

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

S

1

SENATE BILL 709

Short Title: Home Improvement Fraud.

(Public)

Sponsors: Senator Allran.

Referred to: Judiciary II.

March 24, 2009

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.

