a law enforcement officer for the County immediately preceding a service retirement, except specified breaks for disability retirement or contribution benefits, and do not receive the special separation allowance provided under specified law. Ceases allowance payments upon the death of the officer, the last day of the month in which the officer reaches 62, or the first day of reemployment by a local government employer, unless employed in a public safety position that does not require participation in the respective retirement system or in service to the county board of elections on an election day which does not affect the retiree's benefits under the appropriate retirement system.

Provides that the act does not affect other benefits of which the officer is entitled. Provides that the act's benefits are not subject to any salary or allowance increases. Charges the governing body of the County to determine employee eligibility and make payments to eligible persons.

Effective January 1, 2022.

**Intro. by Hastings.**[Cleveland](#)[View summary](#)[Employment and Retirement, Government, Public Safety and Emergency Management](#)

## ACTIONS ON BILLS

## PUBLIC BILLS

### **H 36: [PROTECT THOSE WHO SERVE AND PROTECT ACT.](#)**

*House: Reptd Fav Com Sub 2*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 03/25/2021*

### **H 53: [EDUC. CHANGES FOR MILITARY-CONNECTED STUDENTS.](#)**

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

*Senate: Re-ref Com On Rules and Operations of the Senate*

**H 68: GSC LICENSING BOARDS AND COMM'NS/RULE CRIMES.**

*House: Regular Message Sent To Senate*

**H 70: HISTORIC SCHOOL PRESERVATION ACT.**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

**H 103: AUTOMATIC RENEWAL OF CONTRACTS.**

*House: Reptd Fav Com Substitute*

*House: Re-ref Com On Commerce*

**H 110: INCREASE BUILDING PERMIT EXEMPTION THRESHOLD.**

*House: Regular Message Sent To Senate*

**H 113: 2021 AOC LEGISLATIVE CHANGES.-AB**

*House: Reptd Fav Com Substitute*

*House: Re-ref Com On State Government*

**H 130: EAST COAST GREENWAY/STATE TRAILS.**

*House: Regular Message Sent To Senate*

**H 132: JUVENILE CODE REV'S/CIP RECOMMENDATIONS.-AB**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 03/25/2021*

**H 136: ENCOURAGE HEALTHY NC FOOD IN SCHOOLS.**

*House: Regular Message Sent To Senate*

**H 148: SBI EMERGENCY PEN REGISTER/TRAP AND TRACE.**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

**H 156: UNCLAIMED PROPERTY DIVISION AMENDMENTS.-AB**

*House: Reptd Fav Com Substitute*

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

**H 157: PROPERTY FINDER DEFINITION AND GOVERNANCE.-AB**

*House: Reptd Fav Com Substitute*

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

**H 161: ADDRESS ABANDONED AND DERELICT VESSELS.-AB**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

**H 169: STATE HEALTH PLAN DATA TRANSPARENCY.-AB**

*House: Serial Referral To Rules, Calendar, and Operations of the House Stricken*

*House: Serial Referral To Health Added*

*House: Serial Referral To Rules, Calendar, and Operations of the House Added*

*House: Reptd Fav*

*House: Re-ref Com On Pensions and Retirement*

**H 173: SEPARATE DIVS-JUV JUSTICE AND ADULT CORR.-AB**

*House: Reptd Fav Com Substitute*

*House: Re-ref Com On Appropriations*

**H 183: JUV. COURT COUNSELORS/SENSITIVITY TRAINING.-AB**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

**H 194: FEDERAL COURT OFFICIAL/CONCEALED CARRY.**

*House: Reptd Fav*

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

**H 203: EXTEND DEADLINE FOR POLICE TELECOMMUNICATORS.**

*House: Reptd Fav*

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

**H 205: ABUSE & NEGLECT RESOURCES IN PUBLIC SCHOOLS.**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 03/25/2021*

**H 212: SOCIAL SERVICES REFORM.**

*House: Reptd Fav Com Substitute*

*House: Re-ref Com On Families, Children, and Aging Policy*

**H 217: UTILITIES COMM'N TECH. AND ADD'L CHANGES.**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

**H 219: AMEND WATER/SEWER RATE ADJUSTMENT MECHANISMS.**

*House: Regular Message Sent To Senate*

**H 224: OCCUPATIONAL THERAPY INTERSTATE COMPACT.**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

**H 238: PROHIBIT POSSESSION OF SKIMMING DEVICE.**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

**H 243: UNC LEGISLATIVE PRIORITIES/COVID-19 IMPACTS.**

*House: Regular Message Sent To Senate*

**H 271: EMINENT DOMAIN.**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 03/25/2021*

**H 310: HOUSE BOG ELECTIONS.**

*House: Adopted*

**H 320: MODERNIZE REMOTE BUSINESS ACCESS.**

*House: Reptd Fav Com Sub 2*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 03/25/2021*

**H 324: PLAN A FOR CHARTER SCHOOLS.**

*House: Withdrawn From Cal*

*House: Placed On Cal For 03/25/2021*

*House: Withdrawn From Cal*

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

**H 356: SPEAKER/PPT APPOINTMENTS 2021.**

*House: Amend Adopted A1*

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

*House: Ordered Engrossed*

**H 359: DRIVER ELIGIBILITY CERTIFICATE/LICENSE/WAIVER.**

*House: Passed 1st Reading*

*House: Ref to the Com on State Government, if favorable, Transportation, if favorable, Rules, Calendar, and Operations of the House*

**H 360: AUTHORIZE DAN RIVER STATE TRAIL.**

*House: Passed 1st Reading*

*House: Ref to the Com on State Government, if favorable, Rules, Calendar, and Operations of the House*

**H 361: APA RULES REVIEW DEFINITIONS.**

*House: Passed 1st Reading*

*House: Ref to the Com on Regulatory Reform, if favorable, Judiciary 1, if favorable, Rules, Calendar, and Operations of the House*

**H 362: REVISE PERSONAL LEAVE COSTS FOR TEACHERS.**

*House: Passed 1st Reading*

*House: Ref to the Com on Education - K-12, if favorable, State Personnel, if favorable, Rules, Calendar, and Operations of the House*

**H 363: SMALL COUNTY SCHOOL SYSTEM SUPPLEMENTAL FUNDS.**

*House: Passed 1st Reading*

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

**H 364: FUNDS FOR THE EXPANSION OF NC PRE-K.**

*House: Passed 1st Reading*

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

**H 366: REGULATORY REFORM ACT OF 2021.**

*House: Passed 1st Reading*

*House: Ref to the Com on Regulatory Reform, if favorable, Rules, Calendar, and Operations of the House*

**H 367: UNIFORM PARTITION OF HEIRS PROPERTY ACT.**

*House: Passed 1st Reading*

*House: Ref to the Com on Judiciary 1, if favorable, Rules, Calendar, and Operations of the House*

**H 368: WATER/SEWER AUTHORITIES PAYMENT ASSIST. PROGS.**

*House: Passed 1st Reading*

*House: Ref to the Com on Energy and Public Utilities, if favorable, Regulatory Reform, if favorable, Rules, Calendar, and Operations of the House*

**H 369: ADD PUBLIC DEFENDERS TO DEFENDER DISTRICT 16B.**

*House: Passed 1st Reading*

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

**H 370: NO VETERAN LEFT BEHIND.**

*House: Passed 1st Reading*

*House: Ref to the Com on Homeland Security, Military, and Veterans Affairs, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House*

**H 371: NC TEACHER SUPPORT PROGRAM FUNDS.**

*House: Passed 1st Reading*

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

**H 372: RESTORE FUNDING/STATE CONSERVATION PURPOSES.**

*House: Passed 1st Reading*

*House: Ref to the Com on Environment, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House*

**H 373: ALLOW EMPLOYERS TO OFFER EPO BENEFIT PLANS.**

*House: Passed 1st Reading*

*House: Ref to the Com on Health, if favorable, Insurance, if favorable, Rules, Calendar, and Operations of the House*

**H 380: MODIFY CERTAIN DV PROTECTIVE ORDER PROVISIONS.**

*House: Filed*

**H 382: HOSPITAL ED CARE/MEDICAID BEHAV. HEALTH SER.**

*House: Filed*

**H 383: MEDICAID MODERNIZED HOSPITAL ASSESSMENTS.**

*House: Filed*

**H 384: FIBER NC ACT.**

*House: Filed*

**H 389: NORTH CAROLINA INNOVATIONS WAIVER ACT OF 2021.**

*House: Filed*

**H 391: DENTAL PATIENT TRANSPARENCY ACT.**

*House: Filed*

**H 392: RET. SVC. PURCHASE/OMITTED MEMBERSHIP SERVICE.**

*House: Filed*

**H 395: EXTEND DEADLINES FOR MANDATORY HIE PARTICIP.**

*House: Filed*

**H 398: PISTOL PERMIT PURCHASE MODIFICATIONS.**

*House: Filed*

**H 401: INCREASE HOUSING OPPORTUNITIES.**

*House: Filed*

**H 402: BEGIN MODERNIZING IGNITION INTERLOCK LAWS.**

*House: Filed*

**H 403: CLARIFY MOTOR VEHICLE FRANCHISE LAWS.**

*House: Filed*

**H 404: IMMUNITY FOR 911 DISPATCHERS.**

*House: Filed*

**H 405: REORGANIZE JUDICIAL DISTRICTS 30/30A/30B.**

*House: Filed*

**H 407: SOUTHEASTERN NC BUSINESS COURT ALJ.**

*House: Filed*

**H 408: REGULATION OF RAILROAD CREWS.**

*House: Filed*

**H 409: REVISE, STUDY, AND FUND LEP ALLOTMENT.**

*House: Filed*

**S 69: DMV LICENSING REQ/AUTH. VENDOR FOR ROAD TESTS.**

*House: Passed 1st Reading*

*House: Ref To Com On Rules, Calendar, and Operations of the House*

**S 103: REDUCE REG. TO HELP CHILDREN WITH AUTISM.**

*House: Reptd Fav*

*House: Re-ref Com On Finance*

**S 114: DES COVID MODIFICATIONS AND TECHNICAL CHANGES.**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

**S 148: WASTEWATER SYSTEM PERMIT EXTENSION.**

*Senate: Reptd Fav*

**S 207: VARIOUS RAISE THE AGE CHANGES/JJAC RECS.**

*Senate: Reptd Fav*

**S 224: STEVE TROXLER AGRICULTURAL SCIENCES CENTER.**

*Senate: Reptd Fav*

**S 278: PROP./FAM. LAW-REIMBURSE PROP. EXPENDITURES.**

*Senate: Reptd Fav*

**S 321: AMEND NC CONTROLLED SUBSTANCES ACT.**

*Senate: Withdrawn From Com*

*Senate: Re-ref to Judiciary. If fav, re-ref to Rules and Operations of the Senate*

**S 332: ED FACILITY/UNCW.**

*Senate: Withdrawn From Com*

*Senate: Re-ref to Appropriations/Base Budget. If fav, re-ref to Rules and Operations of the Senate*

**S 333: RANDALL LIBRARY RENOVATION- UNCW.**

*Senate: Withdrawn From Com*

*Senate: Re-ref to Appropriations/Base Budget. If fav, re-ref to Rules and Operations of the Senate*

**S 334: FUNDS/CENTER FOR ENTREPRENEURSHIP.**

*Senate: Passed 1st Reading*

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

*Senate: Withdrawn From Com*

*Senate: Re-ref to Appropriations/Base Budget. If fav, re-ref to Rules and Operations of the Senate*

**S 335: INCREASE PENALTY/DISRUPTION OF OPEN MEETING.**

*Senate: Passed 1st Reading*

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

**S 336: CONDOMINIUM DECLARATION REQUIREMENT CHANGES.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 337: TAX RELIEF AND RECOVERY ACT.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

*Senate: Withdrawn From Com*

*Senate: Re-ref to Finance. If fav, re-ref to Rules and Operations of the Senate*

**S 338: NC POLICY COLLABORATORY/RESEARCH GRANTS HSMIS.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

*Senate: Withdrawn From Com*

*Senate: Re-ref to Appropriations/Base Budget. If fav, re-ref to Rules and Operations of the Senate*

**S 339: DRIVING LOCAL BUSINESS.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

*Senate: Withdrawn From Com*

*Senate: Re-ref to Commerce and Insurance. If fav, re-ref to Rules and Operations of the Senate*

**S 340: HONOR FINANCIAL COMMITMENTS.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 341: STUDY STATEWIDE YEAR-ROUND SCHOOL CALENDAR.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 342: CLARIFY MOTOR VEHICLE FRANCHISE LAWS.**

*Senate: Filed*

**S 343: REVISE VEHICLE SALE LAWS.**

*Senate: Filed*

**S 344: FUNDS/WORKFORCE DEVELOPMENT HOSPITALITY.**

*Senate: Filed*

**S 345: PA - TEAM-BASED PRACTICE.**

*Senate: Filed*

**S 346: EMERGENCY MANAGEMENT ACT REVISIONS.**

*Senate: Filed*

**S 347: CAPTIVE INSURANCE AMENDMENTS.**

*Senate: Filed*

**S 348: REGULATION OF RAILROAD CREWS.**

*Senate: Filed*

**S 349: INCREASE HOUSING OPPORTUNITIES.**

*Senate: Filed*

**LOCAL BILLS**

**H 94: GRAHAM COUNTY OCCUPANCY TAX.**

*House: Passed 2nd Reading*

**H 143: SWAIN COUNTY SHERIFF VACANCIES.**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

**H 164: GREENSBORO/DEANNEXATION.**

*House: Passed 2nd Reading*

**H 282: MOUNT AIRY/EVEN-YEAR ELECTIONS.**

*House: Reptd Fav*

*House: Re-ref Com On Election Law and Campaign Finance Reform*

**H 365: ASHEVILLE AIRPORT AUTH./AUTHORIZED USES.**

*House: Passed 1st Reading*

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

**H 381: EQUAL ACCESS FOR EQUESTRIANS/CERTAIN LANDS.**

*House: Filed*

**H 385: TOWN OF SUNSET BEACH/DEANNEXATION.**

*House: Filed*

**H 386: SUNNY POINT RAILROAD RESTRICTIONS.**

*House: Filed*

**H 387: FLEXIBILITY IN FILLING VACANCIES/DURHAM.**

*House: Filed*

**H 388: DURHAM/ELECTRONIC SCHOOL ZONES.**

*House: Filed*

**H 390: SCHOOL CALENDAR FLEXIBILITY/CERTAIN SYSTEMS.**

*House: Filed*

**H 393: HEALTH INS./FORMER CITY COUNCIL/GREENSBORO.**

*House: Filed*

**H 394: DELAY CMS BOARD ELECTIONS/CENSUS DELAY.**

*House: Filed*

**H 396: ADDRESS PANDEMIC LEARNING LOSS/SELECT SYSTEMS.**

*House: Filed*

**H 397: YANCEY COUNTY OCCUPANCY TAX INCREASE.**

*House: Filed*

**H 399: ASHEVILLE/LAW ENFORCEMENT CIVILIAN REVIEW BOARD.**

*House: Filed*

**H 400: ASHEVILLE CITY SCH. BD. APPT/ELECTIONS.**

*House: Filed*

**H 406: SPEC. SEP. ALLOWANCE/25-YR CLEVELAND CTY LEOS.**

*House: Filed*

**S 192: CITY OF HICKORY/PLANNING COMMISSION.**

*House: Passed 1st Reading*

*House: Ref To Com On Rules, Calendar, and Operations of the House*

**S 232: STUDENTS, PARENTS, COMMUNITY RIGHTS ACT.**

*House: Passed 1st Reading*

*House: Ref To Com On Rules, Calendar, and Operations of the House*

**S 256: STUDENTS, PARENTS, COMMUNITY RIGHTS ACT.**

*House: Passed 1st Reading*

*House: Ref To Com On Rules, Calendar, and Operations of the House*

**S 260: MOORESVILLE TOURISM DEVELOPMENT AUTH. CHANGE.**

*House: Passed 1st Reading*

*House: Ref To Com On Rules, Calendar, and Operations of the House*

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