

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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SENATE BILL 430  
Commerce Committee Substitute Adopted 4/17/13

Short Title: Clarify Electric Load Control Process.

(Public)

Sponsors:

Referred to:

March 27, 2013

1 A BILL TO BE ENTITLED  
2 AN ACT TO EXEMPT FROM PERMITTING REQUIREMENTS PERSONS INSTALLING  
3 ELECTRIC LOAD CONTROL SWITCHES UNDER THE LAWS REGULATING  
4 ELECTRICAL CONTRACTORS AND TO MAKE CONFORMING CHANGES UNDER  
5 THE LAWS PERTAINING TO BUILDING INSPECTION PERMITS FOR COUNTIES  
6 AND CITIES.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 87-43.1 is amended by adding the following new subdivision to  
9 read:

10 "**§ 87-43.1. Exceptions.**

11 The provisions of this Article shall not apply:

12 ...

13 (8) To the installation, maintenance, or replacement of any load control device  
14 or equipment by an electric power supplier, as defined in G.S. 62-133.8, or  
15 an electrical contractor contracted by the electric power supplier, so long as  
16 the work is subject to supervision by an electrical contractor licensed under  
17 this Article. The electric power supplier shall provide such installation,  
18 maintenance, or replacement in accordance with (i) an activity or program  
19 ordered, authorized, or approved by the North Carolina Utilities Commission  
20 pursuant to G.S. 62-133.8 or G.S. 62-133.9 or (ii) a similar program  
21 undertaken by a municipal electric service provider, whether the installation,  
22 modification, or replacement is made before or after the point of delivery of  
23 electric service to the customer. The exemption under this subdivision  
24 applies to all existing installations."

25 **SECTION 2.** G.S. 153A-357(a) reads as rewritten:

26 "(a) No person may commence or proceed with any of the following without first  
27 securing from the inspection department with jurisdiction over the site of the work each permit  
28 required by the State Building Code and any other State or local law or local ordinance or  
29 regulation applicable to the work:

- 30 (1) The construction, reconstruction, alteration, repair, movement to another  
31 site, removal, or demolition of any building.  
32 (2) The installation, extension, or general repair of any plumbing system except  
33 that in any one- or two-family dwelling unit a permit shall not be required  
34 for the connection of a water heater that is being replaced, provided that the  
35 work is performed by a person licensed under G.S. 87-21, who personally  
36 examines the work at completion and ensures that a leak test has been



1 performed on the gas piping, and provided the energy use rate or thermal  
2 input is not greater than that of the water heater which is being replaced,  
3 there is no change in fuel, energy source, location, capacity, or routing or  
4 sizing of venting and piping, and the replacement is installed in accordance  
5 with the current edition of the State Building Code.

6 (3) The installation, extension, alteration, or general repair of any heating or  
7 cooling equipment system.

8 (4) The installation, extension, alteration, or general repair of any electrical  
9 wiring, devices, appliances, or equipment except that in any one-  
10 two-family dwelling unit a permit shall not be required for repair or  
11 replacement of electrical lighting fixtures or devices, such as receptacles and  
12 lighting switches, or for the connection of an existing branch circuit to an  
13 electric water heater that is being replaced, provided that all of the following  
14 requirements are met:

15 a. With respect to electric water heaters, the replacement water heater is  
16 placed in the same location and is of the same or less capacity and  
17 electrical rating as the original.

18 b. With respect to electrical lighting fixtures and devices, the  
19 replacement is with a fixture or device having the same voltage and  
20 the same or less amperage.

21 c. The work is performed by a person licensed under G.S. 87-43.

22 d. The repair or replacement installation meets the current edition of the  
23 State Building Code, including the State Electrical Code.

24 However, a permit is not required for the installation, maintenance, or replacement of any load  
25 control device or equipment by an electric power supplier, as defined in G.S. 62-133.8, or an  
26 electrical contractor contracted by the electric power supplier, so long as the work is subject to  
27 supervision by an electrical contractor licensed under Article 4 of Chapter 87 of the General  
28 Statutes. The electric power supplier shall provide such installation, maintenance, or  
29 replacement in accordance with (i) an activity or program ordered, authorized, or approved by  
30 the North Carolina Utilities Commission pursuant to G.S. 62-133.8 or G.S. 62-133.9 or (ii) a  
31 similar program undertaken by a municipal electric service provider, whether the installation,  
32 modification, or replacement is made before or after the point of delivery of electric service to  
33 the customer. The exemption under this subdivision applies to all existing installations.

34 (a1) A permit shall be in writing and shall contain a provision that the work done shall  
35 comply with the State Building Code and all other applicable State and local laws and local  
36 ordinances and regulations. Nothing in this section shall require a county to review and approve  
37 residential building plans submitted to the county pursuant to Section R-110 of Volume VII of  
38 the North Carolina State Building Code; provided that the county may review and approve such  
39 residential building plans as it deems necessary. No permit may be issued unless the plans and  
40 specifications are identified by the name and address of the author thereof; and if the General  
41 Statutes of North Carolina require that plans for certain types of work be prepared only by a  
42 registered architect or registered engineer, no permit may be issued unless the plans and  
43 specifications bear the North Carolina seal of a registered architect or of a registered engineer.  
44 If a provision of the General Statutes of North Carolina or of any ordinance requires that work  
45 be done by a licensed specialty contractor of any kind, no permit for the work may be issued  
46 unless the work is to be performed by such a duly licensed contractor. No permit issued under  
47 Articles 9 or 9C of G.S. Chapter 143 shall be required for any construction, installation, repair,  
48 replacement, or alteration costing five thousand dollars (\$5,000) or less in any single-family  
49 residence or farm building unless the work involves: the addition, repair or replacement of load  
50 bearing structures; the addition (excluding replacement of same size and capacity) or change in  
51 the design of plumbing; the addition, replacement or change in the design of heating, air

1 conditioning, or electrical wiring, devices, appliances, or equipment; the use of materials not  
2 permitted by the North Carolina Uniform Residential Building Code; or the addition (excluding  
3 replacement of like grade of fire resistance) of roofing. Violation of this section constitutes a  
4 Class 1 misdemeanor."

5 **SECTION 3.** G.S. 160A-417(a) reads as rewritten:

6 "(a) No person shall commence or proceed with any of the following without first  
7 securing from the inspection department with jurisdiction over the site of the work any and all  
8 permits required by the State Building Code and any other State or local laws applicable to the  
9 work:

- 10 (1) The construction, reconstruction, alteration, repair, movement to another  
11 site, removal, or demolition of any building or structure.
- 12 (2) The installation, extension, or general repair of any plumbing system except  
13 that in any one- or two-family dwelling unit a permit shall not be required  
14 for the connection of a water heater that is being replaced, provided that the  
15 work is performed by a person licensed under G.S. 87-21, who personally  
16 examines the work at completion and ensures that a leak test has been  
17 performed on the gas piping, and provided the energy use rate or thermal  
18 input is not greater than that of the water heater which is being replaced,  
19 there is no change in fuel, energy source, location, capacity, or routing or  
20 sizing of venting and piping, and the replacement is installed in accordance  
21 with the current edition of the State Building Code.
- 22 (3) The installation, extension, alteration, or general repair of any heating or  
23 cooling equipment system.
- 24 (4) The installation, extension, alteration, or general repair of any electrical  
25 wiring, devices, appliances, or equipment except that in any one- or  
26 two-family dwelling unit a permit shall not be required for repair or  
27 replacement of electrical lighting fixtures or devices, such as receptacles and  
28 lighting switches, or for the connection of an existing branch circuit to an  
29 electric water heater that is being replaced, provided that all of the following  
30 requirements are met:
  - 31 a. With respect to electric water heaters, the replacement water heater is  
32 placed in the same location and is of the same or less capacity and  
33 electrical rating as the original.
  - 34 b. With respect to electrical lighting fixtures and devices, the  
35 replacement is with a fixture or device having the same voltage and  
36 the same or less amperage.
  - 37 c. The work is performed by a person licensed under G.S. 87-43.
  - 38 d. The repair or replacement installation meets the current edition of the  
39 State Building Code, including the State Electrical Code.

40 However, a permit is not required for the installation, maintenance, or replacement of any load  
41 control device or equipment by an electric power supplier, as defined in G.S. 62-133.8, or an  
42 electrical contractor contracted by the electric power supplier, so long as the work is subject to  
43 supervision by an electrical contractor licensed under Article 4 of Chapter 87 of the General  
44 Statutes. The electric power supplier shall provide such installation, maintenance, or  
45 replacement in accordance with (i) an activity or program ordered, authorized, or approved by  
46 the North Carolina Utilities Commission pursuant to G.S. 62-133.8 or G.S. 62-133.9 or (ii) a  
47 similar program undertaken by a municipal electric service provider, whether the installation,  
48 modification, or replacement is made before or after the point of delivery of electric service to  
49 the customer. The exemption under this subdivision applies to all existing installations.

50 (a1) A permit shall be in writing and shall contain a provision that the work done shall  
51 comply with the State Building Code and all other applicable State and local laws. Nothing in

1 this section shall require a city to review and approve residential building plans submitted to  
2 the city pursuant to Section R-110 of Volume VII of the North Carolina State Building Code;  
3 provided that the city may review and approve such residential building plans as it deems  
4 necessary. No permits shall be issued unless the plans and specifications are identified by the  
5 name and address of the author thereof, and if the General Statutes of North Carolina require  
6 that plans for certain types of work be prepared only by a registered architect or registered  
7 engineer, no permit shall be issued unless the plans and specifications bear the North Carolina  
8 seal of a registered architect or of a registered engineer. When any provision of the General  
9 Statutes of North Carolina or of any ordinance requires that work be done by a licensed  
10 specialty contractor of any kind, no permit for the work shall be issued unless the work is to be  
11 performed by such a duly licensed contractor. No permit issued under Articles 9 or 9C of  
12 Chapter 143 shall be required for any construction, installation, repair, replacement, or  
13 alteration costing five thousand dollars (\$5,000) or less in any single family residence or farm  
14 building unless the work involves: the addition, repair or replacement of load bearing  
15 structures; the addition (excluding replacement of same size and capacity) or change in the  
16 design of plumbing; the addition, replacement or change in the design of heating, air  
17 conditioning, or electrical wiring, devices, appliances, or equipment; the use of materials not  
18 permitted by the North Carolina Uniform Residential Building Code; or the addition (excluding  
19 replacement of like grade of fire resistance) of roofing. Violation of this section shall constitute  
20 a Class 1 misdemeanor."

21           **SECTION 4.** This act is effective when it becomes law.