

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 168
PROPOSED HOUSE COMMITTEE SUBSTITUTE S168-PCS35367-TGf-42

Short Title: AOC Omnibus Changes.

(Public)

Sponsors:

Referred to:

March 2, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO THE LAW GOVERNING THE
3 ADMINISTRATION OF JUSTICE.

4 The General Assembly of North Carolina enacts:

5
6 **PART I. REDUCE DISTRIBUTION OF APPELLATE REPORTER ADVANCE SHEETS**

7 SECTION 1. G.S. 7A-6(c) is repealed.

8
9 **PART II. INCREASE MAXIMUM INSURANCE BENEFICIARY DISTRIBUTIONS**

10 SECTION 2.1. G.S. 7A-111 reads as rewritten:

11 "§ 7A-111. **Receipt and disbursement of insurance and other moneys for minors and**
12 **incapacitated adults.**

13 (a) When a minor under 18 years of age is named beneficiary in a policy or policies of
14 insurance, and the insured dies prior to the majority of such minor, and the proceeds of each
15 individual policy do not exceed ~~twenty five thousand dollars (\$25,000)~~ fifty thousand dollars
16 (\$50,000) such proceeds may be paid to and, if paid, shall be received by the public guardian or
17 clerk of the superior court of the county wherein the beneficiary is domiciled. The receipt of the
18 public guardian or clerk shall be a full and complete discharge of the insurer issuing the policy
19 or policies to the extent of the amount paid to such public guardian or clerk.

20 Any person having in his possession ~~twenty five thousand dollars (\$25,000)~~ fifty thousand
21 dollars (\$50,000) or less for any minor under 18 years of age for whom there is no guardian, may
22 pay such moneys into the office of the public guardian, if any, or the office of the clerk of superior
23 court of the county of the recipient's domicile. The receipt of the public guardian or clerk shall
24 constitute a valid release of the payor's obligation to the extent of the sum delivered to the clerk.

25 The clerk is authorized under this section to receive, to administer and to disburse the monies
26 held in such sum or sums and at such time or times as in his judgment is in the best interest of
27 the child, except that the clerk must first determine that the parents or other persons responsible
28 for the child's support and maintenance are financially unable to provide the necessities for such
29 child, and also that the child is in need of maintenance and support or other necessities, including,
30 when appropriate, education. The clerk shall require receipts or paid vouchers showing that the
31 monies disbursed under this section were used for the exclusive use and benefit of the child.

32"

33
34 **PART III. CLARIFY FEES FOR POWER OF ATTORNEY PROCEEDINGS BEFORE**
35 **A CLERK**

36 SECTION 3. G.S. 7A-307 reads as rewritten:



* S 1 6 8 - P C S 3 5 3 6 7 - T G F - 4 2 *

"§ 7A-307. Costs in administration of estates.

(a) In the administration of the estates of decedents, minors, incompetents, of missing persons, and in the administration of trusts under wills and under powers of attorney, in trust proceedings under G.S. 36C-2-203, in estate proceedings under G.S. 28A-2-4, in power of attorney proceedings under G.S. 32C-1-116(a), and in collections of personal property by affidavit, the following costs shall be assessed:

...."

PART IV. UNIFORM FEES IN FORECLOSURE PROCEEDINGS

SECTION 4.1. G.S. 7A-308 reads as rewritten:

"§ 7A-308. Miscellaneous fees and commissions.

(a) The following miscellaneous fees and commissions shall be collected by the clerk of superior court and remitted to the State for the support of the General Court of Justice:

- (1) Foreclosure under power of sale in deed of trust or mortgage.....\$300.00
If the property is sold under the power of sale, an additional amount will be charged, determined by the following formula: forty-five cents (.45) per one hundred dollars (\$100.00), or major fraction thereof, of the final sale price. If the amount determined by the formula is less than ten dollars (\$10.00), a minimum ten dollar (\$10.00) fee will be collected. If the amount determined by the formula is more than five hundred dollars (\$500.00), a maximum five hundred-dollar (\$500.00) fee will be collected.

(1a) In rem foreclosures conducted in accordance with G.S. 105-375.....\$300.00

...."

SECTION 4.2. This section becomes effective July 1, 2018.

PART V. REDUCE HARD COPY APPELLATE DIVISION REPORT EXPENDITURES

SECTION 5. G.S. 7A-343.1 reads as rewritten:

"§ 7A-343.1. Distribution of copies of the appellate division reports.

(a) The Administrative Officer of the Courts shall, upon request and at the State's expense distribute such number of copies of the appellate division reports to federal, State departments and agencies, and to educational institutions of instruction, as follows:

Table with 2 columns: Department Name and Number of Copies. Includes entries like Governor, Office of the (1), Lieutenant Governor, Office of the (1), Secretary of State, Department of the (2), etc.

1	Transportation, Department of	1
2	Motor Vehicles, Division of	1
3	Utilities Commission	81
4	Industrial Commission	111
5	State Human Resources Commission	1
6	Office of State Human Resources	1
7	Office of Administrative Hearings	2
8	Community Colleges, Department of	38
9	Department of Commerce	1
10	Commission of Correction	1
11	Parole Commission	1
12	Archives and History, Division of	1
13	Public Safety, Department of	2
14	Natural and Cultural Resources, Department of	3
15	Legislative Building Library	2
16	Justices of the Supreme Court	1 ea.
17	Judges of the Court of Appeals	1 ea.
18	Judges of the Superior Court	1 ea.
19	Clerks of the Superior Court	1 ea.
20	District Attorneys	1 ea.
21	Emergency and Special Judges of the Superior Court	1 ea.
22	Supreme Court <u>of North Carolina</u> Library	AS MANY AS
23		REQUESTED
24	Appellate Division Reporter	1
25	University of North Carolina, Chapel Hill <u>Carolina School of Law</u>	715
26	University of North Carolina, Charlotte	1
27	University of North Carolina, Greensboro	1
28	University of North Carolina, Asheville	1
29	North Carolina State University, Raleigh	1
30	Appalachian State University	1
31	East Carolina University	1
32	Fayetteville State University	1
33	North Carolina Central University <u>School of Law</u>	175
34	Western Carolina University	1
35	Duke University <u>School of Law</u>	175
36	Davidson College	2
37	Wake Forest University <u>School of Law</u>	255
38	Lenoir Rhyne College	1
39	Elon College <u>University School of Law</u>	15
40	Campbell University <u>School of Law</u>	255
41	Federal, Out of State and Foreign Secretary of State	1
42	Secretary of Defense	1
43	Secretary of Health, Education and Welfare	1
44	Secretary of Housing and Urban Development	1
45	Secretary of Transportation	1
46	Attorney General	1
47	<u>United States</u> Department of Justice	1
48	Internal Revenue Service	1
49	Veterans' Administration	1
50	Library of Congress	51
51	Federal Judges resident in North Carolina	1 ea.

1	Marshal of the United States Librarian, Supreme Court of the United States	1
2	Federal District United States Attorneys resident in North Carolina	1 ea.
3	Federal Clerks of Court resident in North Carolina	1 ea.
4	Supreme Court Library exchange list	1
5	Cherokee Supreme Court, Eastern Band of	
6	Cherokee Indians	13

7 ~~Each justice of the Supreme Court and judge of the Court of Appeals shall receive for private~~
 8 ~~use, one complete and up to date set of the appellate division reports. The copies of reports~~
 9 ~~furnished to each justice of the Supreme Court and judge of the Court of Appeals as set out in~~
 10 ~~the table above may be retained personally to enable the justice or judge to keep up to date the~~
 11 ~~personal set of reports by the justice or judge.~~

12"

13
 14 **PART VI. INDIGENT SERVICES APPOINTMENT PLANS**

15 **SECTION 6.** G.S. 7A-498.3 reads as rewritten:

16 **"§ 7A-498.3. Responsibilities of Office of Indigent Defense Services.**

17 ...

18 (b1) The Office of Indigent Defense Services shall develop a model appointment plan with
 19 minimum qualification standards for appointed private counsel by July 1, 2019, for adoption and
 20 promulgation by each judicial district. Judicial districts may request modifications to the model
 21 plan and qualification standards. If a judicial district has not adopted an appointment plan with
 22 the Indigent Defense Services' minimum qualification standards by January 2, 2021, the model
 23 plan and qualification standards developed by Indigent Defense Services will become effective
 24 on that date in that judicial district. Indigent Defense Services shall review the model plan and
 25 qualification standards every five years and, in the event it modifies the model plan and/or
 26 qualification standards, shall notify the judicial districts of the change. Judicial districts will have
 27 18 months from the date Indigent Defense Services gives notice of a change to seek modifications
 28 to the revised model plan or to the qualification standards.

29"

30
 31 **PART VII. ARREST WARRANT MODIFICATIONS**

32 **SECTION 7.1.** G.S. 15A-304(b) reads as rewritten:

33 "(b) When Issued. –

34 (1) Generally. – A warrant for arrest may be issued, instead of or subsequent to a
 35 criminal summons, when it appears to the judicial official that the person
 36 named should be taken into custody. Circumstances to be considered in
 37 determining whether the person should be taken into custody may include, but
 38 are not limited to, failure to appear when previously summoned, facts making
 39 it apparent that a person summoned will fail to appear, danger that the person
 40 accused will escape, danger that there may be injury to person or property, or
 41 the seriousness of the offense.

42 (2) ~~Upon a finding of probable cause pursuant to subsection (d) of this section,~~
 43 ~~the issuing official shall issue a criminal summons instead of a warrant, unless~~
 44 ~~the official finds that the accused should be taken into custody. Circumstances~~
 45 ~~to be considered in determining whether the accused should be taken into~~
 46 ~~eustody may include, but are not limited to, any of the following:~~

47 a. ~~The accused has a history of failure to appear before the court as~~
 48 ~~required, or there is other evidence that the person is unlikely to appear~~
 49 ~~in response to a summons for the current proceeding.~~

50 b. ~~There is evidence that the accused is likely to escape or otherwise flee~~
 51 ~~the State in order to avoid prosecution for the offense alleged.~~

- 1 e. ~~There is evidence of imminent danger of harm to persons or property~~
 2 ~~if the accused is not taken into custody.~~
 3 d. ~~The location of the accused is not readily discoverable, such that a~~
 4 ~~criminal summons would be unlikely to be served before any court~~
 5 ~~date assigned at the time of issue.~~
 6 e. ~~A relevant statute provides that arrest is mandatory for an offense~~
 7 ~~charged.~~
 8 f. ~~The seriousness of the offense. However, the fact that the offense~~
 9 ~~charged is a felony shall not, by itself, constitute grounds for the~~
 10 ~~issuance of a warrant.~~

- 11 (3) ~~Notwithstanding subsection (d) of this section, an official shall only find~~
 12 ~~probable cause based solely on information provided by a person who is not a~~
 13 ~~sworn law enforcement officer if the information is provided by written~~
 14 ~~affidavit. When Citizen-initiated. – If the finding of probable cause pursuant~~
 15 ~~to subsection (d) of this section is based solely upon the written an affidavit~~
 16 ~~or oral testimony under oath or affirmation of a person who is not a sworn law~~
 17 ~~enforcement officer, the issuing official shall not issue a warrant for arrest and~~
 18 ~~instead shall issue a criminal summons, unless one of the following~~
 19 ~~circumstances exists:~~
 20 a. ~~There is corroborating testimony of the facts establishing probable~~
 21 ~~cause from a sworn law enforcement officer or at least one~~
 22 ~~disinterested witness.~~
 23 b. ~~The official finds that obtaining investigation of the alleged offense by~~
 24 ~~a law enforcement agency would constitute a substantial burden for~~
 25 ~~the complainant.~~
 26 c. ~~The official finds substantial evidence of one or more of the grounds~~
 27 ~~circumstances listed in subdivision (2)(1) of this subsection."~~

28 **SECTION 7.2.** This section becomes effective October 1, 2018, and applies to
 29 warrants issued on or after that date.

30 **Part VIII. INCREASE MAXIMUM ESTATE DISTRIBUTION TO MINOR**

31 **SECTION 8.1.** G.S. 28A-22-7 reads as rewritten:

32 **"§ 28A-22-7. Distribution to parent or guardian of a minor.**

33 (a) If a devise of personal property to a person under the age of 18 has a total value of
 34 less than ~~one thousand five hundred dollars (\$1,500)~~, five thousand dollars (\$5,000), and the
 35 devisee is residing in the same household with a parent or a guardian appointed prior to the
 36 decedent's death, the personal representative may distribute to the parent or guardian the devise.
 37 However, such distribution shall only be made with the prior approval of the clerk of court who
 38 issued the letters testamentary or of administration.

39 ...

40 (d) This section may also be applied to several devises of personal property to a single
 41 devisee having a combined total value of less than ~~one thousand five hundred dollars~~
 42 ~~(\$1,500)~~, five thousand dollars (\$5,000)."

43 **SECTION 8.2.** This section becomes effective January 1, 2019.

44 **PART IX. INCREASE IN SPOUSAL YEARLY ALLOWANCE**

45 **SECTION 9.1.** G.S. 30-15 reads as rewritten:

46 **"§ 30-15. When spouse entitled to allowance.**

47 Every surviving spouse of an intestate or of a testator, whether or not the surviving spouse
 48 has petitioned for an elective share, shall, unless the surviving spouse has forfeited the surviving
 49 spouse's right thereto, as provided by law, be entitled, out of the personal property of the deceased
 50 spouse's right thereto, as provided by law, be entitled, out of the personal property of the deceased
 51

1 spouse, to an allowance of the value of ~~thirty-sixty~~ thousand dollars ~~(\$30,000)~~(\$60,000) for the
2 surviving spouse's support for one year after the death of the deceased spouse. Such allowance
3 shall be exempt from any lien, by judgment or execution, acquired against the property of the
4 deceased spouse, and shall, in cases of testacy, be charged against the share of the surviving
5 spouse."

6 **SECTION 9.2.** This section becomes effective January 1, 2019, and applies to
7 allowance applications made on or after that date.

8
9 **PART X. STRIKE DUPLICATIVE PROVISION**

10 **SECTION 10.** G.S. 35A-1114 reads as rewritten:

11 **"§ 35A-1114. Appointment of interim guardian.**

12 (a) At the time of or subsequent to the filing of a petition under this Article, the petitioner
13 or guardian ad litem may also file a verified motion with the clerk seeking the appointment of an
14 interim guardian.

15 (b) The motion filed by the petitioner or guardian ad litem shall set forth facts tending to
16 show:

17 (1) That there is reasonable cause to believe that the respondent is incompetent,
18 and

19 (2) One or both of the following:

20 a. That the respondent is in a condition that constitutes or reasonably
21 appears to constitute an imminent or foreseeable risk of harm to his
22 physical well-being and that requires immediate intervention;

23 b. That there is or reasonably appears to be an imminent or foreseeable
24 risk of harm to the respondent's estate that requires immediate
25 intervention in order to protect the respondent's interest, and

26 (3) That the respondent needs an interim guardian to be appointed immediately to
27 intervene on his behalf prior to the adjudication hearing.

28 (c) Upon filing of the motion for appointment of an interim guardian by the petitioner or
29 the guardian ad litem, the clerk shall immediately set a date, time, and place for a hearing on the
30 motion. ~~The motion and a notice setting the date, time, and place for the hearing shall be served~~
31 ~~promptly on the respondent and on his counsel or guardian ad litem and other persons the clerk~~
32 ~~may designate. The hearing shall be held as soon as possible but no later than 15 days after the~~
33 ~~motion has been served on the respondent.~~

34 (c1) The motion and notice setting the date, time, and place for the hearing shall be served
35 promptly on the petitioner, the respondent and on his counsel or guardian ad litem, and other
36 persons the clerk may designate. The hearing shall be held as soon as possible but not later than
37 15 days after the motion has been served on the respondent.

38 (d) If at the hearing the clerk finds that there is reasonable cause to believe that the
39 respondent is incompetent, and:

40 (1) That the respondent is in a condition that constitutes or reasonably appears to
41 constitute an imminent or foreseeable risk of harm to his physical well-being,
42 and that there is immediate need for a guardian to provide consent or take
43 other steps to protect the respondent, or

44 (2) That there is or reasonably appears to be an imminent or foreseeable risk of
45 harm to the respondent's estate, and that immediate intervention is required in
46 order to protect the respondent's interest,

47 the clerk shall immediately enter an order appointing an interim guardian.

48 (e) The clerk's order appointing an interim guardian shall include specific findings of fact
49 to support the clerk's conclusions, and shall set forth the interim guardian's powers and duties.
50 Such powers and duties shall be limited and shall extend only so far and so long as necessary to
51 meet the conditions necessitating the appointment of an interim guardian. In any event, the

1 interim guardianship shall terminate on the earliest of the following: the date specified in the
2 clerk's order; 45 days after entry of the clerk's order unless the clerk, for good cause shown,
3 extends that period for up to 45 additional days; when any guardians are appointed following an
4 adjudication of incompetence; or when the petition is dismissed by the court. An interim guardian
5 whose authority relates only to the person of the respondent shall not be required to post a bond.
6 If the interim guardian has authority related to the respondent's estate, the interim guardian shall
7 post a bond in an amount determined by the clerk, with any conditions the clerk may impose, and
8 shall render an account as directed by the clerk.

9 (f) When a motion for appointment of an interim guardian has been made, the petitioner
10 may voluntarily dismiss the petition for adjudication of incompetence only prior to the hearing
11 on the motion for appointment of an interim guardian."
12

13 PART XI. NOTICE OF FORECLOSURE SALE CANCELLATIONS

14 SECTION 11.1. G.S. 45-21.21 reads as rewritten:

15 "§ 45-21.21. Postponement of sale; notice of cancellation.

16 (a) Any person exercising a power of sale may postpone the sale to a day certain not later
17 than 90 days, exclusive of Sunday, after the original date for the sale –

- 18 (1) When there are no bidders, or
- 19 (2) When, in his judgment, the number of prospective bidders at the sale is
20 substantially decreased by inclement weather or by any casualty, or
- 21 (3) When there are so many other sales advertised to be held at the same time and
22 place as to make it inexpedient and impracticable, in his judgment, to hold the
23 sale on that day, or
- 24 (4) When he is unable to hold the sale because of illness or for other good reason,
25 or
- 26 (5) When other good cause exists.

27 The person exercising a power of sale may postpone the sale more than once whenever any of
28 the above conditions are met, so long as the sale is held not later than 90 days after the original
29 date for the sale.

30 (b) Upon postponement of a sale, the person exercising the power of sale shall personally,
31 or through his agent or attorney –

- 32 (1) At the time and place advertised for the sale, publicly announce the
33 postponement thereof;
- 34 (2) On the same day, attach to or enter on the original notice of sale or a copy
35 thereof, posted at the courthouse door, as provided by G.S. 45-21.17, a notice
36 of the postponement; and
- 37 (3) Give written or oral notice of postponement to each party entitled to notice of
38 sale under G.S. 45-21.17.

39 (c) The posted notice of postponement shall –

- 40 (1) State that the sale is postponed,
- 41 (2) State the hour and date to which the sale is postponed,
- 42 (3) State the reason for the postponement, and
- 43 (4) Be signed by the person authorized to hold the sale, or by his agent or attorney.

44 (d) If a sale is not held at the time fixed therefor and is not postponed as provided by this
45 section, or if a postponed sale is not held at the time fixed therefor or within 90 days of the date
46 originally fixed for the sale, then prior to such sale taking place the provisions of G.S. 45-21.16
47 need not be complied with but the provisions of G.S. 45-21.16A, 45-21.17, and 45-21.17A shall
48 be again complied with, or if on appeal, the appellate court orders the sale to be held, as to such
49 sale so authorized the provisions of G.S. 45-21.16 need not be complied with again but those of
50 G.S. 45-21.16A, 45-21.17, and 45-21.17A shall be.

1 (e) A sale may be postponed more than once provided the final postponed sale date is not
2 later than 90 days, exclusive of Sunday and legal holidays when the courthouse is closed for
3 transactions, after the original date for the sale.

4 (f) A sale shall begin at the time designated in the notice of sale or as soon thereafter as
5 practicable, but not later than one hour after the time fixed therefor unless it is delayed by other
6 sales held at the same place. The sale shall be held between the hours of 10:00 A.M. and 4:00
7 P.M. on any day on which the Clerk's office is normally open for transactions.

8 (g) If it is determined that the sale cannot be held in accordance with this section or is
9 postponed pursuant to this section, then the person exercising the power of sale shall,
10 immediately upon determining that the sale will not occur and prior to the scheduled time of the
11 sale, deliver a written notice to the Clerk of Superior Court that is to include all of the following:

12 (1) The case number assigned by the Clerk.

13 (2) The mortgagor(s) and record owner(s) name(s).

14 (3) The United States Postal Service address of the property or, if no address has
15 been assigned, a brief description of the location of the property.

16 (4) The originally scheduled date and time for the sale.

17 (5) A statement that the foreclosure sale has been withdrawn, rescheduled for a
18 specific date and time, or postponed with no date yet set, as appropriate.

19 (h) If the notice required by subsection (b) of this section is not received by the Clerk
20 prior to the scheduled time of the sale, then the person exercising the power of sale shall
21 personally, or through his or her agent or attorney, do all of the following:

22 (1) At the time and place advertised for the sale, publicly announce the
23 cancellation thereof;

24 (2) On the same day, attach to or enter on the original notice of sale or a copy
25 thereof, posted at the courthouse door, as provided by G.S. 45-21.17, a notice
26 of the cancellation;

27 (3) Give written or oral notice of cancellation to each party entitled to notice of
28 sale under G.S. 45-21.17; and

29 (4) Hand-deliver the written notice required under subdivision (2) of this
30 subsection to the Clerk's office.

31 (i) So that the notices required by subsection (b) of this section may be delivered in the
32 time frame required therein, the Clerk's office shall, upon request, provide to the person
33 exercising the power of sale an e-mail address and/or fax telephone number to use for delivery
34 of said notices.

35 (j) Should the Clerk's office be unexpectedly closed on the day of the sale, the
36 requirements of this subsection shall be delayed until the next day the Clerk's office is open for
37 transactions.

38 (k) All notices of a scheduled foreclosure sale, withdrawal of a scheduled sale, or
39 postponement of a scheduled sale shall, on the day of receipt by the Clerk, be posted by the
40 person exercising the power of sale in the location at the county courthouse normally used for
41 the posting of public notices. If a scheduled sale has been withdrawn, that notice shall remain in
42 that location for no less than 30 days. If the sale has been postponed, that notice shall remain in
43 that location until it is replaced by a notice of a rescheduled sale or of a withdrawn sale.

44 (l) The delivery of notices required by this section in no way removes any responsibility
45 of any party to file documents with the Clerk as required elsewhere by law.

46 (m) A clerk of superior court may report habitual noncompliance with this subsection to
47 the Administrative Office of the Courts."

48 **SECTION 11.2.** This section becomes effective July 1, 2018, and applies to
49 foreclosure sales noticed on or after that date.

50
51 **PART XII. ADOPTION RECORD MODIFICATIONS**

1 **SECTION 12.** G.S. 48-9-102 reads as rewritten:

2 "**§ 48-9-102. Records confidential and sealed.**

3 ...

4 (c) When a decree of adoption becomes final, all records and all indices of ~~records~~
5 records, except for the Special Proceedings Index, on file with the court, an agency, or this State
6 shall be retained permanently and sealed. Sealed records shall not be open to inspection by any
7 person except as otherwise provided in this Article.

8 (d) All records filed in connection with an adoption, including a copy of the petition
9 giving the date of the filing of the original petition, the original of each consent and
10 relinquishment, additional documents filed pursuant to G.S. 48-2-305, any report to the court,
11 any additional documents submitted and orders ~~entered~~ entered, any orders of dismissal, and a
12 copy of the final decree, shall be sent by the clerk of superior court to the Division within 10 days
13 after the appeal period for a decree of adoption is entered ~~is entered~~ has expired or 10 days following the
14 final disposition of an appeal pursuant to G.S. 48-2-607(b). The original petition and final decree
15 or order of dismissal shall be retained by the clerk.

16 "

17
18 **PART XIII. AUTOMATED COURT PROCEEDING NOTIFICATION SYSTEM**
19 **RECORDS**

20 **SECTION 13.1.** G.S. 132-1.10 reads as rewritten:

21 "**§ 132-1.10. Social security numbers and other personal identifying information.**

22 ...

23 (f2) The Administrative Office of the Courts or a clerk of superior court may keep
24 confidential the names, phone numbers, and e-mail addresses collected for the purpose of a court
25 proceeding notification system.

26 "

27 **SECTION 13.2.** G.S. 75-104 reads as rewritten:

28 "**§ 75-104. Restrictions on use of automatic dialing and recorded message players.**

29 (a) Except as provided in this section, no person may use an automatic dialing and
30 recorded message player to make an unsolicited telephone call.

31 (b) Notwithstanding subsection (a) of this section, a person may use an automatic dialing
32 and recorded message player to make an unsolicited telephone call only under one or more of the
33 following circumstances:

34 ...

35 (8) The call is generated from a court proceeding notification system established
36 by the Administrative Office of the Courts."

37
38 **PART XIV. SEVERABILITY CLAUSE**

39 **SECTION 14.** If any section or provision of this act is declared unconstitutional or
40 invalid by the courts, it does not affect the validity of this act as a whole or any part other than
41 the part so declared to be unconstitutional or invalid.

42
43 **PART XV. EFFECTIVE DATE**

44 **SECTION 15.** Except where otherwise provided, this act is effective when it
45 becomes law.