

# Legislative Bulletin

## A Summary of New Laws Affecting North Carolina Lawyers

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North Carolina Bar Association  
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# NORTH CAROLINA BAR ASSOCIATION

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The Legislative Bulletin is provided as a service of the NCBA Office of Governmental Affairs. Included is a summary of bills that were tracked by a section or committee of the NCBA or that was independently tracked by the Office of Governmental Affairs during the 2017 session of the General Assembly. These summaries are designed to put you on notice of changes made in the statutes this session which may affect your practice. They are not intended to instruct you fully as to those changes; there is no substitute for reading the Session Laws themselves. Our purpose is to offer a tool to assist in your practice and we hope you will find that this publication serves your purpose.

**Michelle L. Frazier**  
NCBA Contract Lobbyist  
Smith Moore Leatherwood LLP

**Courtney Denning**  
Legislative Analyst

**North Carolina Bar Association**  
**Office of Governmental Affairs**  
P.O. Box 3688  
Cary, NC 27519-3688  
1.800.662.7407

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**North Carolina General Assembly  
153rd Session Demographics & Statistics – Long Session**

- House of Representatives: 120 members (74 Republicans, 46 Democrats)
- House Leadership:
  - Speaker Tim Moore (R) \*
  - Speaker Pro Tempore – Rep. Sarah Stevens (R) \*
  - Majority Leader – Rep. John Bell (R)
  - Democratic Leader – Rep. Darren G. Jackson (D) \*
- Senate: 50 members (35 Republicans, 15 Democrats)
- Senate Leadership:
  - President – Lt. Governor Dan Forest (R)
  - President Pro Tempore – Sen. Phil Berger (R) \*
  - Majority Leader – Sen. Harry Brown (R)
  - Democratic Leader – Sen. Dan Blue (D) \*
- Lawyer Legislators:

Rep. Chaz Beasley (D)	Sen. Tamara Barringer (R)
Rep. Hugh Blackwell (R)	Sen. Phil Berger (R)
Rep. John M. Blust (R)	Sen. Dan Bishop (R)
Rep. Deb Butler (D)	Sen. Dan Blue (D)
Rep. Ted Davis, Jr. (R)	Sen. Danny Earl Britt, Jr. (R)
Rep. Destin Hall (R)	Sen. Angela R. Bryant (D)
Rep. Duane Hall (D)	Sen. Jay J. Chaudhuri (D)
Rep. Darren G. Jackson (D)	Sen. Warren Daniel (R)
Rep. Jonathan C. Jordan (R)	Sen. Jeff Jackson (D)
Rep. Joe John (D)	Sen. Michael V. Lee (R)
Rep. Grier Martin (D)	Sen. Floyd B. McKissick, Jr. (D)
Rep. Henry M. Michaux, Jr. (D)	Sen. Paul Newton (R)
Rep. Tim Moore (R)	
Rep. Marcia Morey (D)	
Rep. Robert T. Reives, II (D)	
Rep. William O. Richardson (D)	
Rep. David Rogers (R)	
Rep. Sarah Stevens (R)	
Rep. Lee Zachary (R)	
- 2017 Long Session convened January 11 but has not yet adjourned.
- 2018 Short Session will convene on May 16.
- 1,619 bills and resolutions filed (927 in the House, 692 in the Senate)
- 204 laws enacted, 11 vetoes so far (all vetoes on which a vote has been taken were overridden)

\* = Lawyer Legislators

## ADMINISTRATION OF JUSTICE COMMITTEE

### **HB 100 (S.L. 2017-3) – Restore Partisan Elections/Sup. & Dist. Court**

HB 100 repeals the nonpartisan process for conducting superior and district court elections and mandates partisan elections for those courts. It also makes necessary conforming changes and is effective for primaries and elections held on or after January 1, 2018.

### **HB 239 (S.L. 2017-7) – Reduce Court of Appeals to 12 Judges**

HB 239 amends G.S. 7A-16 to reduce the number of judges from fifteen to twelve on the Court of Appeals. The bill eliminates the first three seats held by incumbent judges that become vacant on or after January 1, 2017, even if the term has not expired. It also amends G.S. 7A-27 to allow an appeal of right for trial court decisions regarding class action certification and termination of parental rights. Finally, HB 239 rewrites G.S. 7A-31 to provide for discretionary review by the Supreme Court in cases where the subject matter involves the jurisdiction and integrity of the court system.

## ADMINISTRATIVE LAW

### **HB 666 (S.L. 2017-167) – Revise Volunteer Fire Department Req'ts**

HB 666 revise the primary personnel requirement in 11 NCAC 05A.0504 to allow a fire department to apply for a waiver from the requirement that the fire department maintain twenty primary personnel on its certified State roster, provided that the requirement is not reduced below fifteen primary personnel.

### **SB 131 (S.L. 2017-10) – Regulatory Reform Act of 2016-2017**

SB 131 amends numerous regulatory laws relating to business, State and local government, agriculture, energy, environment, and natural resources.

### **SB 196 (S.L. 2017-146) – Veterinary Practice Omnibus**

SB 196 clarifies that the practice of horseshoeing is not the practice of veterinary medicine and directs the Veterinary Division of the Department of Agriculture and Consumer Services to study the practice of veterinary pharmaceutical compounding (VPC).

### **SB 489 (S.L. 2017-150) – Clarify Workers' Comp. Policy Cancellation**

See summary under Workers' Compensation.

## APPELLATE PRACTICE

### **HB 239 (S.L. 2017-7) – Reduce Court of Appeals to 12 Judges**

See summary under Administration of Justice Committee.

## BANKRUPTCY

### **HB 140 (S.L. 2017-205) – Dental Plans Provider Contracts/Transparency**

HB 140 applies disclosure and notification requirements related to insurer fee schedules, claims submission and reimbursement policies to stand alone dental insurance. The bill also expands

lenders' ability to sell borrowers credit property insurance to cover loan costs when the borrowers can't pay.

**HB 440 (S.L. 2017-164) – Federal Home Loan Bank/Insurer Receivership**

HB 440 amends Chapter 58 to clarify the obligations and relationship between a Federal Home Loan Bank (FHLB) and a North Carolina insurance company in the conservatorship and rehabilitation process.

**SB 415 (S.L. 2017-149) – Clarify Definition of Collection Agency**

SB 415 amends G.S. 58-70-15 to clarify the definition of “collection agency” by excluding corporations or associations engaged in accounting, bookkeeping or data processing services.

**SB 577 (S.L. 2017-45) – Consumer Credit/Default Charge**

SB 577 amends G.S. 25A-29 to increase the allowable default charge for an overdue installment payment under a consumer credit installment sale contract. The bill changes the fee from no more than 5% of the overdue installment or \$6, whichever is less, to \$15.

**BENCH BAR LIAISON COMMITTEE**

**HB 100 (S.L. 2017-3) – Restore Partisan Elections/Sup. & Dist. Court**

See summary under Administration of Justice Committee.

**HB 239 (S.L. 2017-7) – Reduce Court of Appeals to 12 Judges**

See summary under Administration of Justice Committee.

**BUSINESS LAW**

**HB 228 (S.L. 2017-23) – Postpone Assumed Name Revisions**

HB 228 postpones the implementation of newly-enacted Article 14A of Chapter 66 which revised the law on assumed business names as recommended by the General Statutes Commission.

**HB 462 (S.L. 2017-165) – Banking Law Amendments**

HB 462 amends various sections of Chapters 53C and 54 to make primarily technical and clarifying changes to provisions regulating commercial banks, bank holding companies and credit unions.

**SB 82 (S.L. 2017-185) – Achieving Business Efficiencies**

SB 82 amends employment laws, primarily related to seasonal amusement or recreational establishment employees.

**SB 578 (S.L. 2017-90) – Veteran-Owned Small Business/Annual Report**

SB 578 requires the Secretary of State to annually compile aggregated data on the number of small businesses that are veteran-owned and service-disabled veteran-owned. The Secretary of State must report the findings to the Department of Military Affairs by March 1 of each year.

### **SB 593 (S.L. 2017-122) – Arbitration and Mediation for Business Court**

SB 593 requires the Director of the AOC to submit a report to the Speaker of the House of Representatives and the President Pro Tempore of the Senate recommending whether and how to establish an arbitration program within the North Carolina Business Court. Recommendations for establishing a similar mediation program may also be presented.

### **SB 621 (S.L. 2017-123) – Business Contracts/Choice of Law and Forum**

SB 621 adds Chapter 1G, the “North Carolina Choice of Law and Forum in Business Contracts Act”. The Act applies to business contracts, as defined in G.S. 1G-2.(1), and provides that parties may agree that North Carolina law governs the parties’ rights and duties under the contract in whole or in part, regardless of whether the parties, contract or related transaction bear a reasonable relation to the State or a provision in the contract conflicts with a fundamental policy of the jurisdiction that would apply if the parties had not chosen North Carolina law. The bill also delineates choice of forum for a dispute arising out of the contract so that dispute may be brought in the courts of this State. Finally, it amends G.S. 25-1-301 to affirm the parties’ right to choose North Carolina law to govern their rights and duties under the contract, except as noted.

## **CONSTITUTIONAL LAW**

### **HB 399 (S.L. 2017-93) – Stop Images Taken W/O Consent from Dissemin.**

HB 399 amends G.S. 14-190.5A by expanding the definition of “image” to include, among other things, live transmission, digital depiction or any other electronic or mechanical reproduction. It also amends the reasonable expectation of privacy standard and makes it a criminal offense to obtain an image without the consent of the depicted person when the person knew or should have known that the depicted person expected the images to remain private.

## **CONSTRUCTION LAW**

### **HB 158 (S.L. 2017-40) – Special Assessments/Critical Infrastructure**

HB 158 amends Article 9A of Chapter 153A and Article 10A of Chapter 160A to authorize cities and counties to provide for the payment of all or a portion of the cost of critical infrastructure projects by using funds from private parties and repaying the funds by making special assessments on benefitted property. The bill also clarifies who receives proceeds from a performance guarantee.

### **HB 252 (S.L. 2017-130) – Building Code Regulatory Reform**

HB 252 makes several changes to building inspection procedures for counties and cities. Cities and counties are prohibited from adopting or enforcing any existing regulation requiring regular, routine building inspections without first obtaining approval from the North Carolina Building Code Council. The bill also adds new inspection requirement exemptions for persons supervised by architects or engineers as well as new exemptions for engineered components and elements certified as compliant by the manufacturer.

Further, the bill creates an informal review process for inspection decisions made by county and city inspectors and allows a building permit applicant to choose which version of an interpretation will apply to the permit, if an interpretation changes after the permit is issued.

Finally, it exempts certain lots from needing separate meters for new irrigation systems and exempts therapeutic equine facilities from the State Building Code.

**HB 620 (S.L. 2017-141) – UNC Capital Projects**

See summary under Education Law.

**SB 42 (S.L. 2017-174) – Reduce Cost & Reg. Burden/Hosp. Construction**

SB 42 directs the North Carolina Medical Care Commission to adopt the recommendations of the American Society for Healthcare Engineering’s Facility Guidelines Institute regarding design and construction of new facilities.

**SB 156 (S.L. 2017-15) – Plumbing & Heating Contractors Changes**

SB 156 amends G.S. 87-21 to authorize the State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors to regulate the inspection, evaluation and testing of heating, plumbing and fire sprinkler systems. It also authorizes the Board to issue licenses for certain restricted classifications.

**CRIMINAL JUSTICE**

**HB 84 (S.L. 2017-191) – DL/Deaf or Hard of Hearing Designation**

HB 84 amends G.S. 20-7 to direct the Division of Motor Vehicles to develop a voluntary drivers license designation for persons who are deaf or hard of hearing. It also amends G.S. 17C-6(a) and G.S. 17E-4(a) to require training for law enforcement on the designation as well as recognizing and appropriately interacting with persons who are deaf or hard of hearing.

**HB 98 (S.L. 2017-89) – Crim. Offense/Vandalize Fire & EMS Equipment**

HB 98 enacts G.S. 14-160.3 which makes it a Class 1 misdemeanor to intentionally damage equipment used for firefighting or emergency medical services.

**HB 125 (S.L. 2017-30) – Threatened Weapon Inc. in First-Deg Rape**

HB 125 amends G.S. 14-27.21 and G.S. 14-27.26 to add the threatened use of a weapon as an element of first-degree forcible rape and first-degree forcible sexual offense.

**HB 128 (S.L. 2017-179) – Prohibit Drone Use Over Prison/Jail**

HB 128 enacts G.S. 15A-300.3 which makes it unlawful for a person to use an unmanned aircraft system (UAS) near local confinement facilities or State or federal correctional facilities. Additionally, the bill creates use exceptions from the default distance restrictions and requires the Division of Aviation of the DOT to petition the Federal Aviation Administration to designate these facilities as fixed site facilities and develop guidelines for notices for marked boundaries.

**HB 138 (S.L. 2017-194) – Revise Gang Laws**

HB 138 standardizes criteria for classification of criminal gang membership, creates a sentencing enhancement for certain crimes committed by gang members, and increases the penalties for certain gang-related offenses.



**HB 224 (S.L. 2017-101) – Warrant Check of Inmates in Custody**

HB 224 requires the court to attempt to identify outstanding warrants before entering an order in a criminal case only in cases in which the defendant is in custody, as recommended by the North Carolina Courts Commission.

**HB 225 (S.L. 2017-31) – Attempted Robbery is Lesser included**

HB 225 amends G.S. 14-87 to clarify that attempted robbery with a dangerous weapon is a lesser included offense of robbery with a dangerous weapon.

**HB 384 (S.L. 2017-162) – Increase Penalties/Organized Retail Theft**

HB 384 amends Chapters 14 and 66 to strengthen the organized retail theft statutes and changes existing law on gift cards and merchandise cards under those statutes.

**HB 399 (S.L. 2017-93) – Stop Images Taken W/O Consent from Dissemin.**

See summary under Constitutional Law.

**HB 464 (S.L. 2017-115) – Revise Schedule of Controlled Substances**

HB 464 amends various sections of Chapter 90 to add synthetic fentanyl, designer hallucinogenics, synthetic cannabinoids, system depressants, and other substances to the schedule of controlled substances. It also changes the list of Schedule II drugs to include any material, compound, mixture, or preparation containing any quantity of hydrocodone. Finally, the bill creates the Task Force on Sentencing Reforms for Opioid Drug Convictions.

**SB 55 (S.L. 2017-188) – School Bus Cameras/Civil Penalties**

See summary under Education Law.

**SB 182 (S.L. 2017-112) – Prohibit Use of Light Bars on Motor Vehicles**

SB 182 prohibits the use of light bar lighting devices on a motor vehicle when the motor vehicle is being driven on State highways.

**SB 344 (S.L. 2017-186) – Combine Adult Correction & Juvenile Justice**

SB 344 amends the statutes that govern the powers and duties of the Division of Adult Correction and the Division of Juvenile Justice to reflect the fact that those divisions have been operating as a single Division of Adult Correction and Juvenile Justice. It also exempts the fabrication of eyeglasses from capitated prepaid health plan contracts under the State's Medicaid transformation plan.

**SB 384 (S.L. 2017-176) – Criminal Law Changes**

SB 384 amends the law regarding the use of motions for appropriate relief, clarifies the definition of "felony offense" for purposes of the habitual felon law, removes the sunset on drivers license eligibility for persons convicted of habitual impaired driving, includes breaking and entering with the intent to terrorize as a habitual breaking and entering status offense, clarifies that, when a person is charged with an offense which requires mandatory fingerprinting, fingerprinting will be ordered by the court if the offender was not arrested and fingerprinted at the time of the offense, provides that a private citizen's showing of probable cause to the magistrate shall include sufficient information supported by oath or affirmation that a crime has occurred and the

magistrate shall issue a summons unless a substantial likelihood exists that the defendant will not respond to a summons, and amends the sheriff's supplemental pension fund.

**SB 388 (S.L. 2017-147) – Incapacity to Proceed**

SB 388 amends G.S. 15A-1002(d) to allow reports received by a court on the lack of capacity to proceed to be shared with treatment providers and to study the lack of capacity to proceed process.

**SB 445 (S.L. 2017-195) – Expungement Process Modifications**

SB 445 standardizes the filing procedures for expungements, authorizes prosecutors to access certain records of expungement, allows certain expunged criminal acts to be considered in calculating prior record levels during sentencing for subsequent offenses, and makes other modifications to the expungement process.

**SB 547 (S.L. 2017-16) – Restitution Remission/Notice and Hearing Req.**

SB 547 enacts G.S. 15A-1340.39 requiring notice and the opportunity for the district attorney and victim to be heard before a judge may order restitution to be remitted. Remission of an order of restitution does not limit a victim's right to bring a civil action against the defendant for damages.

**SB 548 (S.L. 2017-151) – Strengthen Human Trafficking Laws/Studies**

SB 548 amends numerous sections of Chapters 14 and 90 to increase the felony levels for human trafficking and require licensure of certain establishments providing massage and bodywork therapy services. It also directs the Department of Health and Human Services to study the feasibility of providing comprehensive human trafficking training to health care providers, emergency medical providers and relevant first responders and requires massage and bodywork therapists to obtain a statewide privilege license.

**SB 600 (S.L. 2017-94) – Britny's Law: IPV Homicide**

SB 600 enacts G.S. 14-17(a1) which enables prosecutors to use previous convictions against the same victim for, among other things, domestic violence and stalking as evidence of premeditation, allowing them to pursue first-degree murder charges in cases where a domestic abuse victim is killed.

**DISPUTE RESOLUTION**

**HB 236 (S.L. 2017-158) – NCAOC Omnibus Bill**

See summary under General Interest.

**SB 593 (S.L. 2017-122) – Arbitration and Mediation for Business Court**

See summary under Business Law.

**EDUCATION LAW**

**HB 13 (S.L. 2017-9) – Class Size Requirement Changes**

HB 13 amends G.S. 115C-301 to provide that the average class size requirements for kindergarten through third grade shall not exceed twenty students. It also makes changes to the reporting requirements for local boards of education to require biannual reports on teacher

allocation and class size. Finally, local superintendents must include sworn affidavits of compliance with these requirements with the biannual reports.

**HB 39 (S.L. 2017-1) – Amend Appointments/UNC Bd of Governors**

HB 39 reduces the number of members of the Board of Governors of The University of North Carolina system elected each regular session by the General Assembly from sixteen to twelve. This change reduces the elected membership of the Board of Governors from thirty-two to twenty-four by July 1, 2019.

**HB 135 (S.L. 2017-126) – Technical Changes to Course of Study Statute**

HB 135 repeals G.S. 115C-81, 115C-81.1, 115C-81.3, and 115C-81.4 because of outdated references to the Basic Education Program, now referred to as the “standard course of study,” and recodifies certain content of the repealed statutes into individual statutes based on subject matter.

**HB 149 (S.L. 2017-127) – Students W/ Dyslexia and Dyscalculia**

HB 149 requires the State Board of Education to define dyslexia as part of its policies for specific learning disabilities, ensure ongoing professional development opportunities for school personnel on the identification of, and intervention for, specific learning disabilities, and provide information for parents and others regarding children with learning disabilities. Further, it requires local boards of education to review diagnostic tools and screening instruments for specific learning disabilities and determine if they are age-appropriate and if additional diagnostic and screening tools are needed.

**HB 155 (S.L. 2017-157) – Omnibus Education Law Changes**

HB 155 makes various changes to education laws including modification of the school/class size report date, necessary changes to the career status statutes, authorization for assistant principals at certain schools to conduct evaluations of beginning teachers, and creation of a work group on student health issues.

**HB 159 (S.L. 2017-98) – Charter School TSERS Election**

HB 159 amends G.S. 135-5.3 to extend the amount of time a charter school has to elect to become a participating employer in the Teachers’ and State Employees’ Retirement System.

**HB 527 (S.L. 2017-196) – Restore/Preserve Campus Free Speech**

HB 527 enacts G.S. 116-300 requiring the Board of Governors of The University of North Carolina to develop, adopt and implement various policies related to free expression. Further, the bill directs the Board of Governors to form a Committee on Free Expression which must make annual reports to the Board, the General Assembly and the Governor.

**HB 532 (S.L. 2017-117) – Modify UNC Laboratory Schools**

HB 532 modifies the governance and operation of The University of North Carolina Laboratory Schools, including the establishment of the Board of Governors’ Subcommittee on Laboratory Schools.

**HB 620 (S.L. 2017-141) – UNC Capital Projects**

HB 620 authorizes the acquisition or construction and the financing, without appropriations from the general fund, of certain capital improvement projects within the UNC system.

**HB 704 (S.L. 2017-198) – Divide School Systems/Study Committee**

HB 704 establishes the Joint Legislative Study Committee on the Division of Local School Administrative Units to study, among other things, the best approach for dividing previously-merged local school administrative units.

**HB 800 (S.L. 2017-173) – Various Changes to Charter School Laws**

Among other things, HB 800 amends Chapter 115C to allow a charter school’s board of directors to contract with an education management organization or charter management organization to employ and provide teachers. It also modifies the charter school decision timeline for the fast-track replication application process and expands the growth exception for material revisions of charters. Additionally, the Office of Charter Schools is directed to assist charters that wish to participate in the NC Pre-K program. Finally, it expands the options of course providers available through the North Carolina Virtual Public School (NCVPS).

**SB 55 (S.L. 2017-188) – School Bus Cameras/Civil Penalties**

SB 55 authorizes counties to adopt ordinances imposing civil penalties for passing a stopped school bus in violation of G.S. 20-217 when the violation does not result in injury or death. Additionally, the bill encourages criminal prosecution when photos or videos recorded by an automated school bus safety camera provide evidence sufficient to support such prosecution. The bill also authorizes local boards of education to install and operate automated school bus safety cameras or contract with vendors for the installation and operation of the cameras.

**SB 64 (S.L. 2017-65) – Veterans’ History Awareness Month**

See summary under Military & Veterans Law.

**SB 78 (S.L. 2017-142) – Costs to Comply/Fed Ed Funds/PED Study**

SB 78 directs the Department of Public Instruction to study the financial costs to State and local school administrative units to comply with federal education funding mandates. The bill also establishes the Joint Legislative Study Commission on Efficiency and Cost-Savings in State Government.

**SB 169 (S.L. 2017-88) – Teaching Excellence Bonus Expansion**

SB 169 provides bonus substitutes to certain teachers who, but for no longer teaching specified grades or courses, would have received bonuses under the Third-Grade Teacher Performance Pilot Program or Advanced Placement/International Baccalaureate Teacher Bonus Pilot Program established in the 2016 budget.

**SB 253 (S.L. 2017-78) – Partisan Elections/Certain School Boards**

SB 253 changes the election process for members of certain county Boards of Education from nonpartisan to partisan. The affected counties are Beaufort, Carteret, Cleveland, Dare, Hyde, Madison, Onslow, Pender, and Yancey.

**SB 312 (S.L. 2017-67) – Surplus Computers for Low-Income Students**

SB 312 allows the State surplus property agency to distribute State surplus computers to nonprofit entities that refurbish and donate computers for the benefit of low-income students and households.

**SB 315 (S.L. 2017-68) – Make Various Changes Regarding Higher Ed.**

SB 315, among other things, directs the President of The University of North Carolina to implement The University of North Carolina Undergraduate Degree Completion Improvement Plan that was submitted to the General Assembly in December 2016. It also requires development of an articulation agreement between The University System and the Community College System in early childhood education programs as well as consideration of the UTEACH program in North Carolina.

**SB 323 (S.L. 2017-175) – UNC Public Records/Athletic Conferences**

SB 323 enacts G.S. 132-1.3A to designate as public record any communication and documentation regarding membership in certain collegiate sports associations by The University of North Carolina.

**SB 448 (S.L. 2017-91) – Professors in the Classroom**

SB 448 amends Article 20 of Chapter 115C to authorize local boards of education to contract with higher education faculty members to serve as adjunct instructors for core academic standards.

**SB 468 (S.L. 2017-187) – QZAB Use Modification**

SB 468 amends G.S. 115C-489.6(a) to modify the conditions for the award of qualified zone academy bonds (QZABs) so that the proceeds must be used for the purposes listed in 26 U.S.C. § 54E and prioritized so that the QZAB funds are first distributed to counties determined to have greater economic distress and for schools where 75% or more of the school's students are eligible to receive free or reduced lunch under the federal lunch program.

**SB 599 (S.L. 2017-189) – Excellent Educators for Every Classroom**

SB 599 establishes the Professional Educator Preparation and Standards Commission, authorizes the expansion of educator preparation programs, and creates a system that holds all programs accountable. Additionally, the bill reorganizes and clarifies the educator licensure process and ensures availability of information on teacher vacancies occurring in North Carolina public schools.

**ELDER & SPECIAL NEEDS LAW**

**HB 248 (S.L. 2017-103) – Sunset CABHAs/Ombudsman Changes/DHHS Study**

HB 248 makes changes to the Adult Care Home Community and Nursing Home Community Advisory Committees to conform to the administration for community living rules and recent changes to the State Long-Term Care Ombudsman Program. The bill also directs the Department of Health and Human Services to study the HIV Organ Policy Equity (HOPE) Act and related federal regulations and make recommendations to the Legislature on or before January 1, 2018.

**HB 657 (S.L. 2017-184) – Improve Adult Care Home Regulation**

HB 657 amends various sections of Chapter 131D to prohibit issuance of adult care home licenses due to prior violations, exempt from certificate of need review new institutional health services involving the acquisition of certain unlicensed adult care homes, implement an informal dispute resolution process related to certain inspection findings, change the training requirements

for personal care aides, and require DHHS to study the Star Rated Certificate Program and report on its progress to the Legislature by February 1, 2018, with a final report due October 1, 2018.

## **ENVIRONMENT, ENERGY & NATURAL RESOURCES LAW**

### **HB 353 (S.L. 2017-177) – Authorize State Park System Expansion-AB**

HB 353 authorizes the North Carolina State Parks System to accept the transfer of three properties as State Natural Areas and preserve these lands as part of the State Parks System. The bill also directs the Division of Parks and Recreation of the Department of Natural and Cultural Resources to study the feasibility and desirability of establishing a State Park on the Black River.

### **HB 402 (S.L. 2017-163) – Limit Env. Liability for Certain Recyclers**

HB 402 amends G.S. 130A-310.7 to generally exempt persons who arrange for the recycling of recyclable materials from liability for hazardous substances released or threatened to be released at a facility owned or operated by another person. To be exempt, the person must comply with certain federal standards, requirements and criteria set forth in the federal Superfund Recycling Equity Act of 1999 (SREA).

### **HB 467 (S.L. 2017-11) – Agriculture and Forestry Nuisance Remedies**

HB 467 enacts G.S. 106-702 limiting compensatory damages that may be awarded in a private nuisance action against an agricultural or forestry operation to the fair market value of the plaintiff's property.

### **HB 548 (S.L. 2017-139) – Equalize Treatment of Wastewater Products**

HB 548 amends G.S. 105-164.13(68) to exempt wastewater dispersal products from sales and use taxes. The exemption applies to wastewater dispersal products approved by the On-Site Water Protection Branch of the Department of Health and Human Services. Further, it amends G.S. 130A-334 to define "wastewater disposal product".

### **HB 559 (S.L. 2017-182) – Outdoor Heritage Enhanced**

HB 559 expands the use of firearms for hunting of wild animals and upland game birds on Sunday and allows hunting of migratory birds on Sunday.

### **HB 589 (S.L. 2017-192) – Competitive Energy Solutions for NC**

HB 589 amends various sections of Chapter 62 to, among other things, reform the State implementation of PURPA, create a competitive bidding process for new renewable energy facilities, and enact the Distributed Resources Access Act to authorize the leasing of certain solar developments.

### **SB 107 (S.L. 2017-145) – Streamline Dam Removal**

SB 107 expedites the dam removal process under certain circumstances.

### **SB 244 (S. L. 2017-66) – Coastal Crescent Trail/State Parks System**

SB 244 adds the Coastal Crescent Trail to the Mountains-to Sea Park Trail unit of the State Parks System.

### **SB 410 (S.L. 2017-190) – Marine Aquaculture Development Act**

SB 410 establishes a program for the leasing of public bottom and superjacent water column for marine aquaculture, requires the Department of Marine Fisheries of the Department of Environmental Quality to request the issuance of federal rules to allow marine aquaculture in federal waters off the coast of the state, and establishes additional transparency requirements for members of the Marine Fisheries Commission.

## **ESTATE PLANNING & FIDUCIARY LAW**

### **SB 450 (S.L. 2017-121) – Uniform Trust Decanting Act**

SB 450 repeals G.S. 36C-8-816.1 and enacts Article 8B, the “North Carolina Uniform Trust Decanting Act”. The Act establishes various requirements and restrictions on the exercise of the decanting power.

### **SB 567 (S.L. 2017-152) – Reform/Correct/Wills and Trusts**

SB 567 enacts a new Article 10 to Chapter 31 allowing courts to reform the terms of a will to conform to the testator’s intent if the original terms were affected by a mistake of law or fact or to achieve the testator’s tax objectives, if the modifications are not contrary to the testator’s probable intent. Further, it amends G.S. 28A-2-4(c) to state that the clerk of court does not have jurisdiction over actions for reformation or modification of wills under Article 10 of Chapter 31. Finally, it amends G.S. 36C-4-415 to allow a court to reform the terms of a trust to reflect the settlor’s intent, but only if those terms are ambiguous.

### **SB 569 (S.L. 2017-153) – Uniform Power of Attorney Act**

SB 569 enacts Chapter 32C, the “North Carolina Power of Attorney Act”. This Act primarily replaces current law governing the creation, interpretation and application of powers of attorney (POAs) executed before, on or after January 1, 2018, unless the POA contains a clear indication of contrary intent or application of the Act would substantially impair the rights of a party.

## **FAMILY LAW**

### **HB 239 (S.L. 2017-7) – Reduce Court of Appeals to 12 Judges**

See summary under Administration of Justice Committee.

### **HB 343 (S.L. 2017-92) – Enforcement of DVPO on Appeal**

HB 343 amends G.S. 50B-4 to clarify that a valid domestic violence protective order which has been appealed is enforceable in the trial court during the pendency of the appeal. It also amends G.S. 50B-3 to allow a court to modify a protective order upon written request of either party after a finding of good cause.

### **HB 630 (S.L. 2017-41) – Rylan’s Law/Family/Child Protect. & Acc. Act.**

HB 630 establishes social services regional supervision and collaboration; reforms the child welfare system in the State; improves accountability and state oversight of the child welfare system; requires written agreements, corrective actions and State intervention with Social Services Departments; establishes a child well-being transformation council, a drivers license pilot project, and a pilot program to authorize a waiver of the employment requirement for foster parents of children receiving intensive alternative family treatment; reduces the time frame a

parent has to appeal from a termination of parental rights order; reduces the time frame for licensure approval regarding foster care; and requires child protective service observation before physical custody of a child may be returned.

## **GENERAL INTEREST**

### **HB 144 (S.L. 2017-25) – Credit Union/Trust Institution Changes**

HB 144 amends various statutes to include credit unions by referencing federally-insured depository institutions as well as include trust institutions. It also allows the Administrator of Credit Unions to examine credit unions every 18 months rather than annually.

### **HB 229 (S.L. 2017-102) – GSC Technical Corrections 2017**

HB 229 contains technical corrections to the General Statutes and session laws as recommended by the General Statutes Commission and makes other technical, conforming and clarifying changes.

### **HB 236 (S.L. 2017-158) – NCAOC Omnibus Bill**

HB 236 makes numerous technical corrections regarding the administration of the General Courts of Justice as recommended by the North Carolina Administrative Office of the Courts. Specifically, the bill provides for the clerk to appoint an interim guardian ad litem on the clerk's own motion and to extend the time for filing an inventory of the property of the deceased. The bill also addresses the issuance of an order for arrest when a person fails to appear after being served with a show cause in a civil proceeding, amends how costs in the administration of estates are assessed, allows for temporary assistance for district attorneys when there is a conflict of interest, provides for the establishment of an arbitration and mediation program for the North Carolina Business Court, amends statutes governing mediation in the general court of justice, and amends the law governing the regulation of mediators.

### **HB 528 (S.L. 2017-197) – Budget Technical Corrections**

HB 528 makes technical, clarifying and other modifications to the Appropriations Act of 2017.

### **HB 770 (S.L. 2017-206) – Various Clarifying Changes**

HB 770 includes the following amendments: changes to ensure ESSA compliance; clarification of Property Tax Commission salaries; clarification of administrative costs for the Healthy Food/Small Retailer program; clarification of single-stream funding for LME/MCOs; changes to the membership of the North Carolina Medical Board; prohibition on attorneys serving as trustees from representing noteholders or borrowers while initiating a foreclosure proceeding; changes to some reporting requirements to the General Assembly; and changes to the membership of the North Carolina State Lottery Commission.

### **SB 257 (S.L. 2017-57) – Appropriations Act of 2017**

The Appropriations Act of 2017 is a \$23 billion State budget that increases teacher pay, reduces the individual income tax and corporate income tax rates, and increases the standard deduction for individuals. The budget also cuts \$1.7M available for legal aid. Additionally, the budget phases out automatically trying 16 and 17 year olds as adults and reduces funding for, and availability of, emergency judges. Finally, the budget cuts funding for the Department of Justice by \$10 million.



**SB 338 (S.L. 2017-119) – Disaster Recovery Act of 2017**

SB 338 allocates \$100,000,000 to various purposes and programs related to disaster relief from Hurricane Matthew, Tropical Storms Julia and Hermine, and the western North Carolina wildfires.

**SB 413 (S.L. 2017-148) – Clarify Motor Vehicle Dealer Laws**

SB 413 amends G.S. 20-288(a1)(2) to expand the distance allowed to be exempt from continuing education requirements. It also amends G.S. 20-305(30) to extend the grandfather provision for certain manufacturer incentive programs from 2018 to 2022. Additionally, it establishes requirements for compensation of franchised recreational vehicle dealers and other obligations of warrantors and dealers for warranty or recall work related to the living facilities of recreational vehicles. Finally, it enacts G.S. 20-101.3 to prohibit a dealer from charging shop fees and other service-related fees unless the dealer informs customers of the fees by posting a conspicuous notice of the fees in the service area of the dealership and disclosing the total amount of the fees on the customer's repair order or invoice.

**SB 615 (S.L. 2017-108) – North Carolina Farm Act of 2017**

SB 615 makes various changes to the laws governing agricultural matters including the following: expansion of facilities exempt from an EMC Rule addressing odorous emissions; addition of grazing fees for livestock and income from the sale of bees or products derived from beehives other than honey to the eligible categories for gross income; amendments to the abandoned livestock laws; transfer of development and adoption of the Forest Practice Guidelines Related to Water Quality from the Department of Environmental Quality to the Department of Agriculture and Consumer Services; clarification of activities considered incident to the farm and agritourism industries; elimination of county authority to adopt zoning regulations governing swine farms; authorization of meat and poultry compliance officers to drive State vehicles without State tags and bumper stickers; modernization of the forest ranger statutes; expansion of workers' compensation to cover emergency workers when responding to non-fire emergencies; creation of an exception from conservation benefit analysis for certain easements; exemption of farm trucks that stay in the State from having a USDOT identification number; exemption from the professional engineer requirement for the closure of hog lagoons; authorization of wine sales at farmers markets; and extension of the conditional exemption from sales and use tax for certain farmers.

**GOVERNMENT & PUBLIC SECTOR**

**HB 89 (S.L. 2017-178) – Housing Authority Transfers**

HB 89 amends G.S. 157-4.1 and G.S. 160A-475 to allow municipalities to transfer the powers, duties and responsibilities of a public housing authority to a regional council of government. The date of the abolition of the authority would be set in the city council's resolution abolishing the authority on a date that will allow sufficient time to wind down the operations of the housing authority.

**HB 115 (S.L. 2017-125) – Retirement Technical Corrections Act of 2017**

HB 115 amends various sections of Chapters 128, 135 and 147 governing the Teachers' and State Employees' Retirement System and the Local Government Employees' Retirement System to make technical corrections and other conforming changes.

**HB 128 (S.L. 2017-179) – Prohibit Drone Use Over Prison/Jail**

See summary under Criminal Justice.

**HB 138 (S.L. 2017-194) – Revise Gang Laws**

See summary under Criminal Justice.

**HB 142 (S.L. 2017-4) – Reset of S.L. 2016-3**

HB 142 amends Chapter 143 by adding Article 81A which repeals HB 2 by preempting the regulation of access to multiple occupancy restrooms, showers or changing facilities by any State or local government. Further, it prohibits, until December 1, 2020, a local government from enacting or amending an ordinance to regulate private employment practices or public accommodations.

**HB 158 (S.L. 2017-40) – Special Assessments/Critical Infrastructure**

See summary under Construction Law.

**HB 161 (S.L. 2017-193) – Divestments From Companies That Boycott Israel**

HB 161 amends Chapter 147 to require State divestment from, and prohibit State agencies from contracting with, companies that boycott Israel. The bill also modifies the existing divestment statutes for Iran and Sudan.

**HB 176 (S.L. 2017-128) – Pensions Integrity Act of 2017.-AB**

HB 176 amends various sections of Chapters 105, 115, 128, 135, and 143 to assist in preventing and detecting fraud, waste and abuse and ensure the fiscal integrity of the Teachers' and State Employees' Retirement System, the Retiree Health Benefit, and the Local Government Employees' Retirement System.

**HB 183 (S.L. 2017-129) – Retirement Admin. Changes Act of 2017**

HB 183 amends G.S. 58-86-90 and various sections of Chapters 120, 128, 135, 142, 143, and 147 as follows: addresses the recoupment of overpaid benefits or erroneous payments, amends retirement laws to reflect system funding policies and incorporate trust language from the Governmental Accounting Standards Board (GASB), permits electronic beneficiary designation, clarifies that the Teachers' and State Employees' Retirement System (TSERS) is a multi-employer plan under GASB, creates a Legislative Enactment Implementation Arrangement (LEIA) to provide for timely administrative implementation of legislative changes to benefits, allows public employers to make additional contributions to employee deferred compensation accounts, requires overdrawn check fees to be paid with non-State funds, standardizes the reporting of sick leave, and makes various technical changes.

Among others, the statutes for the following systems and funds are amended by the bill: Firefighters' and Rescue Squad Workers' Pension Fund, TSERS, the Local Governmental Employees' Retirement System, Consolidated Judicial Retirement System, Legislative Retirement System, Disability Income Plan, and Achieving a Better Life Experience (ABLE) Program Trust.

**HB 252 (S.L. 2017-130) – Building Code Regulatory Reform**

See summary under Construction Law.

### **HB 275 (S.L. 2017-132) – No Stormwater Fees on Taxiways or Runways**

HB 275 amends G.S. 153A-277(a1) and G.S. 160A-314(a1) to exempt military runways and taxiways from stormwater utility fees. It also exempts other runways and taxiways from stormwater utility fees if the savings are used to attract business to the airport.

### **HB 294 (S.L. 2017-134) – Unclaimed Property Notice Requirements**

HB 294 amends the notice requirements and penalty for the disposition of abandoned property under the North Carolina Unclaimed Property Act. The Act also modifies certain term limits for the Vocational Rehabilitation Council and the Board of Trustees of the North Carolina Museum of Art.

### **HB 299 (S.L. 2017-135) – State Health Plan Administrative Changes-AB**

HB 299 primarily amends sections of G.S. 135-48 to make administrative changes to the NC State Health Plan for Teachers and State Employees. It allows revocation of coverage for misrepresentations made by covered individuals regarding eligibility or enrollment and provides coverage to children newly born to existing covered employees. Further, the bill amends the definitions for the State Health Plan and adds a new section pertaining to fraud detection and audit programs. Finally, it amends G.S. 105-259(b) to allow the Department of State Treasurer to be furnished periodically upon request, the State tax return of a beneficiary, or the wage and income statement of a beneficiary to assist in a fraud or compliance investigation or audit.

### **HB 310 (S.L. 2017-159) – Wireless Communications Infrastructure Siting**

HB 310 amends various sections of G.S. 160A-400 relating to the regulation by cities of wireless infrastructure siting with regard to collocation of small wireless facilities on city utility poles in public rights-of-way. It also authorizes cities to assess fees on wireless providers for occupation of rights-of-way if the city charges other communications service providers or publicly, cooperatively or municipally-owned utilities for similar use of the rights-of-way. Further, it authorizes cities to charge wireless providers for collocation of a small wireless facility on city utility poles at a rate of \$50 per pole per year. Finally, it enacts G.S. 136-18.3A to authorize DOT to issue permits to wireless providers for collocation of wireless facilities on State rights-of-way.

### **HB 337 (S.L. 2017-160) – Unmanned Aircraft Systems Law Revisions**

HB 337 amends G.S. 15A-300.1(a) by clarifying that State laws applicable to unmanned aircraft systems include model aircraft and repealing G.S. 15A-300.1(d) which limited the use of special imaging technology on commercial and private unmanned aircraft systems. It also amends G.S. 15A-300.1 to exempt unmanned aircraft systems used by emergency management agencies for emergency management purposes from State law restrictions. It also amends G.S. 63-96 to align State law permitting requirements with federal law for commercial operation of unmanned aircraft systems. Finally, it exempts model aircraft used for hobby or recreational purposes from State testing and permitting requirements.

### **HB 396 (S.L. 2017-180) – Municipal Broadband Service Area**

HB 396 amends G.S. 160A-340.2(c)(3) to modify an exemption for the city of Wilson from requirements applicable to cities that operate a communications service that is offered to the public for a fee. The modification also allows Wilson to continue the provision of communication services in the temporary extension areas until thirty days after retail service is available.

**HB 436 (S.L. 2017-138) – Local Government/Regulatory Fees**

HB 436 enacts Article 8 in Chapter 162A to establish a uniform authority for system development fees to be charged by a publicly-operated water or sewer system or both. It also clarifies that the statute of limitations is three years for repayment of an unlawful fee, charge or exaction imposed by a local unit of government.

**HB 501 (S.L. 2017-137) – DOT/Surveying Information in Plans**

HB 501 adds G.S. 136-19.4A to require DOT to include specified surveying data on plans to acquire property that depicts property lines, right-of-way lines or permanent easements. It also amends G.S. 136-19.6 to make changes to DOT's residue property disposal procedures and creates a pilot program to reduce DOT's current inventory of residue property. Finally, it amends G.S. 20-280 to increase the limits of liability insurance that taxicab operators must maintain for the requisite "proof of financial responsibility".

**HB 530 (S.L. 2017-109) – Counties/Condemnation of Unsafe Bldgs/Liens**

HB 530 grants counties the same authority as cities to declare certain buildings or structures unsafe. Counties can also remove or demolish unsafe buildings or structures and place a lien on real property of the owner for the costs incurred.

**HB 740 (S.L. 2017-170) – SAR Rename/Disputed County Boundaries/Mapping**

HB 740 amends Chapter 166A, Article 6 to modernize and update statutes related to urban search and rescue teams. It also amends G.S. 153A-18 to allow the use of the North Carolina Geodetic Survey to help locate uncertain or disputed county boundary lines.

**HB 764 (S.L. 2017-26) – Expansion of MSD/Bd Appt.**

HB 764 amends G.S. 162A-68 to allow expansion of existing metropolitan sewerage districts (MSDs). It also requires that any new county into which the territory of the existing MSD is expanding must be represented by three additional members on the MSD board.

**SB 8 (S.L. 2017-104) – Bldg. Code Exempt/Airport Changes**

SB 8, among other things, restricts the stormwater runoff requirements that a local government can apply to public airports.

**SB 55 (S.L. 2017-188) – School Bus Cameras/Civil Penalties**

See summary under Education Law.

**SB 69 (S.L. 2017-105) – Local Gov't Comm/Finance Officer Training**

SB 69 requires the Local Government Commission to notify a finance officer or other employee who performs the duties of a finance officer when that employee is required to participate in training related to the powers, duties and responsibilities of the finance officer. The bill also requires the employing local government or public authority to notify the Commission when the finance officer or other employee has completed the required training.

**SB 155 (S.L. 2017-87) – ABC Omnibus Legislation**

SB 155 amends various statutes that regulate the sale and consumption of alcoholic beverages in North Carolina to, among other things, allow counties and cities to authorize the sale of alcohol starting at 10 a.m. on Sundays. It also enables distillers to conduct free tastings and raises the cap

on the number of liquor bottles that can be sold to visitors annually from one to five. Additionally, the bill authorizes farm breweries.

**SB 391 (S.L. 2017-120) – Ferry Transportation Authority**

SB 391 enacts Article 29 of Chapter 160A, “Ferry Transportation Authority”. The Authority is authorized to operate a ferry system in the area of a tidal river, and adjoining estuaries, in the vicinity of a municipality that is only accessible by water. A Ferry Transportation Authority would have the powers listed in G.S. 160A-685, including the power to acquire the component parts of a ferry transportation system, operate the system, set rates for its services, and issue revenue bonds and bond anticipation notes.

**SB 468 (S.L. 2017-187) – QZAB Use Modification**

See summary under Education Law.

**HEALTH LAW**

**HB 57 (S.L. 2017-28) – Enact Physical Therapy Licensure Compact**

HB 57 enacts Article 18F of Chapter 90 making North Carolina a member of the Physical Therapy Licensure Compact. Membership in the Compact allows physical therapists who hold licenses in good standing in any Compact state to practice physical therapy in North Carolina. Likewise, North Carolina physical therapists holding a valid license will be able to practice in another Compact member state. Member states can withdraw from the Compact by repealing the original statute.

The bill also amends G.S. 93B-15.1(a) and (b) to prohibit occupational licensing boards from charging fees as a pre-requisite to issuing a license to a military-trained applicant or spouse of a military member. Finally, it amends G.S. 93B-15.1(f) to make temporary practice permits issued to military-trained applicants and spouses valid for one year or until the required renewal date for the occupation for which the permit was issued, whichever is later.

**HB 208 (S.L. 2017-24) – Occupational Therapy/Choice of Provider**

HB 208 amends G.S. 58-50-30(b) to ensure that patients have the right to choose their occupational therapist under their health benefit plans.

**HB 243 (S.L. 2017-74) – Strengthen Opioid Misuse Prevention (STOP) Act**

HB 243 amends various sections of Chapter 90 to extend the statewide standing order for opioid antagonists to allow practitioners to prescribe an opioid antagonist to any governmental or nongovernmental agency. It also designates certain Schedule II and III drugs as targeted controlled substances and makes changes to the laws governing the prescribing of those targeted controlled substances. Additionally, it clarifies the allowable funds for syringe exchange programs and makes changes to the statutes governing the Controlled Substance Reporting System (CSRS) database. Finally, it amends language in the 2015 budget to facilitate the interstate connectivity of the CSRS database.

**HB 248 (S.L. 2017-103) – Sunset CABHAs/Ombudsman Changes/DHHS Study**

See summary under Elder & Special Needs Law.

**HB 258 (S.L. 2017-131) – Amend Med. Mal. Health Care Provider Defin.**

HB 258 amends the definition of health care provider in Article 1B of Chapter 90 to include paramedics. As a result, the requirements governing medical malpractice actions will apply in lawsuits against paramedics for personal injury or death arising from furnishing or failing to furnish professional health care services.

**HB 283 (S.L. 2017-133) – DHHS Recommend Telemedicine Policy**

HB 283 requires DHHS to study and recommend a State telemedicine policy to the Joint Legislative Oversight Committee on Health and Human Services on or before October 1, 2017, including examining the definition of the term telemedicine and the scope of services that can be covered by telemedicine. DHHS will also study telemedicine standards related to informed consent, online prescribing, provider licensing, private payer reimbursement, and communication and data transfer to ensure the privacy of health information.

**HB 464 (S.L. 2017-115) – Revise Schedule of Controlled Substances**

See summary under Criminal Justice.

**HB 466 (S.L. 2017-116) – The Pharmacy Patient Fair Practices Act**

HB 466 amends G.S. 58-56A-1 and G.S. 58-56A-3 to regulate pharmacy benefit managers by establishing consumer protection measures. It permits pharmacists to discuss lower-cost alternative drugs with, and sell lower-cost alternative drugs to, consumers. It also regulates store delivery services and the collection of copayments that exceed submitted charges.

**HB 478 (S.L. 2017-32) – Required Experience for MH/DD/SAS QPs**

HB 478 requires DHHS to amend the qualifications for Qualified Professionals in the mental health, developmental disability, and substance abuse services (MH/DD/SAS) system of care to count all years of full-time MH/DD/SAS experience toward the required number of years' experience, regardless of when the experience was obtained.

**HB 550 (S.L. 2017-140) – Establish New Nurse Licensure Compact**

HB 550 amends various sections of G.S. 90-171 to repeal the current Nurse Licensure Compact and establish a new Compact, with the goal of reducing redundancies for nurses who wish to practice in multiple states.

**SB 24 (S.L. 2017-18) – Allow Restaurants to Use Outdoor Grills**

SB 24 amends G.S. 130A-248 to allow food establishments to use outdoor grills for food preparation when certain conditions are met.

**SB 74 (S.L. 2017-106) – Update Rabies Control Laws**

SB 74 implements the recommendations and guidelines of the National Association of State Public Health Veterinarians regarding the management of dogs, cats and ferrets exposed to rabies.

**SB 104 (S.L. 2017-144) – Require Criminal BGC/Pharmacist Licensure**

SB 104 amends G.S. 90-85.15 mandating that the Board of Pharmacy require applicants for a pharmacy license to provide the Board with a criminal history report, at the applicant's expense, from a reporting service designated by the Board.

### **SB 344 (S.L. 2017-186) – Combine Adult Correction & Juvenile Justice**

SB 344 amends the statutes that govern the powers and duties of the Division of Adult Correction and the Division of Juvenile Justice to reflect the fact that those divisions have been operating as a single Division of Adult Correction and Juvenile Justice. It also exempts the fabrication of eyeglasses from capitated prepaid health plan contracts under the State's Medicaid transformation plan.

### **SB 388 (S.L. 2017-147) – Incapacity to Proceed**

See summary under Criminal Justice.

## **INSURANCE LAW**

### **HB 5 (S.L. 2017-8) – Unemployment Insurance Technical Changes**

HB 5 amends various sections of Chapter 96 to, among other things, waive the waiting week and work search requirements for unemployment insurance claims due directly to a disaster covered by a federal disaster declaration. Additionally, the bill excludes paid time off, such as vacation and sick leave, from the definition of severance pay and makes other miscellaneous and conforming changes.

### **HB 21 (S.L. 2017-95) – Driver Instruction/Law Enforcement Stops**

HB 21 requires the Division of Motor Vehicles, in consultation with law enforcement agencies, to include in the driver license handbook a description of law enforcement procedures during traffic stops and the actions that a motorist should take during a traffic stop, including appropriate interactions with law enforcement officers.

### **HB 27 (S.L. 2017-96) – Clarify Expiration of Vehicle Registration**

HB 27 amends G.S. 20-66(g1) to clarify the expiration date and grace period length for a vehicle registration renewed by a new registration plate instead of a sticker.

### **HB 84 (S.L. 2017-191) – DL/Deaf or Hard of Hearing Designation**

See summary under Criminal Justice.

### **HB 95 (S.L. 2017-97) – Truck Deliveries to Port/Night Travel**

HB 95 enacts G.S. 20-119(b3) to authorize permitted oversized or overweight vehicles to travel after sunset when transporting and delivering cargo, containers or other equipment to or from international ports.

### **HB 140 (S.L. 2017-205) – Dental Plans Provider Contracts/Transparency**

See summary under Bankruptcy.

### **HB 383 (S.L. 2017-136) – NAIC Models/ORSA & Credit for Reinsurance-AB**

HB 383 amends North Carolina insurance laws regarding Own Risk and Solvency Assessment and credit for reinsurance to align with model acts of the National Association of Insurance Commissioners (NAIC) and allows the North Carolina Department of Insurance (DOI) to maintain its NAIC accreditation. It also establishes a certification program for foreign reinsurers and requires DOI to adopt rules on suitability in annuity transactions substantially similar to the NAIC's model regulation.

**HB 469 (S.L. 2017-166) – Regulation of Fully Autonomous Vehicles**

HB 469 enacts Article 18 of Chapter 20 to regulate the operation of fully autonomous vehicles on the State’s public highways.

**HB 716 (S.L. 2017-169) – CMVs/Use of Platoons**

HB 716 amends G.S. 20-152 exempting the driver of a non-leading commercial motor vehicle traveling in a platoon from the requirements that a vehicle following another vehicle leave sufficient space between them.

**SB 55 (S.L. 2017-188) – School Bus Cameras/Civil Penalties**

See summary under Education Law.

**SB 100 (S.L. 2017-118) – Aerial Adventure Financial Responsibility**

SB 100 enacts Article 47 of Chapter 66 entitled “Zip Line and Challenge Course Financial Responsibility” to mandate liability insurance coverage for challenge and zipline owners and operators. It also authorizes the Commissioner of Insurance to enforce these provisions.

**SB 489 (S.L. 2017-150) – Clarify Workers’ Comp. Policy Cancellation**

See summary under Workers’ Compensation.

**INTERNATIONAL LAW & PRACTICE**

**HB 772 (S.L. 2017-171) – Amend NC Int’l Arbitration/Conciliation Act**

HB 772 conforms and modernizes the North Carolina International Commercial Arbitration and Conciliation Act to reflect similar trends in international arbitration and more closely align Article 45B with other North Carolina statutes governing arbitration.

**JUDICIAL INDEPENDENCE COMMITTEE**

**HB 100 (S.L. 2017-3) – Restore Partisan Elections/Sup. & Dist. Court**

See summary under Administration of Justice Committee.

**HB 239 (S.L. 2017-7) – Reduce Court of Appeals to 12 Judges**

See summary under Administration of Justice Committee.

**JUVENILE JUSTICE & CHILDREN’S RIGHTS**

**HB 362 (S.L. 2017-161) – Changes to the Juvenile Code-AB**

HB 362 amends various sections of Chapter 7B, including, among other things, expanding the jurisdiction of the juvenile court to include review hearings for certain youth in foster care and implements other technical and clarifying changes to Chapter 7B.

**HB 630 (S.L. 2017-41) – Rylan’s Law/Family/Child Protect. & Acc. Act.**

See summary under Family Law.



**SB 53 (S.L. 2017-22) – Law Enforcement Authority/Custody of Child**

SB 53 authorizes a law enforcement officer to gain custody of a child when a court has determined that the child is in danger. Accordingly, it recognizes that a warrant issued by a judge to take physical custody of a minor child pursuant to G.S. 50A-311 is an exception to the customary child custody order. An emergency temporary custody order is required to accompany the warrant, and officers receive civil and criminal protection when executing the warrant.

**LABOR & EMPLOYMENT LAW**

**HB 5 (S.L. 2017-8) – Unemployment Insurance Technical Changes**

See summary under Insurance Law.

**HB 487 (S.L. 2017-156) – Nat. Guard Reemployment Rights/Definitions**

See Summary under Military & Veterans Law.

**SB 407 (S.L. 2017-203) – Employee Misclassification/IC Changes**

SB 407 enacts Article 82 of Chapter 143, the “Employee Fair Classification Act”, which creates the Employee Classification Section (Section) within the Industrial Commission. The Section is authorized to receive and investigate reports of employee misclassification, coordinate investigations with other State agencies, exchange information among State agencies, and report the results of the investigations.

Additionally, the bill requires the Industrial Commission to implement rules related to opioids and pain management, removes the requirement that the Industrial Commission study causes of injury and recommend ways to prevent injuries, and delays the effective date for a requirement that employers respond to unemployment insurance claims in ten days.

**LITIGATION**

**HB 258 (S.L. 2017-131) – Amend Med. Mal. Health Care Provider Defin.**

See summary under Health Law.

**HB 436 (S.L. 2017-138) – Local Government/Regulatory Fees**

See summary under Government & Public Sector.

**HB 467 (S.L. 2017-11) – Agriculture and Forestry Nuisance Remedies**

See summary under Environment, Energy & Natural Resources Law.

**SB 88 (S.L. 2017-143)– Landlord/Tenant-Alias & Pluries Summary Eject**

See summary under Real Property.

**SB 593 (S.L. 2017-122) – Arbitration and Mediation for Business Court**

See summary under Business Law.

**SB 621 (S.L. 2017-123) – Business Contracts/Choice of Law and Forum**

See summary under Business Law.

## **MILITARY & VETERANS LAW**

### **HB 120 (S.L. 2017-154) – National Guard Can Purchase From CE**

HB 120 amends G.S. 148-132 to include National Guard members, employees and retirees in the list of persons who may purchase products and services from Correction Enterprises.

### **HB 486 (S.L. 2017-155) – National Guard Education Assistance Changes**

HB 486 directs the Board of Governors of The University of North Carolina System and The State Community College System to adopt and implement a uniform policy ensuring that students who are North Carolina National Guard Members are not academically penalized when placed on State active duty during an academic term. These students must be given an excused absence for the period of time they are on State active duty.

The bill also amends G.S. 116-209.54(b) to extend eligibility for tuition assistance to National Guard Members enrolled in a professional certification program recommended by the Director of the North Carolina National Guard Education and Employment Center and approved by the North Carolina National Guard Education Services Officer. Finally, it amends G.S. 116-143.3A to waive the 12-month residency requirement for in-state tuition for certain veterans and other individuals who receive federal education benefits related to their military service.

### **HB 487 (S.L. 2017-156) – Nat. Guard Reemployment Rights/Definitions**

HB 487 amends Article 16 of Chapter 127A to add several definitions to the National Guard Reemployment Rights Act. Specifically, it amends G.S. 127A-202 to require employers to return employees who served on state duty to their previous positions within five days of the employees' release from state duty. Finally, it increases the time period employees who served more than thirty days have to apply for reemployment from five days to fourteen days and permits employees injured in the line of duty to have up to two years to apply for reemployment during their recovery period.

### **SB 62 (S.L. 2017-29) – Veterans' Affairs Commission/Strategic Plan**

SB 62 amends Article 14 of Chapter 143B to require the Veterans' Affairs Commission to adopt a comprehensive strategic plan to enhance benefits for veterans and their dependents. It also requires the Department of Military and Veterans Affairs to study program outcomes for veterans and their families.

### **SB 63 (S.L. 2017-64) – Military Affairs Commission/Strategic Plan**

SB 63 requires the adoption of a comprehensive strategic plan by the Military Affairs Commission to enhance North Carolina military installations and their missions.

### **SB 64 (S.L. 2017-65) – Veterans' History Awareness Month**

SB 64 amends G.S. 115C-84.2(b) to designate the month of November as "Veterans' History Awareness Month". It also amends G.S. 115C-12 to require the State Board of Education to develop programs in collaboration with military installations, veterans and veterans service organizations to help students understand the significant contributions of veterans.

### **SB 578 (S.L. 2017-90) – Veteran-Owned Small Business/Annual Report**

See summary under Business Law.

## **REAL PROPERTY**

### **HB 454 (S.L. 2017-27) – Surveying and Plat Recording Changes**

HB 454 amends G.S. 47-30 to modernize the recording requirements for plats and subdivisions and eliminate the use of control corners in favor of grid control in the preparation of plats and subdivisions.

### **HB 467 (S.L. 2017-11) – Agriculture and Forestry Nuisance Remedies**

See summary under Environment, Energy & Natural Resources Law.

### **HB 501 (S.L. 2017-137) – DOT/Surveying Information in Plans**

See summary under Government & Public Sector.

### **HB 530 (S.L. 2017-109) – Counties/Condemnation of Unsafe Bldgs/Liens**

See summary under Government & Public Sector.

### **HB 584 (S.L. 2017-110) – Real Prop./Error Correction & Title Curative**

HB 584 primarily amends Chapter 47 to clarify the process for correcting non-material errors in recorded instruments of title and enacts a one-year statute of repose within which to challenge the validity of a curative statute. It also entitles any person to recover damages, including costs and attorney's fees, from an attorney who erroneously or wrongfully records a curative affidavit. Additionally, it creates a seven-year curative procedure for certain defects in recorded instruments of title.

### **HB 707 (S.L. 2017-168) – Lien Agent/Notice of Cancellation**

HB 707 provides that closing attorneys who contact the designated lien agent to request copies of any cancellations or renewals of lien notices within five business days before recording a deed or deed of trust have satisfied their obligation to check for such cancellations or renewals and have no further duty to request cancellations or renewals subsequently received by the lien agent. Further, it permits a potential lien claimant to cancel or renew the notice for one additional five-year period under certain circumstances. Additionally, it amends G.S. 58-26-45 to require designated lien agents to receive cancellations and renewals of lien notices previously received by the lien agent and increases the fee paid by an owner to the designated lien agent.

### **HB 740 (S.L. 2017-170) – SAR Rename/Disputed County Boundaries/Mapping**

See summary under Government & Public Sector.

### **HB 799 (S.L. 2017-172) – Utility Billing by Lessors**

HB 799 allows landlords to charge individual tenants for the shared cost of natural gas service provided to leased premises.

### **SB 88 (S.L. 2017-143)– Landlord/Tenant-Alias & Pluries Summary Eject**

SB 88 amends G.S. 7A-223 to allow a plaintiff to request that a claim for summary ejectment be severed from a claim for monetary damages where there is no personal service of process. It also codifies that a party in a small claim action is not required to be represented by an attorney and that a party in an action appealed for a trial de novo in district court is not required to be represented by an attorney. Finally, it amends G.S. 1A-1, Rule 4(h1) to allow service of process

by a third-party process agent where claims for monetary damages are severed by a magistrate from claims seeking summary ejection.

## **TAX**

### **HB 59 (S.L. 2017-39) – Revenue Laws Technical Changes**

HB 59 makes various technical changes to the Revenue Laws as recommended by the Department of Revenue.

### **HB 434 (S.L. 2017-181) – Coins/Currency/Bullion Sales Tax Exemption**

HB 344 amends G.S. 105-164.13 to exempt from sales and use tax the sales of rare coins, paper currency and precious metal bullion.

### **SB 326 (S.L. 2017-69) – Clarify HUT & Improve Vehicle Titling Process**

SB 326 clarifies the application of the highway use tax to out-of-state vehicles titled in this State and eliminates duplicative information on the application for a motor vehicle title.

### **SB 628 (S.L. 2017-204) – Various Changes to the Revenue Laws**

SB 628 amends numerous sections of Chapter 105 to make technical changes to the North Carolina tax code, including changes to franchise, property and sales taxes.

## **WORKERS' COMPENSATION**

### **HB 26 (S.L. 2017-124) – Workers' Comp/Approval of Disputed Legal Fees**

HB 26 amends G.S. 97-82(b) to clarify that an employee must prove that an injury, not identified in an award arising out of the employer's prior agreement to pay compensation, is causally-related to the compensable injury. It also amends G.S. 97-90(f) to require the Industrial Commission to provide notice of the total amount of the fee approved for division between attorneys to an injured worker's current and previous attorneys of record if there is a dispute over the division of the fee.

### **SB 489 (S.L. 2017-150) – Clarify Workers' Comp. Policy Cancellation**

SB 489 amends G.S. 58-36-105(b) to provide that an insurer's delivery of a notice of cancellation of a workers' compensation insurance policy will be deemed to have been completed within three days of having been sent if the insurer also sends it on the same day by first-class mail and by electronic means to the insured and any other person designated in the policy to receive the notice. It also amends G.S. 58-2-55(b) to provide that certain communications involving cancellation of a workers' compensation policy can be satisfied if the insurer complies with the Uniform Electronic Transactions Act. Finally, it amends G.S. 97-84 to provide that, in the event the deputy commissioner or commissioner who conducted the hearing is unable to decide the case and issue an award, the Commission may assign another deputy commissioner or commissioner to do so.

## **ZONING, PLANNING & LAND USE**

### **HB 454 (S.L. 2017-27) – Surveying and Plat Recording Changes**

See Summary under Real Property.