

2005-2006 Legislation 'Effective July 1, 2006'

The following public law provisions were enacted during the 2005-2006 Session with an effective date of July 1, 2006.

[S.L. 2005-189](#) (HB 288) MV Move-Over Law Changes.

AN ACT TO AMEND THE LAW CONCERNING WHAT THE DRIVER OF A MOTOR VEHICLE SHALL DO UPON APPROACH OF AN EMERGENCY VEHICLE. [Entire Act]

[S.L. 2005-205](#) (HB 1032) Placing Students in Seclusion.

AN ACT TO CLARIFY THE PERMISSIBLE USE OF SECLUSION AND RESTRAINT IN PUBLIC SCHOOLS AND TO PROVIDE FOR TRAINING IN MANAGEMENT OF STUDENT BEHAVIOR. [Entire act, except as otherwise provided. See Section 7]

[S.L. 2005-276](#) (SB 622) 2005 Appropriations Act.

AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES. [See Sections 6.37, 7.51, 8.15, 10.18, 10.21C(as amended by 2005-345, s.16), 10.22, 10.40A, 10.40C, 10.47, 17.23, 29.24, 34.1]

[S.L. 2005-345](#) (HB 320) Modify 2005 Appropriations Act.

AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2005. [See Sections 7.51 & 16]

[S.L. 2005-384](#) (HB 1136) Mercury Switch Removal.

AN ACT TO REDUCE THE RELEASE OF MERCURY INTO THE ENVIRONMENT BY THE REMOVAL, COLLECTION, AND RECOVERY OF MERCURY SWITCHES FROM CERTAIN MOTOR VEHICLES. [See Section 4]

[S.L. 2005-404](#) (HB 750) Secondary Road Construction.

AN ACT RELATING TO THE IMPROVEMENT OF SECONDARY ROADS.
[Entire Act]

[S.L. 2005-412](#) (HB 735) Accident & Health Insur./Rate Stabilization.

AN ACT TO REQUIRE ANNUAL FILING AND ACTUARIAL CERTIFICATION OF RATES FOR INSURERS PROVIDING INDIVIDUAL ACCIDENT AND HEALTH INSURANCE BENEFITS AND TO BETTER PROTECT CONSUMERS FROM THE HARMFUL IMPACT OF BLOCKS OF BUSINESS BEING CLOSED. [Entire Act]

[S.L. 2005-445](#) (SB 1117) 2005 Military Support Act.

AN ACT TO ENACT THE 2005 SOLDIER, SAILOR, MARINE, AIRMEN, AND GUARDSMEN SUPPORT ACT. [See Part IA]

[S.L. 2005-451](#) (HB 630) Manufactured Homes Escrow Accounts.

AN ACT TO REQUIRE MANUFACTURED HOME DEALERS TO ESTABLISH AND MAINTAIN ESCROW OR TRUST ACCOUNTS FOR BUYER DEPOSITS; TO CLARIFY THE CONTRACT

NEGOTIATION PROCESS; AND TO CHANGE THE MEMBERSHIP OF THE NORTH CAROLINA MANUFACTURED HOUSING BOARD. [See Sections 4, 6 & 7]

S.L. 2006-16 (HB 1806) Tax Certification – Register of Deeds.

AN ACT TO ADD TYRRELL COUNTY TO THE LIST OF COUNTIES WHERE THE BOARD OF COMMISSIONERS MAY REQUIRE THE REGISTER OF DEEDS TO HAVE A CERTIFICATION THAT NO TAXES ARE DUE ON REAL PROPERTY BEFORE ACCEPTING FOR REGISTRATION A DEED TRANSFERRING OWNERSHIP OF THAT PROPERTY.
[Entire Act]

S.L. 2006-18 (HB 1892) IRC Update.

AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE USED IN DEFINING AND DETERMINING CERTAIN STATE TAX PROVISIONS AND TO MAKE OTHER CHANGES TO MORE CLOSELY CONFORM TO FEDERAL TAX LAW.
[See Sections 3-6]

S.L. 2006-19 (HB 1938) Amend Taxation of Logging Machinery.

AN ACT TO TREAT COMMERCIAL LOGGING MACHINERY THE SAME AS FARM MACHINERY UNDER THE SALES TAX. [Entire Act]

S.L. 2006-33 (HB 1915) SSTA Sales Tax Defn/Sales Tax Payments.

AN ACT TO INCORPORATE THE STREAMLINED SALES TAX DEFINITIONS CONCERNING TELECOMMUNICATIONS, TO SIMPLIFY THE TAX PAYMENT REQUIREMENTS FOR SEMIMONTHLY TAXPAYERS, AND TO TREAT TANGIBLE PERSONAL PROPERTY USED IN MODULAR HOMES THE SAME AS TANGIBLE PERSONAL PROPERTY USED IN OTHER HOMES. [See Section 11]

S.L. 2006-38 (SB 1598) Clarify Animal Waste Tech Specialist Cert Rqs.

AN ACT TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO EVALUATE THE TRAINING AND QUALIFICATION REQUIREMENTS FOR ANIMAL WASTE MANAGEMENT SYSTEMS TECHNICAL SPECIALISTS AND TO EXTEND THE PERIOD OF TIME THAT ANIMAL WASTE MANAGEMENT SYSTEMS TECHNICAL SPECIALISTS MAY PROVIDE SERVICES RELATED TO THE DEVELOPMENT, IMPLEMENTATION, OR OPERATION OF AN ANIMAL WASTE MANAGEMENT PLAN OR ANIMAL WASTE MANAGEMENT SYSTEM. [Entire Act]

S.L. 2006-59 (HB 1432) Notary Public Corrections.

AN ACT TO MAKE CORRECTIONS AND OTHER AMENDMENTS TO THE NOTARY PUBLIC ACT, AND TO MAKE OTHER CONFORMING CHANGES. [See Sections 5 & 33]

S.L. 2006-65 (HB 1074) Clarify School Admission Procedures.

AN ACT TO CLARIFY THE PROCEDURE FOR ADMITTING CHILDREN TO THE PUBLIC SCHOOLS. [Entire Act]

S.L. 2006-66 (SB 1741) Modify Appropriations Act of 2005.

AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2005, TO INCREASE TEACHER AND STATE EMPLOYEE PAY, TO REDUCE THE SALES TAX RATE AND THE INCOME TAX RATE APPLICABLE TO MOST SMALL BUSINESSES, TO

CAP THE VARIABLE WHOLESALE COMPONENT OF THE MOTOR FUEL TAX RATE AT ITS CURRENT RATE, TO ENACT OTHER TAX REDUCTIONS, AND TO PROVIDE FOR THE FINANCING OF HIGHER EDUCATION FACILITIES AND PSYCHIATRIC HOSPITALS AND OTHER CAPITAL PROJECTS. [See Sections 7.4(d), 7.5, 7.18(a), 7.20(b), 9.17(a), (b) & (g), 10.9(a), 10.9(b), 22.1(a), 22.4, 22.5]

S.L. 2006-67 (HB 1834) DOT Perf.-Based Maintenance Contract Bonds.

AN ACT TO CHANGE THE BONDING REQUIREMENTS FOR UP TO TWO DEPARTMENT OF TRANSPORTATION PERFORMANCE-BASED CONTRACTS FOR ROUTINE MAINTENANCE AND OPERATIONS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE. [Entire Act]

S.L. 2006-68 (HB 1835) DOT Contract Provision Changes.

AN ACT TO AUTHORIZE THE BOARD OF TRANSPORTATION TO APPROVE STANDARD DEPARTMENT OF TRANSPORTATION CONTRACT PROVISIONS ON DIFFERING SITE CONDITIONS, SUSPENSIONS OF WORK, AND CHANGES IN CHARACTER OF WORK, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE. [Entire Act]

S.L. 2006-69 (HB 1908) Rewrite Special Ed Laws.

AN ACT TO REWRITE THE LAWS GOVERNING THE EDUCATION OF CHILDREN WITH SPECIAL NEEDS. [See Sections 7 & 8]

S.L. 2006-70 (SB 1485) Occupational Licensing Board Reports.

AN ACT TO REQUIRE OCCUPATIONAL LICENSING BOARDS TO ANNUALLY REPORT CERTAIN INFORMATION TO THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE. [Entire Act]

S.L. 2006-141 (HB 2651) Roth 401k Accounts/Law Enforcement Officers.

AN ACT TO PROVIDE FOR ROTH 401K CONTRIBUTIONS FOR LAW ENFORCEMENT OFFICERS. [Entire Act]

S.L. 2006-153 (HB 1151) Planning Time & Duty-Free Lunch for Teachers.

AN ACT TO PROVIDE FOR INSTRUCTIONAL PLANNING TIME AND A DUTY-FREE LUNCH PERIOD FOR TEACHERS. [Entire Act]

S.L. 2006-156 (HB 2576) Special Assistance In-Home Assign.

AN ACT TO INCREASE THE NUMBER OF ASSIGNMENTS TO THE SPECIAL ASSISTANCE IN-HOME PROGRAM OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES. [Entire Act]

S.L. 2006-168 (HB 2744) Economic Development Program Modifications.

AN ACT TO MAKE MODIFICATIONS TO THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM, TO EXTEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT FOR CERTAIN TAXPAYERS, AND TO ENHANCE CERTAIN SALES AND USE TAX BENEFITS. [See Section 3.2 (in part)]

S.L. 2006-174 (SB 837) State Health Plan/20-Year Vesting.

AN ACT TO REQUIRE THAT RETIRED EMPLOYEES HAVE AT LEAST TWENTY YEARS OF RETIREMENT BENEFIT SERVICE CREDIT IN ORDER TO QUALIFY FOR BENEFITS UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN ON A NONCONTRIBUTORY BASIS. [Entire Act]

S.L. 2006-180 (SB 1187) Tryon Palace Fund/Interest-Bearing.

AN ACT TO SPECIFY THE TRYON PALACE HISTORIC SITES AND GARDENS FUND AS A SPECIAL, INTEREST-BEARING TRUST FUND. [Entire Act]

S.L. 2006-183 (HB 2060) Victims' Compensation Changes.

AN ACT TO MAKE CHANGES TO THE LAWS CONCERNING VICTIMS' COMPENSATION, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE, AND TO MAKE OTHER CHANGES TO THE LAWS CONCERNING VICTIMS' COMPENSATION. [Entire Act]

S.L. 2006-187 (HB 1848) Omnibus Courts Act.

AN ACT TO AUTHORIZE THE COLLECTION OF OFFENDER FINES AND FEES ASSESSED BY THE GENERAL COURT OF JUSTICE BY CREDIT CARD, CHARGE CARD, OR DEBIT CARD; TO AUTHORIZE THE USE OF ELECTRONIC FILING IN THE TRIAL COURTS; TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO PROVIDE THE JUDICIAL DEPARTMENT WITH CRIMINAL BACKGROUND CHECKS FROM THE STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORIES; TO ESTABLISH A PERMANENCY MEDIATION PROGRAM; TO AMEND THE LAW PROVIDING FOR FOREIGN LANGUAGE INTERPRETERS IN THE COURTS; TO AUTHORIZE THE ESTABLISHMENT OF CERTAIN POSITIONS WITHIN THE JUDICIAL DEPARTMENT; TO REVISE AND UPDATE THE PROCEDURES AND RESPONSIBILITIES OF THE JUDICIAL STANDARDS COMMISSION AND TO AUTHORIZE SIX ADDITIONAL MEMBERS OF THE COMMISSION; AND TO MAKE TECHNICAL CORRECTIONS AND ADJUSTMENTS TO PROVISIONS AFFECTING THE COURTS. [See Sections 4, 7, 9 & 13]

S.L. 2006-198 (HB 2037) Medicaid Reimburse. For Ocular Prosthetists.

AN ACT TO CLARIFY MEDICAID REIMBURSEMENTS FOR OCULAR PROSTHETISTS. [Entire Act]

S.L. 2006-199 (SB 1375) Notary Public Corrections.

AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE NOTARY PUBLIC ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE OTHER CORRECTIONS TO SESSION LAW 2006-59. [See Sections 4 & 5]

S.L. 2006-200 (SB 1584) Underground Storage Tank Prgm. Adm. Funds.

AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO COVER INCREASED PROGRAM OPERATING COSTS AND THE COSTS OF ANY LEGISLATIVE SALARY INCREASE FOR PERSONNEL WHO ADMINISTER THE PROGRAM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. [Entire Act]

S.L. 2006-221 (SB 198) Revise 2006 Budget Act.

AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2006. [Entire Act, except as otherwise provided]

S.L. 2006-224 (HB 1965) Eminent Domain Restrictions.

AN ACT TO RESTRICT THE STATUTORY PURPOSES FOR WHICH EMINENT DOMAIN MAY BE USED BY PRIVATE CONDEMNORS, LOCAL PUBLIC CONDEMNORS, AND OTHER PUBLIC CONDEMNORS, AND FOR CERTAIN REVENUE BOND PROJECTS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON EMINENT DOMAIN POWERS. [Entire Act]

S.L. 2006-235 (SB 1487) Dental Hygiene Law Changes.

AN ACT TO AUTHORIZE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS TO ACCEPT, IN ADDITION TO EXAMINATIONS CONDUCTED BY THE BOARD, THE RESULTS OF OTHER BOARD-APPROVED REGIONAL OR NATIONAL INDEPENDENT THIRD-PARTY CLINICAL EXAMINATIONS OF APPLICANTS SEEKING A LICENSE TO PRACTICE AS A DENTAL HYGIENIST, AND AUTHORIZING THE BOARD TO CHARGE THE ACTUAL COST OF THE THIRD-PARTY TESTING SERVICE, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE. [Entire Act]

S.L. 2006-249 (HB 1059) State Health Plan Changes.

AN ACT TO MAKE CHANGES TO THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; TO CLARIFY ENROLLMENT IN THE PPO OPTIONAL PROGRAM ESTABLISHED PURSUANT TO PART 2 OF ARTICLE 3 OF CHAPTER 135 OF THE GENERAL STATUTES; AND TO AUTHORIZE THE EXECUTIVE ADMINISTRATOR AND BOARD OF TRUSTEES OF THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN TO PERMIT A CERTAIN NUMBER OF LOCAL GOVERNMENTS OPTIONAL COVERAGE UNDER THE PLAN. [See Sections 1-6]

S.L. 2006-263 (HB 1417) Ed. Regional Partnership Accountability.

AN ACT RELATING TO REGIONAL ECONOMIC DEVELOPMENT COMMISSIONS. [See Sections 2 & 3]