

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 38
Committee Substitute Favorable 5/2/91

Short Title: Contractor Board Membership.

(Public)

Sponsors:

Referred to:

February 11, 1991

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE COMPOSITION OF THE GENERAL CONTRACTORS LICENSING BOARD.

The General Assembly of North Carolina enacts:

Section 1. G.S. 87-2 reads as rewritten:

"§ 87-2. Licensing Board; organization.

There is created the State Licensing Board for General Contractors consisting of ~~seven members~~ nine members appointed by the Governor for staggered five-year terms. ~~Five of the members shall be which include five general contractors and two public members appointed by the Governor for staggered five-year terms.~~ general contractors, one member shall be a registered engineer who practices structural engineering, and three shall be public members. Of the general contractor members, one ~~One member~~ shall have as the larger part of his business the construction of highways; ~~one member~~ shall have as the larger part of his business the construction of public utilities; ~~one member~~ shall have as the larger part of his business the construction of buildings; ~~one member shall be either a highway, utility, or building contractor; one member and two shall have as a larger part of his business~~ their businesses the construction of residences; residences, one of whom shall be the holder of an unlimited general contractor's license. and two members shall be public members who ~~The public members shall~~ have no ties with the construction industry and ~~who~~ shall represent the interests of the public at large. Members shall serve until the expiration of their respective terms and until their successors are appointed and qualified. Vacancies occurring during a term shall be filled by appointment of the Governor for the remainder of the unexpired term. The Governor may remove any

1 member of the Board for misconduct, incompetency, or neglect of duty. No Board
2 member shall serve more than two complete consecutive terms."

3 Sec. 2. G.S. 87-11 reads as rewritten:

4 "**§ 87-11. Revocation of license; charges of fraud, negligence, incompetency, etc.;**
5 **hearing thereon; reissuance of certificate.**

6 (a) The Board shall have the power to revoke the certificate of license of any
7 general contractor licensed hereunder who is found guilty of any fraud or deceit in
8 obtaining a license, or gross negligence, incompetency or misconduct in the practice of
9 his profession, or willful violation of any provisions of this Article. Any person may
10 prefer charges of such fraud, deceit, negligence or misconduct against any general
11 contractor licensed hereunder; such charges shall be in writing and sworn to by the
12 complainant and submitted to the Board. Such charges, unless dismissed without
13 hearing by the Board as unfounded or trivial, shall be heard and determined by the
14 Board in accordance with the provisions of Chapter ~~150A~~-150B of the General Statutes.

15 (b) The Board shall adopt and publish guidelines, consistent with the provisions
16 of this Article, governing the suspension and revocation of licenses.

17 (c) The Board shall establish and maintain a system whereby detailed records are
18 kept regarding complaints against each licensee. This record shall include, for each
19 licensee, the date and nature of each complaint, investigatory action taken by the Board,
20 any findings by the Board, and the disposition of the matter.

21 (d) The Board may reissue a license to any person, firm or corporation whose
22 license has been revoked: Provided, ~~three~~-five or more members of the Board vote in
23 favor of such reissuance for reasons the Board may deem sufficient.

24 The Board shall immediately notify the Secretary of State of its findings in the case
25 of the revocation of a license or of the reissuance of a revoked license.

26 A certificate of license to replace any certificate lost, destroyed or mutilated may be
27 issued subject to the rules and regulations of the Board."

28 Sec. 3. This act is effective upon ratification. Section 1 of this act applies to
29 appointments made on or after that date.