

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE BILL 585  
Committee Substitute Favorable 5/12/11  
Senate Commerce Committee Substitute Adopted 6/14/11  
Senate Rules and Operations of the Senate Committee Substitute Adopted 6/28/12

Short Title: Alcohol Sales / Vehicle Emissions Inspections.

(Public)

Sponsors:

Referred to:

April 5, 2011

A BILL TO BE ENTITLED

AN ACT (1) TO MODIFY PROVISIONS RELATED TO THE SALES OF ALCOHOLIC BEVERAGES, (2) TO EXEMPT VEHICLES OF THE THREE NEWEST MODEL YEARS AND WITH LESS THAN EIGHTY THOUSAND MILES FROM EMISSIONS INSPECTIONS, (3) TO PROVIDE FOR CONFORMING CHANGES TO WHO MAY SUPERVISE THE STATE HIGHWAY PATROL PURSUANT TO THE CONSOLIDATION OF THE DEPARTMENT OF PUBLIC SAFETY, AND (4) TO EXEMPT LAW ENFORCEMENT, FIRE, EMERGENCY SERVICE, AND INMATE AND JUVENILE TRANSPORTATION VEHICLES OWNED BY THE DEPARTMENT OF PUBLIC SAFETY FROM DEPARTMENT OF ADMINISTRATION MOTOR FLEET MANAGEMENT.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** G.S. 18B-101(7b) reads as rewritten:

"(7b) "Historic ABC establishment" means a restaurant or hotel that meets all of the following requirements:

- a. Is on the national register of historic places or located within a State historic ~~district~~-district; is a contributing structure in a National Register Historic District; or is under protective covenants or a historic preservation agreement administered by the Historic Preservation Foundation of North Carolina, Inc.
- b. Is a property designed to attract local, State, national, and international tourists located on a State Route (SR) and with a property line located within 1.5 miles of the intersection of a designated North Carolina scenic byway as defined in G.S. 136-18(31).
- c. Is located within 15 miles of a national scenic highway.
- d. Is located in a county in which the on-premises sale of malt beverages or unfortified wine is authorized in two or more cities in the county."

**SECTION 1.(b)** G.S. 18B-900(a) is amended by adding a new subdivision to read as follows:

"(a) Requirements. – To be eligible to receive and to hold an ABC permit, a person shall:

...



1           (8) Have a valid social security number or be able to produce valid  
2           documentation issued to the applicant under the authority of the United  
3           States government demonstrating legal presence in the United States."

4           **SECTION 1.(c)** G.S. 18B-1002(d) reads as rewritten:

5           "(d) Administrative Procedure. – A permit issued pursuant to this section shall not be  
6           issued less than 10 days before any qualifying event described in subdivisions (1) through (5)  
7           of subsection (a) of this section. The Commission shall notify the ALE Section not more than  
8           three business days after the date a permit is issued pursuant to this section of the name and  
9           address of the applicant, the address of the event, and any conditions placed on the permit  
10           pursuant to subsection (c) of this section. Denial or revocation of a permit under this section  
11           shall not entitle the applicant or permittee to a hearing under Chapter 150B."

12           **SECTION 2.(a)** G.S. 20-183.2(b)(3) reads as rewritten:

13           "(b) Emissions. – A motor vehicle is subject to an emissions inspection in accordance  
14           with this Part if it meets all of the following requirements:

15           ...  
16           (3) It is (i) a 1996 or later ~~model~~ model and older than the three most recent  
17           model years or (ii) a 1996 or later model and has 70,000 miles or more on its  
18           odometer."

19           **SECTION 2.(b)** The Department of Environment and Natural Resources shall  
20           submit for approval the emissions inspection program changes provided in subsection (a) of  
21           this section to the United States Environmental Protection Agency as an amendment to the  
22           North Carolina State Implementation Plan under the federal Clean Air Act. If the United States  
23           Environmental Protection Agency approves the amendment, the Secretary of the Department of  
24           Environment and Natural Resources shall certify this approval to the Revisor of Statutes. In the  
25           certification, the Secretary of the Department of Environment and Natural Resources shall  
26           include the session law number of this act.

27           **SECTION 2.(c)** After the Motor Vehicle Inspection and Law Enforcement System  
28           (MILES) is retired and the replacement system for MILES is operational, the Commissioner of  
29           Motor Vehicles shall certify to the Revisor of Statutes that MILES has been replaced. In the  
30           certification, the Commissioner of Motor Vehicles shall include the session law number of this  
31           act.

32           **SECTION 2.(d)** Subsection (a) of this section becomes effective on the later of the  
33           following dates and applies to motor vehicles inspected, or due to be inspected, on or after the  
34           effective date of subsection (a) of this section:

35           (1) January 1, 2014.

36           (2) The first day of a month that is 30 days after both of the following have  
37           occurred:

38           a. The Department of Environment and Natural Resources certifies to  
39           the Revisor of Statutes that the United States Environmental  
40           Protection Agency has approved the amendment to the North  
41           Carolina State Implementation Plan based on the change to the  
42           emissions inspection program provided in subsection (a) of this  
43           section.

44           b. The Commissioner of Motor Vehicles certifies to the Revisor of  
45           Statutes that the Motor Vehicle Inspection and Law Enforcement  
46           System (MILES) has been replaced.

47           **SECTION 3.** G.S. 20-196.3 reads as rewritten:

48           "**§ 20-196.3. Who may hold supervisory positions over sworn members of the Patrol.**

49           Notwithstanding any other provision of the General Statutes of North Carolina, it shall be  
50           unlawful for any person other than the ~~Governor and~~ Governor, the Secretary of Public Safety  
51           and ~~other than~~ Safety, the Chief Operating Officer of the Department of Public Safety, or a

1 uniformed member of the North Carolina State Highway Patrol who has met all requirements  
2 for employment within the Patrol, including but not limited to completion of the basic Patrol  
3 school, to hold any supervisory position over sworn members of the Patrol."

4 **SECTION 4.** G.S. 143-341(8)i.3. reads as rewritten:

- 5 3. To require on a schedule determined by the Department all  
6 State agencies to transfer ownership, custody or control of  
7 any or all passenger motor vehicles within the ownership,  
8 custody or control of that agency to the Department, except  
9 those motor vehicles under the ownership, custody or control  
10 of the Highway Patrol, the State Bureau of Investigation, or  
11 the constituent institutions of The University of North  
12 Carolina which are used primarily for law-enforcement  
13 purposes, and except those motor vehicles under the  
14 ownership, custody or control of the Department of Public  
15 Safety ~~for Butner Public Safety~~ which are used primarily for  
16 law-enforcement, ~~fire, or emergency purposes.~~  
17 emergency services, and buses and passenger vans used for  
18 inmate and juvenile transportation."

19 **SECTION 5.** Section 1(a), 1(b), and 1(c) of this act become effective August 1,  
20 2012, and apply to ABC permits issued on or after that date. Except as otherwise provided, the  
21 remainder of this act is effective when it becomes law.