

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
Judiciary I (Civil) Committee Substitute Adopted 4/25/07

Short Title: Regulation of Professional Housemoving. (Public)

Sponsors:

Referred to:

February 21, 2007

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.~~

As used in this Article, the following terms mean:

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

- 1 a. Any act that is determined by an enforcing agency or by a court
 2 of competent jurisdiction to create a hazard to the motoring
 3 public, to violate federal or State occupational safety and health
 4 regulations, or to violate any labor laws related to worker
 5 safety.
 6 b. Three crashes or collisions while moving houses if the mover is
 7 determined by a court of competent jurisdiction to be at fault in
 8 the crash or collision, or three or more preventable injuries on a
 9 housemoving work site, within a 24-month period of time."

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

11 "(1) The applicant must be at least ~~18~~21 years of age; present acceptable
 12 evidence of good character and show sufficient housemoving
 13 experience on the application form furnished by the Department. Proof
 14 of creditable housemoving experience must be furnished at the time of
 15 application for those applicants not previously licensed by the
 16 Department. ~~Housemoving~~ Creditable housemoving experience means
 17 extensive and responsible training gained by the applicant while
 18 engaged actively and directly on a full-time basis in the moving of
 19 houses and structures on public roads and highways with at least ~~24~~
 20 ~~months experience~~ five years of experience, two of which must have
 21 been in a supervisory position. Examples of the capacity in which a
 22 person may work in gaining experience include the following in
 23 building moving operations:

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

28 To comply with the requirement of proof of creditable housemoving
 29 experience, each applicant not previously licensed by the Department
 30 shall submit to the Department an affidavit from a certified public
 31 accountant that the applicant has documented employment records for
 32 a period of five continuous years from a duly licensed housemover or
 33 housemovers. Each applicant shall also submit to the Department
 34 affidavits from a previous licensed housemoving employer or
 35 employers that provide, in detail, the applicant's full-time experience,
 36 including any supervisory duties and experience."

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

38 "**§ 20-363. Removal and replacement of obstructions.**

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

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

2 "(a) Any person violating the provisions of this Article or the regulations of the
3 Department governing housemoving shall be guilty of a Class 3 1 misdemeanor which
4 may include a fine of not more than five hundred dollars (\$500.00)-misdemeanor."

5 **SECTION 5.** Article 16 of Chapter 20 of the General Statutes is amended by
6 adding a new section to read:

7 "**§ 20-374. Unsafe operation and practices; unsettled judgments; review of existing**
8 **license every 12 months.**

9 (a) If the Department determines that a housemover has engaged in unsafe
10 practices, all licenses, permits, and authorizations issued pursuant to this Article, and
11 any required revenue licenses, shall be revoked for a period of six months.

12 (b) If the Department determines that a housemover has two or more unsettled
13 judgments that have been properly filed, registered, or domesticated in this State, all
14 licenses, permits, and authorizations issued pursuant to this Article, and any required
15 revenue licenses, shall be revoked for a period of six months.

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

24 (d) If a housemover's license, permit, or authorization is revoked or cancelled
25 under this section, the housemover may seek a review of the record in the case by filing
26 a motion with the superior court of the county in which the housemover does business
27 or with Wake County Superior Court."

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