

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 1101
Committee Substitute Favorable 5/28/14
PROPOSED SENATE COMMITTEE SUBSTITUTE H1101-PCS40272-TG-85

Short Title: Mech.Liens/Amend Info./Child Supp. Orders.

(Public)

Sponsors:

Referred to:

May 19, 2014

A BILL TO BE ENTITLED

AN ACT TO ENHANCE THE PROTECTION PROVIDED TO PERSONS MAKING IMPROVEMENTS TO LEASED REAL PROPERTY UNDER ARTICLE 3 OF CHAPTER 44A OF THE GENERAL STATUTES, AS RECOMMENDED BY THE LRC COMMITTEE ON MECHANICS LIENS AND LEASEHOLD IMPROVEMENTS, TO AMEND THE LAWS REGARDING INFORMATION PROVIDED TO NONCUSTODIAL PARENTS SUBJECT TO WAGE WITHHOLDING ORDERS UNDER THE LAWS PERTAINING TO CHILD SUPPORT, AND TO MAKE TECHNICAL CORRECTIONS TO THE UNIFORM DEPLOYED PARENTS CUSTODY AND VISITATION ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 44A-26 reads as rewritten:

"§ 44A-26. Bonds required.

(a) When the total amount of construction contracts awarded for any one project exceeds three hundred thousand dollars (\$300,000), a performance and payment bond as set forth in (1) and (2) is required by the contracting body from any contractor or construction manager at risk with a contract more than fifty thousand dollars (\$50,000); provided that, for State departments, State agencies, and The University of North Carolina and its constituent institutions, a performance and payment bond is required in accordance with this subsection if the total amount of construction contracts awarded for any one project exceeds five hundred thousand dollars (\$500,000). In the discretion of the contracting body, a performance and payment bond may be required on any construction contract as follows:

(1) A performance bond in the amount of one hundred percent (100%) of the construction contract amount, conditioned upon the faithful performance of the contract in accordance with the plans, specifications and conditions of the contract. Such bond shall be solely for the protection of the contracting body that is constructing the project.

(2) A payment bond in the amount of one hundred percent (100%) of the construction contract amount, conditioned upon the prompt payment for all labor or materials for which a contractor or subcontractor is liable. The payment bond shall be solely for the protection of the persons furnishing materials or performing labor for which a contractor, subcontractor, or construction manager at risk is liable.



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1 (b) The performance bond and the payment bond shall be executed by one or more
2 surety companies legally authorized to do business in the State of North Carolina and shall
3 become effective upon the awarding of the construction contract.

4 (c) No lease or other contract provision shall be effective to exempt, from the
5 requirements of this Article, a project otherwise subject to the requirements of subsection (a) of
6 this section, and any contract provision that purports to do so is void and unenforceable as
7 against public policy.

8 (d) A person that leases real property from a contracting body shall require performance
9 and payment bonds meeting the requirements of subdivisions (1) and (2) of subsection (a) of
10 this section for construction, reconstruction, alteration, or repair of any public building or
11 public work on the leased real property if all of the following apply:

12 (1) The contracting body requires the lessee to construct, reconstruct, alter, or
13 repair the public building or other public work or public improvement on the
14 leased real property.

15 (2) This Article would require the contracting body to require performance and
16 payment bonds from contractors or construction managers if the contracting
17 body had entered into a construction contract for the work required of the
18 lessee.

19 For purposes of this subsection, any building or other work or improvement constructed upon
20 land owned by a contracting body shall be deemed to be a public building or other public work
21 or public improvement.

22 (e) Subsections (c) and (d) of this section do not apply to public-private partnership
23 construction contracts that are subject to G.S. 143-128.1C."

24 **SECTION 2.** G.S. 110-136.3(a) reads as rewritten:

25 "(a) Required Contents of Support Orders. All child support orders, civil or criminal,
26 entered or modified in the State in IV-D cases shall include a provision ordering income
27 withholding to take effect immediately. All child support orders, civil or criminal, initially
28 entered in the State in non-IV-D cases on or after January 1, 1994, shall include a provision
29 ordering income withholding to take effect immediately as provided in G.S. 110-136.5(c1),
30 unless one of the exceptions specified in G.S. 110-136.5(c1) applies. A non-IV-D child support
31 order that contains an income withholding requirement and a IV-D child support order
32 ~~shall~~shall comply with each of the following:

33 (1) Require the obligor to keep the clerk of court or IV-D agency informed of
34 the obligor's current residence and mailing ~~address;~~address.

35 (2),(2a) Repealed by Session Laws 1993, c. 517, s. 1.

36 (3) Require the obligor to cooperate fully with the initiating party in the
37 verification of the amount of the obligor's disposable ~~income;~~income.

38 (4) Require the custodial party to keep the obligor informed of ~~(i)~~the custodial
39 party's disposable income and the amount and effective date of any
40 substantial change in this disposable ~~income and (ii)~~income.

41 (4a) Include the current residence and mailing address of the ~~child, unless~~
42 custodial parent, or the address of the child if the address of the custodial
43 parent and the address of the child are different. However, there is no
44 requirement that the child support order contain the address of the custodial
45 parent or the child if (i) there is an existing order prohibiting disclosure of
46 the custodial parent's or child's address to the obligor or (ii) the court has
47 determined that notice to the obligor is inappropriate because the obligor has
48 made verbal or physical threats that constitute domestic violence under
49 Chapter 50B of the General Statutes; ~~and Statutes.~~

- 1 (5) Require the obligor to keep the initiating party informed of the name and
2 address of any payor of the obligor's disposable income and of the amount
3 and effective date of any substantial change in this disposable income."

4 **SECTION 3.** G.S. 50A-370(a) reads as rewritten:

5 "(a) After a deploying parent receives notice of deployment and during the deployment,
6 a court may issue a temporary order granting custodial responsibility unless prohibited by the
7 Servicemembers Civil Relief Act, 50 U.S.C. app. §§ 521-522. A court may not issue a
8 permanent order granting custodial responsibility in the absence of the deploying parent
9 without the consent of the deploying parent."

10 **SECTION 4.** G.S. 50A-379(a) reads as rewritten:

11 "(a) Except for an order in accordance with G.S. 50A-373 or as otherwise provided in
12 subsection (b) of this section, and consistent with the Servicemembers Civil Relief Act, 50
13 U.S.C. app. §§ 521-522, on motion of a deploying or other parent or any nonparent to whom
14 caretaking authority, decision-making authority, or limited contact has been granted, the court
15 may modify or terminate a grant of caretaking authority, decision-making authority, or limited
16 contact made pursuant to this Article if the modification or termination is consistent with this
17 Part and the court finds it is in the best interest of the child. Any modification shall be
18 temporary and terminates following the conclusion of deployment of the deployed parent
19 according to the procedures under Part 4 of this Article, unless the grant has been terminated
20 before that time by court order."

21 **SECTION 5.** G.S. 50A-385(c) reads as rewritten:

22 "(c) In the absence of an agreement to terminate, the temporary agreement granting
23 custodial responsibility terminates 60 days from the date ~~of one of the following:~~

- 24 ~~(1) The date the deploying parent gives notice to the other parent that the~~
25 ~~deploying parent has returned from deployment.~~
26 ~~(2) The date stated in an order terminating the temporary grant of custodial~~
27 ~~responsibility.~~
28 ~~(3) The death of the deploying parent.~~

29 the deploying parent gives notice to the other parent that the deploying parent has returned
30 from deployment, unless earlier terminated upon the date stated in an order terminating the
31 temporary grant of custodial responsibility or the death of the deploying parent."

32 **SECTION 6.** G.S. 50A-388(a) reads as rewritten:

33 "(a) A temporary order for custodial responsibility issued under Part 3 of this Article
34 shall terminate, if no agreement between the parties to terminate a temporary order for
35 custodial responsibility has been filed, 60 days from ~~(i)~~the date the deploying parent gives
36 notice of having returned from deployment to the other parent ~~or~~and any nonparent granted
37 custodial ~~responsibility-responsibility, when applicable,~~ responsibility, when applicable, or ~~(ii)~~upon the death of the deploying
38 ~~parent.parent, whichever occurs first."~~

39 **SECTION 7.** Section 1 of this act becomes effective October 1, 2014, and applies
40 to leases or other contracts entered into on or after that date. Section 2 of this act becomes
41 effective January 1, 2015, and applies to orders entered on or after that date. Except as
42 otherwise provided, the remainder of this act is effective when it becomes law.