



The Daily Bulletin: 2022-06-01

PUBLIC/HOUSE BILLS

H 149 (2021) **EXPANDING ACCESS TO HEALTHCARE. (NEW)** Filed Feb 24 2021, *AN ACT EXPANDING ACCESS TO HEALTHCARE IN NORTH CAROLINA.*

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

Amendment #1 makes the following changes.

Part I.

Changes the effective date of the provisions of Section 1.1, which (1) repeal Section 3, SL 2013-5, which bars the State from expanding the State's Medicaid eligibility under the Medicaid expansion provided in the Affordable Care Act, PL 111-148, as amended, and bars State entities from attempting to expand the Medicaid eligibility standards provided in SL 2011-145, as amended, or elsewhere in State law, unless directed by the NCGA; and (2) amends GS 108A-54.3 to enact new subdivision (24), requiring the Department of Health and Human Services (DHHS) to provide Medicaid coverage to individuals described in section 1902(a)(10)(A)(i)(VIII) of the Social Security Act who are in compliance with work requirements established in the State Plan and in rule. Makes the provisions effective at the earlier of July 1, 2023, or the date that the work requirements developed under Part II. of the act become effective (was, effective upon the later of six months after the date the act becomes law, or on the date the work requirements developed under Part II. of the act becomes law). Makes a technical change to new GS 108A-54.3(24), to require individuals to be in compliance with any work requirements established in the State Plan.

Changes the effective date of the provisions of Section 1.2, which (1) enacts GS 108A-54.3B, providing legislative intent to fully fund the nonfederal share of the cost of NC Health Works, meaning the provision of Medicaid coverage to the individuals described in new GS 108A-54.3A(24), through a combination of specified funding sources, establishes reporting requirements for DHHS, and requires expeditiously discontinuing coverage for the individuals described in new GS 108A-54.3A(24) if the nonfederal share of the cost cannot be fully funded through the described sources; and (2) enacts GS 108A-54.3C to require expeditious discontinuation of Medicaid coverage if the federal medical assistance percentage for Medicaid coverage provided to the individuals described in new GS 108A-54.3A(24) falls below 90%, and establishes requirements identical to those for discontinuation due to insufficient funds from identified sources in GS 108A-54.3B. Makes provisions effective at the earlier of July 1, 2023, or the date that the work requirements developed under Part II. of the act become effective (was, effective upon the later of six months after the date the act becomes law, or on the date the work requirements developed under Part II. of the act becomes law).

Changes the application of Section 1.5, which establishes hospital health advancement assessments for licensed hospitals for State fiscal quarters beginning October 1, 2022, through December 31, 2022, and beginning January 1, 2023, and April 1, 2023. Makes the assessment rate described for quarters beginning January 1, 2023, and April 1, 2023, effective on the effective date of the Medicaid coverage described in Section 1.1 of the act, and sunsets the assessment rate on June 30, 2023. Adds that if the effective date of Medicaid coverage described in Section 1.1 of the act occurs after June 30, 2023, the assessment should not be imposed and no payments should be made to county departments.

Part II.

Revises the leading language of Section 2, which directs DHHS to develop work requirements for certain individuals eligible for Medicaid under new GS 108A-54.3A(24) as a contingency to NC Health Works participation, aligned with the Able-Bodied Adults Without Independents (ABAWDs) policy under the Supplemental Nutrition Assistance Program (SNAP), to frame as legislative intent the provisions requiring certain individuals eligible for Medicaid under the new subdivision of GS 108A-54.3A be subject to work requirements as a contingency of NC Health Works participation, and frame the directive to DHHS to develop such work requirements as a means to meet that legislative intent.

Regarding the directive to DHHS to submit necessary State Plan amendments and waivers to the Centers for Medicare and Medicaid Services (CMS) to implement the work requirements developed, now directs DHHS to submit waivers (no longer including State Plan amendments) to CMS, within 30 days of the date the act becomes law (was, by October 1, 2022). Now requires DHHS to request an effective date for the waiver that is no more than six months from the effective date of the act (was, request a date six months from the effective date of the act). Adds a new provision to require DHHS to continue to monitor developments on the federal level with regards to the imposition of work requirements as a contingency to eligibility for Medicaid coverage in the event the waiver is denied by CMS, and resubmit the waiver if there are new developments. Specifies that the provisions do not preclude the pursuit of any legal action by the State related to federal approval or disapproval of implementation of Section 2.

Amendment #2 makes the following changes.

Part III.

Adds to the proposed changes to GS 131E-183(a)(1), which replaces criteria for the issuance of a certificate of need to facilities listed in the subdivision, to include the following facilities: proposed projects for adult care home beds, nursing home beds, intermediate care beds for individuals with intellectual disabilities, home health agencies, home health agency offices, hospice offices, hospice inpatient facilities, hospice inpatient facility beds, hospice residential care facilities, and hospice residential care facility beds.

Intro. by Lambeth, White, Potts, K. Baker.

[GS 58, GS 90, GS 108A, GS 131E](#)

[View summary](#)

[Business and Commerce, Occupational Licensing, Government, State Agencies, Department of Health and Human Services, State Government, Executive, Health and Human Services, Health, Health Care Facilities and Providers, Health Insurance](#)

H 219 (2021) [AMEND ENVIRONMENTAL LAWS. \(NEW\)](#) Filed Mar 3 2021, *AN ACT TO MAKE VARIOUS CHANGES TO THE ENVIRONMENTAL LAWS OF THE STATE.*

Senate committee substitute replaces the content of the 2nd edition with the following.

Section 1

Requires directed infrastructure grant recipients, defined as any entity receiving a direct allocation of funds from the State Fiscal Recovery Fund under the 2021 Appropriations Act, SL 2021-180, Sections 12.13(d), 12.13(e), 12.13(f), or 12.14(b), all of which provide allocations to identified local governments and public entities for water and wastewater infrastructure projects or stormwater projects, to provide a complete Request for Funding form with a project budget describing a project that is eligible for funding under application federal and state law by June 30, 2023. Requires directed allocations to fully revert on July 1, 2023, and be reallocated as prescribed by the application reversion provision if the directed infrastructure grant recipient failed to provide a form by the deadline or provides a form describing a project ineligible for funding.

Identifies the applicable reversion provision of directed allocations for water and sewer projects under Section 12.13(d), (e), or (f) as Section 12.13(c), SL 2021-180, which requires funds to revert to the Department of Environmental Quality (DEQ) for other water and sewer infrastructure projects, and the applicable reversion provisions of directed allocations for stormwater projects under Section 12.14(b), as Section 12.14(i), SL 2021-180, which requires funds to be returned to DEQ return those funds to the Department of Environmental Quality to be granted to other eligible entities. Provides for partial reversion of amounts in excess of the projected budget submitted by the directed infrastructure grant recipient by June 30, 2023, with reversion on July 1, 2023, for amounts to be reallocated as specified by the applicable reversion provision.

Section 2

Amends Section 40.7, SL 2021-180, expanding the authorized uses of funds transferred from the State Capital and Infrastructure Fund to DEQ for stream debris removal, to include other flood mitigation strategies prioritized through the Flood Resiliency Blueprint developed as prescribed by Section 5.9(c) of that act.

Repeals Section 40.7(b), SL 2021-180, which (1) exempts stream debris removal projects funded under Section 40.7 from the requirements of Articles 1, 4, and 7 of GS Chapter 113 (which establishes powers and duties of DEQ, provides for protection of forests and fire control, and the State's game laws), as well as requirements for stormwater or water quality permits under Article 21 of GS Chapter 143 (which regulates water and air resources); and (2) directs DEQ to waive any right of certification under section 401 of the federal Clean Water Act with respect to projects funded by SL 2021-180.

Applies retroactively to July 1, 2021.

Section 3

Corrects a cross-reference to a subdivision of Section 5.9(a), SL 2021-180, referenced in Section 5.9(c), SL 2021-180, relating to funds allocated to DEQ's Division of Mitigation Services to contract with an organization to develop a statewide Flood Resiliency Blueprint for major watershed impacted by flooding (previously referenced Section 5.9(a)(1), which allocated funds to the State Match Fund). Applies retroactively to July 1, 2021.

Section 4

Repeals Section 13.16 of the 2010 Appropriations Act, SL 2010-31, which (1) directs DEQ's Division of Marine Fisheries to use mechanics employed by the Division of Forest Resources in performing aircraft maintenance for all aircraft of the Division of Marine Fisheries, except when impracticable; (2) directs the Division of Forest Resources to perform aircraft maintenance using its mechanics for all aircraft of the Division of Marine Fisheries, except when impracticable; and (3) directs the Division of Forest Resources to develop a process to establish priorities for the aviation maintenance needs of all the aircraft in both the Division of Forest Resources and the Division of Marine Fisheries.

Section 5

Amends GS 113A-110, which authorizes counties, through their designated bodies, to adopt coastal area management land-use plans pursuant to the procedures required by the statute. Regarding the required public hearing prior to a body adopting or amending a land-use plan, requires notice of the hearing to be published at least one time, at least 10 but no more than 25 days before the date scheduled for the hearing, with the day of publication not included and the day of the hearing included in computing the notice period (replaces the current 30-day notice requirement). Requires publication at least once in a newspaper of general circulation in the area (was, the county). Requires copies of the proposed plan or amendment to be available for public inspection at a designated county or local government office (was, designated office in the county courthouse).

Section 6

Directs DEQ to convene a stakeholder working group by July 1, 2022, to develop an approach to expedite permit issuance under the express permit and certification review set out in GS 143B-279.13, and the fast-track permitting for stormwater management systems program set out in GS 143-214.7B and 15A NCAC 02H .1043 and .1044. Prescribes membership of the working group. Directs DEQ to report to the specified NCGA committee by December 31, 2022.

Changes the act's titles.

Intro. by Arp, Paré, Szoka, Watford.

UNCODIFIED, GS 113A

[View summary](#)

Environment, Environment/Natural Resources, Government, Budget/Appropriations, State Agencies, Department of Environmental Quality (formerly DENR), Local Government, Public Enterprises and Utilities, Transportation

H 315 (2021) [ARSON LAW REVISIONS](#). Filed Mar 16 2021, *AN ACT TO INCREASE THE PUNISHMENT FOR CERTAIN ARSON OFFENSES; TO AMEND THE OFFENSE OF ARSON OR OTHER UNLAWFUL BURNINGS THAT RESULT IN INJURY TO A FIREFIGHTER, LAW ENFORCEMENT OFFICER, FIRE INVESTIGATOR, OR EMERGENCY MEDICAL TECHNICIAN; TO REQUIRE CRIMINAL HISTORY RECORD CHECKS OF APPLICANTS TO FIRE DEPARTMENTS; TO REQUIRE APPLICANTS TO DISCLOSE*

CERTAIN CRIMINAL CHARGES; AND TO PROHIBIT APPLICANTS CONVICTED OF CERTAIN CRIMES FROM SERVING AS VOLUNTEER OR PAID MEMBERS OF FIRE DEPARTMENTS.

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

Changes the effective date of the provisions of Part I., which amends and adds to the various arson statutes in GS Chapter 14, and Part II., which amends GS 14-69.3 relating to arson that results in the serious injury of a firefighter, law enforcement officer, fire investigator, or emergency medical technician, from December 1, 2021, to December 1, 2022.

Amends proposed GS 14-69.3(c) to make it a Class F felony to commit a felony under Article 15 of GS Chapter 14 and a firefighter, law enforcement officer, fire investigator, or emergency medical technician suffers serious injury (was, serious physical injury) while discharging or attempting to discharge official duties on the property that is the subject of the discharge of their duties.

Eliminates the provisions of previous Part III. of the act, which included proposed changes to GS 58-79-1, GS 58-79-10, GS 58-79-5, GS 58-79-15, and GS 58-79-40, to authorize the Commissioner of Insurance, rather than the Director of the State Bureau of Investigation, through the Office of the State Fire Marshal to investigate fires. Makes conforming organizational changes. Makes conforming changes to the act's long title.

Intro. by McNeill, Boles, Saine, Carter.

[GS 14, GS 143B, GS 153A, GS 160A](#)

[View summary](#)

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

H 607 (2021) [SUSPEND AUTOMATIC EXPUNCTION. \(NEW\)](#) Filed Apr 20 2021, *AN ACT TO SUSPEND THE AUTOMATIC EXPUNCTION OF DISMISSED CRIMINAL CHARGES, NOT GUILTY VERDICTS, AND FINDINGS OF NOT RESPONSIBLE AND TO MAKE OTHER CHANGES TO THE EXPUNCTION LAWS.*

Senate committee substitute replaces the content of the 3rd edition with the following.

Temporarily suspends expunction of dismissed charges, not guilty verdicts, and findings of not responsible executed by operation of law, and directs the Administrative Office of the Courts (AOC) to cease all procedures related to automatic expunction of dismissed charges. Further directs AOC to maintain a record of any dismissed charges, not guilty verdicts, and findings of not responsible that would be automatically expunged under GS 15A-146(a4), but for the act's suspension, in a manner that would allow for those cases to be automatically expunged when the suspension expires. Effective June 15, 2022, and sunsets the provisions on August 1, 2023.

Directs AOC to convene a group of stakeholders, including individuals with criminal records who are members of the NC Second Chance Alliance, to examine and make recommendations to resolve the issues with the implementation of automatic expunctions under GS 15A-146(a4). Requires AOC to report to the specified NCGA committee chairs by March 1, 2023.

Amends GS 15A-145.5(c2)(6), regarding required findings for a court to grant a petition for expunction of one or more nonviolent misdemeanors, to align the requirements for a petition for expunction of one nonviolent misdemeanor with the requirements for a petition for expunction of more than one nonviolent misdemeanor, by requiring that the court must find the petitioner of either petition to have no convictions for a misdemeanor or felony listed as an exception to the term *nonviolent misdemeanor* or *nonviolent felony* under the statute (previously, required petitioners for a petition for expunction of one nonviolent misdemeanor to have no convictions for any other felony or misdemeanor other than a traffic offense). Amends subsection (c4), which applies to petitions for expunction of multiple nonviolent convictions and requires the petition to be filed in each county of conviction, to require all petitions to be filed within a 120-day period (was, 30-day period), and authorizes a court to grant a petition filed outside of the 120-day period upon good cause shown. Makes conforming changes. Applies to petitions filed on or after July 1, 2022.

Changes the act's titles.

Intro. by McNeill, C. Smith, Greene, Miller.

[GS 15A](#)

[View summary](#)

**Courts/Judiciary, Criminal Justice, Corrections
(Sentencing/Probation), Criminal Law and Procedure,
Government, State Agencies, Department of Justice**

H 755 (2021) **PARENTS' BILL OF RIGHTS. (NEW)** Filed Apr 29 2021, *AN ACT TO ENUMERATE THE RIGHTS OF PARENTS TO DIRECT THE UPBRINGING, EDUCATION, HEALTH CARE, AND MENTAL HEALTH OF THEIR MINOR CHILDREN.*

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

Part III.

Changes the proposed numbering of the statutes enacted in new Part 3, Parental Consent for Treatment, Article 1A, GS Chapter 90. Adds and defines the term *parent* as minor child's parent or legal guardian, applicable to the provisions of Part 3.

Intro. by Blackwell, Torbett, Hardister, Elmore.

GS 90, GS 115C

[View summary](#)

**Courts/Judiciary, Civil, Civil Law, Education, Elementary
and Secondary Education, Government, State Agencies, State
Board of Education, Local Government, Health and Human
Services, Health, Health Care Facilities and Providers, Public
Health**

H 992 (2021) **OAH STAFFING FLEXIBILITY.** Filed May 18 2022, *AN ACT TO GIVE THE CHIEF ADMINISTRATIVE LAW JUDGE GREATER FLEXIBILITY IN OFFICE OF ADMINISTRATIVE HEARINGS STAFFING.*

House committee substitute to the 1st edition makes the following changes. Updates GS 7A-760 to reflect changes already made by SL 2021-180 and makes clarifying organizational changes.

Intro. by Stevens.

GS 7A

[View summary](#)

**Government, State Agencies, State Government, State
Personnel**

H 1005 (2021) **ORGANIZED RETAIL THEFT.** Filed May 19 2022, *AN ACT TO INCREASE THE PENALTIES FOR ORGANIZED RETAIL THEFT, TO PROVIDE ADDITIONAL PENALTIES FOR DAMAGE TO PROPERTY OR ASSAULT OF A PERSON DURING THE COMMISSION OF ORGANIZED RETAIL THEFT, TO PROVIDE ADDITIONAL RECOVERY TO RETAIL ESTABLISHMENTS FOR LOSS DUE TO ORGANIZED RETAIL THEFT, AND TO REGULATE HIGH-VOLUME THIRD-PARTY SELLERS OPERATING ON ONLINE MARKETPLACES.*

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

Makes organizational changes to the criminal offenses relating to organized retail theft in GS 14-86.6.

Moves proposed GS 14-86.6(a4), which makes it a Class G felony to conspire with another to commit theft of retail property from a retail establishment with a value exceeding \$1,000, and damage, destroy, or deface real or personal property in excess of \$1,000, into new GS 14-86.7 and labels the offense as damage to property during organized retail theft. Also moves proposed (a5), which makes it a Class G felony to conspire with another to commit theft of retail property from a retail establishment with a value exceeding \$1,000, and commit an act of assault or battery against an employee or independent contractor of the retail establishment or law enforcement officer in the commission of the offense, into new GS 14-86.7 and labels the offense as assault during organized retail theft.

Makes further technical changes in GS 14-86.1.

Adds the following new content.

Amends GS 15-11.1, concerning law enforcement seizure of property by adding the following. Provides that if the seized property is retail property or other property this is evidence of a violation of GS Chapter 14, Articles 16 (larceny), 16A (organized retail theft), or 18 (embezzlement); or GS 14-100 (obtaining property by false pretenses), then upon his determination or upon request by someone entitled to possess the property, the district attorney may apply for a court order authorizing that the property be returned to the owner or entity entitled to possession before the trial for which the property was seized as evidence. Upon making such an application, requires the district attorney to notify the defendant of the request and give the defendant 10 business days to inspect and photograph the property. Requires the court, after giving notice and hearing, to order the property to be returned if: (1) the defendant has been given notice and an opportunity to inspect and photograph the property before the hearing, (2) identification or analyses of the property will provide sufficient evidence at the trial, (3) the introduction of the substitute evidence is not likely to substantially prejudice the defendant's rights at the criminal trial, and (4) there is satisfactory evidence of ownership. Specifies that photographs or other identification or analyses of the returned property are presumed admissible in lieu of the actual property at the criminal trial. Allows the returned property to be lawfully disposed of by the owner or entity entitled to possession. Makes conforming changes to GS 14-86.6. Applies to offenses committed on or after December 1, 2022.

Amends GS 1-538.2 to make also people (other than minors) who violate GS 14-86.6 or new GS 14-86.7 and GS 14-72.11 (larceny from a merchant) liable for civil damages to the property owner. Adds that for all listed violations the property owner is also entitled to recover for the loss to real or personal property caused by the commission of the act. Increases the cap on consequential damages (was, compensatory and consequential damages) at \$3,000 (was, \$1,000) and includes GS 14-86.6 and GS 14-86.7 in those that have no cap. Also makes the parent or legal guardian of an emancipated minor who commits an act punishable under GS 14-72.11, GS 14-86.6, or GS 14-86.7 civilly liable to the property owner if the parent or guardian knew or should have known of the child's propensity to commit such an act and had the opportunity and ability to control the child and made no reasonable effort to correct or restrain the child. Increases the cap on consequential (was, compensatory and consequential) damages for these and other already listed offenses to \$3,000 (was, \$1,000). Deletes the provision that would have allowed a property owner to seek payment for damages before filing a civil action by sending the violator a demand letter. Applies to offenses committed on or after December 1, 2022.

Effective January 1, 2023, enacts new Article 50, Regulation of High-Volume Third-Party Sellers Operating on Online Marketplaces, in GS Chapter 66, providing as follows. Sets out the Article's purpose and defines terms used in the Article. Defines *high-volume third-party seller* as a participant in an online marketplace that: (1) is a third-party seller; (2) has, in any continuous 12-month period during the previous 24 months, entered into 200 or more separate sales or transactions of new or unused consumer products through the online marketplace to consumers in this state; (3) had an aggregate total of \$5,000 or more in gross revenues for those sales or transactions; and (4) payment for the sales was processed by the online marketplace or through a third party. Defines *online marketplace* as any person or entity operating a consumer-directed, electronically based or accessed platform that: (1) includes features that allow for, facilitate, or enable third-party sellers to engage in the sale, purchase, payment, storage, shipment, or delivery of a consumer product in the state; (2) is used by one or more third-party sellers to engage in the sale, purchase, payment, storage, shipment, or delivery of a consumer product within the state; and (3) has a contractual or similar relationship with consumers governing consumer use of the platform to purchase consumer products. Defines *third-party seller* as any seller, independent of an online marketplace, that sells, offers to sell, or contracts to sell a consumer good in this state through an online marketplace.

Requires a high-volume third-party seller to provide an online marketplace no more than 10 days after the seller becomes a high-volume third party seller on an online marketplace platform, with specified banking, contact, and tax information. Requires an online marketplace to: (1) at least annually notify each high-volume third-party seller on its platform of the requirement to keep the information current and (2) require each high-volume third-party seller on its platform to, no later than 10 days after receiving notice, electronically certify that the information previously provided is correct or that any changes to the required information have been provided. Requires the online marketplace to suspend further sales activity of a seller that does not provide the information or certification within 10 days. Provides for verification of the information and documents.

Requires an online marketplace to require any high-volume third-party seller with an aggregate total of \$20,000 or more in annual gross revenues on its platform to provide to the marketplace and disclose to consumers the four listed categories of identity information, including specified contact information for the seller and their supplier. Sets out circumstances under which a high-volume third-party seller may request that an online marketplace provide for partial disclosure of the required identity information; sets out actions that may be taken when the seller fails to respond or makes a false representation in order

to justify providing partial disclosure. Requires the online marketplace to suspend future sales activity of a seller that does not comply with the information disclosure requirements; sets out notice requirements. Requires an online marketplace to disclose to a consumer on the product listing of any high-volume third-party seller a reporting mechanism that allows the reporting of any suspicious marketplace activity to the online marketplace by electronic and telephonic means.

Requires an online marketplace to use reasonable security procedures and practices to protect the collected information or documents from unauthorized use, disclosure, access, destruction, or modification.

Allows the Attorney General to bring a civil action when there is reason to believe that an online marketplace has violated this Article and the violation affects one or more state residents, in order to (1) enjoin further violation by the defendant; (2) enforce compliance with this Article; (3) obtain damages, restitution, or other compensation; and (4) obtain other remedies.

Specifies that violations of this Article are also violations of GS Chapter 75 (Monopolies, Trusts and Consumer Protection). Specifies that this Article does not prohibit any district attorney, law enforcement officer, official, or agency of the state from initiating or continuing any proceeding in a court against an online marketplace for failure to comply with any other civil law or a violation of criminal law.

Amends the act's long title.

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

[GS 1](#), [GS 14](#), [GS 15](#), [GS 66](#)

[View summary](#)

[Business and Commerce](#), [Consumer Protection](#),
[Courts/Judiciary](#), [Civil](#), [Civil Law](#), [Criminal Justice](#), [Criminal Law and Procedure](#)

H 1056 (2021) [RET. & TREASURY ADMIN. CHANGES ACT OF 2022.-AB](#) Filed May 25 2022, *AN ACT PROVIDING AN EXCEPTION TO THE IRREVOCABLE ELECTION TO TRANSFER ACCUMULATED CONTRIBUTIONS FROM SUPPLEMENTAL RETIREMENT PLANS TO THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM OR THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM; THE TREATMENT OF INACTIVE EMPLOYERS AND DEADLINES FOR REACTIVATION UNDER THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM; ESTABLISHMENT OF A DEFAULT OPTION FOR EMPLOYING UNITS THAT FAIL TO SELECT AN OPTION FOR THE TRANSFER OF REMAINING ASSETS UPON THE DISCONTINUATION OF DEPARTMENT OF STATE TREASURER-SPONSORED 403(B) PLANS; CLARIFICATION OF THE 13 OPERATIONALIZATION OF THE NON-ASSIGNABILITY OF PUBLIC SAFETY EMPLOYEES' LINE OF DUTY DEATH BENEFITS; ELIGIBILITY FOR LONG-TERM DISABILITY BENEFITS UNDER THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM; SIGNATURE REQUIREMENTS FOR PROPERTY FINDER AGREEMENTS; AND CLARIFICATION OF LOCAL GOVERNMENT COMMISSION APPROVAL OF CERTAIN BORROWING CONTRACTS.*

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

Deletes Part I of the act, which enacted GS 135-106(b1), establishing formulas for participants and beneficiaries of the Disability Income Plan to reduce the amount of the long-term disability benefit of those receiving workers' compensation benefits, with distinct calculations provided based on entitlement to a weekly workers' compensation payment, a lump sum workers' compensation payment equal to a stated weekly or monthly amount for a given number of weeks or months, or a lump sum workers' compensation payment that is not in reference to a stated weekly or monthly amount.

Makes conforming changes to the act's organization and the long title.

Intro. by McNeill, C. Smith.

[GS 115C](#), [GS 115D](#), [GS 116B](#), [GS 128](#), [GS 135](#), [GS 143](#), [GS 159](#)

[View summary](#)

[Development, Land Use and Housing](#), [Property and Housing](#),
[Education, Elementary and Secondary Education](#), [Higher Education](#), [Employment and Retirement](#), [Government](#), [State Agencies](#), [Community Colleges System Office](#), [State Government](#), [State Personnel](#), [Local Government](#)

H 1058 (2021) [RET. & TREASURY TECH. CORRECTIONS ACT OF 2022.-AB](#) Filed May 25 2022, *AN ACT MAKING TECHNICAL CORRECTIONS AND OTHER CONFORMING AND CLARIFYING CHANGES TO THE LAWS GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM; THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM; THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM; THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' BENEFIT TRUST AND BENEFITS PROVIDED UNDER THAT TRUST; THE ACHIEVING A BETTER LIFE EXPERIENCE PROGRAM; AND THE FIREFIGHTERS' AND RESCUE SQUAD WORKERS' PENSION FUND.*

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

No longer repeals GS 160A-17.2, which authorizes a county or municipality to pledge a security interest in an escrow account funded with loan proceeds, or a certificate of deposit, to secure repayment of the loan, only if the loan is an interest-free loan agreement entered into with the United States Department of Agriculture or an authorized intermediary acting on behalf of the United States Department of Agriculture, and approved by the Local Government Commission.

Amends Section 1 of SL 2016-108 by making a clarifying change to the effective date provisions for amendments to GS 58-86-2 and GS 58-86-55 making changes to the NC Firefighters' and Rescue Squad Workers' Pension Fund.

Amends the act's long title.

Intro. by C. Smith, McNeill.

[GS 128, GS 135, GS 147](#)

[View summary](#)

Courts/Judiciary, Court System, Education, Employment and Retirement, Government, General Assembly, Public Safety and Emergency Management, State Government, State Personnel, Local Government, Health and Human Services, Health

H 1099 (2021) [JUDICIAL RETIREMENT/SURVIVOR BENEFITS PARITY.-AB](#) Filed May 26 2022, *AN ACT ESTABLISHING A SURVIVOR'S ALTERNATE BENEFIT UNDER THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM THAT IS ON PAR WITH THE SURVIVOR'S ALTERNATE BENEFIT PROVIDED UNDER THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.*

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

Amends GS 135-64, which provides for a death benefit for retired members, to provide that for a retired member who earned the first month of membership service credit on or after July 1, 2023, and had not withdrawn contributions for such membership in the Retirement System (was, a former member vested as of July 1, 2023), dies before before the member's sixty-fifth birthday while receiving a retirement allowance, the former member's surviving spouse is to be paid an annual retirement allowance.

Intro. by C. Smith, McNeill.

[GS 135](#)

[View summary](#)

Courts/Judiciary, Court System, Employment and Retirement, Government, State Agencies, Department of State Treasurer

H 1110 (2021) [MOBILE HOME PARK REGULATION.](#) Filed May 26 2022, *AN ACT TO ENACT THE "MOBILE HOME PARK ACT" TO PROVIDE PROTECTIONS FOR MOBILE HOMEOWNERS AND MOBILE HOME PARK MANAGEMENT AND TO DIRECT THE NORTH CAROLINA HUMAN RIGHTS COMMISSION TO REGULATE MOBILE HOME PARKS AND RESOLVE DISPUTES.*

Enacts Article 8, GS Chapter 42, to be cited as the Mobile Home Park Act. Sets the scope of the Article to apply to *mobile homes* only, defined as a single-family dwelling built on a permanent chassis designed for long-term residential occupancy and

containing complete electrical, plumbing, and sanitary facilities and designed to be installed in a permanent or semi-permanent manner with or without a permanent foundation, which is capable of being drawn over public highways as a unit, or in sections by special permit, or a manufactured home, as defined in GS 143-143.9(6), if the manufactured home is situated in a mobile home park. Includes 11 other defined terms. Provides that the Article's provisions supersedes conflicting provisions of the Chapter unless indicated otherwise.

Requires a written lease or rental agreement prior to any tenancy or other lease or rental occupancy of space in a *mobile home park*, defined as a parcel of land used for the continuous accommodation of five or more occupied mobile homes and operated for the pecuniary benefit of the owner of the parcel of land or the owner's agents, lessees, or assignees; includes noncontiguous land parcels that are a part of the same subdivision, but excludes mobile home subdivisions or property zoned for manufactured home subdivisions. Requires notice of quit to be delivered to the homeowner or affixed to the mobile home's main entrance prior to termination of tenancy, with notice given within the time line required for tenancies under GS 42-14, based on the lease term, and include the reason for termination. Limits grounds for termination to five described circumstances, including conduct of the homeowner on the premises that constitutes annoyance to other homeowners or interference with park management; failure of the homeowner to comply with written rules and regulations of the mobile home park in the rental agreement or its amendments; and certain dangerous or criminal conduct of the homeowner, lessee, their guests or associates. Requires an action for termination be commenced in the manner of other tenancies as described in GS 42-26. Requires the homeowner be given at least 90 days to sell the mobile home or remove any mobile home from the premises from the date the notice is served or posted, unless (1) the occupant is not the owner and the occupancy is contrary to the rules and regulations of the landlord, in which case 30 days' notice is required, or (3) conduct of the homeowner, lessee, or their guests or associates on the premises constitutes grounds for termination under new GS 42-85(a)(5), including that which endangers the landlord or other persons on the premises, constitutes willful damage or destruction of property on the premises, constitutes criminal activity, or is the subject of a pending action for public nuisance, in which case 10 days' notice is required. Voids any waiver of notice. Includes specific requirements for notice regarding noncompliance with rules and regulations regarding a statutorily required 30-day period to cure noncompliance.

Establishes notice requirements of the owner of the mobile home park to the homeowners in the event of the mobile home park being the subject of a condemnation proceeding or acquisition by a governmental agency, and of the landlord when the landlord desires to change the use of the park which would result in eviction of inhabited mobile homes. Allows homeowners to file a complaint with the NC Human Rights Commission (Commission), as provided in the Article in GS 42-108, or bring a cause of action against a landlord, if the landlord makes any oral or written statement threatening eviction for violations or actions that are not one of the five permitted grounds for termination under the Article. Allows the court to award a statutory penalty of up to \$20,000 to the homeowner in addition to other authorized remedies under the Article.

Details required options a landlord must provide to a homeowner within 30 days a written demand when the landlord intends to change the use of the land of the mobile home park which would result in displacement of one or more mobile homes, including (1) payment of relocation costs to a location within 100 miles of the park; and (2) submission of a binding offer to purchase the mobile home for greater either a set amount for the home, based on section size and subject to annual adjustment by the Commission, or the appraised in-place fair market value. Defines in-place fair market value and relocation costs. Sets additional requirements and limitations regarding offers to purchase and appraisals under these provisions. Limits the remedies provided to homeowners who have not been otherwise given notice to terminate the homeowner's lease or rental agreement as of the date of the notice of the change in use. Voids any waiver of the remedies provided.

Places the burden upon the landlord to provide compliance with the Article's notice requirements for termination. Provides defenses for the homeowner to include that the landlord's allegations are false or the grounds for termination are invalid.

Provides actions the landlord can take upon a homeowner's failure to pay rent when due, including payment of rent or removal of the homeowner's unit, with 10 days' required written notice. Requires 60 days' written notice to increase rent, as specified. Prohibits increasing rent when the mobile home park does not have a current registration with the Commission or has unpaid penalties or fees owed to the Commission, or the landlord has not complied with a Commission order. Voids any increase in violation of these provisions.

Sets forth a standard form for a notice of termination to be served at the same time and in the same manner of a notice to quit or a notice of nonpayment of rent. Requires the homeowner to appear in court to defend the eviction action. Gives a homeowner at least 48 hours to remove the mobile home and vacate the premises if the court rules in favor of the landlord or park management, and up to 30 days from the ruling if the homeowner prepays the landlord any amounts due and the pro rata

share of rent for each day, unless the termination is due to conduct described in GS 42-85(a)(5), including that which endangers the landlord or other persons on the premises, constitutes willful damage or destruction of property on the premises, constitutes criminal activity, or is the subject of a pending action for public nuisance. Prohibits termination for the purpose of making the homeowner's space in the park available for another mobile home or trailer coach.

Authorizes homeowners to meet and establish a homeowners' association and assemble, free of charge, in the mobile home park's common areas at reasonable hours and when facilities are not in use. Allows charges for cleaning and repair of actual damages. Requires the landlord to host and attend up to two meetings per calendar year upon request by a homeowner or resident, subject to described notice requirements.

Allows the owner or owner's agent of a mobile home park to charge a security deposit of up to one month's rent, or two months' rent for multiwide units. Requires legal process be used for the collection of utility charges and incidental service charges other than those provided in the rental agreement, or eviction.

Describes remedies of the landlord associated with summary ejection, including judgement for possession and a judgment for amounts owed to the landlord any any pro rata daily amount for the homeowner to remain on the premises after judgment. Requires service of a writ of possession by the sheriff in the same manner as other tenancies under GS 42-36.2. Includes required content of the judgements. Provides for extension of execution of the writ for limited situations relating to a safe removal of the mobile home. Provides for removal by the landlord and sheriff in the event removal is not completed within the time permitted by the writ, with limited liability and authority to charge reasonable removal and storage charges to any party. Accounts for security interests on the subject mobile home and notice to security holders.

Bars owners or owners' agents from paying or receiving from an owner or seller of a mobile home any entry fee of any type as a condition of tenancy in the mobile home park. Defines *entry fee* to exclude rent, security deposits, state or local government fees, utilities, incidental reasonable charges for services performed, late fees, or membership fees paid to join a resident or homeowner cooperative that owns the mobile home park. Prohibits the owner or owner's agent of a mobile home park from requiring or giving special preference for purchasing a mobile home from any particular seller. Prohibits mobile home sellers from conditioning a sale on the purchaser locating the home in a particular park or group of parks.

Prohibits landlords from requiring payment of a selling fee or transfer fees by a homeowner or prospective homeowner, as specified. Allows homeowners to place for sale signs on or in their mobile home, as specified. Permits charging application fees for prospective buyers buying a mobile home in-place and applying for tenancy in the mobile home park. Bars sellers from paying or offering other consideration to the mobile park owner or their agent to reserve spaces or induce acceptance of one or more mobile homes in the mobile home park.

Establishes statutory maintenance and repair responsibilities of a landlord, and limitations of a landlord's responsibilities, concerning all landlord owned and provided utilities, accessory buildings and structures, and the mobile park premises. Sets notice requirements for service interruptions. Establishes a timeline for the landlord to remit moneys collected from residents for utilities under contract to the utility, and remedies for violations.

Sets annual notice requirements relating to individual charges for water usage in the mobile home park. Includes monthly billing requirements for water usage by homeowners and residents. Provides for instances of a water leak, including notice and billing requirements.

Prohibits mobile home park management from taking retaliatory action against a homeowner or resident who exercises any right conferred upon the homeowner or resident by the Article or other law. Establishes situations in which management's action is presumed retaliatory in an action or an administrative proceeding, with limited exceptions, which management may rebut with sufficient evidence of a nonretaliatory purpose. Prohibits management from (1) harassing, intimidating, or threatening, or attempting to harass, intimidate, or threaten, any person for filing or attempting to file a complaint, joining or attempting to join an association of residents or homeowners, engaging in activities to promote the organizing and education of residents and homeowners, or voting or attempting to vote on a matter before the association of residents or homeowners, or (2) coercing or requiring a person to sign an agreement.

Requires the terms and conditions of a tenancy to be adequately disclosed in writing in a rental agreement by the management to any prospective homeowner prior to rental or occupancy of a mobile home space or lot, which must be signed by both parties with copies provided to each party. Specified required disclosures and sets conditions for a rental agreement, including that the standard agreement is a month-to-month tenancy. States five prohibited provisions, including binding homeowners to

arbitration. Deems it a violation of the Article to require a homeowner to sign a new lease or agreement that violates these requirements and limitations, or to mislead a homeowner about their obligation to sign a new lease or agreement.

Requires management to adopt written rules and regulations concerning all homeowners' or residents' use and occupancy of the premises, with criteria rules and regulations must meet to be enforceable. Details requirements for rules or regulations which require homeowners to incur a cost or impose restrictions or requirements on their right of control of their mobile home and any accessory buildings or structures as a separate unit of ownership, as defined, to be found reasonable. Gives further requirements and limitations relating to compliance with rules and regulations of management with regard to the sale or transfer or mobile homes or accessing buildings or structures. Deems as unenforceable any provision in a rental agreement that limits or restrict a homeowner's right to sell a mobile home or accessory building or structure to a buyer of the homeowner's choosing except as permitted by the Article. Provides a procedure for a homeowner to challenge any new or amended rule or regulation within 60 days of notice of management's intent, using the complaint procedure set out in GS 42-108 of the Article.

Authorizes the management of a new mobile home park or manufactured housing community development to require as a condition of leasing a home site for the first time the site is offered for lease, that the prospective lessees purchase a mobile home or manufactured home from a particular seller. Allows a licensed mobile home dealer or manufactured home dealer to contract with management of a new park or community development for exclusive rights to first-time rental of one or more home sites.

Allows for mediation agreements between management and homeowners, except for nonpayment of rent or in cases which the health or safety of other homeowners is in imminent danger, and provide for the effect of such stipulations in court actions.

Establishes notice requirements relating to a landlord's intent to sell the park following one of ten described triggering events demonstrating the landlord's intent, and a landlord's intent to change the use of the land comprising the mobile home park. Provides limitations for actions during specified period following notice. Provides groups or associations of homeowners the opportunity to purchase within 180 days of notice, with extensions permitted, with authority to assign the rights to a public entity as specified. Establishes required actions of landlords following notice. Provides for each triggering event to create an independent option to purchase. Details requirements and limitations relating to opportunities to purchase, including six situations that exempt the landlord from the required notice or extension provisions. Allows a group or association of homeowners to submit an offer to purchase at any time absent a triggering event. Deems void any park sale in which the landlord or seller is substantially noncompliant with these provisions. Deems the homeowner rights provided as property interests, and provides that any title transfer subsequent to a triggering event to be defective unless the property interests are secured or until an equitable remedy is provided. Provides for the Commission to investigate violations upon filed complaints or on its own, its the Commission's discretion, and grant remedies under GS 42-91, and impose fines of the greater of up to 30% of the sale or listing price of the park, and file a civil action for relief. Authorizes the Attorney General to investigate possible violations of these provisions, with permitted actions enumerated regarding preliminary findings of substantial noncompliance which are likely to result in significant harm to the property interests of the homeowners. Additionally permits homeowners or their assignees to file a civil action alleging violations of the provisions under GS 42-108 of the Article.

Allows one or more homeowners to form a cooperative to offer to purchase or finance a mobile home park. Requires the homeowner to be a member of the homeowners' association to participate in the cooperative. Makes participation in a cooperative voluntary.

Provides for a homeowner and landlord's private right of action to enforce protections from abuse or disregard of state or local laws, as defined; peaceful enjoyment of the homeowner's mobile home space; and tenancy free from harassment or frivolous lawsuits.

Establishes a right of action by any homeowner, assignee, resident, association of homeowners, or landlord for any alleged violation of a rental agreement, and authorizes a court to award economic damages, penalties authorized under the Article, appropriate equitable and injunctive relief, reasonable attorneys fees and costs, as specified. Provides a court authority to order the 180-day purchase period suspended and to stay or cancel pending transactions, or other equitable relief related to violations of notice of sale and opportunity to purchase requirements, with authority to award a statutory penalty of at least \$20,000 not to exceed 30% of the park's purchase price, in addition to fine and penalties imposed by the Commission under GS 42-102 of the Article. Authorizes the court to award a statutory penalty of at least \$15,000, not to exceed \$50,000 to each aggrieved party for each violation of GS 42-86(c) and (d), relating to prohibited rent increases and required notice of a rent increase.

Requires a landlord to grant local government officers and employees access to the park to investigate or conduct a study related to utilities found to create a significant health or safety danger to park residents.

Provides for privacy rights of homeowners, with exceptions for entry by consent, in event of an emergency, or the home abandonment. Allows entry for management to fulfill duties and ensure compliance with relevant state and local laws and rules, and the park's rules and regulations, subject to a requirement to make a reasonable effort to provide 48 hours' notice before entry.

Establishes recordkeeping requirements for a landlord relating to homeowners and residents, to be kept for 12 months after tenancy ends, with transfer of the records to a the new owner upon any sale or transfer of the park. Requires identified records be kept for at least 48 months following any sale or transfer of the park. Sets six requirements for the Commission to consider in adopting rules to implement the provisions. Allows a homeowner to file a complaint with the Commission for any violation. Deems a violation of recordkeeping requirements relating to written rules and regulations adopted during a resident's tenancy or all requirements for keeping records following a sale or transfer, presumed when a landlord has not retained adequate records as required for a resident.

Directs the Commission to establish a dispute resolution and enforcement program as part of the Article. Grants the Commission ten powers and duties, including creating and maintaining a registration database of mobile home parks; creating and maintaining a database of mobile home parks that have had complaints filed against them under the program; and annually reporting to the specified NCGA committee and publishing the report to the Commission's website. Authorizes the Attorney General to investigate and enforce compliance with the Article.

Sets forth the procedure of the complaint process under the Commission, which includes filing a complaint, the Commission investigating the complaint or initiating an investigation of potential violations on its own, the Commission facilitating negotiations between the parties or making written findings regarding whether a violation occurred, notification of a violation to the parties with required content included, an opportunity to contest the Commission's decision, a seven-day period for a respondent to comply with the notice of violation, the Commission assessing a penalty of up to \$5,000 per violation per day a violation remains uncorrected. Grants the Commission the authority to issue a cease and desist order as specified. Provides the grounds and procedure for a contested decision or action of the Commission. Bars landlords from seeking recovery or reimbursement of any penalties imposed by the Commission from a complainant, homeowner or resident. Deems penalties a lien against the mobile home park until the landlord pays. Makes retaliatory actions for filing a complaint or harassment or intimidation against a homeowner subject to a fine of up to \$10,000 imposed by the Commission. Details confidentiality rules relating to complainants. Identifies rights and obligations excluded from enforcement under these provisions.

Requires the Commission to register and annually renew all mobile home parks on an individual basis and send notification and information packets to landlords and parks as specified. Establishes a procedure for registration and directs the Commission to establish a registration fee. Allows a landlord to charge homeowners up to half of the registration fee. Requires initial registrations to be filed by February 1, 2023, and within three months after that date of the availability of mobile home lots for rent within a new park. Provides for delinquent registration fees of up to \$5,000. Requires the Commission to establish a system to respond directly to inquiries about the registration process, and to create and maintains a database that includes all information collected during the registration process.

Details requirements of the database the Commission must create and maintain for complaints filed with the Commission, including preparing an annual report with described content.

Establishes the Mobile Home Park Fund within the General Fund, maintained by the Department of Administration, to support the Commission.

Makes conforming changes to GS 42-14. Repeals GS 42-14.3, Notice of conversion of manufactured home communities.

Effective October 1, 2022.

Reenacts GS 105-130.5(b)(24) as it existed immediately before its expiration. Reenacts GS 105-134.6(b)(19) as it existed immediately before its expiration, and recodifies the provision as GS 105-153.5(b)(16). Effective for taxable years beginning on or after January 1, 2022.

[View summary](#)

Courts/Judiciary, Civil, Civil Law, Development, Land Use and Housing, Property and Housing, Government, State Agencies, Department of Administration, Tax

H 1166 (2021) [FUNDS FOR CLAREMONT'S WASTEWATER PROJECT](#). Filed Jun 1 2022, *AN ACT TO APPROPRIATE FUNDS TO THE CITY OF CLAREMONT FOR ITS WASTEWATER TREATMENT IMPROVEMENT PROJECT.*

Appropriates \$6,092,900 for 2022-23 from the General Fund to Claremont to assist the City in completing its Wastewater Treatment Improvement Project.

Intro. by Setzer.

[APPROP, Catawba](#)

[View summary](#)

Government, Budget/Appropriations, Public Enterprises and Utilities

H 1167 (2021) [FUNDS FOR TROUTMAN'S WATER & SEWER SYSTEMS](#). Filed Jun 1 2022, *AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF TROUTMAN FOR WATER AND SEWER PROJECTS.*

Appropriates \$11.3 million for 2022-23 from the General Fund to Troutman to assist the Town with various upgrades and repairs to its water system. Appropriates \$9,440,940 for 2022-23 from the General Fund to Troutman to assist the Town with various upgrades to and repairs to its sewer system. Effective July 1, 2022.

Intro. by Setzer.

[APPROP, Iredell](#)

[View summary](#)

Government, Budget/Appropriations, Public Enterprises and Utilities

H 1168 (2021) [FUNDS FOR MURRAY'S MILL](#). Filed Jun 1 2022, *AN ACT TO APPROPRIATE FUNDS FOR REPAIRS TO MURRAY'S MILL, A NATIONAL REGISTER HISTORIC SITE IN CATAWBA COUNTY.*

Appropriates \$300,000 for 2022-23 from the General Fund to the Department of Natural and Cultural Resources to provide a directed grant to the Catawba County Historical Association, Inc., for repairs to Murray's Mill; specifies the repairs that may be made with the funds. Effective July 1, 2022.

Intro. by Setzer.

[APPROP, Catawba](#)

[View summary](#)

Government, Budget/Appropriations, Cultural Resources and Museums, State Agencies, Department of Natural and Cultural Resources (formerly Dept. of Cultural Resources)

PUBLIC/SENATE BILLS

S 766 (2021) [ORGANIZED RETAIL THEFT](#). Filed May 23 2022, *AN ACT TO INCREASE THE PENALTIES FOR ORGANIZED RETAIL THEFT, TO PROVIDE ADDITIONAL PENALTIES FOR DAMAGE TO PROPERTY OR ASSAULT OF A PERSON DURING THE COMMISSION OF ORGANIZED RETAIL THEFT, TO PROVIDE ADDITIONAL RECOVERY TO RETAIL ESTABLISHMENTS FOR LOSS DUE TO ORGANIZED RETAIL THEFT, TO REGULATE HIGH-VOLUME THIRD-PARTY SELLERS OPERATING ON ONLINE MARKETPLACES, AND TO AMEND THE REQUIREMENTS FOR CUSTODY MEDIATION.*

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

Makes organizational and technical changes to the criminal offenses relating to organized retail theft in GS 14-86.6.

Moves proposed GS 14-86.6(a4), which makes it a Class G felony to conspire with another to commit theft of retail property from a retail establishment with a value exceeding \$1,000, and damage, destroy, or deface real or personal property in excess of \$1,000, into new GS 14-86.7, labels the offense as damage to property during organized retail theft, and changes the crime's classification to a Class A1 misdemeanor. Also moves proposed (a5), which makes it a Class G felony to conspire with another to commit theft of retail property from a retail establishment with a value exceeding \$1,000, and commit an act of assault or battery against an employee or independent contractor of the retail establishment or law enforcement officer in the commission of the offense, into new GS 14-86.7, labels the offense as assault during organized retail theft, and changes the crime's classification to a Class A1 misdemeanor. Makes technical changes.

Makes further technical changes in GS 14-86.1.

Adds the following new content.

Amends GS 15-11.1, concerning law enforcement seizure of property by adding the following. Provides that if the seized property is retail property or other property this is evidence of a violation of GS Chapter 14, Articles 16 (larceny), 16A (organized retail theft), or 18 (embezzlement); or GS 14-100 (obtaining property by false pretenses), then upon his determination or upon request by someone entitled to possess the property, the district attorney may apply for a court order authorizing that the property be returned to the owner or entity entitled to possession before the trial for which the property was seized as evidence. Upon making such an application, requires the district attorney to notify the defendant of the request and give the defendant 10 business days to inspect and photograph the property. Requires the court, after giving notice and hearing, to order the property to be returned if: (1) the defendant has been given notice and an opportunity to inspect and photograph the property before the hearing, (2) identification or analyses of the property will provide sufficient evidence at the trial, (3) the introduction of the substitute evidence is not likely to substantially prejudice the defendant's rights at the criminal trial, and (4) there is satisfactory evidence of ownership. Specifies that photographs or other identification or analyses of the returned property are presumed admissible in lieu of the actual property at the criminal trial. Allows the returned property to be lawfully disposed of by the owner or entity entitled to possession. Makes conforming changes to GS 14-86.6. Applies to offenses committed on or after December 1, 2022.

Amends GS 1-538.2 to make also people (other than minors) who violate GS 14-86.6 or new GS 14-86.7 and GS 14-72.11 (larceny from a merchant) liable for civil damages to the property owner. Adds that for all listed violations the property owner is also entitled to recover for the loss to real or personal property caused by the commission of the act. Increases the cap on consequential damages (was, compensatory and consequential damages) at \$3,000 (was, \$1,000) and includes GS 14-86.6 and GS 14-86.7 in those that have no cap. Also makes the parent or legal guardian of an emancipated minor who commits an act punishable under GS 14-72.11, GS 14-86.6, or GS 14-86.7 civilly liable to the property owner if the parent or guardian knew or should have known of the child's propensity to commit such an act and had the opportunity and ability to control the child and made no reasonable effort to correct or restrain the child. Increases the cap on consequential (was, compensatory and consequential) damages for these and other already listed offenses to \$3,000 (was, \$1,000). Deletes the provision that would have allowed a property owner to seek payment for damages before filing a civil action by sending the violator a demand letter. Applies to offenses committed on or after December 1, 2022.

Effective January 1, 2023, enacts new Article 50, Regulation of High-Volume Third-Party Sellers Operating on Online Marketplaces, in GS Chapter 66, providing as follows. Sets out the Article's purpose and defines terms used in the Article. Defines *high-volume third-party seller* as a participant in an online marketplace that: (1) is a third-party seller; (2) has, in any continuous 12-month period during the previous 24 months, entered into 200 or more separate sales or transactions of new or unused consumer products through the online marketplace to consumers in this state; (3) had an aggregate total of \$5,000 or more in gross revenues for those sales or transactions; and (4) payment for the sales was processed by the online marketplace or through a third party. Defines *online marketplace* as any person or entity operating a consumer-directed, electronically based or accessed platform that: (1) includes features that allow for, facilitate, or enable third-party sellers to engage in the sale, purchase, payment, storage, shipment, or delivery of a consumer product in the state; (2) is used by one or more third-party sellers to engage in the sale, purchase, payment, storage, shipment, or delivery of a consumer product within the state; and (3) has a contractual or similar relationship with consumers governing consumer use of the platform to purchase consumer products. Defines *third-party seller* as any seller, independent of an online marketplace, that sells, offers to sell, or contracts to sell a consumer good in this state through an online marketplace.

Requires a high-volume third-party seller to provide an online marketplace no more than 10 days after the seller becomes a high-volume third party seller on an online marketplace platform, with specified banking, contact, and tax information.

Requires an online marketplace to: (1) at least annually notify each high-volume third-party seller on its platform of the requirement to keep the information current and (2) require each high-volume third-party seller on its platform to, no later than 10 days after receiving notice, electronically certify that the information previously provided is correct or that any changes to the required information have been provided. Requires the online marketplace to suspend further sales activity of a seller that does not provide the information or certification within 10 days. Provides for verification of the information and documents.

Requires an online marketplace to require any high-volume third-party seller with an aggregate total of \$20,000 or more in annual gross revenues on its platform to provide to the marketplace and disclose to consumers the four listed categories of identity information, including specified contact information for the seller and their supplier. Sets out circumstances under which a high-volume third-party seller may request that an online marketplace provide for partial disclosure of the required identity information; sets out actions that may be taken when the seller fails to respond or makes a false representation in order to justify providing partial disclosure. Requires the online marketplace to suspend future sales activity of a seller that does not comply with the information disclosure requirements; sets out notice requirements. Requires an online marketplace to disclose to a consumer on the product listing of any high-volume third-party seller a reporting mechanism that allows the reporting of any suspicious marketplace activity to the online marketplace by electronic and telephonic means.

Requires an online marketplace to use reasonable security procedures and practices to protect the collected information or documents from unauthorized use, disclosure, access, destruction, or modification.

Allows the Attorney General to bring a civil action when there is reason to believe that an online marketplace has violated this Article and the violation affects one or more state residents, in order to (1) enjoin further violation by the defendant; (2) enforce compliance with this Article; (3) obtain damages, restitution, or other compensation; and (4) obtain other remedies.

Specifies that violations of this Article are also violations of GS Chapter 75 (Monopolies, Trusts and Consumer Protection). Specifies that this Article does not prohibit any district attorney, law enforcement officer, official, or agency of the State from initiating or continuing any proceeding in a court against an online marketplace for failure to comply with any other civil law or a violation of criminal law.

Amends GS 50-13.1, concerning actions or proceedings for custody of a minor child, by providing that issues that arise in motions for modifications (removes motions for contempt) as well as in other pleadings must be set for mediation unless the court waives mediation under the statute. Allows custody or visitation issues that arise in motions for contempt or motions to show cause to be set for mediation. Makes conforming changes. Applies to motions filed on or after December 1, 2022.

Amends the act's long title.

Intro. by Britt, McInnis, Craven.

GS 50

[View summary](#)

Courts/Judiciary, Civil, Family Law

ACTIONS ON BILLS

PUBLIC BILLS

H 83: REV. LAWS TECH., CLARIFYING, & ADMIN. CHANGES. (NEW)

Senate: Passed 3rd Reading

H 149: EXPANDING ACCESS TO HEALTHCARE. (NEW)

Senate: Amend Adopted A1

Senate: Amend Adopted A2

Senate: Passed 2nd Reading

H 219: AMEND ENVIRONMENTAL LAWS. (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

H 315: ARSON LAW REVISIONS.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

H 607: SUSPEND AUTOMATIC EXPUNCTION. (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

H 755: PARENTS' BILL OF RIGHTS. (NEW)

Senate: Amend Adopted A1

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Engrossed

H 992: OAH STAFFING FLEXIBILITY.

House: Reptd Fav Com Substitute

House: Re-ref Com On Appropriations

House: Withdrawn From Com

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

H 1005: ORGANIZED RETAIL THEFT.

House: Reptd Fav Com Substitute

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

H 1006: AMEND PRISON PILOT DEADLINES.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

H 1056: RET. & TREASURY ADMIN. CHANGES ACT OF 2022.-AB

House: Reptd Fav Com Substitute

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

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

H 1058: RET. & TREASURY TECH. CORRECTIONS ACT OF 2022.-AB

House: Reptd Fav Com Substitute

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

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

H 1099: JUDICIAL RETIREMENT/SURVIVOR BENEFITS PARITY.-AB

House: Reptd Fav Com Substitute

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

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

H 1159: ACCESS TO VOTED BALLOTS.

House: Passed 1st Reading

House: Ref to the Com on Election Law and Campaign Finance Reform, if favorable, Rules, Calendar, and Operations of the House

H 1160: PRIVATE MONEY IN ELECTIONS.

House: Passed 1st Reading

House: Ref to the Com on Election Law and Campaign Finance Reform, if favorable, Rules, Calendar, and Operations of the House

H 1166: FUNDS FOR CLAREMONT'S WASTEWATER PROJECT.

House: Filed

H 1167: FUNDS FOR TROUTMAN'S WATER & AMP SEWER SYSTEMS.

House: Filed

H 1168: FUNDS FOR MURRAY'S MILL.

House: Filed

S 224: STEVE TROXLER AGRICULTURAL SCIENCES CENTER.

House: Withdrawn From Com

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

S 448: AMENDMENTS TO SCHEDULE VI OF THE CSA.

House: Serial Referral To Judiciary 2 Stricken

House: Serial Referral To Judiciary 4 Stricken

House: Withdrawn From Com

House: Re-ref Com On Judiciary 3

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 06/02/2022

S 455: CONFORM HEMP WITH FEDERAL LAW. (NEW)

House: Passed 2nd Reading

House: Passed 3rd Reading

S 711: NC COMPASSIONATE CARE ACT.

Senate: Reptd Fav

S 766: ORGANIZED RETAIL THEFT.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

S 768: GSC TECHNICAL CORRECTIONS 2022.

Senate: Reptd Fav

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

S 769: GSC POSTPONEMENT/JUDICIAL & EXECUTION SALES.

Senate: Reptd Fav

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

LOCAL BILLS

H 987: SHERIFF EXCEP. FOR DET. FACILITY FOOD PURCH.

House: Withdrawn From Com

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

H 1158: BEECH MOUNTAIN/TREE ORDINANCES.

House: Passed 1st Reading

House: Ref to the Com on Local Government - Land Use, Planning and Development, if favorable, Rules, Calendar, and Operations of the House

H 1161: DURHAM FIRE DEPT. CIVIL SERVICE BOARD.

House: Passed 1st Reading

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

H 1162: MAKE CATAWBA BOARD OF ED. ELECTIONS PARTISAN.

House: Passed 1st Reading

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

S 170: STUDENTS, PARENTS, COMMUNITY RIGHTS ACT.

House: Withdrawn From Com

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

© 2022 School of Government The University of North Carolina at Chapel Hill

This work is copyrighted and subject to "fair use" as permitted by federal copyright law. No portion of this publication may be reproduced or transmitted in any form or by any means without the express written permission of the publisher. Distribution by third parties is prohibited. Prohibited distribution includes, but is not limited to, posting, e-mailing, faxing, archiving in a public database, installing on intranets or servers, and redistributing via a computer network or in printed form. Unauthorized use or reproduction may result in legal action against the unauthorized user.

[Print Version](#)