



The Daily Bulletin: 2021-08-19

PUBLIC/HOUSE BILLS

H 650 (2021) [OMNIBUS DMV BILL](#). Filed Apr 22 2021, *AN ACT TO MAKE MULTIPLE CHANGES TO MOTOR VEHICLE LAWS*.

Senate amendments to the 3rd edition makes the following changes.

Section 3

Senate amendment #1 further amends GS 20-30(6), expanding the exceptions provided to allow a federally insured depository institution or its affiliates to create, store, or receive, in the ordinary course of business, a color image of a driver's license, learner's permit, or special identification card of a consumer (currently limited to black and white photocopy by law).

Section 4.5

Amendment #2 adds a new section as follows. Amends GS 20-79.4(a2), which provides parameters for the issuance of special registration plates based upon military service. Allows a surviving spouse of a person who had a special plate issued under the terms of subsection (a2) to continue to renew the plate, subject to annual verification that the surviving spouse has not remarried. Makes clarifying changes. Eliminates the more specific provision under subdivision (b)(195), allowing issuance of prisoner of war registration plates to surviving spouses of persons who had a prisoner of war plate at their time of death so long as the surviving spouse continues to renew the plate and does not remarry. Applies to registration plates issued or renewed on or after December 1, 2021.

Section 6.3

Senate amendment #1 amends the proposed changes to GS 20-58.4, which requires the Division of Motor Vehicles (DMV) to treat the release of a security interest in a manufactured home upon satisfaction or other discharge as a proper release. No longer allows for a commission contractor of the DMV, as an alternative to the DMV, to send notice to the last known address of the secured party before cancellation of a security interest pursuant to the statute.

Section 8

Senate amendment #1 changes the effective date of the proposed changes to GS 20-58.4A, regarding the DMV's implementation of a statewide electronic lien and title system to process the notification, release, and maintenance of security interests and certificate of title data. Makes the provisions effective January 15, 2022 (was, October 1, 2021), and applicable to contracts with qualified vendors and service providers entered into by the DMV pursuant to that statute on or after that date.

Intro. by B. Jones, Iler, Shepard.

[STUDY, GS 20](#)

[View summary](#)

Business and Commerce, Occupational Licensing, Courts/Judiciary, Motor Vehicle, Development, Land Use and Housing, Property and Housing, Government, State Agencies, Department of Transportation, Military and Veteran's Affairs, Transportation

H 821 (2021) [VARIOUS LAND-USE LAW CHANGES/CLARIFICATIONS. \(NEW\)](#) Filed May 4 2021, *AN ACT TO REQUIRE THAT COURTS MUST AWARD REASONABLE ATTORNEYS' FEES AND COSTS AGAINST A LOCAL GOVERNMENT IN CERTAIN CIVIL ACTIONS AND APPEALS, TO CLARIFY LOCAL GOVERNMENT AUTHORITY OVER LOCAL PLANNING AND DEVELOPMENT REGULATION, TO REQUIRE CITIES TO PROVIDE WATER AND SEWER SERVICES FOR CERTAIN PROPERTIES IN AREAS OF*

EXTRATERRITORIAL JURISDICTION, AND TO PROVIDE AN APPROPRIATION TO THE SCHOOL OF GOVERNMENT OF THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL.

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

Eliminates the proposed changes to GS 6-21.7 (Attorneys' fees; cities or counties acting outside their authority). Instead amends the statute as follows. Expands the scope of the statute to apply to actions in which a local government is a party (was, city or county). Makes clarifying and organizational changes. Adds that a court must award reasonable attorneys' fees and costs to the party who successfully challenged a local government's action upon finding that the local government is not the prevailing party in an appeal initiated by the local government regarding a development approval decision under GS Chapter 160D. Adds and defines local government by statutory cross-reference. Makes technical changes. Applies to civil actions or appeals commenced on or after October 1, 2021.

Enacts GS 160D-112, explicitly denying local governments the authority to take five listed actions unless otherwise provided by local act, including: (1) imposing impact fees for development; (2) conditioning a development approval on the existence of a community benefits agreement, as defined; (3) requiring a developer to provide funds for affordable housing or construct, set aside, or designate one or more dwellings or developments as affordable housing; (4) requiring a completed traffic impact analysis prior to a development approval; and (5) requiring a developer to construct a greenway.

Amends GS 160D-703 to no longer explicitly include impact fees in the conditions or requirements which a local government is prohibited from requiring, enforcing, or incorporating into zoning regulations for conditional districts without the written consent of a petitioner.

Enacts GS 160A-329.1 to require cities to provide water and sewer services to a property if the city has the capacity, exercises extraterritorial jurisdiction over the property, extends a development regulation to the extraterritorial area where the property is located, and the property owner submits a request for such services to the governing board no earlier than one year after the property was added to the area of extraterritorial jurisdiction. Sets forth applicable defined terms. Applies to property added to the extraterritorial jurisdiction of a city on or after October 1, 2021.

Appropriates \$10,000 from the General Fund to the UNC School of Government for 2021-22 to provide free training to local government board members and managers on the act's implementation.

Makes the act effective October 1, 2021 (was, the date the act becomes law). Changes the act's titles.

Intro. by McNeely.

[APPROP, GS 6, GS 160A, GS 160D](#)

[View summary](#)

[Development, Land Use and Housing, Land Use, Planning and Zoning, Government, Budget/Appropriations, State Agencies, UNC System, Local Government, Public Enterprises and Utilities](#)

H 853 (2021) [PLAN REVIEW & CERT OF OCCUP. SCOPE CHANGES](#). Filed May 4 2021, *AN ACT TO LIMIT THE SCOPE OF REQUIREMENTS FOR CERTIFICATES OF OCCUPANCY FOR COMMERCIAL BUILDINGS, TO CLARIFY PROCEDURES FOR ADMINISTRATIVE REVIEW BY LOCAL GOVERNMENTS OF APPLICATIONS FOR DEVELOPMENT APPROVALS, AND TO APPROPRIATE FUNDS TO THE NORTH CAROLINA BUILDING CODE COUNCIL TO CONDUCT CERTAIN COST-BENEFIT ANALYSES.*

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

Eliminates proposed GS 160D-403.1, which prohibited local governments from conditioning issuance of a certificate of occupancy on the imposition in the sealed commercial plans of any additional requirement other than those required by an applicable code when plans for commercial buildings are submitted under the seal of any licensed design professional and the plans are reviewed by the local government with development authority or by a private engineering or architectural firm contracted by the local government, if authorized. Instead, adds substantively similar provisions to subsection (g) of GS 160D-403, concerning the issuance of certificates of occupancy, except now prohibits conditioning the issuance of a certificate of occupancy on the imposition of any additional requirement (rather than the imposition in the sealed commercial plans of any additional requirement) other than those required by an applicable code when plans for commercial buildings are submitted

under the seal of any licensed design professional and the plans are reviewed by the local government with development authority or by a private engineering or architectural firm contracted by the local government, if authorized.

Eliminates proposed GS 160D-407, which established eight requirements that apply to a local government's evaluation and approval of permits related to site construction and land use permitting.

Enacts GS 160D-402.1, requiring local governments to complete an administrative review of an application for development approval and any supporting documents within 30 days of receipt within the following procedural requirements. Requires the local government to make an administrative decision that either (1) notifies the developer in writing that the application is complete and no further information is required for an approval determination or (2) notifies the developer in writing that the application is deficient, identifying each deficiency by specific basis and what would be deemed corrective for each. Allows deficiency notices to make recommendations that must be clearly designated as advisory; bars local governments from requiring recommendations as a condition for an approval determination. Allows a developer notified of a deficient application to correct the deficiency and resubmit the application; submit a written explanation for each deficiency and request another administrative review, which must be completed within 10 business days; or appeal the decision pursuant to state law. Requires the local government to review a corrected application within 10 business days of receipt and notify the developer in writing whether the application is complete. Requires resubmitted applications that alter the application with respect to matters unrelated to identified deficiencies to be treated as new applications.

Changes the effective date of the statutory changes in the act amending GS Chapter 160D, to January 1, 2022 (was, effective on the date the act becomes law), applicable to applications for development approvals submitted on or after that date. Maintains that the conditional appropriation set forth in Section 3 of the act is effective on the date the act becomes law.

Changes the act's long title.

Intro. by Brody, Moffitt, Zenger.

APPROP, GS 160D

[View summary](#)

Development, Land Use and Housing, Land Use, Planning and Zoning, Government, Budget/Appropriations, Local Government

PUBLIC/SENATE BILLS

S 329 (2021) **BUILDING CODE MOD./PERMIT EXEMPTION AMT. MOD. (NEW)** Filed Mar 22 2021, *AN ACT TO MODIFY ARCHITECT LICENSURE AND SEAL, ENGINEER SEAL, AND BUILDING PERMIT EXEMPTION CRITERIA FOR CERTAIN CONSTRUCTION PROJECTS.*

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

Specifies that the exemption from the requirement for a professional architectural seal set forth in proposed subdivision (1) of GS 83A-13(c1) applies to a commercial building project with a total value of less than \$300,000 and a total project area of less than 3,000 square feet in gross floor area (previously set the threshold at 3,000 square feet, not specifying gross floor area).

Adds to new GS 160D-1104(d1) to also prohibit local governments from adopting, in addition to the prohibition against enforcing, any variance requiring that plans and specifications for any alteration, remodeling, renovation, or repair of a commercial building or structure be prepared by and under the seal of a registered architect or registered engineer if the costs are less than \$300,000 or if the total building area does not exceed 3,000 square feet in gross floor area, with specified qualifications as previously described.

Further amends GS 160D-1110(c) to now align the thresholds for the permitting exemption for any construction, installation, repair, replacement, or alterations performed pursuant to the State Building Code (Code) in any single-family residence or farm building, and any commercial building, to costs of \$20,000 or less (was, \$15,000 or less for single-family residences and farm buildings and \$20,000 or less for commercial buildings). Maintains the five stated exceptions to the permitting exemption. Specifies that no permit is required for pickets, railings, stair treads, and decking of porches and exterior decks which otherwise meet the requirements of subsection (c).

Further amends and makes conforming changes to GS 143-138, modifying subsection (b5) to set the threshold for which no permit can be required under the Code or any local variance for any construction, installation, repair, replacement, or alteration performed in accordance with the current edition of the Code in any single-family residence, farm building, or commercial building at costs of \$20,000 or less (was, set at \$15,000 and limited to single-family residences and farm buildings). Revises the five exceptions to mirror those set forth in GS 160D-1110(c), as amended.

Revises the effective date provisions of the act to make the act applicable to construction, installation, repair, replacement, remodeling, renovation, or alteration projects beginning on or after October 1, 2021 (was, projects begun on or after that date).

Changes the act's titles.

Intro. by Jarvis, Johnson, Davis.

[GS 83A, GS 143, GS 160D](#)

[View summary](#)

[Business and Commerce, Occupational Licensing, Development, Land Use and Housing, Building and Construction, Government, Local Government](#)

S 490 (2021) [LICENSE TO WORK](#). Filed Apr 1 2021, *AN ACT TO REVISE CERTAIN LICENSE REVOCATION LAWS TO ENABLE ACCESS TO EMPLOYMENT*.

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

Revises new subsection (h) of GS 20-24.1, which allows petitioning the court to order a penalty, fine, or costs that have resulted in a license revocation for at least 12 months be made a civil judgement (excluding those related to impaired driving convictions) if the person has no traffic convictions in the prior 12 months. Replaces the provisions to instead allow petitioning the court to order the DMV to lift the revocation on the condition that the person pay a minimum of \$10 monthly towards the judgment which resulted in revocation to the clerk of superior court where the judgment was entered until paid in full. Requires the court to grant the petition if the person can show that they have had no traffic convictions in the prior 12 months. Directs the clerk to notify the Division of Motor Vehicles (DMV) if the person fails to make the minimum payment for a period of 60 days, whereby the DMV is required to revoke the person's license. Makes conforming and clarifying changes to subsections (a) and (b).

Revises the proposed changes to GS 20-7(i1) regarding restoration fees. Now authorizes the DMV to allow the person to pay restoration fees and other service fees on a sliding scale adjusted to reflect the person's ability to pay on a finding by the Commissioner of Motor Vehicles that the license holder has shown good cause for not being able to pay the full amount (previously, authorized full waiver upon finding the license holder has shown good cause for not being able to pay the fine).

Revises the proposed changes to the additional periods of revocation set forth in subsection (b) of GS 20-28.1 following conviction of a moving offense committed while driving during a period of suspension or revocation of a license. Now provides for no additional period of revocation for a first offense under the statute only if the offense which resulted in the underlying revocation has been resolved or the person is complying with a payment plan ordered by the court to satisfy any outstanding penalty, fine, or costs related to the offense that resulted in the underlying revocation.

Corrects a statutory cross-reference in new subsection (a4) of GS 20-28, which makes it a Class 1 misdemeanor for a person to operate a motor vehicle upon a highway without maintaining financial responsibility required by state law after the DMV has restored a license revoked for failure to appear pursuant to new subsection (g) of GS 20-24.1 (previously, referenced new subsection (h)). Additionally adds a new statutory cross-reference to GS 20-28.1(c), as amended, which provides for financial responsibility requirements for persons seeking a license following revocation for certain time periods as specified.

Adds a new section to the act directing the Administrative Office of the Courts (AOC) to adopt rules to implement the act and adopt automation that properly reflects the lifting of a revocation pursuant to the act.

Intro. by Hise, Britt, Mohammed.

[GS 20](#)

[View summary](#)

[Courts/Judiciary, Motor Vehicle, Court System, Government,](#)

**State Agencies, Department of Justice, Department of
Transportation**

S 636 (2021) **DONOR PRIVACY**. Filed Apr 6 2021, *AN ACT TO PROTECT THE PRIVACY OF CHARITABLE DONORS*.

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

Amends new GS 132-1.1(i), which deems confidential the identity of any person donating monies or other tangible goods to the nonprofit corporation, to except instances in which the person donating monies or other tangible goods specifically authorizes otherwise.

Revises new subsection (c) of GS 138A-34 to more specifically prohibit public servants from using or disclosing *confidential* information gained in the course of the public servant's official activities or by reason of their official position in violation of GS 132-1.1(i), as amended.

Intro. by Sanderson, Steinburg, Krawiec.

GS 55A, GS 58, GS 120, GS 131E, GS 131F, GS 132, GS 138,
GS 163

[View summary](#)

**Courts/Judiciary, Criminal Justice, Criminal Law and
Procedure, Government, Elections, General Assembly, Public
Records and Open Meetings, State Government, State
Personnel, Local Government, Health and Human Services,
Health, Nonprofits**

S 733 (2021) **2021 APPOINTMENTS BILL**. Filed Aug 16 2021, *AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES*.

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

Part I.

Revises the specified persons appointed to public office upon the recommendation of the President Pro Tempore of the Senate as follows. Appoints Montell Irvin rather than Perry Safran to the North Carolina Turnpike Authority Board for a term expiring January 14, 2025.

Part II.

Revises the appointment to the following public office upon the recommendation of the Speaker of the House of Representatives. Appoints James Tobin to the North Carolina Marine Industrial Park Authority for a term expiring June 30, 2023 (was, for a term expiring June 30, 2021, to fill the unexpired term of Jack McDonald). Eliminates the appointment of Andy Renfrow to the Private Protective Services Board for a term expiring July 1, 2024.

Intro. by Rabon.

UNCODIFIED

[View summary](#)

**Business and Commerce, Occupational Licensing,
Government, General Assembly, State Agencies, UNC System,
State Government, Executive**

ACTIONS ON BILLS

PUBLIC BILLS**H 27: IN-SERVICE TRAINING/MAGISTRATES.**

Senate: Withdrawn From Com

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

H 84: SEX OFFENDER PREMISES RESTRICTIONS.

House: Ratified

H 91: ACCOUNTABILITY AND FAIR PLAY IN ATHLETICS. (NEW)

Senate: Withdrawn From Com

Senate: Re-ref to Education/Higher Education. If fav, re-ref to Rules and Operations of the Senate

H 352: HOTEL SAFETY ISSUES.

House: Ratified

H 366: REGULATORY REFORM ACT OF 2021.

House: Ratified

H 398: PISTOL PURCHASE PERMIT REPEAL (NEW)

House: Ratified

H 415: UPDATE CHIROPRACTIC LAWS.

House: Regular Message Received For Concurrence in S Com Sub

House: Cal Pursuant 36(b)

House: Added to Calendar

House: Concurred In S Com Sub

House: Ordered Enrolled

H 481: FIREARM DISPOSAL/UNC CAMPUS POLICE.

House: Ratified

H 489: 2021 BUILDING CODE AND DEV. REG. REFORM.

House: Regular Message Received For Concurrence in S Com Sub

House: Cal Pursuant 36(b)

House: Added to Calendar

House: Concurred In S Com Sub

House: Ordered Enrolled

H 650: OMNIBUS DMV BILL.

Senate: Amend Adopted A1

Senate: Amend Adopted A2

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Engrossed

H 692: RESTRICT CERTAIN VEHICLE MODIFICATIONS.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

H 821: VARIOUS LAND-USE LAW CHANGES/CLARIFICATIONS. (NEW)

House: Reptd Fav Com Substitute

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

House: Re-ref to the Com on Judiciary 1, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House

H 853: PLAN REVIEW & CERT OF OCCUP. SCOPE CHANGES.*House: Reptd Fav Com Sub 2**House: Re-ref Com On Appropriations**House: Serial Referral To Rules, Calendar, and Operations of the House Stricken**House: Withdrawn From Com**House: Re-ref to the Com on Local Government, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House***S 35: MAX 4-YR AGE DIFF TO MARRY UNDER 18 YRS. (NEW)***Senate: Pres. To Gov. 8/19/2021***S 105: 2021 APPROPRIATIONS ACT.***House: Conferees Changed***S 191: THE NO PATIENT LEFT ALONE ACT.***House: Regular Message Sent To Senate***S 207: VARIOUS RAISE THE AGE CHANGES/JJAC RECS.***House: Regular Message Sent To Senate***S 257: MEDICATION COST TRANSPARENCY ACT.***House: Regular Message Sent To Senate**Senate: Regular Message Received For Concurrence in H Com Sub**Senate: Placed on Today's Calendar**Senate: Failed Concur In H Com Sub**Senate: Conf Com Appointed**House: Conf Com Appointed***S 299: NCDOT NAIC ACCREDITATION.-AB***Senate: Pres. To Gov. 8/19/2021***S 300: CRIMINAL JUSTICE REFORM.***House: Regular Message Sent To Senate***S 301: EXPAND EXPUNCTION ELIGIBILITY.***Senate: Ratified***S 314: LOCAL GOV COMMISSION ASSISTANCE TOOLKIT. (NEW)***Senate: Conf Rept Withdrawn**Senate: Conf Com #2 Reported**Senate: Placed on Today's Calendar**Senate: Conf Report #2 Adopted**Senate: Ordered Enrolled***S 316: GEN. CONTRACTORS/PLUMBING/ELECTR. EXEMPT.***House: Reptd Fav**House: Serial Referral To Regulatory Reform Stricken**House: Serial Referral To Rules, Calendar, and Operations of the House Stricken**House: Cal Pursuant Rule 36(b)**House: Added to Calendar**House: Passed 2nd Reading**House: Passed 3rd Reading**House: Ordered Enrolled***S 329: BUILDING CODE MOD./PERMIT EXEMPTION AMT. MOD. (NEW)**

House: Reptd Fav Com Substitute

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

S 421: CC/IN-STATE TUITION & BOARD ELECTIONS. (NEW)

House: Regular Message Sent To Senate

S 490: LICENSE TO WORK.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 08/24/2021

S 636: DONOR PRIVACY.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Amend Failed A1

House: Passed 2nd Reading

House: Passed 3rd Reading

S 688: SPORTS WAGERING.

Senate: Passed 3rd Reading

Senate: Engrossed

S 693: EXPEDITE CHILD SAFETY AND PERMANENCY.

House: Regular Message Sent To Senate

S 730: KATHERINE M.R. BOSKEN, COMMISSIONER OF BANKS.

Senate: Reptd Fav

Senate: Placed On Cal For 08/24/2021

S 732: CONFIRMING ELIZABETH BISER, DEQ SECRETARY.

Senate: Reptd Fav

Senate: Placed On Cal For 08/24/2021

S 733: 2021 APPOINTMENTS BILL.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Placed On Cal For 08/24/2021

LOCAL BILLS

H 248: SPRING LAKE CHARTER AMENDMENT.

Senate: Withdrawn From Com

Senate: Re-ref to State and Local Government. If fav, re-ref to Rules and Operations of the Senate

H 353: WINSTON-SALEM/FORSYTH AND WAKE BDS OF ED. (NEW)

House: Regular Message Sent To Senate

H 400: ASHEVILLE CITY SCH. BD. ELECTIONS. (NEW)

Senate: Withdrawn From Com

Senate: Re-ref to State and Local Government. If fav, re-ref to Rules and Operations of the Senate

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