

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 719

Short Title: Improve Regulation of Contractors.

(Public)

Sponsors: Senator Sherron.

Referred to: Insurance.

April 22, 1991

A BILL TO BE ENTITLED

AN ACT TO DECREASE THE PROJECT COST MINIMUM FOR APPLICABILITY OF CONTRACTORS LICENSURE REQUIREMENTS, TO CLARIFY EXEMPTION PROVISIONS, AND TO REQUIRE EVIDENCE OF INSURANCE COVERAGE TO BE DEMONSTRATED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 87-1 reads as rewritten:

"§ 87-1. 'General contractor' defined; exceptions.

For the purpose of this Article any person or firm or corporation who for a fixed price, commission, fee, or wage, undertakes to bid upon or to construct or who undertakes to superintend or manage, on his own behalf or for any person, firm, or corporation that is not licensed as a general contractor pursuant to this Article, the construction of any building, highway, public utilities, grading or any improvement or structure where the cost of the undertaking is ~~forty-five~~ twenty thousand dollars ~~(\$45,000)~~ (\$20,000) or more, or undertakes to erect a North Carolina labeled manufactured modular building meeting the North Carolina State Building Code, shall be deemed to be a 'general contractor' engaged in the business of general contracting in the State of North Carolina.

This section shall not apply to persons or firms or corporations furnishing or erecting industrial equipment, power plan equipment, radial brick chimneys, and monuments.

This section shall not apply to any person or firm or corporation who constructs or alters a building on land owned by that person, firm or corporation ~~when provided such building is intended for use by that person, firm, or corporation after completion.~~ solely for occupancy by that person and his family, firm, or corporation after completion; and

1 provided further that, if such building is not occupied solely by such person and his
2 family, firm, or corporation for at least 12 months following completion, it shall be
3 presumed that the person, firm, or corporation did not intend such building solely for
4 occupancy by that person and his family, firm, or corporation.

5 This section shall not apply to any person engaged in the business of farming who
6 constructs or alters a building on land owned by that person and used in the business of
7 farming, when such building is intended for use by that person after completion, and
8 provided that the cost of the construction or alteration is less than forty-five thousand
9 dollars (\$45,000)."

10 Sec. 2. G.S. 87-14 reads as rewritten:

11 **"§ 87-14. Regulations as to issue of building permits.**

12 Any person, firm or corporation, upon making application to the building inspector
13 or such other authority of any incorporated city, town or county in North Carolina
14 charged with the duty of issuing building or other permits for the construction of any
15 building, highway, sewer, grading or any improvement or structure where the cost
16 thereof is to be ~~forty-five~~ twenty thousand dollars ~~(\$45,000)~~ (\$20,000) or more, shall,
17 before he be entitled to the issuance of such permit, furnish satisfactory proof to such
18 inspector or authority that he or another person contracting to superintend or manage the
19 construction is duly licensed under the terms of this Article to carry out or superintend
20 the same, and that he has paid the license tax required by the Revenue Act of the State
21 of North Carolina then in force so as to be qualified to bid upon or contract for the work
22 for which the permit has been ~~applied~~, applied, and that he has in effect liability
23 insurance and Workers' Compensation insurance as required by Chapter 97 of the
24 General Statutes; and it shall be unlawful for such building inspector or other authority
25 to issue or allow the issuance of such building permit unless and until the applicant has
26 furnished evidence that he is either exempt from the provisions of this Article or is duly
27 licensed under this Article to carry out or superintend the work for which permit has
28 been applied; and further, that the applicant has paid the license tax required by the
29 State Revenue Act then in force so as to be qualified to bid upon or contract for the
30 work covered by the permit; and further, that the applicant has in effect liability
31 insurance and Workers' Compensation insurance as required by Chapter 97 of the
32 General Statutes. and such ~~Any building inspector, or other such authority, violating~~
33 inspector or other such authority who is subject to and violates the terms of this section
34 shall be guilty of a misdemeanor and subject to a fine of not more than fifty dollars
35 (\$50.00)."

36 Sec. 3. This act is effective upon ratification and applies to bids made,
37 projects undertaken, or permits applied for on or after that date.