

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE DRH30202-LUfqq-84A\* (3/16)

Short Title: Glass Technicians Licensure. (Public)

Sponsors: Representatives Bordsen and Cole (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH LICENSURE REQUIREMENTS FOR GLASS  
TECHNICIANS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 20 of the General Statutes is amended by adding the  
following new Article to read:

"Article 18.

"Glass Technicians.

**"§ 20-400. Short title.**

This Article shall be known as the North Carolina Glass Technicians Licensure Act.

**"§ 20-401. Purpose.**

The General Assembly declares that in order to protect the safety and welfare of the  
people of North Carolina against unqualified or improper glass installation,  
maintenance, or repair and irreputable glass or glass-related businesses, it is necessary  
to provide for the licensing and regulation of automotive glass technicians, automotive  
glass repair technicians, flat glass technicians, and other glass-related companies.

**"§ 20-402. License required.**

(a) After July 1, 2006, no person shall engage in the practice of automotive glass  
work, automotive glass repair work, or flat glass work unless the person has been  
properly licensed under the provisions of this Article.

(b) No person shall use the title 'Licensed Automotive Glass Technician',  
'Licensed Automotive Glass Repair Technician', 'Licensed Flat Glass Technician', or  
any other similar title or description or represent himself or herself as a licensed  
automotive glass technician, licensed automotive glass repair technician, or licensed flat  
glass technician unless licensed under this Article.

(c) Any person violating the provisions of this Article shall be guilty of a Class 3  
misdemeanor.

**"§ 20-403. Exemptions.**

Nothing in this Article shall be construed to prohibit or affect:

- (1) Practice by persons employed by any federal, State, or municipal agency.
- (2) Practice by a person who is a student in an educational or certification program approved by the Board.
- (3) A person performing automotive glass work, automotive glass repair work, or flat glass work in this State so long as the services are not performed more than four times per year.
- (4) Employees of industrial firms whose main duties concern the maintenance of automotive work or flat glass work on its own or leased premises for its own use.
- (5) The fabrication of glass products.
- (6) Persons engaged in the installation, maintenance, repair, or service of glass for single-family residences owned and occupied or to be occupied by those persons, subject to inspection and approval by the building official and in conformance with State building codes.
- (7) A person who installs, maintains, or repairs glass in a motor vehicle owned or leased by that person.
- (8) Persons or entities holding themselves out to be retail sellers of glass products, but not those persons or entities that also engage in automotive glass work or flat glass work.
- (9) Persons who install preglazed or preassembled windows or doors in residential or commercial buildings.
- (10) Persons who install safety-backed mirror products or repair or replace flat glass in sizes not greater than 30 square feet in residential buildings.

**"§ 20-404. Definitions.**

The following definitions apply in this Article:

- (1) Accredited businesses. – Glass shops that have met all the requirements of the National Glass Association Business Accreditation Council and received the accredited business designation.
- (2) Automotive glass work. – The act of installing, maintaining, or repairing fixed glass in motor vehicles.
- (3) Board. – The North Carolina Glass Technicians Board of Examiners.
- (4) Flat glass work. – The act of installing, maintaining, or repairing glass in residential or commercial structures.
- (5) Licensed automotive glass repair technician. – A person licensed under this Article to provide repairs to damaged fixed glass in motor vehicles.
- (6) Licensed automotive glass technician. – A person licensed under this Article to provide automotive glass work.
- (7) Licensed flat glass technician. – A person licensed under this Article to provide flat glass work.

1 **"§ 20-405. North Carolina Glass Technicians Board of Examiners.**

2 (a) Composition and Terms. – The North Carolina Glass Technicians Board of  
3 Examiners is created. The Board shall consist of seven members who shall serve  
4 staggered terms. The initial Board members shall be appointed on or before January 1,  
5 2006, as follows:

6 (1) The General Assembly, upon the recommendation of the President Pro  
7 Tempore of the Senate, shall appoint three members. One of these  
8 members shall be a certified automotive glass technician who shall  
9 serve a three-year term, one shall be a certified automotive repair  
10 technician who shall serve a two-year term, and one shall be a certified  
11 flat glass technician who shall serve a one-year term.

12 (2) The General Assembly, upon the recommendation of the Speaker of  
13 the House of Representatives, shall appoint three members. One of  
14 these members shall be a certified automotive glass technician who  
15 shall serve a three-year term, one shall be a certified automotive repair  
16 technician who shall serve a two-year term, and one shall be a certified  
17 flat glass technician who shall serve a one-year term.

18 (3) The Governor shall appoint one public member who is a consumer of  
19 glass work or has an interest in the rights of consumers who shall serve  
20 a three-year term.

21 Initial Board members appointed on or before January 1, 2006, do not have to be  
22 licensed upon appointment. However, once licensure requirements are established, those  
23 initial Board members shall satisfy the applicable requirements for licensure pursuant to  
24 this Article.

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

28 (b) Qualifications. – All members of the Board shall reside in this State and shall  
29 represent the various geographical areas or congressional districts of the State.

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

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

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

41 (f) Officers. – The officers of the Board shall be a chair, a vice-chair, and other  
42 officers deemed necessary by the Board to carry out the purposes of this Article. All  
43 officers shall be elected annually during the first meeting of the calendar year by the  
44 Board for one-year terms and shall serve until their successors are elected and qualified.

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

5 **"§ 20-406. Powers and duties.**

6 The Board shall have the following powers and duties:

- 7 (1) Administer and enforce the provisions of this Article.
- 8 (2) Adopt rules as may be necessary to carry out the provisions of this  
9 Article.
- 10 (3) Examine and determine the qualifications and fitness of applicants for  
11 licensure and renewal of licensure.
- 12 (4) Issue, renew, deny, suspend, or revoke licenses and conduct any  
13 disciplinary actions authorized by this Article.
- 14 (5) Set fees as provided in G.S. 20-409.
- 15 (6) Establish and approve continuing education requirements for persons  
16 licensed under this Article.
- 17 (7) Receive and investigate complaints from members of the public.
- 18 (8) Conduct investigations for the purpose of determining whether  
19 violations of this Article or grounds for disciplining licensees exist.
- 20 (9) Conduct administrative hearings in accordance with Article 3A of  
21 Chapter 150B of the General Statutes.
- 22 (10) Maintain a record of all proceedings conducted by the Board and make  
23 available to licensees and other concerned parties an annual report of  
24 all Board action.
- 25 (11) Maintain a list of the names and addresses of all persons licensed by  
26 the Board.
- 27 (12) Employ and fix the compensation of personnel that the Board  
28 determines is necessary to carry out the provisions of this Article and  
29 incur other expenses necessary to perform the duties of the Board.
- 30 (13) Adopt a seal containing the name of the Board for use on all licenses  
31 and official reports issued by the Board.
- 32 (14) Prescribe standards of ethical conduct for automotive glass work,  
33 automotive glass repair work, and flat glass work.

34 **"§ 20-407. Qualifications for licensure; examination.**

35 (a) An applicant shall be licensed as an automotive glass technician if the  
36 applicant meets all of the following qualifications:

- 37 (1) Has obtained a high school diploma or equivalent.
- 38 (2) Is at least 18 years of age.
- 39 (3) Is of good moral and ethical character.
- 40 (4) Has successfully completed the application process.
- 41 (5) Possesses current credentials as a 'Certified Automotive Glass  
42 Technician' issued by the National Glass Association (NGA) or is  
43 certified as an automotive glass technician by a nationally recognized  
44 certification committee recognized by the Board.

- 1           (6)   Provides evidence that he or she has met all proper safety training and  
2           certification for automotive glass work.
- 3           (7)   Has at least six months of work experience as an automotive glass  
4           technician before applying for licensure under this Article.
- 5           (8)   Has successfully passed a national examination administered or  
6           approved by the Board.
- 7           (9)   Pays the required fee under G.S. 20-409.
- 8        (b)   An applicant shall be licensed as an automotive glass repair technician if the  
9        applicant meets all of the following qualifications:
- 10       (1)   Has obtained a high school diploma or equivalent.
- 11       (2)   Is at least 18 years of age.
- 12       (3)   Is of good moral and ethical character.
- 13       (4)   Has successfully completed the application process.
- 14       (5)   Has completed a certified automotive glass technician course through  
15       the NGA, a Board-approved community college program, or other  
16       Board-approved certification program.
- 17       (6)   Provides evidence that he or she has met all proper safety training and  
18       certification for automotive glass repair work.
- 19       (7)   Has at least one year of work experience as an automotive glass repair  
20       technician before applying for licensure under this Article.
- 21       (8)   Has successfully passed a national examination administered or  
22       approved by the Board.
- 23       (9)   Pays the required fee under G.S. 20-409.
- 24       (c)   An applicant shall be licensed as a flat glass technician if the applicant meets  
25       all of the following qualifications:
- 26       (1)   Has obtained a high school diploma or equivalent.
- 27       (2)   Is at least 18 years of age.
- 28       (3)   Is of good moral and ethical character.
- 29       (4)   Has successfully completed the application process.
- 30       (5)   Has completed a certified automotive glass technician course through  
31       the NGA, a Board-approved community college program, or other  
32       Board-approved certification program.
- 33       (6)   Provides evidence that he or she has met all proper safety training and  
34       certification for flat glass work.
- 35       (7)   Has at least one year of work experience as a flat glass technician  
36       before applying for licensure under this Article.
- 37       (8)   Has successfully passed a national examination administered or  
38       approved by the Board.
- 39       (9)   Pays the required fee under G.S. 20-409.
- 40       (d)   At least twice a year, the Board shall cause the examination required in this  
41       section to be given to the applicants at a time and place to be determined by the Board.  
42       Any applicant who fails to pass the first examination may retake the examination in  
43       accordance with rules adopted by the Board.
- 44       "§ 20-408. Reciprocity.

1        Upon filing an application and payment of the required fee, the Board may issue a  
2 license without examination to an applicant who is licensed as an automotive glass  
3 technician, automotive glass repair technician, or flat glass technician in another state or  
4 territory if the requirements for licensure in that state or territory are substantially equal  
5 to the requirements for licensure in this State as determined by the Board.

6 **"§ 20-409. Fees.**

7        The Board shall establish fees not to exceed the following amounts:

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

13 **"§ 20-410. License renewal; display of license; license nontransferable.**

14        (a) All licenses shall expire one year after the date they were issued unless  
15 renewed. At least 30 days before the expiration date of a license, the Board shall send  
16 the licensee an application and notice of renewal of license. All applications for renewal  
17 shall be filed with the Board and shall be accompanied by the renewal fee as required by  
18 G.S. 20-409. A license that has expired for failure to renew may be reinstated after the  
19 applicant pays the late and reinstatement fees as required by G.S. 20-409. The Board  
20 may establish any other license renewal requirements as necessary pursuant to rules  
21 adopted by the Board.

22        (b) The Board shall replace any license that is lost, destroyed, or mutilated,  
23 subject to rules established by the Board.

24        (c) Every automotive glass technician, automotive glass repair technician, and  
25 flat glass technician issued a license under this Article shall display the license  
26 prominently in his or her place of business and the technician's license number shall  
27 appear on all proposals, contracts, or requests for permits issued by municipalities.

28        (d) A license may not be transferred or assigned.

29 **"§ 20-411. Grounds for disciplinary action.**

30        The Board may deny, revoke, suspend, refuse to renew, censure, or reprimand a  
31 licensee or an applicant or place a licensee on probation for any of the following:

- 32        (1) Practicing automotive glass work, automotive glass repair work, or flat  
33 glass work in violation of the provisions of this Article or any rules  
34 adopted by the Board.
- 35        (2) Obtaining or attempting to obtain a license by fraud or  
36 misrepresentation.
- 37        (3) Having been convicted of a felony in the courts of this State or any  
38 other state.
- 39        (4) Gross negligence in automotive glass work, automotive glass repair  
40 work, or flat glass work that results in injury to another.
- 41        (5) Engaging in dishonorable, unethical, or unprofessional conduct of a  
42 character likely to deceive, defraud, or harm the public.
- 43        (6) Habitual intoxication or addition to the use of drugs.

- 1           (7)    Directly or indirectly giving or receiving a fee, commission, rebate, or  
2           other form of compensation for a service not actually rendered.  
3           (8)    Failure to respond to a written request for information by the Board  
4           within 60 days.  
5           (9)    Having had a license or certification revoked or suspended or other  
6           disciplinary action taken by authorities of another state or territory.  
7           (10) Aiding or abetting a person not licensed in this State who directly or  
8           indirectly performs automotive glass work, automotive glass repair  
9           work, or flat glass work requiring a license.  
10          (11) Has made material misstatements in the application for licensure or  
11          renewal.  
12          (12) Has demonstrated gross negligence, incompetency, or misconduct in  
13          the performance of automotive glass work, automotive glass repair  
14          work, or flat glass work.

15    "**§ 20-412. Injunctive relief.**

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

19        **SECTION 2.** Any person who submits proof to the Board that the person  
20 has practiced automotive glass work, automotive glass repair work, or flat glass work  
21 full time for at least five consecutive years prior to the effective date of this act, has  
22 completed a nationally recognized certification program in automotive glass work,  
23 automotive glass repair work, or flat glass work approved by the Board, or is certified as  
24 an automotive glass technician, automotive glass repair technician, or flat glass  
25 technician by the National Glass Association or an equivalent, nationally recognized  
26 successor organization recognized by the Board may be granted the appropriate license  
27 upon completion of an investigation of the applicant's work history by the Board and  
28 payment of the required fee under G.S. 20-409, enacted in Section 1 of this act, without  
29 having to satisfy the requirements of G.S. 20-407, enacted in Section 1 of this act. All  
30 persons who do not make application to the Board within one year of the effective date  
31 of this act shall be required to complete all requirements prescribed by the Board and to  
32 otherwise comply with the provisions of Article 18 of Chapter 20 of the General  
33 Statutes, enacted by Section 1 of this act.

34        **SECTION 3.** This act is effective when it becomes law.