

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**SESSION LAW 2005-289
HOUSE BILL 736**

AN ACT TO ALLOW THE ADMINISTERING OF THE CODE ENFORCEMENT OFFICIAL BOARD'S EXAMINATION AT REGIONAL LOCATIONS AND MORE FREQUENTLY THAN QUARTERLY BY THE AUTHORIZING OF CODE ENFORCEMENT OFFICIAL EXAMINATION FEES, BY REPEALING THE SUNSET ON PROVISIONS RELATING TO TRAVEL DISTANCE BETWEEN PUBLIC USE TOILETS IN MALLS, AND BY CLARIFYING THAT CERTAIN ELECTRIC GENERATING FACILITIES ARE NOT PLUMBING, HEATING, OR FIRE SPRINKLER CONTRACTORS.

The General Assembly of North Carolina enacts:

PART I. CODE ENFORCEMENT EXAMINATION FEES.

SECTION 1. G.S. 143-151.16 reads as rewritten:

"§ 143-151.16. Certification fees; renewal of ~~certificates~~; certificates; examination fees.

(a) The Board shall establish a schedule of fees to be paid by each applicant for certification as a qualified Code-enforcement official. Such fee shall not exceed twenty dollars (\$20.00) for each applicant.

(b) A certificate, other than a probationary certificate, as a qualified Code-enforcement official issued pursuant to the provisions of this Article must be renewed annually on or before the first day of July. Each application for renewal must be accompanied by a renewal fee to be determined by the Board, but not to exceed ten dollars (\$10.00). The Board is authorized to charge an extra two dollar (\$2.00) late renewal fee for renewals made after the first day of July each year.

(c) Any person who fails to renew his certificate for a period of two consecutive years may be required by the Board to take and pass the same examination as unlicensed applicants before allowing such person to renew his certificate.

(d) The Board may establish and collect a fee to be paid by each applicant for examination in an amount not to exceed one hundred twenty-five dollars (\$125.00). In addition, the Board may establish and collect a fee to be paid by each applicant applying for a review of the applicant's examination. The amount of the examination review fee shall not exceed fifty dollars (\$50.00). Examination and examination review fees may be paid directly to approved testing services that maintain regional facilities for the purpose of administering the Board's examinations."

PART II. PUBLIC USE TOILETS IN COVERED MALL BUILDINGS.

SECTION 2. Section 37 of S.L. 2004-199 reads as rewritten:

"SECTION 37.(a) Article 9 of Chapter 143 of the General Statutes is amended by adding the following new section to read:

"§ 143 143.5. Access to toilets in shopping malls.

Notwithstanding any other law or rule, a horizontal travel distance of 300 feet for access to public use toilets in covered mall buildings shall be allowed.

SECTION 37.(b) This section is effective when it becomes law and applies to covered mall buildings for which building permits are issued on or before December 1, 2005. ~~This section expires December 1, 2005.~~law."

PART III. ELECTRIC GENERATING FACILITIES EXEMPTION.

SECTION 3. G.S. 87-21 is amended by adding the following subsection to read:

"(c2) Exemption. – The provisions of this Article shall not apply to electric generating facilities that are subject to G.S. 62-110.1 or that provide power sold at wholesale that is regulated by the Federal Energy Regulatory Commission."

SECTION 4. Part I of this act becomes effective October 1, 2005, and applies to applications made on or after that date. The remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 11th day of August, 2005.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 2:51 p.m. this 22nd day of August, 2005