

# Civil Law and Procedure

See full summary documents for additional detail

## **H67 - GSC Technical Corrections 2021. (SL 2021-88)**

S.L. 2021-88 contains corrections of a technical nature to the General Statutes and session laws. This act also includes conforming changes that clarified that local governments that have not adopted comprehensive plans but that do have land-use plans are authorized to adopt zoning regulations. This act became effective July 22, 2021.

## **H320 - Modernize Remote Business Access. (SL 2021-162)**

S.L. 2021-162 does the following:

- Authorizes remote meetings of corporation shareholders, nonprofit corporation members, and mutual insurance company policy holders.
- Authorizes nonprofit corporations to conduct all business electronically.
- Makes technical and conforming changes to related statutory provisions.
- Exempts certain corporations not for profit formed prior to July 1, 1989, from being required to have at least one class of shares with unlimited voting rights.

This act became effective September 20, 2021, and the act's changes relating to meetings of members and shareholders apply to meetings held on or after that date.

Remote meetings noticed before that date as a result of the State of Emergency declared by Executive Order No. 116 and complying with any subsequent executive orders authorizing such meetings, are deemed to be in compliance with this act.

The act's exemption from the requirement of having at least one class of shares with unlimited voting rights applies to corporations not for profit formed for religious, charitable, nonprofit, social or literary purposes prior to July 1, 1989, and existing as of September 20, 2021.

## **H404 - Ltd. Immunity for PSAP/TC for S.L. 2021-171. (SL 2021-181)**

S.L. 2021-181 does the following:

- Provides that public safety answering points (PSAPs), regional PSAPs, and their employees and agents, and employees of law enforcement agencies, who are certified by the North Carolina Sheriffs' Education and Training Standards Commission, are liable for damages in a civil action for gross negligence, wanton or willful misconduct, or when there is applicable insurance coverage.
- Provides that communication service providers, 911 system providers, next generation 911 system providers, and their employees are liable for damages in a civil action for wanton or willful misconduct.
- Makes technical corrections to S.L. 2021-171, The No Patient Left Alone Act.

The section of the act pertaining to PSAPs and communication service providers became law November 18, 2021, and applies to causes of action filed on or after that date. The section of the act pertaining to The No Patient Left Alone Act became effective November 1, 2021.

#### **H489 - 2021 Building Code and Dev. Reg. Reform. (SL 2021-121)**

S.L. 2021-121 amends laws that apply to general contractors; the State Building Code; and various laws pertaining to development regulation by local governments under Chapter 160D of the General Statutes including:

- Authorizing the State Licensing Board for General Contractors to require criminal background checks for licensure applicants, and making other changes to the laws that relate to the Board.
- Requiring the Building Code Council to obtain additional economic analysis or cost-benefit analysis on certain proposed revisions or amendments to the State Building Code.
- Establishing the beginning point for measuring sight distances at street intersections.
- Limiting the need for separate erosion control plans for development of individual residential lots where an approved master erosion control plan exists; providing for developer options when submitting erosion control plans for development of multiple residential lots; and prohibiting requiring a silt fence where certain topographic features exist.
- Requiring the Building Code Council to adopt rules amending provisions of the North Carolina Fire Code, the North Carolina Residential Code, and the North Carolina Plumbing Code.
- Amending Section 4 of S.L. 2020-61 with additional definitions and clarifications that relate to building and accessory building sewer systems and their permitting requirements.
- Requiring DOT to add approved subdivision street improvements designated as public to the State highway system for maintenance within 90 days.

Except as otherwise provided, this act became effective August 30, 2021. Sections 1(a) and 1(b) became effective January 1, 2022. Section 5(c) of this act became effective October 1, 2021. Section 9 became effective January 1, 2022.

#### **H812 - Clarify Remote Meetings During Emergencies. (SL 2021-35)**

S.L. 2021-35 clarifies the authority of public bodies to hold remote open meetings during declarations of emergencies, including:

- Allowing a public body to update a meeting notice to provide for a remote meeting.
- Specifying compliance with the procedure for remote meetings establishes a presumption the meeting is open to the public.
- Requiring a public body to allow written comments on the subject of a remotely held public hearing to be submitted between publication of any required notice and 24 hours prior to the scheduled beginning of the hearing.

The act became effective July 1, 2021, and applies to remote meetings held on or after that date.

### **S35 - Max 4-Yr Age Diff to Marry Under 18 Yrs. (SL 2021-119)**

S.L. 2021-119 amends the lawful age of marriage to 16 years of age or older and provides a maximum four-year age difference for a 16- or 17- year-old to marry. The act became effective August 26, 2021, and applies to marriage licenses pending or issued on or after that date.

### **S196 - GSC Sale of Property Amend/Delay Prosec Split. (SL 2021-91)**

S.L. 2021-91 updates the mailing method of notice to a judgment debtor of an execution sale of real property; clarifies the effects of a default bid in private judicial sales and public or private partition sales; amends the tax foreclosure statutes and makes technical changes; makes various amendments relating to the validity of certain notarial acts and certain instruments; and makes various amendments affecting real property, as recommended by the General Statutes Commission. This act also delays the reassignment of District 36, Burke, Caldwell, and Catawba Counties, into two separate prosecutorial districts.

Parts I, III, and IV became effective October 1, 2021. The rest of the act was effective when the act became law on July 22, 2021.

### **S198 - GSC Good Funds Settlement/Comm. Receivership. (SL 2021-93)**

S.L. 2021-93 provides that a settlement agent may disburse settlement proceeds in reliance on a check drawn on the account of or issued by a licensed mortgage lender, makes amendments relating to the North Carolina Commercial Receivership Act, and makes technical changes to various laws regulating financial practices, as recommended by the General Statutes Commission.

This act became effective July 22, 2021.

### **S255 - 2021 Administrative Office of the Courts Legislative Changes. (SL 2021-47)**

S.L. 2021-47 makes various changes and technical and conforming corrections to the laws governing the administration of justice as requested by the Administrative Office of the Courts (AOC). The act has various effective dates. Please see the full summary for more detail.

### **S270 - Insurance Technical Changes. (SL 2021-177)**

S.L. 2021-177 makes changes to North Carolina's insurance laws in Chapter 58 of the General Statutes addressing rate evasion fraud and certificates of insurance and makes other technical and conforming changes.

This act became effective January 1, 2022.

### **S360 - Prohibit Collusive Settlements by the Attorney General. (Ratified)**

Senate Bill 360 would require that when the Speaker of the House of Representatives (Speaker) and the President Pro Tempore of the Senate (President Pro Tempore) have jointly intervened as a party on behalf of the General Assembly, or are jointly named in their official capacities as parties to a dispute, claim, or controversy, both must approve any consent judgment or settlement agreement prior to the Attorney General entering into the judgment or agreement.

Senate Bill 360 was ratified by the General Assembly on September 16, 2021, and vetoed by the Governor on September 27, 2021. The substantive contents of Senate Bill 360 became law in subsequent legislation, effective November 18, 2021. See Section 18.7 of S.L. 2021-180.

### **S644 - Landlord/Tenant Changes. (SL 2021-71)**

S.L. 2021-71 does the following:

- Reaffirms the intent of the General Assembly that landlords may recover out-of-pocket expenses and litigation costs in summary ejectment proceedings.
- Provides that a tenant's criminal record will not affect the foreseeability of any future injury or damage caused by the tenant, and that a landlord will have no duty to screen a potential renter's criminal history nor refuse to rent to a person because of their criminal record.
- Allows authorized persons to direct the removal or disposal of certain personal property of a decedent located in leased premises.

The act became effective when it became law (July 2, 2021). Please see the full summary for more detail on applicability.