

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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SENATE BILL 323

Short Title: Gen. Contrs/Protect Info/Clarify Inj. Relief.

(Public)

Sponsors: Senator Hartsell.

Referred to: Judiciary II.

March 6, 2003

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROTECT THE CONFIDENTIALITY OF INFORMATION RECEIVED  
3 BY THE LICENSING BOARD FOR GENERAL CONTRACTORS WHILE  
4 CONDUCTING AN INVESTIGATION OF A LICENSEE AND TO CLARIFY  
5 WHEN THE BOARD MAY SEEK INJUNCTIVE RELIEF.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 87-11(c) reads as rewritten:

8 "(c) The Board shall establish and maintain a system whereby detailed records are  
9 kept regarding complaints against each licensee. This record shall include, for each  
10 licensee, the date and nature of each complaint, investigatory action taken by the Board,  
11 any findings by the Board, and the disposition of the matter. Complaints, records,  
12 papers, or other documents containing information received, collected, or compiled by  
13 the Board, its members, or its employees as part of or as a result of investigations,  
14 inquiries, or interviews conducted in connection with a licensing or disciplinary matter  
15 shall not be considered public records within the meaning of Chapter 132 of the General  
16 Statutes. However, any notice to a licensee of a hearing pursuant to Chapter 150B of the  
17 General Statutes shall be a public record within the meaning of Chapter 132 of the  
18 General Statutes, notwithstanding that it may contain information collected and  
19 compiled as a result of an investigation, inquiry, or interview. If any record, paper, or  
20 other document containing information collected and compiled by the Board is received  
21 and admitted into evidence in a public hearing before the Board, it is then considered a  
22 public record within the meaning of Chapter 132 of the General Statutes."

23 **SECTION 2.** G.S. 87-13.1 reads as rewritten:

24 **"§ 87-13.1. Board may seek injunctive relief.**

25 Whenever ~~it appears to~~ the Board determines that any person, firm or corporation  
26 has, within the past three years, violated or is violating any of the provisions of this  
27 Article or ~~of the~~ rules and regulations of the Board promulgated under this Article, the  
28 Board may apply to the superior court for a restraining order and injunction to restrain  
29 the violation; and the superior courts have jurisdiction to grant the requested relief,

1 irrespective of whether or not criminal prosecution has been instituted or administrative  
2 sanctions imposed by reason of the violation."

3           **SECTION 3.** This act is effective when it becomes law.