

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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HOUSE BILL 355\*  
Committee Substitute Favorable 4/16/01

Short Title: State Building Code Changes-AB.

(Public)

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Sponsors:

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Referred to:

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March 1, 2001

A BILL TO BE ENTITLED

1  
2 AN ACT TO PROVIDE THAT THE DEPARTMENT OF INSURANCE IS NOT  
3 LIABLE FOR COSTS INCURRED IN SATISFYING THE FISCAL NOTE  
4 REQUIREMENT FOR CHANGES IN THE STATE BUILDING CODE; TO  
5 UPDATE REFERENCES TO ORGANIZATIONS WHOSE STANDARDS MAY  
6 BE USED IN ADOPTING CODE PROVISIONS; AND TO GIVE THE  
7 BUILDING CODE COUNCIL EXPLICIT AUTHORITY TO USE STANDARDS  
8 OF INTERNATIONAL AGENCIES.

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** G.S. 143-138(a) reads as rewritten:

11 "(a) Preparation and Adoption. – The Building Code Council ~~is hereby~~  
12 ~~empowered to~~may prepare and adopt, in accordance with ~~the provisions of this~~ Article,  
13 a North Carolina State Building Code. ~~Prior to~~Before the adoption of ~~this~~the Code, or  
14 any part ~~thereof, of the Code,~~ the Council shall hold at least one public hearing. A notice  
15 of ~~such~~the public hearing shall be given once a week for two successive calendar weeks  
16 in a newspaper published in ~~Raleigh, said notice to be published the first time not~~  
17 ~~less~~Raleigh. The first publication of the notice shall not occur fewer than 15 days prior  
18 ~~to~~before the date ~~fixed for said~~of the hearing. The Council may hold such other public  
19 hearings and give such other notice ~~as it may deem~~the Council considers necessary.

20 The Council shall request the Office of State Budget, Planning, and Management to  
21 prepare a fiscal note for a proposed Code change that has a substantial economic  
22 impact, as defined in G.S. 150B-21.4(b1), or that increases the cost of residential  
23 housing by eighty dollars (\$80.00) or more per housing unit. The Council shall not take  
24 final action on a proposed Code change that has a substantial economic impact or that  
25 increases the cost of residential housing by eighty dollars (\$80.00) or more per housing  
26 unit until at least 60 days after the fiscal note has been prepared. The change can  
27 become effective only in accordance with G.S. 143-138(d). Neither the Department of  
28 Insurance nor the Council shall be required to expend any monies to pay for the  
29 preparation of any fiscal note under this section by any person outside of the

1 Department or Council unless the Department or Council contracts with a third-party  
2 vendor to prepare the fiscal note."

3 **SECTION 2.** G.S. 143-138(c) reads as rewritten:

4 "(c) Standards to Be Followed in Adopting the Code. – All regulations contained  
5 in the North Carolina State Building Code shall have a reasonable and substantial  
6 connection with the public health, safety, morals, or general welfare, and their  
7 provisions shall be construed reasonably to those ends. Requirements of the Code shall  
8 conform to good engineering practice. The Council may use as guidance, but is not  
9 required to adopt, the requirements of the ~~National Building Code of the American~~  
10 ~~Insurance Association, formerly the National Board of Fire Underwriters, the~~  
11 ~~Southern~~International Building Code of the International Code Council, the Standard  
12 Building Code of the Southern Building Code Congress, Congress International, Inc., the  
13 Uniform Building Code of the Pacific Coast Building Officials Conference, International  
14 Conference of Building Officials, the Basic National Building Code of the Building  
15 Officials Conference of America, Inc., and Code Administrators, Inc., the National  
16 Electric Code, the Life Safety Code, the National Fuel Gas Code, and the Fire  
17 Prevention Code of the National Fire Protection Association, the American Standard  
18 Safety Code for Elevators, Dumbwaiters, Elevators and Escalators, and the Boiler and  
19 Pressure Vessel Code of the American Society of Mechanical Engineers, Standards of  
20 the American Insurance Association for the Installation of Gas Piping and Gas  
21 Appliances in Buildings, and standards promulgated by the ~~United States of~~  
22 ~~America~~American National Standards Institute, formerly the American Standards  
23 Association, Underwriters' Laboratories, Inc., and similar national or international  
24 agencies engaged in research concerning strength of materials, safe design, and other  
25 factors bearing upon health and safety."

26 **SECTION 3.** This act is effective when it becomes law.