

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 709
Judiciary II Committee Substitute Adopted 5/4/09

Short Title: Home Improvement Fraud.

(Public)

Sponsors:

Referred to:

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 agreed to perform any home improvement
9 in exchange for compensation, including any agent or employee of the
10 person. The term includes a subcontractor who has agreed to perform any
11 home improvement. The term does not include a person who is licensed as a
12 general contractor under Article 1 of Chapter 87 of the General Statutes.

13 (2) Home improvement. – Any alteration, repair, modification, or other
14 improvement to any dwelling house or to any structure within the curtilage
15 of a dwelling house, and any other structure designed to house or secure
16 within it any activity or property.

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

19 (1) The use by a contractor of any false pretense whatsoever, whether the false
20 pretense is of a past or subsisting fact or of a future fulfillment or event, with
21 the intent to cause any other person to enter into a home improvement
22 contract.

23 (2) The damaging of any property of any person by a contractor with the intent
24 to induce that person to enter into a home improvement contract.

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

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

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

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

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

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

