

The Daily Bulletin: 2024-06-12

PUBLIC/HOUSE BILLS

H 98 (2023-2024) [RIGHT TO TRY INDIVIDUALIZED TREATMENTS. \(NEW\)](#) Filed Feb 13 2023, *AN ACT TO PROVIDE ELIGIBLE PATIENTS THE RIGHT TO TRY INDIVIDUALIZED INVESTIGATIONAL DRUGS, BIOLOGICAL PRODUCTS, AND DEVICES TO TREAT LIFE-THREATENING OR SEVERELY DEBILITATING ILLNESSES.*

Senate committee substitute to the 3rd edition replaces the previous edition in its entirety with the following. Adds new Part 3, Individualized Treatments, to Article 23A of GS Chapter 90, providing as follows.

Allows a manufacturer operating within an eligible facility and in accordance with federal laws to make available to an eligible patient, and an eligible patient may request, the manufacturer's individualized investigational drug, biological product, or device. Specifies that this does not require the manufacturer to make the item available. Allows such a manufacturer to provide the individualized investigational drug, biological product, or device to an eligible patient for free or may require the patient to pay the costs of, or the costs associated with, the manufacture of the individualized investigational drug, biological product, or device.

Defines an eligible patient as an individual who meets all of the following: (1) has a life-threatening or severely debilitating illness, attested to by a treating physician; (2) has, in consultation with a treating physician, considered all other treatment options currently approved by the US Food and Drug Administration; (3) has received a recommendation from the treating physician for use of an individualized investigational drug, biological product, or device for treatment of the life-threatening or severely debilitating illness; (4) has given informed consent in writing (as defined) to use of the individualized investigational drug, biological product, or device for treatment of the life-threatening or severely debilitating illness or, if the individual is a minor or is otherwise incapable of providing informed consent, the parent or legal guardian has given informed consent in writing to use of the individualized investigational drug, biological product, or device; and (5) has documentation from the treating physician that the individual meets all of the criteria for this definition. Defines an eligible facility as any institution operating under Federalwide Assurance for the Protection of Human Subjects in accordance with 45 C.F.R. § 46 and 42 U.S.C. § 289(a). Defines individualized investigational drug, biological product, or device as a drug, biological product, or device that is unique and produced exclusively for use for an individual patient, based on their own genetic profile, including individualized gene therapy antisense oligonucleotides and individualized neoantigen vaccines.

Provides that if a patient dies during treatment with the investigational drug, biological product, or device, their heirs are not liable for any outstanding debt related to the treatment.

Prohibits taking disciplinary action against a licensed health care provider, or action against their Medicare certification, based solely on their recommendation to an eligible patient regarding access to or treatment with the individualized item.

Prohibits State officials, employees, or agents from blocking or attempting to block an eligible patient's access to an individualized investigational drug, biological product, or device. Also prohibits bringing a private right of action against a manufacturer, or against any other person or entity involved in the patient's care for any harm resulting from use of the individualized investigational drug, biological product, or device as long as the manufacturer or other person or entity has made a good-faith effort to comply with the provisions of this Part and has exercised reasonable care in actions undertaken pursuant to this Part.

Specifies that the Part does not affect a health benefit plan's obligation to provide coverage for an insured's participation in a clinical trial.

Effective October 1, 2024.

Makes conforming changes to the act's titles.

Intro. by Biggs, Hardister, N. Jackson, Lambeth.

GS 115C, GS 116, GS 130A, GS 143, GS 153A, GS 160A

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Courts/Judiciary, Civil, Civil Law, Education, Elementary and Secondary Education, Higher Education, Government, State Agencies, Community Colleges System Office, UNC System, Department of Health and Human Services, State Government, State Personnel, Local Government, Health and Human Services, Health, Public Health

H 155 (2023-2024) **TITLES FOR OFF-ROAD VEH./LOW SPEED VEH. INSP. (NEW)** Filed Feb 21 2023, *AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A CERTIFICATE OF TITLE FOR ALL-TERRAIN VEHICLES AND UTILITY VEHICLES, TO EXPAND THE STREETS OR HIGHWAYS ON WHICH A MODIFIED UTILITY VEHICLE MAY BE LEGALLY OPERATED, AND TO AUTHORIZE THE OFF-SITE SAFETY INSPECTION OF LOW-SPEED VEHICLES BY LICENSED SAFETY INSPECTION STATIONS.*

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

Section 1

Amends new GS 20-53.6 so that the owner of an all-terrain vehicle, modified utility vehicle, or utility vehicle may apply for a certificate of title by completing the application form (was, owner of an all-terrain vehicle, off-road motorcycle, or utility vehicle purchased as a new vehicle from a retailer on or after January 1, 2024, must apply for a certificate of title by completing the application form). No longer requires the application form to include a statement of the owner's title and of all liens upon the vehicle and the specification that the provisions of GS Chapter 20 that relate to perfection of security interests do not apply to vehicles issued a certificate of title under the statute. Deletes the provision that applies to owners of an all-terrain vehicle, off-road motorcycle or utility vehicle that is not required to be titled but who want to apply for a title. Removes the definitions.

Amends GS 20-54 to require refusal of registration and instead issue a certificate of title for all-terrain vehicles.

Amends GS 20-121.1 (concerning operation of low-speed trucks, mini-trucks, or modified utility vehicles on certain roadways) to remove limitation on operation of modified utility vehicle on four-lane streets or highways to those where the posted speed is 35 mph or less.

Extends the effective date for the above statutes by one year, to October 1, 2024.

Section 2

Effective July 1, 2025, and applying to low-speed vehicles inspected on or after that date, allows low-speed vehicle safety inspections to be performed at a location other than the inspection station by a station that has a safety inspection station license issued by the DMV and by a mechanic who is employed by the station and has a safety inspection mechanic license issued by the DMV. Requires the Department of Transportation (DOT) to adopt rules to implement the act before July 1, 2025.

Amends the act's titles.

Intro. by Sossamon, N. Jackson, Biggs.

GS 20

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

H 199 (2023-2024) **DMV PROPOSED LEGISLATIVE CHANGES.-AB** Filed Feb 23 2023, *AN ACT TO MAKE VARIOUS CHANGES TO THE MOTOR VEHICLE, LIEN HEARING NOTIFICATION, AND SERVICE OF PROCESS LAWS OF THE STATE, AS*

RECOMMENDED BY THE DIVISION OF MOTOR VEHICLES OF THE DEPARTMENT OF TRANSPORTATION, AND TO MAKE OTHER CHANGES TO LAWS RELATED TO TRANSPORTATION.

Senate committee substitute to the 4th edition makes the following changes.

Section 2

Amends GS 20-17.8 (pertaining to restoration of a license after certain driving while impaired convictions) so that it only applies to a person whose license was revoked under GS 20-141.1 if the person was engaged in the offense of impaired driving under GS 20-138.1 and had an alcohol concentration of 0.08 or more at the time of the offense, or the person was engaged in the offense of impaired driving under GS 20-138.2 and had an alcohol concentration of 0.04 or more at the time of the offense.

Section 20.5

Adds the following.

Amends GS 20-88.1 to require the DMV to develop a training course, or identify an existing training course, to educate individuals on the safe operation of a motor vehicle within a highway work zone. Requires the DMV to: (1) ensure that the course is accessible to the public both in-person and on its website and (2) develop a method for a person to demonstrate successful completion of the training course. Expands the driving education program under GS 115C-215 to include the highway work zone training course. Effective December 1, 2025.

Requires the DMV, in consultation with the Department of Public Instruction (DPI) to: (1) develop the highway work zone training course as discussed above; and (2) develop a plan to accomplish the accessibility, completion, and integration into drivers education curriculum requirements listed above. Requires the DMV to submit a report on their progress to the specified NCGA committees and division by March 31, 2025.

Section 25

Makes a technical change in GS 20-79.7 (distribution of fees for special registration plates) to reflect current law.

Section 27

Amends GS 20-288 (concerning applications for licenses by motor vehicle dealers) to specify that for a licensed dealer, manufacturer, factory branch, distributor, distributor branch, or wholesaler applying for renewal, the death of a co-owner in the licensed business entity is not considered a change of ownership for purposes of licensure, as long as the business entity has no new co-owners or changes in structure of the business entity. Directs that applicant will be considered by the DMV to be a continuing business for purposes of renewal and shall not be required to apply for a license as a new business.

Section 32

Corrects the number of the statute being amended to GS 136-89.183A.

Removes new Article 33 of GS Chapter 160A (establishing a rail transportation corridor authority).

Makes organizational changes.

Intro. by B. Jones, Shepard, McNeely, Tyson.

[STUDY, GS 1, GS 20, GS 44A, GS 66, GS 74C, GS 105, GS 114, GS 136](#)

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[Business and Commerce, Occupational Licensing, Courts/Judiciary, Civil, Civil Law, Motor Vehicle, Criminal Justice, Criminal Law and Procedure, Government, Public Records and Open Meetings, State Agencies, Department of Adult Correction, Department of Transportation, Tax, Local Government](#)

H 207 (2023-2024) [DISCIPLINE CHANGES. \(NEW\)](#) Filed Feb 23 2023, *AN ACT TO ALLOW FOR WRITTEN ACCOUNTS FOR INCIDENTS THAT MAY RESULT IN SHORT-TERM OR LONG-TERM SUSPENSIONS AND TO MAKE CHANGES TO THE SHORT-TERM SUSPENSION PROCESS.*

Senate committee substitute replaces the 1st edition in its entirety with the following. Makes conforming changes to the act's titles.

Section 1

Amends GS 115C-390.2 to direct governing bodies of public school units to require principals or their designees to accept a detailed, written eyewitness account of an incident that could result in a short-term or long-term suspension by either school personnel or the student subject to discipline within 24 hours of the incident.

Section 2

Amends the short-term suspension procedures under GS 115C-390.6 as follows. Requires the principal or their designee to provide the student with detailed, written information of the specific section of the public school unit's Code of Student Conduct (Code) that the student's conduct violated and how the conduct violated that section at the informal hearing. Provides for a right of appeal for students in grade nine or above if the short-term suspension is for five or more days and the appeal is made within 14 days of the principal's decision. Requires the principal or their designee to give the student information on their right to appeal at the informal hearing. Requires the governing body of the public school unit to adopt a policy with the procedures for the appeal. Provides for an appeal hearing and a written decision on the appeal based on substantial evidence to uphold or reverse the principal's decision. Makes conforming changes.

Section 3

Amends GS 115C-402 to create a process for expunction of any notice of a short-term suspension imposed on a student in grade nine or above. Requires that the notice be expunged from the record, at the earliest, at the end of the school year in which the suspension was imposed if the student's parent, legal guardian, or the student (if at least 16 years of age) requests the expungement, the student graduates from high school or has not been expelled or suspended again during the same school year, and the superintendent or their designee determines that the record is no longer needed to maintain safe and orderly schools or to adequately serve the child.

Applies beginning with the 2024-2025 school year.

Intro. by Elmore, Clemmons, Torbett.

GS 115C

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[Education, Elementary and Secondary Education](#)

H 250 (2023-2024) [ME/IDS/DRIVING PRIVILEGES/XYLAZINE CHANGES. \(NEW\)](#) Filed Mar 1 2023, *AN ACT TO MAKE REVISIONS PERTAINING TO DEATH INVESTIGATIONS UNDER THE JURISDICTION OF THE OFFICE OF THE CHIEF MEDICAL EXAMINER, TO MODIFY THE INDIGENT DEFENSE SERVICES COMMISSION, TO MODIFY THE CRITERIA FOR OBTAINING A LIMITED DRIVING PRIVILEGE, AND TO PROVIDE THAT A PERSON SUBJECT TO AN IGNITION INTERLOCK SYSTEM REQUIREMENT SHALL HAVE THE PERSON'S PERIOD OF COMPLIANCE WITH THE REQUIREMENT EXTENDED IF THE PERSON COMMITS AN IGNITION INTERLOCK SYSTEM VIOLATION DURING THE NINETY-DAY PERIOD IMMEDIATELY PRECEDING THE DATE THE PERSON'S INITIAL PERIOD OF COMPLIANCE IS TO END.*

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

Amendment #1 removes new GS 14-18.5 (concerning death by distribution of xylazine; aggravated death by distribution of xylazine; penalties). Makes conforming changes to act's title.

Amendment #2 makes the following changes.

Section 2

Amends GS 7A-498.4 (the Indigent Defense Services Commission [IDSC]) as follows. Increases its membership from thirteen to fifteen members. Reinstates provisions allowing the NC Association of Black Lawyers and the NC Association of Women Lawyers to appoint one attorney member each to the IDSC. Amends the composition of the two general attorney appointees by the President Pro Tempore of the NC Senate and the Speaker of the NC House so that one of those attorneys must be an active or retired public defender. Amends the NC Public Defenders Association's appointee so that the appointee can either be an active or retired public defender. Makes conforming changes.

Intro. by Arp, K. Baker, Wray, Carson Smith.

GS 7A, GS 90, GS 130A

[View summary](#)

Courts/Judiciary, Court System, Health and Human Services, Health, Public Health

H 287 (2023-2024) **HEALTH CARE OMNIBUS. (NEW)** Filed Mar 7 2023, *AN ACT REQUIRING HEALTH CARE PRACTITIONERS AND PHARMACISTS TO EDUCATE PATIENTS WITH PRESCRIPTIONS FOR OPIOID PAIN MEDICATIONS AND MEDICATIONS TO TREAT OPIOID USE DISORDER ABOUT THE POTENTIAL DANGERS OF OPIOIDS, OVERDOSE PREVENTION, AND THE AVAILABILITY AND USE OF OPIOID ANTAGONISTS TO PREVENT OVERDOSE DEATHS; CLARIFYING MEDICAID BENEFITS FOR INMATES; ALLOWING RECIPROCAL LICENSING FOR MARRIAGE AND FAMILY THERAPISTS; REDUCING THE UNNECESSARY REGULATORY BURDEN ON MASTER'S LEVEL PSYCHOLOGISTS; INCREASING ACCESS TO QUALITY MENTAL HEALTH CARE SERVICES; ELIMINATING CERTIFICATE OF NEED REVIEW FOR INPATIENT REHABILITATION SERVICES, REHABILITATION FACILITIES, AND REHABILITATION BEDS; AND INCREASING THE NUMBER OF EDUCATION HOURS REQUIRED FOR LICENSURE AS A MASSAGE THERAPIST.*

Senate committee substitute to the 3rd edition makes the following changes. Makes organizational changes. Changes the act's short and long titles.

Section 1

Changes the effective date for new GS 90-12.8 to December 1, 2025 (was, October 1, 2023). Specifies that pharmacies distributing Schedule II controlled substances can make the information described in GS 90-12.8(a)(1)a-c available in electronic or paper form. Allows the information required to be displayed through signage to be provided through a Quick Response code or similar technology.

Adds the following.

Section 2

Amends the exceptions to Medicaid coverage under GS 108D-40(a), as follows. Directs that recipients residing in carceral settings other than prisons whose Medicaid eligibility has been suspended are not eligible for Medicaid coverage. Directs that the exception under GS 108D-40(a) will continue to apply until the shorter of the following: (1) the recipient's initial Medicaid eligibility certification period post-release or (2) 365 days. Applies this same waiting period for prison inmates exempt from Medicaid coverage upon their release from prison. Effective January 1, 2025.

Section 3

Amends GS 90-270.56 (reciprocal licenses). Requires the Marriage and Family Therapy Licensure Board (Board) to issue marriage and family therapy licenses (currently, has discretion) if four requirements are met. Changes the licensure requirement for marriage and family therapists to remove the five-year licensure requirement and replaces that with a requirement that the individual have passed the Board's exam on jurisprudence. Removes licensure as a marriage and family therapy associate as a qualifying license. Allows an individual to meet the licensure requirement if they have been licensed as a marriage and family therapist in another state for two continuous years. Makes a technical change. Increases the types of exams that meet the examination requirement to include the clinical examination required by the licensing board that regulates marriage and family therapy in the State of California. Requires applicants for licensure as a marriage and family therapist to submit a current report from the US DHHS National Practitioner Data Bank to the Board. Provides for designation of license as reciprocal license with the same rights and obligations, including continuing education, as those holding an in-state license. Sets out qualifications for a license as a marriage and family therapy associate by reciprocity. Makes organizational changes.

Makes conforming changes to GS 90-270.55 (examinations) and GS 90-270.63 (criminal history checks of applicants). Applies to applicants for licensure received on or after October 1, 2024.

Section 4

Amends the supervision provisions under the Psychology Practice Act (GS 90-270.139) as follows. Enacts GS 90-270.139(e1), which exempts certain licensed psychological associates from supervision if they have met the following requirements: (1) 4,000 hours of post-licensure experience in the delivery of psychological services under the supervision of one or more qualified licensed psychologists or qualified licensed psychological associates within a time period of at least twenty-four consecutive months and less than sixty consecutive months; (2) documentation that all performance ratings for those hours have been average or above-average; and (3) they submit an application for independent practice with proof of the required hours. Requires the NC Psychology Board (Psychology Board) to approve a licensed psychological associate to engage in independent practice if the licensed psychological associate meets those requirements. Makes conforming changes to GS 90-270-139(e) and deletes all of the specified activities for when a licensed psychological associate needs supervision set forth in GS 90-270-139(e)(3). Instead, provides that a licensed psychological associate needs supervision when they engage in psychology in accordance with the Psychology Board's rules.

Prevents a licensed psychological associate from engaging in the practice of neuropsychology or forensic psychology under GS 90-270.145(b) without first demonstrating specialized education and training to practice in those areas as the Psychology Board may determine by rule. Permits the Psychology Board to consider the licensed psychological associate's graduate level course work, continuing education, supervised training experience, or any other factors the board deems appropriate in determining considering whether the licensed psychological associate has sufficient specialized education and training to engage in the practice of neuropsychology or forensic psychology. Defines *neuropsychology* and *forensic psychology*.

Amends GS 90-270.153 (certification as health services provider) as follows. Creates an exception to supervision requirement for a licensed psychological associate who possesses a certification as a health services provider psychological associate to provide health services without supervision upon meeting the requirements in GS 90-270.139, discussed above. Allows a licensed psychological associate who was licensed before June 30, 2013, who can demonstrate, in accordance with Psychology Board rules, that they have been engaged in the provision of health services psychology under supervision for 4,000 hours within a time period of at least 24 consecutive months and less than 60 consecutive months, to meet the requirements for certification as a health services provider psychological associate.

Creates a nominating committee consisting of the Psychology Board, the NC Psychological Association or its successor, and the NC Association of Professional Psychologists to solicit nominees from licensees for any vacancies that occur on the Psychology Board under GS 90-270.140 (currently, Board does not participate in the vacancy process and the associations seek advice of the chairs of the graduate departments of psychology in the State instead of seeking nominees).

Effective October 1, 2024.

Section 5

Amends GS 131E-176 (the definitions pertaining to certificates of need) so that rehabilitative health services, rehabilitation health service facilities, rehabilitation health service facility beds, rehabilitation facility hospitals for rehabilitation of injured, disabled, or sick persons, nursing provided at an inpatient rehabilitation facility for the rehabilitation of sick, injured, or disabled individuals are no longer included in the definitions.

Section 6

Extends the training requirements for licensure as a massage and bodywork therapist to 650 in-class hours (currently, 500 in-class hours) under GS 90-629 (requirements for licensure). Applies to applicants for licensure received on or after July 1, 2024.

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

[GS 90, GS 108D, GS 131E](#)

[View summary](#)

[Business and Commerce, Occupational Licensing, Health and Human Services, Health, Health Care Facilities and Providers, Public Health](#)

H 309 (2023-2024) [VARIOUS TRANSPORTATION CHANGES. \(NEW\)](#) Filed Mar 8 2023, *AN ACT TO PROVIDE FOR APPOINTMENT OF THE COMMISSIONER OF MOTOR VEHICLES BY THE GOVERNOR SUBJECT TO SENATORIAL ADVICE AND CONSENT; TO PROVIDE FLEXIBILITY IN CONTRACTING FOR NEVI FORMULA PROJECTS; TO PROVIDE FOR EVALUATION AND OVERSIGHT OF DIVISION OF MOTOR VEHICLES MODERNIZATION EFFORTS; TO MAKE VARIOUS CHANGES TO THE LAWS THAT RELATE TO THE NORTH CAROLINA RAILROAD; AND TO AUTHORIZE CREATION OF A RAIL TRANSPORTATION CORRIDOR AUTHORITY.*

Senate committee substitute to the 2nd edition removes the content of the previous edition and replaces it with the following. Makes conforming changes to the act's titles.

Section 1

Amends GS 20-2 to require that the Commissioner of Motor Vehicles be appointed by and serve at the pleasure of the Governor instead of the Secretary of the Department of Transportation (DOT). Makes the Governor's appointment subject to the Senate's advice and consent. Makes organizational changes to the statute.

Section 2

Authorizes DOT to utilize design-build, indefinite delivery, indefinite quantity, public-private partnership, or any other contracting methodology authorized by applicable federal law to administer the National Electric Vehicle Infrastructure (NEVI) Formula Program. Specifies that for these purposes, DOT projects which use contracting methodologies authorized by this provision to implement, administer, or use NEVI Formal Program funds will not count against DOT project contract award authorization caps limiting the use of certain construction methodologies.

Section 3

Repeals Section 11 of SL 2021-134, which allowed DOT to manage, procure information technology goods and services, and enter into contracts for up to five information technology projects for Division of Motor Vehicles (DMV) system modernization, and exempted those projects from Department of Information Technology oversight and requirements.

Prohibits DOT from renewing and allows to expire any contract that was entered into under the exemption that was in Section 11 of SL 2021-134.

Requires the Department of Information Technology to consult with DMV and develop and issue a Request for Proposal (RFP) to contract with a third party to evaluate the DMV's ongoing efforts to modernize its information technology (IT) systems. Sets out seven issues that must be addressed in the evaluation, including: (1) an in-depth analysis of the DMV's plan to implement a cloud-based operating system and any other updates to its IT systems; (2) an estimate of when the DMV's anticipated updates to its IT systems will begin directly improving customer service; and (3) an assessment of whether the DMV has an adequate personnel management plan in place to implement planned updates to its IT systems. Requires funding for implementation be provided by funds previous appropriated to DMV for the purpose of IT modernization. Requires DMV to report on the evaluation to the chairs of the specified NCGA committees and division by January 31, 2025.

Requires DMV, in consultation with DIT, by May 1, 2025, to use the evaluation findings to select a vendor to oversee and manage implementation of the cloud-based operating system. Sets out reporting requirements for the vendor.

Section 4

Repeals Section 7.1 of SL 2023-136 (S512) which replaced one of the Governor's appointees to the North Carolina Railroad Board of Directors with an appointee by the State Treasurer. Repeals Section 6.4 of SL 2023-139 which requires that if Senate Bill 512, 2023 Regular Session, became law, then the North Carolina Railroad Board of Directors must elect a chair pursuant to GS 124-15(a), as amended by Section 7.1(a) of that act, no later than 90 days after the date that the member to be appointed by the State Treasurer has been initially appointed.

Amends GS 124-15 by replacing one of the Governor's appointees to the North Carolina Railroad Board of Directors with the Commissioner of Agriculture or their designee. Removes outdated language. Adds that each member of the Board of Directors for any State-owned railroad company must have the fiduciary duties to the State-owned railroad company.

Requires that the Governor's appointee replaced by the Commission of Agriculture be one with a term beginning in 2023, and requires that the Commissioner serve for the remainder of the term. Requires the Board of Directors to decide which of the appointees will be replaced.

Amends GS 124-1 to provide that the Governor and Council of State do not have charge of the State's interest in a State-owned railroad company. Makes a technical change in GS 124-11.

Section 5

Adds new Article 33, Rail Transportation Corridor Authority, to GS Chapter 160A, providing as follows. Sets out and defines terms used in the Article. Defines rail corridor as a combination of rail line and real and personal property, structures, improvements, buildings, equipment, vehicle parking, and other appurtenant fixtures essential to rail operations and public transportation, including any facilities, maintenance yard, marshalling yard, transfer yard, utilities, pedestrian foot paths, and bicycle paths. Defines rail corridor project as any of the following that is part of or used in connection with a rail corridor and is not a special user project (as defined): (1) any land, equipment, or buildings or other structures, whether located on one or more sites within a rail corridor, or (2) the addition to or the rehabilitation, improvement, renovation, or enlargement of any property described above. Specifies that the term rail corridor project includes infrastructure improvements, such as improvements to railroad facilities, roads, bridges, and water, sewer, or electric utilities. Allows a rail corridor project to include a facility leased to one or more entities under a true lease. Defines a unit of local government as a county, city, town, or municipality of this State, and any other political subdivision, public corporation, authority, or district in this State, that is or may be authorized by law to acquire, establish, construct, improve, maintain, own, or operate a rail corridor.

Allows the creation of a Rail Transportation Corridor Authority (Authority) for any area of the State that, at the time of creation of the Authority meets the following: (1) the area consists of three or more contiguous counties each containing portions of an existing rail corridor, with one of the counties having a population in excess of 150,000 but less than 200,000 based on the 2020 census and the other two contiguous counties having a population in excess of 75,000 but less than 90,000 based on the same census; (2) the distance between the rail corridor milepost origination and termination points is no more than 25 miles long; (3) if the Authority intends to receive existing rail corridor interests in property, those interests can be transferred to the Authority without purchase of those interests; and (4) an Authority must not have jurisdiction over any Class I railroad, nor a rail line or rail corridor owned or operated by the US Department of Defense, nor a rail line owned or operated by the North Carolina Railroad Company or its subsidiaries. Requires the Authority's territorial jurisdiction to be coterminous with the boundaries of the three or more organizing counties, except when the Authority intends to receive existing rail corridor interests in property than can be transferred without purchase. Requires the Authority's rail corridor service area to be designated by and recorded in the minutes of the Authority's Board of Trustees (BOT), consistent with its purpose, and must not exceed immediately adjacent and proximate area of the rail corridor as owned or otherwise controlled by the Authority. Requires the boundaries of the Authority's rail corridor to be designated by and recorded in the BOT's minutes once the properties and rail line making up the rail corridor are in the Authority's possession or control. Sets out the conditions that must be met before the Authority can extend the rail corridor into a political subdivision that is not an organizing entity. Prohibits the Authority from extending its rail corridor to be longer than 25 miles through any subsequent addition. Sets out requirements for how the rail corridor boundaries are to be described.

Requires the adoption of a resolution to create an Authority by the boards of commissioners of all three or more counties within an area for which an Authority may be created and the elected board of municipality containing a portion of the rail corridor. Requires a public hearing before adoption of the resolution and sets out requirements for notice of the public hearing. Requires the resolution to form an Authority to include articles of incorporation that set forth specified information. Requires that a certified copy of each resolution organizing an Authority to be filed with the Secretary of State, along with proof of publication of the notice of hearing. Upon finding that those items conform to this Article, requires the Secretary of State to issue a certificate of incorporation. Sets out the process under which counties or municipalities may join the Authority when the Authority intends to extend the rail corridor into a new county or municipality. Specifies that members of the BOT are not subject to personal liability or accountability by reason of their execution of any debt held by the Authority. Pays BOT members \$50 for each Authority meeting they attend. Requires the Authority to submit an annual report to the Governor, NCGA, and Local Government Commission; specifies what must be included in the report. Also requires the Authority to submit its annual reports to the Joint Legislative Commission on Governmental Operations.

Requires the BOT to consist of one member of each organizing entity that has adopted a resolution for the creation of or a resolution to join the Authority, and one member for each regional council of government containing a portion of the rail

corridor. Sets out additional provisions governing the appointment of members, establishing a quorum, election of chairs and vice-chairs, and filling of vacancies. Require an affirmative vote equal to a majority of all members not excused from voting in order to authorize or commit the expenditure of public funds, or make, ratify, or authorize any contract on behalf of the Authority.

Allows the BOT to select advisory committees it may find appropriate.

Gives the Authority all powers necessary to execute the Article, which includes as least the 16 specified powers, including powers to: (1) operate a rail corridor and enter and perform contracts to provide and operate rail and rail corridor services and facilities within the rail corridor service area; (2) charge and collect fees and rents for the use of the rail corridor or for services rendered in the operation of the rail corridor; (3) make or enter contracts, agreements, deeds, leases with or without option to purchase, conveyances, or other instruments, including contracts and agreements with the US, the State, units of local government, public transportation authorities, and private parties, to effectuate the purpose of this Article; (4) with the consent of the unit of local government that would otherwise have jurisdiction to exercise the powers enumerated in this subdivision, to issue certificates of public convenience and necessity, and to grant franchises and enter into franchise agreements, and in all respects to regulate the operation of rail, buses, trams, taxicabs, and other methods of public transportation that originate and terminate within the rail corridor as fully as the unit of local government is now or hereafter empowered to do within the jurisdiction of the unit of local government; and (5) issue debt for the purpose of financing the costs (defined as the capital costs of a rail corridor project or special user project) of a rail corridor project or any part thereof and to refund, whether or not in advance of maturity or the earliest redemption date, any such debt. Requires the BOT to, in order to execute these powers, to determine the policies of the Authority by majority vote of those members present and voting. Gives the chair the sole and exclusive authority the execute the polity of the Authority.

Specifies that an Authority is a public authority and is subject to GS Chapter 159, The Local Government Finance Act.

Allows the State and any unit of local government to appropriate funds to support the establishment and operation of the Authority, or to dedicate, sell, convey, donate, or lease any of their interests in any property to the Authority. Allows an Authority to apply for grants from the State, or from the US or any department, agency, or instrumentality thereof. Allows the Department of Transportation to allocate to an Authority any funds appropriated for rail corridors, public transportation, or any funds whose use is not restricted by law.

Sets out items that must be include in every special user project financing agreement. Requires the agreement, if in the nature of a lease agreement, to either provide that the obligor must have an option to purchase, or require that the obligor purchase, the special user project upon the expiration or termination of the financing agreement subject to the condition that payment in full of the debt principal shall have been made. Allows the financing agreement to give the Authority rights and remedies in the event of a default by the obligor, including, without limitation: (1) acceleration of all amounts payable under the financing agreement; (2) reentry and repossession of the special user project; (3) termination of the financing agreement; (4) leasing or sale of foreclosure of the special user project to others; and (5) taking whatever actions at law or in equity may appear necessary or desirable to collect the amounts payable under, and to enforce covenants made in, the financing agreement. Provides that the Authority's interest in a special user project under a financing agreement may be that of owner, lessor, lessee, conditional or installment vendor, mortgagor, mortgagee, secured party, or otherwise, but the Authority does not need to have any ownership or possessory interest in the special user project. Allows the Authority to assign all or any of its rights and remedies under the financing agreement to debt holders under a security document.

Allows a county or municipality in which all or part of the rail corridor is located to enter into an agreement with the Authority providing for payments to be made by the county or municipality, as applicable, to the Authority; such an agreement may be entered into only after the Authority designates the rail corridor.

Exempts the Authority's real and personal property, its acts, activities, and income from taxation. Specifies that this exemption does not apply to the value of a leasehold interest or to a lessee's income.

Specifies that the Article does not limit or affect the power or authority of the North Carolina Utilities Commission or the right of appeal to the North Carolina Utilities Commission as provided by law. Specifies that the North Carolina Utilities Commission does not have jurisdiction over rates, fees, charges, routes, and schedules of an Authority for service within the rail corridor.

Gives the Authority the power to require any public utility, railroad, or other public service corporation owning or operating any installations, structures, equipment, apparatus, appliances, or facilities in, upon, under, over, across, or along any ways on

which the Authority has the right to own, construct, operate, or maintain its rail corridor, to relocate such installation, structures, equipment, apparatus, appliances, or facilities from their locations, or, in the sole discretion of the affected public utility, railroad, or other public service corporation, to remove such installations, structures, equipment, apparatus, appliances, or facilities from their locations. Allows the Authority to relocate the object if the owner or operator fails or refuses to do so. Requires the Authority to provide any necessary new locations and necessary real estate interests for such relocation, and may exercise eminent domain for that purpose if the new locations is not in, on, or above, a public highway; the Authority may also acquire the necessary new locations by purchase or otherwise. Requires compensation for any affected public utility, railroad, or other public service corporation for any real estate interest taken via eminent domain, subject to the right of the Authority to reduce the compensation due by the value of any property exchanged under this statute. Requires the method and procedures of a particular adjustment to the facilities of a public utility, railroad, or other public service corporation to be covered by an agreement between the Authority and the affected party. Requires the Authority to reimburse the public utility, railroad, or other public service corporation, for the cost of relocations or removals, to be calculated as specified.

Gives the Authority power to acquire the fee or any lesser interest in real or personal property for use by the Authority. Prohibits the Authority from acquiring or taking by eminent domain, or any means, property owned or operated by any Class I railroad, nor a rail line or rail corridor owned or operated by the US Department of Defense, nor a rail line owned or operated by the NC Railroad Company or its subsidiaries, without the that railroad's consent. Also allows the Authority to exchange any property it acquires for other property usable in carrying out the powers conferred on the Authority and also, upon the payment of just compensation, may remove a building or another structure from land needed for its purposes and reconstruct the structure on another location (prohibits using eminent domain to acquire property for exchange). Sets out issues that must be considered when the Authority selects one or more sites for adjoining rail facilities or property for shell or storage buildings. Sets out the process and effect of dissolving the Authority.

Amends GS 160A-20, concerning security interests, by adding an Authority to the definition of a unit of local government as it is used under the statute.

Section 6

Adds a severability clause.

Intro. by Iler.

GS 20, GS 124, GS 160A

[View summary](#)

Courts/Judiciary, Motor Vehicle, Government, State Agencies, Department of Transportation, Office of Information Technology Services, Transportation

H 966 (2023-2024) (2023-2024) [EXPEDITED REMOVAL OF UNAUTHORIZED PERSONS](#). Filed May 1 2024, *AN ACT TO CREATE A PROCESS FOR THE EXPEDITED REMOVAL OF UNAUTHORIZED PERSONS FROM RESIDENTIAL REAL PROPERTY BY THE SHERIFF; TO INCREASE THE PUNISHMENT FOR WILLFUL AND WANTON DAMAGE TO THE RESIDENTIAL REAL PROPERTY OF ANOTHER; AND TO PROHIBIT THE FRAUDULENT RENTAL, LEASE, OR ADVERTISEMENT FOR SALE OR LEASE OF RESIDENTIAL REAL PROPERTY.*

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

Part I

Adds new definitions section (GS 42-79) to new Article 8 of Chapter 42. Defines *authorized representative, real estate broker, resident, residential property, tenant, and unauthorized person.*

Amends conditions for removal of an unauthorized person illegally occupying a residential property through an expedited proceeding by no longer specifying that the property being occupied must include a residential dwelling. Makes additional technical and clarifying changes.

Deletes the contents of proposed GS 24-80, which pertained to contents of the expedited removal complaint form; proposed GS 42-81, which pertained to verification of the complaint by the sheriff and removal of the unauthorized person; and proposed

GS 42-82, which pertained to remedies for wrongful removal. Instead, enacts the following new provisions.

Enacts new GS 42-81 requiring the property owner or their authorized representative, before commencing an expedited removal proceeding, to give the unauthorized person at least four hours notice to leave the premises. Allows written notice to be given by posting the notice on the property's front door when reasonable efforts to personally give oral or written notice have failed. Provides that an expedited removal proceeding commences with the filing of a complaint and the issuance of summons in the county where the property is located. Allows the complaint to be filed with and the summons issued by a magistrate when the office of the clerk of superior court is closed. Requires that the complainant give the summons and the complaint to the sheriff. Requires the sheriff to serve the summons and complaint for expedited removal on the unauthorized person personally or by posting a copy of the summons and complaint on the front door of the property and requires it to be done within 24 hours of the sheriff receiving the summons and complaint. Requires a hearing on the expedited removal be held before a magistrate in the county where the property is located not sooner than 12 hours after service upon the unauthorized person and no later than 48 hours after service. Specifies that the complainant will not be required to pay a filing fee or other costs. Requires that the complaint allege and for the property owner or their representative to prove the following at the hearing: (1) the complainant is the property owner or their authorized representative; (2) an unauthorized person has unlawfully entered and is remaining or residing unlawfully on the property; (3) the unauthorized person has been directed by the property owner or their authorized representative to leave the property, but they remain on the property; (4) the unauthorized person is not a current tenant under any valid lease authorized by the property owner; (5) the unauthorized person sought to be removed is not an owner or co-owner of the property and has not been listed on the valid record title to the property; and (6) there is no litigation related to the property pending between the property owner and any unauthorized person sought to be removed. Specifies that the rules of evidence do not apply in an expedited removal proceeding. Makes the provisions of GS 7A-218 (answer of defendant), GS 7A-219 (prohibition of certain counterclaims, cross claims, or third-party claims), and GS 7A-220 (providing that there are no required pleadings in assigned small claim actions other than the complaint) applicable to an expedited removal proceeding held before the magistrate except provisions related to the amount in controversy. Requires when the court finds for the property owner or their authorized representative that the court immediately enter a written order granting the property owner or authorized representative possession and stating the time when the unauthorized person must vacate the property, which must not be less than 2 hours or more than 8 hours after service of the order. Requires that the order be served on the unauthorized person at the hearing. Sets out the procedure that applies when the unauthorized person does not appear at the hearing or leaves before the order is served. Also requires the court to determine the amount of the appeal bond that the unauthorized person must post if they seek to appeal the court order; sets the minimum amount of the bond at \$1,000, but allows it be set at a higher amount based on listed factors.

Allows the court order to be appealed to district court for a trial de novo. Also allows an unauthorized person to petition the district court to stay the removal order and requires posting a bond.

Provides that if the unauthorized person violates a court order by failing to remove personal property from the property within the time allowed, the owner or their authorized representative may remove the personal property to or near the property line. Specifies that failure to vacate in accordance with the court order is criminal trespass.

Provides that a property owner or their representative can remove a person pursuant to an expedited removal proceeding only when they have a good faith belief that grounds for removal exist under the provisions of GS Chapter 42; otherwise, the property owner or their representative is guilty of an unfair trade practice and a Class 1 misdemeanor.

Changes the effective date of new Article 8 of GS Chapter 42 from when the act becomes law to October 1, 2024.

Amends GS 7A-292 to give magistrates the power to accept the filing of complaints and to issue summons under new Article 8 in expedited removal proceedings when the office of the clerk of superior court is closed. Effective October 1, 2024.

Requires that the form created by the Administrative Office of the Courts (AOC) and NC Sheriffs' Association (Association) for use in the expedited removal proceeding be available no later than September 30, 2024.

Makes conforming changes to the AOC September 30, 2024, deadline to complete the affidavit form. Removes reference to the Association in the deadline. Makes conforming changes to the appropriation to AOC so that it is earmarked for the development of the affidavit form (was, complaint form).

Parts II and III

Makes technical change to effective dates of GS 14-127 (willful and wanton injury to real property) and GS 14-117.8 (fraudulent advertisements and transactions involving residential real property).

Part IV

Changes the effective date of changes to GS 22-2 to October 1, 2024 (was, effective when act becomes law).

Makes organizational and conforming changes to act's parts and titles.

Intro. by Tyson, Howard, K. Hall, Biggs.

[APPROP, GS 7A, GS 14, GS 22, GS 42](#)

[View summary](#)

[Courts/Judiciary, Civil, Civil Law, Court System, Administrative Office of the Courts, Criminal Justice, Criminal Law and Procedure, Development, Land Use and Housing, Property and Housing](#)

H 971 (2023-2024) [HOTEL OPERATION AND PERSONNEL EDUCATION ACT](#). Filed May 1 2024, *AN ACT DIRECTING THE DEPARTMENT OF LABOR TO DEVELOP HUMAN TRAFFICKING AWARENESS TRAINING, REQUIRING LODGING ESTABLISHMENTS, ACCOMMODATION FACILITATORS, AND PROPERTY MANAGERS FOR VACATION RENTALS TO IMPLEMENT HUMAN TRAFFICKING AWARENESS TRAINING, AND INCREASING THE PUNISHMENT FOR A FIRST OFFENSE OF SOLICITING A PROSTITUTE.*

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

Amends proposed GS 130A-511, concerning the required human trafficking awareness training, as follows. Adds the Department of Health and Human Services (DHHS) to the list of agencies that the Department of Labor (DOL) must consult with in developing the training. Expands the formats in which the training is accessible to include in person and classroom settings (currently, just electronic). Requires that employees and third-party contractors performing housekeeping services of lodging establishments beginning employment on or after January 1, 2025, complete the training within 60 days of first providing services to the lodging establishment. Narrows the persons subject any penalty for willful and knowing violations of GS 130A-511 to lodging establishments and third-party contractors.

Adds defined term *property manager* (a landlord as defined in GS 42A-4, or real estate broker, as defined in GS 93A-2, that has primary responsibility for the listing, supervision, or maintenance of a vacation rental; does not include a landlord that delegates all listing, supervisory, and maintenance responsibilities to a real estate broker) to GS 42A-39 (human trafficking awareness reporting and training requirements) and removes terms *landlord*, *real estate broker*. Now directs that the property manager implement a procedure for reporting suspected human trafficking (was, landlord). Removes requirement that any real estate broker or employees performing housekeeping or check-in/check-out services for the vacation rental take the human trafficking awareness training. Adds 60-day deadline from date of first providing services to the vacation rental for employees of the property manager hired on or after January 1, 2025, to complete the training. Specifies that the type of vacation rental which triggers the initial training deadline of December 31, 2026, are those rentals initially offered for lease prior to January 1, 2025 (was, rentals offered for lease prior to January 1, 2025). Changes the reporting entity for rentals listed through an accommodation facilitator to DOL (was, DHHS). Requires accommodation facilitators to submit a certification of compliance with their report to DOL (was, requirement to verify compliance). Narrows the persons subject to any penalty for willful and knowing violations of GS 42A-39 to property managers and third-party contractors. Makes it an unfair trade practice for a property manager to intentionally make a material misstatement in an acknowledgment of human trafficking awareness completion.

Changes the entity responsible for developing or identifying a human trafficking awareness training program that complies with the act from DHHS to DOL.

Decreases the appropriation from the General Fund to the Administrative Office of the Courts from \$500,000 to \$450,000 in nonrecurring funds for the 2024-2025 fiscal year. Appropriates \$50,000 for 2024-25 from the General Fund to DOL to develop or identify the required training and to administer this act.

Makes conforming changes.

Changes the act's long title.

Intro. by Crutchfield, Reeder, Arp, Sasser.

[APPROP, GS 14, GS 42A, GS 130A](#)

[View summary](#)

[Business and Commerce, Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, Budget/Appropriations, State Agencies, Department of Health and Human Services, Department of Justice](#)

H 1024 (2023-2024) [NONCONSENSUAL BOOTING AND TOWING REFORM](#). Filed May 2 2024, *AN ACT REFORMING THE LAWS RELATED TO NONCONSENSUAL BOOTING AND TOWING*.

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

Amends proposed GS 20-219.31 by adding and defining the term *consensual towing business* as any person or entity that engages in towing of motor vehicles from private property with the consent of the owner of the motor vehicle. Changes the definition of *nonconsensual towing business* to any person or entity that engages in the booting or towing of improperly parked motor vehicles from private property without the consent of the owner of the motor vehicle. Makes a technical change.

Moves the provisions concerning the establishment of the Towing and Recovery Commission (Commission) in proposed GS 20-219.65 into new GS 20-219.40 and makes the following changes. Places the Commission within the Department of Public Safety (DPS). Adds the following to the Commission's duties: (1) issuing permits to consensual towing businesses and nonconsensual towing businesses, (2) creating a form to be used by nonconsensual towing businesses to itemize charges, (3) maintaining a consensual towing business database, (4) recording reports of suspected noncompliance with this article and the resolution of those complaints, and (5) administering the Article. Expands upon the Commission's duty to annually establish maximum fees charged by a nonconsensual towing business to allow the Commission to create different maximum fees based on type of vehicle towed, consider regional variations in the cost of a nonconsensual towing business, divide the State into different regions based on those costs, and establish different maximum fees for the different regions. Adds the requirement to annually report specified information to the specified NCGA committee starting in 2026. Splits out the provisions concerning the Commission's membership and meetings into new GS 20-219.45, makes conforming changes by renumbering the remaining statutes, and makes the following changes. Adds the Secretary of the Department of Public Safety, or their designee, to the Commission's membership and names that person as the Chair of the Commission. Further amends the Commission's membership by requiring that members appointed by the NCGA upon the recommendation of the Speaker of the House and President Pro Tempore of the Senate be members of the Towing and Recovery Professionals Association of North Carolina instead of the previously required representative of the nonconsensual towing business industry. Changes the term of members from two to three years, except creates staggered terms by requiring specified members to initially serve one- or two-year terms. Requires that the Commission's first meeting be called by April 1, 2025. GS 20-219.40 and GS 20-219.45 are effective January 1, 2025.

Amends the permitting requirements by also requiring consensual towing businesses, in addition to nonconsensual towing businesses, to obtain a permit before operating and renew the permit annually. Makes the Commission, instead of the Division of Motor Vehicles (Division), responsible for permitting and all related activities. Requires that the Commission create the required permit process and issue permits no later than July 1, 2025.

Makes the Commission, instead of the Division, responsible for the statewide database. Amends the search parameters that a vehicle owner can enter into the database to include the vehicle's make, model, and license plate number (was, license plate number). Adds that the information in the database is publicly accessible only upon a person entering: (1) the make of the vehicle, (2) the model of the vehicle, and (3) either the vehicle's license plate number or vehicle identification number. Specifies that a person will then be shown the location where the vehicle was towed to, that location's hours of operation, the phone number of the nonconsensual towing business, and the amount the person must pay to retrieve the vehicle. Makes all other information in the database confidential and accessible only upon a request under GS Chapter 132 (Public Records). Shortens the time within which the nonconsensual towing business must enter the vehicle information into the database from

within six hours to within one hour of booting or towing. Amends and clarifies information that must be added into the database.

Amends the penalties for violating the signage requirements to now separate out punishments for private property owners and nonconsensual tow truck drivers as follows. Makes a private property owner that violates this section guilty of an infraction and allows the court to order the property owner to make restitution to the owner or operator of the improperly booted or towed motor vehicle in an amount equal to the fees for the booting, towing, and storage of the motor vehicle. Makes a nonconsensual tow truck driver guilty of an infraction subject to a penalty of not more than \$100, with a second violation within 12 months of the first violation punished as an infraction with a penalty of not more than \$200 and a third or subsequent violation within 12 months of the first violation punished as a Class 3 misdemeanor.

Prohibits a town business from booting, towing, or attempting either for an occupied vehicle (previously prohibited booting an occupied vehicle). Adds that a commercial motor vehicle must not be booted.

Adds the requirement that a nonconsensual towing business prepare and distribute bills on a standardized form. No longer prohibits a nonconsensual towing business from charging a fee for the storage or handling of personal property essential to the activities of daily living. Amends the provision regarding the storage or handling of cargo contained in a trailer by adding that when there is a dispute, if the cargo is attached to the trailer and cannot be removed from the trailers, the parties must execute a trailer swap where the swapped trailer is of equal or better condition than the original towed trailer and owned, leased, or operated by the same company.

Removes the previous general December 1, 2024, effective date and instead sets the following effective dates. Statutes concerning the permits, database, towing and booting practices, and nonconsensual towing fees are effective July 1, 2025. The statute concerning required signage applies to offenses committed on or after July 1, 2025. Remaining statutes (definitions, limitations, and DPS authority to adopt rules) in the new Article are effective when the act becomes law.

Gives DPS, instead of the Division, authority to adopt rules to implement the new Article.

Requires that the Commission, beginning February 15, 2029, and every four years thereafter, report to the specified NCGA Committee recommending either (1) that the Commission continue existing or (2) that the Commission should sunset and its responsibilities be absorbed by DPS.

Makes the changes to GS 20-219.20 (requirement to give notice of towing) effective July 1, 2025, instead of December 1, 2024.

Amends GS 20-157 by requiring drivers to pull over to the side of the road when approached by a public service vehicle traveling to the scene of a wrecked or disabled vehicle, giving warning signal by appropriate light and by sound audible under normal conditions from a distance not less than 1,000 feet. Violations of the statute are a Class 2 misdemeanor. Applies to offenses committed on or after December 1, 2024.

Changes the recipient of the \$500,000 appropriation from the Division to DPS.

Intro. by Budd, Carson Smith, Pyrtle, Logan.

[APPROP, GS 20](#)

[View summary](#)

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

PUBLIC/SENATE BILLS

S 90 (2023-2024) [SCHOOLS FOR THE DEAF AND BLIND TRANSITION. \(NEW\)](#) Filed Feb 9 2023, *AN ACT TO MAKE ADDITIONAL CHANGES TO FACILITATE THE TRANSITION OF THE SCHOOLS FOR THE DEAF AND BLIND TO GOVERNANCE BY BOARDS OF TRUSTEES.*

House committee substitute to the 4th edition makes the following changes.

Section 1

Amends GS 115C-150.11(c) to require the Department of Administration to provide schools with support in procurement (was, capital) and clarifies that information technology is included. Specifies that the effective date of the act's changes to GS 115C-150.11(a),(b), and (c) begin on July 1, 2025.

Section 6

Requires the Department of Public Instruction (DPI), for the 2024-25 school year, to administratively house the North Carolina School for the Deaf, the Eastern North Carolina School for the Deaf, and the Governor Morehead School for the Blind (collectively, the schools). Removes the requirement that DPI only house these schools until the earlier of June 30, 2025, or certification that the schools have been established as a State agency. Removes the requirement that DPI give each school's board of trustees access to all records and information pertaining to the school, and execute administrative matters at the direction of each board. Directs that DPI and the schools enter into a memorandum of understanding with regards to the administrative support. Specifies that at a minimum, DPI provide administrative support in matters related to finance, human resources, and procurement, including for information technology and capital. Directs the Department of Administration (Department), in coordination with the schools, DPI, and the Department of Information Technology, to study the costs and positions needed for support of the schools and to report this information and any recommended legislation to the specified NCGA committees by March 1, 2025. Requires the Office of the State Controller and Office of State Budget and Management to ensure that the schools are established as State agencies prior to July 1, 2025. Adds the Department of Public Instruction to those entities that are to designate liaisons for the schools and requires that all of the liaisons serve during the 2024-25 school year instead until certification that the schools have been established as State agencies.

Section 7

Changes the date that the powers, duties, functions, records, personnel, contracts, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and purchasing, are transferred from DPI to the schools to July 1, 2024 (was, upon certification by the Office of State Budget and Management that the schools have been established as a State agency).

Section 9

Removes the exception for the Sunshine House from those assets to be reassigned to the Governor Morehead School.

Section 11

Removes specification that until the NCGA appropriates funds to the Department for administrative support for the schools, in order to get support from the Department the schools are required to jointly enter a memorandum of understanding with the Department that includes payment for the costs of administrative support on a monthly basis of up to \$57,083. Removes provision that if the Department is appropriated funds for the administrative support, then it must reimburse the school for any payments made under the memorandum in that fiscal year.

Makes organizational changes.

Intro. by Lazzara, Galey, Sawyer.

[GS 14, GS 115C](#)

[View summary](#)

[Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Education, Elementary and Secondary Education, Government, APA/Rule Making, Budget/Appropriations, State Agencies, Department of Administration, Department of Public Instruction, Office of State Budget and Management, Office of State Controller, State Board of Education](#)

SALE, AND TO PERMIT HEALTH BENEFIT PLAN SPONSORS TO OBTAIN CONSENT TO ELECTRONIC MAILING OF REQUIRED COMMUNICATIONS.

House committee substitute to the 1st edition makes the following changes. Makes organizational changes and amends the act's titles.

Section 2

Extends the expiration date for the provisions of GS 105-228.4A(g) (concerning captive insurance companies) from taxable years starting January 1, 2024, (was, 2025 in previous edition) to taxable years starting January 1, 2026.

Section 4

Amends GS 45-21.4 (places of sale of real property) to increase the number of places where sale of real property may occur when either (1) the mortgage or deed of trust with power of sale of real property confers the mortgagee or trustee the right to designate the place of sale or (2) the mortgage or deed of trust with power of sale of real property does not designate, or confer upon the mortgagee or trustee the right to designate, the place of sale, or when it designates as the place of sale some county in which no part of the property is situated, to include another public location within the county (or counties) where the land (or any part thereof, if the land is in more than one county) is situated as designated by the mortgagee or trustee if the deed of trust/mortgage confers them with the right of sale or as designated by the clerk of the superior court where the land (or any part thereof) is located.

Amends GS 45-21.23 (time of sale of real property) to increase the time when a sale must begin from no later than one hour after the designated start time in the notice of sale to no later than three hours after that start time.

Enacts new GS 45-21.25A authorizing remote bids for sale of real property, as follows. Authorizes the person exercising the power of sale of real property or their agent to accept remote bids from person not physically present at the place of sale, as designated pursuant to GS 45-21.4. Requires that all bids accepted at the sale must be clearly announced to all participating bidders, whether physically present or not. Directs the person exercising the power of the sale or their agent to collect all funds required to be paid by the winning bidder prior to accepting a remote bid. Prohibits the person exercising the power of sale of real property or their agent from assessing any charges to the mortgagor incurred in connecting with remote bidding. Further specifies that such charges are not recoverable as costs and expenses of the foreclosure. Effective October 1, 2024, and applies to notices of foreclosure sale filed with the clerk of superior court on or after that date.

Section 5

Amends GS 58-2-255 (concerning electronic insurance communications and records) as follows. Amends definitions of *communications* to include identification cards required to be provided to a party under insurance laws. Adds newly defined terms *health benefit plan*, and *health benefit plan sponsor*. Permits a health benefit plan sponsor to provide consent on behalf of any enrolled plan individual for communications related to the plan to be delivered electronically, to the extent authorized by the Employee Retirement and Income Security Act of 1974 (ERISA). Requires that the sponsor confirm that the individual routinely uses electronic communications during their course of employment before consenting. Lists four steps an insurer must take before delivering electronic communications. Allows for covered individuals to withdraw their consent. Prevents an insurer from cancelling, refusing to issue, or refusing to renew any policy because an individual refuses to agree to receive communications delivered by electronic means. Effective October 1, 2024, and applies to contracts entered into on or after that date.

Section 6

Changes the general effective date of the act to when it becomes law, unless otherwise provided (was, October 1, 2023).

Intro. by Johnson, Perry, Sawrey.

[GS 45, GS 58, GS 105](#)

[View summary](#)

[Business and Commerce, Insurance, Government, Tax](#)

House committee substitute to the 2nd edition removes the content of the previous edition and replaces it with the following.

Amends GS 93B-5 by adding to the training required for occupational licensing board members training on antitrust law and State action immunity.

Enacts new GS 93B-17 requiring each occupational licensing board (board) to adopt rules for the receipt and resolution of complaints for taking disciplinary or enforcement actions against both its licensees and persons not licensed by the board. Requires that any interpretation, clarification, or delineation of the scope of practice of a board be adopted as a rule.

Enacts new GS 93B-18 giving a board the authority to investigate unlicensed activity and to notify those persons and entities of possible violations of the law and administrative rules and any action or penalty that may be imposed. Prohibits such a notification from indicating that the board has made any findings of a violation but may indicate the opinion that an act may be a violation, including facts on legislation and court proceedings concerning the violation, and providing notice of the board's intent to pursue administrative remedies or court proceedings with regard to the potential violation. Sets out a statement concerning the board and court's authority over violations and the individual's right to request a declaratory ruling that must be included when a board notifies an unlicensed person of a possible violation.

Enacts new GS 93B-19, which sets the venue for a board seeking a court order for injunctive relief or to show cause for failure to comply with a board's subpoena in the superior court of the county where the defendant resides or in the county where the board has its principal place of business.

Enacts new GS 93B-20 allowing a board to appear in its own name in superior court in actions for injunctive relief to restrain the violation of the provision of a statute administered by the board or rule or order of the board. Gives the superior court jurisdiction to grant these injunctions and restraining orders or to take other appropriate action, even if criminal prosecution may be instituted because of the violation. Prohibits a board from issuing orders independently of the superior court unless it is specifically authorized to by law.

Enacts new GS 93B-21 setting out the State's policy that jurisdictional disputes among boards be resolved through informal procedures. Provide that if informal procedures fail, an affected board may commence an administrative proceeding by filing a petition with the Office of Administrative Hearings (OAH). The dispute will become a contested case and must be conducted by OAH under Articles 3 (Administrative Hearings) and 4 (Judicial Review) of GS Chapter 150B.

Enacts new GS 93B-22 requiring each board to develop and implement a complaint process that provides: (1) a description of the complaint process on the board's website, including types of violations that are under the board's jurisdiction; (2) electronic complaint submission through the board's website; and (3) the ability to provide complainants with a written description of the final disposition of each complaint.

Makes conforming changes to the act's titles.

Intro. by Britt, B. Newton, Daniel.

[GS 93B](#)

[View summary](#)

[Business and Commerce, Occupational Licensing, Government, APA/Rule Making](#)

LOCAL/SENATE BILLS

S 912 (2023-2024) [ELECTIONS CHANGES FOR WATAUGA ED & COUNTY BDS](#). Filed Jun 10 2024, *AN ACT TO ALIGN THE DISTRICTS OF THE WATAUGA COUNTY BOARD OF EDUCATION WITH THE DISTRICTS OF THE WATAUGA COUNTY BOARD OF COMMISSIONERS, TO ESTABLISH FOUR-YEAR TERMS FOR ALL MEMBERS OF THE WATAUGA COUNTY BOARD OF EDUCATION, AND TO PROVIDE THAT ANY ALTERATION TO THE STRUCTURE OF THE WATAUGA COUNTY BOARD OF COMMISSIONERS APPROVED IN A REFERENDUM SHALL TAKE EFFECT IN 2032.*

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

Makes organizational changes. Makes changes to the act's title.

Removes provisions prohibiting the Watauga County Board of Commissioners (BOC) from changing its method of election or from redrawing its county commissioner districts until after the return of the next federal decennial census.

Section 1

Amends Section 1 of SL 1967-1254, as follows. Specifies that the terms of the Watauga County Board of Education (BOE) end on the first Monday in December in the year of the election. Directs that the terms of the predecessors expire at the same time and that members serve until a successor has been elected and qualified. Sets the primary date as the date provided in GS 163-1 for county partisan primaries. Now requires that the qualified voters of each district nominate and elect members who reside in their district (was, just elect). Directs that, notwithstanding GS 115C-37, the BOE electoral districts are the same as the five electoral districts for the BOC set forth in SL 2023-147 (establishing electoral districts for the BOC). Directs that the election be conducted with the applicable provisions of GS Chapters 115C and 163.

Deletes the proposed changes to and repeals Section 2 (outdated language) and Section 3 (candidate filing requirements) in SL 1967-1254. Sets out the language implementing staggered terms in 2026 and 2028 as a standalone provision in the act.

Amends Section 5 of SL 1967-1254, as follows. Amends the process for filling vacancies that do not occur during the period ending at noon on the fourteenth day before the close of time for filing notices of candidacy under GS 163-106.2 (time for filing notice of candidacy, and was, GS 163-106) so that vacancies are filled by appointment of the remaining members of the BOE (was, filled by the Board by appointment of a qualified county citizen). Directs that the appointee serves for the remainder of the unexpired term and that they must reside in the same districts as the member being replaced to be eligible to fill a vacancy. Makes conforming changes to the filling of vacancies occurring during the period ending at noon on the fourteenth day before the close of time for filing notices of candidacy under GS 163-106.2, which are to be filled by appointment of the remaining members of the BOE, with the appointee serving for the remainder of the unexpired term and requires that they must reside in the same districts as the member being replaced to be eligible to fill a vacancy.

Makes Section 1(a) through (d) effective the first Monday in December 2026 with elections in 2026 and thereafter held accordingly (was, effective January 1, 2025, and applies to elections held on or after that date).

Section 2

Directs that if a majority of the voters of Watauga County vote for any referendum conducted under Part 4 of Article 4 of GS Chapter 153A notwithstanding GS 153A-62 (effective dates of alterations), the alteration approved in that referendum will take effect the first Monday in December following the 2032 general election, with all elections conducted accordingly.

Section 3

Adds a severability clause.

Intro. by Hise.

[Watauga](#)

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ACTIONS ON BILLS

PUBLIC BILLS

H 98: RIGHT TO TRY INDIVIDUALIZED TREATMENTS. (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

H 155: TITLES FOR OFF-ROAD VEH./LOW SPEED VEH. INSP. (NEW)

Senate: Reptd Fav Com Substitute
Senate: Com Substitute Adopted
Senate: Re-ref Com On Rules and Operations of the Senate

H 199: DMV PROPOSED LEGISLATIVE CHANGES.-AB

Senate: Reptd Fav Com Substitute
Senate: Com Substitute Adopted
Senate: Re-ref Com On Finance

H 207: DISCIPLINE CHANGES. (NEW)

Senate: Reptd Fav Com Substitute
Senate: Com Substitute Adopted
Senate: Re-ref Com On Rules and Operations of the Senate

H 223: OSHR/VARIOUS SHRA CHANGES.

Senate: Regular Message Sent To House
House: Regular Message Received For Concurrence in S Com Sub

H 237: VARIOUS CRIMINAL AND ELECTION LAW CHANGES. (NEW)

House: Ratified
House: Pres. To Gov. 6/12/2024

H 250: ME/IDS/DRIVING PRIVILEGES/XYLAZINE CHANGES. (NEW)

Senate: Withdrawn From Cal
Senate: Placed on Today's Calendar
Senate: Amend Adopted A1
Senate: Amend Adopted A2
Senate: Passed 2nd Reading
Senate: Passed 3rd Reading
Senate: Engrossed

H 287: HEALTH CARE OMNIBUS. (NEW)

Senate: Reptd Fav Com Substitute
Senate: Com Substitute Adopted
Senate: Re-ref Com On Rules and Operations of the Senate

H 309: VARIOUS TRANSPORTATION CHANGES. (NEW)

Senate: Reptd Fav Com Substitute
Senate: Com Substitute Adopted
Senate: Re-ref Com On Rules and Operations of the Senate

H 495: REVISE MONEY LAUNDERING/RETAIL CRIME. (NEW)

Senate: Regular Message Sent To House
House: Regular Message Received For Concurrence in S Com Sub

H 899: NO FIREARMS CODE FOR CREDIT CARD TRANSACTIONS.

House: Serial Referral To Rules, Calendar, and Operations of the House Stricken
House: Withdrawn From Com
House: Re-ref to the Com on Banking, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House

H 903: ADD TIANEPTINE TO CONTROLLED SUBSTANCE LIST.

House: Reptd Fav
House: Re-ref Com On Rules, Calendar, and Operations of the House
House: Reptd Fav
House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Special Message Sent To Senate

H 966: EXPEDITED REMOVAL OF UNAUTHORIZED PERSONS.

House: Reptd Fav Com Substitute

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

H 971: HOTEL OPERATION AND PERSONNEL EDUCATION ACT.

House: Reptd Fav Com Sub 2

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Special Message Sent To Senate

H 988: 2024 RETIREMENT TECHNICAL CORRECTIONS.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 989: RETIREMENT SERVICE PURCHASE REWRITE PART III.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 1020: RETIREMENT ADMIN. CHANGES ACT OF 2024.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 1024: NONCONSENSUAL BOOTING AND TOWING REFORM.

House: Reptd Fav Com Substitute

House: Re-ref Com On Appropriations

H 1042: VET CARE FOR RETIRED LAW ENFORCEMENT DOGS.

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 1056: PA LICENSURE INTERSTATE COMPACT.

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

S 90: SCHOOLS FOR THE DEAF AND BLIND TRANSITION. (NEW)

House: Reptd Fav Com Sub 2

House: Cal Pursuant Rule 36(b)

S 124: PREDATORY ROOFING/INS. REBATE REFORM. (NEW)

Senate: Concurred In H Com Sub

Senate: Ordered Enrolled

S 303: COURT/OUT-OF-STATE ATTY CHANGES. (NEW)

Senate: Withdrawn From Com

Senate: Placed on Today's Calendar

Senate: Failed Concur In H Com Sub

S 319: CAPTIVE INSURANCE REVISIONS/ONLINE AUCTIONS. (NEW)

House: Reptd Fav Com Substitute

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

S 559: ENABLE CERTAIN CHARTER SCHOOLS TO ELECT SHP. (NEW)

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Special Message Sent To Senate

S 565: AMEND EXPUNCTION. (NEW)

Senate: Failed Concur In H Com Sub

S 640: AMEND OCCUPATIONAL LICENSING BOARD STATUTES. (NEW)

House: Reptd Fav Com Substitute

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

LOCAL BILLS

H 5: LOCAL CHANGES OMNIBUS. (NEW)

Senate: Withdrawn From Cal

Senate: Placed On Cal For 06/20/2024

H 918: MOUNT GILEAD ANNEX/KANNAPOLIS DEANNEX. (NEW)

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 931: TOWN OF NEWPORT/DEANNEXATION.

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 1019: MCDOWELL/CASWELL/PENDER OCCUPANCY TAX MODS. (NEW)

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 1061: CREEDMOOR/ANNEXATION & DEANNEXATION.

House: Reptd Fav

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

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Placed On Cal For 06/19/2024

H 1064: CITY OF SOUTHPORT/REMOVE ETJ AUTHORITY.

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 1066: BOILING SPRING LAKES/DEANNEXATION.

House: Reptd Fav

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

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Placed On Cal For 06/19/2024

S 769: COMM. COLL. TRUSTEE TERMS/REGION 1.

Senate: Concurred In H Com Sub

Senate: Ordered Enrolled

S 776: COMM. COLL. TRUSTEE TERMS/REGION 2.

House: Regular Message Sent To Senate

S 912: ELECTIONS CHANGES FOR WATAUGA ED & COUNTY BDS.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

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