

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

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**HOUSE BILL 782
PROPOSED SENATE COMMITTEE SUBSTITUTE H782-PCS40510-CJ-11**

Short Title: Movie Sets/Radon/Licensee Experience. (Public)

Sponsors:

Referred to:

April 19, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE NORTH CAROLINA BUILDING CODE EXCLUSION FOR
3 TEMPORARY MOTION PICTURE, TELEVISION, AND THEATER STAGE SETS AND
4 SCENERY TO EXEMPT THEM FROM USE AND OCCUPANCY CLASSIFICATION
5 UNDER THE CODE; TO DIRECT THE COMMISSION FOR PUBLIC HEALTH TO
6 ESTABLISH AN APPROVAL PROCESS FOR RADON PROFICIENCY PROGRAMS;
7 AND TO PROVIDE THAT EVIDENCE OF A LICENSEE HAVING MAINTAINED A
8 LICENSE IN GOOD STANDING UNDER ARTICLE 2 OF CHAPTER 87 OF THE
9 GENERAL STATUTES FOR AT LEAST FIFTEEN YEARS SHALL BE ACCEPTED AS
10 EXPERIENCE FOR PLUMBING AND HEATING QUALIFICATIONS BY THE BOARD
11 OF EXAMINERS OF PLUMBING, HEATING, AND FIRE SPRINKLER
12 CONTRACTORS.

13 The General Assembly of North Carolina enacts:

14 **SECTION 1.** G.S. 143-138(b20) reads as rewritten:

15 "(b20) Exclusion for Temporary Motion Picture, Television, and Theater Stage Sets and
16 Scenery. – Buildings used for temporary motion picture, television, and theater stage sets and
17 scenery are exempt from use and occupancy classification under the North Carolina State
18 Building Code. No permit shall be required under the North Carolina State Building Code or any
19 local variant approved under subsection (e) of this section for any construction, installation,
20 repair, replacement, or alteration of temporary motion picture, television, and theater stage sets
21 and scenery that are being used for less than one year in one location and are inspected by the
22 assigned fire code inspector. ~~The Building Code Council shall create a fire code inspection~~
23 ~~checklist that shall be used for inspections under this subsection.~~scenery."

24 **SECTION 2.(a)** Definitions. – The following definitions apply in this section:

- 25 (1) Department. – The Department of Health and Human Services, through its
26 Division of Health Service Regulation.
- 27 (2) International Program Approval Standard. – The ISO/IEC 17024:2012
28 standard, an international consensus standard containing principles and
29 requirements for a certifying entity, and including standards for the
30 development and maintenance of a certification program, including
31 certification programs for radon professionals.
- 32 (3) ISO/IEC. – The joint technical committee of the International Organization
33 for Standardization and the International Electrotechnical Commission.
- 34 (4) Radon professional. – Any individual engaged in the practice of testing for the
35 presence of radon or radon progeny or implementing methods to reduce the



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1 concentration of radon or radon progeny in the indoor environment of a
2 building.

3 (5) Radon proficiency program approval rules. – Rules adopted by the
4 Department for the approval of proficiency programs for radon professionals
5 as set forth in this section.

6 (6) Recognized accreditation body. – A third-party accreditation body that
7 accredits the compliance of radon proficiency programs and is a signatory of
8 the International Accreditation Forum's Multilateral Recognition Agreement.

9 **SECTION 2.(b)** Radon Proficiency Program Approval Rules. – The Department
10 shall adopt temporary and permanent radon proficiency program approval rules that provide for
11 all of the following:

12 (1) Approval of a term that is no less than one year for radon proficiency programs
13 that meet the criteria set forth in subdivision (3) of this subsection.

14 (2) In cases where an application for approval or renewal of approval for a radon
15 proficiency program is denied, that a proficiency program shall have 180 days
16 to engage in corrective actions and reapply for renewal before any approval is
17 revoked or, for a new radon proficiency program, before the applicant will
18 have to resubmit a new application.

19 (3) Approval of a radon proficiency program that meets either of the following
20 criteria:

21 a. Establishing compliance and periodic reaccreditation with the
22 international program approval standard through accreditation by a
23 recognized accreditation body.

24 b. Showing to the satisfaction of the Department in a manner that the
25 Department may specify that the radon proficiency program meets the
26 following requirements:

27 1. Establishment of a board with members from various private
28 and public sector stakeholders to make decisions regarding
29 curriculum, testing, instructor qualifications, quality assurance
30 and control, continuing education requirements, and
31 procedures for the handling of complaints.

32 2. Minimum training requirements for radon professional
33 certification.

34 3. Examination requirements.

35 4. Continuing education requirements.

36 5. Submission of instructor qualifications demonstrating relevant
37 knowledge and experience.

38 6. Submission to regular audits regarding proper handling of risk,
39 impartiality, and candidate records.

40 (4) Publication of a registry of approved proficiency programs in all
41 communications by the Department regarding proficiency programs.

42 **SECTION 2.(c)** Additional Rulemaking Authority. – Notwithstanding
43 G.S. 150B-19(4), rules adopted by the Department shall be substantively identical to the
44 provisions of subsection (b) of this section. Rules adopted pursuant to this section are not subject
45 to Part 3 of Article 2A of Chapter 150B of the General Statutes and shall become effective as
46 provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as
47 provided by G.S. 150B-21.3(b2).

48 **SECTION 2.(d)** Transitional Provisions. – Radon proficiency programs currently
49 operating and included in public listings of programs by the Department at any time after January
50 1, 2020, shall be deemed to be an approved radon proficiency program under this act until the

1 Department has adopted permanent rules under Sections 2(a) through 2(c) of this act and has
2 approved or denied approval of the program under those rules.

3 **SECTION 3.** G.S. 87-21(b)(3) reads as rewritten:

4 "(3) The Board shall prescribe the standard of competence, experience and
5 efficiency to be required of an applicant for license of each class, and shall
6 give an examination designed to ascertain the technical and practical
7 knowledge of the applicant concerning the analysis of plans and
8 specifications, estimating costs, fundamentals of installation and design,
9 codes, fire hazards, and related subjects as these subjects pertain to plumbing,
10 heating, or fire sprinkler systems. The examination for a fire sprinkler
11 contractor's license shall include such materials as would test the competency
12 of the applicant and which may include the minimum requirements of
13 certification for Level III, subfield of Automatic Sprinkler System Layout,
14 National Institute for Certification of Engineering Technologies (NICET). As
15 a result of the examination, the Board shall issue a certificate of license of the
16 appropriate class in plumbing, heating, or fire sprinkler contracting, and a
17 license shall be obtained, in accordance with the provisions of this Article,
18 before any person, firm or corporation shall engage in, or offer to engage in,
19 the business of plumbing, heating, or fire sprinkler contracting, or any
20 combination thereof. The obtaining of a license, as required by this Article,
21 shall not of itself authorize the practice of another profession or trade for
22 which a State qualification license is required. Prior to taking the examination,
23 the applicant may be required by the Board to establish that the applicant is at
24 least 18 years of age and is of good moral character. The Board may require
25 experience as a condition of examination, provided that (i) the experience
26 required may not exceed two years, (ii) that up to one-half the experience may
27 be in the form of academic or technical courses of study, and (iii) that
28 registration is not required at the commencement of the period of experience.
29 Evidence that a licensee has maintained a license in good standing under this
30 Article for a minimum of 15 years shall be accepted as experience for
31 plumbing and heating qualifications."

32 **SECTION 4.** Section 3 of this act becomes effective July 1, 2023. The remainder of
33 this act is effective when it becomes law.