

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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**HOUSE BILL 1409
Committee Substitute Favorable 5/7/09
Committee Substitute #2 Favorable 5/13/09
Senate Commerce Committee Substitute Adopted 6/23/09
Fifth Edition Engrossed 6/25/09**

Short Title: Building Code Exclusion/Certain Wiring.

(Public)

Sponsors:

Referred to:

April 13, 2009

A BILL TO BE ENTITLED

1 AN ACT TO EXEMPT CERTAIN ELECTRICAL LIGHTING DEVICES AND FIXTURES
2 AND WATER HEATER REPLACEMENT IN RESIDENCES FROM BUILDING
3 PERMITTING REQUIREMENTS.
4

5 The General Assembly of North Carolina enacts:

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

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

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



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

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

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

23 Provided further, that no building permit shall be required under the Code or any local
24 variance thereof approved under subsection (e) for any construction, installation, repair,
25 replacement, or alteration costing five thousand dollars (\$5,000) or less in any single family
26 residence or farm building unless the work involves: the addition, repair, or replacement of load
27 bearing structures; the addition (excluding replacement of same ~~size and capacity~~) or change in
28 the design of plumbing; the addition, replacement or change in the design of heating, air
29 conditioning, or electrical wiring, devices, fixtures (excluding repair or replacement of
30 electrical lighting devices and fixtures of the same type), appliances, appliances (excluding
31 replacement of water heaters, provided that the energy use rate or thermal input is not greater
32 than that of the water heater which is being replaced, and there is no change in fuel, energy
33 source, location, capacity, or routing or sizing of venting and piping), or equipment, the use of
34 materials not permitted by the North Carolina Uniform Residential Building Code; or the
35 addition (excluding replacement of like grade of fire resistance) of roofing. The exclusions
36 from building permit requirements set forth in this paragraph for electrical lighting devices and
37 fixtures and water heaters shall apply only to work performed on a one- or two-family
38 dwelling. In addition, exclusions for electrical lighting devices and fixtures and electric water
39 heaters shall apply only to work performed by a person licensed under G.S. 87-43 and
40 exclusions for water heaters, generally, to work performed by a person licensed under G.S. 87-
41 21.

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

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

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

1 In addition, the Code may include references to such other rules of special types, such as
2 those of the Medical Care Commission and the Department of Public Instruction as may be
3 useful to persons using the Code. No rule issued by any agency other than the Building Code
4 Council shall be construed as a part of the Code, nor supersede that Code, it being intended that
5 they be presented with the Code for information only.

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

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

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

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

39 **SECTION 2.** G.S. 153A-357(a) reads as rewritten:

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

- 44 (1) The construction, reconstruction, alteration, repair, movement to another
45 site, removal, or demolition of any ~~building;~~ building.
- 46 (2) The installation, extension, or general repair of any plumbing ~~system;~~ system
47 except that in any one- or two-family dwelling unit, a permit shall not be
48 required for the connection of existing water piping to a water heater that is
49 being replaced, provided that the work is performed by a person licensed
50 under G.S. 87-21, the energy use rate or thermal input is not greater than that
51 of the water heater which is being replaced, there is no change in fuel,

1 energy source, location, capacity, or routing or sizing of venting and piping,
2 and the replacement is installed in accordance with the current edition of the
3 State Building Code.

4 (3) The installation, extension, alteration, or general repair of any heating or
5 cooling equipment ~~system; or~~ system.

6 (4) The installation, extension, alteration, or general repair of any electrical
7 wiring, devices, appliances, or equipment except that in any one- or
8 two-family dwelling unit a permit shall not be required for repair or
9 replacement of electrical lighting fixtures or devices, such as receptacles and
10 lighting switches, or for the connection of an existing branch circuit to an
11 electric water heater that is being replaced, provided that all of the following
12 requirements are met:

13 a. With respect to electric water heaters, the replacement water heater is
14 placed in the same location and is of the same or less capacity and
15 electrical rating as the original.

16 b. With respect to electrical lighting fixtures and devices, the
17 replacement is with a fixture or device having the same voltage and
18 the same or less amperage.

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

20 d. The repair or replacement installation meets the current edition of the
21 State Building Code, including the State Electrical Code.

22 ~~without first securing from the inspection department with jurisdiction over the site of the work~~
23 ~~each permit required by the State Building Code and any other State or local law or local~~
24 ~~ordinance or regulation applicable to the work.~~ A permit shall be in writing and shall contain a
25 provision that the work done shall comply with the State Building Code and all other applicable
26 State and local laws and local ordinances and regulations. Nothing in this section shall require a
27 county to review and approve residential building plans submitted to the county pursuant to
28 Section R-110 of Volume VII of the North Carolina State Building Code; provided that the
29 county may review and approve such residential building plans as it deems necessary. No
30 permit may be issued unless the plans and specifications are identified by the name and address
31 of the author thereof; and if the General Statutes of North Carolina require that plans for certain
32 types of work be prepared only by a registered architect or registered engineer, no permit may
33 be issued unless the plans and specifications bear the North Carolina seal of a registered
34 architect or of a registered engineer. If a provision of the General Statutes of North Carolina or
35 of any ordinance requires that work be done by a licensed specialty contractor of any kind, no
36 permit for the work may be issued unless the work is to be performed by such a duly licensed
37 contractor. No permit issued under Articles 9 or 9C of G.S. Chapter 143 shall be required for
38 any construction, installation, repair, replacement, or alteration costing five thousand dollars
39 (\$5,000) or less in any single-family residence or farm building unless the work involves: the
40 addition, repair or replacement of load bearing structures; the addition (excluding replacement
41 of same size and capacity) or change in the design of plumbing; the addition, replacement or
42 change in the design of heating, air conditioning, or electrical wiring, devices, appliances, or
43 equipment; the use of materials not permitted by the North Carolina Uniform Residential
44 Building Code; or the addition (excluding replacement of like grade of fire resistance) of
45 roofing. Violation of this section constitutes a Class 1 misdemeanor."

46 **SECTION 3.** G.S. 160A-417(a) reads as rewritten:

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

- 1 (1) The construction, reconstruction, alteration, repair, movement to another
2 site, removal, or demolition of any building or ~~structure,structure.~~
- 3 (2) The installation, extension, or general repair of any plumbing ~~system, system~~
4 except that in any one- or two-family dwelling unit, a permit shall not be
5 required for the connection of existing water piping to a water heater that is
6 being replaced, provided that the work is performed by a person licensed
7 under G.S. 87-21, the energy use rate or thermal input is not greater than that
8 of the water heater which is being replaced, there is no change in fuel,
9 energy source, location, capacity, or routing or sizing of venting and piping,
10 and the replacement is installed in accordance with the current edition of the
11 State Building Code.
- 12 (3) The installation, extension, alteration, or general repair of any heating or
13 cooling equipment ~~system, orsystem.~~
- 14 (4) The installation, extension, alteration, or general repair of any electrical
15 wiring, devices, appliances, or equipment, except that in any one- or
16 two-family dwelling unit a permit shall not be required for repair or
17 replacement of electrical lighting fixtures or devices, such as receptacles and
18 lighting switches, or for the connection of an existing branch circuit to an
19 electric water heater that is being replaced, provided that all of the following
20 requirements are met:
- 21 a. With respect to electric water heaters, the replacement water heater is
22 placed in the same location and is of the same or less capacity and
23 electrical rating as the original.
- 24 b. With respect to electrical lighting fixtures and devices, the
25 replacement is with a fixture or device having the same voltage and
26 the same or less amperage.
- 27 c. The work is performed by a person licensed under G.S. 87-43.
- 28 d. The repair or replacement installation meets the current edition of the
29 State Building Code, including the State Electrical Code.
- 30 ~~without first securing from the inspection department with jurisdiction over the site of the work~~
31 ~~any and all permits required by the State Building Code and any other State or local laws~~
32 ~~applicable to the work.~~ A permit shall be in writing and shall contain a provision that the work
33 done shall comply with the State Building Code and all other applicable State and local laws.
34 Nothing in this section shall require a city to review and approve residential building plans
35 submitted to the city pursuant to Section R-110 of Volume VII of the North Carolina State
36 Building Code; provided that the city may review and approve such residential building plans
37 as it deems necessary. No permits shall be issued unless the plans and specifications are
38 identified by the name and address of the author thereof, and if the General Statutes of North
39 Carolina require that plans for certain types of work be prepared only by a registered architect
40 or registered engineer, no permit shall be issued unless the plans and specifications bear the
41 North Carolina seal of a registered architect or of a registered engineer. When any provision of
42 the General Statutes of North Carolina or of any ordinance requires that work be done by a
43 licensed specialty contractor of any kind, no permit for the work shall be issued unless the work
44 is to be performed by such a duly licensed contractor. No permit issued under Articles 9 or 9C
45 of Chapter 143 shall be required for any construction, installation, repair, replacement, or
46 alteration costing five thousand dollars (\$5,000) or less in any single family residence or farm
47 building unless the work involves: the addition, repair or replacement of load bearing
48 structures; the addition (excluding replacement of same size and capacity) or change in the
49 design of plumbing; the addition, replacement or change in the design of heating, air
50 conditioning, or electrical wiring, devices, appliances, or equipment; the use of materials not
51 permitted by the North Carolina Uniform Residential Building Code; or the addition (excluding

1 replacement of like grade of fire resistance) of roofing. Violation of this section shall constitute
2 a Class 1 misdemeanor."

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