

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021**

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**HOUSE BILL 291  
PROPOSED COMMITTEE SUBSTITUTE H291-PCS40403-BH-5**

Short Title: Bldg. Plan Approval - Certain Commercial Prop.

(Public)

Sponsors:

Referred to:

March 15, 2021

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

7 The General Assembly of North Carolina enacts:

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

9 **"§ 160D-1106. Alternate inspection method for component or element.**

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

15 (1) When required by the North Carolina State Building Code, the submission  
16 design or other proposal is completed under valid seal of the licensed architect  
17 or licensed professional engineer.

18 (2) Field inspection of the installation or completion of a component or element  
19 of the building is performed by a licensed architect or licensed professional  
20 engineer or a person under the direct supervisory control of the licensed  
21 architect or licensed professional engineer.

22 (3) The licensed architect or licensed professional engineer under subdivision (2)  
23 of this subsection provides the local government with a signed written  
24 document certifying that the component or element of the building inspected  
25 under subdivision (2) of this subsection is in compliance with the North  
26 Carolina State Building Code or the North Carolina Residential Code for  
27 One- and Two-Family Dwellings. The certification required under this  
28 subdivision shall be provided by electronic or physical delivery, [and] its  
29 receipt shall be promptly acknowledged by the local government through  
30 reciprocal means. The certification shall be made on a form created by the  
31 North Carolina Building Code Council which shall include at least the  
32 following:

- 33 a. Permit number.  
34 b. Date of inspection.  
35 c. Type of inspection.  
36 d. Contractor's name and license number.



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1 e. Street address of the job location.

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

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

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

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 and multifamily  
20 building plans submitted that require a design professional seal pursuant to Building Code  
21 Council rules, initial plan review shall be completed and a building permit decision issued within  
22 21 days. During the initial 21-day period, the local government or its agents shall communicate  
23 with the design professional to resolve questions and issues with the submitted plan. If the local  
24 government requests additional information or requires that the plan be resubmitted with  
25 changes, the local government shall review the requested information or resubmitted plan and  
26 issue a building permit decision within 15 days from the receipt of the requested information or  
27 resubmitted plan.

28 (c2) In the event the local government determines that it is unable to complete the initial  
29 plan review within 21 days, the local government may utilize the Department of Insurance and  
30 its marketplace pool of qualified Code-enforcement officials or contract with a third-party  
31 engineering firm that possesses a valid certificate under G.S. 143-151.13 to perform the initial  
32 plan review provided that the total time for the initial plan review does not exceed the 21 days  
33 required under subsection (c1) of this section.

34 (c3) The following shall apply (i) if the local government does not issue a building permit  
35 decision for the submitted plan within 21 days of initial plan submission as provided in subsection  
36 (c1) of this section or (ii) when additional information or a plan resubmission is requested and  
37 the local government does not issue a building permit decision within 15 days of the receipt of  
38 the additional information or resubmitted plan as provided in subsection (c1) of this section:

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

41 (2) The permit applicant may utilize the Department of Insurance and its  
42 marketplace pool of qualified Code-enforcement officials or hire a third-party  
43 engineering firm that possesses a valid certificate under G.S. 143-151.13 to  
44 review and approve the submitted plans. The cost of the third-party review  
45 performed by the Department of Insurance or a third-party engineering firm  
46 shall be reimbursed by the local government. Upon review and approval by  
47 the third party, the local government shall issue all necessary building permits  
48 for the project within 72 hours.

49 (c4) In the event the local government or its agents require specifications or manufacturer  
50 engineering information on an element, component, or fixture related to the submitted plan, the  
51 local government shall obtain that information from the manufacturer of the element, component,

1 or fixture. A local government shall not delay or deny the issuance of a permit or certificate of  
2 occupancy based upon the receipt of specifications or manufacturer engineering information on  
3 an element, component, or fixture.

4 (c5) In the event that a local government's ordinance conflicts with any part of this section,  
5 the provisions of this section shall supersede and preempt any ordinance adopted or imposed by  
6 the local government.

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

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

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

16 **SECTION 2.** G.S. 143-151.12(9) reads as rewritten:

17 "(9) Establish within the Department of Insurance a marketplace pool of qualified  
18 Code-enforcement officials available for the following purposes:

19 a. When requested by the Insurance Commissioner, to assist in the  
20 discharge of the Commissioner's duty under G.S. 143-139 to  
21 supervise, administer, and enforce the North Carolina State Building  
22 Code.

23 ...

24 c. When requested by a building permit applicant under  
25 G.S. 160D-1106(c3)(2)."

26 **SECTION 3.** G.S. 143-151.13 is amended by adding a new subsection to read:

27 "(g) An engineer who possesses a valid certificate under subsection (f) of this section, but  
28 is not employed by the State or a local government, may utilize that certificate for the limited  
29 purpose of performing initial plan reviews as permitted under G.S. 160D-1106(c2) and (c3)."

30 **SECTION 4.** This act is effective when it becomes law and applies to plans  
31 submitted on or after that date.