



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1052*

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

H1052-ATK-109 [v.2]

Page 1 of 2

Comm. Sub. [YES]
Amends Title [NO]
Fourth Edition

Date June 27, 2012

Senator Clodfelter

ADOPTED

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2
3 moves to amend the bill on page 9, line 33, through page 10 line 15, by rewriting the lines to
4 read:

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8 "SECTION 10. G.S. 44A-24 reads as rewritten:

9 **'§44A-24. False statement a misdemeanor, misdemeanor and grounds for disciplinary**
10 **action against a licensed contractor or qualifying party.**

11 If any contractor or other person receiving payment from an obligor for an improvement to
12 real property or from a purchaser for a conveyance of real property with improvements subject
13 to this Article or to Article 3 of this Chapter shall knowingly furnish to such obligor, purchaser,
14 or to a lender who obtains a security interest in said real property, or to a title insurance
15 company insuring title to such real property, a false written statement of the sums due or
16 claimed to be due for labor or material furnished at the site of improvements to such real
17 property, then such contractor, subcontractor or other person shall be guilty of a Class 1
18 misdemeanor. Upon conviction and in the event the court shall grant any defendant a
19 suspended sentence, the court may in its discretion include as a condition of such suspension a
20 provision that the defendant shall reimburse the party who suffered loss on such conditions as
21 the court shall determine are proper.

22 The elements of the offense herein stated are the furnishing of the false written statement
23 with knowledge that it is false and the subsequent or simultaneous receipt of payment from an
24 obligor or purchaser, ~~and in any purchaser by the person signing the document, a person~~
25 directing another to sign the document, or any person or entity for whom the document was
26 signed. In any criminal prosecution hereunder it shall not be necessary for the State to prove
27 that the obligor, purchaser, lender or title insurance company relied upon the false statement or
28 that any person was injured thereby.

29 In addition to the criminal sanctions created by this section, conduct constituting the offense
30 herein stated and causing actual harm to any person by any licensed contractor or qualifying
31 party, as that term is used in Chapter 87 of the General Statutes, shall constitute deceit and
32 misconduct subject to disciplinary action under Chapter 87 of the General Statutes, including



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1 revocation, suspension, or restriction of a license or the ability to act as a qualifying party for a
2 license."
3

SIGNED *Samuel S. Chappelle*
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED 48-1 FAILED _____ TABLED _____
Sarah Clapp
6.27.12

ADOPTED