

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

June 7, 2019

A lot of activity at the legislature this week was focused on [Senate Bill 359](#), [Born-Alive Abortion Survivors Protection Act](#), and the potential override, or not, of Governor Roy Cooper's veto of this bill. The legislative history of the bill is summarized below in this Weekly Legislative Report.

In addition, it is not unusual for the legislature to address issues of major concern to the public that arise during a legislative session. [House Bill 391](#), [Passenger Protection Act](#), which is summarized below in this Weekly Legislative Report, is a good example of this. The bill as originally filed related to one topic, but this week the contents of the bill were completely deleted and replaced and the bill was retitled the "Passenger Protection Act" to reflect the new content of the bill. New language dealing with a totally different topic was inserted into the bill. So, while the regulation of Uber and Lyft drivers was not introduced earlier during the Session, and did not make the "crossover" deadline, it is still being addressed this Session by "gutting" another bill.

The legislature and city councils are grappling with how to properly regulate these types of companies, as well as the scooters that are popping up in large cities across the State. Decades ago, our legislature probably had similar challenges when the automobile came along, and almost everybody was still riding a horse. As society changes, the legislature gets called upon to address the new activity.

The House and Senate both adjourned on Thursday and are scheduled to reconvene on Monday.

BILL STATUS

[HOUSE BILL 391](#), [Sale of Salvage Vehicle/No Inspection](#), which is summarized in the March 22, 2019 Weekly Legislative Report, has been amended to change the entire content of the bill and to rename the bill the "[Passenger Protection Act](#)." The bill, as amended, would require a driver for a transportation network company (TNC), such as Uber or Lyft, to display the license plate number of the driver's vehicle in a location that is visible from the front of the vehicle at the beginning of service and at all times during service.

The bill would also create the new criminal offense of "Impersonation of a transportation network company driver." It would be a Class 2 misdemeanor for any person to impersonate a TNC driver by making any false statement, such as by falsely stating they are responding to a passenger ride request, or by falsely displaying any logo, branding or trademark that falsely represents the person as a TNC driver or that they are affiliated with a TNC.

Finally, the bill as amended would make the impersonation of a TNC driver criminal offense a Class H felony if the offender impersonated a TNC driver during the commission of a felony. For example, it would be a Class H felony to impersonate a TNC driver and to kidnap or rape a victim that had made a ride request.

[HOUSE BILL 629](#), Law-Enforcement Mutual Aid, would allow a North Carolina municipal or county police department or a sheriff's office to provide assistance to, or receive assistance from, an out-of-state municipal or county law enforcement agency if the laws of the other state allow for such mutual assistance between law enforcement agencies.

The bill has been amended to clarify that mutual assistance may also be provided to an out-of-state county police department. Currently, North Carolina law enforcement agencies can provide mutual assistance to other North Carolina law enforcement agencies but not to an out-of-state law enforcement agency. **The North Carolina Sheriffs' Association SUPPORTS – HIGH PRIORITY this bill.**

[SENATE BILL 315](#), North Carolina Farm Act of 2019, which is summarized in the March 22, 2019 Weekly Legislative Report, has been amended to define smokable hemp as any hemp product having not more than .3% tetrahydrocannabinol (THC) that allows THC to be introduced into the body by inhalation of smoke. This definition would include the following: hemp buds, hemp flowers, hemp plant material, hemp cigars and hemp cigarettes.

The bill as amended would also exclude all hemp products, including hemp extract and smokable hemp, from the definition of marijuana in schedule VI of our Controlled Substances law. However, the bill would make possession of smokable hemp a Class 1 misdemeanor under the laws governing the North Carolina Hemp Commission if the person possessed the substance without having a license to lawfully manufacture hemp products. This criminal penalty would not take effect until December 1, 2020.

[SENATE BILL 359](#), Born-Alive Abortion Survivors Protection Act, which is summarized in the March 29, 2019 Weekly Legislative Report, would make it a Class D felony for a health care practitioner, such as a doctor, to fail to exercise professional skill, care, and diligence to preserve the life and health of a child born alive during an abortion or attempted abortion.

The bill has been vetoed by Governor Roy Cooper and was returned to the General Assembly where the Senate voted to override the Governor's veto. The bill has been sent to the House and the House voted and failed to override the Governor's veto. The bill will therefore not become law and may not be considered again this Session by the General Assembly.

[SENATE BILL 381](#), Reconstitute/Clarify Boards and Commissions, which is summarized in the May 31, 2019 Weekly Legislative Report, has passed the Senate, passed the House with amendment and has been sent back to the Senate for consideration of the House amendment. As amended, the bill would change the number of appointments to the Private Protective Services Board by certain State officials.

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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