

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1827*
Committee Substitute Favorable 5/30/06
Committee Substitute #2 Favorable 6/21/06

Short Title: Gen. Con. Lic. Except./Clearing/Veh. Values.

(Public)

Sponsors:

Referred to:

May 10, 2006

1 A BILL TO BE ENTITLED
2 AN ACT TO EXEMPT CERTAIN DEPARTMENT OF TRANSPORTATION
3 CONTRACTORS FROM THE REQUIREMENT FOR A GENERAL
4 CONTRACTOR'S LICENSE, AS RECOMMENDED BY THE JOINT
5 LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE; TO
6 CLARIFY THE GENERAL CONTRACTING EXCEPTIONS; TO DEFINE THE
7 LIMITS OF VEGETATION REMOVAL FOR OUTDOOR ADVERTISING; AND
8 TO REQUIRE LOCAL GOVERNMENT TAX ASSESSORS AND COLLECTORS
9 TO GENERATE TAX VALUES FOR MOTOR VEHICLES PURSUANT TO THE
10 VALUATION ASSIGNED BY THE DIVISION OF MOTOR VEHICLES.

11 The General Assembly of North Carolina enacts:

12 **SECTION 1.** Chapter 136 of the General Statutes is amended by adding a
13 new section to read:

14 "**§ 136-28.14. Project contractor licensing requirements.**

15 The letting of contracts under this Chapter for the following types of projects shall
16 not be subject to the licensing requirements of Article 1 of Chapter 87 of the General
17 Statutes:

- 18 (1) Routine maintenance and minor repair of pavements, bridges, roadside
19 vegetation and plantings, drainage systems, concrete sidewalks, curbs,
20 gutters, and rest areas.
21 (2) Installation and maintenance of pavement markings and markers,
22 ground mounted signs, guardrail, fencing, and roadside vegetation and
23 plantings."

24 **SECTION 2.** Chapter 87 of the General Statutes is amended by adding a
25 new section to read:

26 "**§ 87-1.2. Exception for specified Department of Transportation contractors.**

27 The letting of contracts for the types of projects specified in G.S. 136-28.14 shall not
28 be subject to the licensing requirement of this Article."

1 **SECTION 3.** G.S. 87-1.1 reads as rewritten:

2 "**§ 87-1.1. Exception for licensees under Article 2 or 4.**

3 G.S. 87-1 shall not apply to a licensee under Article 2 or 4 of this Chapter of the
4 General Statutes. ~~Statutes~~, G.S. 87-43 shall not apply to a licensee under Article 2 of this
5 Chapter of the General Statutes, and G.S. 87-21(a)(5) shall not apply to a licensee under
6 Article 4 of this Chapter of the General Statutes when the licensee is bidding and
7 contracting directly with the owner of a public building project if: (i) a licensed general
8 contractor performs all work that falls within the classifications in G.S. 87-10(b) and the
9 State Licensing Board of General Contractor's rules; and (ii) the total amount of the
10 general contracting work so classified does not exceed a percentage of the total bid price
11 pursuant to rules established by the ~~Board~~ Board; and (iii) a licensee with the
12 appropriate license under Article 2 or Article 4 of this Chapter performs all work that
13 falls within the classifications in Article 2 and Article 4 of this Chapter."

14 **SECTION 4.** Chapter 136 of the General Statutes is amended by adding a
15 new section to read:

16 "**§ 136-140.2. Vegetation removal for outdoor advertising.**

17 (a) Removal of vegetation within highway rights-of-way shall be permitted for
18 opening views to legally erected forms of outdoor advertising which are located directly
19 adjacent to State highway rights-of-way.

20 (b) An application for the removal of vegetation shall be made by the owner of
21 the legally erected outdoor advertising to the Department of Transportation, Division of
22 Highways. The application shall be developed by the Department of Transportation.
23 The fee for an application to remove vegetation from outdoor advertising areas shall be
24 two hundred dollars (\$200.00).

25 (c) For outdoor advertising erected as of the effective date of this act, the
26 maximum removal area for vegetation for each sign face shall be an area not greater
27 than 500 feet on either side of the sign location from the center of the sign, as measured
28 along the edge of pavement of the public street or highway along which the outdoor
29 advertisement is placed.

30 (d) The cost of vegetation removal shall be borne solely by the owner of the
31 outdoor advertising. No compensatory planting shall be required to replace any
32 vegetation removed in the vegetation removal zone.

33 (e) Vegetation shall be defined as any tree, shrub, vine, undergrowth, or plant
34 growing within the area designated as removal zone by subsection (c) of this section.

35 (f) Any vegetation as defined in subsection (e) of this section that is listed on any
36 endangered species list by a United States governmental agency or the State of North
37 Carolina shall not be removed. It shall be the sole responsibility of the lawful owner of
38 the outdoor advertising to ensure compliance with this subsection. Any violation of this
39 subsection shall carry the same penalty as the penalty for violation of the State or
40 federal law protecting the endangered species."

41 **SECTION 5.** G.S. 105-283 reads as rewritten:

42 "**§ 105-283. Uniform appraisal standards.**

43 All property, real and personal, shall as far as practicable be appraised or valued at
44 its true value in money. When used in this Subchapter, the words "true value" shall be

1 interpreted as meaning market value, that is, the price estimated in terms of money at
2 which the property would change hands between a willing and financially able buyer
3 and a willing seller, neither being under any compulsion to buy or to sell and both
4 having reasonable knowledge of all the uses to which the property is adapted and for
5 which it is capable of being used. For the purposes of this section, the acquisition of an
6 interest in land by an entity having the power of eminent domain with respect to the
7 interest acquired shall not be considered competent evidence of the true value in money
8 of comparable land. For the purposes of Article 22A of this Chapter, "true value" means
9 the value assigned by the Commissioner of Motor Vehicles pursuant to the schedule
10 established under G.S. 105-187.3(c)."

11 **SECTION 6.** This act becomes effective July 1, 2006.