

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

HOUSE BILL 103
RATIFIED BILL

AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES AND SESSION LAWS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 1-567.36 reads as rewritten:

"§ 1-567.36. Venue and jurisdiction of courts.

(a) The functions referred to in G.S. 1-567.41(c) and (d), ~~1-567.43(a),~~ 1-567.44(b), 1-567.46(c), and 1-567.57 shall be performed by the court in the following county:

- (1) The county where the arbitration agreement is to be performed or was made.
- (2) If the arbitration agreement does not specify a county where the agreement is to be performed and the agreement was not made in any county in ~~the State of~~ North Carolina, the county where any party to the court proceeding resides or has a place of business.
- (3) In any case not covered by ~~subdivisions~~ subdivision (1) or (2) of this subsection, in any county in ~~the State of~~ North Carolina.

(b) All other functions assigned by this Article to the court shall be performed by the court of the county in which the place of arbitration is located."

SECTION 2. G.S. 1-567.44 reads as rewritten:

"§ 1-567.44. Failure or impossibility to act.

(a) The mandate of an arbitrator terminates ~~if the~~ on any of the following grounds:

- (1) The arbitrator becomes unable to perform the arbitrator's functions or for other reasons fails to act without undue ~~delay or the~~ delay.
- (2) The arbitrator ~~withdraws or the~~ withdraws.
- (3) The parties agree to the termination.

(b) If a controversy remains concerning any of the grounds referred to in subsection (a) of this section, a party may request the court to decide on the termination of the mandate. The decision of the court ~~shall be~~ is final and not subject to appeal.

(c) ~~If under this section or under G.S. 1-567.43,~~ an arbitrator withdraws or otherwise agrees to the termination of the arbitrator's mandate, no acceptance of the validity of any ground referred to in this section ~~or G.S. 1-567.43(b)~~ shall be is implied in consequence of the action."

SECTION 3. G.S. 20-4.02 reads as rewritten:

"§ 20-4.02. Quadrennial adjustment of certain fees and rates.

(a) Adjustment for Inflation. – Beginning July 1, 2020, and every four years thereafter, the Division shall adjust the fees and rates imposed pursuant to the statutes listed in this subsection for inflation in accordance with the Consumer Price Index computed by the Bureau of Labor Statistics. The adjustment for per transaction rates in ~~subdivision (8a)~~ subdivision (8b) of this subsection shall be rounded to the nearest cent and all other adjustments under this subsection shall be rounded to the nearest twenty-five cents (25¢):

...



- (8a) G.S. 20-43.1(e1), with respect to the per individual record fee set in that subsection.
- (8b) G.S. 20-63(h), with respect to the per transaction rates set in that subsection.

...

(c) Rules. – ~~The provisions of Chapter 150B of the General Statutes do~~does not apply to the inflation adjustment required by this section.

(d) Consultation and Publication. – At least 90 days prior to making an adjustment pursuant to subsection (a) of this section, and notwithstanding ~~any provision of G.S. 12-3.1 to the contrary, G.S. 12-3.1,~~ the Division shall (i) consult with the Joint Legislative Commission on Governmental Operations, (ii) provide a report to the chairs of the Senate Appropriations Committee on Transportation and the House of Representatives Appropriations Committee on Transportation, and (iii) publish notice of the fees that will be in effect in the offices of the Division and on the Division's website. After making the adjustment, the Division shall notify the Revisor of Statutes who shall adjust the amounts in statute.

(e) Effective Date. – Any adjustment to fees or rates under this section applicable to a motor vehicle sold or leased by a motor vehicle dealer, as defined in ~~G.S. 20-286(11), G.S. 20-286,~~ is only applicable to a motor vehicle sale or lease made on or after the effective date of the fee or rate adjustment regardless of the date of submission of a title and registration application for the motor vehicle to the Division. No adjustment to fees or rates under this section applies to a motor vehicle sale or lease made prior to the effective date of the fee or rate adjustment."

SECTION 4. G.S. 20-187.2 is recodified as G.S. 17F-20 and reads as rewritten:

"§ 17F-20. Badges and service side arms of deceased or retiring members of State, city, and county law enforcement agencies; weapons of active members.

(a) ~~Surviving spouses, or in the event such members die spouses or, if unsurvived by a spouse, surviving children of members of North Carolina State, city, and county law enforcement agencies who are killed in the line of duty or who are members of such these agencies at the time of their deaths, deaths and retiring members of such these agencies shall receive receive, upon request and at no cost to them, the badge worn or carried by such the deceased or retiring member. The Upon determining that a person requesting a service side arm is not ineligible to own, possess, or receive a firearm under State or federal law or that the service side arm has been rendered incapable of being fired, the governing body of a law enforcement agency may, in its discretion, also award to a retiring member or surviving relatives as provided herein, surviving spouse or child or to a retiring member, upon request, the service side arm of such the deceased or retiring members, member at a price determined by such governing body, upon determining that the person receiving the weapon is not ineligible to own, possess, or receive a firearm under the provisions of State or federal law, or if the weapon has been rendered incapable of being fired. Governing body shall mean for the governing body. As used in this subsection, "governing body" means the following:~~

- (1) ~~For county and local alcohol beverage control officers, the county or local board of alcoholic control; for beverage control.~~
- (2) ~~For all other law enforcement officers with jurisdiction limited to a municipality or town, the city or town council; for council.~~
- (3) ~~For all other law enforcement officers with countywide jurisdiction, the board of county commissioners; for commissioners.~~
- (4) ~~For all State law enforcement officers, the head of the department.~~

(b) Active members of North Carolina State, city, and county law enforcement agencies, upon change of type of weapons, may purchase the weapon ~~worn or carried by such member they wore or carried prior to the change~~ at a price ~~which shall be equal to~~ the average yield to the State, city, or county from the sale of similar weapons during the preceding year.

(c) For purposes of this section, certified probation and parole officers ~~shall be~~ are considered members of a North Carolina State law enforcement agency."

SECTION 5. G.S. 20-187.4 is recodified as G.S. 17F-21 and reads as rewritten:

"§ 17F-21. Disposition of retired service animals.

(a) Upon determination that any service animal is no longer fit or needed for public service, the State or unit of local government may transfer ownership of the animal at a price determined by the State or unit of local government and upon any other terms and conditions as the State or unit of local government deems appropriate, to any of the following individuals, if that individual agrees to accept ownership, care, and custody of the service animal:

- (1) The officer or employee who had normal custody and control of the service animal during the service animal's public service to the State or unit of local government.
- (2) A surviving ~~spouse, or in the event such officer or employee dies spouse or, if unsurvived~~ by a spouse, surviving children of the officer or employee killed in the line of duty who had normal custody and control of the service animal during the service animal's public service to the State or unit of local government.
- (3) An organization or program dedicated to the assistance or support of service animals retired from public service.

(b) For purposes of this section, the following definitions apply:

- (1) ~~"Service animal."~~ Service animal. – Any horse, dog, or other animal owned by the State or a unit of local government that performs law enforcement, public safety, or emergency service functions.
- (2) ~~"Unit of local government."~~ Unit of local government. – As defined in G.S. 159-7(b)(15). G.S. 159-7(b)."

SECTION 6. G.S. 20-194 is recodified as G.S. 17F-5 and reads as rewritten:

"§ 17F-5. Defense of Highway Patrol members and other State law-enforcement officers in civil actions; payment of judgments.

(a) Repealed by Session Laws 2011-145, s. 28.27(d), effective July 1, 2011.

(b) ~~In the event that~~ If a member of the Highway Patrol or any other State law-enforcement officer is sued in a civil action as an individual for acts occurring while ~~such the member or officer~~ was alleged to be acting within the course and scope of his or her office, employment, service, ~~agency or authority, which was agency, or authority, and the acts were~~ alleged to be a proximate cause of the injury or ~~damage complained of, damage,~~ the Attorney General is hereby authorized to may defend such the employee through the use of a member of his or her staff or, in ~~his the~~ the Attorney General's discretion, employ private counsel, subject to ~~the provisions of~~ Article 31A of Chapter 143 of the General Statutes and G.S. 147-17(a) through (c) and (d). Any judgment rendered as a result of ~~said the~~ civil action against ~~such member of the Highway Patrol or other State law-enforcement officer, the employee~~ for acts alleged to be committed within the course and scope of his or her office, employment, service, ~~agency agency,~~ or authority shall be paid as an expense of administration up to the limit provided in the Tort Claims Act.

(c) The coverage afforded under this Article ~~shall be~~ is excess coverage over any commercial liability insurance up to the limit of the Tort Claims Act."

SECTION 7. G.S. 36C-4-411 reads as rewritten:

"§ 36C-4-411. Modification or termination of noncharitable irrevocable trust by consent.

(a) If the settlor and all beneficiaries of a noncharitable irrevocable trust consent, they may compel the modification or termination of the trust without the approval of the court even if the modification or termination is inconsistent with a material purpose of the trust. If any beneficiary (i) is a minor or incompetent or a person who is unborn or whose identity or location is unknown and (ii) is unable to be represented under Article 3 of this Chapter, the settlor or any

competent adult beneficiary or the representative of any beneficiary properly represented under Article 3 of this Chapter may institute a proceeding before the court to appoint a guardian ad litem. The court shall allow the modification or termination if the court finds that, following the appointment of a guardian ad litem, all beneficiaries or their representatives have consented. A settlor's power to consent to a trust's modification or termination may be exercised ~~by~~by the following:

- (1) An agent under a power of attorney only to the extent expressly authorized by the power of attorney or the terms of the trust.
- (2) The settlor's general guardian or the guardian of the estate with the approval of the court supervising the guardianship.

...

(c) ~~Where~~If the beneficiaries of ~~an~~ a noncharitable irrevocable trust seek to compel a termination of the trust and the continuance of the trust is necessary to carry out a material purpose of the trust, or ~~where~~ the beneficiaries seek to compel a modification of the trust in a manner that is inconsistent with its material purpose, the trust may be modified or terminated, in the discretion of the court, only if the court determines that the reason for modifying or terminating the trust under the circumstances substantially outweighs the interest in accomplishing a material purpose of the trust.

...

(h) Except for the modification of a trust pursuant to subsection (a) of this section, nothing in this section ~~shall be deemed to permit~~permits the modification of a trust to provide for the removal and replacement of a trustee of the trust, including the addition of trust terms providing for the removal and replacement of the trustee by one or more beneficiaries or other persons."

SECTION 8. G.S. 41-73 reads as rewritten:

"§ 41-73. Termination of a joint tenancy with right of survivorship.

(a) Events terminating a joint tenancy with right of survivorship due to the collective action of all joint tenants include the following:

...

- (3) The execution of an instrument by all joint tenants for the purpose of expressing an intent to terminate the joint ~~tenancy as between or among themselves.~~tenancy.

(b) Events terminating a joint tenancy with right of survivorship due to the unilateral action of a joint tenant include the following:

- (1) The conveyance to a third party by a joint tenant of all of that joint tenant's interest in the property held in the joint tenancy, including a foreclosure sale pursuant to a power of sale in a deed of trust.

...

- (3) The execution of an instrument by a joint tenant where the joint tenant is both the grantor and the grantee if the intention to terminate expressly appears in the instrument. A termination under this subdivision ~~shall be~~is effective only upon the recording, prior to the death of the joint tenant, of an instrument expressing an intent to terminate in the office of the register of deeds in the county or counties where the real property is situated.

- (4) The filing by a joint tenant of a petition to partition.

(c) When a termination occurs, a tenancy in common is created as follows:

- (1) If a termination occurs under subdivision (1) of subsection (a) of this section because of the conveyance of all of the joint tenants' interests to a third party, a tenancy in common is created among the tenants as to any proceeds of sale or surplus funds generated from a foreclosure sale.

- (2) If a termination occurs because of the execution by all of the joint tenants of an instrument described in subdivision (2) or (3) of subsection (a) of this section, a tenancy in common is created among the tenants.
- (3) If a termination occurs under ~~subdivision (a)~~ subdivision (1) of subsection (b) of this section because one of the joint tenants conveys all of that joint tenant's interest to a third party and there are only two joint tenants, a tenancy in common is created between the third party and the other joint tenant. If there are more than two joint tenants and one of the joint tenants conveys all of that joint tenant's interests to a third party, a tenancy in common is created among the third party and the remaining joint tenants, who ~~remain~~ continue as joint tenants with right of survivorship as between or among themselves.
- (4) If a termination occurs because of the execution by a joint tenant of an instrument described in subdivision (2) or (3) of subsection (b) of this section or because of the filing of a petition by a joint tenant as provided in subdivision (4) of subsection (b) of this section, and there are two joint tenants, a tenancy in common is created between the joint tenant causing the termination and the other joint tenant. If there are more than two joint tenants, a tenancy in common is created among the joint tenant causing the termination and the remaining joint ~~tenants~~ tenants, who continue as joint tenants with right of survivorship as between or among themselves.

(d) The following events do not result in a termination of joint tenancy with right of survivorship:

...

- (3) When married individuals holding an interest as tenants by the entirety in a joint tenancy with one or more other joint tenants divorce. Unless the divorced individuals agree otherwise, the divorced individuals ~~shall be~~ are deemed to hold their existing interest equally as tenants in common as to each other, but as joint tenants with right of survivorship as to remaining joint tenancy holders.

(e) Nothing in this section ~~shall limit~~ limits the manner or effect of a termination ordered by a court of competent jurisdiction."

SECTION 9. G.S. 74C-12 reads as rewritten:

"§ 74C-12. Denial, suspension, or revocation of license, registration, or permit; duty to report criminal arrests.

(a) The Board may, after compliance with Chapter 150B of the General Statutes, deny, ~~suspend~~ suspend, or revoke a license, certification, registration, or permit issued under this Chapter if it is determined that the applicant, licensee, trainee, registrant, or permit holder has done any of the following acts:

- (1) Made any false statement or given any false information in connection with any application for a license, registration, certification, or permit or for the renewal or reinstatement of a license, certification, registration, or permit.
- (2) Violated any provision of this Chapter.
- (3) Violated any rule adopted by the Board pursuant to the authority contained in this Chapter.
- (4) Repealed by Session Laws 1989, c. 759, s. 10.
- (5) Impersonated or permitted or aided and abetted any other person to impersonate a law enforcement officer of the United States, this State, any other state, or any political subdivision of a state.
- (6) Engaged in or knowingly permitted any employee to engage in a private protective services profession when not lawfully in possession of a valid license or registration issued under ~~the provisions of~~ this Chapter.

- (7) Willfully failed or refused to render to a client service as agreed between the parties and for which compensation has been paid or tendered in accordance with the agreement of the parties.
- (8) Knowingly made any false report to the employer or client for ~~whom~~ which information is being obtained.
- (9) Committed an unlawful breaking or entering, assault, battery, kidnapping, or violated any State or federal firearms law.
- (10) Knowingly violated or advised, encouraged, or assisted the violation of any court order or injunction in the course of business as a licensee.
- (11) Repealed by Session Laws 1989, c. 759, s. 10.
- (12) Undertaken to give legal advice or counsel or to in any way falsely represent that he or she is representing any attorney or ~~he or she~~ is appearing or will appear as an attorney in any legal proceeding.
- (13) Issued, delivered, or uttered any simulation of process of any nature ~~which~~ that might lead a person to believe that ~~such~~ the simulation – written, printed, or typed – may be a summons, warrant, ~~writ or writ~~, other court process, or any pleading in any court proceeding.
- (14) Failed to make the required contribution to the Private Protective Services Education Fund or failed to maintain the certificate of liability insurance required by this Chapter.
- (15) Violated the firearm provisions set forth in this Chapter.
- (16) Repealed by Session Laws 1989, c. 759, s. 10.
- (17) ~~Failed~~ With respect to a business entity licensed pursuant to this Chapter other than a sole proprietorship, failed to notify the Director by a business entity other than a sole proprietorship licensed pursuant to this Chapter of the cessation of employment of the ~~business entity's~~ business entity's qualifying agent within the time set forth in ~~this Chapter~~ G.S. 74C-8(c).
- (18) ~~Failed~~ With respect to a business entity licensed pursuant to this Chapter, failed to obtain a substitute qualifying agent by a business entity within 30 days within the time set forth in G.S. 74C-8(c) after its qualifying agent has ceased to serve as the business entity's qualifying agent. serve.
- (19) Been judged incompetent by a court having jurisdiction under Chapter 35A or former Chapter 35 of the General Statutes or committed to a mental health facility for treatment of mental illness, as defined in G.S. 122C-3, by a court under G.S. 122C-271.
- (20) Failed or refused to offer a report to a client within 30 days of the client's written request after the client has paid for services rendered.
- (21) ~~Been~~ With respect to an applicant or a principal in the applicant's business, been previously denied a license, registration, or permit under this Chapter or previously had a license, registration, or permit revoked for cause. ~~The denial or revocation shall include a principal in the applicant's business.~~
- (22) Engaged in a private protective services profession under a name other than the name under which the license was obtained under ~~the provisions of this Chapter.~~
- (23) Divulged to any person, except as required by law, any information acquired by the license holder except at the direction of the employer or client for ~~whom~~ which the information was obtained. A licensee may divulge to any law enforcement officer or district attorney or district attorney's representative any information the law enforcement officer may require to investigate a criminal offense with the prior approval and consent of the client.

- (24) Fraudulently held himself or herself out as employed by or licensed by the Department of Public Safety or any other governmental authority.
- (25) Demonstrated intemperate habits or a lack of good moral character. ~~The acts~~ Acts that are prima facie evidence of intemperate that an applicant does not have temperate habits or lack of good moral character under G.S. 74C-8(d)(2) are prima facie evidence of the same intemperate habits or lack of good moral character under this subdivision.
- (26) Advertised or solicited business using a name other than that in which the license was issued.
- (27) Worn, carried, or accepted any badge or shield purporting to indicate that ~~the person~~ he or she is a law enforcement officer while licensed under ~~the provisions of this Chapter~~ as a private investigator.
- (28) Possessed or ~~displayed a badge or shield~~ displayed, while providing private protective ~~services~~ services, a badge or shield that was not designed and approved by the Board pursuant to G.S. 74C-5(12).
- (29) Failed or refused to reasonably cooperate with the Board or its agents during an investigation of any complaint, allegation, suspicion of wrongdoing, or violation of this Chapter.
- (30) Failed to properly make any disclosure to the Board or provide documents or information required by this Chapter or rules adopted by the Board.
- (31) Engaged in conduct constituting dereliction of duty or otherwise deceived, defrauded, or harmed the public in the course of professional activities or services.
- (32) Demonstrated a lack of financial responsibility.

(b) The denial, revocation, or suspension of a license, registration, or permit by the Board shall be in writing, be signed by the Director of the Board, and state the grounds upon which the Board decision is based. The aggrieved person ~~shall have~~ has the right to appeal from this decision as provided in Chapter 150B of the General Statutes. The aggrieved person shall file the appeal within 60 days of receipt of the Board's decision.

(c) The following persons ~~may~~ shall not be issued a license under this Chapter:

- (1) A sworn court official.
- (2) A holder of a company police commission under Chapter 74E of the General Statutes.

...."

SECTION 10.(a) G.S. 90-186 reads as rewritten:

"§ 90-186. Special powers of the Board.

In addition to the powers set forth in ~~G.S. 90-185 above~~, G.S. 90-185, the Board ~~may~~ may do any of the following:

- (1) Fix minimum standards for continuing veterinary medical education for veterinarians and ~~technicians, which shall be technicians~~. These standards are a condition precedent to the renewal of a veterinary license, limited license, veterinary faculty certificate, zoo veterinary certificate, or veterinary technician registration, respectively, registration under this Article; Article.
- (2) Inspect any hospitals, clinics, mobile ~~units~~ units, or other facilities used by any practicing veterinarian, either by a member of the Board or its authorized representatives, for the purpose of reporting the results of the inspection to the Board on a form prescribed by the Board and seeking disciplinary action for violations of health, sanitary, and medical waste disposal rules of the Board ~~affecting that affect~~ the practice of veterinary medicine, or violations of rules of any county, state, or federal department or agency having jurisdiction in

- these areas of health, sanitation, and medical waste disposal that relate to or affect the practice of veterinary ~~medicine;~~medicine.
- (3) **(Contingent expiration date – See editor's note)** Upon complaint or information received by the Board, prohibit through summary emergency order of the Board, prior to a hearing, the operation of any veterinary practice facility that the Board determines is endangering, or may endanger, the public health or safety or the welfare and safety of animals, and suspend the license of the veterinarian operating the veterinary practice ~~facility, provided that upon facility.~~facility. Upon the issuance of any summary emergency order, the Board shall initiate, within 10 days, a notice of hearing under the administrative rules issued pursuant to this Article and Chapter 150B of the General Statutes for an administrative hearing on the alleged ~~violation;~~violation.
- (3) **(Contingent effective date – See editor's note)** Upon complaint or information received by the Board, prohibit through summary emergency order of the Board, prior to a hearing, the operation of any veterinary facility that the Board determines is endangering, or may endanger, the public health or safety or the welfare and safety of animals, and suspend the license of the veterinarian operating the veterinary facility, provided that upon the issuance of any summary emergency order, the Board shall initiate, within 10 days, a notice of hearing under the administrative rules issued pursuant to this Article and Chapter 150B of the General Statutes for an administrative hearing on the alleged violation;
- (4) Provide special registration for "veterinary ~~technicians,"~~technicians" and "veterinary student ~~interns" and "veterinary student preceptees"~~interns" and adopt rules concerning the training, ~~registration~~registration, and service limits of ~~such these~~ assistants while employed by and acting under the supervision and responsibility of veterinarians. The Board has exclusive jurisdiction in determining eligibility and qualification requirements for these assistants. Renewals of registrations for veterinary technicians shall be required at least every 24 months, ~~provided that~~so long as the certificate of registration for the veterinary technician is otherwise eligible for ~~renewal;~~renewal.
- (5) Provide, pursuant to administrative rules, requirements for the inactive status of licenses and limited veterinary ~~licenses;~~licenses.
- (6) Set and require fees pursuant to administrative rule. The Board may increase the following fees, ~~provided so long as~~ (i) no fee shall be increased more than fifteen percent (15%) within a calendar year and (ii) the cumulative total increases of any fee shall not exceed one hundred percent (100%) of the fee amounts set in this subdivision:
- ...
- d. **(Contingent expiration date – See editor's note)** Inspection of a veterinary practice facility, ~~resulting from a serious inspection violation or as a result of the complaint,~~ in the amount of one hundred fifty ~~five~~ dollars ~~(\$150.00)~~(\$150.00).
- d. **(Contingent effective date – See editor's note)** Inspection of a veterinary facility, resulting from a serious inspection violation or as a result of the complaint, in the amount of one hundred fifty dollars (\$150.00).
- ...
- (7) Pursuant to administrative rule, to assess and recover against persons holding licenses, limited licenses, temporary permits, or any certificates issued by the Board, costs reasonably incurred by the Board in the investigation,

prosecution, hearing, or other administrative action of the Board in final decisions or orders where those persons are found to have violated the Veterinary Practice Act or administrative rules of the Board issued pursuant to the Act; ~~provided, that all~~ Act. All recovered costs shall be the property of the Board.

- (8) Pursuant to administrative rule, the Board may establish all provisions and requirements for a veterinary facility permit, the issuance of which ~~shall be~~ is required for any facility where veterinary medicine is practiced, except for animal shelters registered with the Department of Agriculture and Consumer Services.

...."

SECTION 10.(b) G.S. 90-186, as amended by subsection (a) of this section, reads as rewritten:

"§ 90-186. Special powers of the Board.

In addition to the powers set forth in G.S. 90-185, the Board may do any of the following:

...

- (6) Set and require fees pursuant to administrative rule. The Board may increase the following fees, so long as (i) no fee shall be increased more than fifteen percent (15%) within a calendar year and (ii) the cumulative total increases of any fee shall not exceed one hundred percent (100%) of the fee amounts set in this subdivision:

...

- d. **(Contingent expiration date – See editor's note)** Inspection of a veterinary practice facility, in the amount of one hundred fifty dollars (\$150.00).
- d. **(Contingent effective date – See editor's note)** Inspection of a veterinary facility, resulting from a serious inspection violation or as a result of a complaint, in the amount of one hundred fifty dollars (\$150.00).

...."

SECTION 10.(c) Subsection (a) of this section is effective retroactively to October 1, 2022. Subsection (b) of this section becomes effective 60 days after the date that the rules adopted pursuant to Section 4 of S.L. 2019-170 become effective. Except as otherwise provided, this section is effective when it becomes law.

SECTION 11. G.S. 93B-8.1 reads as rewritten:

"§ 93B-8.1. Use of criminal history records.

(a) The following definitions apply in this section:

- (1) Applicant. – ~~A person~~ An individual who makes application for licensure from ~~an occupational licensing board~~ a board.
- (2) Board. – An occupational licensing board or a State agency licensing board as defined in G.S. 93B-1.
- (3) Criminal history record. – A State or federal history of conviction of a crime, whether a misdemeanor or felony, that bears upon an applicant's or a licensee's fitness to be licensed or disciplined.
- (4) Licensee. – ~~A person~~ An individual who has obtained a license to engage in or represent himself or herself to be a member of a particular profession or occupation.

(b) Unless federal law governing a particular board provides otherwise, a board may deny an applicant on the basis of a conviction of a crime only if the board finds that the applicant's criminal conviction history is directly related to the duties and responsibilities for the licensed occupation or the conviction is for a crime that is violent or sexual in nature. Notwithstanding

any other provision of law, a board shall not automatically deny licensure on the basis of an applicant's criminal history, and no board ~~may~~shall deny an applicant a license based on a determination that a conviction is for a crime of moral turpitude. The board shall make its determination based on the factors specified in subsection ~~(b1)~~(b1) of this section.

(b1) Before a board may deny an applicant a license due to a criminal conviction under subsection (b) of this section, the board ~~must~~shall specifically consider all of the following factors:

- (1) The level and seriousness of the crime.
- (2) The date of the crime.
- (3) The age of the ~~person~~individual at the time of the crime.
- (4) The circumstances surrounding the commission of the crime, if known.
- (5) The nexus between the criminal conduct and the prospective duties of the applicant as a licensee.
- (6) The prison, jail, probation, parole, rehabilitation, and employment records of the applicant since the date the crime was committed.
- (6a) The completion of, or active participation in, rehabilitative drug or alcohol treatment.
- (6b) A Certificate of Relief granted pursuant to G.S. 15A-173.2.
- (7) The subsequent commission of a crime by the applicant.
- (8) Any affidavits or other written documents, including character references.

(b2) If the board denies an applicant a license under this section, the board ~~shall~~shall do all of the following:

- (1) Make written findings specifying the factors in subsection (b1) of this section the board deemed relevant to the applicant and explaining the reason for the denial. The board's presiding officer ~~must~~shall sign the findings.
- (2) Provide or serve a signed copy of the written findings to the applicant within 60 days of the denial.
- (3) Retain a signed copy of the written findings for no less than five years.

(b3) Each board shall include in its application for licensure and on its public ~~Web site~~website all of the following information:

- (1) Whether the board requires applicants to consent to a criminal history record check.
- (2) The factors considered by the board under subsection (b1) of this section ~~which the board shall consider~~ when making a determination of licensure.
- (3) The appeals process pursuant to Chapter 150B of the General Statutes if the board denies an applicant licensure in whole or in part because of a criminal conviction.

(b4) If a board requires an applicant to submit a criminal history record, the board shall require the provider of the criminal history record to provide the applicant with access to the applicant's criminal history record or otherwise deliver a copy of the criminal history record to the applicant. If an applicant's criminal history includes matters that will or may prevent the board from issuing a license to the applicant, the board shall notify the applicant in writing of the specific issues in sufficient time for the applicant to provide additional documentation supporting the application for consideration by the board prior to any final decision to deny the application. After being notified of any potential issue with licensure due to one or more criminal ~~conviction(s)~~convictions, an applicant shall have 30 days to respond by either correcting any inaccuracy in the criminal history record or submitting evidence of mitigation or rehabilitation for consideration by the board.

(b5) If, following a hearing, a board denies an application for licensure, the board's written order shall include specific reference to any criminal ~~conviction(s)~~conviction considered as part or all of any basis for the denial and the rationale for the denial, as well as a reference to the

appeal process and the applicant's ability to reapply. No applicant shall be restricted from reapplying for licensure for more than two years from the date of the most recent application.

(b6) Notwithstanding any other provisions in the law, an individual with a criminal history may petition a board at any time, including before ~~an~~the individual starts or completes any mandatory education or training requirements, for a predetermination of whether the individual's criminal history will likely disqualify the individual from obtaining a license. This petition shall include a criminal history record report obtained by the individual from a reporting service designated by the board, the cost of which shall be borne by the applicant. Criminal history records relating to a predetermination petition ~~shall not be considered~~are not public records under Chapter 132 of the General Statutes. A board may predetermine that the petitioner's criminal history is likely grounds for denial of a license only after the board has applied the requirements of subsection (b) of this section. Each board shall delegate authority for ~~such a~~the predetermination to its ~~Executive Director~~executive director or ~~their equivalent~~equivalent officer, or to a committee of the board, so that the predeterminations can be made in a timely manner. No board member having served on a predetermination committee for an individual shall be required to recuse in any later determinations or hearings involving the same applicant. The board shall inform the individual of the board's determination within 45 days of receiving the petition from the individual. The board may charge a fee to recoup its costs not to exceed forty-five dollars (\$45.00) for each petition. If the board determines an applicant would likely be denied licensure based on ~~their~~the individual's criminal history, the board shall notify the individual in writing of the following:

- (1) The grounds and reasons for the predetermination.
- (2) That the petitioner has the right to complete any requirements for ~~licensure~~and licensure, to apply to the ~~board~~board, and to have ~~their~~the petitioner's application considered by the board under its application process.
- (3) That further evidence of rehabilitation will be considered upon application.

(b7) A predetermination made under subsection (b6) of this section that a petitioner's criminal history would likely prevent ~~them from~~ licensure is not a final agency decision and ~~shall~~does not entitle the individual to any right to judicial review under Article 4 of Chapter 150B of the General Statutes.

(b8) A predetermination made under subsection (b6) of this section that a petitioner is eligible for a license ~~shall be~~is binding if both of the following apply:

- (1) ~~the~~The petitioner applies for licensure and fulfills all other requirements for the occupational ~~license~~license.
- (2) ~~and the~~The applicant's submitted criminal history was correct and remains unchanged at the time of application for a license.

(c) ~~The board may deny licensure to an applicant who refuses~~If a board requires an applicant to consent to a criminal history record check or use of fingerprints or other identifying information required by the State or National Repositories of Criminal Histories.~~Histories, the board may deny licensure to an applicant who refuses to consent.~~

(c1) Nothing in this section or in G.S. 93B-1 ~~shall be construed as authorizing an occupational licensing board or a State agency licensing~~authorizes a board to require an applicant to consent to a criminal history record check or use of fingerprints or other identifying information required by the State or National Repositories of Criminal Histories as a condition of granting or renewing a license.

(d) This section does not apply to The North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission."

SECTION 12. G.S. 130A-115 reads as rewritten:

"§ 130A-115. Death registration.

(a) A death certificate for each death ~~which that~~ occurs in this State shall be filed with the local registrar of the county in which the death occurred within five days after the death. If the place of death is unknown, a death certificate shall be filed within five days in the county where the dead body is found. If the death occurs in a moving conveyance, a death certificate shall be filed in the county in which the dead body was first removed from the conveyance.

(b) The funeral director or person acting as ~~such funeral director~~ who first assumes custody of a dead body shall file the death certificate with the local registrar. The personal data shall be obtained from the next of kin or the best qualified person or source available. The funeral director or person acting as ~~such funeral director~~ is responsible for obtaining the medical certification of the cause of death, stating facts relative to the date and place of burial, and filing the death certificate with the local registrar within five days of the death.

(c) The medical certification shall be completed and signed by the physician in charge of the patient's care for the illness or condition ~~which that~~ resulted in death, except when the death falls within the circumstances described in G.S. 130A-383. In the absence of the physician or with the physician's approval, the certificate may be completed and signed by an associate physician, a physician assistant in a manner consistent with G.S. 90-18.1(e1), a nurse practitioner in a manner consistent with G.S. 90-18.2(e1), the chief medical officer of the hospital or facility in which the death ~~occurred~~ occurred, or a physician who performed an autopsy upon the decedent under the following circumstances: the individual has access to the medical history of the deceased; the individual has viewed the deceased at or after death; and the death is due to natural causes. In the absence of ~~a treating physician, physician assistant, or nurse practitioner in charge of the patient's care at the time of death, the chief medical officer of the hospital or facility in which the death occurred, or a physician performing an autopsy,~~ any individual otherwise authorized under this section, the death certificate may be completed by any other physician, physician assistant, or nurse practitioner who undertakes reasonable efforts to ascertain the events surrounding the patient's death. When specifically approved by the State Registrar, an electronic signature or facsimile signature of the physician, physician assistant, or nurse practitioner ~~shall~~ be is acceptable. As used in this section, the term ~~electronic signature~~ "electronic signature" has the same meaning as applies in G.S. 66-58.2. The physician, physician assistant, or nurse practitioner shall state the cause of death on the certificate in definite and precise terms. A certificate containing any indefinite terms or denoting only symptoms of disease or conditions resulting from disease as defined by the State ~~Registrar, Registrar~~ shall be returned to the person making the medical certification for correction and more definite statement.

(c1) A physician, physician assistant, or nurse practitioner completing and signing a medical certification in accordance with subsection (c) of this section ~~shall is not be~~ liable in civil damages for any acts or omissions relating to the medical certification so long as the cause of death is determined in good faith using the individual's best clinical judgment and consistent with current guidance provided by the applicable licensing board, unless the acts or omissions amount to wanton conduct or intentional wrongdoing. This immunity is in addition to any other legal immunity from liability to which these individuals may be entitled.

(d) The physician, physician assistant, nurse practitioner, or medical examiner making the medical certification as to the cause of death shall complete the medical certification no more than three days after death. The physician, physician assistant, nurse practitioner, or medical examiner may, in appropriate cases, designate the cause of death as unknown pending an autopsy or upon some other reasonable cause for ~~delay, delay~~ but shall send the supplementary information to the local registrar as soon as it is obtained.

(e) In the case of death or fetal death without medical attendance, it ~~shall be is~~ the duty of the funeral director or person acting as ~~such funeral director~~ and any other person having knowledge of the death to notify the local medical examiner of the death. The body shall not be disposed of or removed without the permission of the medical examiner. If there is no county medical examiner, the Chief Medical Examiner shall be notified.

(f) A physician, physician assistant, or nurse practitioner, who completes a death certificate in good faith, and without fraud or malice, ~~shall be~~ is immune from civil liability or professional discipline.

~~(g) Beginning September 1, 2022, death certificates shall be filed electronically with the Office of Vital Records via the North Carolina Database Application for Vital Events (NCDAVE) system. No individual responsible for the certification of a death pursuant to subsection (c) of this section shall fail or refuse to certify the death certificate via the designated electronic death registration system. Notwithstanding subsection (f) of this section, any individual who willfully and knowingly violates this requirement may be assessed an administrative penalty of two hundred fifty dollars (\$250.00) for the first violation, five hundred dollars (\$500.00) for the second violation, and one thousand dollars (\$1,000.00) for the third and each subsequent violation.~~

(h) ~~Beginning September 1, 2022, death~~ Death certificates shall be filed electronically with the Office of Vital Records via the North Carolina Database Application for Vital Events (NCDAVE) system. No individual responsible for the certification of a death pursuant to subsection (c) of this section shall fail or refuse to certify the death certificate via the designated electronic death registration system. Notwithstanding subsection (f) of this section, the Department may impose an administrative penalty against any individual who willfully and knowingly violates this requirement in the amount of two hundred fifty dollars (\$250.00) for the first violation, five hundred dollars (\$500.00) for the second violation, and one thousand dollars (\$1,000) for the third and each subsequent violation.

(i) The clear proceeds of penalties assessed under this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2."

SECTION 13. G.S. 130A-309.06(a)(12) is recodified as the second sentence of G.S. 143B-135.204(a). G.S. 143B-135.204 reads as rewritten:

"§ 143B-135.204. Powers and duties of the Secretary.

(a) Operation of Park. – The Secretary of the Department of Natural and Cultural Resources may adopt rules governing the operation of the Zoological Park, including rules regulating its use and enjoyment by the public. ~~Provide~~ The Department must provide and maintain recycling bins for the collection and recycling of newspaper, aluminum cans, glass containers, and recyclable plastic beverage containers at the ~~North Carolina~~ Zoological Park.

...."

SECTION 14. G.S. 130A-440.1 reads as rewritten:

"§ 130A-440.1. Early Childhood Vision Care.

(a) Vision Screening Required for Children Entering Kindergarten. – Every child in this State entering kindergarten in the public schools, ~~beginning with the 2007-2008 school year,~~ schools shall obtain vision screening in accordance with vision screening standards adopted by the Governor's Commission on Early Childhood Vision Care. ~~screening.~~ Within 180 days of the start of the school year, the parent of the child shall present to the school principal or the principal's designee certification that the child has, within the past 12 months, obtained vision screening conducted by a licensed physician, optometrist, physician assistant, nurse practitioner, registered nurse, orthoptist, or a vision screener certified by Prevent Blindness North Carolina, or a comprehensive eye examination performed by an ophthalmologist or optometrist. The health assessment transmittal form required pursuant to G.S. 130A-440 qualifies as certification that the child has obtained the required vision screening. All providers conducting vision screening shall provide each parent in writing the results of the vision screening on forms bearing the signature of the ~~provider supplied to the provider by the Governor's Commission on Early Childhood Vision Care.~~ provider. The provider shall also orally communicate this information to the parent and shall take reasonable steps to ensure that the parent understands the information communicated. In the instance where a child enters the first grade without having been enrolled

in a kindergarten program requiring a vision screening, the requirements for vision screening under this subsection ~~shall~~ apply.

~~comprehensive eye examination pursuant to the terms of this section not more than six months prior to the date of school entry~~

(a1) Comprehensive Eye Examination. – For children who receive and fail to pass a vision screening as required under subsection (a) of this section, a comprehensive eye examination is required. If a public school teacher, administrator, or other appropriate school personnel has reason to believe that a child enrolled in kindergarten through third grade is having problems with vision, the school personnel may recommend to the child's parent that the child have a comprehensive eye examination. ~~Notification to the parent shall also inform the parent that funds may be available from the Governor's Commission on Early Childhood Vision Care to pay providers for the examination, including corrective lenses.~~

The comprehensive eye examination shall be conducted by a duly licensed optometrist or ophthalmologist. The comprehensive eye examination conducted pursuant to this section shall consist of a complete and thorough examination of the eye and shall ~~include~~include the following:

- (1) Measurement of visual ~~acuity~~acuity.
- (2) Ocular alignment and ~~motility~~motility.
- (3) Depth perception – ~~stereopsis~~stereopsis.
- (4) ~~Fusion~~Fusion.
- (5) Slit lamp examination of the lid margins, conjunctivae, cornea, anterior chamber, iris, and crystalline ~~lens~~lens.
- (6) Examination of the ocular adnexa, the anterior segment, and ~~pupils~~and pupils.
- (7) Cycloplegic refraction and dilated fundus examination.

Health assessment vision screening under G.S. 130A-440 is not a comprehensive eye examination for purposes of this section.

(b) Repealed by Session Laws 2006-240, s. 1(a), effective August 13, 2006.

(c) The results of a comprehensive eye examination conducted under this section shall ~~be included on the comprehensive eye examination transmittal form developed by the Commission pursuant to G.S. 143B-216.75 and shall contain a summary of the comprehensive eye examination performed by the optometrist or ophthalmologist.~~ Any treatment recommendations by the optometrist or ophthalmologist, such as spectacles for schoolwork, shall appear in the summary and school health card. The provider shall present a signed transmittal form to the parent upon completion of the examination. The parent shall submit the transmittal form to the school in accordance with this section.

(d) Repealed by Session Laws 2006-240, s. 1(a), effective August 13, 2006.

(e) G.S. 130A-441, 130A-442, and 130A-443, pertaining to health assessments, apply to comprehensive eye examinations required under this section.

(f) No child shall be excluded from attending school for a parent's failure to obtain a comprehensive eye examination required under this section. If a parent fails or refuses to obtain a comprehensive eye examination or to provide the certification of a comprehensive eye examination, the school shall send a written reminder to the parent of required eye examinations ~~and shall include information about funds that may be available from the Governor's Commission on Early Childhood Vision Care examinations.~~

(g) ~~In adopting standards for vision screening under this section and as required under G.S. 130A-440, the Commission shall take into account the resources necessary to comply with the standards and, if standards will require additional resources, shall mitigate the impact on resources without compromising vision screening effectiveness.~~

(h) As used in this section, the term "parent" means the parent, guardian, or person standing in loco parentis."

SECTION 15. G.S. 150B-21.12 reads as rewritten:

"§ 150B-21.12. Procedure when Commission objects to a permanent rule.

(a) Action. – When the Commission objects to a permanent rule, it must send the agency that adopted the rule a written statement of the objection and the reason for the objection. The agency that adopted the rule must take one of the following actions:

- (1) Change the rule to satisfy the Commission's objection and submit the revised rule to the Commission.
- (2) Submit a written response to the Commission indicating that the agency has decided not to change the rule.

...

(c) Changes. – When an agency changes a rule in response to an objection by the Commission, the Commission must determine whether the change satisfies the Commission's objection. If it does, the Commission must approve the rule. If it does not, the Commission must send the agency a written statement of the Commission's continued objection and the reason for the continued objection. The Commission must also determine whether the change is substantial. In making this determination, the Commission ~~shall~~must use the standards set forth in G.S. 150B-21.2(g). If the change is substantial, the revised rule ~~shall~~must be published and reviewed in accordance with the procedure set forth in G.S. 150B-21.1(a3) and (b).

(d) Return of Rule. – A rule to which the Commission has objected remains under review by the Commission until the agency that adopted the rule decides not to satisfy the Commission's objection and makes a written request to the Commission to return the rule to the agency. When the Commission returns a rule to which it has objected, it must notify the Codifier of Rules of its action. If the rule that is returned would have increased or decreased expenditures or revenues of a unit of local government, the Commission must also notify the Governor of its action and must send a copy of the record of the Commission's review of the rule to the Governor. The record of review consists of the rule, the Commission's letter of objection to the rule, the agency's written response to the Commission's letter, and any other relevant documents before the Commission when it decided to object to the rule.

~~Regulatory Reform~~"

SECTION 16. G.S. 160D-1110 reads as rewritten:

"§ 160D-1110. Building permits.

(a) Except as provided in subsection (c) of this section, no person shall commence or proceed with any of the following without first securing all permits required by the State Building Code and any other State or local laws applicable to any of the following activities:

- (1) The construction, reconstruction, alteration, repair, movement to another site, removal, or demolition of any building or structure.
- (2) The installation, extension, or general repair of any plumbing ~~system~~system, except that in any one- or two-family dwelling unit a permit is not required for the connection of a water heater that is being replaced if (i) the work is performed by a person licensed under G.S. 87-21 who personally examines the work at completion and ensures that a leak test has been performed on the gas ~~pipng~~pipng and (ii) the energy use rate or thermal input is not greater than that of the water heater that is being replaced, there is no change in fuel, energy source, location, capacity, or routing or sizing of venting and piping, and the replacement is installed in accordance with the current edition of the State Building Code.

...

However, a building permit is not required for the installation, maintenance, or replacement of any load control device or equipment by an electric power supplier, as defined in G.S. 62-133.8, or an electrical contractor contracted by the electric power supplier, so long as the work is subject to supervision by an electrical contractor licensed under Article 4 of Chapter 87 of the General Statutes. The electric power supplier shall provide ~~such~~the installation,

maintenance, or replacement in accordance with (i) an activity or program ordered, authorized, or approved by the North Carolina Utilities Commission pursuant to G.S. 62-133.8 or G.S. 62-133.9 or (ii) a similar program undertaken by a municipal electric service provider, whether the installation, modification, or replacement is made before or after the point of delivery of electric service to the customer. ~~The~~ This ~~exemption under this subsection~~ applies to all existing installations.

(b) A building permit shall be in writing and shall contain a provision that the work done shall comply with the North Carolina State Building Code and all other applicable State and local laws. Nothing in this section requires a local government to review and approve residential building plans submitted to the local government pursuant to the North Carolina Residential Code, ~~provided that so long as~~ the local government may review and approve the residential building plans as it deems necessary. If a local government chooses to review residential building plans for any structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings, all initial reviews for the building permit ~~must~~ shall be performed within 15 business days of submission of the plans. A local government shall not require residential building plans for one- and two-family dwellings to be sealed by a licensed engineer or licensed architect unless required by the North Carolina State Building Code. No building permits shall be issued unless the plans and specifications are identified by the name and address of ~~the author thereof, and, if their~~ author. ~~If the General Statutes of North Carolina~~ require that plans for certain types of work be prepared only by a licensed architect or licensed engineer, no building permit shall be issued unless the plans and specifications bear the North Carolina seal of a licensed architect or of a licensed engineer. When any provision of the General Statutes ~~of North Carolina~~ or of any ordinance or development or zoning regulation requires that work be done by a licensed specialty contractor of any kind, no building permit for the work shall be issued unless the work is to be performed by ~~such a~~ duly-licensed contractor.

(c) No permit issued under Article 9 ~~or 9C~~ of Chapter 143 of the General Statutes is required for any construction, installation, repair, replacement, or alteration costing twenty thousand dollars (\$20,000) or less and performed in accordance with the current edition of the North Carolina State Building Code ~~costing twenty thousand dollars (\$20,000) or less in any single-family residence, farm building, or commercial building unless the work involves any of the following:~~

- (1) The addition, repair, or replacement of load-bearing structures. However, no permit is required for replacement of windows, doors, exterior siding, or the pickets, railings, stair treads, and decking of porches and exterior decks that otherwise meet the requirements of this subsection.
- (2) The addition or change in the design of plumbing. However, no permit is required for replacements otherwise meeting the requirements of this subsection that do not change size or capacity.
- (3) The addition, replacement, or change in the design of heating, air-conditioning, or electrical wiring, devices, appliances, or equipment, other than like-kind replacement of electrical devices and lighting fixtures.
- (4) The use of materials not permitted by the North Carolina State Building Code.
- (5) The addition ~~(excluding replacement)~~ of roofing, excluding replacement.
- (6) Any changes to which the North Carolina Fire Prevention Code applies.

(d) A local government shall not require more than one building permit for the complete installation or replacement of any natural gas, propane gas, or electrical appliance on an existing structure when the installation or replacement is performed by a person licensed under G.S. 87-21 or G.S. 87-43. The cost of the building permit for ~~such this~~ work shall not exceed the cost of any one individual trade permit issued by that local ~~government, nor shall the~~ government. ~~The local~~

government shall not increase the costs of any fees to offset the loss of revenue caused by this provision.

(e) No building permit shall be issued pursuant to subsection (a) of this section for any land-disturbing activity, as defined in ~~G.S. 113A-52(6)~~, G.S. 113A-52, or for any activity covered by G.S. 113A-57, unless an erosion and sedimentation control plan for the site of the activity or a tract of land including the site of the activity has been approved under Article 4 of Chapter 113A of the General Statutes, the Sedimentation Pollution Control Act.

~~(f) No building permit shall be issued pursuant to subsection (a) of this section for any land-disturbing activity that is subject to, but does not comply with, the requirements of G.S. 113A-71.~~

(g) No building permit shall be issued pursuant to subdivision (1) of subsection (a) of this section ~~where the cost of the for work is costing~~ thirty thousand dollars (\$30,000) or more, ~~other than for improvements to an existing single family residential dwelling unit as defined in G.S. 87-15.5(7) that the owner occupies as a residence, or for the addition of an accessory building or accessory structure as defined in the North Carolina Uniform Residential Building Code, the use of which is incidental to that residential dwelling unit,~~ more unless the name, physical and mailing address, telephone number, facsimile number, and ~~electronic mail email~~ address of the lien agent designated by the owner pursuant to G.S. 44A-11.1(a) ~~is~~ are conspicuously set forth in the permit or in an attachment thereto. ~~The building permit may contain the lien agent's electronic mail address. to the permit. This condition does not apply to improvements to an existing single-family residential dwelling unit as defined in G.S. 87-15.5 that the owner occupies as a residence or to the addition of an accessory building or accessory structure as defined in the North Carolina Uniform Residential Building Code, the use of which is incidental to that residential dwelling unit.~~ The lien agent information for each permit issued pursuant to this subsection shall be maintained by the inspection department in the same manner and in the same location in which it maintains its record of building permits issued. ~~Where~~ When the improvements to a real property leasehold are limited to the purchase, transportation, and setup of a manufactured home, as defined in ~~G.S. 143-143.9(6)~~, G.S. 143-143.9, the purchase price of the manufactured home ~~shall be~~ is excluded in determining whether the cost of the work is thirty thousand dollars (\$30,000) or more.

(h) No local government ~~may~~ shall withhold a building permit or certificate of occupancy that otherwise would be eligible to be issued under this section to compel, with respect to another property or parcel, completion of work for a separate permit or compliance with land-use regulations under this Chapter unless otherwise authorized by law or unless the local government reasonably determines the existence of a public safety issue directly related to the issuance of a building permit or certificate of occupancy.

(i) Violation of this section ~~constitutes~~ is a Class 1 misdemeanor."

SECTION 17. Section 12 of S.L. 2012-149 reads as rewritten:

~~"SECTION 12. Section 5 is effective on and after the date that a magistrate is appointed by the chief district court judge to perform the function set forth in that section. Sections 3, 4, and 11 of this act become effective December 1, 2012, and apply to offenses committed on or after that date. The remainder of this act is effective when it becomes law. Sections 6, 7, 8, 9, and 10 apply beginning with the 2012-2013 school year."~~

SECTION 18.(a) Section 34.3B(c) of S.L. 2021-180 reads as rewritten:

~~"SECTION 34.3B.(c) This section is effective for taxable years beginning on or after January 1, 2021, January 1, 2020, and applies to amounts received by a taxpayer on or after that date."~~

SECTION 18.(b) The introductory language of Section 6.5(a) of S.L. 2021-189 reads as rewritten:

~~"SECTION 6.5.(a) Section 34.3A(h) of S.L. 2021-280~~ S.L. 2021-180 reads as rewritten:"

SECTION 19. Section 40.3(f) of S.L. 2021-180, as enacted by Section 18.2 of S.L. 2022-6, reads as rewritten:

"**SECTION 40.3.(f)** Notwithstanding any other provision of law to the contrary, there shall be no local match required for the North Topsail Beach Shoreline Protection – Phases 1-4 project referenced in ~~subsection (b)~~ subsection (c) of this section."

SECTION 20.(a) Section 7(c) of S.L. 2022-73, as amended by Section 5.2(a) of S.L. 2022-72, reads as rewritten:

"**SECTION 7.(c)** This section is effective when it becomes law and applies to vacancies occurring on or after that date."

SECTION 20.(b) This section is effective retroactively to July 11, 2022.

SECTION 21.(a) The introductory language of Section 15.3(f) of S.L. 2022-74 reads as rewritten:

"**SECTION 15.3.(f)** ~~G.S. 112-275(c1)~~ G.S. 113-275(c1) reads as rewritten:"

SECTION 21.(b) This section becomes effective July 1, 2023.

SECTION 22.(a) Section 20.4(b) of S.L. 2022-74 reads as rewritten:

"**SECTION 20.4.(b)** ~~G.S. 147-69.2(22)~~ G.S. 147-69.22(a)(22) and G.S. 147-69.6A are repealed."

SECTION 22.(b) This section is effective retroactively to July 1, 2022.

SECTION 23.(a) The introductory language of Section 39.16 of S.L. 2022-74 reads as rewritten:

"**SECTION 39.16.** Section 39.15A(b) of S.L. 2021-180 reads as rewritten:"

SECTION 23.(b) This section is effective retroactively to July 1, 2022.

SECTION 24. Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 7th day of June, 2023.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

Roy Cooper
Governor

Approved _____ .m. this _____ day of _____, 2023