GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

SENATE BILL 553
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House Committee Substitute Favorable 6/25/19

Short Title: Regulatory Reform Act of 2019. (Public)

Sponsors:

Referred to:

April 3, 2019

A BILL TO BE ENTITLED
AN ACT TO PROVIDE FURTHER REGULATORY RELIEF TO THE CITIZENS OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

PART I. STATE AND LOCAL GOVERNMENT REGULATION

INCREASE LIMITS ON PUBLIC EMPLOYEES BENEFITTING FROM PUBLIC CONTRACTS

SECTION 1. (a) G.S. 14-234 reads as rewritten:

"§ 14-234. Public officers or employees benefiting from public contracts; exceptions.

…
(d1) Subdivision (a)(1) of this section does not apply to (i) any elected official or person appointed to fill an elective office of a village, town, or city having a population of no more than 15,000 according to the most recent official federal census, (ii) any elected official or person appointed to fill an elective office of a county within which there is located no village, town, or city with a population of more than 15,000 according to the most recent official federal census, (iii) any elected official or person appointed to fill an elective office on a city board of education in a city having a population of no more than 15,000 according to the most recent official federal census, (iv) any elected official or person appointed to fill an elective office as a member of a county board of education in a county within which there is located no village, town or city with a population of more than 15,000 according to the most recent official federal census, (v) any physician, pharmacist, dentist, optometrist, veterinarian, or nurse appointed to a county social services board, local health board, or area mental health, developmental disabilities, and substance abuse board serving one or more counties within which there is located no village, town, or city with a population of more than 15,000 according to the most recent official federal census, and (vi) any member of the board of directors of a public hospital if all of the following apply:

(1) The undertaking or contract or series of undertakings or contracts between the village, town, city, county, county social services board, county or city board of education, local health board or area mental health, developmental disabilities, and substance abuse board, or public hospital and one of its officials is approved by specific resolution of the governing body adopted in an open and public meeting, and recorded in its minutes and the amount does
not exceed twenty thousand dollars ($20,000) for medically related services and forty thousand dollars ($40,000), sixty thousand dollars ($60,000) for other goods or services within a 12-month period.

(2) The official entering into the contract with the unit or agency does not participate in any way or vote.

(3) The total annual amount of contracts with each official, shall be specifically noted in the audited annual financial statement of the village, town, city, or county.

(4) The governing board of any village, town, city, county, county social services board, county or city board of education, local health board, area mental health, developmental disabilities, and substance abuse board, or public hospital which contracts with any of the officials of their governmental unit shall post in a conspicuous place in its village, town, or city hall, or courthouse, as the case may be, a list of all such officials with whom such contracts have been made, briefly describing the subject matter of the undertakings or contracts and showing their total amounts; this list shall cover the preceding 12 months and shall be brought up-to-date at least quarterly.

..."

SECTION 1.(b) This section is effective when it becomes law and applies to contracts executed on or after that date.

AMENDMENTS TO THE 2018 NORTH CAROLINA BUILDING CODE AND PLUMBING CODE


SECTION 2.(b) Section 2902.6 of the Building Code and Table 403.1 of the Plumbing Code. – Until the effective date of the revised permanent rules that the Building Code Council is required to adopt pursuant to subsection (d) of this section, the Council shall implement the applicable requirements of Section 2902.6 of the Building Code and Table 403.1 of the Plumbing Code, as provided in subsection (c) of this section.

SECTION 2.(c) Implementation. – The Council shall (i) not require drinking fountains for an occupant load of 30 or fewer, (ii) only require one water closet for business occupancies with an occupant load of 30 or fewer, and (iii) not require a service sink for business and mercantile occupancies with an occupant load of 30 or fewer.

SECTION 2.(d) Additional Rule-Making Authority. – The Council shall adopt rules to amend Section 2902.6 of the Building Code and Table 403.1 of the Plumbing Code consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rules adopted by the Council, pursuant to this section, shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by G.S. 150B-21.3(b2).

SECTION 2.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

BUILDING CODE WASTE ACCUMULATION PROVISIONS

SECTION 3.(a) Definitions. – As used in this act, "Council" means the Building Code Council, "Code" means the 2018 North Carolina Fire Prevention Code (NCFPC) as adopted by the Council, and "exit obstruction and waste accumulation provisions" means sections 1031.2
SECTION 3.(b) New Code Amendment. – Until the effective date of revised
permanent rules the Council is required to adopt pursuant to subsection (d) of this section, the
Council and local governments enforcing the Code shall follow the provisions of subsection (c)
of this section with respect to exit obstruction and waste accumulation.

SECTION 3.(c) Implementation. – Notwithstanding any provision of the Code to
the contrary, code enforcement authorities with jurisdiction over apartment occupancies shall
permit doorstep refuse and recycling collection containers which stand upright on their own and
do not leak liquids when standing upright in exit access corridors as follows:

1. With respect to apartment occupancies with enclosed corridors, when all of
   the following conditions exist:
   a. The maximum doorstep refuse and recycling collection container size
do not exceed 13 gallons and the number of containers does not
   exceed one refuse and one recycling collection container for a total of
   two containers per apartment occupancy.
   b. Waste in a doorstep refuse and recycling collection container is not
   placed in the exit access corridors for single periods exceeding five
   hours.
   c. Doorstep refuse and recycling collection containers do not occupy the
   exit access corridors for single periods exceeding 12 hours.
   d. Doorstep refuse and recycling collection containers do not reduce the
   means of egress width below that required under sections 1005 and
   1020.2 of the Code.
   e. Management staff of the apartment occupancy have written policies
   and procedures in place and enforce them to ensure compliance with
   this subdivision, and, upon request, provide a copy of such policies
   and procedures to the code enforcement authority having jurisdiction.

2. In apartment occupancies with open-air corridors or balconies served by
   exterior exit stairs, when all of the following conditions exist:
   a. The maximum doorstep refuse and recycling collection container size
do not exceed 27 gallons and the number of containers does not
   exceed one refuse and one recycling collection container for a total of
   two containers per apartment occupancy.
   b. Waste in a doorstep refuse and recycling collection container is not
   placed in the exit access corridors for single periods exceeding five
   hours.
   c. Doorstep refuse and recycling collection containers do not reduce the
   means of egress width below that required under sections 1005 and
   1020.2 of the Code.
   d. Management staff of the apartment occupancy have written policies
   and procedures in place and enforce them to ensure compliance with
   this subdivision, and, upon request, provide a copy of such policies
   and procedures to the code enforcement authority having jurisdiction.

3. The code enforcement authority having jurisdiction may approve alternative
   containers and storage arrangements that are demonstrated to provide an
   equivalent level of safety to that provided under subdivisions (1) and (2) of
   this section.

4. To provide a transition period for compliance with the requirements of this
   section, code enforcement authorities having jurisdiction shall allow
apartment occupancies a phase-in period until December 31, 2020, to comply with this subsection.

(5) The use of doorstep refuse and recycling collection containers in apartment occupancies with exit access corridors or open-air corridors with balconies served by exterior exit stairs is revocable by the fire code enforcement official having jurisdiction for violations of sub-divisions (c)(1)e. and (c)(2)d. of this section.

SECTION 3.(d) Rule-Making Authority. – Notwithstanding G.S. 150B-19(4), the Council shall revise the exit obstruction and waste accumulation provisions of the NCFPC in a manner substantively identical to the provisions of subsection (c) of this section.

SECTION 3.(e) Sunset. – Subsection (c) of this section expires on the date that permanent rules adopted pursuant to subsection (d) of this section become effective. The Council may adopt temporary rules to implement this act.

SECTION 3.(f) Effective Date. – This section becomes effective July 1, 2019.

MODIFY REAL ESTATE LICENSING REQUIREMENTS FOR TIME SHARE SALESPERSON

SECTION 4. G.S. 93A-40(a) reads as rewritten:

"(a) It shall be unlawful for any person in this State to engage or assume to engage in the business of a time share salesperson without first obtaining a real estate broker license issued by the North Carolina Real Estate Commission under the provisions of Article 1 of this Chapter, and it shall be unlawful for a time share developer or time share salesperson to sell or offer to sell a time share located in this State without the time share developer first obtaining a certificate of registration for the time share project to be offered for sale issued by the North Carolina Real Estate Commission under the provisions of this Article. A time share salesperson shall be a licensed real estate broker subject to the provisions of this Chapter unless the time share salesperson meets the requirement for exemption set forth in G.S. 93A-2(c)(1) or is an employee of the registered time share developer, and their income is reported on IRS Form W-2."

STUDY ONLINE CONTINUING EDUCATION REQUIREMENTS

SECTION 5.(a) Every occupational licensing board as defined in Chapter 93B of the General Statutes shall study and report on any available options offered for online continuing education if continuing education is a requirement for licensure under the occupational licensing board's applicable laws or regulations. The study and report shall include:

(1) A list and description of every option for continuing education made available to each licensee, including every traditional method, and every online method, if any are offered. If no online methods are offered, a detailed explanation as to why none are offered, which shall include any logistical, cost, legal, or other concerns.

(2) The approximate number of offerings made available for each method and the cost associated with each offering. The cost shall include a description of the fees charged to the licensee for the continuing education and the associated cost to the occupational licensing board for providing the continuing education offering.

(3) A description of how each method of continuing education offered is accessed by the licensee.

SECTION 5.(b) Each occupational licensing board required to study and report under subsection (a) of this section shall provide its report to the Joint Legislative Administrative Procedure Oversight Committee and the Program Evaluation Division no later than December 1, 2019.
STATEWIDE REQUIREMENTS FOR PIERS, DOCKS, AND BULKHEADS

SECTION 6.(a) G.S. 113A-110 is amended by adding a new subsection to read:

"(h) No land-use plan of a county, city, or lead regional organization shall be approved by the Commission under subsection (f) of this section if that land-use plan is more stringent than the State guidelines adopted under G.S. 113A-107 with respect to piers, docks, and bulkheads."

SECTION 6.(b) G.S. 153A-324 is amended by adding a new subsection to read:

"(c) A county shall have no authority to enforce an ordinance under this Article that is in violation of G.S. 113A-110(h)."

SECTION 6.(c) G.S. 160A-365 is amended by adding a new subsection to read:

"(c) A city shall have no authority to enforce an ordinance under this Article that is in violation of G.S. 113A-110(h)."

SECTION 6.(d) This section becomes effective October 1, 2019, and any ordinance not in compliance with G.S. 113A-110(h), as amended by this act, on that date shall be void and unenforceable.

EXEMPT ONSLOW COUNTY FROM VEHICLE EMISSIONS TESTING

SECTION 7.(a) G.S. 143-215.107A(c) reads as rewritten:

"(c) Counties Covered. – Motor vehicle emissions inspections shall be performed in the following counties: Alamance, Buncombe, Cabarrus, Cumberland, Davidson, Durham, Forsyth, Franklin, Gaston, Guilford, Iredell, Johnston, Lee, Lincoln, Mecklenburg, New Hanover, Onslow, Randolph, Rockingham, Rowan, Union, and Wake."

SECTION 7.(b) No later than December 31, 2019, the Department of Environmental Quality shall prepare and submit to the United States Environmental Protection Agency for approval by that agency a proposed North Carolina State Implementation Plan amendment based on the change to the motor vehicle emissions testing program provided in this section.

SECTION 7.(c) Subsection (a) of this section becomes effective on the later of the following dates and applies to motor vehicles inspected, or due to be inspected, on or after that effective date:

(2) The first day of a month that is 60 days after the Secretary of the Department of Environmental Quality certifies to the Revisor of Statutes that the United States Environmental Protection Agency has approved an amendment to the North Carolina State Implementation Plan submitted as required by Section 2 of this act. The Secretary shall provide this notice along with the effective date of this act on its Web site and by written or electronic notice to emissions inspection mechanic license holders, emissions inspection station licensees, and self-inspector licensees in the county where motor vehicle emissions inspection requirements are removed by this act.

SECTION 7.(d) Except as otherwise provided, this section is effective when it becomes law.

EXEMPT REFLEXOLOGY FROM DEFINITION OF MASSAGE THERAPY

SECTION 8.(a) G.S. 90-622 reads as rewritten:

"§ 90-622. Definitions.
The following definitions apply in this Article:

(5a) Reflexology. – A protocol of manual techniques, including thumb- and finger-walking, hook and backup, and rotating-on-a-point, that are applied to specific reflex areas predominantly on the feet and hands and that stimulate the complex neural pathways linking body systems and support the body’s efforts to function optimally.
SECTION 8.(b) G.S. 90-624 reads as rewritten:

§ 90-624. Activities not requiring a license to practice.

Nothing in this Article shall be construed to prohibit or affect:

(9) An individual from engaging in the practice of reflexology as defined in G.S. 90-622(5a)."

ADOPT 2017 FOOD CODE

SECTION 9. Notwithstanding G.S. 150B-19(4), the Commission for Public Health may adopt rules to incorporate all or part of the 2017 edition of the United States Food and Drug Administration Food Code.

TEMPORARY EVENT VENUES

SECTION 10.(a) Part 3 of Article 18 of Chapter 153A of the General Statutes is amended by adding a new section to read:

§ 153A-341.4 Temporary event venues authorized.

A county may, by ordinance, establish a process to permit temporary event venues using the procedure prescribed in G.S. 160A-383.6."

SECTION 10.(b) Part 3 of Article 19 of Chapter 160A of the General Statutes is amended by adding a new section to read:


(a) A city may, by ordinance, establish a process to permit temporary event venues as provided in this section. A temporary event venue shall be defined as an existing publicly or privately-owned building or structure suitable for use as a site for public or private events relating to entertainment, education, marketing, meetings, sales, trade shows, and any other activities or occasions that the city may, by ordinance, authorize. A temporary event shall be one lasting no longer than 72 hours each.

(b) A city may consider a temporary event venue as a permitted accessory use in any of its zoning districts. Enactment of a temporary event venue ordinance and issuance of a temporary event permit under this section shall not be considered a zoning map amendment under this Article.

(c) Only one temporary event venue shall be allowed on a lot or parcel of land. The temporary event venue permitted under this section shall not require a special use permit or be subjected to any other local zoning requirements beyond those imposed upon other authorized accessory use structures, except as otherwise provided in this section. Except as provided in subsection (h) of this section, for each temporary event venue issued a permit under this section, no more than 12 temporary events may be conducted in a calendar year.

(d) An ordinance authorizing temporary event venues shall set forth the following:

(1) The zoning districts within which a temporary event venue may lie.

(2) The process by which a person seeking a temporary event venue permit, or its renewal, must utilize.

(3) The specific criteria to be considered by the city when determining whether to issue a temporary event venue permit. The criteria shall include the character of the district in which the permit is sought and the site's suitability for use as a temporary event venue.

(4) The temporary events, not inconsistent with this subsection (a) of this section, authorized in the venue.

(5) The duration of the temporary event venue permit.

(6) Any capacity limitations of the temporary event venue.

(7) The fee structure for the fees authorized by this section.
Any other relevant matters.

(e) Any person proposing to operate a temporary event venue shall first obtain a permit from the city. The issuance of a temporary event venue permit shall not be considered a quasi-judicial act. The city may charge a fee of up to one hundred dollars ($100.00) for the initial permit and an annual renewal fee of up to fifty dollars ($50.00). Before issuing or renewing a temporary event venue permit, a city shall do all of the following:

(1) Hold a public hearing. A notice of the public hearing shall be published once at least 10 days before the day fixed for the hearing.

(2) Conduct an inspection of the proposed temporary event venue to ensure that the health, safety, and welfare of the public will not be impaired by attendance at or participation in a temporary event. The inspection shall address the general structural stability of the temporary event venue, its fire safety, and whether it has sufficient toilet facilities taking into consideration its capacity.

(f) Subject to the provisions of this subsection, a city may require the permit applicant to take reasonable measures to address any safety or public health concerns raised by the inspection conducted under subsection (e) of this section. No permit shall be required under the North Carolina State Building Code or any local variant approved under G.S. 143-138(e) for any construction, installation, repair, replacement, or alteration of a temporary event venue either required by the city as a result of the inspection conducted under subsection (e) of this section or undertaken by the permittee to otherwise improve the temporary event venue. A city may require use of temporary toilet facilities at temporary events. Nothing in this section shall be construed to exempt a temporary event venue from compliance with federal law, rules, or regulations.

(g) The Building Code Council shall create an inspection checklist that may be used by counties and cities for inspections conducted under subsection (e) of this section. Nothing shall prohibit counties and cities from conducting inspections and issuing temporary event venue permits prior to promulgation by the Building Code Council of the checklist.

(h) Nothing shall preclude a permittee operating under a temporary event venue permit from seeking a rezoning of the parcel to a zoning district that would allow a permitted use of the venue for events of the type authorized by a temporary event permit. Any such rezoning application would be subject to the requirements of this Article. If a rezoning application is submitted in good faith, a city may authorize the temporary event venue to hold more than 12 temporary events in one calendar year while the rezoning is pending. If the temporary event venue is rezoned, the temporary event venue permit shall become void and the venue shall operate under all rules, regulations, and requirements of law including the North Carolina State Building Code, any local variant under G.S. 143-138(e), and city ordinances.

SECTION 10.(c) G.S. 143-138 reads as rewritten:


..."

(b21) Exclusion for Temporary Event Venues. – No permit shall be required under the North Carolina State Building Code or any local variant approved under subsection (e) of this section for any construction, installation, repair, replacement, or alteration of a temporary event venue issued a temporary event venue permit under G.S. 160A-383.6.

..."

SECTION 10.(d) G.S. 160A-383.1 is amended by adding a new subsection to read:

"(b21) Exclusion for Temporary Event Venues. – No permit shall be required under the North Carolina State Building Code or any local variant approved under subsection (e) of this section for any construction, installation, repair, replacement, or alteration of a temporary event venue issued a temporary event venue permit under G.S. 160A-383.6."

SECTION 10.(e) This section is effective October 1, 2019.
PART II. AGRICULTURE, ENERGY, ENVIRONMENT, AND NATURAL RESOURCES REGULATION

CLARIFY LANDFILL LIFE-OF-SITE FRANCHISE REQUIREMENTS

SECTION 11. G.S. 130A-294(a4) reads as rewritten:

"(a4) In order to preserve long-term disposal capacity, a life-of-site permit issued for a sanitary landfill shall survive the expiration of a local government approval or franchise, and the local government shall allow the sanitary landfill to continue to operate until the term of the landfill's life-of-site permit expires provided that the owner or operator has complied in substantial compliance with the terms of the local government approval or franchise agreement, and remains in compliance with those terms after expiration of the approval or agreement until the life-of-site permit has expired. In order to preserve any economic benefits included in the franchise, the County may extend the franchise under the same terms and conditions for the term of the life-of-site permit. The extension of the franchise hereby shall not trigger the requirements for a new permit, a major permit modification, or a substantial amendment to the permit. This subsection only applies to valid and operative franchise agreements in effect on October 1, 2015."

STUDY EXPRESS PERMITTING EXPANSION

SECTION 12. The Department of Environmental Quality shall study and report on additional positions and funding needed as well as any changes in State or federal laws and regulations necessary to expand the Department's express permitting programs to include additional types of permits typically required for job creating and real estate development or redevelopment activities. Additional permits considered in the study shall include, at a minimum, permits for facilities not discharging to the surface waters of the State under Article 21 of Chapter 143 of the General Statutes and permits to apply petroleum-contaminated soil to land authorized under G.S. 143-215.1. The Department shall provide its report and recommendations to the Environmental Review Commission, the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, and the Fiscal Research Division no later than March 1, 2020.

EXTEND EMERGENCY GENERAL PERMIT DEADLINES

SECTION 13. CAMA Emergency General Permit Extension. – Notwithstanding the time lines set forth in 15A NCAC 07H .2502 or other applicable law to the contrary, Coastal Area Management Act Emergency General Permits authorized in response to Hurricanes Florence and Michael and activated by the Secretary of the Department of Environmental Quality in a September 20, 2018, statement, as amended on October 12, 2018, shall be subject to the following schedule:

1. All emergency general permits must be issued by October 12, 2019.
2. All work authorized by the emergency general permits must be completed by October 12, 2020.

WASTEWATER RESERVE PRIORITY

SECTION 14.(a) G.S. 159G-23 reads as rewritten:

"§ 159G-23. Priority consideration for loan or grant from Wastewater Reserve or Drinking Water Reserve.
   The considerations for priority in this section apply to a loan or grant from the Wastewater Reserve or the Drinking Water Reserve. The Division of Water Infrastructure must consider the following items when evaluating applications:
   ...

(2) Effect on impaired waters. – A project that improves designated impaired waters of the State, with greater priority given to projects that improve designated impaired waters of the State that serve as a public water supply for a large public water system. For purposes of this subdivision, a large public water system is one serving more than 175,000 service connections.

... (11) State water supply plan. Improve regional coordination. – A project that addresses a potential conflict between local plans or implements a measure in which local water supply plans could be better coordinated, as identified in the State water supply plan pursuant to G.S. 143-355(m) coordinated.

... (14) Disproportionate burden to protect water supply of higher-wealth neighboring local government unit. – Wastewater system improvements made by a local government unit in order to protect or preserve the water supply of a neighboring local government unit that has a lower poverty rate, lower utility bills, higher population growth, higher median household incomes, and lower unemployment."

SECTION 14.(b) This section becomes effective July 1, 2019, and applies to applications for loans or grants from the Wastewater Reserve or the Drinking Water Reserve received by the Division of Water Infrastructure on or after that date.

PART III. MISCELLANEOUS REGULATORY REFORM PROVISIONS

ARCHITECTURAL LICENSE EXCEPTION FOR SMALL PROJECTS

SECTION 15. G.S. 83A-13 reads as rewritten:


... (c) Nothing in this Chapter shall be construed to require an architectural license for the preparation, sale, or furnishing of plans, specifications and related data, or for the supervision of construction pursuant thereto, where the building, buildings, or project involved is in one of the following categories:

... (3) An institutional or commercial building if it does not have a total value exceeding ninety-one hundred seventy-five thousand dollars ($90,000); ($175,000);

(4) An institutional or commercial building if the total building area does not exceed 2,500 square feet in gross floor area;

... (c1) Notwithstanding subdivisions (c)(3) and (4) of this section, a commercial building project with a total value of less than ninety one hundred seventy-five thousand dollars ($90,000) ($175,000) and a total project area of less than 2,500 square feet shall be exempt from the requirement for a professional architectural seal.

..."

SALE OF SALVAGED VEHICLES

SECTION 16.(a) G.S. 20-183.4C(a) reads as rewritten:

"(a) Inspection. – A vehicle that is subject to a safety inspection, an emissions inspection, or both must be inspected as follows:

... (2) Except as otherwise provided in this subdivision, a used vehicle must be inspected before it is offered for sale at retail in this State by a dealer. Upon
purchase, a receipt approved by the Division must be provided to the new
owner certifying compliance. A dealer may sell, without inspection, a used
vehicle issued a salvage certificate of title in accordance with the provisions
of this Chapter if (i) no repairs have been made to the vehicle after issuance
of the salvage certificate of title and (ii) the dealer discloses in writing on a
form approved by the Division that no inspection has been performed.

..."

SECTION 16.(b) This section is effective when it becomes law and applies to used
vehicles sold on or after that date.

REVENUE LAWS STUDY

SECTION 17. The Revenue Laws Study Committee is directed to study issues
related to the property taxation of outdoor advertising signs. The study shall review the methods
used to determine the fair market value of outdoor advertising signs in North Carolina. When
conducting the study, the committee may consider whether the Billboard Structures Valuation
Guide published by the North Carolina Department of Revenue provides an accurate
representation of the base costs for outdoor advertising structures in North Carolina, including
whether the Department should use data on actual costs attributed to structures constructed in
North Carolina, and any other issues the Committee deems relevant.

The Committee shall report its findings and any legislative recommendations to the
2020 Regular Session of the 2019 General Assembly.

BROADBAND EASEMENTS

SECTION 18. G.S. 117-28.1 reads as rewritten:


(a) Any easement owned, held, or otherwise used by an electric membership corporation
for the purpose of electrification, as stated in G.S. 117-10 may also be used by the corporation,
or its wholly owned subsidiary, for the ancillary purpose of supplying high-speed broadband
service, where such use does not require additional construction and is ancillary to the
electrification purposes for which broadband fiber is or was installed. Nothing in this subsection
shall affect, abrogate, or eliminate in any way any obligation of the corporation or its wholly
owned subsidiary to comply with any applicable requirements related to notice, safety, or
permitting when constructing or maintaining lines or broadband fiber on, over, under, or across
property owned or operated by a railroad company.

..."

DESIGN STUDY

SECTION 19.(a) Study. – The Joint Legislative Program Evaluation Oversight
Committee shall revise the biennial 2019-2020 work plan for the Program Evaluation Division
to include a study on the standards applicable to interior designers in North Carolina. In
conducting the study, the following shall be considered:

(1) Existing certification, licensure, and registration requirements in other states.
(2) Whether interior designers should be certified, licensed, or registered to
practice in this State.
(3) Training requirements to be an interior designer in this State.
(4) The scope of practice for interior designers in this State.
(5) Any other issues the Program Evaluation Division deems relevant.

SECTION 19.(b) Report. – The Program Evaluation Division shall report its
findings and recommendations from the study required under subsection (a) of this section to the
Joint Legislative Program Evaluation Oversight Committee by March 15, 2020.
MANUFACTURED HOMES INSTALLATION

SECTION 20.(a) G.S. 160A-383.1 is amended by adding a new subsection to read:

"(g) A city may require by ordinance that manufactured homes be installed in accordance with the Set-Up and Installation Standards adopted by the Commissioner of Insurance; provided, however, a city shall not require a masonry curtain wall or masonry skirting for manufactured homes located on land leased to the homeowner."

SECTION 20.(b) This section is effective October 1, 2019.

ELECTRIC STANDUP SCOOTERS

SECTION 21.(a) G.S. 20-4.01 reads as rewritten:

"§ 20-4.01. Definitions.

Unless the context requires otherwise, the following definitions apply throughout this Chapter to the defined words and phrases and their cognates:

…

(7c) Electric Standup Scooter. – A device with no more than three 12-inch or smaller diameter wheels that has handlebars, is designed to be stood upon by the user while riding, and is powered by an electric motor that is capable of propelling the device with or without human propulsion at a speed no greater than 20 miles per hour on a paved level surface.

(7e)(7d) Employer. – Any person who owns or leases a commercial motor vehicle or assigns a person to drive a commercial motor vehicle and would be subject to the alcohol and controlled substance testing provisions of 49 C.F.R. § 382 and also includes any consortium or third-party administrator administering the alcohol and controlled substance testing program on behalf of owner-operators subject to the provisions of 49 C.F.R. § 382.

…

(23) Motor Vehicle. – Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. Except as specifically provided otherwise, this term shall not include mopeds or mopeds, electric assisted bicycles, bicycles, or electric standup scooters.

…

(27) Passenger Vehicles. –

…

j. Moped. – A vehicle, other than a motor-driven bicycle or bicycle, electric assisted bicycle, or electric standup scooter, that has two or three wheels, no external shifting device, a motor that does not exceed 50 cubic centimeters piston displacement and cannot propel the vehicle at a speed greater than 30 miles per hour on a level surface. The motor may be powered by electricity, alternative fuel, motor fuel, or a combination of each.

…

(49) Vehicle. – Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks; provided, that for the purposes of this Chapter bicycles and bicycles, electric assisted bicycles, and electric standup scooters shall be deemed vehicles and every rider of a bicycle or bicycle, an electric assisted bicycle, bicycle, or electric standup scooter upon a highway shall be subject to the provisions of this Chapter applicable to the driver of a vehicle except those which by their nature can have no application. This term shall not include a device which is designed for and intended to be used as a means of transportation for a person with a
mobility impairment, or who uses the device for mobility enhancement, is suitable for use both inside and outside a building, including on sidewalks, and is limited by design to 15 miles per hour when the device is being operated by a person with a mobility impairment, or who uses the device for mobility enhancement. This term shall not include an electric personal assistive mobility device as defined in subdivision (7b) of this section. Unless the context requires otherwise, and except as provided under G.S. 20-109.2, 47-20.6, or 47-20.7, a manufactured home shall be deemed a vehicle.

SECTION 21.(b) G.S. 20-51 is amended by adding a new subdivision to read:
"(18) Electric standup scooters as defined in G.S. 20-4.01(7c)."

SECTION 21.(c) Any and all ordinances in effect on the effective date of this act or hereinafter adopted by a municipality that conflict with the provisions of this act shall be null and void. Upon the effective date of this act, any municipality that has adopted an ordinance or regulation affecting electric standup scooters shall conduct a review of those ordinances and regulations to ensure compliance with this act.

SECTION 21.(d) This act is effective when it becomes law and applies to offenses committed on or after that date.

DEPARTMENT OF TRANSPORTATION STUDY

SECTION 22.(a) Study. – The Department of Transportation shall study the needs of law enforcement, emergency medical and emergency management personnel, and firefighters to improve access to or within the interstate system within this State for the benefit of public safety. In conducting the study, the Department of Transportation may consult with the Division of Emergency Management of the Department of Public Safety, the Office of State Fire Marshal of the Department of Insurance, the Office of Emergency Medical Services of the Department of Health and Human Services, and any other State or local government organizations the Department of Transportation determines may be of assistance in the course of the study. In performing the study, the Department of Transportation shall, at a minimum, take the following steps:

(1) Consult with county fire marshal divisions, emergency management offices, and emergency medical service divisions to determine potential sites of interest for construction or improvement relevant to the study.
(2) Establish criteria to prioritize sites of interest for either construction or improvement.
(3) Review applicable federal and State laws, codes, standards, and studies relevant to the study.
(4) Review (i) existing Department of Transportation planning, design, and construction standards for interchanges, median crossovers, and access points and (ii) how those standards consider the needs of law enforcement, emergency medical and emergency management personnel, and firefighters.
(5) Consider the feasibility of providing opportunities for stakeholder input during the planning of future interstate improvements that focus on the needs of law enforcement, emergency medical and emergency management personnel, and firefighters.
(6) Examine any other matters the Department of Transportation deems relevant in the course of the study.

SECTION 22.(b) Report. – The Department of Transportation shall report the findings and recommendations, including any legislative proposals, to the Joint Legislative Oversight Committee on Justice and Public Safety, the Joint Legislative Emergency Management
Oversight Committee, and the Joint Legislative Transportation Oversight Committee no later than March 1, 2022.

PART IV. SEVERABILITY CLAUSE AND EFFECTIVE DATE

SECTION 23.(a) If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part declared to be unconstitutional or invalid.

SECTION 23.(b) Except as otherwise provided, this act is effective when it becomes law.