

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 274*
Senate Judiciary II Committee Substitute Adopted 8/6/09

Short Title: Clarifying Changes to State Law.

(Public)

Sponsors:

Referred to:

February 25, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CLARIFYING CHANGES TO THE GENERAL STATUTES
3 AND SESSION LAWS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 15A-544.4(e) reads as rewritten:

6 "(e) ~~Notice under this section shall be mailed not later than the thirtieth day after the date~~
7 ~~on which the forfeiture is entered. Notice under this section shall be mailed not later than the~~
8 30th day after the date on which the defendant fails to appear as required and a call and fail is
9 ordered. If notice under this section is not given within the prescribed time, the forfeiture shall
10 not become a final judgment and shall not be enforced or reported to the Department of
11 Insurance."

12 **SECTION 2.(a)** G.S. 20-71.4 is amended by adding a new subsection to read:

13 "(e) The provisions of this section shall not apply to a State agency that assists the
14 United States Department of Defense with purchasing, transferring, or titling a vehicle to
15 another State agency, a unit of local government, a volunteer fire department, or a volunteer
16 rescue squad."

17 **SECTION 2.(b)** G.S. 20-73(b)(2), as enacted by S.L. 2009-81, reads as rewritten:

18 "(2) A State agency that assists the United States Department of Defense ~~in~~
19 ~~purchasing or transferring~~ with purchasing, transferring, or titling a vehicle to
20 another State agency, a unit of local government, a volunteer fire
21 department, or a volunteer rescue squad."

22 **SECTION 2.(c)** G.S. 20-305.1 is amended by adding a new subsection to read:

23 "(f2) The provisions of subsections (d) and (e) of this section shall not apply to a State
24 agency that assists the United States Department of Defense with purchasing, transferring, or
25 titling a vehicle to another State agency, a unit of local government, a volunteer fire
26 department, or a volunteer rescue squad."

27 **SECTION 2.(d)** G.S. 20-347(d) reads as rewritten:

28 "(d) The provisions of this disclosure statement section shall not apply to the following
29 transfers:

- 30 (1) A vehicle having a gross vehicle weight rating of more than 16,000
31 ~~pounds;~~ pounds.
32 (2) A vehicle that is not ~~self-propelled;~~ self-propelled.
33 (2a) A vehicle sold directly by the manufacturer to any agency of the United
34 States in conformity with contractual ~~specifications;~~ specifications.
35 (3) A vehicle that is 10 years old or ~~older;~~ or older.
36 (4) A new vehicle prior to its first transfer for purposes other than resale.



1 (5) A vehicle that is transferred by a State agency that assists the United States
2 Department of Defense with purchasing, transferring, or titling a vehicle to
3 another State agency, a unit of local government, a volunteer fire
4 department, or a volunteer rescue squad."

5 **SECTION 2.(e)** G.S. 105-187.3 is amended by adding a new subsection to read:

6 "**(b1) Retail Value of Transferred Department of Defense Vehicles.** – The retail value of a
7 vehicle for which a certificate of title is issued because of a transfer by a State agency that
8 assists the United States Department of Defense with purchasing, transferring, or titling a
9 vehicle to another State agency, a unit of local government, a volunteer fire department, or a
10 volunteer rescue squad is the sales price paid by the State agency, unit of local government,
11 volunteer fire department, or volunteer rescue squad."

12 **SECTION 3.** G.S. 20-130.1 is amended by adding a new subsection to read:

13 "**(c1) The provisions of subsection (c) of this section do not apply to the possession and**
14 installation of an inoperable blue light on a vehicle that is inspected by and registered with the
15 Department of Motor Vehicles as a specially constructed vehicle and that is used primarily for
16 participation in shows, exhibitions, parades, or holiday/weekend activities, and not for general
17 daily transportation. For purposes of this subsection, 'inoperable blue light' means a
18 blue-colored lamp housing or cover that does not contain a lamp or other mechanism having
19 the ability to produce or emit illumination."

20 **SECTION 3.1.** G.S. 20-183.8G(b) reads as rewritten:

21 "**(b) Hearing After Statement of Charges.** – When a license holder receives a statement
22 of charges of a violation that could result in the suspension or revocation of the person's
23 license, the person can obtain a hearing by making a request for a hearing. The person must
24 make the request to the Division within 10 days after receiving the statement of the charges. A
25 person who does not request a hearing within this time limit waives the right to a hearing.

26 The Division must hold a hearing requested under this subsection within ~~three business~~¹⁰
27 business days after receiving the request unless the person requesting the hearing asks for
28 additional time to prepare for the hearing request. A person may ask for no more than seven
29 additional business days to prepare. If the additional time requested is within this limit, the
30 Division must grant a person the additional time requested. The hearing must be held at the
31 location designated by the Division. Suspension or revocation of the license is stayed until a
32 decision is made following the hearing.

33 If a person does not request a hearing within the time allowed for making the request, the
34 proposed suspension or revocation becomes effective the day after the time for making the
35 request ends. If a person requests a hearing but does not attend the hearing, the proposed
36 suspension or revocation becomes effective the day after the date set for the hearing."

37 **SECTION 3.2.** G.S. 20-218 reads as rewritten:

38 "**§ 20-218. Standard qualifications for school bus drivers; speed limit for school buses and**
39 **school activity buses.**

40 (a) **Qualifications.** – No person shall drive a school bus over the highways or public
41 vehicular areas of North Carolina while it is occupied by ~~children~~^{one or more child passengers}
42 unless the person furnishes to the superintendent of the schools of the county in which the bus
43 shall be operated a certificate from any representative duly designated by the Commissioner
44 and from the Director of Transportation or a designee of the Director in charge of school buses
45 in the county showing that the person has been examined by them and is fit and competent to
46 drive a school bus over the highways and public vehicular areas of the State. The driver of a
47 school bus must be at least 18 years of age and hold a Class A, B, or C commercial drivers
48 license and a school bus driver's certificate. The driver of a school activity bus must meet the
49 same qualifications as a school bus driver or must have a license appropriate for the class of
50 vehicle being driven.

1 (b) Speed Limits. – It is unlawful to drive a school bus ~~loaded with children occupied~~
2 by one or more child passengers over the highways or public vehicular areas of the State at a
3 greater rate of speed than 45 miles per hour. It is unlawful to drive a school activity bus ~~loaded~~
4 with children occupied by one or more child passengers over the highways or public vehicular
5 areas of North Carolina at a greater rate of speed than 55 miles per hour.

6 (c) Punishment. – A person who violates this section commits a Class 3 misdemeanor."

7 **SECTION 4.** G.S. 20-309(a) reads as rewritten:

8 "(a) No motor vehicle shall be registered in this State unless the owner at the time of
9 registration ~~has provides proof of~~ financial responsibility for the operation of such motor
10 vehicle, as provided in this Article. The owner of each motor vehicle registered in this State
11 shall maintain financial responsibility continuously throughout the period of registration."

12 **SECTION 5.** G.S. 75-63(g1), as enacted by S.L. 2009-355, reads as rewritten:

13 "(g1) A consumer reporting agency need not meet the time requirements provided in this
14 section, only for such time as the occurrences prevent compliance, if any of the following
15 occurrences apply:

16 (1) The consumer fails to meet the requirements of subsection (d) or (j) of this
17 section.

18 (2) The consumer reporting agency's ability to remove, place, temporarily lift, or
19 lift with respect to a specific party the security freeze is prevented by any of
20 the following:

21 a. An act of God, including fire, earthquakes, hurricanes, storms, or
22 similar natural disaster or phenomena.

23 b. Unauthorized or illegal acts by a third party, including terrorism,
24 sabotage, riot, vandalism, labor strikes or disputes disrupting
25 operations, or similar occurrences.

26 c. Operational interruption, including electrical failure, unanticipated
27 delay in equipment or replacement part delivery, computer hardware
28 or software failures inhibiting response time, or similar disruption.

29 d. Governmental action, including emergency orders or regulations,
30 judicial or law enforcement action, or similar directives.

31 e. Regularly scheduled maintenance, during other than normal business
32 hours, of, or updates to, the consumer reporting agency's systems.

33 f. Commercially reasonable maintenance of, or repair to, the consumer
34 reporting agency's systems that is unexpected or unscheduled.

35 g. Receipt of a ~~removal~~-request outside of normal business hours."

36 **SECTION 5.1.** G.S. 105-40(7a) reads as rewritten:

37 "(7a) All exhibitions, performances, and entertainments promoted and managed by
38 'a nonprofit arts organization.' This exemption does not apply to athletic
39 events. A 'nonprofit arts organization' is an organization that meets both of
40 the following requirements:

41 a. It is exempt from income tax under G.S. 105-130.11(a)(3).

42 b. Its primary purpose is to ~~offer choral and theatrical~~
43 performances create, produce, present, or support music, dance,
44 theatre, literature, or visual arts."

45 **SECTION 6.(a)** G.S. 130A-492(8e), as enacted by S.L. 2009-27, reads as
46 rewritten:

47 "(8e) "Restaurant" – A food ~~and or~~ lodging establishment that prepares and serves
48 drink or food as regulated by the Commission pursuant to Part 6 of Article 8
49 of this Chapter."

50 **SECTION 6.(b)** Section 3 of S.L. 2009-27 reads as rewritten:

1 "SECTION 3. This act is effective when it becomes law. The Commission for Public
2 Health may adopt rules to implement Parts 1A, 1B, and 1C of Article 23 of Chapter 130A of
3 the General Statutes, as enacted by this act, on and after the date this act becomes law, provided
4 that such rules shall not become effective before January 2, 2010."

5 SECTION 7. G.S. 143B-434.1(c)(6) reads as rewritten:

6 "(6) The Chairperson of the Travel and Tourism ~~Coalition~~Coalition or the
7 Chairperson's designee."

8 SECTION 8.(a) G.S. 164-14 reads as rewritten:

9 "§ 164-14. **Membership; appointments; terms; vacancies.**

10 (a) The Commission shall consist of ~~12~~14 members, who shall be appointed as follows:

- 11 (1) One member, by the president of the North Carolina State Bar;
- 12 (2) One member, by the General Statutes Commission;
- 13 (3) One member, by the dean of the school of law of the University of North
14 Carolina;
- 15 (4) One member, by the dean of the school of law of Duke University;
- 16 (5) One member, by the dean of the school of law of Wake Forest University;
- 17 (6) One member, by the Speaker of the House of Representatives of each
18 General Assembly from the membership of the House;
- 19 (7) One member, by the President Pro Tempore of the Senate of each General
20 Assembly from the membership of the Senate;
- 21 (8) Two members, by the Governor;
- 22 (9) One member, by the dean of the school of law of North Carolina Central
23 University;
- 24 (10) One member by the president of the North Carolina Bar Association;
- 25 (11) One member, by the dean of the school of law of Campbell University.
- 26 (12) One member, by the dean of the school of law of Elon University.
- 27 (13) One member, by the dean of the Charlotte School of Law (NC), Inc.

28 (b) Appointments of original members of the Commission made by the president of the
29 North Carolina State Bar, the president of the North Carolina Bar Association, and the deans of
30 the schools of law of Duke University, the University of North Carolina, and Wake Forest
31 University shall be for one year. Appointments of original members of the Commission made
32 by the Speaker of the House of Representatives, the President of the Senate, and the Governor
33 shall be for two years.

34 (c) After the appointment of the original members of the Commission, appointments by
35 the president of the North Carolina State Bar, the General Statutes Commission, and the deans
36 of the schools of law of North Carolina Central University, Duke University, Elon University,
37 the University of North Carolina, and Wake Forest University shall be made in the
38 even-numbered years, and appointments made by the Speaker of the House of Representatives,
39 the President Pro Tempore of the Senate, president of the North Carolina Bar Association, the
40 ~~dean~~deans of the School of Law of Campbell University and the Charlotte School of Law
41 (NC), Inc., and the Governor shall be made in the odd-numbered years. Such appointments
42 shall be made for two-year terms beginning June first of the year when such appointments are
43 to become effective and expiring May 31 two years thereafter. All such appointments shall be
44 made not later than May 31 of the year when such appointments are to become effective.

45 (d) If any appointment provided for by this section is not made prior to June first of the
46 year when it should become effective, a vacancy shall exist with respect thereto, and the
47 vacancy shall then be filled by appointment by the Governor. If any member of the
48 Commission dies or resigns during the term for which he was appointed, his successor for the
49 unexpired term shall be appointed by the person who made the original appointment, as
50 provided in G.S. 164-14, or by the successor of such person; and if such vacancy is not filled
51 within 30 days after the vacancy occurs, it shall then be filled by appointment by the Governor.

1 In any case where an appointment authorized to be made by G.S. 164-14(c) has not been made
2 on or before July 31 of the year in which it was due to be made, a vacancy shall exist with
3 respect to that appointment and the General Statutes Commission at its next meeting shall by
4 majority vote fill the vacancy by appointment.

5 (e) All appointments shall be reported to the secretary of the Commission.

6 (f) Notwithstanding the expiration of the term of the appointment, the terms of
7 members of the General Statutes Commission shall continue until the appointment of a
8 successor has been made and reported to the secretary of the Commission."

9 **SECTION 8.(b)** The initial appointment by the dean of the school of law for Elon
10 University shall be for the term ending May 31, 2010. The initial appointment by the dean of
11 the Charlotte School of Law (NC), Inc., shall be for the term ending May 31, 2011.

12 **SECTION 9.** Section 5 of S.L. 2007-532 reads as rewritten:

13 "**SECTION 5.** Notwithstanding G.S. 143C-9-3(b) and G.S. 147-86.30, of the funds
14 credited to the Health Trust Account from the Master Settlement Agreement pursuant to
15 ~~Section 6(2) of S.L. 1992~~Section 6(3) of S.L. 1999-2 during the 2008-2009 fiscal year, the sum
16 of five million dollars (\$5,000,000) for the 2008-2009 fiscal year shall be transferred from the
17 Department of State Treasurer, Budget Code 23460 (Health and Wellness Trust Fund) to the
18 ~~State Controller to be deposited in Nontax Budget Code 19978 (Intra State transfers) to support~~
19 ~~General Fund appropriations by the 2007 General Assembly, Regular Session 2008, for~~
20 ~~operations and claims of the North Carolina Health Insurance Risk Pool, as enacted by this~~
21 ~~act."~~

22 **SECTION 10.(a)** Section 16.6 of S.L. 2007-550, as amended by Section 7 of S.L.
23 2008-208, as amended by Section 11.4 of S.L. 2008-198, reads as rewritten:

24 "**SECTION 16.6.(a)** Part 2E of Article 9 of Chapter 130A of the General Statutes, as
25 enacted by Section 16.1(a) of this act, becomes effective as follows:

- 26 (1) G.S. 130A-309.90 becomes effective ~~1 January~~July 1, 2010.
- 27 (2) G.S. 130A-309.91 becomes effective ~~1 January~~July 1, 2010.
- 28 (3) G.S. 130A-309.92 becomes effective ~~1 January~~July 1, 2010.
- 29 (4) G.S. 130A-309.93(a) becomes effective ~~1 January~~July 1, 2010.
- 30 (5) G.S. 130A-309.93(b) becomes effective ~~1 January~~July 1, 2010.
- 31 (6) G.S. 130A-309.93(c) becomes effective ~~1 January~~July 1, 2010.
- 32 (7) G.S. 130A-309.93(d) becomes effective ~~1 January~~July 1, 2010.
- 33 (8) G.S. 130A-309.93(e) becomes effective ~~1 January~~July 1, 2010.
- 34 (9) G.S. 130A-309.93(f) becomes effective ~~1 January~~July 1, 2010.
- 35 (10) G.S. 130A-309.93(g) becomes effective ~~1 February~~February 1, 2011.
- 36 (10a) G.S. 130A-309.93A(a) through (f) become effective ~~1 January~~July 1, 2010.
- 37 (10b) G.S. 130A-309.93A(g) becomes effective ~~1 October~~October 1, 2011.
- 38 (10c) G.S. 130A-309.93B becomes effective ~~1 January~~July 1, 2010.
- 39 (11) G.S. 130A-309.94 becomes effective ~~1 January~~July 1, 2010.
- 40 (12) G.S. 130A-309.95(1) becomes effective ~~1 January~~July 1, 2010.
- 41 (13) G.S. 130A-309.95(2) becomes effective ~~1 January~~July 1, 2010.
- 42 (14) G.S. 130A-309.95(3) becomes effective ~~1 January~~July 1, 2010.
- 43 (14a) G.S. 130A-309.95(4) becomes effective July 1, 2010.
- 44 (15) G.S. 130A-309.96 becomes effective ~~1 January~~July 1, 2010.
- 45 (16) G.S. 130A-309.97 becomes effective ~~1 January~~July 1, 2010.
- 46 (17) G.S. 130A-309.98 becomes effective ~~15 January~~January 15, 2011.

47 "**SECTION 16.6.(b)** Section 16.2 of this act becomes effective ~~1 January~~July 1, 2010.
48 Sections 16.3 and 16.4 of this act become effective ~~1 January~~January 1, 2011. Section 16.5 of
49 this act becomes effective ~~1 July~~July 1, 2010. Subsection (b) of Section 16.1 of this act,
50 Section 16.6 of this act, and any other provision of Section 16 of this act for which an effective
51 date is not specified become effective ~~1 January~~July 1, 2010."

1 **SECTION 10.(b)** Section 8 of S.L. 2008-208 reads as rewritten:
2 "**SECTION 8.** Sections ~~3, 4, and 5~~ 3 and 4 of this act become effective ~~1 January~~ January 1,
3 2011. The remainder of this act becomes effective July 1, 2010. ~~The remainder of this act is~~
4 ~~effective when it becomes law."~~
5 **SECTION 11.** If House Bill 908, 2009 Regular Session, becomes law,
6 G.S. 163-85(c)(10) as enacted by that bill reads as rewritten:
7 "(10) That the person ~~presenting himself to vote~~ is not who he or she represents
8 himself or herself to be."
9 **SECTION 12.** Except as otherwise provided, this act is effective when it becomes
10 law.