

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE DRS35236-MH-126A (03/11)

Short Title: Clarify Transportation Tolling Statutes.-AB (Public)

Sponsors: Senators Rabon and Harrington (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY DEPARTMENT OF TRANSPORTATION TOLL CONTRACTING,
3 COLLECTION, AND ENFORCEMENT.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 136-18(39a) reads as rewritten:

6 "§ 136-18. Powers of Department of Transportation.

7 ...

8 (39a) a. The Department of Transportation may enter into a partnership
9 ~~agreement~~ agreements with a private entity as provided under
10 subdivision (39) of this section for one project, subject to the
11 requirements of this subdivision, which the provisions of this section
12 may apply. The pilot project allowed under this subdivision must be
13 one that is a candidate for funding under the Mobility Fund, that is
14 planned for construction through a public-private partnership, and for
15 which a Request for Qualifications has been issued by the
16 Department no later than June 30, 2012.

17 b. A private entity or its contractors must provide performance and
18 payment security in the form and in the amount determined by the
19 Department of Transportation. The form of the performance and
20 payment security may consist of bonds, letters of credit, parent
21 guaranties, or other instruments acceptable to the Department of
22 Transportation.

23 c. Notwithstanding the provisions of G.S. 143B-426.40A, an agreement
24 entered into under this subdivision may allow the private entity to
25 assign, transfer, sell, hypothecate, and otherwise convey some or all
26 of its right, title, and interest in and to such agreement, and any rights
27 and remedies thereunder, to a lender, bondholder, or any other party.
28 However, in no event shall any such assignment create additional
29 debt or debt-like obligations of the State of North Carolina, the
30 Department, or any other agency, authority, commission, or similar
31 subdivision of the State to any lender, bondholder, entity purchasing
32 a participation in the right to receive the payment, trustee, trust, or
33 any other party providing financing or funding of projects described
34 in this section. The foregoing shall not preclude the Department from
35 making any payments due and owing pursuant to an agreement
36 entered into under this section.



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1 d. ~~The Department of Transportation may fix, revise, charge, and~~
2 ~~collect tolls and fees to the same extent allowed under Article 6H of~~
3 ~~Chapter 136 of the General Statutes.~~ Statutes shall apply to the
4 Department of Transportation and to projects undertaken by the
5 Department of Transportation under subdivision (39) of this section.
6 The Department may assign its authority under that Article to fix,
7 revise, charge, retain, enforce, and collect tolls and fees to the private
8 entity."
9

SECTION 2. This act is effective when it becomes law.