

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 1025*

Short Title: GSC Technical Corrections 2018.

(Public)

Sponsors: Representative Davis.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary I, if favorable, Rules, Calendar, and Operations of the House

May 30, 2018

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, AS
3 RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

4 The General Assembly of North Carolina enacts:

5
6 **PART I. GENERAL TECHNICAL CORRECTIONS**

7 **SECTION 1.(a)** G.S. 14-151 reads as rewritten:

8 "**§ 14-151. Interfering with gas, ~~electric~~ electric, and steam appliances or meters; penalties.**

9 (a) It ~~shall be~~ is unlawful for any person to willfully, with intent to injure or defraud,
10 commit any of the following acts:

11 (1) Connect a tube, pipe, ~~wire~~ wire, or other instrument or contrivance with a pipe
12 or wire used for conducting or supplying illuminating gas, fuel, natural ~~gas~~
13 gas, or electricity in such a manner as to supply ~~such the~~ gas or electricity to
14 any burner, orifice, ~~lamp~~ lamp, or motor where the ~~same gas or electricity~~ is
15 or can be burned or used without passing through the meter or other instrument
16 provided for registering the quantity consumed.

17 (2) Obstruct, alter, bypass, tamper with, ~~injure~~ injure, or prevent the action of a
18 meter or other instrument used to measure or register the quantity of
19 illuminating fuel, natural gas, water, or electricity passing through ~~such the~~
20 meter by a person other than an employee of the company owning or
21 supplying any gas, water, or electric meter, who willfully ~~shall detach or~~
22 disconnect ~~detaches or disconnects~~ such the meter, or ~~make or report~~ makes
23 or reports any test of, or ~~examine~~ examines for the purpose of testing any
24 meter so detached or disconnected.

25 (3) In any manner whatever change, ~~extend~~ extend, or alter any service or other
26 pipe, ~~wire~~ wire, or attachment of any kind, connecting with or through which
27 natural or artificial gas or electricity is furnished from the gas mains or pipes
28 of any person, without first procuring from ~~said the~~ the person written permission
29 to make ~~such the~~ change, ~~extension~~ extension, or alterations.

30 (4) Make any connection or reconnection with the gas mains, water pipes, service
31 ~~pipes~~ pipes, or wires of any person, furnishing to consumers natural or
32 artificial gas, water, or electricity, or turn on or off or in any manner interfere
33 with any valve or stopcock or other appliance belonging to ~~such that~~ that person,
34 and connected with ~~his the~~ the person's service or other pipes or wires, or enlarge
35 the orifices of mixers, or use natural gas for heating purposes except through



- 1 mixers, or electricity for any purpose without first procuring from ~~such the~~
 2 person a written permit to turn on or off ~~such the~~ stopcock or valve, or to make
 3 ~~such the~~ connection or reconnections, or to enlarge the orifice of mixers, or to
 4 use for heating purposes without mixers, or to interfere with the valves,
 5 stopcocks, ~~wires wires,~~ or other appliances of ~~such, them,~~ as the case may be.
- 6 (5) Retain possession of or refuse to deliver any mixer, meter, ~~lamp lamp,~~ or other
 7 appliance which may be leased or rented by any person, for the purpose of
 8 furnishing gas, water, ~~electricity electricity,~~ or power through the ~~same,~~
 9 ~~appliance,~~ or sell, ~~lend lend,~~ or in any other manner dispose of the ~~same~~
 10 ~~appliance~~ to any person other than ~~such the~~ person entitled to the possession
 11 of the ~~same appliance.~~
- 12 (6) Set on fire any gas escaping from wells, broken or leaking mains, pipes, ~~valves~~
 13 ~~valves,~~ or other appliances used by any person in conveying gas to consumers,
 14 or interfere in any manner with the wells, pipes, mains, gateboxes, valves,
 15 stopcocks, wires, cables, ~~conduits conduits,~~ or any other appliances,
 16 ~~machinery machinery,~~ or property of any person engaged in furnishing gas to
 17 consumers unless employed by or acting under the authority and direction of
 18 ~~such that~~ person.
- 19 (7) Open or cause to be opened, or reconnect or cause to be reconnected any valve
 20 lawfully closed or disconnected by a district steam corporation.
- 21 (8) Turn on steam or cause it to be turned on or to reenter any premises when the
 22 ~~same steam~~ has been lawfully stopped from entering ~~such the~~ premises.
- 23 (9) Reconnect electricity, gas, or water connections or otherwise turn back on one
 24 or more of those utilities when they have been lawfully disconnected or turned
 25 off by the provider of the utility.
- 26 (10) Alter, bypass, interfere with, or cut off any load management device,
 27 equipment, or system which has been installed by the electricity supplier for
 28 the purpose of limiting the use of electricity at peak-load ~~periods, provided,~~
 29 ~~however, if periods.~~ However, if there has been a written request to remove
 30 the load management device, equipment, or system to the electric supplier and
 31 the electric supplier has not removed the device within two working days,
 32 there ~~shall be is~~ no violation of this section.
- 33 (b) Any meter or service entrance facility found to have been altered, tampered with, or
 34 bypassed in a manner that would cause ~~such the~~ meter to inaccurately measure and register the
 35 electricity, gas, or water consumed or which would cause the electricity, gas, or water to be
 36 diverted from the recording apparatus of the meter ~~shall be is~~ prima facie evidence of intent to
 37 violate and of the violation of this section by the person in whose name ~~such the~~ meter is installed
 38 or the person or persons so using or receiving the benefits of ~~such the~~ unmetered, unregistered,
 39 or diverted electricity, gas, or water.
- 40 (c) For the purposes of this section, the term "gas" ~~shall mean means~~ all types and forms
 41 of gas, including, but not limited to, natural gas.
- 42 (d) Criminal violations of this section ~~shall be are~~ punishable as follows:
- 43 (1) A violation of this section is a Class 1 misdemeanor.
- 44 (2) A second or subsequent violation of this section is a Class H felony.
- 45 (3) A violation of this section that results in significant property damage or public
 46 endangerment is a Class F felony.
- 47 (4) Unless the conduct is covered under some other provision of law providing
 48 greater punishment, a violation that results in the death of another is a Class
 49 D felony.
- 50 (e) ~~[Whoever is found in a civil action to have violated any provision]~~ Whoever is found
 51 in a civil action to have violated any provision of this section ~~[shall be liable to the electric, gas~~

1 ~~or water supplier in triple the amount of losses and damages sustained or five] is liable to the~~
 2 ~~electric, gas, or water supplier in triple the amount of losses and damages sustained or five~~
 3 ~~thousand [dollars]-dollars (\$5,000), [whichever is greater]-whichever is greater.~~

4 (f) Nothing in this section ~~shall be construed to apply~~ applies to licensed contractors
 5 while performing usual and ordinary services in accordance with recognized customs and
 6 standards."

7 **SECTION 1.(b)** This section applies to violations committed on or after the effective
 8 date of this act.

9 **SECTION 2.(a)** G.S. 20-9 reads as rewritten:

10 **"§ 20-9. What persons shall not be licensed.**

11 (a) To obtain a regular drivers license, a person must have reached the minimum age set
 12 in the following table for the class of license sought:

Class of Regular License	Minimum Age
Class A	18
Class B	18
Class C	16

17 G.S. 20-37.13 sets the age qualifications for a commercial drivers license.

18 (b) The Division shall not issue a ~~driver's~~ drivers license to any person whose license has
 19 been suspended or revoked during the period for which the license was suspended or revoked.

20 (b1) The Division shall not issue a drivers license to any person whose permit or license
 21 has been suspended or revoked under G.S. 20-13.2(c1) during the suspension or revocation
 22 period, unless the Division has restored the person's permit or license under G.S. 20-13.2(c1).

23 (c) The Division shall not issue a ~~driver's~~ drivers license to any person who is an habitual
 24 drunkard or is an habitual user of narcotic drugs or barbiturates, whether or not ~~such~~ the use ~~be~~
 25 is in accordance with the prescription of a physician.

26 (d) Repealed by Session Laws 2012-194, s. 8, effective July 17, 2012.

27 (e) The Division shall not issue a ~~driver's~~ drivers license to any person when in the
 28 opinion of the Division the person is unable to exercise reasonable and ordinary control over a
 29 motor vehicle while operating the vehicle upon the highways, nor shall a license be issued to any
 30 person who is unable to understand highway warnings or direction signs.

31 (f) The Division shall not issue a ~~driver's~~ drivers license to any person whose license or
 32 driving privilege is in a state of cancellation, ~~suspension~~ suspension, or revocation in any
 33 jurisdiction, if the acts or things upon which the cancellation, ~~suspension~~ suspension, or
 34 revocation in ~~such~~ the other jurisdiction was based would constitute lawful grounds for
 35 cancellation, ~~suspension~~ suspension, or revocation in this State had those acts or things been done
 36 or committed in this State; ~~provided, however, State. However,~~ any such cancellation shall not
 37 prohibit issuance for a period in excess of 18 months.

38 (g) The Division may issue a restricted or unrestricted ~~driver's~~ drivers license under the
 39 following conditions to an otherwise eligible applicant suffering from a physical or mental
 40 disability or disease that affects his or her ability to exercise reasonable and ordinary control of
 41 a motor vehicle:

- 42 (1) The applicant submits to the Division a certificate in the form prescribed in
 43 subdivision ~~(2)-(2)~~ of this subsection. The Division may request the certificate
 44 at the applicant's initial application, at any time following the issuance of the
 45 license, or at the initial application and any time following the issuance of the
 46 license. Until a license issued under this subdivision expires, is cancelled, or
 47 is revoked, the license continues in force as long as the licensee presents to
 48 the Division a certificate in the form prescribed in subdivision (2) of this
 49 subsection at the intervals determined by the Division to be in the best interests
 50 of public safety.

51 ...

1 (3) The Commissioner is not bound by the recommendation of the examining
2 health care provider but shall give fair consideration to ~~such~~the
3 recommendation in exercising his or her discretion in making licensing
4 decisions, the criterion being whether or not, upon all the evidence, it appears
5 that it is safe to permit the applicant or licensee to operate a motor vehicle.
6 The burden of proof of ~~such~~this fact is upon the applicant or licensee. In
7 deciding whether to issue, restrict, cancel, or deny a license, the Commissioner
8 may be guided by the opinion of experts in the field of diagnosing and treating
9 the specific physical or mental disability or disease suffered by an applicant
10 or licensee and the experts may be compensated for their services on an
11 equitable basis. The Commissioner may also take into consideration any other
12 factors which bear on the issue of public safety.

13 (4) Whenever a license is restricted, cancelled, or denied by the Commissioner on
14 the basis of a physical or mental disability or disease, the action may be
15 reviewed by a reviewing board upon written request of the applicant or
16 licensee filed with the Division within 10 days after receipt of notice given in
17 accordance with G.S. 20-48 of the action taken. The reviewing board shall
18 consist of the Commissioner or ~~his~~the Commissioner's authorized
19 representative and at least two medical professionals selected by the
20 Commissioner and duly licensed to practice medicine by the appropriate
21 licensing authority in the State. The medical professionals selected by the
22 Commissioner may be compensated for their services on an equitable basis,
23 including reimbursement for ordinary and necessary travel expenses. The
24 Commissioner or ~~his~~the Commissioner's authorized representative, plus any
25 two medical professionals selected by the Commissioner, shall constitute a
26 quorum. The procedure for hearings authorized by this section shall be as
27 follows:

28 a. Applicants shall be afforded an opportunity for hearing, after
29 reasonable notice of not less than 10 days, before the review board
30 established by this subdivision. The notice shall be in writing and shall
31 be delivered to the applicant in person or sent by certified mail, with
32 return receipt requested. The notice shall state the time, place, and
33 subject of the hearing. If a hearing is requested under this subdivision
34 to contest a restriction placed on a license under subdivision (3) of this
35 subsection, the restriction shall be stayed unless the Division
36 determines there is an imminent threat to public safety if continued
37 unrestricted driving is permitted. No stay shall be granted if a hearing
38 is requested under this subdivision to contest a denial or cancellation
39 of a license under subdivision (3) of this subsection. Nothing in this
40 sub-subdivision ~~shall be construed as authorizing~~authorizes the stay
41 of a restriction placed on a license pursuant to another provision of
42 law.

43 b. The review board may compel the attendance of witnesses and the
44 production of such books, ~~records~~records, and papers as it desires at
45 a hearing authorized by ~~the~~this section. Upon request of an applicant
46 or licensee, a subpoena to compel the attendance of any witness or a
47 subpoena duces tecum to compel the production of any books, records,
48 or papers shall be issued by the board. Subpoenas shall be directed to
49 the sheriff of the county where the witness resides or is found and shall
50 be served and returned in the same manner as a subpoena in a criminal
51 case. Fees of the sheriff and witnesses shall be the same as that allowed

- 1 in the district court in cases before that court and shall be paid in the
2 same manner as other expenses of the Division of Motor Vehicles are
3 paid. In any case of disobedience or neglect of any subpoena served
4 on any person, or the refusal of any witness to testify to any matters
5 regarding which ~~he~~the witness may be lawfully interrogated, the
6 district court or superior court where ~~such~~the disobedience, ~~neglect~~
7 neglect, or refusal occurs, or any judge thereof, on application by the
8 board, shall compel obedience or punish as for contempt.
- 9 c. A hearing may be continued upon motion of the applicant or licensee
10 for good cause shown with approval of the board or upon order of the
11 board.
- 12 d. The board shall pass upon the admissibility of evidence at a hearing
13 but the applicant or licensee affected may at the time object to the
14 board's ruling, and, if evidence offered by an applicant or licensee is
15 ~~rejected~~rejected, the party may proffer the evidence, and ~~such~~the
16 proffer shall be made a part of the record. The board shall not be bound
17 by common law or statutory rules of evidence which prevail in courts
18 of law or equity and may admit and give probative value to evidence
19 which possesses probative value commonly accepted by reasonably
20 prudent persons in the conduct of their affairs. ~~They~~It may exclude
21 incompetent, immaterial, ~~irrelevant~~irrelevant, and unduly repetitious
22 evidence. Uncontested facts may be stipulated by agreement between
23 an applicant or licensee and the ~~board~~board, and evidence relating
24 ~~thereto~~to stipulated facts may be excluded. All evidence, including
25 records and documents in the possession of the Division of Motor
26 Vehicles or the board, of which the board desires to avail itself shall
27 be made a part of the record. Documentary evidence may be received
28 in the form of copies or excerpts, or by incorporation by reference. The
29 board shall prepare an official record, which shall include testimony
30 and exhibits. A record of the testimony and other evidence submitted
31 shall be taken, but it shall not be necessary to transcribe shorthand
32 notes or electronic recordings unless requested for purposes of court
33 review.
- 34 ...
- 35 h. All records and evidence collected and compiled by the Division and
36 the reviewing board shall not be considered public records within the
37 meaning of Chapter 132 of the General Statutes of ~~North Carolina~~ and
38 may be made available to the public only upon an order of a court of
39 competent jurisdiction. An applicant or licensee may obtain, without a
40 court order, a copy of records and evidence collected and compiled
41 under this subdivision about the applicant or licensee by submitting a
42 written request to the Division, signing any release forms required by
43 the Division, and remitting the required fee set by the Division. All
44 information furnished by, about, or on behalf of an applicant or
45 licensee under this section shall be without prejudice and shall be for
46 the use of the Division, the reviewing ~~board~~board, or the court in
47 administering this section and shall not be used in any manner as
48 evidence, or for any other purposes in any trial, civil or criminal. The
49 prohibition on release and use under this sub-subdivision applies
50 without regard to who authored or produced the information collected,
51 compiled, and used by the Division under this subdivision.

1 (h) The Division shall not issue a drivers license to an applicant who currently holds a
2 license to drive issued by another state unless the applicant surrenders the license.

3 (i) The Division shall not issue a drivers license to an applicant who has resided in this
4 State for less than 12 months until the Division has searched the National Sex Offender Public
5 Registry to determine if the person is currently registered as a sex offender in another state. The
6 following applies in this subsection:

7 ...
8 (4) Any person denied a license or whose license has been revoked by the
9 Division pursuant to this subsection ~~shall have~~ has a right to file a petition
10 within 30 days thereafter for a hearing in the matter in the superior court of
11 the county ~~wherein such person shall reside,~~ where the person resides, or to
12 petition the resident judge of the district or judge holding the court of that
13 district, or special or emergency judge holding a court in ~~such the~~ such the district, and
14 ~~such the~~ such the court or judge is hereby vested with ~~jurisdiction, and it shall be its or~~
15 ~~his duty to~~ jurisdiction. The court or judge shall set the matter for hearing upon
16 30 days' written notice to the ~~Division, and thereupon to~~ Division. At the
17 hearing, the court or judge shall take testimony and examine ~~into~~ into the facts of
18 the case and ~~to shall~~ shall determine whether the petitioner is entitled to a license
19 under ~~the provisions of~~ this subsection and whether the petitioner is in
20 violation of G.S. 20-30."

21 **SECTION 2.(b)** G.S. 20-37.7 reads as rewritten:

22 **"§ 20-37.7. Special identification card.**

23 ...
24 (b1) Search National Sex Offender Public Registry. – The Division shall not issue a special
25 identification card to an applicant who has resided in this State for less than 12 months until the
26 Division has searched the National Sex Offender Public Registry to determine if the person is
27 currently registered as a sex offender in another state. The following applies in this subsection:

28 ...
29 (4) Any person denied a special identification card by the Division pursuant to
30 this subsection ~~shall have~~ has a right to file a petition within 30 days thereafter
31 for a hearing in the matter in the superior court of the county ~~wherein such~~
32 ~~person shall reside,~~ where the person resides, or to petition the resident judge
33 of the district or judge holding the court of that district, or special or
34 emergency judge holding a court in ~~such the~~ such the district, and ~~such the~~ such the court or
35 judge is hereby vested with ~~jurisdiction, and it shall be its or his duty to~~
36 jurisdiction. The court or judge shall set the matter for hearing upon 30 days'
37 written notice to the ~~Division, and thereupon to~~ Division. At the hearing, the
38 court or judge shall take testimony and examine ~~into~~ into the facts of the case and
39 ~~to shall~~ shall determine whether the petitioner is entitled to a special identification
40 card under ~~the provisions of~~ this subsection and whether the petitioner is in
41 violation of G.S. 20-37.8.

42 (c) Format. – A special identification card shall include a color photograph of the special
43 identification card holder and shall be similar in size, shape, and design to a drivers license, but
44 shall clearly state that it does not entitle the person to whom it is issued to operate a motor vehicle.
45 A special identification card issued to an applicant must have the same background color that a
46 drivers license issued to the applicant would have.

47 (d) Expiration and Fee. – A special identification card issued to a person for the first time
48 under this section expires when a drivers license issued on the same day to that person would
49 expire. A special identification card renewed under this section expires when a drivers license
50 renewed by the card holder on the same day would expire.

The fee for a special identification card is the same as the fee set in G.S. 20-14 for a duplicate license. The fee does not apply to a special identification card issued to a resident of this State as follows:

- ...
 - (3) The applicant ~~or who~~ has been issued a drivers license but the drivers license is cancelled under G.S. 20-15, in accordance with G.S. 20-9(e) and (g), as a result of a physical or mental disability or disease.

...."

SECTION 3.(a) Section 4 of Chapter 168 of the 1989 Session Laws is repealed.

SECTION 3.(b) G.S. 20-118 reads as rewritten:

"§ 20-118. Weight of vehicles and load.

(a) For the purposes of this section, the following definitions shall apply:

- (1) ~~Single axle weight. — The gross weight transmitted by all wheels whose centers may be included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle.~~
- (2) ~~Tandem axle weight. — The gross weight transmitted to the road by two or more consecutive axles whose centers may be included between parallel vertical planes spaced more than 40 inches and not more than 96 inches apart, extending across the full width of the vehicle.~~
- (3) Axle group. — Any two or more consecutive axles on a vehicle or combination of vehicles.
- (4) Gross weight. — The weight of any single axle, tandem axle, or axle group of a vehicle or combination of vehicles plus the weight of any load thereon.
- (5) Light-traffic roads. — Any highway on the State Highway System, excepting routes designated I, U.S. or N.C., posted by the Department of Transportation to limit the axle weight below the statutory limits.
- (6) Single axle weight. — The gross weight transmitted by all wheels whose centers may be included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle.
- (7) Tandem axle weight. — The gross weight transmitted to the road by two or more consecutive axles whose centers may be included between parallel vertical planes spaced more than 40 inches and not more than 96 inches apart, extending across the full width of the vehicle.

(b) The following weight limitations shall apply to vehicles operating on the highways of the State:

- (1) The single-axle weight of a vehicle or combination of vehicles shall not exceed 20,000 pounds.
- (2) The tandem-axle weight of a vehicle or combination of vehicles shall not exceed 38,000 pounds.
- (3) The gross weight imposed upon the highway by any axle group of a vehicle or combination of vehicles shall not exceed the maximum weight given for the respective distance between the first and last axle of the group of axles measured longitudinally to the nearest foot as set forth in the following table:

Distance Between Axles*	Maximum Weight in Pounds for any Group of Two or More Consecutive Axles					
	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles	7 Axles
4	38000					
5	38000					
6	38000					
7	38000					
8 or						

1	less	38000	38000				
2	more						
3	than 8	38000	42000				
4	9	39000	42500				
5	10	40000	43500				
6	11		44000				
7	12		45000	50000			
8	13		45500	50500			
9	14		46500	51500			
10	15		47000	52000			
11	16		48000	52500	58000		
12	17		48500	53500	58500		
13	18		49500	54000	59000		
14	19		50000	54500	60000		
15	20		51000	55500	60500	66000	
16	21		51500	56000	61000	66500	
17	22		52500	56500	61500	67000	
18	23		53000	57500	62500	68000	
19	24		54000	58000	63000	68500	74000
20	25		54500	58500	63500	69000	74500
21	26		55500	59500	64000	69500	75000
22	27		56000	60000	65000	70000	75500
23	28		57000	60500	65500	71000	76500
24	29		57500	61500	66000	71500	77000
25	30		58500	62000	66500	72000	77500
26	31		59000	62500	67500	72500	78000
27	32		60000	63500	68000	73000	78500
28	33			64000	68500	74000	79000
29	34			64500	69000	74500	80000
30	35			65500	70000	75000	
31	36			66000**	70500	75500	
32	37			66500**	71000	76000	
33	38			67500**	72000	77000	
34	39			68000	72500	77500	
35	40			68500	73000	78000	
36	41			69500	73500	78500	
37	42			70000	74000	79000	
38	43			70500	75000	80000	
39	44			71500	75500		
40	45			72000	76000		
41	46			72500	76500		
42	47			73500	77500		
43	48			74000	78000		
44	49			74500	78500		
45	50			75500	79000		
46	51			76000	80000		
47	52			76500			
48	53			77500			
49	54			78000			
50	55			78500			
51	56			79500			

- 1 vehicle or combination of vehicles otherwise meet all requirements of this
 2 section.
- 3 (8) A firefighting vehicle operated by any member of a municipal or rural fire
 4 department in the performance of ~~his~~ the member's duties, regardless of
 5 whether members of that fire department are paid or ~~voluntary~~ voluntary, and
 6 any vehicle of a voluntary lifesaving organization, when operated by a
 7 member of that organization while answering an official ~~call~~ call, shall be
 8 exempt from ~~such~~ the light-traffic road limitations provided by
 9 G.S. 20-118(b)(4), subdivision (b)(4) of this section.
- 10 (9) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, s. 12.
- 11 (10) Fully enclosed motor vehicles designed specifically for collecting,
 12 ~~compacting~~ compacting, and hauling garbage from ~~residences~~, residences or
 13 from garbage dumpsters shall, when operating for those purposes, be allowed
 14 a single axle weight not to exceed 23,500 pounds on the steering axle on
 15 vehicles equipped with a boom, or on the rear axle on vehicles loaded from
 16 the rear. This exemption ~~shall~~ does not apply to vehicles operating on
 17 interstate highways, vehicles transporting hazardous waste as defined in
 18 G.S. 130A-290(4), G.S. 130A-290(a)(8), spent nuclear fuel regulated under
 19 G.S. 20-167.1, low-level radioactive waste as defined in G.S. 104E-5(9a), or
 20 radioactive material as defined in G.S. 104E-5(14).
- 21 ...
- 22 (16) Subsections (b) and (e) of this section do not apply to a vehicle or vehicle
 23 combination that meets all of the conditions below, but all other enforcement
 24 provisions of this Article remain applicable:
- 25 a. Is hauling unhardened ready-mixed concrete.
 - 26 b. Does not operate on an interstate highway or a posted light-traffic
 27 road, or exceed any posted bridge weight limits.
 - 28 c. Has a single steer axle weight of no more than 22,000 pounds and a
 29 tandem-axle weight of no more than 46,000 pounds.
 - 30 d. Does not exceed a maximum gross weight of 66,000 pounds on a
 31 three-axle vehicle with a length of at least 21 feet between the center
 32 of axle one and the center of axle three of the vehicle.
 - 33 e. Does not exceed a maximum gross weight of 72,600 pounds on a
 34 four-axle vehicle with a length of at least 36 feet between the center of
 35 axle one and the center of axle four. The four-axle vehicle shall have
 36 a maximum gross weight of 66,000 pounds on axles one, two, and
 37 three with a length of at least 21 feet between the center of axle one
 38 and the center of axle three.
- 39 For purposes of this subdivision, no additional weight allowances ~~as found~~ in
 40 this section ~~shall~~ apply for the gross weight, single-axle weight, and
 41 tandem-axle weight, and the tolerance allowed by subsection (h) of this
 42 section ~~shall~~ does not apply.
- 43 ...
- 44 (19) Any additional weight allowance authorized by 23 U.S.C. § 127, and
 45 applicable to all interstate highways, ~~shall also apply~~ also applies to all State
 46 roads, unless the road is a posted road or posted bridge, or unless specifically
 47 prohibited by State law or a Department ordinance applicable to a specific
 48 road.
- 49 (d) The Department of Transportation is authorized to abrogate certain exceptions. The
 50 exceptions provided for in ~~G.S. 20-118(e)(4) and 20-118(e)(5)~~ subdivisions (c)(4) and (c)(5) of
 51 this section as applied to any light-traffic road may be abrogated by the Department of

1 Transportation upon a determination of the Department of Transportation that undue damage to
 2 ~~such the~~ light-traffic road is resulting from ~~such~~ vehicles exempted by ~~G.S. 20-118(e)(4) and~~
 3 ~~20-118(e)(5)~~ subdivisions (c)(4) and (c)(5) of this section. In those cases where the exemption
 4 to the light-traffic roads are abrogated by the Department of Transportation, the Department shall
 5 post the road to indicate no exemptions.

6 (e) Penalties. –

7 ...
 8 (3) If an axle-group weight of a vehicle exceeds the weight limit set in subdivision
 9 (b)(3) of this section plus any tolerance allowed in subsection (h) of this
 10 section or axle-group weights or gross weights authorized by special permit
 11 under G.S. 20-119(a), the Department of Public Safety shall assess a civil
 12 penalty against the owner or registrant of the motor vehicle. The penalty shall
 13 be assessed on the number of pounds by which the axle-group weight exceeds
 14 the limit set in subdivision (b)(3) of this section, or by a special permit issued
 15 pursuant to G.S. 20-119, as follows: for the first 2,000 pounds or any part
 16 thereof, two cents (2¢) per pound; for the next 3,000 pounds or any part
 17 thereof, four cents (4¢) per pound; for each pound in excess of 5,000 pounds,
 18 ten cents (10¢) per pound. Tolerance pounds in excess of the limit set in
 19 subdivision (b)(3) of this section are subject to the penalty if the vehicle
 20 exceeds the tolerance allowed in subsection (h) of this section. These penalties
 21 apply separately to each axle-group weight limit violated. Notwithstanding
 22 any provision to the contrary, a vehicle with a special permit that is subject to
 23 additional penalties under this subsection based on a violation of any of the
 24 permit restrictions set out in G.S. 20-119(d1) shall be assessed a civil penalty,
 25 not to exceed ten thousand dollars (\$10,000), based on the number of pounds
 26 by which the axle-group weight exceeds the limit set in subdivision (b)(3) of
 27 this section.

28 ...
 29 (g) ~~General Statutes 20-118 shall not be construed to~~ This section does not permit the
 30 gross weight of any vehicle or combination in excess of the safe load carrying capacity
 31 established by the Department of Transportation on any bridge pursuant to G.S. 136-72.

32 ...
 33 (k) A vehicle which is equipped with a self-loading bed and which is designed and used
 34 exclusively to transport compressed seed cotton from the farm to a cotton gin, or sage to market,
 35 may operate on the highways of the State, except interstate highways, with a tandem-axle weight
 36 not exceeding 50,000 pounds. Such vehicles ~~shall be~~ are exempt from light-traffic road
 37 limitations only from point of origin on the light-traffic road to the nearest State-maintained road
 38 which is not posted to prohibit the transportation of statutory load limits. This exemption does
 39 not apply to restricted, posted bridge structures."

40 **SECTION 4.(a)** G.S. 39-23.1 reads as rewritten:

41 "**§ 39-23.1. Definitions.**

42 In this Article, the following definitions apply:

43 ...
 44 (7) Insider. – Includes any of the following:

45 a. If the debtor is an ~~individual~~ individual, any of the following:

- 46 1. A relative of the debtor or of a general partner of the
 47 ~~debtor~~ debtor.
- 48 2. A partnership in which the debtor is a general ~~partner~~ partner.
- 49 3. A general partner in a partnership in which the debtor is a
 50 general ~~partner~~ partner.

- 1 4. A corporation of which the debtor is a director, officer, or
- 2 person in control.
- 3 b. ~~If the debtor is a corporation;~~ corporation, any of the following:
- 4 1. A director of the ~~debtor;~~ debtor.
- 5 2. An officer of the ~~debtor;~~ debtor.
- 6 3. A person in control of the ~~debtor;~~ debtor.
- 7 4. A partnership in which the debtor is a general ~~partner;~~ partner.
- 8 5. A general partner in a partnership in which the debtor is a
- 9 general ~~partner;~~ partner.
- 10 6. A relative of a general partner, director, officer, or person in
- 11 control of the debtor.
- 12 c. ~~If the debtor is a partnership;~~ partnership, any of the following:
- 13 1. A general partner in the ~~debtor;~~ debtor.
- 14 2. A relative of a general partner in, a general partner of, or a
- 15 person in control of the ~~debtor;~~ debtor.
- 16 3. Another partnership in which the debtor is a general
- 17 ~~partner;~~ partner.
- 18 4. A general partner in a partnership in which the debtor is a
- 19 general ~~partner;~~ partner.
- 20 5. A person in control of the debtor.
- 21 d. An affiliate, or an insider of an affiliate as if the affiliate were the
- 22 debtor.
- 23 e. A managing agent of the debtor.

24 ...

25 (14) ~~Voidable transaction. — The term does not include payment to the State or a~~
 26 ~~political subdivision of the State of taxes, debts, fines, penalties, or other~~
 27 ~~obligations or amounts."~~

28 **SECTION 4.(b)** G.S. 39-23.8(b), (d), and (e) read as rewritten:

29 "(b) To the extent a transfer is avoidable in an action by a creditor under
 30 G.S. 39-23.7(a)(1), the following rules apply:

- 31 (1) Except as otherwise provided in this section, the creditor may recover
- 32 judgment for the value of the asset transferred, as adjusted under subsection
- 33 (c) of this section, or the amount necessary to satisfy the creditor's claim,
- 34 whichever is less. The judgment may be entered ~~against;~~ against any of the
- 35 following:
- 36 a. The first transferee of the asset or the person for whose benefit the
- 37 transfer was ~~made;~~ made.
- 38 b. An immediate or mediate transferee of the first transferee, other
- 39 ~~than;~~ than any of the following:
- 40 1. A good-faith transferee that took for ~~value;~~ value.
- 41 2. An immediate or mediate good-faith transferee of a person
- 42 described in sub-sub-subdivision 1. of this sub-subdivision.
- 43 (2) Recovery pursuant to G.S. 39-23.7(a)(1) or G.S. 39-23.7(b) of or from the
- 44 asset transferred or its proceeds, by levy or otherwise, is available only against
- 45 a person described in sub-subdivision a. or b. of subdivision (1) of this
- 46 subsection.

47 ...

48 (d) Notwithstanding voidability of a transfer or an obligation under this Article, a
 49 good-faith transferee or obligee is entitled, to the extent of the value given the debtor for the
 50 transfer or obligation, ~~to;~~ to any of the following:

- 51 (1) A lien on or a right to retain an interest in the asset ~~transferred;~~ transferred.

- 1 (2) Enforcement of an obligation ~~incurred; or~~ incurred.
- 2 (3) A reduction in the amount of the liability on the judgment.
- 3 (e) A transfer is not voidable under G.S. 39-23.4(a)(2) or G.S. 39-23.5 if the transfer
- 4 results from one or more of the following:
- 5 (1) Termination of a lease upon default by the debtor when the termination is
- 6 pursuant to the lease and applicable law.
- 7 (2) Enforcement of a security interest in compliance with Article 9 of Chapter 25
- 8 of the General Statutes, the Uniform Commercial Code, other than acceptance
- 9 of collateral in full or partial satisfaction of the obligation it secures.
- 10 (3) The payment of taxes, debts, fines, penalties, or other obligations or amounts
- 11 to the State or to any political subdivision of the State."

12 **SECTION 5.(a)** G.S. 44A-11.2 reads as rewritten:

13 "**§ 44A-11.2. Identification of lien agent; notice to lien agent; effect of notice.**

14 (a) As used in this section, the term "contact information" ~~shall mean~~ means the name,

15 physical and mailing address, telephone number, facsimile number, and electronic mail address

16 of the lien agent designated by the owner pursuant to G.S. 44A-11.1.

17 ...

18 (b1) A potential lien claimant making a request pursuant to subsection (b) of this section

19 who did not receive the lien agent contact information pursuant to subsection (c) of this section,

20 and who has not furnished labor, materials, rental equipment, or professional design or surveying

21 services at the site of the improvements, or who last furnished labor, materials, rental equipment,

22 or professional design or surveying services at the site of the improvements prior to the posting

23 of the contact information for the lien agent pursuant to subsection (d) or (e) of this section, ~~shall~~

24 ~~have~~ has no obligation to give notice to the lien agent under this section until the potential lien

25 claimant has received the contact information from the owner.

26 (c) A contractor or subcontractor for improvements to real property subject to

27 G.S. 44A-11.1 shall, within three business days of contracting with a lower-tier subcontractor

28 who is not required to furnish labor, materials, rental equipment, or professional design or

29 surveying services at the site of the improvements, provide the lower-tier subcontractor with a

30 written notice containing the contact information for the lien agent designated by the owner. This

31 notice shall be given pursuant to subsection (f) of this section or may be given by including the

32 lien agent contact information in a written subcontract entered into by, or a written purchase order

33 issued to, the lower-tier subcontractor entitled to the notice required by this subsection. Any

34 contractor or subcontractor who has previously received notice of the lien agent contact

35 information, whether from the building permit, the inspections office, a notice from the owner,

36 contractor, or subcontractor, or by any other means, and who fails to provide the lien agent

37 contact information to the lower-tier subcontractor in the time required under this subsection,

38 ~~shall be is~~ is liable to the lower-tier subcontractor for any actual damages incurred by the lower-tier

39 subcontractor as a result of the failure to give notice.

40 ...

41 (f) In complying with any requirement for written notice pursuant to this section, the

42 notice shall be addressed to the person required to be provided with the notice and shall be

43 delivered by any of the following methods:

- 44 (1) Certified mail, return receipt requested.
- 45 (2) Signature confirmation as provided by the United States Postal Service.
- 46 (3) Physical delivery and obtaining a delivery receipt from the lien agent.
- 47 (4) Facsimile with a facsimile confirmation.
- 48 (5) Depositing with a designated delivery service authorized pursuant to 26
- 49 U.S.C. § 7502(f)(2).
- 50 (6) Electronic mail, with delivery receipt.

- 1 (7) Utilizing an Internet Web site approved for such use by the designated lien
2 agent to transmit to the designated lien agent, with delivery receipt, all
3 information required to notify the lien agent of its designation pursuant to
4 G.S. 44A-11.1 or to provide a notice to the designated lien agent pursuant to
5 this section.

6 As used in this subsection, "delivery receipt" includes an electronic or facsimile confirmation. A
7 return receipt or other receipt showing delivery of the notice to the addressee or written evidence
8 that ~~such the~~ notice was delivered by the postal service or other carrier to but not accepted by the
9 addressee ~~shall be~~ is prima facie evidence of receipt.

10 (g) For purposes of this subsection, "custom contractor" means a contractor duly licensed
11 as a general contractor pursuant to Article 1 of Chapter 87 of the General Statutes who has
12 contracted with an owner who is not an affiliate, relative, or insider of the contractor to build a
13 single-family residence on the owner's property to be occupied by the owner as a residence. A
14 custom contractor ~~will~~ shall be deemed to have met the requirement of notice under subsections
15 (l) and (m) of this section on the date of the lien agent's receipt of notice of its designation as lien
16 agent delivered to it by the custom contractor in accordance with this section if, at the time of the
17 lien agent's receipt of the notice, all of the following conditions are met:

- 18 (1) The owner has not previously designated a lien agent for the improvements to
19 which the notice of designation of lien agent relates.
20 (2) The custom contractor is authorized to designate the lien agent on behalf of
21 the owner under the written contract between the owner and custom
22 contractor.
23 (3) In addition to the information required to be included pursuant to
24 G.S. 44A-11.1(a), the notice of designation of lien agent contains the
25 following information:
26 a. The custom contractor's name, mailing address, telephone number, fax
27 number (if available), and electronic mailing address (if available).
28 b. The name of the owner with whom the custom contractor has
29 contracted to improve the real property identified in the notice.

30 After receiving a notice of its designation from a custom contractor pursuant to this
31 subsection, the designated lien agent shall include the custom contractor's name and contact
32 information in responding to any request for information pursuant to G.S. 58-26-45(b)(7).

33 (h) When a lien agent is not identified in a contract for improvements to real property
34 subject to G.S. 44A-11.1 entered into between an owner and a design professional, the design
35 professional ~~will~~ shall be deemed to have met the requirement of notice under subsections (l) and
36 (m) of this section on the date of the lien agent's receipt of the owner's designation of the lien
37 agent. The owner shall provide written notice to the lien agent containing the information
38 pertaining to the design professional required in a notice to lien agent pursuant to subdivisions
39 (1) through (3) of subsection (i) of this section, by any method of delivery authorized in
40 subsection (f) of this section. The lien agent shall include the design professional's name and
41 address in its response to any persons requesting information relating to persons who have given
42 notice to the lien agent pursuant to this section. For purposes of this subsection, the term "design
43 professional" ~~shall mean~~ means any architects, engineers, land surveyors, and landscape
44 architects registered under Chapter 83A, 89A, or 89C of the General Statutes.

45 ...

46 (k) The notice to lien agent shall not be filed with the clerk of superior court. An
47 inaccuracy in the description of the improved real property provided in the notice ~~shall~~ does not
48 bar a person from claiming a lien under this Article or otherwise perfecting or enforcing a claim
49 of lien as provided in this Article, if the improved real property can otherwise reasonably be
50 identified from the information contained in the notice.

1 (l) Except as otherwise provided in this section, for any improvement to real property
2 subject to G.S. 44A-11.1, a potential lien claimant may perfect a claim of lien on real property
3 only if at least one of the following conditions is met:

4 (1) The lien agent identified in accordance with this section has received a Notice
5 to Lien Agent from the potential lien claimant no later than 15 days after the
6 first furnishing of labor or materials by the potential lien claimant.

7 (2) Any of the following conditions is met:

8 a. The lien agent identified in accordance with this section has received
9 a Notice to Lien Agent from the potential lien claimant prior to the
10 date of recordation of a conveyance of the property interest in the real
11 property to a bona fide purchaser for value protected under G.S. 47-18
12 who is not an affiliate, relative, or insider of the owner.

13 b. The potential lien claimant has perfected its claim of lien on real
14 property pursuant to G.S. 44A-11 prior to the recordation of a
15 conveyance of the property interest in the real property to a bona fide
16 purchaser for value protected under G.S. 47-18 who is not an affiliate,
17 relative, or insider of the owner.

18 As used in this subdivision, the terms "affiliate," "relative," and "insider" ~~shall~~
19 have the meanings as set forth in G.S. 39-23.1.

20 (m) Except as otherwise provided in this section, for any improvement to real property
21 subject to G.S. 44A-11.1, the claim of lien on real property of a potential lien claimant that is not
22 perfected pursuant to G.S. 44A-11 prior to the recordation of any mortgage or deed of trust for
23 the benefit of one who is not an affiliate, relative, or insider of the owner ~~shall be~~ is subordinate
24 to the previously recorded mortgage or deed of trust unless at least one of the following
25 conditions is met:

26 (1) The lien agent identified in accordance with this section has received a Notice
27 to Lien Agent from the potential lien claimant no later than 15 days after the
28 first furnishing of labor or materials by the potential lien claimant.

29 (2) The lien agent identified in accordance with this section has received a Notice
30 to Lien Agent from the potential lien claimant prior to the date of recordation
31 of the mortgage or deed of trust.

32 (n) For any improvement to real property subject to G.S. 44A-11.1, a potential lien
33 claimant ~~shall not be~~ is not required to comply with this section if the lien agent contact
34 information is neither contained in the building permit or attachment thereto or sign posted on
35 the improved property pursuant to subsection (d) or (e) of this section at the time when the
36 potential lien claimant was furnishing labor, materials, rental equipment, or professional design
37 or surveying services at the site of the improvements, nor timely provided by the owner in
38 response to a written request by the potential lien claimant made pursuant to subsection (b) of
39 this section. The lien rights of a potential lien claimant who is given erroneous information by
40 the owner regarding the identity of the lien agent ~~will not be~~ are not extinguished under
41 subsection (l) of this section nor subordinated under subsection (m) of this section.

42 (o) Except as provided in subsections (l) and (m) of this section, nothing contained in this
43 section ~~shall affect~~ affects a claim of lien upon funds pursuant to G.S. 44A-18.

44 ...

45 (v) **(Effective October 1, 2018)** Cancellation or expiration of a Notice to Lien Agent
46 pursuant to this section has no ~~affect~~ effect upon the validity of a previously filed claim
47 of lien or upon the priority of lien rights."

48 **SECTION 5.(b)** The amendments to G.S. 44A-11.2(v) in subsection (a) of this
49 section become effective October 1, 2018. The remainder of this section is effective when it
50 becomes law.

51 **SECTION 6.** G.S. 48-3-303(g) reads as rewritten:

1 "(g) If the agency determines that the individual is not suitable to be an adoptive parent,
2 the ~~replacement~~ preplacement assessment shall state the specific concerns which support that
3 determination. A specific concern is one that reasonably indicates that placement of any minor,
4 or a particular minor, in the home of the individual would pose a significant risk of harm to the
5 well-being of the minor."

6 **SECTION 7.** G.S. 59-32 reads as rewritten:

7 **"§ 59-32. Definition of terms.**

8 As used in this Chapter, except as otherwise defined in Article 5 of this Chapter for purposes
9 of that Article, ~~unless the context otherwise requires:~~ the following definitions apply:

10 ~~(01)~~(1) "Act" means the Act. – The North Carolina Uniform Partnership Act and
11 refers to all provisions therein.

12 ~~(1)~~(1a) "Bankrupt" means bankrupt – Bankrupt. – Bankrupt under the Federal
13 Bankruptcy Act or insolvent under any State insolvent act.

14 (2) "Business" means every Business. – Every trade, occupation, or profession.

15 (3) "Conveyance" means every Conveyance. – Every assignment, lease,
16 mortgage, or encumbrance.

17 (4) "Court" means every Court. – Every court and judge having jurisdiction in the
18 case.

19 (4a) "Domestic corporation" has Domestic corporation. – Has the same meaning
20 as in G.S. 55-1-40.

21 (4b) "Domestic limited liability company" has Domestic limited liability company.
22 – Has the same meaning as the term "LLC" in G.S. 57D-1-03.

23 (4c) "Domestic limited partnership" has Domestic limited partnership. – Has the
24 same meaning as in G.S. 59-102.

25 (4d) "Domestic nonprofit corporation" means a Domestic nonprofit corporation. –
26 A corporation as defined in G.S. 55A-1-40.

27 (4e) "Foreign corporation" has Foreign corporation. – Has the same meaning as in
28 G.S. 55-1-40.

29 (4f) "Foreign limited liability company" has Foreign limited liability company. –
30 Has the same meaning as the term "foreign LLC" in G.S. 57D-1-03.

31 ~~(4g)~~ "Foreign limited liability partnership" means a Foreign limited liability
32 partnership. – A partnership that (i) is formed under laws other than the laws
33 of this State, State and has the status of a limited liability partnership or
34 registered limited liability partnership under those laws.

35 (4h) "Foreign limited partnership" has Foreign limited partnership. – Has the same
36 meaning as in G.S. 59-102.

37 (4i) "Foreign nonprofit corporation" means a Foreign nonprofit corporation. – A
38 foreign corporation as defined in G.S. 55A-1-40.

39 (5) "Person" means individuals, Person. – Individuals, partnerships, corporations,
40 limited liability companies, and other associations.

41 (5a) "Principal office" means the Principal office. – The office (in or out of this
42 State) where the principal executive offices of a registered limited liability
43 partnership or a foreign limited liability partnership are located, as designated
44 in its most recent annual report filed with the Secretary of State or, if no annual
45 report has yet been filed, in its application for registration as a registered
46 limited liability partnership or foreign limited liability partnership.

47 (6) "Real property" means land Real property. – Land and any interest or estate
48 in land.

49 (7) "Registered limited liability partnership" means a Registered limited liability
50 partnership. – A partnership that is registered under G.S. 59-84.2 and complies
51 with G.S. 59-84.3.

- 1 (8) ~~"Service-disabled veteran" means a~~ Service-disabled veteran. – A veteran
2 with a disability that was incurred or aggravated during the veteran's service
3 in the Armed Forces of the United States.
- 4 (9) ~~"Service-disabled veteran-owned small business" means a~~ Service-disabled
5 veteran-owned small business. – A business that satisfies ~~both of all~~ the
6 following requirements:
7 a. The business's net annual receipts do not exceed one million dollars
8 (\$1,000,000).
9 b. One or more service-disabled veterans own more than fifty percent
10 (50%) of the business.
- 11 (10) ~~"Veteran" means an~~ Veteran. – An individual entitled to any benefits or rights
12 under the laws of the United States by reason of service in the Armed Forces
13 of the United States.
- 14 (11) ~~"Veteran-owned small business" means a~~ Veteran-owned small business. – A
15 business that satisfies ~~both of all~~ the following requirements:
16 a. The business's net annual receipts do not exceed one million dollars
17 (\$1,000,000).
18 b. One or more veterans own more than fifty percent (50%) of the
19 business."

20 **SECTION 8.** Article 7B of Chapter 120 of the General Statutes reads as rewritten:

21 "Article 7B.

22 "~~Research~~ Legislative Analysis Division.

23 **§ 120-36.8. Certification of legislation required by federal law.**

24 (a) Every bill and resolution introduced in the General Assembly proposing any change
25 in the law which purports to implement federal law or to be required or necessary for compliance
26 with federal law, or on which is conditioned the receipt of federal funds shall have attached to it
27 at the time of its consideration by the General Assembly a certification prepared by the
28 ~~Research~~ Legislative Analysis Division, in consultation with the Bill Drafting and Fiscal
29 Research Divisions, identifying the federal law requiring passage of the bill or resolution. The
30 certification shall contain a statement setting forth the reasons why the bill or resolution is
31 required by federal law. If the bill or resolution is not required by federal law or exceeds the
32 requirements of federal law, then the certification shall state the reasons for that opinion. No
33 comment or opinion shall be included in the certification with regard to the merits of the measure
34 for which the certification is prepared. However, technical and mechanical defects may be noted.

35 (b) The sponsor of each bill or resolution to which this section applies shall present a
36 copy of the bill or resolution with the request for certification to the ~~Research~~ Legislative
37 Analysis Division. Upon receipt of the request and the copy of the bill or resolution, the ~~Research~~
38 Legislative Analysis Division shall consult with the Bill Drafting and Fiscal Research Divisions,
39 and may consult with the Office of State Budget and Management or any State agency on
40 preparation of the certification as promptly as possible. The ~~Research~~ Legislative Analysis
41 Division shall prepare the certification and transmit it to the sponsor within two weeks after the
42 request is made, unless the sponsor agrees to an extension of time.

43 (c) This certification shall be attached to the original of each proposed bill or resolution
44 that is reported favorably by any committee of the General Assembly, but shall be separate from
45 the bill or resolution and shall be clearly designated as a certification. A certification attached to
46 a bill or resolution pursuant to this section is not a part of the bill or resolution and is not an
47 expression of legislative intent proposed by the bill or resolution.

48 (d) If a committee of the General Assembly reports favorably a proposed bill or resolution
49 with an amendment proposing any change in the law which purports to implement federal law or
50 to be required or necessary for compliance with federal law, the chair of the committee shall

1 obtain from the ~~Research~~ Legislative Analysis Division and attach to the amended bill or
2 resolution a certification as provided in this section."

3 **SECTION 9.** Article 18A of Chapter 136 of the General Statutes is repealed.

4 **SECTION 10.** G.S. 150B-1(d) reads as rewritten:

5 "(d) Exemptions from Rule Making. – Article 2A of this Chapter does not apply to the
6 following:

7 ...

8 (6) ~~and Juvenile Justice~~ The Department of Public Safety, with respect to matters
9 relating to executions under Article 19 of Chapter 15 of the General Statutes
10 and matters relating solely to persons in its custody or under its supervision,
11 including prisoners, probationers, and parolees.

12"

13 **SECTION 11.** G.S. 150B-21.11 reads as rewritten:

14 "**§ 150B-21.11. Procedure when Commission approves permanent rule.**

15 When the Commission approves a permanent rule, it must notify the agency that adopted the
16 rule of the Commission's approval, and deliver the approved rule to the Codifier of
17 Rules. ~~Regulatory Reform~~

18 If the approved rule will increase or decrease expenditures or revenues of a unit of local
19 government, the Commission must also notify the Governor of the Commission's approval of the
20 rule and deliver a copy of the approved rule to the Governor by the end of the month in which
21 the Commission approved the rule."

22 **SECTION 12.(a)** Section 16D.4(dd) of S.L. 2017-57 reads as rewritten:

23 "**SECTION 16D.4.(dd)** In developing and implementing the education and training required
24 by subsections ~~(a) and (b)~~ (bb) and (cc) of this section, the North Carolina Criminal Justice
25 Education and Training Standards Commission and the North Carolina Sheriffs' Education and
26 Training Standards Commission shall work with the Division of Adult Correction and Juvenile
27 Justice of the Department of Public Safety."

28 **SECTION 12.(b)** Section 16D.4(tt) of S.L. 2017-57 reads as rewritten:

29 "**SECTION 16D.4.(tt)** Sections 16D.4(a) through 16D.4(s) of this act become effective
30 December 1, 2019, and apply to offenses committed on or after that date. Sections 16D.4(t)
31 through 16D.4(x) of this act become effective October 1, 2017, and Sections 16D.4(t) through
32 16D.4(w) apply to all complaints filed on or after that date. Except as otherwise provided in this
33 ~~act, section,~~ the remainder of this ~~act, section~~ is effective when it becomes law. Prosecutions or
34 delinquency proceedings initiated for offenses committed before any particular ~~section~~
35 subsection of this section becomes effective are not abated or affected by this act, and the statutes
36 that are in effect on the dates the offenses are committed remain applicable to those
37 prosecutions."

38 **SECTION 13.(a)** Section 7(b) of S.L. 2017-206 is repealed.

39 **SECTION 13.(b)** Section 36.7(b) of S.L. 2017-57 reads as rewritten:

40 "**SECTION 36.7.(b)** Reporting. – The following reports are required:

41 (1) By ~~October 1, 2017,~~ October 15, 2017, and every six months thereafter, each
42 State agency shall report on the status of agency capital projects to the Joint
43 Legislative Commission on Governmental Operations.

44 (2) By ~~October 1, 2017,~~ October 15, 2017, and quarterly thereafter, each State
45 agency shall report on the status of agency capital projects to the Fiscal
46 Research Division of the General Assembly and to the Office of State Budget
47 and Management."

48
49 **PART II. TECHNICAL CORRECTIONS TO THE NORTH CAROLINA UNIFORM**
50 **POWER OF ATTORNEY ACT**

51 **SECTION 14.(a)** G.S. 32C-1-108(b) reads as rewritten:

1 "(b) If, after a principal executes a power of attorney, the clerk of superior court appoints
2 a guardian of the principal's estate, or general guardian or other fiduciary charged with the
3 management of some or all of the principal's property, the agent is accountable to the guardian
4 or the fiduciary as well as to the principal. The power of attorney is not terminated and the agent's
5 authority continues unless ~~limited, suspended, suspended~~ or terminated by the clerk of superior
6 court in accordance with this Chapter. ~~pursuant to G.S. 32C-1-116(a)(2) or terminated by the~~
7 guardian of the principal's estate or general guardian pursuant to G.S. 32C-1-110(a)(7) or
8 G.S. 32C-1-110(b)(5)."

9 **SECTION 14.(b)** G.S. 32C-1-116 reads as rewritten:

10 "**§ 32C-1-116. Judicial relief.**

11 (a) The clerks of superior court of this State shall have original jurisdiction of
12 proceedings under this Chapter. Except as provided in subdivision (4) of this subsection, the clerk
13 of superior court's jurisdiction is exclusive. The following proceedings are included:

14 ...

15 (2) To terminate a power of attorney or to ~~limit, suspend, suspend~~ or terminate
16 the authority of an agent where a guardian of the estate or a general guardian
17 has been appointed.

18 ...

19 (b) Without otherwise limiting the jurisdiction of the superior court division of the
20 General Court of Justice, the clerk of superior court shall not have jurisdiction under this
21 subsection over the following actions:

22 (1) To modify or amend a power of attorney instrument.

23 (2) By or against creditors or debtors of an agent or principal.

24 (3) Involving claims for monetary damages, including claims for breach of
25 fiduciary duty, fraud, and negligence.

26 (4) To set aside a power of attorney based on undue influence or lack of capacity.

27 (5) For the recovery of property transferred or conveyed by an agent on behalf of
28 a principal with intent to hinder, delay, or defraud the principal's creditors.

29 (c) Proceedings brought under the provisions of subsection (a) of this section shall be
30 commenced as prescribed for ~~in, and shall be conducted in accordance with,~~ estate proceedings
31 under G.S. 28A-2-6 and may be brought by the following persons:

32 (1) The principal or the agent.

33 (2) A general guardian, guardian of the principal's estate, or guardian of the
34 principal's person.

35 (3) The personal representative of the estate of a deceased principal.

36 (4) A person authorized to make health care decisions for the principal.

37 (5) Any other interested person, including a person asked to accept a power of
38 attorney.

39 ...

40 (e) Nothing in this section ~~shall affect~~ affects the right of a person to file an action in the
41 Superior Court Division of the General Court of Justice for declaratory relief under Article 26 of
42 Chapter 1 of the General Statutes.

43 "

44 **SECTION 15.(a)** G.S. 32C-1-109(c) reads as rewritten:

45 "(c) If a power of attorney becomes effective upon the principal's incapacity and the
46 principal has not authorized a person to determine whether the principal is incapacitated, or the
47 person authorized is unable or unwilling to make the determination, the power of attorney
48 becomes effective upon a determination in a writing or other record in one of the following
49 manners:

- 1 (1) After a personal examination of the principal, by two individuals who are
 2 either a physician, a licensed psychologist, or both, that the principal is
 3 incapacitated within the meaning of ~~G.S. 32C-1-102(5)~~a.G.S. 32C-1-102(6)a.
 4 (2) By an attorney-at-law, a judge, or an appropriate governmental official that
 5 the principal is incapacitated within the meaning of
 6 ~~G.S. 32C-1-102(5)~~b.G.S. 32C-1-102(6)b.

7 Notwithstanding the subsequent capacity of the principal to manage property or business
 8 affairs, a power of attorney which becomes effective under this subsection shall remain effective
 9 until its termination pursuant to G.S. 32C-1-110(a) or the agent's authority terminates pursuant
 10 to G.S. 32C-1-110(b)."

11 **SECTION 15.(b)** G.S. 32C-1-116(f) reads as rewritten:

12 "(f) Upon motion by the principal, the clerk of superior court shall dismiss a petition filed
 13 under subsection (a) of this section, unless the clerk of superior court determines the principal is
 14 incapacitated within the meaning of ~~G.S. 32C-1-102(5)~~.G.S. 32C-1-102(6)."

15 **SECTION 16.** G.S. 32C-1-110 reads as rewritten:

16 "**§ 32C-1-110. Termination of power of ~~attorney~~attorney or agent's authority.**

17 ...

18 (d) Termination of an agent's authority or of a power of attorney is not effective as to the
 19 agent or another person that, without actual knowledge of the termination, acts in good faith
 20 under the power of attorney. An act so performed, unless otherwise invalid or unenforceable,
 21 binds the principal and the principal's successors in interest.

22 ...

23 (f) The execution of a power of attorney does not revoke a power of attorney previously
 24 executed by the principal unless the subsequent power of attorney provides that the previous
 25 power of attorney is revoked or that all other powers of attorney are revoked. If the previous
 26 power of attorney has been registered in an office of the register of deeds in this State, it shall be
 27 revoked pursuant to subdivision (g)(1) of this section.

28 (g) A principal ~~may revoke~~revokes a power of attorney in one of the following manners:

- 29 (1) If the power of attorney has been registered in an office of the register of deeds
 30 in this State, it shall be revoked by registration in that office ~~by of an~~
 31 instrument of ~~revocation~~revocation, including a subsequent power of attorney
 32 that provides that the previous power of attorney is revoked or all other powers
 33 of attorney are revoked, executed and acknowledged by the principal while
 34 the principal is not incapacitated with proof of service on the agent in the
 35 manner prescribed for service under Rule 5 of the North Carolina Rules of
 36 Civil Procedure.
 37 (2) If the power of attorney has not been registered in an office of the register of
 38 deeds in this State, it ~~may~~shall be revoked by one of the following methods:
 39 a. A subsequent written revocatory ~~document~~document, including a
 40 subsequent power of attorney that provides that the previous power of
 41 attorney is revoked or all other powers of attorney are revoked,
 42 executed and acknowledged while not incapacitated.
 43 b. Being burnt, torn, canceled, obliterated, or destroyed, with the intent
 44 and for the purpose of revoking it, by the principal or by another
 45 person in the principal's presence and at the principal's direction, while
 46 the principal is not incapacitated.

47 (h) A guardian of the principal's estate or general guardian terminates a power of attorney
 48 that has been registered in an office of the register of deeds in this State by registering in that
 49 office an instrument of revocation executed and acknowledged by such guardian and with proof
 50 of service on the agent in the manner prescribed for service under Rule 5 of the North Carolina
 51 Rules of Civil Procedure."

1 **SECTION 17.** G.S. 32C-1-112 reads as rewritten:

2 "**§ 32C-1-112. Reimbursement and compensation of agent.**

3 (a) If the terms of the power of attorney specify the amount or the way the compensation
4 is to be determined, the agent is entitled to the compensation as specified.

5 (b) If the terms of the power of attorney do not specify the amount or the way the
6 compensation is to be determined, and the principal thereafter becomes incapacitated, then
7 subsequent to the principal's incapacity the agent is entitled to receive reasonable compensation
8 as determined by the clerk of superior court in accordance with G.S. 32-59.

9 (c) Unless the power of attorney otherwise provides, an agent is entitled upon request to
10 the clerk of superior court pursuant to G.S. 32-59 to be reimbursed for expenses properly incurred
11 on behalf of the principal."

12 **SECTION 18.(a)** G.S. 32C-1-114 reads as rewritten:

13 "**§ 32C-1-114. Agent's duties.**

14 ...

15 (b) Except as otherwise provided in the power of attorney, an agent that has accepted
16 appointment has no affirmative duty to exercise the powers or to continue to exercise the powers
17 granted to the agent by the power of attorney, but if the agent exercises any of the granted powers,
18 the agent shall, in the exercise of such powers, do all of the following:

19 (1) Act loyally for the principal's benefit.

20 ...

21 ~~(7) Account to the principal or a person designated by the principal in the power~~
22 ~~of attorney.~~

23 ...

24 (h) Except as otherwise provided in the power of attorney, an agent is not required to
25 disclose receipts, disbursements, or transactions conducted on behalf of the principal unless
26 ordered by a court or requested by the ~~principal,~~ principal or a person designated by the principal
27 in the power of attorney, a guardian of the estate, general guardian, or, upon the death of the
28 principal, by the personal representative or successor in interest of the principal's estate."

29 **SECTION 18.(b)** G.S. 32C-3-301 reads as rewritten:

30 "**§ 32C-3-301. Statutory form power of attorney.**

31 As a nonexclusive method to grant a power of attorney, a document substantially in the
32 following form may be used to create a statutory form power of attorney that has the meaning
33 and effect prescribed by this Chapter:

34 "NORTH CAROLINA

35 STATUTORY SHORT FORM POWER OF ATTORNEY

36 NOTICE: THE POWERS GRANTED BY THIS DOCUMENT ARE BROAD AND
37 SWEEPING. THEY ARE DEFINED IN CHAPTER 32C OF THE NORTH CAROLINA
38 GENERAL STATUTES, WHICH EXPRESSLY PERMITS THE USE OF ANY OTHER OR
39 DIFFERENT FORM OF POWER OF ATTORNEY DESIRED BY THE PARTIES
40 CONCERNED.

41 IMPORTANT INFORMATION

42 This power of attorney authorizes another person (your agent) to make decisions concerning your
43 property for you (the principal). Your agent will be able to make decisions and act with respect
44 to your property (including your money) whether or not you are able to act for yourself. The
45 meaning of authority over subjects listed on this form is explained in the North Carolina Uniform
46 Power of Attorney Act.

47 This power of attorney does not authorize the agent to make health care decisions for you.
48
49
50
51

1 ...
2
3 "IMPORTANT INFORMATION FOR AGENT

4 Agent's Duties

5 ...

6
7
8
9 Unless the Additional Provisions and Exclusions in this power of attorney state otherwise, you
10 must also:

11
12 (1) Act loyally for the principal's benefit;

13 ...
14 (5) Cooperate with any person that has authority to make health care decisions for the
15 principal to do what you know the principal reasonably expects, or if you do not
16 know the principal's expectations, to act in the principal's best ~~interest;~~interest;
17 and

18 (6) Attempt to preserve the principal's estate plan if you know the plan and preserving
19 the plan is consistent with the principal's best ~~interest;~~ and interest.

20 ~~(7) Account to the principal (or a person designated by the principal (if any)) in the~~
21 ~~Additional Provisions and Exclusions.~~

22"

23 **SECTION 19.** G.S. 32C-4-403 reads as rewritten:

24 "**§ 32C-4-403. Effect on existing powers of attorney.**

25 (a) Except as otherwise provided in this Chapter, the following apply on January 1, 2018.

26 (1) This Chapter applies to a power of attorney created before, on, or after January
27 1, 2018, unless there is clear indication of a contrary intent in the terms of a
28 power of attorney or unless application of a particular provision of this
29 Chapter would substantially impair rights of a party.

30 (2) This Chapter applies to a judicial proceeding concerning a power of attorney
31 commenced on or after January 1, 2018.

32 (3) This Chapter applies to a judicial proceeding concerning a power of attorney
33 commenced before January 1, 2018, unless the court finds that application of
34 a provision of this Chapter would substantially interfere with the effective
35 conduct of the judicial proceeding or prejudice the rights of a party, in which
36 case that the particular provision of this Chapter does not apply and the
37 superseded law applies.

38 (4) A rule of construction or presumption provided by this ~~Chapter~~Chapter,
39 including the rule of G.S. 32C-1-104 regarding durability of a power of
40 attorney, applies to powers of attorney executed before January 1, 2018,
41 unless there is a clear indication of a contrary intent in the terms of a power of
42 attorney or unless the application of the rule of construction or presumption
43 would substantially impair rights of a party created under North Carolina law
44 in effect prior to January 1, 2018, in which case the rule of construction or
45 presumption does not apply and the superseded rule of construction or
46 presumption applies.

47 (b) If a right is acquired, extinguished, or banned upon the expiration of a prescribed
48 period that commenced under law of this State other than this Chapter before January 1, 2018,
49 that statute continues to apply to the right even if it has been repealed or superseded.

50 (c) References to prior statutes ~~and in~~ powers of attorney, whether executed on or after
51 the adoption of this Chapter shall be deemed to refer to the corresponding provisions this Chapter

1 unless application of the rule of construction would substantially impair substantial rights of a
2 party.

3 (d) Notwithstanding the provisions of this Chapter, the powers conferred by former
4 G.S. 32A-2 shall apply to a Statutory Short Form Power of Attorney that was created in
5 accordance with former G.S. 32A-1 prior to January 1, 2018."

6 **SECTION 20.(a)** G.S. 90-21.13(c) reads as rewritten:

7 "(c) The following persons, in the order indicated, are authorized to consent to medical
8 treatment on behalf of a patient who is comatose or otherwise lacks capacity to make or
9 communicate health care decisions:

- 10 (1) A guardian of the patient's person, or a general guardian with powers over the
11 patient's person, appointed by a court of competent jurisdiction pursuant to
12 Article 5 of Chapter 35A of the General Statutes; provided that, if the patient
13 has a health care agent appointed pursuant to a valid health care power of
14 attorney, the health care agent shall have the right to exercise the authority to
15 the extent granted in the health care power of attorney and to the extent
16 provided in G.S. 32A-19(a) unless the Clerk has suspended the authority of
17 that health care agent in accordance with G.S. 35A-1208(a).
- 18 (2) A health care agent appointed pursuant to a valid health care power of
19 attorney, to the extent of the authority granted.
- 20 (3) An agent, with powers to make health care decisions for the patient, appointed
21 by the patient pursuant to Chapter 32C of the General Statutes, patient, to the
22 extent of the authority granted.
- 23 (4) The patient's spouse.
- 24 (5) A majority of the patient's reasonably available parents and children who are
25 at least 18 years of age.
- 26 (6) A majority of the patient's reasonably available siblings who are at least 18
27 years of age.
- 28 (7) An individual who has an established relationship with the patient, who is
29 acting in good faith on behalf of the patient, and who can reliably convey the
30 patient's wishes."

31 **SECTION 20.(b)** G.S. 90-322(b) reads as rewritten:

32 "(b) If a person's condition has been determined to meet the conditions set forth in
33 subsection (a) of this section and no instrument has been executed as provided in G.S. 90-321,
34 then life-prolonging measures may be withheld or discontinued upon the direction and under the
35 supervision of the attending physician with the concurrence of the following persons, in the order
36 indicated:

- 37 (1) A guardian of the patient's person, or a general guardian with powers over the
38 patient's person, appointed by a court of competent jurisdiction pursuant to
39 Article 5 of Chapter 35A of the General Statutes; provided that, if the patient
40 has a health care agent appointed pursuant to a valid health care power of
41 attorney, the health care agent shall have the right to exercise the authority to
42 the extent granted in the health care power of attorney and to the extent
43 provided in G.S. 32A-19(b) unless the Clerk has suspended the authority of
44 that health care agent in accordance with G.S. 35A-1208(a).
- 45 (2) A health care agent appointed pursuant to a valid health care power of
46 attorney, to the extent of the authority granted.
- 47 (3) An agent, with powers to make health care decisions for the patient, appointed
48 by the patient pursuant to Chapter 32C of the General Statutes, patient, to the
49 extent of the authority granted.
- 50 (4) The patient's spouse.

- 1 (5) A majority of the patient's reasonably available parents and children who are
2 at least 18 years of age.
3 (6) A majority of the patient's reasonably available siblings who are at least 18
4 years of age.
5 (7) An individual who has an established relationship with the patient, who is
6 acting in good faith on behalf of the patient, and who can reliably convey the
7 patient's wishes.

8 If none of the above is reasonably available then at the discretion of the attending physician
9 the life-prolonging measures may be withheld or discontinued upon the direction and under the
10 supervision of the attending physician."

11 **SECTION 21.** The Revisor of Statutes shall cause to be printed, as annotations to
12 the published General Statutes, all explanatory comments of the drafters of this Part as the
13 Revisor may deem appropriate.

14
15 **PART III. EFFECTIVE DATE**

16 **SECTION 22.** Except as otherwise provided, this act is effective when it becomes
17 law.