

§ 143-139.4. Certain building inspections by State.

(a) When a permit holder has been informed by a local inspection department that any inspection has not been, or will not be, conducted within two business days after first requested, the permit holder may request in writing that the State Fire Marshal assign personnel to conduct the inspection.

(b) Any written request by a permit holder to the State Fire Marshal to assign personnel to conduct an inspection shall be submitted to the State Fire Marshal, and such submission may be made electronically or by facsimile. The submission shall be on a form adopted by the State Fire Marshal, which shall at a minimum contain all of the following:

- (1) The permit holder's name and contact information and, if the requestor is someone other than the permit holder, the name and contact information of the requestor.
- (2) A copy of the building permit for the property to be inspected.
- (3) Documentation of the date and time of the initial request to the local inspection department. Documentation shall include the type of inspection requested, the address of the property to be inspected, and the individual or individuals to whom this information and inspection request was directed, and the name of the requestor.
- (4) Documentation as to whether the local inspection department informed the requestor that the local inspection department would be unable to conduct the inspection within two business days, if applicable.
- (5) Documentation as to whether the local inspection department has failed to conduct the requested inspection within two business days of the initial request to the local inspection department.

(c) Local inspection departments shall maintain a record of each inspection request. The record shall include the date and time the request is received, the type of inspection requested, the address of the property to be inspected, the person to whom the request was directed, and the name of the requestor if the requestor is someone other than the permit holder. A local inspection department may, upon receipt of an inspection request, inform the requestor that it will be unable to conduct the inspection within the next two business days and such information shall be noted in the record.

(d) Inspection requests received after 12:00 noon shall be deemed to have been received on the next business day.

(e) Prior to making any assignment of Code-enforcement officials from the marketplace pool established under G.S. 143-151.12(9)a., the State Fire Marshal shall verify all of the following to the State Fire Marshal's satisfaction:

- (1) That the permit holder desires the inspection to be completed.
- (2) That the local inspection department received an inspection request for the property.
- (3) That the inspection has not yet been conducted and the reasons for the failure to conduct the inspection.
- (4) Any other information the State Fire Marshal deems relevant to determining whether to assign personnel to conduct the requested inspection.

(f) If the State Fire Marshal assigns a Code-enforcement official from the marketplace pool established under G.S. 143-151.12(9)a. to conduct the requested inspection, the State Fire Marshal shall notify the local inspection department and the local inspection department shall, prior to the inspection, provide the State Fire Marshal with information regarding any outstanding building permits and previously conducted inspections on those outstanding building permits for that property. The local inspection department may also provide the State Fire

Marshal with information regarding other properties with outstanding building permits and inspections by the same permit holder or requestor.

(f1) Personnel assigned by the State Fire Marshal to conduct inspections under this section must begin conducting an inspection within two business days after assignment by the State Fire Marshal.

(g) Not later than one business day after the receipt of the report, the State Fire Marshal shall provide an electronic copy of the report of any inspection conducted by a marketplace pool Code-enforcement official under G.S. 143-151.12(9)a. to all of the following:

- (1) The local inspection department.
- (2) The permit holder.
- (3) The requestor, if not the permit holder.

(h) For the requested services performed by a Code-enforcement official under this section, the State Fire Marshal shall charge the permit holder a fee as set by the State Fire Marshal under G.S. 143-151.12(9)a. The fee shall be paid to the State Fire Marshal no later than 30 days after completion of the requested inspection.

(i) Any claim alleging negligence by a Code-enforcement official from the marketplace pool established under G.S. 143-151.12(9)a. arising out of and in the course of the duty to conduct an inspection under this section shall constitute a claim against this State and shall be brought under and adjudicated according to and in compliance with the terms of Article 31 of Chapter 143 of the General Statutes.

(j) Notwithstanding its issuance of a certificate of occupancy, a city or county, its inspection department, and its inspectors shall be discharged and released from any liabilities, duties, and responsibilities imposed under the General Statutes or in common law from any claim arising out of or attributed to any inspection performed pursuant to this section by a marketplace pool Code-enforcement official under G.S. 143-151.12(9)a.

(k) As used in this section, the following terms mean:

- (1) Inspection. – An inspection required by the North Carolina State Building Code in any of the following categories:
 - a. Plumbing.
 - b. Electrical systems.
 - c. General building restrictions and regulations.
 - d. Heating and air-conditioning.
 - e. General construction inspection.
- (2) Local inspection department. – Any county, city, or joint agency performing State Building Code inspections.
- (3) Requestor. – The permit holder, or an individual acting on behalf of the permit holder, who made an initial request for an inspection to a local inspection department.

(l) The State Fire Marshal shall contract with any individual, corporation, or other business entity that holds one of the applicable certificates as provided in G.S. 143-151.13 to conduct inspections under this section. (2018-29, s. 2(c); 2022-11, s. 14(a)-(c); 2022-62, s. 29(a), (b); 2023-151, s. 11.59.)