

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 236
Commerce, Small Business and Entrepreneurship Committee Substitute Adopted
3/28/07

Short Title: Regulation of Professional Housemoving.

(Public)

Sponsors:

Referred to:

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.~~

15 As used in this Article, the following terms mean:

- 16 (1) Actively engaged. – Any person who has an active license, is in good
17 standing with the Department, the Department of Revenue, and
18 regularly engages in the business of moving houses.
19 (2) Department. – The Department of Transportation.
20 (3) House. – A dwelling, building, or other structure in excess of 15 feet in
21 width; provided that mobile homes, manufactured homes, or modular
22 homes, or portions thereof, are not within this definition when being
23 transported from the manufacturer or from a licensed retail dealer
24 location to the first set-up site.
25 (4) Person. – An individual, corporation, partnership, association, or any
26 other business entity.
27 (5) Unsafe practices. –

- 1 a. Any act that creates a hazard to the motoring public, fails to
2 comply with federal or State occupational safety and health
3 regulations, or violates any labor laws related to worker safety.
4 b. Three crashes or collisions while moving houses, or three or
5 more preventable injuries on a housemoving work site, within a
6 24-month period of time."

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

8 "(1) The applicant must be at least ~~18~~21 years of age; present acceptable
9 evidence of good character and show sufficient housemoving
10 experience on the application form furnished by the Department. Proof
11 of creditable housemoving experience must be furnished at the time of
12 application for those applicants not previously licensed by the
13 Department. To comply with the requirement of proof of creditable
14 housemoving experience, all applicants not previously licensed by the
15 Department shall submit to the Department sworn affidavits from
16 previous licensed housemoving employers that provide, in detail, the
17 applicant's full-time experience, including any supervisory duties and
18 experience. Housemoving experience means extensive and responsible
19 training gained by the applicant while engaged actively and directly on
20 a full-time basis in the moving of houses and structures on public
21 roads and highways with at least ~~24 months experience~~five years of
22 experience, two of which must have been in a supervisory position.
23 Examples of the capacity in which a person may work in gaining
24 experience include the following in building moving operations:

- 25 a. Moving superintendent,
26 b. Moving foreman, and
27 c. General mechanic and helper in the housemoving profession or
28 trade."

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

30 "**§ 20-363. Removal and replacement of obstructions.**

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

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

38 "(a) Any person violating the provisions of this Article or the regulations of the
39 Department governing housemoving as a first offense shall be guilty of a Class 3
40 misdemeanor which may include a maximum fine of ~~not more than~~ five hundred dollars
41 (\$500.00). A second violation of any provision of this Article or the regulations of the
42 Department governing housemoving shall be punished as a Class 2 misdemeanor which
43 shall include a minimum fine of one thousand dollars (\$1,000). A third or subsequent
44 violation of any provision of this Article or the regulations of the Department governing

1 housemoving shall be punished as a Class 1 misdemeanor which shall include a
2 minimum fine of two thousand dollars (\$2,000) for each violation. The State Highway
3 Patrol shall impound any conveyances or vehicles being used in violation of this Article.
4 If the State Highway Patrol impounds a conveyance or vehicle used in violation of this
5 Article, the State Highway Patrol shall have custody and control of all impounded
6 conveyances and vehicles until ordered by a court of competent jurisdiction to return the
7 conveyances or vehicles to the lawful owner or until the violation is corrected and the
8 Department authorizes the State Highway Patrol to release the conveyance or vehicle to
9 the lawful owner or operator. It shall be the responsibility of the lawful owner to pay
10 any towing or storage fees for a vehicle impounded pursuant to this subsection."

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

13 **"§ 20-374. Unsafe operation and practices; unsettled judgments; review of existing**
14 **license every 12 months.**

15 (a) If the Department determines that a housemover has engaged in unsafe
16 practices, all licenses, permits, and authorizations issued pursuant to this Article, and
17 any required revenue licenses, shall be summarily revoked.

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

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

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