

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

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HOUSE BILL 489*

Short Title: Clarify Electric Load Control Process. (Public)

Sponsors: Representative McElraft (Primary Sponsor).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Commerce and Job Development.

April 2, 2013

A BILL TO BE ENTITLED
AN ACT TO EXEMPT FROM PERMITTING REQUIREMENTS PERSONS INSTALLING
ELECTRIC LOAD CONTROL SWITCHES UNDER THE LAWS REGULATING
ELECTRICAL CONTRACTORS AND TO MAKE CONFORMING CHANGES UNDER
THE LAWS PERTAINING TO BUILDING INSPECTION PERMITS FOR COUNTIES
AND CITIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 87-43.1 is amended by adding the following new subdivision to read:

"§ 87-43.1. Exceptions.

The provisions of this Article shall not apply:

...

(8) To the installation, maintenance, or replacement of any modification, device, or equipment by a public utility, electric membership corporation, or municipal electric service provider or a business contracted by the public utility, electric membership corporation, or municipal service provider, so long as the work is subject to oversight by an electrical contractor licensed under this Article. The public utility, electric membership corporation, or municipal electric service provider shall provide service in accordance with (i) an activity or program ordered, authorized, or approved by the North Carolina Utilities Commission pursuant to G.S. 62-133.8 or (ii) a similar program undertaken by a municipal electric service provider, whether the installation, modification, or replacement is made before or after the point of delivery of electric service to the customer. The exemption under this subdivision applies to all existing installations."

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

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

- (1) The construction, reconstruction, alteration, repair, movement to another site, removal, or demolition of any building.
- (2) The installation, extension, or general repair of any plumbing system except that in any one- or two-family dwelling unit a permit shall not be required for the connection of a water heater that is being replaced, provided that the



1 work is performed by a person licensed under G.S. 87-21, who personally
2 examines the work at completion and ensures that a leak test has been
3 performed on the gas piping, and provided the energy use rate or thermal
4 input is not greater than that of the water heater which is being replaced,
5 there is no change in fuel, energy source, location, capacity, or routing or
6 sizing of venting and piping, and the replacement is installed in accordance
7 with the current edition of the State Building Code.

8 (3) The installation, extension, alteration, or general repair of any heating or
9 cooling equipment system.

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

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

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

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

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

26 However, a permit is not required for the installation, maintenance, or replacement of any
27 modification, device, or equipment by a public utility, electric membership corporation, or
28 municipal electric service provider or a business contracted by the public utility, electric
29 membership corporation, or municipal service provider, so long as the work is subject to
30 oversight by an electrical contractor licensed under Article 4 of Chapter 87 of the General
31 Statutes. The public utility, electric membership corporation, or municipal electric service
32 provider shall provide service in accordance with (i) an activity or program ordered, authorized,
33 or approved by the North Carolina Utilities Commission pursuant to G.S. 62-133.8 or (ii) a
34 similar program undertaken by a municipal electric service provider, whether the installation,
35 modification, or replacement is made before or after the point of delivery of electric service to
36 the customer. The exemption applies to all existing installations.

37 (a1) A permit shall be in writing and shall contain a provision that the work done shall
38 comply with the State Building Code and all other applicable State and local laws and local
39 ordinances and regulations. Nothing in this section shall require a county to review and approve
40 residential building plans submitted to the county pursuant to Section R-110 of Volume VII of
41 the North Carolina State Building Code; provided that the county may review and approve such
42 residential building plans as it deems necessary. No permit may be issued unless the plans and
43 specifications are identified by the name and address of the author thereof; and if the General
44 Statutes of North Carolina require that plans for certain types of work be prepared only by a
45 registered architect or registered engineer, no permit may be issued unless the plans and
46 specifications bear the North Carolina seal of a registered architect or of a registered engineer.
47 If a provision of the General Statutes of North Carolina or of any ordinance requires that work
48 be done by a licensed specialty contractor of any kind, no permit for the work may be issued
49 unless the work is to be performed by such a duly licensed contractor. No permit issued under
50 Articles 9 or 9C of G.S. Chapter 143 shall be required for any construction, installation, repair,
51 replacement, or alteration costing five thousand dollars (\$5,000) or less in any single-family

1 residence or farm building unless the work involves: the addition, repair or replacement of load
2 bearing structures; the addition (excluding replacement of same size and capacity) or change in
3 the design of plumbing; the addition, replacement or change in the design of heating, air
4 conditioning, or electrical wiring, devices, appliances, or equipment; the use of materials not
5 permitted by the North Carolina Uniform Residential Building Code; or the addition (excluding
6 replacement of like grade of fire resistance) of roofing. Violation of this section constitutes a
7 Class 1 misdemeanor."

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

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

- 13 (1) The construction, reconstruction, alteration, repair, movement to another
14 site, removal, or demolition of any building or structure.
- 15 (2) The installation, extension, or general repair of any plumbing system except
16 that in any one- or two-family dwelling unit a permit shall not be required
17 for the connection of a water heater that is being replaced, provided that the
18 work is performed by a person licensed under G.S. 87-21, who personally
19 examines the work at completion and ensures that a leak test has been
20 performed on the gas piping, and provided the energy use rate or thermal
21 input is not greater than that of the water heater which is being replaced,
22 there is no change in fuel, energy source, location, capacity, or routing or
23 sizing of venting and piping, and the replacement is installed in accordance
24 with the current edition of the State Building Code.
- 25 (3) The installation, extension, alteration, or general repair of any heating or
26 cooling equipment system.
- 27 (4) The installation, extension, alteration, or general repair of any electrical
28 wiring, devices, appliances, or equipment except that in any one- or
29 two-family dwelling unit a permit shall not be required for repair or
30 replacement of electrical lighting fixtures or devices, such as receptacles and
31 lighting switches, or for the connection of an existing branch circuit to an
32 electric water heater that is being replaced, provided that all of the following
33 requirements are met:
 - 34 a. With respect to electric water heaters, the replacement water heater is
35 placed in the same location and is of the same or less capacity and
36 electrical rating as the original.
 - 37 b. With respect to electrical lighting fixtures and devices, the
38 replacement is with a fixture or device having the same voltage and
39 the same or less amperage.
 - 40 c. The work is performed by a person licensed under G.S. 87-43.
 - 41 d. The repair or replacement installation meets the current edition of the
42 State Building Code, including the State Electrical Code.

43 However, a permit is not required for the installation, maintenance, or replacement of any
44 modification, device, or equipment by a public utility, electric membership corporation, or
45 municipal electric service provider or a business contracted by the public utility, electric
46 membership corporation, or municipal service provider, so long as the work is subject to
47 oversight by an electrical contractor licensed under Article 4 of Chapter 87 of the General
48 Statutes. The public utility, electric membership corporation, or municipal electric service
49 provider shall provide service in accordance with (i) an activity or program ordered, authorized,
50 or approved by the North Carolina Utilities Commission pursuant to G.S. 62-133.8 or (ii) a
51 similar program undertaken by a municipal electric provider, whether the installation,

1 modification, or replacement is made before or after the point of delivery of electric service to
2 the customer. The exemption applies to all existing installations.

3 (a1) A permit shall be in writing and shall contain a provision that the work done shall
4 comply with the State Building Code and all other applicable State and local laws. Nothing in
5 this section shall require a city to review and approve residential building plans submitted to
6 the city pursuant to Section R-110 of Volume VII of the North Carolina State Building Code;
7 provided that the city may review and approve such residential building plans as it deems
8 necessary. No permits shall be issued unless the plans and specifications are identified by the
9 name and address of the author thereof, and if the General Statutes of North Carolina require
10 that plans for certain types of work be prepared only by a registered architect or registered
11 engineer, no permit shall be issued unless the plans and specifications bear the North Carolina
12 seal of a registered architect or of a registered engineer. When any provision of the General
13 Statutes of North Carolina or of any ordinance requires that work be done by a licensed
14 specialty contractor of any kind, no permit for the work shall be issued unless the work is to be
15 performed by such a duly licensed contractor. No permit issued under Articles 9 or 9C of
16 Chapter 143 shall be required for any construction, installation, repair, replacement, or
17 alteration costing five thousand dollars (\$5,000) or less in any single family residence or farm
18 building unless the work involves: the addition, repair or replacement of load bearing
19 structures; the addition (excluding replacement of same size and capacity) or change in the
20 design of plumbing; the addition, replacement or change in the design of heating, air
21 conditioning, or electrical wiring, devices, appliances, or equipment; the use of materials not
22 permitted by the North Carolina Uniform Residential Building Code; or the addition (excluding
23 replacement of like grade of fire resistance) of roofing. Violation of this section shall constitute
24 a Class 1 misdemeanor."

25 **SECTION 4.** This act is effective when it becomes law.