

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1058

Short Title: General Contractors Licensure.

(Public)

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Sponsors: Senator Clodfelter.

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Referred to: Judiciary I.

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April 15, 1999

A BILL TO BE ENTITLED

1 AN ACT AUTHORIZING THE STATE LICENSING BOARD FOR GENERAL  
2 CONTRACTORS TO INCLUDE COMPONENTS OF THE STATE BUILDING  
3 CODE IN THE EXAMINATION OFFERED BY THE BOARD AND GRANTING  
4 THE BOARD GREATER AUTHORITY WHEN DISCIPLINING LICENSEES  
5 WHO VIOLATE THE LAWS RELATED TO GENERAL CONTRACTOR  
6 LICENSURE.  
7

8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 87-10(b) reads as rewritten:

10 "(b) The Board shall conduct an examination, either oral or written, of all applicants  
11 for license to ascertain the ability of the applicant to make a practical application of his  
12 knowledge of the profession of contracting, under the classification contained in the  
13 application, and to ascertain the qualifications of the applicant in reading plans and  
14 specifications, knowledge of matters covered on the level I, II, and III examinations  
15 administered by the Department of Insurance for the licensure of building inspectors,  
16 knowledge of estimating costs, construction, ethics and other similar matters pertaining to  
17 the contracting business and knowledge of the applicant as to the responsibilities of a  
18 contractor to the public and of the requirements of the laws of the State of North Carolina  
19 relating to contractors, construction and liens. If the results of the examination of the  
20 applicant shall be satisfactory to the Board, then the Board shall issue to the applicant a

1 certificate to engage as a general contractor in the State of North Carolina, as provided in  
2 ~~said the~~ certificate, which may be limited into five classifications as the common use of  
3 the terms are known – that ~~is, is~~:

4 (1) Building contractor, which shall include private, public, commercial,  
5 industrial and residential buildings of all ~~types; types~~.

6 (1a) Residential contractor, which shall include any general contractor  
7 constructing only residences which are required to conform to the  
8 residential building code adopted by the Building Code Council  
9 pursuant to ~~G.S. 143-138; G.S. 143-138~~.

10 (2) Highway ~~contractor; contractor~~.

11 (3) Public utilities contractors, which shall include those whose operations  
12 are the performance of construction work on the following  
13 subclassifications of facilities:

14 a. Water and sewer mains and water service lines and house and  
15 building sewer lines as defined in the North Carolina State  
16 Building Code, and water storage tanks, lift stations, pumping  
17 stations, and appurtenances to water storage tanks, lift stations  
18 and pumping ~~stations; stations~~.

19 b. Water and wastewater treatment facilities and appurtenances  
20 ~~thereto; thereto~~.

21 c. Electrical power transmission facilities, and primary and  
22 secondary distribution facilities ahead of the point of delivery of  
23 electric service to the ~~customer; customer~~.

24 d. Public communication distribution ~~facilities; and facilities~~.

25 e. Natural gas and other petroleum products distribution facilities;  
26 provided the General Contractors Licensing Board may issue  
27 license to a public utilities contractor limited to any of the above  
28 subclassifications for which the general contractor ~~qualifies; and~~  
29 qualifies.

30 (4) Specialty contractor, which shall include those whose operations as such  
31 are the performance of construction work requiring special skill and  
32 involving the use of specialized building trades or crafts, but which shall  
33 not include any operations now or hereafter under the jurisdiction, for  
34 the issuance of license, by any board or commission pursuant to the  
35 laws of the State of North Carolina.

36 Public utilities contractors constructing water service lines and house and building  
37 sewer lines as provided in (3)a above shall terminate said lines at a valve, box, meter, or  
38 manhole or cleanout at which the facilities from the building may be connected."

39 Section 2. G.S. 87-11(a) reads as rewritten:

40 "(a) The Board shall have the power to ~~revoke the certificate of license of any general~~  
41 ~~contractor licensed hereunder who refuse to issue or renew or revoke, suspend, or restrict a~~  
42 certificate of license or to issue a reprimand or take other disciplinary action if a general  
43 contractor licensed under this Article is found guilty of any fraud or deceit in obtaining a

1 license, or gross negligence, ~~incompetency~~ incompetency, or misconduct in the practice of  
2 his or her profession, or willful violation of any ~~provisions~~ provision of this Article. The  
3 Board shall also have the power to revoke, suspend, or otherwise restrict a certificate of  
4 license held by a copartnership or corporation, or any other combination or organization,  
5 if the person who obtained the license for the copartnership or corporation, as provided in  
6 G.S. 87-10(c), committed any act in violation of the provisions of this section, and the  
7 Board may take disciplinary action against the individual license held by that person.

8 (a1) Any person may prefer charges of ~~such~~ fraud, deceit, ~~negligence~~ negligence, or  
9 misconduct against any general contractor licensed ~~hereunder~~; ~~such~~ under this Article.  
10 The charges shall be in writing and sworn to by the complainant and submitted to the  
11 Board. ~~Such~~ The charges, unless dismissed without hearing by the Board as unfounded or  
12 trivial, shall be heard and determined by the Board in accordance with the provisions of  
13 Chapter 150B of the General Statutes."

14 Section 3. This act is effective when it becomes law.