GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

SESSION LAW 2024-43
HOUSE BILL 250

AN ACT TO MAKE REVISIONS PERTAINING TO DEATH INVESTIGATIONS UNDER THE JURISDICTION OF THE OFFICE OF THE CHIEF MEDICAL EXAMINER, TO MODIFY CERTAIN LAWS RELATED TO LIMITED DRIVING PRIVILEGES AND RESTORATION OF A LICENSE AFTER CERTAIN DRIVING WHILE IMPAIRED CONVICTIONS, TO MODIFY SECTION 5 OF SESSION LAW 2023-151 RELATED TO THE LICENSE PLATE READER PILOT PROGRAM, TO MODIFY THE RURAL ELECTRIFICATION AUTHORITY AND CERTAIN FEES, TO ALLOW SCHOOL BOARDS TO USE EMINENT DOMAIN FOR EASEMENTS, TO ADD TIANEPTINE TO THE CONTROLLED SUBSTANCE SCHEDULES, TO EXEMPT LEASES OF PROPERTY BY THE HALIFAX-NORTHAMPTON REGIONAL AIRPORT AUTHORITY FROM GENERAL LAWS REGARDING DISPOSAL OF PROPERTY AND TO ALLOW THE AUTHORITY TO ENTER INTO CERTAIN LEASES FOR A TERM OF UP TO FORTY YEARS, AND TO REMOVE THE VETERANS BURIAL RESIDENCY REQUIREMENT.

The General Assembly of North Carolina enacts:

REVISIONS PERTAINING TO DEATH INVESTIGATIONS UNDER THE JURISDICTION OF THE OFFICE OF THE CHIEF MEDICAL EXAMINER

SECTION 1.(a) G.S. 130A-382(b) reads as rewritten:

"(b) County medical examiners shall complete continuing education training as directed by the Office of the Chief Medical Examiner and based upon established and published guidelines for conducting death investigations. The continuing education training shall include training regarding (i) sudden unexpected death in ~~epilepsy.~~ epilepsy and (ii) requirements for compliance with the duties prescribed by G.S. 130A-385 and G.S. 130A-389. The Office of the Chief Medical Examiner shall annually update and publish these guidelines on its Internet Web site. Newly appointed county medical examiners shall complete mandatory orientation training as directed by the Office of the Chief Medical Examiner within 90 days ~~of~~ after their appointment."

SECTION 1.(b) G.S. 130A-385 reads as rewritten:

"**§ 130A-385. Duties of medical examiner upon receipt of notice; reports; copies.**

(a) Upon receipt of a notification under G.S. 130A-383, the medical examiner shall take charge of the body, make inquiries regarding the cause and manner of death, reduce the findings to writing and promptly make a full report to the Chief Medical Examiner on forms prescribed for that purpose.

~~The Chief Medical Examiner or the county medical examiner is authorized to inspect and copy the medical records of the decedent whose death is under investigation. In addition, in an investigation conducted pursuant to this Article, the Chief Medical Examiner or the county medical examiner is authorized to inspect all physical evidence and documents which may be relevant to determining the cause and manner of death of the person whose death is under investigation, including decedent's personal possessions associated with the death, clothing, weapons, tissue and blood samples, cultures, medical equipment, X rays and other medical~~

~~images. The Chief Medical Examiner or county medical examiner is further authorized to seek an administrative search warrant pursuant to G.S. 15-27.2 for the purpose of carrying out the duties imposed under this Article. In addition to the requirements of G.S. 15-27.2, no administrative search warrant shall be issued pursuant to this section unless the Chief Medical Examiner or county medical examiner submits an affidavit from the office of the district attorney in the district in which death occurred stating that the death in question is not under criminal investigation.~~

(1) In all cases, the Chief Medical Examiner or the county medical examiner may (i) inspect the decedent's body, (ii) inspect and copy the medical records of the decedent whose death is under investigation, (iii) collect and inspect the decedent's body and personal possessions associated with the death, including clothing on the decedent's body, and (iv) collect tissue and blood samples, cultures, medical images, X-rays, and other medical information obtained through the use of medical equipment.

(2) In the case of a decedent whose death is not under criminal investigation, the Chief Medical Examiner or the county medical examiner conducting an investigation pursuant to this Article is authorized to inspect all other physical evidence and documents that may be relevant to determining the cause and manner of death of the person whose death is under investigation, and the Chief Medical Examiner or county medical examiner may seek an administrative search warrant pursuant to G.S. 15-27.2 for the purpose of carrying out the duties imposed under this section.

(3) In the case of a decedent whose death is under criminal investigation, no administrative search warrant shall be issued pursuant to this section, and the Chief Medical Examiner or the county medical examiner is not authorized to inspect other physical evidence or documents at the scene except as permitted by the investigating law enforcement agency. The district attorney or investigating law enforcement agency shall inform the Chief Medical Examiner, the county medical examiner, or the autopsy center, as applicable, that the death is under criminal investigation. Nothing in this subsection prohibits the Chief Medical Examiner or the county medical examiner from being present during the execution of a search warrant by the investigating law enforcement agency.

The Chief Medical Examiner shall provide directions as to the nature, character and extent of an investigation and appropriate forms for the required reports. The facilities of the central and district offices and autopsy centers and their staff services shall be available to the medical examiners and designated pathologists in their investigations.

(a1) The Office of the Chief Medical Examiner shall conduct comprehensive toxicology screening in all child death cases that fall under the jurisdiction of the medical examiner pursuant to G.S. 130A-383 or G.S. 130A-384.

(b) The medical examiner shall complete a certificate of death, stating the name of the disease ~~which in his opinion~~ that, in the opinion of the medical examiner, caused death. If the death was from external causes, the medical examiner shall state on the certificate of death the means of death, and whether, in the medical examiner's opinion, the manner of death was accident, suicide, homicide, execution by the State, or undetermined. The medical examiner shall also furnish any information as may be required by the State Registrar of Vital Statistics in order to properly classify the death.

(c) The Chief Medical Examiner ~~shall have authority to amend a medical examiner death certificate.~~may amend a certificate of death completed by a medical examiner pursuant to subsection (b) of this section.

(d) ~~A copy of the report of the medical examiner investigation may be forwarded to the appropriate district attorney.~~Upon request by the district attorney, the Office of the Chief Medical Examiner, the local medical examiner, and the autopsy center, as applicable, shall provide a complete copy of the medical examiner investigation file to the appropriate district attorney. For purposes of this subsection, the "medical examiner investigation file" means the finalized toxicology report, the finalized autopsy report, any autopsy examination notes, any death scene notes, the finalized report of investigation of a medical examiner, the case encounter form, any case comments, any case notes, any autopsy photographs, any scene photographs, and any video or audio recordings of the autopsy examination in the custody and control of the North Carolina Office of the Chief Medical Examiner, a pathologist designated by the Chief Medical Examiner, a county medical examiner appointed under G.S. 130A-382, or an investigating medical examiner in connection with a death under criminal investigation by a public law enforcement agency. Each records custodian shall be responsible for providing the portions of the medical examiner investigation file within its custody and control. This is a continuing disclosure obligation, and any records or other materials responsive to the district attorney's request that are discovered or added to the medical examiner investigation file after the request was made shall also be provided to the district attorney. The district attorney or investigating law enforcement agency shall inform the Chief Medical Examiner, the county medical examiner, or the autopsy center, as applicable, if the death is no longer under criminal investigation and the obligation is terminated.

(e) In cases where death occurred due to an injury received in the course of the decedent's employment, the Chief Medical Examiner shall forward to the Commissioner of Labor a copy of the medical examiner's report of the investigation, including the location of the fatal injury and the name and address of the decedent's employer at the time of the fatal injury. The Chief Medical Examiner shall forward this report within 30 days of receipt of the information from the medical examiner.

(f) If a death occurred in a facility licensed subject to Article 2 or Article 3 of Chapter 122C of the General Statutes, or Articles 1 or 1A of Chapter 131D of the General Statutes, and the deceased was a client or resident of the facility or a recipient of facility services at the time of death, then the Chief Medical Examiner shall forward a copy of the medical examiner's report to the Secretary of Health and Human Services within 30 days of receipt of the report from the medical examiner."

SECTION 1.(c) G.S. 130A-389(a) reads as rewritten:

"(a) The Chief Medical Examiner or a competent pathologist designated by the Chief Medical Examiner shall perform an autopsy or other study in each of the following cases:

(1) If, in the opinion of the medical examiner investigating the case or of the Chief Medical Examiner, it is advisable and in the public interest that an autopsy or other study be made.

(2) If an autopsy or other study is requested by the district attorney of the county or by any superior court judge.

(3) ~~In~~ Notwithstanding subdivision (2) of this subsection, in any case in which the district attorney of the county asserts to the Chief Medical Examiner or the medical examiner of the county in which the body was located that there is probable cause to believe that a violation of G.S. 14-18.4 has occurred, a complete autopsy shall be performed. The district attorney has at least 72 weekday hours after pronouncement of death by a person authorized under this Part to express the opinion that death has occurred to make the assertion required by this subdivision, provided that the district attorney or the investigating law enforcement agency provides notification within the first 24 hours after the pronouncement that such an assertion might be made. The district attorney may, but is not required to, assert to the Chief Medical

Examiner the facts supporting probable cause to believe that a violation of G.S. 14-18.4 has occurred.

A complete autopsy report of findings and interpretations, prepared on forms designated for the purpose, shall be submitted promptly to the Chief Medical Examiner. Subject to the limitations of G.S. 130A-389.1 relating to photographs and video or audio recordings of an autopsy, a copy of the report shall be furnished to any person upon request."

SECTION 1.(d) This section becomes effective October 1, 2024.

IGNITION INTERLOCK AND LIMITED DRIVING PRIVILEGE CHANGES

SECTION 2.(a) G.S. 20-179.3 reads as rewritten:

"**§ 20-179.3. Limited driving privilege.**

(a) Definition of Limited Driving Privilege. – A limited driving privilege is a judgment issued in the discretion of a court for good cause shown authorizing a person with a revoked driver's license to drive for essential purposes related to any of the following:

(1) The person's employment.
(2) The maintenance of the person's household.
(3) The person's education.
(4) The person's court-ordered treatment or assessment.
(5) Community service ordered as a condition of the person's probation.
(6) Emergency medical care.
(7) Religious worship.

(b) Eligibility. –

(1) ~~A~~ Except as otherwise provided in subdivision (3) of this subsection, a person convicted of the offense of impaired driving under G.S. 20-138.1 is eligible for a limited driving privilege if all of the following requirements are met:
   a. At the time of the offense the person held either a valid driver's license or a license that had been expired for less than one year.
   b. At the time of the offense the person had not within the preceding seven years been convicted of an offense involving impaired driving.
   c. Punishment Level Three, Four, or Five was imposed for the offense of impaired driving.
   d. Subsequent to the offense the person has not been convicted of, or had an unresolved charge lodged against the person for, an offense involving impaired driving.
   e. The person has obtained and filed with the court a substance abuse assessment of the type required by G.S. 20-17.6 for the restoration of a drivers license.

   A person whose North Carolina driver's license is revoked because of a conviction in another jurisdiction substantially similar to impaired driving under G.S. 20-138.1 is eligible for a limited driving privilege if the person would be eligible for it had the conviction occurred in North Carolina. Eligibility for a limited driving privilege following a revocation under G.S. 20-16.2(d) is governed by G.S. 20-16.2(e1).

(2) Any person whose licensing privileges are forfeited pursuant to G.S. 15A-1331.1 is eligible for a limited driving privilege if the court finds that at the time of the forfeiture, the person held either a valid drivers license or a drivers license that had been expired for less than one year and either of the following requirements is met:
   a. The person is supporting existing dependents or must have a drivers license to be gainfully employed.

b. The person has an existing dependent who requires serious medical treatment and the defendant is the only person able to provide transportation to the dependent to the health care facility where the dependent can receive the needed medical treatment.

The limited driving privilege granted under this subdivision must restrict the person to essential driving related to the purposes listed above, and any driving that is not related to those purposes is unlawful even though done at times and upon routes that may be authorized by the privilege.

(3) A person convicted of the offense of impaired driving under G.S. 20-138.1 that has been convicted of not more than one offense involving impaired driving within the preceding seven years is eligible for a limited driving privilege if all of the following requirements are met:

a. At the time of the offense the person held either a valid driver's license or a license that had been expired for less than one year.

b. At the time of the offense the person did not have an alcohol concentration of 0.15 or more.

c. One of the following punishment levels was imposed for the offense of impaired driving:

1. Punishment Level Three, Four, or Five.

2. Punishment Level Two, but only if the Grossly Aggravating Factor determined to impose Punishment Level Two was the Grossly Aggravating Factor provided in G.S. 20-179(c)(1).

d. Subsequent to the offense the person has not been convicted of, or had an unresolved charge lodged against the person for, an offense involving impaired driving.

e. The person has obtained and filed with the court a substance abuse assessment of the type required by G.S. 20-17.6 for the restoration of a drivers license.

A person whose North Carolina driver's license is revoked because of a conviction in another jurisdiction substantially similar to impaired driving under G.S. 20-138.1 is eligible for a limited driving privilege if the person would be eligible for it had the conviction occurred in North Carolina. Eligibility for a limited driving privilege following a revocation under G.S. 20-16.2(d) is governed by G.S. 20-16.2(e1).

…

(g3) Ignition Interlock Allowed. – A judge may include all of the following in a limited driving privilege order:

(1) A restriction that the applicant may operate only a designated motor vehicle.

(2) A requirement that the designated motor vehicle be equipped with a functioning ignition interlock system of a type approved by the Commissioner. The Commissioner shall not unreasonably withhold approval of an ignition interlock system and shall consult with the Division of Purchase and Contract in the Department of Administration to ensure that potential vendors are not discriminated against. All approved vendors shall report all attempts to start the vehicle with an alcohol concentration greater than 0.02 or any other violations of the interlock policies established by the Division for use of an ignition interlock system or a violation of G.S. 20-17.8A to the Commissioner in accordance with Division requirements.

(3) A requirement that the applicant personally activate the ignition interlock system before driving the motor vehicle.

If the limited driving privilege order includes the restrictions set forth in this subsection, then the limitations set forth in subsections (a), (f), (g), (g1), and (g2) of this section do not apply when the person is operating the designated motor vehicle with a functioning ignition interlock system.

(g4) The restrictions set forth in subsection (g3) and (g5) of this section do not apply to a motor vehicle that meets all of the following requirements:

(1) Is owned by the applicant's employer.

(2) Is operated by the applicant solely for work-related purposes.

(3) Its owner has filed with the court a written document authorizing the applicant to drive the vehicle, for work-related purposes, under the authority of a limited driving privilege.

(g5) Ignition Interlock Required. – If a person's drivers license is revoked for a conviction of G.S. 20-138.1, and the person had an alcohol concentration of 0.15 or ~~more,~~ more or is eligible for a limited driving privilege pursuant to subdivision (b)(3) of this section, a judge shall include all of the following in a limited driving privilege order:

(1) A restriction that the applicant may operate only a designated motor vehicle.

(2) A requirement that the designated motor vehicle be equipped with a functioning ignition interlock system of a type approved by the Commissioner, which is set to prohibit driving with an alcohol concentration of greater than 0.02. The Commissioner shall not unreasonably withhold approval of an ignition interlock system and shall consult with the Division of Purchase and Contract in the Department of Administration to ensure that potential vendors are not discriminated against. All approved vendors shall report all attempts to start the vehicle with an alcohol concentration greater than 0.02 or any other violations of the interlock policies established by the Division for use of an ignition interlock system or a violation of G.S. 20-17.8A to the Commissioner in accordance with Division requirements.

(3) A requirement that the applicant personally activate the ignition interlock system before driving the motor vehicle.

If the limited driving privilege order includes the restrictions set forth in this subsection, then the limitations set forth in subsections (a), (f), (g), (g1), and (g2) of this section do not apply when the person is operating the designated motor vehicle with a functioning ignition interlock system. For purposes of this subsection, the results of a chemical analysis presented at trial or sentencing shall be sufficient to prove a person's alcohol concentration, shall be conclusive, and shall not be subject to modification by any party, with or without approval by the court. The removal of the ignition interlock system prior to the end of the revocation period or any extension shall void the limited driving privilege and the Division shall remove the limited driving privilege from the person's driving record. The interlock provider shall notify the holder of the limited driving privilege that removal voids the limited driving privilege in accordance with Division policy. The Division shall notify the person by first class mail at the address on file with the Division that the limited driving privilege is void and does not authorize driving due to removal of the ignition interlock system.

…

(j) Effect of Violation of Restriction. – ~~A~~ Except as otherwise provided in subsection (j2) of this section, a person holding a limited driving privilege who violates any of its restrictions commits the offense of driving while license is revoked for impaired driving under G.S. 20-28(a1) and is subject to punishment and license revocation as provided in that section. If a law-enforcement officer has reasonable grounds to believe that the person holding a limited driving privilege has consumed alcohol while driving or has driven while the person has remaining in the person's body any alcohol previously consumed, the suspected offense of

driving while license is revoked is an alcohol-related offense subject to the implied-consent provisions of G.S. 20-16.2. If a person holding a limited driving privilege is charged with driving while license revoked by violating a restriction contained in the limited driving privilege, and a judicial official determines that there is probable cause for the charge, the limited driving privilege is suspended pending the resolution of the case, and the judicial official must require the person to surrender the limited driving privilege. The judicial official must also notify the person that the person is not entitled to drive until the case is resolved.

Notwithstanding any other provision of law, an alcohol screening test may be administered to a driver suspected of violating this section, and the results of an alcohol screening test or the driver's refusal to submit may be used by a law enforcement officer, a court, or an administrative agency in determining if alcohol was present in the driver's body. No alcohol screening tests are valid under this section unless the device used is one approved by the Department of Health and Human Services, and the screening test is conducted in accordance with the applicable regulations of the Department as to the manner of its use.

…

(j2) Effect of Ignition Interlock System Violation During Final 90-Day Period. – Notwithstanding subsection (j) of this section, a person holding a limited driving privilege, including the restriction set forth in subsection (g5) of this section who commits an ignition interlock system violation during the 90-day period immediately preceding the date on which the person's compliance with subsection (g5) of this section is to end, shall have the period of revocation and authorization to drive with the limited driving privilege in compliance with subsection (g5) of this section extended for an additional period of 90 days or until the person has been violation-free for such extended period. For purposes of this subsection, the term "ignition interlock system violation" means any of the following:

(1) Any attempt to start the vehicle with an alcohol concentration greater than 0.02 or violation of any of the other restrictions set forth in subsection (g5) of this section.

(2) A violation of G.S. 20-17.8A.

(3) A violation of any of the policies established by the Division for use of an ignition interlock system on a designated motor vehicle.

The Division shall notify the holder of the limited driving privilege of any violation and the right to appeal in accordance with Division policy. The Division shall provide for a telephonic hearing if the holder appeals an extension. The extension shall continue pending appeal. The Division shall send notice of the extension to the person holding the limited driving privilege by first class mail to the address on file with the Division.

…."

SECTION 2.(b) G.S. 20-17.8 reads as rewritten:

"**§ 20-17.8. Restoration of a license after certain driving while impaired convictions; ignition interlock.**

(a) Scope. – This section applies to a person whose license was revoked as a result of a conviction of driving while impaired, G.S. 20-138.1, and any of the following conditions is met:

(1) The person had an alcohol concentration of 0.15 or more.

(2) The person has been convicted of another offense involving impaired driving, which offense occurred within seven years immediately preceding the date of the offense for which the person's license has been revoked.

(3) The person was sentenced pursuant to G.S. 20-179(f3).

For purposes of subdivision (1) of this subsection, the results of a chemical analysis, as shown by an affidavit or affidavits executed pursuant to G.S. 20-16.2(c1), shall be used by the Division to determine that person's alcohol concentration.

(a1) Additional Scope. – This section applies to a person whose license was revoked as a result of a conviction of habitual impaired driving, G.S. 20-138.5. Except for a conviction under

G.S. 20-141.4(a2), this section also applies to a person whose license was revoked as a result of a conviction under G.S. 20-141.4.

(b) Ignition Interlock Required. – Except as provided in subsection (*l*) of this section, when the Division restores the license of a person who is subject to this section, in addition to any other restriction or condition, it shall require the person to agree to and shall indicate on the person's drivers license the following restrictions for the period designated in subsection (c):

(1) A restriction that the person may operate only a vehicle that is equipped with a functioning ignition interlock system of a type approved by the Commissioner. The Commissioner shall not unreasonably withhold approval of an ignition interlock system and shall consult with the Division of Purchase and Contract in the Department of Administration to ensure that potential vendors are not discriminated against. All approved vendors shall report all attempts to start the vehicle with an alcohol concentration greater than 0.02 or any other violations of the interlock policies established by the Division for use of an ignition interlock system or a violation of G.S. 20-17.8A to the Commissioner in accordance with Division requirements.

(2) A requirement that the person personally activate the ignition interlock system before driving the motor vehicle.

(3) A requirement that the person not drive with an alcohol concentration of 0.02 or greater.

(c) Length of Requirement. – ~~The~~ Except as otherwise provided in subsection (g1) of this section, the requirements of subsection (b) shall remain in effect for one of the following:

(1) One year from the date of restoration if the original revocation period was one year.

(2) Three years from the date of restoration if the original revocation period was four years.

(3) Seven years from the date of restoration if the original revocation was a permanent revocation.

…

(f) Effect of Violation of Restriction. – ~~A~~ Except as otherwise provided in subsection (g1) of this section, a person subject to this section who violates any of the restrictions of this section commits the offense of driving while license revoked for impaired driving under G.S. 20-28(a1) and is subject to punishment and license revocation as provided in that section. If a law enforcement officer has reasonable grounds to believe that a person subject to this section has consumed alcohol while driving or has driven while he has remaining in his body any alcohol previously consumed, the suspected offense of driving while license is revoked is an alcohol-related offense subject to the implied-consent provisions of G.S. 20-16.2. If a person subject to this section is charged with driving while license revoked by violating a condition of subsection (b) of this section, and a judicial official determines that there is probable cause for the charge, the person's license is suspended pending the resolution of the case, and the judicial official must require the person to surrender the license. The judicial official must also notify the person that he is not entitled to drive until his case is resolved. An alcohol concentration report from the ignition interlock system shall not be admissible as evidence of driving while license revoked, nor shall it be admissible in an administrative revocation proceeding as provided in subsection (g) of this section, unless the person operated a vehicle when the ignition interlock system indicated an alcohol concentration in violation of the restriction placed upon the person by subdivision (b)(3) of this section.

(g) Effect of Violation of Restriction When Driving While License Revoked Not Charged. – ~~A~~ Except as otherwise provided in subsection (g1) of this section, a person subject to this section who violates any of the restrictions of this section, but is not charged or convicted of

driving while license revoked pursuant to G.S. 20-28(a), shall have the person's license revoked by the Division for a period of one year.

(g1) Effect of Ignition Interlock System Violation During Final 90-Day Period. – Notwithstanding subsection (f) or (g) of this section, a person subject to this section who commits an ignition interlock system violation during the 90-day period immediately preceding the date on which the person's length of requirement set forth in subsection (c) of this section is to end shall have the period of compliance with subsection (b) of this section extended for an additional period of 90 days or until the person has been violation-free for such extended period. For purposes of this subsection, the term "ignition interlock system violation" means any of the following:

(1) Any attempt to start the vehicle with an alcohol concentration greater than 0.02 or violation of any of the other restrictions set forth in subsection (b) of this section.

(2) A violation of G.S. 20-17.8A.

(3) A violation of any of the policies established by the Division for use of an ignition interlock system on a designated motor vehicle.

The Division shall notify the license holder of any violation and the right to appeal in accordance with Division policy. The Division shall provide for a telephonic hearing if the holder appeals an extension. The extension shall continue pending appeal. The Division shall send notice of the extension to the person holding the license by first class mail to the address on file with the Division.

…."

SECTION 2.(c) Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

SECTION 2.(d) If House Bill 199, 2023 Regular Session, becomes law, then Section 2 of that act is repealed.

SECTION 2.(e) Subsection (a) of this section becomes effective December 1, 2024, and applies to limited driving privileges issued on or after that date. Subsection (b) of this section becomes effective December 1, 2024, and applies to drivers licenses revoked on or after that date. The remainder of this section becomes effective December 1, 2024.

MODIFY SECTION 5 OF SESSION LAW 2023-151 RELATED TO LICENSE PLATE READER PILOT PROGRAM

SECTION 3.(a) Subsection (a) of Section 5 of Session Law 2023-151 reads as rewritten:

"**SECTION 5.(a)** The Department of Transportation may enter into agreements with the North Carolina State Bureau of Investigation for the placement and use of automatic license plate reader systems, as defined in G.S. 20-183.30(1), within land or right-of-way owned by the Department of Transportation as part of a pilot program established by this section; provided that (i) the use of the land or right-of-way is temporary in nature, (ii) the automatic license plate reader system is above ground, removeable, and contains no combustible fuel, (iii) the placement and use does not unreasonably interfere with the operation and maintenance of public utility facilities or cause the facilities to fail to comply with all applicable laws, codes, and regulatory requirements, (iv) the authorization to locate the automatic license plate reader system within the right-of-way is revocable by the Department for cause with at least 30 days' notice, (v) the use of the automatic license plate reader system complies with provisions of Article 8A of Chapter 87 of the General Statutes, and (vi) the automatic license plate reader system is operated in accordance with Article 3D of Chapter 20 of the General Statutes. Placement and use of an automatic license plate reader system and related equipment under this subsection must be terminated and removed by the Department upon request by any affected public utility. The

Department or a public utility may relocate an automatic license plate reader system and related equipment in the event that the Department or public utility needs immediate access to its utilities or facilities and shall only be liable for damages to the automatic license plate reader system and related equipment caused solely by its gross negligence or willful misconduct. If an automatic license plate reader system or related equipment is moved for immediate access, the Department or applicable public utility must provide notice to the State Bureau of Investigation. For purposes of this subsection, the term "public utility" means any of the following: a public utility, as defined in G.S. 62-3(23), an electric membership corporation, telephone membership corporation, a joint municipal power agency, or a municipality, as defined in G.S. 159B-3(5). The State Bureau of Investigation may enter into an agreement under this section on its own behalf or as an administrative agent of a ~~local law enforcement agency in this State.~~federal, state, or local law enforcement agency. Any law enforcement agency selected to participate in the pilot program shall provide to the State Bureau of Investigation information pertaining to their agency's use of each automatic license plate reader system located within the Department of Transportation right-of-way. This information shall include the participating agency's written policy governing the use of each system, the number of license plates captured by each system, and the number of occasions data captured by each system was preserved for more than 90 days during the pilot program, pursuant to the provisions established in G.S. 20-183.32(b). This information shall be provided by each participating agency to the State Bureau of Investigation in accordance with guidelines established by the State Bureau of Investigation."

SECTION 3.(b) Subsection (b) of Section 5 of Session Law 2023-151 reads as rewritten:

"**SECTION 5.(b)** The North Carolina State Bureau of Investigation shall submit an initial report no later than ~~April 15, 2025,~~ April 15, 2026, and a final report no later than ~~October 1, 2025,~~ October 1, 2026, to the Joint Legislative Oversight Committee on Justice and Public Safety and the Joint Legislative Transportation Oversight Committee on automatic license plate reader systems placed on rights-of-way owned or maintained by the Department of Transportation. The interim and final reports shall contain ~~the written policy governing use of each automatic license plate reader system, the number of requests for captured data by requesting agency, and the amount of data preserved for more than 90 days compared to the amount of data captured during the pilot program.~~each participating agency's written policy governing the use of each system, the number of license plates captured by each system, and the number of occasions data captured by each system was preserved for more than 90 days during the pilot program, pursuant to the provisions established in G.S. 20-183.32(b). This information shall be provided by each participating agency to the State Bureau of Investigation in accordance with guidelines established by the State Bureau of Investigation. The final report shall include an evaluation of the pilot program."

SECTION 3.(c) Subsection (h) of Section 5 of Session Law 2023-151 reads as rewritten:

"**SECTION 5.(h)** Subsection (g) of this section becomes effective January 1, 2024, and applies to offenses committed on or after that date. The remainder of this section becomes effective January 1, 2024. Subsection (a) of this section expires ~~July 1, 2025,~~ July 1, 2026, and any agreement entered into under the pilot program established in that section shall terminate no later than that date."

MODIFY RURAL ELECTRIFICATION AUTHORITY/FEE UPDATE

SECTION 4.(a) G.S. 117-3 reads as rewritten:

"**§ 117-3. Authority not granted power to fix rates or order line extensions; right of suggestion and petition.**

~~The~~ Except as provided in G.S. 117-3.1(b), the Authority itself shall not be a rate-making body, and shall have no power to fix the rates or service charges, or to order the extension of

lines by the power companies. ~~The~~ Except as provided in G.S. 117-3.1(b), the function of making rates and service charges and orders for the extension of lines shall remain in the Utilities Commission of North Carolina, and the Authority shall only have the right of suggestion and petition to the Utilities Commission of its opinion as to the proper rates and service charges and line extensions, and no rate recommended or suggested by the Authority shall be effective until approved by the Utilities Commission: Provided, that if the Utilities Commission of North Carolina does not have the right under the existing law to fix service charges in addition to the rates prescribed for electrical energy, and the power to order line extensions, such power and authority is hereby granted the Utilities Commission of North Carolina to fix and promulgate service charges in addition to rates in any community which avails itself of this Article, and form a corporation authorized hereunder to be known as electric membership corporation, and to order line extensions when it shall determine that the same is proper and feasible."

SECTION 4.(b) G.S. 117-3.1 reads as rewritten:

"**§ 117-3.1. Regulatory fee.**

…

(b) Rate. – For each fiscal ~~year,~~ year in which the General Assembly does not establish a rate, the regulatory fee shall be the ~~greater of the following:~~

~~(1) The rate established by the General Assembly for that year for each electric membership corporation's North Carolina meter connected for service and each telephone membership corporation's North Carolina access line connected for service for each quarter of the year.~~

~~(2)~~ ~~Four cents (4¢)~~ rate proposed by the Authority in accordance with this subsection, which shall not be more than six cents (6¢) for each electric membership corporation's North Carolina meter connected for service and for each telephone membership corporation's North Carolina access line connected for service for each quarter of the year.

When the Authority prepares its budget request for the upcoming fiscal year, the Authority shall propose a rate for the regulatory fee. For fiscal years beginning in an odd-numbered year, that proposed rate shall be included in the budget message the Governor submits to the General Assembly pursuant to G.S. 143C-3-5. For fiscal years beginning in an even-numbered year, that proposed rate shall be included in a special budget message the Governor shall submit to the General Assembly. ~~If the General Assembly decides to set the regulatory fee at a rate higher than the rate in subdivision (2) of this subsection, it shall set the regulatory fee by law.~~

The regulatory fee may not exceed the amount necessary to generate funds sufficient to defray the estimated cost of the operations of the Authority for the upcoming fiscal year, including a reasonable margin for a reserve fund. The amount of the reserve may not exceed the estimated cost of operating the Authority for the upcoming fiscal year. In calculating the amount of the reserve, the General Assembly shall consider all relevant factors that may affect the cost of operating the Authority or a possible unanticipated increase or decrease in North Carolina electric meters and North Carolina telephone access lines.

…."

ALLOW SCHOOL BOARDS TO USE EMINENT DOMAIN FOR EASEMENTS

SECTION 5.(a) G.S. 115C-517 reads as rewritten:

"**§ 115C-517. Acquisition of sites.**

Local boards of education may acquire suitable sites for schoolhouses or other school facilities either within or without the local school administrative unit; but no school may be operated by a local school administrative unit outside its own boundaries, although other school facilities such as repair shops, may be operated outside the boundaries of the local school administrative unit. Whenever any ~~such board~~ local board of education is unable to acquire or enlarge a suitable ~~site or right-of-way~~ site, right-of-way, or easement, including utility easements

necessary to support school facilities situated on a site, for a school, school building, school bus garage or ~~for a~~ parking area or access road suitable for school ~~buses~~ buses, or for other school facilities by gift or purchase, condemnation proceedings to acquire ~~same~~ the site, right-of-way, or easement may be instituted by ~~such board~~ the local board of education under the provisions of Chapter 40A of the General Statutes, and the determination of the local board of education of the land necessary for ~~such~~ these purposes shall be conclusive. For purposes of this section, utility easements include easements for water, sanitary sewer, electric power, broadband, and telecommunications services."

SECTION 5.(b) This section becomes effective July 1, 2024.

ADD TIANEPTINE TO THE CONTROLLED SUBSTANCE SCHEDULES

SECTION 6.(a) G.S. 90-90 reads as rewritten:

"**§ 90-90. Schedule II controlled substances.**

This schedule includes the controlled substances listed or to be listed by whatever official name, common or usual name, chemical name, or trade name designated. In determining that a substance comes within this schedule, the Commission shall find: a high potential for abuse; currently accepted medical use in the United States, or currently accepted medical use with severe restrictions; and the abuse of the substance may lead to severe psychic or physical dependence. The following controlled substances are included in this schedule:

…

(2) Any of the following opiates or opioids, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation unless specifically exempted or listed in other schedules:

…

bb. Tianeptine.

…."

SECTION 6.(b) This section becomes effective December 1, 2024, and applies to offenses committed on or after that date.

HALIFAX-NORTHAMPTON REGIONAL AIRPORT AUTHORITY PROPERTY DISPOSAL

SECTION 7.(a) Section 4(a) of S.L. 1997-275, as amended by S.L. 1998-130 and S.L. 2012-116, reads as rewritten:

"Section 4. (a) The Airport Authority shall constitute a body, both corporate and politic, and shall have the following powers and authority:

…

(6) To ~~sell, lease,~~ sell or otherwise dispose of any property, real or personal, belonging to the Airport Authority, according to the procedures described in Article 12 of Chapter 160A of the General Statutes, but no sale of real property shall be made without the approval of the Halifax County Board of Commissioners, the Northampton County Board of Commissioners, and the Roanoke Rapids City Council.

(6a) To lease any property, real or personal, belonging to the Airport Authority under the terms and conditions the Airport Authority deems proper. Article 12 of Chapter 160A of the General Statutes shall not apply to leases entered into by the Airport Authority.

…

(10) To operate, own, lease, control, regulate, or grant to others, for a period not to exceed ~~25~~ 40 years, the right to operate on any airport premises restaurants, snack bars, vending machines, food and beverage dispensing outlets, rental

car services, catering services, novelty shops, insurance sales, advertising media, merchandising outlets, motels, hotels, barber shops, automobile parking and storage facilities, automobile service establishments, and all other types of facilities as may be directly or indirectly related to the maintenance and furnishing to the general public of a complete air terminal installation.

…

(12) To erect and construct buildings, hangars, shops, and other improvements and facilities, not inconsistent with or in violation of the agreements applicable to and the grants under which the real property of the Airport Authority is held and to lease those improvements and facilities for a term or terms not to exceed 40 years.

…."

SECTION 7.(b) This section is effective when it becomes law and applies to contracts entered into or renewed on or after that date.

REMOVE VETERANS BURIAL RESIDENCY REQUIREMENT

SECTION 8.(a) G.S. 65-43 reads as rewritten:

"**§ 65-43. Definitions.**

For purposes of this Article, the following definitions shall apply, unless the context requires otherwise:

…

~~(2) A "legal resident" of a state means a person whose principal residence or abode is in that state, who uses that state to establish his or her right to vote and other rights in a state, and who intends to live in that state, to the exclusion of maintaining a legal residence in any other state.~~

(3) A "qualified veteran" means a veteran who ~~meets the requirements of sub-subdivisions a. and b. of this subdivision:~~

~~a.~~ ~~A veteran who~~ served an honorable military service or who served a period of honorable nonregular service and is any of the following:

~~1.~~a. A veteran who is entitled to retired pay for nonregular service under 10 U.S.C. §§ 12731-12741, as amended.

~~2.~~b. A veteran who would have been entitled to retired pay for nonregular service under 10 U.S.C. §§ 12731-12741, as amended, but for the fact that the person was under 60 years of age.

~~3.~~c. A veteran who is eligible for interment in a national cemetery under 38 U.S.C. § 2402, as amended.

~~b. Who is a legal resident of North Carolina:~~

~~1. At the time of death, or~~

~~2. For a period of at least 10 years, or~~

~~3. At the time he or she entered the Armed Forces of the United States.~~"

SECTION 8.(b) G.S. 65-43.2 reads as rewritten:

"**§ 65-43.2. Proof of eligibility.**

…

(b) The survivors or legal representative of the deceased shall notify the funeral director that the deceased is to be interred in a veterans cemetery. The survivor or legal representative shall furnish the funeral director with documentary evidence of the veteran's honorable military ~~service and evidence to establish that the veteran is a legal resident of North Carolina.~~ service. The funeral director shall notify the superintendent of the nearest State veterans cemetery to arrange for the interment and convey to the superintendent all evidence to establish the veteran's eligibility."

EFFECTIVE DATE

SECTION 9. Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 28th day of June, 2024.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 5:08 p.m. this 8th day of July, 2024