

March 19, 2009

**S 709. HOME IMPROVEMENT FRAUD.** Filed 3/19/09. *TO CREATE THE CRIMINAL OFFENSE OF HOME IMPROVEMENT FRAUD.*

Enacts new GS 14-104.1 creating the crime of home improvement fraud. Provides that home improvement fraud is committed when a contractor knowingly engages in any of the following, when committed by the contractor, or by an agent or employee of a contractor: (1) use of any deception, false pretense, or false promise to cause any person to enter into a contract for home improvements, or (2) damaging of any property of any person with the intent to induce that person to enter into a contract for home improvements. Makes the crime punishable as follows: (1) Class H felony for a first offense, (2) Class F felony for a second offense, and (3) Class C felony for a third or subsequent offense. Allows the court to also order restitution. Defines *contractor* and *home improvement*. Effective for offenses committed on or after December 1, 2009.

**Intro. by Allran.**

GS 14

May 4, 2009

**S 709. HOME IMPROVEMENT FRAUD.** Filed 3/19/09. Senate committee substitute makes the following changes to 1st edition. Amends proposed GS 14-104.1 to exempt general contractors licensed under GS Chapter 87, Article 1 from the provisions of proposed GS 14-104.1. Further amends the definition for *contractor* to apply to a person who has agreed to perform (was, contracted or subcontracted to perform) any home improvement in exchange for compensation, including any agent or employee of that person. Specifies that the term *contractor* includes a subcontractor who has agreed to perform any home improvement. Amends the definition for *home improvement* to mean any alteration, repair, modification, or other improvements to any dwelling house or any structure within the curtilage of a dwelling house, and any other structure designed to house or secure within it any activity or property (was, any immovable or movable property primarily designed or used as a residence or to any structure within the residence or upon the land adjacent thereto). Clarifies that home improvement fraud includes the use by a contractor of any false pretense whatsoever to induce any other person to enter into a home improvement contract.