

# ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 765

AMENDMENT NO. A14  
(to be filled in by  
Principal Clerk)

H765-ARO-46 [v.6]

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Amends Title [NO]  
Third Edition

Date \_\_\_\_\_, 2015

Senator Wade

1 moves to amend the bill on page 3, lines 32-36, by rewriting the lines to read:

2 "(c) Prevailing Party Is the State. – In any civil action or other proceeding, the court  
3 must allow the State to recover reasonable attorneys' fees and costs if the State is the prevailing  
4 party and the claim or issue involves one or both of the following:

- 5 (1) Contesting the State's ability to construct improvements to real property  
6 based on environmental impact.  
7 (2) Contesting the State's issuance of a permit authorizing activity on real  
8 property based on environmental impact.";  
9

10 and on page 5, line 36 through page 6, line 2, by rewriting the lines to read:

- 11  
12 "a. The officers and employees whose income is reported on IRS Form  
13 W-2 of an exempt corporation, the corporation.  
14 b. The general partners and employees whose income is reported on  
15 IRS Form W-2 of an exempt partnership, and the partnership.  
16 c. The managers—managers, member-managers, and employees whose  
17 income is reported on IRS Form W-2 of an exempt limited liability  
18 company when said persons are engaged in acts or services for which  
19 the corporation, partnership, or limited liability company would be  
20 exempt hereunder company.  
21 d. The natural person owners of an exempt closely held business entity.  
22 For purposes of this subdivision, a closely held business entity is a  
23 limited liability company or a corporation, neither having more than  
24 two legal owners, at least one of whom is a natural person.  
25 e. The officers, managers, member-managers, and employees whose  
26 income is reported on IRS Form W-2 of a closely held business  
27 entity when acting as an agent for an exempt business entity, if the  
28 closely held business entity is owned by a natural person either (i)  
29 owning fifty percent (50%) or more ownership interest in the closely  
30 held business entity and the exempt business entity or (ii) owning  
31 fifty percent (50%) or more of a closely held business entity that  
32 owns a fifty percent (50%) or more ownership interest in the exempt



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1 business entity. The closely held business entity acting as an agent  
2 under this sub-subdivision must file an annual written notice with the  
3 Secretary of State including its legal name and physical address. The  
4 exemption authorized by this sub-subdivision is only effective if  
5 immediately following the completion of the transaction for which  
6 the exemption is claimed, the closely held business entity has a net  
7 worth that equals or exceeds the value of the transaction.

8 When a person conducts a real estate transaction pursuant to an exemption under this  
9 subdivision, the person shall disclose, in writing, to all parties to the transaction (i) that the  
10 person is not licensed as a real estate broker or salesperson under Article 1 of this Chapter, (ii)  
11 the specific exemption under this subdivision that applies, (iii) the legal name and physical  
12 address of the owner of the subject property and of the closely held business entity acting under  
13 sub-subdivision e. of this subdivision, if applicable. This disclosure may be included on the  
14 face of a lease or contract executed in compliance with an exemption under this subdivision.";

15  
16 and on page 10, line 50 through page 11, line 3, by rewriting those lines to read:

17  
18 **"DIRECT DMV TO ISSUE SUITABLY REDUCED SIZE REGISTRATION PLATES**  
19 **FOR MOTORCYCLES AND PROPERTY HAULING TRAILERS ATTACHED TO**  
20 **MOTORCYCLES.**

21 **SECTION 3.5.(a)** G.S. 20-63(d) reads as rewritten:

22 "(d) Registration plates issued for a motor vehicle other than a motorcycle, trailer, or  
23 semitrailer shall be attached thereto, one in the front and the other in the rear: Provided, that  
24 when only one registration plate is issued for a motor vehicle other than a truck-tractor, said  
25 registration plate shall be attached to the rear of the motor vehicle. The registration plate issued  
26 for a truck-tractor shall be attached to the front thereof. Provided further, that when only one  
27 registration plate is issued for a motor vehicle and this motor vehicle is transporting a substance  
28 that may adhere to the plate so as to cover or discolor the plate or if the motor vehicle has a  
29 mechanical loading device that may damage the plate, the registration plate may be attached to  
30 the front of the motor vehicle.

31 Any motor vehicle of the age of 35 years or more from the date of manufacture may bear  
32 the license plates of the year of manufacture instead of the current registration plates, if the  
33 current registration plates are maintained within the vehicle and produced upon the request of  
34 any person.

35 The Division shall provide registered owners of motorcycles and property hauling  
36 motorcycle trailers attached to the rear of motorcycles with suitably reduced size registration  
37 plates. plates, approximately four by seven inches in size, that are issued on a multiyear basis in  
38 accordance with G.S. 20-88(c), or on an annual basis as otherwise provided in this Chapter."

39 **SECTION 3.5.(b)** This section becomes effective October 1, 2015.";

40  
41 and on page 11, line 51, by deleting "**State-funded**" on that line;

42

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1 and on page 12, lines 4-5 by deleting "that is funded in whole or part with State funds" on those  
2 lines;

3

4 and on page 12, line 13, by deleting "State agency," on that line;

5

6 and on page 20, lines 19 through 20,

7 by inserting between those lines:

8

9 "SECTION 4.2.(c) G.S. 130A-309.10 reads as rewritten.

10 "§ 130A-309.10. Prohibited acts relating to packaging; coded labeling of plastic  
11 containers required; disposal of certain solid wastes in landfills or by  
12 incineration prohibited.

13

...

14 (f) No person shall knowingly dispose of the following solid wastes in landfills:

15

(1) Repealed by Session Laws 1991, c. 375, s. 1.

16

(2) Used oil.

17

(3) Yard trash, except in landfills approved for the disposal of yard trash under  
18 rules adopted by the Commission. Yard trash that is source separated from  
19 solid waste may be accepted at a solid waste disposal area where the area  
20 provides and maintains separate yard trash composting facilities.

21

(4) White goods.

22

(5) Antifreeze (ethylene glycol).

23

(6) Aluminum cans.

24

(7) Whole scrap tires, as provided in G.S. 130A-309.58(b). The prohibition on  
25 disposal of whole scrap tires in landfills applies to all whole pneumatic  
26 rubber coverings, but does not apply to whole solid rubber coverings.

27

(8) Lead-acid batteries, as provided in G.S. 130A-309.70.

28

(9) Repealed by Session Laws 2011-394, s. 4, effective July 1, 2011.

29

(10) Motor vehicle oil filters.

30

(11) Recyclable rigid plastic containers that are required to be labeled as provided  
31 in subsection (e) of this section, that have a neck smaller than the body of the  
32 container, and that accept a screw top, snap cap, or other closure. The  
33 prohibition on disposal of recyclable rigid plastic containers in landfills does  
34 not apply to rigid plastic containers that are intended for use in the sale or  
35 distribution of motor oil or pesticides.

36

(12) Wooden pallets, except that wooden pallets may be disposed of in a landfill  
37 that is permitted to only accept construction and demolition debris.

38

(13) Oyster shells.

39

(14) Discarded computer equipment, ~~equipment~~, ~~as defined in~~  
40 G.S. 130A-309.131. For purposes of this section, "computer" means an  
41 electronic, magnetic, optical, electrochemical, or other high-speed data  
42 processing device that has all of the following features:

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- 1 a. Performs logical, arithmetic, and storage functions for general
- 2 purpose needs that are met through interaction with a number of
- 3 software programs contained in the computer.
- 4 b. Is not designed to exclusively perform a specific type of limited or
- 5 specialized application.
- 6 c. Achieves human interface through a keyboard, display unit, and
- 7 mouse or other pointing device.
- 8 d. Is designed for a single user.

9 (15) ~~Discarded televisions, televisions, as defined in G.S. 130A-309.131.~~ For  
 10 purposes of this section, "television" means any electronic device that  
 11 contains a tuner that locks on to a selected carrier frequency and is capable  
 12 of receiving and displaying of television or video programming via  
 13 broadcast, cable, or satellite, including, without limitation, any direct view or  
 14 projection television with a viewable screen of nine inches or larger whose  
 15 display technology is based on cathode ray tube (CRT), plasma, liquid  
 16 crystal display (LCD), digital light processing (DLP), liquid crystal on  
 17 silicon (LCOS), silicon crystal reflective display (SXRD), light emitting  
 18 diode (LED), or similar technology marketed and intended for use by a  
 19 consumer primarily for personal purposes. The term does not include  
 20 computer equipment.

21 (f1) No person shall knowingly dispose of the following solid wastes by incineration in  
 22 an incinerator for which a permit is required under this Article:

- 23 (1) Antifreeze (ethylene glycol) used solely in motor vehicles.
- 24 (2) Aluminum cans.
- 25 (3) Repealed by Session Laws 1995 (Regular Session, 1996), c. 594, s. 17.
- 26 (4) White goods.
- 27 (5) Lead-acid batteries, as provided in G.S. 130A-309.70.
- 28 (6) Repealed by Session Laws 2011-394, s. 4, effective July 1, 2011.
- 29 (7) ~~Discarded computer equipment, equipment, as defined in~~  
 30 ~~G.S. 130A-309.131.~~
- 31 (8) ~~Discarded televisions, televisions, as defined in G.S. 130A-309.131.~~

32 ...".

33  
34 and on page 26, lines 1 through 3, by rewriting those lines to read:

35  
 36 **"AMEND THE LAW GOVERNING BROWNFIELDS REDEVELOPMENT TO**  
 37 **CONFORM CLASSES OF PERSONS ELIGIBLE TO PARTICIPATE TO THOSE**  
 38 **AUTHORIZED UNDER FEDERAL LAW";**

39  
40 and on page 32, lines 39 through 41, by rewriting those lines to read:

41

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1           "pursuant to G.S. 130A-335(e). The professional engineer may, at the engineer's  
2           discretion, employ pretreatment technologies not yet approved in this  
3           State.";

4  
5 and on page 32, line 50 through page 33, line 2, by rewriting those lines to read:

6  
7           "(4) Where the professional engineer's designs, plans, and specifications call for  
8           the installation of a conventional wastewater system, such designs, plans,  
9           and specifications shall allow for the installation of an accepted system in  
10          lieu of a conventional system in accordance with the accepted system  
11          approval.

12          (5) In addition to the requirements of this section, the owner and professional  
13          engineer designing the proposed wastewater system shall comply with all  
14          other applicable federal, State, and local laws, regulations, rules, and  
15          ordinances.";

16  
17  
18 and on page 38, lines 11 through 34, by rewriting those lines to read:

19  
20          "(5) "Innovative wastewater system" means any wastewater system, other than a  
21          conventional wastewater system or a provisional wastewater system, or any  
22          technology, device, or component of a wastewater system that: (i) has been  
23          demonstrated to perform in a manner equal or superior to a conventional  
24          wastewater system; (ii) is constructed of materials whose physical and  
25          chemical properties provide the strength, durability, and chemical resistance  
26          to allow the system to withstand loads and conditions as required by rules  
27          adopted by the Commission; and (iii) has been approved by the Department  
28          for general use or for one or more specific applications. An innovative  
29          wastewater system may be approved for use in applications for which a  
30          conventional wastewater system is unsuitable. The Department may impose  
31          any design, operation, maintenance, monitoring, and management  
32          requirements on the use of an innovative wastewater system that it  
33          determines to be appropriate. A wastewater system approved by a nationally  
34          recognized certification body and in compliance with the ongoing  
35          verification program of such body may submit a sampling protocol for  
36          innovative system approval that reduces the data sets required for such  
37          approval by fifty percent (50%). Such an application shall include all of the  
38          data associated with the nationally recognized certification body's  
39          verification of the system's performance."

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SIGNED *Judy Wade*  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

**The official copy of this document, with signatures  
and vote information, is available in the  
Senate Principal Clerk's Office**