

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE DRS55151-LH-31C (1/14)

Short Title: Home Improvement Fraud.

(Public)

Sponsors: Senator Allran.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO CREATE THE CRIMINAL OFFENSE OF HOME IMPROVEMENT FRAUD.  
3 The General Assembly of North Carolina enacts:

4 SECTION 1. Article 19 of Chapter 14 of the General Statutes is amended by  
5 adding a new section to read:

6 "**§ 14-104.1. Home improvement fraud; penalties.**

7 (a) The following definitions apply in this section:

8 (1) Contractor. – A person who has contracted to perform any home  
9 improvement, or who has subcontracted for the performance of any home  
10 improvement.

11 (2) Home improvement. – Any alteration, repair, modification, or other  
12 improvement to any immovable or movable property primarily designed or  
13 used as a residence or to any structure within the residence or upon the land  
14 adjacent thereto.

15 (b) Home improvement fraud is committed when a contractor knowingly engages in  
16 any of the following actions:

17 (1) The use by a contractor, or by an agent or employee of a contractor, of any  
18 deception, false pretense, or false promise to cause any person to enter into a  
19 contract for home improvements.

20 (2) The damaging of any property of any person by a contractor, or by an agent  
21 or employee of a contractor, with the intent to induce that person to enter  
22 into a contract for home improvements.

23 (c) A person convicted of home improvement fraud shall be punished as follows:

24 (1) For a first offense a person is guilty of a Class H felony.

25 (2) For a second offense a person is guilty of a Class F felony.

26 (3) For a third or subsequent offense a person is guilty of a Class C felony.

27 (d) In addition to the penalties imposed under subsection (c) of this section, the court, in  
28 its discretion, may also order restitution."

29 SECTION 2. This act becomes effective December 1, 2009, and applies to  
30 offenses committed on or after that date.

