



The Daily Bulletin: 2021-09-22

PUBLIC/HOUSE BILLS

H 165 (2021) **DOT LEGISLATIVE CHANGES.-AB** Filed Feb 25 2021, *AN ACT TO MAKE VARIOUS CHANGES TO THE TRANSPORTATION AND MOTOR VEHICLE LAWS OF THE STATE.*

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

Part I.

Makes a technical change to the effective date provision in Section 2.

Deletes the following: (1) Sections 3 and 4, which made changes to the Highway Maintenance Improvement Program; and (2) Section 5, which amended GS 143-64.24 by providing that the North Carolina State Ports Authority may only contract to obtain the services of a consultant after the proposed contract is approved by the Board of the North Carolina State Ports Authority.

Adds the following to Part I.

Amends GS 136-189.11(e), which allows varying from the Transportation Investment Strategy Formula if the specified conditions are met. Current law requires the Secretary to calculate the amount of Regional Impact and Division Need funds allocated in that year to each division and region, the amount of funds obligated, and the amount the obligations exceeded or were below the allocation. Requires the targeted amounts obtained according the Formula to be adjusted to account for any differences between allocations and obligations reported for the previous fiscal years (was, for the previous five fiscal years).

Amends GS 136-28.10 to provide that for Highway Fund or Highway Trust Fund construction and repair projects of \$1 million (was, \$500,00) or less, and maintenance projects of \$1 million (was, \$500,000) or less per year, the Board of Transportation may, after soliciting and receiving (was, soliciting) at least three informal written bids from Small Business Enterprises, award contracts to the lowest responsible bidder.

Amends GS 143-215.73F(c1), by specifying that no cost-share is required for dredging projects located in a development tier one area for a ferry channel used (was, maintained) by the Department of Transportation.

Deletes the current provisions of GS 136-28.12 and instead requires the Department of Transportation (DOT), for state-maintained roads, to coordinate litter removal and mowing as follows: (1) if the highway right-of-way to be mowed is part of the primary road system, DOT must schedule the removal of litter before the right-of-way is mowed; and (2) if the highway right-of-way to be mowed is part of the secondary road system, DOT must schedule, to the extent practicable, the removal of litter before the right-of-way is mowed. Requires DOT to require as a term of any contract to mow or remove litter that the contracting party agree to these provisions. Applies to contracts entered into on or after January 1, 2022. Requires DOT, on or before January 15, 2022, to report to the specified NCGA committee and division on the effectiveness of DOT's Litter Management System website and interactive map.

Part II.

Deletes the following Sections: (1) Section 7, which authorized the Division of Motor Vehicles (DMV) to establish and maintain electronic systems and means for renewals of all licenses, permits, certificates, and registrations, and that set out reporting requirements; (2) Section 9.1 which required DOT, Ferry Division, to lease a passenger ferry vessel for operation between Hatteras and Ocracoke, with the lease ending no later than September 12, 2021, and required specified funds to be used for this purpose; (3) Section 9.2 which required specified funds be used to reimburse funds Carteret County provided on behalf of Hyde County to fulfill the local match requirements for grant funds to dredge the Cedar Island ferry channel; and (4) Section 9.3 which required specified funds to be used for North Carolina coastal dredging.

Adds the following new content to Part II.

Amends SL 2021-134 as follows. Requires the Office of Administrative Hearings (OAH), in addition to the DMV, to consult with the Attorney General (previously, required DMV to consult with OAH and the Attorney General) in studying the feasibility of transferring (1) dealer license hearings pursuant to GS 20-296 and (2) safety and emissions inspection hearings pursuant to Article 3A of GS Chapter 20 from the DMV to OAH. Changes the deadline for reporting on the study from January 31, 2022, to March 31, 2022. Makes Section 9, which amends the effective date of certain license revocations, effective on February 1, 2022 (was, October 1, 2021).

Part III.

Adds the following new content.

Amends GS 20-309.2 to require the Division of Motor Vehicles (DMV) to ensure that its records accurately reflect the insurance coverage status of each owner of a registered motor vehicle or one required to be registered by reconciling the notices received under the statute. Directs the DMV not to record a termination notice received under the statute as a lapse in financial liability if the DMV has received an earlier notice that establishes the owner has met the requirements for the vehicle through a liability policy that is not the subject of the later termination notice.

Amends GS 20-311 to require the DMV to notify the owner by mail or electronically (was, mail only) upon receipt of evidence that the owner of a motor vehicle registered or required to be registered does not have financial responsibility for the operation of the vehicle. Makes clarifying changes. Adds that the DMV must assess no penalty against an owner that responds within the time period specified in existing law and establishes the following: (1) the owner sold the vehicle or transferred the title pursuant to State law regarding transfer of title or surrender of title to salvage vehicles within 10 days of the termination of financial responsibility for the vehicle; (2) the owner did not operate or allow the vehicle to be operated during the lapse due to damage or mechanical defect, or nonpossession due to sale or transfer for which there was a delay between the physical transfer and completion of the required paperwork; and (2) the owner has returned the NC registration plate or has submitted an affidavit indicating the plate has been lost, stolen, or destroyed.

Directs the DMV to develop a plan to implement a system for accepting documentation from insurers pursuant to GS 20-309.2, as amended, in an electronic format that allows for immediate transmission of insurance coverage status for owners of vehicles registered or required to be registered in the State. Requires the plan to also provide for electronic submission of documentation required from insurers to license an individual or register a motor vehicle. Directs the DMV to report to the specified NCGA committee chairs by March 1, 2021, detailing the plan developed.

Amends GS 136-89.199, which provides for designating high-occupancy toll and managed lanes, by making a violation of a use requirement or use condition for lanes designated under the statute an infraction. Makes a conforming change to GS 20-176. Applies to offenses committed on or after December 1, 2021.

Amends GS 20-116 by specifying that the statute does not prevent the operation of passenger buses that are owned and operated by local governments, operated as a single vehicle and having an overall length of 45 feet or less or as an articulated vehicle and having an overall length of 65 feet or less.

Amends GS 20-11(d)(3) by amending the requirements to be met in order for a person who is at least 16 years old but less than 18 years old to obtain a limited provisional license, to require passing a road test administered by either DMV (was, DMV only) or by a commercial driver training school certified by the DMV to administer road tests. Enacts new GS 20-329 authorizing a licensed commercial driver training school to administer road tests required for licensure under GS 20-11(d)(3) only when certified under by the DMV. Allows a person who passes a road test required for licensure administered by a commercial driver training school to submit proof to the DMV of passage of the road test for the purpose of meeting the requirement of GS 20-11(d)(3). Allows the Commissioner of Motor Vehicles to adopt rules for school certification to administer road tests. Amends GS 20-320 by amending the definitions of the following terms as they are used in GS Chapter 20, Article 14 (Driver Training School Licensing Law): (1) amends the definition of commercial driver training school, or school, to also include a business enterprise conducted by an individual, association, partnership, or corporation which administers road tests under new GS 20-329; and (2) amends the definition of instructor to also include a person who administers road tests.

Amends the act's long title.

[View summary](#)

Business and Commerce, Insurance, Courts/Judiciary, Civil, Motor Vehicle, Criminal Justice, Criminal Law and Procedure, Government, Public Safety and Emergency Management, State Agencies, Department of Transportation, Local Government, Health and Human Services, Health

H 218 (2021) [STREAMLINE PERMITS/REDEVELOPMENT OF PROPERTY](#). Filed Mar 3 2021, *AN ACT TO CLARIFY STORMWATER RUNOFF REQUIREMENTS APPLICABLE TO PREEXISTING DEVELOPMENT IN WATER SUPPLY WATERSHEDS.*

Senate amendment #2 to the 2nd edition, as amended, makes the following changes.

Changes the effective date of Section 1 of the act from October 1, to November 1, 2021.

Deletes all of Section 2 of the act which amended GS 160D-403 by adding that a developer expanding the footprint of buildings approved in the original development agreement by up to 20% shall not constitute a site plan modification if the agreement has been completed within the last 15 years and there has been no change in the permitted use of the property. Also deletes the directive that local governments amend their ordinances and local programs to implement the requirements of the section.

Makes conforming changes to the act's long title.

Intro. by Zenger.

GS 143

[View summary](#)

Development, Land Use and Housing, Building and Construction, Environment, Environment/Natural Resources, Government, Local Government

H 624 (2021) [NORTH CAROLINA REGULATORY SANDBOX ACT](#). Filed Apr 20 2021, *AN ACT TO ENACT THE NORTH CAROLINA FINANCIAL AND INSURANCE REGULATORY SANDBOX ACT AND TO ESTABLISH THE NORTH CAROLINA INNOVATION COUNCIL.*

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

Amends GS 169-7 by providing that a sandbox participant may be required to post a consumer protection bond, or alternatively, a deposit of cash or *readily* marketable securities, with the applicable State agency. Also adds that no later than 30 days before the end of the sandbox period, a sandbox participant may request an extension of no more than 12 months in order to obtain a license or other authorization required by law. Requires the applicable State agency to grant or deny the extension request by the end of the sandbox period. Requires the Innovation Council and the applicable State agency to provide an expedited process for an innovative product or service that is substantially similar to a product or service for which a waiver has previously been granted.

Amends GS 169-8 by adding that nothing in this act affects the applicable State agency's exercise of its authority with respect to the efficacy of an innovative insurance product or service or limit the ability of an applicable State agency to ensure the financial capability of a sandbox participant transacting business with consumers.

Changes the act's effective date from October 1, 2021, to when the act becomes law.

Intro. by Saine, Turner, Lofton, Szoka.

GS 169

[View summary](#)

Business and Commerce, Insurance

H 776 (2021) **REMOTE NOTARIZATION/GOV'T TRANSPARENCY. (NEW)** Filed May 3 2021, *AN ACT TO ALLOW REMOTE ELECTRONIC NOTARIZATION AND TO STRENGTHEN CONFIDENCE IN GOVERNMENT BY INCREASING ACCESSIBILITY TO CERTAIN PUBLIC PERSONNEL PERFORMANCE AND DISMISSAL RECORDS.*

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

Amendment #1 corrects statutory cross-references in GS 10B-134.7 and GS 10B-161. Corrects the lead in language by correcting the number of the session law that has amended GS 20-30.

Amendment #2 adds to the act the content of the 3rd edition of House Bill 64, which provides as follows.

Amends GS 126-23 regarding required State personnel recordkeeping by each department, agency, institution, commission, and bureau of the State, to require records to show the date and general description of the reasons for each promotion, demotion, dismissal, transfer, suspension, or separation (dismissals, suspensions, and demotions were previously separated and required stated disciplinary reasoning). No longer requires keeping records for suspension or demotion for disciplinary reasons of a copy of the written notice of the final decision of the head of the department setting forth the specific acts or omissions that are the basis of the dismissal. Adds that nothing in the statute authorizes the disclosure of any confidential information protected by HIPAA, the Americans With Disabilities Act, or other applicable law. Requires that for the general descriptions of the reason for each promotion, demotion, dismissal, transfer, suspension, or separation: (1) no general description can disclose information otherwise prohibited from disclosure by an applicable law and (2) the general description must become part of the record upon the later of the expiration of the time period to file an appeal or a final decision being entered in that administrative appeals process. Amends GS 126-22 by amending the term *employee* to mean any current State employee, former State employee, or application for State employment subject to Article 7, The Privacy of State Employee Personnel Records. Amends the term *employer*, defined as any State department, university, divisions, bureau, commission, council or other agency subject to Article 7, by specifying that university includes the Board, the Board of Trustees, Chancellor, constituent institutions, and the President.

Makes identical changes to the personnel recordkeeping requirements by local boards of education and community colleges: GS 115C-320 and GS 115D-28.

Makes identical changes to that information considered public record for LME/MCOs, local governments, and water and sewer authorities, pursuant to the following governing statutes: GS 122C-158, GS 153A-98, GS 160A-168, and GS 162A-6.1. Further amends GS 122C-158 to make a public record the station to which an LME/MCO employee is currently assigned. Further amends GS 153A-98 to also make the statute applicable to employees subject to GS 153A-103 (number of employees in offices of sheriff and register of deeds); makes a conforming clarifying change to GS 153A-99. Amends GS 130A-45.9 by making those same changes to the public health authority employee information that is public record and also (1) requires the type of promotion, demotion, transfer, suspension, separation, or other change in position classification to be public record; (2) includes as public record the office or station to which the employee is currently assigned; and (3) makes organizational changes. Amends GS 131E-257.2 by making those same changes to the public hospital employee information that is public record and also requires the type of the promotion, demotion, transfer, suspension, separation, or other change in position classification to be public record.

Requires, by November 30, 2021, each employer affected by this act to adopt personnel policies to effectuate the act to allow its employees to challenge the wording of the general description of any promotion, demotion, transfer, suspension, separation, or dismissal occurring on or after December 1, 2021. This provision is effective when the act becomes law.

Effective December 1, 2021, and applies to promotions, demotions, transfers, suspensions, separations, and dismissals occurring on or after that date.

Amends the act's titles.

Intro. by D. Hall, Davis, Hardister, Reives.

GS 10B, GS 20

[View summary](#)

Courts/Judiciary, Civil, Civil Law, Motor Vehicle, Government, State Agencies, Secretary of State

PUBLIC/SENATE BILLS

S 357 (2021) [HELPING CONSUMERS IN CRISIS ACT](#). Filed Mar 25 2021, *AN ACT TO ENACT THE HELPING CONSUMERS IN CRISIS ACT*.

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

Amends the definitions that apply to new Article 94, the "Helping Consumers in Crisis Act," to GS Chapter 58, as follows.

Amends the definition of *charges* so it is defined as any fees allowed by the Article to be charged to a consumer by a consumer legal funding company, regardless of how denominated, including charges denominated as interest or rate (was, the amount a consumer owes to a person in addition to the funded amount, including an administrative fee, origination fee, underwriting fee, processing fee, and any other fee regardless of how the fee is denominated, including amounts denominated as interest or rate). Adds and defines the term *control* as it is defined in GS 53-244.030. Changes the definition of *legal claim* to a civil claim or cause of action (was, a bona fide civil claim or cause of action). Instead of defining *Nationwide Multistate License System and Registry* as it is defined under GS 53-244.030, sets out that full definition instead of using the statutory cross-reference.

Amends the definition of *net proceeds* to now be defined as the amount recovered by a consumer as a result of a legal claim less the following costs and liens associated with the legal claim (was, less costs and liens associated with either the legal claim or the underlying events giving rise to the legal claim), including any of the following: (1) attorneys' fees and litigation costs associated with the legal claim and (2) the specified liens. Adds and defines the term *person* as it is defined in GS 53-244.030.

Makes a clarifying change in GS 58-94-15.

Amends GS 58-94-25, which requires a legal funding contract to contain seven attestations by the attorney retained by the consumer for the legal claim, by providing that the failure of the attorney or the law firm retained by the consumer in the legal claim to provide the written attestation (was, to comply with the written acknowledgement) renders the contract null and void. Amends the items that must be included in the contract's consumer disclosures as follows: (1) requires including the total amount due from the consumer, in 180-day (was, six-month) intervals for 1,080 days (was, 36 months), including all charges; (2) requires including a statement that there are no payments owed by the consumer (there are no fees or charges to be paid by the consumer) other than what is disclosed on the disclosure form; and (3) requires a statement that if the net proceeds of the claim are insufficient to repay the consumer's indebtedness to the company, defined as the complete funded amount and charges, the company shall accept the amount that can be repaid from the net proceeds (was, a reduced sum) as full payment of its funded amount and charges.

Amends GS 58-94-30 by adding to the prohibited acts by consumer legal funding companies, collecting from the consumer any fee that is not authorized under new GS 58-94-27.

Amends GS 58-94-50 (Confidentiality of information) by providing that as a condition of reporting or sharing information as provided for in the statute, the Commissioner must require as part of the agreement that any confidential record or information shared with the entity be treated as confidential under the applicable laws and regulations governing the recipient entity.

Provides that any privilege that arises under any other federal or State law with respect to the shared reports or information applies to that information after it has been disclosed to an entity described in the statute.

Deletes proposed GS 58-94-65, which required each consumer legal funding company to report annually to the Commissioner on the company's business and operations during the preceding calendar year in this state, including specified information.

Intro. by Johnson, Craven, Alexander.

[GS 58](#)

[View summary](#)

[Business and Commerce, Consumer Protection, Courts/Judiciary, Civil, Civil Law, Government, State Agencies, Department of Insurance](#)

ACTIONS ON BILLS

PUBLIC BILLS**H 165: DOT LEGISLATIVE CHANGES.-AB**

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

H 218: STREAMLINE PERMITS/REDEVELOPMENT OF PROPERTY.

Senate: Amend Adopted A2

Senate: Passed 3rd Reading

Senate: Special Message Sent To House

House: Special Message Received For Concurrence in S Amend

House: Cal Pursuant 36(b)

House: Placed On Cal For 09/23/2021

H 531: TIMESHARE ACT CHANGES/ED. PROV. BOND REPEAL (NEW).

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Special Message Sent To House

House: Special Message Received For Concurrence in S Com Sub

House: Cal Pursuant 36(b)

House: Placed On Cal For 09/23/2021

H 624: NORTH CAROLINA REGULATORY SANDBOX ACT.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

H 776: REMOTE NOTARIZATION/GOV'T TRANSPARENCY. (NEW)

Senate: Amend Adopted A1

Senate: Amend Adopted A2

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Amend Adopted A1

Senate: Amend Adopted A2

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Engrossed

Senate: Special Message Sent To House

House: Special Message Received For Concurrence in S Com Sub

House: Cal Pursuant 36(b)

House: Placed On Cal For 09/23/2021

H 797: DEED STAMP TAX REFUND BY HEARING OFFICER. (NEW)

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Special Message Sent To House

House: Special Message Received For Concurrence in S Com Sub

House: Cal Pursuant 36(b)

House: Placed On Cal For 09/23/2021

S 424: PRIVATE PROTECTIVE SRVS. LICENSING MODS.

Senate: Reptd Fav

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

S 550: MODIFY SURETY/BAIL BOND/BONDSMEN PROVISIONS.*Senate: Reptd Fav**Senate: Re-ref Com On Rules and Operations of the Senate***No local actions on bills****© 2021 School of Government The University of North Carolina at Chapel Hill**

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