

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 622
Appropriations/Base Budget Committee Substitute Adopted 5/3/05
Pensions & Retirement and Aging Committee Substitute Adopted 5/3/05
Fourth Edition Engrossed 5/5/05
House Committee Substitute Favorable 6/14/05

Short Title: 2005 Appropriations Act.

(Public)

Sponsors:

Referred to:

March 17, 2005

A BILL TO BE ENTITLED

1
2 AN ACT TO INCREASE FEES FOR LICENSING OF PROPRIETARY SCHOOLS
3 AS RECOMMENDED BY THE STATE BOARD OF COMMUNITY COLLEGES;
4 TO EXPAND THE EXPRESS REVIEW PROGRAM UNDER THE
5 DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
6 STATEWIDE; TO INCREASE THE CHARGE FOR APPELLATE DIVISION
7 REPORTS TO THE ACTUAL COST; TO INCREASE COURT COSTS IN
8 CRIMINAL ACTIONS FOR THE BENEFIT OF THE SUPPLEMENTAL
9 PENSION BENEFITS FOR SHERIFFS; TO PERMANENTLY INCREASE THE
10 EXCISE TAX ON CIGARETTES BY TWENTY-FIVE CENTS A PACK
11 BEGINNING JULY 1, 2005; TO PERMANENTLY INCREASE THE EXCISE
12 TAX RATE ON TOBACCO PRODUCTS OTHER THAN CIGARETTES AND
13 CIGARS TO SIX PERCENT BEGINNING JULY 1, 2005; TO EQUALIZE THE
14 GROSS PREMIUMS TAX RATES BY SETTING THE RATE FOR HEALTH
15 MAINTENANCE ORGANIZATIONS AT ONE AND NINE-TENTHS PERCENT
16 BEGINNING JANUARY 1, 2006; TO SET THE PRIVILEGE TAX ON
17 ENTERTAINMENTS AND MOVIES AT SEVEN PERCENT; TO PROVIDE A
18 TAX CREDIT EQUAL TO FIFTEEN PERCENT OF QUALIFYING EXPENSES
19 FOR CERTAIN FILM PRODUCTIONS OCCURRING IN THIS STATE; TO
20 PROVIDE FOR A TAX CREDIT OF UP TO FOUR HUNDRED DOLLARS PER
21 EMPLOYEE FOR SMALL BUSINESSES WHO PROVIDE HEALTH
22 INSURANCE COVERAGE FOR THEIR EMPLOYEES; TO SET THE
23 INSURANCE REGULATORY CHARGE AT FIVE AND FIVE-TENTHS
24 PERCENT; TO SET THE REGULATORY FEE FOR UTILITIES COMMISSION
25 AT TWELVE HUNDREDTHS PERCENT; TO SET THE NEWBORN
26 SCREENING FEE AT FOURTEEN DOLLARS; TO SET NUMEROUS FEES IN

1 THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF
 2 FACILITY SERVICES; TO INCREASE VARIOUS AGRICULTURAL FEES; TO
 3 INCREASE THE CAP FOR CAMA PERMIT FEES TO EIGHT HUNDRED
 4 DOLLARS; TO INCREASE GENERAL COURT OF JUSTICE FEES FOR
 5 CRIMINAL CASES BY NINE DOLLARS AND FIFTY CENTS; TO INCREASE
 6 GENERAL COURT OF JUSTICE FEES FOR CIVIL CASES BY TEN DOLLARS;
 7 TO INCREASE THE MAXIMUM COURT FEE FOR THE ADMINISTRATION
 8 OF ESTATES AND TRUSTS TO SIX THOUSAND DOLLARS; TO INCREASE
 9 THE FEE FOR EXPUNCTION TO ONE HUNDRED TWENTY-FIVE DOLLARS;
 10 TO INCREASE THE FEES FOR ELECTRONIC MONITORING; TO INCREASE
 11 THE COURT COSTS FOR FAILURE TO WEAR A SEAT BELT TO
 12 SEVENTY-FIVE DOLLARS; TO INCREASE BUTNER PROPERTY TAXES TO
 13 A RATE OF TWENTY-FIVE CENTS PER ONE HUNDRED DOLLARS
 14 VALUATION; TO SET FEES FOR THE POLICE INFORMATION NETWORK;
 15 TO INCREASE VARIOUS DEPARTMENT OF TRANSPORTATION FEES;
 16 AND TO ALLOW THE INDUSTRIAL COMMISSION TO ESTABLISH FEES
 17 BY RULE.

18 The General Assembly of North Carolina enacts:

19
 20 **PARTS I THROUGH VII. RESERVED**

21
 22 **PART VIII. COMMUNITY COLLEGES**

23
 24 Requested by: Representatives Jeffus, Tolson, Yongue

25 **IMPLEMENT PROPRIETARY SCHOOLS LICENSING FEE INCREASE**

26 **SECTION 8.14.** The State Board of Community Colleges may implement
 27 an increase in fees for licensing of proprietary schools in accordance with the following
 28 fee schedule adopted by the State Board of Community Colleges on November 18,
 29 2004:

30		
31	Initial License Fee	\$2,500
32	License Renewal Fee	\$1,250 plus \$50.00 per program
33	Program Addition Fee	\$200.00
34	Single Course Addition Fee	\$200.00
35	Relocation/Site Visit Fee	\$400.00
36	Remote Site Initial Fee	\$1,000
37	Remote Site Renewal Fee	\$750.00
38	Site Assessment	\$200.00
39		

40 **PARTS IX THROUGH XI. RESERVED**

41
 42 **PART XII. DEPARTMENT OF ENVIRONMENT AND NATURAL**
 43 **RESOURCES**
 44

1 Requested by: Representatives Hunter, Warren

2 **EXPAND EXPRESS REVIEW PROGRAM STATEWIDE**

3 **SECTION 12.2.(a)** Part 1 of Article 7 of Chapter 143B of the General
4 Statutes is amended by adding two new sections to read:

5 **"§ 143B-279.13. Express permit and certification reviews.**

6 (a) The Department of Environment and Natural Resources shall develop an
7 express review program to provide express permit and certification reviews in all of its
8 regional offices. Participation in the express review program is voluntary, and the
9 program is to become supported by the fees determined pursuant to subsection (b) of
10 this section. The Department of Environment and Natural Resources shall determine the
11 project applications to review under the express review program from those who request
12 to participate in the program. The express review program may be applied to any one or
13 all of the permits, approvals, or certifications in the following programs: the erosion and
14 sedimentation control program, the coastal management program, and the water quality
15 programs, including water quality certifications and stormwater management. The
16 express review program shall focus on the following permits or certifications:

- 17 (1) Stormwater permits under Part 1 of Article 21 of Chapter 143 of the
18 General Statutes.
- 19 (2) Stream origination certifications under Article 21 of Chapter 143 of
20 the General Statutes.
- 21 (3) Water quality certification under Article 21 of Chapter 143 of the
22 General Statutes.
- 23 (4) Erosion and sedimentation control permits under Article 4 of Chapter
24 113A of the General Statutes.
- 25 (5) Permits under the Coastal Area Management Act (CAMA), Part 4 of
26 Article 7 of Chapter 113A of the General Statutes.

27 (b) The Department of Environment and Natural Resources may determine the
28 fees for express application review under the express review program. Notwithstanding
29 G.S. 143-215.3D, the maximum permit application fee to be charged under subsection
30 (a) of this section for the express review of a project application requiring all of the
31 permits under subdivisions (1) through (5) of subsection (a) of this section shall not
32 exceed five thousand five hundred dollars (\$5,500). Notwithstanding G.S. 143-215.3D,
33 the maximum permit application fee to be charged for the express review of a project
34 application requiring all of the permits under subdivisions (1) through (4) of subsection
35 (a) of this section shall not exceed four thousand five hundred dollars (\$4,500).
36 Notwithstanding G.S. 143-215.3D, the maximum permit application fee charged for the
37 express review of a project application for any other combination of permits under
38 subdivisions (1) through (5) of subsection (a) of this section shall not exceed four
39 thousand dollars (\$4,000). Express review of a project application involving additional
40 permits or certifications issued by the Department of Environment and Natural
41 Resources other than those under subdivisions (1) through (5) of subsection (a) of this
42 section may be allowed by the Department, and, notwithstanding G.S. 143-215.3D or
43 any other statute or rule that sets a permit fee, the maximum permit application fee
44 charged for the express review of a project application shall not exceed four thousand

1 dollars (\$4,000), plus one hundred fifty percent (150%) of the fee that would otherwise
2 apply by statute or rule for that particular permit or certification. Additional fees, not to
3 exceed fifty percent (50%) of the original permit application fee under this section, may
4 be charged for subsequent reviews due to the insufficiency of the permit applications.
5 The Department of Environment and Natural Resources may establish the procedure by
6 which the amount of the fees under this subsection is determined, and the fees and
7 procedures are not rules under G.S. 150B-2(8a) for the express review program under
8 this section.

9 (c) No later than March 1 of each year, the Department of Environment and
10 Natural Resources shall report to the Fiscal Research Division and the Environmental
11 Review Commission its findings on the success of the program under this section and
12 any other findings or recommendations, including any legislative proposals that it
13 deems pertinent.

14 **"§ 143B-279.14. Express Review Fund.**

15 The Express Review Fund is created as a special nonreverting fund. All fees
16 collected under G.S. 143B-279.13 shall be credited to the Express Review Fund. The
17 Express Review Fund shall be used for the costs of implementing the express review
18 program under G.S. 143B-279.13 and the costs of administering the program, including
19 the salaries and support of the program's staff. If the express review program is
20 abolished, the funds in the Express Review Fund shall be credited to the General Fund."

21 **SECTION 12.2.(b)** The Department of Environment and Natural Resources
22 shall expand to a statewide program that operates in each regional office of the
23 Department the Express Review Pilot Program established by Section 11.4A of S.L.
24 2003-284 and expanded by Section 12.9 of S.L. 2004-124, and the provisions of
25 G.S. 143B-279.13, as enacted by subsection (a) of this section, shall apply to this
26 statewide program.

27 **SECTION 12.2.(c)** The Department of Environment and Natural Resources
28 shall establish and support 12 additional positions to administer the statewide express
29 review program under G.S. 143B-279.13, as enacted by subsection (a) of this section.
30 Up to seven hundred thirty-six thousand six hundred twenty-nine dollars (\$736,629) for
31 the 2005-2006 fiscal year and up to six hundred seventy-one thousand four hundred
32 nine dollars (\$671,409) for the 2006-2007 fiscal year shall be allocated from the
33 Express Review Fund created in G.S. 143B-279.14, as enacted by subsection (a) of this
34 section, to establish and support these 12 positions.

35 **SECTION 12.2.(d)** The Department of Environment and Natural Resources
36 shall continue and support the four positions established under Section 12.9(c) of S.L.
37 2004-124 to administer the statewide express review program under G.S. 143B-279.13,
38 as enacted by subsection (a) of this section. Up to two hundred twenty-three thousand
39 eight hundred three dollars (\$223,803) for the 2005-2006 fiscal year and up to two
40 hundred twenty-three thousand eight hundred three dollars (\$223,803) for the
41 2006-2007 fiscal year shall be allocated from the Express Review Fund created in
42 G.S. 143B-279.14, as enacted by subsection (a) of this section, to continue and support
43 these four positions.
44

1 PART XIII. RESERVED

2
3 PART XIV. JUDICIAL DEPARTMENT

4
5 Requested by: Representatives Kiser, Haire

6 INCREASE CHARGES FOR APPELLATE DIVISION REPORTS TO ACTUAL
7 COST

8 SECTION 14.7. The Judicial Department shall charge the full cost of
9 production for all copies of the appellate division reports that are sold.

10
11 PARTS XV THROUGH XXVIII. RESERVED

12
13 PART XXIX. SALARIES AND EMPLOYEE BENEFITS

14
15 Requested by: Representatives Crawford, Clary, Earle, Nye, Owens, Sherrill,
16 Michaux

17 INCREASE BENEFIT/SHERIFFS' SUPPLEMENTAL PENSION FUND

18 SECTION 29.30.(b) G.S. 7A-304(a)(3a) reads as rewritten:

19 "(3a) For the supplemental pension benefits of sheriffs, the sum of
20 ~~seventy-five cents (75¢)~~ one dollar and twenty-five cents (\$1.25) to be
21 remitted to the Department of Justice and administered under the
22 provisions of Article 12G of Chapter 143 of the General Statutes."
23

24 PARTS XXX THROUGH XXXIII. RESERVED

25
26 PART XXXIV. TOBACCO TAX RATE CHANGES

27
28 Requested by: Representatives Alexander, Gibson, Luebke, Wainwright

29 TOBACCO TAX RATE CHANGES

30 SECTION 34.1.(a) G.S. 105-113.5 reads as rewritten:

31 "§ 105-113.5. Tax on cigarettes.

32 A tax is levied on the sale or possession for sale in this State, by a distributor, of all
33 cigarettes at the rate of ~~two and one-half mills~~ one and one-half cents (1.50¢) per
34 individual cigarette."

35 SECTION 34.1.(b) G.S. 105-113.35(a) reads as rewritten:

36 "(a) Tax. – An excise tax is levied on tobacco products other than cigarettes ~~at the~~
37 ~~rate of two percent (2%) of the cost price of the products as specified in this section.~~

38 This tax does not apply to ~~the following:~~

39 (1) ~~A~~ a tobacco product sold outside the State.

40 (2) ~~A~~ A State, a tobacco product sold to the federal government.

41 (3) ~~A~~ government, or a sample tobacco product distributed without charge. The
42 rate of tax is as follows:

43 (1) Two percent (2%) of the cost price of cigars.

(2) Six percent (6%) of the cost price of tobacco products other than cigarettes and cigars."

SECTION 34.1.(c) This section becomes effective July 1, 2005.

PARTS XXXV THROUGH XXXVII. RESERVED

PART XXXVIII. CORPORATE, EXCISE, AND INSURANCE TAX CHANGES

SECTION 38.1. Reserved.

SECTION 38.2. Reserved.

Requested by: Representatives Alexander, Gibson, Luebke, Wainwright

EQUALIZE TAX ON ENTERTAINMENT

SECTION 38.3.(a) G.S. 105-37.1 reads as rewritten:

"§ 105-37.1. ~~Dances, athletic events, shows, exhibitions, and other entertainments.~~Privilege tax on entertainment.

(a) Scope. – A privilege tax is imposed on the gross receipts of a person who is engaged in any of the following:

(1) Giving, offering, or managing a dance or an athletic contest for which an admission fee in excess of fifty cents (50¢) is charged.

(2) Giving, offering, or managing a form of amusement or entertainment that is not taxed by another provision of this Article and for which an admission fee is charged.

(3) Exhibiting a performance, show, or exhibition, such as a circus or dog show, that is not taxed by another provision of this Article.

(4) Operating a motion picture show for which an admission is charged.

(b) Rate and Payment. – ~~The rate of the privilege tax is three percent (3%) of combined general rate applies to~~ the gross receipts from the activities described in subsection (a) of this section. The tax is due when a return is due. A return is due by the 10th day after the end of each month and covers the gross receipts received during the previous month. The term 'combined general rate' has the same meaning as defined in G.S. 105-164.3.

(c) Advance Report. – A person who owns or controls a performance, show, or exhibition subject to the tax imposed by this section and who plans to bring the performance to this State from outside the State must file a statement with the Secretary that lists the dates, times, and places of the performance, show, or exhibition. The statement must be filed no less than five days before the first performance, show, or exhibition in this State.

(d) Local Taxes. – Cities may levy a license tax on a person taxed under subdivision (a)(1) or (a)(2) of this section; however, the tax may not exceed twenty-five dollars (\$25.00). Cities may levy a license tax on a person taxed under subdivision (a)(3) of this section; however, the tax may not exceed twenty-five dollars (\$25.00) for each day or part of a day the performance, show, or exhibition is given at each location.

1 Counties may not levy a license tax on a person taxed under subdivision (a)(1) or
2 (a)(2)(a)(1), (a)(2), or (a)(4) of this section. Counties may levy a license tax on a person
3 taxed under subdivision (a)(3) to the same extent as a city."

4 **SECTION 38.3.(b)** G.S. 105-38.1 is repealed.

5 **SECTION 38.3.(c)** Subdivisions (4a) and (4b) of G.S. 105-164.3 are
6 recodified as subdivisions (4b) and (4c) respectively.

7 **SECTION 38.3.(d)** G.S. 105-164.3 is amended by adding a new subdivision
8 to read:

9 "**§ 105-164.3. Definitions.**

10 The following definitions apply in this Article:

11 ...

12 (4a) Combined general rate. – The State's general rate of tax set in
13 G.S. 105-164.4(a) plus the sum of the rates of the local sales and use
14 taxes authorized by Subchapter VIII of this Chapter for every county
15 in this State."

16 **SECTION 38.3.(e)** This section does not affect the rights or liabilities of the
17 State, a taxpayer, or another person arising under a statute amended or repealed by this
18 act before the effective date of its amendment or repeal; nor does it affect the right to
19 any refund or credit of a tax that accrued under the amended or repealed statute before
20 the effective date of its amendment or repeal.

21 **SECTION 38.3.(f)** This section becomes effective September 1, 2005, and
22 applies to tickets sold on or after that date.

23
24 Requested by: Representatives Alexander, Gibson, Luebke, Wainwright

25 **EQUALIZE GROSS PREMIUMS TAX**

26 **SECTION 38.4.(a)** G.S. 105-228.5(d)(6) is repealed.

27 **SECTION 38.4.(b)** G.S. 58-6-25(a) reads as rewritten:

28 "(a) Charge Levied. – There is levied on each insurance company an annual
29 charge for the purposes stated in subsection (d) of this section. The charge levied in this
30 section is in addition to all other fees and taxes. The percentage rate of the charge is
31 established pursuant to subsection (b) of this section. ~~For each insurance company that~~
32 ~~is not a health maintenance organization, the rate section and is applied to the~~
33 ~~company's premium tax liability for the taxable year. For health maintenance~~
34 ~~organizations, the rate is applied to a premium tax liability for the taxable year~~
35 ~~calculated as if the corporation or organization were paying tax at the rate in~~
36 ~~G.S. 105-228.5(d)(2).~~ In determining an insurance company's premium tax liability for a
37 taxable year, the following shall be disregarded:

38 (1) Additional taxes imposed by G.S. 105-228.8.

39 (2) The additional local fire and lightning tax imposed by
40 G.S. 105-228.5(d)(4).

41 (3) Any tax credits for guaranty or solvency fund assessments under
42 G.S. 105-228.5A or G.S. 97-133(a).

43 (4) Any tax credits allowed under Chapter 105 of the General Statutes
44 other than tax payments made by or on behalf of the taxpayer."

1 **SECTION 38.4.(c)** Notwithstanding the provisions of G.S. 105-228.5(f), the
2 following provisions apply to health maintenance organizations for the 2006 and 2007
3 taxable years in lieu of the provisions of G.S. 105-228.5(f):

4 Health maintenance organizations that are subject to the tax imposed by
5 G.S. 105-228.5 and have an estimated premium tax liability for the taxable year, not
6 including the additional local fire and lightning tax, of ten thousand dollars (\$10,000) or
7 more for business done in North Carolina shall remit three estimated tax payments: the
8 first estimated payment is due on or before April 15 and must be equal to at least
9 forty-five percent (45%) of the taxpayer's estimated premium tax liability for the taxable
10 year; the second estimated payment is due on or before June 15 and must be equal to at
11 least forty-five percent (45%) of the taxpayer's estimated premium tax liability for the
12 taxable year; and the third payment is due on or before October 15 and must be equal to
13 at least ten percent (10%) of the taxpayer's estimated premium tax liability for the
14 taxable year. The taxpayer must remit the balance by the following March 15 in the
15 same manner provided in G.S. 105-228.5(e) for annual returns.

16 An underpayment of an estimated payment required by this subsection bears
17 interest at the rate established under G.S. 105-241.1(i). Any overpayment bears interest
18 as provided in G.S. 105-266(b) and, together with the interest, must be credited to the
19 taxpayer and applied against the taxes imposed upon the company under
20 G.S. 105-228.5.

21 The penalties provided in Article 9 of Chapter 105 of the General Statutes
22 apply to the estimated tax payments required by this subsection.

23 **SECTION 38.4.(d)** This section is effective for taxable years beginning on
24 or after January 1, 2006.

25 26 **PART XXXIX. TAX INCENTIVES**

27
28 Requested by: Representatives Alexander, Gibson, Luebke, Wainwright
29 **FILM INDUSTRY JOBS INCENTIVES**

30 **SECTION 39.1.(a)** Part 1 of Article 4 of Chapter 105 of the General Statutes
31 is amended by adding a new section to read:

32 **"§ 105-130.47. Credit for qualifying expenses of a production company.**

33 (a) Definitions. – The following definitions apply in this section:

34 (1) Highly compensated individual. – An individual who receives
35 compensation in excess of one million dollars (\$1,000,000) with
36 respect to a single production.

37 (2) Qualifying expenses. – The sum of the total amount spent in this State
38 for the following by a production company in connection with a
39 production:

40 a. Goods and services purchased by the production company.

41 b. Compensation and wages paid by the production company,
42 other than amounts paid to a highly compensated individual, on
43 which the production company remitted withholding payments
44 to the Department of Revenue under Article 4A of this Chapter.

1 (3) Production company. – Defined in G.S. 105-164.3.

2 (b) Credit. – A taxpayer that is a production company and has qualifying
3 expenses of at least two hundred fifty thousand dollars (\$250,000) with respect to a
4 production is allowed a credit against the taxes imposed by this Part equal to fifteen
5 percent (15%) of the production company's qualifying expenses that have been certified
6 as required in subsection (c) of this section. For the purposes of this section, in the case
7 of an episodic television series, an entire season of episodes is one production. The
8 credit is computed based on all of the taxpayer's qualifying expenses incurred with
9 respect to the production, not just the qualifying expenses incurred during the taxable
10 year.

11 (c) Certification. – In order to be eligible for a credit under this section, a
12 taxpayer must submit a detailed accounting of its qualifying expenses to the North
13 Carolina Film Office of the Department of Commerce. The North Carolina Film Office,
14 with the assistance of the regional film commission for the location of the production,
15 must make a written certification of the amount of the qualifying expenses.

16 (d) Pass-Through Entity. – Notwithstanding the provisions of G.S. 105-131.8 and
17 G.S. 105-269.15, a pass-through entity that qualifies for the credit provided in this
18 section does not distribute the credit among any of its owners. The pass-through entity
19 is considered the taxpayer for purposes of claiming the credit allowed by this section. If
20 a return filed by a pass-through entity indicates that the entity is paying tax on behalf of
21 the owners of the entity, the credit allowed under this section does not affect the entity's
22 payment of tax on behalf of its owners.

23 (e) Return. – A taxpayer may claim the credit allowed by this section on a return
24 filed for the taxable year in which the production activities are completed. The return
25 must state the name of the production, a description of the production, and the
26 certification from the North Carolina Film Office of the qualifying expenses for which
27 the credit is claimed.

28 (f) Credit Refundable. – If the credit allowed by this section exceeds the amount
29 of tax imposed by this Part for the taxable year reduced by the sum of all credits
30 allowable, the Secretary must refund the excess to the taxpayer. The refundable excess
31 is governed by the provisions governing a refund of an overpayment by the taxpayer of
32 the tax imposed in this Part. In computing the amount of tax against which multiple
33 credits are allowed, nonrefundable credits are subtracted before refundable credits.

34 (g) Limitation. – No credit is allowed under this section for any production that
35 satisfies one of the following conditions:

36 (1) It is political advertising.

37 (2) It is a television production of a news program or sporting event.

38 (3) It contains material that is obscene, as defined in G.S. 14-190.1.

39 (h) Substantiation. – A taxpayer allowed a credit under this section must maintain
40 and make available for inspection any information or records required by the Secretary
41 of Revenue or the regional film commissions. The taxpayer has the burden of proving
42 eligibility for a credit and the amount of the credit.

1 (i) Report. – The Department of Revenue must publish by May 1 of each year
2 the following information, itemized by taxpayer for the 12-month period ending the
3 preceding April 1:

4 (1) The location of sites used in a production for which a credit was
5 claimed.

6 (2) The qualifying expenses for which a credit was claimed, classified by
7 whether the expenses were for goods, services, or compensation paid
8 by the production company.

9 (3) The number of people employed in the State with respect to credits
10 claimed.

11 (4) The total cost to the General Fund of the credits claimed.

12 (j) Sunset. – This section is repealed for qualifying expenses occurring on or
13 after January 1, 2010."

14 **SECTION 39.1.(b)** Part 2 of Article 4 of Chapter 105 of the General
15 Statutes is amended by adding a new section to read:

16 **"§ 105-151.29. Credit for qualifying expenses of a production company.**

17 (a) Definitions. – The following definitions apply in this section:

18 (1) Highly compensated individual. – An individual who receives
19 compensation in excess of one million dollars (\$1,000,000) with
20 respect to a single production.

21 (2) Qualifying expenses. – The sum of the total amount spent in this State
22 for the following by a production company in connection with a
23 production:

24 a. Goods and services purchased by the production company.

25 b. Compensation and wages paid by the production company,
26 other than amounts paid to a highly compensated individual, on
27 which the production company remitted withholding payments
28 to the Department of Revenue under Article 4A of this Chapter.

29 (3) Production company. – Defined in G.S. 105-164.3.

30 (b) Credit. – A taxpayer that is a production company and has qualifying
31 expenses of at least two hundred fifty thousand dollars (\$250,000) with respect to a
32 production is allowed a credit against the taxes imposed by this Part equal to fifteen
33 percent (15%) of the production company's qualifying expenses that have been certified
34 as required in subsection (c) of this section. For the purposes of this section, in the case
35 of an episodic television series, an entire season of episodes is one production. The
36 credit is computed based on all of the taxpayer's qualifying expenses incurred with
37 respect to the production, not just the qualifying expenses incurred during the taxable
38 year.

39 (c) Certification. – In order to be eligible for a credit under this section, a
40 taxpayer must submit a detailed accounting of its qualifying expenses to the North
41 Carolina Film Office of the Department of Commerce. The North Carolina Film Office,
42 with the assistance of the regional film commission for the location of the production,
43 must make a written certification of the amount of the qualifying expenses.

1 (d) Pass-Through Entity. – Notwithstanding the provisions of G.S. 105-131.8 and
2 G.S. 105-269.15, a pass-through entity that qualifies for the credit provided in this
3 section does not distribute the credit among any of its owners. The pass-through entity
4 is considered the taxpayer for purposes of claiming the credit allowed by this section. If
5 a return filed by a pass-through entity indicates that the entity is paying tax on behalf of
6 the owners of the entity, the credit allowed under this section does not affect the entity's
7 payment of tax on behalf of its owners.

8 (e) Return. – A taxpayer may claim the credit allowed by this section on a return
9 filed for the taxable year in which the production activities are completed. The return
10 must state the name of the production, a description of the production, and the
11 certification from the North Carolina Film Office of the qualifying expenses for which
12 the credit is claimed.

13 (f) Credit Refundable. – If the credit allowed by this section exceeds the amount
14 of tax imposed by this Part for the taxable year reduced by the sum of all credits
15 allowable, the Secretary must refund the excess to the taxpayer. The refundable excess
16 is governed by the provisions governing a refund of an overpayment by the taxpayer of
17 the tax imposed in this Part. In computing the amount of tax against which multiple
18 credits are allowed, nonrefundable credits are subtracted before refundable credits.

19 (g) Limitation. – No credit is allowed under this section for any production that
20 satisfies one of the following conditions:

21 (1) It is political advertising.

22 (2) It is a television production of a news program or sporting event.

23 (3) It contains material that is obscene, as defined in G.S. 14-190.1.

24 (h) Substantiation. – A taxpayer allowed a credit under this section must maintain
25 and make available for inspection any information or records required by the Secretary
26 of Revenue or the regional film commissions. The taxpayer has the burden of proving
27 eligibility for a credit and the amount of the credit.

28 (i) Report. – The Department of Revenue must publish by May 1 of each year
29 the following information, itemized by taxpayer for the 12-month period ending the
30 preceding April 1:

31 (1) The location of sites used in a production for which a credit was
32 claimed.

33 (2) The qualifying expenses for which a credit was claimed, classified by
34 whether the expenses were for goods, services, or compensation paid
35 by the production company.

36 (3) The number of people employed in the State with respect to credits
37 claimed.

38 (4) The total cost to the General Fund of the credits claimed.

39 (j) Sunset. – This section is repealed for qualifying expenses occurring on or
40 after January 1, 2010."

41 **SECTION 39.1.(c)** G.S. 105-259(b), as amended by Section 30.1 of this act,
42 is amended by adding a new subdivision to read:

43 "(b) Disclosure Prohibited. – An officer, an employee, or an agent of the State
44 who has access to tax information in the course of service to or employment by the State

1 may not disclose the information to any other person unless the disclosure is made for
2 one of the following purposes:

3 ...

4 (33) To exchange information concerning a tax credit claimed under
5 G.S. 105-130.47 or G.S. 105-151.29 with the North Carolina Film
6 Office of the Department of Commerce and with the regional film
7 commissions."

8 **SECTION 39.1.(d)** G.S. 143B-434.4 is repealed.

9 **SECTION 39.1.(e)** This section is effective for taxable years beginning on
10 or after January 1, 2005.

11
12 Requested by: Representatives Alexander, Gibson, Luebke, Wainwright

13 **SMALL BUSINESS HEALTH INSURANCE TAX CREDIT**

14 **SECTION 39.2.(a)** Article 3B of Chapter 105 of the General Statutes is
15 amended by adding a new section to read:

16 **"§ 105-129.16E. Credit for small business employee health benefits.**

17 (a) Credit. – A small business that provides health benefits for all of its eligible
18 employees during the taxable year is allowed a credit to offset its costs in providing
19 health benefits for its eligible employees. For the purposes of this subsection, a taxpayer
20 provides health benefits if it pays at least fifty percent (50%) of the premiums for health
21 care coverage that equals or exceeds the minimum provisions of the basic health care
22 plan of coverage recommended by the Small Employer Carrier Committee pursuant to
23 G.S. 58-50-125.

24 The credit is equal to a dollar amount per eligible employee, not to exceed the
25 taxpayer's costs of providing health benefits for its eligible employees during the
26 taxable year. For each eligible employee for whom the taxpayer provides health
27 benefits, the amount is four hundred dollars (\$400.00).

28 (b) Allocation. – If the taxpayer is an individual who is a nonresident or a
29 part-year resident, the taxpayer must reduce the amount of the credit by multiplying it
30 by the fraction calculated under G.S. 105-134.5(b) or (c), as appropriate. If the taxpayer
31 is not an individual and is required to apportion its multistate business income to this
32 State, the taxpayer must reduce the amount of the credit by multiplying it by the
33 apportionment fraction used to apportion its business income to this State.

34 (c) Definitions. – The following definitions apply in this section:

35 (1) Eligible employee. – Defined in G.S. 58-50-110.

36 (2) Small business. – A taxpayer that employs no more than 25 eligible
37 employees throughout the taxable year.

38 (d) No Double Benefit. – A taxpayer may not claim a credit under this section for
39 costs for which it claimed a deduction under the Code. A taxpayer that claims a credit
40 provided under this section must adjust taxable income as provided in
41 G.S. 105-130.5(a)(16) or G.S. 105-134.6(c)(9), as applicable.

42 (e) Sunset. – This section expires for taxable years beginning on or after January
43 1, 2010."

44 **SECTION 39.2.(b)** G.S. 105-129.15A is repealed.

SECTION 39.2.(c) G.S. 105-129.16 is repealed.

SECTION 39.2.(d) G.S. 105-129.16A is amended by adding a new subsection to read:

"(e) Sunset. – This section is repealed for renewable energy property placed in service on or after January 1, 2006."

SECTION 39.2.(e) G.S. 105-129.16C is amended by adding a new subsection to read:

"(d) Sunset. – This section is repealed for taxable years beginning on or after January 1, 2006."

SECTION 39.2.(f) G.S. 105-130.5(a) is amended by adding a new subdivision to read:

"(a) The following additions to federal taxable income shall be made in determining State net income:

- ...
(16) To the extent not included in federal taxable income, the costs of providing employee health benefits for which the taxpayer claims a credit under G.S. 105-129.16E."

SECTION 39.2.(g) G.S. 105-134.6(c) is amended by adding a new subdivision to read:

"(c) Additions. – The following additions to taxable income shall be made in calculating North Carolina taxable income, to the extent each item is not included in taxable income:

- ...
(9) The costs of providing employee health benefits for which the taxpayer claims a credit under G.S. 105-129.16E."

SECTION 39.2.(h) Subsections (a), (f), and (g) of this section are effective for taxable years beginning on or after January 1, 2006. The remainder of this section is effective when it becomes law.

PART XL. SET RATES FOR INSURANCE REGULATORY CHARGE AND PUBLIC UTILITIES FEES

Requested by: Representatives Alexander, Gibson, Luebke, Wainwright

INSURANCE REGULATORY CHARGE

SECTION 40.1.(a) The percentage rate to be used in calculating the insurance regulatory charge under G.S. 58-6-25 is five and one-half percent (5.5%) for the 2005 calendar year.

SECTION 40.1.(b) This section is effective when it becomes law.

Requested by: Representatives Alexander, Gibson, Luebke, Wainwright

REGULATORY FEE FOR UTILITIES COMMISSION

SECTION 40.2.(a) The percentage rate to be used in calculating the public utility regulatory fee under G.S. 62-302(b)(2) is twelve-hundredths of one percent

1 (0.12%) for each public utility's North Carolina jurisdictional revenues earned during
2 each quarter that begins on or after July 1, 2005.

3 **SECTION 40.2.(b)** The electric membership corporation regulatory fee
4 imposed under G.S. 62-302(b1) for the 2005-2006 fiscal year is two hundred thousand
5 dollars (\$200,000).

6 **SECTION 40.2.(c)** This section becomes effective July 1, 2005.

7
8 **PART XLI. HEALTH AND HUMAN SERVICES FEES**

9
10 Requested by: Representatives Barnhart, Insko

11 **NEWBORN SCREENING FEE**

12 **SECTION 41.1.** G.S. 130A-125(c) reads as rewritten:

13 "(c) ~~The Department may impose a fee for a laboratory test performed pursuant to~~
14 ~~this section by the State Public Health Laboratory. A fee for a test must be based on the~~
15 ~~actual cost of performing the test. A fee of fourteen dollars (\$14.00) applies to a~~
16 laboratory test performed by the State Public Health Laboratory performed pursuant to
17 this section. Fees collected shall remain in the Department to be used to offset the cost
18 of the Newborn Screening Program."

19
20 Requested by: Representatives Insko, Barnhart

21 **DIVISION OF FACILITY SERVICES FEES**

22 **SECTION 41.2.(a)** G.S. 131D-2(b)(1) reads as rewritten:

23 "(b) Licensure; inspections. –

24 (1) The Department of Health and Human Services shall inspect and
25 license, under rules adopted by the Medical Care Commission, all
26 adult care homes for persons who are aged or mentally or physically
27 disabled except those exempt in subsection (c) of this section. Licenses
28 issued under the authority of this section shall be valid for one year
29 from the date of issuance unless revoked earlier by the Secretary for
30 failure to comply with any part of this section or any rules adopted
31 hereunder. Licenses shall be renewed annually upon filing and the
32 Department's approval of the renewal application. The Department
33 shall charge each adult care home with six or fewer beds a
34 nonrefundable annual license fee in the amount of ~~one hundred~~
35 ~~twenty five dollars (\$125.00).~~ two hundred fifty dollars (\$250.00). The
36 Department shall charge each adult care home with more than six beds
37 a nonrefundable annual license fee in the amount of ~~one hundred~~
38 ~~seventy five dollars (\$175.00)~~ three hundred fifty dollars (\$350.00)
39 plus a nonrefundable annual per-bed fee of six dollars and twenty five
40 cents (\$6.25); twelve dollars and fifty cents (\$12.50). A license shall
41 not be renewed if outstanding fees, fines, and penalties imposed by the
42 State against the home have not been paid. Fines and penalties for
43 which an appeal is pending are exempt from consideration. The
44 renewal application shall contain all necessary and reasonable

1 information that the Department may by rule require. Except as
2 otherwise provided in this subdivision, the Department may amend a
3 license by reducing it from a full license to a provisional license for a
4 period of not more than 90 days whenever the Department finds that:

- 5 a. The licensee has substantially failed to comply with the
6 provisions of Articles 1 and 3 of Chapter 131D of the General
7 Statutes and the rules adopted pursuant to these Articles;
8 b. There is a reasonable probability that the licensee can remedy
9 the licensure deficiencies within a reasonable length of time;
10 and
11 c. There is a reasonable probability that the licensee will be able
12 thereafter to remain in compliance with the licensure rules for
13 the foreseeable future.

14 The Department may extend a provisional license for not more than
15 one additional 90-day period upon finding that the licensee has made
16 substantial progress toward remedying the licensure deficiencies that
17 caused the license to be reduced to provisional status.

18 The Department may revoke a license whenever:

- 19 a. The Department finds that:
20 1. The licensee has substantially failed to comply with the
21 provisions of Articles 1 and 3 of Chapter 131D of the
22 General Statutes and the rules adopted pursuant to these
23 Articles; and
24 2. It is not reasonably probable that the licensee can remedy
25 the licensure deficiencies within a reasonable length of
26 time; or
27 b. The Department finds that:
28 1. The licensee has substantially failed to comply with the
29 provisions of Articles 1 and 3 of Chapter 131D of the
30 General Statutes and the rules adopted pursuant to these
31 Articles; and
32 2. Although the licensee may be able to remedy the
33 deficiencies within a reasonable time, it is not reasonably
34 probable that the licensee will be able to remain in
35 compliance with licensure rules for the foreseeable
36 future; or
37 c. The Department finds that the licensee has failed to comply
38 with the provisions of Articles 1 and 3 of Chapter 131D of the
39 General Statutes and the rules adopted pursuant to these
40 Articles, and the failure to comply endangered the health,
41 safety, or welfare of the patients in the facility.

42 The Department may also issue a provisional license to a facility, pursuant to rules
43 adopted by the Medical Care Commission, for substantial failure to comply with the
44 provisions of this section or rules adopted pursuant to this section. Any facility wishing

1 to contest the issuance of a provisional license shall be entitled to an administrative
 2 hearing as provided in the Administrative Procedure Act, Chapter 150B of the General
 3 Statutes. A petition for a contested case shall be filed within 30 days after the
 4 Department mails written notice of the issuance of the provisional license."

5 **SECTION 41.2.(b)** G.S. 131E-77(d) reads as rewritten:

6 "(d) Upon receipt of an application for a license, the Department shall issue a
 7 license if it finds that the applicant complies with the provisions of this Article and the
 8 rules of the Commission. The Department shall renew each license in accordance with
 9 the rules of the Commission. The Department shall charge the applicant a
 10 nonrefundable annual base license fee plus a nonrefundable annual per-bed fee as
 11 follows:

12 Facility Type	Number of Beds	Base Fee	Per-Bed Fee
13 General Acute Hospitals:	1-49 beds	\$125.00 <u>250.00</u>	\$6.25 <u>12.50</u>
	50-99 beds	\$175.00 <u>350.00</u>	\$6.25 <u>12.50</u>
	100-199 beds	\$225.00 <u>450.00</u>	\$6.25 <u>12.50</u>
	200-399 beds	\$275.00 <u>550.00</u>	\$6.25 <u>12.50</u>
	400-699 beds	\$375.00 <u>750.00</u>	\$6.25 <u>12.50</u>
	700+ beds	\$475.00 <u>950.00</u>	\$6.25 <u>12.50</u>
25 Other Hospitals:		\$250.00 <u>500.00</u>	\$6.25 <u>12.50</u> "

26 **SECTION 41.2(c)** G.S. 131E-102(b) reads as rewritten:

27 "(b) Applications shall be available from the Department, and each application
 28 filed with the Department shall contain all necessary and reasonable information that the
 29 Department may by rule require. A license shall be granted to the applicant upon a
 30 determination by the Department that the applicant has complied with the provisions of
 31 this Part and the rules promulgated under this Part. The Department shall charge the
 32 applicant a nonrefundable annual license fee in the amount of ~~two hundred twenty five~~
 33 ~~dollars (\$225.00)~~ four hundred fifty dollars (\$450.00) plus a nonrefundable annual
 34 per-bed fee of ~~six dollars and twenty five cents (\$6.25)~~ twelve dollars and fifty cents
 35 (\$12.50)."

36 **SECTION 41.2(d)** G.S. 131E-138(c) reads as rewritten:

37 "(c) An application for a license shall be available from the Department, and each
 38 application filed with the Department shall contain all information requested by the
 39 Department. A license shall be granted to the applicant upon a determination by the
 40 Department that the applicant has complied with the provisions of this Part and the rules
 41 promulgated by the Commission under this Part. The Department shall charge the
 42 applicant a nonrefundable annual license fee in the amount of ~~one hundred seventy five~~
 43 ~~dollars (\$175.00)~~ three hundred fifty dollars (\$350.00)."

44 **SECTION 41.2(e)** G.S. 131E-147(b) reads as rewritten:

"(b) Applications shall be available from the Department, and each application filed with the Department shall contain all necessary and reasonable information that the Department may by rule require. A license shall be granted to the applicant upon a determination by the Department that the applicant has complied with the provisions of this Part and the rules promulgated by the Commission under this Part. The Department shall charge the applicant a nonrefundable annual base license fee in the amount of ~~three hundred fifty dollars (\$350.00)~~ seven hundred dollars (\$700.00) plus a nonrefundable annual per-operating room fee in the amount of ~~twenty-five dollars (\$25.00)~~ fifty dollars (\$50.00)."

SECTION 41.2(f) G.S. 131E-167(a) reads as rewritten:

"(a) Applications for certification shall be available from the Department, and each application filed with the Department shall contain all necessary and reasonable information that the Department may by rule require. A certificate shall be granted to the applicant for a period not to exceed one year upon a determination by the Department that the applicant has substantially complied with the provisions of this Article and the rules promulgated by the Department under this Article. The Department shall charge the applicant a nonrefundable annual certification fee in the amount of ~~one hundred twenty-five dollars (\$125.00)~~ two hundred fifty dollars (\$250.00)."

SECTION 41.2(g) G.S. 131E-269 reads as rewritten:

"§ 131E-269. Authorization to charge fee for certification of facilities suitable to perform abortions.

The Department of Health and Human Services shall charge each hospital or clinic certified by the Department as a facility suitable for the performance of abortions, as authorized under G.S. 14-45.1, a nonrefundable annual certification fee in the amount of ~~three hundred fifty dollars (\$350.00)~~ seven hundred dollars (\$700.00)."

SECTION 41.2(h) G.S. 122C-23(h) reads as rewritten:

"(h) The Department shall charge facilities licensed under this Chapter that have licensed beds a nonrefundable annual base license fee plus a nonrefundable annual per-bed fee as follows:

Type of Facility	Number of Beds	Base Fee	Per-Bed Fee
Facilities (non-ICF/MR):	6 or fewer beds	\$125.00 <u>\$250.00</u>	\$0
	More than 6 beds	\$175.00 <u>\$350.00</u>	\$6.25 <u>\$12.50</u>
ICF/MR Only:	6 or fewer beds	\$325.00 <u>\$650.00</u>	\$0
	More than 6 beds	\$325.00 <u>\$650.00</u>	\$6.25 <u>\$12.50</u> "

SECTION 41.2(i) G.S. 131E-138.1 reads as rewritten:

"§ 131E-138.1. Licensure fees for nursing beds and adult care home beds in continuing care retirement communities.

The Department shall charge continuing care retirement communities licensed under Article 64 of Chapter 58 of the General Statutes that have nursing home beds or adult care home beds licensed by the Department a nonrefundable annual base license fee in the amount of ~~two hundred twenty-five dollars (\$225.00)~~ four hundred fifty dollars (\$450.00) plus a nonrefundable annual per-bed fee in the amount of ~~six dollars and twenty-five cents (\$6.25)~~ twelve dollars and fifty cents (\$12.50)."

SECTION 41.2(j) G.S. 131E-267 reads as rewritten:

1 "§ 131E-267. Fees for departmental review of health care facility construction
2 projects.

3 The Department of Health and Human Services shall charge a fee for the review of
4 each health care facility construction project to ensure that project plans and
5 construction are in compliance with State law. The fee shall be charged on a one-time,
6 per-project basis, as follows, and shall not exceed twelve thousand five hundred dollars
7 (\$12,500) for any single project:
8

9 **Institutional Project**

Project Fee

10 Hospitals	\$150.00 plus \$0.10/square foot of project space
	\$300.00 plus \$0.20/square foot of project space
11 Nursing Homes	\$125.00 plus \$0.08/square foot of project space
	\$250.00 plus \$0.16/square foot of project space
12 Ambulatory Surgical Facility	\$100.00 plus \$0.08/square foot of project space
	\$200.00 plus \$0.16/square foot of project space
13 Psychiatric Hospital	\$100.00 plus \$0.08/square foot of project space
	\$200.00 plus \$0.16/square foot of project space
14 Adult Care Home more than 7 beds	\$87.00 plus \$0.05/square foot of project space
15 <u>7 or more beds</u>	\$175.00 plus \$0.10/square foot of project space

16 **Residential Project**

Project Fee

17 Family Care Homes	\$87.00 <u>175.00</u> flat fee
18 ICF/MR Group Homes	\$137.00 <u>275.00</u> flat fee
19 Group Homes: 1-3 beds	\$50.00 <u>100.00</u> flat fee
20 Group Homes: 4-6 beds	\$87.00 <u>175.00</u> flat fee
21 Group Homes: 7-9 beds	\$112.00 <u>225.00</u> flat fee
22 Other residential: More than 9 beds	\$112.00 <u>225.00</u> plus \$0.038 <u>0.075</u> /square foot of 23 project space."

24 **SECTION 41.2.(k)** This section becomes effective October 1, 2005.

25 **PART XLII. NATURAL AND ECONOMIC RESOURCES FEES**

26 Requested by: Representatives Hunter, Warren

27 **INCREASE VARIOUS AGRICULTURAL FEES**

28 **SECTION 42.1.(a)** G.S. 106-284.34(c) reads as rewritten:

29 "(c) No person shall distribute in this State a commercial feed, except a
30 customer-formula feed, which has not been registered pursuant to the provisions of this
31 section. The application for registration shall be submitted in the manner prescribed by
32 the Commissioner. Upon approval by the Commissioner or his duly designated agent
33 the registration shall be issued to the applicant. All registrations expire on the thirty-first
34 day of December of each year. An annual registration fee of ~~three dollars (\$3.00)~~ up to
35 five dollars (\$5.00) for each commercial feed other than canned pet food shall
36 accompany each request for registration. An annual registration fee of ~~ten dollars~~

1 ~~(\$10.00)~~ up to twelve dollars (\$12.00) for each canned pet food shall accompany each
 2 request for registration."

3 **SECTION 42.1.(b)** G.S. 106-284.40(b)(4) reads as rewritten:

4 "(4) In the case of a commercial feed other than canned pet food which is
 5 distributed in the State only in packages of five pounds or less, an
 6 annual registration fee of ~~thirty dollars (\$30.00)~~ up to forty dollars
 7 (\$40.00) shall be paid in lieu of the inspection fee specified above."

8 **SECTION 42.1.(c)** G.S. 106-277.28(3) reads as rewritten:

9 "(3) Each seed dealer or grower who has seed, whether originated or
 10 labeled by the dealer or grower, that is offered for sale in this State
 11 shall report the quantity of seed offered for sale and pay an inspection
 12 fee of ~~two cents (2¢)~~ up to four cents (4¢) for each container of seeds
 13 weighing 10 pounds or more. Seed shall be subject to the inspection
 14 fee and reporting requirements only once in any 12-month period. This
 15 fee does not apply to seed grown by a farmer and offered for sale by
 16 the farmer at the farm where the seed was grown."

17 **SECTION 42.1.(d)** The Board of Agriculture shall charge no more than the
 18 following fees for agronomic services:

<u>Test/Service</u>	<u>Fee</u>
20 (1) Routine nematode samples	\$ 3.00
21 (2) Routine waste samples	\$ 5.00
22 (3) Research soil and nematode samples	\$12.00
23 (4) Research plant, waste, and solution samples	\$12.00
24 (5) Nonresident nematode samples	\$14.00
25 (6) Nonresident plant, waste, and solution samples	\$26.00
26 (7) Special services for plant, waste, and solution samples:	
27 a. Heavy metals-soils	\$25.00
28 b. Nitrates-soils	\$ 5.00
29 c. Waste-heavy metals	\$10.00
30 d. Waste-N breakout	\$10.00
31 e. Waste-liming equivalent	\$10.00
32 f. Plant-chloride	\$ 5.00
33 g. Plant-molybdenum	\$ 5.00
34 h. Plant-petiole nitrates	\$ 5.00.

35 **SECTION 42.1.(e)** The Board of Agriculture shall charge no more than the
 36 following fees for animal disease diagnostic tests and services:

<u>Test/Service</u>	<u>Fee</u>
38 (1) Histopath	\$30.00
39 (2) Professional services-EIA	\$ 6.00
40 (3) Professional services-blood pour-off fees	\$ 1.00
41 (4) Vacuum tube handling fee	\$ 0.04.

42 **SECTION 42.1.(f)** G.S. 81A-52 reads as rewritten:

43 "§ 81A-52. License.

1 All public weighmasters shall be licensed. Any person not less than 18 years of age
 2 who wishes to be a public weighmaster shall apply to the Department on a form
 3 provided by the Department. The Board may adopt rules for determining the
 4 qualifications of the applicant for a license. Public weighmasters shall be licensed for a
 5 period of one year beginning the first day of July and ending on the thirtieth day of
 6 June, and a fee of ~~twelve dollars (\$12.00)~~ up to nineteen dollars (\$19.00) shall be paid
 7 for each person licensed at the time of the filing of the application."

8 **SECTION 42.1.(g)** G.S. 81A-72 reads as rewritten:

9 "**§ 81A-72. Registration; certificate of registration; annual renewal.**

10 The Commissioner or his authorized agent shall register any person who has
 11 complied with the requirements of this Article by making a record of receipt of
 12 application, and the issuing of a certificate or card of registration to applicant,
 13 whereupon the applicant becomes a registered scale technician and shall be known
 14 thereafter as such. Such registration shall be in effect from date of registration until July
 15 1 next and shall be renewed on the first day of July of each year thereafter. A fee of up
 16 to twenty dollars (\$20.00) shall accompany each application for registration and each
 17 annual registration renewal."

18 **SECTION 42.1.(h)** G.S. 81A-11 is repealed.

19 **SECTION 42.1.(i)** Chapter 81A of the General Statutes is amended by
 20 adding the following new section to read:

21 "**§ 81A-12. Fee schedule.**

22 (a) The following maximum fees apply to all weights that are tested and certified
 23 to meet tolerances less stringent than the American Society for Testing and Materials
 24 (ASTM) Standard E617 Class 4. This includes the National Institutes of Standards and
 25 Technology (NIST) Class F tolerance. If the weight error exceeds three-fourths of the
 26 applicable tolerance, adjustment may be required at an additional fee equal to the
 27 normal fee. No extra fee shall be charged for the normal adjustment of a weight cart.
 28 Even if weights are rejected or condemned, fees shall be assessed for the test performed.

<u>Customary</u>	<u>Fee/Unit</u>	<u>Metric</u>	<u>Maximum Fee/Unit</u>
0-10 lb	\$ 5.00	0-5 kg	\$ 5.00
11-100 lb	\$ 10.00	6-50 kg	\$ 10.00
101-1000 lb	\$ 20.00	51-500 kg	\$ 20.00
1001-2500 lb	\$ 30.00	501-1000 kg	\$ 30.00
2501-6000 lb	\$ 50.00	1001-2500 kg	\$ 50.00
<u>Weight Carts</u>	<u>\$125.00</u>		
up to 6000 lb	(includes adjustment)		

36 (b) The following maximum fees apply to all weights that are tested and certified
 37 to meet ASTM Standard E617 Class 4 or the International Organization of Legal
 38 Metrology (IOLM) R111 Class F2 tolerances. If the weight error exceeds three-fourths
 39 of the applicable tolerance, adjustment may be required at an additional fee equal to the
 40 normal fee. Even if weights are rejected or condemned, fees shall be assessed for the
 41 test performed.

<u>Customary</u>	<u>Fee/Unit</u>	<u>Metric</u>	<u>Maximum Fee/Unit</u>
0-10 lb	\$ 10.00	0-5 kg	\$ 10.00

1	<u>11-100 lb</u>	<u>\$ 20.00</u>	<u>6-50 kg</u>	<u>\$ 20.00</u>
2	<u>101-1000 lb</u>	<u>\$ 40.00</u>	<u>51-500 kg</u>	<u>\$ 40.00</u>
3	<u>1001-2500 lb</u>	<u>\$ 60.00</u>	<u>501-1000 kg</u>	<u>\$ 60.00</u>
4	<u>2501-6000 lb</u>	<u>\$100.00</u>	<u>1001-2500 kg</u>	<u>\$100.00</u>

5 (c) The following maximum fees apply to all weights that are calibrated.
 6 Calibration means determining actual mass and conventional mass values with an
 7 assigned uncertainty specific to the test. If necessary and considered feasible by the
 8 metrologist, adjustments to ASTM Class 1, 2, or 3 tolerances or IOLM Class E2, F1, or
 9 F2 tolerances may be made for an additional fee of two times the normal fee.
 10 Adjustments to weights of this group shall require a minimum of 10 days for weights to
 11 return to environmental equilibrium before a final calibration value can be assigned.
 12 Even if weights are rejected or condemned, fees shall be assessed for the test performed.

13	<u>Customary</u>	<u>Fee/Unit</u>	<u>Metric</u>	<u>Maximum Fee/Unit</u>
14	<u>0-20 lb</u>	<u>\$ 20.00</u>	<u>0-10 kg</u>	<u>\$ 20.00</u>
15	<u>21-50 lb</u>	<u>\$ 40.00</u>	<u>11-30 kg</u>	<u>\$ 40.00</u>
16	<u>51-1000 lb</u>	<u>\$ 70.00</u>	<u>31-500 kg</u>	<u>\$ 70.00</u>
17	<u>1001-2500 lb</u>	<u>\$130.00</u>	<u>501-1000 kg</u>	<u>\$130.00</u>
18	<u>2501-6000 lb</u>	<u>\$200.00</u>	<u>1001-2500 kg</u>	<u>\$200.00</u>

19 (d) The following maximum fees apply to all weights that are calibrated using
 20 NIST weighing designs. These weights are tested in groups (typically either a 1, 2, 3, 5
 21 series or a 1, 2, 2, 5 series) and are subject to the minimum per series fee shown. The
 22 best uncertainty possible from the North Carolina Standards Laboratory shall be
 23 assigned to the mass values of the weights. If necessary and considered feasible by the
 24 metrologist, adjustments to ASTM Class 0, 1, 2, or 3 tolerances or IOLM Class E1, E2,
 25 F1, or F2 tolerances may be made for an additional fee of two times the normal fee.
 26 Adjustments to weights of this group shall require a minimum of 10 days for weights to
 27 return to environmental equilibrium before a final calibration value can be assigned.

28	<u>Weight Range</u>	<u>Maximum Fee/Unit or Series</u>
29	<u>0-1 kg</u>	<u>\$30.00 each, with a minimum charge of \$90 (3 weights) per series</u>
30	<u>2-30 kg</u>	<u>\$50.00 each, with a minimum charge of \$150 (3 weights) per series</u>
31	<u>0-2 lb</u>	<u>\$30.00 each, with a minimum charge of \$90 (3 weights) per series</u>
32	<u>3-50 lb</u>	<u>\$50.00 each, with a minimum charge of \$150 (3 weights) per series</u>

33 (e) The following maximum fees apply to volumetric standard calibration.

34 Provers or Test Measures Tested By The Volume Transfer Method

35	<u>Customary</u>	<u>Fee/Test Point</u>	<u>Metric</u>	<u>Fee/Test Point</u>
36	<u>0-5 gal</u>	<u>Up to \$30.00</u>	<u>0-20 liters</u>	<u>Up to \$30.00</u>
37	<u>Over 5 gal</u>	<u>Add up to \$0.40 per each</u>	<u>Over 20 liters</u>	<u>Add up to \$0.10 per each</u>
38		<u>additional gallon</u>		<u>additional liter</u>

39 Volumetric Flasks, Graduates, Provers, Slicker Plate Standards, or Test Measures

40 Tested By the Gravimetric Calibration Method

41	<u>Customary</u>	<u>Fee/Test Point</u>	<u>Metric</u>	<u>Fee/Test Point</u>
42	<u>0-100 gal set-up fee</u>	<u>Up to \$50.00</u>	<u>0-500 liters set-up fee</u>	<u>Up to \$50.00</u>
43	<u>Calibration Fee</u>	<u>Add up to \$2.00</u>	<u>Calibration Fee</u>	<u>Add up to \$0.50</u>
44		<u>per gallon</u>		<u>per liter</u>

Small Volume Provers (SVPs) Tested By The Gravimetric Calibration Method

<u>Customary</u>	<u>Fee/Test Point</u>	<u>Metric</u>	<u>Fee/Test Point</u>
<u>0-100 gal set-up fee</u>	<u>Up to \$ 100.00</u>	<u>0-500 liters set-up fee</u>	<u>Up to \$100.00</u>
<u>Calibration Fee</u>	<u>Add up to \$2.00</u>	<u>Calibration Fee</u>	<u>Add up to \$0.50</u>
	<u>per gallon</u>		<u>per liter</u>

(f) The following maximum fees apply to tape measures and rigid rules.

<u>Set-Up Fee</u>	<u>Up to \$ 40.00 per instrument</u>
<u>Calibration Fee</u>	<u>Up to \$10.00 calibration interval</u>

(g) The following maximum fees apply to liquid-in-glass and electronic thermometers.

<u>Set-Up Fee</u>	<u>Up to \$40.00/instrument</u>
<u>Calibration Fee</u>	<u>Up to \$20.00/calibration point</u>
<u>Resistance Thermometry Coefficient</u>	
<u>Calculation and Report</u>	<u>Up to \$100.00/ instrument</u>

(h) Any special tests or weight cleaning shall be billed at the rate of up to seventy dollars (\$70.00) per hour prorated to the nearest tenth of an hour, with a minimum charge of thirty-five dollars (\$35.00).

(i) A minimum charge of twenty-five dollars (\$25.00) per invoice shall apply.

(j) If travel is required in connection with the performance of any of these services, the Department shall be reimbursed at the rates provided in G.S. 138-6.

(k) The Department may refuse to accept for testing any weight or measure the Department deems unsuited for its intended use.

(l) The fee for tests performed on weights or measures that will be used primarily outside of the State of North Carolina shall be twice the amounts set forth in this section."

SECTION 42.2. Reserved.

Requested by: Representatives Hunter, Warren

INCREASE CAP FOR CAMA PERMIT FEES

SECTION 42.3.(a) G.S. 113A-119.1(a) reads as rewritten:

"(a) The Commission shall have the power to establish a graduated fee schedule for the processing of applications for permits, renewals of permits, modifications of permits, or transfers of permits issued pursuant to this Article. In determining the fee schedule, the Commission shall consider the administrative and personnel costs incurred by the Department for processing the applications, related compliance activities, and the complexity of the development sought to be undertaken for which a permit is required under this Article. The fee to be charged for processing an application may not exceed ~~four hundred dollars (\$400.00).~~ eight hundred dollars (\$800.00). The total funds collected from fees authorized by the Commission pursuant to this section in any fiscal year shall not exceed thirty-three and one-third percent (33 1/3%) of the total personnel and administrative costs incurred by the Department for permit processing and compliance programs within the Division of Coastal ~~Area~~ Management."

1 **SECTION 42.3.(b)** The Coastal Resources Commission may adopt
2 temporary rules to implement this section.

3
4 **PART XLIII. JUSTICE AND PUBLIC SAFETY FEES**

5
6 Requested by: Representatives Haire, Kiser

7 **GENERAL COURT OF JUSTICE FEE INCREASES**

8 **SECTION 43.1.(a)** G.S. 7A-304(a)(4) reads as rewritten:

9 "(a) In every criminal case in the superior or district court, wherein the defendant
10 is convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed
11 against the prosecuting witness, the following costs shall be assessed and collected,
12 except that when the judgment imposes an active prison sentence, costs shall be
13 assessed and collected only when the judgment specifically so provides, and that no
14 costs may be assessed when a case is dismissed.

15 ...

16 (4) For support of the General Court of Justice, the sum of ~~seventy-six~~
17 ~~dollars (\$76.00)~~ eighty-five dollars and fifty cents (\$85.50) in the
18 district court, including cases before a magistrate, and the sum of
19 ~~eighty-three dollars (\$83.00)~~ ninety-two dollars and fifty cents
20 (\$92.50) in the superior court, to be remitted to the State Treasurer. For
21 a person convicted of a felony in superior court who has made a first
22 appearance in district court, both the district court and superior court
23 fees shall be assessed. The State Treasurer shall remit the sum of one
24 dollar and five cents (\$1.05) of each fee collected under this
25 subdivision to the North Carolina State Bar for the provision of
26 services described in G.S. 7A-474.4, and ninety-five cents (\$.95) of
27 each fee collected under this subdivision to the North Carolina State
28 Bar for the provision of services described in G.S. 7A-474.19."

29 **SECTION 43.1.(b)** G.S. 7A-305(a)(2) reads as rewritten:

30 "(a) In every civil action in the superior or district court, except for actions
31 brought under Chapter 50B of the General Statutes, the following costs shall be
32 assessed:

33 ...

34 (2) For support of the General Court of Justice, the sum of ~~sixty-nine~~
35 ~~dollars (\$69.00)~~ seventy-nine dollars (\$79.00) in the superior court,
36 and the sum of ~~fifty-four dollars (\$54.00)~~ sixty-four dollars (\$64.00) in
37 the district court except that if the case is assigned to a magistrate the
38 sum shall be ~~forty-three dollars (\$43.00)~~ fifty-three dollars (\$53.00).
39 Sums collected under this subdivision shall be remitted to the State
40 Treasurer. The State Treasurer shall remit the sum of one dollar and
41 five cents (\$1.05) of each fee collected under this subdivision to the
42 North Carolina State Bar for the provision of services described in
43 G.S. 7A-474.4, and ninety-five cents (\$.95) of each fee collected under

1 this subdivision to the North Carolina State Bar for the provision of
2 services described in G.S. 7A-474.19."

3 **SECTION 43.1.(c)** G.S. 7A-306(a)(2) reads as rewritten:

4 "(a) In every special proceeding in the superior court, the following costs shall be
5 assessed:

6 ...

7 (2) For support of the General Court of Justice the sum of ~~thirty dollars~~
8 ~~(\$30.00)~~, forty dollars (\$40.00). In addition, in proceedings involving
9 land, except boundary disputes, if the fair market value of the land
10 involved is over one hundred dollars (\$100.00), there shall be an
11 additional sum of thirty cents (30¢) per one hundred dollars (\$100.00)
12 of value, or major fraction thereof, not to exceed a maximum
13 additional sum of two hundred dollars (\$200.00). Fair market value is
14 determined by the sale price if there is a sale, the appraiser's valuation
15 if there is no sale, or the appraised value from the property tax records
16 if there is neither a sale nor an appraiser's valuation. Sums collected
17 under this subdivision shall be remitted to the State Treasurer. The
18 State Treasurer shall remit the sum of one dollar and five cents (\$1.05)
19 of each ~~thirty dollar (\$30.00)~~ forty-dollar (\$40.00) General Court of
20 Justice fee collected under this subdivision to the North Carolina State
21 Bar for the provision of services described in G.S. 7A-474.4."

22 **SECTION 43.1.(d)** G.S. 7A-307(a)(2) and (2a) read as rewritten:

23 "(a) In the administration of the estates of decedents, minors, incompetents, of
24 missing persons, and of trusts under wills and under powers of attorney, in trust
25 proceedings under G.S. 36A-23.1, and in collections of personal property by affidavit,
26 the following costs shall be assessed:

27 ...

28 (2) For support of the General Court of Justice, the sum of ~~thirty dollars~~
29 ~~(\$30.00)~~, forty dollars (\$40.00), plus an additional forty cents (40¢)
30 per one hundred dollars (\$100.00), or major fraction thereof, of the
31 gross estate, not to exceed ~~three thousand dollars (\$3,000)~~ six
32 thousand dollars (\$6,000). Gross estate shall include the fair market
33 value of all personalty when received, and all proceeds from the sale of
34 realty coming into the hands of the fiduciary, but shall not include the
35 value of realty. In collections of personal property by affidavit, the fee
36 based on the gross estate shall be computed from the information in
37 the final affidavit of collection made pursuant to G.S. 28A-25-3 and
38 shall be paid when that affidavit is filed. In all other cases, this fee
39 shall be computed from the information reported in the inventory and
40 shall be paid when the inventory is filed with the clerk. If additional
41 gross estate, including income, comes into the hands of the fiduciary
42 after the filing of the inventory, the fee for such additional value shall
43 be assessed and paid upon the filing of any account or report
44 disclosing such additional value. For each filing the minimum fee shall

1 be fifteen dollars (\$15.00). Sums collected under this subdivision shall
2 be remitted to the State Treasurer. The State Treasurer shall remit the
3 sum of one dollar and five cents (\$1.05) of each ~~thirty-dollar (\$30.00)~~
4 forty-dollar (\$40.00) General Court of Justice fee collected under this
5 subdivision to the North Carolina State Bar for the provision of
6 services described in G.S. 7A-474.4.

7 (2a) Notwithstanding subdivision (2) of this subsection, the fee of forty
8 cents (40¢) per one hundred dollars (\$100.00), or major fraction, of the
9 gross estate, not to exceed ~~three thousand dollars (\$3,000)~~, six
10 thousand dollars (\$6,000), shall not be assessed on personalty received
11 by a trust under a will when the estate of the decedent was
12 administered under Chapters 28 or 28A of the General Statutes.
13 Instead, a fee of twenty dollars (\$20.00) shall be assessed on the filing
14 of each annual and final account."

15 **SECTION 43.1.(e)** G.S. 15A-145(e) reads as rewritten:

16 "(e) A person who files a petition for expunction of a criminal record under this
17 section must pay the clerk of superior court a fee of ~~sixty-five dollars (\$65.00)~~ one
18 hundred twenty-five dollars (\$125.00) at the time the petition is filed. Fees collected
19 under this subsection shall be deposited in the General Fund. This subsection does not
20 apply to petitions filed by an indigent."

21 **SECTION 43.1.(f)** G.S. 15A-1343(b1)(3c) reads as rewritten:

22 "(b1) Special Conditions. – In addition to the regular conditions of probation
23 specified in subsection (b), the court may, as a condition of probation, require that
24 during the probation the defendant comply with one or more of the following special
25 conditions:

26 ...
27 (3c) Remain at his or her residence unless the court or the probation officer
28 authorizes the offender to leave for the purpose of employment,
29 counseling, a course of study, or vocational training. The offender
30 shall be required to wear a device which permits the supervising
31 agency to monitor the offender's compliance with the condition
32 electronically. ~~electronically~~ and to pay a fee for the device as specified
33 in subsection (c2) of this section."

34 **SECTION 43.1.(g)** G.S. 20-135.2A(e) reads as rewritten:

35 "(e) Any driver or passenger who fails to wear a seat belt as required by this
36 section shall have committed an infraction and shall pay a penalty of twenty-five dollars
37 (\$25.00) plus court costs in the sum of ~~fifty dollars (\$50.00)~~. seventy-five dollars
38 (\$75.00). Court costs assessed under this section are for the support of the General
39 Court of Justice and shall be remitted to the State Treasurer. Conviction of an infraction
40 under this section has no other consequence."

41
42 Requested by: Representatives Haire, Kiser

43 **DEVICE FEE FOR HOUSE ARREST WITH ELECTRONIC MONITORING**

1 **SECTION 43.2.** G.S. 15A-1343 is amended by adding a new section to
2 read:

3 "(c2) Electronic Monitoring Device Fee. – Any person placed on house arrest with
4 electronic monitoring under subsection (b1) of this section shall pay a fee of ninety
5 dollars (\$90.00) for the electronic monitoring device. The court may exempt a person
6 from paying the fee only for good cause and upon motion of the person placed on house
7 arrest with electronic monitoring. The court may require that the fee be paid in advance
8 or in a lump sum or sums, and a probation officer may require payment by those
9 methods if the officer is authorized by subsection (g) of this section to determine the
10 payment schedule. The fee must be paid to the clerk of court for the county in which the
11 judgment was entered or the deferred prosecution agreement was filed. Fees collected
12 under this subsection shall be transmitted to the State for deposit into the State's General
13 Fund."

14
15 Requested by: Representatives Haire, Kiser

16 **INCREASE BUTNER TAXES**

17 **SECTION 43.3.(a)** Section 1 of Chapter 830 of the 1983 Session Laws
18 reads as rewritten:

19 "Section 1. (a) The territorial jurisdiction of the Butner Police and Fire Protection
20 District shall include: (i) any property formerly a part of the original Camp Butner
21 reservation, including both those areas currently owned and occupied by the State and
22 its agencies and those which may have been leased or otherwise disposed of by the
23 State; (ii) the Lyons Station Sanitary District; and (iii) that part of Granville County
24 adjoining the Butner reservation and the Lyons Station Sanitary District situated north
25 and west of the intersection of Rural Paved Roads 1103 and 1106 and bounded by those
26 roads and the boundaries of said reservation and said sanitary district.

27 (b) The territorial jurisdiction set forth in subsection (a) of this section shall
28 constitute the Butner Fire and Police Protection District. The tax collectors of Durham
29 and Granville Counties shall annually collect ~~beginning with fiscal year 1983-84~~ a tax
30 of ~~twenty cents (20¢)~~ twenty-five cents (25¢) per one hundred dollars (\$100.00)
31 valuation of all real and personal property in the portions of said district in their
32 respective counties from year to year which tax shall be collected as county taxes are
33 collected and shall remit the same to the State Treasurer for deposit in the General
34 Fund."

35 **SECTION 43.3.(b)** This section is effective for taxes imposed for taxable
36 years beginning on or after July 1, 2005.

37
38 Requested by: Representatives Haire, Kiser

39 **FEE FOR POLICE INFORMATION NETWORK**

40 **SECTION 43.4.(a)** G.S. 114-10.1 reads as rewritten:

41 **"§ 114-10.1. Police Information Network.**

42 (a) The Division of Criminal Statistics is authorized to establish, devise, maintain
43 and operate, under the control and supervision of the Attorney General, a system for
44 receiving and disseminating to participating agencies information collected, maintained

1 and correlated under authority of G.S. 114-10 of this Article. The system shall be
2 known as the Police Information Network.

3 (b) The Attorney General is authorized to cooperate with the Division of Motor
4 Vehicles, Department of Administration, Department of Correction and other State,
5 local and federal agencies and organizations in carrying out the purpose and intent of
6 this section, and to utilize, in cooperation with other State agencies and to the extent as
7 may be practical, computers and related equipment as may be operated by other State
8 agencies.

9 (c) The Attorney General, after consultation with participating agencies, shall
10 adopt rules and regulations governing the organization and administration of the Police
11 Information Network, including rules and regulations governing the types of
12 information relating to the administration of criminal justice to be entered into the
13 system, and who shall have access to such information. The rules and regulations
14 governing access to the Police Information Network shall not prohibit an attorney who
15 has entered a criminal proceeding in accordance with G.S. 15A-141 from obtaining
16 information relevant to that criminal proceeding. The rules and regulations governing
17 access to the Police Information Network shall not prohibit an attorney who represents a
18 person in adjudicatory or dispositional proceedings for an infraction from obtaining the
19 person's driving record or criminal history.

20 (d) The Attorney General may impose an initial set up fee of two thousand six
21 hundred fifty dollars (\$2,650) for agencies to participate in the Police Information
22 Network. This one-time fee shall be used to offset the cost of the router and data circuit
23 needed to access the Network.

24 The Attorney General may also impose monthly fees on participating agencies. The
25 monthly fees collected under this subsection shall be used to offset the cost of operating
26 and maintaining the Police Information Network

27 (1) The Attorney General may impose a monthly circuit fee on agencies
28 that access the Police Information Network through a circuit
29 maintained and operated by the Department of Justice. The amount of
30 the monthly fee is three hundred dollars (\$300.00) plus an additional
31 fee amount for each device linked to the Network. The additional fee
32 amount varies depending upon the type of device. For every desktop
33 device after the first seven desktop devices, the additional monthly fee
34 is twenty-five dollars (\$25.00) per device. For a mobile device, the
35 additional monthly fee is six dollars (\$6.00) per device.

36 (2) The Attorney General may impose a monthly device fee on agencies
37 that access the Police Information Network through some other
38 approved means. The amount of the monthly device fee varies
39 depending upon the type of device. For a desktop device, the monthly
40 fee is twenty-five dollars (\$25.00) per device. For a mobile device, the
41 fee is six dollars (\$6.00) per device."

42 **SECTION 43.4.(b)** G.S. 114-10.1(d), as enacted by this section, reads as
43 rewritten:

"(d) The Attorney General may impose an initial set up fee of two thousand six hundred fifty dollars (\$2,650) for agencies to participate in the Police Information Network. This one-time fee shall be used to offset the cost of the router and data circuit needed to access the Network.

The Attorney General may also impose monthly fees on participating agencies. The monthly fees collected under this subsection shall be used to offset the cost of operating and maintaining the Police Information Network

(1) The Attorney General may impose a monthly circuit fee on agencies that access the Police Information Network through a circuit maintained and operated by the Department of Justice. The amount of the monthly fee is three hundred dollars (\$300.00) plus an additional fee amount for each device linked to the Network. The additional fee amount varies depending upon the type of device. For a desktop device after the first seven desktop devices, the additional monthly fee is twenty-five dollars (\$25.00) per device. For a mobile device, the additional monthly fee is ~~six dollars (\$6.00)~~ twelve dollars (\$12.00) per device.

(2) The Attorney General may impose a monthly device fee on agencies that access the Police Information Network through some other approved means. The amount of the monthly device fee varies depending upon the type of device. For a desktop device, the monthly fee is twenty-five dollars (\$25.00) per device. For a mobile device, the fee is ~~six dollars (\$6.00)~~ twelve dollars (\$12.00) per device."

SECTION 43.4.(c) Subsection (b) of this section becomes effective January 1, 2006. The remainder of this section is effective when it becomes law.

PART XLIV. DEPARTMENT OF TRANSPORTATION FEE CHANGES

Requested by: Representatives Coates, Cole

DOT FEE INCREASES

SECTION 44.1.(a) G.S. 20-7 reads as rewritten:

"§ 20-7. Issuance and renewal of drivers licenses.

...

(i) Fees. – The fee for a regular drivers license is the amount set in the following table multiplied by the number of years in the period for which the license is issued:

Class of Regular License	Fee For Each Year
Class A	\$4.30 <u>\$4.00</u>
Class B	4.30 <u>4.00</u>
Class C	3.05 <u>4.00</u>

The fee for a motorcycle endorsement is one dollar and seventy-five cents (\$1.75) for each year of the period for which the endorsement is issued. The appropriate fee shall be paid before a person receives a regular drivers license or an endorsement.

1 (i1) Restoration Fee. – Any person whose drivers license has been revoked
2 pursuant to the provisions of this Chapter, other than G.S. 20-17(2), shall pay a
3 restoration fee of ~~twenty five dollars (\$25.00).~~ fifty dollars (\$50.00). A person whose
4 drivers license has been revoked under G.S. 20-17(2) shall pay a restoration fee of ~~fifty~~
5 ~~dollars (\$50.00)~~ seventy-five dollars (\$75.00) until the end of the fiscal year in which
6 the cumulative total amount of fees deposited under this subsection in the General Fund
7 exceeds ten million dollars (\$10,000,000), and shall pay a restoration fee of ~~twenty five~~
8 ~~dollars (\$25.00)~~ fifty dollars (\$50.00) thereafter. The fee shall be paid to the Division
9 prior to the issuance to such person of a new drivers license or the restoration of the
10 drivers license. The restoration fee shall be paid to the Division in addition to any and
11 all fees which may be provided by law. This restoration fee shall not be required from
12 any licensee whose license was revoked or voluntarily surrendered for medical or health
13 reasons whether or not a medical evaluation was conducted pursuant to this Chapter.
14 The ~~twenty five dollar (\$25.00) fee, and the first twenty five dollars (\$25.00) of the~~
15 ~~fifty dollar (\$50.00) fee, fifty-dollar (\$50.00) fee, and the first fifty dollars (\$50.00) of~~
16 the seventy-five-dollar (\$75.00) fee, shall be deposited in the Highway Fund. The
17 remaining twenty-five dollars (\$25.00) of the fifty dollar (\$50.00) fee the
18 seventy-five-dollar (\$75.00) fee shall be deposited in the General Fund of the State. The
19 Office of State Budget and Management shall certify to the Department of
20 Transportation and the General Assembly when the cumulative total amount of fees
21 deposited in the General Fund under this subsection exceeds ten million dollars
22 (\$10,000,000), and shall annually report to the General Assembly the amount of fees
23 deposited in the General Fund under this subsection.

24 It is the intent of the General Assembly to annually appropriate the funds deposited
25 in the General Fund under this subsection to the Board of Governors of The University
26 of North Carolina to be used for the Center for Alcohol Studies Endowment at The
27 University of North Carolina at Chapel Hill, but not to exceed this cumulative total of
28 ten million dollars (\$10,000,000).

29 ...

30 (l) Learner's Permit. – A person who is at least 18 years old may obtain a
31 learner's permit. A learner's permit authorizes the permit holder to drive a specified type
32 or class of motor vehicle while in possession of the permit. A learner's permit is valid
33 for a period of 18 months after it is issued. The fee for a learner's permit is ~~ten dollars~~
34 ~~(\$10.00).~~ fifteen dollars (\$15.00). A learner's permit may be renewed, or a second
35 learner's permit may be issued, for an additional period of 18 months. The permit holder
36 must, while operating a motor vehicle over the highways, be accompanied by a person
37 who is licensed to operate the motor vehicle being driven and is seated beside the permit
38 holder."

39 **SECTION 44.1.(b)** G.S. 20-11(j) reads as rewritten:

40 "(j) Duration and Fee. – A limited learner's permit expires on the eighteenth
41 birthday of the permit holder. A limited provisional license expires on the eighteenth
42 birthday of the license holder. A limited learner's permit or limited provisional license
43 issued under this section that expires on a weekend or State holiday shall remain valid
44 through the fifth regular State business day following the date of expiration. A full

1 provisional license expires on the date set under G.S. 20-7(f). The fee for a limited
 2 learner's permit or a limited provisional license is ~~ten dollars (\$10.00)~~ fifteen dollars
 3 (\$15.00). The fee for a full provisional license is the amount set under G.S. 20-7(i)."

4 **SECTION 44.1.(c)** G.S. 20-14 reads as rewritten:

5 **"§ 20-14. Duplicate licenses.**

6 A person may obtain a duplicate of a license issued by the Division by paying a fee
 7 of ten dollars ~~and five cents (\$10.05)~~ (\$10.00) and giving the Division satisfactory proof
 8 that any of the following has occurred:

- 9 (1) The person's license has been lost or destroyed.
- 10 (2) It is necessary to change the name or address on the license.
- 11 (3) Because of age, the person is entitled to a license with a different color
 12 photographic background or a different color border.
- 13 (4) The Division revoked the person's license, the revocation period has
 14 expired, and the period for which the license was issued has not
 15 expired."

16 **SECTION 44.1.(d)** G.S. 20-16(e) reads as rewritten:

17 "(e) The Division may conduct driver improvement clinics for the benefit of those
 18 who have been convicted of one or more violations of this Chapter. Each driver
 19 attending a driver improvement clinic shall pay a fee of ~~twenty five dollars~~
 20 (\$25.00) fifty dollars (\$50.00)."

21 **SECTION 44.1.(e)** G.S. 20-26(c) reads as rewritten:

22 "(c) The Division shall furnish copies of license records required to be kept by
 23 subsection (a) of this section in accordance with G.S. 20-43.1 to other persons for uses
 24 other than official upon prepayment of the following fees:

- 25 (1) Limited extract copy of license record, for
 26 period up to three years ~~\$5.00~~ \$8.00
- 27 (2) Complete extract copy of license record ~~5.00~~ 8.00
- 28 (3) Certified true copy of complete license record ~~7.00~~ 11.00.

29 All fees received by the Division under this subsection shall be credited to the Highway
 30 Fund."

31 **SECTION 44.1.(f)** G.S. 20-37.15(a1) reads as rewritten:

32 "(a1) The application must be accompanied by a nonrefundable application fee of
 33 ~~twenty dollars (\$20.00)~~ thirty dollars (\$30.00). This fee does not apply in any of the
 34 following circumstances:

- 35 (1) When an individual surrenders a commercial driver learner's permit
 36 issued by the Division when submitting the application.
- 37 (2) When the application is to renew a commercial drivers license issued
 38 by the Division.

39 This fee shall entitle the applicant to three attempts to pass the written knowledge test
 40 without payment of a new fee. No application fee shall be charged to an applicant
 41 eligible for a waiver under G.S. 20-37.13(c)."

42 **SECTION 44.1.(g)** G.S. 20-37.16(d) reads as rewritten:

43 "(d) The fee for a Class A, B, or C commercial drivers license is ~~ten dollars~~
 44 (\$10.00) fifteen dollars (\$15.00) for each year of the period for which the license is

1 issued. The fee for each endorsement is ~~one dollar and twenty five cents (\$1.25)~~ three
2 dollars (\$3.00) for each year of the period for which the endorsement is issued. The fees
3 required under this section do not apply to employees of the Driver License Section of
4 the Division who are designated by the Commissioner."

5 **SECTION 44.1.(h)** G.S. 20-42(b) reads as rewritten:

6 "(b) The Commissioner and officers of the Division designated by the
7 Commissioner may prepare under the seal of the Division and deliver upon request a
8 certified copy of any document of the Division for a fee. The fee for a document, other
9 than an accident report under G.S. 20-166.1, is ~~five dollars (\$5.00)~~ ten dollars (\$10.00).
10 The fee for an accident report is ~~four dollars (\$4.00)~~ five dollars (\$5.00). A certified
11 copy shall be admissible in any proceeding in any court in like manner as the original
12 thereof, without further certification. The certification fee does not apply to a document
13 furnished for official use to a judicial official or to an official of the federal government,
14 a state government, or a local government."

15 **SECTION 44.1.(i)** G.S. 20-50(b) reads as rewritten:

16 "(b) The Division may issue a temporary license plate for a vehicle. A temporary
17 license plate is valid for the period set by the Division. The period may not be less than
18 10 days nor more than 60 days.

19 A person may obtain a temporary license plate for a vehicle by filing an application
20 with the Division and paying the required fee. An application must be filed on a form
21 provided by the Division.

22 The fee for a temporary license plate that is valid for 10 days is ~~three dollars (\$3.00)~~
23 five dollars (\$5.00). The fee for a temporary license plate that is valid for more than 10
24 days is the amount that would be required with an application for a license plate for the
25 vehicle. If a person obtains for a vehicle a temporary license plate that is valid for more
26 than 10 days and files an application for a license plate for that vehicle before the
27 temporary license plate expires, the person is not required to pay the fee that would
28 otherwise be required for the license plate.

29 A temporary license plate is subject to the following limitations and conditions:

- 30 (1) It may be issued only upon proper proof that the applicant has met the
31 applicable financial responsibility requirements.
- 32 (2) It expires on midnight of the day set for expiration.
- 33 (3) It may be used only on the vehicle for which issued and may not be
34 transferred, loaned, or assigned to another.
- 35 (4) If it is lost or stolen, the person who applied for it must notify the
36 Division.
- 37 (5) It may not be issued by a dealer.
- 38 (6) The provisions of G.S. 20-63, 20-71, 20-110 and 20-111 that apply to
39 license plates apply to temporary license plates insofar as possible."

40 **SECTION 44.1.(j)** G.S. 20-73(c) reads as rewritten:

41 "(c) Penalties. – A person to whom a vehicle is transferred who fails to apply for a
42 certificate of title within the required time is subject to a civil penalty of ~~ten dollars~~
43 (~~\$10.00~~) fifteen dollars (\$15.00) and is guilty of a Class 2 misdemeanor. A person who
44 undertakes to apply for a certificate of title on behalf of another person and who fails to

1 apply for a title within the required time is subject to a civil penalty of ~~ten dollars~~
 2 ~~(\$10.00)~~, fifteen dollars (\$15.00). When a person to whom a vehicle is transferred fails
 3 to obtain a title within the required time because a person who undertook to apply for
 4 the certificate of title did not do so within the required time, the Division may impose a
 5 civil penalty only on the person who undertook to apply for the title. Civil penalties
 6 collected under this subsection shall be credited to the Highway Fund."

7 **SECTION 44.1.(k)** G.S. 20-85(a) reads as rewritten:

8 "(a) The following fees are imposed concerning a certificate of title, a registration
 9 card, or a registration plate for a motor vehicle. These fees are payable to the Division
 10 and are in addition to the tax imposed by Article 5A of Chapter 105 of the General
 11 Statutes.

- 12 (1) Each application for certificate of title ~~\$35.00~~\$39.00
- 13 (2) Each application for duplicate or corrected certificate of title
 14 ~~10.00~~14.00
- 15 (3) Each application of reposessor for certificate of title ~~10.00~~14.00
- 16 (4) Each transfer of registration ~~10.00~~15.00
- 17 (5) Each set of replacement registration plates ~~10.00~~15.00
- 18 (6) Each application for duplicate registration card..... ~~10.00~~15.00
- 19 (7) Each application for recording supplementary lien..... ~~10.00~~14.00
- 20 (8) Each application for removing a lien from a certificate of title
 21 ~~10.00~~14.00
- 22 (9) Each application for certificate of title for a motor vehicle transferred
 23 to a manufacturer, as defined in G.S. 20-286, or a motor vehicle
 24 retailer for the purpose of resale..... ~~10.00~~14.00
- 25 (10) Each application for a salvage certificate of title made by an insurer
 26 ~~10.00~~15.00
- 27 (11) Each set of replacement Stock Car Racing Theme plates issued under
 28 G.S. 20-79.4 ~~25.00~~25.00."

29 **SECTION 44.1.(l)** G.S. 20-85.1 reads as rewritten:

30 **"§ 20-85.1. Registration by mail; one-day title service; fees.**

31 (a) The owner of a vehicle registered in North Carolina may renew that vehicle
 32 registration by mail. A postage and handling fee of one dollar (\$1.00) per vehicle to be
 33 registered shall be charged for this service.

34 (b) The Commissioner and the employees of the Division designated by the
 35 Commissioner may prepare and deliver upon request a certificate of title, charging a fee
 36 of ~~fifty dollars (\$50.00)~~ seventy-five dollars (\$75.00) for one-day title service, in lieu of
 37 the title fee required by G.S. 20-85(a). The fee for one-day title service must be paid by
 38 cash or by certified check.

39 (c) The fee collected under subsection (a) shall be credited to the Highway Fund.
 40 The fee collected under subsection (b) shall be credited to the Highway Trust Fund."

41 **SECTION 44.1.(m)** G.S. 20-87 reads as rewritten:

42 **"§ 20-87. Passenger vehicle registration fees.**

1 These shall be paid to the Division annually, as of the first day of January, for the
 2 registration and licensing of passenger vehicles, fees according to the following
 3 classifications and schedules:

4 (1) For-Hire Passenger Vehicles. – The fee for a passenger vehicle that is
 5 operated for compensation and has a capacity of 15 passengers or less
 6 is seventy-eight dollars (\$78.00). The fee for a passenger vehicle that
 7 is operated for compensation and has a capacity of more than 15
 8 passengers is one dollar and forty cents (\$1.40) per hundred pounds of
 9 empty weight of the vehicle.

10 (2) U-Drive-It Vehicles. – U-drive-it vehicles shall pay the following tax:

11	Motorcycles:	1-passenger capacity	\$18.00
12		2-passenger capacity	22.00
13		3-passenger capacity	26.00
14	Automobiles:	15 or fewer passengers	\$41.00 <u>\$51.00</u>
15	Buses:	16 or more passengers	\$1.40 <u>\$2.00</u> per
16			hundred
17			pounds of
18			empty weight

19	Trucks under		
20	7,000 pounds		
21	that do not		
22	haul products		
23	for hire:	4,000 pounds.....	\$41.50
24		5,000 pounds.....	\$51.00
25		6,000 pounds.....	\$61.00.

26 (3) Repealed by Session Laws 1981, c. 976, s. 3.

27 (4) Limousine Vehicles. – For-hire passenger vehicles on call or demand
 28 which do not solicit passengers indiscriminately for hire between
 29 points along streets or highways, shall be taxed at the same rate as
 30 for-hire passenger vehicles under G.S. 20-87(1) but shall be issued
 31 appropriate registration plates to distinguish such vehicles from
 32 taxicabs.

33 (5) Private Passenger Vehicles. – There shall be paid to the Division
 34 annually, as of the first day of January, for the registration and
 35 licensing of private passenger vehicles, fees according to the following
 36 classifications and schedules:

37	Private passenger vehicles of not more than fifteen		
38	passengers	\$20.00 <u>\$28.00</u>	
39	Private passenger vehicles over fifteen passengers	23.00 <u>31.00</u>	

40 Provided, that a fee of only one dollar (\$1.00) shall be charged for any
 41 vehicle given by the federal government to any veteran on account of
 42 any disability suffered during war so long as such vehicle is owned by
 43 the original donee or other veteran entitled to receive such gift under
 44 Title 38, section 252, United States Code Annotated.

- 1 (6) Private Motorcycles. – The base fee on private passenger motorcycles
2 shall be ~~nine dollars (\$9.00); fifteen dollars (\$15.00)~~; except that when
3 a motorcycle is equipped with an additional form of device designed to
4 transport persons or property, the base fee shall be ~~sixteen dollars~~
5 ~~(\$16.00). twenty-two dollars (\$22.00)~~. An additional fee of three
6 dollars (\$3.00) is imposed on each private motorcycle registered under
7 this subdivision in addition to the base fee. The revenue from the
8 additional fee, in addition to any other funds appropriated for this
9 purpose, shall be used to fund the Motorcycle Safety Instruction
10 Program created in G.S. 115D-72.
- 11 (7) Dealer License Plates. – The fee for a dealer license plate is the regular
12 fee for each of the first five plates issued to the same dealer and is
13 one-half the regular fee for each additional dealer license plate issued
14 to the same dealer. The "regular fee" is the fee set in subdivision (5) of
15 this section for a private passenger motor vehicle of not more than 15
16 passengers.
- 17 (8) Driveaway Companies. – Any person engaged in the business of
18 driving new motor vehicles from the place of manufacture to the place
19 of sale in this State for compensation shall pay a fee of one-half of the
20 amount that would otherwise be payable under this section for each set
21 of plates.
- 22 (9) House Trailers. – In lieu of other registration and license fees levied on
23 house trailers under this section or G.S. 20-88, the registration and
24 license fee on house trailers shall be ~~seven dollars (\$7.00) eleven~~
25 dollars (\$11.00) for the license year or any portion thereof.
- 26 (10) Special Mobile Equipment. – The fee for special mobile equipment for
27 the license year or any part of the license year is two times the fee in
28 subdivision (5) for a private passenger motor vehicle of not more than
29 15 passengers.
- 30 (11) Any vehicle fee determined under this section according to the weight
31 of the vehicle shall be increased by the sum of three dollars (\$3.00) to
32 arrive at the total fee.
- 33 (12) Low-Speed Vehicles. – The fee for a low-speed vehicle is the same as
34 the fee for private passengers vehicles of not more than 15
35 passengers."

36 **SECTION 44.1.(n)** G.S. 20-88 reads as rewritten:

37 **"§ 20-88. Property-hauling vehicles.**

38 (a) Determination of Weight. – For the purpose of licensing, the weight of
39 self-propelled property-carrying vehicles shall be the empty weight and heaviest load to
40 be transported, as declared by the owner or operator; provided, that any determination
41 of weight shall be made only in units of 1,000 pounds or major fraction thereof, weights
42 of over 500 pounds counted as 1,000 and weights of 500 pounds or less disregarded.
43 The declared gross weight of self-propelled property-carrying vehicles operated in
44 conjunction with trailers or semitrailers shall include the empty weight of the vehicles to

1 be operated in the combination and the heaviest load to be transported by such
 2 combination at any time during the registration period, except that the gross weight of a
 3 trailer or semitrailer is not required to be included when the operation is to be in
 4 conjunction with a self-propelled property-carrying vehicle which is licensed for 6,000
 5 pounds or less gross weight and the gross weight of such combination does not exceed
 6 9,000 pounds, except wreckers as defined under G.S. 20-4.01(50). Those
 7 property-hauling vehicles registered for 4,000 pounds shall be permitted a tolerance of
 8 500 pounds above the weight permitted under the table of weights and rates appearing
 9 in subsection (b) of this section.

10 (b) The following fees are imposed on the annual registration of self-propelled
 11 property-hauling vehicles; the fees are based on the type of vehicle and its weight:

12
 13 **SCHEDULE OF WEIGHTS AND RATES**

14
 15 **Rates Per Hundred Pound Gross Weight**

	Farmer Rate
17 Not over 4,000 pounds	\$0.23 \$0.29
18 4,001 to 9,000 pounds inclusive	.29 .40
19 9,001 to 13,000 pounds inclusive	.37 .50
20 13,001 to 17,000 pounds inclusive	.51 .68
21 Over 17,000 pounds	.58 .77

22
 23 **Rates Per Hundred Pound Gross Weight**

	General Rate
25 Not over 4,000 pounds	\$0.46 \$0.59
26 4,001 to 9,000 pounds inclusive	.63 .81
27 9,001 to 13,000 pounds inclusive	.78 1.00
28 13,001 to 17,000 pounds inclusive	1.06 1.36
29 Over 17,000 pounds	1.20 1.54

- 30
- 31 (1) The minimum fee for a vehicle licensed under this subsection is
 32 ~~seventeen dollars and fifty cents (\$17.50)~~ twenty-four dollars (\$24.00)
 33 at the farmer rate and ~~twenty one dollars and fifty cents (\$21.50)~~
 34 twenty-eight dollars (\$28.00) at the general rate.
- 35 (2) The term "farmer" as used in this subsection means any person
 36 engaged in the raising and growing of farm products on a farm in
 37 North Carolina not less than 10 acres in area, and who does not engage
 38 in the business of buying products for resale.
- 39 (3) License plates issued at the farmer rate shall be placed upon trucks and
 40 truck-tractors that are operated exclusively in the carrying or
 41 transportation of applicant's farm products, raised or produced on his
 42 farm, and farm supplies and not operated in hauling for hire.
- 43 (4) "Farm products" means any food crop, livestock, poultry, dairy
 44 products, flower bulbs, or other nursery products and other agricultural

1 products designed to be used for food purposes, including in the term
2 "farm products" also cotton, tobacco, logs, bark, pulpwood, tannic acid
3 wood and other forest products grown, produced, or processed by the
4 farmer.

5 (5) The Division shall issue necessary rules and regulations providing for
6 the recall, transfer, exchange or cancellation of "farmer" plates, when
7 vehicle bearing such plates shall be sold or transferred.

8 (5a) Notwithstanding any other provision of this Chapter, license plates
9 issued pursuant to this subsection at the farmer rate may be purchased
10 for any three-month period at one fourth of the annual fee.

11 (6) There shall be paid to the Division annually as of the first of January,
12 the following fees for "wreckers" as defined under G.S. 20-4.01(50): a
13 wrecker fully equipped weighing 7,000 pounds or less, seventy-five
14 dollars (\$75.00); wreckers weighing in excess of 7,000 pounds shall
15 pay one hundred forty-eight dollars (\$148.00). Fees to be prorated
16 quarterly. Provided, further, that nothing herein shall prohibit a
17 licensed dealer from using a dealer's license plate to tow a vehicle for a
18 customer.

19 (c) The fee for a semitrailer or trailer is ~~ten dollars (\$10.00)~~ nineteen dollars
20 (\$19.00) for each year or part of a year. The fee is payable on or before January 1 of
21 each year. Upon the application of the owner of a semitrailer or trailer, the Division may
22 issue a multiyear plate and registration card for the semitrailer or trailer for a fee of
23 seventy-five dollars (\$75.00). A multiyear plate and registration card for a semitrailer or
24 trailer are valid until the owner transfers the semitrailer or trailer to another person or
25 surrenders the plate and registration card to the Division. A multiyear plate may not be
26 transferred to another vehicle.

27 The Division shall issue a multiyear semitrailer or trailer plate in a different color
28 than an annual semitrailer or trailer plate and shall include the word "multiyear" on the
29 plate. The Division may not issue a multiyear plate for a house trailer.

30 (d) Rates on trucks, trailers and semitrailers wholly or partially equipped with
31 solid tires shall be double the above schedule.

32 (e) Repealed by Session Laws 1981, c. 976, s. 6.

33 (f) Repealed by Session Laws 1995, c. 163, s. 6.

34 (g) Repealed by Session Laws 1969, c. 600, s. 17.

35 (h) Repealed by Session Laws 1979, c. 419.

36 (i) Any vehicle fee determined under this section according to the weight of the
37 vehicle shall be increased by the sum of three dollars (\$3.00) to arrive at the total fee.

38 (j) No heavy vehicle subject to the use tax imposed by Section 4481 of the
39 Internal Revenue Code of 1954 (26 U.S.C. 4481) may be registered or licensed pursuant
40 to G.S. 20-88 without proof of payment of the use tax imposed by that law. The proof of
41 payment shall be on a form prescribed by the United States Secretary of Treasury
42 pursuant to the provisions of 23 U.S.C. 141(d).

43 (k) A person may not drive a vehicle on a highway if the vehicle's gross weight
44 exceeds its declared gross weight. A vehicle driven in violation of this subsection is

1 subject to the axle-group weight penalties set in G.S. 20-118(e). The penalties apply to
 2 the amount by which the vehicle's gross weight exceeds its declared weight.

3 (l) The Division shall issue permanent truck and truck-tractor plates to Class A
 4 and Class B Motor Vehicles and shall include the word "permanent" on the plate. The
 5 permanent registration plates issued pursuant to this section shall be subject to annual
 6 registration fees set in this section. The Division shall issue the necessary rules
 7 providing for the recall, transfer, exchange, or cancellation of permanent plates issued
 8 pursuant to this section."

9 **SECTION 44.1.(o)** G.S. 20-289 reads as rewritten:

10 **"§ 20-289. License fees.**

11 (a) The license fee for each fiscal year, or part thereof, shall be as follows:

12 (1) For motor vehicle dealers, distributors, distributor branches, and
 13 wholesalers, ~~fifty dollars (\$50.00)~~ seventy dollars (\$70.00) for each
 14 place of business.

15 (2) For manufacturers, ~~one hundred dollars (\$100.00)~~, one hundred fifty
 16 dollars (\$150.00) and for each factory branch in this State, ~~seventy~~
 17 ~~dollars (\$70.00)~~ one hundred dollars (\$100.00).

18 (3) For motor vehicle sales representatives, ~~ten dollars (\$10.00)~~ fifteen
 19 dollars (\$15.00).

20 (4) For factory representatives, or distributor representatives, ~~ten dollars~~
 21 ~~(\$10.00)~~ fifteen dollars (\$15.00).

22 (5) Repealed by Session Laws 1991, c. 662, s. 4.

23 (b) The fees collected under this section shall be credited to the Highway Fund.
 24 These fees are in addition to all other taxes and fees."

25 **SECTION 44.1.(p)** G.S. 20-385 reads as rewritten:

26 **"§ 20-385. Fee schedule.**

27 (a) Amounts. –

28 (1) Verification by a for-hire motor
 29 carrier of insurance for each for-hire
 30 motor vehicle operated in this State \$ 1.00

31 (2) Application by an intrastate motor carrier
 32 for a certificate of exemption ~~25.00~~ 45.00

33 (3) Certification by an interstate motor carrier
 34 that it is not regulated by the United
 35 States Department of Transportation ~~25.00~~ 45.00

36 (4) Application by an interstate motor carrier
 37 for an emergency permit ~~10.00~~ 18.00.

38 (b) Reciprocal Agreements. – The fee set in subdivision (a)(1) of this section
 39 does not apply to the verification of insurance by an interstate motor carrier regulated by
 40 the United States Department of Transportation if the Division had a reciprocal
 41 agreement on November 15, 1991, with another state by which no fee is imposed. The
 42 Division had reciprocal agreements as of that date with the following states: California,
 43 Delaware, Indiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri,
 44 Nebraska, New Jersey, Pennsylvania, Texas, and Vermont."

1 **SECTION 44.1.(q)** Section 5(c) of S.L. 2004-189 reads as rewritten:

2 "**SECTION 5.(c)** The Division of Motor Vehicles shall retain a portion of the
3 ~~proceeds~~five cents (\$0.05) collected for the issuance of each of the increase in drivers
4 license and duplicate license fees ~~enacted in this Section~~ to offset the actual cost of
5 developing and maintaining the online Organ Donor Internet site established pursuant to
6 Section 1 of this act. ~~Proceeds remaining after deduction of amounts for development~~
7 ~~and maintenance costs~~The remainder of the five cents (\$0.05) shall be credited to the
8 License to Give Trust Fund established under G.S. 20-7.4 and shall be used for the
9 purposes authorized under G.S. 20-7.4 and G.S. 20-7.5."

10 **SECTION 44.1.(r)** G.S. 20-291 reads as rewritten:

11 "**§ 20-291. Representatives to carry license and display it on request; license to**
12 **name employer.**

13 Every person to whom a sales representative, factory representative, or distributor
14 representative license is issued shall carry the license when engaged in business, and
15 shall display it upon request. The license shall state the name of the representative's
16 employer. If the representative changes employers, the representative shall immediately
17 apply to the Division for a license that states the name of the representative's new
18 employer. The fee for issuing a license stating the name of a new employer is ~~one-half~~
19 ~~the fee set in G.S. 20-289 for an annual license.~~ ten dollars (\$10.00)."

20 **SECTION 44.1.(s)** This section becomes effective October 1, 2005, and
21 applies to fees collected on or after that date.

22 **PART XLV. INDUSTRIAL COMMISSION FEES**

23
24
25 Requested by: Representatives Hunter, Warren

26 **INDUSTRIAL COMMISSION FEES**

27 **SECTION 45.1.(a)** G.S. 97-73 reads as rewritten:

28 "**§ 97-73. Expenses of making examinations.**Fees.

29 (a) The Industrial Commission ~~shall~~may establish by rule a schedule of fees for
30 examinations ~~conducted and conducted~~, reports ~~made pursuant to G.S. 97-61.1 through~~
31 ~~97-61.6 and 97-67 through 97-71.~~ made, documents filed, and agreements reviewed
32 under this Article. The fees shall be collected in accordance with rules adopted by the
33 Industrial Commission.

34 (b), (c) Repealed by Session Laws 2003-284, s. 10.33(d), effective July 1, 2003."

35 **SECTION 45.1.(b)** This section is effective when it becomes law.

36 **PART XLVI. MISCELLANEOUS PROVISIONS**

37
38
39 Requested by: Representatives Alexander, Gibson, Luebke, Wainwright

40 **EFFECTIVE DATE**

41 **SECTION 46.6.** Except as otherwise provided, this act becomes effective
42 July 1, 2005.