

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 295
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30126-NK-57

Short Title: Promote North Carolina Sawmills. (Public)

Sponsors: Representative Gillespie.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROMOTE LOCAL SAWMILLS BY ALLOWING THE USE OF UNGRADED
3 LUMBER IN CERTAIN CIRCUMSTANCES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1.(a) Definitions. – For purposes of this section, the following definitions
6 apply:

- 7 (1) Dimension lumber. – Lumber that has not been grade-stamped under the
8 authority of a lumber grading bureau.
9 (2) Small mill. – A sawmill that mills less than one million board feet of lumber
10 per year.

11 SECTION 1.(b) The North Carolina Building Code Council shall amend the North
12 Carolina Residential Code for One- and Two-Family Dwellings in order to permit dimension
13 lumber that has not been grade-stamped under the authority of a lumber grading bureau to be
14 used in the construction of one- and two-family dwellings, when that use meets all of the
15 following requirements:

- 16 (1) The lumber is sold directly by the owner or employee of the sawmill that
17 milled the lumber to the owner of the dwelling to be constructed or that
18 person's authorized representative.
19 (2) The dimension lumber meets or exceeds the requirements of the North
20 Carolina Residential Code for One- and Two-Family Dwellings other than the
21 requirements that only grade-stamped lumber be used in residential
22 construction.
23 (3) The operator of the sawmill has a certificate from a state-approved lumber
24 grading training program, certifies that the lumber conforms with product and
25 inspection standards under American Softwood Lumber Standard PS20, and
26 marks the lumber with (i) the mill number, name, or abbreviation, (ii) the
27 species or combination of species of the lumber, (iii) whether the lumber was
28 dry or green when manufactured as required by American Softwood Lumber
29 Standard PS20, and (iv) whether the lumber conforms with PS20 standards.
30 (4) The appropriate code enforcement official reviews the framing of the dwelling
31 to ensure that it meets the requirements of the North Carolina Residential
32 Code for One- and Two-Family Dwellings in all respects other than the
33 requirements that only grade-stamped lumber be used in residential
34 construction. The code enforcement official shall not be liable for any
35 structural failure that occurs as a result of the use of dimension lumber rather
36 than grade-stamped lumber.



- 1 (5) The sawmill provides to the purchaser a certificate containing all of the
2 following information:
3 a. A statement of the species of wood, quantity milled, and address where
4 the lumber will be used.
5 b. The name of the sawmill operator certified pursuant to G.S. 143-138.2
6 who milled the lumber.
7 c. A certification that the lumber meets or exceeds the requirements of
8 the North Carolina Building Code with the exception that it has not
9 been grade-stamped by an accredited lumber grading bureau.
10 d. The date of sale of the lumber.

11 **SECTION 1.(c)** The North Carolina Building Code Council shall amend the North
12 Carolina Residential Code for One- and Two-Family Dwellings and the North Carolina Building
13 Code in order to permit dimension lumber that has not been grade-stamped under the authority
14 of a lumber grading bureau to be used in the construction of one- and two-family dwellings and
15 structures classified as Residential Group R-2 or R-3, when that use meets all of the following
16 requirements:

- 17 (1) The lumber is sold directly by the owner or employee of a small mill or a
18 mobile sawmill that milled the lumber to the owner of the structure to be
19 constructed or that person's authorized representative.
20 (2) The dimension lumber meets or exceeds the requirements of the North
21 Carolina Residential Code for One- and Two-Family Dwellings or the North
22 Carolina Building Code, as applicable, other than the requirements that only
23 grade-stamped lumber be used in residential construction.
24 (3) The operator of the small mill or mobile sawmill has a certificate from a
25 state-approved lumber grading training program, certifies that the lumber
26 conforms with product and inspection standards under American Softwood
27 Lumber Standard PS20, and marks the lumber with (i) the mill number, name,
28 or abbreviation, (ii) the species or combination of species of the lumber, (iii)
29 whether the lumber was dry or green when manufactured as required by
30 American Softwood Lumber Standard PS20, and (iv) whether the lumber
31 conforms with PS20 standards.
32 (4) The appropriate code enforcement official reviews the framing of the structure
33 to ensure that it meets the requirements of the North Carolina Residential
34 Code for One- and Two-Family Dwellings or the North Carolina Building
35 Code, as applicable, in all respects other than the requirements that only
36 grade-stamped lumber be used in residential construction. The code
37 enforcement official shall not be liable for any structural failure that occurs as
38 a result of the use of dimension lumber rather than grade-stamped lumber.
39 (5) The small mill or mobile sawmill provides to the purchaser a certificate
40 containing all of the following:
41 a. A statement of the species of wood, quantity milled, and address where
42 the lumber will be used.
43 b. The name of the sawmill operator certified pursuant to G.S. 143-138.2
44 who milled the lumber.
45 c. A certification that the lumber meets or exceeds the requirements of
46 the North Carolina Building Code with the exception that it has not
47 been grade-stamped by an accredited lumber grading bureau.
48 d. The date of sale of the lumber.

49 **SECTION 1.(d)** The Building Code Council shall adopt temporary rules to
50 implement the requirements of this section no later than 180 days after the effective date of this

1 section. The Building Code Council shall also adopt permanent rules to replace the temporary
2 rules.

3 **SECTION 2.(a)** Article 9 of Chapter 143 of the General Statutes is amended by
4 adding a new section to read:

5 **"§ 143-138.2. Lumber grading training program.**

6 (a) The North Carolina Cooperative Extension Service shall establish a basic lumber
7 grading training program for individuals and establish the general requirements for successfully
8 completing the training program, including requirements for initial certification and for
9 recertification. The North Carolina Cooperative Extension Service shall offer the training
10 program at least annually. The Extension Forestry staff, in cooperation with the staff of the North
11 Carolina Forest Service, shall develop and establish the content of the training program,
12 determine the certification requirements for instructors teaching the training program, and
13 determine the criteria for determining successful completion of the training program. Instructors
14 shall be approved by the North Carolina Cooperative Extension Service.

15 (b) The North Carolina Cooperative Extension Service may, in its discretion, authorize
16 one or more private lumber grading training programs, provided that the content of the private
17 programs and certification requirements for instructors and criteria for successful completion of
18 the training program are at least as stringent as the program offered by the North Carolina
19 Cooperative Extension Service. An authorized private training program may issue initial
20 certifications and recertifications.

21 (c) An individual holding an initial certification from the program established by
22 subsection (a) of this section, from a private program authorized under subsection (b) of this
23 section, or from a state-approved lumber grading program in another state who mills lumber in
24 the State shall be recertified under the training program every five years.

25 (d) An individual who holds an initial certification from the program established by
26 subsection (a) of this section, from a private program authorized under subsection (b) of this
27 section, or from a state-approved lumber grading program in another state shall register with the
28 North Carolina Forest Service before selling lumber that has not been grade-stamped under the
29 authority of a lumber grading bureau directly to the owner of a structure for use in construction
30 of the structure."

31 **SECTION 2.(b)** The North Carolina Cooperative Extension Service shall establish
32 the basic lumber grading training program no later than 180 days after the effective date of this
33 section.

34 **SECTION 3.** G.S. 160D-1110 is amended by adding a new subsection to read:

35 "(b1) For a structure constructed with lumber that has not been grade-stamped under the
36 authority of a lumber grading bureau, a building permit applicant shall submit with the building
37 permit application all of the following:

38 (1) A statement of the species of wood, quantity, and address where the lumber
39 will be used.

40 (2) The name of the sawmill operator certified pursuant to G.S. 143-138.2 who
41 milled the lumber.

42 (3) A certification that the lumber meets or exceeds the requirements of the North
43 Carolina Building Code with the exception that it has not been grade-stamped
44 by an accredited lumber grading bureau.

45 (4) The date of sale of the lumber."

46 **SECTION 4.** Section 1 of this act is effective when it becomes law and expires when
47 the Building Code Council has issued permanent rules substantially similar to Sections 1(b) and
48 1(c) of this act and notifies the Codifier of Statutes that it has done so. Section 3 of this act
49 becomes effective on the date that the temporary rules required to be adopted by the Building
50 Code Council by Section 1 of this act become effective. The remainder of this act is effective
51 when it becomes law.