

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 804

Short Title: DOA/DOI Auth. Clar. for State-Owned Build. (Public)

Sponsors: Representatives Davis, Clampitt, and Brody (Primary Sponsors).

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

Referred to: Insurance, if favorable, Rules, Calendar, and Operations of the House

May 4, 2021

A BILL TO BE ENTITLED

AN ACT TO AMEND THE AUTHORITY OF THE DEPARTMENT OF INSURANCE AND
THE DEPARTMENT OF ADMINISTRATION TO INSPECT STATE-OWNED
BUILDINGS AND PROPERTIES AND TO REQUIRE FIRE PROTECTION
INSPECTIONS BY THE DEPARTMENT OF INSURANCE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 58-31-13 reads as rewritten:

"§ 58-31-13. **Hazardous conditions in State-owned buildings.**

If the Commissioner determines that an undue hazard to life, safety, or property exists because of a ~~condition-defect~~, condition, or the use of a building owned by the State, the Commissioner shall provide notification of the defect or condition in writing to the proper agency and advise the proper agency how to limit or prohibit use of the building until the hazard is abated. If the Commissioner determines that an imminent undue hazard to life, safety, or property exists because of a defect, condition, or the use of a building owned by the State, the Commissioner may (i) restrain, correct, or abate the violation or (ii) prevent the occupancy or use of the building, structure, or land until the violation is corrected."

SECTION 2. G.S. 58-31-40 reads as rewritten:

"§ 58-31-40. **Commissioner to ~~inspect~~ conduct fire protection inspections and plan review for State property.**

(a) The Commissioner shall, as often as is required in the fire code adopted by the North Carolina Building Code Council or more often if the Commissioner considers it necessary, visit, inspect, and thoroughly examine every State property to analyze and determine its protection from fire, including the property's occupants or contents. The Commissioner shall notify in writing the agency or official in charge of the ~~property~~ property, pursuant to the procedures under G.S. 143-139(e1), of any ~~defect~~ defect, condition, or change of use noted by the Commissioner or any improvement considered by the Commissioner to be necessary, and a copy of that notice shall be forwarded by the Commissioner to the Department of Administration. If the Commissioner determines that an imminent undue hazard to life, safety, or property exists because of a defect, condition, or the use of a building owned by the State, the Commissioner may (i) restrain, correct, or abate the violation or (ii) prevent the occupancy or use of the building, structure, or land until the violation is corrected.

...

(d) The Commissioner shall supervise and inspect all work done and materials used in the construction or renovation of all State buildings, including all community college buildings whose plans and specifications must be examined and approved under sub-sub-subdivision



1 (3)a.2. of G.S. 143-341, that pertains to the electrical systems and fire protection features and
2 components of the construction or renovation. The Commissioner shall act as the appropriate
3 official inspector or inspection department for the purposes of G.S. 143-143.2. No work subject
4 to this subsection may be accepted by the State or by any State agency until it has been approved
5 by the Commissioner."

6 **SECTION 3.** G.S. 143-139 reads as rewritten:

7 **"§ 143-139. Enforcement of Building Code.**

8 ...

9 (e) State Buildings. – With respect to State buildings, the Department of Administration
10 shall have general supervision, through the Office of State Construction, of the administration
11 and enforcement of all sections of the North Carolina State Building Code pertaining to
12 plumbing, electrical systems, general building restrictions and regulations, heating and air
13 conditioning, ~~fire protection~~, and the construction of buildings generally, except those sections
14 of the Code the enforcement of which is specifically allocated to other agencies by subsections
15 ~~(e) and (d)~~ (c), (d), and (e) of this section, and shall also exercise all remedies as provided in
16 subsection (b1) of this section. The Department of Administration shall be the only agency with
17 the authority to seek remedies pursuant to this section with respect to State buildings. Except as
18 provided herein, nothing in this subsection shall be construed to abrogate the authority of the
19 Commissioner of Insurance under ~~G.S. 58-31-40~~ subsection (e1) of this section, G.S. 58-31-13,
20 G.S. 58-31-40, or any other provision of law.

21 (e1) Fire Protection of State Buildings and Properties. – The State Commissioner of
22 Insurance shall have general authority to supervise, administer, and enforce all sections of the
23 North Carolina State Building Code pertaining to electrical and fire protection features and
24 components during the construction or renovation of State property generally, and to inspect and
25 approve construction pursuant to G.S. 58-31-40, except those sections of the Code for which
26 enforcement is specifically allocated to other agencies by subsection (c), (d), or (e) of this section.

27 (1) The State Commissioner of Insurance shall notify in writing the Department
28 of Administration of any defect or condition noted by the Commissioner or
29 any improvement considered by the Commissioner to be necessary to comply
30 with the sections of the North Carolina State Building Code pertaining to
31 electrical systems and fire protection.

32 (2) The Department of Administration, within 30 days of receipt of a notification
33 issued pursuant to subdivision (1) of this subsection, shall respond to the State
34 Commissioner of Insurance to indicate that any defect or condition noted by
35 the Commissioner or any improvement considered by the Commissioner to be
36 necessary has been addressed or completed, or to indicate that the Department
37 of Administration intends to work with the Commissioner to formulate and
38 implement a plan to address the defect or condition. Upon a failure to respond
39 to the State Commissioner of Insurance as required by this subdivision, the
40 Commissioner may institute any appropriate action pursuant to subdivision
41 (4) of this subsection.

42 (3) Notwithstanding subdivision (2) of this subsection, if the State Commissioner
43 of Insurance determines the defect or condition noted pursuant to subdivision
44 (1) of this subsection results in an imminent undue hazard to life, safety, or
45 property because of a defect, condition, or the use of a building or property
46 owned by the State, the Commissioner may institute any appropriate action
47 pursuant to subdivision (4) of this subsection.

48 (4) The State Commissioner of Insurance is authorized to exercise any of the
49 following remedies pursuant to this subsection: (i) prevent the unlawful
50 maintenance, erection, construction, reconstruction, or alteration of purpose,

(ii) restrain, correct, or abate the violation, or (iii) prevent the occupancy or use of the building, structure, or land until the violation is corrected.

(5) No agency or other person authorized or directed by law to select a plan and erect a building for use of the State shall allow the building to be occupied until it has received a Certificate of Occupancy issued by the State Commissioner of Insurance. The Department of Administration shall provide records of all inspections and approvals required by the North Carolina State Building Code to the Commissioner. The Commissioner shall not issue a Certificate of Occupancy unless all required inspections have been completed and the work approved."

SECTION 4. G.S. 143-340 reads as rewritten:

"§ 143-340. Powers and duties of Secretary.

The Secretary of Administration has the following powers and duties:

...

(20) To use at all times such means as, in ~~his~~the Secretary's opinion, may be effective in protecting all public buildings and grounds from fire. For the purposes of this subdivision, the Secretary shall consult with and cooperate with the State Commissioner of Insurance with regard to fire protection features and components, and electrical installation means for buildings and properties owned by the State.

...."

SECTION 5. G.S. 143-341 reads as rewritten:

"§ 143-341. Powers and duties of Department.

The Department of Administration has the following powers and duties:

...

(3) Architecture and Engineering:

a. To examine and approve all plans and specifications for the construction or renovation ~~of~~of all of the following:

1. All State buildings or buildings located on State lands, except those buildings over which a local building code inspection department has and exercises ~~jurisdiction; and~~jurisdiction.
2. All community college buildings requiring the estimated expenditure for construction or repair work for which public bidding is required under G.S. 143-129 prior to the awarding of a contract for such work; and to examine and approve all changes in those plans and specifications made after the contract for such work has been awarded.

...

d. To supervise and inspect all work done and materials used in the construction or renovation of all State ~~buildings~~buildings, except as provided for in G.S. 143-139(e1), and all community college buildings whose plans and specifications must be examined and approved under a.2. of this subdivision; to act as the appropriate official inspector or inspection department for purposes of G.S. 143-143.2; and no such work may be accepted by the State or by any State agency until it has been approved by the ~~Department~~Department and the State Commissioner of Insurance for the purposes of electrical and fire protection features and components for buildings and properties owned by the State pursuant to G.S. 143-139(e1).

...."

SECTION 6. G.S. 143-345.11 reads as rewritten:

1 "§ 143-345.11. Secretary's approval of plans for State buildings required.

2 ...

3 (c) Except as provided in subsection (a) of this section, nothing in this section shall be
4 construed to abrogate the authority of the Commissioner of Insurance under ~~G.S. 58-31-40~~
5 G.S. 58-31-13, 58-31-40, 143-139(e1), or any other provision of law.

6 (d) The Secretary shall provide quarterly written reports on plans reviewed and approved
7 under this section to the Commissioner of Insurance. The reports shall be made in a form
8 approved by the Commissioner of Insurance and the Secretary."

9 **SECTION 7.** This act is effective when it becomes law.