

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1478
PROPOSED SENATE COMMITTEE SUBSTITUTE H1478-PCS30420-RC-45

Short Title: Design Professional Seals/Public Records. (Public)

Sponsors:

Referred to:

April 13, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO PROTECT THE SEAL OF A LICENSED DESIGN PROFESSIONAL IN
3 BUILDING INSPECTION DOCUMENTS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 132-1.2 reads as rewritten:

6 "**§ 132-1.2. Confidential information.**

7 Nothing in this Chapter shall be construed to require or authorize a public agency or its
8 subdivision to disclose any information that:

9 (1) Meets all of the following conditions:

- 10 a. Constitutes a "trade secret" as defined in G.S. 66-152(3).
11 b. Is the property of a private "person" as defined in G.S. 66-152(2).
12 c. Is disclosed or furnished to the public agency in connection with the
13 owner's performance of a public contract or in connection with a bid,
14 application, proposal, industrial development project, or in
15 compliance with laws, regulations, rules, or ordinances of the United
16 States, the State, or political subdivisions of the State.
17 d. Is designated or indicated as "confidential" or as a "trade secret" at
18 the time of its initial disclosure to the public agency.

19 (2) Reveals an account number for electronic payment as defined in
20 G.S. 147-86.20 and obtained pursuant to Articles 6A or 6B of Chapter 147
21 of the General Statutes or G.S. 159-32.1.

22 (3) Reveals a document, file number, password, or any other information
23 maintained by the Secretary of State pursuant to Article 21 of Chapter 130A
24 of the General Statutes.

25 (4) Reveals the electronically captured image of an individual's signature, date
26 of birth, drivers license number, or a portion of an individual's social security
27 number if the agency has those items because they are on a voter registration
28 document.

29 (5) Reveals the seal of a licensed design professional who is licensed under
30 Chapter 83A or Chapter 89C of the General Statutes that has been submitted
31 for project approval to (i) a municipality under Part 5 of Article 19 of
32 Chapter 160A of the General Statutes or (ii) to a county under Part 4 of
33 Article 18 of Chapter 153A of the General Statutes. Notwithstanding this
34 exemption, a municipality or county that receives a request for a document



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1 submitted for project approval that contains the seal of a licensed design
2 professional who is licensed under Chapter 83A or Chapter 89C of the
3 General Statutes and that is otherwise a public record by G.S. 132-1 shall
4 allow a copy of the document without the seal of the licensed design
5 professional to be examined and copied, consistent with any rules adopted
6 by the licensing board under Chapter 83A or Chapter 89C of the General
7 Statutes regarding an unsealed document."

8 **SECTION 2.** This act becomes effective October 1, 2009.