

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 1073

Short Title: NC Freedom To Work Act. (Public)

Sponsors: Representatives McNeely, Sasser, Hanig, and Jarvis (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Commerce, if favorable, Judiciary, if favorable, Rules, Calendar, and Operations of the House

May 14, 2020

1 **A BILL TO BE ENTITLED**

2 AN ACT GUARANTEEING THE CONSTITUTIONAL RIGHT OF NORTH CAROLINIANS
3 TO ENJOYMENT OF THE FRUITS OF THEIR OWN LABOR AND THE PURSUIT OF
4 HAPPINESS BY LIMITING CERTAIN PENALTIES FOR VIOLATIONS OF
5 EXECUTIVE ORDERS AND LOCAL PROHIBITIONS AND ACTIONS BY
6 OCCUPATIONAL LICENSING BOARDS.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.(a)** Notwithstanding G.S. 14-288.20A(2) and G.S. 166A-19.30(d), no
9 criminal liability shall apply to any person who violates any provision of any of the following:

- 10 (1) The following executive orders issued by Governor Roy A. Cooper and
11 subsequent extensions or amendments to the same:
12 a. Executive Order No. 118 issued March 17, 2020.
13 b. Executive Order No. 120 issued March 23, 2020.
14 c. Executive Order No. 121 issued March 27, 2020.
15 d. Executive Order No. 131 issued April 9, 2020.
16 e. Executive Order No. 135 issued April 23, 2020.

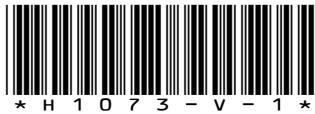
- 17 (2) Any executive order issued by Governor Roy A. Cooper after April 23, 2020,
18 in response to the COVID-19 emergency and exercising the authority granted
19 by G.S. 166A-19.30(b)(1) through (b)(3) and G.S. 166A-19.30(c).

20 All prosecutions for violation of executive orders described in this subsection shall
21 be abated.

22 **SECTION 1.(b)** Notwithstanding G.S. 14-288.20A(1) and G.S. 166A-19.31(h), no
23 criminal liability shall apply to any person who violates any provision of a prohibition or
24 restriction issued by a city or a county that mirrors or exceeds the limitations contained in the
25 executive orders referenced in subsection (a) of this section and that is issued for the same
26 emergency to which those executive orders apply.

27 All prosecutions for violation of prohibitions or restrictions described in this
28 subsection shall be abated.

29 **SECTION 2.** The maximum civil fine that may be levied against any person who is
30 liable for a violation of any local prohibition or restriction referenced in Section 1 of this act shall
31 be twenty-five dollars (\$25.00) for the first violation and one dollar (\$1.00) per day for each
32 subsequent violation. Any funds that are subject to Section 7(a) of Article IX of the North
33 Carolina Constitution that have already been collected by a county or municipality as a result of
34 such violation shall be deposited as required by law. The county or municipality shall use other



1 available funds to refund to the citizen the total collected fine less twenty-five dollars (\$25.00)
2 for the first violation and one dollar (\$1.00) per day for each subsequent violation that has
3 occurred prior to the date of refund. No person shall be charged court costs for a violation of any
4 provision described in this act.

5 **SECTION 3.** No occupational licensing board, as that term is defined in
6 G.S. 93B-1(2), may revoke a license, issue a fine, or take any adverse action against a licensee
7 on the basis that the licensee has violated any executive order or prohibition or restriction
8 referenced in Section 1 of this act. Nothing in this section restricts the authority of an
9 occupational licensing board to otherwise perform its statutory authority to regulate an
10 occupation.

11 **SECTION 4.** There is appropriated from the General Fund to the Secretary of State
12 the sum of five thousand dollars (\$5,000) in nonrecurring funds for the 2019-2020 fiscal year to
13 be used to provide educational materials to the public on the provisions of this act. The Secretary
14 of State shall consult with State occupational licensing boards in developing the educational
15 materials and dissemination methods.

16 **SECTION 5.** Section 4 of this act is effective when it becomes law. The remainder
17 of this act is effective when it becomes law and applies retroactively to March 17, 2020.