



The Daily Bulletin: 2021-10-20

PUBLIC/SENATE BILLS

S 270 (2021) [INSURANCE TECHNICAL CHANGES](#). Filed Mar 11 2021, *AN ACT REVISING THE VERIFICATION OBLIGATIONS OF AN INSURER AND ITS AGENT WITH RESPECT TO RATE EVASION FRAUD; RECODIFYING CERTIFICATE OF INSURANCE PROVISIONS; AND ESTABLISHING A CIVIL PENALTY FOR THE FRAUDULENT PREPARATION, ISSUANCE, REQUESTING, OR REQUIREMENT OF A CERTIFICATE OF INSURANCE.*

House committee substitute to the 3rd edition changes the act's effective date from October 1, 2021, to January 1, 2022.

Intro. by Johnson.

GS 58

[View summary](#)

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

S 308 (2021) [VARIOUS BUILDING CODE AMEND. \(NEW\)](#) Filed Mar 16 2021, *AN ACT TO PREVENT DELAY IN THE ISSUANCE OF TEMPORARY CERTIFICATES OF OCCUPANCY, TO CLARIFY ELECTRIC WIRING REQUIREMENT REFERENCES, TO MODIFY ONE- OR TWO-FAMILY DWELLING RESIDENTIAL DEVELOPMENT FIRE APPARATUS ACCESS ROAD REQUIREMENTS, AND TO EXPAND AUTHORITY TO COUNTIES TO SELL ABANDONED CEMETERIES.*

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

Makes technical changes to reflect amendments made to GS 160D-1104(d) by SL 2021-117 and SL 2021-121, concerning local government inspections for compliance with the NC Residential Code for One- and Two-Family Dwellings and the NC Building Code. Maintains the substance of the previously proposed changes to the statute, prohibiting a delay in the issuance of a temporary certificate of occupancy in instances when a subsequent inspection is conducted to verify completion or correction of instances of Code noncompliance, and additional violations of the Code noted by the inspector on items that were already approved by the inspections department. Previously proposed language prohibiting charging a fee for the reinspection of those items was codified by SL 2021-121. Makes technical changes.

Adds the following new content.

Amends GS 143-143.2, which requires electric wiring of houses or buildings to comply with the State Building Code. Eliminates the explicit inclusion of the National Electric Code and any amendments and supplements thereto as adopted and approved by the State Building Code Council (Council) from the requirements of the State Building Code as referenced in the statute. Makes technical changes.

Requires the Council to implement Sections D107 and D107.2 of the 2018 NC Fire Code and other provisions related to fire apparatus access roads for one- and two-family dwelling residential developments as follows. Directs the Council, Code enforcement officials, and fire code officials to not require that fire apparatus access roads be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses, where conformance is technically infeasible, including instances of road connectivity limitations, real property dimensions or limitations, real property acquisition constraints, or environmental constraints, as determined by the property owner or developer. Requires the Council, Code enforcement officials, and fire code officials, for developments where compliance is technically infeasible, to either not require two fire apparatus access roads or allow for alterations that provide for fire apparatus road remoteness to the maximum extent technically feasible. Requires the Council to adopt amendments consistent with this directive, as specified.

Effective January 1, 2022, amends GS 160A-344, regarding city authority to assume control of abandoned cemeteries. Adds a new subsection to address cemeteries located outside of any city limits and wholly located within a county. Upon request from a verified descendant, authorizes the county to put the cemetery up for sale to all verified descendants in accordance with the county's excess property sale process within 30 days of the request, subject to three requirements, including that the cemetery area is less than one acre, there is historical significance, and the trustees or owners named in the deed(s) have died or are unknown, or the deeds have been lost or misplaced and no record of title has been found, and the property has been occupied and used for burial purposes for a time sufficient to identify its use as a cemetery property.

Makes conforming changes to the act's titles.

Intro. by Johnson, Jarvis.

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

[View summary](#)

[Development, Land Use and Housing, Building and Construction, Property and Housing, Government, Local Government](#)

S 311 (2021) [NO WAITING PERIOD UNDER LGERS/VFDF GRANTS. \(NEW\)](#) Filed Mar 16 2021, *AN ACT PROHIBITING MEMBERSHIP WAITING PERIODS FOR ELIGIBLE EMPLOYEES UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, UPDATING THE VOLUNTEER FIRE DEPARTMENT FUND MATCHING REQUIREMENTS, AND GIVING THE BOARD OF TRUSTEES OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM THE DISCRETIONARY AUTHORITY TO PROVIDE ONE-TIME PENSION SUPPLEMENTS TO ITS MEMBERS.*

House committee substitute to the 3rd edition changes the act's effective date from October 1, 2021, to December 1, 2021.

Intro. by Corbin.

[GS 58, GS 128](#)

[View summary](#)

[Government, Public Safety and Emergency Management, Local Government](#)

S 311 (2021) [NO WAITING PERIOD UNDER LGERS/VFDF GRANTS. \(NEW\)](#) Filed Mar 16 2021, *AN ACT PROHIBITING MEMBERSHIP WAITING PERIODS FOR ELIGIBLE EMPLOYEES UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, UPDATING THE VOLUNTEER FIRE DEPARTMENT FUND MATCHING REQUIREMENTS, AND GIVING THE BOARD OF TRUSTEES OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM THE DISCRETIONARY AUTHORITY TO PROVIDE ONE-TIME PENSION SUPPLEMENTS TO ITS MEMBERS.*

House amendment to the 4th edition makes the following changes.

Adds the following new content and makes conforming changes to the act's long title.

Enacts a new subsection to GS 128-27 concerning the Local Governmental Employees' Retirement System (LGERS). Entitles beneficiaries to a one-time pension supplement, for beneficiaries on the retirement rolls as of July 1 of the calendar year of the ratio determination against one year earlier as of December 31 of each year after 2020, subject to the Board of Trustees' determination that a permanent increase in benefits will not be paid during the same fiscal year as a one-time pension supplement but the total fund is providing sufficient investment gains to cover the additional actuarial liabilities on account of such one-time pension supplement. Places sole discretionary authority over the sufficiency determination with the Board, based on annual actuarial valuation reports, with consideration of the rate of inflation and the preceding three-year record of the investment gains or losses. Details the per centum calculation of the pension supplement and caps the one-time pension supplement at 4% of the annual retirement allowance. Requires a surviving annuitant of a beneficiary to be provided a one-time pension supplement under this provision, when and if payable, calculated using the same per centum described. Clarifies that the one-time pension supplement is not a permanent increase in benefits. Directs that the payment must be made to the member's estate or legal representative if the beneficiary dies before payment of the one-time pension supplement is made.

Specifies that no beneficiary is deemed to have acquired a vested or contractual right or entitlement to any future one-time pension supplement under the provision.

Amends GS 150B-1 to except the Board from the scope of the Administrative Procedure Act with respect to determining the total fund is providing sufficient investment gains to cover the additional actuarial liabilities on account of a one-time pension supplement authorized under new GS 128-27(k1).

Intro. by Corbin.

[GS 58, GS 128, GS 150B](#)

[View summary](#)

Employment and Retirement, Government, APA/Rule Making, Public Safety and Emergency Management, Local Government

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 3rd edition changes the act's effective date from October 1, 2021, to December 1, 2021.

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 336 (2021) [CONDO ACT/RESTITUT'N/MARKET. TITLE ACT CHANGES. \(NEW\)](#) Filed Mar 23 2021, *AN ACT TO REQUIRE CERTAIN INFORMATION TO BE INCLUDED IN DECLARATIONS FOR CONDOMINIUMS PRIOR TO RECORDATION, TO CLARIFY THE APPLICABILITY OF THE NORTH CAROLINA CONDOMINIUM ACT, TO REQUIRE RESTITUTION FOR SEXUAL EXPLOITATION OF A MINOR, AND TO CLARIFY EXEMPTIONS FROM THE MARKETABLE TITLE ACT.*

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

Part III.

Adds to new GS 14-190.17B, which requires courts to order restitution for first, second, or third degree sexual exploitation of a minor offenses. Regarding situations in which more than one defendant contributed to the losses of the victim, authorizes the court to make each defendant liable for payment of the full amount of restitution as an alternative to the court's authority to apportion liability among the defendants to reflect the level of contribution of each defendant to the victim's losses.

Intro. by Daniel.

[GS 14, GS 47A, GS 47B, GS 47C](#)

[View summary](#)

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Development, Land Use and Housing, Property and Housing

S 496 (2021) [DOI OMNIBUS BILL.-AB](#) Filed Apr 1 2021, *AN ACT TO AMEND AND TO MAKE CLARIFYING CHANGES TO VARIOUS INSURANCE LAWS, AS RECOMMENDED BY THE DEPARTMENT OF INSURANCE.*

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

Part X.

Revises and adds to the proposed changes to GS 58-2-46, which provides for parameters that are effective when disaster declarations are proclaimed for the state or an area of the state or a Presidential major disaster declaration has been issued for the state or an area of the state, and the Commissioner of Insurance has issued an order declaring the parameters to be in effect for the specific disaster. Makes organizational changes to proposed new provisions. Regarding the deferral of premiums during the time period covered by the proclamation or declaration, specifies that the accompanying deferral of any time limits imposed on an insurer, insured, claimant, or customer to perform any act during the time period required by any statute, rule, or other policy or contract provision does not require a request to defer. Eliminates duplicative existing law and proposed changes related to the deferral of time limits during the deferral period. Changes the time that must lapse between the expiration of the deferral period and the cancellation of insurance policies or contracts, or premium finance agreements, for unpaid premiums due from the 21st day following the expiration of the deferral period to the 15th day, applicable to both property and casualty insurance companies and described policies, as well as premium finance companies and premium finance agreements that have financed such described property and casualty insurance policies.

Organizes previous new subsection (b) as new subsection (c), now providing for provisions that apply when the proclamation or declaration is the result of a public health emergency as determined by the Secretary of the US Department of Health and Human Services under specified federal law, or other situations where the Governor has, by executive order, ordered all individuals in the state to stay at home or at their place of residence (previously, more generally stated that the provisions apply during a public health emergency or other situations that require citizens to shelter in place). Now allows for cancellation of insurance policies or premium finance agreements by property and casualty insurance companies or premium finance agreements fifteen days (was, 21 days) following the expiration of the deferral period and proper notice as previously described upon nonpayment of premiums due. Provides that subsection (c) does not prohibit property and casualty insurance companies from not renewing or cancelling a policy during a public health emergency or situation that may require all individuals in the state to stay at home (replacing the previous provision that provided that the subsection does not prohibit property and casualty policy nonrenewals or cancellations during a public health emergency or situation that may require citizens to shelter in place). Conditions the directive for collection agencies to discontinue attempts to collect debt against their customers who reside within the designated area in the proclamation or declaration during the deferral period upon the customer notifying the collection agency that he or she is experiencing significant financial hardship related to the public health emergency or stay at home order. Eliminates applicability to health benefit plans.

Adds descriptive captions to subdivisions and makes further technical and conforming changes throughout.

Part XII.

Eliminates the proposed standard notice statement added to GS 58-44B-15 that must be included in travel protection plans. Instead, adds to the requirements of fulfillment materials covered by a travel protection plan, now requiring the fulfillment materials to: comply with specified state law regarding the provisions of information on a plan's pre-existing condition exclusions; advise the policyholder to read the policy, certificate of insurance, and other documents to be informed of the plan's terms, conditions, and coverage and assistance details; and provide contact information for the company.

Part XIII.

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

Intro. by Johnson, Edwards, McInnis.

GS 58, GS 115C, GS 115D, GS 143

[View summary](#)

Business and Commerce, Insurance, Courts/Judiciary, Development, Land Use and Housing, Property and Housing, Education, Elementary and Secondary Education, Higher Education, Government, Public Safety and Emergency Management, State Agencies, UNC System, Department of Insurance, Local Government, Health and Human Services, Health, Health Insurance

ACTIONS ON BILLS**PUBLIC BILLS****H 110: LANDLORD SUBMISSION OF HOPE APPLICATION. (NEW)**

House: Failed Concur In S Com Sub

H 264: EMERGENCY POWERS ACCOUNTABILITY ACT.

House: Concurred In S Com Sub

House: Ordered Enrolled

S 66: REGULATE USE OF DEER SECRETIONS FOR HUNTING.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

S 270: INSURANCE TECHNICAL CHANGES.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

S 308: VARIOUS BUILDING CODE AMEND. (NEW)

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

S 311: NO WAITING PERIOD UNDER LGERS/VFDF GRANTS. (NEW)

House: Reptd Fav Com Sub 2

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Rules Suspended

House: Amend Adopted A1

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Engrossed

S 329: BUILDING CODE MOD./PERMIT EXEMPTION AMT. MOD. (NEW)

House: Reptd Fav Com Sub 2

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Amend Failed A1

House: Passed 2nd Reading

House: Passed 3rd Reading

S 336: CONDO ACT/RESTITUT'N/MARKET. TITLE ACT CHANGES. (NEW)

House: Reptd Fav Com Sub 2

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

S 425: GAP AND VVPA AGREEMENT CHANGES.

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 496: DOI OMNIBUS BILL.-AB

House: Reptd Fav Com Substitute

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

LOCAL BILLS

S 233: MODIFY FOX/COYOTE TAKING FOR CERTAIN COUNTIES. (NEW)

House: Withdrawn From Com

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

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