



The Daily Bulletin: 2023-03-20

PUBLIC/HOUSE BILLS

H 413 (2023-2024) [TOPSAIL BEACH SPECIAL REGISTRATION PLATE](#). Filed Mar 20 2023, *AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A TOWN OF TOPSAIL BEACH SPECIAL REGISTRATION PLATE*.

Amends GS 20-79.4(b) as title indicates. Amends GS 20-79.7 and GS 20-81.12 to establish a special plate fee of \$20 and requires that \$10 of that be transferred quarterly to the Town of Topsail Beach for the Town of Topsail Beach Parks and Recreation Fund. Makes technical changes. Authorizes the Revisor of Statutes to alphabetize, number, and renumber the special registration plates listed in GS 20-79.4(b) and GS 20-81.12 to ensure that the special registration plates are listed in alphabetical order and numbered accordingly. Effective July 1, 2023.

Intro. by Carson Smith.

Pender, GS 20

[View summary](#)

Courts/Judiciary, Motor Vehicle, Government, State Agencies, Department of Transportation

H 414 (2023-2024) [BROADBAND SPEED STANDARDIZATION](#). Filed Mar 20 2023, *AN ACT TO CONFORM THE STATE PUBLIC UTILITY STANDARD FOR BROADBAND SPEED TO THE FEDERAL COMMUNICATIONS COMMISSION'S BROADBAND SPEED BENCHMARK*.

Amends GS 62-3 by amending the definition of *broadband service*, as it applies throughout GS Chapter 62 (public utilities), so that it is a wired or wireless, terrestrial service (was, any service) consisting of or including a high-speed access capability to transmit at a rate of not less than the current minimum fixed broadband speed benchmark established by the Federal Communications Commission (was, 200 kilobits per second in either the upstream or downstream direction) and either (1) is used to provide access to the Internet or (2) provides computer processing, information storage, information content, or protocol conversion, including any service applications or information service provided over such high-speed access service.

Amends the definition of *high-speed broadband services* as it applies to GS 117-18.1 (concerning business activities of electric membership corporation subsidiaries), so that it now means internet transmission speed of at least the current minimum fixed broadband speed benchmark established by the Federal Communications Commission (was, a minimum of 25 Mbps downstream and 3 Mbps upstream).

Intro. by Moss, Gillespie, Miller, Pyrtle.

GS 62, GS 117

[View summary](#)

Public Enterprises and Utilities

H 415 (2023-2024) [STOP ADDICTION FRAUD ETHICS ACT OF 2023](#). Filed Mar 20 2023, *AN ACT ESTABLISHING THE STOP ADDICTION FRAUD ETHICS (SAFE) ACT OF 2023*.

Enacts new Article 5H to GS Chapter 90. Names the act "The Stop Addiction Fraud Ethics Act of 2023" or the "SAFE Act of 2023." Defines the following terms: *recovery residence* (a shared living environment that is, or is intended to be, free from alcohol and illicit drug use and centered on peer support and connection to services that promote sustained recovery from substance use disorders), *treatment facility* (a facility or program that is, or is required to be, licensed, accredited, or certified to provide substance use disorder treatment services), and *treatment provider* (a person or entity that is, or is required to be,

licensed, accredited, or certified to provide substance use disorder treatment services, including treatment facilities). Also defines *referral* and *patient*.

Directs a treatment provider, treatment facility, recovery residence, or third party providing services to any treatment provider, treatment facility, or recovery residence to produce accurate and complete advertising materials containing the following information in plain, easy to understand language: (1) the types and methods of services provided or used, and information about where they are provided, using the categories of treatment and levels of care described in the American Society of Addiction Medicine, Patient Placement Criteria, Revised; (2) the average lengths of stay at the treatment facility during the preceding 12-month period for each of the categories of treatment and levels of care referenced above; (3) the treatment facility's name and brand; and (4) a brief summary of any financial relationships between the treatment facility and any publisher of marketing or advertising.

Requires each operator of a recovery residence or licensed residential treatment facility that also provides separately licensed outpatient substance use disorder services to clearly: (1) label each facility and service separately in any marketing or advertising material published or provided by the operator and (2) distinguish the recovery residence or licensed residential treatment facility from the licensed outpatient substance use disorder services.

Makes the following two acts committed by any treatment provider, treatment facility, recovery residence, or third party providing services to any treatment provider, treatment facility, or recovery residence an unfair or deceptive trade practice under GS 75-1.1 (State Consumer Protection Act) and a Class G felony for knowing violations: (1) making a materially false or misleading statement, or providing false or misleading information, about the nature, identity, or location of substance use disorder treatment services or a recovery residence in advertising materials, on a call line, on an internet website, or in any other marketing materials; (2) making a false or misleading statement about the treatment provider's status as an in-network or out-of-network provider; the credentials, qualifications, or experiences of persons providing treatment or services; or the rate of recovery or success in providing services. Each violation constitutes a separate offense.

Makes the following four acts committed by any person or entity an unfair or deceptive trade practice under GS 75-1.1 and a Class G felony for knowing violations: (1) to provide, or direct any other person or entity to provide, false or misleading information about the identity of, or contact information for, any treatment provider; (2) to include false or misleading information about the internet website of any treatment provider, or to surreptitiously direct or redirect the reader to another internet website; (3) to suggest or imply that a relationship with a treatment provider exists, unless the treatment provider has provided express, written consent to indicate such a relationship; (4) to make a materially false or misleading statement about substance use disorder treatment services. Each violation constitutes a separate offense.

Makes it a Class G felony for any person or entity, including a treatment provider, treatment facility, recovery residence, or third party providing services to any of these persons or entities to engage in any of the following acts of patient brokering or kickbacks: (1) offer or pay anything of value, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, to induce the referral of a patient or patronage to or from a treatment provider or laboratory; (2) solicit or receive anything of value, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, in return for referring a patient or patronage to or from a treatment provider or laboratory; (3) solicit or receive anything of value, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, in return for the acceptance or acknowledgment of treatment from a health care provider or health care facility; (4) aid or abet any of the above conduct in this paragraph. Specifies that the following are not considered unlawful patient brokering or kickbacks: (1) any discount, payment, waiver of payment, or payment practice that is expressly authorized by 42 U.S.C. § 1320a-7b(b)(3) (pertaining to lawful financial transactions in federal health care programs) or any regulation adopted under that statute; (2) a reasonable contingency management technique or other reasonable motivational incentive that is part of the treatment provided by an accredited, licensed, or certified treatment provider.

Exempts licensed general hospitals and hospital authorities from the Act.

Effective January 1, 2024, and applies to offenses committed on or after that date.

Intro. by Reeder, Chesser, K. Baker.

GS 90

[View summary](#)

Health and Human Services, Health, Health Care Facilities and Providers, Public Health

H 416 (2023-2024) **ENVIRONMENTAL JUSTICE CONSIDERATIONS**. Filed Mar 20 2023, *AN ACT TO REQUIRE CONSIDERATION OF THE CUMULATIVE IMPACT OF A PROPOSED ENVIRONMENTAL PERMITTING DECISION ON MINORITY OR LOW-INCOME COMMUNITIES AND TO PROVIDE ENHANCED PUBLIC PARTICIPATION OPPORTUNITIES FOR PERMITTING DECISIONS IMPACTING OVERBURDENED COMMUNITIES*.

Amends GS 74-51 to allow a mining permit to be denied if the cumulative impact of the proposed action (including the impact on public health), when considered in relation to other similar impacts of actions taken or proposed in the community, would have a disproportionate adverse impact on a low-income community or a minority community protected by Title VI of the federal Civil Rights Act of 1964. Effective July 1, 2023, and applies to any application for a mining permit on that date.

Amends GS 130A-294(a)(4), which prohibits issuing a permit for a solid waste management facility if the cumulative impact of the proposed facility would have a disproportionate adverse impact on a low-income community or a minority or low-income community protected by Title VI of the federal Civil Rights Act of 1964. Removes the provision limiting applicability only to the extent it is required by federal law. Effective July 1, 2023, and applies to any application for a permit for a solid waste management facility pending on that date.

Amends GS 113A-4 to require every State agency to include in every recommendation or report on any action involving significant expenditure of public moneys or use of public land for projects and programs significantly affecting the quality of the state's environment a detailed statement by the responsible official setting forth the cumulative impact of the proposed action (including the impact on public health), when considered in relation to other similar impacts of actions taken or proposed in the community, on a low-income community or a minority community protected by Title VI of the federal Civil Rights Act of 1964. Effective July 1, 2023, and applies to any environmental documents for proposed actions submitted on or after that date.

Amends GS 113A-120 to require denying a development permit upon finding that the proposed development, when considered in relation to other similar impacts of developments located or proposed in the community, would have a disproportionate adverse impact (including impacts on public health) on a low-income community or a minority community protected by Title VI of the federal Civil Rights Act of 1964. Makes conforming changes. Effective July 1, 2023, and applies to any application for a permit pending on that date.

Amends GS 130A-294 to require that the standards for permitting hazardous waste facilities include consideration of the cumulative impact of the proposed remediation (including the impact on public health), when considered in relation to other similar impacts of actions taken or proposed in the community, on a low-income community or a minority community protected by Title VI of the federal Civil Rights Act of 1964. Effective July 1, 2023, and applies to any application for a permit pending on that date.

Amends GS 130A-310.69 to require a remedial action plan to include an analysis of the cumulative impact of the proposed remediation (including the impact on public health) when considered in relation to other similar impacts of actions taken or proposed in the community on a low-income community or a minority community protected by Title VI of the federal Civil Rights Act of 1964. Effective July 1, 2023, and applies to remedial action plans submitted to the Department of Environmental Quality on or after that date.

Amends GS 143-215.10C to require denial of a permit application, permit renewal, or a certificate of coverage or renewal of certificate of coverage under a general permit for an animal waste management system if it finds that the cumulative impact of the proposed permit or certificate, when considered in relation to other similar impacts of actions taken or proposed in the community, would have a disproportionate adverse impact (including impacts on public health) on a low-income community or a minority community protected by Title VI of the federal Civil Rights Act of 1964. Effective July 1, 2023, and applies to any application for a permit or permit renewal pending on that date.

Amends GS 143-215.108 to give the North Carolina Environmental Management Commission (EMC) the power to deny applications for permits required under Title V or to require suitable mitigation if it finds that the cumulative impact of the proposed air contaminant source, when considered in relation to other similar impacts of air contaminant sources permitted or proposed in the community, would have a disproportionate adverse impact (including impacts on public health) on a low-income community or a minority community protected by Title VI of the federal Civil Rights Act of 1964. Effective July 1, 2023, and applies to any application for a permit or permit renewal pending on that date.

Amends GS 143-215.1 to give the EMC the power to deny any of the permitted activities impacting water quality under the statute or the renewal of those permits when the Commission finds that the cumulative impact of the proposed action, when considered in relation to other similar impacts of actions taken or proposed in the community, would have a disproportionate adverse impact (including impacts on public health) on a low-income community or a minority community protected by Title VI of the federal Civil Rights Act of 1964. Effective July 1, 2023, and applies to any application for a permit pending on that date.

Enacts new GS 143B-279.18 requiring that when the Department of Environmental Quality or any Commission with permitting authority under Article 7 (Department of Environmental Quality) considers an application for a permit or approval for a new or expanded facility, source, or project in an overburdened community, at least one public hearing must be held in the overburdened community, there must be 60 days' advance notice of the hearing, and the hearing officer's report must include a response to community input received at the hearing or in response to the notice. Sets out defined terms for the statute, including defining *overburdened community* as a census block, as designated by the most recent census of the US Census Bureau, in which at least 30% of the households qualify as low-income households, or a geographically distinct area that is a community of color.

Intro. by Harrison, F. Jackson.

[GS 74](#), [GS 113A](#), [GS 130A](#), [GS 143](#), [GS 143B](#)

[View summary](#)

**Agriculture, Development, Land Use and Housing,
Environment, Environment/Natural Resources, Government,
State Agencies, Department of Environmental Quality
(formerly DENR), Health and Human Services, Health, Public
Health**

H 417 (2023-2024) [ANTI-BOYCOTT DIVESTITURE](#). Filed Mar 20 2023, *AN ACT TO AUTHORIZE THE TREASURER TO RESTRICT STATE CONTRACTS WITH COMPANIES ENGAGED IN BOYCOTTS OF ENERGY COMPANIES*.

Renames Article 6G of GS Chapter 147 as “Anti-Boycotting Divestments.” Makes organizational and conforming changes to the Article by dividing it into parts. Part I pertains Divestment from Companies Boycotting Israel. New Part II pertains to Divestment from Companies Engaged in Certain Boycotts of Energy Companies, which it names the “Abusive Boycott Divestment Act of 2023 (Act).” Defines the following terms as they are used in Part 2: *company*, *restricted company*, *restricted company list*, and *state agency*. Defines *boycott energy company* or *boycott of an energy company* to mean without an ordinary business purpose, the refusal to deal with a company, termination of business activities with a company, or another action intended to penalize, inflict economic harm on, or limit commercial relations with a company because the company does one or more of the following: (1) engages in the exploration, production, utilization, transportation, sale, or manufacturing of fossil fuel-based energy, either with or without a commitment or pledge to meet environmental standards exceeding applicable federal law, State law, or both; or (2) does business with a company that engages in the exploration, production, utilization, transportation, sale, or manufacturing of fossil fuel-based energy.

Requires that the State Treasurer adopt a policy by no later than 30 days after July 1, 2023, prohibiting the North Carolina Retirement Systems (NCRS) or the Department of the State Treasurer (Treasurer) from investing funds with or in a company engaging in a boycott of an energy company. Requires the policy to contain: (1) a list of restricted companies the State Treasurer determines engage in a boycott of an energy company within 120 days after the adoption of the policy, and then annual updates thereto; (2) bars the NCRS and State Treasurer from investing in any company identified on the State Treasurer’s list and requires that NCRS divest from any company placed on the list with which it has already invested in within 180 days after the company is placed on the list; (3) specifies that that neither the Act nor the policy require the NCRS or the State Treasurer to take any action unless the State Treasurer concludes, in good faith, that action is consistent with their fiduciary duties; and (4) allows investments to be made in a company engaged in a boycott if the company is eligible to contract with the State under the specified exceptions and the State Treasurer makes a good-faith determination that the investments are necessary to perform its functions.

Provides any company to be placed the list of restricted companies with an opportunity to comment in writing to the State Treasurer that it has not engaged in a boycott of an energy company. Requires the Treasurer to not include the company on the

list if it establishes it has not engaged in such a boycott. Subject to the following exceptions below, directs that a company that is identified on the list is ineligible to contract with the State or any political subdivision of the State, and are void ab initio. Provides that existing contracts with such companies will be allowed to expire in line with the terms of the contract. Exempts contracts valued at less than \$1,000 or if the State agency or political subdivision determines that the it would be unable to obtain the commodities or services for which the contract if offered without the exemption.

Requires the State Treasurer to submit an annual report to the specified NCGA committee by October 1, regarding investments sold, redeemed, divested, or withdrawn to comply with the Part.

Specifies that the Part does not give any entity a private right of action to enforce its provisions. Allows a company on the list to challenge the State Treasurer's determination through the hearings provision of the State Administrative Procedures Act, except it may only do so every 365 days and cannot recoup attorneys' fees. Provides for immunity for actions State agencies take under the Act.

Intro. by Loftis, Pless, Balkcom, N. Jackson.

GS 147

[View summary](#)

Business and Commerce, Corporation and Partnerships, Employment and Retirement, Government, State Agencies, Department of State Treasurer, State Government, State Personnel, Public Enterprises and Utilities

H 418 (2023-2024) [ABC/COMMUNITY COLLEGE ATHLETIC FACILITY](#). Filed Mar 20 2023, *AN ACT TO AUTHORIZE COMMUNITY COLLEGES TO ALLOW ALCOHOL SALES AT STADIUMS, ATHLETIC FACILITIES, AND ARENAS LOCATED ON SCHOOL PROPERTY.*

Amends GS 18B-1006, as the title indicates.

Intro. by F. Jackson.

GS 18B

[View summary](#)

Alcoholic Beverage Control, Education, Higher Education, Government, State Agencies, Community Colleges System Office

PUBLIC/SENATE BILLS

S 53 (2023-2024) [HOTEL SAFETY ISSUES](#). Filed Feb 1 2023, *AN ACT TO CLARIFY THAT OCCUPANTS OF ACCOMMODATIONS PROVIDED BY HOTELS, MOTELS, OR SIMILAR LODGINGS DO NOT CREATE A TENANCY AND ARE NOT SUBJECT TO CHAPTER 42 OF THE GENERAL STATUTES AND TO CLARIFY THAT THESE OCCUPANCIES ARE GOVERNED BY THE STATUTES RELATING TO INNS, HOTELS, AND OTHER TRANSIENT OCCUPANCIES.*

AN ACT TO CLARIFY THAT OCCUPANTS OF ACCOMMODATIONS PROVIDED BY HOTELS, MOTELS, OR SIMILAR LODGINGS DO NOT CREATE A TENANCY AND ARE NOT SUBJECT TO CHAPTER 42 OF THE GENERAL STATUTES AND TO CLARIFY THAT THESE OCCUPANCIES ARE GOVERNED BY THE STATUTES RELATING TO INNS, HOTELS, AND OTHER TRANSIENT OCCUPANCIES. SL 2023-5. Enacted March 19, 2023. Effective March 19, 2023.

Intro. by Sawyer, Overcash, Moffitt.

GS 42, GS 72

[View summary](#)

Business and Commerce, Development, Land Use and Housing, Property and Housing

S 331 (2023-2024) **CONSUMER FINANCE ACT AMENDMENTS**. Filed Mar 20 2023, *AN ACT TO AMEND THE NORTH CAROLINA CONSUMER FINANCE ACT*.

Makes the following changes to Article 15, the North Carolina Consumer Finance Act, in GS Chapter 53.

Amends the definitions that apply to the Article as follows. Defines *amount financed* as the amount of cash or its equivalent the borrower actually receives or is paid out at the borrower's discretion or on the borrower's behalf, including the charges authorized by GS 53-173 (concerning computation of loan interest; application of payments; limitation on interest after judgment; limitation on interest after maturity of the loan), GS 53-176 (concerning installment loan rates, maturities and amounts), GS 53-177(a) (recording fees) and (d) (fee for nonfiling or nonrecording insurance policy), GS 53-177.1 (electronic transaction fees), and GS 53-189 (premium or cost of credit life, credit accident and health, credit unemployment, or credit property insurance). Specifies that the term includes: (1) fees and charges prescribed by law that actually are or will be paid by a licensee for determining the existence of or for perfecting, releasing, or satisfying a security interest related to a loan under this Article, and (2) premiums payable for insurance in lieu of perfecting a security interest otherwise required by a licensee in connection with a loan under this Article if the premium does not exceed the fees and charges described above that would otherwise be payable. Defines *electronic payment* as an electronic or digital means of transferring funds as an alternative to a cash payment; specifies that the term includes a payment using an automated clearing house (ACH) transaction, a credit or debit card, a mobile wallet, a unified payments interface (UPI), internet banking, or mobile banking. Replaces the term "amount of the loan" with *loan amount*, defined as the aggregate of the amount financed and all charges authorized by this Article. Defines *servicing loans* as receiving any scheduled periodic payments from a borrower regarding a loan made pursuant to this Article and making the payments to the owner of the loan or another third party. Deletes the term "cash advance." Amends the numbering of the statute's subsection. Amends GS 53C-1-4 by making a conforming change to the statutory cross-reference to GS 53-165.

Amends GS 53-166 to require a license to lend or service a loan in an amount of \$25,000 or less (was, lending in amounts of \$15,000 or less), and contract for, exact or receive, on or in connection with the loan, any charges that in the aggregate are greater than permitted by GS Chapter 24 (Interest), excepted as provided for in this Article. The statute specifies that the licensing requirements apply to any person seeking to avoid its application by any device, subterfuge, or pretense; amends what is considered to be such avoidance to include transactions in which a cash rebate or other advance of funds is offered and (1) the cash rebate or other advance of funds (was, cash advance) is made contemporaneously with the transaction or soon thereafter; (2) the amount of the rebate or other advance of funds (was, cash advance) is required to be repaid at a later date; and (3) the selling or providing of any item, service, or commodity with the transaction is incidental to, or a pretext for, the advance of funds. Prohibits a licensee servicing a loan that violates the Article from collecting, receiving, or retaining any principal or charges with respect to the loan.

Amends GS 52-167 by increasing the amount of the minimum annual assessment that a consumer finance licensee must pay from \$500 to \$1,000.

Amends GS 53-186 by increasing the amount of the license application fee from \$250 to \$500 and requires it be paid to the Office of the Commissioner of Banks (Commissioner) instead of the Banking Department. Adds the requirement that a licensee give the Commissioner notice of the proposed transfer or assignment of a license not less than 30 days before the date the transaction is set to close, and the Commissioner must promptly render a decision. Adds the requirement to report to the Commissioner the purchase of a loan made under this Article by an existing licensee; requires the report to be made within 30 days after completing the transaction. Allows a license to be posted on the licensee's website in lieu of at the place of business.

Amends GS 53-170 to require the statement of a change in location, ownership, or management be filed within 90 days of the change.

Amends GS 53-171 by removing the requirement that a licensee who fails to make any loans during any period of 90 consecutive days must surrender their license.

Amends GS 53-172, which prohibits licensees from conducting the business of making loans within any place of business in which any other business is solicited or transacted, by adding the collection of loans legally made in North Carolina under GS Chapter 24 (Interest) and Chapter 25A (Retail Installment Sales Act) to those that are not considered as being any other business for purposes of the statute.

Amends GS 53-173 to now require that loan interest be computed: (1) and paid only as a percentage of the amount financed (was, of the unpaid principal balance or portion thereof) and (2) on the basis of the number of days actually elapsed; however, if part or all of the consideration is the unpaid principal balance of a prior loan, then the amount financed (was, the principal amount payable) under the loan contract may include any unpaid interest on the prior loan that has accrued within 90 days before making the new loan contract.

Amends GS 53-176 by increasing the cap on the amount of installment loans that licensees may make from \$15,000 to \$25,000. Amends the cap on the interest that can be charged on these loans so that it is now not to exceed the following: (1) 36% per annum (was, 30%) with respect to a loan with a loan amount at origination not exceeding \$12,000 (was, with respect to a loan not exceeding \$10,000) on that part of the unpaid principal balance not exceeding \$4,000, with the rate decreasing as previously specified and (2) 18% per annum with respect to a loan with a loan amount at origination exceeding \$12,000 (was, loan exceeding \$10,000). Requires interest to be contracted for and collected at the applicable simple interest rate applied to the amount financed (was, at the simple interest rate applied to the outstanding balance that would earn the same amount of interest as the above rates for payment according to schedule). Increases the cap on the allowed closing fee from \$25 or loans up to \$2,000, to \$30 for loan amounts up to \$3,000 and 1% of the amount financed, exclusive of the loan processing fee, for loan amounts more than \$3,000 (was, 1% of the cash advance for loans above \$2,500, not to exceed a total fee of \$40).

Enacts new GS 53-176.2, providing as follows. Specifies that for the purposes of this statute, CPI-U means the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the United States Department of Labor; the CPI-U for calendar year 2023 is the Reference Base Index. Requires the Commissioner to annually, beginning on January 1, 2024, adjust the dollar amount for the loan amounts established in GS 53-176, the non-percentage-based loan processing fee allowed in GS 53-176(b), and the late payment fee allowed in GS 53-177(b) based on the annual percentage change in CPI-U reported on the preceding June 1. Sets out additional requirements for when the changes become effective and for rounding the new amounts. Requires publishing the adjusted loan amount categories and loan fees and the formula by which the adjustments were calculated on the Commissioner's website. Also requires providing notice to licensees of the adjustments, publishing the adjustments in the North Carolina Register, and notifying the Revisor of Statutes, who must adjust the amounts in the General Statutes.

Amends GS 53-177 as follows. Increases the cap on the late fee that a licensee may charge from \$15 to \$20. Allows a licensee to apply a borrower's most recent payment to the oldest installment due. Prohibits collecting more than one late payment fee from any full or partial payment made toward a particular scheduled installment payment; allows collecting more than one late payment fee from any payment made toward more than one installment payment if the number of late payment fees collected does not exceed the number of different installment payments that were past due for 10 days or more and to which the payment was applied. Provides that if a licensee declares a borrower in default and accelerates a loan, the licensee is allowed to collect a late payment fee for each installment payment that was, as of the date of acceleration, past due for 10 days or more; prohibits collecting a late payment fee for any installment that becomes due solely because the licensee has declared a borrower in default and accelerated a loan. Allows a licensee who refinances a loan to include in the amount financed late payment fees for each installment payment that was, as of the date of the refinancing, past due for 10 days or more. Provides that when a loan reaches maturity, a licensee may include in the final balance owed a late payment fee for each installment payment that remains past due for 10 days or more. Adds that a licensee may assess a deferral charge for each month of the remaining loan term on each installment owed after the date of deferral. Also allows a licensee to charge a late payment fee on deferred payments that remain past due for 10 days or more after the agreed upon due date; specifies that a deferral does not alter the maturity date of the loan contract, even if a payment is deferred beyond maturity.

Amends GS 53-180 by providing that an assignment of earnings in violation of the statute is unenforceable (was, unenforceable by the assignee of the earnings and is revocable by the borrower).

Amends GS 53-181 as follows. Allows the statement that must be given to the borrower to be made available electronically. Amends the required content of the statement as follows: (1) requires including the loan amount (was, cash advance); (2) no longer requires including the face amount of the note evidencing the loan; and (3) requires the inclusion of the following statement: "This loan is regulated by the provisions of the North Carolina Consumer Finance Act, Article 15 of Chapter 53 of the North Carolina General Statutes." No longer requires licensees to make available to the borrower at each of the licensees' places of business a schedule of charges and insurance premiums on all classes of loans currently being made by such licensee, and no longer requires that a copy be filed with the Commissioner.

Amends GS 53-182 to provide that a receipt of a payment made on a loan is not required for electronic payments. Allows the documents that are due to the borrower upon payment of a loan in full to be made available electronically.

Amends GS 53-184, as follows. Limits who has access to a licensee's books and records to the Commissioner and the Commissioner's agent (was, also the Commissioner's deputy or duly authorized examiner). Adds the requirement that a licensee maintain separate loan ledgers and accounts related to the making and collecting of loans under this Article. Requires the allocation of expenses to be made monthly. Requires keeping all books and records required by this statute for two years after the last transaction consistent with the Federal Trade Commission Safeguards Rule. Sets out the books and records to be kept as the following, with the required content described: general ledger, loan documents, judgments, and repossessions.

Amends GS 53-190 to prohibit the enforcement in North Carolina of a loan contract made outside the state in the amount or of the value of \$25,000 (was, \$15,000) or less, for which greater consideration or charges than those allowed under the specified statutes have been charged, contracted for, or received. Makes conforming changes.

Makes additional clarifying and technical changes throughout the Article.

Applies to contracts entered into, modified, or renewed on or after October 1, 2023.

Intro. by Perry, Britt.

[GS 53, GS 53C](#)

[View summary](#)

[Banking and Finance](#)

S 332 (2023-2024) [MODIFY BEACH PLAN POLICY LIMITS](#). Filed Mar 20 2023, *AN ACT TO MODIFY BEACH PLAN POLICY LIMITS*.

Amends GS 58-45-41 (pertaining to coverage limits for beach plan policies) as follows. Effective June 1, 2023, and applicable to contracts issued, amended, or renewed on or after June 1, 2023 until May 31, 2024, the maximum insurance coverage for the reasonable value of the building on a habitational property increases from \$750,000 to \$1 million. For commercial properties, the value increases from \$3 million to \$5 million on any freestanding structure or any building unit within multiple firewall divisions, with the aggregate limit on commercial structures with multiple firewall divisions increasing from \$6 million to \$10 million on all interest at one risk.

Starting on June 1, 2024, the monetary limits on habitational property and commercial property are removed from GS 58-45-41. Instead, the maximum insurance coverage for both types of properties will be set at a figure recommended by the North Carolina Insurance Underwriting Association and approved by the Insurance Commissioner. The aggregate limit of \$10 million for commercial properties on any building unit within multiple firewall divisions remains. Applies to contracts issued, amended or renewed on or after June 1, 2024.

Intro. by Johnson, Lazzara, Hanig.

[GS 58](#)

[View summary](#)

[Business and Commerce, Insurance](#)

S 333 (2023-2024) [ESTABLISH SURGICAL TECHNOLOGY STANDARDS](#). Filed Mar 20 2023, *AN ACT ESTABLISHING STANDARDS FOR SURGICAL TECHNOLOGY CARE IN HOSPITALS AND AMBULATORY SURGICAL FACILITIES*.

Enacts GS 131E-78.4, applicable to hospitals, and GS 131E-147.2, applicable to ambulatory surgical facilities, establishing required qualifications for surgical technologists employed by hospitals or ambulatory surgical facilities (facilities).

Defines surgical technology to mean surgical patient care; includes a nonexhaustive list of perioperative tasks or functions directed by the surgeon covered by the term. Bars facilities from employing or contracting for services of a surgical technologist unless the individual (1) provides evidence of successfully completing an accredited educational program and maintains an accredited surgical technologist certification credential, (2) provides evidence of successfully completing an appropriate training program for surgical technology in the US military, or (3) provides documentation of employment to practice surgical technology in a licensed hospital or ambulatory surgical facility on December 31, 2023.

Permits employment or contracting with an individual to practice surgical technology during the 12-month period immediately following successful completion of a surgical technology program, but prohibits further employment or contracting without documentation that the required credential has been obtained.

Permits facilities to employ or contract with individuals who do not meet the statutes' qualifications if the facility has made a diligent and thorough effort but cannot employ or contract with sufficient qualified surgical technologists who satisfy the requirements and the facility documents and retains records of these efforts.

Provides that the statute has no effect on a licensed practitioner's ability to perform tasks or functions within the scope of his or her license.

Authorizes the Department of Health and Human Services to take adverse action against facilities for violation of the statute. Authorizes facilities to restrict an employee's eligibility to practice surgical technology if not compliant with the statute's requirements.

Effective January 1, 2024.

Intro. by Burgin, Corbin, Krawiec.

GS 131E

[View summary](#)

Business and Commerce, Employment and Retirement, Government, State Agencies, Department of Health and Human Services, Health and Human Services, Health, Health Care Facilities and Providers

S 334 (2023-2024) **TOLL EXEMPTION FOR DISABLED VETERANS**. Filed Mar 20 2023, *AN ACT TO EXEMPT DISABLED VETERANS FROM PAYMENT OF TOLLS FOR USE OF TURNPIKE PROJECTS*.

Exempts disabled veterans from payment of tolls for use of turnpike projects, as title indicates. Directs the Department of Transportation to establish procedures and adopt rules and regulations pertaining to the application, renewal and expiration of the exemption, verification of disabled veteran status, and issuance of a placard or transponder to facilitate use of the exemption.

Intro. by Blue.

UNCODIFIED

[View summary](#)

Government, State Agencies, Department of Transportation, Military and Veteran's Affairs

S 335 (2023-2024) **FUNDS FOR LOCAL WAKE COUNTY PROJECTS**. Filed Mar 20 2023, *AN ACT TO APPROPRIATE FUNDS FOR VARIOUS PUBLIC PROJECTS IN WAKE COUNTY*.

Appropriates funds from the General Fund to the Office of State Budget and Management for 2023-24 for the following directed grants: (1) \$400,000 to Garner for the development of the White Deer Park Inclusive Playgrounds, (2) \$2 million to Wendell to convert the Rosenwald Elementary School into a community center, (3) \$800,000 to Knightdale to purchase land in the Mailman Road area for a new fire station to serve the alert service, and (4) \$1.2 million to Zebulon for a water and sewer project. Effective July 1, 2023.

Intro. by Blue.

APPROP, Wake

[View summary](#)

Government, Budget/Appropriations, State Agencies, Office of State Budget and Management

S 336 (2023-2024) **INFORMED CONSENT CERTAIN PROCEDURES**. Filed Mar 20 2023, *AN ACT TO PROVIDE PARAMETERS FOR OBTAINING INFORMED CONSENT FOR PELVIC OR RECTAL EXAMINATIONS ON ANESTHETIZED OR UNCONSCIOUS PATIENTS*.

Enacts new GS 90-21.13A, providing as follows. Defines the following as they are used in the statute: anesthetized patient, health care provider, pelvic exam, rectal exam, trainee, and unconscious patient. Prohibits a health care provider or trainee from performing or supervising the performance of a pelvic or rectal exam on an anesthetized or unconscious patient, unless one of the following: (1) the patient, or their legal guardian or designated health care agent has given prior informed consent to a pelvic or rectal examination; (2) the patient is incapable of providing informed consent and the pelvic or rectal examination is necessary for diagnostic or treatment purposes; or (3) there is an emergency at the time of the exam and it is impractical to obtain the patient's consent, and the pelvic or rectal examination is necessary for diagnostic or treatment purposes. Sets out the steps that must be taken in order to obtain consent before beginning the exam. Requires obtaining a completed written or electronic consent form for any pelvic or rectal exam before each and any time a patient is anesthetized or unconscious. Allows a patient to withhold or withdraw consent anytime before the exam begins without affecting their right to future care or treatment and without the loss of State or federal benefits to which the patient would otherwise be entitled to receive. Specifies that the following are not accepted medical purposes under GS 90-5.4 (duty to report) or an accepted standard under GS 90-21.13 (informed consent to health care treatment or procedure): subjecting a patient to a pelvic, rectal, or prostate examination (1) without prior specific informed consent, (2) solely for educational or training purposes, or (3) in the event informed consent has been withdrawn. Makes violations of this statute a Class A1 misdemeanor.

Amends GS 90-5.4 to create a duty for individuals licensed by the North Carolina Medical Board to report within 30 days any violations of new GS 90-21.13A.

Makes conforming changes to GS 90-21.13.

Applies to exams on or after October 1, 2023.

Intro. by Krawiec, Galey, Adcock.

GS 90

[View summary](#)

Health and Human Services, Health, Health Care Facilities and Providers

S 337 (2023-2024) **LIC. CLINICAL COUNSELORS ACCREDITATION MODS**. Filed Mar 20 2023, *AN ACT TO MAKE CHANGES TO THE ACCREDITATION ASSOCIATIONS ACCEPTED FOR LICENSURE AS A LICENSED CLINICAL MENTAL HEALTH COUNSELOR ASSOCIATE*.

Amends GS 90-336 (pertaining to qualifications for licensure for clinical mental health counselor associates) to expand the list of accreditors whose programs will satisfy the graduate training requirement to also include the Masters in Psychology and Counseling Accreditation Council or a program approved by the Board of Licensed Clinical Mental Health Counselors that is equivalent to the listed programs. Requires the Board of Licensed Clinical Mental Health Counselors to adopt temporary rules to implement the act. Effective October 1, 2023.

Intro. by Burgin, Krawiec, Corbin.

GS 90

[View summary](#)

Business and Commerce, Occupational Licensing, Health and Human Services, Health, Health Care Facilities and Providers, Mental Health

LOCAL/HOUSE BILLS

H 419 (2023-2024) [YOUNGSVILLE CHARTER REVISED & CONSOLIDATED](#). Filed Mar 20 2023, *AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF YOUNGSVILLE*.

As title indicates, revises the Youngsville charter and consolidates certain local acts related to town property, affairs, and government. Makes conforming repeals of specified session laws. Provides that the act does not affect any rights or interests that arose under any provisions repealed by this act. Continues in effect all existing ordinances, resolutions, and other provisions of the Town that are not inconsistent with the provisions of this act, until they are repealed or amended. Sets out a severability clause. Extends the term of the current Mayor by two years, to now expire in 2027, in order to stagger the terms of the Town Board of Commissioners and Mayor, as provided in the act.

Intro. by Winslow.

UNCODIFIED, Franklin

[View summary](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 2: EXTEND DEADLINE FOR EXPENDITURE OF FUNDS.

House: Withdrawn From Com

House: Placed On Cal For 03/22/2023

H 11: SCHOOLS FOR THE DEAF AND BLIND.

Senate: Reptd Fav

H 175: CONFIRM ED WILSON/SPECIAL SUPERIOR CT JUDGE.

House: Ratified

House: Ch. Res 2023-4

H 234: CONFORM PRIVILEGE EXEMPTIONS.

House: Withdrawn From Com

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

H 388: INCREASE THRESHOLD/CASH CAMPAIGN CONTRIBUTION.

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 389: NCGA/SAFE WORKPLACE POLICY.

House: Passed 1st Reading

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

H 390: FSU CARRYFORWARD CERTAIN FUNDS.

House: Passed 1st Reading

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

H 391: CIVIC YOUTH GROUP ACCESS.

House: Passed 1st Reading

House: Ref to the Com on Education - K-12, if favorable, Rules, Calendar, and Operations of the House

H 392: REFLEXOLOGIST RIGHT TO WORK ACT.

House: Passed 1st Reading

House: Ref to the Com on Regulatory Reform, if favorable, Rules, Calendar, and Operations of the House

H 393: APPLIANCE LEMON LAW.

House: Passed 1st Reading

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

H 394: AUTHORIZE FEDERAL NOTARIES.

House: Passed 1st Reading

House: Ref to the Com on Judiciary 1, if favorable, Federal Relations and American Indian Affairs, if favorable, Rules, Calendar, and Operations of the House

H 395: COUNTIES/SEMIANNUAL ASSESSMENTS.

House: Passed 1st Reading

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

H 396: REPEAL PARTICIPATION IN ERIC.

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 398: CHILD CARE ACT.

House: Passed 1st Reading

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

H 399: THE NORTH CAROLINA JUDICIAL PRIVACY ACT.

House: Passed 1st Reading

House: Ref to the Com on Judiciary 1, if favorable, State Personnel, if favorable, Rules, Calendar, and Operations of the House

H 400: CREATE NEW PUBLIC DEFENDER DISTRICT 22A.

House: Passed 1st Reading

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

H 401: FUNDS FOR DOLLY PARTON'S IMAGINATION LIBRARY.

House: Passed 1st Reading

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

H 402: MOTOR VEHICLE INSURANCE REFORM.

House: Passed 1st Reading

House: Ref to the Com on Judiciary 2, if favorable, Insurance, if favorable, Rules, Calendar, and Operations of the House

H 403: FUNDS/PROSPERA.

House: Passed 1st Reading

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

H 404: FUNDS FOR GTCC FAME PARTNERSHIP.

House: Passed 1st Reading

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

H 405: FUNDS FOR READY FOR SCHOOL, READY FOR LIFE.

House: Passed 1st Reading

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

H 407: NC SEMIQUINCENTENNIAL LEGISLATIVE COMMISSION.

House: Passed 1st Reading

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

H 408: CHARLOTTE FC SPECIAL REGISTRATION PLATE.

House: Passed 1st Reading

House: Ref to the Com on Transportation, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House

H 409: REGULATION OF ACCESSORY DWELLING UNITS.

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 410: CREDIT UNION UPDATE.

House: Passed 1st Reading

House: Ref to the Com on Banking, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House

H 411: GENERAL ASSEMBLY APPOINTMENTS.

House: Passed 1st Reading

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

H 412: MODIFY PROPERTY TRANSFER TO PENDER COUNTY.

House: Passed 1st Reading

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

H 413: TOPSAIL BEACH SPECIAL REGISTRATION PLATE.

House: Filed

H 414: BROADBAND SPEED STANDARDIZATION.

House: Filed

H 415: STOP ADDICTION FRAUD ETHICS ACT OF 2023.

House: Filed

H 416: ENVIRONMENTAL JUSTICE CONSIDERATIONS.

House: Filed

H 417: ANTI-BOYCOTT DIVESTITURE.

House: Filed

H 418: ABC/COMMUNITY COLLEGE ATHLETIC FACILITY.

House: Filed

S 54: CONFIRM KATHERINE BOSKEN, COMM. OF BANKS.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 83: NO HIGH-RISK APPS/GOVERNMENT NETWORKS & DEVICES. (NEW)

Senate: Reptd Fav

S 100: AUTHORIZE HAW RIVER STATE TRAIL.

Senate: Reptd Fav

S 157: LIMITED PROVISIONAL LICENSE MODIFICATION.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 187: TEACHER LICENSURE/RETIRED EDUCATOR PROGRAM.

Senate: Reptd Fav

S 195: UNC OMNIBUS.

Senate: Reptd Fav

S 269: EXEMPT CERTAIN DOD CHILD CARE CTRS/LIC. REQS.

Senate: Reptd Fav

S 291: QRIS/STAR RATING SYSTEM REFORM.

Senate: Reptd Fav

S 319: CAPTIVE INSURANCE REVISIONS.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 320: HONORING NC'S CONTRIBUTIONS TO CIVIL RIGHTS.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 321: MEDICAL DEBT DE-WEAPONIZATION ACT.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 322: PERMANENT PLATES FOR WATER & AMP SEWER AUTHORITY.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 323: FUNDS FOR RENOVATIONS TO ASHLEY ELEMENTARY.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 324: INTERSTATE MEDICAL LICENSURE COMPACT.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 325: LIMIT ONLINE MARKETPLACE REGULATIONS.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 326: FIREFIGHTER CANCER INS. & WC PROGRAM FUNDING.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 327: GSC ASSIGNMENTS OF ERROR.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 328: IMPROVE PIPELINE SAFETY.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 329: RETAIL INSTALLMENT SALES ACT AMENDMENTS.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 330: PROTECT JUDGES' PERSONAL INFORMATION.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 331: CONSUMER FINANCE ACT AMENDMENTS.

Senate: Filed

S 332: MODIFY BEACH PLAN POLICY LIMITS.

Senate: Filed

S 333: ESTABLISH SURGICAL TECHNOLOGY STANDARDS.

Senate: Filed

S 334: TOLL EXEMPTION FOR DISABLED VETERANS.

Senate: Filed

S 335: FUNDS FOR LOCAL WAKE COUNTY PROJECTS.

Senate: Filed

S 336: INFORMED CONSENT CERTAIN PROCEDURES.

Senate: Filed

S 337: LIC. CLINICAL COUNSELORS ACCREDITATION MODS.

Senate: Filed

LOCAL BILLS

H 397: TOWN OF LAKE LURE/PROPERTY LEASE.

House: Passed 1st Reading

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

H 406: GUILFORD COUNTY SCHOOLS FUNDING REQUESTS.

House: Passed 1st Reading

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

H 419: YOUNGSVILLE CHARTER REVISED & CONSOLIDATED.

House: Filed

S 9: APEX TOWN COUNCIL TO APPOINT TOWN CLERK.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 68: CITY OF HENDERSONVILLE/PARKING METER PROCEEDS.

Senate: Reptd Fav

S 179: EXTEND SUNSET/BUNCOMBE CO./CC PROJECTS.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

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