

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

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HOUSE BILL 295

Short Title: Promote North Carolina Sawmills. (Public)

Sponsors: Representatives Gillespie, Sasser, Brody, and Greene (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Regulatory Reform, if favorable, Judiciary 1, if favorable, Rules, Calendar, and Operations of the House

March 8, 2023

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

The General Assembly of North Carolina enacts:

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

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

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

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



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

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

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

1 **SECTION 1.(d)** The Building Code Council shall adopt temporary rules to
2 implement the requirements of this section no later than 180 days after the effective date of this
3 section. The Building Code Council shall also adopt permanent rules to replace the temporary
4 rules.

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

7 **"§ 143-138.2. Lumber grading training program.**

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

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

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

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

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

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

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

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

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

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

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

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

- 1 Code Council by Section 1 of this act become effective. The remainder of this act is effective
- 2 when it becomes law.