

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 236

Short Title: Regulation of Professional Housemoving.

(Public)

Sponsors: Senator Jenkins.

Referred to: Commerce, Small Business and Entrepreneurship.

February 21, 2007

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

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

23 "(1) The applicant must be at least ~~18~~21 years of age; present acceptable
24 evidence of good character and show sufficient housemoving
25 experience on the application form furnished by the Department. Proof
26 of creditable housemoving experience must be furnished at the time of
27 application for those applicants not previously licensed by the
28 Department. To comply with the requirement of proof, all applicants
29 not previously licensed by the Department shall submit to the

1 Department sworn affidavits from previous licensed housemoving
2 employers that provide, in detail, the applicant's full-time experience,
3 including any supervisory duties and experience. Housemoving
4 experience means extensive and responsible training gained by the
5 applicant while engaged actively and directly on a full-time basis in
6 the moving of houses and structures on public roads and highways
7 with at least ~~24 months experience~~ five years of experience, two of
8 which must have been in a supervisory position. Examples of the
9 capacity in which a person may work in gaining experience include the
10 following in building moving operations:

- 11 a. Moving superintendent,
- 12 b. Moving foreman, and
- 13 c. General mechanic and helper in the housemoving profession or
- 14 trade."

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

16 **"§ 20-363. Removal and replacement of obstructions.**

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

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

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

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

1 **"§ 20-374. Unsafe operation and practices; unsettled judgments; review of existing**
2 **license every 12 months.**

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

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

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

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

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