

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  
House Committee Substitute Favorable 6/25/19  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S553-PCS45325-BC-60

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



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1 an open and public meeting, and recorded in its minutes and the amount does  
2 not exceed twenty thousand dollars (\$20,000) for medically related services  
3 and ~~forty thousand dollars (\$40,000)~~ sixty thousand dollars (\$60,000) for  
4 other goods or services within a 12-month period.

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

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

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

19 ...."

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

## 22 23 **AMENDMENTS TO THE 2018 NORTH CAROLINA BUILDING CODE AND** 24 **PLUMBING CODE**

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

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

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

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

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

## 48 49 **BUILDING CODE WASTE ACCUMULATION PROVISIONS**

50 **SECTION 3.(a)** Definitions. – As used in this act, "Council" means the Building  
51 Code Council, "Code" means the 2018 North Carolina Fire Prevention Code (NCFPC) as adopted

1 by the Council, and "exit obstruction and waste accumulation provisions" means sections 1031.2  
2 (Reliability), 1031.3 (Obstructions), 304.1 (Waste Accumulation Prohibited), and 304.2  
3 (Storage) of the Code.

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

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

- 12 (1) With respect to apartment occupancies, when all of the following conditions  
13 exist:
- 14 a. The maximum doorstep refuse and recycling collection container size  
15 does not exceed 15 gallons and the number of containers does not  
16 exceed one refuse and one recycling collection container for a total of  
17 two containers per dwelling unit.
  - 18 b. Waste in a doorstep refuse and recycling collection container is not  
19 placed in the exit access corridors for single periods exceeding five  
20 hours.
  - 21 c. Doorstep refuse and recycling collection containers do not occupy the  
22 exit access corridors for single periods exceeding 12 hours.
  - 23 d. Doorstep refuse and recycling collection containers do not reduce the  
24 means of egress width below that required under sections 1005 and  
25 1020.2 of the Code.
  - 26 e. Management staff of the apartment occupancy have written policies  
27 and procedures in place and enforce them to ensure compliance with  
28 this subdivision, and, upon request, provide a copy of such policies  
29 and procedures to the code enforcement authority having jurisdiction.
- 30 (2) The code enforcement authority having jurisdiction may approve alternative  
31 containers and storage arrangements that are demonstrated to provide an  
32 equivalent level of safety to that provided under subdivision (1) of this section.
- 33 (3) To provide a transition period for compliance with the requirements of this  
34 section, code enforcement authorities having jurisdiction shall allow  
35 apartment occupancies a phase-in period until December 31, 2020, to comply  
36 with this subsection.
- 37 (4) The use of doorstep refuse and recycling collection containers in apartment  
38 occupancies with exit access corridors or open-air corridors with balconies  
39 served by exterior exit stairs is revocable by the fire code enforcement official  
40 having jurisdiction for violations of sub-subdivision (c)(1)e. of this section.

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

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

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

48  
49 **MODIFY REAL ESTATE LICENSING REQUIREMENTS FOR TIME SHARE**  
50 **SALESPEOPLE**

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

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

### 12 13 **STUDY ONLINE CONTINUING EDUCATION REQUIREMENTS**

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

- 18       (1) A list and description of every option for continuing education made available  
19 to each licensee, including every traditional method, and every online method,  
20 if any are offered. If no online methods are offered, a detailed explanation as  
21 to why none are offered, which shall include any logistical, cost, legal, or other  
22 concerns.
- 23       (2) The approximate number of offerings made available for each method and the  
24 cost associated with each offering. The cost shall include a description of the  
25 fees charged to the licensee for the continuing education and the associated  
26 cost to the occupational licensing board for providing the continuing  
27 education offering.
- 28       (3) A description of how each method of continuing education offered is accessed  
29 by the licensee.

30       **SECTION 5.(b)** Each occupational licensing board required to study and report  
31 under subsection (a) of this section shall provide its report to the Joint Legislative Administrative  
32 Procedure Oversight Committee and the Program Evaluation Division no later than December 1,  
33 2019.

### 34 35 **EXEMPT ONSLOW COUNTY FROM VEHICLE EMISSIONS TESTING**

36       **SECTION 6.(a)** G.S. 143-215.107A(c) reads as rewritten:

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

41       **SECTION 6.(b)** No later than December 31, 2019, the Department of Environmental  
42 Quality shall prepare and submit to the United States Environmental Protection Agency for  
43 approval by that agency a proposed North Carolina State Implementation Plan amendment based  
44 on the change to the motor vehicle emissions testing program provided in this section.

45       **SECTION 6.(c)** Subsection (a) of this section becomes effective on the later of the  
46 following dates and applies to motor vehicles inspected, or due to be inspected, on or after that  
47 effective date:

- 48       (1) January 1, 2020.
- 49       (2) The first day of a month that is 60 days after the Secretary of the Department  
50 of Environmental Quality certifies to the Revisor of Statutes that the United  
51 States Environmental Protection Agency has approved an amendment to the

1 North Carolina State Implementation Plan submitted as required by Section 2  
2 of this act. The Secretary shall provide this notice along with the effective date  
3 of this act on its Web site and by written or electronic notice to emissions  
4 inspection mechanic license holders, emissions inspection station licensees,  
5 and self-inspector licensees in the county where motor vehicle emissions  
6 inspection requirements are removed by this act.

7 **SECTION 6.(d)** Except as otherwise provided, this section is effective when it  
8 becomes law.

9  
10 **ADOPT 2017 FOOD CODE**

11 **SECTION 7.** Notwithstanding G.S. 150B-19(4), the Commission for Public Health  
12 may adopt rules to incorporate all or part of the 2017 edition of the United States Food and Drug  
13 Administration Food Code.

14  
15 **TEMPORARY EVENT VENUES**

16 **SECTION 8.(a)** Part 3 of Article 18 of Chapter 153A of the General Statutes is  
17 amended by adding a new section to read:

18 **"§ 153A-341.4 Temporary event venues authorized.**

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

21 **SECTION 8.(b)** Part 3 of Article 19 of Chapter 160A of the General Statutes is  
22 amended by adding a new section to read:

23 **"§ 160A-383.6. Temporary event venues authorized.**

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

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

34 (c) Only one temporary event venue shall be allowed on a lot or parcel of land. The  
35 temporary event venue permitted under this section shall not require a special use permit or be  
36 subjected to any other local zoning requirements beyond those imposed upon other authorized  
37 accessory use structures, except as otherwise provided in this section. Except as provided in  
38 subsection (h) of this section, for each temporary event venue issued a permit under this section,  
39 no more than 24 temporary events may be conducted in a calendar year.

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

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

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

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

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

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

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

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

2           (8)    Any other relevant matters.

3           (e)    Any person proposing to operate a temporary event venue shall first obtain a permit  
4 from the city. The issuance of a temporary event venue permit shall not be considered a  
5 quasi-judicial act. The city may charge a fee of up to one hundred dollars (\$100.00) for the initial  
6 permit and an annual renewal fee of up to fifty dollars (\$50.00). Before issuing or renewing a  
7 temporary event venue permit, a city shall conduct an inspection of the proposed temporary event  
8 venue to ensure that the health, safety, and welfare of the public will not be impaired by  
9 attendance at or participation in a temporary event. The inspection shall address the general  
10 structural stability of the temporary event venue, its fire safety, and whether it has sufficient toilet  
11 facilities taking into consideration its capacity.

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

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

25          (h)    Nothing shall preclude a permittee operating under a temporary event venue permit  
26 from seeking a rezoning of the parcel to a zoning district that would allow a permitted use of the  
27 venue for events of the type authorized by a temporary event permit. Any such rezoning  
28 application would be subject to the requirements of this Article. If a rezoning application is  
29 submitted in good faith, a city may authorize the temporary event venue to hold more than 24  
30 temporary events in one calendar year while the rezoning is pending. If the temporary event  
31 venue is rezoned, the temporary event venue permit shall become void and the venue shall  
32 operate under all rules, regulations, and requirements of law, including the North Carolina State  
33 Building Code, any local variant under G.S. 143-138(e), and city ordinances."

34           **SECTION 8.(c)** G.S. 143-138 reads as rewritten:

35   "**§ 143-138. North Carolina State Building Code.**

36       ...

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

41       ...."

42           **SECTION 8.(d)** G.S. 160A-383.1 is amended by adding a new subsection to read:

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

47           **SECTION 8.(e)** This section is effective October 1, 2019.

#### 49 **NC PRE-K SCHOOL OPTIONS**

50           **SECTION 9.** The Division of Child Development and Early Education and the  
51 Director of the NC Pre-K program shall ensure that all entities operating NC Pre-K classrooms

1 provide to the parent or guardian of each child participating in the NC Pre-K program a list of all  
2 public and private school options in the county in which the child resides.

3  
4 **PART II. AGRICULTURE, ENERGY, ENVIRONMENT, AND NATURAL**  
5 **RESOURCES REGULATION**

6  
7 **CLARIFY LANDFILL LIFE-OF-SITE FRANCHISE REQUIREMENTS**

8 **SECTION 10.** G.S. 130A-294(a4) reads as rewritten:

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

21  
22 **REPURPOSE PRE-REGULATORY LANDFILL FUNDS**

23 **SECTION 11.** Section 13.2 of S.L. 2018-5, as amended by Section 4.2 of S.L.  
24 2018-97, reads as rewritten:

25 **"SECTION 13.2.** Notwithstanding G.S. 130A-310.11(b), up to two million dollars  
26 (\$2,000,000) of the funds credited to the Inactive Hazardous Sites Cleanup Fund under  
27 G.S. 105-187.63 for the assessment and remediation of pre-1983 landfills shall instead be used  
28 by the Department of Environmental Quality's Division of Waste Management to provide a  
29 matching grant to Charlotte Motor Speedway, LLC, (CMS) for the purpose of remediation  
30 activities at the Charlotte Motor Speedway in Cabarrus County. The Division shall provide one  
31 dollar (\$1.00) for every ~~two one non-State dollars (\$2.00) dollar (\$1.00)~~ provided in kind or  
32 otherwise, up to a maximum of two million dollars (\$2,000,000) for the matching grant described  
33 in this section. CMS may allocate all or a portion of the grant provided by this section to an entity  
34 that controls CMS or an entity controlled by CMS. Entities receiving such an allocation shall be  
35 considered a subgrantee as defined in G.S. 143C-6-23."

36  
37 **STUDY EXPRESS PERMITTING EXPANSION**

38 **SECTION 12.** The Department of Environmental Quality shall study and report on  
39 additional positions and funding needed as well as any changes in State or federal laws and  
40 regulations necessary to expand the Department's express permitting programs to include  
41 additional types of permits typically required for job creating and real estate development or  
42 redevelopment activities. Additional permits considered in the study shall include, at a minimum,  
43 permits for facilities not discharging to the surface waters of the State under Article 21 of Chapter  
44 143 of the General Statutes and permits to apply petroleum-contaminated soil to land authorized  
45 under G.S. 143-215.1. The Department shall provide its report and recommendations to the  
46 Environmental Review Commission, the Joint Legislative Oversight Committee on Agriculture  
47 and Natural and Economic Resources, and the Fiscal Research Division no later than March 1,  
48 2020.

49  
50 **EXTEND EMERGENCY GENERAL PERMIT DEADLINES**

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

- 7           (1) All emergency general permits must be issued by October 12, 2019.  
8           (2) All work authorized by the emergency general permits must be completed by  
9           October 12, 2020.

## 10 11 **WASTEWATER RESERVE PRIORITY**

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

### 13 **"§ 159G-23. Priority consideration for loan or grant from Wastewater Reserve or Drinking** 14 **Water Reserve.**

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

- 18           ...
- 19           (2) Effect on impaired waters. – A project that improves designated impaired  
20 waters of the State, with greater priority given to projects that improve  
21 designated impaired waters of the State that serve as a public water supply for  
22 a large public water system. For purposes of this subdivision, a large public  
23 water system is one serving more than 175,000 service connections.

- 24           ...
- 25           (11) State water supply plan. Improve regional coordination. – A project that  
26 addresses a potential conflict between local plans or implements a measure in  
27 which local water supply plans could be better eordinated, as identified in  
28 the State water supply plan pursuant to G.S. 143-355(m).coordinated.

- 29           ...
- 30           (14) Disproportionate burden to protect water supply of higher-wealth neighboring  
31 local government unit. – Wastewater system improvements made by a local  
32 government unit in order to protect or preserve the water supply of a  
33 neighboring local government unit that has a lower poverty rate, lower utility  
34 bills, higher population growth, higher median household incomes, and lower  
35 unemployment."

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

## 39 40 **PART III. MISCELLANEOUS REGULATORY REFORM PROVISIONS**

### 41 42 **ARCHITECTURAL LICENSE EXCEPTION FOR SMALL PROJECTS**

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

#### 44 **"§ 83A-13. Exemptions.**

45           ...

46           (c) Nothing in this Chapter shall be construed to require an architectural license for the  
47 preparation, sale, or furnishing of plans, specifications and related data, or for the supervision of  
48 construction pursuant thereto, where the building, buildings, or project involved is in one of the  
49 following categories:

50           ...



- 1 (3) An institutional or commercial building if it does not have a total value  
 2 exceeding ~~ninety~~ one hundred seventy-five thousand dollars  
 3 ~~(\$90,000); (\$175,000);~~  
 4 (4) An institutional or commercial building if the total building area does not  
 5 exceed ~~2,500~~ 3,000 square feet in gross floor area;

6 ...

7 (c1) Notwithstanding subdivisions (c)(3) and (4) of this section, a commercial building  
 8 project with a total value of less than ~~ninety one hundred seventy-five~~ thousand dollars ~~(\$90,000)~~  
 9 ~~(\$175,000)~~ and a total project area of less than ~~2,500~~ 3,000 square feet shall be exempt from the  
 10 requirement for a professional architectural seal.

11 ...."

### 12 REVENUE LAWS STUDY

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

21 The Committee shall report its findings and any legislative recommendations to the  
 22 2020 Regular Session of the 2019 General Assembly.  
 23  
 24

### 25 BROADBAND EASEMENTS

26 **SECTION 17.** G.S. 117-28.1 reads as rewritten:

27 "**§ 117-28.1. Electric membership corporations; easements.**

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

37 ...."

### 38 DESIGN STUDY

39 **SECTION 18.(a)** Study. – The Joint Legislative Program Evaluation Oversight  
 40 Committee shall revise the biennial 2019-2020 work plan for the Program Evaluation Division  
 41 to include a study on the standards applicable to interior designers in North Carolina. In  
 42 conducting the study, the following shall be considered:

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

1           **SECTION 18.(b)** Report. – The Program Evaluation Division shall report its  
2 findings and recommendations from the study required under subsection (a) of this section to the  
3 Joint Legislative Program Evaluation Oversight Committee by March 15, 2020.

4  
5 **MANUFACTURED HOMES INSTALLATION**

6           **SECTION 19.(a)** G.S. 160A-383.1 is amended by adding a new subsection to read:  
7           "(g) A city may require by ordinance that manufactured homes be installed in accordance  
8 with the Set-Up and Installation Standards adopted by the Commissioner of Insurance; provided,  
9 however, a city shall not require a masonry curtain wall or masonry skirting for manufactured  
10 homes located on land leased to the homeowner."

11           **SECTION 19.(b)** This section is effective October 1, 2019.

12  
13 **ELECTRIC STANDUP SCOOTERS**

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

15 **"§ 20-4.01. Definitions.**

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

18           ...

19           (7c) Electric Standup Scooter. – A device with no more than three 12-inch or  
20 smaller diameter wheels that has handlebars, is designed to be stood upon by  
21 the user while riding, and is powered by an electric motor that is capable of  
22 propelling the device with or without human propulsion at a speed no greater  
23 than 20 miles per hour on a paved level surface.

24           ~~(7e)~~(7d) Employer. – Any person who owns or leases a commercial motor vehicle  
25 or assigns a person to drive a commercial motor vehicle and would be subject  
26 to the alcohol and controlled substance testing provisions of 49 C.F.R. § 382  
27 and also includes any consortium or third-party administrator administering  
28 the alcohol and controlled substance testing program on behalf of  
29 owner-operators subject to the provisions of 49 C.F.R. § 382.

30           ...

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

35           ...

36           (27) Passenger Vehicles. –

37           ...

38           j.       Moped. – A vehicle, other than a motor-driven ~~bicycle or bicycle,~~  
39 electric assisted bicycle, or electric standup scooter, that has two or  
40 three wheels, no external shifting device, a motor that does not exceed  
41 50 cubic centimeters piston displacement and cannot propel the  
42 vehicle at a speed greater than 30 miles per hour on a level surface.  
43       The motor may be powered by electricity, alternative fuel, motor fuel,  
44 or a combination of each.

45           ...

46           (49) Vehicle. – Every device in, upon, or by which any person or property is or  
47 may be transported or drawn upon a highway, excepting devices moved by  
48 human power or used exclusively upon fixed rails or tracks; provided, that for  
49 the purposes of this Chapter ~~bicycles and bicycles,~~ electric assisted ~~bicycles~~  
50 bicycles, and electric standup scooters shall be deemed vehicles and every  
51 rider of a ~~bicycle or bicycle,~~ an electric assisted ~~bicycle bicycle,~~ or electric

1 standup scooter upon a highway shall be subject to the provisions of this  
2 Chapter applicable to the driver of a vehicle except those which by their nature  
3 can have no application. This term shall not include a device which is designed  
4 for and intended to be used as a means of transportation for a person with a  
5 mobility impairment, or who uses the device for mobility enhancement, is  
6 suitable for use both inside and outside a building, including on sidewalks,  
7 and is limited by design to 15 miles per hour when the device is being operated  
8 by a person with a mobility impairment, or who uses the device for mobility  
9 enhancement. This term shall not include an electric personal assistive  
10 mobility device as defined in subdivision (7b) of this section. Unless the  
11 context requires otherwise, and except as provided under G.S. 20-109.2,  
12 47-20.6, or 47-20.7, a manufactured home shall be deemed a vehicle.

13 ...."

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

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

16 **SECTION 20.(c)** Any and all ordinances in effect on the effective date of this act or  
17 hereinafter adopted by a municipality that conflict with the provisions of this act shall be null  
18 and void. Upon the effective date of this act, any municipality that has adopted an ordinance or  
19 regulation affecting electric standup scooters shall conduct a review of those ordinances and  
20 regulations to ensure compliance with this act.

21 **SECTION 20.(d)** This section is effective when it becomes law and applies to  
22 offenses committed on or after that date.

## 23 24 LIMITED REGISTRATION PLATES/FINE COLLECTION

25 **SECTION 21.(a)** G.S. 20-54 reads as rewritten:

26 "**§ 20-54. Authority for refusing registration or certificate of title.**

27 The Division shall refuse registration or issuance of a certificate of title or any transfer of  
28 registration upon any of the following grounds:

29 ...

30 (6) The vehicle is not in compliance with the inspection requirements of Part 2 of  
31 Article 3A of this Chapter or a civil penalty assessed as a result of the failure  
32 of the vehicle to comply with that Part has not been paid. Notwithstanding this  
33 subdivision, a dealer licensed under Article 12 of this Chapter may, on behalf  
34 of a person purchasing a vehicle, obtain a limited registration plate pursuant  
35 to G.S. 20-79.1A.

36 ...

37 (10) The North Carolina Turnpike Authority has notified the Division that the  
38 owner of the vehicle has not paid the amount of tolls, fees, and civil penalties  
39 the owner owes the Authority for use of a Turnpike project. Notwithstanding  
40 this subdivision, a dealer licensed under Article 12 of this Chapter may, on  
41 behalf of a person purchasing a vehicle, obtain a limited registration plate  
42 pursuant to G.S. 20-79.1A.

43 (11) The Division has been notified (i) pursuant to G.S. 20-217(g2) that the owner  
44 of the vehicle has failed to pay any fine imposed pursuant to G.S. 20-217 or  
45 (ii) pursuant to G.S. 153A-246(b)(14) that the owner of the vehicle has failed  
46 to pay a civil penalty due under G.S. 153A-246. Notwithstanding this  
47 subdivision, a dealer licensed under Article 12 of this Chapter may, on behalf  
48 of a person purchasing a vehicle, obtain a limited registration plate pursuant  
49 to G.S. 20-79.1A.

50 (12) The owner of the vehicle has failed to pay any penalty or fee imposed pursuant  
51 to G.S. 20-311. Notwithstanding this subdivision, a dealer licensed under

1 Article 12 of this Chapter may, on behalf of a person purchasing a vehicle,  
2 obtain a limited registration plate pursuant to G.S. 20-79.1A.

- 3 (13) The Division has been notified by the State Highway Patrol that the owner of  
4 the vehicle has failed to pay any civil penalty and fees imposed by the State  
5 Highway Patrol for a violation of Part 9 of Article 3 of this Chapter.  
6 Notwithstanding this subdivision, a dealer licensed under Article 12 of this  
7 Chapter may, on behalf of a person purchasing a vehicle, obtain a limited  
8 registration plate pursuant to G.S. 20-79.1A."

9 **SECTION 21.(b)** G.S. 20-79.1A(a)(1) reads as rewritten:

10 "(a) Eligibility. – A limited registration plate is issuable to any of the following:

- 11 (1) A person who applies, either directly or through a dealer licensed under  
12 Article 12 of this Chapter, for a title to a motor vehicle and a registration plate  
13 for the vehicle and who submits payment for the applicable title and  
14 registration fees but does not submit payment for any municipal corporation  
15 property taxes on the vehicle. A person who submits payment for municipal  
16 corporation property taxes receives an annual registration plate. A dealer shall  
17 notify the person purchasing a vehicle of any outstanding civil penalties, fees,  
18 tolls, and obligations owed before the dealer applies for a title to a motor  
19 vehicle and a registration plate for the vehicle under this section."

20 **SECTION 21.(c)** This section is effective when it becomes law.  
21

## 22 VOTING SYSTEMS PERFORMANCE BOND

23 **SECTION 22.(a)** G.S. 163A-1115 reads as rewritten:

24 "**§ 163A-1115. Voting systems: powers and duties of State Board.**

25 (a) **(Effective until December 1, 2019, for certain counties – see note)** Only voting  
26 systems that have been certified by the State Board in accordance with the procedures set forth  
27 by the State Board and subject to the standards set forth in this section and that have not been  
28 subsequently decertified shall be permitted for use in elections in this State. Those certified  
29 voting systems shall be valid in any election held in the State or in any county, municipality, or  
30 other electoral district in the State. Subject to all other applicable rules adopted by the State Board  
31 and, with respect to federal elections, subject to all applicable federal regulations governing  
32 voting systems, paper ballots marked by the voter and counted by hand shall be deemed a  
33 certified voting system. The State Board shall certify optical scan voting systems, optical scan  
34 with ballot markers voting systems, and direct record electronic voting systems if any of those  
35 systems meet all applicable requirements of federal and State law. The State Board may certify  
36 voting systems only if they meet the requirements set forth in this ~~section~~section, the  
37 performance bond or letter of credit required by subdivision (1) of this subsection has been  
38 posted, and only if they generate either a paper ballot or a paper record by which voters may  
39 verify their votes before casting them and which provides a backup means of counting the vote  
40 that the voter casts. Those voting systems may include optical scan and direct record electronic  
41 (DRE) voting systems. Among other requirements as set by the State Board, the certification  
42 requirements shall require at least all of the following elements:

- 43 (1) That the vendor post a performance bond or letter of credit to cover damages  
44 resulting from defects in the voting system, expenses associated with State or  
45 federal decertification of the voting system, and to protect against the vendor's  
46 insolvency or financial inability to make State or federally mandated  
47 modifications or updates to the voting system. Damages may include, among  
48 other items, any costs of conducting a new county or statewide election  
49 attributable to those defects. The bond or letter of credit shall be maintained  
50 in the amount determined by the State Board as sufficient for the cost of a new

1 statewide election or in the amount of ten million dollars (\$10,000,000),  
2 whichever is greater.

3 ...

4 (a) **(Effective June 20, 2018, as to certain counties, and December 1, 2019, as to all**  
5 **other counties – see note)** Only voting systems that have been certified by the State Board in  
6 accordance with the procedures set forth by the State Board and subject to the standards set forth  
7 in this section and that have not been subsequently decertified shall be permitted for use in  
8 elections in this State. Those certified voting systems shall be valid in any election held in the  
9 State or in any county, municipality, or other electoral district in the State. Subject to all other  
10 applicable rules adopted by the State Board and, with respect to federal elections, subject to all  
11 applicable federal regulations governing voting systems, paper ballots marked by the voter and  
12 counted by hand shall be deemed a certified voting system. The State Board shall certify optical  
13 scan voting systems, optical scan with ballot markers voting systems, and direct record electronic  
14 voting systems if any of those systems meet all applicable requirements of federal and State law.  
15 The State Board may certify voting systems only if they meet the requirements set forth in this  
16 ~~section~~ section, the performance bond or letter of credit required by this subdivision (1) of this  
17 subsection has been posted, and only if they generate a paper ballot which provides a backup  
18 means of counting the vote that the voter casts. Those voting systems may include optical scan  
19 and direct record electronic (DRE) voting systems that produce a paper ballot. Among other  
20 requirements as set by the State Board, the certification requirements shall require at least all of  
21 the following elements:

- 22 (1) That the vendor post a performance bond or letter of credit to cover damages  
23 resulting from defects in the voting system, expenses associated with State or  
24 federal decertification of the voting system, and to protect against the vendor's  
25 insolvency or financial inability to make State or federally mandated  
26 modifications or updates to the voting system. Damages may include, among  
27 other items, any costs of conducting a new county or statewide election  
28 attributable to those defects. The bond or letter of credit shall be maintained  
29 in the amount determined by the State Board as sufficient for the cost of a new  
30 statewide election or in the amount of ten million dollars (\$10,000,000),  
31 whichever is greater.

32 ...."

33 **SECTION 22.(b)** This section is effective when it becomes law.

### 34 SALE OF SALVAGED VEHICLES

35 **SECTION 23.(a)** G.S. 20-183.4C(a) reads as rewritten:

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

38 ...

- 39 (2) ~~A~~ Except as otherwise provided in this subdivision, a used vehicle must be  
40 inspected before it is offered for sale at retail in this State by a dealer. Upon  
41 purchase, a receipt approved by the Division must be provided to the new  
42 owner certifying compliance. A dealer may sell, without a safety inspection,  
43 a used vehicle issued a salvage certificate of title in accordance with the  
44 provisions of this Chapter if (i) no alterations or repairs have been made to the  
45 vehicle after issuance of the salvage certificate of title and after sale of the  
46 vehicle and (ii) the dealer discloses in writing on a form approved by the  
47 Division that no safety inspection has been performed by the dealer.

48 ...."

49 **SECTION 23.(b)** This section is effective when it becomes law and applies to used  
50 vehicles sold on or after that date.  
51

**ABC PERMITS AT CERTAIN COMMUNITY COLLEGE STADIUMS**

**SECTION 24.(a)** G.S. 18B-1006(a) reads as rewritten:

"(a) School and College Campuses. – No permit for the sale of alcoholic beverages shall be issued to a business on the campus or property of a public school, college, or university. This subsection shall not apply to the following:

...

- (7) The sale of malt beverages, unfortified wine, or fortified wine at the following:
- a. Performing arts centers located on property owned or leased by the public college or university.
  - b. Any stadiums that support a NASCAR-sanctioned one-fourth mile asphalt flat oval short track, that are owned or leased by the public college or university, and that only sell malt beverages, unfortified wine, or fortified wine at events that are not sponsored or funded by the public college or university.
  - c. Any stadiums owned by a community college, with a permanently constructed seating capacity of 2,000 or more, leased to a for-profit corporation registered in the State, and that only sell malt beverages, unfortified wine, or fortified wine at events that are not sponsored or funded by the community college or the National Junior College Athletic Association.

...."

**SECTION 24.(b)** This section becomes effective April 9, 2019, and applies to permits issued or active on or after that date.

**DEPARTMENT OF TRANSPORTATION STUDY**

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

- (1) Consult with county fire marshal divisions, emergency management offices, and emergency medical service divisions to determine potential sites of interest for construction or improvement relevant to the study.
- (2) Establish criteria to prioritize sites of interest for either construction or improvement.
- (3) Review applicable federal and State laws, codes, standards, and studies relevant to the study.
- (4) Review (i) existing Department of Transportation planning, design, and construction standards for interchanges, median crossovers, and access points and (ii) how those standards consider the needs of law enforcement, emergency medical and emergency management personnel, and firefighters.
- (5) Consider the feasibility of providing opportunities for stakeholder input during the planning of future interstate improvements that focus on the needs of law enforcement, emergency medical and emergency management personnel, and firefighters.

1 (6) Examine any other matters the Department of Transportation deems relevant  
2 in the course of the study.

3 **SECTION 25.(b)** Report. – The Department of Transportation shall report the  
4 findings and recommendations, including any legislative proposals, to the Joint Legislative  
5 Oversight Committee on Justice and Public Safety, the Joint Legislative Emergency Management  
6 Oversight Committee, and the Joint Legislative Transportation Oversight Committee no later  
7 than March 1, 2022.

#### 8 9 **SALVAGE TITLE STUDY**

10 **SECTION 26.(a)** The Division of Motor Vehicles shall, in consultation with the  
11 Department of Insurance and interested parties, study whether the laws governing the title,  
12 registration, and branding of salvage vehicles need to be revised to protect consumers from  
13 vehicles that appear safe, but are actually unsafe because of flood damage or other severe damage  
14 that makes a vehicle unsafe, but is concealed from the consumer. The study will include the  
15 economic impact to the consumer of any proposed change in law recommended by the Division.  
16 As part of the study, the Division shall consider any other issues determined to be relevant to the  
17 title and registration of salvage vehicles.

18 **SECTION 26.(b)** No later than March 1, 2020, the Division of Motor Vehicles shall  
19 report its findings, including any recommendations for legislation, to the chairs of the Joint  
20 Legislative Transportation Oversight Committee, the House of Representatives Appropriations  
21 Committee on Transportation, the Senate Appropriations Committee on the Department of  
22 Transportation, and the Fiscal Research Division.

23 **SECTION 26.(c)** This section is effective when it becomes law.  
24

#### 25 **RECYCLING STUDY**

26 **SECTION 27.(a)** The Environmental Review Commission shall study ways to  
27 optimize and modernize North Carolina's recycling requirements for discarded computer  
28 equipment and televisions. In conducting this study, the Commission shall consider (i) the  
29 changing waste stream, including trends involving the amount of cathode ray tube televisions  
30 discarded and the conditions of associated recycling markets, (ii) the economics of the recycling  
31 stream for computer equipment and televisions in light of trends in recycling markets, (iii)  
32 impacts of market conditions and the State's recycling policies on computers and televisions on  
33 the State's recycling industry, computer and television manufacturers, and local governments,  
34 (iv) the current status of North Carolina's recycling system, including cost and financing issues,  
35 and options that may be available to reduce costs, (v) opportunities for more efficient and  
36 effective recycling systems, and (vi) any other issue the Department deems relevant. The  
37 Environmental Review Commission shall report its findings, together with any proposed  
38 legislation to modernize the recycling requirements for computers and televisions, to the 2021  
39 Regular Session of the General Assembly upon its convening.

40 **SECTION 27.(b)** This section is effective when it becomes law.  
41

#### 42 **PART IV. SEVERABILITY CLAUSE AND EFFECTIVE DATE**

43 **SECTION 28.(a)** If any section or provision of this act is declared unconstitutional  
44 or invalid by the courts, it does not affect the validity of this act as a whole or any part other than  
45 the part declared to be unconstitutional or invalid.

46 **SECTION 28.(b)** Except as otherwise provided, this act is effective when it becomes  
47 law.