

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 165*

Short Title: Electrician Requirements for Certain Orgs. (Public)

Sponsors: Representative Saine.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Regulatory Reform, if favorable, State and Local Government, if favorable, Rules, Calendar, and Operations of the House

February 26, 2019

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE STATUTES REGULATING ELECTRICAL CONTRACTORS TO ENABLE LICENSED ELECTRICAL CONTRACTORS EMPLOYED BY SCHOOLS, HOSPITALS, AND NONPROFITS TO MAKE REPAIRS AND CONDUCT MAINTENANCE AT ALL FACILITIES AT ALL TIMES WHEN DONE AT THE DIRECTION OF THE SCHOOL, HOSPITAL, OR NONPROFIT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 87-43.1 reads as rewritten:

"§ 87-43.1. **Exceptions.**

The provisions of this Article shall not apply:

- (1) To the installation, construction or maintenance of facilities for providing electric service to the public ahead of the point of delivery of electric service to the ~~customer;~~customer.
- (2) To the installation, construction, maintenance, or repair of telephone, telegraph, or signal systems, by public utilities, or their corporate affiliates, when said work pertains to the services furnished by said public ~~utilities;~~utilities.
- (3) To any person in the course of his work as a bona fide employee of a licensee of this ~~Board;~~Board.
- (4) To the installation, construction or maintenance of electrical equipment and wiring for temporary use by contractors in connection with the work of ~~construction;~~construction.
- (5) To the installation, construction, maintenance or repair of electrical wiring, devices, appliances or equipment by persons, firms or corporations, upon their own property when such property is not intended at the time for rent, lease, sale or gift, who regularly employ one or more electricians or mechanics for the purpose of installing, maintaining, altering or repairing of electrical wiring, devices or equipment used for the conducting of the business of said persons, firms or ~~corporations;~~corporations.
- (5a) To any person ~~who~~ when that person is himself and for himself installing, maintaining, altering or repairing electric work, wiring, devices, appliances or equipment upon ~~his~~ that person's own property and for that person's own benefit when such property is not intended at the time for rent, lease, or ~~sale;~~sale. This subdivision shall not be construed to limit the ability of local



boards of education, hospitals as defined in G.S. 131E-76, or nonprofit organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code (26 U.S.C. § 501(c)(3)), to employ personnel who are licensed under this Article to perform maintenance and repairs on property owned or in the possession of that local board of education, hospital, or nonprofit organization.

- (6) To the installation, construction, maintenance or repair of electrical wiring, devices, appliances or equipment by State institutions and private educational institutions which maintain a private electrical ~~department~~; department.
- (7) To the replacement of lamps and fuses and to the installation and servicing of cord-connected appliances and equipment connected by means of attachment plug-in devices to suitable receptacles which have been permanently installed or to the servicing of appliances connected to a permanently installed junction box. This exception does not apply to permanently installed receptacles or to the installation of the junction box.
- (8) To the bonding of corrugated stainless steel tubing (CSST) gas piping systems as required under Section 310.1.1 of the 2012 N.C. Fuel Gas Code.
- (9) To the installation, maintenance, or replacement of any load control device or equipment by an electric power supplier, as defined in G.S. 62-133.8, or an electrical contractor contracted by the electric power supplier, so long as the work is subject to supervision by an electrical contractor licensed under this Article. The electric power supplier shall provide such installation, maintenance, or replacement in accordance with (i) an activity or program ordered, authorized, or approved by the North Carolina Utilities Commission pursuant to G.S. 62-133.8 or G.S. 62-133.9 or (ii) a similar program undertaken by a municipal electric service provider, whether the installation, modification, or replacement is made before or after the point of delivery of electric service to the customer. The exemption under this subdivision applies to all existing installations.
- (10) To the installation, construction, maintenance, or repair of electrical wiring, devices, appliances, or equipment by a person certified as a well contractor under Article 7A of this Chapter when running electrical wires from the well pump to the pressure switch."

SECTION 2. G.S. 87-43.2 reads as rewritten:

"§ 87-43.2. Issuance of license.

(a) A person, partnership, firm, or corporation shall be eligible to be licensed as an electrical contractor and to have such license renewed, subject to the provisions of this Article, provided:

- (1) At least one listed qualified individual shall be regularly employed by the applicant at each separate place of business to have the specific duty and authority to supervise and direct electrical contracting done by or in the name of the licensee;
- (2) An application is filed with the Board which contains a statement of ownership, states the names and official positions of all employees who are listed qualified individuals and provides such other information as the Board may reasonably require;
- (3) The applicant, through an authorized officer or owner, shall agree in writing to report to the Board within five days any additions to or loss of the employment of listed qualified individuals; and
- (4) The applicant furnishes, upon the initial application for a license, a bonding ability statement completed by a bonding company licensed to do business in

1 North Carolina, verifying the applicant's ability to furnish performance bonds
2 for electrical contracting projects having a value in excess of the project value
3 limit for a limited license established pursuant to G.S. 87-43.3 for the
4 intermediate license classification and in excess of the project value limit for
5 an intermediate license established pursuant to G.S. 87-43.3 for the unlimited
6 license classification. In lieu of furnishing the bonding ability statement, the
7 applicant may submit for evaluation and specific approval of the Board other
8 information certifying the adequacy of the applicant's financial ability to
9 engage in projects of the license classification applied for. The bonding ability
10 statement or other financial information must be submitted in the same name
11 as the license to be issued. If the firm for which a license application is filed
12 is owned by a sole proprietor, the bonding ability statement or other financial
13 information may be furnished in either the firm name or the name of the
14 proprietor. However, if the application is submitted in the name of a sole
15 proprietor, the applicant shall submit information verifying that the person in
16 whose name the application is made is in fact the sole proprietor of the firm.

17 (5) Repealed by Session Laws 1989, c. 709, s. 5.

18 (b) A license shall indicate the names and classifications of all listed qualified individuals
19 employed by the applicant. A license shall be cancelled if at any time no listed qualified
20 individual is regularly employed by the applicant; provided, that work begun prior to such
21 cancellation may be completed under such conditions as the Board shall direct; and provided
22 further that no work for which a license is required under this Article may be bid for, contracted
23 for or initiated subsequent to such cancellation until said license is reinstated by the Board.

24 (c) Nothing in this Article shall be deemed to limit the ability of a licensee under this
25 Article who is regularly employed by a local board of education to maintain an individual license
26 or to contract or perform work at the direction of a nonprofit organization exempt from taxation
27 under section 501(c)(3) of the Internal Revenue Code (26 U.S.C. § 501(c)(3)), a hospital as
28 defined in G.S. 131E-76, or a local board of education for any building or facility owned or in
29 possession of that local board of education, regardless of whether all or a portion of that building
30 or facility is being leased or otherwise provided for another entity or event."

31 **SECTION 3.** G.S. 115C-524 reads as rewritten:

32 "**§ 115C-524. Repair of school property; use of buildings for other than school purposes.**

33 (a) Repair of school buildings is subject to the provisions of G.S. 115C-521(c) and (d).

34 (a1) Local boards of education may employ personnel who are licensed to perform
35 maintenance and repairs on school property for plumbing, heating, and fire sprinklers pursuant
36 to Article 2 of Chapter 87 of the General Statutes, or personnel who are licensed as electrical
37 contractors pursuant to Article 4 of Chapter 87 of the General Statutes.

38 (b) It shall be the duty of local boards of education and tax-levying authorities, in order
39 to safeguard the investment made in public schools, to keep all school buildings in good repair
40 to the end that all public school property shall be taken care of and be at all times in proper
41 condition for use. It shall be the duty of all principals, teachers, and janitors to report to their
42 respective boards of education immediately any unsanitary condition, damage to school property,
43 or needed repair. All principals, teachers, and janitors shall be held responsible for the
44 safekeeping of the buildings during the school session and all breakage and damage shall be
45 repaired by those responsible for same, and where any principal or teacher shall permit damage
46 to the public school buildings by lack of proper discipline of pupils, such principal or teacher
47 shall be held responsible for such damage: Provided, principals and teachers shall not be held
48 responsible for damage that they could not have prevented by reasonable supervision in the
49 performance of their duties.

50 (c) Notwithstanding the provisions of G.S. 115C-263 and 115C-264, local boards of
51 education may adopt rules and regulations under which they may enter into agreements

1 permitting non-school groups to use school real and personal property, except for school buses,
2 for other than school purposes so long as such use is consistent with the proper preservation and
3 care of the public school property. No liability shall attach to any board of education or to any
4 individual board member for personal injury suffered by reason of the use of such school property
5 pursuant to such agreements.

6 (d) Local boards of education may make outdoor school property available to the public
7 for recreational purposes, subject to any terms and conditions each board deems appropriate, (i)
8 when not otherwise being used for school purposes and (ii) so long as such use is consistent with
9 the proper preservation and care of the outdoor school property. No liability shall attach to any
10 board of education or to any individual board member for personal injury suffered by reason of
11 the use of such school property."

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