

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017**

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**SENATE BILL 615
PROPOSED COMMITTEE SUBSTITUTE S615-PCS45435-RIF-20**

Short Title: North Carolina Farm Act of 2017.

(Public)

Sponsors:

Referred to:

April 5, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND CERTAIN LAWS GOVERNING AGRICULTURAL MATTERS.
3 The General Assembly of North Carolina enacts:

4 AGRICULTURE AND FORESTRY AWARENESS STUDY COMMISSION STUDIES

5 **SECTION 1.(a)** The Agriculture and Forestry Awareness Study Commission shall
6 study both of the following matters:

- 7
8 (1) Any updates it deems advisable to Article 44 of Chapter 106 of the General
9 Statutes governing unfair practices by handlers of fruits and vegetables,
10 including applicable definitions and requirements under the Article.
11 (2) The advisability of providing property tax abatement to aging farm
12 machinery. In conducting this study, the Commission shall consider all of
13 the following: (i) whether farm machinery 10 years or older, or other time
14 period the Commission deems appropriate, should be designated as a special
15 class under Section 2(2) of Article V of the North Carolina Constitution and
16 be excluded from property tax; (ii) if such farm machinery should be
17 excluded from property tax, whether an eighty percent (80%) property tax
18 exclusion is an appropriate exclusion amount, or another amount the
19 Commission deems appropriate; and (iii) the fiscal impact on local
20 governments if such machinery were to be excluded from property tax. The
21 Commission may request any information necessary to complete the study
22 from any county tax office in this State and from the Department of
23 Revenue.

24 **SECTION 1.(b)** The Agriculture and Forestry Awareness Study Commission shall
25 complete the studies required by subsection (a) of this section and report its findings and
26 recommendations, including any legislative proposals, to the General Assembly by March 1,
27 2018.

28
29 **EXPAND FACILITIES EXEMPT FROM EMC RULE**

30 **SECTION 2.(a)** Rule. – Until the effective date of the revised permanent rule that
31 the Environmental Management Commission is required to adopt pursuant to subsection (c) of
32 this section, the Commission shall implement 15A NCAC 02D .1806 as provided in subsection
33 (b) of this section.

34 **SECTION 2.(b)** Implementation. – Notwithstanding subsection (c) of 15A NCAC
35 02D .1806, the Commission shall classify facilities that store products that are (i) grown,
36 produced, or generated on one or more agricultural operations and (ii) "renewable energy



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resources" as defined in G.S. 62-133.8(a)(8), as agricultural operations that are exempt from the requirements of the Rule.

SECTION 2.(c) Additional Rule-Making Authority. – The Commission shall adopt rules to amend 15A NCAC 02D .1806 consistent with subsection (b) of this section.

SECTION 2.(d) Effective Date. – Subsection (b) of this section expires on the date that rules adopted pursuant to subsection (c) of this section become effective. The remainder of this section is effective when it becomes law.

PRESENT USE VALUE CHANGE

SECTION 3.(a) G.S. 105-277.3 reads as rewritten:

"§ 105-277.3. Agricultural, horticultural, and forestland – Classifications.

(a) Classes Defined. – The following classes of property are designated special classes of property under authority of Section 2(2) of Article V of the North Carolina Constitution and must be appraised, assessed, and taxed as provided in G.S. 105-277.2 through G.S. 105-277.7.

(1) Agricultural land. – Individually owned agricultural land consisting of one or more tracts, one of which satisfies the requirements of this subdivision. For agricultural land used as a farm for aquatic species, as defined in G.S. 106-758, the tract must meet the income requirement for agricultural land and must consist of at least five acres in actual production or produce at least 20,000 pounds of aquatic species for commercial sale annually, regardless of acreage. For all other agricultural land, the tract must meet the income requirement for agricultural land and must consist of at least 10 acres that are in actual production. Land in actual production includes land under improvements used in the commercial production or growing of crops, plants, or animals.

To meet the income requirement, agricultural land must, for the three years preceding January 1 of the year for which the benefit of this section is claimed, have produced an average gross income of at least one thousand dollars (\$1,000). Gross income includes income from the sale of the agricultural products produced from the land, grazing fees for livestock, any payments received under a governmental soil conservation or land retirement program, and the amount paid to the taxpayer during the taxable year pursuant to P.L. 108-357, Title VI, Fair and Equitable Tobacco Reform Act of 2004.

...."

SECTION 3.(b) This section is effective for taxes imposed for taxable years beginning on or after July 1, 2017.

ABANDONED LIVESTOCK AMENDMENTS

SECTION 4. G.S. 68-17 reads as rewritten:

"§ 68-17. Impounding livestock at large; right to recover costs and ~~damages~~damages; abandoned livestock.

(a) Any person may take up any livestock running at large or straying and impound the same; and such impounder may recover from the owner the reasonable costs of impounding and maintaining the livestock as well as damages to the impounder caused by such livestock, and may retain the livestock, with the right to use with proper care until such recovery is had. Reasonable costs of impounding shall include any fees paid pursuant to G.S. 68-18.1 in order to locate the owner.

(b) Livestock is deemed to be abandoned when (i) it is placed in the custody of any other person for treatment, boarding, or care; (ii) the owner of the livestock does not retake custody of the animal within two months after the last day the owner paid a fee to the custodian

1 for the treatment, boarding, or care of the livestock; and (iii) the custodian has made reasonable
2 attempts to collect any past-due fees during the two-month period. If, after the end of the
3 two-month period, the custodian of the abandoned livestock has been unsuccessful in collecting
4 the past-due fees and the owner of the livestock has not retaken custody of the livestock, the
5 custodian may sell or transfer the livestock by executing an affidavit that identifies the buyer or
6 transferee of the livestock and certifies compliance with the criteria and requirements of this
7 subsection. If the custodian is unable to sell or transfer the livestock, the custodian may, but
8 shall not be required to, otherwise humanely dispose of the abandoned livestock. A custodian
9 shall provide written notice of the provisions of this subsection in conspicuous type to the
10 owner of livestock at the time the livestock is delivered for treatment, boarding, or care as
11 follows: "Pursuant to N.C. General Statutes § 68-17(b), the owner of this facility is entitled to
12 sell, transfer, or otherwise humanely dispose of any livestock abandoned at this facility."
13

14 **CLARIFY THE AUTHORITY OF THE DEPARTMENT OF AGRICULTURE AND**
15 **CONSUMER SERVICES TO ADOPT AND ADMINISTER FOREST PRACTICE**
16 **GUIDELINES FOR PURPOSES OF THE SEDIMENTATION POLLUTION**
17 **CONTROL ACT**

18 **SECTION 6.(a)** G.S. 113A-52.01 reads as rewritten:

19 **"§ 113A-52.01. Applicability of this Article.**

20 This Article shall not apply to the following land-disturbing activities:

21 ...

- 22 (2) Activities undertaken on forestland for the production and harvesting of
23 timber and timber products and conducted in accordance with ~~best~~
24 ~~management practices set out in standards defined by the~~ Forest Practice
25 Guidelines Related to Water Quality, as adopted by the ~~Department~~
26 Department of Agriculture and Consumer Services.

27"

28 **SECTION 6.(b)** G.S. 113A-52.1 reads as rewritten:

29 **"§ 113A-52.1. Forest Practice Guidelines.**

30 (a) The Department of Agriculture and Consumer Services shall adopt Forest Practice
31 Guidelines Related to Water Quality (best management practices). The adoption of Forest
32 Practices Guidelines Related to Water Quality under this section is subject to the provisions of
33 Chapter 150B of the General Statutes.

34 (b) If land-disturbing activity undertaken on forestland for the production and
35 harvesting of timber and timber products is not conducted in accordance with Forest Practice
36 Guidelines Related to Water Quality, the provisions of this Article shall apply to such activity
37 and any related land-disturbing activity on the tract.

38 (c) The ~~Secretary-Commissioner~~ shall establish and appoint a Forestry Technical
39 Advisory Committee to assist in the development and periodic review of Forest Practice
40 Guidelines Related to Water Quality. The Forestry Technical Advisory Committee shall consist
41 of one member from the forest products industry, one member who is a consulting forester, one
42 member who is a private landowner knowledgeable in forestry, one member from the United
43 States Forest Service, one member from the academic community who is knowledgeable in
44 forestry, one member employed by the Department of Environmental Quality who is
45 knowledgeable in erosion and sedimentation control, one member who is knowledgeable in
46 wildlife management, one member who is knowledgeable in marine fisheries management, one
47 member who is knowledgeable in water quality, and one member from the conservation
48 community."

49 **SECTION 6.(c)** G.S. 113A-61.1 reads as rewritten:

50 **"§ 113A-61.1. Inspection of land-disturbing activity; notice of violation.**

1 (a) The Commission, a local government that administers an erosion and sedimentation
2 control program approved under G.S. 113A-60, or other approving authority shall provide for
3 inspection of land-disturbing activities to ensure compliance with this Article and to determine
4 whether the measures required in an erosion and sedimentation control plan are effective in
5 controlling erosion and sedimentation resulting from the land-disturbing activity. Notice of this
6 right of inspection shall be included in the certificate of approval of each erosion and
7 sedimentation control plan. The Department of Agriculture and Consumer Services may inspect
8 land-disturbing activities undertaken on forestland for the production and harvesting of timber
9 and timber products to determine compliance with the Forest Practice Guidelines Related to
10 Water Quality adopted pursuant to G.S. 113A-52.1.

11 (b) No person shall willfully resist, delay, or obstruct an authorized representative of the
12 Commission, an authorized representative of a local government, or an employee or an agent of
13 the Department while the representative, employee, or agent is inspecting or attempting to
14 inspect a land-disturbing activity under this section.

15 (b1) No person shall willfully resist, delay, or obstruct an authorized representative,
16 employee, or agent of the Department of Agriculture and Consumer Services while the
17 representative, employee, or agent is inspecting or attempting to inspect a land-disturbing
18 activity undertaken on forestland for the production and harvesting of timber and timber
19 products under this section.

20 (c) If the Secretary, a local government that administers an erosion and sedimentation
21 control program approved under G.S. 113A-60, or other approving authority determines that
22 the person engaged in the land-disturbing activity has failed to comply with this Article, the
23 Secretary, local government, or other approving authority shall immediately serve a notice of
24 violation upon that person. The notice may be served by any means authorized under
25 G.S. 1A-1, Rule 4. A notice of violation shall specify a date by which the person must comply
26 with this Article and inform the person of the actions that need to be taken to comply with this
27 Article. Any person who fails to comply within the time specified is subject to additional civil
28 and criminal penalties for a continuing violation as provided in G.S. 113A-64. If the person
29 engaged in the land-disturbing activity has not received a previous notice of violation under this
30 section, the Department, local government, or other approving authority shall deliver the notice
31 of violation in person and shall offer assistance in developing corrective measures. Assistance
32 may be provided by referral to a technical assistance program in the Department, referral to a
33 cooperative extension program, or by the provision of written materials such as Department
34 guidance documents. If the Department, local government, or other approving authority is
35 unable to deliver the notice of violation in person within 15 days following discovery of the
36 violation, the notice of violation may be served in the manner prescribed for service of process
37 by G.S. 1A-1, Rule 4, and shall include information on how to obtain assistance in developing
38 corrective measures."

39 **SECTION 6.(d)** G.S. 106-895 is amended by adding a new subsection to read:
40 "**§ 106-895. Powers of Department of Agriculture and Consumer Services.**

41 (a) The Department of Agriculture and Consumer Services may take such action as it
42 may deem necessary to provide for the prevention and control of forest fires in any and all parts
43 of this State, and it is hereby authorized to enter into an agreement with the Secretary of
44 Agriculture of the United States for the protection of the forested watersheds of streams in this
45 State.

46 (a1) The Department shall adopt Forest Practice Guidelines Related to Water Quality
47 pursuant to G.S. 113A-52.1 of the Sedimentation Pollution Control Act.

48 (b) In this Article, unless the context requires otherwise:

49 (1) "Commissioner" means the Commissioner of Agriculture.

50 (2) "Department" means the Department of Agriculture and Consumer
51 Services."

1
2 **ASSENT TO MUTUAL AID PROVISIONS OF THE GREAT PLAINS WILDLAND**
3 **PROTECTION COMPACT**

4 **SECTION 7.** G.S. 106-932 reads as rewritten:

5 "**§ 106-932. Assent of legislature to mutual aid provisions of other compacts.**

6 The legislature of this State hereby gives its assent to the mutual aid provisions of Articles
7 IV and V of the South Central Interstate Forest Fire Protection ~~Compact~~ Compact, the Middle
8 Atlantic Interstate Fire Protection Compact, and the Great Plains Wildland Fire Protection
9 Compact, in accordance with Article VIII of that Compact—those Compacts relating to
10 interregional mutual aid; ~~and the legislature of this State also hereby gives its assent to the~~
11 ~~mutual aid provisions of Articles IV and V of the Middle Atlantic Interstate Forest Fire~~
12 ~~Protection Compact in accordance with Article VIII of that Compact relating to interregional~~
13 ~~mutual aid."~~

14
15 **CLARIFY AGRITOURISM**

16 **SECTION 8.(a)** G.S. 153A-340(b), as amended by Section 9 of this act, reads as
17 rewritten:

18 "**§ 153A-340. Grant of power.**

19 ...

20 (b) ...

21 (2) Except as provided in G.S. 106-743.4 for farms that are subject to a
22 conservation agreement under G.S. 106-743.2, bona fide farm purposes
23 include the production and activities relating or incidental to the production
24 of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy,
25 livestock, poultry, and all other forms of agriculture, as defined in
26 G.S. 106-581.1. For purposes of this subdivision, "when performed on the
27 farm" in G.S. 106-581.1(6) shall include the farm within the jurisdiction of
28 the county and any other farm owned or leased to or from others by the bona
29 fide farm operator, no matter where located. For purposes of this
30 subdivision, the production of a nonfarm product that the Department of
31 Agriculture and Consumer Services recognizes as a "Goodness Grows in
32 North Carolina" product that is produced on a farm subject to a conservation
33 agreement under G.S. 106-743.2 is a bona fide farm purpose. For purposes
34 of determining whether a property is being used for bona fide farm purposes,
35 any of the following shall constitute sufficient evidence that the property is
36 being used for bona fide farm purposes:

- 37 a. A farm sales tax exemption certificate issued by the Department of
38 Revenue.
39 b. A copy of the property tax listing showing that the property is
40 eligible for participation in the present use value program pursuant to
41 G.S. 105-277.3.
42 c. A copy of the farm owner's or operator's Schedule F from the owner's
43 or operator's most recent federal income tax return.
44 d. A forest management plan.
45 e. ~~A Farm Identification Number issued by the United States~~
46 ~~Department of Agriculture Farm Service Agency.~~

47 (2a) A building or structure that is used for agritourism is a bona fide farm
48 purpose if the building or structure is located on a property that (i) is owned
49 by a person who holds a qualifying farmer sales tax exemption certificate
50 from the Department of Revenue pursuant to G.S. 105-164.13E(a) or (ii) is
51 enrolled in the present-use value program pursuant to G.S. 105-277.3.

1 Failure to maintain the requirements of this subsection for a period of three
2 years after the date the building or structure was originally classified as a
3 bona fide purpose pursuant to this subdivision shall subject the building or
4 structure to applicable zoning and development regulation ordinances
5 adopted by a county pursuant to subsection (a) of this section in effect on the
6 date the property no longer meets the requirements of this subsection. For
7 purposes of this section, "agritourism" means any activity carried out on a
8 farm or ranch that allows members of the general public, for recreational,
9 entertainment, or educational purposes, to view or enjoy rural activities,
10 including farming, ranching, historic, cultural, harvest-your-own activities,
11 or natural activities and attractions. A building or structure used for
12 agritourism includes any building or structure used for public or private
13 events, including, but not limited to, weddings, receptions, meetings,
14 demonstrations of farm activities, meals, and other events that are taking
15 place on the farm because of its farm or rural setting.

16 "...."

17 **SECTION 8.(b)** G.S. 143-138 reads as rewritten:

18 **"§ 143-138. North Carolina State Building Code.**

19 ...

20 (b4) Exclusion for Certain Farm Buildings. – Building rules do not apply to (i) farm
21 buildings that are located outside the building-rules jurisdiction of any municipality, (ii) farm
22 buildings that are located inside the building-rules jurisdiction of any municipality if the farm
23 buildings are greenhouses, (iii) a primitive camp, or (iv) a primitive farm building. For the
24 purposes of this subsection:

25 (1) For the purposes of this subdivision, a "farm building" means any
26 nonresidential building or structure that is used for a bona fide farm purpose
27 as provided in G.S. 153A-340. A "farm building" shall include:

- 28 a. Any structure used or associated with equine activities, including, but
29 not limited to, the care, management, boarding, or training of horses
30 and the instruction and training of riders. Structures that are
31 associated with equine activities include, but are not limited to, free
32 standing or attached sheds, barns, or other structures that are utilized
33 to store any equipment, tools, commodities, or other items that are
34 maintained or used in conjunction with equine activities. The specific
35 types of equine activities, structures, and uses set forth in this
36 subdivision are for illustrative purposes, and should not be construed
37 to limit, in any manner, the types of activities, structures, or uses that
38 may be considered under this subsection as exempted from building
39 rules. A farm building that might otherwise qualify for exemption
40 from building rules shall remain subject only to an annual safety
41 inspection by the applicable city or county building inspection
42 department of any grandstand, bleachers, or other spectator-seating
43 structures in the farm building. An annual safety inspection shall
44 include an evaluation of the overall safety of spectator-seating
45 structures as well as ensuring the spectator-seating structure's
46 compliance with any building codes related to the construction of
47 spectator-seating structures in effect at the time of the construction of
48 the spectator-seating.
- 49 b. Any structure used for the display and sale of produce, no more than
50 1,000 square feet in size, open to the public for no more than 180

days per year, and certified by the Department of Agriculture and Consumer Services as a Certified Roadside Farm Market.

c. Any unoccupied structure built upon land owned by the State of North Carolina and administratively allocated to the North Carolina Department of Agriculture and Consumer Services or North Carolina State University which is used primarily for forestry production and research or agriculture production and research. The term "agriculture" has the same meaning as in G.S. 106-581.1. The term "unoccupied" does not exclude the keeping of livestock.

(1a) A "farm building" shall not lose its status as a farm building because it is used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting.

(2) A "greenhouse" is a structure that has a glass or plastic roof, has one or more glass or plastic walls, has an area over ninety-five percent (95%) of which is used to grow or cultivate plants, is built in accordance with the National Greenhouse Manufacturers Association Structural Design manual, and is not used for retail sales. Additional provisions addressing distinct life safety hazards shall be approved by the local building-rules jurisdiction.

(3) Repealed by Session Laws 2015-263, s. 34, effective September 30, 2015.

(4) A "primitive camp" shall include any structure primarily used or associated with outdoor camping activities, including structures used for educational, instructional, or recreational purposes for campers and for management training, that are (i) not greater than 4,000 square feet in size and (ii) are not intended to be occupied for more than 24 hours consecutively. "Structures primarily used or associated with outdoor camping activities" include, but are not limited to, shelters, tree stands, outhouses, sheds, rustic cabins, campfire shelters, picnic shelters, tents, tepees or other indigenous huts, support buildings used only for administrative functions and not for activities involving campers or program participants, and any other structures that are utilized to store any equipment, tools, commodities, or other items that are maintained or used in conjunction with outdoor camping activities such as hiking, fishing, hunting, or nature appreciation, regardless of material used for construction. The specific types of primitive camping activities, structures, and uses set forth in this subdivision are for illustrative purposes and should not be construed to limit, in any manner, the types of activities, structures, or uses that are exempted from building rules.

(5) A "primitive farm building" shall include any structure used for activities, instruction, training, or reenactment of traditional or heritage farming practices. "Primitive farm buildings" include, but are not limited to, sheds, barns, outhouses, doghouses, or other structures that are utilized to store any equipment, tools, commodities, livestock, or other items supporting farm management. These specific types of farming activities, structures, and uses set forth by this subdivision are for illustrative purposes and should not be construed to limit in any manner the types of activities, structures, or uses that are exempted from building rules.

(6) Repealed by Session Laws 2015-263, s. 34, effective September 30, 2015.

...."

ELIMINATE COUNTY AUTHORITY TO ADOPT ZONING REGULATIONS GOVERNING SWINE FARMS

SECTION 9.(a) G.S. 153A-340(b) reads as rewritten:

- 1 **SECTION 9.(a)** G.S. 153A-340(b) reads as rewritten:
2 "(b) (1) These regulations may not affect property used for bona fide farm purposes
3 ~~only as provided in subdivision (3) of this subsection. This purposes;~~
4 provided, however, that this subsection does not limit regulation under this
5 Part with respect to the use of farm property for nonfarm purposes.
6 (2) Except as provided in G.S. 106-743.4 for farms that are subject to a
7 conservation agreement under G.S. 106-743.2, bona fide farm purposes
8 include the production and activities relating or incidental to the production
9 of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy,
10 livestock, poultry, and all other forms of agriculture, as defined in
11 G.S. 106-581.1. For purposes of this subdivision, "when performed on the
12 farm" in G.S. 106-581.1(6) shall include the farm within the jurisdiction of
13 the county and any other farm owned or leased to or from others by the bona
14 fide farm operator, no matter where located. For purposes of this
15 subdivision, the production of a nonfarm product that the Department of
16 Agriculture and Consumer Services recognizes as a "Goodness Grows in
17 North Carolina" product that is produced on a farm subject to a conservation
18 agreement under G.S. 106-743.2 is a bona fide farm purpose. For purposes
19 of determining whether a property is being used for bona fide farm purposes,
20 any of the following shall constitute sufficient evidence that the property is
21 being used for bona fide farm purposes:
22 a. A farm sales tax exemption certificate issued by the Department of
23 Revenue.
24 b. A copy of the property tax listing showing that the property is
25 eligible for participation in the present use value program pursuant to
26 G.S. 105-277.3.
27 c. A copy of the farm owner's or operator's Schedule F from the owner's
28 or operator's most recent federal income tax return.
29 d. A forest management plan.
30 e. A Farm Identification Number issued by the United States
31 Department of Agriculture Farm Service Agency.
32 (3) ~~The definitions set out in G.S. 106-802 apply to this subdivision. A county
33 may adopt zoning regulations governing swine farms served by animal waste
34 management systems having a design capacity of 600,000 pounds steady
35 state live weight (SSLW) or greater provided that the zoning regulations
36 may not have the effect of excluding swine farms served by an animal waste
37 management system having a design capacity of 600,000 pounds SSLW or
38 greater from the entire zoning jurisdiction."~~

SECTION 9.(b) G.S. 106-743.4(a) reads as rewritten:

39 "(a) Property that is subject to a conservation agreement under G.S. 106-743.2 that
40 remains in effect may receive up to twenty-five percent (25%) of its gross sales from the sale of
41 nonfarm products and still qualify as a bona fide farm that is exempt from zoning regulations
42 under G.S. 153A-340(b). For purposes of G.S. 153A-340(b), the production of any nonfarm
43 product that the Department of Agriculture and Consumer Services recognizes as a "Goodness
44 Grows in North Carolina" product that is produced on a farm that is subject to a conservation
45 agreement under G.S. 106-743.2 is a bona fide farm purpose. A farmer seeking to benefit from
46 this subsection shall have the burden of establishing that the property's sale of nonfarm
47 products did not exceed twenty-five percent (25%) of its gross sales. A county may adopt an
48 ordinance pursuant to this section that sets forth the standards necessary for proof of
49 compliance.
50

1 ~~Nothing in this section shall affect the county's authority to zone swine farms pursuant to~~
2 ~~G.S. 153A-340(b)(3)."~~

3
4 **ALLOW FOOD COMPLIANCE INSPECTORS TO DRIVE STATE VEHICLES**
5 **WITHOUT STATE TAGS AND BUMPER STICKERS**

6 **SECTION 10.** G.S. 20-39.1 is amended by adding a new subsection to read:

7 **"§ 20-39.1. Publicly owned vehicles to be marked; private license plates on publicly**
8 **owned vehicles.**

9 (a) Except as otherwise provided in this section, the executive head of every department
10 of State government and every county, institution, or agency of the State shall mark every
11 motor vehicle owned by the State, county, institution, or agency with a statement that the
12 vehicle belongs to the State, county, institution, or agency. The requirements of this subsection
13 are complied with if:

14 (1) The vehicle has imprinted on the license plate, above the license number, the
15 words "State Owned" and the vehicle has affixed to the front the words
16 "State Owned";

17 (2) In the case of a county, the vehicle has painted or affixed on its side a circle
18 not less than eight inches in diameter showing a replica of the seal of the
19 county; or

20 (3) In the case of vehicles assigned to members of the Council of State, the
21 vehicle has imprinted on the license plate the license number assigned to the
22 appropriate member of the Council of State pursuant to G.S. 20-79.5(a); a
23 member of the Council of State shall not be assessed any registration fee if
24 the member elects to have a State-owned motor vehicle assigned to the
25 member designated by the official plate number.

26 (b) A motor vehicle used by any State or county officer or official for transporting,
27 apprehending, or arresting persons charged with violations of the laws of the United States or
28 the laws of this State is not required to be marked as provided in subsection (a) of this section.
29 The Commissioner may lawfully provide private license plates to local, State, or federal
30 departments or agencies for use on publicly owned or leased vehicles used for those purposes.
31 Private license plates issued under this subsection shall be issued on an annual basis and the
32 records of issuance shall be maintained in accordance with the provisions of G.S. 20-56.

33 (c) A motor vehicle used by a county for transporting day or residential facility clients
34 of area mental health, developmental disabilities, and substance abuse authorities established
35 under Article 4 of Chapter 122C of the General Statutes is not required to be marked as
36 provided in subsection (a) of this section. The Commissioner may lawfully provide private
37 license plates to counties for use on publicly owned or leased vehicles used for that purpose.
38 Private license plates issued under this subsection shall be issued on an annual basis and the
39 records of issuance shall be maintained in accordance with the provisions of G.S. 20-56.

40 (c1) A motor vehicle used by the Department of Agriculture and Consumer Services
41 exclusively for Meat and Poultry compliance officers to conduct inspections is not required to
42 be marked as provided in subsection (a) of this section. The Commissioner may lawfully
43 provide private license plates to the Department of Agriculture and Consumer Services for use
44 on publicly owned or leased vehicles used for this purpose. Private license plates issued under
45 this subsection shall be issued on an annual basis and the records of issuance shall be
46 maintained in accordance with the provisions of G.S. 20-56.

47 "

48
49 **MEAT AND POULTRY TECHNICAL CORRECTIONS**

50 **SECTION 11.(a)** G.S. 106-549.15(1) reads as rewritten:

51 **"§ 106-549.15. Definitions.**

1 As used in this Article, except as otherwise specified, the following terms shall have the
2 meanings stated below:

- 3 (1) "Adulterated" shall apply to any carcass, part thereof, meat or meat food
4 product under one or more of the following circumstances:
5 a. If it bears or contains any poisonous or deleterious substance which
6 may render it injurious to health; but in case the substance is not an
7 added substance, such article shall not be considered adulterated
8 under this clause if the quantity of such substance in or on such
9 article does not ordinarily render it injurious to health;
10 b. 1. If it bears or contains (by reason of administration of any
11 substance to the live animal or otherwise) any added
12 poisonous or added deleterious substance (other than one
13 which is (i) a pesticide chemical in or on a raw agricultural
14 commodity; (ii) a food additive; or (iii) a color additive)
15 which may, in the judgment of the Commissioner, make such
16 article unfit for human food;
17 2. If it is, in whole or in part, a raw agricultural commodity and
18 such commodity bears or contains a pesticide chemical which
19 is unsafe within the meaning of section 408 of the Federal
20 Food, Drug, and Cosmetic Act;
21 3. If it bears or contains any food additive which is unsafe
22 within the meaning of section 409 of the Federal Food, Drug,
23 and Cosmetic Act;
24 4. If it bears or contains any color additive which is unsafe
25 within the meaning of section ~~706-721~~ of the Federal Food,
26 Drug, and Cosmetic Act: Provided, that an article which is
27 not adulterated under clause 2, 3, or 4 shall nevertheless be
28 deemed adulterated if use of the pesticide chemical, food
29 additive or color additive in or on such article is prohibited by
30 order of the Commissioner in establishments at which
31 inspection is maintained under this Article;

32"

33 **SECTION 11.(b)** G.S. 106-549.51 reads as rewritten:

34 **"§ 106-549.51. Definitions.**

35 For purposes of this Article, the following terms shall have the meanings stated below:

- 36 (1) "Adulterated" shall apply to any poultry product under one or more of the
37 following circumstances:
38 a. If it bears or contains any poisonous or deleterious substance which
39 may render it injurious to health; but in case the substance is not an
40 added substance, such article shall not be considered adulterated
41 under this clause if the quantity of such substance in or on such
42 article does not ordinarily render it injurious to health;
43 b. 1. If it bears or contains (by reason of administration of any
44 substance to the live poultry or otherwise) any added
45 poisonous or added deleterious substance (other than one
46 which is a pesticide chemical in or on a raw agricultural
47 commodity; a food additive; or a color additive) which may,
48 in the judgment of the Commissioner, make such article unfit
49 for human food;
50 2. If it is, in whole or in part, a raw agricultural commodity and
51 such commodity bears or contains a pesticide chemical which

1 is unsafe within the meaning of section 408 of the Federal
2 Food, Drug, and Cosmetic Act;

3 3. If it bears or contains any food additive which is unsafe
4 within the meaning of section 409 of the Federal Food, Drug,
5 and Cosmetic Act;

6 4. If it bears or contains any color additive which is unsafe
7 within the meaning of section ~~706721~~ of the Federal Food,
8 Drug, and Cosmetic Act: Provided, that an article which is
9 not otherwise deemed adulterated under paragraphs 2, 3, or 4
10 shall nevertheless be deemed adulterated if use of the
11 pesticide chemical, food additive, or color additive in or on
12 such article is prohibited by regulations of the Board in
13 official establishments;

14"

16 MODERNIZE FOREST RANGER STATUTES

17 SECTION 12.(a) G.S. 106-896 reads as rewritten:

18 "§ 106-896. ~~Forest rangers, rangers, deputy rangers, and emergency workers.~~

19 The Commissioner ~~or the Commissioner's designee~~ may ~~appoint one county forest ranger~~
20 ~~and one or more deputy forest rangers in each county of the State in which, after careful~~
21 ~~investigation, the amount of forestland and the risks from forest fires shall, in his judgment,~~
22 ~~warrant the establishment of a forest fire organization.~~ authorize as many forest rangers, deputy
23 rangers, or emergency workers as the Commissioner deems necessary and available. For
24 purposes of this Article, the following definitions apply:

25 (1) "Deputy ranger" means a highly trained emergency worker hired on a
26 temporary basis to respond to a given emergency or condition. A deputy
27 ranger shall be sworn or affirmed to the terms of "General Oath" as provided
28 in G.S. 11-11. A deputy ranger shall have the powers and duties as
29 enumerated in G.S. 106-899.

30 (2) "Emergency worker" means a person who is not an employee of the NC
31 Forest Service but is an individual serving on a temporary basis in case of
32 fire, storm, snow, earthquake, flood, or other similar emergency. Except for
33 a deputy ranger, an emergency worker is not sworn or affirmed to the terms
34 of "General Oath" provided in G.S. 11-11.

35 (3) "Forest ranger" means an employee of the North Carolina Forest Service
36 who has been sworn or affirmed to the terms of "General Oath" provided in
37 G.S. 11-11. A forest ranger shall have the powers and duties as enumerated
38 in G.S. 106-898 and G.S. 106-899."

39 SECTION 12.(b) G.S. 106-899 reads as rewritten:

40 "§ 106-899. Powers of forest rangers and deputy rangers to prevent and extinguish fires; 41 authority to issue citations and warning tickets.

42 (a) Forest rangers or deputy rangers shall prevent and extinguish forest fires and shall
43 have control and direction of all persons and equipment while engaged in the extinguishing of
44 forest fires. During a season of drought, the Commissioner or his designate may establish a fire
45 patrol in any district, and in case of fire in or threatening any forest or woodland, the forest
46 ranger or deputy ranger shall attend forthwith and use all necessary means to confine and
47 extinguish such fire. The forest ranger ~~or deputy forest ranger~~ may summon any resident
48 between the ages of 18 and 45 years, inclusive, to assist in extinguishing fires and may require
49 the use of crawler tractors and other property needed for such purposes; any person so
50 summoned and who is physically able who refuses or neglects to assist or to allow the use of
51 equipment and such other property required shall be guilty of a Class 3 misdemeanor and upon

1 conviction shall only be subject to a fine of not less than fifty dollars (\$50.00) nor more than
2 one hundred dollars (\$100.00). No action for trespass shall lie against any forest ranger, deputy
3 ~~forest-ranger~~, or person summoned by ~~him—a forest ranger~~ for crossing lands, backfiring,
4 burning out or performing his duties as a forest ranger or deputy ~~forest-ranger~~.

5 (b) Forest rangers are authorized to issue and serve citations under the terms of
6 G.S. 15A-302 and warning tickets under the terms of G.S. 106-901 for offenses under the forest
7 laws. This subsection may not be interpreted to confer the power of arrest on forest rangers, and
8 does not make them criminal justice officers within the meaning of G.S. 17C-2."

9 **SECTION 12.(c)** G.S. 106-902 reads as rewritten:

10 **"§ 106-902. Compensation of forest ~~rangers-rangers~~, deputy rangers, and emergency**
11 **workers.**

12 Forest ~~rangers-rangers, deputy rangers, and emergency workers~~ shall receive compensation
13 from the Department at a reasonable rate to be fixed by said Department for the time actually
14 engaged in the performance of their duties; and reasonable expenses for equipment,
15 transportation, or food supplies incurred in the performance of their duties, according to an
16 itemized statement to be rendered the Commissioner every month, and approved by him. Forest
17 rangers shall render to the Commissioner a statement of the services rendered by the men
18 employed by them or their deputy rangers, as provided in this Article, within one month of the
19 date of service, which bill shall show in detail the amount and character of the service
20 performed, the exact duration thereof, the name of each person employed, and any other
21 information required by the Commissioner. If said bill be duly approved by the Commissioner,
22 it shall be paid by direction of the Department out of any funds provided for that purpose."

23 **SECTION 12.(d)** G.S. 106-907 reads as rewritten:

24 **"§ 106-907. Instructions on forest preservation and development.**

25 (a) It shall be the duty of all ~~district, county, township rangers, and all deputy-forest~~
26 ~~rangers~~ provided for in this Chapter to distribute in all of the public schools and high schools of
27 the county in which they are serving as such ~~fire-forest~~ rangers all such tracts, books,
28 periodicals and other literature that may, from time to time, be sent out to such rangers by the
29 State and federal forestry agencies touching or dealing with forest preservation, development,
30 and forest management.

31 (b) It shall be the duty of the ~~various-forest~~ rangers herein mentioned under the
32 direction of the Commissioner, and the duty of the teachers of the various schools, both public
33 and high schools, to keep posted at some conspicuous place in the various classrooms of the
34 school buildings such appropriate bulletins and posters as may be sent out from the forestry
35 agencies herein named for that purpose and keep the same constantly before their pupils; and
36 said teachers and rangers shall prepare lectures or talks to be made to the pupils of the various
37 schools on the subject of forest fires, their origin and their destructive effect on the plant life
38 and tree life of the forests of the State, the development and scientific management of the
39 forests of the State, and shall be prepared to give practical instruction to their pupils from time
40 to time and as often as they shall find it possible so to do."

41 **SECTION 12.(e)** G.S. 106-941 reads as rewritten:

42 **"§ 106-941. Definitions.**

43 As used in this Article:

- 44 (1) "Department" means the Department of Agriculture and Consumer Services.
- 45 (2) "Forest ranger" means ~~the county forest ranger or deputy-a~~ forest ranger
46 designated under ~~G.S. 106-896-G.S. 106-896(3).~~
- 47 (3) "Person" means any individual, firm, partnership, corporation, association,
48 public or private institution, political subdivision, or government agency.
- 49 (4) "Woodland" means woodland as defined in G.S. 106-904."

50 **SECTION 12.(f)** G.S. 106-942 reads as rewritten:

51 **"§ 106-942. High hazard counties; permits required; standards.**

(a) The provisions of this section apply only to the counties of Beaufort, Bladen, Brunswick, Camden, Carteret, Chowan, Craven, Currituck, Dare, Duplin, Gates, Hyde, Jones, Onslow, Pamlico, Pasquotank, Perquimans, Tyrrell, and Washington which are classified as high hazard counties in accordance with G.S. 106-940.

(b) It is unlawful for any person to willfully start or cause to be started any fire in any woodland under the protection of the Department or within 500 feet of any such woodland without first having obtained a permit from the Department. Permits for starting fires may be obtained from forest rangers or other agents authorized by the ~~county~~ forest ranger to issue such permits in the county in which the fire is to be started. Such permits shall be issued by the ranger or other agent unless permits for the area in question have been prohibited or cancelled in accordance with G.S. 106-944 or G.S. 106-946.

...."

ALLOW EMERGENCY WORKERS TO RECEIVE WORKERS' COMPENSATION WHEN RESPONDING TO NONFIRE EMERGENCIES

SECTION 13. G.S. 97-2 reads as rewritten:

"§ 97-2. Definitions.

When used in this Article, unless the context otherwise requires:

...

(2) Employee. – The term "employee" means every person engaged in an employment under any appointment or contract of hire or apprenticeship, express or implied, oral or written, including aliens, and also minors, whether lawfully or unlawfully employed, but excluding persons whose employment is both casual and not in the course of the trade, business, profession, or occupation of his employer, and as relating to those so employed by the State, the term "employee" shall include all officers and employees of the State, including such as are elected by the people, or by the General Assembly, or appointed by the Governor to serve on a per diem, part-time or fee basis, either with or without the confirmation of the Senate; as relating to municipal corporations and political subdivisions of the State, the term "employee" shall include all officers and employees thereof, including such as are elected by the people. The term "employee" shall include members of the North Carolina National Guard while on State active duty under orders of the Governor and members of the North Carolina State Defense Militia while on State active duty under orders of the Governor. The term "employee" shall include deputy sheriffs and all persons acting in the capacity of deputy sheriffs, whether appointed by the sheriff or by the governing body of the county and whether serving on a fee basis or on a salary basis, or whether deputy sheriffs serving upon a full-time basis or a part-time basis, and including deputy sheriffs appointed to serve in an emergency, but as to those so appointed, only during the continuation of the emergency. The sheriff shall furnish to the board of county commissioners a complete list of all deputy sheriffs named or appointed by him immediately after their appointment and notify the board of commissioners of any changes made therein promptly after such changes are made. Any reference to an employee who has been injured shall, when the employee is dead, include also the employee's legal representative, dependents, and other persons to whom compensation may be payable: Provided, further, that any employee, as herein defined, of a municipality, county, or of the State of North Carolina, while engaged in the discharge of the employee's official duty outside the jurisdictional or territorial limits of the municipality, county,

1 or the State of North Carolina and while acting pursuant to authorization or
2 instruction from any superior officer, shall have the same rights under this
3 Article as if such duty or activity were performed within the territorial
4 boundary limits of their employer.

5 Except as otherwise provided herein, every executive officer elected or
6 appointed and empowered in accordance with the charter and bylaws of a
7 corporation shall be considered as an employee of such corporation under
8 this Article.

9 Any such executive officer of a corporation may, notwithstanding any
10 other provision of this Article, be exempt from the coverage of the
11 corporation's insurance contract by such corporation's specifically excluding
12 such executive officer in such contract of insurance, and the exclusion to
13 remove such executive officer from the coverage shall continue for the
14 period such contract of insurance is in effect, and during such period such
15 executive officers thus exempted from the coverage of the insurance contract
16 shall not be employees of such corporation under this Article.

17 All county agricultural extension service employees who do not receive
18 official federal appointments as employees of the United States Department
19 of Agriculture and who are field faculty members with professional rank as
20 designated in the memorandum of understanding between the North
21 Carolina Agricultural Extension Service, North Carolina State University, A
22 & T State University, and the boards of county commissioners shall be
23 deemed to be employees of the State of North Carolina. All other county
24 agricultural extension service employees paid from State or county funds
25 shall be deemed to be employees of the county board of commissioners in
26 the county in which the employee is employed for purposes of workers'
27 compensation.

28 The term "employee" shall also include members of the Civil Air Patrol
29 currently certified pursuant to G.S. 143B-1031(a) when performing duties in
30 the course and scope of a State-approved mission pursuant to Subpart C of
31 Part 5 of Article 13 of Chapter 143B of the General Statutes.

32 "Employee" shall not include any person performing voluntary service as
33 a ski patrolman who receives no compensation for such services other than
34 meals or lodging or the use of ski tow or ski lift facilities or any combination
35 thereof.

36 "Employee" shall not include any person elected or appointed and
37 empowered as an executive officer, director, or committee member under the
38 charter, articles, or bylaws of a nonprofit corporation subject to Chapter
39 47A, 47C, 47F, 55A, or 59B of the General Statutes, or any organization
40 exempt from federal income tax under section 501(c)(3) of the Internal
41 Revenue Code, who performs only voluntary service for the nonprofit
42 corporation, provided that the person receives no remuneration for the
43 voluntary service other than reasonable reimbursement for expenses incurred
44 in connection with the voluntary service. When a nonprofit corporation as
45 described herein employs one or more persons who do receive remuneration
46 other than reasonable reimbursement for expenses, then any volunteer
47 officers, directors, or committee members excluded from the definition of
48 "employee" by operation of this paragraph shall be counted as employees for
49 the sole purpose of determining the number of persons regularly employed
50 in the same business or establishment pursuant to G.S. 97-2(1). Other than
51 for the limited purpose of determining the number of persons regularly

1 employed in the same business or establishment, such volunteer nonprofit
 2 officers, directors, or committee members shall not be "employees" under
 3 the Act. Nothing herein shall prohibit a nonprofit corporation as described
 4 herein from voluntarily electing to provide for workers' compensation
 5 benefits in the manner provided in G.S. 97-93 for volunteer officers,
 6 directors, or committee members excluded from the definition of
 7 "employee" by operation of this paragraph. This paragraph shall not apply to
 8 any volunteer firefighter, volunteer member of an organized rescue squad, an
 9 authorized ~~pickup firefighter~~ emergency worker when that individual is
 10 engaged in emergency fire suppression activities for the North Carolina
 11 Forest Service, a duly appointed and sworn member of an auxiliary police
 12 department organized pursuant to G.S. 160A-282, or a senior member of the
 13 State Civil Air Patrol functioning under Subpart C of Part 5 of Article 13 of
 14 Chapter 143B of the General Statutes, even if such person is elected or
 15 appointed and empowered as an executive officer, director, or committee
 16 member under the charter, articles, or bylaws of a nonprofit corporation as
 17 described herein.

18 Any sole proprietor or partner of a business or any member of a limited
 19 liability company may elect to be included as an employee under the
 20 workers' compensation coverage of such business if he or she is actively
 21 engaged in the operation of the business and if the insurer is notified of his
 22 election to be so included. Any such sole proprietor or partner or member of
 23 a limited liability company shall, upon such election, be entitled to employee
 24 benefits and be subject to employee responsibilities prescribed in this
 25 Article.

26 "Employee" shall include an authorized ~~pickup firefighter~~ emergency
 27 worker of the North Carolina Forest Service of the Department of
 28 Agriculture and Consumer Services when that individual is engaged in
 29 emergency ~~fire suppression~~ activities for the North Carolina Forest Service.
 30 As used in this section, "authorized ~~pickup firefighter~~ emergency worker"
 31 means an individual who has completed required ~~fire suppression~~ emergency
 32 response training as a wildland firefighter required by the North Carolina
 33 Forest Service and who is available as needed by the North Carolina Forest
 34 Service for emergency ~~fire suppression~~ activities, including immediate
 35 dispatch to ~~wildfires~~ wildfires, snow events, hurricanes, earthquakes, floods,
 36 or other emergencies, and standby for initial attack on fires during periods of
 37 high fire danger.

38 It shall be a rebuttable presumption that the term "employee" shall not
 39 include any person performing services in the sale of newspapers or
 40 magazines to ultimate consumers under an arrangement whereby the
 41 newspapers or magazines are to be sold by that person at a fixed price and
 42 the person's compensation is based on the retention of the excess of the fixed
 43 price over the amount at which the newspapers or magazines are charged to
 44 the person.

45"

46
 47 **CREATE EXCEPTION FROM CONSERVATION BENEFIT ANALYSIS FOR**
 48 **CERTAIN EASEMENTS**

49 SECTION 14. G.S. 121-39.1 reads as rewritten:

50 "§ 121-39.1. Termination or modification of agreements.

51 ...

1 (g) This section shall not apply to a condemnation action initiated by a condemnor
2 governed by Article 6 of Chapter 40A of the General Statutes. ~~Statutes~~ or to a voluntary
3 termination or modification affecting no more than the lesser of two percent (2%) or one acre
4 of the total easement area of the conservation agreement when requested by a public utility, the
5 Department of Transportation, or a government entity having eminent domain authority under
6 Article 3 of Chapter 40A of the General Statutes."

7 8 **EXEMPT FARM TRUCKS THAT STAY IN STATE FROM HAVING A USDOT** 9 **IDENTIFICATION NUMBER**

10 **SECTION 15.** G.S. 20-101 reads as rewritten:

11 **"§ 20-101. Certain business vehicles to be marked.**

12 (a) A motor vehicle that is subject to 49 C.F.R. Part 390, the federal motor carrier
13 safety regulations, shall be marked as required by that Part.

14 (b) A motor vehicle with a gross vehicle weight rating of more than 26,000 pounds that
15 is used in intrastate commerce shall have (i) the name of the owner and (ii) the motor carrier's
16 identification number preceded by the letters "USDOT" and followed by the letters "NC"
17 printed on each side of the vehicle in letters not less than three inches in height. The provisions
18 of this subsection shall not apply if any of the following are true:

19 (1) The motor vehicle is subject to 49 C.F.R. Part 390.

20 (2) The motor vehicle is of a type listed in 49 C.F.R. 390.3(f).

21 (3) The motor vehicle is licensed at the farmer rate under G.S. 20-88.

22 (c) A motor vehicle that is subject to regulation by the North Carolina Utilities
23 Commission shall be marked as required by that Commission and as otherwise required by this
24 section.

25 (d) A motor vehicle equipped to tow or transport another motor vehicle, hired for the
26 purpose of towing or transporting another motor vehicle, shall have the name and address of the
27 registered owner of the vehicle, and the name of the business or person being hired if different,
28 printed on each side of the vehicle in letters not less than three inches in height. This subsection
29 shall not apply to motor vehicles subject to 49 C.F.R. Part 390."

30 31 **EXEMPT CLOSURE OF HOG LAGOONS FROM REQUIRING THE USE OF A** 32 **PROFESSIONAL ENGINEER**

33 **SECTION 16.** G.S. 89C-25 reads as rewritten:

34 **"§ 89C-25. Limitations on application of Chapter.**

35 This Chapter shall not prevent the following activities:

36 (1) The practice of architecture as defined in Chapter 83A of the General
37 Statutes, landscape architecture as defined in Chapter 89A of the General
38 Statutes, or contracting as defined in Articles 1, 2, 4, and 5 of Chapter 87 of
39 the General Statutes.

40 (2) Repealed by Session Laws 2011-304, s. 7, effective June 26, 2011.

41 (3) Repealed by Session Laws 2011-304, s. 7, effective June 26, 2011.

42 (4) Engaging in engineering or land surveying as an employee or assistant under
43 the responsible charge of a professional engineer or professional land
44 surveyor.

45 (5) The practice of professional engineering or land surveying by any person not
46 a resident of, and having no established place of business in this State, as a
47 consulting associate of a professional engineer or professional land surveyor
48 licensed under the provisions of this Chapter; provided, the nonresident is
49 qualified for performing the professional service in the person's own state or
50 country.

1 (6) Practice by members of the Armed Forces of the United States; employees
2 of the government of the United States while engaged in the practice of
3 engineering or land surveying solely for the government on
4 government-owned works and projects; or practice by those employees of
5 the Natural Resources Conservation Service, county employees, or
6 employees of the Soil and Water Conservation Districts who have federal
7 engineering job approval authority that involves the planning, designing, or
8 implementation of best management practices on agricultural lands.

9 (7) Repealed by Session Laws 2014-120, s. 11(a), effective September 18, 2014.

10 (7a) The engineering or surveying activities of a person as defined by
11 G.S. 89C-3(5) who is engaged in manufacturing, processing, producing, or
12 transmitting and delivering a product or public utility service, and which
13 activities are reasonably necessary and connected with the primary services
14 performed by individuals regularly employed in the ordinary course of
15 business by the person, provided that the engineering or surveying activity is
16 not a holding out or an offer to the public of engineering or surveying
17 services, as prohibited by this Chapter. The engineering and surveying
18 services may not be offered, performed, or rendered independently from the
19 primary services rendered by the person. For purposes of this subdivision,
20 "activities reasonably necessary and connected with the primary service"
21 include the following:

- 22 a. Installation or servicing of the person's product or public utility
23 service by employees of the person conducted outside the premises
24 of the person's business.
- 25 b. Design, acquisition, installation, or maintenance of machinery,
26 equipment, or apparatus incidental to the manufacture or installation
27 of the product or public utility service performed by employees of
28 the person upon property owned, leased, or used by the person.
- 29 c. Research and development performed in connection with the
30 manufacturing, processing, or production of the person's product or
31 public utility service by employees of the person.

32 Engineering or surveying activities performed pursuant to this
33 subdivision, where the safety of the public is directly involved, shall be
34 under the responsible charge of a licensed professional engineer or licensed
35 professional surveyor.

36 (8) The (i) preparation of fire sprinkler planning and design drawings by a fire
37 sprinkler contractor licensed under Article 2 of Chapter 87 of the General
38 Statutes, or (ii) the performance of internal engineering or survey work by a
39 manufacturing or communications common carrier company, or by a
40 research and development company, or by employees of those corporations
41 provided that the work is in connection with, or incidental to products of, or
42 nonengineering services rendered by those corporations or their affiliates.

43 (9) The routine maintenance or servicing of machinery, equipment, facilities or
44 structures, the work of mechanics in the performance of their established
45 functions, or the inspection or supervision of construction by a foreman,
46 superintendent, or agent of the architect or professional engineer, or services
47 of an operational nature performed by an employee of a laboratory, a
48 manufacturing plant, a public service corporation, or governmental
49 operation.

50 (10) The design of land application irrigation systems for an animal waste
51 management plan, required by G.S. 143-215.10C, by a designer who

1 exhibits, by at least three years of relevant experience, proficiency in soil
2 science and basic hydraulics, and who is thereby listed as an Irrigation
3 Design Technical Specialist by the North Carolina Soil and Water
4 Conservation Commission.

- 5 (11) The closure of waste impoundments for animal waste management systems,
6 as defined by G.S. 143-215.10B(3), by a person who is designated as a
7 Technical Specialist in the Waste Utilization Plan/Nutrient Management
8 Category by the North Carolina Soil and Water Conservation Commission.
9 This subsection shall not apply to the design or installation of a spillway."

10
11 **EXEMPT FARM VEHICLES ENGAGED IN INTRASTATE COMMERCE FROM**
12 **CERTAIN FEDERAL MOTOR CARRIER SAFETY REGULATIONS**

13 **SECTION 17.(a)** G.S. 20-381 is amended by adding a new subsection to read:

14 **"§ 20-381. Specific powers and duties of Department of Public Safety applicable to motor**
15 **carriers; agricultural exemption.**

16 (a) The Department of Public Safety has the following powers and duties concerning
17 motor carriers:

- 18 (1) To prescribe qualifications and maximum hours of service of drivers and
19 their helpers.
- 20 (1a) To set safety standards for vehicles of motor carriers engaged in foreign,
21 interstate, or intrastate commerce over the highways of this State and for the
22 safe operation of these vehicles. The Department of Public Safety may stop,
23 enter upon, and perform inspections of motor carriers' vehicles in operation
24 to determine compliance with these standards and may conduct any
25 investigations and tests it finds necessary to promote the safety of equipment
26 and the safe operation on the highway of these vehicles.
- 27 (1b) To enforce this Article, rules adopted under this Article, and the federal
28 safety and hazardous materials regulations.
- 29 (2) To enter the premises of a motor carrier to inspect a motor vehicle or any
30 equipment used by the motor carrier in transporting passengers or property.
- 31 (2a) To prohibit the use by a motor carrier of any motor vehicle or motor vehicle
32 equipment the Department of Public Safety finds, by reason of its
33 mechanical condition or loading, would be likely to cause a crash or
34 breakdown in the transportation of passengers or property on a highway. If
35 an agent of the Department of Public Safety finds a motor vehicle of a motor
36 carrier in actual use upon the highways in the transportation of passengers or
37 property that, by reason of its mechanical condition or loading, would be
38 likely to cause a crash or breakdown, the agent shall declare the vehicle "Out
39 of Service." The agent shall require the operator thereof to discontinue its
40 use and to substitute therefor a safe vehicle, parts or equipment at the earliest
41 possible time and place, having regard for both the convenience and the
42 safety of the passengers or property. When an inspector or agent stops a
43 motor vehicle on the highway, under authority of this section, and the motor
44 vehicle is declared "Out of Service," no motor carrier operator shall require,
45 or permit, any person to operate, nor shall any person operate, any motor
46 vehicle equipment declared "Out of Service" until all repairs required by the
47 "Out of Service" notice have been satisfactorily completed. Such agents or
48 inspectors shall also have the right to stop any motor vehicle which is being
49 used upon the public highways for the transportation of passengers or
50 property by a motor carrier subject to the provisions of this Article and to
51 eject therefrom any driver or operator who shall be operating or be in charge

1 of such motor vehicle while under the influence of alcoholic beverages or
2 impairing substances. It shall be the duty of all inspectors and agents of the
3 Department of Public Safety to make a written report, upon a form
4 prescribed by the Department of Public Safety, of inspections of all motor
5 equipment and a copy of each such written report, disclosing defects in such
6 equipment, shall be served promptly upon the motor carrier operating the
7 same, either in person by the inspector or agent or by mail. Such agents and
8 inspectors shall also make and serve a similar written report in cases where a
9 motor vehicle is operated in violation of this Chapter or, if the motor vehicle
10 is subject to regulation by the North Carolina Utilities Commission, of
11 Chapter 62 of the General Statutes.

12 (3) To relieve the highways of all undue burdens and safeguard traffic thereon
13 by adopting and enforcing rules and orders designed and calculated to
14 minimize the dangers attending transportation on the highways of all
15 hazardous materials and other commodities.

16 (4) To determine the safety fitness of intrastate motor carriers, to assign safety
17 ratings to intrastate motor carriers as defined in 49 C.F.R. § 385.3, to direct
18 intrastate motor carriers to take remedial action when required, to prohibit
19 the operation of intrastate motor carriers rated unsatisfactory, to determine
20 whether the continued operations of intrastate motor carriers pose an
21 "imminent hazard" as defined in 49 C.F.R. § 386.72(b)(1), and to prohibit
22 the operation of an intrastate motor carrier found to be an "imminent hazard"
23 as defined in 49 C.F.R. § 386.72(b)(1).

24 (5) To prohibit the intrastate operation of a motor carrier subject to an order
25 issued by the Federal Motor Carrier Safety Administration to cease all
26 operations based on a finding that the continued operations of the motor
27 carrier pose an "imminent hazard" as defined in 49 C.F.R. § 386.72(b)(1).

28 (b) The definitions set out in 49 Code of Federal Regulations § 171.8 apply to this
29 subsection. The transportation of an agricultural product, other than a Class 2 material, over
30 local roads between fields of the same farm by a farmer operating as an intrastate private motor
31 carrier is exempt from the requirements of Parts 171 through 180 of 49 CFR as provided in 49
32 CFR § 173.5(a). The transportation of an agricultural product to or from a farm within 150
33 miles of the farm by a farmer operating as an intrastate private motor carrier is exempt from the
34 requirements of Subparts G and H of Part 172 of 49 CFR as provided in 49 CFR § 173.5(b).

35 (c) For purposes of 49 C.F.R. § 395.1(k) and any other federal law or regulation
36 relating to hours-of-service rules for drivers engaged in the transportation of agricultural
37 commodities and farm supplies for agricultural purposes, the terms "planting and harvesting
38 season" and "planting and harvesting period" refer to the period from January 1 through
39 December 31 of each year.

40 (d) The definitions set out in 49 C.F.R. § 390.5 apply to this subsection. A covered farm
41 vehicle engaged in intrastate commerce is exempt from the requirements of 49 C.F.R. §
42 390.21."

43 **SECTION 17.1.(a)** Rule. – Until the effective date of the revised permanent rule
44 that the Division of Motor Vehicles is required to adopt pursuant to subsection (c) of this
45 section, the Division shall implement 14B NCAC 07C .0101 (Safety of Operation and
46 Equipment) as provided in subsection (b) of this section.

47 **SECTION 17.1.(b)** Implementation. – Notwithstanding 14B NCAC 07C .0101, the
48 Division shall exempt covered farm vehicles engaged in intrastate commerce from the
49 requirements of 49 C.F.R. § 390.21.

50 **SECTION 17.1.(c)** Additional Rule-Making Authority. – The Division shall adopt
51 rules to amend 14B NCAC 07C .0101, consistent with subsection (b) of this section.

1 **SECTION 17.1.(d)** Effective Date. – Subsection (b) of this section expires on the
2 date that rules adopted pursuant to subsection (c) of this section become effective. The
3 remainder of this section is effective when it becomes law.
4

5 **SEVERABILITY/EFFECTIVE DATE**

6 **SECTION 18.** If any provision of this Act or the application thereof to any person
7 or circumstances is held invalid, such invalidity shall not affect other provisions or applications
8 of the act which can be given effect without the invalid provision or application, and, to this
9 end, the provisions of this act are declared to be severable.

10 **SECTION 19.** Except as otherwise provided, this act is effective when it becomes
11 law.