

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 30

Short Title: Contractor Board Authority.

(Public)

Sponsors: Senators Speed, Odom, and Shaw.

Referred to: State Personnel and State Government.

February 6, 1991

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY THE DISCIPLINARY AUTHORITY OF THE GENERAL
2 CONTRACTORS LICENSING BOARD, AND TO PROVIDE THAT A PERSON
3 WHO PREFERS CHARGES AGAINST A LICENSEE IS AN AGGRIEVED
4 PARTY UNDER CHAPTER 150B.
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6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 87-11(a) reads as rewritten:

8 "(a) The Board shall have the power to revoke and suspend the certificate of license
9 of any general contractor licensed hereunder and invoke other disciplinary measures,
10 reprimand, and probationary terms, or any combination thereof, against a licensee who
11 is found guilty of any has committed fraud or deceit in obtaining a license, or gross
12 negligence, incompetency or misconduct in the practice of his profession, or willful
13 violation of any provisions of this Article. Any person may prefer charges of such fraud,
14 deceit, negligence or misconduct against any general contractor licensed hereunder;
15 such charges shall be in writing and sworn to by the complainant and submitted to the
16 Board. Such charges, unless dismissed without hearing by the Board as unfounded or
17 trivial, shall be heard and determined by the Board in accordance with the provisions of
18 Chapter ~~150A-150B~~ of the General Statutes. After a hearing, and upon a finding that a
19 licensee has engaged in conduct which justifies disciplinary action under this section,
20 the Board may suspend the imposition, in whole or in part, of any lawful sanction, and
21 may condition the suspension upon correction by the licensee of any work deficiencies
22 resulting from the conduct that gave rise to disciplinary action. A person who prefers
23 charges against a general contractor in accordance with this section is a 'person
24 aggrieved' within the meaning of Chapter 150B of the General Statutes."

1 Sec. 2. G.S. 143-151.17(c) reads as rewritten:

2 "(c) A denial, suspension, or revocation of a certificate issued under this Article
3 shall be made in accordance with Chapter 150B of the General Statutes. A person
4 making a verified complaint in accordance with this section is a 'person aggrieved'
5 within the meaning of Chapter 150B of the General Statutes."

6 Sec. 3. This act is effective upon ratification and applies to verified
7 complaints submitted and charges preferred on or after that date.