

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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HOUSE BILL 103  
PROPOSED SENATE COMMITTEE SUBSTITUTE H103-PCS10473-MU-1

Short Title: GSC Technical Corrections 2023.

(Public)

Sponsors:

Referred to:

February 14, 2023

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES AND  
3 SESSION LAWS, AS RECOMMENDED BY THE GENERAL STATUTES  
4 COMMISSION.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 1-567.36 reads as rewritten:

7 "§ 1-567.36. Venue and jurisdiction of courts.

8 (a) The functions referred to in G.S. 1-567.41(c) and (d), ~~1-567.43(a), 1-567.44(b),~~  
9 1-567.46(c), and 1-567.57 shall be performed by the court in the following county:

10 (1) The county where the arbitration agreement is to be performed or was made.

11 (2) If the arbitration agreement does not specify a county where the agreement is  
12 to be performed and the agreement was not made in any county in ~~the State of~~  
13 North Carolina, the county where any party to the court proceeding resides or  
14 has a place of business.

15 (3) In any case not covered by ~~subdivisions~~ subdivision (1) or (2) of this  
16 subsection, in any county in ~~the State of~~ North Carolina.

17 (b) All other functions assigned by this Article to the court shall be performed by the  
18 court of the county in which the place of arbitration is located."

19 SECTION 2. G.S. 1-567.44 reads as rewritten:

20 "§ 1-567.44. Failure or impossibility to act.

21 (a) The mandate of an arbitrator terminates if the on any of the following grounds:

22 (1) The arbitrator becomes unable to perform the arbitrator's functions or for other  
23 reasons fails to act without undue delay or the delay.

24 (2) The arbitrator ~~withdraws or the withdraws.~~

25 (3) The parties agree to the termination.

26 (b) If a controversy remains concerning any of the grounds referred to in subsection (a)  
27 of this section, a party may request the court to decide on the termination of the mandate. The  
28 decision of the court ~~shall be~~ is final and not subject to appeal.

29 (c) ~~If under this section or under G.S. 1-567.43, an arbitrator withdraws or otherwise~~  
30 ~~agrees to the termination of the arbitrator's mandate, no acceptance of the validity of any ground~~  
31 ~~referred to in this section or G.S. 1-567.43(b) shall be~~ is implied in consequence of the action."

32 SECTION 3. G.S. 20-4.02 reads as rewritten:

33 "§ 20-4.02. Quadrennial adjustment of certain fees and rates.

34 (a) Adjustment for Inflation. – Beginning July 1, 2020, and every four years thereafter,  
35 the Division shall adjust the fees and rates imposed pursuant to the statutes listed in this  
36 subsection for inflation in accordance with the Consumer Price Index computed by the Bureau



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1 of Labor Statistics. The adjustment for per transaction rates in ~~subdivision (8a)~~ subdivision (8b)  
 2 of this subsection shall be rounded to the nearest cent and all other adjustments under this  
 3 subsection shall be rounded to the nearest twenty-five cents (25¢):

- 4 ...  
 5 (8a) G.S. 20-43.1(e1), with respect to the per individual record fee set in that  
 6 subsection.  
 7 (8b) G.S. 20-63(h), with respect to the per transaction rates set in that subsection.  
 8 ...

9 (c) Rules. – ~~The provisions of Chapter 150B of the General Statutes do~~ does not apply to  
 10 the inflation adjustment required by this section.

11 (d) Consultation and Publication. – At least 90 days prior to making an adjustment  
 12 pursuant to subsection (a) of this section, and notwithstanding ~~any provision of G.S. 12-3.1 to~~  
 13 ~~the contrary, G.S. 12-3.1~~, the Division shall (i) consult with the Joint Legislative Commission on  
 14 Governmental Operations, (ii) provide a report to the chairs of the Senate Appropriations  
 15 Committee on Transportation and the House of Representatives Appropriations Committee on  
 16 Transportation, and (iii) publish notice of the fees that will be in effect in the offices of the  
 17 Division and on the Division's website. After making the adjustment, the Division shall notify  
 18 the Revisor of Statutes who shall adjust the amounts in statute.

19 (e) Effective Date. – Any adjustment to fees or rates under this section applicable to a  
 20 motor vehicle sold or leased by a motor vehicle dealer, as defined in ~~G.S. 20-286(11),~~  
 21 G.S. 20-286, is only applicable to a motor vehicle sale or lease made on or after the effective date  
 22 of the fee or rate adjustment regardless of the date of submission of a title and registration  
 23 application for the motor vehicle to the Division. No adjustment to fees or rates under this section  
 24 applies to a motor vehicle sale or lease made prior to the effective date of the fee or rate  
 25 adjustment."

26 **SECTION 4.** G.S. 20-187.2 is recodified as G.S. 17F-20 and reads as rewritten:  
 27 **"§ 17F-20. Badges and service side arms of deceased or retiring members of State, city, and**  
 28 **county law enforcement agencies; weapons of active members.**

29 (a) ~~Surviving spouses, or in the event such members die spouses or, if unsurvived by a~~  
 30 ~~spouse, surviving children of members of North Carolina State, city, and county law enforcement~~  
 31 ~~agencies who are killed in the line of duty or who are members of such these agencies at the time~~  
 32 ~~of their deaths, deaths and retiring members of such these agencies shall receive receive, upon~~  
 33 ~~request and at no cost to them, the badge worn or carried by such the deceased or retiring member.~~  
 34 ~~The~~ Upon determining that a person requesting a service side arm is not ineligible to own,  
 35 possess, or receive a firearm under State or federal law or that the service side arm has been  
 36 rendered incapable of being fired, the governing body of a law enforcement agency may, in its  
 37 discretion, also award to a retiring member or surviving relatives as provided herein, surviving  
 38 spouse or child or to a retiring member, upon request, the service side arm of such the deceased  
 39 or retiring members, member at a price determined by such governing body, upon determining  
 40 that the person receiving the weapon is not ineligible to own, possess, or receive a firearm under  
 41 the provisions of State or federal law, or if the weapon has been rendered incapable of being  
 42 fired. Governing body shall mean for the governing body. As used in this subsection, "governing  
 43 body" means the following:

- 44 (1) For county and local alcohol beverage control officers, the county or local  
 45 board of alcoholic control; for beverage control.  
 46 (2) For all other law enforcement officers with jurisdiction limited to a  
 47 municipality or town, the city or town council; for council.  
 48 (3) For all other law enforcement officers with countywide jurisdiction, the board  
 49 of county commissioners; for commissioners.  
 50 (4) For all State law enforcement officers, the head of the department.

1 (b) Active members of North Carolina State, city, and county law enforcement agencies,  
2 upon change of type of weapons, may purchase the weapon ~~worn or carried by such member~~ they  
3 wore or carried prior to the change at a price ~~which shall be equal to~~ the average yield to the  
4 State, city, or county from the sale of similar weapons during the preceding year.

5 (c) For purposes of this section, certified probation and parole officers ~~shall be~~ are  
6 considered members of a North Carolina State law enforcement agency."

7 **SECTION 5.** G.S. 20-187.4 is recodified as G.S. 17F-21 and reads as rewritten:

8 **"§ 17F-21. Disposition of retired service animals.**

9 (a) Upon determination that any service animal is no longer fit or needed for public  
10 service, the State or unit of local government may transfer ownership of the animal at a price  
11 determined by the State or unit of local government and upon any other terms and conditions as  
12 the State or unit of local government deems appropriate, to any of the following individuals, if  
13 that individual agrees to accept ownership, care, and custody of the service animal:

14 (1) The officer or employee who had normal custody and control of the service  
15 animal during the service animal's public service to the State or unit of local  
16 government.

17 (2) A surviving ~~spouse, or in the event such officer or employee dies~~ spouse or,  
18 if unsurvived by a spouse, surviving children of the officer or employee killed  
19 in the line of duty who had normal custody and control of the service animal  
20 during the service animal's public service to the State or unit of local  
21 government.

22 (3) An organization or program dedicated to the assistance or support of service  
23 animals retired from public service.

24 (b) For purposes of this section, the following definitions apply:

25 (1) ~~"Service animal."~~ Service animal. – Any horse, dog, or other animal owned  
26 by the State or a unit of local government that performs law enforcement,  
27 public safety, or emergency service functions.

28 (2) ~~"Unit of local government."~~ Unit of local government. – As defined in  
29 G.S. 159-7(b)(15). ~~G.S. 159-7(b)."~~

30 **SECTION 6.** G.S. 20-194 is recodified as G.S. 17F-5 and reads as rewritten:

31 **"§ 17F-5. Defense of Highway Patrol members and other State law-enforcement officers in**  
32 **civil actions; payment of judgments.**

33 (a) Repealed by Session Laws 2011-145, s. 28.27(d), effective July 1, 2011.

34 (b) ~~In the event that~~ If a member of the Highway Patrol or any other State  
35 law-enforcement officer is sued in a civil action as an individual for acts occurring while ~~such~~  
36 the member or officer was alleged to be acting within the course and scope of his or her office,  
37 employment, service, ~~agency or authority, which was~~ agency, or authority, and the acts were  
38 alleged to be a proximate cause of the injury or ~~damage complained of,~~ damage, the Attorney  
39 General ~~is hereby authorized to~~ may defend ~~such~~ the employee through the use of a member of  
40 his or her staff or, in ~~his~~ the Attorney General's discretion, employ private counsel, subject to ~~the~~  
41 provisions of Article 31A of Chapter 143 of the General Statutes and G.S. 147-17(a) through (c)  
42 and (d). Any judgment rendered as a result of ~~said~~ the civil action against ~~such member of the~~  
43 Highway Patrol or other State law-enforcement officer, the employee for acts alleged to be  
44 committed within the course and scope of his or her office, employment, service, ~~agency~~ agency,  
45 or authority shall be paid as an expense of administration up to the limit provided in the Tort  
46 Claims Act.

47 (c) The coverage afforded under this Article ~~shall be~~ is excess coverage over any  
48 commercial liability insurance up to the limit of the Tort Claims Act."

49 **SECTION 7.** G.S. 36C-4-411 reads as rewritten:

50 **"§ 36C-4-411. Modification or termination of noncharitable irrevocable trust by consent.**

1 (a) If the settlor and all beneficiaries of a noncharitable irrevocable trust consent, they  
 2 may compel the modification or termination of the trust without the approval of the court even if  
 3 the modification or termination is inconsistent with a material purpose of the trust. If any  
 4 beneficiary (i) is a minor or incompetent or a person who is unborn or whose identity or location  
 5 is unknown and (ii) is unable to be represented under Article 3 of this Chapter, the settlor or any  
 6 competent adult beneficiary or the representative of any beneficiary properly represented under  
 7 Article 3 of this Chapter may institute a proceeding before the court to appoint a guardian ad  
 8 litem. The court shall allow the modification or termination if the court finds that, following the  
 9 appointment of a guardian ad litem, all beneficiaries or their representatives have consented. A  
 10 settlor's power to consent to a trust's modification or termination may be exercised ~~by~~by the  
 11 following:

- 12 (1) An agent under a power of attorney only to the extent expressly authorized by
- 13 the power of attorney or the terms of the trust.
- 14 (2) The settlor's general guardian or the guardian of the estate with the approval
- 15 of the court supervising the guardianship.

16 ...

17 (c) ~~Where~~If the beneficiaries of ~~an~~a noncharitable irrevocable trust seek to compel a  
 18 termination of the trust and the continuance of the trust is necessary to carry out a material  
 19 purpose of the trust, or ~~where~~where the beneficiaries seek to compel a modification of the trust in a  
 20 manner that is inconsistent with its material purpose, the trust may be modified or terminated, in  
 21 the discretion of the court, only if the court determines that the reason for modifying or  
 22 terminating the trust under the circumstances substantially outweighs the interest in  
 23 accomplishing a material purpose of the trust.

24 ...

25 (h) Except for the modification of a trust pursuant to subsection (a) of this section,  
 26 nothing in this section ~~shall be deemed to permit~~permits the modification of a trust to provide  
 27 for the removal and replacement of a trustee of the trust, including the addition of trust terms  
 28 providing for the removal and replacement of the trustee by one or more beneficiaries or other  
 29 persons."

30 **SECTION 8.** G.S. 41-73 reads as rewritten:

31 "**§ 41-73. Termination of a joint tenancy with right of survivorship.**

32 (a) Events terminating a joint tenancy with right of survivorship due to the collective  
 33 action of all joint tenants include the following:

34 ...

- 35 (3) The execution of an instrument by all joint tenants for the purpose of
- 36 expressing an intent to terminate the joint ~~tenancy as between or among~~  
 37 themselvestenancy.

38 (b) Events terminating a joint tenancy with right of survivorship due to the unilateral  
 39 action of a joint tenant include the following:

- 40 (1) The conveyance to a third party by a joint tenant of all of that joint tenant's
- 41 interest in the property held in the joint tenancy, including a foreclosure sale
- 42 pursuant to a power of sale in a deed of trust.

43 ...

- 44 (3) The execution of an instrument by a joint tenant where the joint tenant is both
- 45 the grantor and the grantee if the intention to terminate expressly appears in
- 46 the instrument. A termination under this subdivision ~~shall be~~is effective only
- 47 upon the recording, prior to the death of the joint tenant, of an instrument
- 48 expressing an intent to terminate in the office of the register of deeds in the
- 49 county or counties where the real property is situated.

- 50 (4) The filing by a joint tenant of a petition to partition.

51 (c) When a termination occurs, a tenancy in common is created as follows:

- 1 (1) If a termination occurs under subdivision (1) of subsection (a) of this section  
 2 because of the conveyance of all of the joint tenants' interests to a third party,  
 3 a tenancy in common is created among the tenants as to any proceeds of sale  
 4 or surplus funds generated from a foreclosure sale.
- 5 (2) If a termination occurs because of the execution by all of the joint tenants of  
 6 an instrument described in subdivision (2) or (3) of subsection (a) of this  
 7 section, a tenancy in common is created among the tenants.
- 8 (3) If a termination occurs under ~~subdivision (a)~~ subdivision (1) of subsection (b)  
 9 of this section because one of the joint tenants conveys all of that joint tenant's  
 10 interest to a third party and there are only two joint tenants, a tenancy in  
 11 common is created between the third party and the other joint tenant. If there  
 12 are more than two joint tenants and one of the joint tenants conveys all of that  
 13 joint tenant's interests to a third party, a tenancy in common is created among  
 14 the third party and the remaining joint tenants, who ~~remain~~ continue as joint  
 15 tenants with right of survivorship as between or among themselves.
- 16 (4) If a termination occurs because of the execution by a joint tenant of an  
 17 instrument described in subdivision (2) or (3) of subsection (b) of this section  
 18 or because of the filing of a petition by a joint tenant as provided in subdivision  
 19 (4) of subsection (b) of this section, and there are two joint tenants, a tenancy  
 20 in common is created between the joint tenant causing the termination and the  
 21 other joint tenant. If there are more than two joint tenants, a tenancy in  
 22 common is created among the joint tenant causing the termination and the  
 23 remaining joint ~~tenants~~ tenants, who continue as joint tenants with right of  
 24 survivorship as between or among themselves.

25 (d) The following events do not result in a termination of joint tenancy with right of  
 26 survivorship:

- 27 ...
- 28 (3) When married individuals holding an interest as tenants by the entirety in a  
 29 joint tenancy with one or more other joint tenants divorce. Unless the divorced  
 30 individuals agree otherwise, the divorced individuals ~~shall be~~ are deemed to  
 31 hold their existing interest equally as tenants in common as to each other, but  
 32 as joint tenants with right of survivorship as to remaining joint tenancy  
 33 holders.

34 (e) Nothing in this section ~~shall limit~~ limits the manner or effect of a termination ordered  
 35 by a court of competent jurisdiction."

36 **SECTION 9.** G.S. 74C-12 reads as rewritten:

37 "**§ 74C-12. Denial, suspension, or revocation of license, registration, or permit; duty to**  
 38 **report criminal arrests.**

39 (a) The Board may, after compliance with Chapter 150B of the General Statutes, deny,  
 40 ~~suspend~~ suspend, or revoke a license, certification, registration, or permit issued under this  
 41 Chapter if it is determined that the applicant, licensee, trainee, registrant, or permit holder has  
 42 done any of the following acts:

- 43 (1) Made any false statement or given any false information in connection with  
 44 any application for a license, registration, certification, or permit or for the  
 45 renewal or reinstatement of a license, certification, registration, or permit.
- 46 (2) Violated any provision of this Chapter.
- 47 (3) Violated any rule adopted by the Board pursuant to the authority contained in  
 48 this Chapter.
- 49 (4) Repealed by Session Laws 1989, c. 759, s. 10.

- 1 (5) Impersonated or permitted or aided and abetted any other person to  
2 impersonate a law enforcement officer of the United States, this State, any  
3 other state, or any political subdivision of a state.
- 4 (6) Engaged in or knowingly permitted any employee to engage in a private  
5 protective services profession when not lawfully in possession of a valid  
6 license or registration issued under ~~the provisions of this Chapter.~~
- 7 (7) Willfully failed or refused to render to a client service as agreed between the  
8 parties and for which compensation has been paid or tendered in accordance  
9 with the agreement of the parties.
- 10 (8) Knowingly made any false report to the employer or client for ~~whom~~ which  
11 information is being obtained.
- 12 (9) Committed an unlawful breaking or entering, assault, battery, kidnapping, or  
13 violated any State or federal firearms law.
- 14 (10) Knowingly violated or advised, encouraged, or assisted the violation of any  
15 court order or injunction in the course of business as a licensee.
- 16 (11) Repealed by Session Laws 1989, c. 759, s. 10.
- 17 (12) Undertaken to give legal advice or counsel or to in any way falsely represent  
18 that he or she is representing any attorney or ~~he or she~~ is appearing or will  
19 appear as an attorney in any legal proceeding.
- 20 (13) Issued, delivered, or uttered any simulation of process of any nature ~~which~~  
21 that might lead a person to believe that ~~such the~~ simulation – written, printed,  
22 or typed – may be a summons, warrant, ~~writ or writ~~, other court process, or  
23 any pleading in any court proceeding.
- 24 (14) Failed to make the required contribution to the Private Protective Services  
25 Education Fund or failed to maintain the certificate of liability insurance  
26 required by this Chapter.
- 27 (15) Violated the firearm provisions set forth in this Chapter.
- 28 (16) Repealed by Session Laws 1989, c. 759, s. 10.
- 29 (17) ~~Failed~~ With respect to a business entity licensed pursuant to this Chapter other  
30 than a sole proprietorship, failed to notify the Director by a business entity  
31 other than a sole proprietorship licensed pursuant to this Chapter of the  
32 cessation of employment of the ~~business entity's~~ qualifying agent within the  
33 time set forth in ~~this Chapter~~ G.S. 74C-8(c).
- 34 (18) ~~Failed~~ With respect to a business entity licensed pursuant to this Chapter,  
35 failed to obtain a substitute qualifying agent by a business entity within 30  
36 days within the time set forth in G.S. 74C-8(c) after its qualifying agent has  
37 ceased to serve as the business entity's qualifying agent. serve.
- 38 (19) Been judged incompetent by a court having jurisdiction under Chapter 35A or  
39 former Chapter 35 of the General Statutes or committed to a mental health  
40 facility for treatment of mental illness, as defined in G.S. 122C-3, by a court  
41 under G.S. 122C-271.
- 42 (20) Failed or refused to offer a report to a client within 30 days of the client's  
43 written request after the client has paid for services rendered.
- 44 (21) ~~Been~~ With respect to an applicant or a principal in the applicant's business,  
45 been previously denied a license, registration, or permit under this Chapter or  
46 previously had a license, registration, or permit revoked for cause. ~~The denial~~  
47 ~~or revocation shall include a principal in the applicant's business.~~
- 48 (22) Engaged in a private protective services profession under a name other than  
49 the name under which the license was obtained under ~~the provisions of this~~  
50 Chapter.

- 1 (23) Divulged to any person, except as required by law, any information acquired  
 2 by the license holder except at the direction of the employer or client for ~~whom~~  
 3 which the information was obtained. A licensee may divulge to any law  
 4 enforcement officer or district attorney or district attorney's representative any  
 5 information the law enforcement officer may require to investigate a criminal  
 6 offense with the prior approval and consent of the client.
- 7 (24) Fraudulently held himself or herself out as employed by or licensed by the  
 8 Department of Public Safety or any other governmental authority.
- 9 (25) Demonstrated intemperate habits or a lack of good moral character. ~~The acts~~  
 10 Acts that are prima facie evidence of ~~intemperate~~ that an applicant does not  
 11 have temperate habits or lack of good moral character under G.S. 74C-8(d)(2)  
 12 are prima facie evidence of the same intemperate habits or lack of good moral  
 13 character under this subdivision.
- 14 (26) Advertised or solicited business using a name other than that in which the  
 15 license was issued.
- 16 (27) Worn, carried, or accepted any badge or shield purporting to indicate that ~~the~~  
 17 ~~person~~ he or she is a law enforcement officer while licensed under ~~the~~  
 18 ~~provisions of this Chapter~~ as a private investigator.
- 19 (28) Possessed or ~~displayed a badge or shield~~ displayed, while providing private  
 20 protective ~~services~~ services, a badge or shield that was not designed and  
 21 approved by the Board pursuant to G.S. 74C-5(12).
- 22 (29) Failed or refused to reasonably cooperate with the Board or its agents during  
 23 an investigation of any complaint, allegation, suspicion of wrongdoing, or  
 24 violation of this Chapter.
- 25 (30) Failed to properly make any disclosure to the Board or provide documents or  
 26 information required by this Chapter or rules adopted by the Board.
- 27 (31) Engaged in conduct constituting dereliction of duty or otherwise deceived,  
 28 defrauded, or harmed the public in the course of professional activities or  
 29 services.
- 30 (32) Demonstrated a lack of financial responsibility.

31 (b) The denial, revocation, or suspension of a license, registration, or permit by the Board  
 32 shall be in writing, be signed by the Director of the Board, and state the grounds upon which the  
 33 Board decision is based. The aggrieved person ~~shall have~~ has the right to appeal from this  
 34 decision as provided in Chapter 150B of the General Statutes. The aggrieved person shall file the  
 35 appeal within 60 days of receipt of the Board's decision.

36 (c) The following persons ~~may~~ shall not be issued a license under this Chapter:

- 37 (1) A sworn court official.
- 38 (2) A holder of a company police commission under Chapter 74E of the General  
 39 Statutes.

40 ...."

41 **SECTION 10.(a)** G.S. 90-186 reads as rewritten:

42 **"§ 90-186. Special powers of the Board.**

43 In addition to the powers set forth in ~~G.S. 90-185 above~~, G.S. 90-185, the Board ~~may~~ may do  
 44 any of the following:

- 45 (1) Fix minimum standards for continuing veterinary medical education for  
 46 veterinarians and ~~technicians, which shall be technicians.~~ technicians. These standards are  
 47 a condition precedent to the renewal of a veterinary license, limited license,  
 48 veterinary faculty certificate, zoo veterinary certificate, or veterinary  
 49 technician registration, respectively, registration under this Article; Article.
- 50 (2) Inspect any hospitals, clinics, mobile ~~units~~ units, or other facilities used by  
 51 any practicing veterinarian, either by a member of the Board or its authorized

- 1 representatives, for the purpose of reporting the results of the inspection to the  
 2 Board on a form prescribed by the Board and seeking disciplinary action for  
 3 violations of health, sanitary, and medical waste disposal rules of the Board  
 4 ~~affecting that affect~~ the practice of veterinary medicine, or violations of rules  
 5 of any county, state, or federal department or agency having jurisdiction in  
 6 these areas of health, sanitation, and medical waste disposal that relate to or  
 7 affect the practice of veterinary ~~medicine;~~medicine.
- 8 (3) **(Contingent expiration date – See editor's note)** Upon complaint or  
 9 information received by the Board, prohibit through summary emergency  
 10 order of the Board, prior to a hearing, the operation of any veterinary practice  
 11 facility that the Board determines is endangering, or may endanger, the public  
 12 health or safety or the welfare and safety of animals, and suspend the license  
 13 of the veterinarian operating the veterinary practice ~~facility, provided that~~  
 14 ~~upon~~ facility. Upon the issuance of any summary emergency order, the Board  
 15 shall initiate, within 10 days, a notice of hearing under the administrative rules  
 16 issued pursuant to this Article and Chapter 150B of the General Statutes for  
 17 an administrative hearing on the alleged ~~violation;~~violation.
- 18 (3) **(Contingent effective date – See editor's note)** Upon complaint or  
 19 information received by the Board, prohibit through summary emergency  
 20 order of the Board, prior to a hearing, the operation of any veterinary facility  
 21 that the Board determines is endangering, or may endanger, the public health  
 22 or safety or the welfare and safety of animals, and suspend the license of the  
 23 veterinarian operating the veterinary facility, provided that upon the issuance  
 24 of any summary emergency order, the Board shall initiate, within 10 days, a  
 25 notice of hearing under the administrative rules issued pursuant to this Article  
 26 and Chapter 150B of the General Statutes for an administrative hearing on the  
 27 alleged violation;
- 28 (4) Provide special registration for "veterinary ~~technicians,"~~technicians" and  
 29 "veterinary student ~~interns" and "veterinary student preceptees"~~interns" and  
 30 adopt rules concerning the training, ~~registration~~registration, and service limits  
 31 of ~~such these~~ assistants while employed by and acting under the supervision  
 32 and responsibility of veterinarians. The Board has exclusive jurisdiction in  
 33 determining eligibility and qualification requirements for these assistants.  
 34 Renewals of registrations for veterinary technicians shall be required at least  
 35 every 24 months, ~~provided that so long as~~ the certificate of registration for the  
 36 veterinary technician is otherwise eligible for ~~renewal;~~renewal.
- 37 (5) Provide, pursuant to administrative rules, requirements for the inactive status  
 38 of licenses and limited veterinary ~~licenses;~~licenses.
- 39 (6) Set and require fees pursuant to administrative rule. The Board may increase  
 40 the following fees, ~~provided so long as~~ (i) no fee shall be increased more than  
 41 fifteen percent (15%) within a calendar year and (ii) the cumulative total  
 42 increases of any fee shall not exceed one hundred percent (100%) of the fee  
 43 amounts set in this subdivision:  
 44 ...
- 45 d. **(Contingent expiration date – See editor's note)** Inspection of a  
 46 veterinary practice facility, ~~resulting from a serious inspection~~  
 47 ~~violation or as a result of the complaint,~~ in the amount of one hundred  
 48 fifty ~~fifty~~ dollars ~~(\$150.00)-(\$150.00).~~
- 49 d. **(Contingent effective date – See editor's note)** Inspection of a  
 50 veterinary facility, resulting from a serious inspection violation or as a



1 result of the complaint, in the amount of one hundred fifty dollars  
 2 (\$150.00).

3 ...  
 4 (7) Pursuant to administrative rule, to assess and recover against persons holding  
 5 licenses, limited licenses, temporary permits, or any certificates issued by the  
 6 Board, costs reasonably incurred by the Board in the investigation,  
 7 prosecution, hearing, or other administrative action of the Board in final  
 8 decisions or orders where those persons are found to have violated the  
 9 Veterinary Practice Act or administrative rules of the Board issued pursuant  
 10 to the ~~Act; provided, that all~~ Act. All recovered costs shall be the property  
 11 of the Board.

12 (8) Pursuant to administrative rule, the Board may establish all provisions and  
 13 requirements for a veterinary facility permit, the issuance of which ~~shall be is~~  
 14 required for any facility where veterinary medicine is practiced, except for  
 15 animal shelters registered with the Department of Agriculture and Consumer  
 16 Services.

17 ...."

18 **SECTION 10.(b)** G.S. 90-186, as amended by subsection (a) of this section, reads  
 19 as rewritten:

20 **"§ 90-186. Special powers of the Board.**

21 In addition to the powers set forth in G.S. 90-185, the Board may do any of the following:

22 ...

23 (6) Set and require fees pursuant to administrative rule. The Board may increase  
 24 the following fees, so long as (i) no fee shall be increased more than fifteen  
 25 percent (15%) within a calendar year and (ii) the cumulative total increases of  
 26 any fee shall not exceed one hundred percent (100%) of the fee amounts set  
 27 in this subdivision:

28 ...

29 d. **(Contingent expiration date – See editor's note)** Inspection of a  
 30 veterinary practice facility, in the amount of one hundred fifty dollars  
 31 (\$150.00).

32 d. **(Contingent effective date – See editor's note)** Inspection of a  
 33 veterinary facility, resulting from a serious inspection violation or as a  
 34 result of a complaint, in the amount of one hundred fifty dollars  
 35 (\$150.00).

36 ...."

37 **SECTION 10.(c)** Subsection (a) of this section is effective retroactively to October  
 38 1, 2022. Subsection (b) of this section becomes effective 60 days after the date that the rules  
 39 adopted pursuant to Section 4 of S.L. 2019-170 become effective. Except as otherwise provided,  
 40 this section is effective when it becomes law.

41 **SECTION 11.** G.S. 93B-8.1 reads as rewritten:

42 **"§ 93B-8.1. Use of criminal history records.**

43 (a) The following definitions apply in this section:

44 (1) Applicant. – ~~A person~~ An individual who makes application for licensure from  
 45 ~~an occupational licensing board~~ a board.

46 (2) Board. – An occupational licensing board or a State agency licensing board as  
 47 defined in G.S. 93B-1.

48 (3) Criminal history record. – A State or federal history of conviction of a crime,  
 49 whether a misdemeanor or felony, that bears upon an applicant's or a licensee's  
 50 fitness to be licensed or disciplined.

1 (4) Licensee. – ~~A person~~ An individual who has obtained a license to engage in  
2 or represent himself or herself to be a member of a particular profession or  
3 occupation.

4 (b) Unless federal law governing a particular board provides otherwise, a board may deny  
5 an applicant on the basis of a conviction of a crime only if the board finds that the applicant's  
6 criminal conviction history is directly related to the duties and responsibilities for the licensed  
7 occupation or the conviction is for a crime that is violent or sexual in nature. Notwithstanding  
8 any other provision of law, a board shall not automatically deny licensure on the basis of an  
9 applicant's criminal history, and no board ~~may~~ shall deny an applicant a license based on a  
10 determination that a conviction is for a crime of moral turpitude. The board shall make its  
11 determination based on the factors specified in subsection ~~(b1)~~ (b1) of this section.

12 (b1) Before a board may deny an applicant a license due to a criminal conviction under  
13 subsection (b) of this section, the board ~~must~~ shall specifically consider all of the following  
14 factors:

- 15 (1) The level and seriousness of the crime.
- 16 (2) The date of the crime.
- 17 (3) The age of the ~~person~~ individual at the time of the crime.
- 18 (4) The circumstances surrounding the commission of the crime, if known.
- 19 (5) The nexus between the criminal conduct and the prospective duties of the  
20 applicant as a licensee.
- 21 (6) The prison, jail, probation, parole, rehabilitation, and employment records of  
22 the applicant since the date the crime was committed.
- 23 (6a) The completion of, or active participation in, rehabilitative drug or alcohol  
24 treatment.
- 25 (6b) A Certificate of Relief granted pursuant to G.S. 15A-173.2.
- 26 (7) The subsequent commission of a crime by the applicant.
- 27 (8) Any affidavits or other written documents, including character references.

28 (b2) If the board denies an applicant a license under this section, the board ~~shall~~ shall do  
29 all of the following:

- 30 (1) Make written findings specifying the factors in subsection (b1) of this section  
31 the board deemed relevant to the applicant and explaining the reason for the  
32 denial. The board's presiding officer ~~must~~ shall sign the findings.
- 33 (2) Provide or serve a signed copy of the written findings to the applicant within  
34 60 days of the denial.
- 35 (3) Retain a signed copy of the written findings for no less than five years.

36 (b3) Each board shall include in its application for licensure and on its public ~~Web site~~  
37 website all of the following information:

- 38 (1) Whether the board requires applicants to consent to a criminal history record  
39 check.
- 40 (2) The factors considered by the board under subsection (b1) of this section  
41 ~~which the board shall consider~~ when making a determination of licensure.
- 42 (3) The appeals process pursuant to Chapter 150B of the General Statutes if the  
43 board denies an applicant licensure in whole or in part because of a criminal  
44 conviction.

45 (b4) If a board requires an applicant to submit a criminal history record, the board shall  
46 require the provider of the criminal history record to provide the applicant with access to the  
47 applicant's criminal history record or otherwise deliver a copy of the criminal history record to  
48 the applicant. If an applicant's criminal history includes matters that will or may prevent the board  
49 from issuing a license to the applicant, the board shall notify the applicant in writing of the  
50 specific issues in sufficient time for the applicant to provide additional documentation supporting  
51 the application for consideration by the board prior to any final decision to deny the application.

1 After being notified of any potential issue with licensure due to one or more criminal  
2 ~~conviction(s)~~, convictions, an applicant shall have 30 days to respond by either correcting any  
3 inaccuracy in the criminal history record or submitting evidence of mitigation or rehabilitation  
4 for consideration by the board.

5 (b5) If, following a hearing, a board denies an application for licensure, the board's written  
6 order shall include specific reference to any criminal ~~conviction(s)~~ conviction considered as part  
7 or all of any basis for the denial and the rationale for the denial, as well as a reference to the  
8 appeal process and the applicant's ability to reapply. No applicant shall be restricted from  
9 reapplying for licensure for more than two years from the date of the most recent application.

10 (b6) Notwithstanding any other provisions in the law, an individual with a criminal history  
11 may petition a board at any time, including before ~~an~~ the individual starts or completes any  
12 mandatory education or training requirements, for a predetermination of whether the individual's  
13 criminal history will likely disqualify the individual from obtaining a license. This petition shall  
14 include a criminal history record report obtained by the individual from a reporting service  
15 designated by the board, the cost of which shall be borne by the applicant. Criminal history  
16 records relating to a predetermination petition ~~shall not be considered~~ are not public records under  
17 Chapter 132 of the General Statutes. A board may predetermine that the petitioner's criminal  
18 history is likely grounds for denial of a license only after the board has applied the requirements  
19 of subsection (b) of this section. Each board shall delegate authority for ~~such a~~ the  
20 predetermination to its ~~Executive Director~~ executive director or ~~their equivalent~~, equivalent  
21 officer, or to a committee of the board, so that the predeterminations can be made in a timely  
22 manner. No board member having served on a predetermination committee for an individual  
23 shall be required to recuse in any later determinations or hearings involving the same applicant.  
24 The board shall inform the individual of the board's determination within 45 days of receiving  
25 the petition from the individual. The board may charge a fee to recoup its costs not to exceed  
26 forty-five dollars (\$45.00) for each petition. If the board determines an applicant would likely be  
27 denied licensure based on ~~their~~ the individual's criminal history, the board shall notify the  
28 individual in writing of the following:

29 (1) The grounds and reasons for the predetermination.

30 (2) That the petitioner has the right to complete any requirements for ~~licensure~~  
31 and licensure, to apply to the board ~~board~~, and to have ~~their~~ the petitioner's  
32 application considered by the board under its application process.

33 (3) That further evidence of rehabilitation will be considered upon application.

34 (b7) A predetermination made under subsection (b6) of this section that a petitioner's  
35 criminal history would likely prevent ~~them from~~ licensure is not a final agency decision and ~~shall~~  
36 does not entitle the individual to any right to judicial review under Article 4 of Chapter 150B of  
37 the General Statutes.

38 (b8) A predetermination made under subsection (b6) of this section that a petitioner is  
39 eligible for a license ~~shall be~~ is binding if both of the following apply:

40 (1) ~~the~~ The petitioner applies for licensure and fulfills all other requirements for  
41 the occupational ~~license~~ license.

42 (2) ~~and the~~ The applicant's submitted criminal history was correct and remains  
43 unchanged at the time of application for a license.

44 (c) ~~The board may deny licensure to an applicant who refuses~~ If a board requires an  
45 applicant to consent to a criminal history record check or use of fingerprints or other identifying  
46 information required by the State or National Repositories of Criminal ~~Histories~~ Histories, the  
47 board may deny licensure to an applicant who refuses to consent.

48 (c1) Nothing in this section or in G.S. 93B-1 ~~shall be construed as authorizing an~~  
49 occupational licensing board or a State agency licensing authorizes a board to require an applicant  
50 to consent to a criminal history record check or use of fingerprints or other identifying

1 information required by the State or National Repositories of Criminal Histories as a condition  
2 of granting or renewing a license.

3 (d) This section does not apply to The North Carolina Criminal Justice Education and  
4 Training Standards Commission and the North Carolina Sheriffs' Education and Training  
5 Standards Commission."

6 **SECTION 12.** G.S. 130A-115 reads as rewritten:

7 "**§ 130A-115. Death registration.**

8 (a) A death certificate for each death ~~which that~~ occurs in this State shall be filed with  
9 the local registrar of the county in which the death occurred within five days after the death. If  
10 the place of death is unknown, a death certificate shall be filed within five days in the county  
11 where the dead body is found. If the death occurs in a moving conveyance, a death certificate  
12 shall be filed in the county in which the dead body was first removed from the conveyance.

13 (b) The funeral director or person acting as ~~such funeral director~~ who first assumes  
14 custody of a dead body shall file the death certificate with the local registrar. The personal data  
15 shall be obtained from the next of kin or the best qualified person or source available. The funeral  
16 director or person acting as ~~such funeral director~~ is responsible for obtaining the medical  
17 certification of the cause of death, stating facts relative to the date and place of burial, and filing  
18 the death certificate with the local registrar within five days of the death.

19 (c) The medical certification shall be completed and signed by the physician in charge of  
20 the patient's care for the illness or condition ~~which that~~ resulted in death, except when the death  
21 falls within the circumstances described in G.S. 130A-383. In the absence of the physician or  
22 with the physician's approval, the certificate may be completed and signed by an associate  
23 physician, a physician assistant in a manner consistent with G.S. 90-18.1(e1), a nurse practitioner  
24 in a manner consistent with G.S. 90-18.2(e1), the chief medical officer of the hospital or facility  
25 in which the death ~~occurred~~ occurred, or a physician who performed an autopsy upon the  
26 decedent under the following circumstances: the individual has access to the medical history of  
27 the deceased; the individual has viewed the deceased at or after death; and the death is due to  
28 natural causes. In the absence of ~~a treating physician, physician assistant, or nurse practitioner in~~  
29 ~~charge of the patient's care at the time of death, the chief medical officer of the hospital or facility~~  
30 ~~in which the death occurred, or a physician performing an autopsy, any individual otherwise~~  
31 authorized under this section, the death certificate may be completed by any other physician,  
32 physician assistant, or nurse practitioner who undertakes reasonable efforts to ascertain the events  
33 surrounding the patient's death. When specifically approved by the State Registrar, an electronic  
34 signature or facsimile signature of the physician, physician assistant, or nurse practitioner ~~shall~~  
35 be is acceptable. As used in this section, the term ~~electronic signature~~ "electronic signature" has  
36 the same meaning as applies in G.S. 66-58.2. The physician, physician assistant, or nurse  
37 practitioner shall state the cause of death on the certificate in definite and precise terms. A  
38 certificate containing any indefinite terms or denoting only symptoms of disease or conditions  
39 resulting from disease as defined by the State ~~Registrar, Registrar~~ shall be returned to the person  
40 making the medical certification for correction and more definite statement.

41 (c1) A physician, physician assistant, or nurse practitioner completing and signing a  
42 medical certification in accordance with subsection (c) of this section ~~shall is not be~~ liable in civil  
43 damages for any acts or omissions relating to the medical certification so long as the cause of  
44 death is determined in good faith using the individual's best clinical judgment and consistent with  
45 current guidance provided by the applicable licensing board, unless the acts or omissions amount  
46 to wanton conduct or intentional wrongdoing. This immunity is in addition to any other legal  
47 immunity from liability to which these individuals may be entitled.

48 (d) The physician, physician assistant, nurse practitioner, or medical examiner making  
49 the medical certification as to the cause of death shall complete the medical certification no more  
50 than three days after death. The physician, physician assistant, nurse practitioner, or medical  
51 examiner may, in appropriate cases, designate the cause of death as unknown pending an autopsy

1 or upon some other reasonable cause for ~~delay~~, delay but shall send the supplementary  
2 information to the local registrar as soon as it is obtained.

3 (e) In the case of death or fetal death without medical attendance, it ~~shall be~~ is the duty  
4 of the funeral director or person acting as ~~such~~ funeral director and any other person having  
5 knowledge of the death to notify the local medical examiner of the death. The body shall not be  
6 disposed of or removed without the permission of the medical examiner. If there is no county  
7 medical examiner, the Chief Medical Examiner shall be notified.

8 (f) A physician, physician assistant, or nurse practitioner, who completes a death  
9 certificate in good faith, and without fraud or malice, ~~shall be~~ is immune from civil liability or  
10 professional discipline.

11 (g) ~~Beginning September 1, 2022, death certificates shall be filed electronically with the~~  
12 ~~Office of Vital Records via the North Carolina Database Application for Vital Events~~  
13 ~~(NCDAVE) system. No individual responsible for the certification of a death pursuant to~~  
14 ~~subsection (c) of this section shall fail or refuse to certify the death certificate via the designated~~  
15 ~~electronic death registration system. Notwithstanding subsection (f) of this section, any~~  
16 ~~individual who willfully and knowingly violates this requirement may be assessed an~~  
17 ~~administrative penalty of two hundred fifty dollars (\$250.00) for the first violation, five hundred~~  
18 ~~dollars (\$500.00) for the second violation, and one thousand dollars (\$1,000.00) for the third and~~  
19 ~~each subsequent violation.~~

20 (h) ~~Beginning September 1, 2022, death~~ Death certificates shall be filed electronically  
21 with the Office of Vital Records via the North Carolina Database Application for Vital Events  
22 (NCDAVE) system. No individual responsible for the certification of a death pursuant to  
23 subsection (c) of this section shall fail or refuse to certify the death certificate via the designated  
24 electronic death registration system. Notwithstanding subsection (f) of this section, the  
25 Department may impose an administrative penalty against any individual who willfully and  
26 knowingly violates this requirement in the amount of two hundred fifty dollars (\$250.00) for the  
27 first violation, five hundred dollars (\$500.00) for the second violation, and one thousand dollars  
28 (\$1,000) for the third and each subsequent violation.

29 (i) The clear proceeds of penalties assessed under this section shall be remitted to the  
30 Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2."

31 **SECTION 13.** G.S. 130A-309.06(a)(12) is recodified as the second sentence of  
32 G.S. 143B-135.204(a). G.S. 143B-135.204 reads as rewritten:

33 "**§ 143B-135.204. Powers and duties of the Secretary.**

34 (a) Operation of Park. – The Secretary of the Department of Natural and Cultural  
35 Resources may adopt rules governing the operation of the Zoological Park, including rules  
36 regulating its use and enjoyment by the public. ~~Provide~~ The Department must provide and  
37 maintain recycling bins for the collection and recycling of newspaper, aluminum cans, glass  
38 containers, and recyclable plastic beverage containers at the ~~North Carolina~~ Zoological Park.

39 "...."

40 **SECTION 14.** G.S. 130A-440.1 reads as rewritten:

41 "**§ 130A-440.1. Early Childhood Vision Care.**

42 (a) Vision Screening Required for Children Entering Kindergarten. – Every child in this  
43 State entering kindergarten in the public schools, ~~beginning with the 2007-2008 school year,~~  
44 schools shall obtain vision screening in accordance with vision screening standards adopted by  
45 the Governor's Commission on Early Childhood Vision Care. screening. Within 180 days of the  
46 start of the school year, the parent of the child shall present to the school principal or the  
47 principal's designee certification that the child has, within the past 12 months, obtained vision  
48 screening conducted by a licensed physician, optometrist, physician assistant, nurse practitioner,  
49 registered nurse, orthoptist, or a vision screener certified by Prevent Blindness North Carolina,  
50 or a comprehensive eye examination performed by an ophthalmologist or optometrist. The health  
51 assessment transmittal form required pursuant to G.S. 130A-440 qualifies as certification that the

1 child has obtained the required vision screening. All providers conducting vision screening shall  
2 provide each parent in writing the results of the vision screening on forms bearing the signature  
3 of the ~~provider supplied to the provider by the Governor's Commission on Early Childhood~~  
4 ~~Vision Care.~~ provider. The provider shall also orally communicate this information to the parent  
5 and shall take reasonable steps to ensure that the parent understands the information  
6 communicated. In the instance where a child enters the first grade without having been enrolled  
7 in a kindergarten program requiring a vision screening, the requirements for vision screening  
8 under this subsection shall apply.

9 ~~comprehensive eye examination pursuant to the terms of this section not more than six~~  
10 ~~months prior to the date of school entry~~

11 (a1) Comprehensive Eye Examination. – For children who receive and fail to pass a vision  
12 screening as required under subsection (a) of this section, a comprehensive eye examination is  
13 required. If a public school teacher, administrator, or other appropriate school personnel has  
14 reason to believe that a child enrolled in kindergarten through third grade is having problems  
15 with vision, the school personnel may recommend to the child's parent that the child have a  
16 comprehensive eye examination. ~~Notification to the parent shall also inform the parent that funds~~  
17 ~~may be available from the Governor's Commission on Early Childhood Vision Care to pay~~  
18 ~~providers for the examination, including corrective lenses.~~

19 The comprehensive eye examination shall be conducted by a duly licensed optometrist or  
20 ophthalmologist. The comprehensive eye examination conducted pursuant to this section shall  
21 consist of a complete and thorough examination of the eye and shall ~~include:~~include the  
22 following:

- 23 (1) Measurement of visual ~~acuity;~~acuity.
- 24 (2) Ocular alignment and ~~motility;~~motility.
- 25 (3) Depth perception – ~~stereopsis;~~stereopsis.
- 26 (4) ~~Fusion;~~Fusion.
- 27 (5) Slit lamp examination of the lid margins, conjunctivae, cornea, anterior  
28 chamber, iris, and crystalline ~~lens;~~lens.
- 29 (6) Examination of the ocular adnexa, the anterior segment, and ~~pupils;~~and pupils.
- 30 (7) Cycloplegic refraction and dilated fundus examination.

31 Health assessment vision screening under G.S. 130A-440 is not a comprehensive eye  
32 examination for purposes of this section.

33 (b) Repealed by Session Laws 2006-240, s. 1(a), effective August 13, 2006.

34 (c) The results of a comprehensive eye examination conducted under this section shall  
35 ~~be included on the comprehensive eye examination transmittal form developed by the~~  
36 ~~Commission pursuant to G.S. 143B-216.75 and shall contain a summary of the comprehensive~~  
37 ~~eye examination performed~~ by the optometrist or ophthalmologist. Any treatment  
38 recommendations by the optometrist or ophthalmologist, such as spectacles for schoolwork, shall  
39 appear in the summary and school health card. The provider shall present a signed transmittal  
40 form to the parent upon completion of the examination. The parent shall submit the transmittal  
41 form to the school in accordance with this section.

42 (d) Repealed by Session Laws 2006-240, s. 1(a), effective August 13, 2006.

43 (e) G.S. 130A-441, 130A-442, and 130A-443, pertaining to health assessments, apply to  
44 comprehensive eye examinations required under this section.

45 (f) No child shall be excluded from attending school for a parent's failure to obtain a  
46 comprehensive eye examination required under this section. If a parent fails or refuses to obtain  
47 a comprehensive eye examination or to provide the certification of a comprehensive eye  
48 examination, the school shall send a written reminder to the parent of required eye ~~examinations~~  
49 ~~and shall include information about funds that may be available from the Governor's Commission~~  
50 ~~on Early Childhood Vision Care examinations.~~

1       (g) ~~In adopting standards for vision screening under this section and as required under~~  
2 ~~G.S. 130A-440, the Commission shall take into account the resources necessary to comply with~~  
3 ~~the standards and, if standards will require additional resources, shall mitigate the impact on~~  
4 ~~resources without compromising vision screening effectiveness.~~

5       (h) As used in this section, the term "parent" means the parent, guardian, or person  
6 standing in loco parentis."

7       **SECTION 15.** G.S. 150B-21.12 reads as rewritten:

8       "**§ 150B-21.12. Procedure when Commission objects to a permanent rule.**

9       (a) Action. – When the Commission objects to a permanent rule, it must send the agency  
10 that adopted the rule a written statement of the objection and the reason for the objection. The  
11 agency that adopted the rule must take one of the following actions:

12           (1) Change the rule to satisfy the Commission's objection and submit the revised  
13 rule to the Commission.

14           (2) Submit a written response to the Commission indicating that the agency has  
15 decided not to change the rule.

16       ...

17       (c) Changes. – When an agency changes a rule in response to an objection by the  
18 Commission, the Commission must determine whether the change satisfies the Commission's  
19 objection. If it does, the Commission must approve the rule. If it does not, the Commission must  
20 send the agency a written statement of the Commission's continued objection and the reason for  
21 the continued objection. The Commission must also determine whether the change is substantial.  
22 In making this determination, the Commission ~~shall~~must use the standards set forth in  
23 G.S. 150B-21.2(g). If the change is substantial, the revised rule ~~shall~~must be published and  
24 reviewed in accordance with the procedure set forth in G.S. 150B-21.1(a3) and (b).

25       (d) Return of Rule. – A rule to which the Commission has objected remains under review  
26 by the Commission until the agency that adopted the rule decides not to satisfy the Commission's  
27 objection and makes a written request to the Commission to return the rule to the agency. When  
28 the Commission returns a rule to which it has objected, it must notify the Codifier of Rules of its  
29 action. If the rule that is returned would have increased or decreased expenditures or revenues of  
30 a unit of local government, the Commission must also notify the Governor of its action and must  
31 send a copy of the record of the Commission's review of the rule to the Governor. The record of  
32 review consists of the rule, the Commission's letter of objection to the rule, the agency's written  
33 response to the Commission's letter, and any other relevant documents before the Commission  
34 when it decided to object to the rule.

35       ~~Regulatory Reform"~~

36       **SECTION 16.** G.S. 160D-1110 reads as rewritten:

37       "**§ 160D-1110. Building permits.**

38       (a) Except as provided in subsection (c) of this section, no person shall commence or  
39 proceed with any of the following without first securing all permits required by the State Building  
40 Code and any other State or local laws applicable to any of the following activities:

41           (1) The construction, reconstruction, alteration, repair, movement to another site,  
42 removal, or demolition of any building or structure.

43           (2) The installation, extension, or general repair of any plumbing ~~system~~system,  
44 except that in any one- or two-family dwelling unit a permit is not required  
45 for the connection of a water heater that is being replaced if (i) the work is  
46 performed by a person licensed under G.S. 87-21 who personally examines  
47 the work at completion and ensures that a leak test has been performed on the  
48 gas ~~piping~~piping and (ii) the energy use rate or thermal input is not greater  
49 than that of the water heater that is being replaced, there is no change in fuel,  
50 energy source, location, capacity, or routing or sizing of venting and piping,

1 and the replacement is installed in accordance with the current edition of the  
2 State Building Code.

3 ...

4 However, a building permit is not required for the installation, maintenance, or replacement  
5 of any load control device or equipment by an electric power supplier, as defined in  
6 G.S. 62-133.8, or an electrical contractor contracted by the electric power supplier, so long as the  
7 work is subject to supervision by an electrical contractor licensed under Article 4 of Chapter 87  
8 of the General Statutes. The electric power supplier shall provide ~~such~~the installation,  
9 maintenance, or replacement in accordance with (i) an activity or program ordered, authorized,  
10 or approved by the North Carolina Utilities Commission pursuant to G.S. 62-133.8 or  
11 G.S. 62-133.9 or (ii) a similar program undertaken by a municipal electric service provider,  
12 whether the installation, modification, or replacement is made before or after the point of delivery  
13 of electric service to the customer. ~~The~~This exemption ~~under this subsection~~ applies to all  
14 existing installations.

15 (b) A building permit shall be in writing and shall contain a provision that the work done  
16 shall comply with the North Carolina State Building Code and all other applicable State and local  
17 laws. Nothing in this section requires a local government to review and approve residential  
18 building plans submitted to the local government pursuant to the North Carolina Residential  
19 Code, ~~provided that so long as~~ the local government may review and approve the residential  
20 building plans as it deems necessary. If a local government chooses to review residential building  
21 plans for any structures subject to regulation under the North Carolina Residential Code for  
22 One- and Two-Family Dwellings, all initial reviews for the building permit ~~must~~shall be  
23 performed within 15 business days of submission of the plans. A local government shall not  
24 require residential building plans for one- and two-family dwellings to be sealed by a licensed  
25 engineer or licensed architect unless required by the North Carolina State Building Code. No  
26 building permits shall be issued unless the plans and specifications are identified by the name  
27 and address of ~~the author thereof, and, if their~~ author. If the General Statutes of North Carolina  
28 require that plans for certain types of work be prepared only by a licensed architect or licensed  
29 engineer, no building permit shall be issued unless the plans and specifications bear the North  
30 Carolina seal of a licensed architect or of a licensed engineer. When any provision of the General  
31 Statutes of North Carolina or of any ordinance or development or zoning regulation requires that  
32 work be done by a licensed specialty contractor of any kind, no building permit for the work shall  
33 be issued unless the work is to be performed by ~~such a~~ duly-licensed contractor.

34 (c) No permit issued under Article 9 ~~or 9C~~ of Chapter 143 of the General Statutes is  
35 required for any construction, installation, repair, replacement, or alteration costing twenty  
36 thousand dollars (\$20,000) or less and performed in accordance with the current edition of the  
37 North Carolina State Building Code ~~costing twenty thousand dollars (\$20,000) or less~~ in any  
38 single-family residence, farm building, or commercial building unless the work involves any of  
39 the following:

- 40 (1) The addition, repair, or replacement of load-bearing structures. However, no  
41 permit is required for replacement of windows, doors, exterior siding, or the  
42 pickets, railings, stair treads, and decking of porches and exterior decks that  
43 otherwise meet the requirements of this subsection.
- 44 (2) The addition or change in the design of plumbing. However, no permit is  
45 required for replacements otherwise meeting the requirements of this  
46 subsection that do not change size or capacity.
- 47 (3) The addition, replacement, or change in the design of heating,  
48 air-conditioning, or electrical wiring, devices, appliances, or equipment, other  
49 than like-kind replacement of electrical devices and lighting fixtures.
- 50 (4) The use of materials not permitted by the North Carolina State Building Code.



1 (5) The addition ~~(excluding replacement)~~ of ~~roofing~~roofing, excluding  
2 replacement.

3 (6) Any changes to which the North Carolina Fire Prevention Code applies.

4 (d) A local government shall not require more than one building permit for the complete  
5 installation or replacement of any natural gas, propane gas, or electrical appliance on an existing  
6 structure when the installation or replacement is performed by a person licensed under G.S. 87-21  
7 or G.S. 87-43. The cost of the building permit for ~~such this~~ work shall not exceed the cost of any  
8 one individual trade permit issued by that local ~~government, nor shall the government~~. The local  
9 government shall not increase the costs of any fees to offset the loss of revenue caused by this  
10 provision.

11 (e) No building permit shall be issued pursuant to subsection (a) of this section for any  
12 land-disturbing activity, as defined in ~~G.S. 113A-52(6)~~, G.S. 113A-52, or for any activity  
13 covered by G.S. 113A-57, unless an erosion and sedimentation control plan for the site of the  
14 activity or a tract of land including the site of the activity has been approved under Article 4 of  
15 Chapter 113A of the General Statutes, the Sedimentation Pollution Control Act.

16 ~~(f) No building permit shall be issued pursuant to subsection (a) of this section for any~~  
17 ~~land-disturbing activity that is subject to, but does not comply with, the requirements of~~  
18 ~~G.S. 113A-71.~~

19 (g) No building permit shall be issued pursuant to subdivision (1) of subsection (a) of this  
20 section ~~where the cost of the for work is costing~~ thirty thousand dollars (\$30,000) or ~~more, other~~  
21 ~~than for improvements to an existing single family residential dwelling unit as defined in~~  
22 ~~G.S. 87-15.5(7) that the owner occupies as a residence, or for the addition of an accessory~~  
23 ~~building or accessory structure as defined in the North Carolina Uniform Residential Building~~  
24 ~~Code, the use of which is incidental to that residential dwelling unit, more~~ unless the name,  
25 physical and mailing address, telephone number, facsimile number, and ~~electronic mail email~~  
26 address of the lien agent designated by the owner pursuant to G.S. 44A-11.1(a) ~~is~~are  
27 conspicuously set forth in the permit or in an attachment ~~thereto~~. ~~The building permit may contain~~  
28 ~~the lien agent's electronic mail address, to the permit. This condition does not apply to~~  
29 improvements to an existing single-family residential dwelling unit as defined in G.S. 87-15.5  
30 that the owner occupies as a residence or to the addition of an accessory building or accessory  
31 structure as defined in the North Carolina Uniform Residential Building Code, the use of which  
32 is incidental to that residential dwelling unit. The lien agent information for each permit issued  
33 pursuant to this subsection shall be maintained by the inspection department in the same manner  
34 and in the same location in which it maintains its record of building permits issued. ~~Where~~ When  
35 the improvements to a real property leasehold are limited to the purchase, transportation, and  
36 setup of a manufactured home, as defined in ~~G.S. 143-143.9(6)~~, G.S. 143-143.9, the purchase  
37 price of the manufactured home ~~shall be~~is excluded in determining whether the cost of the work  
38 is thirty thousand dollars (\$30,000) or more.

39 (h) No local government ~~may~~shall withhold a building permit or certificate of occupancy  
40 that otherwise would be eligible to be issued under this section to compel, with respect to another  
41 property or parcel, completion of work for a separate permit or compliance with land-use  
42 regulations under this Chapter unless otherwise authorized by law or unless the local government  
43 reasonably determines the existence of a public safety issue directly related to the issuance of a  
44 building permit or certificate of occupancy.

45 (i) Violation of this section ~~constitutes~~is a Class 1 misdemeanor."

46 **SECTION 17.** Section 12 of S.L. 2012-149 reads as rewritten:

47 "**SECTION 12.** ~~Section 5 is effective on and after the date that a magistrate is appointed by~~  
48 ~~the chief district court judge to perform the function set forth in that section. Sections 3, 4, and~~  
49 11 of this act become effective December 1, 2012, and apply to offenses committed on or after  
50 that date. The remainder of this act is effective when it becomes law. Sections 6, 7, 8, 9, and 10  
51 apply beginning with the 2012-2013 school year."

1           **SECTION 18.(a)** Section 34.3B(c) of S.L. 2021-180 reads as rewritten:

2           **"SECTION 34.3B.(c)** This section is effective for taxable years beginning on or after  
3 ~~January 1, 2021, January 1, 2020,~~ and applies to amounts received by a taxpayer on or after that  
4 date."

5           **SECTION 18.(b)** The introductory language of Section 6.5(a) of S.L. 2021-189  
6 reads as rewritten:

7           **"SECTION 6.5.(a)** Section 34.3A(h) of ~~S.L. 2021-280~~ S.L. 2021-180 reads as rewritten:"

8           **SECTION 19.** Section 40.3(f) of S.L. 2021-180, as enacted by Section 18.2 of S.L.  
9 2022-6, reads as rewritten:

10          **"SECTION 40.3.(f)** Notwithstanding any other provision of law to the contrary, there shall  
11 be no local match required for the North Topsail Beach Shoreline Protection – Phases 1-4 project  
12 referenced in ~~subsection (b)~~ subsection (c) of this section."

13          **SECTION 20.(a)** Section 7(c) of S.L. 2022-73, as amended by Section 5.2(a) of S.L.  
14 2022-72, reads as rewritten:

15          **"SECTION 7.(c)** This section is effective when it becomes law and applies to vacancies  
16 occurring on or after that date."

17          **SECTION 20.(b)** This section is effective retroactively to July 11, 2022.

18          **SECTION 21.(a)** The introductory language of Section 15.3(f) of S.L. 2022-74 reads  
19 as rewritten:

20          **"SECTION 15.3.(f)** ~~G.S. 112-275(c1)~~ G.S. 113-275(c1) reads as rewritten:"

21          **SECTION 21.(b)** This section becomes effective July 1, 2023.

22          **SECTION 22.(a)** Section 20.4(b) of S.L. 2022-74 reads as rewritten:

23          **"SECTION 20.4.(b)** ~~G.S. 147-69.2(22)~~ G.S. 147-69.22(a)(22) and G.S. 147-69.6A are  
24 repealed."

25          **SECTION 22.(b)** This section is effective retroactively to July 1, 2022.

26          **SECTION 23.(a)** The introductory language of Section 39.16 of S.L. 2022-74 reads  
27 as rewritten:

28          **"SECTION 39.16.** Section 39.15A(b) of S.L. 2021-180 reads as rewritten:"

29          **SECTION 23.(b)** This section is effective retroactively to July 1, 2022.

30          **SECTION 24.** Except as otherwise provided, this act is effective when it becomes  
31 law.