

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 720
HOUSE BILL 1223

AN ACT TO AUTHORIZE AND REGULATE MOVEMENT OF STRUCTURES,
HISTORICAL BUILDINGS, HOUSES OR OTHER EXTRAORDINARY OBJECTS ON
STATE HIGHWAY SYSTEM OF ROADS.

The General Assembly of North Carolina enacts:

Section 1. Definitions. "Person" as used in this Article shall mean an individual, corporation, partnership, association or any other business entity. The word "House" as used in this Article shall mean a dwelling, building, or other structure in excess of 14 feet in width. The word "Department" as used in this Chapter shall mean the North Carolina Department of Transportation.

Sec. 2. Housemovers to be licensed. All persons who engage in the profession of housemoving on roads and highways on the State Highway System shall be licensed by the department.

Sec. 3. Qualifications to become licensed. The department shall issue annual printed licenses to applicants meeting the following conditions:

(a) The applicant must be at least 18 years of age; present acceptable evidence of good character and show sufficient housemoving experience on the application form furnished by the department. Housemoving experience means extensive and responsible training gained by the applicant while engaged actively and directly on a full-time basis in the moving of houses and structures on public roads and highways with at least 24 months experience. Examples of the capacity in which a person may work in gaining experience include the following in building moving operations:

- (1) moving superintendent,
- (2) moving foreman, and
- (3) general mechanic and helper in the housemoving profession or trade.

(b) The applicant must furnish proof that he has (1) complied with Article 13, Chapter 20, of the North Carolina General Statutes for the liability imposed by law for the ownership, operation, maintenance or use of motor vehicles in his business operation; (2) a permit or license bond in the amount of five thousand dollars (\$5,000).

(c) The applicant must furnish proof that all of the vehicles, excluding "beams and dollies" and "hauling units", to be used in the movement of buildings, structures, or other extraordinary objects wider than 14 feet have met the requirements of G.S. 20-183.2 pertaining to the equipment inspection of motor vehicles; provided that the "beams and dollies" and "hauling units" are excluded from inspection under G.S. 20-183.2 and, further, are not required to be equipped with brakes.

- (d) Exhibit his federal employer's identification number.

Sec. 4. Effective period of license. A license issued hereunder shall be effective for a period of one year from date of issuance and shall be renewable on an annual basis.

Sec. 5. Requirements for permit. (a) Persons licensed as professional housemovers shall also be required to secure a permit from the department for every move undertaken on the State highway system of roads; that permit shall be issued by the department after determining

that the applicant is (1) properly licensed, (2) furnished special surety bonds as required by the department, and (3) complying with such other regulations as required by the department.

(b) It shall be the duty of the applicant to see that the "beams and dollies" and "hauling units" used shall be constructed with proper material in a suitable manner and utilized so as to provide for the safety of the general public and the structure being relocated. Any violation of this duty may result in suspension or revocation of his license by the department.

(c) A license shall not be required for individuals moving their own buildings; however, a permit will be required for all moves.

(d) Licensed housemovers shall furnish front and rear escort vehicles on all moves, one or both of which may be a marked police, sheriff or State Highway Patrol vehicle, or one or two private escort vehicles equipped with flashing amber lights depending on the number of law enforcement vehicles escorting the move; escort vehicles shall operate where possible at a distance of 300 feet from the structure being moved; that this interval will be closed in cities and other congested areas to protect other traffic from the swing of the load at corners and turns and, the private escort vehicles shall burn their headlights and be equipped with red flags on each side at the front; in addition, the private escort vehicles shall be equipped with a sign across the front or rear bumper bearing the legend "Wide Load" or "Oversized Load Following" or "Oversized Load Ahead", whichever is appropriate, with black letters at least 10 inches high on a yellow background.

Sec. 6. Application for permits. Application must be made to the division or district engineer having jurisdiction at least two days prior to the date of move. For good cause shown, this time may be waived by the district or division engineer. A travel plan shall accompany the application. Division or district engineers are authorized to issue permits for individual moves of a structure or building whose width does not exceed 36 feet. The travel plan will show the proposed route, the time estimated for each segment of the move, a plan to handle traffic so that no one delay to other highway users shall exceed 20 minutes. The division or district engineers shall review the travel plan and if the route cannot accommodate the move due to roadway weight limits, bridge size or weight limits, or will cause undue interruption of traffic flow, the permit shall not be issued. The applicant may submit alternate plans if desired until an acceptable route is determined. If the width of the building or structure to be relocated is more than 36 feet, or if no acceptable travel plan has been filed, and the denial of the permit would cause a hardship, the application and travel plan may be submitted to the department on appeal. After reviewing the route and travel plan, the department may in its discretion issue the permit after considering the practical physical limitations of the route, the nature and purpose of the move, the size and weight of the structure, the distance the structure is to be moved, and the safety and convenience of the traveling public. A surety bond in an amount to cover the cost of any damage to the pavement, structures, bridges, roadway or other damages that may occur can be required if deemed necessary by the department.

Sec. 7. Liability of housemovers. The permittee assumes all responsibility for injury to persons or damage to property of any kind and agrees to hold the department harmless for any claims arising out of his conduct or actions.

Sec. 8. Removal and replacement of obstructions. All obstructions, including traffic signals, signs, and utility lines will be removed immediately prior to and replaced immediately after the move at the expense of the mover, provided that arrangements for and approval from the owner is obtained.

Sec. 9. Route changes. Irrespective of the route shown on the permit, an alternate route will be followed:

- (a) If directed by a peace officer.
- (b) If directed by a uniformed officer assigned to a weighing station to follow a route to a weighing device.

(c) If the specified route is officially detoured. Should a detour be encountered, the driver shall check with the office issuing permit on which he is traveling prior to proceeding.

Sec. 10. Right-of-way. The object to be transported will not be loaded, unloaded, nor parked, day or night, on highway right-of-way without specific permission from the district or division engineer.

Sec. 11. Weather. No move will be made when atmospheric conditions render visibility lower than safe for travel. Moves will not be made when highway is covered with snow or ice, or at any time travel conditions are considered unsafe by the department or highway patrol or other law enforcement officers having jurisdiction.

Sec. 12. Obtaining license or permit by fraud. The permit may be voided if any conditions of the permit are violated. Upon any violation, the permit must be surrendered and a new permit obtained before proceeding. Misrepresentation of information on application to obtain a license, fraudulently obtaining a permit, alteration of a permit, or unauthorized use of a permit will render the permit void.

Sec. 13. Municipal regulations. All moves on streets on the municipal system of streets shall comply with local regulations.

Sec. 14. Out-of-State licenses and permits. An out-of-State person, partnership, or corporation engaging in the structural moving business may apply to the department for a license to engage in the housemoving profession in North Carolina, and obtain permits for moves by complying with the provisions of this Article and the regulations of the department in the same manner as is required of North Carolina residents.

Sec. 15. Speed limits. The speed of moves will be that which is reasonable and prudent for the load, considering weight and bulk, under conditions existing at the time.

Sec. 16. Penalties. (a) Any person violating the provisions of this Article or the regulations of the department governing housemoving shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than five hundred dollars (\$500.00), or imprisonment for not more than 30 days or both.

(b) The department is hereby authorized in the name of the State to apply for relief by injunction, in the established manner provided in cases of civil procedure, without bond, to enforce the provisions of this Chapter, or to restrain any violation thereof. In such proceedings, it shall not be necessary to allege or prove either that an adequate remedy at law does not exist, or that substantial or irreparable damage would result from the continued violation thereof.

Sec. 17. Invalid section; severability. If any of the provisions of this Chapter, or if the application of such provisions to any person or circumstance shall be held invalid, the remainder of this Chapter and the application of such provision of this Chapter other than those as to which it is held valid, shall not be affected thereby.

Sec. 18. This act shall become effective on August 1, 1977 and will expire August 1, 1979.

In the General Assembly read three times and ratified, this the 24th day of June, 1977.