

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 291
Mar 11, 2021
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10132-MQ-69

Short Title: Bldg. Plan Approval - Certain Commercial Prop. (Public)

Sponsors: Representatives Zenger and Potts (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH AND REQUIRE CERTAIN TIME LINES FOR REVIEW AND
3 APPROVAL OF COMMERCIAL BUILDING PLANS FOR LOCAL GOVERNMENTS
4 AND TO ESTABLISH REMEDIES FOR FAILURE TO TIMELY REVIEW PLANS
5 SUBMITTED UNDER THE EXPERTISE OF A LICENSED DESIGN PROFESSIONAL.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 160D-1106 reads as rewritten:

8 **"§ 160D-1106. Alternate inspection method for component or element.**

9 (a) Notwithstanding the requirements of this Article, a local government shall accept and
10 approve, without further responsibility to inspect, a design or other proposal for a component or
11 element in the construction of buildings from an architect licensed under Chapter 83A of the
12 General Statutes or professional engineer licensed under Chapter 89C of the General Statutes
13 provided all of the following apply:

- 14 (1) When required by the North Carolina State Building Code, the submission
15 design or other proposal is completed under valid seal of the licensed architect
16 or licensed professional engineer.
- 17 (2) Field inspection of the installation or completion of a component or element
18 of the building is performed by a licensed architect or licensed professional
19 engineer or a person under the direct supervisory control of the licensed
20 architect or licensed professional engineer.
- 21 (3) The licensed architect or licensed professional engineer under subdivision (2)
22 of this subsection provides the local government with a signed written
23 document certifying that the component or element of the building inspected
24 under subdivision (2) of this subsection is in compliance with the North
25 Carolina State Building Code or the North Carolina Residential Code for
26 One- and Two-Family Dwellings. The certification required under this
27 subdivision shall be provided by electronic or physical delivery, [and] its
28 receipt shall be promptly acknowledged by the local government through
29 reciprocal means. The certification shall be made on a form created by the
30 North Carolina Building Code Council which shall include at least the
31 following:
- 32 a. Permit number.
 - 33 b. Date of inspection.
 - 34 c. Type of inspection.
 - 35 d. Contractor's name and license number.
 - 36 e. Street address of the job location.



1 f. Name, address, and telephone number of the person responsible for
2 the inspection.

3 (a1) In accepting certifications of inspections under subsection (a) of this section, a local
4 government shall not require information other than that specified in this section.

5 (b) Upon the acceptance and approval receipt of a signed written document by the local
6 government as required under subsection (a) or (c1) of this section, notwithstanding the issuance
7 of a certificate of occupancy, the local government, its inspection department, and the inspectors
8 are discharged and released from any liabilities, duties, and responsibilities imposed by this
9 Article with respect to or in common law from any claim arising out of or attributed to the
10 component or element in the construction of the building for which the signed written document
11 was submitted.

12 (c) With the exception of the requirements contained in subsection (a) of this section, no
13 further certification by a licensed architect or licensed professional engineer is required for any
14 component or element designed and sealed by a licensed architect or licensed professional
15 engineer for the manufacturer of the component or element under the North Carolina State
16 Building Code or the North Carolina Residential Code for One- and Two-Family Dwellings.

17 (c1) Notwithstanding any provision of law to the contrary, for commercial plans submitted
18 that require a design professional seal pursuant to Building Code Council rules, initial plan
19 review shall be completed within 15 days. During the initial 15-day period, the local government
20 or its agents shall communicate with the design professional to resolve questions and issues with
21 the submitted plan. If the local government requests additional information or requires that the
22 plan be resubmitted with changes, the local government shall review the requested information
23 or resubmitted plan and issue a permit within 15 days from the receipt of the requested
24 information or resubmitted plan. In the event that the local government does not issue a permit
25 for the submitted plan within 30 days of initial plan submission, or, if additional information or
26 plan resubmission is requested, within 15 days of the receipt of the information or resubmitted
27 plan, the following shall apply:

28 (1) The fee charged for plan submission and review shall be reduced by ten
29 percent (10%) each day.

30 (2) The permit applicant may retain a third-party firm to review the submitted
31 plans, and the cost of the third-party review shall be reimbursed by the local
32 government. Upon review and approval by the third party, the local
33 government shall issue all necessary permits for the project within 72 hours.

34 In the event the local government or its agents require specifications or manufacturer
35 engineering information on an element, component, or fixture related to the submitted plan, the
36 local government shall obtain that information from the manufacturer of the element, component,
37 or fixture. A local government shall not delay or deny the issuance of a permit or certificate of
38 occupancy based upon the receipt of specifications or manufacturer engineering information on
39 an element, component, or fixture.

40 (d) As used in this section, the following definitions apply:

41 (1) Component. – Any assembly, subassembly, or combination of elements
42 designed to be combined with other components to form part of a building or
43 structure. Examples of a component include an excavated footing trench
44 containing no concrete, a foundation, and a prepared underslab with
45 slab-related materials without concrete. The term does not include a system.

46 (2) Element. – A combination of products designed to be combined with other
47 elements to form all or part of a building component. The term does not
48 include a system."

49 **SECTION 2.** This act is effective when it becomes law and applies to plans
50 submitted on or after that date.