

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 236
Commerce, Small Business and Entrepreneurship Committee Substitute Adopted
3/28/07
Judiciary I (Civil) Committee Substitute Adopted 4/25/07
House Committee Substitute Favorable 6/24/08

Short Title: Regulation of Professional Housemoving.

(Public)

Sponsors:

Referred to:

February 21, 2007

A BILL TO BE ENTITLED

1
2 AN ACT TO AMEND THE PROFESSIONAL HOUSEMOVING STATUTES
3 CONTAINED IN ARTICLE 16 OF CHAPTER 20 OF THE GENERAL
4 STATUTES.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 20-356 reads as rewritten:

7 "**§ 20-356. Definitions.**

8 ~~"Person" as used in this Article shall mean an individual, corporation, partnership,~~
9 ~~association or any other business entity. The word "house" as used in this Article shall~~
10 ~~mean a dwelling, building, or other structure in excess of 15 feet in width; provided that~~
11 ~~neither mobile homes, nor modular homes or portions thereof, are within this definition~~
12 ~~when being transported from the manufacturer or from a licensed retail dealer location~~
13 ~~to the first set up site. The word "Department" as used in this Article shall mean the~~
14 ~~North Carolina Department of Transportation.~~

15 As used in this Article, the following terms mean:

16 (1) Department. – The Department of Transportation.

17 (2) House. – A dwelling, building, or other structure in excess of 15 feet in
18 width. Mobile homes, manufactured homes, or modular homes, or
19 portions thereof, are not within this definition when being transported
20 from the manufacturer or from a licensed retail dealer location to the
21 first set-up site.

22 (3) Housemover. – A person licensed under this Article.

23 (4) Person. – An individual, corporation, partnership, association, or any
24 other business entity.

25 (5) Secretary. – The Secretary of the Department of Transportation.

1 (6) Unsafe practices. – Any act that is determined by a final agency
2 decision of an enforcing agency or by a court of competent jurisdiction
3 to create a hazard to the motoring public, or any citations under the
4 Occupational Safety and Health Act that have become a final order
5 within the last three years for willful serious violations or for failing to
6 abate serious violations, as defined in G.S. 95-127."

7 **SECTION 2.** G.S. 20-358(1) reads as rewritten:

8 "(1) The applicant must be at least ~~18~~²¹ years of age; present acceptable
9 evidence of good character and show sufficient housemoving
10 experience on the application form furnished by the Department. Proof
11 of creditable housemoving experience must be furnished at the time of
12 application for those applicants not previously licensed by the
13 Department. ~~Housemoving~~ Creditable housemoving experience means
14 extensive and responsible training gained by the applicant while
15 engaged actively and directly on a full-time basis in the moving of
16 houses and structures on public roads and highways with at least 24
17 ~~months experience~~ five years of experience. Examples of the capacity
18 in which a person may work in gaining experience include the
19 following in building moving operations:

- 20 a. Moving superintendent,
21 b. Moving foreman, and
22 c. General mechanic and helper in the housemoving profession or
23 trade.

24 To comply with the requirement of proof of creditable housemoving
25 experience, each applicant not previously licensed under this Article
26 shall submit to the Department an affidavit from a certified public
27 accountant that the applicant has documented employment records for
28 a period of five continuous years from a person or persons licensed by
29 this State or another state for housemoving. Each applicant not
30 previously licensed under this Article shall also submit to the
31 Department affidavits from a person or persons licensed in this State or
32 another state in housemoving, who have employed the applicant in
33 housemoving, providing in detail the applicant's full-time experience,
34 including any supervisory duties and experience, in housemoving."

35 **SECTION 3.** G.S. 20-363 reads as rewritten:

36 "**§ 20-363. Removal and replacement of obstructions.**

37 All obstructions, including mailboxes, traffic signals, signs, and utility lines will be
38 removed immediately prior to and replaced immediately after the move at the expense
39 of the ~~mover, provided that arrangements for and approval from the owner is~~
40 ~~obtained~~ mover. Any property, real or personal, to be removed, which is not located in
41 the right-of-way, shall not be removed until the owner is notified and arrangements for
42 and approval from the owner are obtained."

43 **SECTION 4.** G.S. 20-371(a) reads as rewritten:

1 (a) Any person violating the provisions of this Article or the regulations of the
2 Department governing housemoving shall be guilty of a Class 3 1 misdemeanor which
3 ~~may include a fine of not more than five hundred dollars (\$500.00).~~ misdemeanor."

4 **SECTION 5.** Article 16 of Chapter 20 of the General Statutes is amended by
5 adding a new section to read:

6 **§ 20-374. Unsafe practices.**

7 (a) If the Department determines that a housemover has engaged in unsafe
8 practices, all licenses, permits, and authorizations issued to the person pursuant to this
9 Article shall be revoked for a period of six months.

10 (b) Any person whose license, permit, or authorization issued under this Article
11 is revoked pursuant to this section may request a hearing to be held before the Secretary
12 or a person designated by the Secretary. The licensee shall be notified in writing no less
13 than 10 days prior to the hearing of the time and place of the hearing. At the hearing, the
14 parties shall be given an opportunity to present evidence on issues of fact, examine and
15 cross-examine witnesses, and present arguments on issues of law. The decision of the
16 Secretary or of the person designated by the Secretary shall be final. Any person
17 aggrieved by the final decision may seek judicial review of the decision in accordance
18 with the provisions of Article 4 of Chapter 150B of the General Statutes."

19 **SECTION 6.** An applicant for a housemoving license under Article 16 of
20 Chapter 20 of the General Statutes with at least 24 months' experience under
21 G.S. 20-358(1) as of December 1, 2008, may be initially licensed without additional
22 experience until December 1, 2011.

23 **SECTION 7.** This act becomes effective December 1, 2008, and applies to
24 licenses issued and offenses committed on or after that date.