

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1335

Short Title: 2000 Technical Corrections.

(Public)

Sponsors: Senator Hartsell.

Referred to: Judiciary I.

May 18, 2000

A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES
TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL
STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-603(f)(8) reads as rewritten:

"(8) The permits authorized by ~~G.S. 18B-100(1)~~, G.S. 18B-1001(1), (3), (5),
and (10) for tourism resorts;"

Section 2. G.S. 20-19(c3)(3) reads as rewritten:

"(3) For any restoration of a drivers license for a person convicted of driving
while impaired in a commercial motor vehicle, G.S. 20-138.2, driving
while less than 21 years old after consuming alcohol or drugs, G.S. 20-
138.3, felony death by vehicle, G.S. 20-141.4(a1), manslaughter or
negligent homicide resulting from the operation of a motor vehicle
when the offense involved impaired driving, or a revocation under this
subsection, that the person not operate a vehicle with an alcohol
concentration of greater than 0.00 ~~or more~~ at any relevant time after the
driving;"

Section 3. G.S. 20-19(c3)(4) reads as rewritten:

1 "(4) For any restoration of a drivers license revoked pursuant to G.S. 20-23
2 or G.S. 20-23.2 when the offense for which the person's license was
3 revoked prohibits substantially similar conduct which if committed in
4 this State would result in a conviction of driving while impaired in a
5 commercial motor vehicle, G.S. 20-138.2, driving while less than 21
6 years old after consuming alcohol or drugs, G.S. 20-138.3, felony death
7 by vehicle, G.S. 20-141.4(a1), or manslaughter or negligent homicide
8 resulting from the operation of a motor vehicle when the offense
9 involved impaired driving, that the person not operate a vehicle with an
10 alcohol concentration of greater than 0.00 ~~or more~~ at any relevant time
11 after the driving."

12 Section 4. G.S. 20-138.2A(b2) reads as rewritten:

13 "(b2) Alcohol Screening Test. – Notwithstanding any other provision of law, an
14 alcohol screening test may be administered to a driver suspected of violation of
15 subsection (a) of this section, and the results of an alcohol screening test or the driver's
16 refusal to submit may be used by a law enforcement officer, a court, or an administrative
17 agency in determining if alcohol was present in the driver's body. No alcohol screening
18 tests are valid under this section unless the device used is one approved by the
19 Commission ~~on~~ for Health Services, and the screening test is conducted in accordance
20 with the applicable regulations of the Commission as to its manner and use."

21 Section 5. G.S. 20-138.2B(b2) reads as rewritten:

22 "(b2) Alcohol Screening Test. – Notwithstanding any other provision of law, an
23 alcohol screening test may be administered to a driver suspected of violation of
24 subsection (a) of this section, and the results of an alcohol screening test or the driver's
25 refusal to submit may be used by a law enforcement officer, a court, or an administrative
26 agency in determining if alcohol was present in the driver's body. No alcohol screening
27 tests are valid under this section unless the device used is one approved by the
28 Commission ~~on~~ for Health Services, and the screening test is conducted in accordance
29 with the applicable regulations of the Commission as to its manner and use."

30 Section 6. G.S. 20-138.3(b2) reads as rewritten:

31 "(b2) Alcohol Screening Test. – Notwithstanding any other provision of law, an
32 alcohol screening test may be administered to a driver suspected of violation of
33 subsection (a) of this section, and the results of an alcohol screening test or the driver's
34 refusal to submit may be used by a law enforcement officer, a court, or an administrative
35 agency in determining if alcohol was present in the driver's body. No alcohol screening
36 tests are valid under this section unless the device used is one approved by the
37 Commission ~~on~~ for Health Services, and the screening test is conducted in accordance
38 with the applicable regulations of the Commission as to its manner and use."

39 Section 7. G.S. 43-46 reads as rewritten:

40 "**§ 43-46. Notice of delinquent taxes filed.**

41 It shall be the duty of the tax collector of each taxing unit, not later than June 30
42 following the date the taxes became delinquent, to file an exact memorandum of the
43 delinquency, if any, of any registered land for the nonpayment of the taxes or assessments

1 thereon, including ~~the~~ interest, in the office of the register of deeds for registration; and if
2 such officer fails to perform such duty, and there shall be subsequent to such day a
3 transfer of the land as hereinbefore provided, the grantee shall acquire a good title free
4 from any lien for such taxes and assessments, and the collector and his sureties shall be
5 liable for the payment of the taxes and assessments with the interest thereon. The register
6 of deeds shall enter the notice of delinquency on the record copy of the certificate of title,
7 and the tax lien shall be valid against the registered estate from the time it is noted on the
8 record copy. The register of deeds shall enter the notice of cancellation of the tax lien on
9 the record copy of the certificate of title upon presentation of satisfactory evidence of
10 payment."

11 Section 8.(a) G.S. 93A-3(a) reads as rewritten:

12 "(a) There is hereby created the North Carolina Real Estate Commission,
13 hereinafter called the Commission. The Commission shall consist of nine members,
14 seven members to be appointed by the Governor, one member to be appointed by the
15 General Assembly upon the recommendation of the President Pro Tempore of the Senate
16 in accordance with G.S. 120-121, and one member to be appointed by the General
17 Assembly upon the recommendation of the Speaker of the House of Representatives in
18 accordance with G.S. 120-121. At least three members of the Commission shall be
19 licensed real estate brokers or real estate ~~salesmen~~-salespersons. At least two members of
20 the Commission shall be persons who are not involved directly or indirectly in the real
21 estate or real estate appraisal business. Members of the Commission shall serve three-
22 year terms, so staggered that the terms of ~~two~~-three members expire in one year, the terms
23 of ~~two~~-three members expire in the next year, and the terms of three members expire in
24 the third year of each three-year period. The members of the Commission shall elect one
25 of their members to serve as chairman of the Commission for a term of one year. The
26 Governor may remove any member of the Commission for misconduct, incompetency, or
27 willful neglect of duty. The Governor shall have the power to fill all vacancies occurring
28 on the Commission, except vacancies in legislative appointments shall be filled under
29 G.S. 120-122."

30 Section 8.(b) The Revisor of Statutes is authorized to delete any reference to the
31 words "salesman", "salesman's", "salesmen", and "salesmen's" wherever they appear in
32 Chapter 93A of the General Statutes and to substitute, as appropriate, the words
33 "salesperson", "salesperson's", "salespersons", and "salesperson's".

34 Section 9. G.S. 116B-66(a) reads as rewritten:

35 "(a) After property has been paid or delivered to the Treasurer under this Article,
36 another state may recover the property if:

37 (1) The property was paid or delivered to the custody of this State because
38 the records of the holder did not reflect a last known location of the
39 apparent owner within the borders of the other state, and the other state
40 establishes that the apparent owner or other person entitled to the
41 property was last known to be located within the borders of that state
42 and under the laws of that state the property has escheated or become
43 subject to a claim of abandonment by that state;

- 1 (2) The property was paid or delivered to the custody of this State because
2 the laws of the other state did not provide for the escheat or custodial
3 taking of the property, and under the laws of that state subsequently
4 enacted, the property has escheated or become subject to a claim of
5 abandonment by that state;
- 6 (3) The records of the holder were erroneous in that they did not accurately
7 identify the owner of the property and the last known location of the
8 owner within the borders of another state, and under the laws of that
9 state the property has escheated or become subject to a claim of
10 abandonment by that state; or
- 11 ~~(4) The property was subjected to custody by this State under G.S. 116B-~~
12 ~~56(6), and under the laws of the state of domicile of the holder, the~~
13 ~~property has escheated or become subject to a claim of abandonment by~~
14 ~~that state; or~~
- 15 (5) The property is a sum payable on a traveler's check, money order, or
16 similar instrument that was purchased in the other state and delivered
17 into the custody of this State under ~~G.S. 116B-56(7)~~, G.S. 116B-56(a)(6),
18 and under the laws of the other state, the property has escheated or
19 become subject to a claim of abandonment by that state."

20 Section 10. G.S. 136-176(b)(2) reads as rewritten:

- 21 "(2) Twenty-five and five hundredths percent (25.05%) to plan, design, and
22 construct the urban loops described in ~~G.S. 136-80~~ G.S. 136-180 and to
23 pay debt service on highway bonds and notes that are issued under the
24 State Highway Bond Act of 1996 and whose proceeds are applied to
25 these urban loops."

26 Section 11. This act is effective when it becomes law.