

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 183*

Short Title: LP Gas Inspection Transfer.

(Public)

Sponsors: Senators Goldston, Ezzell, Hunt of Durham, and Plyler.

Referred to: State Government.

February 16, 1989

A BILL TO BE ENTITLED

AN ACT TO TRANSFER THE AUTHORITY TO REGULATE THE ENTRY OF LP
GAS SERVICE PIPING INTO A BUILDING FROM THE DEPARTMENT OF
AGRICULTURE TO THE NORTH CAROLINA BUILDING CODE COUNCIL.

The General Assembly of North Carolina enacts:

Section 1. G.S. 119-54 reads as rewritten:

"§ 119-54. Purpose; ~~definitions~~; definitions; scope of Article.

(a) It is the purpose of this Article to provide for the adoption and promulgation of a code of safety, and such rules and regulations setting forth minimum general standards of safety for the design, construction, location, installation, and operation of the equipment used in handling, storing, measuring, transporting, distributing, and utilizing liquefied petroleum gases and to provide for the administration and enforcement of the code and such rules and regulations thereby adopted. Words used in this Article shall be defined as follows:

(1) 'Board' means the North Carolina Board of Agriculture.

(2) 'Commissioner' means the Commissioner of Agriculture or his designated agent.

(3) 'Dealer' means any person, firm, or corporation who is engaged in or desires to engage in:

a. The business of selling or otherwise dealing in liquefied petroleum gases which require handling, storing, measuring, transporting, or distributing liquefied petroleum gas; or

b. The business of installing, servicing, repairing, adjusting, connecting, or disconnecting containers, equipment, or

1 appliances which use liquefied gas. A person who engages in
2 any of the aforementioned activities only in connection with his
3 or his employer's use of liquefied petroleum gas and not as a
4 business shall not be deemed to be a 'dealer' for the purposes of
5 this Article.

6 (4) 'Liquefied petroleum gas' means any material which is composed
7 predominantly of any of the following hydrocarbons, or mixtures of
8 the same: propane, propylene, butanes (normal butanes or isobutane),
9 butylenes.

10 (b) This Article does not apply to the design, construction, location, installation,
11 or operation of equipment or facilities covered by the Building Code pursuant to Article
12 9 of Chapter 143 of the General Statutes."

13 Sec. 2. G.S. 143-138(b) reads as rewritten:

14 "(b) Contents of the Code. – The North Carolina State Building Code, as adopted by
15 the Building Code Council, may include reasonable and suitable classifications of
16 buildings and structures, both as to use and occupancy; general building restrictions as
17 to location, height, and floor areas; rules for the lighting and ventilation of buildings and
18 structures; requirements concerning means of egress from buildings and structures;
19 requirements concerning means of ingress in buildings and structures; regulations
20 governing construction and precautions to be taken during construction; regulations as
21 to permissible materials, loads, and stresses; regulations of chimneys, heating
22 appliances, elevators, and other facilities connected with the buildings and structures;
23 regulations governing plumbing, heating, air conditioning for the purpose of comfort
24 cooling by the lowering of temperature, and electrical systems; and such other
25 reasonable rules and regulations pertaining to the construction of buildings and
26 structures and the installation of particular facilities therein as may be found reasonably
27 necessary for the protection of the occupants of the building or structure, its neighbors,
28 and members of the public at large.

29 The Code may contain provisions regulating every type of building or structure,
30 wherever it might be situated in the State.

31 Provided further, that nothing in this Article shall be construed to make any building
32 regulations applicable to farm buildings located outside the building-regulation
33 jurisdiction of any municipality.

34 Provided further, that no building permit shall be required under the Code or any
35 local variance thereof approved under subsection (e) for any construction, installation,
36 repair, replacement, or alteration costing five thousand dollars (\$5,000) or less in any
37 single family residence or farm building unless the work involves: the addition, repair,
38 or replacement of load bearing structures; the addition (excluding replacement of same
39 size and capacity) or change in the design of plumbing; the addition, replacement or
40 change in the design of heating, air conditioning, or electrical wiring, devices,
41 appliances, or equipment, the use of materials not permitted by the North Carolina
42 Uniform Residential Building Code; or the addition (excluding replacement of like
43 grade of fire resistance) of roofing.

1 Provided further, that no building permit shall be required under such Code from any
2 State agency for the construction of any building or structure, the total cost of which is
3 less than twenty thousand dollars (\$20,000), except public or institutional buildings.

4 For the information of users thereof, the Code shall include as appendices

- 5 (1) Any boiler regulations adopted by the Board of Boiler Rules,
- 6 (2) Any elevator regulations relating to safe operation adopted by the
7 Commissioner of Labor, and
- 8 (3) Any regulations relating to sanitation adopted by the Department of
9 Human Resources which the Building Code Council believes
10 pertinent.

11 In addition, the Code may include references to such other regulations of special
12 types, such as those of the Medical Care Commission and the Department of Public
13 Instruction as may be useful to persons using the Code. No regulations issued by other
14 agencies than the Building Code Council shall be construed as a part of the Code, nor
15 supersede that Code, it being intended that they be presented with the Code for
16 information only.

17 Nothing in this Article shall extend to or be construed as being applicable to the
18 regulation of the design, construction, location, installation, or operation of (1)
19 equipment for storing, handling, transporting, and utilizing liquefied
20 petroleum gases for fuel purposes or anhydrous ammonia or other liquid fertilizers,
21 except for liquefied petroleum gas from the outlet of the first stage pressure regulator to
22 and including each liquefied petroleum gas utilization device within a building or
23 structure covered by the Code, or (2) equipment or facilities, other than buildings, of a
24 public utility, as defined in G.S. 62-3, or an electric or telephone membership
25 corporation, including without limitation poles, towers, and other structures supporting
26 electric or communication lines.

27 In addition, the Code may contain regulations concerning minimum efficiency
28 requirements for replacement water heaters, which shall consider reasonable availability
29 from manufacturers to meet installation space requirements."

30 Sec. 3. G.S. 143-136(a) reads as rewritten:

31 "(a) Creation; Membership; Terms. – There is hereby created a Building Code
32 Council, which shall be composed of ~~12~~13 members appointed by the Governor,
33 consisting of one registered architect, one licensed general contractor, one registered
34 architect or licensed general contractor specializing in residential design or construction,
35 one registered engineer practicing structural engineering, one registered engineer
36 practicing mechanical engineering, one registered engineer practicing electrical
37 engineering, one licensed plumbing and heating contractor, one municipal or county
38 building inspector, one licensed liquid petroleum gas dealer/contractor involved in the
39 design of natural and liquid petroleum gas systems who has expertise and experience in
40 natural and liquid petroleum gas piping, venting and appliances, a representative of the
41 public who is not a member of the building construction industry, a licensed electrical
42 contractor, a registered engineer on the engineering staff of a State agency charged with
43 approval of plans of state-owned buildings, and an active member of the North Carolina
44 fire service with expertise in fire safety. Of the members initially appointed by the

1 Governor, three shall serve for terms of two years each, three shall serve for terms of
2 four years each, and three shall serve for terms of six years each. Thereafter, all
3 appointments shall be for terms of six years. The Governor may remove appointive
4 members at any time. Neither the architect nor any of the above named engineers shall
5 be engaged in the manufacture, promotion or sale of any building material, and any
6 member who shall, during his term, cease to meet the qualifications for original
7 appointment (through ceasing to be a practicing member of the profession indicated or
8 otherwise) shall thereby forfeit his membership on the Council.

9 The Governor may make appointments to fill the unexpired portions of any terms
10 vacated by reason of death, resignation, or removal from office. In making such
11 appointment, he shall preserve the composition of the Council required above."

12 Sec. 4. All statutory authority, powers, and duties, including rule making and
13 the rendering of findings, orders, and adjudications, of the Department of Agriculture
14 pertaining to the regulation of the design, construction, location, installation, or
15 operation of equipment for storing, handling, transporting, and utilizing liquefied
16 petroleum gases for fuel purposes, from the outlet of the first stage pressure regulator to
17 and including each liquefied petroleum gas utilization device within a building or
18 structure covered by the North Carolina Building Code are transferred to the Building
19 Code Council.

20 Until the Building Code Council adopts rules regarding the entry of liquefied
21 petroleum gas service piping into a building, 2 NCAC 38 .0701(2) shall remain in
22 effect.

23 Sec. 5. This act shall become effective July 1, 1989.