

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 206  
Committee Substitute Favorable 3/18/19  
PROPOSED SENATE COMMITTEE SUBSTITUTE H206-PCS30489-BGf-55

Short Title: Various Transportation Changes.

(Public)

Sponsors:

Referred to:

February 28, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE CHANGES TO LAWS RELATED TO TRANSPORTATION.  
3 The General Assembly of North Carolina enacts:

4  
5 **REENACT AUTHORIZATION FOR PARTNERSHIP WITH PRIVATE DEVELOPERS**

6 **SECTION 1.** Section 2 of S.L. 2009-235, as amended by Section 7 of S.L. 2014-58  
7 and Section 2.3 of S.L. 2016-90, reads as rewritten:

8 "**SECTION 2.** This act is effective when it becomes law. ~~This act shall expire on July 1,~~  
9 ~~2017.~~"

10  
11 **PROCEEDS FROM PROPERTY DISPOSITION TO HIGHWAY FUND**  
12 **CLARIFICATION**

13 **SECTION 2.(a)** G.S. 136-16 reads as rewritten:

14 "**§ 136-16. Funds and property converted to State Highway Fund.**

15 Except as otherwise ~~provided,~~ provided in this Chapter, all funds and property collected by  
16 the Department of Transportation, including the proceeds from the sale of real property originally  
17 ~~purchased with funds from the State Highway Fund, Transportation~~ shall be paid or converted  
18 into the State Highway Fund. For the purposes of this section, funds include proceeds from the  
19 sale of real property owned by the Department."

20 **SECTION 2.(b)** G.S. 146-30 is amended by adding a new subsection to read:

21 "(b4) Notwithstanding the other provisions of this section, no service charge into the State  
22 Land Fund shall be deducted from or levied against the proceeds of any disposition by lease,  
23 rental, or easement of lands owned by the Department of Transportation. All net proceeds of  
24 those dispositions shall be deposited into the State Highway Fund."

25 **SECTION 2.(c)** G.S. 146-30(c) reads as rewritten:

26 "(c) The amount or rate of such service charge shall be fixed by rules and regulations  
27 adopted by the Governor and approved by the Council of State, but as to any particular sale,  
28 lease, rental, or other disposition, it shall not exceed ten percent (10%) of the gross amount  
29 received from such sale, lease, rental, or other disposition. Notwithstanding any other provision  
30 of this Subchapter, the net proceeds derived from the sale of land or products of land owned by  
31 or under the supervision and control of the Wildlife Resources Commission, or acquired or  
32 purchased with funds of that Commission, shall be paid into the Wildlife Resources Fund.  
33 Provided, however, the net proceeds derived from the sale of land or timber from land owned by  
34 or under the supervision and control of the Department of Agriculture and Consumer Services  
35 shall be deposited with the State Treasurer in a capital improvement account to the credit of the



1 Department of Agriculture and Consumer Services, to be used for such specific capital  
2 improvement projects or other purposes as are provided by transfer of funds from those accounts  
3 in the Capital Improvement Appropriations Act. Provided further, the net proceeds derived from  
4 the sale of park land owned by or under the supervision and control of the Department of Natural  
5 and Cultural Resources shall be deposited with the State Treasurer in a capital improvement  
6 account to the credit of the Department of Administration to be used for the purpose of park land  
7 acquisition as provided by transfer of funds from those accounts in the Capital Improvement  
8 Appropriations Act. In the Capital Improvement Appropriations Act, line items for purchase of  
9 park and agricultural lands will be established for use by the Departments of Administration and  
10 Agriculture. The use of such funds for any specific capital improvement project or land  
11 acquisition is subject to approval by the Director of the Budget. No other use may be made of  
12 funds in these line items without approval by the General Assembly except for incidental  
13 expenses related to the project or land acquisition. Additionally with the approval of the Director  
14 of the Budget, either Department may request funds from the Contingency and Emergency Fund  
15 when the necessity of prompt purchase of available land can be demonstrated and funds in the  
16 capital improvement accounts are insufficient. Provided further, the net proceeds derived from  
17 the sale of any portion of the land owned by the State in or around the Butner Reservation on or  
18 after July 1, 1980, shall be deposited with the State Treasurer in a capital improvement account  
19 to the credit of the Department of Health and Human Services to make capital improvements on  
20 or to property owned by the State in the Butner Reservation subject to approval by the Office of  
21 State Budget and Management, and may be used to build industrial access roads to industries  
22 located or to be located on the Butner Reservation, to construct new city streets in the Butner  
23 Reservation, extend water and sewer service on the Butner Reservation, repair storm drains on  
24 the Butner Reservation, and for other capital uses on the Reservation as determined by the  
25 Secretary. Provided further, notwithstanding any other provision of this Subchapter, the proceeds  
26 derived from the lease dispositions of land or facilities owned or under the supervision and  
27 control of East Carolina University's Division of Health Sciences for the delivery of health care  
28 services shall be deposited in clinical accounts at East Carolina University to be used to improve  
29 access to patient care. Provided further, notwithstanding any other provision of this Subchapter,  
30 the net proceeds derived from the sale of ~~land or facilities purchased with funds from the State~~  
31 ~~Highway Fund~~ land, facilities, products, or timber owned by the Department of Transportation  
32 shall be deposited into the State Highway Fund."  
33

### 34 EXEMPT AIRPORT FACILITIES FROM CERTAIN BUFFER REQUIREMENTS

35 **SECTION 3.(a)** Definitions. – As used in this act, the following definitions apply:

- 36 (1) Airport facilities. – All properties, facilities, buildings, structures, and  
37 activities that satisfy or otherwise fall within the scope of one or more of the  
38 definitions or uses of the words or phrases "air navigation facility," "airport,"  
39 or "airport protection privileges" under G.S. 63-1; the definition of  
40 "aeronautical facilities" in G.S. 63-79(1); the phrase "airport facilities" as used  
41 in G.S. 159-48(b)(1); the phrase "aeronautical facilities" as defined in  
42 G.S. 159-81 and G.S. 159-97; and the phrase "airport facilities and  
43 improvements" as used in Section 13 of Article V of the North Carolina  
44 Constitution. Airport facilities shall include, without limitation, any and all of  
45 the following:
- 46 a. The airport and all of its terminals and terminal shops and support  
47 buildings.
  - 48 b. Runways, taxiways, clear zones, and other paved or unpaved areas, or  
49 open or restricted landing areas on the airport.
  - 50 c. Airport offices and administrative buildings.

- 1 d. Buildings, structures, equipment, and facilities intended to support  
2 aircraft operations, including, without limitation, hangars and other  
3 aircraft maintenance buildings, including hangars and other storage  
4 buildings or areas, and including, without limitation, anything shown  
5 on any airport development plan submitted to the Federal Aviation  
6 Administration.
- 7 e. Navigational and signal systems, including any structures,  
8 mechanisms, landing lighting and lights, beacons, marks,  
9 communicating systems, or other instrumentalities or devices used or  
10 useful as an aid, or constituting an advantage or convenience to the  
11 safe taking off, navigation, and landing of aircraft, or the safe and  
12 efficient operation or maintenance of an airport or restricted landing  
13 area.
- 14 f. Parking owned or operated by the airport to serve the airport's  
15 operations, whether located on the airport or as satellite parking clear  
16 zones and other airport open fields or areas.
- 17 g. Drainage ditches or pipes, stormwater structures, and related  
18 stormwater outfalls.
- 19 h. Retail and commercial development outside of the terminal area but  
20 located on the airport, including rental car facilities, hotels, industrial  
21 facilities, freestanding offices and other similar buildings constructed  
22 on the airport, whether or not owned or operated by the airport.
- 23 i. All appurtenant areas used or suitable for airport buildings or other  
24 airport facilities, including all appurtenant rights-of-way.
- 25 j. Easements through, or other interests in, airspace over land or water,  
26 interests in airport hazards outside the boundaries of the airport or  
27 restricted landing area, and other protection privileges, the acquisition  
28 or control of which is necessary to ensure safe approaches to the  
29 landing areas of the airport and restricted landing areas and the safe  
30 and efficient operation thereof.
- 31 k. Any combination of any or all of such properties, facilities, buildings,  
32 structures, activities, and easements.

- 33 (2) Neuse River Basin Riparian Buffer Rule. – Neuse River Basin: Nutrient  
34 Sensitive Waters Management Strategy: Protection and Maintenance of  
35 Existing Riparian Buffers (15A NCAC 02B .0233).

36 **SECTION 3.(b)** Neuse River Basin Riparian Buffer Rule. – Until the effective date  
37 of the revised permanent rules that the Environmental Management Commission is required to  
38 adopt pursuant to subsection (d) of this section, the Commission and the Department of  
39 Environmental Quality shall implement the Neuse River Basin Riparian Buffer Rule, as provided  
40 in subsection (c) of this section.

41 **SECTION 3.(c)** Implementation. – Notwithstanding subdivision 6 (Table of Uses)  
42 of the Neuse River Basin Riparian Buffer Rule,

- 43 (1) Airport facilities that impact equal to or less than 150 linear feet or one-third  
44 of an acre of riparian buffer shall be designated as exempt.
- 45 (2) Airport facilities that impact greater than 150 linear feet or one-third of an acre  
46 of riparian buffer shall not be required to comply with subdivision 8  
47 (Determination of "No Practical Alternatives") of the Neuse River Basin  
48 Riparian Buffer Rule.

49 **SECTION 3.(d)** Additional Rule-Making Authority. – The Commission shall adopt  
50 rules to amend the Neuse River Basin Riparian Buffer Rule consistent with subsection (c) of this  
51 section. Notwithstanding G.S. 150B-19(4), the rules adopted by the Commission, pursuant to this

1 section, shall be substantively identical to the provisions of subsection (c) of this section. Rules  
2 adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the  
3 General Statutes. Rules adopted pursuant to this section shall become effective as provided in  
4 G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by  
5 G.S. 150B-21.3(b2).

6 **SECTION 3.(e)** Sunset. – This section expires when permanent rules adopted as  
7 required by subsection (d) of this section become effective.

## 8 9 **DEPARTMENT OF TRANSPORTATION AUTHORIZATION TO PERMIT AIRSPACE 10 ENCROACHMENT FOR MOORE REGIONAL HOSPITAL**

11 **SECTION 3.5.(a)** The Department of Transportation is hereby authorized to permit  
12 private use and encroachment upon the airspace above State Road 1208, Page Road, in Pinehurst,  
13 for the purpose of construction of a parking facility structure for Moore Regional Hospital,  
14 provided, in the opinion of the Department of Transportation, such parking facility structure will  
15 not unreasonably interfere with or obstruct the public use of the right-of-way of State Road 1208,  
16 Page Road. Any agreement for an encroachment authorized by this section shall be approved by  
17 the Board of Transportation, upon a finding that the encroachment is necessary and appropriate,  
18 in the sole discretion of the Board. Any encroachment agreement authorized by this section shall  
19 be subject to all State and federal rules, regulations, and include any conditions deemed necessary  
20 by the Department of Transportation including, but not limited to, future inspection,  
21 maintenance, and repair responsibilities.

22 **SECTION 3.5.(b)** Ingress and egress movements (access) for the parking facility  
23 structure shall be approved by the Department under a separate driveway permit.

24 **SECTION 3.5.(c)** Moore Regional Hospital shall be responsible for all costs  
25 associated with requirements by the Department issued in the approved encroachment agreement  
26 and driveway permit.

27 **SECTION 3.5.(d)** Moore Regional Hospital or any other organization or event shall  
28 not require a fee to utilize the parking facility structure within the airspace of State Road 1208,  
29 Page Road.

## 30 31 **AIRPORT IMPROVEMENT PROGRAM**

32 **SECTION 4.(a)** Article 7 of Chapter 63 of the General Statutes is amended by adding  
33 a new section to read:

### 34 **"§ 63-74. Airport Improvement Program.**

35 (a) Purpose. – There is established an Airport Improvement Program (AIP) that shall  
36 serve to (i) fund improvements at eligible airports and (ii) pay debt service or related financing  
37 costs and expenses on revenue bonds or notes issued by eligible airports. The Department of  
38 Transportation shall allocate funds appropriated to this program to eligible airports based on the  
39 findings in the biennial economic impact study, as described in this section. The Department  
40 shall adopt rules governing the distribution and use of these funds.

41 (b) Eligible Airport. – Any publicly owned, commercial service airport with more than  
42 10,000 passenger boardings during the two calendar years preceding the fiscal year in which  
43 funds are allocated is eligible for Airport Improvement Program funds.

44 (c) Economic Impact Study and Distribution Formula. – The Department of  
45 Transportation shall conduct a biennial economic impact study that examines the annual  
46 economic impact of each commercial service airport in North Carolina. The Department shall  
47 disburse AIP funds appropriated in a year to each eligible airport in proportion to the total  
48 economic impact of the airport, adjusted as provided in this subsection.

49 (1) For an eligible airport with one of the three largest economic impacts, the  
50 airport's distribution amount shall be reduced by a percentage equal to the  
51 lesser of twenty percent (20%) or five percent (5%) multiplied by each full ten

1 percent (10%) of economic impact calculated for that airport. The aggregate  
2 amount of the reduction to the eligible airports with the three largest economic  
3 impacts is the amount to be redistributed to the remaining eligible airports as  
4 provided in subdivision (2) of this subsection.

5 (2) For an eligible airport that does not have one of the three largest economic  
6 impacts, the airport's distribution amount shall be increased based upon the  
7 following formula:

8 a. Twenty-five percent (25%) of the redistribution amount shall be  
9 distributed equally.

10 b. Seventy-five percent (75%) of the redistribution amount shall be based  
11 upon the airport's share of passenger boardings compared to the total  
12 number of passenger boardings used for all airports receiving a  
13 distribution pursuant to this subdivision.

14 (d) Permissible Uses, Reporting, and Return of Funds. – The Department of  
15 Transportation shall not allocate funds to an airport under this section until that airport has  
16 provided a report outlining how the airport will use the funds in conformance with the purposes  
17 of the program. No later than 45 days from the date the Department receives the report required  
18 under this subsection, the Department shall make a determination whether the intended use of  
19 the funds matches the purposes of the program and, if so, allocate funds under this section to the  
20 compliant airport. An airport that receives funds under this section shall return the funds to the  
21 Department if the funds are in the possession or control of the airport and not expended or  
22 encumbered by August 31 of the year following the fiscal year in which the Department makes  
23 the allocation. All funds returned to the Department under this section, or retained by the  
24 Department for failure of an eligible airport to submit a report under this subsection, shall be  
25 credited to the fund from which they were appropriated and shall remain unexpended and  
26 unencumbered until appropriated by the General Assembly.

27 (e) Limitation. – Notwithstanding any provision of law to the contrary, the allocation of  
28 funds under this section to eligible airports, the enactment of this section, and the issuance of  
29 bonds or notes by the airports in reliance thereon shall not in any manner constitute a pledge of  
30 the full faith and credit and taxing power of the State. Additionally, allocations under this section  
31 are subject to the availability of funds appropriated to the Airport Improvement Program. A  
32 security interest shall not be granted in funds allocated under this section."

33 **SECTION 4.(b)** Section 34.19(b) of S.L. 2017-57 is repealed.

34 **SECTION 4.(c)** This section becomes effective July 1, 2019.

35  
36 **MURPHY BRANCH RAIL LINE LEASE AND CONVEYANCE AUTHORIZATION**  
37 **REPEAL**

38 **SECTION 4.5.** Section 35.18 of S.L. 2016-94 is repealed.

39  
40 **DEPARTMENT AUTHORIZATION FOR PUBLIC-PRIVATE PARTNERSHIPS FOR**  
41 **DEPARTMENT-OWNED COMMUNICATIONS INFRASTRUCTURE WITHIN**  
42 **HIGHWAY RIGHT-OF-WAY**

43 **SECTION 5.(a)** G.S. 136-18 is amended by adding a new subdivision to read:

44 "(46) To enter into partnership agreements with private entities to finance, by  
45 contracts, revenues of facilities, and other financing methods authorized by  
46 law, the cost of acquiring, constructing, equipping, maintaining, and operating  
47 communications infrastructure supporting transportation infrastructure in this  
48 State, and to plan, design, develop, acquire, construct, equip, maintain, and  
49 operate communications infrastructure supporting transportation  
50 infrastructure within this State. For the purposes of this subdivision,  
51 communications infrastructure supporting transportation infrastructure means

1 fiber optic trunk lines, microcell towers or other broadband or data  
2 transmission facilities located within the right-of-way of the interstate or  
3 primary highway system that is owned, and utilized completely or partly, by  
4 the Department for traffic management, highway safety, vehicle technology  
5 integration, and other functions of the Department. An agreement entered into  
6 under this subdivision requires the concurrence of the Board of  
7 Transportation. The Department shall report to the Chairs of the Joint  
8 Legislative Transportation Oversight Committee, the Chairs of the House of  
9 Representatives Appropriations Subcommittee on Transportation, and the  
10 Chairs of the Senate Appropriations Committee on the Department of  
11 Transportation, at the same time it notifies the Board of Transportation of any  
12 proposed agreement under this subdivision. No contract for communications  
13 infrastructure supporting transportation infrastructure subject to such an  
14 agreement that commits the Department to make nonretainage payments for  
15 undisputed capital costs for communications infrastructure supporting  
16 transportation infrastructure to be made later than 18 months after final  
17 acceptance by the Department shall be executed without approval of the Local  
18 Government Commission. Any contracts for communications infrastructure  
19 supporting transportation infrastructure which are awarded pursuant to an  
20 agreement entered into under this subdivision shall comply with the  
21 competitive bidding requirements of this Article. The Department may enter  
22 into agreements with one or more private entities under this subdivision as  
23 follows:

- 24 a. A private entity or its contractors must provide performance and  
25 payment security in the form and in the amount determined by the  
26 Department. The form of the performance and payment security may  
27 consist of bonds, letters of credit, parent guaranties, or other  
28 instruments acceptable to the Department.
- 29 b. Notwithstanding the provisions of G.S. 143B-426.40A, an agreement  
30 entered into under this subdivision may allow the private entity to  
31 assign, transfer, sell, hypothecate, and otherwise convey some or all of  
32 its right, title, and interest in and to such agreement, and any rights and  
33 remedies thereunder, to a lender, bondholder, or any other party.  
34 However, in no event shall any such assignment create additional debt  
35 or debt-like obligations of the State of North Carolina, the Department,  
36 or any other agency, authority, commission, or similar subdivision of  
37 the State to any lender, bondholder, entity purchasing a participation  
38 in the right to receive the payment, trustee, trust, or any other party  
39 providing financing or funding of projects described in this  
40 subdivision. The foregoing shall not preclude the Department from  
41 making any payments due and owing pursuant to an agreement entered  
42 into under this subdivision.
- 43 c. An agreement entered into under this subdivision for communications  
44 infrastructure supporting transportation infrastructure may provide  
45 that private entities may commercialize the capacity of such  
46 communications infrastructure in excess of the Department's need  
47 through lease or other arrangements, with the Department having first  
48 right of refusal for future anticipated capacity needs.
- 49 d. No agreement entered into under this subdivision for use of  
50 Department right-of-way or communications infrastructure and its  
51 facilities shall abrogate the Department's ownership and control of the

1 right-of-way or communications infrastructure and its facilities within  
2 the right-of-way.

3 e. Agreements entered into under this subdivision shall comply with the  
4 following additional provisions:

5 1. The Department shall solicit proposals for an agreement.

6 2. An agreement shall be limited to no more than 50 years from  
7 the date the communications infrastructure becomes  
8 operational and utilized by the Department.

9 3. Financial advisors and attorneys retained by the Department on  
10 contract to work on projects pursuant to this subdivision shall  
11 be subject to State law governing conflicts of interest.

12 4. Sixty days prior to the signing of a concession agreement  
13 subject to this subdivision, the Department shall report to the  
14 Joint Legislative Transportation Oversight Committee on the  
15 following for the presumptive concessionaire:

16 I. Project description.

17 II. Name and location of firms and parent companies, if  
18 applicable, including firm responsibility and stake, and  
19 assessment of audited financial statements.

20 III. Analysis of firm selection criteria.

21 IV. Name of any firm or individual under contract to  
22 provide counsel or financial analysis to the  
23 Department. The Department shall disclose payments  
24 to these contractors related to completing the  
25 agreement under this subdivision.

26 V. Demonstrated ability of the project team to deliver the  
27 project, by evidence of the project team's prior  
28 experience in delivering a project on schedule and  
29 budget, and disclosure of any unfavorable outcomes on  
30 prior projects.

31 VI. Detailed description of method of finance, including  
32 sources of funds, State contribution amounts, including  
33 schedule of availability payments, service payments or  
34 similar remuneration and terms of debt payments.

35 VII. Information on assignment of risk shared or assigned to  
36 the Department, the State, and private entity partner.

37 VIII. Information on the feasibility of finance."

38 **SECTION 5.(b)** G.S. 136-18(43) reads as rewritten:

39 "(43) For the purposes of financing an agreement under subdivision (39a) or (46) of  
40 this section, the Department of Transportation may act as a conduit issuer for  
41 private activity bonds to the extent the bonds do not constitute a debt  
42 obligation of the State. The issuance of private activity bonds under this  
43 subdivision and any related actions shall be governed by The State and Local  
44 Government Revenue Bond Act, Article 5 of Chapter 159 of the General  
45 Statutes, with G.S. 159-88 satisfied by adherence to the requirements of  
46 subdivision (39a) or (46) of this section."

47 **SECTION 5.(c)** The Department shall develop standards for entering into  
48 comprehensive agreements with private entities under the Department's authority pursuant to  
49 G.S. 136-18(46), as enacted by subsection (a) of this section, and report those standards with  
50 legislative recommendations to the Joint Legislative Transportation Oversight Committee on or  
51 before March 1, 2020.

**DEPARTMENT SURPLUS PROPERTY AUCTION PILOT**

**SECTION 6.(a)** Pilot Program to Streamline North Carolina Department of Transportation (NCDOT) Surplus Property Auctions. – No later than October 1, 2019, the State agency for State surplus property shall establish a pilot program for disposing of NCDOT surplus property, including motor vehicles and equipment, by live public auction and via live simulcast or electronic means in accordance with subsection (b) of this section without requiring the movement of NCDOT surplus property. The NCDOT shall cooperate with the State agency for State surplus property and the auctioneer selected pursuant to this pilot program. In implementing this pilot program, the State agency for State surplus property shall prepare a request for proposal pursuant to subsection (b) of this section for three public auctions conducted by a private licensed auctioneer during this pilot program. No auctions pursuant to this program shall be held after December 31, 2021, and the pilot program shall terminate upon submission of its report as required by subsection (d) of this section.

**SECTION 6.(b)** By December 1, 2019, the State agency for State surplus property shall issue a request for proposal (RFP) for the sale of North Carolina Department of Transportation (NCDOT) surplus property, including titled and nontitled equipment and motor vehicles owned by the NCDOT, at live public auction and via live simulcast or other electronic means without requiring surplus property movement to a centralized auction location. The State agency for State surplus property shall consult with the NCDOT and group the various Department Highway Divisions into three regions for the purposes of determining the live public auction locations based on surplus property distribution and storage locations. The NCDOT shall provide copies of the maintenance file, maintenance-related invoices or documents, and the preventive maintenance schedule for each item of equipment or motor vehicle being auctioned for inspection prior to auction. The State agency for State surplus property shall consult with the NCDOT to further determine (i) adequate staffing requirements to work with the auctioneer in conducting an auction, including staff who are knowledgeable about the surplus property, (ii) adequate arrangements to allow for the auctioneer to document by photograph or video, as appropriate, surplus property for auction, and (iii) adequate arrangements to allow members of the public access to NCDOT storage locations to inspect and view the surplus property to be auctioned. Net proceeds shall be credited to the State Highway Fund in accordance with G.S. 136-16. The RFP shall contain the following auctioneer requirements:

- (1) Must accept payment by any commercially reasonable manner. The auction company may charge credit card and platform fees of up to three percent (3%) of the highest and final bid.
- (2) Must have capability to conduct auctions via live simulcast or other electronic means in conjunction with conducting live auctions.
- (3) Must have capability to electronically document, via photographs and video as appropriate, surplus property, equipment, and motor vehicles and make information electronically available for inspection prior to an auction.
- (4) Must remit the net proceeds from the auction to the NCDOT within 14 business days after the auction is completed. The auction company may offset up to one-fourth of one percent (0.25%) of the gross sale for advertisement cost reimbursement.
- (5) Must post a cash bond or equivalent guarantee in the amount of two hundred fifty thousand dollars (\$250,000), made payable to the State of North Carolina.
- (6) Must have a minimum coverage of two million dollars (\$2,000,000) in commercial general liability insurance.



- 1 (7) Must agree to charge no commission to the State. The auction company may  
2 charge a buyer premium, not to exceed ten percent (10%) to the final and  
3 highest bid.
- 4 (8) Must be a licensed auction company with a current and valid North Carolina  
5 Auctioneer license issued pursuant to Chapter 85B of the General Statutes.  
6 Preference shall be given to an auction company based in this State.
- 7 (9) Must require that successful bidders provide and complete proper transfer  
8 documents for titled equipment or motor vehicles.
- 9 (10) Must be capable of conducting live simulcast public auctions in regions as  
10 agreed upon by the NCDOT.

11 **SECTION 6.(c)** By June 1, 2020, the State agency for State surplus property shall  
12 review the proposals submitted and shall enter into a contract with the lowest responsible bidder  
13 who provides evidence satisfactory to the State agency for State surplus property that it meets  
14 the requirements of the RFP.

15 **SECTION 6.(d)** No later than March 1, 2022, the State agency for State surplus  
16 property shall report to the Joint Legislative Transportation Oversight Committee the results,  
17 findings, and legislative recommendations based on the results, from the auctions during the pilot  
18 program. At a minimum, its report shall include information on the following:

- 19 (1) The quantity and type of surplus property offered as part of each auction.  
20 (2) The details of each request for proposal and award of contract.  
21 (3) The results of the State surplus property public auctions, including details of  
22 each public auction, and the average ratio of sale price to estimated State  
23 surplus property value.  
24 (4) Other information the State agency for State surplus property deems  
25 necessary.  
26

## 27 LICENSE RESTORATION FEE WAIVER AUTHORITY

28 **SECTION 7.(a)** G.S. 20-7(i1) reads as rewritten:

29 "(i1) Restoration Fee. – Any person whose drivers license has been revoked pursuant to  
30 the provisions of this Chapter, other than G.S. 20 17(a)(2) shall pay a restoration fee of sixty five  
31 dollars (\$65.00). A person whose drivers license has been revoked under G.S. 20 17(a)(2) shall  
32 pay a restoration fee of one hundred thirty dollars (\$130.00). The fee shall be paid to the Division  
33 prior to the issuance to such person of a new drivers license or the restoration of the drivers  
34 license. The restoration fee shall be paid to the Division in addition to any and all fees which may  
35 be provided by law. This restoration fee shall not be required from any licensee whose license  
36 was revoked or voluntarily surrendered for medical or health reasons whether or not a medical  
37 evaluation was conducted pursuant to this Chapter. The sixty five dollar (\$65.00) fee, and the  
38 first one hundred five dollars (\$105.00) of the one hundred thirty dollar (\$130.00) fee, shall be  
39 deposited in the Highway Fund. Twenty five dollars (\$25.00) of the one hundred thirty dollar  
40 (\$130.00) fee shall be used to fund a statewide chemical alcohol testing program administered  
41 by the Forensic Tests for Alcohol Branch of the Chronic Disease and Injury Section of the  
42 Department of Health and Human Services. Notwithstanding any other provision of law, a  
43 restoration fee assessed pursuant to this subsection may be waived by the Division when (i) the  
44 restoration fee remains unpaid for more than 10 years from the date of assessment and (ii) the  
45 person responsible for payment of the restoration fee has been issued a drivers license by the  
46 Division after the effective date of the revocation for which the restoration fee is owed. The  
47 Office of State Budget and Management shall annually report to the General Assembly the  
48 amount of fees deposited in the General Fund and transferred to the Forensic Tests for Alcohol  
49 Branch of the Chronic Disease and Injury Section of the Department of Health and Human  
50 Services under this subsection."

51 **SECTION 7.(b)** This section becomes effective October 1, 2019.

1  
2 **HANDICAPPED PERSONS PARKING AND ACCESS AISLE DESIGNATION**  
3 **CLARIFICATION**

4 **SECTION 8.** G.S. 20-37.6(d) reads as rewritten:

5 "(d) Designation of Parking Spaces. – Designation of parking spaces for handicapped  
6 persons on streets and public vehicular areas shall comply with G.S. 136-30. A sign designating  
7 a parking space for handicapped persons shall state the maximum penalty for parking in the space  
8 in violation of the law. For purposes of this section, a parking space designated for handicapped  
9 persons includes clearly marked access aisles, and all provisions, restrictions, and penalties  
10 applicable to parking in spaces designated for handicapped persons also apply to clearly marked  
11 access aisles."

12  
13 **PEER-TO-PEER VEHICLE SHARING**

14 **SECTION 9.(a)** Chapter 20 of the General Statutes is amended by adding a new  
15 Article to read:

16 "Article 10B.

17 "Peer-to-Peer Vehicle Sharing.

18 "**§ 20-280.15. Definitions.**

19 The following definitions apply in this Article:

- 20 (1) Airport operator. – As defined in G.S. 20-280.1.  
21 (2) Peer-to-peer vehicle sharing. – The authorized use of a shared vehicle by an  
22 individual other than the shared vehicle owner through a peer-to-peer vehicle  
23 sharing program.  
24 (3) Peer-to-peer vehicle sharing program. – A business platform that connects  
25 shared vehicle owners with drivers to enable the sharing of vehicles for  
26 financial consideration.  
27 (4) Shared vehicle. – A vehicle that is available for sharing through a peer-to-peer  
28 vehicle sharing program.  
29 (5) Shared vehicle owner. – The registered owner of a shared vehicle that is made  
30 available for sharing through a peer-to-peer vehicle sharing program.  
31 (6) Vehicle sharing provider. – The person or entity that operates, facilitates, or  
32 administers the provision of private motor vehicle rentals through a  
33 peer-to-peer vehicle sharing program.

34 "**§ 20-280.17. Airport operators.**

35 An airport operator may (i) charge vehicle sharing providers a reasonable fee for the use of  
36 the airport's facility, (ii) require an identifying decal be displayed on all shared vehicles that  
37 operate on airport property, (iii) require the purchase and use of equipment or establish other  
38 appropriate mechanisms for monitoring and auditing compliance, including having a vehicle  
39 sharing provider provide data for purposes of monitoring and auditing compliance, and (iv)  
40 designate a location where shared vehicles may stage on the airport operator's facility."

41 **SECTION 9.(b)** This section becomes effective October 1, 2019.

42  
43 **EFFECTIVE DATE**

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