

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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HOUSE BILL 199  
Committee Substitute Favorable 4/26/23  
Committee Substitute #2 Favorable 5/2/23  
Senate Transportation Committee Substitute Adopted 6/6/24

Short Title: DMV Proposed Legislative Changes.-AB

(Public)

Sponsors:

Referred to:

February 27, 2023

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE VARIOUS CHANGES TO THE MOTOR VEHICLE, LIEN HEARING  
3 NOTIFICATION, AND SERVICE OF PROCESS LAWS OF THE STATE, AS  
4 RECOMMENDED BY THE DIVISION OF MOTOR VEHICLES OF THE  
5 DEPARTMENT OF TRANSPORTATION, AND TO MAKE OTHER CHANGES TO  
6 LAWS RELATED TO TRANSPORTATION.

7 The General Assembly of North Carolina enacts:

8  
9 **AUTHORIZE AND STUDY MOBILE DRIVERS LICENSES**

10 **SECTION 1.(a)** G.S. 20-4.01 reads as rewritten:

11 "**§ 20-4.01. Definitions.**

12 Unless the context requires otherwise, the following definitions apply throughout this  
13 Chapter to the defined words and phrases and their cognates:

14 ...

15 (21b) Mobile Drivers License. – A supplemental digital version of a valid drivers  
16 license that (i) is approved by the Commissioner, (ii) is issued by the Division  
17 of Motor Vehicles, (iii) is comprised of the same data elements as are found  
18 on a valid drivers license, and (iv) is capable of, and limited to, being linked  
19 to and displayed by a mobile device owned by the person to whom the valid  
20 drivers license is issued.

21 (21c) Motor Carrier. – A for-hire motor carrier or a private motor carrier.

22 ...."

23 **SECTION 1.(b)** G.S. 20-7 is amended by adding a new subsection to read:

24 "(m1) Mobile Drivers License. – Upon request of an applicant for whom a valid license  
25 exists or is issued, the Commissioner may issue a mobile drivers license as a supplement to the  
26 valid license. A mobile drivers license is the legal equivalent of a valid license."

27 **SECTION 1.(c)** The Division of Motor Vehicles of the North Carolina Department  
28 of Transportation shall study and provide a plan for implementing mobile drivers licenses and  
29 mobile special identification cards. The study and plan shall address (i) anticipated drivers license  
30 and special identification card issuance and renewal process changes, (ii) anticipated changes to  
31 staffing needs for the Division for implementation of mobile drivers licenses and mobile special  
32 identification cards, (iii) estimated one-time and annual costs to the Division or any other State  
33 agency resulting from implementation, (iv) evaluation of whether implementation of mobile  
34 drivers licenses or mobile special identification cards will be undertaken by the Division or



1 contracted to a third-party vendor and relevant contractual issues associated with either option,  
 2 (v) changes in revenue for the Division or any other State agency, (vi) security and confidentiality  
 3 of drivers license information, (vii) concerns of State and local law enforcement agencies within  
 4 North Carolina, including examining means by which to prevent unintended violations of an  
 5 individual's constitutional rights, (viii) an estimated time line for implementation, including steps  
 6 required to facilitate mobile drivers licenses and mobile special identification cards, and (ix) any  
 7 other issue the Division deems relevant to the study. The Division shall report its findings of this  
 8 study, including any legislative recommendations, to the North Carolina General Assembly, the  
 9 chairs of the Joint Legislative Transportation Oversight Committee, and the Fiscal Research  
 10 Division no later than January 1, 2025.

11 **SECTION 1.(d)** Subsections (a) and (b) of this section become effective July 1,  
 12 2025.

13  
 14 **CLARIFY SCOPE OF INTERLOCK REQUIREMENT**

15 **SECTION 2.(a)** G.S. 20-17.8 reads as rewritten:

16 "**§ 20-17.8. Restoration of a license after certain driving while impaired convictions;**  
 17 **ignition interlock.**

18 ...

19 (a1) Additional Scope. – This section applies to a person whose license was revoked as a  
 20 result of a conviction of habitual impaired driving, G.S. 20-138.5. Except for a conviction under  
 21 G.S. 20-141.4(a2), this section also applies to a person whose license was revoked as a result of  
 22 a conviction under G.S. 20-141.4.

23 ...."

24 **SECTION 2.(b)** This section becomes effective December 1, 2024, and applies to  
 25 offenses committed on or after that date.

26  
 27 **INCREASE FEE FOR ACKNOWLEDGMENT OF SIGNATURES**

28 **SECTION 3.(a)** G.S. 20-42 reads as rewritten:

29 "**§ 20-42. Authority to administer oaths and certify copies of records.**

30 (a) Officers and employees of the Division designated by the Commissioner are, for the  
 31 purpose of administering the motor vehicle laws, authorized to administer oaths and acknowledge  
 32 signatures, and shall charge for the acknowledgment of signatures a fee according to the  
 33 following schedule:

34	(1)	One signature	<del>\$2.00</del> <u>\$6.00</u>
35	(2)	Two signatures	<del>3.00</del> <u>7.00</u>
36	(3)	Three or more signatures	<del>4.00</del> <u>8.00</u>

37 Funds received under the provisions of this subsection shall be used to defray a part of the  
 38 costs of distribution of license plates, registration certificates and certificates of title issued by  
 39 the Division.

40 ...."

41 **SECTION 3.(b)** This section becomes effective July 1, 2024.

42  
 43 **CLARIFY AUTHORIZED USAGE OF TRANSPORTER PLATES**

44 **SECTION 4.** G.S. 20-79.2 reads as rewritten:

45 "**§ 20-79.2. Transporter plates.**

46 (a) Who Can Get a Plate. – The Division may issue a transporter plate authorizing the  
 47 limited operation of a motor vehicle in the circumstances listed in this subsection. A person who  
 48 receives a transporter plate must have proof of financial responsibility that meets the  
 49 requirements of Article 9A of this Chapter. The person to whom a transporter plate may be issued  
 50 and the circumstances in which the vehicle bearing the plate may be operated are as follows:

- 1           (1) To a business or a dealer to facilitate the manufacture, construction,
- 2 rebuilding, or delivery of new or used truck cabs or bodies between
- 3 manufacturer, dealer, seller, or purchaser. A plate issued pursuant to this
- 4 subdivision shall not be used to deliver truck cabs or bodies manufactured,
- 5 constructed, or rebuilt in another state.
- 6           (2) To a financial institution that has a recorded lien on a motor vehicle located
- 7 in North Carolina to repossess the motor vehicle.
- 8           (3) To a dealer or repair facility to pick up and deliver a motor vehicle that is to
- 9 be repaired, is to undergo a safety or emissions inspection, or is to otherwise
- 10 be prepared for sale by a dealer, to road-test the vehicle, if it is repaired or
- 11 inspected within a 20-mile radius of the place where it is repaired or inspected,
- 12 and to deliver the vehicle to the dealer. A repair facility may not receive more
- 13 than two transporter plates for this purpose. A plate issued pursuant to this
- 14 subdivision shall not be used on a vehicle that is towing or transporting a
- 15 vehicle authorized to be operated with a transporter plate under this
- 16 subdivision.
- 17           ...
- 18           (5) To a dealer or a business that contracts with a dealer and has a business
- 19 privilege license to take a motor vehicle either to or from a motor vehicle
- 20 auction where the vehicle will be or was offered for sale. The title to the
- 21 vehicle, a bill of sale, or written authorization from the dealer or auction must
- 22 be inside the vehicle when the vehicle is operated with a transporter plate. A
- 23 plate issued pursuant to this subdivision shall not be used on a vehicle that is
- 24 towing or transporting a vehicle authorized to be operated with a transporter
- 25 plate under this subdivision.
- 26           ...
- 27           (8) To a business to drive a motor vehicle that is registered or titled in this State
- 28 and is at least 35 years old to and from a parade or another public event and
- 29 to drive the motor vehicle in that event. A person who owns one of these motor
- 30 vehicles is considered to be in the business of collecting those vehicles. The
- 31 total number of plates issued to a person pursuant to this subdivision shall not
- 32 exceed two.
- 33           ...."

**STUDY ALTERNATIVE MATERIALS FOR LICENSE PLATES**

**SECTION 5.** The Division of Motor Vehicles of the North Carolina Department of Transportation, in consultation with the North Carolina Department of Adult Correction, shall study the use of alternative materials for manufacturing the registration plates issued by the Division. The Division shall report its findings of this study, including any legislative recommendations, to the North Carolina General Assembly, the chairs of the Joint Legislative Transportation Oversight Committee, and the Fiscal Research Division no later than January 1, 2025.

**STUDY DEALER LICENSE PLATE MODERNIZATION**

**SECTION 6.** The Division of Motor Vehicles of the North Carolina Department of Transportation shall study ways to modernize and improve dealer license plates issued by the Division, including the process for issuance and format and design of the plates. The Division shall report its findings, including any legislative recommendations, to the North Carolina General Assembly, the chairs of the Joint Legislative Transportation Oversight Committee, and the Fiscal Research Division no later than December 31, 2024.

**CONFORM ODOMETER DISCLOSURE REQUIREMENT WITH FEDERAL LAW**

**SECTION 7.** G.S. 20-347(d) reads as rewritten:

"(d) The provisions of this disclosure statement section shall not apply to the following transfers:

- (1) A vehicle having a gross vehicle weight rating of more than 16,000 pounds.
- (2) A vehicle that is not self-propelled.
- (2a) A vehicle sold directly by the manufacturer to any agency of the United States in conformity with contractual specifications.
- (3) A vehicle that is ~~40 years old or older~~ model year 2010 or older.
- (3a) A vehicle that is model year 2011 or newer that is transferred at least 20 years after January 1 of the calendar year corresponding to its designated model year.
- (4) A new vehicle prior to its first transfer for purposes other than resale.
- (5) A vehicle that is transferred by a State agency that assists the United States Department of Defense with purchasing, transferring, or titling a vehicle to another State agency, a unit of local government, a volunteer fire department, or a volunteer rescue squad."

**PRINT-ON-DEMAND TEMPORARY REGISTRATION PLATES**

**SECTION 8.(a)** Article 3 of Chapter 20 of the General Statutes is amended by adding a new section to read:

**"§ 20-79.1B. Print-on-demand temporary registration plates.**

(a) Implementation. – No later than January 1, 2025, the Division shall implement a statewide print-on-demand temporary registration plate system for on-demand printing of temporary registration plates with vehicle owner information electronically associated and transferred to the Division as required by this Chapter. Plates issued through the print-on-demand temporary registration plate system implemented under this section are in lieu of temporary plates issued by dealers under G.S. 20-79.1 and temporary registration plates issued by commission contractors under G.S. 20-50(b) but are otherwise subject to all conditions and limitations applicable to temporary registration plates set forth in this Article. The Division shall contract with a qualified vendor or vendors after consultation with the North Carolina Automobile Dealers Association and the Carolinas Independent Automobile Dealers Association to develop and implement this statewide print-on-demand temporary registration plate system.

(b) Minimum Standards for System. – When contracting with a qualified vendor or vendors to implement the system required in subsection (a) of this section, the Division shall set the following minimum standards:

- (1) The Division shall issue a competitive request for proposal to assess the qualifications of any vendor or vendors responsible for the establishment and ongoing support of the statewide print-on-demand temporary registration plate system. The Division may also reserve the right to receive input regarding specifications for the print-on-demand temporary registration plate system from parties that do not respond to a request for proposal to establish and operate a print-on-demand temporary registration plate system. The Division shall select at least two vendors.
- (2) Any contract entered into with a vendor or vendors shall include no costs or charges payable by the Division to the vendor or vendors. The vendor or vendors shall reimburse the Division for documented reasonable implementation costs directly associated with the establishment of the statewide print-on-demand temporary registration plate system.
- (3) Upon implementation of the print-on-demand temporary registration plate system, the qualified vendor or vendors may charge participating motor

1 vehicle dealers or their agents a fee for each temporary registration plate  
2 printed and registered with the Division. The print-on-demand temporary  
3 registration plate fee shall be consistent with market pricing in an amount not  
4 to exceed fifteen dollars (\$15.00) for costs associated with the development  
5 and ongoing administration of the print-on-demand temporary registration  
6 plate system. The qualified vendor or vendors shall not charge motor vehicle  
7 dealers or their agents any additional fee for the printing and registration of a  
8 print-on-demand temporary registration plate. To recover their costs,  
9 participating motor vehicle dealers or their agents may charge the purchaser  
10 of a motor vehicle or lessee of an automotive lease an amount equal to the  
11 print-on-demand temporary registration plate fee plus a fee in an amount not  
12 to exceed fifteen dollars (\$15.00) for each print-on-demand temporary  
13 registration plate printed and registered with the Division.

14 (4) The print-on-demand temporary registration plate system must include the  
15 following elements:

16 a. A design and layout for the print-on-demand temporary registration  
17 plate established by the Division and of a quality as to resist  
18 deterioration or fading from exposure to the elements during the period  
19 for which display is required.

20 b. The ability of motor vehicle dealers to directly connect to the system  
21 in order to issue print-on-demand temporary registration plates to the  
22 owner or lessee of a motor vehicle that will be registered in this State  
23 or another state, including a web-based option for motor vehicle  
24 dealers who do not utilize an online vehicle registration vendor to  
25 complete and file Division required documents related to motor  
26 vehicle titling and registration.

27 c. The ability of commission contractors to directly connect to the system  
28 in order to issue print-on-demand temporary registration plates to the  
29 owner or lessee of a motor vehicle.

30 d. Each print-on-demand temporary registration plate must contain  
31 identifying information for the motor vehicle, as determined by the  
32 Division, to include the date of issue, the date of expiration, the name  
33 of the issuing entity, and unique identifying information for the plate  
34 that will be assigned by the Division.

35 e. The ability for identifying information on a print-on-demand  
36 temporary registration plate and vehicle owner information to be  
37 transmitted to the Division upon issuance of the plate.

38 f. The ability to implement and maintain a distribution procedure for  
39 print-on-demand temporary registration plates in accordance with  
40 subsections (c) and (d) of this section.

41 (c) Distribution of Print-on-Demand Temporary Registration Plate Materials. – In order  
42 to assist the Division with the administration and security of the print-on-demand temporary  
43 registration system, the system shall include a procedure for a motor vehicle dealer to obtain  
44 print-on-demand temporary registration plate materials from a registered distributor. A  
45 commission contractor may obtain print-on-demand temporary registration plate materials from  
46 a registered distributor or the Division. A registered distributor may charge a fee for distribution  
47 of print-on-demand temporary registration plate materials not to exceed ten dollars (\$10.00) per  
48 print-on-demand temporary registration plate.

49 (d) Print-on-Demand Temporary Registration Plate Materials Distributors. – The  
50 Division shall register two print-on-demand temporary registration plate materials distributors in  
51 the State. One registered distributor shall be a trade association composed of a minimum of 400

1 new motor vehicle dealers located in this State. One registered distributor shall be a trade  
2 association comprised of a minimum of 400 used motor vehicle dealers located in this State.

3 (e) Experience Required. – Qualified vendors shall have experience in directly providing  
4 electronic solutions to State motor vehicle departments or agencies.

5 (f) Mandatory Participation. – Beginning on October 1, 2025, all motor vehicle dealers  
6 and other entities that issue at least five temporary registration plates annually shall utilize  
7 exclusively the print-on-demand temporary registration plate system for the issuance of all  
8 temporary registration plates to vehicle owners or lessees.

9 (g) Definition. – For purposes of this section, print-on-demand temporary registration  
10 plate system means a computerized system that allows the on-demand and on-site printing of  
11 required vehicle registration and other information on a temporary registration plate by the issuer  
12 of the plate and allows required information about the vehicle owner or lessee to whom the  
13 temporary plate has been issued to be transferred to the Division in electronic format."

14 **SECTION 8.(b)** This section is effective when it becomes law. The Division of  
15 Motor Vehicles may adopt rules to implement the provisions of this section.

## 17 **MODIFY HEADLAMPS AND AUXILIARY DRIVING LAMPS REQUIREMENTS**

18 **SECTION 9.** G.S. 20-131 reads as rewritten:

19 **"§ 20-131. Requirements as to headlamps and auxiliary driving lamps.**

20 ...

21 (d1) Any headlamp modified or installed on a vehicle after initial manufacture of the  
22 vehicle shall comply with Federal Motor Vehicle Safety Standard (FMVSS) 108.

23 ...."

## 25 **UPDATE SERVICE OF PROCESS BY THE DIVISION**

26 **SECTION 10.(a)** G.S. 1-105 reads as rewritten:

27 **"§ 1-105. Service upon nonresident drivers of motor vehicles and upon the personal**  
28 **representatives of deceased nonresident drivers of motor vehicles.**

29 (a) The acceptance by a nonresident of the rights and privileges conferred by the laws  
30 now or hereafter in force in this State permitting the operation of motor vehicles, as evidenced  
31 by the operation of a motor vehicle by ~~such~~the nonresident on the public highways of this State,  
32 or at any other place in this State, or the operation by ~~such~~the nonresident of a motor vehicle on  
33 the public highways of this State or at any other place in this State, other than as so permitted or  
34 regulated, shall be deemed equivalent to the appointment by ~~such~~the nonresident of the  
35 Commissioner of Motor Vehicles, or ~~his~~the Commissioner's successor in office, to be ~~his~~the  
36 ~~nonresident's~~ true and lawful attorney and the attorney of ~~his~~the nonresident's executor or  
37 Administrator, upon whom may be served all summonses or other lawful process in any action  
38 or proceeding against ~~him~~the nonresident or ~~his~~the nonresident's executor or administrator,  
39 growing out of any accident or collision in which ~~said~~the nonresident may be involved by reason  
40 of the operation by ~~him~~, the nonresident, for ~~him~~, the nonresident, or under ~~his~~the nonresident's  
41 control or direction, express or implied, of a motor vehicle on ~~such~~the public highways of this  
42 State, or at any other place in this State, and said acceptance or operation shall be a signification  
43 of ~~his~~the nonresident's agreement that any such process against ~~him~~the nonresident or ~~his~~the  
44 ~~nonresident's~~ executor or administrator shall be of the same legal force and validity as if served  
45 on ~~him~~the nonresident personally, or on ~~his~~the nonresident's executor or administrator.

46 Service of such process shall be made in the following manner:

- 47 (1) By leaving a copy thereof, with a fee of ~~ten dollars (\$10.00)~~, twenty dollars  
48 (\$20.00) in the hands of the Commissioner of Motor Vehicles, or in ~~his~~the  
49 ~~Commissioner's~~ office. Such service, upon compliance with the other  
50 provisions of this section, shall be sufficient service upon the said nonresident.

1 (2) Notice of such service of process and copy thereof must be forthwith sent by  
2 certified or registered mail by plaintiff or the Commissioner of Motor Vehicles  
3 to the defendant, and the entries on the defendant's return receipt shall be  
4 sufficient evidence of the date on which notice of service upon the  
5 Commissioner of Motor Vehicles and copy of process were delivered to the  
6 defendant, on which date service on said defendant shall be deemed  
7 completed. If the defendant refuses to accept the certified or registered letter,  
8 service on the defendant shall be deemed completed on the date of such refusal  
9 to accept as determined by notations by the postal authorities on the original  
10 envelope, and if such date cannot be so determined, then service shall be  
11 deemed completed on the date that the certified or registered letter is returned  
12 to the plaintiff or Commissioner of Motor Vehicles, as determined by postal  
13 marks on the original envelope. If the certified or registered letter is not  
14 delivered to the defendant because it is unclaimed, or because ~~he~~the defendant  
15 has removed himself or herself from ~~his~~the defendant's last known address  
16 and has left no forwarding address or is unknown at ~~his~~the defendant's last  
17 known address, service on the defendant shall be deemed completed on the  
18 date that the certified or registered letter is returned to the plaintiff or  
19 Commissioner of Motor Vehicles.

20 (3) The defendant's return receipt, or the original envelope bearing a notation by  
21 the postal authorities that receipt was refused, and an affidavit by the plaintiff  
22 that notice of mailing the registered letter and refusal to accept was forthwith  
23 sent to the defendant by ordinary mail, together with the plaintiff's affidavit of  
24 compliance with the provisions of this section, must be appended to the  
25 summons or other process and filed with said summons, complaint and other  
26 papers in the cause.

27 Provided, that where the nonresident motorist has died prior to the commencement of an  
28 action brought pursuant to this section, service of process shall be made on the executor or  
29 administrator of ~~such~~the nonresident motorist in the same manner and on the same notice as is  
30 provided in the case of a nonresident motorist.

31 The court in which the action is pending shall order such continuance as may be necessary to  
32 afford the defendant reasonable opportunity to defend the action.

33 (b) For service of process upon a defendant in a place not within the United States, the  
34 Commissioner of Motor Vehicles shall require a fee of one hundred dollars (\$100.00) and  
35 delivery by private carrier with proof of actual delivery to the defendant is allowed for personal  
36 service."

37 **SECTION 10.(b)** This section is effective July 1, 2024, and applies to service upon  
38 nonresident drivers on and after that date.

#### 40 **CLARIFY NOTIFICATION PROCESS FOR ENFORCEMENT OF LIEN BY SALE**

41 **SECTION 11.** G.S. 44A-4(b) reads as rewritten:

42 "(b) Notice and Hearings. –

43 (1) If the property upon which the lien is claimed is a motor vehicle that is  
44 required to be registered, the lienor following the expiration of the relevant  
45 time period provided by subsection (a) shall give notice to the Division of  
46 Motor Vehicles that a lien is asserted and sale is proposed and shall remit to  
47 the Division a fee of fourteen dollars (\$14.00). The Division of Motor  
48 Vehicles shall issue notice by certified mail, return receipt requested, or  
49 certified mail with electronic tracking to the person having legal title to the  
50 property, if reasonably ascertainable, to the person with whom the lienor dealt  
51 if different, and to each secured party and other person claiming an interest in

1 the property who is actually known to the Division or who can be reasonably  
2 ascertained. The notice shall state that a lien has been asserted against specific  
3 property and shall identify the lienor, the date that the lien arose, the general  
4 nature of the services performed and materials used or sold for which the lien  
5 is asserted, the amount of the lien, and that the lienor intends to sell the  
6 property in satisfaction of the lien. The notice shall inform the recipient that  
7 the recipient has the right to a judicial hearing at which time a determination  
8 will be made as to the validity of the lien prior to a sale taking place. The  
9 notice shall further state that the recipient has a period of 10 days from the  
10 date of receipt in which to notify the Division by certified mail, return receipt  
11 requested, or certified mail with electronic tracking that a hearing is desired  
12 and that if the recipient wishes to contest the sale of his property pursuant to  
13 such lien, the recipient should notify the Division that a hearing is desired.  
14 The notice shall state the required information in simplified terms and shall  
15 contain a form whereby the recipient may notify the Division that a hearing is  
16 desired by the return of such form to the Division. The Division shall notify  
17 the lienor whether such notice is timely received by the Division. In lieu of  
18 the notice and payment of the fee by the lienor to the Division and the notices  
19 issued by the Division described above, the lienor may issue notice on a form  
20 approved by the Division pursuant to the notice requirements ~~above~~ above by  
21 certified mail, return receipt requested, or certified mail with electronic  
22 tracking to the person having legal title to the property, which is deemed to  
23 have the same effect as if the notice was sent by the Division. If notice is  
24 issued by the lienor, the recipient shall return the form requesting a hearing to  
25 the lienor, and not the Division, within 10 days from the date the recipient  
26 receives the notice if a judicial hearing is requested. If the certified mail notice  
27 has been returned as undeliverable and the notice of a right to a judicial  
28 hearing has been given to the owner of the motor vehicle in accordance with  
29 G.S. 20-28.4, no further notice is required. Failure of the recipient to notify  
30 the Division or lienor, as specified in the notice, within 10 days of the receipt  
31 of such notice that a hearing is desired shall be deemed a waiver of the right  
32 to a hearing prior to the sale of the property against which the lien is asserted,  
33 and the lienor may proceed to enforce the lien by public or private sale as  
34 provided in this section and the Division shall transfer title to the property  
35 pursuant to such sale. If the Division or lienor, as specified in the notice, is  
36 notified within the 10-day period provided above that a hearing is desired prior  
37 to sale, the lien may be enforced by sale as provided in this section and the  
38 Division will transfer title only pursuant to the order of a court of competent  
39 jurisdiction.

40 If the certified mail notice has been returned as undeliverable, or if the  
41 name of the person having legal title to the vehicle cannot reasonably be  
42 ascertained and the fair market value of the vehicle is less than eight hundred  
43 dollars (\$800.00), the lienor may institute a special proceeding in the county  
44 where the vehicle is being held, for authorization to sell that vehicle. Market  
45 value shall be determined by the schedule of values adopted by the  
46 Commissioner under G.S. 105-187.3.

47 In such a proceeding a lienor may not include more than ten vehicles, but  
48 the proceeds of the sale of each shall be subject only to valid claims against  
49 that vehicle, and any excess proceeds of the sale shall be paid immediately to  
50 the Treasurer for disposition pursuant to Chapter 116B of the General Statutes.



1           The application to the clerk in such a special proceeding shall contain the  
 2           notice of sale information set out in subsection (f) hereof. If the application is  
 3           in proper form the clerk shall enter an order authorizing the sale on a date not  
 4           less than 14 days therefrom, and the lienor shall cause the application and  
 5           order to be sent immediately by first-class mail pursuant to G.S. 1A-1, Rule  
 6           5, to each person to whom notice was mailed pursuant to this subsection.  
 7           Following the authorized sale the lienor shall file with the clerk a report in the  
 8           form of an affidavit, stating that the lienor has complied with the public or  
 9           private sale provisions of G.S. 44A-4, the name, address, and bid of the high  
 10          bidder or person buying at a private sale, and a statement of the disposition of  
 11          the sale proceeds. The clerk then shall enter an order directing the Division to  
 12          transfer title accordingly.

13           If prior to the sale the owner or legal possessor contests the sale or lien in  
 14          a writing filed with the clerk, the proceeding shall be handled in accordance  
 15          with G.S. 1-301.2.

- 16          (2) If the property upon which the lien is claimed is other than a motor vehicle  
 17          required to be registered, the lienor following the expiration of the 30-day  
 18          period provided by subsection (a) shall issue notice to the person having legal  
 19          title to the property, if reasonably ascertainable, and to the person with whom  
 20          the lienor dealt if different by certified mail, return receipt ~~requested.~~  
 21          requested, or certified mail with electronic tracking. Such notice shall state  
 22          that a lien has been asserted against specific property and shall identify the  
 23          lienor, the date that the lien arose, the general nature of the services performed  
 24          and materials used or sold for which the lien is asserted, the amount of the  
 25          lien, and that the lienor intends to sell the property in satisfaction of the lien.  
 26          The notice shall inform the recipient that the recipient has the right to a judicial  
 27          hearing at which time a determination will be made as to the validity of the  
 28          lien prior to a sale taking place. The notice shall further state that the recipient  
 29          has a period of 10 days from the date of receipt in which to notify the lienor  
 30          by certified mail, return receipt requested, or certified mail with electronic  
 31          tracking that a hearing is desired and that if the recipient wishes to contest the  
 32          sale of his property pursuant to such lien, the recipient should notify the lienor  
 33          that a hearing is desired. The notice shall state the required information in  
 34          simplified terms and shall contain a form whereby the recipient may notify  
 35          the lienor that a hearing is desired by the return of such form to the lienor.  
 36          Failure of the recipient to notify the lienor within 10 days of the receipt of  
 37          such notice that a hearing is desired shall be deemed a waiver of the right to a  
 38          hearing prior to sale of the property against which the lien is asserted and the  
 39          lienor may proceed to enforce the lien by public or private sale as provided in  
 40          this section. If the lienor is notified within the 10-day period provided above  
 41          that a hearing is desired prior to sale, the lien may be enforced by sale as  
 42          provided in this section only pursuant to the order of a court of competent  
 43          jurisdiction."  
 44

#### 45   **RENTAL CAR COMPANY RECOVERY OF VEHICLE LICENSE AND** 46   **REGISTRATION FEES**

47           **SECTION 12.(a)** G.S. 66-201(8) reads as rewritten:

- 48           "(8) "Vehicle license and registration fees" means charges that may be imposed  
 49           upon any rental transaction originating in this State to recoup the costs  
 50           incurred by a rental car company to license, title, inspect, and register rental  
 51           vehicles. ~~Rental car companies shall make a good faith effort to ensure that~~

1 any vehicle license and registration fees collected do not exceed the actual  
 2 costs incurred by the rental car company to license, title, inspect, and register  
 3 rental vehicles. Any amounts collected by the rental car company in excess of  
 4 the actual amount of its costs incurred shall be retained by the rental car  
 5 company and applied to the costs incurred in the next calendar year for  
 6 licensing, titling, inspecting, and registering rental vehicles. In that event, the  
 7 good faith estimate of any vehicle license and registration fees to be charged  
 8 by the company in the next calendar year shall be reduced to take into account  
 9 the excess amount collected from the prior year."

10 **SECTION 12.(b)** Article 28 of Chapter 66 of the General Statutes is amended by  
 11 adding a new section to read:

12 **"§ 66-201.1. Recovery of vehicle license and registration fees.**

13 Rental car companies shall make a good-faith effort to ensure that any vehicle license and  
 14 registration fees collected do not exceed the actual costs incurred by the rental car company to  
 15 license, title, inspect, and register rental vehicles. Any amounts collected by the rental car  
 16 company in excess of the actual amount of its costs incurred shall be retained by the rental car  
 17 company and applied to the costs incurred in the next calendar year for licensing, titling,  
 18 inspecting, and registering rental vehicles. In that event, the good-faith estimate of any vehicle  
 19 license and registration fees to be charged by the company in the next calendar year shall be  
 20 reduced to take into account the excess amount collected from the prior year. For purposes of  
 21 this section, "rental vehicles" also includes motor vehicles of the cargo type, including a cargo  
 22 van, pickup truck, or truck with a gross vehicle weight rating of 26,000 pounds or less used  
 23 predominantly in the transportation of property for other than commercial freight and that does  
 24 not require the operator to possess a commercial drivers license."

25 **SECTION 12.(c)** This section becomes effective October 1, 2024.

26  
 27 **AUTHORIZE REMOTE ELECTRONIC NOTARIZATION AND ELECTRONIC**  
 28 **SIGNATURES FOR MOTOR VEHICLE TRANSACTIONS**

29 **SECTION 13.(a)** G.S. 20-4.01 reads as rewritten:

30 **"§ 20-4.01. Definitions.**

31 Unless the context requires otherwise, the following definitions apply throughout this  
 32 Chapter to the defined words and phrases and their cognates:

33 ...

34 ~~(24)~~(23c) Nonresident. – Any person whose legal residence is in some state,  
 35 territory, or jurisdiction other than North Carolina or in a foreign country.

36 (24) Notarization. – Includes a remote electronic notarization that conforms to  
 37 Article 2 of Chapter 10B of the General Statutes, and any notarization  
 38 recognized pursuant to G.S. 10B-20(f) and G.S. 10B-40(e).

39 ...

40 (41b) Signature. – Includes electronic signature technology that conforms to Article  
 41 40 of Chapter 66 of the General Statutes.

42 ...."

43 **SECTION 13.(b)** G.S. 20-72 reads as rewritten:

44 **"§ 20-72. Transfer by owner.**

45 ...

46 (b) In order to assign or transfer title or interest in any motor vehicle registered under the  
 47 provisions of this Article, the owner ~~shall~~shall, either in the presence of a person authorized to  
 48 administer oaths or in a manner that conforms to Article 40 of Chapter 66 of the General Statutes,  
 49 ~~execute in the presence of a person authorized to administer oaths~~an assignment and warranty  
 50 of title on the reverse of the certificate of title in form approved by the Division, including in  
 51 such assignment the name and address of the transferee; and no title to any motor vehicle shall

1 pass or vest until such assignment is executed and the motor vehicle delivered to the transferee.  
2 The provisions of this section shall not apply to any foreclosure or repossession under a chattel  
3 mortgage or conditional sales contract or any judicial sale. The provisions of this subsection shall  
4 not apply to (i) any transfer to an insurer pursuant to G.S. 20-109.1(b)(2) or (ii) any transfer to a  
5 used motor vehicle dealer pursuant to G.S. 20-109.1(e1). The provisions of this subsection  
6 requiring that an assignment and warranty of title be executed in the presence of a person  
7 authorized to administer oaths shall not apply to any transfer of title to or from an insurer pursuant  
8 to G.S. 20-109.1.

9 ...."

10 **SECTION 13.(c)** Article 12 of Chapter 20 of the General Statutes is amended by  
11 adding a new section to read:

12 **"§ 20-292.2. Electronic transactions.**

13 Any signature requirement contained in this Chapter may be satisfied using electronic  
14 signature technology that conforms to Article 40 of Chapter 66 of the General Statutes, and the  
15 Division shall accept electronic submission of documents by motor vehicle dealers that meet  
16 those requirements. Any notarization requirement contained in this Chapter may be satisfied  
17 using a remote electronic notarization that conforms to Article 2 of Chapter 10B of the General  
18 Statutes or any notarization recognized pursuant to G.S. 10B-20(f) and G.S. 10B-40(e), and the  
19 Division shall accept electronic submission of documents by motor vehicle dealers that meet  
20 those requirements."

21 **SECTION 13.(d)** This section becomes effective July 1, 2024.

22  
23 **EXTEND DURATION OF TEMPORARY REGISTRATION PLATES**

24 **SECTION 14.(a)** G.S. 20-79.1 reads as rewritten:

25 **"§ 20-79.1. Use of temporary registration plates or markers by purchasers of motor**  
26 **vehicles in lieu of dealers' plates.**

27 ...

28 (d) A dealer shall:

29 ...

30 (3) Within ~~20~~ 60 days of the issuance of a temporary registration plate or marker,  
31 mail or deliver the application and fees to the Division or deliver the  
32 application and fees to a local license agency for processing. Delivery need  
33 not be made if the contract for sale has been rescinded by all parties to the  
34 contract.

35 ...

36 (g) Every person to whom temporary registration plates or markers have been issued shall  
37 permanently destroy such temporary registration plates or markers immediately upon receiving  
38 the limited registration plates or the annual registration plates from the Division: Provided, that  
39 if the limited registration plates or the annual registration plates are not received within ~~30~~ 60  
40 days of the issuance of the temporary registration plates or markers, the owner shall,  
41 notwithstanding, immediately upon the expiration of such ~~30-day~~ 60-day period, permanently  
42 destroy the temporary registration plates or markers.

43 (h) Temporary registration plates or markers shall expire and become void upon the  
44 receipt of the limited registration plates or the annual registration plates from the Division, or  
45 upon the rescission of a contract to purchase a motor vehicle, or upon the expiration of ~~30~~ 60  
46 days from the date of issuance, depending upon whichever event shall first occur. No refund or  
47 credit or fees paid by dealers to the Division for temporary registration plates or markers shall be  
48 allowed, except in the event that the Division discontinues the issuance of temporary registration  
49 plates or markers or unless the dealer discontinues business. In this event the unissued registration  
50 plates or markers with the unissued registration certificates shall be returned to the Division and  
51 the dealer may petition for a refund. Upon the expiration of the ~~30~~ 60 days from the date of

1 issuance, a second ~~30-day~~ 60-day temporary registration plate or marker may be issued by the  
2 dealer upon showing the vehicle has been sold or leased, and that the dealer, having used  
3 reasonable diligence, is unable to obtain the vehicle's statement of origin or certificate of title so  
4 that the lien may be perfected. For purposes of this subsection, a dealer shall be considered unable  
5 to obtain the vehicle's statement of origin or certificate of title if the statement of origin or  
6 certificate of title either (i) has not been delivered to the dealer or (ii) was lost or misplaced.

7 ...."

8 **SECTION 14.(b)** This section becomes effective July 1, 2024.

9  
10 **COMMERCIAL DRIVERS LICENSE COMPLIANCE WITH FEDERAL**  
11 **REQUIREMENTS**

12 **SECTION 15.(a)** G.S. 20-17.4(a) is amended by adding a new subdivision to read:

13 "(10) A conviction of fraud in connection with issuance of a commercial drivers  
14 license or commercial learner's permit."

15 **SECTION 15.(b)** G.S. 20-17.4(l) reads as rewritten:

16 "(l) Disqualification for ~~Testing Positive in a Drug or Alcohol Test.~~ Violations. – Upon  
17 receipt of notice of a ~~positive drug or alcohol test, or of refusal to participate in a drug or alcohol~~  
18 ~~test, pursuant to G.S. 20-37.19(e), prohibited status in the Federal Motor Carrier Safety~~  
19 Administration's Commercial Driver's License Drug and Alcohol Clearinghouse, established  
20 pursuant to 49 U.S.C. § 31306, the Division must disqualify a CDL holder from operating a  
21 commercial motor vehicle for a minimum of 30 days and until receipt of proof of successful  
22 completion of assessment and treatment by a substance abuse professional in accordance with 49  
23 C.F.R. § 382.503."

24 **SECTION 15.(c)** G.S. 20-37.13(h) reads as rewritten:

25 "(h) The Division shall promptly notify any driver who fails to meet the medical  
26 certification requirements in accordance with 49 C.F.R. § 383.71. The Division shall give the  
27 driver 60 days to ~~provide the required documentation. If the driver fails to provide the required~~  
28 comply with the commercial drivers license medical certification documentation requirements.  
29 If the driver fails to comply within the period allowed, the Division shall automatically  
30 downgrade a commercial drivers license to a class C regular drivers license."

31 **SECTION 15.(d)** G.S. 20-37.20 reads as rewritten:

32 "**§ 20-37.20. Notification of traffic convictions.**

33 (a) Out-of-state Resident. – Within 10 days after receiving a report of the conviction of  
34 (i) any nonresident holder of a commercial driver license or commercial learner's permit for any  
35 violation of State law or local ordinance relating to motor vehicle traffic control, other than  
36 parking violations, committed in a motor vehicle or (ii) any nonresident holder of a drivers license  
37 for any violation of State law or local ordinance relating to motor vehicle traffic control, other  
38 than parking violations, committed in a commercial motor vehicle, the Division shall  
39 electronically notify the driver licensing authority in the licensing state or foreign jurisdiction of  
40 the conviction.

41 ...."

42 **SECTION 15.(e)** Subsection (d) of this section becomes effective August 1, 2024.

43 The remainder of this section becomes effective October 1, 2024.

44  
45 **DIVISION ACTION ON COMMISSION CONTRACTOR APPLICATIONS**

46 **SECTION 16.(a)** G.S. 20-63 is amended by adding the following new subsection to  
47 read:

48 "(h3) Commission Contractor Applications. – The Division shall review an application and  
49 issue a decision to award or not award a commission contract within 60 days of the date the  
50 application is submitted. If the Division requests additional information from the applicant within  
51 the 60-day period following submission of the application, the Division shall make a decision

1 within 30 days of the date of submission of the requested information, or within 60 days of the  
2 date of submission of the original application, whichever is later."

3 **SECTION 16.(b)** This section becomes effective October 1, 2024, and applies to  
4 commission contract applications submitted on or after that date.

## 6 **COMMISSION CONTRACTOR APPLICATIONS AND CONTRACTS**

7 **SECTION 17.(a)** G.S. 20-63(h) reads as rewritten:

8 "(h) Commission Contracts for Issuance of Plates and Certificates. – All registration  
9 plates, registration certificates, and certificates of title issued by the Division, outside of those  
10 issued from the office of the Division located in Wake, Cumberland, or Mecklenburg Counties  
11 and those issued and handled through the United States mail, shall be issued insofar as practicable  
12 and possible through commission contracts entered into by the Division for the issuance of the  
13 plates and certificates in localities throughout North Carolina, including military installations  
14 within this State, with persons, firms, corporations or governmental subdivisions of the State of  
15 North Carolina. The Division shall accept applications for new commission contracts or renewal  
16 of existing contracts and enter into contracts with commission contractors in the commission  
17 contractor's business entity name, unless the commission contractor chooses to enter into a  
18 contract as an individual. The Division shall make a reasonable effort in every locality, except as  
19 noted above, to enter into a commission contract for the issuance of the plates and certificates  
20 and a record of these efforts shall be maintained in the Division. In the event the Division is  
21 unsuccessful in making commission contracts, it shall issue the plates and certificates through  
22 the regular employees of the Division. Whenever registration plates, registration certificates, and  
23 certificates of title are issued by the Division through commission contract arrangements, the  
24 Division shall provide proper supervision of the distribution. Nothing contained in this subsection  
25 allows or permits the operation of fewer outlets in any county in this State than are now being  
26 operated.

27 The terms of a commission contract entered under this subsection shall specify the duration  
28 of the contract and either include or incorporate by reference standards by which the Division  
29 may supervise and evaluate the performance of the commission contractor. The duration of an  
30 initial commission contract may not exceed eight years and the duration of a renewal commission  
31 contract may not exceed two years. The Division may award monetary performance bonuses, not  
32 to exceed an aggregate total of ninety thousand dollars (\$90,000) annually, to commission  
33 contractors based on their performance.

34 The terms of a commission contract entered under this subsection shall allow the commission  
35 contractor to sell the contractor's business, as applicable, and assign contractual rights to another  
36 qualified contractor prior to expiration of the contract. A qualified contractor is a person, firm,  
37 corporation, or governmental subdivision of the State of North Carolina, with demonstrated  
38 experience as a commission contractor in North Carolina or equivalent experience in another  
39 state, as determined by the Division. All Division equipment and software shall be transferred to  
40 the new commission contractor upon sale, in accordance with guidelines established by the  
41 Division.

42 The amount of compensation payable to a commission contractor is determined on a per  
43 transaction basis. The collection of the highway use tax and the removal of an inspection stop are  
44 each considered a separate transaction for which one dollar and sixty-eight cents (\$1.68)  
45 compensation shall be paid. The issuance of a limited registration "T" sticker and the collection  
46 of property tax are each considered a separate transaction for which compensation at the rate of  
47 one dollar and forty cents (\$1.40) and one dollar and sixteen cents (\$1.16) respectively, shall be  
48 paid by counties and municipalities as a cost of the combined motor vehicle registration renewal  
49 and property tax collection system. The performance at the same time of one or more of the  
50 transactions below is considered a single transaction for which one dollar and eighty-nine cents  
51 (\$1.89) compensation shall be paid:

- 1 (1) Issuance of a registration plate, a registration card, a registration sticker, or a  
2 certificate of title.
- 3 (2) Issuance of a handicapped placard or handicapped identification card.
- 4 (3) Acceptance of an application for a personalized registration plate.
- 5 (4) Acceptance of a surrendered registration plate, registration card, or  
6 registration renewal sticker, or acceptance of an affidavit stating why a person  
7 cannot surrender a registration plate, registration card, or registration renewal  
8 sticker.
- 9 (5) Cancellation of a title because the vehicle has been junked.
- 10 (6) Acceptance of an application for, or issuance of, a refund for a fee or a tax,  
11 other than the highway use tax.
- 12 (7) Receipt of the civil penalty imposed by G.S. 20-311 for a lapse in financial  
13 responsibility or receipt of the restoration fee imposed by that statute.
- 14 (8) Acceptance of a notice of failure to maintain financial responsibility for a  
15 motor vehicle.
- 16 (8a) Collection of civil penalties imposed for violations of G.S. 20-183.8A.
- 17 (8b), (9) Repealed by Session Laws 2013-372, s. 2(a), effective July 1, 2013.
- 18 (10) Acceptance of a temporary lien filing.
- 19 (11) Conversion of an existing paper title to an electronic lien upon request of a  
20 primary lienholder."

21 **SECTION 17.(b)** For any commission contractor who has contracted with the  
22 Division prior to the effective date of this section in the commission contractor's business entity  
23 name and has been required by the Division to renew a commission contract in the commission  
24 contractor's individual name, the Division must notify the contractor within 30 days of the  
25 effective date of this section and provide an opportunity for that contractor to amend and reenter  
26 the commission contract in the contractor's business entity name. In order to amend and reenter  
27 a commission contract under this subsection, the commission contractor shall notify the Division  
28 of the contractor's intent within 30 days of the notification, and the Division shall allow the  
29 contractor a reasonable amount of time to make arrangements necessary to effectuate the  
30 transition.

31 **SECTION 17.(c)** This section becomes effective October 1, 2024.

## 32 **BOND REQUIREMENTS FOR COMMISSION CONTRACTORS**

33 **SECTION 18.** G.S. 20-63.01 reads as rewritten:

34 **"§ 20-63.01. Bonds required for commission contractors.**

35 (a) A ~~guaranty-surety~~ bond is required for each commission contractor that is not a  
36 governmental subdivision of this State that is granted a contract to issue license plates or conduct  
37 business pursuant to G.S. 20-63. Provided, however, a commission contractor that is unable to  
38 secure a bond may, with the consent of the Division, provide an alternative to a ~~guaranty-surety~~  
39 bond, as provided in subsection (c) of this section.

40 The Division may revoke, with cause, a contract with a commission contractor that fails to  
41 maintain a bond or an alternative to a bond, pursuant to this section.

- 42 (b) (1) When application is made for a contract or contract renewal, the applicant  
43 shall file a ~~guaranty-surety~~ bond with the clerk of the superior court and/or the  
44 register of deeds of the county in which the commission contractor will be  
45 located. The bond shall be in favor of the Division. The bond shall be executed  
46 by the applicant as principal and by a bonding company authorized to do  
47 business in this State. The bond shall be conditioned to provide  
48 indemnification to the Division for a loss of revenue for any reason, including  
49 bankruptcy, employee embezzlement or theft, foreclosure, or ceasing to  
50 operate.  
51

1 (2) The bond shall be in an amount determined by the Division to be adequate to  
2 provide indemnification to the Division under the terms of the bond. The bond  
3 amount shall be at least one hundred thousand dollars (\$100,000).

4 (3) The bond shall remain in force and effect until cancelled by the ~~guarantor-~~  
5 ~~surety~~. The ~~guarantor-surety~~ may cancel the bond upon 30 days' notice to the  
6 Division. Cancellation of the bond shall not affect any liability incurred or  
7 accrued prior to the termination of the notice period.

8 (4) ~~The Division may be able to negotiate bonds for contractors who qualify for~~  
9 ~~bonds as a group under favorable rates or circumstances. If so, the Division~~  
10 ~~may require those contractors who can qualify for the group bond to obtain~~  
11 ~~their bond as part of a group of contractors. The Division may deduct the~~  
12 ~~premiums for any bonds it may be able to negotiate at group rates from the~~  
13 ~~commissioned contractors' compensation.~~

14 (c) An applicant that is unable to secure a bond may seek a waiver of the ~~guaranty-surety~~  
15 bond from the Division and approval of one of the ~~guaranty-surety~~ bond alternatives set forth in  
16 this subsection. With the approval of the Division, an applicant may file with the clerk of the  
17 superior court and/or the register of deeds of the county in which the commission contractor will  
18 be located, in lieu of a bond:

19 (1) An assignment of a savings account in an amount equal to the bond required  
20 (i) that is in a form acceptable to the Division; (ii) that is executed by the  
21 applicant; (iii) that is executed by a federally insured depository institution or  
22 a trust institution authorized to do business in this State; and (iv) for which  
23 access to the account in favor of the State of North Carolina is subject to the  
24 same conditions as for a bond in subsection (b) of this section.

25 (2) A certificate of deposit (i) that is executed by a federally insured depository  
26 institution or a trust institution authorized to do business in this State; (ii) that  
27 is either payable to the State of North Carolina, unrestrictively endorsed to the  
28 Division of Motor Vehicles; in the case of a negotiable certificate of deposit,  
29 is unrestrictively endorsed to the Division of Motor Vehicles; or in the case of  
30 a nonnegotiable certificate of deposit, is assigned to the Division of Motor  
31 Vehicles in a form satisfactory to the Division; and (iii) for which access to  
32 the certificate of deposit in favor of the State of North Carolina is subject to  
33 the same conditions as for a bond in subsection (b) of this section."  
34

35 **CLARIFY LPA ADVISORY COMMITTEE SUBJECT TO OPEN MEETINGS LAW**

36 **SECTION 19.** G.S. 20-63.02 is amended by adding a new subsection to read:

37 "(d) Open Meetings. – All meetings of the LPA Advisory Committee shall comply with  
38 the provisions of Article 33C of Chapter 143 of the General Statutes."  
39

40 **LPA ISSUANCE OF ONE-DAY TITLES**

41 **SECTION 20.(a)** G.S. 20-85 reads as rewritten:

42 "**§ 20-85. Schedule of fees.**

43 (a) The following fees are imposed concerning a certificate of title, a registration card, or  
44 a registration plate for a motor vehicle. These fees are payable to the Division and are in addition  
45 to the tax imposed by Article 5A of Chapter 105 of the General Statutes:

- 46 ...  
47 (11) Each set of replacement Stock Car Racing Theme plates  
48 Issued under  
49 G.S. 20-79.4.....25.00.25.00  
50 (12) Each application for a certificate of title prepared and delivered using

a one-day title

service.....105.75.

(a1) Two dollars (\$2.00) of the fee imposed for any transaction assessed a fee under subdivision (a)(1), (a)(2), (a)(3), (a)(7), ~~(a)(8), or (a)(9)~~ (a)(8), (a)(9), or (a)(12) of this section shall be credited to the North Carolina Highway Fund. The Division shall use the fees derived from transactions with commission contract agents for the payment of compensation to commission contract agents. An additional twenty cents (20¢) of the fee imposed for any transaction assessed a fee under subdivision (a)(1) or (a)(12) of this section shall be credited to the Mercury Pollution Prevention Fund in the Department of Environmental Quality.

...."

**SECTION 20.(b)** G.S. 20-85.1 is repealed.

**SECTION 20.(c)** G.S. 20-85(a1) reads as rewritten:

"(a1) Two dollars (\$2.00) of the fee imposed for any transaction assessed a fee under subdivision (a)(1), (a)(2), (a)(3), (a)(7), (a)(8), (a)(9), or (a)(12) of this section shall be credited to the North Carolina Highway Fund. The Division shall use the fees derived from transactions with commission contract agents for the payment of compensation to commission contract agents. ~~or (a)(12)~~"

**SECTION 20.(d)** G.S. 20-63(h1) reads as rewritten:

"(h1) Commission contracts entered into by the Division under this subsection shall also provide for the payment of an additional two dollars (\$2.00) of compensation to commission contract agents for any transaction assessed a fee under subdivision (a)(1), (a)(2), (a)(3), (a)(7), ~~(a)(8), or (a)(9)~~ (a)(8), (a)(9), or (a)(12) of G.S. 20-85."

**SECTION 20.(e)** G.S. 20-66 reads as rewritten:

**"§ 20-66. Renewal of vehicle registration.**

(a) Annual Renewal. – The registration of a vehicle must be renewed annually. In accordance with G.S. 105-330.5(b), upon receiving written consent from the owner of the vehicle, the Division may send any required notice of renewal electronically to an e-mail address provided by the owner of the vehicle. To renew the registration of a vehicle, the owner of the vehicle must file an application with the Division and pay the required registration fee. The owner of a vehicle registered in North Carolina may renew that vehicle registration by mail. The Division may receive and grant an application for renewal of registration at any time before the registration expires.

...."

**SECTION 20.(f)** G.S. 20-4.02(a)(10) reads as rewritten:

"(10) ~~G.S. 20-85.1.~~G.S. 20-85(a)(12)."

**SECTION 20.(g)** Subsection (c) of this section becomes effective June 30, 2031.

The remainder of this section becomes effective July 1, 2024.

**ONLINE VEHICLE REGISTRATION VENDOR CLARIFICATION**

**SECTION 21.** G.S. 20-63(j) reads as rewritten:

"(j) The Division shall contract with at least two online motor vehicle registration vendors which may enter into contracts with motor vehicle dealers and other participants, including, but not limited to, out-of-state entities, such as dealers, fleet, leasing, and rental car companies, to complete and file Division required documents for the issuance of a certificate of title, registration plate, or registration card or a duplicate certificate of title, registration plate, or registration card for a motor vehicle, upon purchase or sale of a vehicle. Vendors under contract with the Division pursuant to this subsection may also enter into contracts with used motor vehicle dealers whose primary business is the sale of salvage vehicles on behalf of insurers to complete and file documents required by the Division for the issuance of a salvage certificate of title. The Division shall not unreasonably deny a contract or access to any entity."



**REMOVE STATUTORY MILEAGE LIMITATION ON CERTAIN COVERED FARM VEHICLE EXEMPTIONS**

**SECTION 22.(a)** G.S. 20-37.16(e) reads a rewritten:

"(e) The requirements for a commercial drivers license do not apply to vehicles used for personal use such as recreational vehicles. A commercial drivers license is also waived for the following classes of vehicles as permitted by regulation of the United States Department of Transportation:

...

(3) A farm vehicle that meets all of the following criteria:

- a. Is controlled and operated by the farmer or the farmer's employee and used exclusively for farm use.
- b. Is used to transport either agricultural products, farm machinery, or farm supplies, both to or from a farm.
- c. Is not used in the operations of a for-hire motor carrier.
- d. Is used ~~within 150 miles of the farmer's farm~~intrastate within the official State border of North Carolina.

A farm vehicle includes a forestry vehicle that meets the listed criteria when applied to the forestry operation."

**SECTION 22.(b)** G.S. 20-118(c)(12)a. reads as rewritten:

"a. Is transporting any of the following items ~~within 150 miles of the point of origin~~the official State border of North Carolina:

1. Agriculture, dairy, and crop products transported from a farm or holding facility to a processing plant, feed mill, or market.
2. Water, fertilizer, pesticides, seeds, fuel, or animal waste transported to or from a farm.
3. Meats, livestock, or live poultry transported from the farm where they were raised to a processing plant or market.
- 3a. Feed or feed ingredients that are used in the feeding of poultry or livestock and transported from a storage facility, holding facility, or mill to a farm.
4. Forest products originating and transported from a farm or woodlands to market with delay interruption or delay for further packaging or processing after initiating transport.
5. Wood residuals, including wood chips, sawdust, mulch, or tree bark from any site.
6. Raw logs to market.
7. Trees grown as Christmas trees from field, farm, stand, or grove to a processing point."

**SECTION 22.(c)** G.S. 20-381(b) reads as rewritten:

"(b) The definitions set out in 49 Code of Federal Regulations § 171.8 apply to this subsection. The transportation of an agricultural product, other than a Class 2 material, over local roads between fields of the same farm by a farmer operating as an intrastate private motor carrier is exempt from the requirements of Parts 171 through 180 of 49 CFR as provided in 49 CFR § 173.5(a). The transportation of an agricultural product to or from a farm ~~within 150 miles of the farm~~the official State border of North Carolina by a farmer operating as an intrastate private motor carrier is exempt from the requirements of Subparts G and H of Part 172 of 49 CFR as provided in 49 CFR § 173.5(b)."

**FEEES FOR ANNUAL OVERSIZE/OVERWEIGHT PERMITS FOR MOVEMENT OF COMMODITIES**

**SECTION 23.(a)** G.S. 20-119 reads as rewritten:

"§ 20-119. Special permits for vehicles of excessive size or weight; fees.

...

(b) Upon the issuance of a special permit for an oversize or overweight vehicle by the Department of Transportation in accordance with this section, the applicant shall pay to the Department for a single trip permit a fee of twelve dollars (\$12.00) for each dimension over lawful dimensions, including height, length, width, and weight up to 132,000 pounds. For overweight vehicles, the applicant shall pay to the Department for a single trip permit in addition to the fee imposed by the previous sentence a fee of three dollars (\$3.00) per 1,000 pounds over 132,000 pounds.

Upon the issuance of an annual permit for a single vehicle, the applicant shall pay a fee in accordance with the following schedule:

Commodity:	Annual Fee:
Annual Permit to Move House Trailers or Trailer Frames	\$200.00
Annual Permit to Move Other Commodities	<del>\$100.00</del> \$185.00

In addition to the fees set out in this subsection, applications for permits that require an engineering study for pavement or structures or other special conditions or considerations shall be accompanied by a nonrefundable application fee of one hundred dollars (\$100.00).

This subsection does not apply to farm equipment or machinery being used at the time for agricultural purposes, nor to the moving of a house as provided for by the license and permit requirements of Article 16 of this Chapter. Fees will not be assessed for permits for oversize and overweight vehicles issued to any agency of the United States Government or the State of North Carolina, its agencies, institutions, subdivisions, or municipalities if the vehicle is registered in the name of the agency.

...

(j) Electric vehicle batteries, transported on the same vehicle with a weight up to 132,000 pounds, shall be considered a nondivisible load for purposes of permit issuance pursuant to this section. In addition to the fee set out in subsection (b) of this section, upon issuance of an annual permit to transport electric vehicle batteries, the applicant shall pay to the Department a fee of four hundred ninety-eight dollars (\$498.00)."

**SECTION 23.(b)** This section becomes effective July 1, 2024, and applies to applications for permits on or after that date.

**USE OF LOANER/DEALER PLATES ON SERVICE LOANER VEHICLES**

**SECTION 24.(a)** G.S. 20-79.02(g) reads as rewritten:

"(g) Applicability. – ~~Prior to January 1, 2025, a~~ A new motor vehicle dealer may, but is not required to, display an LD license plate on a service loaner vehicle. ~~Beginning on or after January 1, 2025, a new motor vehicle dealer shall display an LD license plate on any new motor vehicle placed into service as a loaner vehicle if either of the following circumstances exists:~~

- ~~(1) The new motor vehicle dealer is receiving incentive or warranty compensation from a manufacturer, factory branch, distributor, or distributor branch for the use of the vehicle as a service loaner.~~
- ~~(2) The new motor vehicle dealer is receiving a fee or other compensation from the dealer's customers for the use of the vehicle as a service loaner."~~

**SECTION 24.(b)** Section 1.1(b) of S.L. 2015-232, as amended by Section 4.5(b) of S.L. 2018-27 and Section 1(b) of S.L. 2020-51, reads as rewritten:

**"SECTION 1.1.(b)** This section is effective when this act becomes ~~law and expires December 31, 2024.~~law."

**SECTION 24.(c)** Section 1.4(b) of S.L. 2015-232, as amended by Section 4.5(c) of S.L. 2018-27 and Section 1(c) of S.L. 2020-51, reads as rewritten:

1 "SECTION 1.4.(b) This section is effective when this act becomes law and expires  
 2 December 31, 2024.law."

3  
 4 **AUTHORIZE SPECIAL REGISTRATION PLATES**

5 **SECTION 25.(a)** G.S. 20-63(b1) is amended by adding a new subdivision to read:

6 "() Home of the Venus Flytrap."

7 **SECTION 25.(b)** G.S. 20-79.4(b) is amended by adding two new subdivisions to  
 8 read:

9 "(b) Types. – The Division shall issue the following types of special registration plates:

10 ...

11 () Home of the Venus Flytrap. – Issuable to a registered owner of a motor vehicle  
 12 in accordance with G.S. 20-81.12. The plate shall bear a picture of a Venus  
 13 Flytrap and the phrase "Home of the Venus Flytrap."

14 () North Carolina School of Science and Mathematics. – Issuable to a registered  
 15 owner of a motor vehicle in accordance with G.S. 20-81.12. The plate shall  
 16 feature the school logo and the acronym "NCSSM," and the letters "SM" to  
 17 the right of the segment of the plate designated for the special plate design.

18 ...."

19 **SECTION 25.(c)** G.S. 20-79.7 reads as rewritten:

20 **"§ 20-79.7. Fees for special registration plates and distribution of the fees.**

21 ...

22 (a1) Fees. – All other special registration plates are subject to the regular motor vehicle  
 23 registration fee in G.S. 20-87 or G.S. 20-88 plus an additional fee in the following amount:

Special Plate	Additional Fee Amount
24 ...	
25 Home of American Golf	Expired July 1, 2016
26 <u>Home of the Venus Flytrap</u>	<u>\$30.00</u>
27 HOMES4NC	\$30.00
28 ...	
29 North Carolina Paddle Festival	Expired July 1, 2016
30 <u>North Carolina School of Science and Mathematics</u>	<u>\$30.00</u>
31 North Carolina Sheriffs' Association	\$30.00

32 ...  
 33 (b) Distribution of Fees. – The Special Registration Plate Account and the Collegiate and  
 34 Cultural Attraction Plate Account are established within the Highway Fund. The Division must  
 35 credit the additional fee imposed for the special registration plates listed in subsection (a1) of this  
 36 section among the Special Registration Plate Account (SRPA), the Collegiate and Cultural  
 37 Attraction Plate Account (CCAPA), the Clean Water Management Trust Fund (CWMTF), which  
 38 is established under G.S. 143B-135.234, and the Parks and Recreation Trust Fund, which is  
 39 established under G.S. 143B-135.56, as follows:

<u>Special Plate</u>	SRPA	CCAPA	CWMTF	PRTF
40 ...				
41 Home of American Golf – Ex-				
42 pired July 1, 2016				
43 <u>Home of the Venus Flytrap</u>	<u>\$10</u>	<u>\$20</u>	<u>0</u>	<u>0</u>
44 HOMES4NC	\$10	\$20	0	0
45 ...				
46 North Carolina Paddle Festival				
47 – Expired July 1, 2016				
48 <u>North Carolina School of</u>				
49 <u>Science and Mathematics</u>	<u>\$10</u>	<u>\$20</u>	<u>0</u>	<u>0</u>

1 North Carolina Sheriffs' \$10 \$20 0 0  
 2 Association  
 3 ...."

4 **SECTION 25.(d)** G.S. 20-81.12 is amended by adding two new subsections to read:

5 "Q Home of the Venus Flytrap. – The Division shall transfer quarterly the money in the  
 6 Collegiate and Cultural Attraction Plate Account derived from the sale of "Home of the Venus  
 7 Flytrap" plates to the North Carolina Botanical Garden Foundation, Inc., to be used to support  
 8 plant conservation and plant research.

9 Q North Carolina School of Science and Mathematics. – The Division shall transfer  
 10 quarterly the money in the Collegiate and Cultural Attraction Plate Account derived from the  
 11 sale of "North Carolina School of Science and Mathematics" plates to the NCSSM Foundation."

12 **SECTION 25.(e)** The Revisor of Statutes is authorized to alphabetize, number, and  
 13 renumber the special registration plates listed in G.S. 20-63(b1), 20-79.4(b), 20-79.7(a1) and (b),  
 14 and 20-81.12 to ensure that all special registration plates are listed in alphabetical order and  
 15 numbered accordingly.

16 **SECTION 25.(f)** This section becomes effective July 1, 2024.  
 17

18 **AMEND DEFINITION OF ESTABLISHED SALESROOM**

19 **SECTION 26.** G.S. 20-286(6) reads as rewritten:

- 20 "(6) Established salesroom. – A salesroom that meets the following requirements:  
 21 a. Contains at least 96 square feet of floor space in a permanent enclosed  
 22 building. This requirement does not preclude a dealer from utilizing  
 23 the same permanent enclosed building for other business uses,  
 24 including uses conducted by a separate business entity, as long as all  
 25 requirements for an established salesroom are met.  
 26 b. Displays, or is located immediately adjacent to, a sign having block  
 27 letters not less than three inches in height on contrasting background,  
 28 clearly and distinctly designating the trade name of the business.  
 29 c. Is a place at which a permanent business of bartering, trading, and  
 30 selling motor vehicles will be carried on in good faith on an ongoing  
 31 basis whereby the dealer can be contacted by the public at reasonable  
 32 times.  
 33 d. Is a place where the books, records, and files required by the Division  
 34 under this Article are kept.

35 The term includes the area contiguous to or located within 500 feet of the  
 36 premises on which the salesroom is located. The term does not include a tent,  
 37 a temporary stand, or other temporary quarters. The minimum area  
 38 requirement does not apply to any place of business lawfully in existence and  
 39 duly licensed on or before January 1, 1978."  
 40

41 **INCREASE DURATION OF DEALER LICENSE FROM ONE TO TWO YEARS**

42 **SECTION 27.(a)** G.S. 20-288 reads as rewritten:

43 **"§ 20-288. Application for license; license requirements; expiration of license; bond.**

44 ...

45 (a1) A used motor vehicle dealer may obtain a license by filing an application, as  
 46 prescribed in subsection (a) of this section, and providing the following:

- 47 (1) The required fee.  
 48 (2) Proof that the applicant, within the last 12 months, has completed a 12-hour  
 49 licensing course approved by the Division if the applicant is seeking an initial  
 50 license and a one six-hour course approved by the Division for each year of  
 51 the licensing period immediately preceding the renewal if the applicant is

1 seeking a renewal license. The requirements of this subdivision do not apply  
 2 to a used motor vehicle dealer the primary business of which is the sale of  
 3 salvage vehicles on behalf of insurers or to a manufactured home dealer  
 4 licensed under G.S. 143-143.11 who complies with the continuing education  
 5 requirements of G.S. 143-143.11B. The requirement of this subdivision does  
 6 not apply to persons age 62 or older as of July 1, 2002, who are seeking a  
 7 renewal license. This subdivision also does not apply to an applicant who  
 8 holds a license as a new motor vehicle dealer as defined in G.S. 20-286(13)  
 9 and operates from an established showroom located in an area within a radius  
 10 of 30 miles around the location of the established showroom for which the  
 11 applicant seeks a used motor vehicle dealer license. An applicant who also  
 12 holds a license as a new motor vehicle dealer may designate a representative  
 13 to complete the licensing course required by this subdivision.

14 (3) If the applicant is an individual, proof that the applicant is at least 18 years of  
 15 age and proof that all salespersons employed by the dealer are at least 18 years  
 16 of age.

17 (4) The application for a dealer license plate.

18 (5) A certification as to whether the applicant or any entity having any common  
 19 ownership or affiliation with the applicant is a motor vehicle manufacturer,  
 20 factory branch, factory representative, distributor, distributor branch, or  
 21 distributor representative. In the event the applicant indicates on the  
 22 application that the applicant or any parent, subsidiary, affiliate, or any other  
 23 entity related to the applicant is a manufacturer, factory branch, factory  
 24 representative, distributor, distributor branch, or distributor representative, the  
 25 applicant shall be required to state whether the applicant contends it qualifies  
 26 for a motor vehicle dealer's license in accordance with any of the exceptions  
 27 to the prohibition on the issuance of a motor vehicle dealer's license to any  
 28 manufacturer, factory branch, factory representative, distributor, distributor  
 29 branch, or distributor representative, as provided in G.S. 20-305.2(a).

30 ...

31 (c) All licenses that are granted shall be for a period of ~~one year~~ two years unless sooner  
 32 revoked or suspended. The Division shall vary the expiration dates of all licenses that are granted  
 33 so that an equal number of licenses expire at the end of each month, quarter, or other period  
 34 consisting of one or more months to coincide with G.S. 20-79(c).

35 ...

36 (f) A corporate surety bond furnished pursuant to this section or renewal thereof may  
 37 also be canceled by the surety prior to the next premium anniversary date without the prior written  
 38 consent of the license holder for the following reasons:

39 (1) Nonpayment of premium in accordance with the terms for issuance of the  
 40 surety bond; or

41 (2) An act or omission by the license holder or his representative that constitutes  
 42 substantial and material misrepresentation or nondisclosure of a material fact  
 43 in obtaining the surety bond or renewing the bond.

44 Any cancellation permitted by this subsection is not effective unless written notice of cancellation  
 45 has been delivered or mailed to the license holder and to the Commissioner not less than 30 days  
 46 before the proposed effective date of cancellation. The notice must be ~~given or mailed delivered~~  
 47 by certified mail or electronic means to the license holder at its last known address. The notice  
 48 must state the reason for cancellation. Cancellation for nonpayment of premium is not effective  
 49 if the amount due is paid before the effective date set forth in the notice of cancellation.  
 50 Cancellation of the surety shall not affect any liability incurred or accrued prior to the termination  
 51 of the 30-day notice period.

1 (g) A corporate surety may refuse to renew a surety bond furnished pursuant to this  
2 section by giving or mailing written notice of nonrenewal to the license holder and to the  
3 Commissioner not less than 30 days prior to the premium anniversary date of the surety bond.  
4 The notice must be ~~given or mailed~~ delivered by certified mail or electronic means to the license  
5 holder at its last known address. Nonrenewal of the surety bond shall not affect any liability  
6 incurred or accrued prior to the premium anniversary date of the surety bond."

7 **SECTION 27.(b)** This section becomes effective October 1, 2024, and applies to  
8 licenses issued on or after that date. For licensed used motor vehicle dealers applying for renewal  
9 on or after that date, the Division shall stagger the expiration dates of licenses issued to those  
10 dealers such that, if a license was initially issued to the dealer in an even-numbered year, the first  
11 license issued on or after October 1, 2024, shall expire in the next even-numbered year, and, if a  
12 license was initially issued to the dealer in an odd-numbered year, the first license issued on or  
13 after October 1, 2024, shall expire in the next odd-numbered year.

## 14 **INCREASE LITTERING PENALTIES**

15 **SECTION 28.(a)** G.S. 14-399 reads as rewritten:

### 16 **"§ 14-399. Littering.**

17 (a) No person, including any firm, organization, private corporation, or governing body,  
18 agents or employees of any municipal corporation shall intentionally or recklessly throw, scatter,  
19 spill or place or intentionally or recklessly cause to be blown, scattered, spilled, thrown or placed  
20 or otherwise dispose of any litter upon any public property or private property not owned by the  
21 person within this State or in the waters of this State including any public highway, public park,  
22 lake, river, ocean, beach, campground, forestland, recreational area, trailer park, highway, road,  
23 street or alley except:

- 24
- 25 (1) When the property is designated by the State or political subdivision thereof  
26 for the disposal of garbage and refuse, and the person is authorized to use the  
27 property for this purpose; or
  - 28 (2) Into a litter receptacle in a manner that the litter will be prevented from being  
29 carried away or deposited by the elements upon any part of the private or  
30 public property or waters.

31 (a1) No person, including any firm, organization, private corporation, or governing body,  
32 agents, or employees of any municipal corporation shall scatter, spill, or place or cause to be  
33 blown, scattered, spilled, or placed or otherwise dispose of any litter upon any public property or  
34 private property not owned by the person within this State or in the waters of this State including  
35 any public highway, public park, lake, river, ocean, beach, campground, forestland, recreational  
36 area, trailer park, highway, road, street, or alley except:

- 37
- 38 (1) When the property is designated by the State or political subdivision thereof  
39 for the disposal of garbage and refuse, and the person is authorized to use the  
40 property for this purpose; or
  - 41 (2) Into a litter receptacle in a manner that the litter will be prevented from being  
42 carried away or deposited by the elements upon any part of the private or  
43 public property or waters.

44 (a2) Subsection (a1) of this section does not apply to the accidental blowing, scattering, or  
45 spilling of an insignificant amount of municipal solid waste, as defined in G.S. 130A-290(18a),  
46 during the automated loading of a vehicle designed and constructed to transport municipal solid  
47 waste if the vehicle is operated in a reasonable manner and according to manufacturer  
48 specifications.

49 (b) When litter is blown, scattered, spilled, thrown or placed from a vehicle or watercraft,  
50 the operator thereof shall be presumed to have committed the offense. This presumption,  
51 however, does not apply to a vehicle transporting nontoxic and biodegradable agricultural or  
garden products or supplies, including mulch, tree bark, wood chips, and raw logs.

1 (c) Any person who violates subsection (a) of this section in an amount not exceeding 15  
2 10 pounds and not for commercial purposes is guilty of a Class 3 misdemeanor punishable by a  
3 fine of not less than ~~two five hundred fifty~~ two hundred fifty dollars (~~\$250.00~~) (~~\$500.00~~) nor more than one  
4 thousand dollars (\$1,000) for the first offense. In addition, the court may require the violator to  
5 perform community service of not less than eight hours nor more than 24 hours. The community  
6 service required shall be to pick up litter if feasible, and if not feasible, to perform other labor  
7 commensurate with the offense committed. Any second or subsequent violation of subsection (a)  
8 of this section in an amount not exceeding 15-10 pounds and not for commercial purposes within  
9 three years after the date of a prior violation is a Class 3 misdemeanor punishable by a fine of  
10 not less than ~~five hundred one thousand~~ five hundred dollars (~~\$500.00~~) (~~\$1,000~~) nor more than ~~two three~~  
11 two thousand dollars (~~\$2,000~~) (~~\$3,000~~). In addition, the court may require the violator to perform  
12 community service of not less than 16 hours nor more than 50 hours. The community service  
13 required shall be to pick up litter if feasible, and if not feasible, to perform other labor  
14 commensurate with the offense committed.

15 (c1) Any person who violates subsection (a1) of this section in an amount not exceeding  
16 15-10 pounds is guilty of an infraction punishable by a fine of not more than ~~one two~~ one hundred  
17 dollars (~~\$100.00~~) (~~\$200.00~~). In addition, the court may require the violator to perform  
18 community service of not less than four hours nor more than 12 hours. The community service  
19 required shall be to pick up litter if feasible, and if not feasible, to perform other labor  
20 commensurate with the offense committed. Any second or subsequent violation of subsection  
21 (a1) of this section in an amount not exceeding 15-10 pounds within three years after the date of  
22 a prior violation is an infraction punishable by a fine of not more than ~~two five~~ two hundred dollars  
23 (~~\$200.00~~) (~~\$500.00~~). In addition, the court may require the violator to perform community  
24 service of not less than eight hours nor more than 24 hours. The community service required shall  
25 be to pick up litter if feasible, and if not feasible, to perform other labor commensurate with the  
26 offense committed. For purposes of this subsection, the term "litter" shall not include nontoxic  
27 and biodegradable agricultural or garden products or supplies, including mulch, tree bark, and  
28 wood chips.

29 (d) Any person who violates subsection (a) of this section in an amount exceeding 15-10  
30 pounds but not exceeding 500 pounds and not for commercial purposes is guilty of a Class 3  
31 misdemeanor punishable by a fine of not less than ~~five hundred one thousand~~ five hundred  
32 (~~\$500.00~~) (\$1,000) nor more than ~~two three~~ two thousand dollars (~~\$2,000~~) (~~\$3,000~~). In addition, the court shall  
33 require the violator to perform community service of not less than 24-50 hours nor more than 100  
34 hours. The community service required shall be to pick up litter if feasible, and if not feasible, to  
35 perform other community service commensurate with the offense committed.

36 (d1) Any person who violates subsection (a1) of this section in an amount exceeding 15  
37 10 pounds but not exceeding 500 pounds is guilty of an infraction punishable by a fine of not  
38 more than ~~two five hundred~~ two hundred dollars (~~\$200.00~~) (~~\$500.00~~). In addition, the court may require the  
39 violator to perform community service of not less than ~~eight 24~~ eight hours nor more than 24-50 hours.  
40 The community service required shall be to pick up litter if feasible, and if not feasible, to perform  
41 other labor commensurate with the offense committed.

42 (e) Any person who violates subsection (a) of this section in an amount exceeding 500  
43 pounds or in any quantity for commercial purposes, or who discards litter that is a hazardous  
44 waste as defined in G.S. 130A-290 is guilty of a Class I ~~felony~~ felony punishable by a fine of  
45 five thousand dollars (\$5,000). In addition, the court shall require the violator to perform  
46 community service of not less than 100 hours. The community service required shall be to pick  
47 up litter if feasible, and if not feasible, to perform other community service commensurate with  
48 the offense committed.

49 (e1) Any person who violates subsection (a1) of this section in an amount exceeding 500  
50 pounds is guilty of an infraction punishable by a fine of not more than ~~three hundred two thousand~~  
51 three hundred five hundred dollars (~~\$300.00~~) (~~\$2,500~~). In addition, the court ~~may shall~~ require the violator to

1 perform community service of not less than ~~16 hours nor more than~~ 50 hours. The community  
2 service required shall be to pick up litter if feasible, and if not feasible, to perform other labor  
3 commensurate with the offense committed.

4 (e2) If any person violates subsection (a) or (a1) of this section in an amount exceeding ~~15~~  
5 10 pounds or in any quantity for commercial purposes, or discards litter that is a hazardous waste  
6 as defined in G.S. 130A-290, the court shall order the violator to:

- 7 (1) Remove, or render harmless, the litter that he discarded in violation of this  
8 section;
- 9 (2) Repair or restore property damaged by, or pay damages for any damage  
10 arising out of, his discarding litter in violation of this section; or
- 11 (3) Perform community public service relating to the removal of litter discarded  
12 in violation of this section or to the restoration of an area polluted by litter  
13 discarded in violation of this section.

14 (e3) Any violation of this section involving the disposal of any litter into the waters of this  
15 State shall be punished as a violation of subsection (a) of this section.

16 (f) A court may enjoin a violation of this section.

17 (f1) If a violation of subsection (a) of this section involves the operation of a motor  
18 vehicle, upon a finding of guilt, the court shall forward a record of the finding to the Department  
19 of Transportation, Division of Motor Vehicles, which shall record a penalty of one point on the  
20 violator's drivers license pursuant to the point system established by G.S. 20-16. There shall be  
21 no insurance premium surcharge or assessment of points under the classification plan adopted  
22 under G.S. 58-36-65 for a finding of guilt under this section.

23 (g) A motor vehicle, vessel, aircraft, container, crane, winch, or machine involved in the  
24 disposal of more than 500 pounds of litter in violation of subsection (a) of this section is declared  
25 contraband and is subject to seizure and summary forfeiture to the State.

26 (h) If a person sustains damages arising out of a violation of subsection (a) of this section  
27 that is punishable as a felony, a court, in a civil action for the damages, shall order the person to  
28 pay the injured party threefold the actual damages or two hundred dollars (\$200.00), whichever  
29 amount is greater. In addition, the court shall order the person to pay the injured party's court  
30 costs and attorney's fees.

31 (i) For the purpose of the section, unless the context requires otherwise:

- 32 (1) "Aircraft" means a motor vehicle or other vehicle that is used or designed to  
33 fly, but does not include a parachute or any other device used primarily as  
34 safety equipment.
- 35 (2) Repealed by Session Laws 1999-454, s. 1.
- 36 (2a) "Commercial purposes" means litter discarded by a business, corporation,  
37 association, partnership, sole proprietorship, or any other entity conducting  
38 business for economic gain, or by an employee or agent of the entity.
- 39 (3) "Law enforcement officer" means any law enforcement officer sworn and  
40 certified pursuant to Article 1 of Chapter 17C or 17E of the General Statutes,  
41 except company police officers as defined in G.S. 74E-6(b)(3). In addition,  
42 and solely for the purposes of this section, "law enforcement officer" means  
43 any employee of a county or municipality designated by the county or  
44 municipality as a litter enforcement officer.
- 45 (4) "Litter" means any garbage, rubbish, trash, refuse, can, bottle, box, container,  
46 wrapper, paper, paper product, tire, appliance, mechanical equipment or part,  
47 building or construction material, tool, machinery, wood, motor vehicle or  
48 motor vehicle part, vessel, aircraft, farm machinery or equipment, sludge from  
49 a waste treatment facility, water supply treatment plant, or air pollution control  
50 facility, dead animal, or discarded material in any form resulting from  
51 domestic, industrial, commercial, mining, agricultural, or governmental



1 operations. While being used for or distributed in accordance with their  
2 intended uses, "litter" does not include political pamphlets, handbills,  
3 religious tracts, newspapers, and other similar printed materials the  
4 unsolicited distribution of which is protected by the Constitution of the United  
5 States or the Constitution of North Carolina.

6 (5) "Vehicle" has the same meaning as in G.S. 20-4.01(49).

7 (6) "Watercraft" means any boat or vessel used for transportation across the water.

8 (j) It shall be the duty of all law enforcement officers to enforce the provisions of this  
9 section.

10 (k) This section does not limit the authority of any State or local agency to enforce other  
11 laws, rules or ordinances relating to litter or solid waste management."

12 **SECTION 28.(b)** This section becomes effective December 1, 2024, and applies to  
13 offenses committed on or after that date.

#### 14 15 **CLARIFY CIVILIAN TRAFFIC INVESTIGATORS ARE NOT PRIVATE** 16 **INVESTIGATORS**

17 **SECTION 29.** G.S. 74C-3(b) is amended by adding a new subdivision to read:

18 "(19) A person performing duties as a Civilian Traffic Investigator pursuant to  
19 G.S. 160A-499.6."

#### 20 21 **INCREASE MAXIMUM VEHICLE REGISTRATION TAX RATE FOR** 22 **TRANSPORTATION AUTHORITIES**

23 **SECTION 30.(a)** G.S. 105-561 reads as rewritten:

24 "**§ 105-561. Authority registration tax authorized.**

25 (a) Tax Authorized. – The board of trustees of an Authority may, by resolution, levy an  
26 annual license tax in accordance with this Article upon any motor vehicle with a tax situs within  
27 its territorial jurisdiction. The purpose of the tax levied under this Article is to raise revenue for  
28 capital and operating expenses of an Authority in providing public transportation systems. The  
29 rate of tax levied under this Article must be a full dollar amount, but may not exceed ~~eight dollars~~  
30 ~~(\$8.00)~~ ten dollars (\$10.00) a year.

31 ...

32 (d) Special Tax District. – If a regional transportation authority created under Article 27  
33 of Chapter 160A of the General Statutes or a regional public transportation authority created  
34 under Article 26 of Chapter 160A of the General Statutes has not levied the tax under this section  
35 or has levied the tax at a rate of less than ~~eight dollars (\$8.00)~~, ten dollars (\$10.00), it may create  
36 a special district that consists of the entire area of one or more counties within its territorial  
37 jurisdiction and may levy on behalf of the special district the tax authorized in this section. The  
38 rate of tax levied within the special district may not, when combined with the rate levied within  
39 the entire territorial jurisdiction of the authority; exceed ~~eight dollars (\$8.00)~~, ten dollars  
40 (\$10.00). The regional transportation authority may not levy or increase a tax within the special  
41 district unless the board of commissioners of each county in the special district has adopted a  
42 resolution approving the levy or increase.

43 A special district created pursuant to this subsection is a body corporate and politic and has  
44 the power to carry out the purposes of this subsection. The board of trustees of the regional  
45 transportation authority created under Article 27 of Chapter 160A of the General Statutes or a  
46 regional public transportation authority created under Article 26 of Chapter 160A of the General  
47 Statutes shall serve, ex officio, as the governing body of a special district it creates pursuant to  
48 this subsection. The proceeds of a tax levied under this subsection may be used only for the  
49 benefit of the special district and only for the purposes provided in G.S. 105-564. Except as  
50 provided in this subsection, a tax levied under this subsection is governed by the provisions of  
51 this Article."

1           SECTION 30.(b) This section becomes effective July 1, 2024.

2  
3   **REQUIRE PRIVATE ENTITY TO ADMINISTER LOGO SIGN PROGRAM**

4           SECTION 31.(a) G.S. 136-89.56 reads as rewritten:

5   **"§ 136-89.56. Commercial enterprises.**

6       (a) No commercial enterprises or activities shall be authorized or conducted by the  
7 Department of Transportation, or the governing body of any city or town, within or on the  
8 property acquired for or designated as a controlled-access facility, as defined in this Article,  
9 except for:

- 10           (1) Materials displayed at welcome centers which shall be directly related to  
11 travel, accommodations, tourist-related activities, tourist-related services, and  
12 attractions. The Department of Transportation shall issue rules regulating the  
13 display of these materials. These materials may contain advertisements for  
14 real estate; and
- 15           (2) Vending machines permitted by the Department of Transportation and placed  
16 by the Division of Services for the Blind, Department of Health and Human  
17 Services, as the State licensing agency designated pursuant to Section 2(a)(5)  
18 of the Randolph-Sheppard Act (20 USC 107a(a)(5)). The Department of  
19 Transportation shall regulate the placing of the vending machines in highway  
20 rest areas and shall regulate the articles to be dispensed. In order to permit the  
21 establishment of adequate fuel and other service facilities by private owners  
22 or their lessees for the users of a controlled-access facility, the Department of  
23 Transportation shall permit access to service or frontage roads within the  
24 publicly owned right-of-way of any controlled-access facility established or  
25 designated as provided in this Article, at points which, in the opinion of the  
26 Department of Transportation, will best serve the public interest. The location  
27 of such fuel and other service facilities may be indicated to the users of the  
28 controlled-access facilities by appropriate signs, the size, style, and  
29 specifications of which shall be determined by the Department of  
30 Transportation.

31       (b) The location of fuel, gas, food, lodging, camping, and attraction facilities may be  
32 indicated to the users of the controlled-access facilities by appropriate logos placed on signs  
33 owned, controlled, and erected within the right-of-way of fully and partially controlled-access  
34 highways by by, or pursuant to contract with, the Department of Transportation. The Department  
35 shall contract with a private entity to administer the erection of signs and placement of logos, as  
36 authorized by this subsection. The responsibilities of the private entity shall include the  
37 following: acquisition and erection of signs; design, manufacture, and placement of logos on  
38 signs; maintenance of signs and logos; receipt and response to information requests concerning  
39 the program; and management of the financial transactions related to the program. The owners,  
40 operators or lessees of fuel, gas, food, lodging, camping, and attraction facilities who wish to  
41 place a logo identifying their business or service on a sign shall furnish a logo meeting the size,  
42 style and specifications determined by the Department of Transportation and shall pay ~~the~~  
43 ~~Department of Transportation~~ a fee set by the vendor and approved by the Board of  
44 Transportation. ~~The Board shall set the~~ The fee set by the vendor shall be determined based on  
45 market rates for the number of vehicles that pass by the sign, reflecting the value of the visibility  
46 and access provided to the participating businesses and to cover the initial costs of signs, sign  
47 installation, and maintenance, and the costs of administering the logo sign program. ~~The~~  
48 ~~Transportation Mobility and Safety Division of the Department of Transportation shall~~  
49 ~~administer the logo sign program, including receiving requests for information concerning the~~  
50 ~~logo sign program.~~ Nothing in this subsection shall be construed to authorize any Department

1 contractor to conduct any commercial activity upon signs erected and maintained within the  
2 right-of-way of fully and partially controlled-access highways pursuant to this subsection."

3 **SECTION 31.(b)** The Department of Transportation may adopt temporary rules and  
4 shall adopt permanent rules consistent with subsection (a) of this section.

5 **SECTION 31.(c)** No later than 120 days after the effective date of this section, the  
6 Department shall issue a request for proposal (RFP) and select a vendor in accordance with this  
7 section.

8  
9 **CLARIFY TURNPIKE AUTHORITY STATUTES FOR COMPLETE 540 AND**  
10 **MID-CURRITUCK BRIDGE PROJECTS**

11 **SECTION 32.(a)** G.S. 136-89.183(a) reads as rewritten:

12 "(a) The Authority shall have all of the powers necessary to execute the provisions of this  
13 Article, including the following:

14 ...

15 (2) To study, plan, develop, and undertake preliminary design work on Turnpike  
16 Projects. At the conclusion of these activities, the Turnpike Authority is  
17 authorized to design, establish, purchase, construct, operate, and maintain no  
18 more than eleven projects, which shall include the following:

19 a. Triangle Expressway, including segments also known as N.C. 540,  
20 Triangle Parkway, Phases 1 and 2 of Complete 540, and the Western  
21 Wake Freeway in Wake and Durham Counties. The described  
22 segments constitute one project.

23 ...

24 Any other project proposed by the Authority in addition to the projects listed  
25 in this subdivision requires prior consultation with the Joint Legislative  
26 Commission on Governmental Operations pursuant to G.S. 120-76.1 no less  
27 than 180 days prior to initiating the process required by Article 7 of Chapter  
28 159 of the General Statutes.

29 With the exception of the two projects set forth in sub subdivisions a. and c.  
30 of this subdivision, the Turnpike projects selected for construction by the  
31 Turnpike Authority, prior to the letting of a contract for the project, shall meet  
32 the following conditions: (i) two of the projects must be ranked in the top 35  
33 based on total score on the Department produced list entitled "Mobility Fund  
34 Project Scores" dated June 6, 2012, and, in addition, may be subject to  
35 G.S. 136-18(39a); (ii) of the projects not ranked as provided in (i), one may  
36 be subject to G.S. 136-18(39a); (iii) the projects shall be included in any  
37 applicable locally adopted comprehensive transportation plans; (iv) the  
38 projects shall be shown in the current State Transportation Improvement  
39 Program; and (v) toll projects must be approved by all affected Metropolitan  
40 Planning Organizations and Rural Transportation Planning Organizations for  
41 tolling.

42 ...."

43 **SECTION 32.(b)** G.S. 136-189A(b) reads as rewritten:

44 "(b) Contract to Construct Accelerated Pilot Toll Bridge Project. – The Authority shall  
45 contract with ~~a single one or more private firm-firms~~ to design, obtain all necessary permits for,  
46 and construct the toll bridge ~~described in G.S. 136-89.183(a)(2)~~, known as the Mid-Currituck  
47 Bridge, in order to provide accelerated, efficient, and cost-effective completion of the project."

48  
49 **AUTHORIZE RAIL TRANSPORTATION CORRIDOR AUTHORITY**

50 **SECTION 33.(a)** Chapter 160A of the General Statutes is amended by adding a new  
51 Article to read:

"Article 33."Rail Transportation Corridor Authority."§ 160A-880. Title and purpose.

This Article shall be known and may be cited as the "Rail Transportation Corridor Authority Act." The purpose of this Article is to authorize the creation of an Authority to establish, construct, purchase, maintain, equip, and operate any structure, facility, or improvement to aid commerce, public transportation, and any other rail services associated with rail corridors.

"§ 160A-881. Definitions.

The following definitions apply in this Article:

- (1) Authority. – A Rail Transportation Corridor Authority.
- (2) Board of Trustees. – The governing board of an Authority.
- (3) Costs. – The capital cost of a rail corridor project or special user project, including:
  - a. The costs of doing any or all of the following:
    1. Acquiring, constructing, erecting, providing, developing, installing, furnishing, and equipping.
    2. Reconstructing, remodeling, altering, renovating, replacing, refurbishing, and reequipping.
    3. Enlarging, expanding, and extending.
    4. Demolishing, relocating, improving, grading, draining, landscaping, paving, widening, and resurfacing.
  - b. The costs of all property, both real and personal and both improved and unimproved, and of plants, works, appurtenances, structures, facilities, furnishings, machinery, equipment, vehicles, easements, water rights, air rights, franchises, and licenses used or useful in connection with a rail corridor project or special user project.
  - c. The costs of demolishing or moving structures from land acquired and acquiring land to which the structures are to be moved.
  - d. Financing charges, including estimated interest during the acquisition or construction of a rail corridor project or special user project and for one year thereafter.
  - e. The costs of services to provide plans, specifications, studies, reports, surveys, and estimates of costs and revenues.
  - f. The costs of paying any interim financing, including principal, interest, and premium, related to the acquisition or construction of a rail corridor project or special user project.
  - g. Administrative and legal expenses and administrative charges.
  - h. The costs of establishing and maintaining debt service and other reserves.
  - i. Any other services, costs, and expenses necessary or incidental to a rail corridor project or special user project.
- (4) Credit facility. – An agreement with a banking institution, an insurance institution, an investment institution, or other financial institution located inside or outside the United States of America that provides for prompt payment, whether at maturity, presentment, or tender for purchase, redemption, or acceleration, of part or all of the principal or purchase price, redemption premium, if any, and interest on a debt issued by the Authority and for repayment of the institution.
- (5) Financing agreement. – A written instrument establishing the rights and responsibilities of the Authority and the operator concerning a financed special user project. A financing agreement may be a lease, a lease and lease

- 1                    back, a sale and lease back, a lease purchase, an installment sale and purchase  
2                    agreement, a conditional sales agreement, a secured or unsecured loan  
3                    agreement, or other similar contract and may involve property in addition to  
4                    the financed property.
- 5                    (6)   Obligor. – A person, including an operator, who has entered into a financing  
6                    or other agreement obligating the person to make payments to the Authority  
7                    to finance a special user project.
- 8                    (7)   Operator. – The person entitled to the use or occupancy of a special user  
9                    project.
- 10                  (8)   Organizing entity. – The elected boards of county commissioners and each  
11                  municipality that have created or joined an Authority in accordance with  
12                  G.S. 160A-883.
- 13                  (9)   Person. – Any person, corporation, partnership, association, trust, or other  
14                  legal entity.
- 15                  (10)   Public transportation. – Transportation of passengers whether or not for hire  
16                  by any means of conveyance, including, but not limited to, a street or elevated  
17                  railway or guideway, subway, motor vehicle or motor bus, carpool or vanpool,  
18                  either publicly or privately owned and operated, holding itself out to the  
19                  general public for the transportation of persons within or working within the  
20                  territorial jurisdiction of the Authority or as otherwise provided by this  
21                  Article.
- 22                  (11)   Public transportation system. – Without limitation, a combination of real and  
23                  personal property, structures, improvements, buildings, equipment, vehicle  
24                  parking, or other facilities, railroads and railroad rights-of-way whether held  
25                  in fee simple by quitclaim or easement, and rights-of-way, or any combination  
26                  thereof, used or useful for the purposes of public transportation.
- 27                  (12)   Rail. – Transportation of passengers, as a mode of public transportation, or  
28                  freight utilizing fixed or semi-fixed tracks.
- 29                  (13)   Railroad. – Any person or company providing transportation by rail for  
30                  compensation.
- 31                  (14)   Rail corridor. – A combination of rail line and real and personal property,  
32                  structures, improvements, buildings, equipment, vehicle parking, and other  
33                  appurtenant fixtures essential to rail operations and public transportation,  
34                  including any facilities, maintenance yard, marshalling yard, transfer yard,  
35                  utilities, pedestrian foot paths, and bicycle paths.
- 36                  (15)   Rail corridor project. – Any of the following that is part of or used in  
37                  connection with a rail corridor and is not a special user project:
- 38                      a.     Any land, equipment, or buildings or other structures, whether located  
39                      on one or more sites within a rail corridor.
- 40                      b.     The addition to or the rehabilitation, improvement, renovation, or  
41                      enlargement of any property described in sub-subdivision a. of this  
42                      subdivision.
- 43                      The term includes infrastructure improvements, such as improvements to  
44                      railroad facilities, roads, bridges, and water, sewer, or electric utilities. A rail  
45                      corridor project may include a facility leased to one or more entities under a  
46                      true lease.
- 47                  (16)   Rail Transportation Corridor Authority. – A public body corporate and politic  
48                  organized in accordance with the provisions of this Article for the purposes,  
49                  with the powers, and subject to the restrictions hereinafter set forth.
- 50                  (17)   Revenues. – For a special user project, the term means rents, fees, charges,  
51                  payments, proceeds, or other income or profit derived from the special user

1 project or from the financing agreement or security document for the special  
2 user project. For a rail corridor project, the term means rents, fees, charges,  
3 payments, proceeds, or other income or profit derived from the rail corridor  
4 project or from any pledge of nontax revenues, appropriation, or payment  
5 made by the State or unit of local government in which the rail corridor is  
6 located.

7 (18) Security document. – One or more written instruments establishing the rights  
8 and responsibilities of the Authority to finance a special user project. A  
9 security document may contain an assignment, pledge, mortgage, or other  
10 encumbrance of part or all of the Authority's interest in, or right to receive  
11 revenues from, a special user project or any other property provided by the  
12 operator or other obligor under a financing agreement. A financing agreement  
13 and a security document may be combined as one instrument.

14 (19) Special user project. – Any land, equipment, or buildings or other structures  
15 located on one or more sites within the rail corridor and the addition to or the  
16 rehabilitation, improvement, renovation, or enlargement of a structure located  
17 within the rail corridor when the property is to be used as or in connection  
18 with any of the following:

19 a. An undertaking for industry, including an industrial or a  
20 manufacturing factory, mill, assembly plant, or fabricating plant; a  
21 freight terminal; an industrial research, development, or laboratory  
22 facility; or an industrial processing or distribution facility for industrial  
23 or manufactured products.

24 b. A commercial, processing, mining, transportation, distribution,  
25 storage, marine, aviation, rail, or environmental facility or  
26 improvement.

27 c. Any combination of items mentioned in sub-subdivisions a. and b. of  
28 this subdivision.

29 A special user project, during its economic life, is to be principally used by  
30 one or more for-profit entities other than as lessee under a lease that has a fair  
31 market value rental and is not treated as a financing lease or installment sale  
32 for federal tax law purposes. A special user project may include all  
33 appurtenances and incidental facilities such as land, a headquarters or office  
34 facility, warehouses, distribution centers, access roads, sidewalks, utilities,  
35 railway sidings, trucking and similar facilities, parking facilities, waterways,  
36 docks, wharves, and other improvements necessary or convenient for the  
37 construction, maintenance, and operation of any structure.

38 (20) Unit of local government. – A county, city, town, or municipality of this State,  
39 and any other political subdivision, public corporation, authority, or district in  
40 this State, that is or may be authorized by law to acquire, establish, construct,  
41 improve, maintain, own, or operate a rail corridor.

42 (21) Unit of local government's chief administrative official. – The county  
43 manager, city manager, town manager, or other person in whom the  
44 responsibility for the unit of local government's administrative duties is  
45 vested.

46 **"§ 160A-882. Definition of territorial jurisdiction of the Authority; rail corridor boundary**  
47 **and service area designation.**

48 (a) An Authority may be created for any area of the State that, at the time of creating the  
49 Authority, meets the following criteria:

50 (1) The area consists of three or more contiguous counties each containing  
51 portions of an existing rail corridor.

- 1           (2)    The distance between the rail corridor milepost origination and termination  
2           points is no more than 25 miles in length.
- 3           (3)    If the Authority intends to receive existing rail corridor interests in property,  
4           those rail property interests can be transferred to the Authority without  
5           purchase of those rail corridor interests in property.
- 6           (4)    An Authority shall not have jurisdiction over any Class I railroad, as that term  
7           is defined under 49 U.S.C. § 20102 and 49 C.F.R. § 1201.1-1, nor a rail line  
8           or rail corridor owned or operated by the United States Department of  
9           Defense.

10       (b)    The territorial jurisdiction of the Authority shall be coterminous with the boundaries  
11       of the three or more organizing counties, except as provided in subdivision (3) of subsection (a)  
12       of this section.

13       (c)    The rail corridor service area of the Authority shall be designated by and recorded in  
14       the minutes of the Board of Trustees, consistent with its purpose, and shall not exceed the  
15       immediately adjacent and proximate area of the rail corridor as owned or otherwise controlled  
16       by the Authority for the powers provided under G.S. 160A-886.

17       (d)    The boundaries of the rail corridor of the Authority shall be designated by and  
18       recorded in the minutes of the Board of Trustees once the properties and rail line making up the  
19       rail corridor are in the Authority's possession or control. If there is a change in the rail corridor  
20       boundaries after it is initially designated, the rail corridor designation shall be updated and  
21       recorded in the minutes of the Board of Trustees at its next meeting. The Authority may not  
22       extend the rail corridor into a political subdivision that is not an organizing entity under  
23       G.S. 160A-883 without (i) the consent of the governing body of that political subdivision or (ii)  
24       the political subdivision having first become an organizing entity as provided under  
25       G.S. 160A-883(e). A majority vote of the governing body shall constitute consent.

26       (e)    The designation required by subsection (d) of this section shall describe the rail  
27       corridor boundaries by its rail milepost origination and termination points and one or more of the  
28       following:

- 29           (1)    Reference to a map, deed, or other title instrument.
- 30           (2)    Metes and bounds.
- 31           (3)    General descriptions referring to natural boundaries, boundaries of existing  
32           political subdivisions, or boundaries of tracts or parcels of land.

33       "**§ 160A-883. Creation and expansion of Authority.**

34       (a)    Resolution of Creation. – An Authority may be organized under the provisions of this  
35       Article upon the adoption of a resolution to create such an Authority by the boards of  
36       commissioners of all three or more counties within an area for which an Authority may be created  
37       pursuant to G.S. 160A-882(a) and the elected board of each municipality containing a portion of  
38       the rail corridor.

39       (b)    Public Hearing. – A resolution to form an Authority under this Article shall be  
40       adopted after a public hearing. Notice of the public hearing must be given at least once, not less  
41       than 10 days prior to the date fixed for the hearing, in a newspaper having a general circulation  
42       in the county. The notice must contain a brief statement of the substance of the proposed  
43       resolution; a description of the rail corridor to be controlled, purchased, or otherwise operated by  
44       the Authority; the proposed articles of incorporation of the Authority; and the time and place of  
45       the public hearing.

46       (c)    Articles of Incorporation. – A resolution to form an Authority under this Article must  
47       include articles of incorporation that set forth all of the following:

- 48           (1)    The name of the Authority.
- 49           (2)    A statement that the Authority is organized under this Article.
- 50           (3)    The name of each organizing entity.

1        (d) Certificate of Incorporation. – A certified copy of each resolution organizing an  
2 Authority under the provisions of this Article shall be filed with the Secretary of State, together  
3 with proof of publication of the notice of hearing. If the Secretary of State finds that each  
4 resolution, including the articles of incorporation, conform to the provisions of this Article and  
5 that the notice of hearing was properly published, then the Secretary must issue a certificate of  
6 incorporation under the seal of the State and record the same in an appropriate book of record.  
7 The issuance of the certificate of incorporation by the Secretary of State shall constitute the  
8 Authority a public body and body politic and corporate of the State of North Carolina. The  
9 certificate of incorporation is conclusive evidence of the fact that the Authority has been duly  
10 created and established under the provisions of this Article.

11        (e) Resolution to Join. – If, at any time subsequent to the creation of an Authority, the  
12 Authority proposes or otherwise intends to extend the rail corridor into a county or municipality  
13 that is not already an organizing entity of the Authority, that county or municipality may join the  
14 Authority under the provisions of this Article upon the adoption of a resolution to join by the  
15 elected board of the county or municipality. A resolution to join an Authority under this Article  
16 shall be adopted after a public hearing. Notice of the public hearing must be given at least once,  
17 not less than 10 days prior to the date fixed for the hearing, in a newspaper having a general  
18 circulation in the county. The notice must contain a brief statement of the substance of the  
19 proposed resolution; a description of the rail corridor to be controlled, purchased, or otherwise  
20 operated by the Authority; the proposed articles of incorporation of the Authority as updated to  
21 include the new organizing entity; and the time and place of the public hearing. A certified copy  
22 of each resolution to join an Authority under the provisions of this Article shall be filed with the  
23 Secretary of State, together with proof of publication of the notice of hearing. If the Secretary of  
24 State finds that the resolution, including the updated articles of incorporation, conform to the  
25 provisions of this Article and that the notice of hearing was properly published, then the Secretary  
26 of State must issue an updated certificate of incorporation under the seal of the State and record  
27 the same in an appropriate book of record. The updated certificate of incorporation is conclusive  
28 evidence of the fact that the Authority has been duly updated under the provisions of this Article.

29        (f) Members. – When the Authority has been duly organized or updated and its members  
30 appointed to the Board of Trustees, the chair of the Board of Trustees shall certify to the Secretary  
31 of State the names and addresses of the members as well as the address of the principal office of  
32 the Authority.

33        (g) Members Not Liable. – No member of the Board of Trustees shall be subject to any  
34 personal liability or accountability by reason of their execution of any debt or the issuance of any  
35 debt.

36        (h) Compensation of the Board of Trustees. – Members of the Board of Trustees shall  
37 receive the sum of fifty dollars (\$50.00) as compensation for the attendance at each duly  
38 conducted meeting of the Authority.

39        (i) The Authority shall, promptly following the close of each fiscal year, submit an  
40 annual report of its activities for the preceding year to the Governor, the General Assembly, and  
41 the Local Government Commission. Each report shall be accompanied by an audit of its books  
42 and accounts. The costs of all audits, whether conducted by the State Auditor's staff or contracted  
43 with a private auditing firm, shall be paid from funds of the Authority. The Authority shall submit  
44 annual reports to the Joint Legislative Commission on Governmental Operations. The reports  
45 shall summarize the Authority's activities during the quarter and contain any information about  
46 the Authority's activities that is requested by the Commission.

47 **"§ 160A-884. Board of Trustees.**

48        (a) Members. – The Authority shall be governed by a Board of Trustees and consist of  
49 one member for each organizing entity having adopted a resolution for the creation of or a  
50 resolution to join the Authority under G.S. 160A-883, and one member for each regional council



1 of government, as created pursuant to Part 2 of Article 20 of Chapter 160A of the General  
2 Statutes, containing a portion of the rail corridor.

3 (b) Appointment. – The Board of Trustees seats held by each member of the organizing  
4 entities having adopted a resolution for the creation of or a resolution to join the Authority shall  
5 be filled by the respective unit of local government's chief administrative official or its designee.  
6 The Board of Trustees seats held by each regional council of government containing a portion of  
7 the rail corridor shall be held by the Executive Director of that council or the Executive Director's  
8 designee.

9 (c) Ex Officio. – Any unit of local government's chief administrative official serving on  
10 the Board of Trustees is an ex officio voting member as part of the duties of their office in  
11 accordance with G.S. 128-1.2 and not considered to be serving in a separate office.

12 (d) Ethics. – Members of the Board of Trustees are subject to the provisions of  
13 G.S. 136-13, 136-13.1, and 136-14.

14 (e) Quorum. – A majority of the membership of the Board of Trustees, excluding vacant  
15 seats, shall constitute a quorum. A member who has withdrawn from a meeting without being  
16 excused by a majority vote of the remaining members present shall be counted as present for the  
17 purposes of determining whether or not a quorum is present. No member shall be excused from  
18 voting except upon matters involving the consideration of the member's own financial interest or  
19 official conduct or on matters on which the member is prohibited from voting under any other  
20 provision of law.

21 (f) Action. – An affirmative vote equal to a majority of all members of the Board of  
22 Trustees not excused from voting on the question at issue shall be required to authorize or commit  
23 the expenditure of public funds, or make, ratify, or authorize any contract on behalf of the  
24 Authority.

25 (g) Chair and Vice-Chair of the Board of Trustees. – At the first meeting of the Board of  
26 Trustees, the chair of the Board of Trustees shall be elected from the Board of Trustees'  
27 membership by a majority vote of a quorum of the Board of Trustees. Also, at the first meeting  
28 of the Board of Trustees, and from the remaining Board of Trustees' membership not elected as  
29 chair, a vice-chair of the Board of Trustees shall be elected by a majority vote of a quorum of the  
30 Board of Trustees to fulfill the roles and duties of the chair of the Board of Trustees in the chair's  
31 absence. The terms of the chair and vice-chair so elected shall be for three years with no limit on  
32 the number of consecutive terms for which the chair or vice-chair may serve.

33 (h) Vacancies. – All members of the Board of Trustees shall remain in office unless (i) a  
34 unit of local government's chief administrative official no longer holds that office in its respective  
35 government, (ii) a unit of local government's chief administrative official replaces its designee,  
36 (iii) the Executive Director of the regional council of government no longer holds the office of  
37 Executive Director of the council, or (iv) the Executive Director of the council replaces its  
38 designee. A vacancy for the chair of the Board of Trustees shall be filled by the vice-chair for the  
39 remainder of the applicable three-year term, and a special election for a replacement vice-chair  
40 shall occur at the next Board of Trustees meeting pursuant to the procedure set out in subsection  
41 (g) of this section. A vacancy of the vice-chair shall prompt a special election for a replacement  
42 vice-chair at the next Board of Trustees meeting pursuant to the procedure set out in subsection  
43 (g) of this section.

44 **"§ 160A-885. Advisory committees.**

45 The Board of Trustees may provide for the selection of such advisory committees as it may  
46 find appropriate, which may or may not include members of the Board of Trustees.

47 **"§ 160A-886. Rail Transportation Corridor Authority.**

48 (a) The Authority shall have all powers necessary to execute the provisions of this  
49 Article, which shall include at least the following powers:

- 1           (1)    The powers of a corporate body, including the power to sue and be sued, to  
2           make contracts, to adopt and use a common seal, and to alter the adopted seal  
3           as needed.
- 4           (2)    To make rules and regulations and create and operate agencies, committees,  
5           and departments as needed to implement this Article.
- 6           (3)    To pay all necessary costs and expenses in the formation, organization,  
7           administration, and operation of the Authority.
- 8           (4)    To employ persons deemed necessary to carry out the functions and duties  
9           assigned to them by the Authority and to fix their compensation within the  
10           limit of available funds.
- 11           (5)    To retain and employ counsel, appraisers, auditors, architects, engineers,  
12           private consultants, and real estate counselors on an annual salary, contract  
13           basis, or otherwise for rendering professional or technical services from funds  
14           available to the Authority.
- 15           (6)    To operate a rail corridor and enter and perform contracts to provide and  
16           operate rail and rail corridor services and facilities within the rail corridor  
17           service area.
- 18           (7)    To charge and collect fees and rents for the use of the rail corridor or for  
19           services rendered in the operation of the rail corridor.
- 20           (8)    To develop and make data, plans, information, surveys, and studies within the  
21           territorial jurisdiction of the Authority and to prepare and make  
22           recommendations in regard thereto.
- 23           (9)    To enter in a reasonable manner lands, waters, or premises of the territorial  
24           jurisdiction for the purpose of making data, examinations, plans, surveys, and  
25           studies whereby such entry shall not be deemed a trespass except that the  
26           Authority shall be liable for any actual and consequential damages resulting  
27           from such entries.
- 28           (10)   To purchase or finance real or personal property in the manner provided for  
29           cities and counties under G.S. 160A-20.
- 30           (11)   To acquire, lease as lessee with or without option to purchase, hold, own, and  
31           use any property within the rail corridor service area, real or personal, tangible  
32           or intangible, or any interest therein, and to sell, lease as lessor with or without  
33           option to purchase, transfer, or dispose thereof, whenever the same is no  
34           longer required for purposes of the Authority, or exchange same for other  
35           property or rights that are useful for the Authority's purposes, including  
36           construction of bridges, buildings, cargo transfer systems, culverts, facilities,  
37           industrial track, main track, mass transit systems, maintenance yards,  
38           marshalling yards, rights-of-way, roadbed, sidings, structures, transfer yards,  
39           tunnels, and all other railroad appurtenances. Before constructing a bridge, the  
40           Authority shall consult with the Department of Transportation.
- 41           (12)   To acquire by gift, purchase, lease as lessee with or without option to purchase  
42           or otherwise to construct, improve, maintain, repair, operate, or administer  
43           any component parts of a rail corridor or to contract for the maintenance,  
44           operation, or administration thereof, or to lease as lessor the same for  
45           maintenance, operation, or administration by private parties.
- 46           (13)   To make or enter contracts, agreements, deeds, leases with or without option  
47           to purchase, conveyances, or other instruments, including contracts and  
48           agreements with the United States, the State of North Carolina, units of local  
49           government, public transportation authorities, and private parties, to  
50           effectuate the purpose of this Article.

1           (14) With the consent of the unit of local government that would otherwise have  
2 jurisdiction to exercise the powers enumerated in this subdivision, to issue  
3 certificates of public convenience and necessity, and to grant franchises and  
4 enter into franchise agreements, and in all respects to regulate the operation  
5 of rail, buses, trams, taxicabs, and other methods of public transportation that  
6 originate and terminate within the rail corridor as fully as the unit of local  
7 government is now or hereafter empowered to do within the jurisdiction of the  
8 unit of local government.

9           (15) To issue debt for the purpose of financing the costs of a rail corridor project  
10 or any part thereof and to refund, whether or not in advance of maturity or the  
11 earliest redemption date, any such debt. The principal of and interest on the  
12 debt is payable solely from the revenues pledged to its payment and neither  
13 the State, municipality, or county is obligated to pay the principal or interest,  
14 except from such revenues.

15           (16) To apply for, accept, and administer loans and grants of money from any  
16 federal agency, the State, or its political subdivisions, or from any other public  
17 or private sources available, to expend the money in accordance with the  
18 requirements imposed by the lender or donor, and to give any evidence of  
19 indebtedness that are required. No indebtedness of any kind incurred or  
20 created by the Authority shall constitute an indebtedness of the State or its  
21 political subdivisions, and no indebtedness of the Authority shall involve or  
22 be secured by the faith, credit, or taxing power of the State or its political  
23 subdivisions.

24           (b) To execute the powers provided in subsection (a) of this section, the Board of Trustees  
25 shall determine the policies of the Authority by majority vote of the members of the Board of  
26 Trustees present and voting, a quorum having been established. Once a policy is determined, the  
27 Board of Trustees shall communicate it to the chair, who shall have the sole and exclusive  
28 authority to execute the policy of the Authority. No member of the Board of Trustees shall have  
29 the responsibility or authority to give operational directives to any employee of the Authority  
30 other than the chair.

31 **"§ 160A-887. Fiscal accountability.**

32 An Authority created under this Article is a public authority subject to the provisions of  
33 Chapter 159 of the General Statutes.

34 **"§ 160A-888. Funds.**

35 The establishment and operation of an Authority are governmental functions and constitute  
36 a public purpose, and the State of North Carolina and any unit of local government may  
37 appropriate funds to support the establishment and operation of the Authority. The State of North  
38 Carolina and any unit of local government may also dedicate, sell, convey, donate, or lease any  
39 of their interests in any property to the Authority. An Authority may apply for grants from the  
40 State of North Carolina, or from the United States or any department, agency, or instrumentality  
41 thereof. The Department of Transportation may allocate to an Authority any funds appropriated  
42 for rail corridors, public transportation, or any funds whose use is not restricted by law.

43 **"§ 160A-889. Public hearing and approval requirements.**

44           (a) To the extent federal tax law requires public hearings to be held with respect to the  
45 issuance of debt to finance a rail corridor project or special user project, the hearings may be  
46 called for by the chair and must be held before one or more members of the Board of Trustees.  
47 The hearings may be held at any place within the territorial jurisdiction of the Authority pursuant  
48 to public notice given in accordance with current federal tax regulations.

49           (b) To the extent federal tax law requires approval following the hearing of the issuance  
50 of debt to finance a rail corridor project or special user project and except as otherwise provided  
51 under federal tax regulations, approval shall be sought from, and the chair of the Board of

1 Trustees shall report the results of the public hearing accompanied by information relating to the  
2 purposes for the proposed debt to the following:

- 3 (1) For host approval, the (i) elected board of county commissioners of an  
4 organizing entity of the Authority for each county in which a financed project  
5 is partially located or (ii) an at-large, elected official of the board of county  
6 commissioners for each county in which a financed project is partially located.  
7 (2) For issuer approval, the organizing entities of the Authority may, by mutual  
8 agreement, specify either of the following as an "applicable elected  
9 representative," as defined in 26 U.S.C. § 147(f)(2), of the Authority and  
10 authorize such applicable elected representative to approve the issuance of  
11 debt on behalf of the Authority for the purposes of 26 U.S.C. § 147(f)(2)(A)(i):  
12 a. The elected governing board of an organizing entity of the Authority.  
13 b. An at-large, elected official of the governing board of an organizing  
14 entity of the Authority.

15 **"§ 160A-890. Special user project financing agreement.**

16 (a) Every special user project financing agreement shall contain provisions ensuring all  
17 of the following:

- 18 (1) That the amounts payable under the financing agreement are sufficient to pay,  
19 when due, the principal of, redemption premium, if any, and interest on issued  
20 debt to pay the costs of the special user project.  
21 (2) That the operator pays all costs incurred by the Authority in connection with  
22 the financing and administration of the special user project, including  
23 insurance costs, the cost of administering the financing agreement and the  
24 security document, and the fees and expenses of the fiscal agent or trustee,  
25 paying agents, attorneys, consultants, and others.  
26 (3) That the operator pays all of the costs and expenses of operation, maintenance,  
27 and upkeep of the special user project.

28 (b) The financing agreement, if in the nature of a lease agreement, shall either provide  
29 that the obligor shall have an option to purchase, or require that the obligor purchase, the special  
30 user project upon the expiration or termination of the financing agreement subject to the condition  
31 that payment in full of the debt principal shall have been made.

32 (c) The financing agreement may provide the Authority with rights and remedies in the  
33 event of a default by the obligor, including, without limitation, any one or more of the following:

- 34 (1) Acceleration of all amounts payable under the financing agreement.  
35 (2) Reentry and repossession of the special user project.  
36 (3) Termination of the financing agreement.  
37 (4) Leasing or sale of foreclosure of the special user project to others.  
38 (5) Taking whatever actions at law or in equity may appear necessary or desirable  
39 to collect the amounts payable under, and to enforce covenants made in, the  
40 financing agreement.

41 (d) The Authority's interest in a special user project under a financing agreement may be  
42 that of owner, lessor, lessee, conditional or installment vendor, mortgagor, mortgagee, secured  
43 party, or otherwise, but the Authority need not have any ownership or possessory interest in the  
44 special user project.

45 (e) The Authority may assign all or any of its rights and remedies under the financing  
46 agreement to debt holders under a security document.

47 (f) The financing agreement may contain additional provisions as in the determination  
48 of the Board of Trustees are necessary or convenient to effectuate the purposes of this Article.

49 **"§ 160A-891. County and municipal agreements.**

50 Any county or municipality in which all or part of the rail corridor is located may enter into  
51 an agreement with the Authority providing for payments to be made by the county or

1 municipality, as applicable, to the Authority. A county or municipality may not enter into an  
2 agreement to make payments to the Authority until after the Authority designates the rail  
3 corridor. Neither the county nor municipality's obligations under the agreement shall constitute  
4 a pledge of its faith and credit. The Authority has the power and authorization to enter into  
5 agreements with such local governments as provided in the Interlocal Cooperation Act,  
6 G.S. 160A-460 through G.S. 160A-466.

7 **"§ 160A-892. Taxation of property.**

8 The property of the Authority, both real and personal, its acts, activities, and income shall be  
9 exempt from any tax or tax obligation; in the event of any lease of Authority property, or other  
10 arrangement which amounts to a leasehold interest, to a private party, this exemption shall not  
11 apply to the value of such leasehold interest, nor shall it apply to the income of the lessee.  
12 Otherwise, however, for the purpose of taxation, when property of the Authority is leased to  
13 private parties solely for the purpose of the Authority, the acts and activities of the lessee shall  
14 be considered as the acts and activities of the Authority and the exemption. The interest on debt  
15 or obligations issued by the Authority shall be exempt from State taxes. Property that is part of  
16 or is located on the rail corridor and is not owned by the Authority, including property that is part  
17 of a special user project, is not exempt from tax due to its location.

18 **"§ 160A-893. Authority of Utilities Commission not affected.**

19 (a) Except as otherwise provided in this Article, nothing in this Article shall be construed  
20 to limit or otherwise affect the power or authority of the North Carolina Utilities Commission or  
21 the right of appeal to the North Carolina Utilities Commission as provided by law.

22 (b) The North Carolina Utilities Commission shall not have jurisdiction over rates, fees,  
23 charges, routes, and schedules of an Authority for service within the rail corridor.

24 **"§ 160A-894. Removal and relocation of utility structures.**

25 (a) The Authority shall have the power to require any public utility, railroad, or other  
26 public service corporation owning or operating any installations, structures, equipment,  
27 apparatus, appliances, or facilities in, upon, under, over, across, or along any ways on which the  
28 Authority has the right to own, construct, operate, or maintain its rail corridor, to relocate such  
29 installation, structures, equipment, apparatus, appliances, or facilities from their locations, or, in  
30 the sole discretion of the affected public utility, railroad, or other public service corporation, to  
31 remove such installations, structures, equipment, apparatus, appliances, or facilities from their  
32 locations.

33 (b) If the owner or operator thereof fails or refuses to relocate them, the Authority may  
34 proceed to do so.

35 (c) The Authority shall provide any necessary new locations and necessary real estate  
36 interests for such relocation, and for that purpose the power of eminent domain as provided in  
37 G.S. 160A-898 may be exercised provided the new locations shall not be in, on, or above, a  
38 public highway; the Authority may also acquire the necessary new locations by purchase or  
39 otherwise.

40 (d) Any affected public utility, railroad, or other public service corporation shall be  
41 compensated for any real estate interest taken in a manner consistent with G.S. 160A-898, subject  
42 to the right of the Authority to reduce the compensation due by the value of any property  
43 exchanged under this section.

44 (e) The method and procedures of a particular adjustment to the facilities of a public  
45 utility, railroad, or other public service corporation shall be covered by an agreement between  
46 the Authority and the affected party or parties.

47 (f) The Authority shall reimburse the public utility, railroad, or other public service  
48 corporation, for the cost of relocations or removals which shall be the entire amount paid or  
49 incurred by the utility properly attributable thereto after deducting the cost of any increase in the  
50 service capacity of the new installations, structures, equipment, apparatus, appliances, or

1 facilities and any salvage value derived from the old installations, structures, equipment,  
2 apparatus, or appliances.

3 **"§ 160A-895. Acquisition, disposition, or exchange of real property.**

4 (a) The Authority shall have continuing power to acquire, by gift, grant, devise,  
5 exchange, purchase, lease with or without option to purchase, or any other lawful method,  
6 including, but not limited to, the power of eminent domain, the fee or any lesser interest in real  
7 or personal property for use by the Authority.

8 (b) Exercise of the power of eminent domain by the Authority shall be in accordance with  
9 Chapter 40A of the General Statutes.

10 (c) Exchange. – The Authority may exchange any property it acquires for other property  
11 usable in carrying out the powers conferred on the Authority and also, upon the payment of just  
12 compensation, may remove a building or another structure from land needed for its purposes and  
13 reconstruct the structure on another location. The Authority may not use the power of eminent  
14 domain to acquire property for exchange.

15 (d) Site Selection. – In selecting one or more sites for adjoining rail facilities or property  
16 for shell or storage buildings, the Authority shall consider comprehensive plans and land-use  
17 regulations adopted by local governments and the capability of local governments to provide  
18 services as specified in subdivisions (1) through (3) of this subsection. This subsection shall not  
19 be construed to require the Authority to comply with any local ordinance, regulation, or plan  
20 except as may be otherwise specifically provided by federal or State law, regulation, or rule.  
21 Plans, regulations, and capabilities to be considered are:

22 (1) Local comprehensive plans, including education, emergency response, law  
23 enforcement, water supply, stormwater management, solid waste  
24 management, and wastewater treatment.

25 (2) Local land use regulations, including appearance, floodplain zoning,  
26 subdivision zoning, and watershed protection elements.

27 (3) The capability of local governments to provide services and manage growth  
28 and development related to the establishment of the rail corridor.

29 **"§ 160A-896. Termination.**

30 Whenever the Board of Trustees shall by resolution determine that the purposes for which  
31 the Authority was formed have been substantially fulfilled and that debt issued and all other  
32 obligations incurred by the Authority have been fully paid or satisfied, the Board may declare  
33 the Authority to be dissolved. On the effective date of the resolution, the title to all funds and  
34 other property owned by the Authority at the time of the dissolution shall vest in and possession  
35 of the funds and other property shall be delivered to the State."

36 **SECTION 33.(b)** G.S. 160A-20 reads as rewritten:

37 **"§ 160A-20. Security interests.**

38 ...

39 (h) Local Government Defined. – As used in this section, the term "unit of local  
40 government" means any of the following:

41 ...

42 (16) A Rail Transportation Corridor Authority created pursuant to Article 33 of  
43 this Chapter."

44  
45 **BUDGET ALIGNMENT AND TRANSPARENCY**

46 **SECTION 34.(a)** The Chief Financial Officer of the Department of Transportation  
47 (CFO), in consultation with the Office of State Budget and Management, the Office of the State  
48 Controller, and the Fiscal Research Division, shall align the internal ledger and business practices  
49 of the Department of Transportation with the Department's certified budget in accordance with  
50 the standards established by the Governmental Accounting Standards Board (GASB). For this  
51 purpose, the CFO shall use the State Accounting System to guide the development and adoption

1 of procedures to ensure that budget compliance, including the movement of appropriations across  
2 fiscal years, is clearly documented. The requirements of this section shall be completed by July  
3 1, 2025.

4 **SECTION 34.(b)** Beginning October 1, 2024, and every quarter thereafter until the  
5 completion date set forth in subsection (a) of this section, the CFO shall submit progress reports  
6 on the implementation of this section, including any legislative recommendations, to the Joint  
7 Legislative Transportation Oversight Committee (JLTOC) and the Fiscal Research Division.

8  
9 **BRIDGE NAMING**

10 **SECTION 35.** Notwithstanding any provision of law to the contrary, the Department  
11 of Transportation shall designate the SR 1740/Old Lake Road overpass being constructed over  
12 U.S. 74/76 in Columbus County near the Town of Lake Waccamaw as the "Waccamaw Siouan  
13 Tribe Bridge."

14  
15 **EFFECTIVE DATE**

16 **SECTION 36.** Except as otherwise provided, this act is effective when it becomes  
17 law.