

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE BILL 124
Judiciary I Committee Substitute Adopted 4/28/15
Third Edition Engrossed 4/29/15
PROPOSED HOUSE COMMITTEE SUBSTITUTE S124-PCS45534-RNxr-50

Short Title: Assumed Bus. Name/IC Contempt/Parks. (Public)

Sponsors:

Referred to:

February 27, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO MODERNIZE THE LAW GOVERNING THE USE OF ASSUMED BUSINESS
3 NAMES AND TO MAKE RELATED CONFORMING AND TECHNICAL
4 AMENDMENTS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION;
5 TO CLARIFY HOW THE INDUSTRIAL COMMISSION REFERS MATTERS OF
6 INDIRECT CRIMINAL CONTEMPT TO THE DISTRICT COURT; TO REMOVE
7 CERTAIN PROPERTY FROM THE STATE NATURE AND HISTORIC PRESERVE; AND
8 TO AUTHORIZE THE DELETION OF VARIOUS PROPERTIES FROM THE STATE
9 PARKS SYSTEM.

10 The General Assembly of North Carolina enacts:

11
12 **PART I. ASSUMED BUSINESS NAME ACT**

13 **SECTION 1.** Article 14 of Chapter 66 of the General Statutes is repealed.

14 **SECTION 2.** Chapter 66 of the General Statutes is amended by adding a new Article
15 to read:

16 "Article 14A.

17 "Assumed Business Name Act.

18 **"§ 66-71.1. Short title.**

19 This Article may be cited as the "Assumed Business Name Act."

20 **"§ 66-71.2. Statement of purpose.**

21 The purpose of this Article is to afford the public a means of ascertaining the real name of
22 persons engaging in business in this State under an assumed business name by requiring those
23 persons to register the assumed business name as provided in this Article.

24 **"§ 66-71.3. Definitions.**

25 The following definitions apply in this Article:

26 (1) Assumed business name. –

- 27 a. In the case of an individual, any name other than a real name of the
28 individual.
29 b. In the case of a partnership other than a limited liability partnership or
30 limited partnership, any name other than a real name of each of the
31 general partners of the partnership.
32 c. In the case of a limited liability partnership, any name other than the
33 name registered with the Secretary of State.



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- 1 d. In the case of a limited partnership, any name other than the name stated
2 in its certificate of limited partnership filed with the Secretary of State.
3 e. In the case of a limited liability company, any name other than the name
4 stated in its articles of organization filed with the Secretary of State.
5 f. In the case of a corporation, any name other than the corporate name
6 stated in its articles of incorporation filed with the Secretary of State.
7 g. In the case of a trust, any name other than the name specified in the trust
8 instrument or, if the trust instrument does not specify a name for the
9 trust, any name other than the name of the trustee and a designation of
10 the trust for which the trustee is acting.
11 h. In the case of any other person, any name other than a real name of the
12 person.

- 13 (2) Person. – Includes an individual, partnership, limited partnership, limited
14 liability partnership, limited liability company, corporation, association,
15 society, organization, joint venture, business trust, trust, governmental entity, or
16 any other legal or commercial entity.

17 **"§ 66-71.4. Filing of certificate; exception.**

18 (a) Before any person engages in business in this State under an assumed business name,
19 the person must file an assumed business name certificate in the office of the register of deeds of
20 the county in which the person is or will be engaged in business. If the person is or will be
21 engaged in business in multiple counties, filing is required in only one of those counties.

22 (b) A person who engages in business in this State under more than one assumed business
23 name must file an assumed business name certificate for each assumed business name. The person
24 may, however, include no more than five assumed business names in one assumed business name
25 certificate if that same person is or will be engaging in business under each of the assumed
26 business names listed in the certificate.

27 (c) This Article does not apply to a political committee or a referendum committee that has
28 filed a statement of organization with the State Board of Elections or a county board of elections
29 as required by G.S. 163-278.7 or G.S. 163-278.9A, as applicable.

30 **"§ 66-71.5. Contents of certificate.**

31 An assumed business name certificate must include:

- 32 (1) The assumed business name.
33 (2) A real name of the person engaging in business under the assumed business
34 name. If the business is a partnership other than a limited liability partnership or
35 limited partnership, the assumed business name certificate must include a real
36 name of five general partners or of each general partner, whichever is fewer.
37 (3) The nature of the business.
38 (4) The street address of the principal place of business.
39 (5) Each county where the person uses or will be using the assumed business name
40 to engage in business.

41 **"§ 66-71.6. Execution of certificate.**

42 An assumed business name certificate must be executed as follows:

- 43 (1) In the case of an individual, the certificate must be signed by the individual.
44 (2) In the case of a partnership or limited partnership, the certificate must be signed
45 by a general partner.
46 (3) In the case of a corporation or limited liability company, the certificate must be
47 signed in the name of the corporation or limited liability company by an officer
48 of the corporation or a manager of the limited liability company or by another
49 individual authorized by law to act for the corporation or limited liability
50 company.

- 1 (4) In the case of any other person, the certificate must be signed in the name of the
2 person by an individual authorized to act for the person.

3 **"§ 66-71.7. Amendment of certificate.**

4 Any person that has filed an assumed business name certificate must, within 60 days after a
5 change in any of the information required in the assumed business name certificate, file a
6 certificate of amendment in the office of the register of deeds of the county in which the assumed
7 business name certificate was filed. The certificate must be executed in the same manner as
8 required under G.S. 66-71.6 for the execution of an assumed business name certificate and must
9 set forth:

- 10 (1) The assumed business name and a real name of the person engaging in business
11 under the assumed business name as stated in the original, or most recently
12 amended, assumed business name certificate.
13 (2) The book and page number of the original filing.
14 (3) The identification number assigned to the assumed business name by the
15 Secretary of State (SOS ID).
16 (4) How the assumed business name certificate is to be amended.

17 **"§ 66-71.8. Withdrawal of assumed business name.**

18 Any person filing an assumed business name certificate as required by this Article may, upon
19 ceasing to engage in business in this State under the assumed business name, withdraw the
20 assumed business name by filing a certificate of withdrawal in the office of the register of deeds of
21 the county in which the assumed business name certificate was filed. The certificate must be
22 executed in the same manner as required under G.S. 66-71.6 for the execution of an assumed
23 business name certificate and must set forth:

- 24 (1) The assumed business name being withdrawn.
25 (2) The book and page number of the original filing.
26 (3) The identification number assigned to the assumed business name by the
27 Secretary of State (SOS ID).
28 (4) A real name of the person engaging in business under the assumed business
29 name and that person's current address.
30 (5) A statement that the person has ceased engaging in business under the assumed
31 business name.
32 (6) The effective date of the withdrawal if it is not to be effective upon the filing of
33 the certificate of withdrawal.

34 **"§ 66-71.9. Secretary of State to maintain a centralized, statewide database of assumed**
35 **business name information.**

36 (a) The Secretary of State shall develop, implement, and maintain a searchable online
37 database of assumed business name information reported under G.S. 66-71.10. The system must
38 allow information to be entered and retrieved from the system by the registers of deeds and must
39 be available for searches by the public.

40 (b) The Secretary of State may adopt rules to implement the statewide online database.

41 **"§ 66-71.10. Register of deeds to index certificates; transmission of data to central database.**

42 (a) The register of deeds of each county must index in accordance with Article 2 of
43 Chapter 161 of the General Statutes every assumed business name with respect to which an
44 assumed business name certificate, a certificate of amendment, or a certificate of withdrawal has
45 been filed in that county.

46 (b) Not later than 30 days after the date a certificate under this Article is filed, the register
47 of deeds must transmit a scanned image of the certificate to the Secretary of State and enter into
48 the central database maintained by the Secretary of State under G.S. 66-71.9 the assumed business
49 name, the real name of each person engaging in business under that name, the type of certificate,
50 the county in which the certificate was filed, and, in the case of a certificate of amendment or

1 certificate of withdrawal, the identification number assigned to the assumed business name by the
2 Secretary of State (SOS ID).

3 **"§ 66-71.11. Forms.**

4 (a) The Land Records Management Advisory Committee established under G.S. 147-54.3
5 may develop forms for the documents required or permitted to be filed by this Article, but their
6 use is not mandatory.

7 (b) Any person, including the registers of deeds, may make available the forms developed
8 under subsection (a) of this section.

9 **"§ 66-71.12. Effect of filing certificate.**

10 (a) An assumed business name certificate filed under this Article is effective upon filing
11 and remains in effect until withdrawn under G.S. 66-71.8.

12 (b) Compliance with this Article does not confer any exclusive rights to the use of an
13 assumed business name in this State.

14 **"§ 66-71.13. Copy of certificate prima facie evidence.**

15 A copy of a certificate filed under this Article, duly certified by the register of deeds of the
16 office in which it was filed, is prima facie evidence of the facts required to be stated in the
17 certificate.

18 **"§ 66-71.14. Consequences of signing false certificate or violating Article.**

19 (a) A person signing a certificate under this Article that the person knows is false in any
20 material respect with intent that the certificate be delivered to the register of deeds for filing is
21 guilty of a Class 1 misdemeanor.

22 (b) A person failing to file an assumed business name certificate or a certificate of
23 amendment as required by this Article is liable to any person injured by the failure for the
24 reasonable expenses, including attorneys' fees, incurred by the person in ascertaining, for a
25 reasonable purpose, the information required to be stated in the assumed business name certificate
26 or certificate of amendment. Notwithstanding this subsection, a person is not liable for expenses
27 caused by an error or ambiguity in describing the nature of the business in an assumed business
28 name certificate under G.S. 66-71.5 or a certificate of amendment under G.S. 71.7.

29 **"§ 66-71.15. Expiration of certificates filed under Article 14; transition provisions.**

30 (a) All certificates of assumed name filed under former Article 14 of this Chapter expire
31 July 1, 2022, and the provisions of that former Article continue to apply to them until that date
32 except as provided in this section. On or after that date, any person that (i) is listed as an owner of
33 the business in a certificate of assumed name filed under that former Article and (ii) desires to
34 continue engaging in business in this State under the assumed business name after that date must
35 file an assumed business name certificate under this Article.

36 (b) At least one person listed as an owner of the business in a certificate of assumed name
37 under former Article 14 of this Chapter must file an assumed business name certificate before the
38 certificate of assumed name expires under subsection (a) of this section if any of the following
39 occur:

40 (1) A general partnership would have been required to file a new certificate of
41 assumed name under former G.S. 66-68(c) due to the withdrawal or addition of
42 a partner.

43 (2) Any of the information in the certificate of assumed name required under
44 former G.S. 66-68(a) has changed, and the person desires to continue engaging
45 in business in this State.

46 (c) No person shall file a new certificate of assumed name under former Article 14 of this
47 Chapter on or after July 1, 2017. Any document or other record filed on or after that date to
48 register an assumed business name is deemed to be filed under this Article, even if it is described
49 as a certificate of assumed name rather than an assumed business name certificate, or if it
50 expressly refers to former Article 14 of this Chapter.

1 (d) A person that filed a certificate of assumed name that has not expired may withdraw
2 the assumed name under the provisions of former G.S. 66-68(f). Any such withdrawal is deemed
3 to be a withdrawal under former G.S. 66-68(f), even if it is described as a withdrawal under this
4 Article.

5 (e) No person shall file a certificate of amendment under this Article to a certificate of
6 assumed name filed under former Article 14 of this Chapter. If any such amendment is
7 nevertheless filed, it is not effective as a certificate of amendment or as an assumed business name
8 certificate under this Article.

9 (f) The register of deeds shall not transmit a scanned image to the Secretary of State, or
10 enter any of the information required by G.S. 66-71.10 into the central database maintained by the
11 Secretary of State, of any withdrawal or transfer of an assumed name or any amendment to a
12 certificate of assumed name when the certificate of assumed name to which the withdrawal,
13 transfer, or amendment relates was filed before July 1, 2017.

14 (g) Other than this section, this Article does not apply to a certificate of assumed name or a
15 withdrawal of an assumed name under former Article 14 of this Chapter."

17 **PART II. RELATED CONFORMING AND TECHNICAL AMENDMENTS TO OTHER** 18 **SECTIONS OF THE GENERAL STATUTES**

19 **SECTION 3.(a)** G.S. 1-69.1 reads as rewritten:

20 **"§ 1-69.1. Unincorporated associations and partnerships; suit by or against.**

21 (a) Except as provided in subsection (b) of this section:

22 (1) All unincorporated associations, organizations or societies, or general or limited
23 partnerships, foreign or domestic, whether organized for profit or not, may
24 ~~hereafter~~ sue or be sued under the name by which they are commonly known
25 and called, or under which they are ~~doing~~ engaging in business, to the same
26 extent as any other legal entity established by law and without naming any of
27 the individual members composing it.

28 (2) Any judgments and executions against any such association, organization or
29 society shall bind its real and personal property in like manner as if it were
30 incorporated.

31 (3) Any unincorporated association, organization, society, or general partnership
32 bringing a suit in the name by which it is commonly known and called must
33 ~~allege the specific location of the recordation required by G.S. 66-68 that it has~~
34 filed a certificate of assumed name under former Article 14 of Chapter 66 of the
35 General Statutes or an assumed business name certificate under Article 14A of
36 Chapter 66 of the General Statutes.

37 (b) Unincorporated nonprofit associations are subject to Chapter 59B of the General
38 Statutes and not this section."

39 **SECTION 3.(b)** Effective July 1, 2021, G.S. 1-69.1(a)(3), as amended by this section,
40 reads as rewritten:

41 "(3) Any unincorporated association, organization, society, or general partnership
42 bringing a suit in the name by which it is commonly known and called must
43 allege that it has filed ~~a certificate of assumed name under former Article 14 of~~
44 ~~Chapter 66 of the General Statutes or an assumed business name certificate~~
45 under Article 14A of Chapter 66 of the General Statutes."

46 **SECTION 4.** G.S. 53-208.7(a) reads as rewritten:

47 "(a) Each application for a license under this Article shall be made in writing, under oath,
48 and in a form prescribed by the Commissioner. For all applicants, each application shall contain:

49 (1) The exact name of the applicant, the applicant's principal address, any assumed
50 ~~or trade~~ business name used by the applicant in the conduct of its business, and
51 the location of the applicant's business records.

1"

2 **SECTION 5.** G.S. 55D-20(d) reads as rewritten:

3 "(d) The use of assumed business names or fictitious names, as provided for in ~~Chapter 66,~~
4 Chapter 66 of the General Statutes, is not affected by this Chapter or by Chapter 55, 55A, 57D, or
5 59 of the General Statutes."

6 **SECTION 6.** G.S. 58-70-5 reads as rewritten:

7 "**§ 58-70-5. Application to Commissioner for permit.**

8 (a) Any person, firm, corporation or association desiring to secure a permit as provided by
9 G.S. 58-70-1, shall make application to the Commissioner of Insurance for each location at which
10 ~~such the~~ person, firm, corporation or association desires to carry on the collection agency business
11 as ~~hereinafter defined.~~ Such defined in this Article. The applicant shall be entitled to a permit upon
12 submission to the Commissioner of Insurance of the following:

13 ~~(a)~~(1) The name, trade name if any, street address, and telephone number of the
14 applicant, including any home office address and telephone number, if
15 ~~different;~~different.

16 ~~(b)~~(2) If the applicant is a corporation,

17 ~~(1)~~a. A certified copy of the board of director's resolution authorizing the
18 submission of the application;

19 ~~(2)~~b. An authenticated copy of the Articles of Incorporation and all
20 amendments thereto;

21 ~~(3)~~c. An authenticated copy of the bylaws or other governing instruments;

22 ~~(4)~~d. If the applicant is a foreign corporation, a copy of the certificate of
23 authority to transact business in this State issued by the North Carolina
24 Secretary of ~~State;~~State.

25 (3) If the applicant is a partnership, an authenticated copy of the then current
26 partnership agreement.

27 (4) If an assumed business name is used, certificates showing that the assumed
28 business name has been filed as required by Article 14A of Chapter 66 of the
29 General Statutes.

30 (5) A surety bond as required by G.S. 58-70-20. In the case of an alien corporation,
31 the surety bond requirements shall be double the amount set by G.S. 58-70-20.

32 (6) A completed statement by each stockholder owning ten percent (10%) or more
33 of the applicant's outstanding voting stock and each partner, director, and
34 officer actively engaged in the collection agency business, containing the name
35 of the collection agency, the name and address of the individual completing the
36 form, the positions held by the individual, each conviction of any criminal
37 offense and any criminal charges pending other than minor traffic violations of
38 the individual, and the name and address of three people not related to the
39 individual who can attest to the individual's reputation for honesty and fair
40 dealings.

41 (7) A statement sworn to by an appropriate corporate officer, partner, or individual
42 proprietor giving a description of the collection method to be employed in this
43 State.

44 (8) A statement certifying that there are no unsatisfied judgments against the
45 applicant.

46 (9) A list of all telephone numbers assigned to or to be used by the applicant in the
47 operation of the collection agency.

48 (10) The appropriate permit fee as required by G.S. 58-70-35.

49 (11) A balance sheet as of the last day of the month prior to the date of submission
50 of the application, certified true and correct by a corporate officer, partner, or

1 proprietor, setting forth the current assets, fixed assets, current liabilities, and
2 positive net worth of the applicant.

3 (12) The address of the location at which the applicant will make those records of its
4 collection agency business described in G.S. 58-70-25 available for inspection
5 by the Commissioner of Insurance.

6 (13) A statement certifying that no officer, individual proprietor, or partner of the
7 applicant has been convicted of a felony involving moral turpitude or any
8 violation of any State or federal debt collection law.

9 (14) If the collection agency's office or records, as described in G.S. 58-70-25, are
10 located outside of North Carolina, a statement sworn to by an appropriate
11 corporate officer, partner, or individual proprietor consenting to and authorizing
12 the reimbursement, to the Commissioner by the collection agency, of expenses
13 incurred by the Commissioner in conducting routine examinations, audits, and
14 in investigating written complaints against the collection agency or its
15 employees. All reimbursements shall be paid to the Commissioner no more
16 than 30 days after the date of billing. In the case of an alien corporation, the
17 sworn statement must provide that the corporation will make available to the
18 Commissioner for his or her inspection, in North Carolina, those records
19 described in G.S. 58-70-25, at the expense of the corporation.

20 (15) If the applicant is a foreign corporation, a statement authorizing the
21 Commissioner to be its agent for service of process, which shall be
22 administered pursuant to the provisions of G.S. 58-16-30.

23 (b1) In addition to the information required by ~~subsection (b) subdivision (a)(2)~~ of this
24 section, if the applicant is an alien corporation, the corporation must be owned or majority
25 controlled ultimately by a parent entity incorporated or organized under the laws of the United
26 States or any jurisdiction within the United States, and the alien corporation may only service
27 accounts held by an affiliate or subsidiary of the same parent entity. For purposes of this
28 subsection, "control" is defined by G.S. 58-19-5(2). Should the alien corporation be sold to an
29 entity unrelated to the parent entity, notice shall be provided to the Department of the pending sale
30 30 days in advance of the sale. Provision of Form 8-K, properly filed with the Securities and
31 Exchange Commission, shall be deemed compliance with the notice requirement of this
32 subsection. In the event of a sale, the new parent entity shall provide evidence to the Department
33 within 30 days of the sale of its and the alien corporation's compliance with the requirements of
34 this section. In the event that the new parent entity does not provide the evidence within 30 days
35 after the sale, the alien corporation's permit shall be automatically suspended until the Department
36 is provided the evidence of compliance which is satisfactory to the ~~Commissioner~~; Commissioner.

37 ~~(e) If the applicant is a partnership, an authenticated copy of the then current partnership~~
38 ~~agreement;~~

39 ~~(d) If the trade name is used, certificates showing that the trade name has been filed as~~
40 ~~required by G.S. 66-68;~~

41 ~~(e) A surety bond as required by G.S. 58-70-20. In the case of an alien corporation, the~~
42 ~~surety bond requirements shall be double the amount set by G.S. 58-70-20;~~

43 ~~(f) A completed statement by each stockholder owning ten percent (10%) or more of the~~
44 ~~applicant's outstanding voting stock and each partner, director, and officer actively engaged in the~~
45 ~~collection agency business, containing: the name of the collection agency, the name and address of~~
46 ~~the individual completing the form, the positions held by the individual, each conviction of any~~
47 ~~criminal offense and any criminal charges pending other than minor traffic violations of the~~
48 ~~individual, and the name and address of three people not related to the individual who can attest to~~
49 ~~the individual's reputation for honesty and fair dealings;~~

50 ~~(g) A statement sworn to by an appropriate corporate officer, partner, or individual~~
51 ~~proprietor giving a description of the collection method to be employed in North Carolina;~~

- 1 (h) A statement certifying that there are no unsatisfied judgments against the applicant;
- 2 (i) ~~A list of all telephone numbers assigned to, or to be used by the applicant in the~~
3 ~~operation of the collection agency;~~
- 4 (j) The appropriate permit fee as required by G.S. 58-70-35;
- 5 (k) A balance sheet as of the last day of the month prior to the date of submission of the
6 application, certified true and correct by a corporate officer, partner, or proprietor, setting forth the
7 current assets, fixed assets, current liabilities and positive net worth of the applicant;
- 8 (l) ~~The address of the location at which the applicant will make those records of its~~
9 ~~collection agency business described in G.S. 58-70-25 available for inspection by the~~
10 ~~Commissioner of Insurance.~~
- 11 (m) ~~A statement certifying that no officer, individual proprietor or partner of the applicant~~
12 ~~has been convicted of a felony involving moral turpitude, or any violation of any State or federal~~
13 ~~debt collection law.~~
- 14 (n) ~~If the collection agency's office or records, as described in G.S. 58-70-25, are located~~
15 ~~outside of North Carolina, a statement sworn to by an appropriate corporate officer, partner, or~~
16 ~~individual proprietor consenting to and authorizing the reimbursement, to the Commissioner by~~
17 ~~the collection agency, of expenses incurred by the Commissioner in conducting routine~~
18 ~~examinations, audits, and in investigating written complaints against the collection agency or its~~
19 ~~employees. All reimbursements shall be paid to the Commissioner no more than 30 days after the~~
20 ~~date of billing. In the case of an alien corporation, the sworn statement must provide that the~~
21 ~~corporation will make available to the Commissioner for his inspection, in North Carolina, those~~
22 ~~records described in G.S. 58-70-25, at the expense of the corporation;~~
- 23 (o) ~~If the applicant is a foreign corporation, a statement authorizing the Commissioner to~~
24 ~~be its agent for service of process, which shall be administered pursuant to the provisions of~~
25 ~~G.S. 58-16-30.~~
- 26 (p) In the case of an alien corporation, when the corporation is in violation of this Article,
27 the parent entity must agree to cure the violation by the alien corporation.
- 28 (q) For purposes of this Article, the following definitions apply:
- 29 (1) "Alien corporation" means a company incorporated or organized under the laws
30 of any jurisdiction outside of the United States.
- 31 (2) "Foreign corporation" means a company incorporated or organized under the
32 laws of the United States or of any jurisdiction within the United States other
33 than this State.
- 34 (r) If the applicant is a subsidiary in a holding company system and if the applicant's
35 ultimate parent regularly files financial information with the U.S. Securities and Exchange
36 Commission, in lieu of complying with ~~subsection (k) subdivision (a)(11)~~ of this section, the
37 applicant may file the ultimate parent company's balance sheet as of the most recent fiscal
38 year-end, as certified by the ultimate parent's independent auditors, and accompanied by a
39 guarantee of the applicant's performance from the ultimate parent company for the benefit of the
40 Department, limited to those portions of this Article that are applicable to the applicant.
- 41 (s) After a permit is issued by the Commissioner, the permittee's ultimate parent, as
42 specified in subsection (r) of this section, shall remain responsible for the guarantee of
43 performance as provided in subsection (r) of this section notwithstanding any change in the
44 corporate structure of the ultimate parent company. If the permittee is acquired by any other
45 person that has control over the permittee, the controlling person shall provide its own guarantee
46 of performance as provided in subsection (r) of this section for the permittee to retain its permit. If
47 the permittee does not have an ultimate parent company, it shall file its own balance sheet as
48 specified in ~~subsection (k) subdivision (a)(11)~~ of this section."

49 **SECTION 7.** G.S. 59-84.1 reads as rewritten:

50 "**§ 59-84.1. Partnership to comply with ~~"assumed name" statute~~; Assumed Business Name**
51 **Act; income taxation.**

1 (a) Every partnership other than a limited partnership shall comply with, and be subject to,
2 the provisions of ~~Articles 14~~ Articles 14A and 15 of Chapter 66 of the General Statutes in all cases
3 in which the ~~same~~ Articles are applicable.

4"

5 **SECTION 8.** G.S. 62-115 reads as rewritten:

6 "**§ 62-115. Issuance of partnership franchises.**

7 No franchise shall be issued under this Article to two or more persons until ~~such~~ the persons
8 have executed a partnership agreement, filed a copy of ~~said~~ the agreement with the Commission,
9 and indicated to the Commission, in writing, that they have complied with ~~Article 14~~ Article 14A
10 of Chapter 66 of the General Statutes relating to ~~doing~~ engaging in business under an assumed
11 business name."

12 **SECTION 9.** G.S. 66-262 reads as rewritten:

13 "**§ 66-262. Filing information.**

14 (a) Each filing submitted to the Secretary shall contain all of the following information:

15 (1) The name or names, including any assumed business names, under which the
16 telephonic seller is doing or intends to do business in this State.

17"

18 19 **PART III. CLARIFY INDUSTRIAL COMMISSION REFERRAL OF INDIRECT** 20 **CONTEMPT**

21 **SECTION 10.** G.S. 97-80(h) reads as rewritten:

22 "(h) The Commission or any member or deputy thereof shall also have the same power as a
23 judicial officer pursuant to Chapter 5A of the General Statutes to punish for criminal contempt,
24 subject to the limitations thereunder, (i) for willful behavior committed during the sitting of the
25 commissioner or deputy commissioner and directly tending to interrupt the proceedings; (ii) for
26 willful disobedience of a lawful order of the Commission or a member or deputy thereof; or (iii)
27 for willful refusal to be sworn or affirmed as a witness, or, when so sworn or affirmed, willful
28 refusal to answer any legal and proper question when refusal is not legally justified. The
29 Commission or any member or deputy thereof may issue an order of arrest as provided by
30 G.S. 15A-305 when authorized by G.S. 5A-16 in connection with contempt proceedings. When
31 the commissioner or deputy commissioner chooses not to proceed summarily pursuant to
32 G.S. 5A-14, the proceedings shall be before a district court judge, and venue lies throughout the
33 district where the order was issued directing the person charged to appear. To initiate plenary
34 proceedings in district court for indirect criminal contempt, the Commission shall issue and file
35 with the clerk of court an order to appear and show cause pursuant to G.S. 5A-15(a) and, if
36 appropriate, an order for arrest pursuant to G.S. 5A-16(b) and G.S. 15A-305. A person found in
37 criminal contempt may appeal in the manner provided for appeals in criminal actions to the
38 superior court of the district in which the order of contempt was issued, and the appeal is by
39 hearing de novo before a superior court judge."

40 41 **PART IV. REMOVE PROPERTY FROM STATE NATURE AND HISTORIC PRESERVE** 42 **AND AUTHORIZE DELETION OF PROPERTIES FROM STATE PARK SYSTEM**

43 **SECTION 11.(a)** Article 25B of Chapter 143 of the General Statutes is amended by
44 adding the following new sections to read:

45 "**§ 143-260.10H. Removal of land in Gorges State Park from the State Nature and Historic**
46 **Preserve.**

47 (a) Notwithstanding the provisions of G.S. 143-260.10(23), the portion of that certain tract
48 or parcel of property at Gorges State Park in Transylvania County, described in Deed Book 153,
49 Page 083, and containing approximately 4.2 acres as shown as Tract "A" in a survey by E. Roger
50 Raxter, Inc., entitled State of North Carolina and Blue Ridge Mountains RV Resort Property

1 Owners' Association, Inc., and dated March 20, 2016, is removed from the State Nature and
2 Historic Preserve.

3 (b) The property described in subsection (a) of this section is deleted from the State Parks
4 System pursuant to G.S. 143B-135.54.

5 (c) The State may only exchange this property for other property for the expansion of
6 Gorges State Park or sell this land and use the proceeds for that purpose. The State shall not
7 otherwise sell or exchange this land.

8 **"§ 143-260.10I. Removal of land in Jockey's Ridge State Park from the State Nature and**
9 **Historic Preserve.**

10 Notwithstanding the provisions of G.S. 143-260.10(15), the portion of that certain tract or
11 parcel of property at Jockey's Ridge State Park in Dare County, described in Deed Book 222, Page
12 732, and Deed Book 227, Page 501, and containing 0.6 acres as shown in a survey by Timmons
13 Group entitled Plat Showing a Proposed Dominion North Carolina Power Easement Across the
14 Properties of the State of North Carolina (Jockey's Ridge State Park) and dated December 18,
15 2014, is removed from the State Nature and Historic Preserve.

16 **"§ 143-260.10J. Removal of land in Mitchell's Millpond State Natural Area from the State**
17 **Nature and Historic Preserve.**

18 (a) Notwithstanding the provisions of G.S. 143-260.10(26), the portion of that certain tract
19 or parcel of property at Mitchell's Millpond State Natural Area in Wake County, described in
20 Deed Book 4186, Page 756, and containing 0.08 acres as shown in a survey by the North Carolina
21 Department of Transportation, Right-of-Way Branch, entitled State of North Carolina, Parcel 002,
22 and dated March 11, 2015, is removed from the State Nature and Historic Preserve.

23 (b) The property described in subsection (a) of this section is deleted from the State Parks
24 System pursuant to G.S. 143B-135.54.

25 (c) The State may only exchange this property for other property for the expansion of
26 Mitchell's Millpond State Natural Area or sell this land and use the proceeds for that purpose. The
27 State shall not otherwise sell or exchange this land."

28 **SECTION 11.(b)** Pursuant to G.S. 143B-135.54, the General Assembly authorizes the
29 deletion of the following property from the State Parks System:

30 The portion of that certain tract or parcel of property at Hanging Rock State Park in
31 Stokes County, described in Deed Book 267, Page 159, and containing approximately 1.5 acres as
32 shown in a survey by C.E. Robertson & Associates, P.C. entitled Plat of Survey for North Carolina
33 Division of Parks and Recreation showing "Camp Sertoma Tracts," Sheet 7 of 7, and dated June
34 18, 2015, and revised April 6, 2016; and the portion shown as Deed Overlap in a survey by C.E.
35 Robertson & Associates, P.C. entitled Plat of Survey for North Carolina Division of Parks and
36 Recreation showing "Camp Sertoma Tracts," Sheet 2 of 7, and dated June 18, 2015; and the
37 portion of that certain tract or parcel of property in Stokes County described in Deed Book 368,
38 Page 415, and containing approximately 1.058 acres shown as Deed Overlap in a survey by C.E.
39 Robertson & Associates, P.C. entitled Plat of Survey for North Carolina Division of Parks and
40 Recreation showing "Camp Sertoma Tracts," Sheet 5 of 7, and dated June 18, 2015. The State may
41 only exchange this property for other property for the expansion of Hanging Rock State Park or
42 sell this land and use the proceeds for that purpose. The State shall not otherwise sell or exchange
43 this land.

44 **PART V. EFFECTIVE DATE AND APPLICABILITY PROVISIONS**

45 **SECTION 12.** Sections 1 through 9 of this act become effective July 1, 2017, and do
46 not affect a civil action or proceeding commenced or a right accrued before July 1, 2017. Sections
47 1 through 9 of this act become effective only if funds are appropriated by the 2015 General
48 Assembly, 2016 Regular Session, to implement the provisions of G.S. 66-71.9, as enacted by
49 Section 2 of this act. Section 10 of this act becomes effective October 1, 2016, and applies to
50

1 proceedings for indirect criminal contempt filed on or after that date. The remainder of this act is
2 effective when it becomes law.