

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

6

SENATE BILL 809

Commerce Committee Substitute Adopted 4/23/97

Third Edition Engrossed 4/29/97

House Committee Substitute Favorable 6/4/97

Fifth Edition Engrossed 7/2/97

House Committee Substitute #2 Favorable 10/7/98

Short Title: Refrig. Contractors/CPA Examiners.

(Public)

Sponsors:

Referred to:

April 10, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE ARTICLE ON REFRIGERATION CONTRACTORS AND RELATING TO THE CONVEYANCE OF PROPERTY BY THE NORTH CAROLINA BOARD OF CPA EXAMINERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 87-58(a) reads as rewritten:

"(a) As applied in this Article, 'refrigeration trade or business' is defined to include all persons, firms or corporations engaged in the installation, maintenance, servicing and repairing of refrigerating machinery, equipment, devices and components relating thereto and within limits as set forth in the codes, laws and regulations governing refrigeration installation, maintenance, service and repairs within the State of North Carolina or any of its political subdivisions, provided however, that this subdivisions. This Article shall not apply to the replacement of lamps and fuses and to the installation and servicing of domestic household refrigerators and freezers or domestic ice-making appliances connected by means of attachment plug-in devices to suitable receptacles which have

1 been permanently installed, and provided, further, that the installed. The provisions of this
2 Article shall not repeal any wording, phrase, or paragraph as set forth in Article 2 of
3 Chapter 87 of the General Statutes. North Carolina General Statutes, Chapter 87, Article 2;
4 ~~and provided, further, that this~~ This Article shall not apply to employees of persons, firms,
5 or corporations or persons, firms or corporations, not engaged in refrigeration contracting
6 as herein defined, that install, maintain and service their own refrigerating machinery,
7 equipment and devices. The provisions of this Article shall not apply to any person, firm
8 or corporation engaged in the business of selling, repairing and installing any air-
9 conditioning units, comfort cooling devices or systems systems. for the purpose of cooling
10 offices, buildings, houses, works, manufacturing plants, or any machinery, manufactured article
11 or processing of material."

12 Section 2. G.S. 87-58(d) reads as rewritten:

13 "(d) In order to protect the public health, comfort and safety, the Board shall
14 prescribe the standard of experience to be required of an applicant for license and shall
15 give an examination designed to ascertain the technical and practical knowledge of the
16 applicant concerning the analysis of plans and specifications, estimating cost,
17 fundamentals of installation and design as they pertain to refrigeration; and as a result of
18 the examination, the Board shall issue a certificate of license in refrigeration to applicants
19 who pass the required examination and a license shall be obtained in accordance with the
20 provisions of this Article, before any person, firm or corporation shall engage in, or offer
21 to engage in the business of refrigeration contracting. The Board shall prescribe
22 standards for and issue licenses for refrigeration contracting and for transport
23 refrigeration contracting. A transport refrigeration contractor license is a specialty license
24 that authorizes the licensee to engage only in transport refrigeration contracting. A
25 refrigeration contractor licensee is authorized to engage in transport refrigeration and all
26 other aspects of refrigeration contracting.

27 Each application for examination shall be accompanied by a check, post-office money
28 order or cash in the amount of the annual license fee required by this Article. Regular
29 examinations shall be given in the months of April and October of each year and
30 additional examinations may be given at times the Board deems wise and necessary. Any
31 person may demand in writing a special examination and upon payment by the applicant
32 of the cost of holding the examination and the deposit of the amount of the annual license
33 fee, the Board in its discretion will fix a time and place for the examination. ~~A person~~
34 ~~who fails to pass any examination shall not be reexamined until the next regular examination."~~

35 Section 2.1. G.S. 87-58 is amended by adding a new subsection to read:

36 "(j) The Board in its discretion upon application may grant a reciprocal license to a
37 person holding a valid, active substantially comparable license from another jurisdiction,
38 but only to the extent the other jurisdiction grants reciprocal privileges to North Carolina
39 licensees."

40 Section 3. G.S. 87-60 reads as rewritten:

41 "**§ 87-60. Reissuance of revoked licenses; replacing lost or destroyed licenses.**

42 The Board may in its discretion reissue license to any person, firm or corporation
43 whose license ~~may have been revoked: Provided, three or more members~~ was revoked if a

1 majority of the Board ~~vote~~ votes in favor of such reissuance for reasons deemed sufficient
2 by the Board. A new certificate of registration to replace any license which may be lost
3 or destroyed may be issued subject to the rules and regulations of the Board."

4 Section 4. G.S. 87-62 reads as rewritten:

5 "**§ 87-62. Only one person in partnership or corporation need have license.**

6 (a) A corporation or partnership may engage in the business of refrigeration
7 contracting ~~provided if~~ one or more persons connected with ~~such the~~ corporation or
8 partnership is registered and licensed as herein ~~required; and provided such required,~~ and
9 the licensed person shall execute executes all contracts, ~~exercise exercises~~ general
10 supervision over the work done thereunder and ~~be is~~ responsible for compliance with all
11 the provisions of this Article. The Board may determine the number of businesses and
12 the proximity of the businesses one to another over which the licensed person may be
13 responsible.

14 (b) For purposes of this section, the licensee's connection to the corporation or
15 partnership shall be in the form of a written contract that is executed prior to the
16 corporation or partnership engaging in refrigeration contracting.

17 (c) Nothing in this Article shall prohibit any employee from becoming licensed
18 pursuant to the provisions thereof."

19 Section 5. G.S. 87-64 reads as rewritten:

20 "**§ 87-64. Examination and license fees; annual renewal.**

21 Each applicant for a license by examination shall pay to the Board of Refrigeration
22 Examiners a nonrefundable examination fee in an amount not to exceed the sum of forty
23 dollars (\$40.00). In the event the applicant successfully passes ~~said the~~ examination, the
24 examination fee ~~so paid~~ shall be applied to the license fee required of licensees for the
25 current year in which the examination was taken and passed.

26 The license of every person licensed under the provisions of this statute shall be
27 annually renewed. On or before November 1 of each year the Board shall cause to be
28 mailed an application for renewal of license to every person who has received from the
29 Board a license to engage in the refrigeration business, as heretofore defined. On or
30 before January 1 of each year every licensed person who desires to continue in the
31 refrigeration business shall forward to the Board a renewal fee in an amount not to
32 exceed forty dollars (\$40.00) together with the application for renewal. Upon receipt of
33 the application and renewal fee the Board shall issue a renewal certificate for the current
34 year. Failure to renew the license annually shall automatically result in a forfeiture of the
35 right to engage in the refrigeration business. Any licensee who allows ~~his the~~ license to
36 lapse may be reinstated by the Board upon payment of a fee not to exceed ~~forty five~~
37 dollars (\$45.00); provided any seventy-five dollars (\$75.00). Any person who fails to
38 renew ~~his a~~ license for two consecutive years shall be required to take and pass the
39 examination prescribed by the Board for new applicants before being licensed to engage
40 further in the refrigeration business."

41 Section 6. G.S. 93-12 is amended by adding a new subdivision to read:

42 "(17) The Board shall have the power to acquire, hold, rent, encumber,
43 alienate, and otherwise deal with real property in the same manner as a

1 private person or corporation, subject only to approval of the Governor
2 and the Council of State as to the acquisition, rental, encumbering,
3 leasing, and sale of real property. Collateral pledged by the Board for
4 an encumbrance is limited to the assets, income, and revenues of the
5 Board."

6 Section 7. This act is effective when it becomes law.