

Utilities

See full summary documents for additional detail

H630 - Drinking Water Protection/Coal Ash Cleanup Act. (SL 2016-95)

S.L. 2016-95: (1) repeals all provisions related to the Coal Ash Management Commission in the General Statutes; (2) requires a coal combustion residuals impoundment owner to provide permanent alternative water supplies for residents in areas surrounding coal combustion residuals surface impoundments; (3) allows reconsideration of risk classifications for coal combustion residuals surface impoundments based on fulfillment of certain criteria; and (4) modifies appointments and other provisions governing the Mining Commission and the Oil and Gas Commission.

This act became effective July 14, 2016.

H959 - Department of Transportation Proposed Legislative Changes. (SL 2016-90)

S.L. 2016-90, as amended by Secs. 35.20(g) and 35.21(c) of S.L. 2016-94, makes various changes to the transportation and motor vehicles laws of the State, as follows:

Department of Transportation (DOT) Related Changes

- Exempts small DOT projects with a cost of \$250,000 or less from the local consultation requirement.
- Authorizes DOT to also allow placement of non-utility owned or operated communications or data transmission infrastructure on DOT right-of-way, and directs DOT to study the issue of administrative fees for encroachments.
- Modifies weight limits applicable to metal commodities and steel coils, and extends certain federal weight exemptions to the State's highways.
- Delays the sunset of a law authorizing DOT to participate, in limited circumstances, in private developer contracts for State highway system engineering, design, or construction of improvements.

Turnpike Authority Related Changes

- Authorizes the Turnpike Authority to send bills for tolls via electronic mail, if the registered owner consents.
- Requires the Authority to report the number of one-time toll facility users who are charged more than \$50 in penalties and fees to the Joint Legislative Transportation Oversight Committee by January 31, 2017, and in its annual report thereafter.

Bicycle Related Changes

- Repeals a requirement for DOT to maintain certain off-road cycling records.
- Requires bicycles to have a red rear light or that the operator wear reflective clothing when operating at night.
- Authorizes the passing of a slower moving bicycle or moped, even where passing is otherwise prohibited, in certain circumstances.

- Increases the penalties for unsafe traffic movements that cause injury to bicycles.
- Clarifies the required hand signals for bicycle turning and stopping.

Division of Motor Vehicles (DMV) Related Changes

- Amends State commercial driver's license laws to conform with federal requirements.
- Provides that the registration of a motor vehicle renewed by means other than a renewal sticker expires at midnight on February 15 of each year.
- Sets the period of validity for all temporary driving certificates at 60 days, and allows a certificate to be used for identification purposes when conducting business with the DMV.
- Eliminates the requirement for sign and symbol and vision testing when a person is renewing a driver's license remotely via the internet or at a DMV kiosk.
- Makes changes to the law governing DMV notices sent by e-mail.
- Requires DMV to provide an option for indicating ownership by joint tenancy with right of survivorship on applications for registration and certificate of title.
- Amends the applicability of the requirement for DMV to inspect out-of-state vehicles such that the requirements applies only to 1980 model year or older vehicles.
- Repeals the requirement for the owner of a registered motor vehicle to sign their vehicle registration card.
- Revises the definition of an auticycle to include vehicles without an airbag, and with partially enclosed seating within the definition.
- Authorizes moped liability insurers to cede moped liability insurance coverage to the North Carolina Reinsurance Facility.
- Defines "electric assisted bicycles," and exempts them from the definition of motor vehicles.
- Clarifies the definition of moped to include mopeds powered by electricity or alternative fuel, but does not include motor-driven bicycles or electric assisted bicycles.
- Allows use of dealer plates by employees of independent dealers, and by immediate family members of independent dealers and their employees.
- Provides that law enforcement may provide an uncertified copy of an accident report to an insurance agent or driver upon being provided with evidence that a certified copy of the accident report has been requested from DMV and the applicable fee has been paid.

Unmanned Aircraft Change

- Changes the authorized minimum age for operation of a commercial unmanned aircraft system from age 17 to age 16, the same age as authorized under recently adopted federal rules.

Map Act Related Changes

- Clarifies how Map Act-related litigation damages and costs will be funded.
- Places a one-year moratorium on the filing of any new transportation corridor official maps.
- Rescinds all adopted transportation corridor official maps.
- Changes the rate of interest that DOT must pay on condemnation-related judgments, from 8%, to the prime lending rate at the time of the taking, not to exceed 8%.
- Directs DOT to study the development of a process that equitably balances the interest of the State in protecting proposed transportation corridors from development, the property rights of affected landowners, and the taxpayers of the State.

This act became effective July 11, 2106, and several provisions have different effective dates. Please see the full summary for more detail.

H1030 - 2016 Appropriations Act.

Sec.12J.2: Clarifying Changes/Telecommunications Relay Service. (SL 2016-94)

Sec. 12J.2 of S.L. 2016-94 updates terms used in the definition of "exchange access facility" to remove references to outdated telecommunications terms and replace them with terms currently used in the industry; and clarifies the timeframe by which the Department of Health and Human Services may use the surcharge collected for providing telecommunications devices for persons who are hearing, speech, and or visually impaired.

This section became effective July 1, 2016.

S575 - North Carolina/South Carolina Original Boundary Confirmation. (SL 2016-23)

S.L. 2016-23 addresses several legal and tax issues related to the reestablishment of the original boundary line existing between North Carolina and South Carolina. North Carolina and South Carolina created a Joint Boundary Commission to relocate and reestablish their 334-mile common boundary. The Commission began its work in 1995 and completed the technical part of its work by May of 2013. For the last three years, efforts have been underway to reduce or eliminate the impact of the work on property owners whose residency or business would be moved from South Carolina to North Carolina, or vice versa, because of the reestablished boundary line. This act addresses not only the tax consequences of the reestablished boundary line but also other issues, such as public education enrollment and drivers licenses. South Carolina enacted similar legislation in June 2016: Act 270, Ratified 292, and Senate Bill 667.

This act became effective June 22, 2016. It is anticipated that the process to complete the reestablishment of the boundary line will be completed by the end of this calendar year. The boundary must be approved by the Governor and the Council of State before the Governor may issue a proclamation declaring the reestablished line as the true boundary line between North Carolina and South Carolina.

S673 - Natural Gas Economic Development Infrastructure. (SL 2016-118)

S.L. 2016-118 allows natural gas local distribution companies to recover the infeasible portion of a line extension through its rates for line extensions to companies that will invest at least \$200 million in improvements and employ at least 1,500 employees.

This act became effective July 28, 2016, and expires July 1, 2021.

S770 - North Carolina Farm Act of 2016.

Sec. 18: Prioritize Swine and Poultry Renewable Energy Facilities in the Interconnection Queue. (SL 2016-113)

Sec. 18 of S.L. 2016-113 gives priority to swine and poultry waste renewable energy facilities in the public utility's interconnection queue, provided that prior to May 21, 2016, the facility has (i) entered into the interconnection queue and (ii) either obtained a certificate of public convenience and necessity (CPCN) or reported to the Utilities Commission that it proposes to construct the facility pursuant to statutory exemptions from having to obtain a CPCN. Any such facility cannot be moved ahead of an interconnection request that has either (i) initiated the system impact study process, or (ii) received a system impact study report and is continuing through the interconnection process.

This section became effective July 26, 2016, and expires January 1, 2017.