

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

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HOUSE BILL 291

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

Sponsors: Representatives Zenger, Potts, and Johnson (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Regulatory Reform, if favorable, Local Government - Land Use, Planning and Development, if favorable, Rules, Calendar, and Operations of the House

March 15, 2021

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH AND REQUIRE CERTAIN TIME LINES FOR REVIEW AND APPROVAL OF COMMERCIAL BUILDING PLANS FOR LOCAL GOVERNMENTS AND TO ESTABLISH REMEDIES FOR FAILURE TO TIMELY REVIEW PLANS SUBMITTED UNDER THE EXPERTISE OF A LICENSED DESIGN PROFESSIONAL.

The General Assembly of North Carolina enacts:

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

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

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

- (1) When required by the North Carolina State Building Code, the submission design or other proposal is completed under valid seal of the licensed architect or licensed professional engineer.
- (2) Field inspection of the installation or completion of a component or element of the building is performed by a licensed architect or licensed professional engineer or a person under the direct supervisory control of the licensed architect or licensed professional engineer.
- (3) The licensed architect or licensed professional engineer under subdivision (2) of this subsection provides the local government with a signed written document certifying that the component or element of the building inspected under subdivision (2) of this subsection is in compliance with the North Carolina State Building Code or the North Carolina Residential Code for One- and Two-Family Dwellings. The certification required under this subdivision shall be provided by electronic or physical delivery, [and] its receipt shall be promptly acknowledged by the local government through reciprocal means. The certification shall be made on a form created by the North Carolina Building Code Council which shall include at least the following:
 - a. Permit number.
 - b. Date of inspection.
 - c. Type of inspection.



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- 1 d. Contractor's name and license number.
2 e. Street address of the job location.
3 f. Name, address, and telephone number of the person responsible for
4 the inspection.

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

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

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

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

- 30 (1) The fee charged for plan submission and review shall be reduced by ten
31 percent (10%) each day.
32 (2) The permit applicant may retain a third-party firm to review the submitted
33 plans, and the cost of the third-party review shall be reimbursed by the local
34 government. Upon review and approval by the third party, the local
35 government shall issue all necessary permits for the project within 72 hours.

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

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

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

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