

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 553
Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/23/19
Third Edition Engrossed 6/10/19
PROPOSED HOUSE COMMITTEE SUBSTITUTE S553-PCS15369-BC-49

Short Title: Regulatory Reform Act of 2019.

(Public)

Sponsors:

Referred to:

April 3, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FURTHER REGULATORY RELIEF TO THE CITIZENS OF NORTH
3 CAROLINA.

4 The General Assembly of North Carolina enacts:

5
6 **PART I. STATE AND LOCAL GOVERNMENT REGULATION**

7
8 **INCREASE LIMITS ON PUBLIC EMPLOYEES BENEFITTING FROM PUBLIC**
9 **CONTRACTS**

10 **SECTION 1.(a)** G.S. 14-234 reads as rewritten:

11 "**§ 14-234. Public officers or employees benefiting from public contracts; exceptions.**

12 ...

13 (d1) Subdivision (a)(1) of this section does not apply to (i) any elected official or person
14 appointed to fill an elective office of a village, town, or city having a population of no more than
15 15,000 according to the most recent official federal census, (ii) any elected official or person
16 appointed to fill an elective office of a county within which there is located no village, town, or
17 city with a population of more than 15,000 according to the most recent official federal census,
18 (iii) any elected official or person appointed to fill an elective office on a city board of education
19 in a city having a population of no more than 15,000 according to the most recent official federal
20 census, (iv) any elected official or person appointed to fill an elective office as a member of a
21 county board of education in a county within which there is located no village, town or city with
22 a population of more than 15,000 according to the most recent official federal census, (v) any
23 physician, pharmacist, dentist, optometrist, veterinarian, or nurse appointed to a county social
24 services board, local health board, or area mental health, developmental disabilities, and
25 substance abuse board serving one or more counties within which there is located no village,
26 town, or city with a population of more than 15,000 according to the most recent official federal
27 census, and (vi) any member of the board of directors of a public hospital if all of the following
28 apply:

- 29 (1) The undertaking or contract or series of undertakings or contracts between the
30 village, town, city, county, county social services board, county or city board
31 of education, local health board or area mental health, developmental
32 disabilities, and substance abuse board, or public hospital and one of its
33 officials is approved by specific resolution of the governing body adopted in
34 an open and public meeting, and recorded in its minutes and the amount does



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1 not exceed twenty thousand dollars (\$20,000) for medically related services
2 and ~~forty thousand dollars (\$40,000)~~ sixty thousand dollars (\$60,000) for
3 other goods or services within a 12-month period.

4 (2) The official entering into the contract with the unit or agency does not
5 participate in any way or vote.

6 (3) The total annual amount of contracts with each official, shall be specifically
7 noted in the audited annual financial statement of the village, town, city, or
8 county.

9 (4) The governing board of any village, town, city, county, county social services
10 board, county or city board of education, local health board, area mental
11 health, developmental disabilities, and substance abuse board, or public
12 hospital which contracts with any of the officials of their governmental unit
13 shall post in a conspicuous place in its village, town, or city hall, or
14 courthouse, as the case may be, a list of all such officials with whom such
15 contracts have been made, briefly describing the subject matter of the
16 undertakings or contracts and showing their total amounts; this list shall cover
17 the preceding 12 months and shall be brought up-to-date at least quarterly.

18"

19 **SECTION 1.(b)** This section is effective when it becomes law and applies to
20 contracts executed on or after that date.

21 22 **AMENDMENTS TO THE 2018 NORTH CAROLINA BUILDING CODE AND** 23 **PLUMBING CODE**

24 **SECTION 2.(a)** Definitions. – As used in this section, "Council" means the Building
25 Code Council, "Building Code" means the 2018 North Carolina Building Code as adopted by the
26 Council, and "Plumbing Code" means the 2018 North Carolina Plumbing Code as adopted by
27 the Council.

28 **SECTION 2.(b)** Section 2902.6 of the Building Code and Table 403.1 of the
29 Plumbing Code. – Until the effective date of the revised permanent rules that the Building Code
30 Council is required to adopt pursuant to subsection (d) of this section, the Council shall
31 implement the applicable requirements of Section 2902.6 of the Building Code and Table 403.1
32 of the Plumbing Code, as provided in subsection (c) of this section.

33 **SECTION 2.(c)** Implementation. – The Council shall (i) not require drinking
34 fountains for an occupant load of 30 or fewer, (ii) only require one water closet for business
35 occupancies with an occupant load of 30 or fewer, and (iii) not require a service sink for business
36 and mercantile occupancies with an occupant load of 30 or fewer.

37 **SECTION 2.(d)** Additional Rule-Making Authority. – The Council shall adopt rules
38 to amend Section 2902.6 of the Building Code and Table 403.1 of the Plumbing Code consistent
39 with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rules adopted by the
40 Council, pursuant to this section, shall be substantively identical to the provisions of subsection
41 (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A
42 of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become
43 effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been
44 received as provided by G.S. 150B-21.3(b2).

45 **SECTION 2.(e)** Sunset. – This section expires when permanent rules adopted as
46 required by subsection (d) of this section become effective.

47 48 **BUILDING CODE WASTE ACCUMULATION PROVISIONS**

49 **SECTION 3.(a)** Definitions. – As used in this act, "Council" means the Building
50 Code Council, "Code" means the 2018 North Carolina Fire Prevention Code (NCFPC) as adopted
51 by the Council, and "exit obstruction and waste accumulation provisions" means sections 1031.2

1 (Reliability), 1031.3 (Obstructions), 304.1 (Waste Accumulation Prohibited), and 304.2
2 (Storage) of the Code.

3 **SECTION 3.(b)** New Code Amendment. – Until the effective date of revised
4 permanent rules the Council is required to adopt pursuant to subsection (d) of this section, the
5 Council and local governments enforcing the Code shall follow the provisions of subsection (c)
6 of this section with respect to exit obstruction and waste accumulation.

7 **SECTION 3.(c)** Implementation. – Notwithstanding any provision of the Code to
8 the contrary, code enforcement authorities with jurisdiction over apartment occupancies shall
9 permit doorstep refuse and recycling collection containers which stand upright on their own and
10 do not leak liquids when standing upright in exit access corridors as follows:

11 (1) With respect to apartment occupancies with enclosed corridors, when all of
12 the following conditions exist:

- 13 a. The maximum doorstep refuse and recycling collection container size
14 does not exceed 13 gallons and the number of containers does not
15 exceed one refuse and one recycling collection container for a total of
16 two containers per apartment occupancy.
- 17 b. Waste in a doorstep refuse and recycling collection container is not
18 placed in the exit access corridors for single periods exceeding five
19 hours.
- 20 c. Doorstep refuse and recycling collection containers do not occupy the
21 exit access corridors for single periods exceeding 12 hours.
- 22 d. Doorstep refuse and recycling collection containers do not reduce the
23 means of egress width below that required under sections 1005 and
24 1020.2 of the Code.
- 25 e. Management staff of the apartment occupancy have written policies
26 and procedures in place and enforce them to ensure compliance with
27 this subdivision, and, upon request, provide a copy of such policies
28 and procedures to the code enforcement authority having jurisdiction.

29 (2) In apartment occupancies with open-air corridors or balconies served by
30 exterior exit stairs, when all of the following conditions exist:

- 31 a. The maximum doorstep refuse and recycling collection container size
32 does not exceed 27 gallons and the number of containers does not
33 exceed one refuse and one recycling collection container for a total of
34 two containers per apartment occupancy.
- 35 b. Waste in a doorstep refuse and recycling collection container is not
36 placed in the exit access corridors for single periods exceeding five
37 hours.
- 38 c. Doorstep refuse and recycling collection containers do not reduce the
39 means of egress width below that required under sections 1005 and
40 1020.2 of the Code.
- 41 d. Management staff of the apartment occupancy have written policies
42 and procedures in place and enforce them to ensure compliance with
43 this subdivision, and, upon request, provide a copy of such policies
44 and procedures to the code enforcement authority having jurisdiction.

45 (3) The code enforcement authority having jurisdiction may approve alternative
46 containers and storage arrangements that are demonstrated to provide an
47 equivalent level of safety to that provided under subdivisions (1) and (2) of
48 this section.

49 (4) To provide a transition period for compliance with the requirements of this
50 section, code enforcement authorities having jurisdiction shall allow

1 apartment occupancies a phase-in period until December 31, 2020, to comply
2 with this subsection.

- 3 (5) The use of doorstep refuse and recycling collection containers in apartment
4 occupancies with exit access corridors or open-air corridors with balconies
5 served by exterior exit stairs is revocable by the fire code enforcement official
6 having jurisdiction for violations of sub-subdivisions (c)(1)e. and (c)(2)d. of
7 this section.

8 **SECTION 3.(d)** Rule-Making Authority. – Notwithstanding G.S. 150B-19(4), the
9 Council shall revise the exit obstruction and waste accumulation provisions of the NCFPC in a
10 manner substantively identical to the provisions of subsection (c) of this section.

11 **SECTION 3.(e)** Sunset. – Subsection (c) of this section expires on the date that
12 permanent rules adopted pursuant to subsection (d) of this section become effective. The Council
13 may adopt temporary rules to implement this act.

14 **SECTION 3.(f)** Effective Date. – This section becomes effective July 1, 2019.

15 16 **MODIFY REAL ESTATE LICENSING REQUIREMENTS FOR TIME SHARE** 17 **SALESPEOPLE**

18 **SECTION 4.** G.S. 93A-40(a) reads as rewritten:

19 "(a) It shall be unlawful for any person in this State to engage or assume to engage in the
20 business of a time share salesperson ~~without first obtaining a real estate broker license issued by~~
21 ~~the North Carolina Real Estate Commission under the provisions of Article 1 of this Chapter,~~
22 ~~and it shall be unlawful for a time share developer or time share salesperson~~ to sell or offer to
23 sell a time share located in this State without the time share developer first obtaining a certificate
24 of registration for the time share project to be offered for sale issued by the North Carolina Real
25 Estate Commission under the provisions of this Article. A time share salesperson shall be a
26 licensed real estate broker subject to the provisions of this Chapter unless the time share
27 salesperson meets the requirement for exemption set forth in G.S. 93A-2(c)(1) or is an employee
28 of the registered time share developer, and their income is reported on IRS Form W-2."

29 30 **STUDY ONLINE CONTINUING EDUCATION REQUIREMENTS**

31 **SECTION 5.(a)** Every occupational licensing board as defined in Chapter 93B of
32 the General Statutes shall study and report on any available options offered for online continuing
33 education if continuing education is a requirement for licensure under the occupational licensing
34 board's applicable laws or regulations. The study and report shall include:

- 35 (1) A list and description of every option for continuing education made available
36 to each licensee, including every traditional method, and every online method,
37 if any are offered. If no online methods are offered, a detailed explanation as
38 to why none are offered, which shall include any logistical, cost, legal, or other
39 concerns.
- 40 (2) The approximate number of offerings made available for each method and the
41 cost associated with each offering. The cost shall include a description of the
42 fees charged to the licensee for the continuing education and the associated
43 cost to the occupational licensing board for providing the continuing
44 education offering.
- 45 (3) A description of how each method of continuing education offered is accessed
46 by the licensee.

47 **SECTION 5.(b)** Each occupational licensing board required to study and report
48 under subsection (a) of this section shall provide its report to the Joint Legislative Administrative
49 Procedure Oversight Committee and the Program Evaluation Division no later than December 1,
50 2019.

STATEWIDE REQUIREMENTS FOR PIERS, DOCKS, AND BULKHEADS

SECTION 6.(a) G.S. 113A-110 is amended by adding a new subsection to read:

"(h) No land-use plan of a county, city, or lead regional organization shall be approved by the Commission under subsection (f) of this section if that land-use plan is more stringent than the State guidelines adopted under G.S. 113A-107 with respect to piers, docks, and bulkheads."

SECTION 6.(b) G.S. 153A-324 is amended by adding a new subsection to read:

"(c) A county shall have no authority to enforce an ordinance under this Article that is in violation of G.S. 113A-110(h)."

SECTION 6.(c) G.S. 160A-365 is amended by adding a new subsection to read:

"(c) A city shall have no authority to enforce an ordinance under this Article that is in violation of G.S. 113A-110(h)."

SECTION 6.(d) This section becomes effective October 1, 2019, and any ordinance not in compliance with G.S. 113A-110(h), as amended by this act, on that date shall be void and unenforceable.

EXEMPT ONSLOW COUNTY FROM VEHICLE EMISSIONS TESTING

SECTION 7.(a) G.S. 143-215.107A(c) reads as rewritten:

"(c) **Counties Covered.** – Motor vehicle emissions inspections shall be performed in the following counties: Alamance, Buncombe, Cabarrus, Cumberland, Davidson, Durham, Forsyth, Franklin, Gaston, Guilford, Iredell, Johnston, Lee, Lincoln, Mecklenburg, New Hanover, ~~O~~nslow, Randolph, Rockingham, Rowan, Union, and Wake."

SECTION 7.(b) No later than December 31, 2019, the Department of Environmental Quality shall prepare and submit to the United States Environmental Protection Agency for approval by that agency a proposed North Carolina State Implementation Plan amendment based on the change to the motor vehicle emissions testing program provided in this section.

SECTION 7.(c) Subsection (a) of this section becomes effective on the later of the following dates and applies to motor vehicles inspected, or due to be inspected, on or after that effective date:

(1) January 1, 2020.

(2) The first day of a month that is 60 days after the Secretary of the Department of Environmental Quality certifies to the Revisor of Statutes that the United States Environmental Protection Agency has approved an amendment to the North Carolina State Implementation Plan submitted as required by Section 2 of this act. The Secretary shall provide this notice along with the effective date of this act on its Web site and by written or electronic notice to emissions inspection mechanic license holders, emissions inspection station licensees, and self-inspector licensees in the county where motor vehicle emissions inspection requirements are removed by this act.

SECTION 7.(d) Except as otherwise provided, this section is effective when it becomes law.

EXEMPT REFLEXOLOGY FROM DEFINITION OF MASSAGE THERAPY

SECTION 8.(a) G.S. 90-622 reads as rewritten:

"§ 90-622. **Definitions.**

The following definitions apply in this Article:

...

(5a) Reflexology. – A protocol of manual techniques, including thumb- and finger-walking, hook and backup, and rotating-on-a-point, that are applied to specific reflex areas predominantly on the feet and hands and that stimulate the complex neural pathways linking body systems and support the body's efforts to function optimally.

1"

2 SECTION 8.(b) G.S. 90-624 reads as rewritten:

3 "§ 90-624. **Activities not requiring a license to practice.**

4 Nothing in this Article shall be construed to prohibit or affect:

5 ...

6 (9) An individual from engaging in the practice of reflexology as defined in
7 G.S. 90-622(5a)."

8
9 **ADOPT 2017 FOOD CODE**

10 SECTION 9. Notwithstanding G.S. 150B-19(4), the Commission for Public Health
11 may adopt rules to incorporate all or part of the 2017 edition of the United States Food and Drug
12 Administration Food Code.

13
14 **TEMPORARY EVENT VENUES**

15 SECTION 10.(a) Part 3 of Article 18 of Chapter 153A of the General Statutes is
16 amended by adding a new section to read:

17 "**§ 153A-341.4 Temporary event venues authorized.**

18 A county may, by ordinance, establish a process to permit temporary event venues using the
19 procedure prescribed in G.S. 160A-383.6."

20 SECTION 10.(b) Part 3 of Article 19 of Chapter 160A of the General Statutes is
21 amended by adding a new section to read:

22 "**§ 160A-383.6. Temporary event venues authorized.**

23 (a) A city may, by ordinance, establish a process to permit temporary event venues as
24 provided in this section. A temporary event venue shall be defined as an existing publicly or
25 privately-owned building or structure suitable for use as a site for public or private events relating
26 to entertainment, education, marketing, meetings, sales, trade shows, and any other activities or
27 occasions that the city may, by ordinance, authorize. A temporary event shall be one lasting no
28 longer than 72 hours each.

29 (b) A city may consider a temporary event venue as a permitted accessory use in any of
30 its zoning districts. Enactment of a temporary event venue ordinance and issuance of a temporary
31 event permit under this section shall not be considered a zoning map amendment under this
32 Article.

33 (c) Only one temporary event venue shall be allowed on a lot or parcel of land. The
34 temporary event venue permitted under this section shall not require a special use permit or be
35 subjected to any other local zoning requirements beyond those imposed upon other authorized
36 accessory use structures, except as otherwise provided in this section. Except as provided in
37 subsection (h) of this section, for each temporary event venue issued a permit under this section,
38 no more than 12 temporary events may be conducted in a calendar year.

39 (d) An ordinance authorizing temporary event venues shall set forth the following:

40 (1) The zoning districts within which a temporary event venue may lie.

41 (2) The process by which a person seeking a temporary event venue permit, or its
42 renewal, must utilize.

43 (3) The specific criteria to be considered by the city when determining whether
44 to issue a temporary event venue permit. The criteria shall include the
45 character of the district in which the permit is sought and the site's suitability
46 for use as a temporary event venue.

47 (4) The temporary events, not inconsistent with this subsection (a) of this section,
48 authorized in the venue.

49 (5) The duration of the temporary event venue permit.

50 (6) Any capacity limitations of the temporary event venue.

51 (7) The fee structure for the fees authorized by this section.

1 (8) Any other relevant matters.

2 (e) Any person proposing to operate a temporary event venue shall first obtain a permit
3 from the city. The issuance of a temporary event venue permit shall not be considered a
4 quasi-judicial act. The city may charge a fee of up to one hundred dollars (\$100.00) for the initial
5 permit and an annual renewal fee of up to fifty dollars (\$50.00). Before issuing or renewing a
6 temporary event venue permit, a city shall do all of the following:

7 (1) Hold a public hearing. A notice of the public hearing shall be published once
8 at least 10 days before the day fixed for the hearing.

9 (2) Conduct an inspection of the proposed temporary event venue to ensure that
10 the health, safety, and welfare of the public will not be impaired by attendance
11 at or participation in a temporary event. The inspection shall address the
12 general structural stability of the temporary event venue, its fire safety, and
13 whether it has sufficient toilet facilities taking into consideration its capacity.

14 (f) Subject to the provisions of this subsection, a city may require the permit applicant to
15 take reasonable measures to address any safety or public health concerns raised by the inspection
16 conducted under subsection (e) of this section. No permit shall be required under the North
17 Carolina State Building Code or any local variant approved under G.S. 143-138(e) for any
18 construction, installation, repair, replacement, or alteration of a temporary event venue either
19 required by the city as a result of the inspection conducted under subsection (e) of this section or
20 undertaken by the permittee to otherwise improve the temporary event venue. A city may require
21 use of temporary toilet facilities at temporary events. Nothing in this section shall be construed
22 to exempt a temporary event venue from compliance with federal law, rules, or regulations.

23 (g) The Building Code Council shall create an inspection checklist that may be used by
24 counties and cities for inspections conducted under subsection (e) of this section. Nothing shall
25 prohibit counties and cities from conducting inspections and issuing temporary event venue
26 permits prior to promulgation by the Building Code Council of the checklist.

27 (h) Nothing shall preclude a permittee operating under a temporary event venue permit
28 from seeking a rezoning of the parcel to a zoning district that would allow a permitted use of the
29 venue for events of the type authorized by a temporary event permit. Any such rezoning
30 application would be subject to the requirements of this Article. If a rezoning application is
31 submitted in good faith, a city may authorize the temporary event venue to hold more than 12
32 temporary events in one calendar year while the rezoning is pending. If the temporary event
33 venue is rezoned, the temporary event venue permit shall become void and the venue shall
34 operate under all rules, regulations, and requirements of law including the North Carolina State
35 Building Code, any local variant under G.S. 143-138(e), and city ordinances."

36 **SECTION 10.(c)** G.S. 143-138 reads as rewritten:

37 **"§ 143-138. North Carolina State Building Code.**

38 ...

39 (b21) Exclusion for Temporary Event Venues. – No permit shall be required under the
40 North Carolina State Building Code or any local variant approved under subsection (e) of this
41 section for any construction, installation, repair, replacement, or alteration of a temporary event
42 venue issued a temporary event venue permit under G.S. 160A-383.6.

43 "

44 **SECTION 10.(d)** G.S. 160A-383.1 is amended by adding a new subsection to read:

45 "(b21) Exclusion for Temporary Event Venues. – No permit shall be required under the
46 North Carolina State Building Code or any local variant approved under subsection (e) of this
47 section for any construction, installation, repair, replacement, or alteration of a temporary event
48 venue issued a temporary event venue permit under G.S. 160A-383.6."

49 **SECTION 10.(e)** This section is effective October 1, 2019.

50

1 **PART II. AGRICULTURE, ENERGY, ENVIRONMENT, AND NATURAL**
2 **RESOURCES REGULATION**

3
4 **CLARIFY LANDFILL LIFE-OF-SITE FRANCHISE REQUIREMENTS**

5 **SECTION 11.** G.S. 130A-294(a4) reads as rewritten:

6 "(a4) In order to preserve long-term disposal capacity, a life-of-site permit issued for a
7 sanitary landfill shall survive the expiration of a local government approval or franchise, and the
8 local government shall allow the sanitary landfill to continue to operate until the term of the
9 landfill's life-of-site permit expires provided that the owner or operator ~~has complied is in~~
10 substantial compliance with the terms of the local government approval or franchise ~~agreement,~~
11 ~~and remains in compliance with those terms after expiration of the approval or agreement until~~
12 ~~the life-of-site permit has expired.~~ agreement. In order to preserve any economic benefits
13 included in the franchise, the County may extend the franchise under the same terms and
14 conditions for the term of the life-of-site permit. The extension of the franchise hereby shall not
15 trigger the requirements for a new permit, a major permit modification, or a substantial
16 amendment to the permit. This subsection only applies to valid and operative franchise
17 agreements in effect on October 1, 2015."
18

19 **STUDY EXPRESS PERMITTING EXPANSION**

20 **SECTION 12.** The Department of Environmental Quality shall study and report on
21 additional positions and funding needed as well as any changes in State or federal laws and
22 regulations necessary to expand the Department's express permitting programs to include
23 additional types of permits typically required for job creating and real estate development or
24 redevelopment activities. Additional permits considered in the study shall include, at a minimum,
25 permits for facilities not discharging to the surface waters of the State under Article 21 of Chapter
26 143 of the General Statutes and permits to apply petroleum-contaminated soil to land authorized
27 under G.S. 143-215.1. The Department shall provide its report and recommendations to the
28 Environmental Review Commission, the Joint Legislative Oversight Committee on Agriculture
29 and Natural and Economic Resources, and the Fiscal Research Division no later than March 1,
30 2020.
31

32 **EXTEND EMERGENCY GENERAL PERMIT DEADLINES**

33 **SECTION 13.** CAMA Emergency General Permit Extension. – Notwithstanding the
34 time lines set forth in 15A NCAC 07H .2502 or other applicable law to the contrary, Coastal
35 Area Management Act Emergency General Permits authorized in response to Hurricanes
36 Florence and Michael and activated by the Secretary of the Department of Environmental Quality
37 in a September 20, 2018, statement, as amended on October 12, 2018, shall be subject to the
38 following schedule:

- 39 (1) All emergency general permits must be issued by October 12, 2019.
40 (2) All work authorized by the emergency general permits must be completed by
41 October 12, 2020.
42

43 **WASTEWATER RESERVE PRIORITY**

44 **SECTION 14.(a)** G.S. 159G-23 reads as rewritten:

45 **"§ 159G-23. Priority consideration for loan or grant from Wastewater Reserve or Drinking**
46 **Water Reserve.**

47 The considerations for priority in this section apply to a loan or grant from the Wastewater
48 Reserve or the Drinking Water Reserve. The Division of Water Infrastructure must consider the
49 following items when evaluating applications:
50

...

1 (2) Effect on impaired waters. – A project that improves designated impaired
 2 waters of the ~~State~~State, with greater priority given to projects that improve
 3 designated impaired waters of the State that serve as a public water supply for
 4 a large public water system. For purposes of this subdivision, a large public
 5 water system is one serving more than 175,000 service connections.

6 ...
 7 (11) ~~State water supply plan. Improve regional coordination.~~ – A project that
 8 addresses a potential conflict between local plans or implements a measure in
 9 which local water supply plans could be better ~~coordinated, as identified in~~
 10 ~~the State water supply plan pursuant to G.S. 143-355(m).~~coordinated.

11 ...
 12 (14) Disproportionate burden to protect water supply of higher-wealth neighboring
 13 local government unit. – Wastewater system improvements made by a local
 14 government unit in order to protect or preserve the water supply of a
 15 neighboring local government unit that has a lower poverty rate, lower utility
 16 bills, higher population growth, higher median household incomes, and lower
 17 unemployment."

18 **SECTION 14.(b)** This section becomes effective July 1, 2019, and applies to
 19 applications for loans or grants from the Wastewater Reserve or the Drinking Water Reserve
 20 received by the Division of Water Infrastructure on or after that date.

21 **PART III. MISCELLANEOUS REGULATORY REFORM PROVISIONS**

22 **ARCHITECTURAL LICENSE EXCEPTION FOR SMALL PROJECTS**

23 **SECTION 15.** G.S. 83A-13 reads as rewritten:

24 **"§ 83A-13. Exemptions.**

25 ...
 26 (c) Nothing in this Chapter shall be construed to require an architectural license for the
 27 preparation, sale, or furnishing of plans, specifications and related data, or for the supervision of
 28 construction pursuant thereto, where the building, buildings, or project involved is in one of the
 29 following categories:
 30

31 ...
 32 (3) An institutional or commercial building if it does not have a total value
 33 exceeding ~~ninety~~one hundred seventy-five thousand dollars
 34 ~~(\$90,000);~~(\$175,000);

35 (4) An institutional or commercial building if the total building area does not
 36 exceed ~~2,500~~3,000 square feet in gross floor area;
 37

38 ...
 39 (c1) Notwithstanding subdivisions (c)(3) and (4) of this section, a commercial building
 40 project with a total value of less than ~~ninety-one hundred seventy-five~~one hundred seventy-five thousand dollars ~~(\$90,000)~~
 41 (\$175,000) and a total project area of less than ~~2,500~~3,000 square feet shall be exempt from the
 42 requirement for a professional architectural seal.

43"

44 **SALE OF SALVAGED VEHICLES**

45 **SECTION 16.(a)** G.S. 20-183.4C(a) reads as rewritten:

46 "(a) Inspection. – A vehicle that is subject to a safety inspection, an emissions inspection,
 47 or both must be inspected as follows:
 48

49 ...
 50 (2) ~~A~~Except as otherwise provided in this subdivision, a used vehicle must be
 51 inspected before it is offered for sale at retail in this State by a dealer. Upon

1 purchase, a receipt approved by the Division must be provided to the new
2 owner certifying compliance. A dealer may sell, without inspection, a used
3 vehicle issued a salvage certificate of title in accordance with the provisions
4 of this Chapter if (i) no repairs have been made to the vehicle after issuance
5 of the salvage certificate of title and (ii) the dealer discloses in writing on a
6 form approved by the Division that no inspection has been performed.

7"

8 **SECTION 16.(b)** This section is effective when it becomes law and applies to used
9 vehicles sold on or after that date.

10 **REVENUE LAWS STUDY**

11 **SECTION 17.** The Revenue Laws Study Committee is directed to study issues
12 related to the property taxation of outdoor advertising signs. The study shall review the methods
13 used to determine the fair market value of outdoor advertising signs in North Carolina. When
14 conducting the study, the committee may consider whether the Billboard Structures Valuation
15 Guide published by the North Carolina Department of Revenue provides an accurate
16 representation of the base costs for outdoor advertising structures in North Carolina, including
17 whether the Department should use data on actual costs attributed to structures constructed in
18 North Carolina, and any other issues the Committee deems relevant.

19 The Committee shall report its findings and any legislative recommendations to the
20 2020 Regular Session of the 2019 General Assembly.

21 **BROADBAND EASEMENTS**

22 **SECTION 18.** G.S. 117-28.1 reads as rewritten:

23 **"§ 117-28.1. Electric membership corporations; easements.**

24 (a) Any easement owned, held, or otherwise used by an electric membership corporation
25 for the purpose of electrification, as stated in G.S. 117-10 may also be used by the corporation,
26 or its wholly owned subsidiary, for the ancillary purpose of supplying high-speed broadband
27 service, where such use does not require additional construction and is ancillary to the
28 electrification purposes for which broadband fiber is or was installed. Nothing in this subsection
29 shall affect, abrogate, or eliminate in any way any obligation of the corporation or its wholly
30 owned subsidiary to comply with any applicable requirements related to notice, safety, or
31 permitting when constructing or maintaining lines or broadband fiber on, over, under, or across
32 property owned or operated by a railroad company.

33"

34 **DESIGN STUDY**

35 **SECTION 19.(a)** Study. – The Joint Legislative Program Evaluation Oversight
36 Committee shall revise the biennial 2019-2020 work plan for the Program Evaluation Division
37 to include a study on the standards applicable to interior designers in North Carolina. In
38 conducting the study, the following shall be considered:

- 39 (1) Existing certification, licensure, and registration requirements in other states.
- 40 (2) Whether interior designers should be certified, licensed, or registered to
41 practice in this State.
- 42 (3) Training requirements to be an interior designer in this State.
- 43 (4) The scope of practice for interior designers in this State.
- 44 (5) Any other issues the Program Evaluation Division deems relevant.

45 **SECTION 19.(b)** Report. – The Program Evaluation Division shall report its
46 findings and recommendations from the study required under subsection (a) of this section to the
47 Joint Legislative Program Evaluation Oversight Committee by March 15, 2020.

MANUFACTURED HOMES INSTALLATION

SECTION 20.(a) G.S. 160A-383.1 is amended by adding a new subsection to read:

"(g) A city may require by ordinance that manufactured homes be installed in accordance with the Set-Up and Installation Standards adopted by the Commissioner of Insurance; provided, however, a city shall not require a masonry curtain wall or masonry skirting for manufactured homes located on land leased to the homeowner."

SECTION 20.(b) This section is effective October 1, 2019.

ELECTRIC STANDUP SCOOTERS

SECTION 21.(a) G.S. 20-4.01 reads as rewritten:

"§ 20-4.01. Definitions.

Unless the context requires otherwise, the following definitions apply throughout this Chapter to the defined words and phrases and their cognates:

...

(7c) Electric Standup Scooter. – A device with no more than three 12-inch or smaller diameter wheels that has handlebars, is designed to be stood upon by the user while riding, and is powered by an electric motor that is capable of propelling the device with or without human propulsion at a speed no greater than 20 miles per hour on a paved level surface.

(7e)(7d) Employer. – Any person who owns or leases a commercial motor vehicle or assigns a person to drive a commercial motor vehicle and would be subject to the alcohol and controlled substance testing provisions of 49 C.F.R. § 382 and also includes any consortium or third-party administrator administering the alcohol and controlled substance testing program on behalf of owner-operators subject to the provisions of 49 C.F.R. § 382.

...

(23) Motor Vehicle. – Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. Except as specifically provided otherwise, this term shall not include ~~mopeds or mopeds,~~ electric assisted bicycles, bicycles, or electric standup scooters.

...

(27) Passenger Vehicles. –

...

j. Moped. – A vehicle, other than a motor-driven ~~bicycle or bicycle,~~ electric assisted bicycle, or electric standup scooter, that has two or three wheels, no external shifting device, a motor that does not exceed 50 cubic centimeters piston displacement and cannot propel the vehicle at a speed greater than 30 miles per hour on a level surface. The motor may be powered by electricity, alternative fuel, motor fuel, or a combination of each.

...

(49) Vehicle. – Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks; provided, that for the purposes of this Chapter ~~bicycles and bicycles,~~ electric assisted bicycles, bicycles, and electric standup scooters shall be deemed vehicles and every rider of a ~~bicycle or bicycle,~~ an electric assisted bicycle, bicycle, or electric standup scooter upon a highway shall be subject to the provisions of this Chapter applicable to the driver of a vehicle except those which by their nature can have no application. This term shall not include a device which is designed for and intended to be used as a means of transportation for a person with a

1 mobility impairment, or who uses the device for mobility enhancement, is
2 suitable for use both inside and outside a building, including on sidewalks,
3 and is limited by design to 15 miles per hour when the device is being operated
4 by a person with a mobility impairment, or who uses the device for mobility
5 enhancement. This term shall not include an electric personal assistive
6 mobility device as defined in subdivision (7b) of this section. Unless the
7 context requires otherwise, and except as provided under G.S. 20-109.2,
8 47-20.6, or 47-20.7, a manufactured home shall be deemed a vehicle.

9"

10 **SECTION 21.(b)** G.S. 20-51 is amended by adding a new subdivision to read:

11 "(18) Electric standup scooters as defined in G.S. 20-4.01(7c)."

12 **SECTION 21.(c)** Any and all ordinances in effect on the effective date of this act or
13 hereinafter adopted by a municipality that conflict with the provisions of this act shall be null
14 and void. Upon the effective date of this act, any municipality that has adopted an ordinance or
15 regulation affecting electric standup scooters shall conduct a review of those ordinances and
16 regulations to ensure compliance with this act.

17 **SECTION 21.(d)** This act is effective when it becomes law and applies to offenses
18 committed on or after that date.

19 **DEPARTMENT OF TRANSPORTATION STUDY**

20 **SECTION 22.(a)** Study. – The Department of Transportation shall study the needs
21 of law enforcement, emergency medical and emergency management personnel, and firefighters
22 to improve access to or within the interstate system within this State for the benefit of public
23 safety. In conducting the study, the Department of Transportation may consult with the Division
24 of Emergency Management of the Department of Public Safety, the Office of State Fire Marshal
25 of the Department of Insurance, the Office of Emergency Medical Services of the Department of
26 Health and Human Services, and any other State or local government organizations the
27 Department of Transportation determines may be of assistance in the course of the study. In
28 performing the study, the Department of Transportation shall, at a minimum, take the following
29 steps:
30

- 31 (1) Consult with county fire marshal divisions, emergency management offices,
32 and emergency medical service divisions to determine potential sites of
33 interest for construction or improvement relevant to the study.
- 34 (2) Establish criteria to prioritize sites of interest for either construction or
35 improvement.
- 36 (3) Review applicable federal and State laws, codes, standards, and studies
37 relevant to the study.
- 38 (4) Review (i) existing Department of Transportation planning, design, and
39 construction standards for interchanges, median crossovers, and access points
40 and (ii) how those standards consider the needs of law enforcement,
41 emergency medical and emergency management personnel, and firefighters.
- 42 (5) Consider the feasibility of providing opportunities for stakeholder input
43 during the planning of future interstate improvements that focus on the needs
44 of law enforcement, emergency medical and emergency management
45 personnel, and firefighters.
- 46 (6) Examine any other matters the Department of Transportation deems relevant
47 in the course of the study.

48 **SECTION 22.(b)** Report. – The Department of Transportation shall report the
49 findings and recommendations, including any legislative proposals, to the Joint Legislative
50 Oversight Committee on Justice and Public Safety, the Joint Legislative Emergency Management

1 Oversight Committee, and the Joint Legislative Transportation Oversight Committee no later
2 than March 1, 2022.

3

4 **PART IV. SEVERABILITY CLAUSE AND EFFECTIVE DATE**

5 **SECTION 23.(a)** If any section or provision of this act is declared unconstitutional
6 or invalid by the courts, it does not affect the validity of this act as a whole or any part other than
7 the part declared to be unconstitutional or invalid.

8 **SECTION 23.(b)** Except as otherwise provided, this act is effective when it becomes
9 law.