

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE DRS55074-MA-35 (1/16)

Short Title: Regulation of Professional Housemoving. (Public)

Sponsors: Senator Jenkins.

Referred to:

A BILL TO BE ENTITLED

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. "Actively engaged," as used in this Article, shall mean any person who has an active license, is in good standing with the Department, the Department of Revenue, and regularly engages in the business of moving houses. "Unsafe practices," as used in this Article, shall mean any act that creates a hazard to the motoring public, fails to follow federal or State occupational safety and health regulations, violates any labor laws related to worker safety, or has more than two crashes or collisions, or more than two preventable injuries on a work site within a 24-month period of time."

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

1 Department. To comply with the requirement of proof, all applicants
2 not previously licensed by the Department shall submit to the
3 Department sworn affidavits from previous licensed housemoving
4 employers that provide, in detail, the applicant's full-time experience,
5 including any supervisory duties and experience. Housemoving
6 experience means extensive and responsible training gained by the
7 applicant while engaged actively and directly on a full-time basis in
8 the moving of houses and structures on public roads and highways
9 with at least 24 months experience. five years of experience, two of
10 which must have been in a supervisory position. Examples of the
11 capacity in which a person may work in gaining experience include the
12 following in building moving operations:
13 a. Moving superintendent,
14 b. Moving foreman, and
15 c. General mechanic and helper in the housemoving profession or
16 trade."

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

18 **"§ 20-363. Removal and replacement of obstructions.**

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

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

26 "(a) Any person violating the provisions of this Article or the regulations of the
27 Department governing housemoving shall be guilty of a Class 3 misdemeanor which
28 may include a fine of not more than five hundred dollars ~~(\$500.00).~~ (\$500.00). A second
29 violation of any provision of this Article or the regulations of the Department governing
30 housemoving, by any person, shall be guilty of a Class 2 misdemeanor which may
31 include a fine not less than one thousand dollars (\$1,000). A third or subsequent
32 violation of any provision of this Article or the regulations of the Department governing
33 housemoving, by any person, shall be guilty of a Class 1 misdemeanor which shall
34 include a fine of not less than two thousand dollars (\$2,000) for each violation. The
35 State Highway Patrol shall impound any conveyances or vehicles being used in
36 violation of this Article. If the State Highway Patrol impounds a conveyance or vehicle
37 used in violation of this Article, the State Highway Patrol shall have custody and control
38 of all such conveyances and vehicles until ordered by a court of competent jurisdiction
39 to return such conveyances or vehicles to the lawful owner or until the violation is
40 corrected and the Department authorizes the State Highway Patrol to release the
41 conveyance or vehicle to the lawful owner or operator. It shall be the responsibility of
42 the lawful owner to pay any towing or storage fees for a vehicle impounded pursuant to
43 this subsection."

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

3 **"§ 20-374. Unsafe operation and practices; unsettled judgments; review of existing**
4 **license every 12 months.**

5 (a) If the Department determines that a housemover has engaged in unsafe
6 practices as defined in G.S. 20-356, all licenses, permits, and authorizations issued
7 pursuant to this Article, and any required revenue licenses, shall be summarily revoked.

8 (b) If the Department determines that a housemover has two or more unsettled
9 judgments that have been properly filed, registered, or domesticated in this State, all
10 licenses, permits, and authorizations issued pursuant to this Article, and any required
11 revenue licenses, shall be summarily revoked.

12 (c) A housemover that is properly licensed by the State and that is currently
13 authorized by the Department of Transportation to conduct business shall have the
14 status of any license issued reviewed at least once every 12 months to ensure the
15 business is actually engaged in the business of housemoving. If the Department
16 determines that an individual or business is no longer actively engaged in housemoving
17 or determines that a partnership, firm, or corporation has been dissolved for any reason,
18 all licenses, permits, and authorizations issued pursuant to this Article, and any required
19 revenue licenses, shall be summarily revoked.

20 (d) A violation of this section is not subject to the provisions of Chapter 150B of
21 the General Statutes."

22 **SECTION 6.** This act becomes effective January 1, 2008, and applies to
23 offenses committed on or after that date.