

# North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

January 27, 2017

## Introduction

The 2017-2018 Session of the North Carolina General Assembly reconvened this week on Wednesday, January 25, 2017. The 2017 Session is the first year of a two-year session and is commonly referred to as the "long session," since it begins in January and is likely to end sometime during the summer. The first North Carolina legislature was elected under the Constitution of 1776. The General Assembly has convened at the seat of government in Raleigh since 1794. Before then, it met at various times in New Bern, Halifax, Hillsborough, Fayetteville, Tarboro, and Smithfield.

The 2017 Session began on January 11, 2017 with what is known as an early organizational session. The purpose of the early organizational session is solely to elect officers, adopt rules and to plan for the upcoming session. It then takes a few weeks for legislators to be assigned offices, provide office space for staff, and to attend to other organizational matters. This is the third time that the General Assembly has held this type of session in which they convened for one day and then returned two weeks later to begin work on their legislative agenda.

Below is a brief profile and overview regarding members of this 2017-2018 Legislature:

### **The House**

- 120: Members
- 19: New members (12 Republicans and 7 Democrats)
- 58.6: As of Jan. 1, their average age
- 24: Age of Rep. Cody Henson, R-Transylvania, the youngest
- 86: Age of Rep. Mickey Michaux, D-Durham, the oldest
- 19.5: Terms served by Rep. Michaux, the most senior member
- 28: Number of women serving
- 25: Number of African Americans serving
- 24: Members with military experience
- 20: Attorneys, 3 Nurses, 4 Farmers, 6 MBAs and 1 MD
- 19: Members obtained some sort of degree from UNC-Chapel Hill
- 12: Members representing Mecklenburg County, 11 Wake

### **The Senate**

- 50: Members
- 5: New members (All Republicans)

- 9: Terms served by the most senior member, Senate leader Phil Berger, R-Rockingham
- 13: Number of women serving
- 11: Number of African Americans serving
- 11: Members with military experience
- 10: Members also served in the House
- 10: Attorneys, 4 Real Estate, 2 Veterinarians, 1 Pastor
- 14: Baptists, 1 Quaker, 1 Hindu
- 5: Members represent Mecklenburg County, 5 Wake

The House and Senate adjourned on Thursday, January 27, 2017 and will reconvene on Monday, January 30, 2017.

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### **BILLS OF INTEREST**

[HOUSE BILL 9](#), Allow Election Day Service – Retired LEOs, would allow retired law enforcement officers to be employed by a county board of election on election day without suspension of the retired officer's special separation allowance benefit. **Introduced by Representative Fraley, and referred to the House Committee on State Personnel.**

[HOUSE BILL 11](#), Handicap Parking Privilege Certification, would expand the list of professionals who could certify individuals for a handicapped parking privilege to include a licensed physician assistant, a licensed nurse practitioner, and a licensed certified nurse midwife. Currently, only physicians, ophthalmologists, optometrists or the Division of Services for the Blind can make these certifications. **Introduced by Representatives Adcock, Dobson, Hardister and Cunningham, and referred to the House Committee on Transportation.**

[HOUSE BILL 15](#), Public Authority/Permanent Plates, would authorize the Division of Motor Vehicles to issue permanent registration plates for motor vehicles owned and operated by water and sewer authorities for local governments. **Introduced by Representatives Davis, Iler, Shepard and Torbett, and referred to the House Committee on Transportation.**

[HOUSE BILL 21](#), Driver Instruction/Law Enforcement Stops, would require the Division of Motor Vehicles, in consultation with the State Highway Patrol, the North Carolina Sheriffs' Association, and the North Carolina Association of Chiefs of Police, to include in the driver license handbook a description of law enforcement procedures during traffic stops and the actions that a motorist should take during a traffic stop, including appropriate interactions with law enforcement officers. These materials would be required to be taught in the driver education curriculum. **Introduced by Representatives Goodman, Faircloth, McNeil and Earle.**

[SENATE BILL 3](#), DOT/DMV Changes, would make numerous changes to our motor vehicle laws, as set out below.

The bill would change the definition of "fuel cell electric vehicle" and "plug in electric vehicle" contained in N.C. Gen. Stat. § 20-4.01. The definition of these vehicles would be changed to

include language stating that each type of vehicle “does not have the ability to be propelled by a gasoline engine.”

The process the Division of Motor Vehicles (DMV) uses to determine whether to revoke an individual’s driving privilege who has been adjudicated mentally incompetent, an alcohol abuser, or drug abuser would be changed. Current law requires the Commissioner of DMV to consider the clerk of court’s recommendation whether an individual who has been adjudicated incompetent should retain his or her driving privilege. This bill would require the Commissioner to immediately revoke the driving privilege of an individual when the clerk of court recommends revocation in any incompetency adjudication.

The bill would also give the Commissioner the authority to conduct an independent investigation into whether the person should retain their driving privilege if the clerk of court makes no recommendation about the driving privilege or recommends that the individual’s driving privilege not be revoked.

The bill would change the title of DMV license and theft “inspectors” to be “agents” and appears to expand the jurisdiction of the DMV “agents.”

The bill would change N.C. Gen. Stat. § 20-50(b) to limit the number of temporary tags that can be issued to a particular vehicle during an annual registration period to two (2) 10-day temporary tags. The bill would provide an exception for a car older than 1980 that is being transported to a vehicle show or exhibition. If passed into law, these changes would become effective January 1, 2018, and would apply to applications received on or after that date.

The bill would change N.C. Gen. Stat. § 20-7(f)(1) to extend the duration of a provisional drivers license issued to a person under the age 18 from their 21<sup>st</sup> birthday to 60 days following their 21<sup>st</sup> birthday.

The bill would change N.C. Gen. Stat. § 20-7(f)(6) to allow an individual with a provisional license to remotely (through the mail or other means approved by DMV) convert a provisional drivers license into a Class C license if they are at least 18 years old and meet other requirements set out in the statute. **Introduced by Senators Rabon and Harrington, and referred to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 5, Mecklenburg/Police Countywide Jurisdiction](#), would, with the approval of the Mecklenburg County Board of Commissioners, give police officers in the towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill and Pineville law-enforcement jurisdictions throughout the unincorporated areas of Mecklenburg County. Charlotte police officers have currently this expanded law enforcement jurisdiction in Mecklenburg County.

The Mecklenburg County Board of Commissioners would not be able to approve expanded jurisdiction in the county for a municipality's police officers if the area is in another municipality's extraterritorial planning jurisdiction, unless the governing body of that other municipality consents to the expanded jurisdiction. Nothing in this law would restrict or prohibit the Sheriff of Mecklenburg County from exercising the powers and authority of the Sheriff's office. **Introduced**

**by Senators Tarte, Bishop and J. Jackson, and referred to the Committee on Rules and Operations of the Senate.**

**SENATE BILL 8, Ease Occ. Lic. Burdens on Military Families, would eliminate the ability of occupational licensing boards (such as the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission) to charge fees when a military member or their spouse seeks a license or certification from a North Carolina occupational licensing board for a profession in which the military member or their spouse was previously licensed or certified for in another state or in the military. Occupational licensing boards in North Carolina would be able however to charge its ordinary fees for applications for renewal of licenses or certifications. **Introduced by Senators Wells, Brown and Pate, and referred to the Committee and Rules and Operations of the Senate.****

The North Carolina Sheriffs' Association prepares Weekly Legislative Reports each Friday that the North Carolina General Assembly is in session. The reports detail legislation that is of special interest to sheriffs, sheriffs' office personnel, and other law enforcement officers and criminal justice professionals in our state.

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The **Weekly Legislative Report** is provided at no charge as a service to the sheriffs, criminal justice community and citizens of North Carolina.

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