

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE DRH50284-LUfqq-82 (5/7)

Short Title: Glass Glazing Licensure.

(Public)

Sponsors: Representative Moore.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH LICENSURE REQUIREMENTS FOR GLASS GLAZING CONTRACTORS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 87 of the General Statutes is amended by adding a new Article to read:

"Article 5A.

"Glass Glazing Contractors.

"§ 87-64.10. License required.

No person shall engage in or offer to engage in the business of glass glazing in this State unless the person has been licensed under the provisions of this Article. A violation of this section is a Class 3 misdemeanor unless the conduct is covered under some other provision of law providing greater punishment.

"§ 87-64.11. Definitions.

The following definitions apply in this Article:

(1) Board. – The State Board of Examiners of Glass Glazing Contractors.

(2) Glass glazing. – The act of engaging in the business of selecting, cutting, assembling, installing, maintaining, servicing, or repairing all types of glass for windows, sashes and doors, metal frames, ornamental decorations, mirrors, or bathtub and shower enclosures in a commercial, residential, industrial, institutional, modular, or any other type of construction setting.

(3) Glass glazing contractor. – A person, firm, or corporation licensed to engage in the business of glass glazing pursuant to this Article.

(4) License. – A certificate issued by the Board recognizing the person named therein as having met the requirements to engage in business as a glass glazing contractor as defined in this Article.

1 "§ 87-64.12. The State Board of Examiners of Glass Glazing Contractors.

2 (a) Composition and Terms. – The Board shall consist of seven members who
3 shall serve staggered terms. The initial Board members shall be appointed on or before
4 January 1, 2004, as follows:

5 (1) The General Assembly, upon the recommendation of the President Pro
6 Tempore of the Senate, shall appoint three glass glazing contractors,
7 two of whom shall serve terms of four years and one of whom shall
8 serve a term of three years. At least one of the glass glazing
9 contractors shall represent an existing, recognized State or national
10 glass organization.

11 (2) The General Assembly, upon the recommendation of the Speaker of
12 the House of Representatives, shall appoint three glass glazing
13 contractors, one of whom shall serve a term of four years, one of
14 whom shall serve a term of three years, and one of whom shall serve a
15 term of two years. At least one of the glass glazing contractors shall
16 represent an existing, recognized State or national glass organization.

17 (3) The Governor shall appoint one public member who shall serve a two-
18 year term.

19 Upon the expiration of the terms of the initial Board members, each member shall be
20 appointed for a term of three years and shall serve until a successor is appointed. No
21 member may serve more than two consecutive terms.

22 (b) Qualifications. – The glass glazing contractor members shall have at least five
23 years' experience as a glass glazing contractor and shall be engaged in that business for
24 the duration of their term on the Board. The glass glazing contractor members initially
25 appointed to the Board shall immediately become licensed as glass glazing contractors
26 by complying with the provisions of this Article. The public member of the Board shall
27 not be trained or experienced in glass glazing, have a financial interest in a glass glazing
28 business, or be the spouse of a person who is so trained or experienced or has such an
29 interest. All members of the Board shall reside in this State and shall represent the
30 various geographical areas or congressional districts of the State.

31 (c) Vacancies. – A vacancy shall be filled in the same manner as the original
32 appointment, except that all unexpired terms in seats appointed by the General
33 Assembly shall be filled in accordance with G.S. 120-122. Appointees to fill vacancies
34 shall serve the remainder of the unexpired term and until their successors have been
35 duly appointed and qualified.

36 (d) Removal. – The Board may remove any of its members for neglect of duty,
37 incompetence, or unprofessional conduct. A member subject to disciplinary proceedings
38 as a licensee shall be disqualified from participating in the official business of the Board
39 until the charges have been resolved.

40 (e) Compensation. – Each member of the Board shall receive per diem and
41 reimbursement for travel and subsistence as provided in G.S. 93B-5.

42 (f) Officers. – The officers of the Board shall be a chair, a vice-chair, and other
43 officers deemed necessary by the Board to carry out the purposes of this Article. All

1 officers shall be elected annually during the first meeting of the calendar year by the
2 Board for one-year terms and shall serve until their successors are elected and qualified.

3 (g) Meetings. – The Board shall hold at least two meetings each year to conduct
4 business and to review the standards and rules for issuing licenses under this Article.
5 The Board shall adopt rules governing the calling, holding, and conducting of regular
6 and special meetings. A majority of Board members shall constitute a quorum.

7 **"§ 87-64.13. Powers of the Board.**

8 The Board shall have the power and duty to:

- 9 (1) Administer and enforce the provisions of this Article.
- 10 (2) Adopt rules as may be necessary to carry out the provisions of this
11 Article.
- 12 (3) Examine and determine the qualifications and fitness of applicants for
13 licensure and renewal of licensure.
- 14 (4) Issue, renew, deny, suspend, or revoke licenses and conduct any
15 disciplinary actions authorized by this Article.
- 16 (5) Set fees as provided in G.S. 87-64.16.
- 17 (6) Establish and approve continuing education requirements for persons
18 licensed under this Article.
- 19 (7) Receive and investigate complaints from members of the public.
- 20 (8) Conduct investigations for the purpose of determining whether
21 violations of this Article or grounds for disciplining licensees exist.
- 22 (9) Conduct administrative hearings in accordance with Article 3A of
23 Chapter 150B of the General Statutes.
- 24 (10) Maintain a record of all proceedings conducted by the Board and make
25 available to licensees and other concerned parties an annual report of
26 all Board action.
- 27 (11) Maintain a list of the names and addresses of all persons licensed by
28 the Board.
- 29 (12) Employ and fix the compensation of personnel that the Board
30 determines is necessary to carry out the provisions of this Article and
31 incur other expenses necessary to perform the duties of the Board.
- 32 (13) Adopt a seal containing the name of the Board for use on all licenses
33 and official reports issued by the Board.

34 **"§ 87-64.14. Qualifications for license.**

35 An applicant shall be licensed as a glass glazing contractor if the applicant meets all
36 of the following qualifications:

- 37 (1) Is of good moral and ethical character.
- 38 (2) Is at least 18 years of age.
- 39 (3) Successfully completes an examination administered by the Board that
40 measures the knowledge and skill of the applicant in the glass glazing
41 business and the laws applicable to licensed glass glazing contractors.
- 42 (4) Pays the required fee under G.S. 87-64.16.

43 **"§ 87-64.15. Licensure based on experience; licensure of nonresident; reciprocity.**

1 (a) The Board may grant, upon application and payment of proper fees, a license
2 to a person who resides in this State and has at least three years' experience as a licensed
3 glass glazing contractor in another state whose standards of competency are
4 substantially equivalent to those provided in this Article.

5 (b) The Board may grant, upon application and payment of proper fees, a license
6 to a nonresident if the person meets the requirements of this Article or the person
7 resides in a state that recognizes licenses issued by the Board.

8 **"§ 87-64.16. Fees.**

9 The Board shall establish fees not exceeding the following amounts:

10 (1) <u>Issuance of a license</u>	<u>\$200.00</u>
11 (2) <u>Renewal of a license</u>	<u>\$200.00</u>
12 (3) <u>Examination</u>	<u>\$250.00</u>
13 (4) <u>Reinstatement</u>	<u>\$150.00</u>
14 (5) <u>Late fees</u>	<u>\$150.00.</u>

15 **"§ 87-64.17. Issuance, renewal, replacement, posting licenses; and transfer of**
16 **licenses.**

17 (a) The Board shall issue a license, upon payment of the license fee, to any
18 applicant who has satisfactorily met the requirements of this Article as administered by
19 the Board. Licenses shall show the full name of the person and an identification number
20 and shall be signed by the chair and one other officer of the Board.

21 (b) All licenses shall expire three years after the date they were issued unless
22 renewed. All applications for renewal shall be filed with the Board and shall be
23 accompanied by the renewal fee as required by G.S. 87-64.16. A license that has
24 expired for failure to renew may be reinstated after the applicant pays the late and
25 reinstatement fees as required by G.S. 87-64.16.

26 (c) The Board shall replace any license that is lost, destroyed, or mutilated,
27 subject to rules established by the Board.

28 (d) Every glass glazing contractor issued a license under this Article shall display
29 the license prominently in the glass glazing contractor's place of business and the glass
30 glazing contractor's license number shall appear on all proposals, contracts, or requests
31 for permits issued by municipalities.

32 (e) A license may not be transferred or assigned.

33 **"§ 87-64.18. Disciplinary procedures.**

34 The Board may deny or refuse to renew, suspend, or revoke a license if the licensee
35 or applicant:

- 36 (1) Gives false information to or withholds information from the Board in
37 procuring or attempting to procure a license.
- 38 (2) Has been convicted of or pled guilty or no contest to a crime that
39 indicates the person is unfit or incompetent to engage in business as a
40 glass glazing contractor, that involves moral turpitude, or that indicates
41 the person has deceived or defrauded the public.
- 42 (3) Has demonstrated gross negligence, incompetency, or misconduct
43 while engaging in business as a glass glazing contractor.
- 44 (4) Has willfully violated any of the provisions of this Article.

1 **"§ 87-64.19. Exemptions.**

2 The provisions of this Article shall not apply to:

- 3 (1) Any person performing glass glazing work on property owned by the
4 person when the property is not intended for rent, lease, or sale at the
5 time the work is performed.
6 (2) Any person performing glass glazing work where the price of all
7 contracts for labor, material, and other items during any consecutive
8 12-month period is less than one thousand dollars (\$1,000).

9 **"§ 87-64.20. Injunctive relief.**

10 The Board may apply to the superior court for an order enjoining violations of this
11 Article. Upon a showing by the Board that any person has violated this Article, the court
12 may grant injunctive relief.

13 **"§ 87-64.21. Public awareness program.**

14 The Board shall establish and implement a public awareness program to inform the
15 general public of the purpose and function of the Board."

16 **SECTION 2.** Any person who submits proof to the Board that the person
17 has been actively engaged in business as a glass glazing contractor in this State for at
18 least two consecutive years prior to the effective date of this act and has performed glass
19 glazing work on contracts in an amount exceeding five thousand dollars (\$5,000), and
20 pays the required fee for the issuance of a license under G.S. 87-64.16, enacted by
21 Section 1 of this act, shall be licensed without having to satisfy the requirements of G.S.
22 87-64.14(3), enacted by Section 1 of this act. All persons who do not make application
23 to the Board within one year of the effective date of this act shall be required to
24 complete all requirements prescribed by the Board and to otherwise comply with the
25 provisions of Article 5A of Chapter 87 of the General Statutes, enacted by Section 1 of
26 this act.

27 **SECTION 3.** G.S. 87-64.12 and G.S. 87-64.13, as enacted in Section 1 of
28 this act, are effective when this act becomes law. The remainder of this act becomes
29 effective July 1, 2004.