

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE DRS15201-LT-89A* (3/26)

Short Title: Streamline Building Code. (Public)

Sponsors: Senators Clodfelter; Hoyle and Queen.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO STREAMLINE BUILDING CODE ADOPTION FOR GENERAL AND
RESIDENTIAL CONSTRUCTION AND THE REVIEW PROCESS FOR STATE
CAPITAL IMPROVEMENT PROJECTS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 9 of Chapter 143 of the General Statutes is amended
by:

- (1) Designating G.S. 143-136 through G.S. 143-138.1 as:
"Part 1. NonResidential Building Code Council and Building Code." and
- (2) Designating G.S. 143-139 through G.S. 143-143.4 as:
"Part 3. Enforcement; Hearing Procedures; Exemptions."

SECTION 2. G.S. 143-136 reads as rewritten:

"§ 143-136. Building Code Council created; membership.

(a) Creation; Membership; Terms. – There is hereby created a Building Code Council, which shall be composed of ~~47~~10 members appointed by the Governor, consisting of two registered architects, one licensed general contractor, ~~one licensed general contractor specializing in residential construction, one licensed general contractor specializing in coastal residential construction,~~ one registered engineer practicing structural engineering, one registered engineer practicing mechanical engineering, one registered engineer practicing electrical engineering, one licensed plumbing and heating contractor, one municipal or county building inspector, ~~one licensed liquid petroleum gas dealer/contractor involved in the design of natural and liquid petroleum gas systems who has expertise and experience in natural and liquid petroleum gas piping, venting and appliances,~~ a representative of the public who is not a member of the building construction industry, ~~a licensed electrical contractor, a registered engineer on the engineering staff of a State agency charged with approval of plans of State owned buildings, a municipal elected official or city manager, a county~~

1 ~~commissioner or county manager~~, and an active member of the North Carolina fire
2 service with expertise in fire safety. In selecting the municipal and county members,
3 preference should be given to members who qualify as either a registered architect,
4 registered engineer, or licensed general contractor. Of the members initially appointed
5 by the Governor, three shall serve for terms of two years each, three shall serve for
6 terms of four years each, and three shall serve for terms of six years each. Thereafter, all
7 appointments shall be for terms of six years. The Governor may remove appointive
8 members at any time. Neither the architect nor any of the above named engineers shall
9 be engaged in the manufacture, promotion or sale of any building material, and any
10 member who shall, during his term, cease to meet the qualifications for original
11 appointment (through ceasing to be a practicing member of the profession indicated or
12 otherwise) shall thereby forfeit his membership on the Council. In making new
13 appointments or filling vacancies, the Governor shall ensure that minorities and women
14 are represented on the Council.

15 The Governor may make appointments to fill the unexpired portions of any terms
16 vacated by reason of death, resignation, or removal from office. In making such
17 appointment, he shall preserve the composition of the Council required above.

18 (b) Compensation. – Members of the Building Code Council other than any who
19 are employees of the State shall receive seven dollars (\$7.00) per day, including
20 necessary time spent in traveling to and from their place of residence within the State to
21 any place of meeting or while traveling on official business of the Council. In addition,
22 all members shall receive mileage and subsistence according to State practice while
23 going to and from any place of meeting, or when on official business of the Council."

24 **SECTION 3.** G.S. 143-138(a) reads as rewritten:

25 "(a) Preparation and Adoption. – The Building Code Council may prepare and
26 adopt, in accordance with the provisions of this Article, a North Carolina State Building
27 ~~Code. Code for nonresidential buildings, including multifamily residential buildings but~~
28 not including one-family or two-family residential buildings. Before the adoption of the
29 Code, or any part of the Code, the Council shall hold at least one public hearing. A
30 notice of the public hearing shall be published in the North Carolina Register at least 15
31 days before the date of the hearing. Notwithstanding G.S. 150B-2(8a)h., the North
32 Carolina State Building Code as adopted by the Building Code Council is a rule within
33 the meaning of G.S. 150B-2(8a) and shall be adopted in accordance with the procedural
34 requirements of Article 2A of Chapter 150B of the General Statutes.

35 The Council shall request the Office of State Budget and Management to prepare a
36 fiscal note for a proposed Code change that has a substantial economic impact, as
37 defined in G.S. 150B-21.4(b1), or that increases the cost of residential housing by
38 eighty dollars (\$80.00) or more per housing unit. The change can become effective only
39 in accordance with G.S. 143-138(d). Neither the Department of Insurance nor the
40 Council shall be required to expend any monies to pay for the preparation of any fiscal
41 note under this section by any person outside of the Department or Council unless the
42 Department or Council contracts with a third-party vendor to prepare the fiscal note."

43 **SECTION 4.** G.S. 143-138(b) reads as rewritten:

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

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

28 The Code may contain provisions regulating every type of building or structure,
29 except for one-family or two-family residential construction, wherever it might be
30 situated in the State.

31 Provided further, that nothing in this Article shall be construed to make any building
32 rules applicable to farm buildings located outside the building-rules jurisdiction of any
33 municipality.

34 ~~Provided further, that no building permit shall be required under the Code or any~~
35 ~~local variance thereof approved under subsection (e) for any construction, installation,~~
36 ~~repair, replacement, or alteration costing five thousand dollars (\$5,000) or less in any~~
37 ~~single family residence or farm building unless the work involves: the addition, repair,~~
38 ~~or replacement of load bearing structures; the addition (excluding replacement of same~~
39 ~~size and capacity) or change in the design of plumbing; the addition, replacement or~~
40 ~~change in the design of heating, air conditioning, or electrical wiring, devices,~~
41 ~~appliances, or equipment, the use of materials not permitted by the North Carolina~~
42 ~~Uniform Residential Building Code; or the addition (excluding replacement of like~~
43 ~~grade of fire resistance) of roofing.~~

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

4 For the information of users thereof, the Code shall include as appendices

- 5 (1) Any rules governing boilers adopted by the Board of Boiler and
6 Pressure Vessels Rules,
- 7 (2) Any rules relating to the safe operation of elevators adopted by the
8 Commissioner of Labor, and
- 9 (3) Any rules relating to sanitation adopted by the Commission for Health
10 Services which the Building Code Council believes pertinent.

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

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

26 In addition, the Code may contain rules concerning minimum efficiency
27 requirements for replacement water heaters, which shall consider reasonable availability
28 from manufacturers to meet installation space requirements."

29 **SECTION 5.** G.S. 143-138 is amended by adding a new subsection to read:

30 "(i1) Notwithstanding any references to residential buildings or occupancies in
31 subsection (i) of this section, this section does not apply to one-family and two-family
32 residential buildings."

33 **SECTION 6.** Article 9 of Chapter 143 of the General Statutes is amended by
34 adding a new Part to read:

35 "Part 2. Residential Building Code Council and Building Code.

36 **"§ 143-138.10. Residential Building Code Council created; membership.**

37 (a) Creation; Membership; Terms. – There is hereby created a Residential
38 Building Code Council, which shall be composed of seven members appointed by the
39 Governor, consisting of one registered electrical contractor, two licensed general
40 contractors specializing in residential construction, one licensed general contractor
41 specializing in coastal residential construction, one registered engineer practicing
42 structural engineering, one municipal or county building inspector, and one plumbing,
43 heating, or fire sprinkler contractor licensed under Article 2 of Chapter 87 of the
44 General Statutes. In selecting the municipal and county members, preference should be

1 given to members who qualify as a registered architect, a registered engineer, or
2 licensed general contractor. Of the members initially appointed by the Governor, three
3 shall serve for terms of two years each, two shall serve for terms of four years each, and
4 two shall serve for terms of six years each. Thereafter, all appointments shall be for
5 terms of six years. The Governor may remove appointive members at any time. Neither
6 the architect nor any of the above named engineers shall be engaged in the manufacture,
7 promotion, or sale of any building material, and any member who shall, during that
8 member's term, cease to meet the qualifications for original appointment, through
9 ceasing to be a practicing member of the profession indicated or otherwise, shall thereby
10 forfeit that member's membership on the Council.

11 The Governor may make appointments to fill the unexpired portions of any terms
12 vacated by reason of death, resignation, or removal from office. In making the
13 appointment, the Governor shall preserve the composition of the Council required in
14 this subsection.

15 (b) Compensation. – Members of the Residential Building Code Council, other
16 than any who are employees of the State, shall receive seven dollars (\$7.00) per day,
17 including necessary time spent in traveling to and from their place of residence within
18 the State to any place of meeting or while traveling on official business of the Council.
19 In addition, all members shall receive mileage and subsistence according to State
20 practice while going to and from any place of meeting or when on official business of
21 the Council.

22 **"§ 143-138.11. Organization of Residential Building Code Council; rules;**
23 **meetings; staff; fiscal affairs.**

24 (a) First Meeting; Organization; Rules. – Within 30 days after its appointment,
25 the Residential Building Code Council shall meet on call of the Commissioner of
26 Insurance. The Council shall elect from its appointive members a chair and any other
27 officers it may choose for terms designated in its rules. The Council shall adopt rules
28 not inconsistent herewith as it may deem necessary for the proper discharge of its
29 duties. The chair may appoint members to any committees the work of the Council
30 requires. In addition, the chair shall establish and appoint ad hoc code revision
31 committees to consider and prepare revisions and amendments to the Code volumes.
32 Each ad hoc committee shall consist of members of the Council, licensed contractors,
33 design professionals most affected by the Code volume for which the ad hoc committee
34 is responsible, and members of the public. The subcommittees shall meet upon the call
35 of their respective chairs and shall report their recommendations to the Council.

36 (b) Meetings. – The Council shall meet regularly, at least once every six months,
37 at places and dates to be determined by the Council. Special meetings may be called by
38 the chair on the chair's own initiative and must be called by the chair at the request of
39 two or more members of the Council. All members shall be notified by the chair in
40 writing of the time and place of regular and special meetings at least seven days in
41 advance of the meeting. Seven members shall constitute a quorum. All meetings shall
42 be open to the public.

43 (c) Staff. – Personnel of the Division of Engineering of the Department of
44 Insurance shall serve as a staff for the Council. The staff shall have the following duties:

1 (1) Keeping an accurate and complete record of all meetings, hearings,
2 correspondence, laboratory studies, and technical work performed by
3 or for the Council and making these records available for public
4 inspection at all reasonable times.

5 (2) Handling correspondence for the Council.

6 (d) Fiscal Affairs of the Council. – All funds for the operations of the Council
7 and its staff shall be appropriated to the Department of Insurance for the use of the
8 Council. All funds shall be held in a separate or special account on the books of the
9 Department of Insurance, with a separate financial designation or code number to be
10 assigned by the Department of Administration or its agent. Expenditures for staff
11 salaries and operating expenses shall be made in the same manner as the expenditure of
12 any other Department of Insurance funds. The Department of Insurance may hire any
13 additional personnel as may be necessary to handle the work of the Residential Building
14 Code Council, within the limits of funds appropriated for the Council and with the
15 approval of the Council.

16 **"§ 143-138.12. North Carolina State Residential Building Code.**

17 (a) Preparation and Adoption. – The Residential Building Code Council may
18 prepare and adopt, in accordance with the provisions of this Article, a North Carolina
19 State Residential Building Code for one-family and two-family residential buildings.
20 Before the adoption of the Code, or any part of the Code, the Council shall hold at least
21 one public hearing. A notice of the public hearing shall be published in the North
22 Carolina Register at least 15 days before the date of the hearing. Notwithstanding G.S.
23 150B-2(8a)h., the North Carolina State Residential Building Code as adopted by the
24 Residential Building Code Council is a rule within the meaning of G.S. 150B-2(8a) and
25 shall be adopted in accordance with the procedural requirements of Article 2A of
26 Chapter 150B of the General Statutes.

27 The Council shall request the Office of State Budget and Management to prepare a
28 fiscal note for a proposed Code change that has a substantial economic impact, as
29 defined in G.S. 150B-21.4(b1) or that increases the cost of residential housing by eighty
30 dollars (\$80.00) or more per housing unit. The change may become effective only in
31 accordance with subsection (d) of this section. Neither the Department of Insurance nor
32 the Council shall be required to expend any monies to pay for the preparation of any
33 fiscal note under this section by any person outside of the Department or Council unless
34 the Department or Council contracts with a third-party vendor to prepare the fiscal note.

35 (b) Contents of the Code. – The North Carolina State Residential Building Code,
36 as adopted by the Residential Building Code Council, may include reasonable and
37 suitable classifications of buildings and structures as to both use and occupancy; general
38 building restrictions as to location, height, and floor areas; requirements concerning
39 means of egress from buildings and structures; requirements concerning means of
40 ingress in buildings and structures; rules governing construction and precautions to be
41 taken during construction; rules as to permissible materials, loads, and stresses; rules
42 governing chimneys and other facilities connected with the buildings and structures; and
43 any other reasonable rules pertaining to the construction of buildings and structures and
44 the installation of particular facilities therein as may be found reasonably necessary for

1 the protection of the occupants of the building or structure, its neighbors, and members
2 of the public at large.

3 In addition, the Code may regulate activities and conditions in buildings, structures,
4 and premises that pose dangers of fire, explosion, or related hazards. These Code
5 provisions shall be considered the minimum standards necessary to preserve and protect
6 public health and safety, subject to approval by the Council of more stringent provisions
7 proposed by a municipality or county as provided in subsection (e) of this section.
8 These provisions may include regulations requiring the installation of either
9 battery-operated or electrical smoke detectors in every dwelling unit used as rental
10 property, regardless of the date of construction of the rental property. For dwelling units
11 used as rental property constructed prior to 1975, smoke detectors shall have an
12 Underwriters' Laboratories, Inc., listing or other equivalent national testing laboratory
13 approval and shall be installed in accordance with either the standard of the National
14 Fire Protection Association or the minimum protection designated in the manufacturer's
15 instructions, which the property owner shall retain or provide as proof of compliance.

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

18 Provided further, that nothing in this Article shall be construed to make any building
19 rules applicable to farm buildings located outside the building-rules jurisdiction of any
20 municipality.

21 Provided further, that no building permit shall be required under the Code or any
22 local variance thereof approved under subsection (e) of this section for any construction,
23 installation, repair, replacement, or alteration costing five thousand dollars (\$5,000) or
24 less in any single-family residence or farm building unless the work involves: (i) the
25 addition, repair, or replacement of load-bearing structures, (ii) the addition (excluding
26 replacement of same size and capacity) or change in the design of plumbing, (iii) the
27 addition, replacement, or change in the design of heating, air conditioning, or electrical
28 wiring, devices, appliances, or equipment, (iv) the use of materials not permitted by the
29 North Carolina State Residential Building Code, (v) or the addition (excluding
30 replacement of like grade of fire resistance) of roofing.

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

34 For the information of users of the Code, the Code shall include as appendices any
35 rule relating to sanitation adopted by the Commission for Health Services which the
36 Residential Building Code Council believes pertinent.

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

43 Nothing in this Article shall extend to or be construed as being applicable to the
44 regulation of the design, construction, location, installation, or operation of (i)

1 equipment for storing, handling, transporting, and utilizing liquefied petroleum gases
2 for fuel purposes or anhydrous ammonia or other liquid fertilizers, except for liquefied
3 petroleum gas from the outlet of the first stage pressure regulator to and including each
4 liquefied petroleum gas utilization device within a building or structure covered by the
5 Code, or (ii) equipment or facilities, other than buildings, of a public utility, as defined
6 in G.S. 62-3, or an electric or telephone membership corporation, including without
7 limitation poles, towers, and other structures supporting electric or communication
8 lines.

9 (c) Standards to Be Followed in Adopting the Code. – All regulations contained
10 in the North Carolina State Residential Building Code shall have a reasonable and
11 substantial connection with the public health, safety, morals, or general welfare, and
12 their provisions shall be construed reasonably to those ends. Requirements of the Code
13 shall conform to good engineering practice. The Council shall adopt the requirements of
14 the International Building Code of the International Code Council.

15 (d) Amendments of the Code. – The Residential Building Code Council may
16 revise and amend the North Carolina State Residential Building Code, either on its own
17 motion or upon application from any citizen, State agency, or political subdivision of
18 the State. In adopting any amendment, the Council shall comply with the same
19 procedural requirements and the same standards set forth above for adoption of the
20 Code.

21 Handbooks providing explanatory material on Code provisions shall be provided no
22 later than 180 days following adoption of the Code and shall be updated with each
23 revision of the Code or, in the discretion of the Council, more frequently. The
24 Department may charge a reasonable fee for the handbooks.

25 (e) Effect Upon Local Codes. – The North Carolina State Residential Building
26 Code shall apply throughout the State, from the time of its adoption. Approved rules
27 shall become effective in accordance with G.S. 150B-21.3. However, any political
28 subdivision of the State may adopt a fire prevention code and floodplain management
29 regulations within its jurisdiction. The territorial jurisdiction of any municipality or
30 county for this purpose, unless otherwise specified by the General Assembly, shall be as
31 follows: Municipal jurisdiction shall include all areas within the corporate limits of the
32 municipality and extraterritorial jurisdiction areas established as provided in G.S.
33 160A-360 or a local act; county jurisdiction shall include all other areas of the county.
34 No such code or regulations, other than floodplain management regulations and those
35 permitted by G.S. 160A-436, shall be effective until they have been officially approved
36 by the Building Code Council as providing adequate minimum standards to preserve
37 and protect health and safety, in accordance with the provisions of subsection (c) of this
38 section. Local floodplain regulations may regulate all types and uses of buildings or
39 structures located in flood hazard areas identified by local, State, and federal agencies
40 and include provisions governing substantial improvements, substantial damage,
41 cumulative substantial improvements, lowest floor elevation, protection of mechanical
42 and electrical systems, foundation construction, anchorage, acceptable flood resistant
43 materials, and other measures the political subdivision deems necessary considering the
44 characteristics of its flood hazards and vulnerability. In the absence of approval by the

1 Residential Building Code Council, or in the event that approval is withdrawn, local fire
 2 prevention codes and regulations shall have no force and effect. Provided any local
 3 regulations approved by the local governing body which are found by the Council to be
 4 more stringent than the adopted statewide fire prevention code and which are found to
 5 regulate only activities and conditions in buildings, structures, and premises that pose
 6 dangers of fire, explosion, or related hazards, and are not matters in conflict with the
 7 State Residential Building Code, shall be approved.

8 (f) Publication and Distribution of Code. – The Residential Building Code
 9 Council shall cause to be printed, after adoption by the Council, the North Carolina
 10 State Residential Building Code and each amendment thereto. It shall, at the State's
 11 expense, distribute copies of the Code and each amendment to State and local
 12 governmental officials, departments, agencies, and educational institutions, as is set out
 13 in the table below. (Those marked by an asterisk will receive copies only on written
 14 request to the Council.)

<u>OFFICIAL OR AGENCY</u>	<u>NUMBER OF COPIES</u>
<u>State Departments and Officials</u>	
<u>Governor</u>	<u>1</u>
<u>Lieutenant Governor</u>	<u>1</u>
<u>Auditor</u>	<u>1</u>
<u>Treasurer</u>	<u>1</u>
<u>Secretary of State</u>	<u>1</u>
<u>Superintendent of Public Instruction</u>	<u>1</u>
<u>Attorney General (Library)</u>	<u>1</u>
<u>Commissioner of Agriculture</u>	<u>1</u>
<u>Commissioner of Labor</u>	<u>1</u>
<u>Commissioner of Insurance</u>	<u>1</u>
<u>Department of Environment and Natural Resources</u>	<u>1</u>
<u>Department of Health and Human Services</u>	<u>1</u>
<u>Department of Juvenile Justice and Delinquency Prevention</u>	<u>1</u>
<u>Board of Transportation</u>	<u>1</u>
<u>Utilities Commission</u>	<u>1</u>
<u>Department of Administration</u>	<u>1</u>
<u>Clerk of the Supreme Court</u>	<u>1</u>
<u>Clerk of the Court of Appeals</u>	<u>1</u>
<u>Clerk of the Superior Court</u>	<u>1 each</u>
<u>Department of Cultural Resources [State Library]</u>	<u>5</u>
<u>Supreme Court Library</u>	<u>2</u>
<u>Legislative Library</u>	<u>1</u>
<u>Office of Administrative Hearings</u>	<u>1</u>
<u>Rules Review Commission</u>	<u>1</u>
<u>Schools</u>	
<u>All State-supported colleges and universities</u>	
<u>in the State of North Carolina</u>	<u>*1 each</u>

1 Local Officials

- 2 Clerks of the Superior Courts 1 each
- 3 Chief Building Inspector of each incorporated
- 4 municipality or county 1

5 In addition, the Residential Building Code Council shall make additional copies
6 available at the price it deems reasonable to members of the general public.

7 (g) Violations. – Any person who shall be adjudged to have violated this Article
8 or the North Carolina State Residential Building Code, except for violations of
9 occupancy limits established by either, shall be guilty of a Class 3 misdemeanor and
10 shall, upon conviction, only be liable to a fine, not to exceed fifty dollars (\$50.00), for
11 each offense. Each 30 days that such violation continues shall constitute a separate and
12 distinct offense. Violation of occupancy limits established pursuant to the North
13 Carolina State Residential Building Code shall be a Class 3 misdemeanor. Any violation
14 incurred more than one year after another conviction for violation of the occupancy
15 limits shall be treated as a first offense for purposes of establishing and imposing
16 penalties.

17 **"§ 143-138.13. Enforcement of the North Carolina State Residential Building**
18 **Code.**

19 (a) Procedural Requirements. – Subject to the provisions set forth herein, the
20 Residential Building Code Council shall adopt such procedural requirements in the
21 North Carolina State Residential Building Code as shall appear reasonably necessary for
22 adequate enforcement of the Code while safeguarding the rights of persons subject to
23 the Code.

24 (b) General Building Regulations. – The Insurance Commissioner shall have
25 general supervision, through the Division of Engineering of the Department of
26 Insurance, of the administration and enforcement of all sections of the North Carolina
27 State Residential Building Code pertaining to general building restrictions and
28 regulations and the construction of buildings generally. The Insurance Commissioner,
29 by means of the Division of Engineering, shall exercise the Commissioner's duties in
30 the enforcement of the North Carolina State Residential Building Code (including local
31 building codes which have superseded the State Residential Building Code in a
32 particular political subdivision pursuant to G.S. 143-138.12(e)) in cooperation with
33 local officials and local inspectors duly appointed by the governing body of any
34 municipality or board of county commissioners pursuant to Part 5 of Article 19 of
35 Chapter 160A of the General Statutes, Part 4 of Article 18 of Chapter 153A of the
36 General Statutes, or any other applicable statutory authority.

37 (c) Remedies. – In case any building or structure is maintained, erected,
38 constructed, or reconstructed or its purpose altered so that it becomes in violation of this
39 Article or of the North Carolina State Residential Building Code, either the local
40 enforcement officer or the State Commissioner of Insurance or other State official with
41 responsibility under this section may, in addition to other remedies, institute any
42 appropriate action or proceeding to: (i) prevent the unlawful maintenance, erection,
43 construction, or reconstruction or alteration of purpose, or overcrowding, (ii) restrain,
44 correct, or abate the violation, or (iii) prevent the occupancy or use of the building,

1 structure, or land until the violation is corrected. In addition to the civil remedies set out
2 in G.S. 160A-175 and G.S. 153A-123, a county, city, or other political subdivision
3 authorized to enforce the North Carolina State Residential Building Code within its
4 jurisdiction may, for the purposes stated in (i) through (iii) of this subsection, levy a
5 civil penalty for violation of the fire prevention code of the North Carolina State
6 Residential Building Code, which penalty may be recovered in a civil action in the
7 nature of debt if the offender does not pay the penalty within a prescribed period of time
8 after the offender has been cited for the violation. If the Commissioner or other State
9 official institutes an action or proceeding under this section, a county, city, or other
10 political subdivision may not institute a civil action under this section based upon the
11 same violation. Appeals from the imposition of any remedy set forth herein, including
12 the imposition of a civil penalty by a county, city, or other political subdivision, shall be
13 as provided in G.S. 160A-434.

14 **§ 143-138.14. Introduction and instruction of the North Carolina State**
15 **Residential Building Code.**

16 Prior to the effective date of Code changes pursuant to G.S. 143-138.12, the
17 Residential Building Code Council and Department of Insurance shall provide for
18 instructional classes for the various trades affected by the Code. The Department of
19 Insurance shall develop the curriculum for each class but shall consult the affected
20 licensing boards and trade organizations. The curriculum shall include explanations of
21 the rationale and need for each Code amendment or revision. Classes may also be
22 conducted by, on behalf of, or in cooperation with licensing boards, trade associations,
23 and professional societies. The Department of Insurance may charge fees sufficient to
24 recover the costs it incurs under this section. The Council shall ensure that courses are
25 accessible to persons throughout the State."

26 **SECTION 7.** There is established in the General Assembly the State
27 Construction Task Force to develop legislative recommendations to streamline the State
28 government construction review and approval process.

29 The task force shall undertake a comprehensive analysis of current agency
30 review responsibilities in order to recommend steps to be taken to minimize the time
31 required for project review and approval, eliminate unnecessary duplication of review
32 efforts by State agencies, and minimize conflicting review comments by agency
33 personnel, while at the same time ensuring the public health, safety, and welfare and the
34 quality of State facilities.

35 The State Construction Task Force shall be composed of 13 members
36 appointed as follows:

- 37 (1) Two members of the House of Representatives at the time of their
38 appointment, appointed by the Speaker of the House of
39 Representatives;
- 40 (2) Two members of the Senate at the time of their appointment,
41 appointed by the President Pro Tempore of the Senate;
- 42 (3) One member who represents The University of North Carolina,
43 appointed by the President Pro Tempore of the Senate;

- 1 (4) One member who represents the Community College System,
2 appointed by the Speaker of the House of Representatives;
- 3 (5) One member who represents the Department of Insurance, appointed
4 by the President Pro Tempore of the Senate;
- 5 (6) One member who represents the State Construction Office, appointed
6 by the Speaker of the House of Representatives;
- 7 (7) One member who represents the State Building Commission,
8 appointed by the President Pro Tempore of the Senate;
- 9 (8) One member who represents the Consulting Engineers Council of
10 North Carolina, Inc., appointed by the Speaker of the House of
11 Representatives;
- 12 (9) One member who represents the American Institute of Architects of
13 North Carolina, appointed by the President Pro Tempore of the Senate;
- 14 (10) One member who represents the Associated General Contractors of
15 America, Carolinas Branch, Incorporated, appointed by the Speaker of
16 the House of Representatives; and
- 17 (11) One member who represents the Professional Engineers of North
18 Carolina, Inc., appointed by the President Pro Tempore of the Senate.

19 The Speaker of the House of Representatives and the President Pro Tempore
20 of the Senate shall each select a legislative member from their appointments to serve as
21 cochair of the task force. Meetings shall be called at the will of the cochairs.

22 All members shall serve at the will of their appointing officer. Unless
23 removed or resigned, members shall serve until the task force has made its report.
24 Vacancies in membership shall be filled by the appropriate appointing officer.

25 Upon approval of the Legislative Services Commission, the Legislative
26 Services Office shall assign professional and clerical staff to assist in the work of the
27 task force. The professional staff shall include the appropriate staff from the Fiscal
28 Research, Research, and Legislative Drafting Divisions of the Legislative Services
29 Office of the General Assembly. Clerical staff shall be furnished to the task force
30 through the offices of the House of Representatives and Senate Supervisors of Clerks.
31 The task force may meet in the Legislative Building or the Legislative Office Building
32 upon the approval of the Legislative Services Commission. The task force, while in the
33 discharge of its official duties, may exercise all the powers provided under the
34 provisions of G.S. 120-19 through G.S. 120-19.4, including the power to request all
35 officers, agents, agencies, and departments of the State to provide any information and
36 any data within their possession or ascertainable from their records and the power to
37 subpoena witnesses.

38 Members of the task force shall receive per diem, subsistence, and travel
39 allowances as follows:

- 40 (1) Task force members who are members of the General Assembly, at the
41 rate established in G.S. 120-3.1;
- 42 (2) Task force members who are officials or employees of the State or of
43 local government agencies, at the rate established in G.S. 138-6; and
- 44 (3) All other task force members, at the rate established in G.S. 138-5.

1 The State Construction Task Force shall report the results of its study,
2 together with any legislative proposals, to the 2004 Regular Session of the 2003 General
3 Assembly, within a week of its convening.

4 **SECTION 8.** The Building Code Council shall adopt rules or amend the
5 North Carolina State Building Code consistent with Sections 3 through 5 of this act on
6 or before October 1, 2004. The Department of Insurance shall adopt rules to implement
7 this act and shall make recommendations, including legislative proposals for statutory
8 revisions required to establish a separate State Building Code and Building Code
9 Council for one-family and two-family residential structures. The Department shall
10 report its recommendations to the General Assembly by March 1, 2004.

11 **SECTION 9.** Sections 1 through 6 of this act become effective October 1,
12 2004, and apply to permits issued on or after that date. The remainder of this act
13 becomes effective October 1, 2003.