

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

SESSION LAW 2021-192
SENATE BILL 329

AN ACT TO MODIFY ARCHITECT LICENSURE AND SEAL, ENGINEER SEAL, AND BUILDING PERMIT EXEMPTION CRITERIA FOR CERTAIN CONSTRUCTION PROJECTS AND TO DELAY THE APPLICABILITY OF REVISIONS TO THE NORTH CAROLINA TIMESHARE ACT TO TIMESHARE TRANSFER SERVICES AND TRANSFER SERVICE PROVIDERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 83A-13, as amended by Section 1 of S.L. 2021-81, reads as rewritten:

"§ 83A-13. Exemptions.

...
(c) Nothing in this Chapter shall be construed to require an architectural license for the preparation, sale, or furnishing of plans, specifications and related data, or for the supervision of construction pursuant thereto, where the building, buildings, or project involved is in one of the following categories:

- ...
- (3) An institutional or commercial building if it does not have a total value exceeding ~~two hundred thousand dollars (\$200,000)~~; three hundred thousand dollars (\$300,000);
 - (4) An institutional or commercial building if the total building area does not exceed 3,000 square feet in gross floor area;

...
(c1) Notwithstanding subdivisions (c)(3) and (4) of this section, a all of the following shall be exempt from the requirement for a professional architectural seal:

- (1) A commercial building project with a total value of less than ~~two hundred thousand dollars (\$200,000)~~ three hundred thousand dollars (\$300,000) and a total project area of less than 3,000 square feet shall be exempt from the requirement for a professional architectural seal.
- (2) Any alteration, remodeling, renovation, or repair of a commercial building with a total value of less than three hundred thousand dollars (\$300,000).
- (3) Any alteration, remodeling, renovation, or repair of a commercial building if the total building area does not exceed 3,000 square feet in gross floor area.

...."

SECTION 2.(a) G.S. 143-138, as amended by Section 2 of S.L. 2021-121, is amended by adding a new subsection to read:

"(b21) Exclusion for Certain Minor Activities in Commercial Buildings and Structures. – No permit shall be required under the Code or any local variance thereof approved under subsection (e) of this section for any construction, installation, repair, replacement, or alteration performed in accordance with the current edition of the North Carolina State Building Code costing twenty thousand dollars (\$20,000) or less in any commercial building or structure unless the work involves any of the activities described in subdivisions (1) through (6) of subsection (b5) of this



section. For the purpose of determining applicability of permit exclusions for a commercial building or structure under this subsection, subsection (b5) of this section, and G.S. 160D-1110(c), cost is the total cost of work, including all building addition, demolition, alteration, and repair work, occurring on the property within 12 consecutive months."

SECTION 2.(b) G.S. 143-138, as amended by Section 2 of S.L. 2021-121, is amended by adding a new subsection to read:

"(b22) Limit Requirement for Certain Plans to be Under Professional Seal. – The North Carolina State Building Code shall not require that plans and specifications for any alteration, remodeling, renovation, or repair of a commercial building or structure be prepared by and under the seal of a registered architect licensed under Chapter 83A of the General Statutes, or a registered engineer licensed under Chapter 89C of the General Statutes, if the alteration, remodeling, renovation, or repair costs less than three hundred thousand dollars (\$300,000) or if the total building area does not exceed 3,000 square feet in gross floor area and all of the following apply:

- (1) The alteration, remodeling, renovation, or repair does not include the addition, repair, or replacement of load-bearing structures.
- (2) The alteration, remodeling, renovation, or repair is not subject to the requirements of G.S. 133-1.1(a).
- (3) The alteration, remodeling, renovation, or repair is performed in accordance with the current edition of the North Carolina Fire Prevention Code."

SECTION 3. G.S. 160D-1104, as amended by Section 12.5(b) of S.L. 2021-117 and Section 4(a) of S.L. 2021-121, is amended by adding a new subsection to read:

"(d1) A local government may not adopt or enforce a local ordinance, resolution, or policy that requires that plans and specifications for any alteration, remodeling, renovation, or repair of a commercial building or structure be prepared by and under the seal of a registered architect licensed under Chapter 83A of the General Statutes, or a registered engineer licensed under Chapter 89C of the General Statutes, if the alteration, remodeling, renovation, or repair costs less than three hundred thousand dollars (\$300,000) or if the total building area does not exceed 3,000 square feet in gross floor area and all of the following apply:

- (1) The alteration, remodeling, renovation, or repair does not include the addition, repair, or replacement of load-bearing structures.
- (2) The alteration, remodeling, renovation, or repair is not subject to the requirements of G.S. 133-1.1(a)."

SECTION 4.(a) G.S. 160D-1110(c) reads as rewritten:

"(c) No permit issued under Article 9 or 9C of Chapter 143 of the General Statutes is required for any construction, installation, repair, replacement, or alteration performed in accordance with the current edition of the North Carolina State Building Code costing ~~fifteen thousand dollars (\$15,000)~~ twenty thousand dollars (\$20,000) or less in any single-family residence or residence, farm building-building, or commercial building unless the work involves any of the following:

- (1) The addition, repair, or replacement of load-bearing structures. However, no permit is required for replacement of windows, doors, exterior siding, or the pickets, railings, stair treads, and decking of porches and exterior ~~decks-decks~~ that otherwise meet the requirements of this subsection.
- (2) The addition or change in the design of plumbing. However, no permit is required for replacements otherwise meeting the requirements of this subsection that do not change size or capacity.
- (3) The addition, replacement, or change in the design of heating, air-conditioning, or electrical wiring, devices, appliances, or equipment, other than like-kind replacement of electrical devices and lighting fixtures.

- (4) The use of materials not permitted by the North Carolina ~~Residential Code for One and Two Family Dwellings~~. State Building Code.
- (5) The addition (excluding replacement) of roofing.
- (6) Any changes to which the North Carolina Fire Prevention Code applies."

SECTION 4.(b) G.S. 143-138(b5) reads as rewritten:

"(b5) ~~Permit Exclusion for Certain Minor Activities in Residential and Farm Structures.—~~
Activities. — No permit shall be required under the Code or any local variance thereof approved under subsection (e) for any construction, installation, repair, replacement, or alteration performed in accordance with the current edition of the North Carolina State Building Code and costing ~~fifteen thousand dollars (\$15,000)~~ twenty thousand dollars (\$20,000) or less in any single family ~~residence or residence, farm building—building, or commercial building~~ unless the work involves any of the following:

- (1) The addition, repair, or replacement of load bearing structures. However, no permit is required for replacements of windows, doors, exterior siding, or the pickets, railings, stair treads, and decking of porches and exterior decks that otherwise meet the requirements of this subsection.
- (2) The addition or change in the design of plumbing. However, no permit is required for replacements otherwise meeting the requirements of this subsection that do not change size or capacity.
- (3) The addition, replacement or change in the design of heating, air conditioning, or electrical wiring, appliances, or ~~equipment~~. equipment, other than a like-kind replacement of electrical devices and lighting fixtures.
- (4) The use of materials not permitted by the North Carolina ~~Residential Code for One and Two Family Dwellings~~. State Building Code.
- (5) The addition (excluding replacement) of roofing.
- (6) Any changes to which the North Carolina Fire Prevention Code applies."

SECTION 5.(a) Section 3 of S.L. 2021-163 reads as rewritten:

"SECTION 3. This act is effective when it becomes law. Section 1(c) of this act does not apply to timeshare transfer services or to transfer service providers prior to July 1, 2022."

SECTION 5.(b) This section is effective October 6, 2021.

SECTION 6. Sections 1, 2, 3, and 4 of this act become effective December 15, 2021, and apply to construction, installation, repair, replacement, remodeling, renovation, or alteration projects beginning on or after that date. Sections 1, 2(b), and 3 of this act expire December 31, 2024. Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 30th day of November, 2021.

s/ Phil Berger
 President Pro Tempore of the Senate

s/ Tim Moore
 Speaker of the House of Representatives

s/ Roy Cooper
 Governor

Approved 9:46 a.m. this 9th day of December, 2021