

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
Proposed Conference Committee Substitute S329-PCCS15352-BG-2

Short Title: Bldg. Permit Exempt./Timeshare Eff. Date. (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 AND TO DELAY THE APPLICABILITY OF REVISIONS TO THE NORTH
5 CAROLINA TIMESHARE ACT TO TIMESHARE TRANSFER SERVICES AND
6 TRANSFER SERVICE PROVIDERS.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 83A-13, as amended by Section 1 of S.L. 2021-81, reads as
9 rewritten:

10 "**§ 83A-13. Exemptions.**

11 ...

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

16 ...

17 (3) An institutional or commercial building if it does not have a total value
18 exceeding ~~two hundred thousand dollars (\$200,000);~~ three hundred thousand
19 dollars (\$300,000);

20 (4) An institutional or commercial building if the total building area does not
21 exceed 3,000 square feet in gross floor area;

22 ...

23 (c1) Notwithstanding subdivisions (c)(3) and (4) of this section, all of the following shall
24 be exempt from the requirement for a professional architectural seal:

25 (1) A commercial building project with a total value of less than two hundred
26 thousand dollars (\$200,000) three hundred thousand dollars (\$300,000) and a
27 total project area of less than 3,000 square feet shall be exempt from the
28 requirement for a professional architectural seal. feet in gross floor area.

29 (2) Any alteration, remodeling, renovation, or repair of a commercial building
30 with a total value of less than three hundred thousand dollars (\$300,000).

31 (3) Any alteration, remodeling, renovation, or repair of a commercial building if
32 the total building area does not exceed 3,000 square feet in gross floor area.

33"



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1 **SECTION 2.(a)** G.S. 143-138, as amended by Section 2 of S.L. 2021-121, is
2 amended by adding a new subsection to read:

3 "(b21) Exclusion for Certain Minor Activities in Commercial Buildings and Structures. – No
4 permit shall be required under the Code or any local variance thereof approved under subsection
5 (e) of this section for any construction, installation, repair, replacement, or alteration performed
6 in accordance with the current edition of the North Carolina State Building Code costing twenty
7 thousand dollars (\$20,000) or less in any commercial building or structure unless the work
8 involves any of the activities described in subdivisions (1) through (6) of subsection (b5) of this
9 section. For the purpose of determining applicability of permit exclusions for a commercial
10 building or structure under this subsection, subsection (b5) of this section, and
11 G.S. 160D-1110(c), cost is the total cost of work, including all building addition, demolition,
12 alteration, and repair work, occurring on the property within 12 consecutive months."

13 **SECTION 2.(b)** G.S. 143-138, as amended by Section 2 of S.L. 2021-121, is
14 amended by adding a new subsection to read:

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

- 23 (1) The alteration, remodeling, renovation, or repair does not include the addition,
24 repair, or replacement of load-bearing structures.
25 (2) The alteration, remodeling, renovation, or repair is not subject to the
26 requirements of G.S. 133-1.1(a).
27 (3) The alteration, remodeling, renovation, or repair is performed in accordance
28 with the current edition of the North Carolina Fire Prevention Code."

29 **SECTION 3.** G.S. 160D-1104, as amended by Section 12.5(b) of S.L. 2021-117 and
30 Section 4(a) of S.L. 2021-121, is amended by adding a new subsection to read:

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

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

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

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

- 49 (1) The addition, repair, or replacement of load-bearing structures. However, no
50 permit is required for replacement of windows, doors, exterior siding, or the

1 pickets, railings, stair treads, and decking of porches and exterior ~~decks~~decks
2 that otherwise meet the requirements of this subsection.

3 (2) The addition or change in the design of plumbing. However, no permit is
4 required for replacements otherwise meeting the requirements of this
5 subsection that do not change size or capacity.

6 (3) The addition, replacement, or change in the design of heating,
7 air-conditioning, or electrical wiring, devices, appliances, or equipment, other
8 than like-kind replacement of electrical devices and lighting fixtures.

9 (4) The use of materials not permitted by the North Carolina ~~Residential Code for~~
10 ~~One and Two Family Dwellings~~State Building Code.

11 (5) The addition (excluding replacement) of roofing.

12 (6) Any changes to which the North Carolina Fire Prevention Code applies."

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

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

21 (1) The addition, repair, or replacement of load bearing structures. However, no
22 permit is required for replacements of windows, doors, exterior siding, or the
23 pickets, railings, stair treads, and decking of porches and exterior decks that
24 otherwise meet the requirements of this subsection.

25 (2) The addition or change in the design of plumbing. However, no permit is
26 required for replacements otherwise meeting the requirements of this
27 subsection that do not change size or capacity.

28 (3) The addition, replacement or change in the design of heating, air conditioning,
29 or electrical wiring, appliances, or ~~equipment~~equipment, other than a
30 like-kind replacement of electrical devices and lighting fixtures.

31 (4) The use of materials not permitted by the North Carolina ~~Residential Code for~~
32 ~~One and Two Family Dwellings~~State Building Code.

33 (5) The addition (excluding replacement) of roofing.

34 (6) Any changes to which the North Carolina Fire Prevention Code applies."

35 **SECTION 5.(a)** Section 3 of S.L. 2021-163 reads as rewritten:

36 "**SECTION 3.** This act is effective when it becomes law. Section 1(c) of this act does not
37 apply to timeshare transfer services or to transfer service providers prior to July 1, 2022."

38 **SECTION 5.(b)** This section is effective October 6, 2021.

39 **SECTION 6.** Sections 1, 2, 3, and 4 of this act become effective December 15, 2021,
40 and apply to construction, installation, repair, replacement, remodeling, renovation, or alteration
41 projects beginning on or after that date. Sections 1, 2(b), and 3 of this act expire December 31,
42 2024. Except as otherwise provided, this act is effective when it becomes law.