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(Public)

Sponsors:

Referred to:

March 2, 2023

A BILL TO BE ENTITLED

AN ACT TO MAKE REVISIONS PERTAINING TO DEATH INVESTIGATIONS UNDER THE JURISDICTION OF THE OFFICE OF THE CHIEF MEDICAL EXAMINER, TO MODIFY CERTAIN LAWS RELATED TO LIMITED DRIVING PRIVILEGES AND RESTORATION OF A LICENSE AFTER CERTAIN DRIVING WHILE IMPAIRED CONVICTIONS, TO MODIFY SECTION 5 OF SESSION LAW 2023-151 RELATED TO THE LICENSE PLATE READER PILOT PROGRAM, TO MODIFY THE RURAL ELECTRIFICATION AUTHORITY AND CERTAIN FEES, TO ALLOW SCHOOL BOARDS TO USE EMINENT DOMAIN FOR EASEMENTS, TO ADD TIANEPTINE TO THE CONTROLLED SUBSTANCE SCHEDULES, TO EXEMPT LEASES OF PROPERTY BY THE HALIFAX-NORTHAMPTON REGIONAL AIRPORT AUTHORITY FROM GENERAL LAWS REGARDING DISPOSAL OF PROPERTY AND TO ALLOW THE AUTHORITY TO ENTER INTO CERTAIN LEASES FOR A TERM OF UP TO FORTY YEARS, AND TO REMOVE THE VETERANS BURIAL RESIDENCY REQUIREMENT.

The General Assembly of North Carolina enacts:

REVISIONS PERTAINING TO DEATH INVESTIGATIONS UNDER THE JURISDICTION OF THE OFFICE OF THE CHIEF MEDICAL EXAMINER

SECTION 1.(a) G.S. 130A-382(b) reads as rewritten:

"(b) County medical examiners shall complete continuing education training as directed by the Office of the Chief Medical Examiner and based upon established and published guidelines for conducting death investigations. The continuing education training shall include training regarding (i) sudden unexpected death in epilepsy, epilepsy and (ii) requirements for compliance with the duties prescribed by G.S. 130A-385 and G.S. 130A-389. The Office of the Chief Medical Examiner shall annually update and publish these guidelines on its Internet Web site. Newly appointed county medical examiners shall complete mandatory orientation training as directed by the Office of the Chief Medical Examiner within 90 days ~~of~~ after their appointment."

SECTION 1.(b) G.S. 130A-385 reads as rewritten:

"§ 130A-385. Duties of medical examiner upon receipt of notice; reports; copies.

(a) Upon receipt of a notification under G.S. 130A-383, the medical examiner shall take charge of the body, make inquiries regarding the cause and manner of death, reduce the findings



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1 to writing and promptly make a full report to the Chief Medical Examiner on forms prescribed
2 for that purpose.

3 ~~The Chief Medical Examiner or the county medical examiner is authorized to inspect and
4 copy the medical records of the decedent whose death is under investigation. In addition, in an
5 investigation conducted pursuant to this Article, the Chief Medical Examiner or the county
6 medical examiner is authorized to inspect all physical evidence and documents which may be
7 relevant to determining the cause and manner of death of the person whose death is under
8 investigation, including decedent's personal possessions associated with the death, clothing,
9 weapons, tissue and blood samples, cultures, medical equipment, X rays and other medical
10 images. The Chief Medical Examiner or county medical examiner is further authorized to seek
11 an administrative search warrant pursuant to G.S. 15-27.2 for the purpose of carrying out the
12 duties imposed under this Article. In addition to the requirements of G.S. 15-27.2, no
13 administrative search warrant shall be issued pursuant to this section unless the Chief Medical
14 Examiner or county medical examiner submits an affidavit from the office of the district attorney
15 in the district in which death occurred stating that the death in question is not under criminal
16 investigation.~~

17 (1) In all cases, the Chief Medical Examiner or the county medical examiner may
18 (i) inspect the decedent's body, (ii) inspect and copy the medical records of
19 the decedent whose death is under investigation, (iii) collect and inspect the
20 decedent's body and personal possessions associated with the death, including
21 clothing on the decedent's body, and (iv) collect tissue and blood samples,
22 cultures, medical images, X-rays, and other medical information obtained
23 through the use of medical equipment.

24 (2) In the case of a decedent whose death is not under criminal investigation, the
25 Chief Medical Examiner or the county medical examiner conducting an
26 investigation pursuant to this Article is authorized to inspect all other physical
27 evidence and documents that may be relevant to determining the cause and
28 manner of death of the person whose death is under investigation, and the
29 Chief Medical Examiner or county medical examiner may seek an
30 administrative search warrant pursuant to G.S. 15-27.2 for the purpose of
31 carrying out the duties imposed under this section.

32 (3) In the case of a decedent whose death is under criminal investigation, no
33 administrative search warrant shall be issued pursuant to this section, and the
34 Chief Medical Examiner or the county medical examiner is not authorized to
35 inspect other physical evidence or documents at the scene except as permitted
36 by the investigating law enforcement agency. The district attorney or
37 investigating law enforcement agency shall inform the Chief Medical
38 Examiner, the county medical examiner, or the autopsy center, as applicable,
39 that the death is under criminal investigation. Nothing in this subsection
40 prohibits the Chief Medical Examiner or the county medical examiner from
41 being present during the execution of a search warrant by the investigating
42 law enforcement agency.

43 The Chief Medical Examiner shall provide directions as to the nature, character and extent
44 of an investigation and appropriate forms for the required reports. The facilities of the central and
45 district offices and autopsy centers and their staff services shall be available to the medical
46 examiners and designated pathologists in their investigations.

47 (a1) The Office of the Chief Medical Examiner shall conduct comprehensive toxicology
48 screening in all child death cases that fall under the jurisdiction of the medical examiner pursuant
49 to G.S. 130A-383 or G.S. 130A-384.

50 (b) The medical examiner shall complete a certificate of death, stating the name of the
51 disease ~~which in his opinion~~ that, in the opinion of the medical examiner, caused death. If the

1 death was from external causes, the medical examiner shall state on the certificate of death the
2 means of death, and whether, in the medical examiner's opinion, the manner of death was
3 accident, suicide, homicide, execution by the State, or undetermined. The medical examiner shall
4 also furnish any information as may be required by the State Registrar of Vital Statistics in order
5 to properly classify the death.

6 (c) ~~The Chief Medical Examiner shall have authority to amend a medical examiner death~~
7 ~~certificate.~~ The Chief Medical Examiner may amend a certificate of death completed by a medical examiner pursuant to
8 subsection (b) of this section.

9 (d) ~~A copy of the report of the medical examiner investigation may be forwarded to the~~
10 ~~appropriate district attorney.~~ Upon request by the district attorney, the Office of the Chief Medical
11 Examiner, the local medical examiner, and the autopsy center, as applicable, shall provide a
12 complete copy of the medical examiner investigation file to the appropriate district attorney. For
13 purposes of this subsection, the "medical examiner investigation file" means the finalized
14 toxicology report, the finalized autopsy report, any autopsy examination notes, any death scene
15 notes, the finalized report of investigation of a medical examiner, the case encounter form, any
16 case comments, any case notes, any autopsy photographs, any scene photographs, and any video
17 or audio recordings of the autopsy examination in the custody and control of the North Carolina
18 Office of the Chief Medical Examiner, a pathologist designated by the Chief Medical Examiner,
19 a county medical examiner appointed under G.S. 130A-382, or an investigating medical
20 examiner in connection with a death under criminal investigation by a public law enforcement
21 agency. Each records custodian shall be responsible for providing the portions of the medical
22 examiner investigation file within its custody and control. This is a continuing disclosure
23 obligation, and any records or other materials responsive to the district attorney's request that are
24 discovered or added to the medical examiner investigation file after the request was made shall
25 also be provided to the district attorney. The district attorney or investigating law enforcement
26 agency shall inform the Chief Medical Examiner, the county medical examiner, or the autopsy
27 center, as applicable, if the death is no longer under criminal investigation and the obligation is
28 terminated.

29 (e) In cases where death occurred due to an injury received in the course of the decedent's
30 employment, the Chief Medical Examiner shall forward to the Commissioner of Labor a copy of
31 the medical examiner's report of the investigation, including the location of the fatal injury and
32 the name and address of the decedent's employer at the time of the fatal injury. The Chief Medical
33 Examiner shall forward this report within 30 days of receipt of the information from the medical
34 examiner.

35 (f) If a death occurred in a facility licensed subject to Article 2 or Article 3 of Chapter
36 122C of the General Statutes, or Articles 1 or 1A of Chapter 131D of the General Statutes, and
37 the deceased was a client or resident of the facility or a recipient of facility services at the time
38 of death, then the Chief Medical Examiner shall forward a copy of the medical examiner's report
39 to the Secretary of Health and Human Services within 30 days of receipt of the report from the
40 medical examiner."

41 **SECTION 1.(c)** G.S. 130A-389(a) reads as rewritten:

42 "(a) The Chief Medical Examiner or a competent pathologist designated by the Chief
43 Medical Examiner shall perform an autopsy or other study in each of the following cases:

- 44 (1) If, in the opinion of the medical examiner investigating the case or of the Chief
45 Medical Examiner, it is advisable and in the public interest that an autopsy or
46 other study be made.
- 47 (2) If an autopsy or other study is requested by the district attorney of the county
48 or by any superior court judge.
- 49 (3) ~~In~~ Notwithstanding subdivision (2) of this subsection, in any case in which the
50 district attorney of the county asserts to the Chief Medical Examiner or the
51 medical examiner of the county in which the body was located that there is

1 probable cause to believe that a violation of G.S. 14-18.4 has occurred, a
2 complete autopsy shall be performed. The district attorney has at least 72
3 weekday hours after pronouncement of death by a person authorized under
4 this Part to express the opinion that death has occurred to make the assertion
5 required by this subdivision, provided that the district attorney or the
6 investigating law enforcement agency provides notification within the first 24
7 hours after the pronouncement that such an assertion might be made. The
8 district attorney may, but is not required to, assert to the Chief Medical
9 Examiner the facts supporting probable cause to believe that a violation of
10 G.S. 14-18.4 has occurred.

11 A complete autopsy report of findings and interpretations, prepared on forms designated for
12 the purpose, shall be submitted promptly to the Chief Medical Examiner. Subject to the
13 limitations of G.S. 130A-389.1 relating to photographs and video or audio recordings of an
14 autopsy, a copy of the report shall be furnished to any person upon request."

15 **SECTION 1.(d)** This section becomes effective October 1, 2024.

17 **IGNITION INTERLOCK AND LIMITED DRIVING PRIVILEGE CHANGES**

18 **SECTION 2.(a)** G.S. 20-179.3 reads as rewritten:

19 **"§ 20-179.3. Limited driving privilege.**

20 (a) Definition of Limited Driving Privilege. – A limited driving privilege is a judgment
21 issued in the discretion of a court for good cause shown authorizing a person with a revoked
22 driver's license to drive for essential purposes related to any of the following:

- 23 (1) The person's employment.
- 24 (2) The maintenance of the person's household.
- 25 (3) The person's education.
- 26 (4) The person's court-ordered treatment or assessment.
- 27 (5) Community service ordered as a condition of the person's probation.
- 28 (6) Emergency medical care.
- 29 (7) Religious worship.

30 (b) Eligibility. –

- 31 (1) ~~A~~ Except as otherwise provided in subdivision (3) of this subsection, a person
32 convicted of the offense of impaired driving under G.S. 20-138.1 is eligible
33 for a limited driving privilege if all of the following requirements are met:
 - 34 a. At the time of the offense the person held either a valid driver's license
35 or a license that had been expired for less than one year.
 - 36 b. At the time of the offense the person had not within the preceding
37 seven years been convicted of an offense involving impaired driving.
 - 38 c. Punishment Level Three, Four, or Five was imposed for the offense of
39 impaired driving.
 - 40 d. Subsequent to the offense the person has not been convicted of, or had
41 an unresolved charge lodged against the person for, an offense
42 involving impaired driving.
 - 43 e. The person has obtained and filed with the court a substance abuse
44 assessment of the type required by G.S. 20-17.6 for the restoration of
45 a drivers license.

46 A person whose North Carolina driver's license is revoked because of a
47 conviction in another jurisdiction substantially similar to impaired driving
48 under G.S. 20-138.1 is eligible for a limited driving privilege if the person
49 would be eligible for it had the conviction occurred in North Carolina.
50 Eligibility for a limited driving privilege following a revocation under
51 G.S. 20-16.2(d) is governed by G.S. 20-16.2(e1).

- 1 (2) Any person whose licensing privileges are forfeited pursuant to
 2 G.S. 15A-1331.1 is eligible for a limited driving privilege if the court finds
 3 that at the time of the forfeiture, the person held either a valid drivers license
 4 or a drivers license that had been expired for less than one year and either of
 5 the following requirements is met:
 6 a. The person is supporting existing dependents or must have a drivers
 7 license to be gainfully employed.
 8 b. The person has an existing dependent who requires serious medical
 9 treatment and the defendant is the only person able to provide
 10 transportation to the dependent to the health care facility where the
 11 dependent can receive the needed medical treatment.

12 The limited driving privilege granted under this subdivision must restrict
 13 the person to essential driving related to the purposes listed above, and any
 14 driving that is not related to those purposes is unlawful even though done at
 15 times and upon routes that may be authorized by the privilege.

- 16 (3) A person convicted of the offense of impaired driving under G.S. 20-138.1
 17 that has been convicted of not more than one offense involving impaired
 18 driving within the preceding seven years is eligible for a limited driving
 19 privilege if all of the following requirements are met:

- 20 a. At the time of the offense the person held either a valid driver's license
 21 or a license that had been expired for less than one year.
 22 b. At the time of the offense the person did not have an alcohol
 23 concentration of 0.15 or more.
 24 c. One of the following punishment levels was imposed for the offense
 25 of impaired driving:
 26 1. Punishment Level Three, Four, or Five.
 27 2. Punishment Level Two, but only if the Grossly Aggravating
 28 Factor determined to impose Punishment Level Two was the
 29 Grossly Aggravating Factor provided in G.S. 20-179(c)(1).
 30 d. Subsequent to the offense the person has not been convicted of, or had
 31 an unresolved charge lodged against the person for, an offense
 32 involving impaired driving.
 33 e. The person has obtained and filed with the court a substance abuse
 34 assessment of the type required by G.S. 20-17.6 for the restoration of
 35 a drivers license.

36 A person whose North Carolina driver's license is revoked because of a
 37 conviction in another jurisdiction substantially similar to impaired driving
 38 under G.S. 20-138.1 is eligible for a limited driving privilege if the person
 39 would be eligible for it had the conviction occurred in North Carolina.
 40 Eligibility for a limited driving privilege following a revocation under
 41 G.S. 20-16.2(d) is governed by G.S. 20-16.2(e1).

42 ...
 43 (g3) Ignition Interlock Allowed. – A judge may include all of the following in a limited
 44 driving privilege order:

- 45 (1) A restriction that the applicant may operate only a designated motor vehicle.
 46 (2) A requirement that the designated motor vehicle be equipped with a
 47 functioning ignition interlock system of a type approved by the
 48 Commissioner. The Commissioner shall not unreasonably withhold approval
 49 of an ignition interlock system and shall consult with the Division of Purchase
 50 and Contract in the Department of Administration to ensure that potential
 51 vendors are not discriminated against. All approved vendors shall report all

1 attempts to start the vehicle with an alcohol concentration greater than 0.02 or
2 any other violations of the interlock policies established by the Division for
3 use of an ignition interlock system or a violation of G.S. 20-17.8A to the
4 Commissioner in accordance with Division requirements.

- 5 (3) A requirement that the applicant personally activate the ignition interlock
6 system before driving the motor vehicle.

7 If the limited driving privilege order includes the restrictions set forth in this subsection, then
8 the limitations set forth in subsections (a), (f), (g), (g1), and (g2) of this section do not apply
9 when the person is operating the designated motor vehicle with a functioning ignition interlock
10 system.

11 (g4) The restrictions set forth in subsection (g3) and (g5) of this section do not apply to a
12 motor vehicle that meets all of the following requirements:

- 13 (1) Is owned by the applicant's employer.
14 (2) Is operated by the applicant solely for work-related purposes.
15 (3) Its owner has filed with the court a written document authorizing the applicant
16 to drive the vehicle, for work-related purposes, under the authority of a limited
17 driving privilege.

18 (g5) Ignition Interlock Required. – If a person's drivers license is revoked for a conviction
19 of G.S. 20-138.1, and the person had an alcohol concentration of 0.15 or ~~more~~, more or is eligible
20 for a limited driving privilege pursuant to subdivision (b)(3) of this section, a judge shall include
21 all of the following in a limited driving privilege order:

- 22 (1) A restriction that the applicant may operate only a designated motor vehicle.
23 (2) A requirement that the designated motor vehicle be equipped with a
24 functioning ignition interlock system of a type approved by the
25 Commissioner, which is set to prohibit driving with an alcohol concentration
26 of greater than 0.02. The Commissioner shall not unreasonably withhold
27 approval of an ignition interlock system and shall consult with the Division of
28 Purchase and Contract in the Department of Administration to ensure that
29 potential vendors are not discriminated against. All approved vendors shall
30 report all attempts to start the vehicle with an alcohol concentration greater
31 than 0.02 or any other violations of the interlock policies established by the
32 Division for use of an ignition interlock system or a violation of
33 G.S. 20-17.8A to the Commissioner in accordance with Division
34 requirements.

- 35 (3) A requirement that the applicant personally activate the ignition interlock
36 system before driving the motor vehicle.

37 If the limited driving privilege order includes the restrictions set forth in this subsection, then
38 the limitations set forth in subsections (a), (f), (g), (g1), and (g2) of this section do not apply
39 when the person is operating the designated motor vehicle with a functioning ignition interlock
40 system. For purposes of this subsection, the results of a chemical analysis presented at trial or
41 sentencing shall be sufficient to prove a person's alcohol concentration, shall be conclusive, and
42 shall not be subject to modification by any party, with or without approval by the court. The
43 removal of the ignition interlock system prior to the end of the revocation period or any extension
44 shall void the limited driving privilege and the Division shall remove the limited driving privilege
45 from the person's driving record. The interlock provider shall notify the holder of the limited
46 driving privilege that removal voids the limited driving privilege in accordance with Division
47 policy. The Division shall notify the person by first class mail at the address on file with the
48 Division that the limited driving privilege is void and does not authorize driving due to removal
49 of the ignition interlock system.

50 ...

1 (j) Effect of Violation of Restriction. – ~~A~~ Except as otherwise provided in subsection (j2)
2 of this section, a person holding a limited driving privilege who violates any of its restrictions
3 commits the offense of driving while license is revoked for impaired driving under
4 G.S. 20-28(a1) and is subject to punishment and license revocation as provided in that section. If
5 a law-enforcement officer has reasonable grounds to believe that the person holding a limited
6 driving privilege has consumed alcohol while driving or has driven while the person has
7 remaining in the person's body any alcohol previously consumed, the suspected offense of
8 driving while license is revoked is an alcohol-related offense subject to the implied-consent
9 provisions of G.S. 20-16.2. If a person holding a limited driving privilege is charged with driving
10 while license revoked by violating a restriction contained in the limited driving privilege, and a
11 judicial official determines that there is probable cause for the charge, the limited driving
12 privilege is suspended pending the resolution of the case, and the judicial official must require
13 the person to surrender the limited driving privilege. The judicial official must also notify the
14 person that the person is not entitled to drive until the case is resolved.

15 Notwithstanding any other provision of law, an alcohol screening test may be administered
16 to a driver suspected of violating this section, and the results of an alcohol screening test or the
17 driver's refusal to submit may be used by a law enforcement officer, a court, or an administrative
18 agency in determining if alcohol was present in the driver's body. No alcohol screening tests are
19 valid under this section unless the device used is one approved by the Department of Health and
20 Human Services, and the screening test is conducted in accordance with the applicable
21 regulations of the Department as to the manner of its use.

22 ...
23 (j2) Effect of Ignition Interlock System Violation During Final 90-Day Period. –
24 Notwithstanding subsection (j) of this section, a person holding a limited driving privilege,
25 including the restriction set forth in subsection (g5) of this section who commits an ignition
26 interlock system violation during the 90-day period immediately preceding the date on which the
27 person's compliance with subsection (g5) of this section is to end, shall have the period of
28 revocation and authorization to drive with the limited driving privilege in compliance with
29 subsection (g5) of this section extended for an additional period of 90 days or until the person
30 has been violation-free for such extended period. For purposes of this subsection, the term
31 "ignition interlock system violation" means any of the following:

32 (1) Any attempt to start the vehicle with an alcohol concentration greater than
33 0.02 or violation of any of the other restrictions set forth in subsection (g5) of
34 this section.

35 (2) A violation of G.S. 20-17.8A.

36 (3) A violation of any of the policies established by the Division for use of an
37 ignition interlock system on a designated motor vehicle.

38 The Division shall notify the holder of the limited driving privilege of any violation and the
39 right to appeal in accordance with Division policy. The Division shall provide for a telephonic
40 hearing if the holder appeals an extension. The extension shall continue pending appeal. The
41 Division shall send notice of the extension to the person holding the limited driving privilege by
42 first class mail to the address on file with the Division.

43"

44 **SECTION 2.(b)** G.S. 20-17.8 reads as rewritten:

45 "**§ 20-17.8. Restoration of a license after certain driving while impaired convictions;**
46 **ignition interlock.**

47 (a) Scope. – This section applies to a person whose license was revoked as a result of a
48 conviction of driving while impaired, G.S. 20-138.1, and any of the following conditions is met:

49 (1) The person had an alcohol concentration of 0.15 or more.

1 (2) The person has been convicted of another offense involving impaired driving,
2 which offense occurred within seven years immediately preceding the date of
3 the offense for which the person's license has been revoked.

4 (3) The person was sentenced pursuant to G.S. 20-179(f3).

5 For purposes of subdivision (1) of this subsection, the results of a chemical analysis, as shown
6 by an affidavit or affidavits executed pursuant to G.S. 20-16.2(c1), shall be used by the Division
7 to determine that person's alcohol concentration.

8 (a1) Additional Scope. – This section applies to a person whose license was revoked as a
9 result of a conviction of habitual impaired driving, G.S. 20-138.5. Except for a conviction under
10 G.S. 20-141.4(a2), this section also applies to a person whose license was revoked as a result of
11 a conviction under G.S. 20-141.4.

12 (b) Ignition Interlock Required. – Except as provided in subsection (l) of this section,
13 when the Division restores the license of a person who is subject to this section, in addition to
14 any other restriction or condition, it shall require the person to agree to and shall indicate on the
15 person's drivers license the following restrictions for the period designated in subsection (c):

16 (1) A restriction that the person may operate only a vehicle that is equipped with
17 a functioning ignition interlock system of a type approved by the
18 Commissioner. The Commissioner shall not unreasonably withhold approval
19 of an ignition interlock system and shall consult with the Division of Purchase
20 and Contract in the Department of Administration to ensure that potential
21 vendors are not discriminated against. All approved vendors shall report all
22 attempts to start the vehicle with an alcohol concentration greater than 0.02 or
23 any other violations of the interlock policies established by the Division for
24 use of an ignition interlock system or a violation of G.S. 20-17.8A to the
25 Commissioner in accordance with Division requirements.

26 (2) A requirement that the person personally activate the ignition interlock system
27 before driving the motor vehicle.

28 (3) A requirement that the person not drive with an alcohol concentration of 0.02
29 or greater.

30 (c) Length of Requirement. – ~~The~~ Except as otherwise provided in subsection (g1) of this
31 section, the requirements of subsection (b) shall remain in effect for one of the following:

32 (1) One year from the date of restoration if the original revocation period was one
33 year.

34 (2) Three years from the date of restoration if the original revocation period was
35 four years.

36 (3) Seven years from the date of restoration if the original revocation was a
37 permanent revocation.

38 ...

39 (f) Effect of Violation of Restriction. – ~~A~~ Except as otherwise provided in subsection
40 (g1) of this section, a person subject to this section who violates any of the restrictions of this
41 section commits the offense of driving while license revoked for impaired driving under
42 G.S. 20-28(a1) and is subject to punishment and license revocation as provided in that section. If
43 a law enforcement officer has reasonable grounds to believe that a person subject to this section
44 has consumed alcohol while driving or has driven while he has remaining in his body any alcohol
45 previously consumed, the suspected offense of driving while license is revoked is an
46 alcohol-related offense subject to the implied-consent provisions of G.S. 20-16.2. If a person
47 subject to this section is charged with driving while license revoked by violating a condition of
48 subsection (b) of this section, and a judicial official determines that there is probable cause for
49 the charge, the person's license is suspended pending the resolution of the case, and the judicial
50 official must require the person to surrender the license. The judicial official must also notify the
51 person that he is not entitled to drive until his case is resolved. An alcohol concentration report

1 from the ignition interlock system shall not be admissible as evidence of driving while license
2 revoked, nor shall it be admissible in an administrative revocation proceeding as provided in
3 subsection (g) of this section, unless the person operated a vehicle when the ignition interlock
4 system indicated an alcohol concentration in violation of the restriction placed upon the person
5 by subdivision (b)(3) of this section.

6 (g) Effect of Violation of Restriction When Driving While License Revoked Not
7 Charged. – A-Except as otherwise provided in subsection (g1) of this section, a person subject to
8 this section who violates any of the restrictions of this section, but is not charged or convicted of
9 driving while license revoked pursuant to G.S. 20-28(a), shall have the person's license revoked
10 by the Division for a period of one year.

11 (g1) Effect of Ignition Interlock System Violation During Final 90-Day Period. –
12 Notwithstanding subsection (f) or (g) of this section, a person subject to this section who commits
13 an ignition interlock system violation during the 90-day period immediately preceding the date
14 on which the person's length of requirement set forth in subsection (c) of this section is to end
15 shall have the period of compliance with subsection (b) of this section extended for an additional
16 period of 90 days or until the person has been violation-free for such extended period. For
17 purposes of this subsection, the term "ignition interlock system violation" means any of the
18 following:

- 19 (1) Any attempt to start the vehicle with an alcohol concentration greater than
20 0.02 or violation of any of the other restrictions set forth in subsection (b) of
21 this section.
22 (2) A violation of G.S. 20-17.8A.
23 (3) A violation of any of the policies established by the Division for use of an
24 ignition interlock system on a designated motor vehicle.

25 The Division shall notify the license holder of any violation and the right to appeal in
26 accordance with Division policy. The Division shall provide for a telephonic hearing if the holder
27 appeals an extension. The extension shall continue pending appeal. The Division shall send
28 notice of the extension to the person holding the license by first class mail to the address on file
29 with the Division.

30 "...."

31 **SECTION 2.(c)** Prosecutions for offenses committed before the effective date of this
32 act are not abated or affected by this act, and the statutes that would be applicable but for this act
33 remain applicable to those prosecutions.

34 **SECTION 2.(d)** If House Bill 199, 2023 Regular Session, becomes law, then Section
35 2 of that act is repealed.

36 **SECTION 2.(e)** Subsection (a) of this section becomes effective December 1, 2024,
37 and applies to limited driving privileges issued on or after that date. Subsection (b) of this section
38 becomes effective December 1, 2024, and applies to drivers licenses revoked on or after that date.
39 The remainder of this section becomes effective December 1, 2024.

40 **MODIFY SECTION 5 OF SESSION LAW 2023-151 RELATED TO LICENSE PLATE** 41 **READER PILOT PROGRAM**

42 **SECTION 3.(a)** Subsection (a) of Section 5 of Session Law 2023-151 reads as
43 rewritten:

44 "SECTION 5.(a) The Department of Transportation may enter into agreements with the
45 North Carolina State Bureau of Investigation for the placement and use of automatic license plate
46 reader systems, as defined in G.S. 20-183.30(1), within land or right-of-way owned by the
47 Department of Transportation as part of a pilot program established by this section; provided that
48 (i) the use of the land or right-of-way is temporary in nature, (ii) the automatic license plate reader
49 system is above ground, removeable, and contains no combustible fuel, (iii) the placement and
50 use does not unreasonably interfere with the operation and maintenance of public utility facilities
51

1 or cause the facilities to fail to comply with all applicable laws, codes, and regulatory
2 requirements, (iv) the authorization to locate the automatic license plate reader system within the
3 right-of-way is revocable by the Department for cause with at least 30 days' notice, (v) the use
4 of the automatic license plate reader system complies with provisions of Article 8A of Chapter
5 87 of the General Statutes, and (vi) the automatic license plate reader system is operated in
6 accordance with Article 3D of Chapter 20 of the General Statutes. Placement and use of an
7 automatic license plate reader system and related equipment under this subsection must be
8 terminated and removed by the Department upon request by any affected public utility. The
9 Department or a public utility may relocate an automatic license plate reader system and related
10 equipment in the event that the Department or public utility needs immediate access to its utilities
11 or facilities and shall only be liable for damages to the automatic license plate reader system and
12 related equipment caused solely by its gross negligence or willful misconduct. If an automatic
13 license plate reader system or related equipment is moved for immediate access, the Department
14 or applicable public utility must provide notice to the State Bureau of Investigation. For purposes
15 of this subsection, the term "public utility" means any of the following: a public utility, as defined
16 in G.S. 62-3(23), an electric membership corporation, telephone membership corporation, a joint
17 municipal power agency, or a municipality, as defined in G.S. 159B-3(5). The State Bureau of
18 Investigation may enter into an agreement under this section on its own behalf or as an
19 administrative agent of a ~~local law enforcement agency in this State~~ federal, state, or local law
20 enforcement agency. Any law enforcement agency selected to participate in the pilot program
21 shall provide to the State Bureau of Investigation information pertaining to their agency's use of
22 each automatic license plate reader system located within the Department of Transportation
23 right-of-way. This information shall include the participating agency's written policy governing
24 the use of each system, the number of license plates captured by each system, and the number of
25 occasions data captured by each system was preserved for more than 90 days during the pilot
26 program, pursuant to the provisions established in G.S. 20-183.32(b). This information shall be
27 provided by each participating agency to the State Bureau of Investigation in accordance with
28 guidelines established by the State Bureau of Investigation."

29 **SECTION 3.(b)** Subsection (b) of Section 5 of Session Law 2023-151 reads as
30 rewritten:

31 **"SECTION 5.(b)** The North Carolina State Bureau of Investigation shall submit an initial
32 report no later than ~~April 15, 2025, April 15, 2026,~~ and a final report no later than ~~October 1,~~
33 ~~2025, October 1, 2026,~~ to the Joint Legislative Oversight Committee on Justice and Public Safety
34 and the Joint Legislative Transportation Oversight Committee on automatic license plate reader
35 systems placed on rights-of-way owned or maintained by the Department of Transportation. The
36 interim and final reports shall contain ~~the written policy governing use of each automatic license~~
37 ~~plate reader system, the number of requests for captured data by requesting agency, and the~~
38 ~~amount of data preserved for more than 90 days compared to the amount of data captured during~~
39 ~~the pilot program~~ each participating agency's written policy governing the use of each system,
40 the number of license plates captured by each system, and the number of occasions data captured
41 by each system was preserved for more than 90 days during the pilot program, pursuant to the
42 provisions established in G.S. 20-183.32(b). This information shall be provided by each
43 participating agency to the State Bureau of Investigation in accordance with guidelines
44 established by the State Bureau of Investigation. The final report shall include an evaluation of
45 the pilot program."

46 **SECTION 3.(c)** Subsection (h) of Section 5 of Session Law 2023-151 reads as
47 rewritten:

48 **"SECTION 5.(h)** Subsection (g) of this section becomes effective January 1, 2024, and
49 applies to offenses committed on or after that date. The remainder of this section becomes
50 effective January 1, 2024. Subsection (a) of this section expires ~~July 1, 2025, July 1, 2026,~~ and

1 any agreement entered into under the pilot program established in that section shall terminate no
2 later than that date."
3

4 **MODIFY RURAL ELECTRIFICATION AUTHORITY/FEE UPDATE**

5 **SECTION 4.(a)** G.S. 117-3 reads as rewritten:

6 "**§ 117-3. Authority not granted power to fix rates or order line extensions; right of**
7 **suggestion and petition.**

8 ~~The~~ Except as provided in G.S. 117-3.1(b), the Authority itself shall not be a rate-making
9 body, and shall have no power to fix the rates or service charges, or to order the extension of
10 lines by the power companies. ~~The~~ Except as provided in G.S. 117-3.1(b), the function of making
11 rates and service charges and orders for the extension of lines shall remain in the Utilities
12 Commission of North Carolina, and the Authority shall only have the right of suggestion and
13 petition to the Utilities Commission of its opinion as to the proper rates and service charges and
14 line extensions, and no rate recommended or suggested by the Authority shall be effective until
15 approved by the Utilities Commission: Provided, that if the Utilities Commission of North
16 Carolina does not have the right under the existing law to fix service charges in addition to the
17 rates prescribed for electrical energy, and the power to order line extensions, such power and
18 authority is hereby granted the Utilities Commission of North Carolina to fix and promulgate
19 service charges in addition to rates in any community which avails itself of this Article, and form
20 a corporation authorized hereunder to be known as electric membership corporation, and to order
21 line extensions when it shall determine that the same is proper and feasible."

22 **SECTION 4.(b)** G.S. 117-3.1 reads as rewritten:

23 "**§ 117-3.1. Regulatory fee.**

24 ...

25 (b) Rate. – For each fiscal year, ~~year in which the General Assembly does not establish a~~
26 rate, the regulatory fee shall be the ~~greater of the following:~~

27 (1) ~~The rate established by the General Assembly for that year for each electric~~
28 ~~membership corporation's North Carolina meter connected for service and~~
29 ~~each telephone membership corporation's North Carolina access line~~
30 ~~connected for service for each quarter of the year.~~

31 (2) Four cents (4¢) rate proposed by the Authority in accordance with this
32 subsection, which shall not be more than six cents (6¢) for each electric
33 membership corporation's North Carolina meter connected for service and for
34 each telephone membership corporation's North Carolina access line
35 connected for service for each quarter of the year.

36 When the Authority prepares its budget request for the upcoming fiscal year, the Authority
37 shall propose a rate for the regulatory fee. For fiscal years beginning in an odd-numbered year,
38 that proposed rate shall be included in the budget message the Governor submits to the General
39 Assembly pursuant to G.S. 143C-3-5. For fiscal years beginning in an even-numbered year, that
40 proposed rate shall be included in a special budget message the Governor shall submit to the
41 General Assembly. ~~If the General Assembly decides to set the regulatory fee at a rate higher than~~
42 ~~the rate in subdivision (2) of this subsection, it shall set the regulatory fee by law.~~

43 The regulatory fee may not exceed the amount necessary to generate funds sufficient to defray
44 the estimated cost of the operations of the Authority for the upcoming fiscal year, including a
45 reasonable margin for a reserve fund. The amount of the reserve may not exceed the estimated
46 cost of operating the Authority for the upcoming fiscal year. In calculating the amount of the
47 reserve, the General Assembly shall consider all relevant factors that may affect the cost of
48 operating the Authority or a possible unanticipated increase or decrease in North Carolina electric
49 meters and North Carolina telephone access lines.

50"
51

ALLOW SCHOOL BOARDS TO USE EMINENT DOMAIN FOR EASEMENTS

SECTION 5.(a) G.S. 115C-517 reads as rewritten:

"§ 115C-517. Acquisition of sites.

Local boards of education may acquire suitable sites for schoolhouses or other school facilities either within or without the local school administrative unit; but no school may be operated by a local school administrative unit outside its own boundaries, although other school facilities such as repair shops, may be operated outside the boundaries of the local school administrative unit. Whenever any ~~such board~~ local board of education is unable to acquire or enlarge a suitable ~~site or right-of-way site, right-of-way, or easement, including utility easements necessary to support school facilities situated on a site,~~ for a school, school building, school bus garage or ~~for a~~ parking area or access road suitable for school ~~buses~~ buses, or for other school facilities by gift or purchase, condemnation proceedings to acquire ~~same~~ the site, right-of-way, or easement may be instituted by ~~such board~~ the local board of education under the provisions of Chapter 40A of the General Statutes, and the determination of the local board of education of the land necessary for ~~such~~ these purposes shall be conclusive. For purposes of this section, utility easements include easements for water, sanitary sewer, electric power, broadband, and telecommunications services."

SECTION 5.(b) This section becomes effective July 1, 2024.

ADD TIANEPTINE TO THE CONTROLLED SUBSTANCE SCHEDULES

SECTION 6.(a) G.S. 90-90 reads as rewritten:

"§ 90-90. Schedule II controlled substances.

This schedule includes the controlled substances listed or to be listed by whatever official name, common or usual name, chemical name, or trade name designated. In determining that a substance comes within this schedule, the Commission shall find: a high potential for abuse; currently accepted medical use in the United States, or currently accepted medical use with severe restrictions; and the abuse of the substance may lead to severe psychic or physical dependence. The following controlled substances are included in this schedule:

...

- (2) Any of the following opiates or opioids, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation unless specifically exempted or listed in other schedules:

...

bb. Tianeptine.

...."

SECTION 6.(b) This section becomes effective December 1, 2024, and applies to offenses committed on or after that date.

HALIFAX-NORTHAMPTON REGIONAL AIRPORT AUTHORITY PROPERTY DISPOSAL

SECTION 7.(a) Section 4(a) of S.L. 1997-275, as amended by S.L. 1998-130 and S.L. 2012-116, reads as rewritten:

"Section 4. (a) The Airport Authority shall constitute a body, both corporate and politic, and shall have the following powers and authority:

...

- (6) To ~~sell, lease, sell~~ or otherwise dispose of any property, real or personal, belonging to the Airport Authority, according to the procedures described in Article 12 of Chapter 160A of the General Statutes, but no sale of real property shall be made without the approval of the Halifax County Board of

Commissioners, the Northampton County Board of Commissioners, and the Roanoke Rapids City Council.

(6a) To lease any property, real or personal, belonging to the Airport Authority under the terms and conditions the Airport Authority deems proper. Article 12 of Chapter 160A of the General Statutes shall not apply to leases entered into by the Airport Authority.

...

(10) To operate, own, lease, control, regulate, or grant to others, for a period not to exceed ~~25-40~~ years, the right to operate on any airport premises restaurants, snack bars, vending machines, food and beverage dispensing outlets, rental car services, catering services, novelty shops, insurance sales, advertising media, merchandising outlets, motels, hotels, barber shops, automobile parking and storage facilities, automobile service establishments, and all other types of facilities as may be directly or indirectly related to the maintenance and furnishing to the general public of a complete air terminal installation.

...

(12) To erect and construct buildings, hangars, shops, and other improvements and facilities, not inconsistent with or in violation of the agreements applicable to and the grants under which the real property of the Airport Authority is held and to lease those improvements and facilities for a term or terms not to exceed 40 years.

...."

SECTION 7.(b) This section is effective when it becomes law and applies to contracts entered into or renewed on or after that date.

REMOVE VETERANS BURIAL RESIDENCY REQUIREMENT

SECTION 8.(a) G.S. 65-43 reads as rewritten:

"§ 65-43. Definitions.

For purposes of this Article, the following definitions shall apply, unless the context requires otherwise:

...

(2) ~~A "legal resident" of a state means a person whose principal residence or abode is in that state, who uses that state to establish his or her right to vote and other rights in a state, and who intends to live in that state, to the exclusion of maintaining a legal residence in any other state.~~

(3) A "qualified veteran" means a veteran who ~~meets the requirements of sub-subdivisions a. and b. of this subdivision:~~

a. ~~A veteran who served an honorable military service or who served a period of honorable nonregular service and is any of the following:~~

~~1.a.~~ A veteran who is entitled to retired pay for nonregular service under 10 U.S.C. §§ 12731-12741, as amended.

~~2.b.~~ A veteran who would have been entitled to retired pay for nonregular service under 10 U.S.C. §§ 12731-12741, as amended, but for the fact that the person was under 60 years of age.

~~3.c.~~ A veteran who is eligible for interment in a national cemetery under 38 U.S.C. § 2402, as amended.

b. ~~Who is a legal resident of North Carolina:~~

~~1. At the time of death, or~~

~~2. For a period of at least 10 years, or~~

~~3. At the time he or she entered the Armed Forces of the United States."~~

1 **SECTION 8.(b)** G.S. 65-43.2 reads as rewritten:

2 "**§ 65-43.2. Proof of eligibility.**

3 ...

4 (b) The survivors or legal representative of the deceased shall notify the funeral director
5 that the deceased is to be interred in a veterans cemetery. The survivor or legal representative
6 shall furnish the funeral director with documentary evidence of the veteran's honorable military
7 ~~service and evidence to establish that the veteran is a legal resident of North Carolina.~~ service.
8 The funeral director shall notify the superintendent of the nearest State veterans cemetery to
9 arrange for the interment and convey to the superintendent all evidence to establish the veteran's
10 eligibility."

11

12 **EFFECTIVE DATE**

13 **SECTION 9.** Except as otherwise provided, this act is effective when it becomes
14 law.