

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

SESSION LAW 2019-199
HOUSE BILL 206

AN ACT TO MAKE CHANGES TO LAWS RELATED TO TRANSPORTATION.

The General Assembly of North Carolina enacts:

REENACT AUTHORIZATION FOR PARTNERSHIP WITH PRIVATE DEVELOPERS

SECTION 1. Section 2 of S.L. 2009-235, as amended by Section 7 of S.L. 2014-58 and Section 2.3 of S.L. 2016-90, reads as rewritten:

"**SECTION 2.** This act is effective when it becomes law. ~~This act shall expire on July 1, 2017.~~"

PROCEEDS FROM PROPERTY DISPOSITION TO HIGHWAY FUND CLARIFICATION

SECTION 2.(a) G.S. 136-16 reads as rewritten:

"§ 136-16. Funds and property converted to State Highway Fund.

Except as otherwise ~~provided~~, provided in this Chapter, all funds and property collected by the Department of Transportation, ~~including the proceeds from the sale of real property originally purchased with funds from the State Highway Fund~~, Transportation shall be paid or converted into the State Highway Fund. For the purposes of this section, funds include proceeds from the sale of real property owned by the Department."

SECTION 2.(b) G.S. 146-30 is amended by adding a new subsection to read:

"(b4) Notwithstanding the other provisions of this section, no service charge into the State Land Fund shall be deducted from or levied against the proceeds of any disposition by lease, rental, or easement of lands owned by the Department of Transportation. All net proceeds of those dispositions shall be deposited into the State Highway Fund."

SECTION 2.(c) G.S. 146-30(c) reads as rewritten:

"(c) The amount or rate of such service charge shall be fixed by rules and regulations adopted by the Governor and approved by the Council of State, but as to any particular sale, lease, rental, or other disposition, it shall not exceed ten percent (10%) of the gross amount received from such sale, lease, rental, or other disposition. Notwithstanding any other provision of this Subchapter, the net proceeds derived from the sale of land or products of land owned by or under the supervision and control of the Wildlife Resources Commission, or acquired or purchased with funds of that Commission, shall be paid into the Wildlife Resources Fund. Provided, however, the net proceeds derived from the sale of land or timber from land owned by or under the supervision and control of the Department of Agriculture and Consumer Services shall be deposited with the State Treasurer in a capital improvement account to the credit of the Department of Agriculture and Consumer Services, to be used for such specific capital improvement projects or other purposes as are provided by transfer of funds from those accounts in the Capital Improvement Appropriations Act. Provided further, the net proceeds derived from the sale of park land owned by or under the supervision and control of the Department of Natural and Cultural Resources shall be deposited with the State Treasurer in a capital improvement account to the credit of the Department of Administration to be used for the purpose of park land acquisition as provided by transfer of funds from those accounts in the Capital Improvement



Appropriations Act. In the Capital Improvement Appropriations Act, line items for purchase of park and agricultural lands will be established for use by the Departments of Administration and Agriculture. The use of such funds for any specific capital improvement project or land acquisition is subject to approval by the Director of the Budget. No other use may be made of funds in these line items without approval by the General Assembly except for incidental expenses related to the project or land acquisition. Additionally with the approval of the Director of the Budget, either Department may request funds from the Contingency and Emergency Fund when the necessity of prompt purchase of available land can be demonstrated and funds in the capital improvement accounts are insufficient. Provided further, the net proceeds derived from the sale of any portion of the land owned by the State in or around the Butner Reservation on or after July 1, 1980, shall be deposited with the State Treasurer in a capital improvement account to the credit of the Department of Health and Human Services to make capital improvements on or to property owned by the State in the Butner Reservation subject to approval by the Office of State Budget and Management, and may be used to build industrial access roads to industries located or to be located on the Butner Reservation, to construct new city streets in the Butner Reservation, extend water and sewer service on the Butner Reservation, repair storm drains on the Butner Reservation, and for other capital uses on the Reservation as determined by the Secretary. Provided further, notwithstanding any other provision of this Subchapter, the proceeds derived from the lease dispositions of land or facilities owned or under the supervision and control of East Carolina University's Division of Health Sciences for the delivery of health care services shall be deposited in clinical accounts at East Carolina University to be used to improve access to patient care. Provided further, notwithstanding any other provision of this Subchapter, the net proceeds derived from the sale of ~~land or facilities purchased with funds from the State Highway Fund~~ land, facilities, products, or timber owned by the Department of Transportation shall be deposited into the State Highway Fund."

NEUSE BUFFER RULES/AIRPORT FACILITIES

SECTION 3.(a) Definition. – As used in this section, the term "Neuse River Basin Airport Rules" means all of the following:

- (1) The Neuse River Basin: Nutrient Sensitive Waters Management Strategy: Protection and Maintenance of Existing Riparian Buffers (15A NCAC 02B .0233), including the proposed readoption and recodification as 15A NCAC 02B .0714 adopted by the Environmental Management Commission on March 14, 2019, and approved by the Rules Review Commission on May 16, 2019.
- (2) The definition of "Airport Facilities" in 15A NCAC 2B .0610 adopted by the Environmental Management Commission on March 14, 2019, and approved by the Rules Review Commission on May 16, 2019.

SECTION 3.(b) Neuse River Basin Airport Rules. – Until the effective date of the revised permanent rules that the Environmental Management Commission is required to adopt pursuant to subsection (d) of this section, the Commission and the Department of Environmental Quality shall implement the Neuse River Basin Airport Rules as provided in subsection (c) of this section.

SECTION 3.(c) Implementation. – The definition of "Airport Facilities" shall be as follows:

All properties, facilities, buildings, structures, and activities that satisfy or otherwise fall within the scope of one or more of the definitions or uses of the words or phrases "air navigation facility," "airport," or "airport protection privileges" under G.S. 63-1; the definition of "aeronautical facilities" in G.S. 63-79(1); the phrase "airport facilities" as used in G.S. 159-48(b)(1); the phrase "aeronautical facilities" as defined in G.S. 159-81 and G.S. 159-97; and the phrase "airport facilities and improvements" as used in Section 13 of Article V of the

North Carolina Constitution. Airport facilities shall include, without limitation, any and all of the following:

- (1) The airport and all of its terminals and terminal shops and support buildings.
- (2) Runways, taxiways, clear zones, and other paved or unpaved areas, or open or restricted landing areas on the airport.
- (3) Airport offices and administrative buildings.
- (4) Buildings, structures, equipment, and facilities intended to support aircraft operations, including, without limitation, hangars and other aircraft maintenance buildings, storage buildings or areas, and including, without limitation, anything shown on any airport development plan submitted to the Federal Aviation Administration.
- (5) Navigational and signal systems, including any structures, mechanisms, landing lighting and lights, beacons, marks, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience to the safe taking off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport or restricted landing area.
- (6) Parking owned or operated by the airport to serve the airport's operations, whether located on the airport or as satellite parking.
- (7) Drainage ditches or pipes, stormwater structures, and related stormwater outfalls.
- (8) Retail and commercial development outside of the terminal area but located on the airport, including rental car facilities, hotels, industrial facilities, freestanding offices, and other similar buildings constructed on the airport, whether or not owned or operated by the airport.
- (9) All appurtenant areas used or suitable for airport buildings or other airport facilities, including all appurtenant rights-of-way.
- (10) Easements through, or other interests in, airspace over land or water, interests in airport hazards outside the boundaries of the airport or restricted landing area, and other protection privileges, the acquisition or control of which is necessary to ensure safe approaches to the landing areas of the airport and restricted landing areas and the safe and efficient operation thereof.
- (11) Any combination of any or all of such properties, facilities, buildings, structures, activities, and easements.

SECTION 3.(d) Additional Rule-Making Authority. – The Commission shall adopt rules to amend the Neuse River Basin Airport Rules (as defined in subsection (a) of this section) consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rules adopted by the Commission, pursuant to this section, shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by G.S. 150B-21.3(b2).

SECTION 3.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

NEUSE BUFFER RULES/AIRPORT IMPACTED PROPERTY

SECTION 3.1.(a) Definitions. – As used in this section, the following definitions apply:

- (1) Airport Impacted Property. – Any tract of property contiguous to airports located in the Neuse River Basin served by greater than 50,000 flights

annually that is impacted by a relocation of State-maintained road to accommodate expansion or relocation of airport operations.

- (2) Neuse River Basin Riparian Buffer Rule. – The Neuse River Basin: Nutrient Sensitive Waters Management Strategy: Protection and Maintenance of Existing Riparian Buffers (15A NCAC 02B .0233), including the proposed readoption and recodification of that rule as 15A NCAC 02B .0714 adopted by the Environmental Management Commission on March 14, 2019, and approved by the Rules Review Commission on May 16, 2019.

SECTION 3.1.(b) Neuse River Basin Riparian Buffer Rule. – Until the effective date of the revised permanent rules that the Environmental Management Commission is required to adopt pursuant to subsection (d) of this section, the Commission and the Department of Environmental Quality shall implement the Neuse River Basin Riparian Buffer Rule as provided in subsection (c) of this section.

SECTION 3.1.(c) Implementation. – Notwithstanding subdivision 6 (Table of Uses) of the Neuse River Basin Riparian Buffer Rule, uses of Airport Impacted Property shall be designated as Allowable with Mitigation.

SECTION 3.1.(d) Additional Rule-Making Authority. – The Commission shall adopt rules to amend the Neuse River Basin Riparian Buffer consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rules adopted by the Commission, pursuant to this section, shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by G.S. 150B-21.3(b2).

SECTION 3.1.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

DEPARTMENT OF TRANSPORTATION AUTHORIZATION TO PERMIT AIRSPACE ENCROACHMENT FOR FIRSTHEALTH OF THE CAROLINAS, PINEHURST

SECTION 3.5.(a) The Department of Transportation is hereby authorized to permit private use and encroachment upon the airspace above State Road 1208, Page Road, in Pinehurst, for the purpose of construction of a parking facility structure for FirstHealth of the Carolinas, Pinehurst, provided, in the opinion of the Department of Transportation, such parking facility structure will not unreasonably interfere with or obstruct the public use of the right-of-way of State Road 1208, Page Road. Any agreement for an encroachment authorized by this section shall be approved by the Board of Transportation, upon a finding that the encroachment is necessary and appropriate, in the sole discretion of the Board. Any encroachment agreement authorized by this section shall be subject to all State and federal rules and regulations, and shall include any conditions deemed necessary by the Department of Transportation, including, but not limited to, future inspection, maintenance, and repair responsibilities.

SECTION 3.5.(b) Ingress and egress movements (access) for the parking facility structure shall be approved by the Department under a separate driveway permit.

SECTION 3.5.(c) FirstHealth of the Carolinas, Pinehurst shall be responsible for all costs associated with requirements by the Department issued in the approved encroachment agreement and driveway permit.

SECTION 3.5.(d) FirstHealth of the Carolinas, Pinehurst or any other organization or event shall not require a fee to utilize the parking facility structure within the airspace of State Road 1208, Page Road.

AIRPORT IMPROVEMENT PROGRAM

SECTION 4.(a) Article 7 of Chapter 63 of the General Statutes is amended by adding a new section to read:

"§ 63-74. Airport Improvement Program.

(a) Purpose. – There is established an Airport Improvement Program (AIP) that shall serve to (i) fund improvements at eligible airports and (ii) pay debt service or related financing costs and expenses on revenue bonds or notes issued by eligible airports. The Department of Transportation shall allocate funds appropriated to this program to eligible airports based on the findings in the biennial economic impact study, as described in this section. The Department shall adopt rules governing the distribution and use of these funds.

(b) Eligible Airport. – Any publicly owned, commercial service airport with more than 10,000 passenger boardings during the two calendar years preceding the fiscal year in which funds are allocated is eligible for Airport Improvement Program funds.

(c) Economic Impact Study and Distribution Formula. – The Department of Transportation shall conduct a biennial economic impact study that examines the annual economic impact of each commercial service airport in North Carolina. The Department shall disburse AIP funds appropriated in a year to each eligible airport in proportion to the total economic impact of the airport, adjusted as provided in this subsection:

(1) For an eligible airport with one of the three largest economic impacts, the airport's distribution amount shall be reduced by a percentage equal to the lesser of twenty percent (20%) or five percent (5%) multiplied by each full ten percent (10%) of economic impact calculated for that airport. The aggregate amount of the reduction to the eligible airports with the three largest economic impacts is the amount to be redistributed to the remaining eligible airports as provided in subdivision (2) of this subsection.

(2) For an eligible airport that does not have one of the three largest economic impacts, the airport's distribution amount shall be increased based upon the following formula:

a. Twenty-five percent (25%) of the redistribution amount shall be distributed equally.

b. Seventy-five percent (75%) of the redistribution amount shall be based upon the airport's share of passenger boardings compared to the total number of passenger boardings used for all airports receiving a distribution pursuant to this subdivision.

(d) Permissible Uses, Reporting, and Return of Funds. – The Department of Transportation shall not allocate funds to an airport under this section until that airport has provided a report outlining how the airport will use the funds in conformance with the purposes of the program. No later than 45 days from the date the Department receives the report required under this subsection, the Department shall make a determination whether the intended use of the funds matches the purposes of the program and, if so, allocate funds under this section to the compliant airport. An airport that receives funds under this section shall return the funds to the Department if the funds are in the possession or control of the airport and not expended or encumbered by August 31 of the year following the fiscal year in which the Department makes the allocation. All funds returned to the Department under this section, or retained by the Department for failure of an eligible airport to submit a report under this subsection, shall be credited to the fund from which they were appropriated and shall remain unexpended and unencumbered until appropriated by the General Assembly.

(e) Limitation. – Notwithstanding any provision of law to the contrary, the allocation of funds under this section to eligible airports, the enactment of this section, and the issuance of bonds or notes by the airports in reliance thereon shall not in any manner constitute a pledge of the full faith and credit and taxing power of the State. Additionally, allocations under this section

are subject to the availability of funds appropriated to the Airport Improvement Program. A security interest shall not be granted in funds allocated under this section."

SECTION 4.(b) Section 34.19(b) of S.L. 2017-57 is repealed.

SECTION 4.(c) This section becomes effective July 1, 2019.

**DEPARTMENT AUTHORIZATION FOR PUBLIC-PRIVATE PARTNERSHIPS FOR
DEPARTMENT-OWNED COMMUNICATIONS INFRASTRUCTURE WITHIN
HIGHWAY RIGHT-OF-WAY**

SECTION 5.(a) G.S. 136-18 is amended by adding a new subdivision to read:

"(46) To enter into partnership agreements with private entities to finance, by contracts, revenues of facilities, and other financing methods authorized by law, the cost of acquiring, constructing, equipping, maintaining, and operating communications infrastructure supporting transportation infrastructure on the Interstate System as defined by Title 23, United States Code, Section 103(c) in this State, and to plan, design, develop, acquire, construct, equip, maintain, and operate communications infrastructure supporting transportation infrastructure within this State. For the purposes of this subdivision, communications infrastructure supporting transportation infrastructure means fiber optic trunk lines, microcell towers or other broadband or data transmission facilities located within the right-of-way of the interstate or primary highway system that is owned, and utilized completely or partly, by the Department for traffic management, highway safety, vehicle technology integration, and other functions of the Department. An agreement entered into under this subdivision requires the concurrence of the Board of Transportation. The Department shall report to the Chairs of the Joint Legislative Transportation Oversight Committee, the Chairs of the House of Representatives Appropriations Subcommittee on Transportation, and the Chairs of the Senate Appropriations Committee on the Department of Transportation, at the same time it notifies the Board of Transportation of any proposed agreement under this subdivision. No contract for communications infrastructure supporting transportation infrastructure subject to such an agreement that commits the Department to make nonretainage payments for undisputed capital costs for communications infrastructure supporting transportation infrastructure to be made later than 18 months after final acceptance by the Department shall be executed without approval of the Local Government Commission. Any contracts for communications infrastructure supporting transportation infrastructure which are awarded pursuant to an agreement entered into under this subdivision shall comply with the competitive bidding requirements of this Article. The Department may enter into agreements with one or more private entities under this subdivision as follows:

- a. A private entity or its contractors must provide performance and payment security in the form of performance and payment bonds on the design and construction portion of the agreement as required under G.S. 44A-26.
- b. Notwithstanding the provisions of G.S. 143B-426.40A, an agreement entered into under this subdivision may allow the private entity to assign, transfer, sell, hypothecate, and otherwise convey some or all of its right, title, and interest in and to such agreement, and any rights and remedies thereunder, to a lender, bondholder, or any other party. However, in no event shall any such assignment create additional debt

or debt-like obligations of the State of North Carolina, the Department, or any other agency, authority, commission, or similar subdivision of the State to any lender, bondholder, entity purchasing a participation in the right to receive the payment, trustee, trust, or any other party providing financing or funding of projects described in this subdivision. The foregoing shall not preclude the Department from making any payments due and owing pursuant to an agreement entered into under this subdivision.

- c. An agreement entered into under this subdivision for communications infrastructure supporting transportation infrastructure may provide that private entities may commercialize the capacity of such communications infrastructure in excess of the Department's need through lease or other arrangements, with the Department having first right of refusal for future anticipated capacity needs.
- d. No agreement entered into under this subdivision for use of Department right-of-way or communications infrastructure and its facilities shall abrogate the Department's ownership and control of the right-of-way or communications infrastructure and its facilities within the right-of-way.
- e. Agreements entered into under this subdivision shall comply with the following additional provisions:
 - 1. The Department shall solicit proposals for an agreement.
 - 2. An agreement shall be limited to no more than 50 years from the date the communications infrastructure becomes operational and utilized by the Department.
 - 3. Financial advisors and attorneys retained by the Department on contract to work on projects pursuant to this subdivision shall be subject to State law governing conflicts of interest.
 - 4. Sixty days prior to the signing of a concession agreement subject to this subdivision, the Department shall report to the Joint Legislative Transportation Oversight Committee on the following for the presumptive concessionaire:
 - I. Project description.
 - II. Name and location of firms and parent companies, if applicable, including firm responsibility and stake, and assessment of audited financial statements.
 - III. Analysis of firm selection criteria.
 - IV. Name of any firm or individual under contract to provide counsel or financial analysis to the Department. The Department shall disclose payments to these contractors related to completing the agreement under this subdivision.
 - V. Demonstrated ability of the project team to deliver the project, by evidence of the project team's prior experience in delivering a project on schedule and budget, and disclosure of any unfavorable outcomes on prior projects.
 - VI. Detailed description of method of finance, including sources of funds, State contribution amounts, including schedule of availability payments, service payments or similar remuneration, and terms of debt payments.

VII. Information on assignment of risk shared or assigned to the Department, the State, and private entity partner.

VIII. Information on the feasibility of finance."

SECTION 5.(b) G.S. 136-18(43) reads as rewritten:

"(43) For the purposes of financing an agreement under subdivision (39a) or (46) of this section, the Department of Transportation may act as a conduit issuer for private activity bonds to the extent the bonds do not constitute a debt obligation of the State. The issuance of private activity bonds under this subdivision and any related actions shall be governed by The State and Local Government Revenue Bond Act, Article 5 of Chapter 159 of the General Statutes, with G.S. 159-88 satisfied by adherence to the requirements of subdivision (39a) or (46) of this section."

SECTION 5.(c) The Department shall develop standards for entering into comprehensive agreements with private entities under the Department's authority pursuant to G.S. 136-18(46), as enacted by subsection (a) of this section, and report those standards with legislative recommendations to the Joint Legislative Transportation Oversight Committee on or before March 1, 2020.

SECTION 5.(d) The authority granted in Section 5(a) of this act is limited to projects which receive federal discretionary grants issued by the United States Department of Transportation.

SECTION 5.(e) The Department shall consult and coordinate with private telecommunications industry entities regarding the authority granted under this section and shall report to the Joint Legislative Transportation Oversight Committee by March 1, 2020, with findings and legislative recommendations.

DEPARTMENT SURPLUS PROPERTY AUCTION PILOT

SECTION 6.(a) Pilot Program to Streamline North Carolina Department of Transportation (NCDOT) Surplus Property Auctions. – No later than October 1, 2019, the State agency for State surplus property shall establish a pilot program for disposing of NCDOT surplus property, including motor vehicles and equipment, by live public auction and via live simulcast or electronic means in accordance with subsection (b) of this section without requiring the movement of NCDOT surplus property. The NCDOT shall cooperate with the State agency for State surplus property and the auctioneer selected pursuant to this pilot program. In implementing this pilot program, the State agency for State surplus property shall prepare a request for proposal pursuant to subsection (b) of this section for three public auctions conducted by a private licensed auctioneer during this pilot program. No auctions pursuant to this program shall be held after December 31, 2021, and the pilot program shall terminate upon submission of its report as required by subsection (d) of this section.

SECTION 6.(b) By December 1, 2019, the State agency for State surplus property shall issue a request for proposal (RFP) for the sale of North Carolina Department of Transportation (NCDOT) surplus property, including titled and nontitled equipment and motor vehicles owned by the NCDOT, at live public auction and via live simulcast or other electronic means without requiring surplus property movement to a centralized auction location. The State agency for State surplus property shall consult with the NCDOT and group the various Department Highway Divisions into three regions for the purposes of determining the live public auction locations based on surplus property distribution and storage locations. The NCDOT shall provide copies of the maintenance file, maintenance-related invoices or documents, and the preventive maintenance schedule for each item of equipment or motor vehicle being auctioned for inspection prior to auction. The State agency for State surplus property shall consult with the NCDOT to further determine (i) adequate staffing requirements to work with the auctioneer in conducting an auction, including staff who are knowledgeable about the surplus property, (ii)

adequate arrangements to allow for the auctioneer to document by photograph or video, as appropriate, surplus property for auction, and (iii) adequate arrangements to allow members of the public access to NCDOT storage locations to inspect and view the surplus property to be auctioned. Net proceeds shall be credited to the State Highway Fund in accordance with G.S. 136-16. The RFP shall contain the following auctioneer requirements:

- (1) Must accept payment by any commercially reasonable manner. The auction company may charge credit card and platform fees of up to three percent (3%) of the highest and final bid.
- (2) Must have capability to conduct auctions via live simulcast or other electronic means in conjunction with conducting live auctions.
- (3) Must have capability to electronically document, via photographs and video, as appropriate, surplus property, equipment, and motor vehicles and make information electronically available for inspection prior to an auction.
- (4) Must remit the net proceeds from the auction to the NCDOT within 14 business days after the auction is completed. The auction company may offset up to one-fourth of one percent (0.25%) of the gross sale for advertisement cost reimbursement.
- (5) Must post a cash bond or equivalent guarantee in the amount of two hundred fifty thousand dollars (\$250,000), made payable to the State of North Carolina.
- (6) Must have a minimum coverage of two million dollars (\$2,000,000) in commercial general liability insurance.
- (7) Must agree to charge no commission to the State. The auction company may charge a buyer premium, not to exceed ten percent (10%) to the final and highest bid.
- (8) Must be a licensed auction company with a current and valid North Carolina Auctioneer license issued pursuant to Chapter 85B of the General Statutes. Preference shall be given to an auction company based in this State.
- (9) Must require that successful bidders provide and complete proper transfer documents for titled equipment or motor vehicles.
- (10) Must be capable of conducting live simulcast public auctions in regions as agreed upon by the NCDOT.

SECTION 6.(c) By June 1, 2020, the State agency for State surplus property shall review the proposals submitted and shall enter into a contract with the lowest responsible bidder who provides evidence satisfactory to the State agency for State surplus property that it meets the requirements of the RFP.

SECTION 6.(d) No later than March 1, 2022, the State agency for State surplus property shall report to the Joint Legislative Transportation Oversight Committee the results, findings, and legislative recommendations based on the results from the auctions during the pilot program. At a minimum, its report shall include information on the following:

- (1) The quantity and type of surplus property offered as part of each auction.
- (2) The details of each request for proposal and award of contract.
- (3) The results of the State surplus property public auctions, including details of each public auction, and the average ratio of sale price to estimated State surplus property value.
- (4) Other information the State agency for State surplus property deems necessary.

LICENSE RESTORATION FEE WAIVER AUTHORITY

SECTION 7.(a) G.S. 20-7(i1) reads as rewritten:

"(i1) Restoration Fee. – Any person whose drivers license has been revoked pursuant to the provisions of this Chapter, other than G.S. 20 17(a)(2) shall pay a restoration fee of sixty five dollars (\$65.00). A person whose drivers license has been revoked under G.S. 20 17(a)(2) shall pay a restoration fee of one hundred thirty dollars (\$130.00). The fee shall be paid to the Division prior to the issuance to such person of a new drivers license or the restoration of the drivers license. The restoration fee shall be paid to the Division in addition to any and all fees which may be provided by law. This restoration fee shall not be required from any licensee whose license was revoked or voluntarily surrendered for medical or health reasons whether or not a medical evaluation was conducted pursuant to this Chapter. The sixty five dollar (\$65.00) fee, and the first one hundred five dollars (\$105.00) of the one hundred thirty dollar (\$130.00) fee, shall be deposited in the Highway Fund. Twenty five dollars (\$25.00) of the one hundred thirty dollar (\$130.00) fee shall be used to fund a statewide chemical alcohol testing program administered by the Forensic Tests for Alcohol Branch of the Chronic Disease and Injury Section of the Department of Health and Human Services. Notwithstanding any other provision of law, a restoration fee assessed pursuant to this subsection may be waived by the Division when (i) the restoration fee remains unpaid for more than 10 years from the date of assessment and (ii) the person responsible for payment of the restoration fee has been issued a drivers license by the Division after the effective date of the revocation for which the restoration fee is owed. The Office of State Budget and Management shall annually report to the General Assembly the amount of fees deposited in the General Fund and transferred to the Forensic Tests for Alcohol Branch of the Chronic Disease and Injury Section of the Department of Health and Human Services under this subsection."

SECTION 7.(b) This section becomes effective October 1, 2019.

HANDICAPPED PERSONS PARKING AND ACCESS AISLE DESIGNATION CLARIFICATION

SECTION 8. G.S. 20-37.6(d) reads as rewritten:

"(d) Designation of Parking Spaces. – Designation of parking spaces for handicapped persons on streets and public vehicular areas shall comply with G.S. 136-30. A sign designating a parking space for handicapped persons shall state the maximum penalty for parking in the space in violation of the law. For purposes of this section, a parking space designated for handicapped persons includes clearly marked access aisles, and all provisions, restrictions, and penalties applicable to parking in spaces designated for handicapped persons also apply to clearly marked access aisles."

PEER-TO-PEER VEHICLE SHARING

SECTION 9.(a) Chapter 20 of the General Statutes is amended by adding a new Article to read:

"Article 10B.

"Peer-to-Peer Vehicle Sharing.

"§ 20-280.15. Definitions.

The following definitions apply in this Article:

- (1) Airport operator. – As defined in G.S. 20-280.1.
- (2) Peer-to-peer vehicle sharing. – The authorized use of a shared vehicle by an individual other than the shared vehicle owner through a peer-to-peer vehicle sharing program.
- (3) Peer-to-peer vehicle sharing program. – A business platform that connects shared vehicle owners with drivers to enable the sharing of vehicles for financial consideration.
- (4) Shared vehicle. – A vehicle that is available for sharing through a peer-to-peer vehicle sharing program.

- (5) Shared vehicle owner. – The registered owner of a shared vehicle that is made available for sharing through a peer-to-peer vehicle sharing program.
- (6) Vehicle sharing provider. – The person or entity that operates, facilitates, or administers the provision of personal vehicle sharing through a peer-to-peer vehicle sharing program.

"§ 20-280.17. Airport operators.

An airport operator may (i) charge peer-to-peer vehicle sharing programs a reasonable fee for the use of the airport's facility, (ii) require an identifying decal be displayed on all shared vehicles that operate on airport property, (iii) require the purchase and use of equipment or establish other appropriate mechanisms for monitoring and auditing compliance, including having a peer-to-peer vehicle sharing program provide data for purposes of monitoring and auditing compliance, and (iv) designate a location where shared vehicles may stage on the airport operator's facility."

SECTION 9.(b) This section becomes effective October 1, 2019.

SALE OF CERTAIN DOT PROPERTY

SECTION 10.(a) Notwithstanding any other provision of law, the Department of Transportation may sell the following real property parcels within Wake County:

- (1) 1100 New Bern Ave., parcel identification number (PIN) 1713188611, Raleigh.
- (2) 205 South State Street, parcel identification number (PIN) 1713186162, Raleigh.
- (3) 207 South State Street, parcel identification number (PIN) 1713186095, Raleigh.
- (4) 104 Fayetteville Street, parcel identification number (PIN) 1703688783, Raleigh.
- (5) 101 Roscoe Trail, parcel identification number (PIN) 0775621438, Cary.

SECTION 10.(b) The sale of real property authorized by this section shall be made by the Department of Administration pursuant to the procedures outlined in Article 7 of Chapter 146 of the General Statutes, subject to the following exceptions:

- (1) Properties sold pursuant to this section are exempt from the requirement in G.S. 146-28 that the Department of Administration determine present and future State need for the land proposed to be conveyed.
- (2) Properties sold pursuant to this section are exempt from G.S. 146-29.1(b) and (c).
- (3) Notwithstanding the service charge limit set by G.S. 146-30(c), the service charge for a sale of property pursuant to this section shall not exceed the lesser of the amount or rate fixed in accordance with G.S. 146-30(c) or fifty thousand dollars (\$50,000).

EFFECTIVE DATE

SECTION 11. Except as otherwise provided, this act is effective when it becomes law.
In the General Assembly read three times and ratified this the 9th day of August, 2019.

s/ Carl Ford
Presiding Officer of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 3:04 p.m. this 21st day of August, 2019