

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 981

Short Title: Manufactured Modular Structure Regs.

(Public)

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Sponsors: Representatives Holt; Easterling and Howard.

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Referred to: Commerce.

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March 31, 1989

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT PERSONS WHO ERECT MANUFACTURED  
2 MODULAR STRUCTURES EITHER HAVE A VALID CONTRACTORS'  
3 LICENSE OR COMPLY WITH RULES OF THE BUILDING CODE COUNCIL.  
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5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 87-1 reads as rewritten:

7 "**§ 87-1. 'General contractor' defined; exceptions.**

8 For the purpose of this Article any person or firm or corporation who for a fixed  
9 price, commission, fee or wage, undertakes to bid upon or to construct or who  
10 undertakes to superintend or manage, on his own behalf or for any person, firm or  
11 corporation that is not licensed as a general contractor pursuant to this Article, the  
12 construction of any building, highway, public utilities, grading or any improvement or  
13 structure where the cost of the undertaking is thirty thousand dollars (\$30,000) or more,  
14 or undertakes to erect a North Carolina labeled manufactured modular building meeting  
15 the North Carolina State Building Code, shall be deemed to be a 'general contractor'  
16 engaged in the business of general contracting in the State of North Carolina.

17 This section shall not apply to persons or firms or corporations furnishing or erecting  
18 industrial equipment, power plant equipment, radial brick chimneys, and monuments.

19 This section shall not apply to any person or firm or corporation who constructs a  
20 building on land owned by that person, firm or corporation when such building is  
21 intended for use by that person, firm or corporation after completion."

22 Sec. 2. G.S. 143-139.1 reads as rewritten:

23 "**§ 143-139.1. Certification of manufactured buildings, structures or components**  
24 **by recognized independent testing laboratory.**

1 The State Building Code may provide, in circumstances deemed appropriate by the  
2 Building Code Council, for testing, evaluation, inspection, and certification of  
3 buildings, structures or components manufactured off the site on which they are to be  
4 erected, by a recognized independent testing laboratory having follow-up inspection  
5 services approved by the Building Code Council. Approval of such buildings, structures  
6 or components shall be evidenced by labels or seals acceptable to the Council. All  
7 building units, structures or components bearing such labels or seals shall be deemed to  
8 meet the requirements of the State Building Code and this Article without further  
9 inspection or payment of fees, except as may be required for the enforcement of the  
10 Code relative to the connection of units and components and enforcement of local  
11 ordinances governing zoning, utility connections, and foundations permits. The  
12 Building Code Council shall adopt and may amend from time to time such reasonable  
13 and appropriate rules and regulations as it deems necessary for approval of agencies  
14 offering such testing, evaluation, inspection, and certification services and for  
15 overseeing their operations. Such rules and regulations shall include provisions to insure  
16 that such agencies are independent and free of any potential conflicts of interest which  
17 might influence their judgment in exercising their functions under the Code. Such rules  
18 and regulations may include a schedule of reasonable fees to cover administrative  
19 expenses in approving and overseeing operations of such agencies and may require the  
20 posting of a bond or other security satisfactory to the Council guaranteeing faithful  
21 performance of duties under the Code.

22 The Building Code Council may also adopt rules to insure that any person that is not  
23 licensed, in accordance with G.S. 87-1, and that undertakes to erect a North Carolina  
24 labeled manufactured modular building, meets the manufacturer's installation  
25 instructions and applicable provisions of the State Building Code. The Building Code  
26 Council may require that an adequate bond or other security be posted to guarantee the  
27 faithful performance of duties required by the Code or the Council's rules."

28 Sec. 3. This act is effective upon ratification.