



The Daily Bulletin: 2021-08-24

PUBLIC/HOUSE BILLS

H 27 (2021) [IN-SERVICE TRAINING/MAGISTRATES](#). Filed Jan 28 2021, *AAN ACT TO ENSURE THAT ALL MAGISTRATES RECEIVE THE EDUCATION NECESSARY TO PERFORM THEIR JOBS AND TO REINSTATE THE DISCRETION OF A JUDICIAL OFFICIAL IN SETTING APPROPRIATE CONDITIONS OF PRETRIAL RELEASE FOR A DEFENDANT THAT HAS PREVIOUSLY FAILED TO APPEAR IN COURT FOR THE CHARGES TO WHICH THE CONDITIONS APPLY, AS RECOMMENDED BY THE COURTS COMMISSION.*

Senate committee substitute adds the following content to the 3rd edition.

Amends GS 15A-534 to no longer mandate judicial officials to require a defendant to execute a secured appearance bond when imposing house arrest with electronic monitoring as a condition of pretrial release. Additionally, no longer mandates a judicial official to require a defendant who has failed to appear on one or more prior occasions to answer the charge(s) to which pretrial conditions apply to execute a secured appearance bond in an amount at least double the amount of the most recent previous secured or unsecured bond, or \$1,000 if no bond has been required of the charges. Instead, requires the judicial official to impose conditions of pretrial release provided by the statute, which includes imposing restrictions on travel, associations, conduct, or place of abode of the defendant. Effective December 1, 2021, and applies to conditions of pretrial release imposed on or after that date. Makes clarifying changes to the act's effective date provisions. Makes conforming changes to the act's long title.

Intro. by Clampitt.

[GS 7A, GS 15A](#)

[View summary](#)

[Courts/Judiciary, Court System, Criminal Justice, Criminal Law and Procedure, Education, Higher Education, Government, State Agencies, Department of Justice, State Government, State Personnel](#)

H 78 (2021) [VARIOUS EDUCATION CHANGES. \(NEW\)](#) Filed Feb 11 2021, *AN ACT TO AUTHORIZE ADDITIONAL NATIONALLY STANDARDIZED TESTS TO SATISFY NINTH GRADE PRIVATE SCHOOL TESTING REQUIREMENTS AND TO MAKE CHANGES FOR IN-STATE TUITION FOR VETERANS TO COMPLY WITH FEDERAL LAW.*

AN ACT TO AUTHORIZE ADDITIONAL NATIONALLY STANDARDIZED TESTS TO SATISFY NINTH GRADE PRIVATE SCHOOL TESTING REQUIREMENTS AND TO MAKE CHANGES FOR IN-STATE TUITION FOR VETERANS TO COMPLY WITH FEDERAL LAW. SL 2021-111. Enacted Aug. 23, 2021. Effective Aug. 23, 2021, except as otherwise provided.

Intro. by Blackwell, Clemmons, Elmore, Hurley.

[GS 115C, GS 116](#)

[View summary](#)

[Education, Elementary and Secondary Education, Higher Education, Government, State Agencies, Community Colleges System Office, UNC System, Military and Veteran's Affairs](#)

H 84 (2021) [SEX OFFENDER PREMISES RESTRICTIONS](#). Filed Feb 16 2021, *AN ACT TO APPLY PREMISES RESTRICTIONS TO CERTAIN SEX OFFENDERS, TO CLARIFY THE EXPUNCTION OF MISDEMEANORS, AND TO AMEND THE LAW THAT IMPOSES RESIDENTIAL RESTRICTIONS ON SEX OFFENDERS TO PROVIDE THAT THE ONE THOUSAND FOOT RESTRICTION IS TO BE*

MEASURED FROM THE PROPERTY LINE OF THE PROPERTY ON WHICH THE SCHOOL OR CHILD CARE CENTER IS LOCATED.

AN ACT TO APPLY PREMISES RESTRICTIONS TO CERTAIN SEX OFFENDERS, TO CLARIFY THE EXPUNCTION OF MISDEMEANORS, AND TO AMEND THE LAW THAT IMPOSES RESIDENTIAL RESTRICTIONS ON SEX OFFENDERS TO PROVIDE THAT THE ONE THOUSAND FOOT RESTRICTION IS TO BE MEASURED FROM THE PROPERTY LINE OF THE PROPERTY ON WHICH THE SCHOOL OR CHILD CARE CENTER IS LOCATED. SL 2021-115. Enacted Aug. 23, 2021. Effective Dec. 1, 2021.

Intro. by Warren, McNeill, Riddell, Stevens.

[GS 14, GS 15A](#)

[View summary](#)

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

H 181 (2021) [WILDLIFE RESOURCES COMM'N. AMENDMENTS.-AB](#) Filed Feb 25 2021, *AN ACT TO MAKE VARIOUS CHANGES TO THE STATUTES GOVERNING THE WILDLIFE RESOURCES COMMISSION.*

Senate committee substitute to the 6th edition makes the following changes.

Deletes the proposed changes to GS 143C-8-12, which would have allowed the Wildlife Resources Commission to approve expenditures for a capital project of the Wildlife Resources Commission if (1) the project will be funded entirely with agency receipts or federal funds and (2) any operating costs associated with the project will be paid entirely with agency receipts or federal funds. Instead, authorizes the following capital projects to be funded with receipts or from other non-General Fund and non-State Capital and Infrastructure Fund sources available to the Wildlife Resources Commission, in the specified amounts: (1) funded in both 2021-22 and 2022-23--Land Acquisition and Boating Access Areas Repairs & Renovations; (2) funded in 2021-22--Infrastructure Repairs & Renovations, Setzer Hatchery Renovation, Samarcand Training Facility, New Bern Depot Boat Storage Building, Marion Aquaculture Building, Elizabethtown Depot Equipment Storage Building, McKinney Lake Residence, Sandhills Depot Equipment Storage Building, District 7 Storage Building - Wilkesboro, Burnsville Depot, Balsam Depot Renovation, and Game Land Improvements; and (3) funded in 2022-23--Morganton Depot Equipment Storage Building, Mills River Depot Equipment Storage Building, Caswell Depot Equipment Storage Building, and Rhems Depot Equipment Storage Building.

Intro. by Adams, Yarborough, Wray.

[GS 113, GS 143, GS 143C](#)

[View summary](#)

[Animals, Courts/Judiciary, Civil, Civil Law, Criminal Justice, Criminal Law and Procedure, Development, Land Use and Housing, Building and Construction, Environment, Environment/Natural Resources, Government, Public Safety and Emergency Management, State Agencies, Department of Administration](#)

H 273 (2021) [MODIFY BUILDERS INVENTORY TAX EXCLUSION.](#) Filed Mar 11 2021, *AN ACT TO EXEMPT FROM PROPERTY TAX THE INCREASE IN VALUE OF PROPERTY DUE TO THE CONSTRUCTION OF TOWNHOUSES HELD FOR SALE BY A BUILDER.*

AN ACT TO EXEMPT FROM PROPERTY TAX THE INCREASE IN VALUE OF PROPERTY DUE TO THE CONSTRUCTION OF TOWNHOUSES HELD FOR SALE BY A BUILDER. SL 2021-113. Enacted Aug. 23, 2021. Effective for taxes imposed for taxable years beginning on or after July 1, 2022.

Intro. by Potts, Bradford, Zenger, Clemmons.

[GS 105](#)

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

H 324 (2021) **ENSURING DIGNITY & NONDISCRIMINATION/SCHOOLS. (NEW)** Filed Mar 17 2021, *AN ACT TO DEMONSTRATE THE GENERAL ASSEMBLY'S INTENT THAT STUDENTS, TEACHERS, ADMINISTRATORS, AND OTHER SCHOOL EMPLOYEES RECOGNIZE THE EQUALITY AND RIGHTS OF ALL PERSONS AND TO PROHIBIT PUBLIC SCHOOL UNITS FROM PROMOTING CERTAIN CONCEPTS THAT ARE CONTRARY TO THAT INTENT.*

Senate committee substitute amends the 4th edition as follows.

Revises proposed GS 115C-81.61, which prohibits public school units from promoting seven specified belief concepts. Adds to the legislative intent of the statute, which provides for students and school employees to respect the dignity of others, acknowledge the right of others to express differing opinions, and foster and defend intellectual honesty, freedom of inquiry and instruction, and freedom of speech and association, to include that public schools of the State are to employ teaching methods and procedures that further the legislative intent. Revises the definition of *promote* to define the term more narrowly to only include compelling students, teachers, administrators, or other school employees to affirm or profess belief in the concepts described in the act; no longer includes (1) including described concepts in curricula, reading lists, seminars, workshops, trainings, or other educational or professional settings in a manner that could reasonably give rise to the appearance of official sponsorship, approval, or endorsement, or (2) contracting with, hiring, or otherwise engaging speakers, consultants, diversity trainers, and other persons for the purpose of advocating described concepts.

Makes the following changes to the enumerated concepts public school units are prohibiting from promoting, set forth in subsection (c). No longer qualifies the prohibited concept that an individual, solely by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, by explicitly including the concept whether consciously or unconsciously. Now includes the concept that a meritocracy is inherently racist or sexist (replacing the concept that the belief that the United States is a meritocracy is an inherently racist or sexist belief, or that the United States was created by members of a particular race or sex for the purpose of oppressing members of another race or sex). Adds the following five concepts to those public school units are prohibited from promoting: (1) that the United States government should be violently overthrown; (2) that particular character traits, values, moral or ethical codes, privileges, or beliefs should be ascribed to a race or sex, or to an individual because of the individual's race or sex; (3) that the rule of law does not exist, but instead is a series of power relationships and struggles among racial or other groups; (4) that all Americans are not created equal and are not endowed by their Creator with certain unalienable rights, including life, liberty, and the pursuit of happiness; and (5) that governments should deny to any person within the government's jurisdiction the equal protection of the law.

Adds a new subsection organized as subsection (d), requiring public school units to notify the Department of Public Instruction and make general information available on the public school unit's website, with detailed information upon request, at least 30 days prior to any of the following: (1) providing instruction regarding described concepts in curricula, reading lists, seminars, workshops, trainings, or other educational or professional settings; (2) contracting with, hiring, or otherwise engaging speakers, consultants, diversity trainers, and other persons for the purpose of discussing described concepts; and (3) contracting with, hiring, or otherwise engaging speakers, consultants, diversity trainers, and other persons who have previously advocated for the described concepts.

Enacts new subsection (e) to exempt from the statute's prohibition against promoting the 13 described concepts and the required notifications of new subsection (d): (1) speech protected by the First Amendment of the U.S. Constitution; (2) using materials, as part of a course of instruction, curriculum, instructional program, or supplemental instruction, that include the history of an ethnic group, the impartial discussion of controversial aspects of history, the impartial instruction on the historical oppression of a particular group of people based on race, ethnicity, class, nationality, religion, or geographic region, or related historical documents permitted under GS 115C-47(29c); (3) accessing materials on an individual basis that advocate described concepts for the purpose of research or independent study; and (4) stating described concepts or assigning materials that incorporate concepts for educational purposes in contexts that make clear the public school unit does not sponsor, approve, or endorse such concepts or works (replaces previous subsection (d) of the proposed statute, which identified three actions not prohibited by the statute, now encompassed in subdivisions (1), (3), and (4) of this new subsection (e)).

Revises the proposed new language in the following statutes to require charter schools, regional schools, and laboratory schools to comply with new GS 115C-81.61 *in order to ensure* (was, by ensuring) dignity and nondiscrimination at each

school: GS 115C-218.85; GS 115C-238.66; and GS 116-239.8.

Changes the act's effective date to the date the act becomes law (was, July 1, 2021).

Intro. by Saine, Boles, Yarborough, Torbett.

GS 115C, GS 116

[View summary](#)

**Education, Elementary and Secondary Education,
Government, State Agencies, UNC System**

H 351 (2021) **CLIFFORD'S LAW. (NEW)** Filed Mar 22 2021, *AN ACT DIRECTING THE SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH VISITATION PROTOCOLS FOR NURSING HOMES, COMBINATION HOMES, AND ADULT CARE HOMES, INCLUDING FAMILY CARE HOMES, DURING DECLARED DISASTERS AND EMERGENCIES AND REQUIRING THESE FACILITIES TO ADHERE TO THE ESTABLISHED VISITATION PROTOCOLS DURING DECLARED DISASTERS AND EMERGENCIES WHEN NORMAL VISITATION POLICIES ARE SUSPENDED OR CURTAILED.*

Senate amendment to the 6th edition makes the following changes.

Changes the effective dates of the act's provisions as follows. Makes the following sections of the act effective April 1, 2022: Section 1 (citing the act as Clifford's Law; was, effective April 1, 2022); Section 2(a) (enacting GS 131E-112.5 and GS 131E-112.6, directing the Secretary of the Department of Health and Human Services (DHHS Secretary) to establish visitation protocols for residents of nursing homes and combination homes that will become effective during a disaster declaration or emergency that results in the suspension or curtailment of the facility's normal visitation policy for any reason; was, effective on the date the act becomes law); and Section 3(a) (enacting GS 131D-7.1 and GS 131D-7.2 as substantively identical provisions regarding adult care homes, including a family care home, as those enacted in GS 131E-112.5 and GS 131E-112.6 concerning licensed nursing homes and combination homes; was, effective on the date the act becomes law). Makes the remainder of the act, regarding implementation and reporting of the visitation protocols by the DHHS Secretary, effective on the date the act becomes law (was, April 1, 2022).

Intro. by Dixon, Lambeth, White, Moss.

GS 131D, GS 131E

[View summary](#)

**Government, Public Safety and Emergency Management,
State Agencies, Department of Health and Human Services,
Health and Human Services, Health, Health Care Facilities
and Providers, Public Health, Social Services, Adult Services**

H 366 (2021) **REGULATORY REFORM ACT OF 2021.** Filed Mar 23 2021, *AN ACT TO PROVIDE FURTHER REGULATORY RELIEF TO THE CITIZENS OF NORTH CAROLINA.*

AN ACT TO PROVIDE FURTHER REGULATORY RELIEF TO THE CITIZENS OF NORTH CAROLINA. SL 2021-117.
Enacted Aug. 23, 2021. Effective Aug. 23, 2021, except as otherwise provided.

Intro. by Yarborough, Bradford, Moffitt, Riddell.

STUDY, GS 14, GS 18B, GS 58, GS 130A, GS 143, GS 159G,
GS 160D

[View summary](#)

**Alcoholic Beverage Control, Business and Commerce,
Insurance, Courts/Judiciary, Criminal Justice, Criminal Law
and Procedure, Development, Land Use and Housing,
Building and Construction, Education, Preschool,
Environment, Environment/Natural Resources, Government,
Ethics and Lobbying, Public Safety and Emergency
Management, State Agencies, Department of Environmental
Quality (formerly DENR), Department of Health and Human**

Services, Department of Public Safety, Department of Revenue, Department of Transportation, Local Government, Health and Human Services, Health, Public Health, Transportation

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

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

Adds to the new provisions in GS 20-305(4)(i), which 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. Adds that this new provision does not annul or impair an existing agreement regarding the renovation, construction, or relocation of a dealership facility that existed prior to the transfer, sale, succession, assignment of the dealer's franchise, change in executive management or change in principal operator. Further adds that this new provision does not prevent a manufacturer or distributor from requiring changes to a facility that are necessary in order to sell or service a motor vehicle.

Regarding the procedure for a manufacturer or distributor to object to an owner's appointment of a designated successor set forth in GS 20-305(7), amends the subdivision to require the manufacturer or dealer to prove that the designated successor does not meet uniformly applied minimum business experience standards in the market area for the proposed principal operator of the dealership (rather than the proposed *day to day* principal operator of the dealership).

Modifies the proposed changes to GS 20-305(6) regarding a termination, cancellation or nonrenewal of a franchise by eliminating the new provision deeming 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.

Replaces the proposed changes to GS 20-305(9), which makes it unlawful for any manufacturer or distributor to require, coerce, or attempt to coerce any of its franchised dealers in the State to (1) purchase or lease any electric vehicles charging stations at the dealer's expense unless the dealer has indicated to the manufacturer or distributor the dealer's intention to begin offering for sale to the public or providing warranty service on electric vehicles manufactured or distributed by that manufacturer or distributor, or (2) if the dealer is offering for sale to the public or providing warranty service on electric vehicles manufactured or distributed by that manufacturer or distributor, purchase or lease at the dealer's expense either more than the number of electric vehicle charging stations for use by service technicians and customer education than would be reasonably necessary for the dealer to have for these purposes during the following three-year period, or any electric vehicle charging stations for use anywhere other than the dealer's service area. Now, makes it unlawful for any manufacturer or distributor to require, coerce, or attempt to coerce any of its franchised dealers in the State to purchase or lease any electric vehicle charging stations at the dealer's expense unless the dealer has notified the manufacturer or distributor of the dealer's intention to begin selling and servicing electric vehicles manufactured or distributed by that manufacturer or distributor. Adds that if the dealer is actually offering for sale to the public or providing warranty service on electric vehicles manufactured or distributed by that manufacturer or distributor the dealer cannot be required to purchase or lease, at the dealer's expense: (1) more than the number of electric vehicle charging stations for use by service technicians and customer education than would reasonably be necessary for the dealer to perform these functions based on the dealer's estimated sales and service volume during the following three-year period; or (2) to make electric vehicle charging stations located at the dealership available for use by the general public. Specifies that these provisions do not prohibit a manufacturer or distributor from establishing an incentive program for its dealers for financial assistance to purchase or install electric charging stations, within parameters specified. Maintains the previously proposed language making 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 for servicing another brand or line-make of vehicle manufactured or distributed by that manufacturer or distributor, and can perform the work to the approved, applicable required standards of the manufacturer or distributor (previously, did not specify that the standards must be approved by the applicable

manufacturer or distributor). Adds that the approval cannot be unreasonably withheld. Makes technical changes to delete existing statutory language reproduced in Section 3(a) of the act, which further amends GS 20-305(9) to make it unlawful for any manufacturer or distributor to require, coerce, or attempt to coerce any of its franchised dealers in the State to purchase off-lease or other pre-owned vehicles.

Further amends GS 20-305(12), which prohibits requiring, coercing, or attempting to coerce any new motor vehicle dealer to change location of the dealership, to now condition the prohibition upon the act of doing so would be unreasonable or without written assurance of a sufficient supply of new motor vehicles to justify the expense (was, the expansion). Modifies the proposed new provisions to GS 20-305(12), which require that, if a dealer is required by the manufacturer to change the location of the dealership and has not sold its existing dealership facility and real estate within 90 days of listing the property for sale, upon the written request of the dealer, the manufacturer must purchase the dealer's existing dealership facility and real estate at fair market value, entitling the manufacturer or distributor to sole ownership, possession, use and control of any items, buildings, or property included in the purchase contract. Now makes the new provisions applicable to distributors as well as manufacturers, and changes the time upon which a dealer can request the manufacturer or distributor to purchase the dealer's existing dealership to the later of 180 days of listing the property for sale or 90 days after the facility relocation.

Revises the changes to GS 20-305(30) to extend the provisions making lawful a manufacturer's program that varies the price charged to its franchised dealers in violation of the subdivision (which prohibits varying prices based on the dealer's purchase of facilities, supplies, etc., relocation, renovation, or participation in training programs), as specified, from June 30, 2024 (2022 in current law), until June 30, 2025.

Deletes the proposed changes to GS 20-305(14) requiring that, for a new motor vehicle dealer in the State who sold a total of 225 or fewer new motor vehicles manufactured or distributed by a particular manufacturer or distributor during the immediately preceding 12 calendar months, the manufacturer or distributor must allocate and deliver to the dealer within 60 days no fewer than the number of new motor vehicles of each model or series that dealer sold at retail during the immediately previous calendar month. Eliminates the corresponding new provisions regarding the dealer's right of refusal and the manufacturers and distributors' required distribution of the allocation process, a monthly summary of allocation, and the provisions of an appeals process to dealers. Instead enacts a new requirement for every manufacturer, factory branch, distributor, or distributor branch to provide each of its franchised dealers a process for a dealer to appeal the dealer's vehicle allocation should the dealer believe it was not allocated or did not receive vehicle inventory in a manner that complies with the subdivision and the manufacturer's or the distributor's uniformly applied allocation formula. Specifies that participation in the appeals process does not waive or impair any rights, claims or defenses available to the dealer, manufacturer or distributor under applicable law. Requires all proceedings related to the appeal process to be conducted in the State unless otherwise agreed to by the parties. Makes a technical correction.

Amends the proposed changes to GS 20-305(33), which 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 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. Regarding the new prohibition making it unlawful for a manufacturer to fail to reimburse the dealer in full as provided by the subdivision 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 sold or distributed by the manufacturer or through a supplier designated or approved by the manufacturer, conditions the prohibition upon the provision of a rental or loaner vehicle to a customer is required or approved by the manufacturer or distributor.

Revises the new provisions of GS 20-305(50) which prohibits requiring, coercing, or attempting to coerce the relocation of certain new motor vehicle dealerships. Specifies that if during a 10-year period a manufacturer revises or discontinues an existing program, standard, or policy or establishes a new one relating to construction or substantial alteration of a dealership, a motor vehicle dealer that completed construction or alteration of a dealership at a cost of \$250,000 or more as part of a prior program and elects not to participate in the new or revised program, the dealer is not entitled to the benefits under the new or revised program (was, the facility bonus incentive portion of the new or revised program), but is entitled to all benefits (was, facility benefits) under the prior program.

Adds to the changes to the requirements for rebutting the presumption of customary parts markup and labor rates under GS 20-305.1 by using rates charges by all other franchise motor vehicle dealers located in the dealer's relevant market area instead, or if none, by other same segment franchise dealers selling competing line-makes of vehicles within the dealer's relevant market area. Provides that if there are no other such same segment franchised dealers within the dealer's relevant market area, the

manufacturer or distributor is authorized to compare the dealer's retail rate for parts and labor with the retail rates charged for parts and labor by other same line-make dealers or same-segment franchised dealers who are selling competing line-makes of vehicles that are located within the relevant market area of the franchised dealers who is located in closest proximity, measured by straight-line distance, to the dealer, provided that they are not all owned, operated or controlled by the subject dealer. Defines *relevant market area* by statutory cross-reference. Eliminates the proposed extension of 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. Eliminates the proposed changes to 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; maintains that the phrase includes that the dealer's claims submissions violate reasonable claims documentation or other requirements of the applicable manufacturer, factory branch, distributor, or distributor branch.

Revises the expansion of the definition of *motor vehicle dealer* under GS 20-286, applicable to Article 12, to no longer add a person who for commission, money or value offers for subscription five or more motor vehicles within any 12 consecutive months, or (2) engages in the business of offering for subscription new motor vehicles or new or used motor vehicles, or used motor vehicles only and sells five or more motor vehicles within any 12 consecutive months. Instead, expands the definition of motor vehicle dealer to distinctly add a new qualification to the definition to include a person who, for commission, money, or other thing of value, or on behalf of another person sharing 10% or more common ownership, offers new vehicles as part of a subscription program. Excludes from this new qualification persons providing a vehicle subscription or monthly rental program on or after January 1, 2025.

Adds the following new content.

Amends GS 20-305 by adding a new subdivision as follows. 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 do any of six described acts if it has any franchised dealers in the State and permits retail customers the option of reserving or requesting to purchase or lease a vehicle directly from such manufacturer or distributor, including: (1) failing to assign any retail vehicle reservation or request to purchase or lease received from a resident to the franchised dealer authorized to sell that make and model designated by the customer, or if not designated the dealer authorized to sell that make and model located in closest proximity to the customer's location, with assignment to another franchised dealer authorized if the customer does not purchase or lease the vehicle from the dealer within 10 days of assignment; (2) prohibiting a retail customer who has reserved or requested to purchase or lease a vehicle directly from the manufacturer or distributor and the dealer to whom the reservation or request has been assigned from directly negotiating the trade-in value the customer will receive or prohibiting the assigned dealer from inspecting the condition of a trade-in vehicle before the dealer becomes contractually obligated to accept the value negotiated; and (3) using a third party to accomplish what would otherwise be prohibited by the new subdivision. Adds parameters for the construction of the new provision, including that the new prohibitions do not: (1) require a manufacturer or distributor from allocating or supplying additional or supplemental inventory to a franchised dealer to satisfy a retail customer's vehicle reservation or request submitted directly to the manufacturer or distributor; (2) apply to the generation of sales leads, excluding any reservation or request to purchase or lease a vehicle submitted directly by a customer or potential customer to a manufacturer or distributor; or (3) apply to a reservation or request to purchase or lease a vehicle directly from the manufacturer or distributor received from customer that is a resident if the customer designated a dealer outside of the State to be assigned or if the dealer located in closest proximity to the customer's location is in another state and assigned the reservation or request to that dealer. Applies to all existing and future programs and policies of all manufacturers and distributors having any franchised dealers in the State as of January 1, 2022.

Adds another subdivision to GS 20-305, 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 prohibit or unreasonably limit or restrict a dealer from using electronic signature technology that complies with specified state law to facilitate or execute loaner, demonstrator, rental, or test drive agreements and forms.

Amends GS 20-183.4C to except from the required safety inspection of new and used vehicles prior to delivery to a retail purchaser vehicles previously inspected by an affiliated dealership or between dealerships having common or interrelated ownership when the inspection occurred either within 180 days from the date of sale or within 300 miles from the mileage recorded at the date of sale.

Amends GS 20-292 by adding a requirement that dealers who display vehicles at a trade show or exhibit where no selling related to the vehicle takes place must display the dealer's name and business location. Additionally allows for dealers to display vehicles at the home or place of business of a customer with the permission or consent of the customer, alternatively to the customer's request. Adds a new provision specifying that Article 12, which governs motor vehicle dealer and manufacturing licensing, does not prohibit or restrict a new or used motor vehicle dealers or any employee, agent or contractee of a new or used motor vehicle dealer from doing three described acts, including: (1) delivering a motor vehicle purchased or leased by a customer to the customer's home or place of business or having the customer execute forms and other documents related to the vehicle or other products and services provided to the customer by or through the dealer that are presented to a customer at their home or place of business by an employee or authorized agent of the dealer, subject to specified parameters; (2) having any employee or authorized agent explain vehicle operation, features, care, and warranties to the customer at the time of the delivery to the customer; and (3) retrieving from the customer's home or place of business a motor vehicle that has been sold by the customer to the dealer.

Makes technical changes to the act's effective date provisions.

Intro. by B. Jones, Wray.

GS 20

[View summary](#)

Business and Commerce, Courts/Judiciary, Civil, Civil Law, Motor Vehicle

H 461 (2021) [STATE AUDITOR CLARIFYING AMENDMENTS](#). Filed Mar 30 2021, *AN ACT TO MAKE CLARIFYING AND TECHNICAL CHANGES IN THE STATE AUDITOR STATUTES*.

AN ACT TO MAKE CLARIFYING AND TECHNICAL CHANGES IN THE STATE AUDITOR STATUTES. SL 2021-112. Enacted Aug. 23, 2021. Effective Aug. 23, 2021, except as otherwise provided.

Intro. by Howard, Szoka, Setzer, Bradford.

GS 147

[View summary](#)

Government, State Agencies, Office of State Auditor, Local Government

H 481 (2021) [FIREARM DISPOSAL/UNC CAMPUS POLICE](#). Filed Apr 1 2021, *AN ACT TO ALLOW EACH DEPARTMENT, AGENCY, INSTITUTION, COMMISSION, AND BUREAU OF THE EXECUTIVE, JUDICIAL, OR LEGISLATIVE BRANCH OF NORTH CAROLINA AND CAMPUS POLICE AND LAW ENFORCEMENT AGENCIES OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA TO SELL, TRADE, OR OTHERWISE DISPOSE OF ANY OR ALL SURPLUS WEAPONS IN THEIR POSSESSION TO ANY FEDERALLY LICENSED FIREARM DEALER; TO PROVIDE THAT THE TWENTY-YEAR WAITING PERIOD TO PETITION THE COURT TO HAVE FIREARM RIGHTS' RESTORED FOR AN OUT-OF-STATE CONVICTION IS CALCULATED JUST LIKE THE TWENTY-YEAR WAITING PERIOD FOR A NORTH CAROLINA CONVICTION; AND TO AUTHORIZE LOCAL LAW ENFORCEMENT OFFICERS TO PURCHASE PRIOR WEAPON USED*.

AN ACT TO ALLOW EACH DEPARTMENT, AGENCY, INSTITUTION, COMMISSION, AND BUREAU OF THE EXECUTIVE, JUDICIAL, OR LEGISLATIVE BRANCH OF NORTH CAROLINA AND CAMPUS POLICE AND LAW ENFORCEMENT AGENCIES OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA TO SELL, TRADE, OR OTHERWISE DISPOSE OF ANY OR ALL SURPLUS WEAPONS IN THEIR POSSESSION TO ANY FEDERALLY LICENSED FIREARM DEALER; TO PROVIDE THAT THE TWENTY-YEAR WAITING PERIOD TO PETITION THE COURT TO HAVE FIREARM RIGHTS' RESTORED FOR AN OUT-OF-STATE CONVICTION IS CALCULATED JUST LIKE THE TWENTY-YEAR WAITING PERIOD FOR A NORTH CAROLINA CONVICTION; AND TO AUTHORIZE LOCAL LAW ENFORCEMENT OFFICERS TO PURCHASE PRIOR WEAPON USED. SL 2021-116. Enacted Aug. 23, 2021. Effective Aug. 23, 2021, except as otherwise provided.

Intro. by C. Smith, Faircloth, Miller.

GS 14, GS 20, GS 143

[View summary](#)**Government, Public Safety and Emergency Management,
State Agencies, UNC System**

H 769 (2021) **FOSTER PARENTS' BILL OF RIGHTS**. Filed May 3 2021, *AN ACT TO PROVIDE A BILL OF RIGHTS RECOGNIZING THE RIGHTS OF FOSTER PARENTS IN THE STATE OF NORTH CAROLINA*.

Senate committee substitute amends the 3rd edition as follows.

Revises proposed GS 131D-10.9C, which identifies rights that the State supports and promotes for foster parents in the provision of foster care. Regarding the second right enumerated for foster parents to receive information about responsibilities and access to support services, now includes the right to additional or necessary information that the county department of social services (DSS) has that may be relevant to the care of the child when the child is placed with the foster parents (previously, provided for receipt at any time during which a child is placed with the foster parents). Eliminates duplicative rights stated in previous (b)(2)f.; maintains the rights as stated in previous (b)(7), concerning the right of foster parents to have input in court and be included as a valued member of the child's team. Makes a clarifying change to provide for the right to be allowed reasonable opportunities to be consulted with and considered (was, the right to reasonable opportunities to be consulted with and considered) in the scheduling of home visits, therapies, and other meetings related to the child that the foster or resource parents are allowed or required to attend.

Intro. by Willis, Stevens, Paré, Winslow.

GS 131D

[View summary](#)**Health and Human Services, Social Services, Child Welfare**

H 973 (2021) **URGE PRESIDENT AND CONGRESS ON AFGHANISTAN**. Filed Aug 24 2021, *A HOUSE RESOLUTION URGING CONGRESS AND THE PRESIDENT TO TAKE ADDITIONAL ACTION REGARDING THE EVACUATION OF AMERICAN TROOPS, ALLY TROOPS, AND AFGHAN CITIZENS FROM AFGHANISTAN*.

As title indicates, urges Congress and President Biden to take additional action regarding the evacuation of American citizens, American troops, ally troops, and Afghan citizens and their families who helped America fight the War on Terror and have been properly vetted by the US Department of State, from Afghanistan. Requires transmission of a copy of the resolution to the North Carolina congressional delegation and the President.

Intro. by Rules, Calendar, and Operations of the House.

HOUSE RES

[View summary](#)**Government, General Assembly, Military and Veteran's
Affairs**

PUBLIC/SENATE BILLS

S 299 (2021) **NCDOI NAIC ACCREDITATION.-AB** Filed Mar 15 2021, *AN ACT TO MAINTAIN NAIC ACCREDITATION OF THE DEPARTMENT OF INSURANCE BY MAKING REVISIONS TO THE LAWS GOVERNING CREDIT FOR REINSURANCE AND RESERVE FINANCING*.

AN ACT TO MAINTAIN NAIC ACCREDITATION OF THE DEPARTMENT OF INSURANCE BY MAKING REVISIONS TO THE LAWS GOVERNING CREDIT FOR REINSURANCE AND RESERVE FINANCING. SL 2021-114. Enacted Aug. 23, 2021. Effective Sept. 1, 2021, except as otherwise provided.

Intro. by Sawyer, Johnson.

GS 58A

[View summary](#)**Business and Commerce, Insurance, Government, State**

**Agencies, Department of Insurance, Health and Human
Services, Health, Health Insurance**

S 732 (2021) **CONFIRMING ELIZABETH BISER, DEQ SECRETARY**. Filed Aug 10 2021, *A SENATE RESOLUTION CONFIRMING ELIZABETH S. BISER AS SECRETARY OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY*.

Senate amendment amends the 1st edition to confirm Elizabeth S. Biser as Secretary of the Department of Environmental Quality. Changes the act's long title and removes the act's whereas clauses.

Intro. by Rabon.

SENATE RES, UNCODIFIED

[View summary](#)

**Environment, Government, State Agencies, Department of
Environmental Quality (formerly DENR)**

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 amendment makes the following changes to the 2nd edition.

Part I.

Changes the county of residence of an appointee to the Domestic Violence Commission. Removes the title of "Dr." from an appointee to the North Carolina Medical Board.

Part II.

Changes the county of residence of appointees to the North Carolina Charter Schools Advisory Board. Appoints Kimberly W. Strach, instead of Brandon Gosey, to the Disciplinary Hearing Commission of the North Carolina State Bar. Changes the expiration of the terms of the appointees to the North Carolina Board of Massage and Bodywork Therapy for terms from June 30, 2023, to June 30, 2024. Removes the appointment of Bridget W. Chisholm to the Board of Trustees of the Teachers' and State Employees' Retirement System.

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: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

H 95: WHOLESALE RX DISTRIBUTION LICENSEE CHANGE. (NEW)

Senate: Reptd Fav

H 181: WILDLIFE RESOURCES COMM'N. AMENDMENTS.-AB

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Finance

H 320: MODERNIZE REMOTE BUSINESS ACCESS.

Senate: Reptd Fav

Senate: Re-ref Com On Judiciary

H 324: ENSURING DIGNITY & NONDISCRIMINATION/SCHOOLS. (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

H 351: CLIFFORD'S LAW. (NEW)

Senate: Amend Adopted A1

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Engrossed

H 403: CLARIFY MOTOR VEHICLE FRANCHISE LAWS.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

H 415: UPDATE CHIROPRACTIC LAWS.

House: Pres. To Gov. 8/24/2021

H 436: SUPPORT LAW ENFORCEMENT MENTAL HEALTH.

Senate: Reptd Fav

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

House: Pres. To Gov. 8/24/2021

H 536: LAW ENFORCEMENT DUTY TO INTERVENE.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

H 608: DIGNITY FOR WOMEN WHO ARE INCARCERATED.

Senate: Reptd Fav

H 650: OMNIBUS DMV BILL.

House: Cal Pursuant 36(b)

House: Added to Calendar

House: Concurred In S Com Sub

House: Ordered Enrolled

H 692: RESTRICT CERTAIN VEHICLE MODIFICATIONS.

House: Cal Pursuant 36(b)

House: Added to Calendar

House: Concurred In S Com Sub

House: Ordered Enrolled

H 729: CHARTER SCHOOLS OMNIBUS.

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

H 769: FOSTER PARENTS' BILL OF RIGHTS.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

H 805: PREVENT RIOTING AND CIVIL DISORDER.

Senate: Reptd Fav

H 973: URGE PRESIDENT AND CONGRESS ON AFGHANISTAN.

House: Reptd Fav. For Introduction

House: Filed

House: Rules Suspended

House: Passed 1st Reading

House: Cal Pursuant 32

House: Placed On Cal For 08/25/2021

S 159: STATE HEALTH PLAN ADMINISTRATIVE CHANGES.-AB

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Enrolled

S 191: THE NO PATIENT LEFT ALONE ACT.

Senate: Fail Concur In H Amend S191v3

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

Senate: Concurred In H Com Sub

Senate: Ordered Enrolled

S 211: AMEND WATER/SEWER RATE ADJUSTMENT MECHANISMS.

House: Withdrawn From Com

House: Placed On Cal For 08/25/2021

S 228: ALLOW EMPLOYERS TO OFFER EPO BENEFIT PLANS.

House: Reptd Fav

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

S 300: CRIMINAL JUSTICE REFORM.

Senate: Concurred In H Com Sub

Senate: Ordered Enrolled

S 314: LOCAL GOV COMMISSION ASSISTANCE TOOLKIT. (NEW)

Senate: Pres. To Gov. 8/24/2021

S 316: GEN. CONTRACTORS/PLUMBING/ELECTR. EXEMPT.

Senate: Pres. To Gov. 8/24/2021

S 347: CAPTIVE INSURANCE AMENDMENTS.

House: Withdrawn From Com

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

S 379: ISSUANCE OF UNREGISTERABLE CERT. OF TITLE.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Enrolled

S 389: DEQ/DNCR OMNIBUS.-AB

House: Withdrawn From Com

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

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

Senate: Concurred In H Com Sub

Senate: Ordered Enrolled

S 462: CON/THRESHOLD AMDS. & AMP CERTIFICATE EXPIRATIONS.

House: Reptd Fav

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 542: SHP COMBAT FRAUD/PROPERTY FINDERS STNDS. (NEW)

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

S 570: HOLD HARMLESS STAR RATINGS/ERS ASSESS. RESUME.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Enrolled

S 636: DONOR PRIVACY.

Senate: Regular Message Received For Concurrence in H Com Sub

Senate: Placed On Cal For 08/25/2021

S 688: SPORTS WAGERING.

House: Passed 1st Reading

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

S 693: EXPEDITE CHILD SAFETY AND PERMANENCY.

Senate: Concurred In H Com Sub

Senate: Ordered Enrolled

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

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

S 732: CONFIRMING ELIZABETH BISER, DEQ SECRETARY.

Senate: Amend Adopted A1

Senate: Adopted

S 733: 2021 APPOINTMENTS BILL.

Senate: Amend Adopted A1

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Engrossed

No local actions on bills

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