

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

H.B. 295  
Mar 7, 2023  
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH30126-NK-57

Short Title: Promote North Carolina Sawmills. (Public)

Sponsors: Representative Gillespie.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROMOTE LOCAL SAWMILLS BY ALLOWING THE USE OF UNGRADED  
3 LUMBER IN CERTAIN CIRCUMSTANCES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1.(a) Definitions. – For purposes of this section, the following definitions  
6 apply:

- 7 (1) Dimension lumber. – Lumber that has not been grade-stamped under the  
8 authority of a lumber grading bureau.  
9 (2) Small mill. – A sawmill that mills less than one million board feet of lumber  
10 per year.

11 SECTION 1.(b) The North Carolina Building Code Council shall amend the North  
12 Carolina Residential Code for One- and Two-Family Dwellings in order to permit dimension  
13 lumber that has not been grade-stamped under the authority of a lumber grading bureau to be  
14 used in the construction of one- and two-family dwellings, when that use meets all of the  
15 following requirements:

- 16 (1) The lumber is sold directly by the owner or employee of the sawmill that  
17 milled the lumber to the owner of the dwelling to be constructed or that  
18 person's authorized representative.  
19 (2) The dimension lumber meets or exceeds the requirements of the North  
20 Carolina Residential Code for One- and Two-Family Dwellings other than the  
21 requirements that only grade-stamped lumber be used in residential  
22 construction.  
23 (3) The operator of the sawmill has a certificate from a state-approved lumber  
24 grading training program, certifies that the lumber conforms with product and  
25 inspection standards under American Softwood Lumber Standard PS20, and  
26 marks the lumber with (i) the mill number, name, or abbreviation, (ii) the  
27 species or combination of species of the lumber, (iii) whether the lumber was  
28 dry or green when manufactured as required by American Softwood Lumber  
29 Standard PS20, and (iv) whether the lumber conforms with PS20 standards.  
30 (4) The appropriate code enforcement official reviews the framing of the dwelling  
31 to ensure that it meets the requirements of the North Carolina Residential  
32 Code for One- and Two-Family Dwellings in all respects other than the  
33 requirements that only grade-stamped lumber be used in residential  
34 construction. The code enforcement official shall not be liable for any  
35 structural failure that occurs as a result of the use of dimension lumber rather  
36 than grade-stamped lumber.



- 1 (5) The sawmill provides to the purchaser a certificate containing all of the  
2 following information:  
3 a. A statement of the species of wood, quantity milled, and address where  
4 the lumber will be used.  
5 b. The name of the sawmill operator certified pursuant to G.S. 143-138.2  
6 who milled the lumber.  
7 c. A certification that the lumber meets or exceeds the requirements of  
8 the North Carolina Building Code with the exception that it has not  
9 been grade-stamped by an accredited lumber grading bureau.  
10 d. The date of sale of the lumber.

11 **SECTION 1.(c)** The North Carolina Building Code Council shall amend the North  
12 Carolina Residential Code for One- and Two-Family Dwellings and the North Carolina Building  
13 Code in order to permit dimension lumber that has not been grade-stamped under the authority  
14 of a lumber grading bureau to be used in the construction of one- and two-family dwellings and  
15 structures classified as Residential Group R-2 or R-3, when that use meets all of the following  
16 requirements:

- 17 (1) The lumber is sold directly by the owner or employee of a small mill or a  
18 mobile sawmill that milled the lumber to the owner of the structure to be  
19 constructed or that person's authorized representative.  
20 (2) The dimension lumber meets or exceeds the requirements of the North  
21 Carolina Residential Code for One- and Two-Family Dwellings or the North  
22 Carolina Building Code, as applicable, other than the requirements that only  
23 grade-stamped lumber be used in residential construction.  
24 (3) The operator of the small mill or mobile sawmill has a certificate from a  
25 state-approved lumber grading training program, certifies that the lumber  
26 conforms with product and inspection standards under American Softwood  
27 Lumber Standard PS20, and marks the lumber with (i) the mill number, name,  
28 or abbreviation, (ii) the species or combination of species of the lumber, (iii)  
29 whether the lumber was dry or green when manufactured as required by  
30 American Softwood Lumber Standard PS20, and (iv) whether the lumber  
31 conforms with PS20 standards.  
32 (4) The appropriate code enforcement official reviews the framing of the structure  
33 to ensure that it meets the requirements of the North Carolina Residential  
34 Code for One- and Two-Family Dwellings or the North Carolina Building  
35 Code, as applicable, in all respects other than the requirements that only  
36 grade-stamped lumber be used in residential construction. The code  
37 enforcement official shall not be liable for any structural failure that occurs as  
38 a result of the use of dimension lumber rather than grade-stamped lumber.  
39 (5) The small mill or mobile sawmill provides to the purchaser a certificate  
40 containing all of the following:  
41 a. A statement of the species of wood, quantity milled, and address where  
42 the lumber will be used.  
43 b. The name of the sawmill operator certified pursuant to G.S. 143-138.2  
44 who milled the lumber.  
45 c. A certification that the lumber meets or exceeds the requirements of  
46 the North Carolina Building Code with the exception that it has not  
47 been grade-stamped by an accredited lumber grading bureau.  
48 d. The date of sale of the lumber.

49 **SECTION 1.(d)** The Building Code Council shall adopt temporary rules to  
50 implement the requirements of this section no later than 180 days after the effective date of this

1 section. The Building Code Council shall also adopt permanent rules to replace the temporary  
2 rules.

3 **SECTION 2.(a)** Article 9 of Chapter 143 of the General Statutes is amended by  
4 adding a new section to read:

5 **"§ 143-138.2. Lumber grading training program.**

6 (a) The North Carolina Cooperative Extension Service shall establish a basic lumber  
7 grading training program for individuals and establish the general requirements for successfully  
8 completing the training program, including requirements for initial certification and for  
9 recertification. The North Carolina Cooperative Extension Service shall offer the training  
10 program at least annually. The Extension Forestry staff, in cooperation with the staff of the North  
11 Carolina Forest Service, shall develop and establish the content of the training program,  
12 determine the certification requirements for instructors teaching the training program, and  
13 determine the criteria for determining successful completion of the training program. Instructors  
14 shall be approved by the North Carolina Cooperative Extension Service.

15 (b) The North Carolina Cooperative Extension Service may, in its discretion, authorize  
16 one or more private lumber grading training programs, provided that the content of the private  
17 programs and certification requirements for instructors and criteria for successful completion of  
18 the training program are at least as stringent as the program offered by the North Carolina  
19 Cooperative Extension Service. An authorized private training program may issue initial  
20 certifications and recertifications.

21 (c) An individual holding an initial certification from the program established by  
22 subsection (a) of this section, from a private program authorized under subsection (b) of this  
23 section, or from a state-approved lumber grading program in another state who mills lumber in  
24 the State shall be recertified under the training program every five years.

25 (d) An individual who holds an initial certification from the program established by  
26 subsection (a) of this section, from a private program authorized under subsection (b) of this  
27 section, or from a state-approved lumber grading program in another state shall register with the  
28 North Carolina Forest Service before selling lumber that has not been grade-stamped under the  
29 authority of a lumber grading bureau directly to the owner of a structure for use in construction  
30 of the structure."

31 **SECTION 2.(b)** The North Carolina Cooperative Extension Service shall establish  
32 the basic lumber grading training program no later than 180 days after the effective date of this  
33 section.

34 **SECTION 3.** G.S. 160D-1110 is amended by adding a new subsection to read:

35 "(b1) For a structure constructed with lumber that has not been grade-stamped under the  
36 authority of a lumber grading bureau, a building permit applicant shall submit with the building  
37 permit application all of the following:

38 (1) A statement of the species of wood, quantity, and address where the lumber  
39 will be used.

40 (2) The name of the sawmill operator certified pursuant to G.S. 143-138.2 who  
41 milled the lumber.

42 (3) A certification that the lumber meets or exceeds the requirements of the North  
43 Carolina Building Code with the exception that it has not been grade-stamped  
44 by an accredited lumber grading bureau.

45 (4) The date of sale of the lumber."

46 **SECTION 4.** Section 1 of this act is effective when it becomes law and expires when  
47 the Building Code Council has issued permanent rules substantially similar to Sections 1(b) and  
48 1(c) of this act and notifies the Codifier of Statutes that it has done so. Section 3 of this act  
49 becomes effective on the date that the temporary rules required to be adopted by the Building  
50 Code Council by Section 1 of this act become effective. The remainder of this act is effective  
51 when it becomes law.