

February 20, 2007

S 236. REGULATION OF PROFESSIONAL HOUSEMOVING. Filed 2/20/07. *TO AMEND THE PROFESSIONAL HOUSEMOVING STATUTES CONTAINED IN ARTICLE 16 OF CHAPTER 20 OF THE GENERAL STATUTES.* Amends GS 20-371 to make the following additions: (1) a second violation of the article or regulations governing housemoving is a Class 2 misdemeanor, which may include a fine of at least \$1,000; (2) a third or subsequent violation is a Class 1 misdemeanor, which includes a fine of at least \$2,000 per violation; and (3) the State Highway Patrol may impound a vehicle used in the violation and it is the responsibility of the owner to pay for towing or storage fees for the impounded vehicle. Enacts a new GS 20-374 (Unsafe operation and practices; unsettled judgments; review of existing license every 12 months) allowing the Department of Transportation to revoke all licenses and permits issued to a housemover that has engaged in unsafe practices or has two or more unsettled judgments filed in North Carolina. Directs that the housemover's licenses be reviewed at least once every 12 months. Amends GS 20-356 to define "actively engaged" and "unsafe practices." Amends GS 20-358 to make changes to license applicants' requirements, including age and previous experience. Effective for offenses committed on or after January 1, 2008.

Intro. by Jenkins.

GS 20

March 28, 2007

S 236. REGULATION OF PROFESSIONAL HOUSEMOVING. Filed 2/20/07. Senate committee substitute makes the following changes to 1st edition. Revises new punishment provisions in GS 20-371(a) to require (was, allow) a minimum fine of \$1,000 for a second criminal violation of professional housemoving article or regulations. Deletes new GS 20-374(d), which stated that violation of that section is not subject to provisions of GS Chapter 150B (Administrative Procedure Act). Makes several technical changes.

April 25, 2007

S 236. REGULATION OF PROFESSIONAL HOUSEMOVING. Filed 2/20/07. Senate committee substitute makes the following changes to 2nd edition. Modifies proposed GS 20-356(5) to clarify that unsafe practices include either of the listed provisions. Changes proposed GS 20-356(5)a to require that an act be determined by an enforcing agency or by a court to create a hazard and changes proposed GS 20-356(5)b to include three crashes or collisions while moving houses if the mover is determined by a court to be at fault in the crash or collision. Makes technical changes. Amends GS 20-358(1) to require applicants that have not been previously licensed to submit an affidavit to the Department of Transportation (DOT) from a certified public accountant that the applicant has documented employment records for five continuous years from a licensed housemover, in order to comply with the proof of creditable housemoving experience requirement. Also makes technical changes to the statute. Amends GS 20-371(a) to make any violations of the article or of DOT's regulations governing housemoving a Class 1 misdemeanor (removes references to fines, different misdemeanor levels for subsequent violations, and provisions for the impoundment of vehicles). Modifies proposed GS 20-374 to revoke licenses, permits, and authorizations for six months (was, revoke) when it is determined that a housemover has engaged in unsafe practices or that a housemover has two or more unsettled judgments. Also requires licenses, permits, and authorizations to be cancelled (was, summarily revoked) if an individual or business is no longer engaged in housemoving or a partnership, firm, or corporation has been dissolved. Adds a provision allowing a housemover whose license, permit, or authorization has been revoked or cancelled to seek a review of the record by filing a motion with the Wake County Superior Court or the superior court in the county where the housemover does business.

June 24, 2008

S 236. REGULATION OF PROFESSIONAL HOUSEMOVING. Filed 2/20/07. House committee substitute makes the following changes to 3rd edition.

Amends GS 20-356 (Definitions), by deleting the term *actively engaged* and adding *housemover* (a person licensed under GS Chapter 20 Article 16) and *Secretary* (referencing the Secretary of the Department of Transportation). Also amends the definition for unsafe practices to clarify that the term applies to (1) any citations for willful serious violations under the Occupational Safety and Health Act (OSHA) that have become a final order within the last three years or (2) failing to abate *serious violations* as defined in GS 95-127(18).

Amends GS 20-358(1) to delete the requirement that *creditable housemoving* experience require having two out of five years experience in a supervisory position. Provides that an applicant, not previously licensed under GS Chapter 20, Article 16, must submit to the Department of Transportation affidavits verifying documentation of the applicant's employment history in housemoving for five continuous years and affidavits regarding the applicant's full time experience in housemoving from a previous employer licensed by North Carolina or another state for housemoving (was, from a duly licensed housemover or housemovers).

Amends proposed new GS 20-374, deleting provisions regarding unsettled judgments, license review, and cancellation under the section. Expands the right of a person whose license, permit, or authorization issued under GS Chapter 20, Article 16, is revoked to provide a right to appeal the revocation to the Secretary. Provides that the decision of the Secretary or the Secretary's designee is final. Provides the aggrieved person with a right to seek judicial review of the final decision under the provisions of GS Chapter 150B, Article 4.

Provides for a grace period during which an applicant for a license under this act who has 24 months of experience under GS 20-358(1) as of December 1, 2008, may be initially licensed without additional experience until December 1, 2011.

The act is effective December 1, 2008 (was, January 1, 2008) and applies to licenses issued and offenses committed on or after that date (was, offenses committed).

Makes conforming changes.

July 14, 2008

SL 2008-89 (S 236). REGULATION OF PROFESSIONAL HOUSEMOVING. AN ACT TO AMEND THE PROFESSIONAL HOUSEMOVING STATUTES CONTAINED IN ARTICLE 16 OF CHAPTER 20 OF THE GENERAL STATUTES. Summarized in *Daily Bulletin* 2/20/07, 3/28/07, 4/25/07, and 6/24/08. Enacted July 11, 2008. Effective December 1, 2008.