

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 974
Judiciary I Committee Substitute Adopted 4/29/03

Short Title: Notification of Private Roads.

(Public)

Sponsors:

Referred to:

April 3, 2003

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE LAW REQUIRING NOTIFICATION TO BUYERS OF
2 PRIVATE ROADS.
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4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 136-102.6(f) reads as rewritten:

6 "(f) Prior to entering any agreement or any conveyance with any prospective
7 buyer, the developer ~~and~~or seller shall prepare and sign, and the buyer of the subject
8 real estate shall receive and sign an acknowledgment of receipt of a separate instrument
9 known as the subdivision streets disclosure statement (hereinafter referred to as
10 disclosure statement). Said disclosure statement shall fully and completely disclose the
11 status (whether public or private) of the street upon which the house or lot fronts. If the
12 street is designated by the developer ~~and~~or seller as a public street, the developer ~~and~~or
13 seller shall certify that the right-of-way and design of the street has been approved by
14 the Division of Highways, and that the street has been or will be constructed by the
15 developer ~~and~~or seller in accordance with the standards for subdivision streets adopted
16 by the Board of Transportation for acceptance on the highway system. If the street is
17 designated by the developer ~~and~~or seller as a private street, the developer ~~and~~or seller
18 shall include in the disclosure statement an explanation of the consequences and
19 responsibility as to maintenance of a private street, and shall fully and accurately
20 disclose the party or parties upon whom responsibility for construction and maintenance
21 of ~~such~~the street or streets shall rest, and shall further disclose that the street or streets
22 will not be constructed to minimum standards, sufficient to allow their inclusion on the
23 State highway system for maintenance. The disclosure statement shall contain a
24 duplicate original ~~which~~that shall be given to the buyer. Written acknowledgment of
25 receipt of the disclosure statement by the buyer shall be conclusive proof of the delivery
26 thereof."

27 **SECTION 2.** This act becomes effective October 1, 2003.