

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
PROPOSED HOUSE COMMITTEE SUBSTITUTE S329-PCS35334-BG-24

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



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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.