

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE DRS35040-MQqq-23 (02/11)

Short Title: Occ. Lic./School Maintenance Plumbing License. (Public)

Sponsors: Senator Bingham (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW NORTH CAROLINA PUBLIC SCHOOLS TO REDUCE COSTS BY
3 ALLOWING THE EMPLOYMENT OF LICENSED SCHOOL MAINTENANCE
4 PLUMBERS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 87-21 is amended by adding a new subsection to read:

7 "§ 87-21. Definitions; contractors licensed by Board; examination; posting license, etc.

8 ...

9 (c) To Whom Article Applies. – The provisions of this Article shall apply to all
10 persons, firms, or corporations who engage in, or attempt to engage in, the business of
11 plumbing, heating, or fire sprinkler contracting, or any combination thereof as defined in this
12 Article. The provisions of this Article shall not apply to those who make minor repairs or minor
13 replacements to an already installed system of plumbing, heating or air conditioning, but shall
14 apply to those who make repairs, replacements, or modifications to an already installed fire
15 sprinkler system. Minor repairs or minor replacements within the meaning of this subsection
16 shall include the replacement of parts in an installed system which do not require any change in
17 energy source, fuel type, or routing or sizing of venting or piping. Parts shall include a
18 compressor, coil, contactor, motor, or capacitor.

19 ...

20 (l) A local board of education that regularly employs a licensee under this Article shall
21 not be deemed to be engaged in the business of plumbing, heating, or fire sprinkler
22 contracting."

23 SECTION 2. G.S. 87-26 is amended by adding a new subsection to read:

24 "§ 87-26. Corporations; partnerships; persons doing business under trade name.

25 (a) A license may be issued in the name of a corporation, provided, one or more
26 officers, or full time employee or employees, or both, empowered to act for the corporation, are
27 licensed in accordance with the provisions of this Article; and provided such officers or
28 employee or employees shall execute contracts to the extent of their license qualifications in the
29 name of the said corporation and exercise general supervision over the work done thereunder.

30 (b) A license may be issued in the name of a partnership provided one or more general
31 partners, or full time employee or employees empowered to act for the partnership, are licensed
32 in accordance with the provisions of this Article, and provided such general partners or
33 employee or employees shall execute contracts to the extent of their license qualifications in the
34 name of the said partnership, and exercise general supervision over the work done thereunder.

35 (c) A license may be issued in an assumed or designated trade name, provided the
36 owner of the business conducted thereunder, or full time employee or employees empowered to



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1 act for the owner, are licensed in accordance with the provisions of this Article; and such owner
2 or employee or employees shall execute contracts to the extent of their license qualifications, in
3 the said trade name, and exercise general supervision over the work done thereunder.

4 (d) A certificate of license may be issued in accordance with the provisions of this
5 Article upon payment of the annual license fee by such corporation, partnership, or owner of
6 the business conducted under an assumed or designated trade name, as the case may be, and the
7 names and qualifications of individual licensee or licensees connected therewith shall be
8 indicated on the aforesaid license.

9 (e) It shall be necessary that persons licensed in accordance with the provisions of this
10 section shall exercise general supervision over contracts to completion.

11 (f) Nothing in this section shall be deemed to limit the ability of a licensee under this
12 Article who is regularly employed by a local board of education to maintain an individual
13 license or to contract or perform work during the hours the licensee is off-duty from the regular
14 employer."

15 **SECTION 3.** G.S. 115C-524 is amended by adding a new subsection to read:

16 "**§ 115C-524. Repair of school property; use of buildings for other than school purposes.**

17 (a) Repair of school buildings is subject to the provisions of G.S. 115C-521(c) and (d).

18 (a1) Local boards of education may employ personnel who are licensed to perform
19 maintenance and repairs on school property for plumbing, heating, and fire sprinklers pursuant
20 to Article 2 of Chapter 87 of the General Statutes.

21 (b) It shall be the duty of local boards of education and tax-levying authorities, in order
22 to safeguard the investment made in public schools, to keep all school buildings in good repair
23 to the end that all public school property shall be taken care of and be at all times in proper
24 condition for use. It shall be the duty of all principals, teachers, and janitors to report to their
25 respective boards of education immediately any unsanitary condition, damage to school
26 property, or needed repair. All principals, teachers, and janitors shall be held responsible for the
27 safekeeping of the buildings during the school session and all breakage and damage shall be
28 repaired by those responsible for same, and where any principal or teacher shall permit damage
29 to the public school buildings by lack of proper discipline of pupils, such principal or teacher
30 shall be held responsible for such damage: Provided, principals and teachers shall not be held
31 responsible for damage that they could not have prevented by reasonable supervision in the
32 performance of their duties.

33 Notwithstanding the provisions of G.S. 115C-263 and 115C-264, local boards of education
34 may adopt rules and regulations under which they may enter into agreements permitting
35 non-school groups to use school real and personal property, except for school buses, for other
36 than school purposes so long as such use is consistent with the proper preservation and care of
37 the public school property. No liability shall attach to any board of education, individually or
38 collectively, for personal injury suffered by reason of the use of such school property pursuant
39 to such agreements."

40 **SECTION 4.** This act becomes effective July 1, 2015.