

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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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

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE ABILITY OF OCCUPATIONAL LICENSING BOARDS
TO OBTAIN INJUNCTIVE RELIEF AND TO REMOVE GENERAL AUTHORITY FOR
OCCUPATIONAL LICENSING BOARDS TO SUMMARILY SUSPEND LICENSES.

The General Assembly of North Carolina enacts:

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

"§ 93B-17. Injunctive relief.

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

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

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

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

...

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

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

...."



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