

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 694

AMENDMENT NO. A2
(to be filled in by
Principal Clerk)

S694-ATS-7 [v.3]

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Amends Title [NO]
Second Edition

Date _____, 2015

Senator Tucker

1 moves to amend the bill on page 6, lines 8-9 by inserting the following between the lines:

2
3 "SECTION 3.2 G.S. 87-23 reads as rewritten:

4 "§ 87-23. **Revocation or suspension of license for cause.**

5 (a) The Board shall have power to revoke or suspend the license of or order the
6 reprimand or probation of any plumbing, heating, or fire sprinkler contractor, or any
7 combination thereof, who is guilty of any fraud or deceit in obtaining or renewing a license, or
8 who fails to comply with any provision or requirement of this Article, or the rules adopted by
9 the Board, if a penalty was imposed pursuant to G.S. 143-765(b) that has been upheld upon
10 final adjudication, or for gross negligence, incompetency, or misconduct, in the practice of or in
11 carrying on the business of a plumbing, heating, or fire sprinkler contractor, or any combination
12 thereof, as defined in this Article. Any person may prefer charges of such fraud, deceit, gross
13 negligence, incompetency, misconduct, or failure to comply with any provision or requirement
14 of this Article, or the rules of the Board, against any plumbing, heating, or fire sprinkler
15 contractor, or any combination thereof, who is licensed under the provisions of this Article. All
16 of the charges shall be in writing and investigated by the Board. Any proceedings on the
17 charges shall be carried out by the Board in accordance with the provisions of Chapter 150B of
18 the General Statutes.

19 (b) The Board shall adopt and publish guidelines, consistent with the provisions of this
20 Chapter, governing the suspension and revocation of licenses.

21 (c) The Board shall establish and maintain a system whereby detailed records are kept
22 regarding complaints against each licensee.

23 (d) The Board may conduct audits of the pay records and project records of licensee
24 firms in furtherance of this Article or the Employee Fair Classification Act, Article 81 of
25 Chapter 143 of the General Statutes."

26 "SECTION 3.3 G.S. 87-42 reads as rewritten:

27 "§ 87-42. **Duties and powers of Board.**

28 In order to protect the life, health and property of the public, the State Board of Examiners
29 of Electrical Contractors shall provide for the written examination of all applicants for
30 certification as a qualified individual, as defined in G.S. 87-41.1. The Board shall receive all
31 applications for certification as a qualified individual and all applications for licenses to be
32 issued under this Article, shall examine all applicants to determine that each has met the



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1 requirements for certification and shall discharge all duties enumerated in this Article.
2 Applicants for certification as a qualified individual must be at least 18 years of age and shall
3 be required to demonstrate to the satisfaction of the Board their good character and adequate
4 technical and practical knowledge concerning the safe and proper installation of electrical work
5 and equipment. The examination to be given for this purpose shall include, but not be limited
6 to, the appropriate provisions of the National Electrical Code as incorporated in the North
7 Carolina State Building Code, the analysis of electrical plans and specifications, estimating of
8 electrical installations, and the fundamentals of the installation of electrical work and
9 equipment. Certification of qualified individuals shall be issued in the same classifications as
10 provided in this Article for license classifications. The Board shall prescribe the standards of
11 knowledge, experience and proficiency to be required of qualified individuals, which may vary
12 for the various license classifications. The Board shall issue certifications and licenses to all
13 applicants meeting the requirements of this Article and of the Board upon the receipt of the fees
14 prescribed by G.S. 87-44. The Board shall have power to make rules and regulations necessary
15 to the performance of its duties and for the effective implementation of the provisions of this
16 Article. The Board may conduct audits of the pay records and project records of licensee firms
17 in furtherance of this Article or the Employee Fair Classification Act, Article 81 of Chapter 143
18 of the General Statutes. The Board shall have the power to administer oaths and issue
19 subpoenas requiring the attendance of persons and the production of papers and records before
20 the Board in any hearing, investigation, or proceeding conducted by it. Members of the Board's
21 staff or the sheriff or other appropriate official of any county of this State shall serve all notices,
22 subpoenas, and other papers given to them by the Chairman for service in the same manner as
23 process issued by any court of record. Any person who neglects or refuses to obey a subpoena
24 issued by the Board shall be guilty of a Class 1 misdemeanor. The Board shall have the power
25 to acquire, rent, encumber, alienate, and otherwise deal with real property in the same manner
26 as a private person or corporation, subject only to approval of the Governor and the Council of
27 State. Collateral pledged by the Board for an encumbrance is limited to the assets, income, and
28 revenues of the Board. The Board shall keep minutes of all its proceedings and shall keep an
29 accurate record of receipts and disbursements which shall be audited at the close of each fiscal
30 year by a certified public accountant, and the audit report shall be filed with the State of North
31 Carolina in accordance with Chapter 93B of the General Statutes."

32 **SECTION 3.4** G.S. 87-47(a1) reads as rewritten:

33 "(a1) The following activities are prohibited:

- 34 (1) Offering to engage or engaging in electrical contracting without being
35 licensed.
- 36 (2) Selling, transferring, or assigning a license, regardless of whether for a fee.
- 37 (3) Aiding or abetting an unlicensed person, partnership, firm, or corporation to
38 offer to engage or to engage in electrical contracting.
- 39 (4) Being convicted of a crime involving fraud or moral turpitude.
- 40 (5) Engaging in fraud or misrepresentation to obtain a certification, obtain or
41 renew a license, or practice electrical contracting.
- 42 (6) Engaging in false or misleading advertising.

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- 1 (7) Engaging in malpractice, unethical conduct, fraud, deceit, gross negligence,
- 2 gross incompetence, or gross misconduct in the practice of electrical
- 3 contracting.
- 4 (8) Engaging in employee misclassification in violation of G.S. 143-765(b)."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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and vote information, is available in the
Senate Principal Clerk's Office**