



Representative McLawhorn's News from Raleigh

January 3, 2008

The last big group of laws passed last session went into place January 1. These laws deal with a number of issues, including health, families, criminal law, business law and ethics. We hope that these changes will make life better for all of us in North Carolina.

I hope you enjoyed a happy holiday. I'm looking forward to the new year and working with all of you to make our state stronger.

Please feel free to contact me if I can be of any service. Thank you for allowing me to share this information with you.

Health

- Legislators are concerned about the dangers of secondhand smoke. We passed a bill (HB 24) that bans smoking in buildings owned, leased, or occupied by state government. Under the new law, local governments have the authority to regulate smoking in buildings and vehicles they use.
- Another new law prohibits smoking in long-term care facilities. The law (HB 1294) prohibits smoking in adult care homes, nursing homes, and any other facilities that provide long-term care.
- This session the General Assembly passed a bill (HB 1671) that encourages parties involved in malpractice cases to use an arbitrator. The person filing for personal injury or wrongful death due to negligence by a healthcare provider and the healthcare provider involved can file a joint stipulation to use arbitration before a trial. This bill is expected to cut the costs and time involved in resolving these disputes while ensuring that the decision made is fair and honest.

Families

- We created a new law that gives adult adoptees and their adult descendants easier access to adoption information. The bill (HB 445) allows adoption agencies licensed by the state Department of Health and Human Services and social services departments to obtain contact information and medical histories on behalf of adult adoptees. Adoptees and birth parents can also obtain identification information if both parties consent.

Criminal Law

- Victims of sexual assault are not required to take a lie detector test in order for a law enforcement agency to conduct an investigation into the matter. Under a new law (HB 1810), if a lie detector test is administered, the agency must tell the participants that the test is voluntary and the results are not admissible in court. These changes bring North Carolina state law into compliance with the Federal Violence Against Women Act of 2005.

Business Law

- The General Assembly passed a bill to protect North Carolinians from predatory mortgage lending and to improve the writing of loans. The bill (HB 1817) limits broker fees, protects borrowers from some of the dangers of adjustable rate mortgage loans, and clarifies mortgage broker duties. Lenders are required to determine that the homeowner can repay the loan. The law also prohibits prepayment penalties and expressly gives the Commissioner of Banks the authority to create rules to protect the borrowing public.

- We passed new laws to protect people who buy annuities and insurance. The bill (HB 731) lists new requirements for annuity insurance providers, addresses portability in accident, health, and life insurance, and lists definitions and other technical corrections to the insurance code.

- It is now a Class 3 misdemeanor to provide false or misleading information showing that a person is eligible for auto insurance when they are not. Under the new law (HB 729), falsifying this information is punishable by a fine of up to \$1,000 for each violation.

- Another new insurance law (HB 773) helps protect members of the military from financial fraud, such as life insurance policies with predatory annuity sales or policies that may not cover death in combat.

Ethics and Elections

- My colleagues and I passed a bill (HB 1111) that allows the Legislative Ethics Committee to prepare advisory memos for legislators and legislative employees on ethical issues. It also makes ethics committee and State Ethics Commission meetings open to the public except for those involving minors, personnel records, or other clearly private matters.

- We passed another law (HB 1737) that requires legislators who establish legal defense funds to report donations to those accounts. Under the law, legislators with these accounts now have to report donations and expenses each quarter. In addition, they also have to abide by restrictions similar to those for campaign accounts. Donations from labor unions, insurance companies, corporations, business entities, or professional associations cannot exceed \$4,000 each year. Cash donations cannot be more than \$50, and the report must include detailed information about contributors.

- Another new law requires candidates who have been convicted of a felony to disclose that information when running for office. Felony convictions do not permanently disqualify a person from running for public office. A person can run for public office once citizenship rights have been restored. Under the bill (SB 1218), candidates do not have to disclose a conviction if they were pardoned or if the conviction was dismissed on appeal or expunged from the candidate's record.

- The General Assembly created a law that makes it a felony to instruct or coerce non-citizens to vote. The bill (HB 1743) establishes misdemeanor penalties for breaching ballot secrecy or trying to persuade someone to select a party affiliation other than one of their own choosing. The bill also allows combined ballots and provides civil penalties for officials who are late reporting campaign contributions and expenditures. If the State Board of Elections finds that the officials deliberately concealed contributions or expenditures, penalties can be up to three times the amount of funds concealed.

Immigration

- Under a new law (SB 229), prison administrators must determine whether prisoners being held for felony charges or charges of driving while impaired are legal U.S. residents. If the prisoner is not a legal resident of the United States, the Department of Homeland Security will be notified that the person is being held at the facility.

Transportation

- Legislators passed a bill (HB 563) to protect North Carolinians on the roadways. According to the new law, if a traffic signal is out due to a power outage, motorists should proceed as if it is a four-way stop. People on a motorcycle or moped are required to wear helmets with a retention strap that complies with the Federal Motor Vehicle Safety Standard.

Energy

- North Carolina legislators have passed a law that requires North Carolina power utilities to get at least 12.5 percent of their power from renewable sources -- such as wind, water and solar energy -- and energy efficiency by 2021. The new law (SB 3) will help cut pollution and our dependence on foreign oil while also creating more of a market for renewable energy. After months of negotiations between lawmakers, utility company representatives and environmentalists, North Carolina will become the first state in the Southeast to adopt such a standard.