

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 1055

Short Title: Glass Technicians Licensure. (Public)

Sponsors: Senators Lucas; and Kinnaird.

Referred to: Commerce.

March 24, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH LICENSURE REQUIREMENTS FOR GLASS
3 TECHNICIANS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Chapter 20 of the General Statutes is amended by adding the
6 following new Article to read:

7 "Article 18.

8 "Glass Technicians.

9 "**§ 20-400. Short title.**

10 This Article shall be known as the North Carolina Glass Technicians Licensure Act.

11 "**§ 20-401. Purpose.**

12 The General Assembly declares that in order to protect the safety and welfare of the
13 people of North Carolina against unqualified or improper glass installation,
14 maintenance, or repair and irreputable glass or glass-related businesses, it is necessary
15 to provide for the licensing and regulation of automotive glass technicians, automotive
16 glass repair technicians, flat glass technicians, and other glass-related companies.

17 "**§ 20-402. License required.**

18 (a) After July 1, 2006, no person shall engage in the practice of automotive glass
19 work, automotive glass repair work, or flat glass work unless the person has been
20 properly licensed under the provisions of this Article.

21 (b) No person shall use the title 'Licensed Automotive Glass Technician',
22 'Licensed Automotive Glass Repair Technician', 'Licensed Flat Glass Technician', or
23 any other similar title or description or represent himself or herself as a licensed
24 automotive glass technician, licensed automotive glass repair technician, or licensed flat
25 glass technician unless licensed under this Article.

26 (c) Any person violating the provisions of this Article shall be guilty of a Class 3
27 misdemeanor.

28 "**§ 20-403. Exemptions.**

29 Nothing in this Article shall be construed to prohibit or affect:

- 1 (1) Practice by persons employed by any federal, State, or municipal
2 agency.
- 3 (2) Practice by a person who is a student in an educational or certification
4 program approved by the Board.
- 5 (3) A person performing automotive glass work, automotive glass repair
6 work, or flat glass work in this State so long as the services are not
7 performed more than four times per year.
- 8 (4) Employees of industrial firms whose main duties concern the
9 maintenance of automotive work or flat glass work on its own or
10 leased premises for its own use.
- 11 (5) The fabrication of glass products.
- 12 (6) Persons engaged in the installation, maintenance, repair, or service of
13 glass for single-family residences owned and occupied or to be
14 occupied by those persons, subject to inspection and approval by the
15 building official and in conformance with State building codes.
- 16 (7) A person who installs, maintains, or repairs glass in a motor vehicle
17 owned or leased by that person.
- 18 (8) Persons or entities holding themselves out to be retail sellers of glass
19 products, but not those persons or entities that also engage in
20 automotive glass work or flat glass work.
- 21 (9) Persons who install preglazed or preassembled windows or doors in
22 residential or commercial buildings.
- 23 (10) Persons who install safety-backed mirror products or repair or replace
24 flat glass in sizes not greater than 30 square feet in residential
25 buildings.

26 **"§ 20-404. Definitions.**

27 The following definitions apply in this Article:

- 28 (1) Accredited businesses. – Glass shops that have met all the
29 requirements of the National Glass Association Business Accreditation
30 Council and received the accredited business designation.
- 31 (2) Automotive glass work. – The act of installing, maintaining, or
32 repairing fixed glass in motor vehicles.
- 33 (3) Board. – The North Carolina Glass Technicians Board of Examiners.
- 34 (4) Flat glass work. – The act of installing, maintaining, or repairing glass
35 in residential or commercial structures.
- 36 (5) Licensed automotive glass repair technician. – A person licensed under
37 this Article to provide repairs to damaged fixed glass in motor
38 vehicles.
- 39 (6) Licensed automotive glass technician. – A person licensed under this
40 Article to provide automotive glass work.
- 41 (7) Licensed flat glass technician. – A person licensed under this Article to
42 provide flat glass work.

43 **"§ 20-405. North Carolina Glass Technicians Board of Examiners.**

1 (a) Composition and Terms. – The North Carolina Glass Technicians Board of
2 Examiners is created. The Board shall consist of seven members who shall serve
3 staggered terms. The initial Board members shall be appointed on or before January 1,
4 2006, as follows:

5 (1) The General Assembly, upon the recommendation of the President Pro
6 Tempore of the Senate, shall appoint three members. One of these
7 members shall be a certified automotive glass technician who shall
8 serve a three-year term, one shall be a certified automotive repair
9 technician who shall serve a two-year term, and one shall be a certified
10 flat glass technician who shall serve a one-year term.

11 (2) The General Assembly, upon the recommendation of the Speaker of
12 the House of Representatives, shall appoint three members. One of
13 these members shall be a certified automotive glass technician who
14 shall serve a three-year term, one shall be a certified automotive repair
15 technician who shall serve a two-year term, and one shall be a certified
16 flat glass technician who shall serve a one-year term.

17 (3) The Governor shall appoint one public member who is a consumer of
18 glass work or has an interest in the rights of consumers who shall serve
19 a three-year term.

20 Initial Board members appointed on or before January 1, 2006, do not have to be
21 licensed upon appointment. However, once licensure requirements are established, those
22 initial Board members shall satisfy the applicable requirements for licensure pursuant to
23 this Article.

24 Upon the expiration of the terms of the initial Board members, each member shall be
25 appointed for a term of three years and shall serve until a successor is appointed and
26 qualified. No member may serve more than two consecutive terms.

27 (b) Qualifications. – All members of the Board shall reside in this State and shall
28 represent the various geographical areas or congressional districts of the State.

29 (c) Vacancies. – A vacancy shall be filled in the same manner as the original
30 appointment, except that all unexpired terms in seats appointed by the General
31 Assembly shall be filled in accordance with G.S. 120-122. Appointees to fill vacancies
32 shall serve the remainder of the unexpired term and until their successors have been
33 duly appointed and qualified.

34 (d) Removal. – The Board may remove any of its members for neglect of duty,
35 incompetence, or unprofessional conduct. A member subject to disciplinary proceedings
36 as a licensee shall be disqualified from participating in the official business of the Board
37 until the charges have been resolved.

38 (e) Compensation. – Each member of the Board shall receive per diem and
39 reimbursement for travel and subsistence as provided in G.S. 93B-5.

40 (f) Officers. – The officers of the Board shall be a chair, a vice-chair, and other
41 officers deemed necessary by the Board to carry out the purposes of this Article. All
42 officers shall be elected annually during the first meeting of the calendar year by the
43 Board for one-year terms and shall serve until their successors are elected and qualified.

1 (g) Meetings. – The Board shall hold at least two meetings each year to conduct
2 business and to review the standards and rules for issuing licenses under this Article.
3 The Board shall adopt rules governing the calling, holding, and conducting of regular
4 and special meetings. A majority of Board members shall constitute a quorum.

5 **"§ 20-406. Powers and duties.**

6 The Board shall have the following powers and duties:

- 7 (1) Administer and enforce the provisions of this Article.
- 8 (2) Adopt rules as may be necessary to carry out the provisions of this
9 Article.
- 10 (3) Examine and determine the qualifications and fitness of applicants for
11 licensure and renewal of licensure.
- 12 (4) Issue, renew, deny, suspend, or revoke licenses and conduct any
13 disciplinary actions authorized by this Article.
- 14 (5) Set fees as provided in G.S. 20-409.
- 15 (6) Establish and approve continuing education requirements for persons
16 licensed under this Article.
- 17 (7) Receive and investigate complaints from members of the public.
- 18 (8) Conduct investigations for the purpose of determining whether
19 violations of this Article or grounds for disciplining licensees exist.
- 20 (9) Conduct administrative hearings in accordance with Article 3A of
21 Chapter 150B of the General Statutes.
- 22 (10) Maintain a record of all proceedings conducted by the Board and make
23 available to licensees and other concerned parties an annual report of
24 all Board action.
- 25 (11) Maintain a list of the names and addresses of all persons licensed by
26 the Board.
- 27 (12) Employ and fix the compensation of personnel that the Board
28 determines is necessary to carry out the provisions of this Article and
29 incur other expenses necessary to perform the duties of the Board.
- 30 (13) Adopt a seal containing the name of the Board for use on all licenses
31 and official reports issued by the Board.
- 32 (14) Prescribe standards of ethical conduct for automotive glass work,
33 automotive glass repair work, and flat glass work.

34 **"§ 20-407. Qualifications for licensure; examination.**

35 (a) An applicant shall be licensed as an automotive glass technician if the
36 applicant meets all of the following qualifications:

- 37 (1) Has obtained a high school diploma or equivalent.
- 38 (2) Is at least 18 years of age.
- 39 (3) Is of good moral and ethical character.
- 40 (4) Has successfully completed the application process.
- 41 (5) Possesses current credentials as a 'Certified Automotive Glass
42 Technician' issued by the National Glass Association (NGA) or is
43 certified as an automotive glass technician by a nationally recognized
44 certification committee recognized by the Board.

- 1 (6) Provides evidence that he or she has met all proper safety training and
2 certification for automotive glass work.
- 3 (7) Has at least six months of work experience as an automotive glass
4 technician before applying for licensure under this Article.
- 5 (8) Has successfully passed a national examination administered or
6 approved by the Board.
- 7 (9) Pays the required fee under G.S. 20-409.
- 8 (b) An applicant shall be licensed as an automotive glass repair technician if the
9 applicant meets all of the following qualifications:
- 10 (1) Has obtained a high school diploma or equivalent.
- 11 (2) Is at least 18 years of age.
- 12 (3) Is of good moral and ethical character.
- 13 (4) Has successfully completed the application process.
- 14 (5) Has completed a certified automotive glass technician course through
15 the NGA, a Board-approved community college program, or other
16 Board-approved certification program.
- 17 (6) Provides evidence that he or she has met all proper safety training and
18 certification for automotive glass repair work.
- 19 (7) Has at least one year of work experience as an automotive glass repair
20 technician before applying for licensure under this Article.
- 21 (8) Has successfully passed a national examination administered or
22 approved by the Board.
- 23 (9) Pays the required fee under G.S. 20-409.
- 24 (c) An applicant shall be licensed as a flat glass technician if the applicant meets
25 all of the following qualifications:
- 26 (1) Has obtained a high school diploma or equivalent.
- 27 (2) Is at least 18 years of age.
- 28 (3) Is of good moral and ethical character.
- 29 (4) Has successfully completed the application process.
- 30 (5) Has completed a certified automotive glass technician course through
31 the NGA, a Board-approved community college program, or other
32 Board-approved certification program.
- 33 (6) Provides evidence that he or she has met all proper safety training and
34 certification for flat glass work.
- 35 (7) Has at least one year of work experience as a flat glass technician
36 before applying for licensure under this Article.
- 37 (8) Has successfully passed a national examination administered or
38 approved by the Board.
- 39 (9) Pays the required fee under G.S. 20-409.
- 40 (d) At least twice a year, the Board shall cause the examination required in this
41 section to be given to the applicants at a time and place to be determined by the Board.
42 Any applicant who fails to pass the first examination may retake the examination in
43 accordance with rules adopted by the Board.
- 44 "§ 20-408. Reciprocity.

1 Upon filing an application and payment of the required fee, the Board may issue a
2 license without examination to an applicant who is licensed as an automotive glass
3 technician, automotive glass repair technician, or flat glass technician in another state or
4 territory if the requirements for licensure in that state or territory are substantially equal
5 to the requirements for licensure in this State as determined by the Board.

6 **"§ 20-409. Fees.**

7 The Board shall establish fees not to exceed the following amounts:

8	(1) <u>Issuance of a license</u>	<u>\$200.00</u>
9	(2) <u>Renewal of a license</u>	<u>\$200.00</u>
10	(3) <u>Examination</u>	<u>\$250.00</u>
11	(4) <u>Reinstatement</u>	<u>\$150.00</u>
12	(5) <u>Late fees</u>	<u>\$150.00.</u>

13 **"§ 20-410. License renewal; display of license; license nontransferable.**

14 (a) All licenses shall expire one year after the date they were issued unless
15 renewed. At least 30 days before the expiration date of a license, the Board shall send
16 the licensee an application and notice of renewal of license. All applications for renewal
17 shall be filed with the Board and shall be accompanied by the renewal fee as required by
18 G.S. 20-409. A license that has expired for failure to renew may be reinstated after the
19 applicant pays the late and reinstatement fees as required by G.S. 20-409. The Board
20 may establish any other license renewal requirements as necessary pursuant to rules
21 adopted by the Board.

22 (b) The Board shall replace any license that is lost, destroyed, or mutilated,
23 subject to rules established by the Board.

24 (c) Every automotive glass technician, automotive glass repair technician, and
25 flat glass technician issued a license under this Article shall display the license
26 prominently in his or her place of business and the technician's license number shall
27 appear on all proposals, contracts, or requests for permits issued by municipalities.

28 (d) A license may not be transferred or assigned.

29 **"§ 20-411. Grounds for disciplinary action.**

30 The Board may deny, revoke, suspend, refuse to renew, censure, or reprimand a
31 licensee or an applicant or place a licensee on probation for any of the following:

- 32 (1) Practicing automotive glass work, automotive glass repair work, or flat
33 glass work in violation of the provisions of this Article or any rules
34 adopted by the Board.
- 35 (2) Obtaining or attempting to obtain a license by fraud or
36 misrepresentation.
- 37 (3) Having been convicted of a felony in the courts of this State or any
38 other state.
- 39 (4) Gross negligence in automotive glass work, automotive glass repair
40 work, or flat glass work that results in injury to another.
- 41 (5) Engaging in dishonorable, unethical, or unprofessional conduct of a
42 character likely to deceive, defraud, or harm the public.
- 43 (6) Habitual intoxication or addition to the use of drugs.

- 1 (7) Directly or indirectly giving or receiving a fee, commission, rebate, or
2 other form of compensation for a service not actually rendered.
3 (8) Failure to respond to a written request for information by the Board
4 within 60 days.
5 (9) Having had a license or certification revoked or suspended or other
6 disciplinary action taken by authorities of another state or territory.
7 (10) Aiding or abetting a person not licensed in this State who directly or
8 indirectly performs automotive glass work, automotive glass repair
9 work, or flat glass work requiring a license.
10 (11) Has made material misstatements in the application for licensure or
11 renewal.
12 (12) Has demonstrated gross negligence, incompetency, or misconduct in
13 the performance of automotive glass work, automotive glass repair
14 work, or flat glass work.

15 **§ 20-412. Injunctive relief.**

16 The Board may apply to the superior court for an order enjoining violations of this
17 Article. Upon a showing by the Board that any person has violated this Article, the court
18 may grant injunctive relief."

19 **SECTION 2.** Any person who submits proof to the Board that the person
20 has practiced automotive glass work, automotive glass repair work, or flat glass work
21 full time for at least five consecutive years prior to the effective date of this act, has
22 completed a nationally recognized certification program in automotive glass work,
23 automotive glass repair work, or flat glass work approved by the Board, or is certified as
24 an automotive glass technician, automotive glass repair technician, or flat glass
25 technician by the National Glass Association or an equivalent, nationally recognized
26 successor organization recognized by the Board may be granted the appropriate license
27 upon completion of an investigation of the applicant's work history by the Board and
28 payment of the required fee under G.S. 20-409, enacted in Section 1 of this act, without
29 having to satisfy the requirements of G.S. 20-407, enacted in Section 1 of this act. All
30 persons who do not make application to the Board within one year of the effective date
31 of this act shall be required to complete all requirements prescribed by the Board and to
32 otherwise comply with the provisions of Article 18 of Chapter 20 of the General
33 Statutes, enacted by Section 1 of this act.

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