

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 1195
HOUSE BILL 1613

AN ACT TO CLARIFY AND EXPAND THE PROVISIONS OF CHAPTER 85B
CONCERNING THE LICENSING AND REGULATION OF AUCTIONEERS AND
APPRENTICE AUCTIONEERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 85B-4 is amended by deleting the last three sentences of the first paragraph of subsection (c) and by rewriting subsection (d) to read as follows:

"(d) No person shall be licensed as an auctioneer unless he has held an apprentice auctioneer license and served as an apprentice auctioneer for the two preceding years, and has taken an examination approved by the Commission and performed on it to the satisfaction of the Commission. The examination shall test the applicant's understanding of the law relating to auctioneers and auctions, ethical practices for auctioneers, the mathematics applicable to the auctioneer business, and such other matters relating to auctions as the Commission considers appropriate. The examination shall be given at least twice each year in Raleigh, and at such other times and places as the Commission designates, but no person shall be allowed to take the examination within six months after having failed it a second time.

Any person who has been in the auctioneer business in this State for at least two years prior to the effective date of this act, and who makes proper application to the Commission within one year after July 1, 1973, may be licensed as an auctioneer without holding an apprentice license and serving as an apprentice for two years, and without taking the examination required by this subsection. Any person who has successfully completed the equivalent of at least 80 hours of classroom instruction in a course in auctioneering at an institution approved by the Commission may be licensed as an auctioneer without holding an apprentice license and serving as an apprentice for two years, but must take the examination required by this subsection and perform on it to the satisfaction of the Committee.

Each applicant for an auctioneer license shall submit a written application in a form approved by the Commission. If the applicant has been previously licensed as an apprentice auctioneer, the application shall contain an evaluation by the applicant's supervisor of his performance as an apprentice auctioneer. If the applicant is exempted from apprenticeship because he has completed the equivalent of at least 80 hours of classroom instruction in auctioneering, the application shall contain a transcript of his course work in auctioneering. Each application shall be accompanied by statements of at least two residents of North Carolina attesting to the applicant's good moral character. The Commission may require verification of any information included in an application for an auctioneer license."

Sec. 2. G.S. 85B-4(e) is amended by deleting the word "apprentice" from the second sentence.

Sec. 3. G.S. 85B-6 is amended by deleting the words "and for examination" from the third line and by adding in the fourth line, after the word "license" and before the semicolon, the following words: "and for examination".

Sec. 4. Subdivision (1) of G.S. 85B-8(a) is amended by deleting the semicolon following the word "Chapter" and adding the following words: "or any violation of a rule or regulation duly adopted by the Commission;".

Sec. 5. G.S. 85B-8 is amended by deleting subsections (b), (c) and (d) and placing in lieu thereof the following new subsection (c):

"(c) The Commission may upon its own motion or upon the complaint in writing of any person, provided the complaint and any evidence presented with it establishes a prima facie case, hold a hearing and investigate the actions of any auctioneer or apprentice auctioneer or any person who holds himself out as an auctioneer or apprentice auctioneer, and shall have the power to suspend or revoke any license issued under the provisions of this Chapter. In all proceedings for the suspension or revocation of licenses, the provisions of Chapter 150 of the General Statutes shall be applicable."

Sec. 6. Chapter 85B is further amended by adding the following new Section 85B-9:

"§ **85B-9. Penalties and enforcement.** — (a) Any person, corporation or association or persons violating the provisions of G.S. 85B-4(a) shall be guilty of a misdemeanor and shall be punished by fine, or imprisonment, or both, in the discretion of the court.

(b) The Commission may in its own name seek injunctive relief in the General Court of Justice to restrain any violation or anticipated violation of the provisions of G.S. 85B-4(a).

(c) The Commission shall be entitled to the services of the Attorney General of North Carolina in enforcing the provisions of this Chapter or may employ an attorney to assist and represent it in enforcement of specific matters."

Sec. 8. G.S. 105-43 and subsection (b) of G.S. 105-47 are repealed.

Sec. 8. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1974.