

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL DRS15193-NH-27

Short Title: Consumer Protections Against Storm Chasers. (Public)

Sponsors: Senators Sawyer, Lee, and Lazzara (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE CONSUMER PROTECTIONS AGAINST ROOFING REPAIR
3 CONTRACTORS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Chapter 75 of the General Statutes is amended by adding a new Article
6 to read:

7 "Article 9.

8 "Roofing Repair Contractors.

9 **"§ 75-150. Definitions.**

10 The following definitions apply in this Article:

- 11 (1) Consumer. – The person hiring a roofing repair contractor, including the
12 property owner, person in legal possession of the property, or any agent
13 thereof, including the State and any of its political subdivisions.
14 (2) Emergency services. – Any repair needed as the result of a serious,
15 unexpected, or dangerous situation that requires immediate action.
16 (3) Roofing repair. – Repairs to an existing roofing system, including a total
17 replacement of the existing roofing system.
18 (4) Roofing repair contractor. – A person engaged in the business of conducting
19 or soliciting roofing-related services, including construction, installation,
20 renovation, repair, maintenance, alteration, or waterproofing, for a fee in this
21 State, whether a resident of this State or a nonresident.

22 **"§ 75-151. Exclusions.**

23 The following are excluded from the provisions of this Article:

- 24 (1) A licensed general contractor.
25 (2) A person engaged in the demolition of a structure or the cleanup of
26 construction waste and debris that contains roofing material.
27 (3) A person working under the direct supervision of a roofing repair contractor
28 who is hired either as an employee, day laborer, or contract laborer.

29 **"§ 75-152. Prohibited conduct.**

30 A roofing repair contractor shall not do any of the following:

- 31 (1) Advertise or otherwise promise or offer to pay, or pay, all or any portion of
32 any insurance deductible as an inducement to the sale of goods or services or
33 in exchange for permitting the roofing contractor to display a sign or any other
34 type of advertisement at the consumer's premises.
35 (2) In circumstances in which payment may be made from the proceeds of a
36 property and casualty insurance policy, a roofing repair contractor shall not



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1 require any payments from an insured until the five-day cancellation period
2 has expired. If, however, the residential roofing contractor has performed
3 emergency services, acknowledged by the insured in writing to be necessary
4 to prevent further damage to the premises, the residential roofing contractor
5 shall be entitled to collect the amount due for the emergency services at the
6 time they are rendered.

7 (3) A residential roofing contractor shall not represent or negotiate, or offer or
8 advertise to represent or negotiate, on behalf of an owner or possessor of
9 residential real estate on any insurance claim in connection with the repair or
10 replacement of roof systems. This subdivision shall not apply to a public
11 adjuster licensed under Chapter 58 of the General Statutes.

12 **§ 75-153. Written contract requirements.**

13 A written contract for roofing repairs shall contain, in at least 10-point bold type, the
14 following statement:

15 "You may cancel this contract at any time before midnight on the fifth business day
16 after you have received written notification from your insurer that all or any part of
17 the claim or contract is not a covered loss under the insurance policy. This right to
18 cancel is in addition to any other rights of cancellation which may be found in state
19 or federal law or regulation."

20 **§§ 75-154 through 75-158.** Reserved for future codification purposes.

21 **§ 75-159. Enforcement.**

22 (a) A violation of this Article shall constitute an unfair and deceptive trade practice under
23 G.S. 75-1.1.

24 (b) Any person who violates subdivision (1) or (3) of G.S. 75-152 is guilty of a Class 1
25 misdemeanor."

26 **SECTION 2.** This act is effective 90 days after it becomes law and applies to
27 contracts for roofing repair entered into on or after that date.