

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1409
Committee Substitute Favorable 5/7/09
Committee Substitute #2 Favorable 5/13/09
Senate Commerce Committee Substitute Adopted 6/23/09
Fifth Edition Engrossed 6/25/09
Proposed Conference Committee Substitute H1409-PCCS50789-LB-2

Short Title: Building Code Exclusion/Certain Wiring.

(Public)

Sponsors:

Referred to:

April 13, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO EXEMPT CERTAIN ELECTRICAL LIGHTING DEVICES AND FIXTURES
3 AND WATER HEATER REPLACEMENT IN RESIDENCES FROM BUILDING
4 PERMITTING REQUIREMENTS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 143-138(b5) as amended by Section 1 of S.L. 2009-245 reads as
7 rewritten:

8 "(b5) No building permit shall be required under the Code or any local variance thereof
9 approved under subsection (e) for any construction, installation, repair, replacement, or
10 alteration costing five thousand dollars (\$5,000) or less in any single family residence or farm
11 building unless the work involves: the addition, repair, or replacement of load bearing
12 structures; the addition (excluding replacement of same size and capacity) or change in the
13 design of plumbing; the addition, replacement or change in the design of heating, air
14 conditioning, or electrical wiring, devices, fixtures (excluding repair or replacement of
15 electrical lighting devices and fixtures of the same type), appliances, appliances (excluding
16 replacement of water heaters, provided that the energy use rate or thermal input is not greater
17 than that of the water heater which is being replaced, and there is no change in fuel, energy
18 source, location, capacity, or routing or sizing of venting and piping), or equipment, the use of
19 materials not permitted by the North Carolina Uniform Residential Building Code; or the
20 addition (excluding replacement of like grade of fire resistance) of roofing. The exclusions
21 from building permit requirements set forth in this paragraph for electrical lighting devices and
22 fixtures and water heaters shall apply only to work performed on a one- or two-family
23 dwelling. In addition, exclusions for electrical lighting devices and fixtures and electric water
24 heaters shall apply only to work performed by a person licensed under G.S. 87-43 and
25 exclusions for water heaters, generally, to work performed by a person licensed under
26 G.S. 87-21."

27 SECTION 2. G.S. 153A-357(a) reads as rewritten:

28 "(a) No person may commence or proceed with any of the following without first
29 securing from the inspection department with jurisdiction over the site of the work each permit



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1 required by the State Building Code and any other State or local law or local ordinance or
2 regulation applicable to the work:

- 3 (1) The construction, reconstruction, alteration, repair, movement to another
4 site, removal, or demolition of any ~~building;~~building.
- 5 (2) The installation, extension, or general repair of any plumbing ~~system;~~system
6 except that in any one- or two-family dwelling unit a permit shall not be
7 required for the connection of a water heater that is being replaced, provided
8 that the work is performed by a person licensed under G.S. 87-21, who
9 personally examines the work at completion and ensures that a leak test has
10 been performed on the gas piping, and provided the energy use rate or
11 thermal input is not greater than that of the water heater which is being
12 replaced, there is no change in fuel, energy source, location, capacity, or
13 routing or sizing of venting and piping, and the replacement is installed in
14 accordance with the current edition of the State Building Code.
- 15 (3) The installation, extension, alteration, or general repair of any heating or
16 cooling equipment ~~system;~~or system.
- 17 (4) The installation, extension, alteration, or general repair of any electrical
18 wiring, devices, appliances, or equipment except that in any one- or
19 two-family dwelling unit a permit shall not be required for repair or
20 replacement of electrical lighting fixtures or devices, such as receptacles and
21 lighting switches, or for the connection of an existing branch circuit to an
22 electric water heater that is being replaced, provided that all of the following
23 requirements are met:
- 24 a. With respect to electric water heaters, the replacement water heater is
25 placed in the same location and is of the same or less capacity and
26 electrical rating as the original.
- 27 b. With respect to electrical lighting fixtures and devices, the
28 replacement is with a fixture or device having the same voltage and
29 the same or less amperage.
- 30 c. The work is performed by a person licensed under G.S. 87-43.
- 31 d. The repair or replacement installation meets the current edition of the
32 State Building Code, including the State Electrical Code.

33 ~~without first securing from the inspection department with jurisdiction over the site of the work~~
34 ~~each permit required by the State Building Code and any other State or local law or local~~
35 ~~ordinance or regulation applicable to the work.~~ A permit shall be in writing and shall contain a
36 provision that the work done shall comply with the State Building Code and all other applicable
37 State and local laws and local ordinances and regulations. Nothing in this section shall require a
38 county to review and approve residential building plans submitted to the county pursuant to
39 Section R-110 of Volume VII of the North Carolina State Building Code; provided that the
40 county may review and approve such residential building plans as it deems necessary. No
41 permit may be issued unless the plans and specifications are identified by the name and address
42 of the author thereof; and if the General Statutes of North Carolina require that plans for certain
43 types of work be prepared only by a registered architect or registered engineer, no permit may
44 be issued unless the plans and specifications bear the North Carolina seal of a registered
45 architect or of a registered engineer. If a provision of the General Statutes of North Carolina or
46 of any ordinance requires that work be done by a licensed specialty contractor of any kind, no
47 permit for the work may be issued unless the work is to be performed by such a duly licensed
48 contractor. No permit issued under Articles 9 or 9C of G.S. Chapter 143 shall be required for
49 any construction, installation, repair, replacement, or alteration costing five thousand dollars
50 (\$5,000) or less in any single-family residence or farm building unless the work involves: the
51 addition, repair or replacement of load bearing structures; the addition (excluding replacement

1 of same size and capacity) or change in the design of plumbing; the addition, replacement or
2 change in the design of heating, air conditioning, or electrical wiring, devices, appliances, or
3 equipment; the use of materials not permitted by the North Carolina Uniform Residential
4 Building Code; or the addition (excluding replacement of like grade of fire resistance) of
5 roofing. Violation of this section constitutes a Class 1 misdemeanor."

6 **SECTION 3.** G.S. 160A-417(a) reads as rewritten:

7 "(a) No person shall commence or proceed ~~with~~with any of the following without first
8 securing from the inspection department with jurisdiction over the site of the work any and all
9 permits required by the State Building Code and any other State or local laws applicable to the
10 work:

- 11 (1) The construction, reconstruction, alteration, repair, movement to another
12 site, removal, or demolition of any building or ~~structure~~structure.
- 13 (2) The installation, extension, or general repair of any plumbing ~~system~~system
14 except that in any one- or two-family dwelling unit a permit shall not be
15 required for the connection of a water heater that is being replaced, provided
16 that the work is performed by a person licensed under G.S. 87-21, who
17 personally examines the work at completion and ensures that a leak test has
18 been performed on the gas piping, and provided the energy use rate or
19 thermal input is not greater than that of the water heater which is being
20 replaced, there is no change in fuel, energy source, location, capacity, or
21 routing or sizing of venting and piping, and the replacement is installed in
22 accordance with the current edition of the State Building Code.
- 23 (3) The installation, extension, alteration, or general repair of any heating or
24 cooling equipment ~~system~~system.
- 25 (4) The installation, extension, alteration, or general repair of any electrical
26 wiring, devices, appliances, or ~~equipment~~equipment except that in any one-
27 or two-family dwelling unit a permit shall not be required for repair or
28 replacement of electrical lighting fixtures or devices, such as receptacles and
29 lighting switches, or for the connection of an existing branch circuit to an
30 electric water heater that is being replaced, provided that all of the following
31 requirements are met:
 - 32 a. With respect to electric water heaters, the replacement water heater is
33 placed in the same location and is of the same or less capacity and
34 electrical rating as the original.
 - 35 b. With respect to electrical lighting fixtures and devices, the
36 replacement is with a fixture or device having the same voltage and
37 the same or less amperage.
 - 38 c. The work is performed by a person licensed under G.S. 87-43.
 - 39 d. The repair or replacement installation meets the current edition of the
40 State Building Code, including the State Electrical Code.

41 ~~without first securing from the inspection department with jurisdiction over the site of the work~~
42 ~~any and all permits required by the State Building Code and any other State or local laws~~
43 ~~applicable to the work.~~ A permit shall be in writing and shall contain a provision that the work
44 done shall comply with the State Building Code and all other applicable State and local laws.
45 Nothing in this section shall require a city to review and approve residential building plans
46 submitted to the city pursuant to Section R-110 of Volume VII of the North Carolina State
47 Building Code; provided that the city may review and approve such residential building plans
48 as it deems necessary. No permits shall be issued unless the plans and specifications are
49 identified by the name and address of the author thereof, and if the General Statutes of North
50 Carolina require that plans for certain types of work be prepared only by a registered architect
51 or registered engineer, no permit shall be issued unless the plans and specifications bear the

1 North Carolina seal of a registered architect or of a registered engineer. When any provision of
2 the General Statutes of North Carolina or of any ordinance requires that work be done by a
3 licensed specialty contractor of any kind, no permit for the work shall be issued unless the work
4 is to be performed by such a duly licensed contractor. No permit issued under Articles 9 or 9C
5 of Chapter 143 shall be required for any construction, installation, repair, replacement, or
6 alteration costing five thousand dollars (\$5,000) or less in any single family residence or farm
7 building unless the work involves: the addition, repair or replacement of load bearing
8 structures; the addition (excluding replacement of same size and capacity) or change in the
9 design of plumbing; the addition, replacement or change in the design of heating, air
10 conditioning, or electrical wiring, devices, appliances, or equipment; the use of materials not
11 permitted by the North Carolina Uniform Residential Building Code; or the addition (excluding
12 replacement of like grade of fire resistance) of roofing. Violation of this section shall constitute
13 a Class 1 misdemeanor."

14 **SECTION 4.** This act becomes effective October 1, 2009.