

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 703
HOUSE BILL 1333

AN ACT TO SECURE EFFECTIVE ENFORCEMENT OF THE INSULATION AND ENERGY UTILIZATION STANDARDS OF THE STATE BUILDING CODE AND TO FURTHER PROTECT THE PURCHASERS OF PRODUCTS AND SERVICES DESIGNED TO MEET THOSE STANDARDS.

The General Assembly of North Carolina enacts:

Section 1. Purpose and intent. Because of present and impending shortages of energy supplies, it is imperative that efforts be made to conserve and utilize such supplies as efficiently as possible. As a mechanism for achieving such efficiency, the State Building Code has been amended to include requirements for insulation and efficient energy utilization in buildings erected in this State. However, over half of the counties of the State and many of its smaller towns presently lack inspectors to enforce these provisions. In addition, in view of the widespread publicity accorded this problem and proposed tax inducements at both the State and federal levels for installing insulation and other measures to improve efficiency of energy utilization, there is a danger that consumers may be defrauded by unscrupulous sellers or installers of such materials. This act is intended to provide an interim solution to these two problems, pending further guidance from federal authorities and general enforcement of the code in all areas of the State.

Sec. 2. Designation of local inspectors. Prior to September 1, 1977, the superintendent of each county, city, or joint inspection department (created under the provisions of G.S. Chapter 153A, Article 18, Part 4, or G.S. Chapter 160A, Article 19, Part 5, or G.S. Chapter 160A, Article 20, Part 1, or by local or special act of the General Assembly) shall designate the person or persons in that department responsible for enforcement of the insulation and energy utilization standards of the State Building Code and send their names and addresses to the Engineering and Building Codes Division of the North Carolina Department of Insurance; provided, nothing herein shall be construed to require the hiring of additional inspection personnel in any county, city, or joint inspection department which is in existence on the effective date of this act. In every county or city which does not have an inspection department, the governing board shall designate one or more "energy and insulation inspectors" and make such notification to the Department of Insurance; the territorial jurisdiction of such inspectors shall be the jurisdiction of the appointing unit, as specified in G.S. 160A-360, and they shall possess all applicable enforcement powers of a county or city inspection department.

Sec. 3. Training course for inspectors. Prior to January 1, 1978, and periodically thereafter, the Engineering and Building Codes Division of the Department of Insurance shall make available to the personnel designated pursuant to Section 2 of this act a course or courses of instruction covering the insulation and energy utilization requirements of the State Building Code for dwellings or other structures which are not required by law to be designed by a registered architect or professional engineer.

Sec. 4. Permits. On and after January 1, 1978, no person, firm, or corporation may for a consideration install, alter, or restore any insulation or other materials or energy utilization equipment designed or intended to meet the State Building Code requirements for insulation and energy utilization standards without first securing a permit either from the inspection

department with jurisdiction over the work site, or in the absence of such a department, from an energy and insulation inspector with appropriate jurisdiction. Such permit may be either (a) a general building permit evidencing full compliance with all applicable requirements of the State Building Code and other State and local laws, issued by an inspection department, or (b) a special permit issued by an energy and insulation inspector evidencing compliance with the insulation and energy utilization standards of the State Building Code.

Sec. 5. Contents of permit. A general building permit shall meet all the requirements of G.S. 153A-357 or G.S. 160A-417. A special permit shall comply with applicable requirements of those sections, but instead of containing a provision that the work done "shall comply with the State Building Code and all other applicable State and local laws and local ordinances and regulations" it shall contain a provision that the work done "shall comply with the insulation and energy utilization standards of the State Building Code." Either type of permit shall give the name of the installer, his address, the number of any license or permit he has to engage in the profession or business of installing insulation or the type of installation proposed, and the estimated cost of the installation.

Sec. 6. Persons entitled to permit. No permit shall be issued under this act to any person, firm, or corporation who is not either (a) licensed as a contractor to do the proposed work, under Chapter 87 of the General Statutes, or (b) the holder of an annual license or permit to do such work issued by the county or city with jurisdiction over the site, pursuant to G.S. 153A-134, G.S. 160A-194, or a special or local act of the General Assembly; provided, however, that this requirement shall not apply to an owner working upon his own building nor to an installer working under the supervision of a registered architect or professional engineer, whose name and registration number shall appear upon the face of the permit.

Sec. 7. Inspections. During the progress of the work and at its conclusion, the inspection department or energy and insulation inspector shall make inspections as prescribed by G.S. 153A-360, 153A-363, 160A-420, and 160A-423. The installer shall notify the inspector at times specified by the inspector when the work is ready for different stages of inspection. When only a special permit has been issued, the energy and insulation inspector shall issue a certificate of compliance which states only that the work complies with the insulation and energy utilization standards of the State Building Code. When work is done on an existing building, it may be occupied while work is in progress and prior to issuance of the certificate of compliance.

Sec. 8. Inspection by architect or engineer. When work done under a permit is required under the provisions of Chapters 83 and 89C of the General Statutes or any other statute to be done pursuant to plans or specifications prepared by a registered architect or professional engineer, or when the work was done under the supervision of a registered architect or professional engineer as permitted by Section 6 of this act, the architect or engineer, or both, shall inspect the work done and shall issue a certificate of compliance with the insulation and energy utilization standards of the State Building Code to the local inspection department or energy and insulation inspector and to the owner.

Sec. 9. Contract provisions. All sales contracts or other contracts executed for the installation of insulation or other energy utilization materials or equipment shall contain a provision that the work will meet the requirements of the State Building Code. Any guarantees relating to quality of materials, expected performance, quality of work, or equipment to be installed shall be in writing and a copy thereof shall be delivered to the owner and shall become a part of the contract.

Sec. 10. License revocation. Wilful or repeated violation of the State Building Code requirements as to insulation or energy utilization equipment or materials shall be a basis for revocation of the installer's license as a contractor under Chapter 87 of the General Statutes or as an installer under a local ordinance adopted pursuant to G.S. 153A-134 or G.S. 160A-194. Any inspection department or energy and insulation inspector having knowledge of such

violations shall bring them to the attention of the appropriate licensing authority for disciplinary action.

Sec. 11. Penalty. Wilful violation of any provision of this act shall constitute a misdemeanor punishable in the discretion of the court. In addition to or in lieu of such remedy, the city or county with jurisdiction or the State Commissioner of Insurance may initiate any appropriate action or proceedings to prevent, restrain, correct, or abate the violation.

Sec. 12. Effective date and termination. This act shall become effective upon ratification and shall remain in effect until July 1, 1979. The 1979 General Assembly shall review experience under this act and such other relevant information as may enable it to achieve the objectives of this act more effectively, and may enact such further legislation as appears desirable.

In the General Assembly read three times and ratified, this the 23rd day of June, 1977.