

NORTH CAROLINA GENERAL ASSEMBLY  
1979 SESSION

CHAPTER 834  
SENATE BILL 694

AN ACT TO REVISE ARTICLE 2 OF CHAPTER 87 OF THE GENERAL STATUTES  
RELATING TO PLUMBING AND HEATING CONTRACTORS.

The General Assembly of North Carolina enacts:

**Section 1.** G.S. 87-16 is rewritten to read:

"§ 87-16. **Board of Examiners; appointment; term of office.** — There is created the State Board of Examiners of Plumbing and Heating Contractors consisting of seven members appointed by the Governor: one member from a school of engineering of The Greater University of North Carolina, one member who is a plumbing inspector from a city in North Carolina, one licensed air conditioning contractor, one licensed plumbing contractor, one licensed heating contractor, and two persons who have no ties with the construction industry to represent the interests of the public at large. Members serve for terms of seven years, with the term of one member expiring each year. No member appointed after the date of ratification of this act shall serve more than one complete consecutive term. Vacancies occurring during a term are filled by appointment of the Governor for the remainder of the unexpired term."

**Sec. 2.** G.S. 87-17 is amended by deleting from line 3 the phrase "a citizen of the United States and".

**Sec. 3.** G.S. 87-17 is further amended by deleting the words "provided by G.S. 138-5" from the 5th and 6th lines and inserting a new sentence at the end of the section as follows: "Payment of compensation and reimbursement of expenses of Board members shall be governed by G.S. 93B-5."

**Sec. 4.** G.S. 87-21(a)(3) is rewritten to read: "The phrase 'heating, group number two' means an air conditioning system which consists of an assemblage of interacting components producing conditioned air for comfort cooling by the lowering of temperature, and having a mechanical refrigeration capacity in excess of fifteen tons, and which circulates air."

**Sec. 5.** Subsection (a) of G.S. 87-21 is amended by inserting a new subdivision to read:

"(9) The word 'Board' means the State Board of Examiners of Plumbing and Heating Contractors."

**Sec. 6.** Subsection (b) of G.S. 87-21 is amended by deleting the first 10 lines of the subsection and the word "examination" on line 11 and by substituting the following:

"(b) Classes of licenses; eligibility and examination of applicant; necessity for license. In order to protect the public health, comfort and safety, the board shall establish two classes of licenses: Class I covering all structures and systems to which this Article applies, and Class II covering plumbing and heating systems in single-family detached residential dwellings. The board shall prescribe the standard of competence and efficiency to be required of an applicant for license of each class, and shall give an examination designed to ascertain the technical and practical knowledge of the applicant concerning the analysis of plans and specifications, estimating cost, fundamentals of installation and design, fire hazards and related subjects as these subjects pertain to either plumbing or heating; and as a result of the examination, the board shall issue a certificate of license of the appropriate class in plumbing or heating."

Subsection (b) of G.S. 87-21 is further amended by inserting immediately before the last sentence of the subsection the following new sentences:

"Upon satisfactory proof of the applicant's inability to write and upon demand of an applicant for a Class II plumbing or heating license six weeks prior to an examination, the board shall conduct the examination of that applicant orally, and shall not require that applicant to take a written examination as to examination inquiries answered other than by preparation of diagrams. Signed statements from two reliable citizens resident in the home county of the applicant shall constitute satisfactory proof of an applicant's inability to write."

**Sec. 7.** G.S. 87-21(d) is deleted and G.S. 87-21(e) is renumbered as G.S. 87-21(d).

**Sec. 8.** G.S. 87-22 is amended by deleting the remainder of the sentence after the words "annual fee" in the 16th line and inserting in lieu thereof the following: "and provided further that the Board requires reexamination upon failure of a licensee to renew license within three years after expiration. The Board may adopt regulations requiring attendance at programs of continuing education as a condition of license renewal."

**Sec. 9.** G.S. 87-23 is amended by designating the existing section as subsection (a) and by inserting the following new subsections (b) and (c):

(b) The Board shall adopt and publish guidelines, consistent with the provisions of this Chapter, governing the suspension and revocation of licenses.

(c) The Board shall establish and maintain a system whereby detailed records are kept regarding complaints against each licensee."

**Sec. 10.** G.S. 87-27 is amended by inserting after the word "employees," in the 4th line the phrase "the costs of continuing educational programs for licensees and applicants,".

**Sec. 11.** Article 2 of Chapter 87 of the General Statutes is amended by adding the following new sections:

**"§ 87-25.1. Board may seek injunctive relief.** — Whenever it appears to the Board that any person, firm or corporation is violating any of the provisions of this Article or of the rules and regulations of the Board promulgated under this Article, the board may apply to the superior court for a restraining order and injunction to restrain the violation; and the superior courts have jurisdiction to grant the requested relief, irrespective of whether or not criminal prosecution has been instituted or administrative sanctions imposed by reason of the violation. The venue for actions brought under this subsection shall be the superior court of any county in which such acts are alleged to have been committed or in the county where the defendants in such action reside.

**"§ 87-27.1. Public awareness program.** — The Board shall establish and implement a public awareness program to inform the general public of the purpose and function of the Board."

**Sec. 12.** Schedule. Members serving on the Board on July 1, 1979, shall continue to serve for the remainder of the terms for which they were appointed. When the term of the member from the Commission for Health Services and the term of the member from the School of Public Health of The University of North Carolina expire, the Governor shall appoint a public member as their respective successors.

**Sec. 13.** G.S. 143-34.11 is amended by deleting line 7 which reads as follows:

"Chapter 87, Article 2, entitled 'Plumbing and Heating Contractors'."

**Sec. 14.** This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 7th day of June, 1979.