

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1058  
Judiciary I Committee Substitute Adopted 4/27/99

Short Title: General Contractors Licensure.

(Public)

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Sponsors:

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Referred to:

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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 relevant matters contained in the North Carolina State  
15 Building Code, knowledge of estimating costs, construction, ethics and other similar  
16 matters pertaining to the contracting business and knowledge of the applicant as to the  
17 responsibilities of a contractor to the public and of the requirements of the laws of the  
18 State of North Carolina relating to contractors, construction and liens. If the results of the  
19 examination of the applicant shall be satisfactory to the Board, then the Board shall issue

1 to the applicant a certificate to engage as a general contractor in the State of North  
2 Carolina, as provided in ~~said~~the certificate, which may be limited into five classifications  
3 as the common use of 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 the ability of  
4 any person to act as a qualifying party for a license to practice general contracting, as  
5 provided in G.S. 87-10(c), for any copartnership, corporation or any other organization or  
6 combination, if that person committed any act in violation of the provisions of this  
7 section and the Board may take disciplinary action against the individual license held by  
8 that person.

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

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