

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 206
Committee Substitute Favorable 3/18/19
Senate Transportation Committee Substitute Adopted 6/26/19
PROPOSED SENATE COMMITTEE SUBSTITUTE H206-PCS10690-BGf-56

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



1 shall be deposited with the State Treasurer in a capital improvement account to the credit of the
2 Department of Agriculture and Consumer Services, to be used for such specific capital
3 improvement projects or other purposes as are provided by transfer of funds from those accounts
4 in the Capital Improvement Appropriations Act. Provided further, the net proceeds derived from
5 the sale of park land owned by or under the supervision and control of the Department of Natural
6 and Cultural Resources shall be deposited with the State Treasurer in a capital improvement
7 account to the credit of the Department of Administration to be used for the purpose of park land
8 acquisition as provided by transfer of funds from those accounts in the Capital Improvement
9 Appropriations Act. In the Capital Improvement Appropriations Act, line items for purchase of
10 park and agricultural lands will be established for use by the Departments of Administration and
11 Agriculture. The use of such funds for any specific capital improvement project or land
12 acquisition is subject to approval by the Director of the Budget. No other use may be made of
13 funds in these line items without approval by the General Assembly except for incidental
14 expenses related to the project or land acquisition. Additionally with the approval of the Director
15 of the Budget, either Department may request funds from the Contingency and Emergency Fund
16 when the necessity of prompt purchase of available land can be demonstrated and funds in the
17 capital improvement accounts are insufficient. Provided further, the net proceeds derived from
18 the sale of any portion of the land owned by the State in or around the Butner Reservation on or
19 after July 1, 1980, shall be deposited with the State Treasurer in a capital improvement account
20 to the credit of the Department of Health and Human Services to make capital improvements on
21 or to property owned by the State in the Butner Reservation subject to approval by the Office of
22 State Budget and Management, and may be used to build industrial access roads to industries
23 located or to be located on the Butner Reservation, to construct new city streets in the Butner
24 Reservation, extend water and sewer service on the Butner Reservation, repair storm drains on
25 the Butner Reservation, and for other capital uses on the Reservation as determined by the
26 Secretary. Provided further, notwithstanding any other provision of this Subchapter, the proceeds
27 derived from the lease dispositions of land or facilities owned or under the supervision and
28 control of East Carolina University's Division of Health Sciences for the delivery of health care
29 services shall be deposited in clinical accounts at East Carolina University to be used to improve
30 access to patient care. Provided further, notwithstanding any other provision of this Subchapter,
31 the net proceeds derived from the sale of ~~land or facilities purchased with funds from the State~~
32 Highway Fund land, facilities, products, or timber owned by the Department of Transportation
33 shall be deposited into the State Highway Fund."
34

35 EXEMPT AIRPORT FACILITIES FROM CERTAIN BUFFER REQUIREMENTS

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

- 37 (1) Airport facilities. – All properties, facilities, buildings, structures, and
38 activities that satisfy or otherwise fall within the scope of one or more of the
39 definitions or uses of the words or phrases "air navigation facility," "airport,"
40 or "airport protection privileges" under G.S. 63-1; the definition of
41 "aeronautical facilities" in G.S. 63-79(1); the phrase "airport facilities" as used
42 in G.S. 159-48(b)(1); the phrase "aeronautical facilities" as defined in
43 G.S. 159-81 and G.S. 159-97; and the phrase "airport facilities and
44 improvements" as used in Section 13 of Article V of the North Carolina
45 Constitution. Airport facilities shall include, without limitation, any and all of
46 the following:
- 47 a. The airport and all of its terminals and terminal shops and support
48 buildings.
 - 49 b. Runways, taxiways, clear zones, and other paved or unpaved areas, or
50 open or restricted landing areas on the airport.
 - 51 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 on the
48 Interstate System as defined by Title 23, United States Code, Section 103(c)
49 in this State, and to plan, design, develop, acquire, construct, equip, maintain,
50 and operate communications infrastructure supporting transportation
51 infrastructure within this State. For the purposes of this subdivision,

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

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

1 facilities shall abrogate the Department's ownership and control of the
2 right-of-way or communications infrastructure and its facilities within
3 the right-of-way.

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

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

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

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

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

17 I. Project description.

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

21 III. Analysis of firm selection criteria.

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

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

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

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

38 VIII. Information on the feasibility of finance."

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

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

48 **SECTION 5.(c)** The Department shall develop standards for entering into
49 comprehensive agreements with private entities under the Department's authority pursuant to
50 G.S. 136-18(46), as enacted by subsection (a) of this section, and report those standards with

1 legislative recommendations to the Joint Legislative Transportation Oversight Committee on or
2 before March 1, 2020.

3 **SECTION 5.(d)** The authority granted in Section 5(a) of this act is limited to projects
4 which receive federal discretionary grants issued by the United States Department of
5 Transportation.

6 **SECTION 5.(e)** The Department shall consult and coordinate with private
7 telecommunications industry entities regarding the authority granted under this section, and shall
8 report to the Joint Legislative Transportation Oversight Committee by March 1, 2020, with
9 findings and legislative recommendations.

10 11 **DEPARTMENT SURPLUS PROPERTY AUCTION PILOT**

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

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

- 42 (1) Must accept payment by any commercially reasonable manner. The auction
43 company may charge credit card and platform fees of up to three percent (3%)
44 of the highest and final bid.
- 45 (2) Must have capability to conduct auctions via live simulcast or other electronic
46 means in conjunction with conducting live auctions.
- 47 (3) Must have capability to electronically document, via photographs and video
48 as appropriate, surplus property, equipment, and motor vehicles and make
49 information electronically available for inspection prior to an auction.
- 50 (4) Must remit the net proceeds from the auction to the NCDOT within 14
51 business days after the auction is completed. The auction company may offset

1 up to one-fourth of one percent (0.25%) of the gross sale for advertisement
2 cost reimbursement.

- 3 (5) Must post a cash bond or equivalent guarantee in the amount of two hundred
4 fifty thousand dollars (\$250,000), made payable to the State of North
5 Carolina.
- 6 (6) Must have a minimum coverage of two million dollars (\$2,000,000) in
7 commercial general liability insurance.
- 8 (7) Must agree to charge no commission to the State. The auction company may
9 charge a buyer premium, not to exceed ten percent (10%) to the final and
10 highest bid.
- 11 (8) Must be a licensed auction company with a current and valid North Carolina
12 Auctioneer license issued pursuant to Chapter 85B of the General Statutes.
13 Preference shall be given to an auction company based in this State.
- 14 (9) Must require that successful bidders provide and complete proper transfer
15 documents for titled equipment or motor vehicles.
- 16 (10) Must be capable of conducting live simulcast public auctions in regions as
17 agreed upon by the NCDOT.

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

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

- 26 (1) The quantity and type of surplus property offered as part of each auction.
27 (2) The details of each request for proposal and award of contract.
28 (3) The results of the State surplus property public auctions, including details of
29 each public auction, and the average ratio of sale price to estimated State
30 surplus property value.
31 (4) Other information the State agency for State surplus property deems
32 necessary.
33

34 **LICENSE RESTORATION FEE WAIVER AUTHORITY**

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

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

1 person responsible for payment of the restoration fee has been issued a drivers license by the
2 Division after the effective date of the revocation for which the restoration fee is owed. The
3 Office of State Budget and Management shall annually report to the General Assembly the
4 amount of fees deposited in the General Fund and transferred to the Forensic Tests for Alcohol
5 Branch of the Chronic Disease and Injury Section of the Department of Health and Human
6 Services under this subsection."

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

8 9 **HANDICAPPED PERSONS PARKING AND ACCESS AISLE DESIGNATION** 10 **CLARIFICATION**

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

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

19 20 **PEER-TO-PEER VEHICLE SHARING**

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

23 "Article 10B.

24 "Peer-to-Peer Vehicle Sharing.

25 **"§ 20-280.15. Definitions.**

26 The following definitions apply in this Article:

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

41 **"§ 20-280.17. Airport operators.**

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

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

49 50 **EFFECTIVE DATE**

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