

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

1 AN ACT TO AMEND THE LAW REQUIRING NOTIFICATION TO BUYERS OF  
2 PRIVATE ROADS AND TO AUTHORIZE THE DIVISION OF EMERGENCY  
3 MANAGEMENT OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC  
4 SAFETY, IN CONSULTATION WITH THE DEPARTMENT OF  
5 ENVIRONMENT AND NATURAL RESOURCES, TO DETERMINE WATER  
6 RELEASES FROM DAMS SUBJECT TO THE DAM SAFETY LAW OF 1967 IN  
7 THE EVENT OF A FLOOD OR THREATENED FLOOD.  
8

9 The General Assembly of North Carolina enacts:

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

11 "(f) Prior to entering any agreement or any conveyance with any prospective  
12 buyer, the developer ~~and-or~~ seller shall prepare and sign, and the buyer of the subject  
13 real estate shall receive and sign an acknowledgment of receipt of a separate instrument  
14 known as the subdivision streets disclosure statement (hereinafter referred to as  
15 disclosure statement). Said disclosure statement shall fully and completely disclose the  
16 status (whether public or private) of the street upon which the house or lot fronts. If the  
17 street is designated by the developer ~~and-or~~ seller as a public street, the developer ~~and-or~~  
18 seller shall certify that the right-of-way and design of the street has been approved by  
19 the Division of Highways, and that the street has been or will be constructed by the  
20 developer ~~and-or~~ seller in accordance with the standards for subdivision streets adopted  
21 by the Board of Transportation for acceptance on the highway system. If the street is  
22 designated by the developer ~~and-or~~ seller as a private street, the developer ~~and-or~~ seller  
23 shall include in the disclosure statement an explanation of the consequences and  
24 responsibility as to maintenance of a private street, and shall fully and accurately  
25 disclose the party or parties upon whom responsibility for construction and maintenance  
26 of ~~such-the~~ street or streets shall rest, and shall further disclose that the street or streets  
27 will not be constructed to minimum standards, sufficient to allow their inclusion on the  
28 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.