

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 1101
Committee Substitute Favorable 5/28/14
PROPOSED SENATE COMMITTEE SUBSTITUTE H1101-CSTG-85 [v.3]

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Short Title: Mech.Liens/Amend Info./Child Supp. Orders.

(Public)

Sponsors:

Referred to:

May 19, 2014

1 A BILL TO BE ENTITLED
2 AN ACT TO ENHANCE THE PROTECTION PROVIDED TO PERSONS MAKING
3 IMPROVEMENTS TO LEASED REAL PROPERTY UNDER ARTICLE 3 OF
4 CHAPTER 44A OF THE GENERAL STATUTES, AS RECOMMENDED BY THE LRC
5 COMMITTEE ON MECHANICS LIENS AND LEASEHOLD IMPROVEMENTS, TO
6 AMEND THE LAWS REGARDING INFORMATION PROVIDED TO
7 NONCUSTODIAL PARENTS SUBJECT TO WAGE WITHHOLDING ORDERS
8 UNDER THE LAWS PERTAINING TO CHILD SUPPORT, AND TO MAKE
9 TECHNICAL CORRECTIONS TO THE UNIFORM DEPLOYED PARENTS CUSTODY
10 AND VISITATION ACT.

11 The General Assembly of North Carolina enacts:

12 **SECTION 1.** G.S. 44A-26 reads as rewritten:

13 **"§ 44A-26. Bonds required.**

14 (a) When the total amount of construction contracts awarded for any one project
15 exceeds three hundred thousand dollars (\$300,000), a performance and payment bond as set
16 forth in (1) and (2) is required by the contracting body from any contractor or construction
17 manager at risk with a contract more than fifty thousand dollars (\$50,000); provided that, for
18 State departments, State agencies, and The University of North Carolina and its constituent
19 institutions, a performance and payment bond is required in accordance with this subsection if
20 the total amount of construction contracts awarded for any one project exceeds five hundred
21 thousand dollars (\$500,000). In the discretion of the contracting body, a performance and
22 payment bond may be required on any construction contract as follows:

- 23 (1) A performance bond in the amount of one hundred percent (100%) of the
24 construction contract amount, conditioned upon the faithful performance of
25 the contract in accordance with the plans, specifications and conditions of
26 the contract. Such bond shall be solely for the protection of the contracting
27 body that is constructing the project.
- 28 (2) A payment bond in the amount of one hundred percent (100%) of the
29 construction contract amount, conditioned upon the prompt payment for all
30 labor or materials for which a contractor or subcontractor is liable. The
31 payment bond shall be solely for the protection of the persons furnishing
32 materials or performing labor for which a contractor, subcontractor, or
33 construction manager at risk is liable.



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(b) The performance bond and the payment bond shall be executed by one or more surety companies legally authorized to do business in the State of North Carolina and shall become effective upon the awarding of the construction contract.

(c) No lease or other contract provision shall be effective to exempt, from the requirements of this Article, a project otherwise subject to the requirements of subsection (a) of this section, and any contract provision that purports to do so is void and unenforceable as against public policy.

(d) A person that leases real property from a contracting body shall require performance and payment bonds meeting the requirements of subdivisions (1) and (2) of subsection (a) of this section for construction, reconstruction, alteration, or repair of any public building or public work on the leased real property if all of the following apply:

(1) The contracting body requires the lessee to construct, reconstruct, alter, or repair the public building or other public work or public improvement on the leased real property.

(2) This Article would require the contracting body to require performance and payment bonds from contractors or construction managers if the contracting body had entered into a construction contract for the work required of the lessee.

For purposes of this subsection, any building or other work or improvement constructed upon land owned by a contracting body shall be deemed to be a public building or other public work or public improvement.

(e) Subsections (c) and (d) of this section do not apply to public-private partnership construction contracts that are subject to G.S. 143-128.1C."

SECTION 2. G.S. 110-136.3(a) reads as rewritten:

"(a) Required Contents of Support Orders. All child support orders, civil or criminal, entered or modified in the State in IV-D cases shall include a provision ordering income withholding to take effect immediately. All child support orders, civil or criminal, initially entered in the State in non-IV-D cases on or after January 1, 1994, shall include a provision ordering income withholding to take effect immediately as provided in G.S. 110-136.5(c1), unless one of the exceptions specified in G.S. 110-136.5(c1) applies. A non-IV-D child support order that contains an income withholding requirement and a IV-D child support order ~~shall~~ shall comply with each of the following:

(1) Require the obligor to keep the clerk of court or IV-D agency informed of the obligor's current residence and mailing ~~address;~~ address.

(2),(2a) Repealed by Session Laws 1993, c. 517, s. 1.

(3) Require the obligor to cooperate fully with the initiating party in the verification of the amount of the obligor's disposable ~~income;~~ income.

(4) Require the custodial party to keep the obligor informed of ~~(i) the custodial party's disposable income and the amount and effective date of any substantial change in this disposable income and (ii) income.~~

(4a) Include the current residence and mailing address of the child, unless custodial parent, or the address of the child if the address of the custodial parent and the address of the child are different. However, there is no requirement that the child support order contain the address of the custodial parent or the child if (i) there is an existing order prohibiting disclosure of the custodial parent's or child's address to the obligor or (ii) the court has determined that notice to the obligor is inappropriate because the obligor has made verbal or physical threats that constitute domestic violence under Chapter 50B of the General Statutes; and Statutes.

- (5) Require the obligor to keep the initiating party informed of the name and address of any payor of the obligor's disposable income and of the amount and effective date of any substantial change in this disposable income."

SECTION 3. G.S. 50A-370(a) reads as rewritten:

"(a) After a deploying parent receives notice of deployment and during the deployment, a court may issue a temporary order granting custodial responsibility unless prohibited by the Servicemembers Civil Relief Act, 50 U.S.C. app. §§ 521-522. A court may not issue a permanent order granting custodial responsibility in the absence of the deploying parent without the consent of the deploying parent."

SECTION 4. G.S. 50A-379(a) reads as rewritten:

"(a) Except for an order in accordance with G.S. 50A-373 or as otherwise provided in subsection (b) of this section, and consistent with the Servicemembers Civil Relief Act, 50 U.S.C. app. §§ 521-522, on motion of a deploying or other parent or any nonparent to whom caretaking authority, decision-making authority, or limited contact has been granted, the court may modify or terminate a grant of caretaking authority, decision-making authority, or limited contact made pursuant to this Article if the modification or termination is consistent with this Part and the court finds it is in the best interest of the child. Any modification shall be temporary and terminates following the conclusion of deployment of the deployed parent according to the procedures under Part 4 of this Article, unless the grant has been terminated before that time by court order."

SECTION 5. G.S. 50A-385(c) reads as rewritten:

"(c) In the absence of an agreement to terminate, the temporary agreement granting custodial responsibility terminates 60 days from the date ~~of one of the following:~~

- ~~(1) The date the deploying parent gives notice to the other parent that the deploying parent has returned from deployment.~~
- ~~(2) The date stated in an order terminating the temporary grant of custodial responsibility.~~
- ~~(3) The death of the deploying parent.~~ the deploying parent gives notice to the other parent that the deploying parent has returned from deployment, unless earlier terminated upon the date stated in an order terminating the temporary grant of custodial responsibility or the death of the deploying parent."

SECTION 6. G.S. 50A-388(a) reads as rewritten:

"(a) A temporary order for custodial responsibility issued under Part 3 of this Article shall terminate, if no agreement between the parties to terminate a temporary order for custodial responsibility has been filed, 60 days from ~~(i)~~ the date the deploying parent gives notice of having returned from deployment to the other parent ~~or~~ and any nonparent granted custodial ~~responsibility~~ responsibility, when applicable, or (ii) upon the death of the deploying ~~parent.~~ parent, whichever occurs first."

SECTION 7. Section 1 of this act becomes effective October 1, 2014, and applies to leases or other contracts entered into on or after that date. Section 2 of this act becomes effective January 1, 2015, and applies to orders entered on or after that date. Except as otherwise provided, the remainder of this act is effective when it becomes law.