

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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HOUSE BILL 1409

Short Title: Building Code Exclusion/Certain Wiring. (Public)

Sponsors: Representatives Justice, Grady, Owens, Gibson (Primary Sponsors); Cleveland, Folwell, Johnson, Justus, Langdon, Lewis, McElraft, Spear, Starnes, and Wray.

Referred to: Commerce, Small Business, and Entrepreneurship, if favorable, State Government/State Personnel.

April 13, 2009

A BILL TO BE ENTITLED

AN ACT TO EXEMPT CERTAIN SIMPLE WIRING ACTIVITIES AND APPLIANCE REPLACEMENT IN RESIDENCES FROM BUILDING PERMITTING REQUIREMENTS WHEN THE APPLIANCE IS OF THE SAME ELECTRICAL RATING AND REQUIRES NO CHANGE TO EXISTING ELECTRICAL CIRCUITS AND THE WORK IS PERFORMED BY A LICENSED ELECTRICIAN.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-138(b) reads as rewritten:

"§ 143-138. North Carolina State Building Code.

...

(b) Contents of the Code. – The North Carolina State Building Code, as adopted by the Building Code Council, may include reasonable and suitable classifications of buildings and structures, both as to use and occupancy; general building restrictions as to location, height, and floor areas; rules for the lighting and ventilation of buildings and structures; requirements concerning means of egress from buildings and structures; requirements concerning means of ingress in buildings and structures; rules governing construction and precautions to be taken during construction; rules as to permissible materials, loads, and stresses; rules governing chimneys, heating appliances, elevators, and other facilities connected with the buildings and structures; rules governing plumbing, heating, air conditioning for the purpose of comfort cooling by the lowering of temperature, and electrical systems; and such other reasonable rules pertaining to the construction of buildings and structures and the installation of particular facilities therein as may be found reasonably necessary for the protection of the occupants of the building or structure, its neighbors, and members of the public at large.

In addition, the Code may regulate activities and conditions in buildings, structures, and premises that pose dangers of fire, explosion, or related hazards. Such fire prevention code provisions shall be considered the minimum standards necessary to preserve and protect public health and safety, subject to approval by the Council of more stringent provisions proposed by a municipality or county as provided in G.S. 143-138(e). These provisions may include regulations requiring the installation of either battery-operated or electrical smoke detectors in every dwelling unit used as rental property, regardless of the date of construction of the rental property. For dwelling units used as rental property constructed prior to 1975, smoke detectors shall have an Underwriters' Laboratories, Inc., listing or other equivalent national testing laboratory approval, and shall be installed in accordance with either the standard of the National Fire Protection Association or the minimum protection designated in the



1 manufacturer's instructions, which the property owner shall retain or provide as proof of
2 compliance.

3 The Code may contain provisions requiring the installation of either battery-operated or
4 electrical carbon monoxide detectors in every dwelling unit having a fossil-fuel burning heater
5 or appliance, fireplace, or an attached garage. Carbon monoxide detectors shall be those listed
6 by a nationally recognized testing laboratory that is OSHA-approved to test and certify to
7 American National Standards Institute/Underwriters Laboratories Standards ANSI/UL2034 or
8 ANSI/UL2075 and shall be installed in accordance with either the standard of the National Fire
9 Protection Association or the minimum protection designated in the manufacturer's
10 instructions, which the property owner shall retain or provide as proof of compliance. A carbon
11 monoxide detector may be combined with smoke detectors if the combined detector does both
12 of the following: (i) complies with ANSI/UL2034 or ANSI/UL2075 for carbon monoxide
13 alarms and ANSI/UL217 for smoke detectors; and (ii) emits an alarm in a manner that clearly
14 differentiates between detecting the presence of carbon monoxide and the presence of smoke.

15 The Code may contain provisions regulating every type of building or structure, wherever it
16 might be situated in the State.

17 Provided further, that building rules do not apply to (i) farm buildings that are located
18 outside the building-rules jurisdiction of any municipality, or (ii) farm buildings that are located
19 inside the building-rules jurisdiction of any municipality if the farm buildings are greenhouses.
20 A "greenhouse" is a structure that has a glass or plastic roof, has one or more glass or plastic
21 walls, has an area over ninety-five percent (95%) of which is used to grow or cultivate plants, is
22 built in accordance with the National Greenhouse Manufacturers Association Structural Design
23 manual, and is not used for retail sales. Additional provisions addressing distinct life safety
24 hazards shall be approved by the local building-rules jurisdiction.

25 Provided further, that no building permit shall be required under the Code or any local
26 variance thereof approved under subsection (e) for any construction, installation, repair,
27 replacement, or alteration costing five thousand dollars (\$5,000) or less in any single family
28 residence or farm building unless the work involves: the addition, repair, or replacement of load
29 bearing structures; the addition (excluding replacement of same size and capacity) or change in
30 the design of plumbing; the addition, replacement or change in the design of heating, air
31 conditioning, or electrical wiring, devices, fixtures (excluding repair or replacement of same
32 capacity), appliances (excluding replacements with the same electrical rating), or equipment
33 (excluding replacements with like wiring and electrical rating), the use of materials not
34 permitted by the North Carolina Uniform Residential Building Code; or the addition (excluding
35 replacement of like grade of fire resistance) of roofing. The exclusions from building permit
36 requirements set forth in this paragraph for electrical wiring, devices, fixtures, appliances, and
37 equipment shall apply only to work performed on a one- or two-family dwelling by a person
38 licensed under G.S. 87-43.

39 Provided further, that no building permit shall be required under such Code from any State
40 agency for the construction of any building or structure, the total cost of which is less than
41 twenty thousand dollars (\$20,000), except public or institutional buildings.

42 For the information of users thereof, the Code shall include as appendices [the following:]

- 43 (1) Any rules governing boilers adopted by the Board of Boiler and Pressure
44 Vessels Rules,
- 45 (2) Any rules relating to the safe operation of elevators adopted by the
46 Commissioner of Labor, and
- 47 (3) Any rules relating to sanitation adopted by the Commission for Public
48 Health which the Building Code Council believes pertinent.

49 In addition, the Code may include references to such other rules of special types, such as
50 those of the Medical Care Commission and the Department of Public Instruction as may be
51 useful to persons using the Code. No rule issued by any agency other than the Building Code

1 Council shall be construed as a part of the Code, nor supersede that Code, it being intended that
2 they be presented with the Code for information only.

3 Nothing in this Article shall extend to or be construed as being applicable to the regulation
4 of the design, construction, location, installation, or operation of (1) equipment for storing,
5 handling, transporting, and utilizing liquefied petroleum gases for fuel purposes or anhydrous
6 ammonia or other liquid fertilizers, except for liquefied petroleum gas from the outlet of the
7 first stage pressure regulator to and including each liquefied petroleum gas utilization device
8 within a building or structure covered by the Code, or (2) equipment or facilities, other than
9 buildings, of a public utility, as defined in G.S. 62-3, or an electric or telephone membership
10 corporation, including without limitation poles, towers, and other structures supporting electric
11 or communication lines.

12 Nothing in this Article shall extend to or be construed as being applicable to the regulation
13 of the design, construction, location, installation, or operation of industrial machinery.
14 However, if during the building code inspection process, an electrical inspector has any
15 concerns about the electrical safety of a piece of industrial machinery, the electrical inspector
16 may refer that concern to the Occupational Safety and Health Division in the North Carolina
17 Department of Labor but shall not withhold the certificate of occupancy nor mandate
18 third-party testing of the industrial machinery based solely on this concern. For the purposes of
19 this paragraph, "industrial machinery" means equipment and machinery used in a system of
20 operations for the explicit purpose of producing a product. The term does not include
21 equipment that is permanently attached to or a component part of a building and related to
22 general building services such as ventilation, heating and cooling, plumbing, fire suppression or
23 prevention, and general electrical transmission.

24 In addition, the Code may contain rules concerning minimum efficiency requirements for
25 replacement water heaters, which shall consider reasonable availability from manufacturers to
26 meet installation space requirements and may contain rules concerning energy efficiency that
27 require all hot water plumbing pipes that are larger than one-fourth of an inch to be insulated.

28 No State, county, or local building code or regulation shall prohibit the use of special
29 locking mechanisms for seclusion rooms in the public schools approved under
30 G.S. 115C-391.1(e)(1)e., provided that the special locking mechanism shall be constructed so
31 that it will engage only when a key, knob, handle, button, or other similar device is being held
32 in position by a person, and provided further that, if the mechanism is electrically or
33 electronically controlled, it automatically disengages when the building's fire alarm is activated.
34 Upon release of the locking mechanism by a supervising adult, the door must be able to be
35 opened readily.

36"

37 **SECTION 2.** G.S. 153A-357 reads as rewritten:

38 **"§ 153A-357. Permits.**

39 (a) No person may commence or proceed with any of the following without first
40 securing from the inspection department with jurisdiction over the site of the work each permit
41 required by the State Building Code and any other State or local law or local ordinance or
42 regulation applicable to the work:

- 43 (1) The construction, reconstruction, alteration, repair, movement to another
44 site, removal, or demolition of any ~~building;~~building.
- 45 (2) The installation, extension, or general repair of any plumbing ~~system;~~system.
- 46 (3) The installation, extension, alteration, or general repair of any heating or
47 cooling equipment ~~system;~~ or system.
- 48 (4) The installation, extension, alteration, or general repair of any electrical
49 wiring, devices, appliances, or equipment except that in any one- or two-
50 family dwelling unit a permit shall not be required for repair or replacement
51 of electrical fixtures or for the connection of an existing branch circuit to an

1 electrical appliance that is being replaced, provided that all of the following
2 requirements are met:

- 3 a. With respect to appliances, the replacement appliance is placed in the
4 same location and is of the same electrical rating as the original.
5 b. With respect to electrical fixtures, the replacement is with a fixture
6 having the same voltage and amperage.
7 c. The work is performed by a person licensed under G.S. 87-43.
8 d. The original installation met the version of the State Building Code
9 in effect at the time of installation.

10 ~~without first securing from the inspection department with jurisdiction over the site of the work~~
11 ~~each permit required by the State Building Code and any other State or local law or local~~
12 ~~ordinance or regulation applicable to the work.~~ A permit shall be in writing and shall contain a
13 provision that the work done shall comply with the State Building Code and all other applicable
14 State and local laws and local ordinances and regulations. Nothing in this section shall require a
15 county to review and approve residential building plans submitted to the county pursuant to
16 Section R-110 of Volume VII of the North Carolina State Building Code; provided that the
17 county may review and approve such residential building plans as it deems necessary. No
18 permit may be issued unless the plans and specifications are identified by the name and address
19 of the author thereof; and if the General Statutes of North Carolina require that plans for certain
20 types of work be prepared only by a registered architect or registered engineer, no permit may
21 be issued unless the plans and specifications bear the North Carolina seal of a registered
22 architect or of a registered engineer. If a provision of the General Statutes of North Carolina or
23 of any ordinance requires that work be done by a licensed specialty contractor of any kind, no
24 permit for the work may be issued unless the work is to be performed by such a duly licensed
25 contractor. No permit issued under Articles 9 or 9C of G.S. Chapter 143 shall be required for
26 any construction, installation, repair, replacement, or alteration costing five thousand dollars
27 (\$5,000) or less in any single-family residence or farm building unless the work involves: the
28 addition, repair or replacement of load bearing structures; the addition (excluding replacement
29 of same size and capacity) or change in the design of plumbing; the addition, replacement or
30 change in the design of heating, air conditioning, or electrical wiring, devices, appliances, or
31 equipment; the use of materials not permitted by the North Carolina Uniform Residential
32 Building Code; or the addition (excluding replacement of like grade of fire resistance) of
33 roofing. Violation of this section constitutes a Class 1 misdemeanor.

34"

35 **SECTION 3.** G.S. 160A-417 reads as rewritten:

36 "**§ 160A-417. Permits.**

37 (a) No person shall commence or proceed ~~with~~ with any of the following without first
38 securing from the inspection department with jurisdiction over the site of the work any and all
39 permits required by the State Building Code and any other State or local laws applicable to the
40 work:

- 41 (1) The construction, reconstruction, alteration, repair, movement to another
42 site, removal, or demolition of any building or ~~structure,~~ structure.
43 (2) The installation, extension, or general repair of any plumbing ~~system,~~
44 system.
45 (3) The installation, extension, alteration, or general repair of any heating or
46 cooling equipment ~~system, or system.~~
47 (4) The installation, extension, alteration, or general repair of any electrical
48 wiring, devices, appliances, or equipment, except that in any one- or two-
49 family dwelling unit, a permit shall not be required for repair or replacement
50 of electrical fixtures or for the connection of an existing branch circuit to an

1 electrical appliance that is being replaced, provided that all of the following
2 requirements are met:

3 a. With respect to appliances, the replacement appliance is placed in the
4 same location and is of the same electrical rating as the original.

5 b. With respect to electrical fixtures, the replacement is with a fixture
6 having the same voltage and amperage.

7 c. The work is performed by a person licensed under G.S. 87-43.

8 d. The original installation met the version of the State Building Code
9 in effect at the time of installation.

10 ~~without first securing from the inspection department with jurisdiction over the site of the work~~
11 ~~any and all permits required by the State Building Code and any other State or local laws~~
12 ~~applicable to the work.~~ A permit shall be in writing and shall contain a provision that the work
13 done shall comply with the State Building Code and all other applicable State and local laws.
14 Nothing in this section shall require a city to review and approve residential building plans
15 submitted to the city pursuant to Section R-110 of Volume VII of the North Carolina State
16 Building Code; provided that the city may review and approve such residential building plans
17 as it deems necessary. No permits shall be issued unless the plans and specifications are
18 identified by the name and address of the author thereof, and if the General Statutes of North
19 Carolina require that plans for certain types of work be prepared only by a registered architect
20 or registered engineer, no permit shall be issued unless the plans and specifications bear the
21 North Carolina seal of a registered architect or of a registered engineer. When any provision of
22 the General Statutes of North Carolina or of any ordinance requires that work be done by a
23 licensed specialty contractor of any kind, no permit for the work shall be issued unless the work
24 is to be performed by such a duly licensed contractor. No permit issued under Articles 9 or 9C
25 of Chapter 143 shall be required for any construction, installation, repair, replacement, or
26 alteration costing five thousand dollars (\$5,000) or less in any single family residence or farm
27 building unless the work involves: the addition, repair or replacement of load bearing
28 structures; the addition (excluding replacement of same size and capacity) or change in the
29 design of plumbing; the addition, replacement or change in the design of heating, air
30 conditioning, or electrical wiring, devices, appliances, or equipment; the use of materials not
31 permitted by the North Carolina Uniform Residential Building Code; or the addition (excluding
32 replacement of like grade of fire resistance) of roofing. Violation of this section shall constitute
33 a Class 1 misdemeanor.

34"

35 **SECTION 4.** This act becomes effective October 1, 2009.