



The Daily Bulletin: 2023-03-22

PUBLIC/HOUSE BILLS

H 77 (2023-2024) [DRIVERS LICENSE DESIGNATION/AUTISM](#). Filed Feb 8 2023, *AN ACT TO DIRECT THE DIVISION OF MOTOR VEHICLES TO DEVELOP A DESIGNATION FOR DRIVERS LICENSES THAT MAY BE GRANTED UPON REQUEST TO A PERSON WITH AUTISM SPECTRUM DISORDER*.

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

Amends new GS 20-7(q3) by removing from the acceptable documentation of an autism spectrum disorder an affidavit executed by the person, their parent, or guardian attesting to the person's autism spectrum disorder. Amends the act's effective date to make it applicable to autism spectrum disorder designation requests made (was, to drivers licenses issued) on or after January 1, 2024.

Intro. by Penny.

GS 17C, GS 17E, GS 20

[View summary](#)

Courts/Judiciary, Motor Vehicle, Criminal Justice, Government, Public Safety and Emergency Management, State Agencies, Department of Transportation, Health and Human Services, Mental Health, Transportation

H 96 (2023-2024) [NC REACH ACT](#). Filed Feb 13 2023, *AN ACT TO REQUIRE AT LEAST THREE CREDIT HOURS OF INSTRUCTION IN AMERICAN HISTORY OR AMERICAN GOVERNMENT IN ORDER TO GRADUATE FROM A CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA WITH A BACCALAUREATE DEGREE OR A COMMUNITY COLLEGE WITH AN ASSOCIATE DEGREE*.

House amendment to the 2nd edition makes the following changes. Amends GS 115C-81.45(d) (pertaining to documents required for an advanced course or dual enrollment course to satisfy the Founding Principles of the United States of American and State of North Carolina course requirement); GS 115D-10 (document requirements for required community college American history or American government course); and GS 116-11.5 (document requirements for required UNC American history or American government course) to add the North Carolina State Constitution as a required document to be read in the courses.

Intro. by Kidwell, Hardister.

GS 115C, GS 115D, GS 116

[View summary](#)

Education, Higher Education, Government, State Agencies, Community Colleges System Office, UNC System

H 224 (2023-2024) [PROTECT NC OPIOID SETTLEMENT PAYMENTS](#). Filed Feb 28 2023, *AN ACT PROTECTING NATIONAL OPIOID SETTLEMENT PROCEEDS FOR NORTH CAROLINA AND ITS UNITS OF LOCAL GOVERNMENT BY PROHIBITING THE ASSERTION OF ANY RELEASED CLAIMS AGAINST ANY RELEASED ENTITIES PURSUANT TO THE FINAL CONSENT JUDGMENTS RESOLVING THIS LITIGATION*.

House committee substitute to the 1st edition makes the following change. Amends the definition of initial released entity to refer to any entity defined as released entities in the Initial Opioid Consent Judgments (was, just Opioid Consent Judgments).

List of entities in the definition remains unchanged.

Intro. by Sasser, Ball, Bell, Setzer.

[GS 122C](#)

[View summary](#)

[Government, State Government, Local Government, Health and Human Services, Health, Public Health](#)

H 255 (2023-2024) [REGULATE EV CHARGING STATIONS](#). Filed Mar 1 2023, *AN ACT TO REGULATE ELECTRIC VEHICLE CHARGING STATIONS*.

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

Amends new GS 20-162.4 to prohibit parking a vehicle in a space designated with a sign as an electric vehicle charging station located (previously did not refer to the signage requirement) on public or private property if the vehicle is not connected to the charging equipment. Specifies that a space designated as a parking space for handicapped persons that is served by charging equipment may not be designated as an electronic vehicle charging station.

Intro. by Warren, von Haefen.

[GS 20, GS 143](#)

[View summary](#)

[Courts/Judiciary, Motor Vehicle, Transportation](#)

H 347 (2023-2024) [SPORTS WAGERING](#). Filed Mar 13 2023, *AN ACT TO AUTHORIZE AND REGULATE SPORTS WAGERING ON PROFESSIONAL AND COLLEGE SPORTS IN NORTH CAROLINA*.

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

Section 1

Amends the definition of *gross wagering revenue* in proposed GS 18C-901 so that it is now the total of the following received by an interactive sports wagering operator from sports wagers: (1) cash or cash equivalents, whether collected or not and (2) cash value of any bonuses or promotional bets (was, the total of all cash or cash equivalents only).

Section 4

Amends proposed GS 105-113.126 by amending the calculation of the privilege tax on interactive sports wagering operators, by reducing the cap on the amount of actual uncollectible receivables from registered players to be deducted from the gross wagering revenue at 2% of gross wagering revenue minus all cash or cash equivalents paid out as winnings to registered players (was, not to exceed 4% with no mention of cash paid out). Also amends the statute by adding that no refund of the tax paid is allowed for an amount that should be subtracted from gross wagering revenue as an actual uncollectable receivable, regardless of whether the amount is actually subtracted or not.

Amends proposed GS 105-113.128 by amending the distribution of the amount of the tax proceeds that remain after the required distributions to the Department of Revenue and Lottery Commission have been made, by also including UNC-Greensboro, UNC-Wilmington, and Western Carolina University among the universities that are to receive: (1) \$300,000 to support collegiate athletic departments and (2) a distribution from the 10% allocation of the remaining proceeds, also to be used to support collegiate athletic departments.

Intro. by Saine, Bell, Hawkins, Clemmons.

[STUDY, GS 14, GS 16, GS 18C, GS 105, GS 143B](#)

[View summary](#)

[Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, State Agencies, Department of Commerce, Department of Revenue, Tax, Native Americans, Lottery and Gaming](#)

H 434 (2023-2024) [NATIONAL INST. OF MINORITY ECO. DEV. FUNDING](#). Filed Mar 22 2023, *AN ACT TO APPROPRIATE FUNDS TO THE NATIONAL INSTITUTE OF MINORITY ECONOMIC DEVELOPMENT TO SUPPORT ECONOMIC AND EDUCATIONAL DEVELOPMENT FOR WOMEN- AND MINORITY-OWNED BUSINESSES IN THE STATE*.

Appropriates the sum of \$3 million from the General Fund to the National Institute of Minority Economic Development (Institute) in recurring funds for the 2023-2024 fiscal year to be used to (1) provide community assessments and data and technical assistance to minority- and women-owned businesses in the State; (2) to provide funding for affordable housing, minority- and women-owned businesses, community facilities, HBCU loans and grants, and technical assistance to women and minorities in the State; (3) to provide support to existing community development corporations in the State; and (4) to provide support for affordable housing, economic development, and community revitalization in communities in the State without an existing community development corporation. Appropriates the sum of \$11 million from the General Fund to the Institute in nonrecurring funds for the 2023-2024 fiscal year to be used as follows: (1) \$2.5 million to expand business incubation services in eastern North Carolina; (2) \$2.5 million to acquire and renovate a facility to be used as a community and business education facility; (3) \$1 million to expand community economic development services throughout the State; (4) \$4 million for the Institute's Community Development Financial Institution Fund to provide funding for affordable housing, minority- and women-owned businesses, community facilities, minority farmers, HBCU low-interest loans, and technical assistance to historically underutilized businesses in the State; and (5) \$1 million to be used as a match for a Partners In Equitable & Resilient Communities grant from the Melville Charitable Trust for disruptive community economic development activities. Effective July 1, 2023.

Intro. by Hawkins, T. Brown, Saine.

[APPROP](#)

[View summary](#)

[Business and Commerce, Development, Land Use and Housing, Community and Economic Development, Government, Budget/Appropriations](#)

H 436 (2023-2024) [PERMANENT PLATES FOR WATER & SEWER AUTHORITY](#). Filed Mar 22 2023, *AN ACT TO AUTHORIZE PERMANENT PLATES FOR WATER AND SEWER AUTHORITY*.

Identical to [S 322](#), filed 3/16/23.

Amends GS 20-84, as the title indicates.

Intro. by Faircloth, Hardister, Biggs.

[GS 20](#)

[View summary](#)

[Courts/Judiciary, Motor Vehicle, Government, State Agencies, Department of Transportation](#)

H 437 (2023-2024) [TOWN OF GREENVILLE BULKHEAD REPAIR/FUNDS](#). Filed Mar 22 2023, *AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF PUBLIC SAFETY FOR THE TOWN OF GREENVILLE TO REPAIR AND REPLACE THE GREENVILLE TOWN COMMON BULKHEAD*.

Appropriates \$10 million for 2023-24 from the General Fund to the Department of Public Safety to be allocated to Greenville to match funds from Greenville to repair and replace the Greenville Town Common bulkhead. Effective July 1, 2023.

Intro. by G. Brown, Reeder.

[APPROP, Pitt](#)

[View summary](#)

[Government, Budget/Appropriations](#)

H 439 (2023-2024) [RBG ACT](#). Filed Mar 22 2023, *AN ACT TO REMOVE BARRIERS TO GAIN ACCESS TO ABORTION ACT (RBG ACT)*.

Includes whereas clauses.

Amends GS 14-45.1 (pertaining to when abortion is not unlawful) as follows. Removes 20-week time limit to obtain abortion to now allow abortion before a pregnancy is viable. Allows abortions to be performed by qualified health care providers instead of limiting the procedures to physicians meeting certain licensure and certification requirements. Defines qualified healthcare providers. Removes requirements that the Department of Health conduct annual inspections of facilities where abortions are performed. Allows for abortions performed by a healthcare provider beyond viability if there is a medical emergency (defined as a condition which, in reasonable medical judgment, so complicates the medical condition of the pregnant person as to necessitate the immediate termination of the pregnancy to avert her death or for which a delay will create serious risk of substantial and/or irreversible physical impairment, including any psychological or emotional conditions). Removes reporting requirements and data collection requirements related to abortion. Removes provisions authorizing health care providers to decline to perform abortions who have an objection to the procedure and immunizing them from liability if so. Removes provisions specifying that GS 14-45.1 does not require hospitals or other health care institutions or providers to provide abortion services. Deletes definition of qualified physician.

Enacts Article 1M in GS Chapter 90, to be known as "Codify Roe and Casey Protections" providing as follows. Sets out the Article's purpose. Prohibits the State from imposing an undue burden on the ability of a woman to choose whether to terminate a pregnancy before fetal viability. Specifies that the State may restrict the ability of a woman to choose whether to terminate a pregnancy after fetal viability, unless termination is necessary to preserve the woman's life or health. Defines undue burden to mean any burden that places a substantial obstacle in the path of a woman seeking to terminate a pregnancy before fetal viability. Specifies that the Article does not affect laws regarding conscience protection.

Amends GS 90-21.9 (medical emergency exception for parental consent/judicial bypass for abortions) to allow persons qualified to practice medicine, a physician assistant, a nurse practitioner, or certified nurse midwife to fulfill the requirements for a physician to determine whether or not there is a medical emergency that requires an immediate abortion. Amends GS 90-21.4 to extend the immunity provided to physicians to these same healthcare professionals. Amends GS 90-21.5 (pertaining to a minor's ability to consent to medical treatment) to remove language specifying that the section does not authorize abortion.

Amends GS 91-21.120 (pertaining to certain prohibited abortions) to amend the definition of abortion to mean use or prescription of any instrument, medicine, drug, or other substance or device intentionally to terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth. (currently, definition is a statutory cross reference to GS 90-21.81). Removes the terms "attempt to perform an abortion" and "woman." Repeals GS 90-21.121 (banning sex-selective abortions). Repeals the Woman's Right to Know Act (Article 1I of GS Chapter 90). Repeals GS 143C-6-5.5 (limiting use of state funds for abortions).

Amends GS 135-48.50 (pertaining to state health plan for teachers and state employees) to remove bar on coverage for abortions for which state funds cannot be used and makes conforming changes.

Repeals GS 58-51-63 (barring health care insurance plans offered through the exchange from covering abortions subject to certain exceptions). Effective 30 days after the act becomes law and applies to contracts entered into, amended, or renewed on or after that date.

Amends GS 153A-92 (counties) and GS 160A-162 (cities) to remove ban on abortion coverage provided by counties or cities being greater than the state health plan.

Intro. by von Haefen, Butler, Prather, Cervania.

GS 14, GS 58, GS 90, GS 135, GS 143C, GS 153A, GS 160A

[View summary](#)

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, State Government, State Personnel, Local Government, Health and Human Services, Health, Health Care Facilities and Providers, Health Insurance

H 440 (2023-2024) [DIRECT CARE WORK WAGE INCREASES/INNOV. WAIVER](#). Filed Mar 22 2023, *AN ACT TO INCREASE CERTAIN MEDICAID RATES IN ORDER TO RAISE THE WAGES OF DIRECT CARE WORKERS WHO PROVIDE SERVICES TO MEDICAID BENEFICIARIES RECEIVING SERVICES THROUGH THE NORTH CAROLINA INNOVATIONS WAIVER PROGRAM.*

Sets forth the General Assembly's intent to assist in increasing the hourly wages by an average of \$6.50 per hour above the NC industry average hourly rate for direct care workers who provide services to Medicaid beneficiaries receiving services through the North Carolina Innovations waiver program, termed "Innovations direct care workers." Directs Department of Health and Human Services, Division of Health Benefits (DHB), to provide a rate increase to providers who provide services to Medicaid beneficiaries receiving services through the North Carolina Innovations waiver program who are either (1) enrolled in the Medicaid program or (2) approved financial managers or financial support agencies billing for waiver service hours provided by direct care workers hired by employers of record or managing employers under a self-directed option in accordance with Medicaid Clinical Coverage Policy 8-P: North Carolina Innovations. Requires the wage increase to be effectuated through a directed payment in accordance with 42 C.F.R. § 438.69(c) (pertaining to special contract provisions for certain delivery system and provider payments). Requires all Local Management Entities/Managed Care Organizations (LME/MCOs) to implement the wage increase, even when the Behavioral Health and Intellectual/Developmental Disabilities Tailored Plan (BH IDD Plan) becomes fully operational and implemented. Directs DHB to determine the amount of the directed payment under this section in consultation with relevant stakeholders. Defines *Innovations direct worker*. Specifies that the directed payment will be effective on the effective date of the directed payment preprint approved by the Centers for Medicare and Medicaid Services.

Requires providers who employ Innovations direct care workers to attest and provide verification to the relevant LME/MCO that at least 75% of the funding that results are being used to increase the rate of pay paid to its Innovations direct care workers. Authorizes DHB to set standards for documentation required for verification (such as payroll-based journals) for LME/MCOs to use. Requires providers receiving a rate increase under this section to keep documentation of the use of that rate increase and make the documentation available upon request by DHB or by the relevant LME/MCO. Allows DHB to recoup part or all of the funds if it determines that a provider did not use at least 75% of the resulting funding to increase the rate of pay paid to Innovations direct care worker employees.

Requires DHB to amend the Medicaid State Plan so that the reimbursement methodology used for services provided through the North Carolina Innovations waiver program and for intermediate care facilities for individuals with intellectual disabilities (ICF/IID) level group homes computes, on an annual basis, the impact of medical and wage inflation on the costs to providers providing services to Medicaid beneficiaries who receive services through the Innovations waiver program or who reside in an ICF/IID level group home. Specifies that, beginning with the 2025-26 fiscal year, the reimbursement methodology will annually adjust the rates for the services provided through the Innovation waiver and for ICF/IIDs. Requires DHB to make the corresponding adjustments to the capitation amounts paid to local management entities/managed care organizations (LME/MCOs), prepaid health plans operating a BH IDD tailored plan, or both, as appropriate. Directs DHB to consider the feasibility of developing and implementing a provider or payroll assessment mechanism for providers that provide services to Medicaid beneficiaries receiving services through the Innovation waiver.

Effective July 1, 2023, appropriates from the General Fund to DHB \$90 million in recurring funds for each year of the 2023-25 fiscal biennium. Specifies that these funds will provide a State match for \$174 million in recurring federal funds for each year of the 2023-25 fiscal biennium, and directs that those federal funds are appropriated to DHB.

Intro. by Sasser, Potts, Cunningham, Bradford.

APPROP, UNCODIFIED

[View summary](#)

**Government, Budget/Appropriations, State Agencies,
Department of Health and Human Services, Health and
Human Services, Health, Health Insurance, Social Services,
Public Assistance**

H 442 (2023-2024) [UI DRUG TESTING REQUIREMENTS/FUNDS](#). Filed Mar 22 2023, *AN ACT AMENDING THE EMPLOYMENT SECURITY LAWS TO DISQUALIFY AN INDIVIDUAL FROM RECEIVING UNEMPLOYMENT INSURANCE BENEFITS IF THE*

INDIVIDUAL FAILS CONTROLLED SUBSTANCES TESTING AND APPROPRIATING FUNDS FOR THAT PURPOSE.

Effective July 1, 2023, amends GS 96-14.7 (listing other reasons to be disqualified for payment of unemployment compensation [UC]) by enacting new GS 96-14.7(c) allowing for disqualification of UC for certain persons failing controlled substance testing, as follows. Specifies that an individual is disqualified for UC if the Department of Commerce's Division of Employment Security (Division) determines that the individual is subject to testing for unlawful use of controlled substances, as defined in G.S. 90-87(5), or a metabolite thereof, and the individual either fails or refuses the testing. The testing requirement only applies to individuals as a condition of eligibility if (1) the individual was discharged for unlawful use of controlled substances by the individual's bona fide employer or (2) suitable work is only available in an occupation for which drug testing is regularly conducted. Lists the following nine kinds of occupations that regularly conduct drug testing:

An occupation where the Division has a factual basis for finding that employers hiring employees in that occupation conduct pre- or post-hire drug testing as a standard eligibility requirement for obtaining or maintaining employment in the occupation.

An occupation specifically identified in State or federal law as requiring an employee to be tested for controlled substances.

An occupation that requires the employee to carry a firearm.

An occupation identified in 14 C.F.R. § 120.105 (pertaining to workers who perform certain safety sensitive functions) by the Federal Aviation Administration, in which the employee must be tested.

An occupation identified in 46 C.F.R. § 16.201 (pertaining to required chemical testing) by the United States Coast Guard, in which the employee must be tested.

An occupation identified in 49 C.F.R. § 382.103 (pertaining to holders of certain commercial vehicle licenses and who operate commercial vehicles) by the Federal Motor Carrier Safety Administration, in which the employee must be tested.

An occupation identified in 49 C.F.R. § 219.3 (pertaining to drug and alcohol testing of most railroad workers contractors) by the Federal Railroad Administration, in which the employee must be tested.

An occupation identified in 49 C.F.R. § 655.3 (pertaining to substance testing for certain transit operators, including railroads and ferryboats) by the Federal Transit Administration, in which the employee must be tested.

An occupation identified in 49 C.F.R. § 199.2 (pertaining to certain pipeline operators) by the Pipeline and Hazardous Materials Safety Administration, in which the employee must be tested.

Requires the Division to adopt rules to implement the act. Requires the testing program to comply with federal law and, to the extent practicable, with the requirements of Article 20 of GS Chapter 95 (pertaining to the regulation of controlled substance examinations).

Requires individuals subject to the testing requirements to pay the cost of the test. Allows for individuals who fail the initial test to retake the test at their own expense. Permits individuals to disclose any medications that may impact test results and to provide proof they are taking the medication. Allows for individuals who fail the drug testing to reapply for UC upon completion of a substance abuse treatment program approved by the Division and by taking additional tests for controlled substances at their own expense. Authorizes an individual who fails a substance test to be adjudicated under the procedures set forth in GS 96-15 (pertaining to claims for UC) but only on the issues of whether or not the test was in error or whether the failure to pass the test was due to lawful use of a drug prescribed by a licensed physician as medically necessary for the individual.

Requires the Division, no more than 120 days from the date the act becomes law, to complete an assessment of hiring practices in the construction and agricultural industries to determine if the eligibility requirement of controlled substances testing is appropriate.

Effective July 1, 2023, appropriates from the General Fund to the Department of Commerce the sum of \$500,000 for the 2023-2024 fiscal year and the sum of \$500,000 for the 2024-2025 fiscal year to pay the costs of administering the drug testing program required by the act.

[View summary](#)

**Employment and Retirement, Government,
Budget/Appropriations, State Agencies, Department of
Commerce, Health and Human Services, Social Services,
Public Assistance**

H 443 (2023-2024) [RENEWABLE ENERGY TAX CREDIT](#). Filed Mar 22 2023, *AN ACT TO REENACT A TAX CREDIT INCENTIVE FOR INVESTING IN RENEWABLE ENERGY PROPERTY.*

Reenacts GS 105-129.16A, which establishes a tax credit for taxpayers that have invested in renewable energy property at 35% of the cost of the property if placed in service in the state during the taxable year. Extends the sunset of the statute, so that the statute is repealed effective for renewable energy placed into service on or after January 1, 2025 (was January 1, 2016).

Repeals subsections (f) through (h), which provide delayed sunsets for certain renewable energy properties. Makes conforming changes. Effective for taxable years beginning on or after January 1, 2023.

Intro. by Harris, Harrison, Clemmons, T. Brown.

GS 105

[View summary](#)

**Development, Land Use and Housing, Property and Housing,
Environment, Energy, Government, Tax**

H 444 (2023-2024) [SUBSTANCE USE DISORDER/UPDATE LANGUAGE](#). Filed Mar 22 2023, *AN ACT TO DIRECT THE GENERAL STATUTES COMMISSION TO REVIEW THE TERM "DRUG ABUSE" WHEREVER IT APPEARS IN THE GENERAL STATUTES AND TO RECOMMEND A BILL TO REPLACE IT WITH THE TERM "SUBSTANCE USE DISORDER," WHERE APPROPRIATE.*

As title indicates.

Intro. by Belk, Cunningham, White, Sasser.

UNCODIFIED

[View summary](#)

**Health and Human Services, Health, Public Health, Mental
Health**

H 445 (2023-2024) [CLOSED SESSION REMINDER](#). Filed Mar 22 2023, *AN ACT TO REQUIRE THE PRESIDING CHAIR OF ALL OPEN MEETINGS TO REMIND THE PUBLIC BODY OF THE LIMITED NATURE OF DISCUSSION DURING A CLOSED SESSION AND TO REQUIRE THE PRESIDING CHAIR TO CERTIFY TO THE PUBLIC THAT ALL DISCUSSION DURING A CLOSED SESSION WAS RELATED TO THE REASON FOR THE CLOSED SESSION.*

As title indicates, amends GS 143-318.11 (Closed sessions) to require a chair of a public body to inform the body after adopting a motion to enter into closed session and prior to entering closed session that all discussion during the closed session is limited to the permissible purpose(s) cited in the motion to go into closed session. Requires the chair to make a certification that the issues discussed in the closed session were limited to the permissible purpose(s) when coming out of closed session, which must be written and signed so that it can be included in the minutes of the meeting. Makes a corresponding change to GS 143-318.10(e) to include the certification along with the minutes as public records under that section.

Effective October 1, 2023, and applies to meetings held on or after that date.

Intro. by Winslow, Watford, Moss, Cairns.

GS 143

[View summary](#)

Government, Public Records and Open Meetings

H 446 (2023-2024) [EXPEDITE SURPLUS PROP/EDUCATIONAL ORGS.](#) Filed Mar 22 2023, *AN ACT TO ALLOW CERTAIN EDUCATIONAL ORGANIZATIONS TO EXPEDITE THE PROCESS TO OBTAIN SURPLUS AND DECOMMISSIONED FEDERAL MATERIAL AND PROPERTY.*

As title indicates, creates new GS 143-64.5A to exempt educational organizations from the provisions of Part 2, Article 3A of Chapter 143 (designating the Department of Administration as the state agency for federal surplus property) if they are obtaining decommissioned and surplus material and property from the federal government, as long as the material/property is intended to be used for educational purposes. Defines educational organization as an organization with education as its primary purpose and that is a nonprofit, not-for-profit, or 501(c)(3) tax exempt entity.

Intro. by Johnson.

[GS 143](#)

[View summary](#)

[Education](#)

H 447 (2023-2024) [CLARIFY MOTOR VEHICLE DEALER LAWS.](#) Filed Mar 22 2023, *AN ACT TO CLARIFY VARIOUS MOTOR VEHICLE DEALER LAWS.*

Identical to [S 356](#), filed 3/22/23.

Section 1

Amends GS 20-305, which lists certain conduct that is unlawful for any manufacturer, factory branch, distributor, or distributor branch, or any field representative, officer, agent, or any representative whatsoever of any of them (collectively, a “person”), as follows. Reorganizes GS 20-305(53) into two subparts: subpart (a), which pertains to certain unlawful acts if a motor vehicle dealer with franchised dealers in the State and it permits a retail customer to reserve or request to purchase or lease a vehicle directly from the manufacturer and new subparts (b)-(d), as follows.

GS 20-305(53)(b) specifies that it is unlawful for a person to fail or refuse to allow consumers located in this State the ability to directly purchase from any of its franchised dealers in this State, either at the dealer's dealership or online, all makes and models of new vehicles the dealer is authorized to sell. It also makes it unlawful for a person to fail or refuse to give equal reference and prominence on any website owned, operated, or controlled by the manufacturer or distributor on which consumers are permitted to order, purchase, or lease vehicles, to all of the manufacturer's or distributor's franchised dealers that are located in this State. Finally, it is unlawful for a person to fail or refuse to require that all of the new vehicles manufactured or distributed by the manufacturer or distributor that are sold or leased to purchasers or lessees located in this State be physically delivered to the ultimate purchaser or lessee by the same line-make franchised dealer selected by the purchaser or lessee, or in the absence of such selection, by the same line-make dealer from whom the vehicle was purchased or leased, or by the same line-make dealer that is located in closest proximity to the purchaser or lessee.

GS 20-305(53)(c) specifies that it is unlawful for a person to fail or refuse to allow all of its franchised dealers located in the State to do any of the following six things: (1) have the ability to maintain on the ground and in the dealer's stock a reasonable supply of all makes and models of new vehicles the dealer is authorized to sell (only applies when material shortages not caused by acts beyond the control of the manufacturer or distributor); (2) have the right to store new and used batteries at a safe and secure location selected by the dealer that is separate from the dealership premises, fail or refuse to compensate dealers for the full cost of storing used batteries more than 30 days after the manufacturer or distributor has been notified by the dealer of their availability to be picked up, or fail or refuse to compensate and indemnify dealers for all loss and damage caused by vehicle batteries supplied by or through the manufacturer or distributor; (3) have the same opportunity to purchase used vehicle inventory distributed or made available by that manufacturer or distributor without imposing any additional conditions or requirements on their dealers; (4) have the opportunity to order from or through the manufacturer or distributor, receive, and maintain in stock a reasonable supply of parts required for service and repair of the manufacturer's or distributor's vehicles based on the volume of service work performed by the dealer; (5) have the right to independently determine the types of physical and digital advertising media the dealer chooses to advertise, including content and format, so long as it does not interfere with intellectual property rights of manufacturers and distributors; and (6) have the ability to use any digital platform or digital retailing tool selected by the dealer as long as it is capable of performing the essential functions required by the manufacturer or distributor.

GS 20-305(53)(d) makes it unlawful for a person to engage in any of the following five things pertaining to the sale and negotiation of all motor vehicles in the State: (1) maintain a website or other electronic or digital means of communication for negotiating prices or other binding terms of sale of new vehicles directly between the manufacturer or distributor and end users located in this State, including, but not limited to, agreements between the manufacturer or distributor and the end user on prices or other substantive terms of sale or leasing of new vehicles; (2) retain ownership of new motor vehicles until they are sold to end users located in this State; (3) consign new motor vehicles to its franchised dealers in this State for dealer inventory or for sale to end users located in this State; (4) reserve the right to negotiate binding terms of sale directly with buyers of new motor vehicles located in this State; (5) designate its franchised dealers in this State to be only delivery agents for new motor vehicles and service and parts outlets, reserving for the respective manufacturer or distributor the right to establish the binding terms of vehicle sales or the right to negotiate the binding terms of sale directly with end users located in this State.

GS 20-305(53)(d) also makes it unlawful for a person to unreasonably impede or interfere with the ability of its rural and other franchised dealers located in the State to obtain from that manufacturer or distributor and sell or lease any series or models of technologically advanced vehicles (TAV) that the manufacturer or distributor makes available for sale or lease in this State by or through its same line-make dealers. Defines TAV and electronic vehicle (EV). Sets forth three non-exhaustive instances of what "unreasonably impede or interfere with" includes.

GS 20-305(53)(e) makes it unlawful to withhold all or any portion of any incentive payment from any of its dealers located in this State on the basis of a dealer's failure to comply with any condition or requirement that is unlawful, prohibited, contrary, or inconsistent with any of the provisions of GS 20-305(53).

Specifies that the provisions of GS 20-305(53) clarifying the subsection does not require manufacturers or distributors to do certain things only applies to GS 20-305(53)(a).

Makes organizational changes.

Amends GS 20-305(44), to add new subsection GS 20-305(44)b, which makes it unlawful for a person to require, coerce, or attempt to coerce any new motor vehicle dealer located in this State to refrain from using all or part of the name of a dealer's founder, owner, existing trade name, or dealer principal in the dealer's trade name. Makes organizational changes.

Enacts GS 20-305(55) which makes it unlawful for a person to interfere with the independence and governance of a dealer or dealer applicant having multiple owners by requiring, coercing, or attempting to coerce the dealer or dealer applicant to enact specified measures that would alter its governance, facilities, and finances.

Section 2

Further amends GS 20-305, as amended by the act, to enact GS 20-305(56), which sets forth conduct that constitutes the unreasonable interference of the establishment, maintenance, operation, or control of either a single location dealer website or dealer group website. Defines both single location dealer website and dealer group website. Specifies that unreasonable interferences includes but is not limited to any contractual prohibition or any policy or any bonus or incentive program created or sponsored by a manufacturer or distributor that includes six non-exhaustive instances.

Section 3

Amends GS 20-305.2 by making it illegal for a manufacturer or distributor that has any franchised dealers in this State to sell, lease, or otherwise distribute one or more models, brands, or series of motor vehicles in this State that are solely or primarily electric or hydrogen vehicles or that use technology not available for purchase by all of its in-state franchised dealers. Specifies that it is not a violation if the manufacturer or distributor: (1) makes a reasonable quantity of vehicles using the same electric, hydrogen, or other new technology available on some models, brands, or series of vehicles available for all of its existing franchised dealers located within this State to purchase at no additional charge other than the minimum costs necessary for these dealers to sell and service the electric, hydrogen, or other new technology vehicles or (2) is selling, leasing, or otherwise distributing new electric, hydrogen, or other new technology vehicles in this State as part of a trial or introductory program where fewer than 2,000 of the vehicles are sold, leased, or distributed in this State during any 12-month period. Requires the denial of any new or renewal application for a manufacturer or distributor license or revocation of a previously issued license for violations of this provision.

Section 4

Amends GS 20-305(14), which makes it illegal for any manufacturer, factory branch, distributor, or distributor branch, or any field representative, officer, agent, or representatives of these entities, to delay, refuse, or fail to deliver motor vehicles or motor vehicle parts or accessories in reasonable quantities relative to the new motor vehicle dealer's facilities and sales potential in the new motor vehicle dealer's market area, or within a reasonable time, after receipt of a bona fide sold retail customer order (was, order) from a dealer that has a franchise for the retail sale of any new motor vehicle sold or distributed by the manufacturer or distributor, any new vehicle, parts or accessories to new vehicles as are covered by such franchise, and such vehicles, parts or accessories as are publicly advertised as being available or actually being delivered. Adds the requirement that the manufacturer or distributor fill each bona fide retail customer order from one of its in-state franchised dealers in the chronological sequence in which the order is received without regard for or consideration of the dealer's previously earned allocation of vehicles. Requires the orders to be filled before the manufacturer or distributor allocates vehicles that are similarly configured and have similar options to dealers based on any other allocation system, program, policy, or criteria, except for those allocated in new sub-subdivision g, and be filled from the entire allocation of all new motor vehicles that has been designated for distribution in the state. Adds the following new requirements for the allocation of products by a manufacturer, factory branch, distributor, or distributor branch. New sub-subdivision b1 requires vehicles to be allocated to each of its dealers that are configured in a way that includes options that take into consideration the dealer's historical experience and success in selling vehicles that are similarly configured and have similar options. New sub-subdivision g provides that if, during the immediately preceding 12 calendar months, a new motor vehicle dealer in the state sold 250 or fewer new vehicles manufactured or distributed by a particular manufacturer or distributor, that manufacturer or distributor must timely allocate and deliver to the dealer monthly and on a model-by-model or series basis, no fewer than the number of new motor vehicles of each such model or series that dealer sold at retail during the immediately previous calendar month, capped at 20 vehicles per month of any given model. Sets out requirements for filling the dealer's minimum vehicle allocation rights. Adds that if there are temporary shortages caused by factors and events beyond the manufacturer's control, manufacturers or distributors are required to allocate and distribute all available new motor vehicles to its franchised dealers in the state according to the allocation priorities and in a fair, equitable, and nondiscriminatory manner.

Section 5

Further amends GS 20-305 by making it illegal for any manufacturer, factory branch, distributor, or distributor branch, or any field representative, officer, agent, or any of those entity's representatives to establish a motor vehicle allocation or distribution system or implement a system of allocation or distribution of motor vehicles to one or more of its franchised motor vehicle dealers which reduces or alters allocations or supplies of new motor vehicles to the dealer to achieve a purpose prohibited by this Article; or which reserves a specific motor vehicle for a specifically named person; or which requires or incentivizes motor vehicle dealers to sell or lease, or to negotiate the sale or lease of, a specific motor vehicle to a specifically named person; or which requires or incentivizes motor vehicle dealers to sell or lease a motor vehicle at a specified price or profit margin; or which otherwise is unfair (as defined), inequitable, unreasonably discriminatory, or not supportable by reason and good cause. Sets out related record keeping requirements.

Section 6

Further amends GS 20-305 by making it illegal for any manufacturer, factory branch, distributor, or distributor branch, or any field representative, officer, agent, or any of those entity's representatives to use economic coercion (as defined) to influence a dealer to participate in or comply with any program or policy sponsored, endorsed, or supported by the manufacturer or distributor, to sell any model, type, or series of vehicle or other products or services, or to take or refuse to take any action or to engage in or refuse to engage in any conduct. Entitles each of the manufacturer's or distributor's in-state franchised dealers to the maximum rebate, credit, incentive payment, or other consideration the manufacturer or distributor is offering under its program or policy, or to sell or receive any model, type, or series of vehicle or other products or services offered by or through the manufacturer or distributor, whether or not the dealer has complied with any or all of the conditions or requirements of the manufacturer's program or policy. Specifies that this does not prohibit a manufacturer or distributor from establishing for each dealer reasonable requirements for training, facilities, parts, and equipment necessary to sell and service any model, type, or series of vehicle or other products or services offered by or through the manufacturer or distributor, if the requirements take into consideration that dealer's reasonably anticipated sales volumes of these products or services over the following three-year period.

Section 7

Amends GS 20-286 by adding to the definitions that apply in Article 12, Motor Vehicle Dealers and Manufacturers Licensing Law, of GS Chapter 20 the term sell or selling, which is defined as: taking deposits or receiving payment for the purchase, lease, exchange, subscription, or use of a motor vehicle; accepting a reservation for a specific motor vehicle identified by Vehicle Identification Number or other product identifier from a retail consumer; setting the retail price for the purchase, lease, or exchange of a motor vehicle; offering or negotiating terms for the purchase, lease, finance, or exchange of a motor vehicle with a retail consumer; negotiating directly with a retail consumer the value of a motor vehicle being traded in as part of the purchase, lease, exchange, subscription, or use of a motor vehicle; offering or negotiating directly with a retail consumer any service contract, extended warranty, vehicle maintenance contract, guaranteed asset protection agreement, or any other vehicle-related products and services in connection with the purchase, lease, or exchange of a motor vehicle; any transaction where the title of a motor vehicle or a used motor vehicle is transferred to a retail consumer; and also any retail lease transaction where a retail customer leases a vehicle for a period of at least 12 months. Specifies that the following terms are synonymous: "sell," "selling," "sold," "exchange," "retail sales," "selling activities," and "leases."

Section 8

Further amends GS 20-305 by making it illegal for any manufacturer, factory branch, distributor, or distributor branch, or any field representative, officer, agent, or any of those entity's representatives to (1) engage in this State in any of the activities of a motor vehicle dealer, except as expressly permitted by GS 20-305.2 (unfair methods of competition; protection of car-buying public), or to compete with any of its same line-make dealers in this State with respect to the sale of any products or services that the dealer is authorized to sell pursuant to its franchise, by the manufacturer's or distributor's remote electronic transmission to the end user of any motor vehicle accessory, option, add-on, feature, improvement, or upgrade and (2) sell or lease any motor vehicle of a line-make for which it has any in-state franchised dealers directly to an in-state end user or to activate for a fee any vehicle accessory, option, add-on, feature, improvement, or upgrade, on or to any vehicle owned or leased by an in-state end user, in a manner other than through a same line-make dealer.

Amends GS 20-305.2 by adding that if the new motor vehicle dealers of the line-make located in this State are allowed to sell end users the same motor vehicle accessory, option, add-on, feature, improvement, or upgrade for a motor vehicle of the line-make manufactured, imported, or distributed by the manufacturer or distributor, then a manufacturer or distributor may, on the same terms offered to the dealer, also sell to the end user or activate for a fee a motor vehicle accessory, option, add-on, feature, improvement, or upgrade for a motor vehicle of a line-make manufactured, imported, or distributed by the manufacturer. Sets out conditions under which the manufacturer must pay the franchised new motor vehicle dealer at least 25% of the gross revenue received by the manufacturer agent or common entity for the sale or activation.

Section 9

Amends GS 20-305.1, which allows the retail rate a motor vehicle dealer customarily charges for parts and labor to be established at the dealer's election by submitting to the manufacturer or distributor 100 sequential non-warranty customer-paid service repair orders containing warranty-like parts, or 60 consecutive days of non-warranty customer-paid service repair orders which contain warranty-like parts, whichever is less, covering repairs made no more than 180 days before the submission and declaring the average percentage markup. Amends the presumption related to the average of the parts makeup rate and the average labor rates, so that they are now both presumed to be accurate (was, reasonable). Makes changes to the way in which the presumption can be rebutted by the manufacturer or dealer. Removes the provision requiring the manufacturer or dealer, if the declared rate is rebutted, to propose an adjustment within the specified time frame. Under current law, a dealer that does not agree with the proposed average percentage markup may file a protest and a hearing must be held. Places upon the manufacturer or distributor the burden of proving at the hearing that the rate declared by the dealer was inaccurate (was, unreasonable) and that the proposed adjustment of the average percentage markup is correct (was, reasonable). Excludes work on transmission assemblies from the calculation of the retail rate customarily charged by the dealer for parts and labor.

Section 10

Includes a severability clause.

Intro. by B. Jones, Ross, Wray.

GS 20

[View summary](#)

Courts/Judiciary, Motor Vehicle

H 448 (2023-2024) [VARIOUS MOTOR VEHICLE LAW REVISIONS](#). Filed Mar 22 2023, *AN ACT TO REQUIRE TIMELY NOTICE TO MOTOR VEHICLE DEALERS AND MANUFACTURERS OF POTENTIAL VIOLATIONS OF CERTAIN MOTOR VEHICLE LAWS, TO CLARIFY THE LAW GOVERNING THE CONDITIONAL DELIVERY OF MOTOR VEHICLES, AND TO REQUIRE PUBLICATION OF NOTICE OF CERTAIN MOTOR VEHICLE DEALER LICENSE APPLICATIONS*.

Identical to [S 357](#), filed 3/22/23.

Amends GS 20-296 to require the Division of Motor Vehicles (DMV) to provide notice to motor vehicle dealer, used motor vehicle dealer, motor vehicle sales representative, manufacturer, factory branch, factory representative, distributor, distributor branch, distributor representative, or wholesaler licensees within 10 business days after it learns of possible violations under Chapter 20 or rules adopted under that chapter. Requires a finding that notice was timely given and that a violation occurred before imposition of any penalty under the chapter. Permits the DMV to issue written warnings and engage in settlement agreements and consent orders prior or subsequent to any hearing held on violations of Chapter 20 or rules under that chapter. Prohibits issuing a written warning unit a written notice of the complain has been furnished to the licensee and a hearing has been held. Changes to this section are effective October 1, 2023 and apply to violations on or after that date.

Amends GS 20-75.1 (Conditional delivery of motor vehicles) to delete the requirement that a dealer inform the purchaser's insurance provider on the day of the purchase, or the next business day after the purchaser secures financing and the manufacturer's certificate of origin or the certificate of title is executed, if the insurer is not open that day. Replaces the deleted requirement with a new procedure where the dealer executes the manufacturer's certificate of origin or the certificate of title, and the purchaser or lessee is responsible for informing their insurer that the purchaser's/lessee's financing has been approved. Clarifies that the purchaser or lessee is solely responsible for paying for insurance on the vehicle and the dealer is not responsible for the purchaser's/lessee's failure to obtain insurance.

Amends GS 20-288(a)(1) to create new subdivision a1., adding to the requirements that must be met before DMV can issue a vehicle dealer license to an applicant who has indicated that the applicant or its parent, subsidiary affiliate, or other related entity is a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative. Now adds the requirement that the DMV to publish notice in the Carolina Register whenever it receives an application for a motor vehicle dealer license from a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative. Establishes the required contents of that notice, including identifying which of the specific exceptions to the prohibition of dealer licenses for those entities that the applicant contends it qualifies under. Also amends the conditions to be met to specify that the hearing held by the DMV on the application must be no earlier than 30 days after the application notice is published in the Carolina Register. Makes a clarifying change from submission to receipt in subdivision (a)(2) of that section. Changes to GS 20-288 are effective on July 1, 2023, and apply to applications submitted after that date.

Intro. by B. Jones, Ross, Wray.

[GS 20](#)

[View summary](#)

[Courts/Judiciary, Motor Vehicle, Government, State Agencies, Department of Transportation](#)

H 450 (2023-2024) [PHARMACIST PROVIDED HEALTH CARE SERVICES](#). Filed Mar 22 2023, *AN ACT TO PROVIDE FOR FAIR AND EQUITABLE REIMBURSEMENT OF HEALTH CARE SERVICES OR PROCEDURES THAT ARE PERFORMED BY A PHARMACIST WITHIN THAT PHARMACIST'S SCOPE OF PRACTICE AND THAT ARE EQUIVALENT TO SERVICES PERFORMED BY OTHER HEALTH CARE PROFESSIONALS*.

Amends Part 7 of Article 50 of GS Chapter 58 by enacting GS 58-50-296, pertaining to reimbursement and coverage of services provided by pharmacists, as follows. Defines *health care services* and *pharmacist*.

Requires insurers offering health plan benefits in the State to do the following as it relates to pharmacists:

- If the health benefit plan delegates credentialing agreements to contracted health care facilities, it must also accept credentialing for pharmacists employed or contracted with those facilities.

- Reimburse a contracted health care facility or contracted pharmacist directly for covered services performed by a pharmacist within that pharmacist's scope of practice, whether or not the pharmacist is a participating provider in the insurer's network.
- Reimburse a pharmacist at the same rate that other advanced practice or mid-level health care providers, such as nurse practitioners or physician assistants, are reimbursed when providing the same or equivalent health care services or procedures if: (i) the service or procedure was performed within the pharmacist's licensed lawful scope of practice; (ii) the health benefit plan would have provided reimbursement if the service or procedure had been performed by another health care provider; and (iii) the pharmacist provided the service or procedure in compliance with any requirements of the insurer related to the service or procedure.

Specifies that the participation of a pharmacy in a drug benefit provider network of an insurer offering a health benefit plan in this State will not satisfy any requirement that insurers offering health benefit plans include pharmacists in medical benefit provider networks.

Specifies that the statute also applies to agents of insurers offering a health benefit plan in the State and third-party insurance plan administrators.

Effective October 1, 2023, and applies to contracts entered into, renewed, or amended on or after that date.

Intro. by Sasser, Ross, Howard, Blackwell.

[GS 58](#)

[View summary](#)

Business and Commerce, Insurance, Health and Human Services, Health, Health Care Facilities and Providers, Health Insurance

H 451 (2023-2024) [NONCONTIGUOUS EXPANSION OF MSDS](#). Filed Mar 22 2023, *AN ACT TO AUTHORIZE THE EXTENSION OF MUNICIPAL SERVICE DISTRICTS TO AREAS NOT CONTIGUOUS TO THE SERVICE DISTRICT.*

Creates new subsection (b1) in GS 160A-538, permitting a city council to annex non-contiguous land to a service district through a satellite annexation ordinance. Establishes requirements for the satellite annexation, including (1) petition by 100% of the property owners for annexation, (2) the nearest point of the area to be annexed is not more than 1,000 feet from the district boundary, (3) the district can provide the same services inside the satellite area as within the primary area of the district, (4) if the area is a subdivision, all of the subdivision must be included, and (5) the satellite area, when added to the area within all other satellite areas of the district, does not exceed 10% of the primary area of the district. Makes corresponding changes to the language of the section to reflect the new subsection.

Intro. by Hardister, Clemmons.

[GS 160A](#)

[View summary](#)

Government, Local Government

H 455 (2023-2024) [EXPEDITE WATER/WASTEWATER FRANCHISE TRANSFER](#). Filed Mar 22 2023, *AN ACT TO EXPEDITE TRANSFER OF WATER OR WASTEWATER PUBLIC UTILITIES.*

Amends GS 62-111 (pertaining to transfers of franchises and mergers, consolidations, and combinations of public utilities) by enacting GS 62-111(f), which provides as follows. Sets forth procedures applicable only to applications for the grant or transfer of a certificate of public convenience and necessity for a water or wastewater system ("applications"). Sets 300-day deadline for the Utilities Commission to rule on an application related only to grants or transfers sought as a result of a proposed sale of a privately owned water or wastewater system to a public or private entity and those that are not water or wastewater systems with an unresolved notice of violation issued by the Department of Environmental Quality (DEQ) within the 24-month period immediately preceding the date of application. For those entities with DEQ citations, sets 210-day deadline for Commission to rule. Requires the Commission to find that the proposed grant or transfer, including adoption of existing or proposed rates for the transferring utility, is in the public interest, will not adversely affect service to the public under any existing franchise, and

the person acquiring said franchise or certificate of public convenience and necessity has the technical, managerial, and financial capabilities necessary to provide public utility service to the public in order to favorably rule on any application, regardless of the timeframe it has to rule. Requires the Commission to give notice to all applicants within 30 days of receiving a filing as to whether or not their application is complete. Deems applications complete if the Commission fails to give notice. Applies to applications for grant or transfer of certificates of public convenience and necessity filed on or after the date that the act becomes law.

For applications before the Commission that are pending on the date the act becomes law, requires the Commission to issue a notice within 30 days of that date notifying the applicants of any deficiencies in their application. If the Commission fails to give notice, the application is deemed complete. Requires the Commission to issue an order, under standards identical to those set forth in proposed additions to GS-111(f), within 180 days after the bill becomes law or a completed application was filed, whichever is later. Permits applicants to waive any deadline. Applicable only to grants or transfers sought as a result of a proposed sale of a privately owned water or wastewater system to a public or private entity.

Intro. by Arp, Johnson, Winslow, Strickland.

[GS 62](#)

[View summary](#)

[Public Enterprises and Utilities](#)

H 456 (2023-2024) [REPEAL VEHICLE EMISSIONS INSPECTION RQMT'S](#). Filed Mar 22 2023, *AN ACT TO REMOVE ALL COUNTIES EXCEPT MECKLENBURG COUNTY FROM MOTOR VEHICLE EMISSIONS TESTING REQUIREMENTS*.

Amends GS 143-215.107A to only require motor vehicle emissions inspections to be performed in Mecklenburg County. (Currently, Alamance, Buncombe, Cabarrus, Cumberland, Davidson, Durham, Forsyth, Franklin, Gaston, Guilford, Iredell, Johnston, Lincoln, Mecklenburg, New Hanover, Randolph, Rowan, Union, and Wake Counties.)

Requires the Department of Environmental Quality (DEQ), by December 31, 2023, to prepare and submit to the United States Environmental Protection Agency (EPA) for approval by that agency a proposed North Carolina State Implementation Plan amendment based on the change to the motor vehicle emissions testing program provided in the act.

Effective the later of January 1, 2024, or the first day of a month that is 60 days after the Secretary of DEQ certifies to the Revisor of Statutes that the EPA has approved an amendment to the North Carolina State Implementation Plan submitted as detailed above. Provides for procedures for the Secretary to notify the public and others of the effective date of the act.

Intro. by Winslow, Arp, B. Jones, K. Hall.

[Mecklenburg, GS 143](#)

[View summary](#)

[Courts/Judiciary, Motor Vehicle, Government, State Agencies, Department of Environmental Quality \(formerly DENR\)](#)

H 458 (2023-2024) [EMINENT DOMAIN](#). Filed Mar 22 2023, *AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROHIBIT CONDEMNATION OF PRIVATE PROPERTY EXCEPT FOR A PUBLIC USE, TO PROVIDE FOR THE PAYMENT OF JUST COMPENSATION WITH RIGHT OF TRIAL BY JURY IN ALL CONDEMNATION CASES, AND TO MAKE SIMILAR STATUTORY CHANGES*.

Subject to approval by the voters at the 2024 general election, amends Article I of the North Carolina Constitution by adding a new Sec. 39 to prohibit the taking by eminent domain of private property except for a public use only. Directs that just compensation be paid to the private property owner and provides that either party may request that the amount of just compensation be determined by a jury. Provides for method of voting pursuant to GS Chapter 163. Provides that if the majority of votes are in favor of the amendment, the State Board of Elections is to certify the amendment to the Secretary of State and the amendment will become effective upon certification and apply to takings of private property by eminent domain after the certification date.

Amends GS 40A-3(a), (b), and (b1) to restrict private condemnors and local public condemnors to exercising the power of eminent domain for a public use only (was, for a public use or benefit). Amends the list of private condemnors permitted to exercise the power of eminent domain to also include corporations, bodies politic, or persons exercising eminent domain for communication facilities (previously, specified telegraphs and telephones), facilities related to the distribution of natural gas, and pipelines or mains for the transportation of natural gas (was, gas). Makes additional clarifying changes.

Also amends subsection (c) to limit takings by political entities (other public condemnors) to the exercise of eminent domain for public use only (was, public use or benefit).

Enacts a new subsection (d) to GS 40A-3 to provide that private condemnors, local public condemnors, and other public condemnors in subsections (a), (b), (b1), and (c) of this statute, for the public use, have the power of eminent domain and may acquire any property for the connection of any customer(s) via purchase, gift, or condemnation.

Changes to GS 40A-3 are effective when the act becomes law, applying to takings occurring on or after that date.

Intro. by Riddell, D. Hall, Arp, Tyson.

[CONST, GS 40A](#)

[View summary](#)

[Courts/Judiciary, Civil, Civil Law, Development, Land Use and Housing, Property and Housing, Government, State Government](#)

H 460 (2023-2024) [FUNDS FOR CHIN PAGE LIFT STATION](#). Filed Mar 22 2023, *AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF A NEW CHIN PAGE RTP REGIONAL LIFT STATION*.

Identical to [S 259](#), filed 3/9/23.

Appropriates \$22 million for 2023-24 from the General Fund to the Office of State Budget and Management for a directed grant to Durham County for the construction of a new Chin Page RTP regional lift station. Effective July 1, 2023.

Intro. by Hawkins, Morey, Jeffers, Alston.

[APPROP, Durham](#)

[View summary](#)

[Government, Budget/Appropriations, State Agencies, Office of State Budget and Management](#)

H 461 (2023-2024) [PERSON COUNTY MEGASITE FUNDING](#). Filed Mar 22 2023, *AN ACT TO APPROPRIATE FUNDS TO PERSON COUNTY TO PURCHASE PROPERTY FOR ECONOMIC DEVELOPMENT*.

Appropriates \$17 million for 2023-24 from the General Fund to Person County to be used as title indicates. Effective July 1, 2023.

Intro. by Jeffers.

[APPROP, Person](#)

[View summary](#)

[Development, Land Use and Housing, Community and Economic Development, Government, Budget/Appropriations](#)

PUBLIC/SENATE BILLS

S 236 (2023-2024) [MODERNIZE AUDIOLOGY PRACTICE LAWS](#). Filed Mar 8 2023, *AN ACT TO UPDATE THE GENERAL STATUTES OF NORTH CAROLINA GOVERNING THE PRACTICE OF AUDIOLOGY TO BETTER REFLECT THE CHANGES IN*

EDUCATION, EXPERIENCE, AND PRACTICE OF THE PROFESSION IN ORDER TO ENHANCE THE HEALTH AND WELFARE OF NORTH CAROLINA CITIZENS.

Senate committee substitute to the 1st edition makes the following changes. Amends what is considered to be areas of audiology practice under the definition of the practice of audiology in GS 90-293 to also include prescribing and ordering the use of hearing aids and other amplification or hearing-assistive or hearing-protective systems and audiologic rehabilitation.

Intro. by Corbin, Krawiec, Adcock.

GS 90

[View summary](#)

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

S 274 (2023-2024) **HOME ASSISTANCE SERVICES. (NEW)** Filed Mar 9 2023, *AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO EXEMPT CERTAIN HOME ASSISTANCE SERVICES FROM HOME CARE LICENSURE REQUIREMENTS.*

Senate committee substitute deletes all contents of the 1st edition and replaces it with the following. Makes conforming changes to the act's short and long titles. Amends GS 131E-136 (the definitions provision of the Home Care Agency Licensure Act) to enact definition of *home assistance services*, which means the following services that are not home care services: (1) in-home companion, sitter, and respite care services provided to an individual; (2) homemaker services provided in combination with in-home companion, sitter, respite, or other home assistance services; and (3) non-hands-on services, as defined in the section of the State administrative code pertaining to respite services. Specifies that providers of home assistance services are not required to hold a license under the Home Care Agency Licensure Act.

Clarifies that the definition of *home care services* set forth in the Home Care Licensure Act (GS 131E-136) does not include home assistance services. Amends the definition of *home care services* to include in-home companion, sitter, and respite care services provided to an individual in conjunction with other home care services.

Requires home assistance service providers to (1) maintain liability insurance; (2) inform new clients that they are not licensed by the State and that they do not provide hands-on care or health care; (3) conduct criminal background checks for contracts and employers with the following requirements: (i) a criminal background check must be performed in each state where the employee resided during the past five years; (ii) prohibit employment of an individual or contractor who was convicted of a violent crime or a financial crime; (iii) prohibit employment of an individual listed on a sex registry.

Further specifies that home assistance services include but are not limited to: (1) certain home-based services like meal preparation, cleaning and organizing, caring for pets, and other home management services; (2) community-based services like grocery shopping, retail shopping, and pick-up/drop-off of certain items; (3) transportation-based services like travel to/from medical appointments, social events, and community activities.

Bars home assistance providers from submitting any claims for reimbursement to private or publicly funded insurance plans for services rendered to or on behalf of a State resident.

Intro. by Perry, Sawyer, Overcash.

UNCODIFIED, GS 131E

[View summary](#)

Government, State Agencies, Department of Health and Human Services, Health and Human Services, Social Services, Adult Services

S 349 (2023-2024) **WHIZ KIDS/SLOW POKES VOTER REGISTRATION.** Filed Mar 22 2023, *AN ACT TO ENSURE PROCRASTINATORS THEIR RIGHT TO VOTE BY RECODIFYING SAME-DAY REGISTRATION FOR EARLY ONE-STOP VOTING AND ESTABLISHING SAME-DAY REGISTRATION ON ELECTION DAY AND TO ENGAGE OVERACHIEVING TEENAGERS IN VOTING BY RECODIFYING THE PROGRAM TO PREREGISTER INDIVIDUALS SIXTEEN AND SEVENTEEN YEARS OF AGE.*

Part I.

Enacts new GS 163-82.6B allowing a person who is qualified to register to vote to register in person and then vote in their county of residence on election day or during one-stop voting. Requires the person to (1) complete a voter registration form and the attestation that the person meets eligibility requirements; and (2) provide proof of residents by presenting one of the listed documents showing the person's current name and address (allows the State Board of Elections to designate additional documents or methods and requires the Board to prescribe procedures for establishing proof of residence). Requires the person to vote a retrievable ballot immediately after registering; if the person does not vote immediately, the registration must be processed and the person may vote later at a one-stop voting site. Sets out the process under which the registration is to be verified and the ballot counted. Allows a person who will become qualified by age to register and vote in the general election for which a partisan or nonpartisan primary is held, even though not so qualified by the date of the primary, to register for the primary and general election before the primary and then vote in the primary and general election after being registered.

Makes conforming changes to GS 163-59 (right to participate or vote in party primary); GS 163-82.6 (concerning registration deadlines for a primary or election); GS 163-166.12 (concerning voting when identification numbers do not match); GS 163-227.2 (concerning voting by absentee ballot); GS 163-283 (concerning voting in a party primary); and GS 063-283.1 (concerning voting in a nonpartisan primary).

Part II.

Amends GS 163-82.1 to allow a person who is at least 16 years old but will not be 18 years old by the date of the next election and who is otherwise qualified to register to preregister to vote and then be automatically registered upon reaching the age of eligibility upon verification of the person's qualifications and address.

Amends GS 163-82.3 to require the State Board of Elections to develop a form to preregister to vote.

Amends GS 163-82.4 by amending the questions that appear on a voter registration application form to include asking the applicant if he is at least 16 years old and understands that he must be 18 on or before election day to vote. Makes conforming changes.

Makes conforming changes to allow for preregistering to vote in the following: GS 163-82.19 (concerning voter registration at driver's license offices); GS 163-82.20 (voter registration at other public agencies); GS 163-82.23 (voter registration at public high schools); GS 115C-81.45 (concerning components of the high school course on the Founding Principles of the United States of America and the State of North Carolina); and GS 115C-47 (encouraging local boards of education to adopt policies to promote student voter registration, and now, preregistration).

Encourages the State Board of Elections and the Department of Public Instruction to improve outreach to high school students on voter registration and preregistration programs when students are eligible to do either.

Intro. by Meyer, Smith.

[GS 115C, GS 163](#)

[View summary](#)

[Government, Elections, State Agencies, Department of Public Instruction, State Board of Elections](#)

S 350 (2023-2024) [2023 SAFE DRINKING WATER ACT](#). Filed Mar 22 2023, *AN ACT TO PROTECT NORTH CAROLINA CITIZENS FROM HARMFUL TOXINS IN DRINKING WATER BY REQUIRING THE COMMISSION FOR PUBLIC HEALTH TO ESTABLISH MAXIMUM CONTAMINANT LEVELS FOR CHEMICALS THAT ARE PROBABLE OR KNOWN CARCINOGENS OR ARE OTHERWISE TOXIC.*

Requires the Committee for Public Health (Committee) to do the following no later than October 15, 2023. Requires the Committee to begin rulemaking to establish maximum contaminant levels (MCLs), as that term is defined under GS 130A-313 (the North Carolina Clean Water Act), for probable or known carcinogens and other toxic chemicals that are likely to pose a substantial hazard to public health. Requires the Commission to establish MCL's for the following five contaminants: (1) Per- and poly-fluoroalkyl substances (PFAS); (2) Perfluorooctanoic acid (PFOA); (3) Perfluorooctane sulfonate (PFOS); (4)

Hexavalent chromium (chromium-6); and (5) 1,4-Dioxane. Also requires considering establishing MCLs for any other contaminants for which at least two other states have set MCLs or issued guidance.

Directs Commission to review certain materials during rulemaking, and annually review these materials thereafter to determine if the MCL's should be modified. Specifies that the MCL's must be protective of public health including vulnerable subpopulations such as pregnant and nursing mothers, infants, and children, which state MCLs shall not exceed any MCL or health advisory established by the United States Environmental Protection Agency.

Intro. by Meyer, Smith.

UNCODIFIED

[View summary](#)

Environment, Environment/Natural Resources, Health and Human Services, Health, Public Health, Public Enterprises and Utilities

S 351 (2023-2024) **STATEWIDE YEAR-ROUND SCHOOL STUDY**. Filed Mar 22 2023, *AN ACT TO DIRECT THE DEPARTMENT OF PUBLIC INSTRUCTION TO STUDY THE FEASIBILITY AND POTENTIAL OUTCOMES OF A STATEWIDE YEAR-ROUND SCHOOL CALENDAR*.

Requires the Department of Public Instruction to study and make recommendations on the feasibility and potential outcomes of a statewide year-round school year, including an analysis of 11 specified issues, including educational outcomes, summer learning loss, seasonal employment, and extracurricular learning opportunities and camps. Requires DPI to report on the study to the specified NCGA committee no later than 180 days after the date the act becomes law.

Intro. by Burgin.

STUDY

[View summary](#)

Education, Elementary and Secondary Education, Government, State Agencies, Department of Public Instruction

S 352 (2023-2024) **REMOVE FOREIGN CITIZENS FROM VOTING ROLLS**. Filed Mar 22 2023, *AN ACT TO CODIFY THE COMMON LAW REQUIREMENT FOR UNITED STATES CITIZENSHIP TO QUALIFY AS A JUROR, TO ALLOW A CLERK OF COURT TO HEAR JURY EXCUSES IF SO DESIGNATED BY THE CHIEF DISTRICT COURT JUDGE, AND TO PROVIDE THAT THE NAMES AND ADDRESSES OF PERSONS REQUESTING TO BE EXCUSED FROM JURY DUTY BASED ON DISQUALIFICATION SHALL BE SHARED WITH THE STATE BOARD OF ELECTIONS IF THE DISQUALIFICATION IS DUE TO UNITED STATES CITIZENSHIP*.

Amends GS 9-3, adding United States citizenship to the qualifications of prospective jurors.

Adds to GS 9-6 to require all applications for excuses from jury duty to be made on a form developed and furnished by the Administrative Office of the Courts (AOC), with applications to allow specification for the reason(s) for excusal based on disqualification, including noncitizenship status. Authorizes the chief district court judge to delegate the authority to receive, hear, and pass on applications for excuses from jury duty to the clerk of superior court, after consultation with and the consent of the superior court clerk. Makes clarifying changes and makes language gender neutral.

Makes clarifying and conforming changes to GS 9-6.1 regarding requests to be excused from jury duty. Adds the clerk of superior court to those individuals with whom a request to be excused, deferred, or exempted from jury duty may be filed.

Enacts GS 9-6.2 to require the clerk of superior court to retain the name and address provided by each person who requests to be excused from jury duty on the basis of disqualification, along with the reason for that request, for the remainder of the biennium as described in GS 9-2. Provides that the records are not public record and authorizes their destruction at the end of each biennium. Requires the clerk to quarterly electronically report to the State Board of Elections persons disqualified due to lack of US citizenship with personal information from the master jury list and the date of disqualification. Directs the State Board of Elections to use the information to conduct efforts to remove names from lists of registered voters pursuant to GS

163-82.14. Deems records retained by the State Board of Elections public records, subject to state and federal law. Requires the State Board of Elections to retain the electronic records for four years, and authorizes destruction when they are no longer public records. Specifies that the statute has no effect on State and local authorities to determine a person's eligibility to vote. Makes conforming changes to the clerk's recordkeeping duties regarding excusals under GS 9-6.

Adds a new subsection to GS 163-82.14 regarding list maintenance. Directs the State Board of Elections to review the voter registration and citizenship status of each person identified in a clerk's quarterly report of jury duty disqualifications based on US citizenship and distribute to each county board of elections a report of the persons identified who are registered to vote in that county, including the clerk's electronic file and the results of the Board's review. Excludes persons who since attained US citizenship, unless the individual voted prior to attaining citizenship, whereby the State Board is required to furnish its investigation to the district attorney for prosecution. Requires county boards of elections to, within 30 days' receipt of a report, give 30 days' written notice to the voter at the voter's registration address and mailing address and remove the individual's name from its registration records if the voter makes no objection; requires notice to the voter of removal and indication of the removal based on noncitizenship status in the statewide computerized voting registration system. Requires entering a challenge if an objection is received within 30 days of the notice, with the notice to the county board of elections by the receipt of the report from the State Board constituting prima facie evidence of noncitizenship, rebuttable by proof of citizenship following excusal or federal documentation of citizenship. Deems county records public records, subject to state and federal law. Requires the State Board of Elections and county boards of elections to retain the electronic records for four years and authorizes destruction when they are no longer public records. Makes clarifying and organizational changes to the statute.

Directs the AOC to amend the Rules of Recordkeeping to implement the act. Specifies that the act does not exempt AOC records from public records laws, except as provided in GS 9-6.2, as enacted.

Effective January 1, 2024.

Intro. by Burgin.

GS 9, GS 163

[View summary](#)

Courts/Judiciary, Court System, Administrative Office of the Courts, Government, Elections, State Agencies, State Board of Elections, Local Government, Immigration

S 353 (2023-2024) [RBG ACT](#). Filed Mar 22 2023, *AN ACT TO REMOVE BARRIERS TO GAIN ACCESS TO ABORTION ACT (RBG ACT)*.

Identical to [H 439](#), filed 3/22/23.

Includes whereas clauses.

Amends GS 14-45.1 (pertaining to when abortion is not unlawful) as follows. Removes 20-week time limit to obtain abortion to now allow abortion before a pregnancy is viable. Allows abortions to be performed by qualified health care providers instead of limiting the procedures to physicians meeting certain licensure and certification requirements. Defines qualified healthcare providers. Removes requirements that the Department of Health conduct annual inspections of facilities where abortions are performed. Allows for abortions performed by a healthcare provider beyond viability if there is a medical emergency (defined as a condition which, in reasonable medical judgment, so complicates the medical condition of the pregnant person as to necessitate the immediate termination of the pregnancy to avert her death or for which a delay will create serious risk of substantial and/or irreversible physical impairment, including any psychological or emotional conditions). Removes reporting requirements and data collection requirements related to abortion. Removes provisions authorizing health care providers to decline to perform abortions who have an objection to the procedure and immunizing them from liability if so. Removes provisions specifying that GS 14-45.1 does not require hospitals or other health care institutions or providers to provide abortion services. Deletes definition of qualified physician.

Enacts Article 1M in GS Chapter 90, to be known as "Codify Roe and Casey Protections" providing as follows. Sets out the Article's purpose. Prohibits the State from imposing an undue burden on the ability of a woman to choose whether to terminate a pregnancy before fetal viability. Specifies that the State may restrict the ability of a woman to choose whether to terminate a pregnancy after fetal viability, unless termination is necessary to preserve the woman's life or health. Defines undue burden to

mean any burden that places a substantial obstacle in the path of a woman seeking to terminate a pregnancy before fetal viability. Specifies that the Article does not affect laws regarding conscience protection.

Amends GS 90-21.9 (medical emergency exception for parental consent/judicial bypass for abortions) to allow persons qualified to practice medicine, a physician assistant, a nurse practitioner, or certified nurse midwife to fulfill the requirements for a physician to determine whether or not there is a medical emergency that requires an immediate abortion. Amends GS 90-21.4 to extend the immunity provided to physicians to these same healthcare professionals. Amends GS 90-21.5 (pertaining to a minor's ability to consent to medical treatment) to remove language specifying that the section does not authorize abortion.

Amends GS 91-21.120 (pertaining to certain prohibited abortions) to amend the definition of abortion to mean use or prescription of any instrument, medicine, drug, or other substance or device intentionally to terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth. (currently, definition is a statutory cross reference to GS 90-21.81). Removes the terms "attempt to perform an abortion" and "woman." Repeals GS 90-21.121 (banning sex-selective abortions). Repeals the Woman's Right to Know Act (Article 11 of GS Chapter 90). Repeals GS 143C-6-5.5 (limiting use of state funds for abortions).

Amends GS 135-48.50 (pertaining to state health plan for teachers and state employees) to remove bar on coverage for abortions for which state funds cannot be used and makes conforming changes.

Repeals GS 58-51-63 (barring health care insurance plans offered through the exchange from covering abortions subject to certain exceptions). Effective 30 days after the act becomes law and applies to contracts entered into, amended, or renewed on or after that date.

Amends GS 153A-92 (counties) and GS 160A-162 (cities) to remove ban on abortion coverage provided by counties or cities being greater than the state health plan.

Intro. by Marcus, Murdock, Chaudhuri.

[GS 14, GS 58, GS 90, GS 135, GS 143C, GS 153A, GS 160A](#)

[View summary](#)

[Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, State Government, State Personnel, Local Government, Health and Human Services, Health, Health Care Facilities and Providers, Health Insurance](#)

S 354 (2023-2024) [NC TEN](#). Filed Mar 22 2023, *AN ACT TO INCREASE TRANSPORTATION REVENUE*.

Amends GS 20-87 by increasing the additional fee on plug-in electric vehicles due at the time of registration or registration renewal from \$140.25 to \$180. Adds an additional fee for plug-in hybrid vehicles of \$90. Applies to vehicles registered on or after January 1, 2024.

Amends GS 105-187.3 by removing the cap under the 3% highway use tax on commercial motor vehicles and recreational vehicles.

Enacts new Article 70, Transportation Commerce, under GS Chapter 105, providing as follows. Sets the tax on transportation network companies, from January 1, 2024, to December 31, 2024, at a flat rate for each prearranged transportation service that originates in North Carolina, of 50 cents for exclusive-ride service and 25 cents for shared-ride service. Defines exclusive-ride service as the transportation of one or more related passengers from the same origin to the same destination and shared-ride service as the transportation of two or more unrelated passengers between different points of origin or destination. Requires for calendar years beginning on or after January 1, 2025, that the tax be the tax imposed the preceding calendar year multiplied by the percentage calculated under GS 105-449.80 (calculation of the motor fuel excise tax rate). Requires the tax proceeds to be credited to the Highway Fund.

Amends GS 136-18 to allow the Department of Transportation and Turnpike Authority (was, Department of Transportation or the Turnpike Authority, as applicable), to enter into up to three agreements each (was, three agreements) with a private entity for partnership agreements with private entities to finance the cost of acquiring, constructing, equipping, maintaining, and

operating transportation infrastructure in this State, and to plan, design, develop, acquire, construct, equip, maintain, and operate transportation infrastructure in this State.

Applies to transactions occurring on or after January 1, 2024.

Intro. by Sawyer, McInnis, Woodard.

[GS 20, GS 105, GS 136](#)

[View summary](#)

[Courts/Judiciary, Motor Vehicle, Government, State Agencies, Department of Transportation, Tax, Transportation](#)

S 355 (2023-2024) [CLARIFY DEFINITION/PROPERTY-HAULING VEHICLES](#). Filed Mar 22 2023, *AN ACT CLARIFYING THE DEFINITION OF PROPERTY-HAULING VEHICLES*.

Amends GS 20-4.01(31) (definitions section pertaining to the Division of Motor Vehicles) to exclude a fifth-wheel trailer, recreational vehicle, semitrailer, or trailer used exclusively or primarily to transport vehicles in connection with motorsports competition events from the definition of *property-hauling vehicles*.

Intro. by Jackson.

[GS 20](#)

[View summary](#)

[Courts/Judiciary, Motor Vehicle](#)

S 356 (2023-2024) [CLARIFY MOTOR VEHICLE DEALER LAWS](#). Filed Mar 22 2023, *AN ACT TO CLARIFY VARIOUS MOTOR VEHICLE DEALER LAWS*.

Section 1

Amends GS 20-305, which lists certain conduct that is unlawful for any manufacturer, factory branch, distributor, or distributor branch, or any field representative, officer, agent, or any representative whatsoever of any of them (collectively, a “person”), as follows. Reorganizes GS 20-305(53) into two subparts: subpart (a), which pertains to certain unlawful acts if a motor vehicle dealer with franchised dealers in the State and it permits a retail customer to reserve or request to purchase or lease a vehicle directly from the manufacturer and new subparts (b)-(d), as follows.

GS 20-305(53)(b) specifies that it is unlawful for a person to fail or refuse to allow consumers located in this State the ability to directly purchase from any of its franchised dealers in this State, either at the dealer's dealership or online, all makes and models of new vehicles the dealer is authorized to sell. It also makes it unlawful for a person to fail or refuse to give equal reference and prominence on any website owned, operated, or controlled by the manufacturer or distributor on which consumers are permitted to order, purchase, or lease vehicles, to all of the manufacturer's or distributor's franchised dealers that are located in this State. Finally, it is unlawful for a person to fail or refuse to require that all of the new vehicles manufactured or distributed by the manufacturer or distributor that are sold or leased to purchasers or lessees located in this State be physically delivered to the ultimate purchaser or lessee by the same line-make franchised dealer selected by the purchaser or lessee, or in the absence of such selection, by the same line-make dealer from whom the vehicle was purchased or leased, or by the same line-make dealer that is located in closest proximity to the purchaser or lessee.

GS 20-305(53)(c) specifies that it is unlawful for a person to fail or refuse to allow all of its franchised dealers located in the State to do any of the following six things: (1) have the ability to maintain on the ground and in the dealer's stock a reasonable supply of all makes and models of new vehicles the dealer is authorized to sell (only applies when material shortages not caused by acts beyond the control of the manufacturer or distributor); (2) have the right to store new and used batteries at a safe and secure location selected by the dealer that is separate from the dealership premises, fail or refuse to compensate dealers for the full cost of storing used batteries more than 30 days after the manufacturer or distributor has been notified by the dealer of their availability to be picked up, or fail or refuse to compensate and indemnify dealers for all loss and damage caused by vehicle batteries supplied by or through the manufacturer or distributor; (3) have the same opportunity to purchase

used vehicle inventory distributed or made available by that manufacturer or distributor without imposing any additional conditions or requirements on their dealers; (4) have the opportunity to order from or through the manufacturer or distributor, receive, and maintain in stock a reasonable supply of parts required for service and repair of the manufacturer's or distributor's vehicles based on the volume of service work performed by the dealer; (5) have the right to independently determine the types of physical and digital advertising media the dealer chooses to advertise, including content and format, so long as it does not interfere with intellectual property rights of manufacturers and distributors; and (6) have the ability to use any digital platform or digital retailing tool selected by the dealer as long as it is capable of performing the essential functions required by the manufacturer or distributor.

GS 20-305(53)(d) makes it unlawful for a person to engage in any of the following five things pertaining to the sale and negotiation of all motor vehicles in the State: (1) maintain a website or other electronic or digital means of communication for negotiating prices or other binding terms of sale of new vehicles directly between the manufacturer or distributor and end users located in this State, including, but not limited to, agreements between the manufacturer or distributor and the end user on prices or other substantive terms of sale or leasing of new vehicles; (2) retain ownership of new motor vehicles until they are sold to end users located in this State; (3) consign new motor vehicles to its franchised dealers in this State for dealer inventory or for sale to end users located in this State; (4) reserve the right to negotiate binding terms of sale directly with buyers of new motor vehicles located in this State; (5) designate its franchised dealers in this State to be only delivery agents for new motor vehicles and service and parts outlets, reserving for the respective manufacturer or distributor the right to establish the binding terms of vehicle sales or the right to negotiate the binding terms of sale directly with end users located in this State.

GS 20-305(53)(d) also makes it unlawful for a person to unreasonably impede or interfere with the ability of its rural and other franchised dealers located in the State to obtain from that manufacturer or distributor and sell or lease any series or models of technologically advanced vehicles (TAV) that the manufacturer or distributor makes available for sale or lease in this State by or through its same line-make dealers. Defines TAV and electronic vehicle (EV). Sets forth three non-exhaustive instances of what "unreasonably impede or interfere with" includes.

GS 20-305(53)(e) makes it unlawful to withhold all or any portion of any incentive payment from any of its dealers located in this State on the basis of a dealer's failure to comply with any condition or requirement that is unlawful, prohibited, contrary, or inconsistent with any of the provisions of GS 20-305(53).

Specifies that the provisions of GS 20-305(53) clarifying the subsection does not require manufacturers or distributors to do certain things only applies to GS 20-305(53)(a).

Makes organizational changes.

Amends GS 20-305(44), to add new subsection GS 20-305(44)b, which makes it unlawful for a person to require, coerce, or attempt to coerce any new motor vehicle dealer located in this State to refrain from using all or part of the name of a dealer's founder, owner, existing trade name, or dealer principal in the dealer's trade name. Makes organizational changes.

Enacts GS 20-305(55) which makes it unlawful for a person to interfere with the independence and governance of a dealer or dealer applicant having multiple owners by requiring, coercing, or attempting to coerce the dealer or dealer applicant to enact specified measures that would alter its governance, facilities, and finances.

Section 2

Further amends GS 20-305, as amended by the act, to enact GS 20-305(56), which sets forth conduct that constitutes the unreasonable interference of the establishment, maintenance, operation, or control of either a single location dealer website or dealer group website. Defines both single location dealer website and dealer group website. Specifies that unreasonable interferences includes but is not limited to any contractual prohibition or any policy or any bonus or incentive program created or sponsored by a manufacturer or distributor that includes six non-exhaustive instances.

Section 3

Amends GS 20-305.2 by making it illegal for a manufacturer or distributor that has any franchised dealers in this State to sell, lease, or otherwise distribute one or more models, brands, or series of motor vehicles in this State that are solely or primarily electric or hydrogen vehicles or that use technology not available for purchase by all of its in-state franchised dealers. Specifies that it is not a violation if the manufacturer or distributor: (1) makes a reasonable quantity of vehicles using the same electric, hydrogen, or other new technology available on some models, brands, or series of vehicles available for all of its existing

franchised dealers located within this State to purchase at no additional charge other than the minimum costs necessary for these dealers to sell and service the electric, hydrogen, or other new technology vehicles or (2) is selling, leasing, or otherwise distributing new electric, hydrogen, or other new technology vehicles in this State as part of a trial or introductory program where fewer than 2,000 of the vehicles are sold, leased, or distributed in this State during any 12-month period. Requires the denial of any new or renewal application for a manufacturer or distributor license or revocation of a previously issued license for violations of this provision.

Section 4

Amends GS 20-305(14), which makes it illegal for any manufacturer, factory branch, distributor, or distributor branch, or any field representative, officer, agent, or representatives of these entities, to delay, refuse, or fail to deliver motor vehicles or motor vehicle parts or accessories in reasonable quantities relative to the new motor vehicle dealer's facilities and sales potential in the new motor vehicle dealer's market area, or within a reasonable time, after receipt of a bona fide sold retail customer order (was, order) from a dealer that has a franchise for the retail sale of any new motor vehicle sold or distributed by the manufacturer or distributor, any new vehicle, parts or accessories to new vehicles as are covered by such franchise, and such vehicles, parts or accessories as are publicly advertised as being available or actually being delivered. Adds the requirement that the manufacturer or distributor fill each bona fide retail customer order from one of its in-state franchised dealers in the chronological sequence in which the order is received without regard for or consideration of the dealer's previously earned allocation of vehicles. Requires the orders to be filled before the manufacturer or distributor allocates vehicles that are similarly configured and have similar options to dealers based on any other allocation system, program, policy, or criteria, except for those allocated in new sub-subdivision g, and be filled from the entire allocation of all new motor vehicles that has been designated for distribution in the state. Adds the following new requirements for the allocation of products by a manufacturer, factory branch, distributor, or distributor branch. New sub-subdivision b1 requires vehicles to be allocated to each of its dealers that are configured in a way that includes options that take into consideration the dealer's historical experience and success in selling vehicles that are similarly configured and have similar options. New sub-subdivision g provides that if, during the immediately preceding 12 calendar months, a new motor vehicle dealer in the state sold 250 or fewer new vehicles manufactured or distributed by a particular manufacturer or distributor, that manufacturer or distributor must timely allocate and deliver to the dealer monthly and on a model-by-model or series basis, no fewer than the number of new motor vehicles of each such model or series that dealer sold at retail during the immediately previous calendar month, capped at 20 vehicles per month of any given model. Sets out requirements for filling the dealer's minimum vehicle allocation rights. Adds that if there are temporary shortages caused by factors and events beyond the manufacturer's control, manufacturers or distributors are required to allocate and distribute all available new motor vehicles to its franchised dealers in the state according to the allocation priorities and in a fair, equitable, and nondiscriminatory manner.

Section 5

Further amends GS 20-305 by making it illegal for any manufacturer, factory branch, distributor, or distributor branch, or any field representative, officer, agent, or any of those entity's representatives to establish a motor vehicle allocation or distribution system or implement a system of allocation or distribution of motor vehicles to one or more of its franchised motor vehicle dealers which reduces or alters allocations or supplies of new motor vehicles to the dealer to achieve a purpose prohibited by this Article; or which reserves a specific motor vehicle for a specifically named person; or which requires or incentivizes motor vehicle dealers to sell or lease, or to negotiate the sale or lease of, a specific motor vehicle to a specifically named person; or which requires or incentivizes motor vehicle dealers to sell or lease a motor vehicle at a specified price or profit margin; or which otherwise is *unfair* (as defined), inequitable, unreasonably discriminatory, or not supportable by reason and good cause. Sets out related record keeping requirements.

Section 6

Further amends GS 20-305 by making it illegal for any manufacturer, factory branch, distributor, or distributor branch, or any field representative, officer, agent, or any of those entity's representatives to use *economic coercion* (as defined) to influence a dealer to participate in or comply with any program or policy sponsored, endorsed, or supported by the manufacturer or distributor, to sell any model, type, or series of vehicle or other products or services, or to take or refuse to take any action or to engage in or refuse to engage in any conduct. Entitles each of the manufacturer's or distributor's in-state franchised dealers to the maximum rebate, credit, incentive payment, or other consideration the manufacturer or distributor is offering under its program or policy, or to sell or receive any model, type, or series of vehicle or other products or services offered by or through the manufacturer or distributor, whether or not the dealer has complied with any or all of the conditions or requirements of the

manufacturer's program or policy. Specifies that this does not prohibit a manufacturer or distributor from establishing for each dealer reasonable requirements for training, facilities, parts, and equipment necessary to sell and service any model, type, or series of vehicle or other products or services offered by or through the manufacturer or distributor, if the requirements take into consideration that dealer's reasonably anticipated sales volumes of these products or services over the following three-year period.

Section 7

Amends GS 20-286 by adding to the definitions that apply in Article 12, Motor Vehicle Dealers and Manufacturers Licensing Law, of GS Chapter 20 the term *sell or selling*, which is defined as: taking deposits or receiving payment for the purchase, lease, exchange, subscription, or use of a motor vehicle; accepting a reservation for a specific motor vehicle identified by Vehicle Identification Number or other product identifier from a retail consumer; setting the retail price for the purchase, lease, or exchange of a motor vehicle; offering or negotiating terms for the purchase, lease, finance, or exchange of a motor vehicle with a retail consumer; negotiating directly with a retail consumer the value of a motor vehicle being traded in as part of the purchase, lease, exchange, subscription, or use of a motor vehicle; offering or negotiating directly with a retail consumer any service contract, extended warranty, vehicle maintenance contract, guaranteed asset protection agreement, or any other vehicle-related products and services in connection with the purchase, lease, or exchange of a motor vehicle; any transaction where the title of a motor vehicle or a used motor vehicle is transferred to a retail consumer; and also any retail lease transaction where a retail customer leases a vehicle for a period of at least 12 months. Specifies that the following terms are synonymous: "sell," "selling," "sold," "exchange," "retail sales," "selling activities," and "leases."

Section 8

Further amends GS 20-305 by making it illegal for any manufacturer, factory branch, distributor, or distributor branch, or any field representative, officer, agent, or any of those entity's representatives to (1) engage in this State in any of the activities of a motor vehicle dealer, except as expressly permitted by GS 20-305.2 (unfair methods of competition; protection of car-buying public), or to compete with any of its same line-make dealers in this State with respect to the sale of any products or services that the dealer is authorized to sell pursuant to its franchise, by the manufacturer's or distributor's remote electronic transmission to the end user of any motor vehicle accessory, option, add-on, feature, improvement, or upgrade and (2) sell or lease any motor vehicle of a line-make for which it has any in-state franchised dealers directly to an in-state end user or to activate for a fee any vehicle accessory, option, add-on, feature, improvement, or upgrade, on or to any vehicle owned or leased by an in-state end user, in a manner other than through a same line-make dealer.

Amends GS 20-305.2 by adding that if the new motor vehicle dealers of the line-make located in this State are allowed to sell end users the same motor vehicle accessory, option, add-on, feature, improvement, or upgrade for a motor vehicle of the line-make manufactured, imported, or distributed by the manufacturer or distributor, then a manufacturer or distributor may, on the same terms offered to the dealer, also sell to the end user or activate for a fee a motor vehicle accessory, option, add-on, feature, improvement, or upgrade for a motor vehicle of a line-make manufactured, imported, or distributed by the manufacturer. Sets out conditions under which the manufacturer must pay the franchised new motor vehicle dealer at least 25% of the gross revenue received by the manufacturer agent or common entity for the sale or activation.

Section 9

Amends GS 20-305.1, which allows the retail rate a motor vehicle dealer customarily charges for parts and labor to be established at the dealer's election by submitting to the manufacturer or distributor 100 sequential non-warranty customer-paid service repair orders containing warranty-like parts, or 60 consecutive days of non-warranty customer-paid service repair orders which contain warranty-like parts, whichever is less, covering repairs made no more than 180 days before the submission and declaring the average percentage markup. Amends the presumption related to the average of the parts makeup rate and the average labor rates, so that they are now both presumed to be accurate (was, reasonable). Makes changes to the way in which the presumption can be rebutted by the manufacturer or dealer. Removes the provision requiring the manufacturer or dealer, if the declared rate is rebutted, to propose an adjustment within the specified time frame. Under current law, a dealer that does not agree with the proposed average percentage markup may file a protest and a hearing must be held. Places upon the manufacturer or distributor the burden of proving at the hearing that the rate declared by the dealer was inaccurate (was, unreasonable) and that the proposed adjustment of the average percentage markup is correct (was, reasonable). Excludes work on transmission assemblies from the calculation of the retail rate customarily charged by the dealer for parts and labor.

Section 10

Includes a severability clause.

Intro. by Jackson, Perry, Lazzara.

[GS 20](#)

[View summary](#)

[Courts/Judiciary, Motor Vehicle](#)

S 357 (2023-2024) [VARIOUS MOTOR VEHICLE LAW REVISIONS](#). Filed Mar 22 2023, *AN ACT TO REQUIRE TIMELY NOTICE TO MOTOR VEHICLE DEALERS AND MANUFACTURERS OF POTENTIAL VIOLATIONS OF CERTAIN MOTOR VEHICLE LAWS, TO CLARIFY THE LAW GOVERNING THE CONDITIONAL DELIVERY OF MOTOR VEHICLES, AND TO REQUIRE PUBLICATION OF NOTICE OF CERTAIN MOTOR VEHICLE DEALER LICENSE APPLICATIONS*.

Amends GS 20-296 to require the Division of Motor Vehicles (DMV) to provide notice to motor vehicle dealer, used motor vehicle dealer, motor vehicle sales representative, manufacturer, factory branch, factory representative, distributor, distributor branch, distributor representative, or wholesaler licensees within 10 business days after it learns of possible violations under Chapter 20 or rules adopted under that chapter. Requires a finding that notice was timely given and that a violation occurred before imposition of any penalty under the chapter. Permits the DMV to issue written warnings and engage in settlement agreements and consent orders prior or subsequent to any hearing held on violations of Chapter 20 or rules under that chapter. Prohibits issuing a written warning unit a written notice of the complain has been furnished to the licensee and a hearing has been held. Changes to this section are effective October 1, 2023 and apply to violations on or after that date.

Amends GS 20-75.1 (Conditional delivery of motor vehicles) to delete the requirement that a dealer inform the purchaser's insurance provider on the day of the purchase, or the next business day after the purchaser secures financing and the manufacturer's certificate of origin or the certificate of title is executed, if the insurer is not open that day. Replaces the deleted requirement with a new procedure where the dealer executes the manufacturer's certificate of origin or the certificate of title, and the purchaser or lessee is responsible for informing their insurer that the purchaser's/lessee's financing has been approved. Clarifies that the purchaser or lessee is solely responsible for paying for insurance on the vehicle and the dealer is not responsible for the purchaser's/lessee's failure to obtain insurance.

Amends GS 20-288(a)(1) to create new subdivision a1., adding to the requirements that must be met before DMV can issue a vehicle dealer license to an applicant who has indicated that the applicant or its parent, subsidiary affiliate, or other related entity is a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative. Now adds the requirement that the DMV to publish notice in the Carolina Register whenever it receives an application for a motor vehicle dealer license from a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative. Establishes the required contents of that notice, including identifying which of the specific exceptions to the prohibition of dealer licenses for those entities that the applicant contends it qualifies under. Also amends the conditions to be met to specify that the hearing held by the DMV on the application must be no earlier than 30 days after the application notice is published in the Carolina Register. Makes a clarifying change from submission to receipt in subdivision (a)(2) of that section. Changes to GS 20-288 are effective on July 1, 2023, and apply to applications submitted after that date.

Intro. by Jackson, Perry, Lazzara.

[GS 20](#)

[View summary](#)

[Courts/Judiciary, Motor Vehicle, Government, State Agencies, Department of Transportation](#)

S 358 (2023-2024) [REDIRECT LOTTERY ADVERTISING FOR FOSTER CARE](#). Filed Mar 22 2023, *AN ACT TO ELIMINATE THE AUTHORITY OF THE LOTTERY COMMISSION TO EXPEND LOTTERY REVENUES ON ADVERTISING EXPENSES AND TO REDIRECT MONIES INTENDED FOR ADVERTISING TOWARD FOSTER CARE PROGRAMS WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES*.

Amends GS 18C-130 (pertaining to types of lottery games, advertising, and required disclosures) to require the State Lottery Commission [Commission] to ensure that advertisements by lottery game retailers are tastefully designed and presented in a manner to minimize the appeal of lottery games to minors (currently required of advertising, but enforcement by the Commission not specified), Specifies that nothing in the subsection should be deemed to authorize the Commission to expend public funds on lottery advertising. Makes conforming changes to GS 18C-114 (pertaining to the powers and duties of the Commission). Amends GS 18C-163 (pertaining to lottery expenses) by increasing the annual transfer of lottery funds to the Department of Health and Human Services from \$1 million to \$31 million by providing that \$30 million be used for foster care programs. Removes advertising and promotion costs as an authorized lottery expense. Makes conforming changes. Effective July 1, 2023.

Intro. by Burgin, Krawiec, Mohammed.

GS 18C

[View summary](#)

Government, State Agencies, Department of Health and Human Services, Health and Human Services, Social Services, Child Welfare, Lottery and Gaming

S 359 (2023-2024) **MEDAL OF VALOR AWARD FOR EMER. RESPONDERS**. Filed Mar 22 2023, *AN ACT TO CREATE THE MEDAL OF VALOR AWARD FOR FIRST RESPONDERS*.

Identical to [H 387](#), filed 3/15/23.

Amends GS 147-12 (pertaining to the powers and duties of the Governor) and GS 143A-13 (pertaining to the office of the Lieutenant Governor) to authorize the Governor and Lieutenant Governor to award the Medal of Valor Award to a first responder or first responder unit that has performed great acts of heroism, while under threat of personal risk to their safety, beyond the call of duty in the field upon recommendation of the highest-ranking official within a department or agency employing first responders. Specifies limits on the number of such awards permitted per year, including an exception for special circumstances meriting an additional award in a calendar year. Specifies that a first responder includes any firefighter, paramedic, law enforcement officer, emergency medical services personnel, or rescue squad member. Requires the Governor and Lieutenant Governor to each maintain an internet accessible link and application form on a State website where nominations can be put forward, to also contain information on the Medal of Valor Award.

Intro. by Sanderson, B. Newton.

GS 143A, GS 147

[View summary](#)

Government, Public Safety and Emergency Management, State Government, Executive

S 360 (2023-2024) **MODIFY VICTIM AND SEX OFFENSE REGISTRY LAWS**. Filed Mar 22 2023, *AN ACT TO MODIFY LAWS PROTECTING AND AIDING VICTIMS OF CRIME AND TO CLARIFY CERTAIN REGISTRATION PROCESSES OF THE NORTH CAROLINA SEX OFFENSE REGISTRY*.

Amends GS 14-208.9A (pertaining to verification of registration information) to allow the Department of Public Safety (DPS) to deliver the sex offender registry verification form to the Division of Prisons for individuals in their custody who are on the registry and serving a sentence of more than 24 months, in lieu of non-forwardable mail.

Amends GS 14-208.12A to clarify that a petition to terminate the 30-year registration requirement must be filed in the district where the person was convicted, regardless of their current county or state of residence.

The above provisions are effective August 1, 2023, and apply to verification forms sent and petitions filed on or after that date.

Amends GS 15A-831 of the Crime Victims' Rights Act [Act] (pertaining to the responsibilities of law enforcement) to remove the requirement that law enforcement provide the victim with a form with information pertaining to their rights under the Act and the process within 72 hours after identifying a victim covered by the Act, so that requirement is just that law enforcement

provide the form to the victim as soon as practicable. Amends GS 15B-11, setting forth grounds for denial of an award of compensation under the Act to no longer deny compensation if the criminally injurious conduct was not reported to a law enforcement officer or agency within 72 hours of its occurrence, and there was no good cause for the delay. Makes organizational and technical changes.

Amends GS 42-40 (the definitions provisions of the landlord tenant act) to include victims of attempted homicide or household members of a victim of attempted homicide under GS 14-17 (first and second degree murder); GS 14-18 (manslaughter); GS 14-18.4 (death by distribution of controlled substances); GS 14-23.2 (murder of an unborn child); GS 14-23.3 (voluntary manslaughter of an unborn child); and GS 14-23.4 (involuntary manslaughter of an unborn child) where the premises was the location of the crime to the definition of *protected tenant*. Makes organizational and technical changes. Makes conforming changes to GS 42-45.1 (early termination of residential lease by a protected tenant) to account for the victims of attempted homicide set forth above. Makes language gender neutral. Effective August 1, 2023, and applies to rental agreements entered into, amended, or renewed on or after that date.

Enacts new GS 8-53.12A creating a privilege for certain communications with homicide victim advocates, as follows. Defines *agent, family member, homicide, services, victim, and victim assistance center*. Specifies that no agent of a victim assistance center shall be required to disclose any information that the agent acquired during the provision of services to a victim and that was necessary to enable the agent to render the services, unless the victim waives the privilege conferred. Specifies that the privilege terminates upon the death of the victim. Only permits the court to require disclosure (either at trial or prior to trial) if it finds, by the preponderance of the evidence, a good-faith, specific, and reasonable basis for all of the following: (1) the records or testimony sought contain information that is relevant and material to factual issues to be determined in a civil proceeding or that is relevant, material, and exculpatory upon the issue of guilt, degree of guilt, or sentencing in a criminal proceeding for the offense charged or any lesser included offense; (2) the evidence is not sought merely for character impeachment purposes; (3) the evidence sought is not merely cumulative of other evidence or information available or already obtained by the party seeking the disclosure. Sets forth the duties of the court pertaining to disclosure of the records. Clarifies that nothing in GS 8-53.12A should be construed to relieve any person of any duty pertaining to abuse or neglect of a child or disabled adult as required by law.

Amends GS 50B-2(c1) (pertaining to initial ex parte orders in domestic violence cases issued by a magistrate) to remove the provision of the statute directing that the ex parte order expire and that a hearing be scheduled by the end of the next day on which the relevant district court is in session. Instead requires that a hearing be held by a district court judge within 10 days from the date of issuance of the order or within seven days from the date of service of process on the other party, whichever occurs later. Specifies that a continuance will be limited to one extension of no more than 10 days unless all parties consent or good cause is shown. Directs the hearing to have priority on the court calendar. Effective October 1, 2023, and applies to ex parte orders issued on or after that date.

Intro. by Britt, Lazzara, Mohammed.

[GS 8, GS 14, GS 15A, GS 15B, GS 42](#)

[View summary](#)

Courts/Judiciary, Civil, Family Law, Evidence, Criminal Justice, Criminal Law and Procedure, Development, Land Use and Housing, Property and Housing, Government, Public Safety and Emergency Management, State Agencies, Department of Adult Correction, Department of Public Safety

LOCAL/HOUSE BILLS

H 435 (2023-2024) [BULKHEAD AUTHORITY FOR CAROLINA BEACH](#). Filed Mar 22 2023, *AN ACT TO AUTHORIZE THE TOWN OF CAROLINA BEACH TO REGULATE THE DESIGN AND ELEVATION OF BULKHEADS*.

Empowers Carolina Beach to make, adopt, and enforce ordinances within the municipal limits as to: (1) require properties adjacent to waters of the State to construct levees, revetments, bulkheads, or other similar structures to retain or stabilize the shoreline when the construction is necessary to protect property and public infrastructure from damages resulting from wave action, tidal fluctuation, tidal incursion, erosion, nuisance tidal flooding, and sea level rise; (2) provide standards for the

construction, replacement, reconstruction, and maintenance of bulkheads, levees, revetments, or other similar structures erected for the purposes of controlling flooding and preventing the infiltration or runoff of sediment into waters of the State; and (3) provide for the enforcement of ordinances adopted under the authority of this act in accordance with GS 160A-175. Specifies that if there is a conflict between local ordinance adopted under this act and the rules or regulations of the Department of Environmental Quality, the US Army Corps of Engineers, or the federal Office for Coastal Management, then the State or federal rule or regulation supersedes and prevails over the local ordinance to the extent of the conflict. Gives Carolina Beach duly sworn law enforcement officers authority to enforce any local ordinances adopted under this act.

Intro. by Miller.

UNCODIFIED, New Hanover

[View summary](#)

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

H 438 (2023-2024) **FRANKLIN/GRANVILLE RECOGNIZED COMMON BOUNDARY**. Filed Mar 22 2023, *AN ACT TO STAY THE CONCLUSIVENESS OF THE NORTH CAROLINA GEODETIC SURVEY MAP OF THE COMMON BOUNDARY BETWEEN FRANKLIN COUNTY AND GRANVILLE COUNTY AND TO ALLOW FRANKLIN COUNTY AND GRANVILLE COUNTY TO SURVEY THE CURRENTLY RECOGNIZED COMMON BOUNDARY.*

Sets out the history concerning the legal boundary line between Franklin and Granville counties, including that the counties adopted resolutions in 2016 requesting the North Carolina Geodetic Survey (NCGS) survey the legal boundary line and present a proposed map for consideration by both counties. Sets out that under current law, GS 153A-18, if the NCGS survey map is not ratified by the counties requesting the survey within one year from its receipt by the counties, the NCGS survey map will become conclusive as to the location of the legal boundary line and the chief of the NCGS must (1) record the survey map in the office of the register of deeds of both counties and in the Office of the Secretary of State and (2) notify the affected counties' governing bodies and the affected property owners in writing of the reestablished boundary line. Acknowledges that the boundary line between the counties as rendered by the NCGS survey differed significantly from the line that both counties have used for many years and is currently reflected in the Geographic Information Systems (GIS) maps and that use of the NCGS survey boundary line would create difficulties for residents. Prohibits the NCGS survey boundary line from being conclusive as to the location of the boundary unless: (1) the line is ratified by both counties or (2) the line is not ratified by the counties and the NCGA does not take action, as provided below.

Authorizes the counties to maintain in place all recognized government functions currently in effect based on the GIS Boundary Line currently in use by both counties through and until December 31, 2025, and the previous exercise of recognized government functions based on the GIS boundary line currently in use by both counties is not subject to challenge on the basis of the location of the boundary line. Provides that if, on January 1, 2026, the counties have not ratified the location of the boundary line as rendered by the NCGS survey and the NCGA has not amended or modified the legal boundary between the counties, then the NCGS survey plat becomes conclusive as to the location of the legal boundary and the chief of the NCGS shall take all actions required by GS 153A-18.

Requires the counties to cooperate to cause the GIS boundary line currently used by both counties as the operative boundary line to be surveyed and requires the counties to submit to the NCGA for ratification a completed survey of the GIS Boundary Line and a proposed amended legal boundary based on the survey by April 30, 2025.

Specifies that the counties and the counties' elected and appointed officials and employees will not be liable for any act or failure to act relating to taxation, school attendance, land use controls, elections, or any other governmental function as it relates to the currently used boundary line.

Intro. by Winslow.

UNCODIFIED, Franklin, Granville

[View summary](#)

Government, General Assembly

H 441 (2023-2024) [CLARIFY ANIMAL WELFARE ACT](#). Filed Mar 22 2023, *AN ACT TO CLARIFY THAT CERTAIN DOG TRAINING BUSINESSES ARE NOT CLASSIFIED AS PET SHOPS FOR PURPOSES OF LICENSING UNDER THE ANIMAL WELFARE ACT.*

Amends GS 19A-23, which defines terms as they are used in Article 3 of GS Chapter 19A, the Animal Welfare Act, as follows. Applicable to Iredell County only, amends the definition of *pet shop* by specifying that a person or establishment that provides dog training and obedience services and derives less than 10% of its gross receipts from the sale of animals is not considered a pet shop.

Intro. by McNeely, Mills, Setzer.

[Iredell, GS 19A](#)

[View summary](#)

[Animals, Business and Commerce](#)

H 449 (2023-2024) [CERTAIN BEACH TOWNS/NAVIGABLE WATERS](#). Filed Mar 22 2023, *AN ACT AUTHORIZING THE TOWNS OF NORTH TOPSAIL BEACH, SURF CITY, AND TOPSAIL BEACH TO REMOVE ABANDONED VESSELS FROM NAVIGABLE WATERS IN THEIR ORDINANCE-MAKING JURISDICTION.*

This bill applies only to the towns of North Topsail Beach, Surf City, and Topsail Beach. Enacts new GS 160A-205.6 to allow the towns to adopt ordinances prohibiting the abandonment of vessels in navigable waters within their jurisdictions. Applies the terms of GS 160A-303 to abandoned vessels in the same way that they apply to abandoned or junked motor vehicles. Defines an abandoned vessel as one that is (1) moored, anchored, or located for more than 30 days in a 180-day period without permission of the dock owner, or (2) in danger of sinking, has sunk, or is located in a way to be a hazard to navigation or danger to other vessels. Makes an exception to this definition for underwater archaeological remains such as shipwrecks that have been in place more than 10 years, unless removal is approved by the Department of Natural and Cultural Resources.

Intro. by Carson Smith.

[Onslow, Pender, GS 160A](#)

[View summary](#)

H 452 (2023-2024) [FRANKLIN CO. BD. OF ED. ELECT. TO NOV](#). Filed Mar 22 2023, *AN ACT TO CHANGE THE DATE OF THE NONPARTISAN FRANKLIN COUNTY BOARD OF EDUCATION ELECTION TO NOVEMBER.*

Amends Section 6(b) of SL 1993-341, as amended to require the members of the Permanent Franklin County Board of Education be elected at the time of the general election (was, regular primary) for county offices. Requires any necessary runoff election to be held before the first Monday of December following the date of general election (was, at the same time as the second primary). Applies beginning with elections held in 2024.

Intro. by Winslow.

[Franklin](#)

[View summary](#)

[Education, Elementary and Secondary Education, Government, Elections](#)

H 453 (2023-2024) [CABARRUS COUNTY/MEMBERS PARTICIPATE REMOTELY](#). Filed Mar 22 2023, *AN ACT AUTHORIZING MEMBERS OF THE BOARD OF COMMISSIONERS OF CABARRUS COUNTY TO PARTICIPATE IN BOARD MEETINGS BY SIMULTANEOUS COMMUNICATION.*

Applicable only to Cabarrus County, amends GS 153A-43 (pertaining to quorum for county boards of commissioners) to allow for members of the Board of Cabarrus County Commissioners (Board) to participate in Board meetings by means of simultaneous communication without the necessity of a declaration of emergency so long as the Board follows the procedures pertaining to remote meetings during declaration of emergency set forth in GS 166A-19.24. Makes language gender neutral.

Intro. by K. Baker, Crutchfield, Staton-Williams.[Cabarrus, GS 153A](#)[View summary](#)

H 454 (2023-2024) [CONCORD/DISTRIBUTION OF ABC NET PROFITS](#). Filed Mar 22 2023, *AN ACT TO CLARIFY THE DISTRIBUTION OF NET PROFITS FROM THE OPERATION OF THE CITY OF CONCORD ALCOHOLIC BEVERAGE CONTROL BOARD*.

Amends Section 5.14 of SL 1985-861 to require the Board of Alcoholic Beverage Control of the City of Concord to distribute the net profits remaining after the payment of all costs and operating expenses, and after retaining working capital, with the first 5% (was, 15%) for law enforcement, and of the remaining balance, 25% to Cabarrus County and 75% to Concord.

Intro. by K. Baker, Crutchfield, Staton-Williams.[Cabarrus](#)[View summary](#)[Alcoholic Beverage Control](#)

H 457 (2023-2024) [UNION/MECKLENBURG COUNTY BOUNDARY](#). Filed Mar 22 2023, *AN ACT TO ENABLE THE TRANSITION OF PROPERTIES ALONG THE COMMON BOUNDARY BETWEEN MECKLENBURG COUNTY AND UNION COUNTY*.

Requires the common boundary between Mecklenburg and Union counties to be as shown on the Census Redistricting Data P.L. 94-171 TIGER/Line Shapefiles associated with the 2020 federal decennial census. Specifies that the Shannamara neighborhood is in Union County and the common boundary between the two counties must follow I-485.

Sets out guidelines, applicable on and after July 1, 2023, on where people in the impacted areas are to record papers, documents, and instruments; file or record public records; and pay taxes on real and personal property as well as motor vehicles. Sets out details governing, for the fiscal year that begins July 1, 2023, the assessment and taxation of all real and personal property located in areas affected by the resurvey of the boundary line that was subject to ad valorem taxation in that area on January 1, 2023. Also sets out provisions governing the continuation of actions involving persons or property (including criminal actions); voter registration; jury lists; congressional, legislative, judicial, and prosecutorial districts; causes of action related to taxes; and school assignment.

Gives the counties' elected and appointed officials and employees immunity from liability under any local or North Carolina statute, law, ordinance, rule, or regulation for any act or failure to act relating to taxation, school attendance, land-use controls, elections, or any other governmental function as it relates to the currently used boundary line of Mecklenburg County and Union County.

Requires owners and future owners of properties affected by this act to be put on notice of the terms and conditions of this act by a written instrument filed in the office of the register of deeds of the county to which the property has been annexed.

Intro. by Arp, Cotham, Willis, Brody.[Mecklenburg, Union](#)[View summary](#)

H 459 (2023-2024) [SMITH REYNOLDS AIRPORT DEANNEXATION](#). Filed Mar 22 2023, *AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF WINSTON-SALEM*.

Removes the specified properties from Winston-Salem's corporate limits. Specifies that the act has no effect upon the validity of any liens of the City of Winston-Salem for ad valorem taxes or special assessments outstanding before the act's effective date; allows the liens to be collected or foreclosed upon after the effective date of this act as though the property were still within the City's corporate limits. Effective June 30, 2023. Specifies that property in the described territory as of January 1, 2023, is no longer subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2023.

Intro. by Lambeth, Zenger, K. Hall.

Forsyth

[View summary](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 2: EXTEND DEADLINE FOR EXPENDITURE OF FUNDS.

House: Concurred In S Com Sub

House: Ordered Enrolled

H 11: SCHOOLS FOR THE DEAF AND BLIND.

House: Ratified

H 76: ACCESS TO HEALTHCARE OPTIONS.

House: Concurred On 2nd Reading

H 77: DRIVERS LICENSE DESIGNATION/AUTISM.

House: Reptd Fav Com Substitute

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

House: Withdrawn From Com

House: Placed On Cal For 03/23/2023

H 96: NC REACH ACT.

House: Amend Adopted A1

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Engrossed

H 97: IN-STATE TUITION PILOT PROGRAM.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 113: PROHIBIT RENAMING OF FAYETTEVILLE STATE.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 158: STANLY CC/CONTRACT DATE & MCC STATUS.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 187: EQUALITY IN EDUCATION.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 188: STANDARDS OF STUDENT CONDUCT.

House: Reptd Fav

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

H 214: ADD MEMBERS TO NC TRAINING STANDARDS COMMISS.

House: Withdrawn From Com

House: Re-ref to the Com on Judiciary 3, if favorable, Rules, Calendar, and Operations of the House

H 224: PROTECT NC OPIOID SETTLEMENT PAYMENTS.

House: Reptd Fav Com Substitute

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

H 250: DEATH BY DISTRIBUTION/GOOD SAMARITAN/AUTOPSY. (NEW)

House: Passed 2nd Reading

House: Passed 3rd Reading

H 255: REGULATE EV CHARGING STATIONS.

House: Reptd Fav Com Substitute

House: Re-ref Com On Regulatory Reform

H 278: THE RAKIM SHACKLEFORD EMBALMING FLUID ACT.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 282: TRADE SCHOOLS STUDY.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 288: REMOVE FEE/FIRE DEPT. & RESCUE SQUAD PLATE.

House: Reptd Fav

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

House: Withdrawn From Com

House: Placed On Cal For 03/23/2023

H 347: SPORTS WAGERING.

House: Reptd Fav Com Substitute

House: Re-ref Com On Judiciary 1

House: Reptd Fav

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

H 352: EXPRESSING JAPANESE FRIENDSHIP.

House: Adopted

H 411: GENERAL ASSEMBLY APPOINTMENTS.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 420: EXPAND & CONSOLIDATE K-12 SCHOLARSHIPS.

House: Passed 1st Reading

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

H 421: MEDICAID COVERAGE FOR DOULA SERVICES.

House: Passed 1st Reading

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

H 422: UNFAIR REAL ESTATE AGREEMENTS ACT.

House: Passed 1st Reading

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

H 423: FUNDS FOR LOST COLONY AMPHITHEATER.*House: Passed 1st Reading**House: Ref to the Com on Appropriations, if favorable, Rules, Calendar, and Operations of the House***H 424: PRIVATE PARKING IMMOBILIZATION.***House: Passed 1st Reading**House: Ref to the Com on Transportation, if favorable, Judiciary 1, if favorable, Rules, Calendar, and Operations of the House***H 425: STOP COUNTERFEIT PILLS ACT.***House: Passed 1st Reading**House: Ref to the Com on Health, if favorable, Judiciary 3, if favorable, Rules, Calendar, and Operations of the House***H 426: REVISE AQUACULTURE GENERAL PERMIT.***House: Passed 1st Reading**House: Ref to the Com on Regulatory Reform, if favorable, Rules, Calendar, and Operations of the House***H 427: HONOR WOMEN VETERANS 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 428: VOLUNTEER FIREFIGHTERS PROPERTY TAX EXCLUSION.***House: Passed 1st Reading**House: Ref To Com On Rules, Calendar, and Operations of the House***H 434: NATIONAL INST. OF MINORITY ECO. DEV. FUNDING.***House: Filed***H 436: PERMANENT PLATES FOR WATER & SEWER AUTHORITY.***House: Filed***H 437: TOWN OF GREENVILLE BULKHEAD REPAIR/FUNDS.***House: Filed***H 439: RBG ACT.***House: Filed***H 440: DIRECT CARE WORK WAGE INCREASES/INNOV. WAIVER.***House: Filed***H 442: UI DRUG TESTING REQUIREMENTS/FUNDS.***House: Filed***H 443: RENEWABLE ENERGY TAX CREDIT.***House: Filed***H 444: SUBSTANCE USE DISORDER/UPDATE LANGUAGE.***House: Filed***H 445: CLOSED SESSION REMINDER.***House: Filed***H 446: EXPEDITE SURPLUS PROP./EDUCATIONAL ORGS.***House: Filed***H 447: CLARIFY MOTOR VEHICLE DEALER LAWS.**

House: Filed

H 448: VARIOUS MOTOR VEHICLE LAW REVISIONS.

House: Filed

H 450: PHARMACIST PROVIDED HEALTH CARE SERVICES.

House: Filed

H 451: NONCONTIGUOUS EXPANSION OF MSDS.

House: Filed

H 455: EXPEDITE WATER/WASTEWATER FRANCHISE TRANSFER.

House: Filed

H 456: REPEAL VEHICLE EMISSIONS INSPECTION RQMT'S.

House: Filed

H 458: EMINENT DOMAIN.

House: Filed

H 460: FUNDS FOR CHIN PAGE LIFT STATION.

House: Filed

H 461: PERSON COUNTY MEGASITE FUNDING.

House: Filed

S 44: MOBILE BEAUTY SALONS.

Senate: Withdrawn From Com

Senate: Re-ref to Commerce and Insurance. If fav, re-ref to Judiciary. If fav, re-ref to Finance. If fav, re-ref to Rules and Operations of the Senate

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

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Enrolled

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

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 100: AUTHORIZE HAW RIVER STATE TRAIL.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 174: REV. LAWS TECH., CLARIFYING, & ADMIN. CHNGS.

House: Passed 3rd Reading

S 187: TEACHER LICENSURE CHANGES (NEW).

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 195: UNC OMNIBUS.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 236: MODERNIZE AUDIOLOGY PRACTICE LAWS.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

S 267: RESTRICT DETACHED CATALYTIC PURCHASES.

Senate: Withdrawn From Com

Senate: Re-ref to Judiciary. If fav, re-ref to Rules and Operations of the Senate

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

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 274: HOME ASSISTANCE SERVICES. (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

S 291: QRIS/STAR RATING SYSTEM REFORM.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

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

Senate: Withdrawn From Com

Senate: Re-ref to Finance. If fav, re-ref to Judiciary. If fav, re-ref to Rules and Operations of the Senate

S 338: EQUAL PAY ACT.

Senate: Passed 1st Reading

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

S 339: MODIFY LMTD DRIVING PRIVILEGE/CRIMINAL LAWS.

Senate: Passed 1st Reading

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

S 340: EXPAND PROB. OFFICER/SHERIFF AUTHORITY.

Senate: Passed 1st Reading

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

S 341: SAFETY AND EMISSION INSPECTION MODIFICATIONS.

Senate: Passed 1st Reading

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

S 342: ATV AND UTV TITLING/MOD. UTV REVISIONS.

Senate: Passed 1st Reading

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

S 343: PROTECT THE CHILDREN IN PRIVATE SCHOOLS.

Senate: Passed 1st Reading

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

S 344: UNFAIR REAL ESTATE AGREEMENTS ACT.

Senate: Passed 1st Reading

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

S 345: ALARM SYSTEMS LICENSING ACT MODERNIZATION.

Senate: Passed 1st Reading

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

S 346: MARIJUANA JUSTICE AND REINVESTMENT ACT.

Senate: Passed 1st Reading

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

S 347: REVISE, STUDY, AND FUND LEP ALLOTMENT.

Senate: Passed 1st Reading

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

S 348: EXTENDED-YEAR TEACHER CONTRACTS.

Senate: Passed 1st Reading

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

S 349: WHIZ KIDS/SLOW POKES VOTER REGISTRATION.

Senate: Filed

S 350: 2023 SAFE DRINKING WATER ACT.

Senate: Filed

S 351: STATEWIDE YEAR-ROUND SCHOOL STUDY.

Senate: Filed

S 352: REMOVE FOREIGN CITIZENS FROM VOTING ROLLS.

Senate: Filed

S 353: RBG ACT.

Senate: Filed

S 354: NC TEN.

Senate: Filed

S 355: CLARIFY DEFINITION/PROPERTY-HAULING VEHICLES.

Senate: Filed

S 356: CLARIFY MOTOR VEHICLE DEALER LAWS.

Senate: Filed

S 357: VARIOUS MOTOR VEHICLE LAW REVISIONS.

Senate: Filed

S 358: REDIRECT LOTTERY ADVERTISING FOR FOSTER CARE.

Senate: Filed

S 359: MEDAL OF VALOR AWARD FOR EMER. RESPONDERS.

Senate: Filed

S 360: MODIFY VICTIM AND SEX OFFENSE REGISTRY LAWS.

Senate: Filed

S 361: STOP ADDICTION FRAUD ETHICS ACT OF 2023.

Senate: Filed

LOCAL BILLS

H 133: GRAHAM COUNTY OCCUPANCY TAX.*House: Passed 3rd Reading***H 184: HAYWOOD COUNTY OCCUPANCY TAXES.***House: Passed 3rd Reading***H 213: INDIAN TRAIL/STALLINGS OCCUPANCY TAX AUTH.***House: Passed 3rd Reading***H 220: LANSING/JEFFERSON/STOKES OCC. TAX AUTH. (NEW)***House: Passed 3rd Reading***H 231: YANCEY COUNTY OCCUPANCY TAX MODIFICATION. (NEW)***House: Reptd Fav**House: Re-ref Com On Rules, Calendar, and Operations of the House**House: Withdrawn From Com**House: Placed On Cal For 03/23/2023***H 232: MITCHELL COUNTY OCCUPANCY TAX INCREASE.***House: Reptd Fav**House: Re-ref Com On Rules, Calendar, and Operations of the House**House: Withdrawn From Com**House: Placed On Cal For 03/23/2023***H 233: AVERY COUNTY OCCUPANCY TAX MODIFICATION.***House: Reptd Fav**House: Re-ref Com On Rules, Calendar, and Operations of the House**House: Withdrawn From Com**House: Placed On Cal For 03/23/2023***H 238: TOWN OF CLAYTON OCCUPANCY TAX.***House: Reptd Fav**House: Re-ref Com On Rules, Calendar, and Operations of the House**House: Withdrawn From Com**House: Placed On Cal For 03/23/2023***H 240: TOWN OF FOUR OAKS OCC. TAX AUTHORIZATION.***House: Reptd Fav**House: Re-ref Com On Rules, Calendar, and Operations of the House**House: Withdrawn From Com**House: Placed On Cal For 03/23/2023***H 242: WRIGHTSVILLE BEACH INITIATIVE ORDINANCES.***House: Passed 2nd Reading**House: Passed 3rd Reading***H 308: ALEXANDER CO. BD. OF ED. REFERENDUM.***House: Passed 2nd Reading**House: Passed 3rd Reading***H 435: BULKHEAD AUTHORITY FOR CAROLINA BEACH.***House: Filed***H 438: FRANKLIN/GRANVILLE RECOGNIZED COMMON BOUNDARY.**

House: Filed

H 441: CLARIFY ANIMAL WELFARE ACT.

House: Filed

H 449: CERTAIN BEACH TOWNS/NAVIGABLE WATERS.

House: Filed

H 452: FRANKLIN CO. BD. OF ED. ELECT. TO NOV.

House: Filed

H 453: CABARRUS COUNTY/MEMBERS PARTICIPATE REMOTELY.

House: Filed

H 454: CONCORD/DISTRIBUTION OF ABC NET PROFITS.

House: Filed

H 457: UNION/MECKLENBURG COUNTY BOUNDARY.

House: Filed

H 459: SMITH REYNOLDS AIRPORT DEANNEXATION.

House: Filed

S 126: CITY OF ASHEVILLE/PARKING METER PROCEEDS.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

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