

GENERAL ASSEMBLY OF NORTH CAROLINA  
1989 SESSION

CHAPTER 770  
SENATE BILL 525

AN ACT TO MAKE VARIOUS TECHNICAL AMENDMENTS TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, TO MAKE TECHNICAL AMENDMENTS TO THE 1989 SESSION LAWS, AND TO AMEND VARIOUS OTHER GENERAL STATUTES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-60(a) is amended by deleting the word "for" in the phrase "who for shall be a resident of the prosecutorial district".

Sec. 2. G.S. 14-288.12(c) is amended by deleting "G.S. 160-52, 160-200(7)," and substituting in lieu thereof "G.S. 160A-174(a)".

Sec. 3. G.S. 14-415.1(b)(1) is amended by deleting the number "7" and substituting in lieu thereof the number "7A".

Sec. 4. The third sentence of G.S. 15A-1383(a), as amended by Chapter 1037, Section 70 of the 1987 Session Laws (1988 Regular Session), is rewritten to read:

"In drawing up the plan, the senior resident superior court judge may consult with any public official having authority within his district or set of districts as defined in G.S. 7A-41.1(a) and with any other persons as he may deem appropriate."

Sec. 5. Subsection 15(d) of Chapter 1100 of the 1987 Session Laws (1988 Regular Session) is amended by deleting "G.S. 7A-114(b)" and inserting in lieu thereof "G.S. 7A-144(b)".

Sec. 6. G.S. 18B-801(d)(5) is amended by changing the phrase "to be appointed a receiver" to read "to be appointed as receiver".

Sec. 7. G.S. 20-130(d) is amended by deleting the words "civil preparedness coordinators" and substituting in lieu thereof the words "Emergency Management coordinators".

Sec. 8. G.S. 28A-14-1(a) is amended in the first sentence by deleting the phrase "a least" and substituting in lieu thereof the phrase "at least".

Sec. 9. G.S. 28A-21-2(a) is amended by deleting "G.S. 105-2(3)" and inserting in lieu thereof "G.S. 105-2(a)(3)".

Sec. 10. G.S. 44A-4(b)(1) is amended in the first sentence of the second paragraph by deleting the word "court" and inserting in lieu thereof the word "county".

Sec. 11. G.S. 62-38 is amended by deleting "G.S. 160-2, paragraph 6" and substituting in lieu thereof "G.S. 160A-319".

Sec. 12. Chapter 78C is amended as follows:

(a) In G.S. 78C-2(1)a, by deleting "G.S. 78C-2(4)c" and substituting in lieu thereof "G.S. 78C-2(3)c";

(b) In G.S. 78C-2(1)1, by deleting "G.S. 78C-2(4)" and substituting in lieu thereof "G.S. 78C-2(1)";

(c) In G.S. 78C-2(3), by deleting "G.S. 78C-2(4)a", "G.S. 78C-2(4)c", and "G.S. 78C-2(4)d" and substituting in lieu thereof "G.S. 78C-2(3)a", "G.S. 78C-2(3)c", and "G.S. 78C-2(3)d", respectively, wherever these appear in this subdivision;

(d) In G.S. 78C-60, by deleting "G.S. 78C-(2)a" and "G.S. 78C-(2)k" and inserting in lieu thereof "G.S. 78C-2(1)a" and "G.S. 78C-2(1)k", respectively.

Sec. 13. G.S. 87-58 is amended by deleting from the catch line the words "towns excepted;"

Sec. 14. G.S. 87-59(a) is amended by deleting "Chapter 150A" and substituting in lieu thereof "Chapter 150B".

Sec. 15. G.S. 75-50(3) is amended by deleting the words "Article 9" and substituting in lieu thereof "Article 9C".

Sec. 16. G.S. 90-88(a) is amended by deleting "G.S. 150B" and inserting in lieu thereof "Chapter 150B of the General Statutes".

Sec. 17. G.S. 90-294(c)(8) is amended by deleting "G.S. 93D" and inserting in lieu thereof "Chapter 93D of the General Statutes".

Sec. 18. G.S. 96-8(5)(d) is amended by deleting the phrase "paragraphs a, b, or c" and substituting in lieu thereof the phrase "paragraphs a or b".

Sec. 19. G.S. 96-8(5)(j) is amended in the last paragraph by deleting "Chapter 22" and "Chapter 131" and substituting in lieu thereof "Chapter 122C" and "Chapter 131E", respectively.

Sec. 20. G.S. 96-9(c)(2)c is amended by deleting "G.S. 96-13(3)" and substituting in lieu thereof "G.S. 96-13(a)(3)".

Sec. 21. G.S. 96-10(b)(1) is amended by deleting "Workmen's Compensation Law" and substituting in lieu thereof "Workers' Compensation Law".

Sec. 22. G.S. 96-13(a)(3) is amended by deleting "(i)" (second occurrence) and substituting in lieu thereof "(ii)".

Sec. 24. G.S. 106-277.17 is amended by deleting the words "director of research of the North Carolina agricultural experiment station" and substituting in lieu thereof the words "Director of the North Carolina Agricultural Research Service".

Sec. 25. G.S. 106-418.7 is amended by inserting the word "Market" between "Livestock" and "Advisory".

Sec. 26. G.S. 106-549.55(a) is amended by deleting "subdivision (1)" and substituting in lieu thereof "subdivision (17)" throughout this subsection.

Sec. 27. G.S. 106-568.8 is amended in the first paragraph by deleting the words "G.S. 106-50.6 and 106-99" and inserting in lieu thereof "G.S. 106-284.40 and 106-671".

Sec. 28. G.S. 106-661 is amended in subsections (a) and (b) by deleting the phrase "with the exception of subdivision (5)," in both subsections.

Sec. 29. G.S. 108A-101(i) is amended by deleting the words "Chapter 122" and inserting in lieu thereof the words "Chapter 122C".

Sec. 30. The catch line of G.S. 118-50 is amended by deleting the word "Rural".

Sec. 31. G.S. 135-5(e)(5) is amended by substituting the phrase "subdivision (3a) of this subsection" in lieu of the phrase "subdivision (3a) of this section" throughout the subdivision.

Sec. 32. G.S. 135-40.6(1)o is amended by deleting the phrase "coverage type (2), (3), or (5)" and substituting in lieu thereof the phrase "coverage type (2) or (3)".

Sec. 33. Effective July 1, 1986, G.S. 135-40.6A(b)(7) is amended by deleting the word "Elepharoplasties" and substituting in lieu thereof "Blepharoplasties".

Sec. 34. G.S. 135-40.7A(c)(2) is amended by deleting the words "Article 1A of General Statutes Chapter 131E" and substituting in lieu thereof the words "Article 2 of General Statutes Chapter 122C".

Sec. 35. G.S. 135-40.13(c)(4)e is amended by changing the word "roles" to "rules".

Sec. 36. Chapter 159G of the General Statutes is amended by deleting "G.S. 159G-304", "G.S. 159G-305(c)", "G.S. 159G-306(a)(3)", "G.S. 159G-306(b)", "G.S. 159G-306(b)(1)", "G.S. 159G-306(b)(2)", "G.S. 159G-306(b)(3)", "G.S. 159G-306(c)", "G.S. 159G-306(c)(1)", "G.S. 159G-306(c)(3)", and "G.S. 159G-314", wherever they appear in this Chapter, and inserting in lieu thereof "G.S. 159G-4", "G.S. 159G-5(c)", "G.S. 159G-6(a)(3)", "G.S. 159G-6(b)", "G.S. 159G-6(b)(1)", "G.S. 159G-6(b)(2)", "G.S. 159G-6(b)(3)", "G.S. 159G-6(c)", "G.S. 159G-6(c)(1)", "G.S. 159G-6(c)(3)", and "G.S. 159G-14", respectively.

Sec. 37. G.S. 160A-71(b)(1) is amended by deleting the reference to "Article 33B" and replacing it with a reference to "Article 33C".

Sec. 38. G.S. 163-275(16) is amended by substituting "G.S. 163-229(b)(2)" in lieu of "G.S. 162-229(b)(2)".

Sec. 39. Section 11 of Chapter 427 of the 1987 Session Laws is amended by deleting "1969" and substituting in lieu thereof "1959".

Sec. 40. G.S. 120-20.1 is amended by adding a new subsection to read:

"(b2) In any act ratified on or after January 11, 1989, when a new section, subsection, or subdivision is added to the General Statutes, and that section, subsection, or subdivision is underlined, the underlining is not part of the law, but merely an illustration that the material in the bill which enacted the law is new."

Sec. 41. Effective October 1, 1989, G.S. 143-117.1(3), as rewritten by Section 3 of Chapter 145, Session Laws of 1989, reads as rewritten:

"(3) 'Persons admitted' means clients of regional psychiatric hospitals, State special care centers, regional mental retardation centers, schools for emotionally disturbed children, and alcohol and drug abuse treatment centers, including clients who may be treated on an outpatient basis."

Sec. 41.1. The changes made by Chapter 713, Session Laws of 1989 to G.S. 105-159.1(d) shall not be effectuated, as similar changes were made to G.S. 105-159.1(d) by Section 1.32 of Chapter 728, Session Laws of 1989.

Sec. 41.2. Section 2 of Chapter 718, Session Laws of 1989 is amended by deleting "G.S. 105-134.6(b), as enacted by House Bill 89 or Senate Bill 51, Chapter \_\_\_ of the 1989 Session Laws", and substituting "G.S. 105-134.6(b), as enacted by Chapter 728 of the 1989 Session Laws".

Sec. 41.3. Section 3 of Chapter 718, Session Laws of 1989 reads as rewritten:

"Sec. 3. Sections ~~1 and 3-2~~ and 3 of this act are effective for taxable years beginning on or after January 1, 1989. Section 1 of this act was repealed by Section 1.3 of Chapter 728, Session Laws of 1989. ~~Section 2 of this act shall become effective for taxable years for which G.S. 105-147 is repealed by House Bill 89 or Senate Bill 51, if either bill is enacted by the 1989 General Assembly.~~"

Sec. 42. G.S. 53-2(4), as rewritten by Section 2 of Chapter 187, Session Laws of 1987, reads as rewritten:

"(4) The amount of its authorized common capital stock, the number of shares into which it is divided, the par value of each share; and the amount of common capital stock with which it will commence business. The amount of capital required to charter a bank shall be determined as herein set forth by the Commissioner of Banks who shall give due consideration to (i) the population of the proposed bank's trade area, (ii) the total deposits of those depository financial institutions already operating in the proposed bank's trade area, (iii) the economic conditions and outlook within the proposed bank's trade area, (iv) the business experience and reputation of the proposed bank's management, (v) the business experience and reputation of the proposed bank's incorporators and proposed directors, (vi) the type and nature of business activities proposed to be engaged in, and (vii) the proposed bank's projected deposit growth and profitability. Except as otherwise provided, the amount of common capital stock required to charter a bank shall not be less than two million dollars (\$2,000,000); provided, however, such amount of capital may be increased or decreased in the discretion of the Commissioner of Banks who, after considering the above enumerated criteria, determines that a greater capital requirement is necessary or that a smaller capital requirement will provide a sufficient capital base. In addition to the required capital, every bank shall have a paid in surplus of at least fifty percent (50%) of its common capital stock. The capital and paid in surplus required to charter a bank shall be exclusive of any organizational expenses. This subdivision shall not apply to banks organized and doing business prior to its adoption or amendment; provided, however, the Banking Commission is hereby authorized and directed to adopt rules and regulations to keep any original required minimum capital funds intact to the end that they remain in and with the bank as a protection for depositors."

Sec. 43. Section 4 of Chapter 195, Session Laws of 1989, is amended by deleting "G.S. 153A-58(3) reads as rewritten", and substituting "G.S. 153A-58 reads as rewritten".

Sec. 44. G.S. 143-64.33, as rewritten by Section 3 of Chapter 230, Session Laws of 1989, reads as rewritten:

**"§ 143-64.33. Advice in selecting consultants or negotiating consultant contracts.**

On architectural, engineering, or surveying contracts, the Department of Transportation or the Department of Administration may provide, upon request by a county, city, town or other subdivision of the State, advice in the process of selecting consultants or in negotiating consultant contracts with architects, engineers, or surveyors ~~or both or any or all.~~"

Sec. 45. Section 12 of Chapter 248, Session Laws of 1989, is amended by deleting "iappear, and substituting "Board".

Sec. 46. Section 1 of Chapter 256, Session Laws of 1989, is amended by deleting "G.S. 90-270.66(4) reads as rewritten", and substituting "G.S. 90-270.67(4) reads as rewritten".

Sec. 47. G.S. 113A-129.3(b), as enacted by Chapter 344, Session Laws of 1989, reads as rewritten:

"(b) To the extent feasible, lands and waters within this system shall be dedicated as components of the 'State Nature and Historic Preserve' as provided in Article XIV, Section 5, of the Constitution and as nature reserves pursuant to G.S. 113A-164.1 to ~~G.S. 164.11~~ G.S. 113A-164.11."

Sec. 48. Section 4 of Chapter 100, Session Laws of 1955, as amended by Chapter 960, Session Laws of 1973, and as rewritten by Chapter 357, Session Laws of 1989, is amended by deleting "or other changes", and substituting "or other charges".

Sec. 49. G.S. 18B-1006(i)(4), as rewritten by Chapter 360, Session Laws of 1989, reads as rewritten:

"(4) A boat shall have a home port in an area where issuance of the permits listed in subdivision (3) is legal, and all passengers shall enter the boat at the home port or at other ports listed on a preannounced itinerary. The boat's permits are valid during tours that leave and return to the boat's home port, and apply regardless of whether the boat crosses into an area where sales are not legal, if the boat docks only at a port listed on the preannounced itinerary, except in an ~~emergency;~~ emergency; and".

Sec. 50. Section 6.5(a)(1) of the Charter of the Town of Knightdale, being Chapter 155, Private Laws of 1927, as added by Chapter 430, Session Laws of 1989, reads as rewritten:

"(1) Capital Costs. 'Capital costs' shall mean costs spent for the purchase of land and development of such land for the recreational needs of the ~~the~~ citizens."

Sec. 51. G.S. 66-49.30, as rewritten by Section 7 of Chapter 441, Session Laws of 1989, reads as rewritten:

**"§ 66-49.30. Hearing granted applicant if application denied; appeal.**

If, upon application, the Commissioner finds that the permit should not be issued or renewed and denies an application, he shall notify the applicant or permittee and advise, in writing, the applicant or permittee of the reasons for the denial or nonrenewal of the permit. Within 30 days of receipt of notification the applicant or permittee may make written demand upon the Commissioner for a hearing to determine the reasonableness

of the Commissioner's action. Such hearing shall be scheduled within 30 days and held within 90 days from the date of receipt of the written demand. An applicant or permittee has the right to appeal any order or any unreasonable delay pursuant to Article 4 of Chapter 150B of the General Statutes. If the Commissioner shall decline an application for renewal, that applicant may continue to do business pending any appeal taken pursuant hereto."

Sec. 52. G.S. 66-49.37(a), as rewritten by Section 10 of Chapter 441, Session Laws of 1989, reads as rewritten:

"(a) Each permit holder shall deposit, no later than two banking days from receipt, in a separate trust account in any bank located in a ~~bank~~ North Carolina or other bank approved by the Commissioner, sufficient funds to pay all moneys due or owing all collection creditors or forwarders. Said funds shall remain in the trust account until remitted to the creditor or forwarder, and shall not be commingled with any other operating funds. The trust account shall be used only for the purpose of:

- (1) Remitting to collection creditors or forwarders the proceeds to which they are entitled.
- (2) Remitting to the collection agency the commission that is due the collection agency.
- (3) Reimbursing consumers for overpayments.
- (4) Making adjustments to the trust account balance for bank service charges."

Sec. 53. Effective with respect to all elections occurring on or after January 1, 1990, G.S. 163-278.10A(a), as rewritten by Chapter 449, Session Laws of 1989, reads as rewritten:

"(a) Notwithstanding any other provision of this Chapter, a candidate shall be exempted from the reports of contributions, loans, and expenditures required in G.S. 163-278.9(a), 163-278.40B, ~~278.40C, 278.40D, and 278.40E~~ 163-278.40C, 163-278.40D, and 163-278.40E if to further his campaign that candidate:

- (1) Does not receive more than one thousand dollars (\$1,000.00) in contributions, and
- (2) Does not receive more than one thousand dollars (\$1,000.00) in loans, and
- (3) Does not spend more than one thousand dollars (\$1,000.00).

To qualify for the exemption from those reports, the candidate's treasurer shall file a certification under oath that he does not intend to receive in contributions or loans or expend more than one thousand dollars (\$1,000.00) to further his campaign. The certification shall be filed with the Board at the same time the candidate files his Organizational Report as required in G.S. 163-278.7, G.S. 163-278.9, and G.S. 163-278.40A. If the candidate's campaign is being conducted by a political committee which is handling all contributions, loans, and expenditures for his campaign, the treasurer of the political committee shall file a certification of intent to stay within the threshold amount. If the intent to stay within the threshold changes, or if the ~~\$500.00~~ \$1,000 threshold is exceeded, the treasurer shall immediately notify the Board and shall be responsible for filing all reports required in G.S. 163-278.9 and 163-278.40B, ~~278.40C,~~

~~278.40D, and 278.40E~~ 163-278.40C, 163-278.40D, and 163-278.40E; provided that any contribution, loan, or expenditure which would have been required to be reported on an earlier report but for this section shall be included on the next report required after the intent changes or the threshold is exceeded."

Sec. 54. G.S. 147-69.2(c) is amended by deleting "G.S. 147-69.2(b)(6)", and substituting "G.S. 147-69.2(b)(8)".

Sec. 55. Section 36 of Chapter 168, Session Laws of 1989, is amended by deleting "G.S. 104G-6(14)", and substituting "G.S. 104G-6(a)(14)".

Sec. 56. The table set forth in G.S. 7A-60(a1) is amended by deleting from the heading of the left hand column the word "Judicial", and substituting the word "Prosecutorial".

Sec. 57. G.S. 20-16.1(b)(3) reads as rewritten:

"(3) Upon conviction of such offense outside the jurisdiction of this State the person so convicted may apply to the resident judge of the superior court of the district or set of districts as defined in G.S. 7A-41.1(a) in which he resides for limited driving privileges hereinbefore defined. Upon such application the judge shall have the authority to issue such limited driving privileges in the same manner as if he were the trial judge."

Sec. 58. G.S. 143B-501(3) reads as rewritten:

"(3) 'Judicial district' means ~~the districts prescribed in G.S. 7A-41~~ a district court district as defined in G.S. 7A-133."

Sec. 59. Section 2.1 of Chapter 617, Session Laws of 1989, is amended by deleting the phrase "General Statutes" and substituting the phrase "1981 Session Laws".

Sec. 60. G.S. 143B-426.40, as added by Chapter 239, Session Laws of 1989, is amended by adding immediately after "University of North Carolina" the words ",the Office of State Controller shall have the following powers and duties".

Sec. 61. Section 2 of Chapter 576, Session Laws of 1989 is amended by deleting "Chapter 561, Session Laws of 1989" and substituting "Chapter 561, Session Laws of 1987".

Sec. 62. Effective October 1, 1989, Article 27 of Chapter 66 of the General Statutes, as enacted by Chapter 631, Session Laws of 1989, is recodified as Article 28 of Chapter 66 of the General Statutes, G.S. 66-190 through G.S. 66-196 as enacted by that Chapter are recodified as G.S. 66-200 through G.S. 66-206, and the citation to "G.S. 66-192(d)" as contained in G.S. 66-194 as enacted by that Chapter is changed to "G.S. 66-202(d)".

Sec. 62.1. Effective January 1, 1990:

- (1) Article 27 of Chapter 66 of the General Statutes, as enacted by Chapter 746, Session Laws of 1989, is recodified as Article 29 of Chapter 66 of the General Statutes;
- (2) G.S. 66-189 through G.S. 66-196 as enacted by that Chapter are recodified as G.S. 66-209 through G.S. 66-216;
- (3) G.S. 66-191(a)(2) as recodified as G.S. 66-211(a)(2) is amended by deleting "ARTICLE 27", and substituting "ARTICLE 29"; and

(4) G.S. 66-193(c) as recodified to be G.S. 66-213(c) by this section is amended by deleting "G.S. 66-192(e)", and substituting "G.S. 66-212(e)."

Sec. 63. G.S. 143B-181.10(c), as rewritten by Section 96(a) of Chapter 500, Session Laws of 1989 is amended by deleting "shilled", and substituting "skilled".

Sec. 64. Section 110(b) of Chapter 500, Session Laws of 1989 is amended by deleting "Ecomonic", and substituting "Economic".

Sec. 65. Section 74(g)(2) of Chapter 830, Session Laws of 1987, as enacted by Section 113(a) of Chapter 500, Session Laws of 1989, is amended by deleting "facilities" and substituting "facilities".

Sec. 66. G.S. 20-127 is amended by adding a new subsection to read:

"(i) Subsections (d) through (g) of this section do not apply to law-enforcement K-9 vehicles and films used to darken windows on those units."

Sec. 67. Chapter 611, Session Laws of 1989 is amended by adding a new section to read:

"Sec. 4.1. The following acts having served the purposes for which they were enacted or having been consolidated into this act are expressly repealed:

Chapter 234, Private Laws of 1935  
Chapter 575, Session Laws of 1949  
Chapter 1113, Session Laws of 1957  
Chapter 894, Session Laws of 1963  
Chapter 1220, Session Laws of 1963  
Chapter 519, Session Laws of 1965."

Sec. 68. G.S. 90-95(h)(3a), as enacted by Chapter 690, Session Laws of 1989 is recodified as G.S. 90-95(h)(3b).

Sec. 68.1. (a) G.S. 105-151.19 as enacted by Section 1.22 of Chapter 728, Session Laws of 1989, reads as rewritten:

**"§ 105-151.19. Credit for North Carolina dividends.**

There is allowed as a credit against the tax imposed by this Division an amount equal to six percent (6%) of the amount of dividends received by the taxpayer during the taxable year from stock issued by a qualified corporation, up to a maximum credit of three hundred dollars (\$300.00) per taxpayer for the taxable year. A corporation is a qualified corporation if fifty percent (50%) or more of the dividends from stock issued by the corporation would be deductible by a corporate shareholder for the taxable year under the provisions of G.S. 105-130.7(1), (2), (3), ~~or (3a), (3a), or (5)~~ except that no credit shall be allowed for dividends issued with respect to a taxable period during which the corporation is an S Corporation subject to the provisions of Division I-S of this Article.

This credit applies only with respect to dividends received while the taxpayer was a resident of this State. In the case of a married couple filing a joint return where both spouses received dividends during the taxable year, the three hundred dollar (\$300.00) maximum applies separately to each spouse's dividends for a potential total credit of six hundred dollars (\$600.00) for the couple. This credit may not exceed the amount of tax

imposed by this Division for the taxable year reduced by the sum of all credits allowed under this Division, except payments of tax made by or on behalf of the taxpayer."

(b) This section is effective for taxable years beginning on or after January 1, 1989.

Sec. 68.2. G.S. 136-176(a)(2), as enacted by Section 1.1 of Chapter 692, Session Laws of 1989, reads as rewritten:

"(2) Motor vehicle use tax deposited in the Fund under Sec. 69. Effective July 1, 1990, G.S. 55-13-25(b), as enacted by Chapter 265, Session Laws of 1989, reads as rewritten:

"(b) The offer of payment must be accompanied by:

- (1) The corporation's most recent available balance sheet as of the end of a fiscal year ending not more than 16 months before the date of offer of payment, an income statement for that year, a statement of ~~changes in shareholders' equity~~ cash flows for that year, and the latest available interim financial statements, if any;
- (2) A statement of the corporation's estimate of the fair value of the shares;
- (3) An explanation of how the interest was calculated;
- (4) A statement of the dissenter's right to demand payment under G.S. 55-13-28; and
- (5) A copy of this Article."

Sec. 70. Effective January 1, 1990, G.S. 58-807 as enacted by Chapter 425, Session Laws of 1989, reads as rewritten:

**"§ 58-807. Duration of liability for assessment.**

Every subscriber of a domestic reciprocal having contingent assessment liability shall be liable for and shall pay his share of any assessment computed in accordance with this Part, if, while the policy is in force or within one year after its termination, the subscriber is notified (i) by the attorney of his intention to levy the assessment or (ii) that delinquency proceedings have been commenced against the reciprocal under the provisions of Article ~~17A~~ 46 of this Chapter, and the Commissioner or receiver intends to levy an assessment."

Sec. 71. Effective January 1, 1990, G.S. 58-809(b) as enacted by Section 1 of Chapter 425, Session Laws of 1989, reads as rewritten:

"(b) If the attorney fails to make the assessment within 30 days after the Commissioner orders him to do so, or if the deficiency is not fully made up within 60 days after the date the assessment is made, delinquency proceedings may be instituted and conducted against the insurer as provided in Article ~~17A~~ 46 of this Chapter."

Sec. 72. G.S. 58-155.45(5), as rewritten by Section 2 of Chapter 206, Session Laws of 1989, reads as rewritten:

- "(5) 'Insolvent insurer' means (i) an insurer licensed and authorized to transact insurance in this State either at the time the policy was issued or when the insured event occurred and (ii) against whom an order of liquidation with a finding of insolvency has been entered after the effective date of this Article by a court of competent jurisdiction in the

insurer's state of domicile or of this State under the provisions of ~~G.S. 58-155.11~~ Article 46 of this Chapter, and which order of liquidation has not been stayed or been the subject of a writ of supersedeas or other comparable order."

Sec. 72.1. G.S. 58-656(7), as enacted by Section 1 of Chapter 452, Session Laws of 1989, reads as rewritten:

"(7) Without first obtaining the written consent of the Commissioner pursuant to G.S. 58-155.1, the insurer has (i) transferred, or attempted to transfer, in a manner contrary to ~~Article 12A-43~~ Article 43 of this Chapter, substantially its entire property or business, or (ii) has entered into any transaction, the effect of which is to merge, consolidate, or reinsure substantially its entire property or business in or with the property or business of any other person."

Sec. 72.2. Section 3.1 of Chapter 722, Session Laws of 1989 is amended by deleting "Section 36 of Chapter 485 of the 1989 Session Laws reads as rewritten:

"Sec. 36. G.S. 58-79.1(c) is amended by adding a new subdivision to read:", and substituting: "G.S. 58-79.1(c) as enacted by Section 36 of Chapter 485, Session Laws of 1989 reads as rewritten:".

Sec. 73. Section 1 of Chapter 225, Session Laws of 1989, is amended by deleting "G.S. 122C-271 reads as rewritten:" and substituting "G.S. 122C-271(b) reads as rewritten:".

Sec. 74. Section 2 of Chapter 225, Session Laws of 1989, is amended by deleting "G.S. 122C-263 reads as rewritten:" and substituting "G.S. 122C-263(d) reads as rewritten:".

Sec. 74.1. (a) G.S. 20-79(d) reads as rewritten:

"(d) ~~No manufacturer of or dealer in Dealer's license plates may be used on motor vehicles, trailers or semitrailers shall cause or permit any such vehicle owned by, or assigned to, duly licensed motor vehicle dealers of this State when such person or by any person in his employ, which is in the personal use of such person or employee, to be operated or moved upon a public~~ on the highways of this State by the dealer, corporate officers of the dealership, salespersons or full-time employees of the dealership, and any designated part-time employees of the dealership; with a 'dealer' plate attached to such vehicle—provided, the vehicle is subject to the proof of financial responsibility requirements of Article 9A of this Chapter. A dealership owner who desires to use dealer's license plates as herein provided shall make application on a form provided by the Division of Motor Vehicles and pay the annual amount set in G.S. 20-87(7)."

(b) This section shall become effective October 1, 1989, and shall not affect pending litigation.

Sec. 74.2. Effective October 1, 1989, G.S. 20-87(7) reads as rewritten:

"(7) ~~Manufacturers and Motor Vehicle Dealers.—Manufacturers and dealers in motor vehicles, trailers and semitrailers for license and for one set of dealer's plates for each place of business licensed under Article 12 of Chapter 20 of the General Statutes shall pay the sum of thirty eight dollars (\$38.00), and for each additional set of dealer's plates the sum~~

of three dollars (\$3.00), vehicles shall pay a fee of one-half of the amount that would otherwise be payable under this section for each set of plates."

Sec. 74.3. Effective October 1, 1989, G.S. 20-87(8) reads as rewritten:

"(8) Driveaway Companies.— Any ~~person, firm or corporation~~ person engaged in the business of driving new motor vehicles from the place of manufacture to the place of sale in this State for compensation shall pay ~~as a registration fee and for one set of plates one hundred twenty-eight dollars (\$128.00) and for each additional set of plates six dollars (\$6.00)~~ a fee of one-half of the amount that would otherwise be payable under this section for each set of plates."

Sec. 74.4. Effective October 1, 1989, G.S. 105-164.4(a)(1b), as enacted by Section 3.3 of Chapter 692, Session Laws of 1989, reads as rewritten:

"(1b) At the rate of two percent (2%) of the sales price of each aircraft, boat, railway car, or locomotive sold at retail, including all accessories attached to the item when it is delivered to the  ~~purchaser~~  purchaser, not to exceed one thousand five hundred dollars (\$1,500)."

Sec. 74.5. Effective January 1, 1990, G.S. 20-88.01, as amended by Section 6.1 of Chapter 692, Session Laws of 1989, reads as rewritten:

**"§ 20-88.01. Revocation of registration for failure to register for or comply with road tax.**

The Secretary of Revenue may notify the Commissioner of those motor vehicles that are registered or are required to be registered under Article 36B of Chapter 105 and as ~~appropriate~~, whose owners or ~~lessees~~ lessees, as appropriate, are not in compliance with Article 36A or 36B of Chapter 105. When notified, the Commissioner shall withhold or revoke the registration plate for the vehicle."

Sec. 74.6. G.S. 136-176(a)(3), as enacted by Section 1.1 of Chapter 692, Session Laws of 1989, reads as rewritten:

"(3) Revenue from the certificate of title fee and other fees payable when a certificate of title is issued for a motor vehicle under G.S. 20-85."

Sec. 74.7. G.S. 136-17.2A(c), as enacted by Section 1.4 of Chapter 692, Session Laws of 1989, is amended by redesignating subdivision (3) as subdivision (2).

Sec. 74.8. Effective October 1, 1989, G.S. 105-174, as enacted by Section 4.1 of Chapter 692, Session Laws of 1989, reads as rewritten:

**"§ 105-174. Penalties and remedies.**

(a) Penalties. ~~The penalties that apply to a failure to pay State sales and use taxes apply to a failure to pay the tax levied by this Article~~ penalty for bad checks in G.S. 105-236(1) applies to a check offered in payment of the tax imposed by this Article. In addition, if a check offered to the Division in payment of the tax imposed by this Article is returned unpaid and the tax for which the check was ~~offered~~ offered, plus the penalty imposed under G.S. 105-236(1), is not paid within 30 days after the Commissioner demands its payment, the Commissioner may revoke the registration plate of the vehicle for which a certificate of title was issued when the check was offered.

(b) Unpaid Taxes. The remedies for collection of taxes in G.S. 20-99 apply to the taxes levied by this Article and collected by the Commissioner.

(c) Appeals. A taxpayer who disagrees with the presumed value of a motor vehicle must pay the tax based on the presumed value, but may appeal the value to the Commissioner. A taxpayer who appeals the value must provide two estimates of the value of the vehicle to the Commissioner. If the Commissioner finds that the value of the vehicle is less than the presumed value of the vehicle, the Commissioner shall refund any overpayment of tax made by the taxpayer with interest at the rate specified in G.S. 105-241.1 from the date of the overpayment.

~~In applying the provisions of Article 9 of this Chapter to the tax levied by this Article, the Commissioner shall exercise the power conferred upon the Secretary. A taxpayer who appeals the tax imposed by this Article shall appeal to the Commissioner or the Commissioner's designee instead of to the Secretary."~~

Sec. 74.9. Effective October 1, 1989, G.S. 105-170(a), as enacted by Section 4.1 of Chapter 692, Session Laws of 1989, reads as rewritten:

"(a) Full Exemptions. The tax imposed by this Article does not apply when a certificate of title is issued as the result of a transfer of a motor ~~vehicle-vehicle~~:

- (1) To ~~to~~ the insurer of the motor vehicle under G.S. 20-109.1 because the vehicle is a salvage vehicle.
- (2) To either a manufacturer, as defined in G.S. 20-285, or a motor vehicle retailer for the purpose of resale."

Sec. 74.10. Effective October 1, 1989, G.S. 105-170(b)(4), as enacted by Section 4.1 of Chapter 692, Session Laws of 1989, reads as rewritten:

"(4) ~~To one of the following for the purpose of resale:~~

- a. ~~A motor vehicle retailer.~~
- b. ~~A~~ secured party who has filed a security interest in the motor vehicle with the Department of the Secretary of State."

Sec. 74.11. Effective October 1, 1989, G.S. 20-85(a), as amended by Section 2.1 of Chapter 692, Session Laws of 1989, is amended by adding a new subdivision to read:

"(9) Each application for certificate of title for a motor vehicle transferred to a manufacturer, as defined in G.S. 20-285, or a motor vehicle retailer for the purpose of resale..... 10.00."

Sec. 74.12. G.S. 136-44.8, as enacted by Section 1.18 of Chapter 692, Session Laws of 1989, is recodified as G.S. 136-28.7.

Sec. 74.13. Effective October 1, 1989, G.S. 105-167(b), as enacted by Section 4.1 of Chapter 692, Session Laws of 1989, reads as rewritten:

"(b) Retail Value. The retail value of a motor vehicle for which a certificate of title is issued because of a sale of the motor vehicle by a retailer is the sales price of the motor vehicle, including all accessories attached to the vehicle when it is delivered to the purchaser, less the amount of any allowance given by the retailer for a motor vehicle taken in trade as a partial payment for the purchased motor vehicle. The retail value of a motor vehicle for which a certificate of title is issued because of a sale of the motor vehicle by a seller who is not a retailer is the market value of the vehicle, value of the

~~vehicle set in a schedule of values adopted by the Commissioner,~~ less the amount of any allowance given by the seller for a motor vehicle taken in trade as a partial payment for the purchased motor vehicle. The retail value of a motor vehicle for which a certificate of title is issued because of a reason other than the sale of the motor vehicle is the market value of the vehicle-vehicle. The market value of a vehicle is presumed to be the value of the vehicle set in a schedule of values adopted by the Commissioner."

Sec. 74.14. G.S. 136-28.7(a), as enacted by Section 1.18 of Chapter 692, Session Laws of 1989, is rewritten to read:

"(a) The Department of Transportation shall require that every contract for construction or repair necessary to carry out the provisions of this Chapter shall contain a provision requiring that ~~steel and cement used or supplied in the performance of the contract or any subcontract thereunder are produced in the United States~~ all steel and cement permanently incorporated into the construction or repair project be produced in the United States."

Sec. 74.15. G.S. 136-28.7, as enacted by Section 1.18 of Chapter 692, Session Laws of 1989, is amended by designating subsection (c) as subsection (d) and inserting a new subsection (c) to read:

"(c) The Department of Transportation shall apply this section consistent with the requirements in 23 C.F.R. § 635.410(b)(4)."

Sec. 74.16. G.S. 136-12(b), as amended by Section 1.3 of Chapter 692, Session Laws of 1989, reads as rewritten:

"(b) At least ~~25~~30 days before it approves a Transportation Improvement Program in accordance with G.S. 143B-350(f)(4) or approves interim changes to a Transportation Improvement Program, the Department shall submit the proposed Transportation Improvement Program or proposed interim changes to a Transportation Improvement Program to the following members and staff of the General Assembly:

- (1) The Speaker and the Speaker Pro Tempore of the House of Representatives;
- (2) The Lieutenant Governor and the President Pro Tempore of the Senate;
- (3) The Chairs of the House and Senate Appropriations Committees;
- (4) Each member of the Joint Legislative Highway Oversight Committee; and
- (5) The Fiscal Research Division of the Legislative Services Commission."

Sec. 74.17. Chapter 480 of the Session Laws of 1989 is amended by adding a new section to read:

"Sec. 3.1. Contracts awarded pursuant to the separate prime contract system during the period beginning on June 28, 1989 and ending December 31, 1989 are not hereby invalidated for noncompliance with G.S. 143-128(c)."

Sec. 75. G.S. 130A-415, as rewritten by Chapter 222, Session Laws of 1989, reads as rewritten:

**"§ 130A-415. Unclaimed bodies; disposition.**

(a) Any person, including officers, employees and agents of the State or of any unit of local government in the State, undertakers doing business within the State, hospitals, nursing homes or other institutions, having physical possession of a dead body shall make reasonable efforts to contact relatives of the deceased or other persons who may wish to claim the body for final disposition. If the body remains unclaimed for final disposition for 10 days, the person having possession shall notify the Commission of Anatomy. Upon request of the Commission of Anatomy, the person having possession shall deliver the dead body to the Commission of Anatomy at a time and place specified by the Commission of Anatomy or shall permit the Commission of Anatomy to take and remove the body.

(b) All dead bodies not claimed for final disposition within 10 days of the decedent's death may be received and delivered by the Commission of Anatomy pursuant to the authority contained in G.S. 143B-204 and this Part and in accordance with the rules of the Commission of Anatomy. Upon receipt of a body by the Commission of Anatomy all interests in and rights to the unclaimed dead body shall vest in the Commission of Anatomy. The recipient to which the Commission of Anatomy delivers the body shall pay all expenses for the embalming and delivery of the body, and for the reasonable expenses arising from efforts to notify relatives or others.

(b1) The 10-day period referenced in subsections (a) and (b) of this section may be shortened by the county director of social services upon determination that a dead body will not be claimed for final disposition within the 10-day period.

(c) Should the Commission of Anatomy decline to receive a dead body, the person with possession shall inform the director of social services of the county in which the body is located. The director of social services of that county shall arrange for prompt final disposition of the body, either by cremation or burial. Reasonable costs of disposition and of efforts made to notify relatives and others shall be considered funeral expenses and shall be paid in accordance with G.S. 28A-19-6 and G.S. 28A-19-8. If those expenses cannot be satisfied from the decedent's estate, they shall be borne by the decedent's county of residence. If the deceased is not a resident of this State, or if the county of residence is unknown, those expenses shall be borne by the county in which the death occurred.

(d) No autopsy shall be performed on an unclaimed body without the written consent of the Commission of Anatomy except that written consent is not required for an autopsy performed pursuant to Part 2 of this Article.

(e) Due caution shall be taken to shield the unclaimed body from public view.

(f) Notwithstanding anything contained in this section, an unclaimed body shall not mean a dead body for which the deceased has made a gift pursuant to Part 3 of this Article.

(g) Nothing in this Part shall require the officers, employees or agents of a county to notify the Commission of Anatomy regarding the bodies of minors who were in the custody of the county at the time of death and whose final disposition will be arranged by the county. In the absence of notification, the expenses of the final disposition shall be a charge upon the county having custody.

(h) The provisions of this Part shall not apply to bodies within the jurisdiction of the medical examiner under G.S. 130A-383 or 130A-384.

(i) In addition to the other duties of the Commission of Anatomy, when the Commission of Anatomy is notified by the Lifeguardianship Council of the Association of Retarded Citizens of North Carolina, Inc., that the Council intends to claim a body, the Commission shall release the body to the Council. The Lifeguardianship Council shall notify the Commission of Anatomy within 24 hours after death of its intent to claim a body for burial or other humane and caring disposition."

Sec. 75.1. Effective October 1, 1989, and applying to appeals filed on and after that date, G.S. 90-14.11 reads as rewritten:

**"§ 90-14.11. Appeal to Supreme Court; Appeal; appeal bond.**

Any party to the review proceeding, including the Board, may appeal to the Supreme Court from the decision of the superior court under rules of procedure applicable in other civil cases. No appeal bond shall be required of the Board. The appealing party may apply to the superior court for a stay of that court's decision or a stay of the Board's decision, whichever shall be appropriate, pending the outcome of the appeal to the Supreme Court. appeal."

Sec. 75.2. Effective January 1, 1990, G.S. 105A-2(1)j, as rewritten by Chapters 539 and 699, Session Laws of 1989, reads as rewritten:

"j. State facilities as listed in G.S. 122C-181(a), School for the Deaf at Morganton, North Carolina Sanatorium at McCain, Western Carolina Sanatorium at Black Mountain, Eastern North Carolina Sanatorium at Wilson, and Gravelly Sanatorium at Chapel Hill under Chapter 143, Article 7; Governor Morehead School under Chapter 115, Article 40; Central North Carolina School for the Deaf under Chapter 115, Article 41; Wright School for Treatment and Education of Emotionally Disturbed Children under Chapter 122C; ~~122C~~;—and these same institutions by any other names by which they may be known in the future;".

Sec. 75.3. G.S. 163-132.5A, as amended by Section 3 of Chapter 440, Session Laws of 1989, reads as rewritten:

**"§ 163-132.5A. Precinct boundaries.**

(a) Whenever an annexation ordinance adopted under Parts 1, 2, or 3 of Article 4A of Chapter 160A of the General Statutes, or a local act of the General Assembly annexing property to a municipality, becomes effective during the period beginning with the date of the annexation as reported through the U.S. Census Bureau's 1988 Boundary and Annexation Survey and ending October 31, 1989, and any part of the boundary of the area being annexed which is actually contiguous to the city is also a precinct boundary for elections administered by the county board of elections then the annexed area is automatically moved into the 'city precinct', provided that if the annexed area is adjacent to more than one city precinct, the board of elections shall place the area in any one or more of the adjacent city precincts. The county board of elections may

delay the effective date of any change under this subsection to a date not later than January 1, 1992.

~~(b) This section does not apply when the entire area of contiguity between the city and the area being annexed is a township boundary, a county boundary, a visible feature used or expected to be used as a census block boundary in the 1990 census, or a combination of those boundaries."~~

Sec. 75.4. G.S. 143-215.94P(b)(5), as enacted by Section 5 of Chapter 656 of the 1989 Session Laws, reads as rewritten:

"(5) Discharge or leaking of oil or natural gas from a private pleasure boat or commercial fishing vessel having a fuel capacity of less than ~~5,000~~ 500 gallons."

Sec. 75.5. Part 2B of Article 21A of Chapter 143 of the General Statutes (G.S. 143-215.94N through G.S. 143-215.94W), as enacted by Section 5 of Chapter 656 of the 1989 Session Laws, is recodified as Part 2C of Article 21A of Chapter 143 of the General Statutes (G.S. 143-215.94AA through G.S. 143-215.94JJ). The Revisor of Statutes shall correct every reference to any section of the General Statutes which is recodified by this section.

Sec. 76. Except as otherwise provided herein, this act is effective upon ratification.

In the General Assembly read three times and ratified this the 12th day of August, 1989.