

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 974
Judiciary I Committee Substitute Adopted 4/29/03
Third Edition Engrossed 5/1/03

Short Title: Notification of Private Roads.

(Public)

Sponsors:

Referred to:

April 3, 2003

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW REQUIRING NOTIFICATION TO BUYERS OF PRIVATE ROADS AND TO AUTHORIZE THE DIVISION OF EMERGENCY MANAGEMENT OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, IN CONSULTATION WITH THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, TO DETERMINE WATER RELEASES FROM DAMS SUBJECT TO THE DAM SAFETY LAW OF 1967 IN THE EVENT OF A FLOOD OR THREATENED FLOOD.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-102.6(f) reads as rewritten:

"(f) Prior to entering any agreement or any conveyance with any prospective buyer, the developer ~~and-or~~ seller shall prepare and sign, and the buyer of the subject real estate shall receive and sign an acknowledgment of receipt of a separate instrument known as the subdivision streets disclosure statement (hereinafter referred to as disclosure statement). Said disclosure statement shall fully and completely disclose the status (whether public or private) of the street upon which the house or lot fronts. If the street is designated by the developer ~~and-or~~ seller as a public street, the developer ~~and-or~~ seller shall certify that the right-of-way and design of the street has been approved by the Division of Highways, and that the street has been or will be constructed by the developer ~~and-or~~ seller in accordance with the standards for subdivision streets adopted by the Board of Transportation for acceptance on the highway system. If the street is designated by the developer ~~and-or~~ seller as a private street, the developer ~~and-or~~ seller shall include in the disclosure statement an explanation of the consequences and responsibility as to maintenance of a private street, and shall fully and accurately disclose the party or parties upon whom responsibility for construction and maintenance of ~~such-the~~ street or streets shall rest, and shall further disclose that the street or streets will not be constructed to minimum standards, sufficient to allow their inclusion on the State highway system for maintenance. The disclosure statement shall contain a

1 duplicate original ~~which~~that shall be given to the buyer. Written acknowledgment of
2 receipt of the disclosure statement by the buyer shall be conclusive proof of the delivery
3 thereof."

4 **SECTION 2.** G.S. 166A-5(3) is amended by adding a new sub-subdivision
5 to read:

6 "k. Determination, in consultation with the Department of
7 Environment and Natural Resources, of the appropriate amount
8 and timing of any withdrawal, release, or discharge of flows
9 from a dam that is subject to the Dam Safety Law of 1967, Part
10 3 of Article 21 of Chapter 143 of the General Statutes, during
11 any disaster resulting from flooding or threatened flooding. In
12 exercising its authority under this sub-subdivision, State
13 emergency management shall equitably balance the interests of
14 persons and property located both above and below the dam in
15 order to protect the integrity of the dam and to minimize the
16 risk to, injury, damage, and loss of life and property. State
17 emergency management shall, with the assistance of the
18 Department of Environment and Natural Resources, cooperate
19 and coordinate with federal agencies and the operators of dams
20 that are exempt from the Dam Safety Law of 1967 under
21 subdivisions (1) through (4) of G.S. 143-215.25A to achieve, to
22 the maximum extent possible, the purposes of this
23 sub-subdivision."

24 **SECTION 3.** Section 1 of this act becomes effective October 1, 2003.
25 Sections 2 and 3 of this act become effective when this act becomes law.