

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**SENATE BILL 236
RATIFIED BILL**

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

The General Assembly of North Carolina enacts:

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

"§ 20-356. Definitions.

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

As used in this Article, the following terms mean:

- (1) Department. – The Department of Transportation.
- (2) House. – A dwelling, building, or other structure in excess of 15 feet in width. Mobile homes, manufactured homes, or modular homes, or portions thereof, are not within this definition when being transported from the manufacturer or from a licensed retail dealer location to the first set-up site.
- (3) Housemover. – A person licensed under this Article.
- (4) Person. – An individual, corporation, partnership, association, or any other business entity.
- (5) Secretary. – The Secretary of the Department of Transportation.
- (6) Unsafe practices. – Any act that is determined by a final agency decision of an enforcing agency or by a court of competent jurisdiction to create a hazard to the motoring public, or any citations under the Occupational Safety and Health Act that have become a final order within the last three years for willful serious violations or for failing to abate serious violations, as defined in G.S. 95-127."

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

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

- b. Moving foreman, and
- c. General mechanic and helper in the housemoving profession or trade.

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

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

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

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

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

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

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

"§ 20-374. Unsafe practices.

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

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

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

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

In the General Assembly read three times and ratified this the 3rd day of July, 2008.

Beverly E. Perdue
President of the Senate

Joe Hackney
Speaker of the House of Representatives

Michael F. Easley
Governor

Approved _____m. this _____ day of _____, 2008