

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 686
Committee Substitute Favorable 5/3/19
Senate Commerce and Insurance Committee Substitute Adopted 6/18/20
Fourth Edition Engrossed 6/19/20

Short Title: Freedom to Celebrate the Fourth of July.

(Public)

Sponsors:

Referred to:

April 11, 2019

A BILL TO BE ENTITLED

AN ACT TO PROTECT THE RIGHT TO CELEBRATE THE FOURTH OF JULY, IN
COMMEMORATION OF THE DECLARATION OF INDEPENDENCE OF THE UNITED
STATES.

Whereas, on July 4, 1776, the Second Continental Congress adopted the final draft of the Declaration of Independence, declaring freedom of the 13 American colonies from British rule at a meeting held in Philadelphia, Pennsylvania; and

Whereas, the 56 signers of the Declaration of Independence included three North Carolinians, William Hooper, Joseph Hewes, and John Penn; and

Whereas, on May 16, 1783, the General Assembly "Resolved, that the fourth day of July be and is hereby appointed a day of General Thanksgiving and praise to Almighty God for the gracious Interposition of Divine Providence in behalf of this nation ..."; and

Whereas, the North Carolina General Assembly on May 16, 1783, passed a resolution commemorating the Fourth of July, and was the first State to do so; and

Whereas, the first Fourth of July celebration in the country was proclaimed by Governor Alexander Martin in 1783 as a result of that resolution; and

Whereas, Independence Day is the most important holiday celebrating our nation's founding; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding G.S. 166A-19.30, the Governor shall not prohibit parades, or firework displays discharged in accordance with Article 54 of Chapter 14 of the General Statutes, scheduled to occur between 5:00 P.M. on July 1st and 5:00 P.M. on July 10th.

SECTION 2. Notwithstanding G.S. 166A-19.31, a municipality or county shall not prohibit parades, or firework displays discharged in accordance with Article 54 of Chapter 14 of the General Statutes, scheduled to occur between 5:00 P.M. on July 1st and 5:00 P.M. on July 10th. No municipality or county shall deny or revoke a reasonable permit for a parade, or firework display discharged in accordance with Article 54 of Chapter 14 of the General Statutes, scheduled to occur between 5:00 P.M. on July 1st and 5:00 P.M. on July 10th. For a municipality or county to revoke or deny a permit that is substantially the same as a permit that was approved for a parade or fireworks display that was scheduled to be held between 5:00 P.M. on July 1st, 2019, and 5:00 P.M. on July 10th, 2019, a finding of good cause by the governing board is required, and the finding must be documented in writing.

SECTION 3. Notwithstanding G.S. 166A-19.30(d) and G.S. 166A-31(h), a person shall not be prosecuted for the Class 2 misdemeanor for violation of a declaration or executive



1 order merely for the act of attending or participating in a parade, or firework display discharged
2 in accordance with Article 54 of Chapter 14 of the General Statutes, scheduled to occur between
3 5:00 P.M. on July 1st and 5:00 P.M. on July 10th.

4 **SECTION 4.** No person shall be liable civilly for any act or omission alleged to have
5 resulted in the contraction of COVID-19 during a parade, or firework display discharged in
6 accordance with Article 54 of Chapter 14 of the General Statutes, scheduled to occur between
7 5:00 P.M. on July 1st and 5:00 P.M. on July 10th, unless the act or omission amounts to gross
8 negligence, willful or wanton conduct, or intentional wrongdoing. This section does not apply to
9 any of the following:

10 (1) Claims before the Industrial Commission seeking benefits payable under the
11 Workers' Compensation Act, Article 1 of Chapter 97 of the General Statutes.

12 (2) Claims arising later than one year after the expiration or rescission of
13 Executive Order No. 116 issued March 10, 2020.

14 **SECTION 5.** This act is effective when it becomes law, and applies to any parades
15 or firework displays scheduled to occur between 5:00 P.M. on July 1st and on 5:00 P.M. July
16 10th. Except as otherwise provided, this act expires when any applicable declaration of
17 emergency prohibitions and restrictions on parades and firework displays scheduled to occur
18 between 5:00 P.M. on July 1st and 5:00 P.M. on July 10th, expire or are terminated.