

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 701

Short Title: Occupational Licensing Injunctive Relief. (Public)

Sponsors: Representatives Jordan and Stevens (Primary Sponsors).

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Judiciary III

April 11, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOR THE ABILITY OF OCCUPATIONAL LICENSING BOARDS  
3 TO OBTAIN INJUNCTIVE RELIEF AND TO REMOVE GENERAL AUTHORITY FOR  
4 OCCUPATIONAL LICENSING BOARDS TO SUMMARILY SUSPEND LICENSES.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Chapter 93B of the General Statutes is amended by adding a new  
7 section to read:

8 "**§ 93B-17. Injunctive relief.**

9 An occupational licensing board may appear in its own name in superior court in actions for  
10 injunctive relief to restrain the violation of the provisions of a statute administered by the board  
11 or a rule or order of the board. The superior court shall have the jurisdiction to grant these  
12 injunctions or restraining orders or take other appropriate action even if criminal prosecution  
13 has been or may be instituted as a result of the violations or whether the person is a licensee of  
14 the board. No board shall issue such orders independently of the superior court unless  
15 specifically authorized to do so by law.

16 **SECTION 2.** G.S. 150B-3 reads as rewritten:

17 "**§ 150B-3. Special provisions on licensing.**

18 (a) When an applicant or a licensee makes a timely and sufficient application for  
19 issuance or renewal of a license or occupational license, including the payment of any required  
20 license fee, the existing license or occupational license does not expire until a decision on the  
21 application is finally made by the agency, and if the application is denied or the terms of the  
22 new license or occupational license are limited, until the last day for applying for judicial  
23 review of the agency order. This subsection does not affect agency action summarily  
24 suspending a license ~~or occupational license~~ under subsections (b) and (c) of this section.

25 ...

26 (c) If the agency finds that the public health, safety, or welfare requires emergency  
27 action and incorporates this finding in its order, summary suspension of a license ~~or~~  
28 ~~occupational license~~ may be ordered effective on the date specified in the order or on service of  
29 the certified copy of the order at the last known address of the licensee, whichever is later, and  
30 effective during the proceedings. The proceedings shall be promptly commenced and  
31 determined.

32 Nothing in this subsection shall be construed as amending or repealing any special statutes,  
33 in effect prior to February 1, 1976, which provide for the summary suspension of a license.

34 ...."



1                   **SECTION 3.** This act is effective when it becomes law and applies to licensing  
2 board actions occurring on or after that date.