

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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SENATE BILL 329  
Second Edition Engrossed 5/5/21  
House Committee Substitute Favorable 8/19/21  
House Committee Substitute #2 Favorable 10/20/21

Short Title: Building Code Mod./Permit Exemption Amt. Mod. (Public)

Sponsors:

Referred to:

March 23, 2021

1 A BILL TO BE ENTITLED  
2 AN ACT TO MODIFY ARCHITECT LICENSURE AND SEAL, ENGINEER SEAL, AND  
3 BUILDING PERMIT EXEMPTION CRITERIA FOR CERTAIN CONSTRUCTION  
4 PROJECTS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 83A-13 reads as rewritten:

7 "**§ 83A-13. Exemptions.**

8 ...  
9 (c) Nothing in this Chapter shall be construed to require an architectural license for the  
10 preparation, sale, or furnishing of plans, specifications and related data, or for the supervision of  
11 construction pursuant thereto, where the building, buildings, or project involved is in one of the  
12 following categories:

- 13 ...  
14 (3) An institutional or commercial building if it does not have a total value  
15 exceeding ~~two hundred thousand dollars (\$200,000);~~three hundred thousand  
16 dollars (\$300,000);  
17 (4) An institutional or commercial building if the total building area does not  
18 exceed 3,000 square feet in gross floor area;

19 ...  
20 (c1) Notwithstanding subdivisions (c)(3) and (4) of this section, ~~a~~all of the following shall  
21 be exempt from the requirement for a professional architectural seal:

- 22 (1) A commercial building project with a total value of less than ~~two hundred~~  
23 ~~thousand dollars (\$200,000)~~ three hundred thousand dollars (\$300,000) and a  
24 total project area of less than 3,000 square feet shall be exempt from the  
25 requirement for a professional architectural seal. feet in gross floor area.  
26 (2) Any alteration, remodeling, renovation, or repair of a commercial building  
27 with a total value of less than three hundred thousand dollars (\$300,000).  
28 (3) Any alteration, remodeling, renovation, or repair of a commercial building if  
29 the total building area does not exceed 3,000 square feet in gross floor area.

30 ...."

31 **SECTION 2.** G.S. 143-138 is amended by adding two new subsections to read:

32 "(b21) Exclusion for Certain Minor Activities in Commercial Buildings and Structures. – No  
33 permit shall be required under the Code or any local variance thereof approved under subsection  
34 (e) for any construction, installation, repair, replacement, or alteration performed in accordance



1 with the current edition of the North Carolina State Building Code and the North Carolina Fire  
2 Prevention Code costing twenty thousand dollars (\$20,000) or less in any commercial building  
3 or structure unless the work involves any of the activities described in subdivisions (1) through  
4 (5) of subsection (b5) of this section.

5 (b22) Limit Requirement for Certain Plans to be Under Professional Seal. – The North  
6 Carolina State Building Code shall not require that plans and specifications for any alteration,  
7 remodeling, renovation, or repair of a commercial building or structure be prepared by and under  
8 the seal of a registered architect licensed under Chapter 83A of the General Statutes, or a  
9 registered engineer licensed under Chapter 89C of the General Statutes, if the alteration,  
10 remodeling, renovation, or repair costs less than three hundred thousand dollars (\$300,000) or if  
11 the total building area does not exceed 3,000 square feet in gross floor area and all of the  
12 following apply:

- 13 (1) The alteration, remodeling, renovation, or repair does not include the addition,  
14 repair, or replacement of load-bearing structures.
- 15 (2) The alteration, remodeling, renovation, or repair is not subject to the  
16 requirements of G.S. 133-1.1(a).
- 17 (3) The alteration, remodeling, renovation, or repair is performed in accordance  
18 with the current edition of the North Carolina Fire Prevention Code."

19 **SECTION 3.** G.S. 160D-1104 is amended by adding a new subsection to read:

20 "(d1) A local government may not adopt or enforce a local ordinance, resolution, or policy  
21 that requires that plans and specifications for any alteration, remodeling, renovation, or repair of  
22 a commercial building or structure be prepared by and under the seal of a registered architect  
23 licensed under Chapter 83A of the General Statutes, or a registered engineer licensed under  
24 Chapter 89C of the General Statutes, if the alteration, remodeling, renovation, or repair costs less  
25 than three hundred thousand dollars (\$300,000) or if the total building area does not exceed 3,000  
26 square feet in gross floor area and all of the following apply:

- 27 (1) The alteration, remodeling, renovation, or repair does not include the addition,  
28 repair, or replacement of load-bearing structures.
- 29 (2) The alteration, remodeling, renovation, or repair is not subject to the  
30 requirements of G.S. 133-1.1(a)."

31 **SECTION 4.(a)** G.S. 160D-1110(c) reads as rewritten:

32 "(c) No permit issued under Article 9 or 9C of Chapter 143 of the General Statutes is  
33 required for any construction, installation, repair, replacement, or alteration performed in  
34 accordance with the current edition of the North Carolina State Building Code costing ~~fifteen~~  
35 ~~thousand dollars (\$15,000) twenty thousand dollars (\$20,000) or less in any single-family~~  
36 ~~residence or residence, farm building-building, or commercial building unless the work involves~~  
37 any of the following:

- 38 (1) The addition, repair, or replacement of load-bearing structures. However, no  
39 permit is required for replacement of windows, doors, exterior siding, or the  
40 pickets, railings, stair treads, and decking of porches and exterior ~~decks that~~  
41 ~~otherwise meet the requirements of this subsection.~~
- 42 (2) The addition or change in the design of plumbing. However, no permit is  
43 required for replacements otherwise meeting the requirements of this  
44 subsection that do not change size or capacity.
- 45 (3) The addition, replacement, or change in the design of heating,  
46 air-conditioning, or electrical wiring, devices, appliances, or equipment, other  
47 than like-kind replacement of electrical devices and lighting fixtures.
- 48 (4) The use of materials not permitted by the North Carolina ~~Residential Code for~~  
49 ~~One and Two Family Dwellings: State Building Code.~~
- 50 (5) The addition (excluding replacement) of roofing."

51 **SECTION 4.(b)** G.S. 143-138(b5) reads as rewritten:

1       "(b5) Permit Exclusion for Certain Minor Activities in Residential and Farm Structures.—  
2 Activities. — No permit shall be required under the Code or any local variance thereof approved  
3 under subsection (e) for any construction, installation, repair, replacement, or alteration  
4 performed in accordance with the current edition of the North Carolina State Building Code and  
5 costing ~~fifteen thousand dollars (\$15,000)~~ twenty thousand dollars (\$20,000) or less in any single  
6 family ~~residence or residence, farm building~~ building, or commercial building unless the work  
7 involves any of the following:

- 8           (1) The addition, repair, or replacement of load bearing structures. However, no  
9           permit is required for replacements of windows, doors, exterior siding, or the  
10           pickets, railings, stair treads, and decking of porches and exterior decks that  
11           otherwise meet the requirements of this subsection.
- 12           (2) The addition or change in the design of plumbing. However, no permit is  
13           required for replacements otherwise meeting the requirements of this  
14           subsection that do not change size or capacity.
- 15           (3) The addition, replacement or change in the design of heating, air conditioning,  
16           or electrical wiring, appliances, or ~~equipment~~ equipment, other than a  
17           like-kind replacement of electrical devices and lighting fixtures.
- 18           (4) ~~The use of materials not permitted by the North Carolina Residential Code for~~  
19           ~~One and Two Family Dwellings.~~ State Building Code.
- 20           (5) The addition (excluding replacement) of roofing."

21       **SECTION 5.** This act becomes effective December 1, 2021, and applies to  
22 construction, installation, repair, replacement, remodeling, renovation, or alteration projects  
23 beginning on or after that date.