

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 206
Committee Substitute Favorable 3/18/19
Senate Transportation Committee Substitute Adopted 6/26/19
Senate Finance Committee Substitute Adopted 6/28/19
Fifth Edition Engrossed 7/8/19

Short Title: Various Transportation Changes.

(Public)

Sponsors:

Referred to:

February 28, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CHANGES TO LAWS RELATED TO TRANSPORTATION.
3 The General Assembly of North Carolina enacts:

4
5 **REENACT AUTHORIZATION FOR PARTNERSHIP WITH PRIVATE DEVELOPERS**

6 **SECTION 1.** Section 2 of S.L. 2009-235, as amended by Section 7 of S.L. 2014-58
7 and Section 2.3 of S.L. 2016-90, reads as rewritten:

8 "**SECTION 2.** This act is effective when it becomes law. ~~This act shall expire on July 1,~~
9 ~~2017.~~"

10
11 **PROCEEDS FROM PROPERTY DISPOSITION TO HIGHWAY FUND**
12 **CLARIFICATION**

13 **SECTION 2.(a)** G.S. 136-16 reads as rewritten:

14 "**§ 136-16. Funds and property converted to State Highway Fund.**

15 Except as otherwise ~~provided~~, provided in this Chapter, all funds and property collected by
16 the Department of Transportation, ~~including the proceeds from the sale of real property originally~~
17 ~~purchased with funds from the State Highway Fund,~~ Transportation shall be paid or converted
18 into the State Highway Fund. For the purposes of this section, funds include proceeds from the
19 sale of real property owned by the Department."

20 **SECTION 2.(b)** G.S. 146-30 is amended by adding a new subsection to read:

21 "(b4) Notwithstanding the other provisions of this section, no service charge into the State
22 Land Fund shall be deducted from or levied against the proceeds of any disposition by lease,
23 rental, or easement of lands owned by the Department of Transportation. All net proceeds of
24 those dispositions shall be deposited into the State Highway Fund."

25 **SECTION 2.(c)** G.S. 146-30(c) reads as rewritten:

26 "(c) The amount or rate of such service charge shall be fixed by rules and regulations
27 adopted by the Governor and approved by the Council of State, but as to any particular sale,
28 lease, rental, or other disposition, it shall not exceed ten percent (10%) of the gross amount
29 received from such sale, lease, rental, or other disposition. Notwithstanding any other provision
30 of this Subchapter, the net proceeds derived from the sale of land or products of land owned by
31 or under the supervision and control of the Wildlife Resources Commission, or acquired or
32 purchased with funds of that Commission, shall be paid into the Wildlife Resources Fund.
33 Provided, however, the net proceeds derived from the sale of land or timber from land owned by



1 or under the supervision and control of the Department of Agriculture and Consumer Services
2 shall be deposited with the State Treasurer in a capital improvement account to the credit of the
3 Department of Agriculture and Consumer Services, to be used for such specific capital
4 improvement projects or other purposes as are provided by transfer of funds from those accounts
5 in the Capital Improvement Appropriations Act. Provided further, the net proceeds derived from
6 the sale of park land owned by or under the supervision and control of the Department of Natural
7 and Cultural Resources shall be deposited with the State Treasurer in a capital improvement
8 account to the credit of the Department of Administration to be used for the purpose of park land
9 acquisition as provided by transfer of funds from those accounts in the Capital Improvement
10 Appropriations Act. In the Capital Improvement Appropriations Act, line items for purchase of
11 park and agricultural lands will be established for use by the Departments of Administration and
12 Agriculture. The use of such funds for any specific capital improvement project or land
13 acquisition is subject to approval by the Director of the Budget. No other use may be made of
14 funds in these line items without approval by the General Assembly except for incidental
15 expenses related to the project or land acquisition. Additionally with the approval of the Director
16 of the Budget, either Department may request funds from the Contingency and Emergency Fund
17 when the necessity of prompt purchase of available land can be demonstrated and funds in the
18 capital improvement accounts are insufficient. Provided further, the net proceeds derived from
19 the sale of any portion of the land owned by the State in or around the Butner Reservation on or
20 after July 1, 1980, shall be deposited with the State Treasurer in a capital improvement account
21 to the credit of the Department of Health and Human Services to make capital improvements on
22 or to property owned by the State in the Butner Reservation subject to approval by the Office of
23 State Budget and Management, and may be used to build industrial access roads to industries
24 located or to be located on the Butner Reservation, to construct new city streets in the Butner
25 Reservation, extend water and sewer service on the Butner Reservation, repair storm drains on
26 the Butner Reservation, and for other capital uses on the Reservation as determined by the
27 Secretary. Provided further, notwithstanding any other provision of this Subchapter, the proceeds
28 derived from the lease dispositions of land or facilities owned or under the supervision and
29 control of East Carolina University's Division of Health Sciences for the delivery of health care
30 services shall be deposited in clinical accounts at East Carolina University to be used to improve
31 access to patient care. Provided further, notwithstanding any other provision of this Subchapter,
32 the net proceeds derived from the sale of ~~land or facilities purchased with funds from the State~~
33 Highway Fund land, facilities, products, or timber owned by the Department of Transportation
34 shall be deposited into the State Highway Fund."
35

36 NEUSE BUFFER RULES/AIRPORT FACILITIES

37 **SECTION 3.(a)** Definition. – As used in this section, the term "Neuse River Basin
38 Airport Rules" means all of the following:

- 39 (1) The Neuse River Basin: Nutrient Sensitive Waters Management Strategy:
40 Protection and Maintenance of Existing Riparian Buffers (15A NCAC 02B
41 .0233), including the proposed readoption and recodification as 15A NCAC
42 02B .0714 adopted by the Environmental Management Commission on March
43 14, 2019, and approved by the Rules Review Commission on May 16, 2019.
- 44 (2) The definition of "Airport Facilities" in 15A NCAC 2B .0610 adopted by the
45 Environmental Management Commission on March 14, 2019, and approved
46 by the Rules Review Commission on May 16, 2019.

47 **SECTION 3.(b)** Neuse River Basin Airport Rules. – Until the effective date of the
48 revised permanent rules that the Environmental Management Commission is required to adopt
49 pursuant to subsection (d) of this section, the Commission and the Department of Environmental
50 Quality shall implement the Neuse River Basin Airport Rules as provided in subsection (c) of
51 this section.

1 **SECTION 3.(c)** Implementation. – The definition of "Airport Facilities" shall be as
2 follows:

3 All properties, facilities, buildings, structures, and activities that satisfy or otherwise
4 fall within the scope of one or more of the definitions or uses of the words or phrases "air
5 navigation facility," "airport," or "airport protection privileges" under G.S. 63-1; the definition
6 of "aeronautical facilities" in G.S. 63-79(1); the phrase "airport facilities" as used in
7 G.S. 159-48(b)(1); the phrase "aeronautical facilities" as defined in G.S. 159-81 and G.S. 159-97;
8 and the phrase "airport facilities and improvements" as used in Section 13 of Article V of the
9 North Carolina Constitution. Airport facilities shall include, without limitation, any and all of the
10 following:

- 11 1. The airport and all of its terminals and terminal shops and support buildings.
- 12 2. Runways, taxiways, clear zones, and other paved or unpaved areas, or open or
13 restricted landing areas on the airport.
- 14 3. Airport offices and administrative buildings.
- 15 4. Buildings, structures, equipment, and facilities intended to support aircraft
16 operations, including, without limitation, hangars and other aircraft
17 maintenance buildings, storage buildings or areas, and including, without
18 limitation, anything shown on any airport development plan submitted to the
19 Federal Aviation Administration.
- 20 5. Navigational and signal systems, including any structures, mechanisms,
21 landing lighting and lights, beacons, marks, communicating systems, or other
22 instrumentalities or devices used or useful as an aid, or constituting an
23 advantage or convenience to the safe taking off, navigation, and landing of
24 aircraft, or the safe and efficient operation or maintenance of an airport or
25 restricted landing area.
- 26 6. Parking owned or operated by the airport to serve the airport's operations,
27 whether located on the airport or as satellite parking.
- 28 7. Drainage ditches or pipes, stormwater structures, and related stormwater
29 outfalls.
- 30 8. Retail and commercial development outside of the terminal area but located
31 on the airport, including rental car facilities, hotels, industrial facilities,
32 freestanding offices, and other similar buildings constructed on the airport,
33 whether or not owned or operated by the airport.
- 34 9. All appurtenant areas used or suitable for airport buildings or other airport
35 facilities, including all appurtenant rights-of-way.
- 36 10. Easements through, or other interests in, airspace over land or water, interests
37 in airport hazards outside the boundaries of the airport or restricted landing
38 area, and other protection privileges, the acquisition or control of which is
39 necessary to ensure safe approaches to the landing areas of the airport and
40 restricted landing areas and the safe and efficient operation thereof.
- 41 11. Any combination of any or all of such properties, facilities, buildings,
42 structures, activities, and easements.

43 **SECTION 3.(d)** Additional Rule-Making Authority. – The Commission shall adopt
44 rules to amend the Neuse River Basin Airport Rules (as defined in subsection (a) of this section)
45 consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rules
46 adopted by the Commission, pursuant to this section, shall be substantively identical to the
47 provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject
48 to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this
49 section shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written
50 objections had been received as provided by G.S. 150B-21.3(b2).

1 **SECTION 3.(e)** Sunset. – This section expires when permanent rules adopted as
2 required by subsection (d) of this section become effective.

3
4 **NEUSE BUFFER RULES/AIRPOT IMPACTED PROPERTY**

5 **SECTION 3.1.(a)** Definitions. – As used in this section, the following definitions
6 apply:

- 7 (1) Airport Impacted Property. – Any tract of property contiguous to airports
8 located in the Neuse River Basin served by greater than 50,000 flights
9 annually that is impacted by a relocation of State-maintained road to
10 accommodate expansion or relocation of airport operations.
11 (2) Neuse River Basin Riparian Buffer Rule. – The Neuse River Basin: Nutrient
12 Sensitive Waters Management Strategy: Protection and Maintenance of
13 Existing Riparian Buffers (15A NCAC 02B .0233), including the proposed
14 readoption and recodification of that rule as 15A NCAC 02B .0714 adopted
15 by the Environmental Management Commission on March 14, 2019 and
16 approved by the Rules Review Commission on May 16, 2019.

17 **SECTION 3.1.(b)** Neuse River Basin Riparian Buffer Rule. – Until the effective
18 date of the revised permanent rules that the Environmental Management Commission is required
19 to adopt pursuant to subsection (d) of this section, the Commission and the Department of
20 Environmental Quality shall implement the Neuse River Basin Riparian Buffer Rule as provided
21 in subsection (c) of this section.

22 **SECTION 3.1.(c)** Implementation. – Notwithstanding subdivision 6 (Table of Uses)
23 of the Neuse River Basin Riparian Buffer Rule, uses of Airport Impacted Property shall be
24 designated as Allowable with Mitigation.

25 **SECTION 3.1.(d)** Additional Rule-Making Authority. – The Commission shall
26 adopt rules to amend the Neuse River Basin Riparian Buffer consistent with subsection (c) of
27 this section. Notwithstanding G.S. 150B-19(4), the rules adopted by the Commission, pursuant
28 to this section, shall be substantively identical to the provisions of subsection (c) of this section.
29 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of
30 the General Statutes. Rules adopted pursuant to this section shall become effective as provided
31 in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by
32 G.S. 150B-21.3(b2).

33 **SECTION 3.1.(e)** Sunset. – This section expires when permanent rules adopted as
34 required by subsection (d) of this section become effective.

35
36 **DEPARTMENT OF TRANSPORTATION AUTHORIZATION TO PERMIT AIRSPACE**
37 **ENCROACHMENT FOR MOORE REGIONAL HOSPITAL**

38 **SECTION 3.5.(a)** The Department of Transportation is hereby authorized to permit
39 private use and encroachment upon the airspace above State Road 1208, Page Road, in Pinehurst,
40 for the purpose of construction of a parking facility structure for Moore Regional Hospital,
41 provided, in the opinion of the Department of Transportation, such parking facility structure will
42 not unreasonably interfere with or obstruct the public use of the right-of-way of State Road 1208,
43 Page Road. Any agreement for an encroachment authorized by this section shall be approved by
44 the Board of Transportation, upon a finding that the encroachment is necessary and appropriate,
45 in the sole discretion of the Board. Any encroachment agreement authorized by this section shall
46 be subject to all State and federal rules, regulations, and include any conditions deemed necessary
47 by the Department of Transportation including, but not limited to, future inspection,
48 maintenance, and repair responsibilities.

49 **SECTION 3.5.(b)** Ingress and egress movements (access) for the parking facility
50 structure shall be approved by the Department under a separate driveway permit.

1 **SECTION 3.5.(c)** Moore Regional Hospital shall be responsible for all costs
2 associated with requirements by the Department issued in the approved encroachment agreement
3 and driveway permit.

4 **SECTION 3.5.(d)** Moore Regional Hospital or any other organization or event shall
5 not require a fee to utilize the parking facility structure within the airspace of State Road 1208,
6 Page Road.

8 **AIRPORT IMPROVEMENT PROGRAM**

9 **SECTION 4.(a)** Article 7 of Chapter 63 of the General Statutes is amended by adding
10 a new section to read:

11 **"§ 63-74. Airport Improvement Program.**

12 (a) Purpose. – There is established an Airport Improvement Program (AIP) that shall
13 serve to (i) fund improvements at eligible airports and (ii) pay debt service or related financing
14 costs and expenses on revenue bonds or notes issued by eligible airports. The Department of
15 Transportation shall allocate funds appropriated to this program to eligible airports based on the
16 findings in the biennial economic impact study, as described in this section. The Department
17 shall adopt rules governing the distribution and use of these funds.

18 (b) Eligible Airport. – Any publicly owned, commercial service airport with more than
19 10,000 passenger boardings during the two calendar years preceding the fiscal year in which
20 funds are allocated is eligible for Airport Improvement Program funds.

21 (c) Economic Impact Study and Distribution Formula. – The Department of
22 Transportation shall conduct a biennial economic impact study that examines the annual
23 economic impact of each commercial service airport in North Carolina. The Department shall
24 disburse AIP funds appropriated in a year to each eligible airport in proportion to the total
25 economic impact of the airport, adjusted as provided in this subsection.

26 (1) For an eligible airport with one of the three largest economic impacts, the
27 airport's distribution amount shall be reduced by a percentage equal to the
28 lesser of twenty percent (20%) or five percent (5%) multiplied by each full ten
29 percent (10%) of economic impact calculated for that airport. The aggregate
30 amount of the reduction to the eligible airports with the three largest economic
31 impacts is the amount to be redistributed to the remaining eligible airports as
32 provided in subdivision (2) of this subsection.

33 (2) For an eligible airport that does not have one of the three largest economic
34 impacts, the airport's distribution amount shall be increased based upon the
35 following formula:

36 a. Twenty-five percent (25%) of the redistribution amount shall be
37 distributed equally.

38 b. Seventy-five percent (75%) of the redistribution amount shall be based
39 upon the airport's share of passenger boardings compared to the total
40 number of passenger boardings used for all airports receiving a
41 distribution pursuant to this subdivision.

42 (d) Permissible Uses, Reporting, and Return of Funds. – The Department of
43 Transportation shall not allocate funds to an airport under this section until that airport has
44 provided a report outlining how the airport will use the funds in conformance with the purposes
45 of the program. No later than 45 days from the date the Department receives the report required
46 under this subsection, the Department shall make a determination whether the intended use of
47 the funds matches the purposes of the program and, if so, allocate funds under this section to the
48 compliant airport. An airport that receives funds under this section shall return the funds to the
49 Department if the funds are in the possession or control of the airport and not expended or
50 encumbered by August 31 of the year following the fiscal year in which the Department makes
51 the allocation. All funds returned to the Department under this section, or retained by the

1 Department for failure of an eligible airport to submit a report under this subsection, shall be
2 credited to the fund from which they were appropriated and shall remain unexpended and
3 unencumbered until appropriated by the General Assembly.

4 (e) Limitation. – Notwithstanding any provision of law to the contrary, the allocation of
5 funds under this section to eligible airports, the enactment of this section, and the issuance of
6 bonds or notes by the airports in reliance thereon shall not in any manner constitute a pledge of
7 the full faith and credit and taxing power of the State. Additionally, allocations under this section
8 are subject to the availability of funds appropriated to the Airport Improvement Program. A
9 security interest shall not be granted in funds allocated under this section."

10 **SECTION 4.(b)** Section 34.19(b) of S.L. 2017-57 is repealed.

11 **SECTION 4.(c)** This section becomes effective July 1, 2019.

12
13 **MURPHY BRANCH RAIL LINE LEASE AND CONVEYANCE AUTHORIZATION**
14 **REPEAL**

15 **SECTION 4.5.** Section 35.18 of S.L. 2016-94 is repealed.

16
17 **DEPARTMENT AUTHORIZATION FOR PUBLIC-PRIVATE PARTNERSHIPS FOR**
18 **DEPARTMENT-OWNED COMMUNICATIONS INFRASTRUCTURE WITHIN**
19 **HIGHWAY RIGHT-OF-WAY**

20 **SECTION 5.(a)** G.S. 136-18 is amended by adding a new subdivision to read:

21 "(46) To enter into partnership agreements with private entities to finance, by
22 contracts, revenues of facilities, and other financing methods authorized by
23 law, the cost of acquiring, constructing, equipping, maintaining, and operating
24 communications infrastructure supporting transportation infrastructure on the
25 Interstate System as defined by Title 23, United States Code, Section 103(c)
26 in this State, and to plan, design, develop, acquire, construct, equip, maintain,
27 and operate communications infrastructure supporting transportation
28 infrastructure within this State. For the purposes of this subdivision,
29 communications infrastructure supporting transportation infrastructure means
30 fiber optic trunk lines, microcell towers or other broadband or data
31 transmission facilities located within the right-of-way of the interstate or
32 primary highway system that is owned, and utilized completely or partly, by
33 the Department for traffic management, highway safety, vehicle technology
34 integration, and other functions of the Department. An agreement entered into
35 under this subdivision requires the concurrence of the Board of
36 Transportation. The Department shall report to the Chairs of the Joint
37 Legislative Transportation Oversight Committee, the Chairs of the House of
38 Representatives Appropriations Subcommittee on Transportation, and the
39 Chairs of the Senate Appropriations Committee on the Department of
40 Transportation, at the same time it notifies the Board of Transportation of any
41 proposed agreement under this subdivision. No contract for communications
42 infrastructure supporting transportation infrastructure subject to such an
43 agreement that commits the Department to make nonretainage payments for
44 undisputed capital costs for communications infrastructure supporting
45 transportation infrastructure to be made later than 18 months after final
46 acceptance by the Department shall be executed without approval of the Local
47 Government Commission. Any contracts for communications infrastructure
48 supporting transportation infrastructure which are awarded pursuant to an
49 agreement entered into under this subdivision shall comply with the
50 competitive bidding requirements of this Article. The Department may enter

1 into agreements with one or more private entities under this subdivision as
2 follows:

3 a. A private entity or its contractors must provide performance and
4 payment security in the form and in the amount determined by the
5 Department. The form of the performance and payment security may
6 consist of bonds, letters of credit, parent guaranties, or other
7 instruments acceptable to the Department.

8 b. Notwithstanding the provisions of G.S. 143B-426.40A, an agreement
9 entered into under this subdivision may allow the private entity to
10 assign, transfer, sell, hypothecate, and otherwise convey some or all of
11 its right, title, and interest in and to such agreement, and any rights and
12 remedies thereunder, to a lender, bondholder, or any other party.
13 However, in no event shall any such assignment create additional debt
14 or debt-like obligations of the State of North Carolina, the Department,
15 or any other agency, authority, commission, or similar subdivision of
16 the State to any lender, bondholder, entity purchasing a participation
17 in the right to receive the payment, trustee, trust, or any other party
18 providing financing or funding of projects described in this
19 subdivision. The foregoing shall not preclude the Department from
20 making any payments due and owing pursuant to an agreement entered
21 into under this subdivision.

22 c. An agreement entered into under this subdivision for communications
23 infrastructure supporting transportation infrastructure may provide
24 that private entities may commercialize the capacity of such
25 communications infrastructure in excess of the Department's need
26 through lease or other arrangements, with the Department having first
27 right of refusal for future anticipated capacity needs.

28 d. No agreement entered into under this subdivision for use of
29 Department right-of-way or communications infrastructure and its
30 facilities shall abrogate the Department's ownership and control of the
31 right-of-way or communications infrastructure and its facilities within
32 the right-of-way.

33 e. Agreements entered into under this subdivision shall comply with the
34 following additional provisions:

35 1. The Department shall solicit proposals for an agreement.

36 2. An agreement shall be limited to no more than 50 years from
37 the date the communications infrastructure becomes
38 operational and utilized by the Department.

39 3. Financial advisors and attorneys retained by the Department on
40 contract to work on projects pursuant to this subdivision shall
41 be subject to State law governing conflicts of interest.

42 4. Sixty days prior to the signing of a concession agreement
43 subject to this subdivision, the Department shall report to the
44 Joint Legislative Transportation Oversight Committee on the
45 following for the presumptive concessionaire:

46 I. Project description.

47 II. Name and location of firms and parent companies, if
48 applicable, including firm responsibility and stake, and
49 assessment of audited financial statements.

50 III. Analysis of firm selection criteria.

1 December 31, 2021, and the pilot program shall terminate upon submission of its report as
2 required by subsection (d) of this section.

3 **SECTION 6.(b)** By December 1, 2019, the State agency for State surplus property
4 shall issue a request for proposal (RFP) for the sale of North Carolina Department of
5 Transportation (NCDOT) surplus property, including titled and nontitled equipment and motor
6 vehicles owned by the NCDOT, at live public auction and via live simulcast or other electronic
7 means without requiring surplus property movement to a centralized auction location. The State
8 agency for State surplus property shall consult with the NCDOT and group the various
9 Department Highway Divisions into three regions for the purposes of determining the live public
10 auction locations based on surplus property distribution and storage locations. The NCDOT shall
11 provide copies of the maintenance file, maintenance-related invoices or documents, and the
12 preventive maintenance schedule for each item of equipment or motor vehicle being auctioned
13 for inspection prior to auction. The State agency for State surplus property shall consult with the
14 NCDOT to further determine (i) adequate staffing requirements to work with the auctioneer in
15 conducting an auction, including staff who are knowledgeable about the surplus property, (ii)
16 adequate arrangements to allow for the auctioneer to document by photograph or video, as
17 appropriate, surplus property for auction, and (iii) adequate arrangements to allow members of
18 the public access to NCDOT storage locations to inspect and view the surplus property to be
19 auctioned. Net proceeds shall be credited to the State Highway Fund in accordance with
20 G.S. 136-16. The RFP shall contain the following auctioneer requirements:

- 21 (1) Must accept payment by any commercially reasonable manner. The auction
22 company may charge credit card and platform fees of up to three percent (3%)
23 of the highest and final bid.
- 24 (2) Must have capability to conduct auctions via live simulcast or other electronic
25 means in conjunction with conducting live auctions.
- 26 (3) Must have capability to electronically document, via photographs and video
27 as appropriate, surplus property, equipment, and motor vehicles and make
28 information electronically available for inspection prior to an auction.
- 29 (4) Must remit the net proceeds from the auction to the NCDOT within 14
30 business days after the auction is completed. The auction company may offset
31 up to one-fourth of one percent (0.25%) of the gross sale for advertisement
32 cost reimbursement.
- 33 (5) Must post a cash bond or equivalent guarantee in the amount of two hundred
34 fifty thousand dollars (\$250,000), made payable to the State of North
35 Carolina.
- 36 (6) Must have a minimum coverage of two million dollars (\$2,000,000) in
37 commercial general liability insurance.
- 38 (7) Must agree to charge no commission to the State. The auction company may
39 charge a buyer premium, not to exceed ten percent (10%) to the final and
40 highest bid.
- 41 (8) Must be a licensed auction company with a current and valid North Carolina
42 Auctioneer license issued pursuant to Chapter 85B of the General Statutes.
43 Preference shall be given to an auction company based in this State.
- 44 (9) Must require that successful bidders provide and complete proper transfer
45 documents for titled equipment or motor vehicles.
- 46 (10) Must be capable of conducting live simulcast public auctions in regions as
47 agreed upon by the NCDOT.

48 **SECTION 6.(c)** By June 1, 2020, the State agency for State surplus property shall
49 review the proposals submitted and shall enter into a contract with the lowest responsible bidder
50 who provides evidence satisfactory to the State agency for State surplus property that it meets
51 the requirements of the RFP.

1 **SECTION 6.(d)** No later than March 1, 2022, the State agency for State surplus
2 property shall report to the Joint Legislative Transportation Oversight Committee the results,
3 findings, and legislative recommendations based on the results, from the auctions during the pilot
4 program. At a minimum, its report shall include information on the following:

- 5 (1) The quantity and type of surplus property offered as part of each auction.
- 6 (2) The details of each request for proposal and award of contract.
- 7 (3) The results of the State surplus property public auctions, including details of
8 each public auction, and the average ratio of sale price to estimated State
9 surplus property value.
- 10 (4) Other information the State agency for State surplus property deems
11 necessary.

12 13 **LICENSE RESTORATION FEE WAIVER AUTHORITY**

14 **SECTION 7.(a)** G.S. 20-7(i1) reads as rewritten:

15 "(i1) Restoration Fee. – Any person whose drivers license has been revoked pursuant to
16 the provisions of this Chapter, other than G.S. 20 17(a)(2) shall pay a restoration fee of sixty five
17 dollars (\$65.00). A person whose drivers license has been revoked under G.S. 20 17(a)(2) shall
18 pay a restoration fee of one hundred thirty dollars (\$130.00). The fee shall be paid to the Division
19 prior to the issuance to such person of a new drivers license or the restoration of the drivers
20 license. The restoration fee shall be paid to the Division in addition to any and all fees which may
21 be provided by law. This restoration fee shall not be required from any licensee whose license
22 was revoked or voluntarily surrendered for medical or health reasons whether or not a medical
23 evaluation was conducted pursuant to this Chapter. The sixty five dollar (\$65.00) fee, and the
24 first one hundred five dollars (\$105.00) of the one hundred thirty dollar (\$130.00) fee, shall be
25 deposited in the Highway Fund. Twenty five dollars (\$25.00) of the one hundred thirty dollar
26 (\$130.00) fee shall be used to fund a statewide chemical alcohol testing program administered
27 by the Forensic Tests for Alcohol Branch of the Chronic Disease and Injury Section of the
28 Department of Health and Human Services. Notwithstanding any other provision of law, a
29 restoration fee assessed pursuant to this subsection may be waived by the Division when (i) the
30 restoration fee remains unpaid for more than 10 years from the date of assessment and (ii) the
31 person responsible for payment of the restoration fee has been issued a drivers license by the
32 Division after the effective date of the revocation for which the restoration fee is owed. The
33 Office of State Budget and Management shall annually report to the General Assembly the
34 amount of fees deposited in the General Fund and transferred to the Forensic Tests for Alcohol
35 Branch of the Chronic Disease and Injury Section of the Department of Health and Human
36 Services under this subsection."

37 **SECTION 7.(b)** This section becomes effective October 1, 2019.

38 39 **HANDICAPPED PERSONS PARKING AND ACCESS AISLE DESIGNATION** 40 **CLARIFICATION**

41 **SECTION 8.** G.S. 20-37.6(d) reads as rewritten:

42 "(d) Designation of Parking Spaces. – Designation of parking spaces for handicapped
43 persons on streets and public vehicular areas shall comply with G.S. 136-30. A sign designating
44 a parking space for handicapped persons shall state the maximum penalty for parking in the space
45 in violation of the law. For purposes of this section, a parking space designated for handicapped
46 persons includes clearly marked access aisles, and all provisions, restrictions, and penalties
47 applicable to parking in spaces designated for handicapped persons also apply to clearly marked
48 access aisles."

49 50 **PEER-TO-PEER VEHICLE SHARING**

1 SECTION 9.(a) Chapter 20 of the General Statutes is amended by adding a new
2 Article to read:

3 "Article 10B.

4 "Peer-to-Peer Vehicle Sharing.

5 "**§ 20-280.15. Definitions.**

6 The following definitions apply in this Article:

7 (1) Airport operator. – As defined in G.S. 20-280.1.

8 (2) Peer-to-peer vehicle sharing. – The authorized use of a shared vehicle by an
9 individual other than the shared vehicle owner through a peer-to-peer vehicle
10 sharing program.

11 (3) Peer-to-peer vehicle sharing program. – A business platform that connects
12 shared vehicle owners with drivers to enable the sharing of vehicles for
13 financial consideration.

14 (4) Shared vehicle. – A vehicle that is available for sharing through a peer-to-peer
15 vehicle sharing program.

16 (5) Shared vehicle owner. – The registered owner of a shared vehicle that is made
17 available for sharing through a peer-to-peer vehicle sharing program.

18 (6) Vehicle sharing provider. – The person or entity that operates, facilitates, or
19 administers the provision of personal vehicle sharing through a peer-to-peer
20 vehicle sharing program.

21 "**§ 20-280.17. Airport operators.**

22 An airport operator may (i) charge peer-to-peer vehicle sharing programs a reasonable fee
23 for the use of the airport's facility, (ii) require an identifying decal be displayed on all shared
24 vehicles that operate on airport property, (iii) require the purchase and use of equipment or
25 establish other appropriate mechanisms for monitoring and auditing compliance, including
26 having a peer-to-peer vehicle sharing program provide data for purposes of monitoring and
27 auditing compliance, and (iv) designate a location where shared vehicles may stage on the airport
28 operator's facility."

29 SECTION 9.(b) This section becomes effective October 1, 2019.

30
31 **EFFECTIVE DATE**

32 SECTION 10. Except as otherwise provided, this act is effective when it becomes
33 law.