A BILL TO BE ENTITLED
AN ACT TO PROMOTE UNIFORMITY OF REGULATION AND MODERNIZATION OF OUTDOOR ADVERTISING, TO INCREASE PERMIT FEES FOR OUTDOOR ADVERTISING, AND TO ESTABLISH A REASONABLE TIME FRAME FOR MAKING AGENCY DECISIONS REGARDING PERMITS AND APPEALS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-127 reads as rewritten:

"§ 136-127. Declaration of policy.

The General Assembly hereby finds and declares that outdoor advertising is a legitimate commercial use of private property adjacent to roads and highways but highways. The General Assembly also finds and declares that off-premises outdoor advertising is an important and distinct medium of communication for effectively displaying commercial and noncommercial messages and is an established segment of the national economy that serves to promote and protect investments in commerce and industry. As a result, off-premises outdoor advertising is a use of land that should be preserved and its modernization fostered in order to enable new technology and more inventive ways of communicating. The General Assembly further finds that the erection and maintenance of off-premises outdoor advertising signs and devices in areas in the vicinity of the right-of-way of the interstate and primary highway systems within the State should be controlled and regulated, as provided in this Article, in order to promote the safety, health, welfare and convenience and enjoyment of travel on and protection of the public investment in highways within the State, to prevent unreasonable distraction of operators of motor vehicles and to prevent interference with the effectiveness of traffic regulations and to promote safety on the highways, to attract tourists and promote the prosperity, economic well-being and general welfare of the State, and to preserve and enhance the natural scenic beauty of the highways and areas in the vicinity of the State highways and to promote the reasonable, orderly and effective display of such signs, displays and devices, and to secure the right of validly permitted off-premises outdoor advertising to be clearly viewed by the traveling public. It is the intention of the General Assembly to provide and declare herein a public policy and statutory basis for the establishment of a uniform system for the regulation and control of off-premises outdoor advertising throughout the State."

SECTION 2. G.S. 136-128 reads as rewritten:

"§ 136-128. Definitions.

As used in this Article:

(1) Area zoned commercial or industrial. – An area which is zoned for business, industry, commerce, or trade pursuant to a State law or local zoning
ordinance or regulation, regardless of how labeled. This term does not include "zoning designed primarily for the purpose of permitting outdoor advertising signs," as that term is defined in G.S. 136-133.5(e).

(2) Changeable message sign. — An off-premises advertising sign that displays a series of messages at intervals by digital display, mechanical rotating panels, or other electronic or automated means.

(3) Customary use. — Compliance with the specific outdoor advertising standards for size, lighting, and spacing in areas zoned industrial or commercial under authority of State law or in unzoned industrial or commercial areas, as the standards and areas are described and defined in the agreement dated January 7, 1972, as amended, and entered into between the State and the United States Department of Transportation under G.S. 136-138 to implement the provisions of the federal Highway Beautification Act of 1965.

(4) "Erect" means to erect or erection. — To construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish. This term does not include the repair, maintenance, or reconstruction of an off-premises outdoor advertising, as authorized under G.S. 136-131.2, or the relocation of an off-premises outdoor advertising sign, as authorized under applicable State law.

(4a) "Illegal sign" means illegal sign. — One which was erected and/or maintained in violation of State law.

(4b) "Information center" means an information center. — An area or site established and maintained at safety rest areas for the purpose of informing the public of places of interest within the State and providing such other information as the Department of Transportation may consider desirable.

(4c) "Interstate system" means that interstate system. — That portion of the National System of Interstate and Defense Highways located within the State, as officially designated, or as may hereafter be so designated, by the Department of Transportation, or other appropriate authorities and are also so designated by interstate numbers. As to highways under construction so designated as interstate highways pursuant to the above procedures, the highway shall be a part of the interstate system for the purposes of this Article on the date the location of the highway has been approved finally by the appropriate federal authorities.

(4d) "Maintain or maintenance" means to maintain or maintain. — To allow to exist in accordance with applicable State law.

(4e) "Main-traveled way or main travel way" means the through-traffic lanes of a highway, but not including frontage roads, auxiliary lanes, and ramps.

(5) "Nonconforming sign" shall mean a nonconforming sign. — A sign which was lawfully erected but which does not comply with the provisions of State law or state rules adopted and regulations passed by the Department of Transportation at a later date in accordance with this Article, or which, due to changed conditions, later fails to comply with State law or state rules adopted or regulations due to changed conditions. Illegally erected or maintained passed by the Department of Transportation in accordance with this Article. Illegal signs are not nonconforming signs.

(5a) "Outdoor advertising" means any outdoor advertising. — Any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard, or any other thing which is designed, intended or used to advertise or inform, any part of the advertising or information contents of which is
visible from any place on the main-traveled way of the interstate or primary system, whether the same be permanent or portable installation.

(12) Off-premises outdoor advertising. – The use of land consisting of a sign erected and maintained for the purpose of (i) displaying, advertising, identifying, or directing attention to business products, operations, or services sold or offered at a site other than the site where the sign is erected or (ii) promoting an attraction, activity, idea, opinion, or other noncommercial messaging that is unrelated to the site where the sign is erected. A sign meeting this definition is commonly known as a billboard, where space is commonly made available or rented to advertisers to display their messages to the traveling public.

(4)(13) "Primary systems" means the Primary systems. – The federal-aid primary system in existence on June 1, 1991, and any highway which is not on that system but which is on the National Highway System. As to highways under construction so designated as primary highways pursuant to the above procedures, the highway shall be a part of the primary system for purposes of this Article on the date the location of the highway has been approved finally by the appropriate federal or State authorities.

(5)(14) "Safety rest area" means an Safety rest area. – An area or site established and maintained within or adjacent to the highway right-of-way by or under public supervision or control, for the convenience of the traveling public.

(15) Sign face. – The part of the sign, including trim and background, which contains the message or informative content. For purposes of measuring the maximum area or height of a sign under this Article, embellishments or extended advertising shall be excluded.

(16) Sign location or site. – A location or site of an outdoor advertising sign measured to the closest 1/100th of a mile, in conformance with the Department of Transportation methods of measurement for all State roads.

(6)(17) "State law" means a State law. – A State constitutional provision or statute, or an ordinance, a rule or regulation enacted or adopted by a State agency or political subdivision of a State pursuant to the State Constitution or a statute.

(7)(18) "Unzoned area" shall mean an Unzoned commercial or industrial area. – An area where there is no zoning in effect that is within 660 feet of the nearest edge of the right-of-way of the interstate or primary system, in which there is at least one commercial or industrial activity that meets the criteria set forth in G.S. 136-130.1.

(8)(19) "Urban area" shall mean an Urban area. – An area within the boundaries or limits of any incorporated municipality having a population of five thousand or more as determined by the latest available federal census.

(9)(20) "Visible" means capable. Visible. – Capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity."

SECTION 3. Article 11 of Chapter 136 of the General Statutes is amended by adding a new section to read:

"§ 136-130.1. Unzoned commercial or industrial area criteria for outdoor advertising signs.

(a) Criteria. – To qualify an area unzoned commercial or industrial for purposes of this Article, one or more commercial or industrial activities shall meet all of the following criteria prior to submitting an outdoor advertising permit application:

(1) The activity shall maintain all necessary business licenses as may be required by applicable State law.

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(2) The property used for the activity shall be listed for ad valorem taxes with the county and municipal taxing authorities as required by law.

(3) The activity shall have all basic utilities, including electricity, telephone, water, and sewer or septic service.

(4) The activity shall have direct or indirect vehicular access and be a generator of vehicular traffic.

(5) The activity shall have a building designed with a permanent foundation, built or modified for its current commercial or industrial use, and the building must be located within 660 feet from the nearest edge of the right-of-way of the controlled route. Where a mobile home unit or recreational vehicle is used as a business or office, the following conditions and requirements also apply:
   a. The mobile home unit or recreational vehicle shall meet the State Building Code criteria for commercial or business use.
   b. A self-propelled vehicle shall not qualify for use as a business or office for the purpose of these rules.
   c. All wheels, axles, and springs shall be removed.
   d. The unit or vehicle shall be permanently secured on piers, pad, or foundation.
   e. The unit or vehicle shall be tied down in accordance with State or local requirements.

(6) The activity must be in active operation a minimum of six months prior to the date of submitting an application for an outdoor advertising permit.

(7) The activity shall be open to the public during hours that are normal and customary for that type of activity in the same or similar communities but not less than 20 hours per week.

(8) One or more employees shall be available to serve customers whenever the activity is open to the public.

(9) The activity shall be visible and recognizable as commercial or industrial from the main-traveled way of the controlled route. An activity is visible when that portion on which the permanent building designed, built, or modified for its current commercial use can be clearly seen 12 months a year by a person of normal visual acuity while traveling at the posted speed on the main-traveled way of the controlled route adjacent to the activity. An activity is recognizable as commercial or industrial when its visibility from the main-traveled way of the controlled route is sufficient for the activity to be identified as commercial or industrial.

(b) Guidelines. – When making a determination as to whether an activity meets the criteria set forth in subsection (a) of this section, both of the following guidelines shall apply:

(1) Each side of the controlled route shall be considered separately.

(2) All measurements shall begin from the outer edges of regularly used buildings, parking lots, storage, or processing areas of the commercial or industrial activity, not from the property line of the activity, and shall be along the nearest edge of the main-traveled way of the controlled route.

(c) Nonqualifying Activities. – For purposes of qualifying an area as unzoned commercial or industrial in accordance with subsection (a) of this section, none of the following activities shall be considered:

(1) Outdoor advertising structures.

(2) On-premise or on-property outdoor advertising signs, if the on-premise or on-property sign is the only part of the commercial or industrial activity that is visible from the main-traveled way.
Agricultural, forestry, ranching, grazing, farming, and related activities, including temporary wayside fresh produce stands.

Transient or temporary activities.

Activities not visible and recognizable as commercial or industrial from the traffic lanes of the main-traveled way.

Activities more than 660 feet from the nearest edge of the right-of-way.

Activities conducted in a building principally used as a residence.

Railroad tracks and minor sidings.

Any outdoor advertising activity or any other business or commercial activity carried on in connection with an outdoor advertising activity.

Illegal junkyards, as defined in G.S. 136-146, and nonconforming junkyards, as described in G.S. 136-147."

"§ 136-129. Limitations of outdoor advertising devices.

No outdoor advertising shall be erected or maintained within 660 feet of the nearest edge of the right-of-way of the interstate or primary highway systems in this State so as to be visible from the main-traveled way thereof after the effective date of this Article as determined by G.S. 136-140, except the following:

Outdoor advertising, in conformity with customary use and the rules and regulations promulgated by the Department of Transportation pursuant to G.S. 136-130, located in areas which are zoned industrial or commercial by the State, or a political subdivision of the State, under authority of State law.

Outdoor advertising, in conformity with customary use and the rules and regulations promulgated by the Department of Transportation pursuant to G.S. 136-130, located in unzoned commercial or industrial areas."

"§ 136-130. Regulation of advertising.

(a) The Department of Transportation is authorized to promulgate rules and regulations in the form of ordinances governing any of the following:

(1) The erection and maintenance of outdoor advertising permitted in G.S. 136-129.

(2) The erection and maintenance of outdoor advertising permitted in G.S. 136-129.1.

(2a) The erection and maintenance of outdoor advertising permitted in G.S. 136-129.2.

(3) The specific requirements and procedures for obtaining a permit for outdoor advertising as required in G.S. 136-133—this Article—and for the administrative procedures for appealing a decision at the agency level to refuse to grant or in revoking a permit previously issued, and issued.

(b) Notwithstanding any law to the contrary, the Department of Transportation shall not deny or revoke a permit for outdoor advertising required under this Article on the basis that the outdoor advertising fails to conform to ordinances, rules, or regulations of a municipality, county, local or regional zoning authority, or other political subdivision of the State, except for the proposed erection of a new outdoor advertising sign at a new sign location or site that fails

(a) No—Notwithstanding any law to the contrary, no municipality, county, local or regional zoning authority, or other political subdivision shall, without the payment of just compensation as provided for in G.S. 136-131.1, regulate or prohibit the repair, maintenance, alteration, or reconstruction of any outdoor advertising for which there is in effect a valid permit issued by the Department of Transportation at the time of the repair, maintenance, alteration, or reconstruction so long as for multi-faced signs conforming to customary use, the cumulative square footage of its advertising surface area is not increased. As used in this section, reconstruction includes the changing of an existing multipole outdoor advertising structure to a new monopole structure increased and no sign face exceeds 672 square feet; provided, however, the size of a sign face or faces of another off-premises outdoor advertising sign that is permanently taken down in the same jurisdiction within 120 days of a sign being reconstructed may be combined to increase the cumulative advertising surface area of the reconstructed sign, not to exceed 672 square feet for any sign face. One additional sign face may be added to a single-face sign conforming to customary use so long as the additional face does not exceed the size of the existing sign face. As used in this section, "repair, maintenance, alteration, or reconstruction" includes the following:

1. The changing of an existing multi-pole outdoor advertising structure to a new monopole structure.
2. The changing of wooden poles to steel poles.
3. The increase in the height of the sign, not to exceed 80 feet measured from the adjoining road grade or base of the sign, whichever allows for the greatest visibility, except that a sign may be 50 feet above the top of a sound wall or noise barrier constructed between the sign and the main-traveled way.
4. The changing of an outdoor advertising sign to a changeable message sign under subsection (c) of this section.

(b) Nothing in this section shall prohibit a municipality, county, local or regional zoning authority, or other political subdivision from using its zoning authority to regulate (i) the initial erection of an outdoor advertising sign that has not been relocated pursuant to applicable law or (ii) outdoor advertising in which a permit issued by the Department of Transportation pursuant to this Article has been voluntarily cancelled or lawfully revoked and any appeals under G.S. 136-134.1 have been exhausted. No decision of an administrative official charged with enforcement of a local ordinance, rule, or regulation shall be effective against an owner or operator of outdoor advertising for any activity authorized by this section, and no appeal under G.S.153A-345.1 or G.S. 160A-388 shall be required to protect the outdoor advertiser's rights under this section.

(c) Any outdoor advertising adjacent to a highway on the National System of Interstate and Defense Highways or a highway on the federal-aid primary highway system for which there is in effect a valid permit issued by the Department of Transportation, including any sign relocated pursuant to applicable law, shall be permitted to be altered or reconstructed to a changeable message sign, subject to the limitations set forth in subsection (a) of this section and all of the following requirements:

1. The sign is conforming to customary use. A changeable message sign that complies with the requirements set forth in this subsection shall not be considered flashing, intermittent, or moving and shall otherwise satisfy the lighting restrictions set forth in the agreement entered into pursuant to
G.S. 136-138 between the State and the United States Department of Transportation to implement the provisions of the federal Highway Beautification Act of 1965.

(2) The changeable message sign shall not alternate displays more frequently than once every six seconds, with a maximum change time of two seconds.

(3) The changeable message sign shall not display video, continuous scrolling messages, or animation.

(4) The changeable message sign shall contain a default design that either freezes the message display in one position, displays a full blank screen, or turns off if a malfunction occurs.

(5) The light produced does not exceed 0.3 footcandles over ambient light levels as measured at the following distances:
   a. 150 feet, if the display surface is 12 feet by 25 feet.
   b. 200 feet, if the display surface is 10.5 feet by 36 feet.
   c. 250 feet, if the display surface is 14 feet by 48 feet.

(6) The changeable message sign structure shall be a steel monopole.

(7) The changeable message sign shall not be located within 1,000 feet of any other changeable message sign permitted by the Department of Transportation that is facing the same direction of traffic on the same side of the highway. The 1,000-foot distance shall be measured along the nearest edge of the main-traveled way and between points directly opposite the applicable signs along each side of the highway.

(d) The Department of Transportation may adopt or enforce rules that restrict the rights set forth in this section for outdoor advertising that does not conform to customary use and whose failure to conform to customary use cannot be eliminated through any repair, maintenance, alteration, relocation, or reconstruction authorized under this section.

(e) The Department of Transportation shall not require additional permits, nor revoke any existing permits, for any action taken pursuant to this section. The Department of Transportation may require within 30 days of the completion of any action taken pursuant to this section an addendum to an existing permit showing or describing the changes to the conditions of the outdoor advertising sign. The rights set forth in this section shall attach to a permit issued by the Department of Transportation and shall expire with the voluntary cancellation of the permit or after the permit has been lawfully revoked and any appeals pursuant to G.S. 136-134.1 have been exhausted. The rights set forth in this section shall not run with the land."

"§ 136-133. Permits required.

(a) No person shall erect or maintain any outdoor advertising within 660 feet of the nearest edge of the right-of-way of the interstate or primary highway system, except those allowed under G.S. 136-129, subdivisions (2) and (3) in this Article, or beyond 660 feet of the nearest edge of the right-of-way of the interstate or primary highway system, except those allowed under G.S. 136-129.1, subdivisions (2) and (3), without first obtaining a permit from the Department of Transportation or its agents pursuant to the procedures set out by rules adopted by the Department of Transportation. The permit shall be valid until revoked for nonconformance with this Article or rules adopted by the Department of Transportation. Any person aggrieved by the decision of the Department of Transportation or its agents in refusing to grant or in revoking a permit may appeal the decision in accordance with the rules adopted by the Department of Transportation pursuant to this Article to the Secretary of Transportation who shall make the final decision on the agency appeal to affirm or reject the appeal within 90 days after the Secretary receives the agency appeal. Failure to provide written notice to the aggrieved party of the Secretary's decision to affirm or reject the agency appeal within the
90-day period shall result in the appeal being affirmed, entitling the aggrieved party to issuance of the outdoor advertising permit or reversal of the Department of Transportation's decision to revoke.

(a1) The Department of Transportation shall have the authority to charge permit fees to defray the costs of administering the permit procedures under this Article. The fees for directional signs as set forth in G.S. 136-129(1) and G.S. 136-129.1(1) shall not exceed a forty-dollar ($40.00) initial fee and a thirty-dollar ($30.00) annual renewal fee. The fees for outdoor advertising structures, as set forth in G.S. 136-129(4) and (5) shall not exceed a one hundred-twenty-dollar ($120.00) two-hundred-forty-dollar ($240.00) initial fee and fee, a sixty-dollar ($60.00) seventy-five-dollar ($75.00) annual renewal fee, fee, and a two-hundred-forty-dollar ($240.00) fee for an addendum to an existing outdoor advertising permit for (i) relocating outdoor advertising beyond the existing sign location or site where the outdoor advertising was located immediately prior to the relocation or (ii) altering or reconstructing to a changeable message sign, in accordance with G.S. 136-131.2.

(c) No electrical or building permit shall be denied to an outdoor advertising sign described in G.S. 136-129(4) and G.S. 136-129(5) for which the Department has issued a permit which has not been revoked, and the electrical or building permit is otherwise compliant with technical utility or building code standards. No building permit or local building inspection authorized under Chapter 153A or 160A of the General Statutes shall be required for off-premises advertising if the proposed construction is evaluated by a professional engineer, acting within the scope of the engineer's authority, and the construction is certified by the engineer as being in compliance with the State Building Code."

SECTION 9. G.S. 136-133.5 reads as rewritten:

"§ 136-133.5. Denial of a permit for proposed outdoor advertising.

(e) An outdoor advertising permit requested pursuant to G.S. 136-129(a)(4) G.S. 136-129(4) shall not be issued to a location if the zoning to commercial or industrial zones was adopted within one year prior to the filing of the permit application and is not part of comprehensive zoning or constitutes spot zoning, which, for purposes of this subsection, shall be defined as zoning designed primarily for the purpose of permitting outdoor advertising signs and in an area which would not normally permit outdoor advertising. Zoning shall not be considered "primarily for the purpose of permitting outdoor advertising signs" if the zoning would permit more than one principal commercial or industrial use, other than outdoor advertising, and the size of the land being zoned can practically support any one of the commercial or industrial uses.

(h) The Department shall approve or deny an application for a permit for a new outdoor advertising sign within 30 days of the receipt of an application, including any fee required by G.S. 136-133 and any other required documentation. Failure to provide written notice to the applicant of the Department's decision to approve or deny the application within the 30-day period shall result in the appeal being affirmed, entitling the applicant to issuance of the permit for a new outdoor advertising structure."

SECTION 10. G.S. 136-134.2 reads as rewritten:

"§ 136-134.2. Notification requirements.

(a) Notice of Application Denial or Nonconformance of Structure. – When the Department of Transportation notifies a permit applicant, permit holder, or the owner of an outdoor advertising structure that the application is denied, the permit revoked, denied or the structure is in violation of this Article or rules issued pursuant to this Article, it shall do so in writing by certified mail, return receipt requested, and shall include a copy of this Article and all rules issued pursuant to this Article.
(b) Notice of Revocation. – At least 30 days prior to the effective date of a revocation of an outdoor advertising permit, the Department of Transportation shall provide notice of the impending revocation to the permit holder in accordance with the process set forth in subsection (a) of this section. Within that 30-day period, the Department of Transportation shall allow the permit holder to cure the reason for revocation or provide information for the Department of Transportation to consider prior to the revocation. The Department of Transportation shall consider any information provided pursuant to this subsection prior to revocation of the relevant permit.

(c) Notice of Cancellation. – Unless plainly and expressly waived in writing by the permit holder, and at least 30 days prior to the effective date of a cancellation of an outdoor advertising permit, the Department of Transportation shall provide notice of the impending cancellation to the permit holder in accordance with the process set forth in subsection (a) of this section.

(d) Tolling of Review Hearing. – If the Department of Transportation fails to include a copy of this Article and the rules, the time period during which the permit applicant, permit holder, or owner of the outdoor advertising structure has to request a review hearing shall be tolled until the Department of Transportation provides the required materials."

SECTION 11. G.S. 136-138 reads as rewritten:

"§ 136-138. Agreements with United States authorized.

The Department of Transportation is authorized to enter into agreements with other governmental authorities—the United States government, or any department or agency thereof, relating to the control of outdoor advertising in areas adjacent to the interstate and primary highway systems, including the establishment of information centers and safety rest areas, and to take action in the name of the State to comply with the terms of the agreements. Any revisions to the agreement dated January 7, 1972, and entered into between the State and the United States Department of Transportation to implement the provisions of the federal Highway Beautification Act of 1965 shall require the approval of the General Assembly in order to be effective. Notwithstanding any law to the contrary, the Department shall not enter into any agreement or otherwise transfer or delegate the Department's regulatory authority set forth in this Article to any other governmental authority."

SECTION 12. G.S. 136-18(9) is amended by adding a new sub-subdivision to read:

"d. To the extent allowed by federal law, and as permitted by the local government or the designated authority, outdoor advertising on or with any transit shelter or rail or bus facility."

SECTION 13. Article 11 of Chapter 136 of the General Statutes is amended by adding a new section to read:

"§ 136-140.2. Public notification plan.

(a) The Department of Transportation shall work together with owners of changeable message signs, the North Carolina Division of Emergency Management, the Department of Public Safety, the Secretary of State, the State Highway Patrol, the North Carolina Center for Missing Persons, the Federal Emergency Management Agency, and any other federal, State, or local agencies the Department of Transportation determines may be of assistance to develop a public notification plan for the purpose of using changeable message signs to display notifications to the traveling public related to public safety and emergencies. Public notifications include information about Silver Alerts, Amber Alerts, inclement weather, natural disasters, and other emergencies.

(b) The public notification plan established under subsection (a) of this section shall be in writing and shall, at a minimum, address all of the following:

(1) The criteria to be applied in determining when it is appropriate to request that an owner of a changeable message sign display a public notification.
(2) The procedures used to determine the expiration of a notification and to recall the request once the information is no longer needed."

SECTION 14. G.S. 87-1 reads as rewritten:

"§ 87-1. "General contractor" defined; exceptions.

... This section shall not apply to the following:

... (b) Any person engaged in the business of farming who constructs or alters a building on land owned by that person and used in the business of farming, when the building is intended for use by that person after completion.

... (4) Any person engaged in the construction of outdoor advertising signs subject to Article 11 of Chapter 136 of the General Statutes."

SECTION 15. Notwithstanding any provision of Article 2A of Chapter 150B of the General Statutes, no later than six months after the effective date of this act, the Department of Transportation shall adopt rules to implement the provisions of this act. The Department of Transportation shall use the following procedure to adopt rules to implement the provisions of this act:

(1) At least 15 business days prior to adopting a rule, submit the rule and a notice of public hearing to the Codifier of Rules. The Codifier of Rules shall publish the proposed rule and the notice of public hearing on the Internet within five business days.

(2) At least 15 business days prior to adopting a rule, notify persons on the mailing list maintained pursuant to G.S. 150B-21.2(d) and any other interested parties of the Department of Transportation's intent to adopt a rule and of the public hearing.

(3) Accept written comments on the proposed rule for at least 15 business days prior to adoption of the rule.

(4) Hold at least one public hearing on the proposed rule no less than five days after the rule and notice have been published.

A rule adopted in accordance with this section becomes effective on the first day of the month following the month the Department of Transportation adopts the rule and submits the rule to the Codifier of Rules for entry into the North Carolina Administrative Code. Any rule adopted more than six months after the effective date of this act shall comply with the requirement of Article 2A of Chapter 150B of the General Statutes.

SECTION 16. Any rule or policy adopted by the Department of Transportation that does not comply with the provisions of this act shall be null, void, and without effect.

SECTION 17. If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provisions or applications, and to this end, the provisions of this act are severable.

SECTION 18. Section 13 of this act becomes effective October 1, 2017. Section 7 of this act is effective when it becomes law and applies to repairs, maintenance, alterations, and reconstructions on or after that date. G.S. 136-133(a), as amended by Section 8 of this act, is effective when it becomes law and applies to appeals filed on or after that date. G.S. 136-133(a1), as enacted by Section 8 of this act, is effective when it becomes law and applies to permits issued on or after that date. Section 9 of this act is effective when it becomes law and applies to applications received on or after that date. Section 10 of this act is effective when it becomes law and applies to revocations and cancellations on or after that date. Section 11 of this act is effective when it becomes law and applies to revisions made on or after that date. The remainder of this act is effective when it becomes law.