

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 971
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40561-NEa-152

Short Title: Hotel Operation and Personnel Education Act. (Public)

Sponsors: Representative Crutchfield.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO
3 DEVELOP HUMAN TRAFFICKING AWARENESS TRAINING, REQUIRING
4 LODGING ESTABLISHMENTS AND ACCOMMODATION FACILITATORS TO
5 IMPLEMENT HUMAN TRAFFICKING AWARENESS TRAINING, AND INCREASING
6 THE PUNISHMENT FOR A FIRST OFFENSE OF SOLICITING A PROSTITUTE.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. Chapter 130A of the General Statutes is amended by adding a new
9 Article to read:

10 "Article 24.

11 "Human Trafficking Public Awareness in Lodging Establishments.

12 "**§ 130A-511. Human trafficking awareness training.**

13 (a) Definitions. – The following definitions apply in this section:

14 (1) Employee. – As defined in G.S. 130A-492.

15 (2) Employer. – As defined in G.S. 130A-492.

16 (3) Lodging establishment. – As defined in G.S. 130A-492.

17 (b) Training Development and Publication. – The Department shall do both of the
18 following:

19 (1) In consultation with the North Carolina Human Trafficking Commission and
20 the North Carolina Restaurant and Lodging Association, develop a training
21 course, or identify existing training courses, to inform and educate individuals
22 about human trafficking.

23 (2) Ensure the training developed or identified pursuant to this subsection is
24 accessible on its website to individuals with login credentials provided by the
25 Department.

26 (c) Requirements. – A lodging establishment shall do all of the following:

27 (1) Ensure that employees of the establishment who perform housekeeping or
28 check-in and check-out duties annually receive the human trafficking
29 awareness training developed or identified by the Department pursuant to this
30 section.

31 (2) Implement a procedure for the reporting of suspected human trafficking to the
32 National Human Trafficking Hotline or to a local law enforcement agency.

33 (3) Prominently display on the premises in a place that is clearly conspicuous and
34 visible to employees and the public a public awareness sign that contains the
35 National Human Trafficking Resource hotline information. The Department



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1 shall consult with the North Carolina Restaurant and Lodging Association in
2 developing public awareness signage.

3 (d) Penalty. – The Department may impose an administrative penalty against any
4 individual who willfully and knowingly violates the requirements of this section in the amount
5 of five hundred dollars (\$500.00) for the first violation, one thousand dollars (\$1,000) for the
6 second violation, and two thousand dollars (\$2,000) for the third and each subsequent violation.
7 The clear proceeds of penalties assessed under this subsection shall be remitted to the Civil
8 Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

9 (e) Private Right. – Nothing in this section shall (i) be construed as creating a private
10 cause of action against a lodging establishment, or its employees, for any act or omission arising
11 out of the requirements of this section or (ii) in any way limit or impair the rights or remedies
12 which are otherwise available to a victim of human trafficking under any other law."

13 **SECTION 2.** Article 6 of Chapter 42A of the General Statutes is amended by adding
14 a new section to read:

15 **"§ 42A-39. Human trafficking awareness reporting and training requirements.**

16 (a) Definitions. – The following definitions apply in this section:

17 (1) Accommodation facilitator. – As defined in G.S. 105-164.3.

18 (2) Human trafficking awareness training. – The training developed or identified
19 by the Department of Health and Human Services pursuant to G.S. 130A-511.

20 (b) Human Trafficking Reporting Requirement. – Before contracting with a landlord or
21 real estate broker offering a vacation rental for lease, an accommodation facilitator shall do both
22 of the following:

23 (1) Require the vacation rental provider to acknowledge completion, within the
24 last year, of human trafficking awareness training.

25 (2) Implement a procedure for the reporting of suspected human trafficking
26 occurring at vacation rentals to the National Human Trafficking Hotline or to
27 a local law enforcement agency.

28 (c) Penalty. – All of the following shall constitute an unfair trade practice in violation of
29 G.S. 75-1.1:

30 (1) Failure by an accommodation facilitator contracting with a vacation rental
31 provider to implement a procedure for the reporting of suspected human
32 trafficking before doing business in the State.

33 (2) Failure by an accommodation facilitator contracting with a vacation rental
34 provider to take reasonable steps to ensure that a vacation rental provider's
35 acknowledgement of human trafficking awareness training completion is
36 accurate.

37 (3) For a vacation rental provider to intentionally make a material misstatement
38 in an acknowledgment of human trafficking awareness training completion.

39 (d) Private Right. – Nothing in this section shall (i) be construed as creating a private
40 cause of action against an accommodation facilitator, or its employees, for any act or omission
41 arising out of the requirements of this section or (ii) in any way limit or impair the rights or
42 remedies which are otherwise available to a victim of human trafficking under any other law."

43 **SECTION 3.(a)** G.S. 14-205.1(a) reads as rewritten:

44 "(a) Except as otherwise provided in this section, any person who solicits another for the
45 purpose of prostitution is guilty of a Class ~~4 misdemeanor~~ I felony for a first offense and a Class
46 H felony for a second or subsequent offense. Any person 18 years of age or older who willfully
47 solicits a minor for the purpose of prostitution is guilty of a Class G felony. Any person who
48 willfully solicits a person who has a severe or profound mental disability for the purpose of
49 prostitution is guilty of a Class E felony. Punishment under this section may include participation
50 in a program devised for the education and prevention of sexual exploitation (i.e. "John School"),

1 where available. A person who violates this subsection is not eligible for a disposition of prayer
2 for judgment continued under any circumstances."

3 **SECTION 3.(b)** This section becomes effective December 1, 2024, and applies to
4 offenses committed on or after that date.

5 **SECTION 4.(a)** There is appropriated from the General Fund to the Administrative
6 Office of the Courts the sum of five hundred thousand dollars (\$500,000) in nonrecurring funds
7 for the 2024-2025 fiscal year to be used to further the work of the North Carolina Human
8 Trafficking Commission.

9 **SECTION 4.(b)** This section becomes effective July 1, 2024.

10 **SECTION 5.** Except as otherwise provided, this act becomes effective October 1,
11 2024, and applies to activities occurring on or after that date.