

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

SESSION LAW 2023-151
SENATE BILL 409

AN ACT TO AMEND THE OFFENSE OF BREAKING OR ENTERING INTO OR BREAKING OUT OF RAILROAD CARS, MOTOR VEHICLES, TRAILERS, AIRCRAFT, BOATS, OR OTHER WATERCRAFT; TO PROVIDE THAT MULTIPLE ACTS OF CERTAIN FINANCIAL CRIME OFFENSES MAY BE AGGREGATED IN CERTAIN CIRCUMSTANCES WHEN DETERMINING THE LEVEL OF PUNISHMENT TO BE IMPOSED; TO PROVIDE THAT PROVING IT WAS THE REGULAR PRACTICE OF A BUSINESS ACTIVITY TO MAKE A MEMORANDUM, REPORT, OR DATA COMPILATION MAY BE MADE BY AN UNSWORN DECLARATION UNDER PENALTY OF PERJURY; TO CREATE A PILOT PROGRAM TO AUTHORIZE AUTOMATIC LICENSE PLATE READERS IN STATE RIGHTS-OF-WAY; TO MAKE TECHNICAL CHANGES TO THE OBSCENE LITERATURE AND EXHIBITIONS STATUTE; AND TO ESTABLISH AN INDEPENDENT OFFICE OF THE STATE FIRE MARSHAL IN THE DEPARTMENT OF INSURANCE, TO PRESCRIBE THE POWERS AND DUTIES OF THAT OFFICE, AND TO AMEND CERTAIN FIREFIGHTER PROGRAMS.

The General Assembly of North Carolina enacts:

PART I. BREAKING OR ENTERING INTO OR BREAKING OUT OF RAILROAD CARS, MOTOR VEHICLES, TRAILERS, AIRCRAFT, BOATS, OR OTHER WATERCRAFT

SECTION 1.(a) G.S. 14-56 reads as rewritten:

"§ 14-56. Breaking or entering into or breaking out of railroad cars, motor vehicles, trailers, aircraft, boats, or other watercraft.

(a) ~~If it is unlawful for any person, with the intent to commit any felony or larceny therein, breaks or enters to break or enter any railroad car, motor vehicle, trailer, aircraft, boat, or other watercraft of any kind, containing any goods, wares, freight, or other thing of value, or, after having committed any felony or larceny therein, breaks break out of any railroad car, motor vehicle, trailer, aircraft, boat, or other watercraft of any kind containing any goods, wares, freight, or other thing of value, that person is guilty of a Class I felony-value.~~ It is prima facie evidence that a person entered in violation of this section if ~~he~~ the person is found unlawfully in such a railroad car, motor vehicle, trailer, aircraft, boat, or other watercraft.

(a1) ~~If any person violates subsection (a) of this section, that person is guilty of a Class H felony if both of the following conditions are met:~~

- (1) ~~The railroad car, motor vehicle, trailer, aircraft, boat, or other watercraft of any kind is owned or operated by any law enforcement agency, the North Carolina National Guard, or any branch of the Armed Forces of the United States.~~
- (2) ~~The person knows or reasonably should know that the railroad car, motor vehicle, trailer, aircraft, boat, or other watercraft of any kind is owned or operated by any law enforcement agency, the North Carolina National Guard, or any branch of the Armed Forces of the United States.~~



(a2) The following classifications apply to an offense under subsection (a) of this section:

- (1) An offense is a Class H felony if the goods, wares, freight, or other thing of value taken has a value exceeding one thousand five hundred dollars (\$1,500), but no more than twenty thousand dollars (\$20,000), aggregated over a 90-day period, or if all of the following conditions are met:
 - a. The railroad car, motor vehicle, trailer, aircraft, boat, or other watercraft of any kind is owned or operated by any law enforcement agency, the North Carolina National Guard, or any branch of the Armed Forces of the United States.
 - b. The person knows or reasonably should know that the railroad car, motor vehicle, trailer, aircraft, boat, or other watercraft of any kind is owned or operated by any law enforcement agency, the North Carolina National Guard, or any branch of the Armed Forces of the United States.
 - c. The offense does not involve the taking of goods, wares, freight, or any other thing of value that would be punishable under subdivision (2), (3), or (4) of this subsection.
- (2) An offense is a Class G felony if the goods, wares, freight, or other thing of value taken has a value exceeding twenty thousand dollars (\$20,000), but no more than fifty thousand dollars (\$50,000), aggregated over a 90-day period.
- (3) An offense is a Class F felony if the goods, wares, freight, or other thing of value taken has a value exceeding fifty thousand dollars (\$50,000), but no more than one hundred thousand dollars (\$100,000), aggregated over a 90-day period.
- (4) An offense is a Class C felony if the goods, wares, freight, or other thing of value taken has a value exceeding one hundred thousand dollars (\$100,000), aggregated over a 90-day period.
- (5) An offense is a Class I felony for any other offense under subsection (a) of this section that is not otherwise covered under subdivisions (1) through (4) of this subsection.

(b) It shall not be a violation of this section for any person to break or enter any railroad car, motor vehicle, trailer, aircraft, boat, or other watercraft of any kind to provide assistance to a person inside the railroad car, motor vehicle, trailer, aircraft, boat, or watercraft of any kind if one or more of the following circumstances exist:

- (1) The person acts in good faith to access the person inside the railroad car, motor vehicle, trailer, aircraft, boat, or watercraft of any kind in order to provide first aid or emergency health care treatment or because the person inside is, or is in imminent danger of becoming unconscious, ill, or injured.
- (2) It is reasonably apparent that the circumstances require prompt decisions and actions in medical, other health care, or other assistance for the person inside the railroad car, motor vehicle, trailer, aircraft, boat, or watercraft of any kind.
- (3) The necessity of immediate health care treatment or removal of the person from the railroad car, motor vehicle, trailer, aircraft, boat, or other watercraft of any kind is so reasonably apparent that any delay in the rendering of treatment or removal would seriously worsen the physical condition or endanger the life of the person.

(c) Acts occurring in more than one county that would constitute a violation of subsection (a) of this section and involve the taking of goods, wares, freight, or any other thing of value may be aggregated into an alleged violation of subsection (a) of this section. Each county where a part of the charged offense occurs has concurrent venue as described in G.S. 15A-132."

SECTION 1.(b) G.S. 14-86.1(a) reads as rewritten:

"(a) All conveyances, including vehicles, watercraft, or aircraft, used to unlawfully conceal, convey, or transport property in violation of G.S. 14-71, 14-71.1, or 14-71.2, used by any person in the commission of armed or common-law robbery, used in violation of G.S. 14-72.7, used by any person in the commission of any larceny when the value of the property taken is more than two thousand dollars (\$2,000), used by any person in the commission of an offense under G.S. 14-56, or used by any person in the commission of organized retail theft in violation of G.S. 14-86.6 shall be subject to forfeiture as provided herein, except that:

...."

SECTION 1.(c) Subsections (a) and (b) of this section become effective December 1, 2023, and apply to offenses committed on or after that date.

PART II. AGGREGATION OF FINANCIAL CRIMES

SECTION 2.(a) Article 81B of Chapter 15A of the General Statutes is amended by adding a new section to read:

"§ 15A-1340.16F. Aggregation of multiple financial crime offenses.

(a) Definition. – For purposes of this section, the term "financial crime offense" means any of the following:

- (1) Acts of embezzlement punishable under Article 18 of Chapter 14 of the General Statutes.**
- (2) Acts of false pretenses punishable under G.S. 14-100.**
- (3) Acts of exploitation of an older adult punishable under G.S. 14-112.2.**

(b) Aggregation. – If a person is convicted of two or more of the same financial crime offenses, the financial crime offenses may be aggregated for sentencing if it is found that both of the following conditions are met:

- (1) The person committed the financial crime offenses against more than one victim or in more than one county.**
- (2) The financial crime offenses are based on the same act or transaction or on a series of acts or transactions connected together or constituting parts of a common scheme or plan.**

(c) Venue. – Each county where a part of the violations aggregated under subsection (b) of this section occurs shall have concurrent venue as described in G.S. 15A-132.

(d) Pleading. – The pleading for financial crime offenses aggregated under this section shall allege the facts set out in subsection (b) of this section and identify the financial crime offenses to which the aggregation shall apply. The pleading is sufficient if it alleges that the defendant committed the financial crime offenses against more than one victim or in more than one county and that the financial crime offenses are based on the same act or transaction or on a series of acts or transactions connected together or constituting parts of a common scheme or plan.

(e) Procedure. – The State shall prove the issues set out in subsections (b) and (f) of this section beyond a reasonable doubt during the same trial in which the defendant is tried for the financial crime offenses unless the defendant pleads guilty or no contest to the issues. If the defendant pleads guilty or no contest to the financial crime offenses but pleads not guilty to the issues set out in subsection (b) or subsection (f) of this section, then a jury shall be impaneled to determine the issues.

(f) Punishment. – If convictions for two or more of the same financial crime offenses are aggregated in accordance with this section, the court shall use the aggregated value of the money, goods, property, services, chose in action, or other thing of value when determining the level of punishment to be imposed. Notwithstanding any provision of law to the contrary, financial crime offenses aggregated under subsection (b) of this section are punishable as follows:

- (1) If the aggregated value of the money, goods, property, services, chose in action, or other thing of value exceeds one thousand five hundred dollars**

(\$1,500), then the aggregated offenses shall be punished as one Class H felony.

- (2) If the aggregated value of the money, goods, property, services, chose in action, or other thing of value exceeds twenty thousand dollars (\$20,000), then the aggregated offense shall be punished as one Class G felony.
- (3) If the aggregated value of the money, goods, property, services, chose in action, or other thing of value exceeds fifty thousand dollars (\$50,000), then the aggregated offenses shall be punished as one Class F felony.
- (4) If the aggregated value of the money, goods, property, services, chose in action, or other thing of value exceeds one hundred thousand dollars (\$100,000), then the aggregated offense shall be punished as one Class C felony."

SECTION 2.(b) Subsection (a) of this section becomes effective March 1, 2024, and applies to offenses committed on or after that date.

PART III. HEARSAY EXCEPTIONS; AVAILABILITY OF DECLARANT IMMATERIAL

SECTION 3.(a) G.S. 8C-1, Rule 803, reads as rewritten:

"Rule 803. Hearsay exceptions; availability of declarant immaterial.

The following are not excluded by the hearsay rule, even though the declarant is available as a witness:

- ...
- (6) Records of Regularly Conducted Activity. – A memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses, made at or near the time by, or from information transmitted by, a person with knowledge, if (i) kept in the course of a regularly conducted business activity and (ii) it was the regular practice of that business activity to make the memorandum, report, record, or data compilation, all as shown by the testimony of the custodian or other qualified witness, ~~or~~ by affidavit or by document under seal under Rule 902 of the Rules of Evidence made by the custodian or witness, or by a certification that complies with 28 U.S.C. § 1746 made by the custodian or witness, unless the source of information or the method or circumstances of preparation indicate lack of trustworthiness. Authentication of evidence by affidavit shall be confined to the records of nonparties, and the proponent of that evidence shall give advance notice to all other parties of intent to offer the evidence with authentication by affidavit. The term "business" as used in this paragraph includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit.

...."

SECTION 3.(b) Subsection (a) of this section becomes effective March 1, 2024.

PART V. PILOT PROGRAM TO AUTHORIZE AUTOMATIC LICENSE PLATE READERS IN STATE RIGHTS-OF-WAY

SECTION 5.(a) The Department of Transportation may enter into agreements with the North Carolina State Bureau of Investigation for the placement and use of automatic license plate reader systems, as defined in G.S. 20-183.30(1), within land or right-of-way owned by the Department of Transportation as part of a pilot program established by this section; provided that (i) the use of the land or right-of-way is temporary in nature, (ii) the automatic license plate reader system is above ground, removeable, and contains no combustible fuel, (iii) the placement and use does not unreasonably interfere with the operation and maintenance of public utility facilities

or cause the facilities to fail to comply with all applicable laws, codes, and regulatory requirements, (iv) the authorization to locate the automatic license plate reader system within the right-of-way is revocable by the Department for cause with at least 30 days' notice, (v) the use of the automatic license plate reader system complies with provisions of Article 8A of Chapter 87 of the General Statutes, and (vi) the automatic license plate reader system is operated in accordance with Article 3D of Chapter 20 of the General Statutes. Placement and use of an automatic license plate reader system and related equipment under this subsection must be terminated and removed by the Department upon request by any affected public utility. The Department or a public utility may relocate an automatic license plate reader system and related equipment in the event that the Department or public utility needs immediate access to its utilities or facilities and shall only be liable for damages to the automatic license plate reader system and related equipment caused solely by its gross negligence or willful misconduct. If an automatic license plate reader system or related equipment is moved for immediate access, the Department or applicable public utility must provide notice to the State Bureau of Investigation. For purposes of this subsection, the term "public utility" means any of the following: a public utility, as defined in G.S. 62-3(23), an electric membership corporation, telephone membership corporation, a joint municipal power agency, or a municipality, as defined in G.S. 159B-3(5). The State Bureau of Investigation may enter into an agreement under this section on its own behalf or as an administrative agent of a local law enforcement agency in this State.

SECTION 5.(b) The North Carolina State Bureau of Investigation shall submit an initial report no later than April 15, 2025, and a final report no later than October 1, 2025, to the Joint Legislative Oversight Committee on Justice and Public Safety and the Joint Legislative Transportation Oversight Committee on automatic license plate reader systems placed on rights-of-way owned or maintained by the Department of Transportation. The interim and final reports shall contain the written policy governing use of each automatic license plate reader system, the number of requests for captured data by requesting agency, and the amount of data preserved for more than 90 days compared to the amount of data captured during the pilot program.

SECTION 5.(c) G.S. 136-27.3A and G.S. 20-183.32A are repealed.

SECTION 5.(d) G.S. 20-183.30 reads as rewritten:

"§ 20-183.30. Definitions.

The following definitions apply in this Article:

- (1) Automatic license plate reader system. – A system of one or more mobile or fixed automated high speed cameras used in combination with computer algorithms to convert images of license plates into computer readable data. This term shall not include a traffic control photographic system, as that term is defined in G.S. 160A-300.1(a), or an open road tolling system, as that term is defined in G.S. 136-89.210(3).
 - (1a) Reserved for future codification purposes.
 - (1b) Reserved for future codification purposes.
 - (1c) Reserved for future codification purposes.
 - (1d) Criminal justice officer. – A criminal justice officer as defined in G.S. 17C-2 and justice officer as defined in G.S. 17E-2.
- (2) Law enforcement agency. – Any agency or officer of the State of North Carolina or any political subdivision thereof who is empowered by the laws of this State to conduct investigations or to make arrests and any attorney, including the Attorney General of North Carolina, authorized by the laws of this State to prosecute or participate in the prosecution of those persons arrested or persons who may be subject to civil actions related to or concerning an arrest.
- (3) Reserved for future codification purposes.

- (4) Reserved for future codification purposes.
- (5) Law enforcement purpose. – Any of the following:
 - a. Actions related to criminal investigations, arrests, prosecutions, post-conviction confinement, or supervision.
 - b. Apprehending an individual with an outstanding felony warrant.
 - c. Locating a missing or endangered person.
 - d. Locating a lost or stolen vehicle.
- (6) Reserved for future codification purposes.
- (7) Reserved for future codification purposes.
- (8) Missing or endangered person. – A person who has been identified as a missing or endangered person by at least one of the following:
 - a. The National Criminal Information Center.
 - b. The National Center for Missing and Exploited Children.
 - c. A "be on the lookout" bulletin issued by a law enforcement agency."

SECTION 5.(e) G.S. 20-183.31(b) reads as rewritten:

"(b) Data obtained by a law enforcement agency in accordance with this Article shall be obtained, accessed, preserved, or disclosed only for law enforcement ~~or criminal justice~~ purposes. Notwithstanding, data obtained under the authority of this Article shall not be used for the enforcement of traffic violations."

SECTION 5.(f) G.S. 20-183.32(e) reads as rewritten:

"(e) Captured plate data obtained in accordance with this Article is confidential and not a public record as that term is defined in G.S. 132-1. Data shall not be disclosed except to a ~~federal, State, criminal justice officer at a State~~ or local law enforcement agency ~~or a similar official at a federal law enforcement agency~~ for a legitimate law enforcement ~~or public safety~~ purpose pursuant to a written request from the requesting agency. Written requests may be in electronic format. Nothing in this subsection shall be construed as requiring the disclosure of captured plate data if a law enforcement agency determines that disclosure will compromise an ongoing investigation. Captured plate data shall not be sold for any purpose."

SECTION 5.(g) Article 3D of Chapter 20 of the General Statutes is amended by adding a new section to read:

§ 20-183.33. Penalty for violation.

Any person who violates the provisions of this Article by obtaining, accessing, preserving, or disclosing data obtained in accordance with this Article in a manner other than that allowed by the provisions of this Article is guilty of a Class 1 misdemeanor."

SECTION 5.(h) Subsection (g) of this section becomes effective January 1, 2024, and applies to offenses committed on or after that date. The remainder of this section becomes effective January 1, 2024. Subsection (a) of this section expires July 1, 2025, and any agreement entered into under the pilot program established in that section shall terminate no later than that date.

PART VII. CORRECTION TO G.S. 14-190.1(G) – OBSCENE LITERATURE AND EXHIBITIONS

SECTION 7.(a) G.S. 14-190.1(g), as amended by Section 1 and Section 3 of S.L. 2023-127, reads as rewritten:

"(g) ~~Any person who knowingly violates this section in the presence of a minor under 18 years of age shall be guilty of a Class H felony. Any other violation Except as otherwise provided in this subsection, a violation of this section is a Class I felony. A violation of this section committed knowingly in the presence of an individual under 18 years of age is a Class H felony.~~Except as otherwise provided in this subsection, a violation of this section is a Class I felony. A violation of this section committed knowingly in the presence of a minor under 18 years of age is a Class H felony."

SECTION 7.(b) Subsection (a) of this section becomes effective December 1, 2023, and applies to offenses committed on or after that date.

PART X. INDEPENDENT OFFICE OF THE STATE FIRE MARSHAL ESTABLISHED

SECTION 10.1.(a) Article 78A of Chapter 58 of the General Statutes, as enacted by Section 30.8(a) of S.L. 2023-134, reads as rewritten:

"Article 78A.

"Office of State Fire Marshal.

"§ 58-78A-1. Office of the State Fire Marshal.

(a) ~~The Office of the State Fire Marshal is created within the Department of Insurance and that office may and the Office shall exercise its prescribed powers and duties independently of the Department.~~ Department. ~~The Commissioner~~ Department of Insurance shall provide general administrative support-clerical and professional services to the Office of the State Fire Marshal. ~~Marshal~~ for the purpose of carrying out its powers and duties under this Article and the laws of this State. For purposes of this section, the phrase "clerical and professional services" includes, but is not limited to, budgetary, human resources, information technology, and legal.

(b) The Office of the State Fire Marshal shall be responsible for all of the following:

- (1) State Fire and Rescue Commission, Article 78 of this Chapter.
- (2) Investigation of Fires and Inspection of Premises, Article 79 of this Chapter.
- (3) State Volunteer Fire Department, Article 80 of this Chapter.
- (4) Pyrotechnics Training and Permitting, Article 82A of this Chapter.
- (5) Management of Aqueous Film-Forming Foams, Article 82B of this Chapter.
- (6) Local Firefighters' Relief Funds, Article 84 of this Chapter.
- (7) Statewide Firefighters' Relief Fund, Article 85 of this Chapter.
- (8) State Fire Protection Grant Fund, Article 85A of this Chapter.
- (9) North Carolina Firefighters' and Rescue Squad Workers' Pension Fund, Article 86 of this Chapter.
- (10) Volunteer Safety Workers Assistance, Article 87 of this Chapter.
- (11) Rescue Squad Workers' Relief Fund, Article 88 of this Chapter.
- (12) Building Code Council and Building Code, Article 9 of Chapter 143 of the General Statutes.
- (13) North Carolina Manufactured Housing Board-Manufactured Home Warranties, Article 9A of Chapter 143 of the General Statutes.
- (14) Uniform Standards Code for Manufactured Homes, Article 9B of this Chapter.
- (15) North Carolina Code Officials Qualification Board, Article 9C of this Chapter.
- (16) North Carolina Home Inspector Licensure Board, Article 9F of this Chapter.
- (17) Engineering and Building Codes Division in the Department of Insurance.
- (18) Risk Management Division in the Department of Insurance.
- (19) Community Risk Reduction Division in the Department of Insurance.

~~(b)(c)~~ (c) The "State Fire Marshal," as that term is used in this Article and elsewhere in the General Statutes, shall be the head of the Office of the State Fire Marshal and shall be a person appointed by the Commissioner of Insurance subject to confirmation by the General Assembly by joint resolution. The State Fire Marshal shall be a person other than the Commissioner of Insurance and shall serve a three-year term. If a vacancy arises or exists pursuant to this subsection when the General Assembly is not in session, the Commissioner of Insurance may appoint a State Fire Marshal to serve on an interim basis pending confirmation by the General Assembly. For the purposes of this subsection, the General Assembly is not in session only (i) prior to convening of the Regular Session, (ii) during any adjournment of the Regular Session for more than 10 days, and (iii) after sine die adjournment of the Regular Session.

~~(e)(d)~~ (d) The salary of the State Fire Marshal shall be set by the General Assembly in the Current Operations Appropriations Act. In addition to the salary set by the General Assembly in

the Current Operations Appropriations Act, the State Fire Marshal shall receive as longevity pay in an amount equal to four and eight-tenths percent (4.8%) of the annual salary set forth in the Current Operations Appropriations Act payable monthly after five years of service, and nine and six-tenths percent (9.6%) after 10 years of service. For purposes of this subsection, the term "service" means service as the State Fire Marshal.

"§ 58-78A-2. Execution of laws; adopt rules to enforce laws.

The State Fire Marshal shall see that all laws he is responsible for administering are faithfully executed and, to that end, the State Fire Marshal is authorized to adopt rules in accordance with Chapter 150B of the General Statutes in order to enforce, carry out, and make effective the provisions of those laws. The State Fire Marshal is also authorized to adopt such further rules not contrary to those laws that will prevent persons subject to the State Fire Marshal's regulatory authority from engaging in practices injurious to the public.

"§ 58-78A-3. Public office; inspection of records.

The Office of the State Fire Marshal shall be a public office and the records, reports, books, and papers thereof on file therein shall be accessible to the inspection of the public, except that the records compiled as a part of an investigation for the crime of arson, that of unlawful burning, or of fraud, shall not be considered as public records and may be made available to the public only upon an order of a court of competent jurisdiction. Provided that such records shall upon request be made available to the district attorney of any district if the same concerns persons or investigations in his district.

"§ 58-78A-4. Hearings and investigations.

All hearings and investigations undertaken by the Office of the State Fire Marshal as required by this Article may be conducted by the State Fire Marshal personally or by one or more employees in the Office of the State Fire Marshal or, if requested by the State Fire Marshal, one or more employees in the Department of Insurance. If the State Fire Marshal or any investigator appointed to conduct the investigations is of the opinion that there is evidence to charge any person or persons with a criminal violation, the State Fire Marshal may arrest with warrant or cause the person or persons to be arrested. All hearings shall, unless otherwise specially provided, be held in accordance with this Article and Article 3A of Chapter 150B of the General Statutes and at a time and place designated in a written notice given by the State Fire Marshal to the person cited to appear. The notice shall state the subject of inquiry and the specific charges, if any.

"§ 58-78A-5. Designated hearing officers.

In any contested case involving the Office of the State Fire Marshal, the State Fire Marshal may designate a member of his staff to serve as a hearing officer. When the State Fire Marshal is unable or elects not to hear a contested case and elects not to designate a hearing officer to hear a contested case, the State Fire Marshal shall apply to the Director of the Office of Administrative Hearings for the designation of an administrative law judge to preside at the hearing of a contested case. Upon receipt of the application, the Director shall, without undue delay, assign an administrative law judge to hear the case.

"§ 58-78A-6. Civil penalties or restitution for violations; administrative procedure.

(a) This section applies to any person who is subject to licensure by the Office of the State Fire Marshal.

(b) Whenever the State Fire Marshal finds a violation of any of the provisions of this Article, the State Fire Marshal may, in addition to or instead of suspending or revoking the license issued by the State Fire Marshal, order the payment of a monetary penalty as provided in subsection (c) of this section or petition the Superior Court of Wake County for an order directing payment of restitution as provided in subsection (d) of this section, or both. Each day during which a violation occurs constitutes a separate violation.

(c) If the State Fire Marshal orders the payment of a monetary penalty pursuant to subsection (b) of this section, the penalty shall not be less than one hundred dollars (\$100.00) nor

more than one thousand dollars (\$1,000). In determining the amount of the penalty, the State Fire Marshal shall consider the degree and extent of harm caused by the violation, the amount of money that inured to the benefit of the violator as a result of the violation, whether the violation was committed willfully, and the prior record of the violator in complying or failing to comply with laws, rules, or orders applicable to the violator. The clear proceeds of the penalty shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. Payment of the civil penalty under this section shall be in addition to payment of any other penalty for a violation of the criminal laws of this State.

(d) Upon petition of the State Fire Marshal, the court may order the person who committed a violation of this Article to make restitution in an amount that would make whole any person harmed by the violation. The petition may be made at any time and also in any appeal of the State Fire Marshal's order. Restitution to any State agency for extraordinary administrative expenses incurred in the investigation and hearing of the violation may also be ordered by the court in such amount that would reimburse the agency for the expenses.

(e) Nothing in this section shall prevent the State Fire Marshal from negotiating a mutually acceptable agreement with any person as to the status of the person's license or as to any civil penalty or restitution.

(f) Unless otherwise specifically provided for, all administrative proceedings under this Article are governed by Chapter 150B of the General Statutes. Appeals of the State Fire Marshal's orders under this section shall be governed by G.S. 58-78A-7.

"§ 58-78A-7. Court review of orders and decisions.

(a) Any order or decision made, issued, or executed by the State Fire Marshal is subject to review in the Superior Court of Wake County on petition by any person aggrieved filed within 30 days from the date of the delivery of a copy of the order or decision made by the State Fire Marshal upon the person. A copy of the petition for review as filed with and certified by the clerk of the Superior Court of Wake County shall be served upon the State Fire Marshal within five days after the filing thereof. If the petition for review is not filed within 30 days, the parties aggrieved shall be deemed to have waived the right to have the merits of the order or decision reviewed and there shall be no trial of the merits thereof by any court to which application may be made by petition or otherwise, to enforce or restrain the enforcement of the same.

(b) The State Fire Marshal shall within 30 days, unless the time is extended by order of court, after the service of the copy of the petition for review as provided in subsection (a) of this section, prepare and file with the clerk of the Superior Court of Wake County a complete transcript of the record of the hearing, if any, had before him, and a true copy of the order or decision duly certified. The order or decision of the State Fire Marshal if supported by substantial evidence shall be presumed to be correct and proper. The court may change the place of hearing (i) upon consent of the parties, (ii) when the convenience of witnesses and the ends of justice would be promoted by the change, or (iii) when the judge has at any time been interested as a party or counsel. The cause shall be heard by the trial judge as a civil case upon transcript of the record for review of findings of fact and errors of law only. It shall be the duty of the trial judge to hear and determine the petition with all convenient speed and, to this end, the cause shall be placed on the calendar for the next succeeding term for hearing ahead of all other cases except those already given priority by law. If, on the hearing before the trial judge, it shall appear that the record filed by the State Fire Marshal is incomplete, the trial judge may, by appropriate order, direct the State Fire Marshal to certify any or all parts of the record omitted. The trial judge shall have jurisdiction to affirm or to set aside the order or decision of the State Fire Marshal and to restrain the enforcement thereof.

(c) Appeals from all final orders and judgments entered by the superior court in reviewing the orders and decisions of the State Fire Marshal may be taken to the appellate division of the General Court of Justice by any party to the action as in other civil cases.

(d) The commencement of proceedings under this section shall not operate as a stay of the State Fire Marshal's order or decision, unless otherwise ordered by the court.

"§ 58-78A-8. Original documents and certified copies as evidence.

Every document executed by the State Fire Marshal, in pursuance of any authority conferred on him by law and sealed with his seal of office, may be used as evidence and may be recorded in the proper recording offices, in the same manner and with like effect as a deed regularly acknowledged or proved before an officer authorized by law to take the probate of deeds, and all copies of papers in the Office of the State Fire Marshal certified by him and authenticated by his official seal shall be evidence as the original.

"§ 58-78A-9. Court appearances.

Whenever the State Fire Marshal or any employee of the Office of the State Fire Marshal is requested or subpoenaed to testify as an expert witness in any civil or administrative action, the party making the request or filing the subpoena and on whose behalf the testimony is given shall, upon receiving a statement of the cost from the State Fire Marshal, reimburse the Office of the State Fire Marshal for the actual time and expenses incurred by the Office of the State Fire Marshal in connection with the testimony.

"§ 58-78A-10. Seal.

The State Fire Marshal, with the approval of the Governor, shall devise a seal, with suitable inscription, for his office, a description of which, with the certificate of approval by the Governor, shall be filed in the Office of the Secretary of State, with an impression thereof, which seal shall thereupon become the seal of the Office of the State Fire Marshal. The seal may be renewed whenever necessary.

"§ 58-78A-11. Oaths.

The State Fire Marshal or his designee in the Office of the State Fire Marshal shall administer all oaths required in the discharge of the State Fire Marshal's official duty.

"§ 58-78A-12. Manufactured housing; restraining orders; criminal convictions; license surrenders.

(a) Restraining Order. – Whenever it appears to the State Fire Marshal that any person has violated, is violating, or threatens to violate any provision of Article 9A of Chapter 143 of the General Statutes (North Carolina Manufactured Housing Board – Manufactured Home Warranties), the State Fire Marshal may apply to the superior court of any county in which the violation has occurred, is occurring, or may occur for a restraining order and injunction to restrain such violation. If upon application the court finds that any provision of Article 9A of Chapter 143 of the General Statutes has been violated, is being violated, or a violation thereof is threatened, the court shall issue an order restraining and enjoining such violations and relief may be granted regardless of whether criminal prosecution is instituted under any provision of law.

(b) Criminal Conviction. – The conviction in any court of competent jurisdiction of any licensee for any criminal violation of Article 9A of Chapter 143 of the General Statutes automatically has the effect of suspending the license of that person until such time that the license is reinstated by the North Carolina Manufactured Housing Board. As used in this subsection, "conviction" includes an adjudication of guilt, a plea of guilty, and a plea of nolo contendere.

(c) License Surrenders. – When a person or entity licensed under Article 9A of Chapter 143 of the General Statutes is accused of any act, omission, or misconduct that would subject the license to suspension or revocation, the licensee, with the consent and approval of the State Fire Marshal, may surrender the license for a period of time established by the State Fire Marshal. A person or entity who surrenders a license shall not thereafter be eligible for or submit any application for licensure during the period of license surrender.

"§ 58-78A-13. Notification of criminal convictions and changes of address; service of notice.

(a) Every applicant for a license issued by the State Fire Marshal shall inform the State Fire Marshal of the applicant's residential address and provide the applicant's email address to

which the State Fire Marshal can send electronic notifications and other messages. Every licensee shall give written notification to the State Fire Marshal of any change of the licensee's residential or email address within 10 business days after the licensee moves into the licensee's new residence or obtains a different email address. This requirement applies if the change of residential address is by governmental action and there has been no actual change of residence location, in which case the licensee shall notify the State Fire Marshal within 10 business days after the effective date of the change. A violation of this subsection is not a ground for revocation, suspension, or nonrenewal of the license or for the imposition of any other penalty by the State Fire Marshal, though a licensee who violates this subsection shall pay an administrative fee of fifty dollars (\$50.00) to the State Fire Marshal. Notification under this subsection may be accomplished by submitting written notification directly to the State Fire Marshal or by using any online services approved by the State Fire Marshal for this purpose.

(b) If a licensee is convicted in any court of competent jurisdiction for any crime or offense other than a motor vehicle infraction, the licensee shall notify the State Fire Marshal in writing of the conviction within 10 days after the date of the conviction. As used in this subsection, "conviction" includes an adjudication of guilt, a plea of guilty, or a plea of nolo contendere.

(c) Notwithstanding any other provision of law, whenever the State Fire Marshal is authorized or required to give any notice under this Article, the notice may be given personally or by sending the notice by first-class mail to the licensee at the address that the licensee has provided to the State Fire Marshal under subsection (a) of this section. The giving of notice by mail under this subsection is complete upon the expiration of four days after the deposit of the notice in the post office. Proof of the giving of notice by mail may be made by the certificate of any employee of the Department of Insurance.

"§ 58-78A-14. Advisory committees.

The State Fire Marshal may create and appoint committees, each of which shall consist of no more than 13 members unless otherwise provided by law. The members of any committee shall serve at the pleasure of the State Fire Marshal and may be paid per diem and necessary travel and subsistence expenses within the limits of appropriations made by the General Assembly and in accordance with G.S. 138-5. Per diem, travel, and subsistence payments to members of committees that are created in connection with federal programs shall be paid from federal funds unless otherwise provided by law. For purposes of this section, the term "committee" means a collective body that consults with and advises the State Fire Marshal or his designee in detailed technical areas or as representative of citizen advice in specific areas of interest.

...."

SECTION 10.1.(b) G.S. 58-2-95 is recodified as G.S. 58-78A-15.

SECTION 10.1.(c) G.S. 58-78A-15, as recodified by subsection (b) of this section, reads as rewritten:

"§ 58-78A-15. ~~Commissioner~~ State Fire Marshal to supervise local inspectors.

The ~~Commissioner~~ State Fire Marshal shall exercise general supervision over local investigators of fires and fire prevention inspectors. Whenever the ~~Commissioner~~ State Fire Marshal has reason to believe that the local inspectors are not doing their duty, he or his the State Fire Marshal or the State Fire Marshal's deputy shall make special trips of inspection and take proper steps to have all the provisions of the law relative to the investigation of fires and the prevention of fire waste enforced."

SECTION 10.1.(d) G.S. 58-31-40 is recodified as G.S. 58-78A-16.

SECTION 10.1.(e) G.S. 58-78A-16, as recodified by subsection (d) of this section, reads as rewritten:

"§ 58-78A-16. ~~Commissioner~~ State Fire Marshal to inspect State property.

(a) The ~~Commissioner~~ State Fire Marshal shall, as often as is required in the fire code adopted by the North Carolina Building Code Council or more often if the ~~Commissioner~~ State

Fire Marshal 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~~ State Fire Marshal shall notify in writing the agency or official in charge of the property of any defect noted by the ~~Commissioner~~ State Fire Marshal or any improvement considered by the ~~Commissioner~~ State Fire Marshal to be necessary, and a copy of that notice shall be forwarded by the ~~Commissioner~~ State Fire Marshal to the Department of Administration.

(b) No agency or person authorized or directed by law to select a plan or erect a building comprising 20,000 square feet or more for the use of any county, city, or school district shall receive and approve of the plan until it is submitted to and approved by the ~~Commissioner~~ State Fire Marshal as to the safety of the proposed building from fire, including the property's occupants or contents.

...."

SECTION 10.1.(f) G.S. 58-2-121 is recodified as G.S. 58-78A-17.

SECTION 10.1.(g) G.S. 58-78A-17, as recodified by subsection (f) of this section, reads as rewritten:

"§ 58-78A-17. Report of Department to General Assembly committees on various relief funds.

Beginning on April 1, 2016, and each year thereafter, the ~~Department of Insurance~~ Office of the State Fire Marshal shall report to the House Appropriations Subcommittee on General ~~Government and Government~~, the Senate Appropriations Committee on General Government and Information ~~Technology~~ Technology, and the Fiscal Research Division the following information about each local firefighters' relief fund board, the North Carolina State Firefighters' Association, and the North Carolina Association of Rescue and Emergency Medical Services, Inc.:

- (1) The total amount of money disbursed from the relief funds controlled by each of the entities.
- (2) The amount of money spent by each entity for each of the statutorily permissible uses.
- (3) Each entity's ending fund balance.

The report also should describe any problems with data collection and quality and, if applicable, make recommendations on actions the General Assembly could take to resolve any data issues."

SECTION 10.1.(h) This section is effective January 1, 2024.

SECTION 10.2.(a) Section 30.8(e) of S.L. 2023-134 reads as rewritten:

"SECTION 30.8.(e) Notwithstanding G.S. 58-78A-1, as enacted by subsection (a) of this section, or any other provision of law, the ~~Commissioner of the Department of Insurance~~ Chief State Fire Marshal, position number 60013729, serving on October 1, 2023, shall serve as the State Fire Marshal until the General Assembly confirms an independent State Fire Marshal, as authorized by G.S. 58-78A-1, as enacted by subsection (a) of this ~~section~~ section. In his capacity as State Fire Marshal until the General Assembly confirms an independent State Fire Marshal as provided in subsection (a) of this section, the Chief State Fire Marshal shall have the same powers as the Commissioner of Insurance under Chapter 58 of the General Statutes for the purpose of executing the laws of this State that are assigned to the State Fire Marshal and the Office of the State Fire Marshal by the General Assembly."

SECTION 10.2.(b) The individual serving as the legislative liaison for the Office of the State Fire Marshal, position number 60013560, on October 1, 2023, shall continue to serve in that capacity at the individual's option or until further action is taken by the Office of the State Fire Marshal in accordance with law.

SECTION 10.3. All employees of the Office of the State Fire Marshal on October 1, 2023, shall continue as employees of the Office at their option or until further action is taken by the Office in accordance with law. All positions in the Office of the State Fire Marshal on

October 1, 2023, shall remain in the Office of the State Fire Marshal unless changed by the General Assembly. All programs and functions conducted by the Office of the State Fire Marshal on October 1, 2023, shall continue without any reduction in funds, responsibilities, or administrative support, including, but not limited to, budgetary, human resources, information technology, and legal, unless expressly authorized by the General Assembly.

PART XI. POWERS AND DUTIES OF STATE FIRE MARSHAL

SECTION 11.1. G.S. 58-2-40(1a) is repealed.

SECTION 11.2. G.S. 58-2-50 reads as rewritten:

"§ 58-2-50. Examinations, hearings, and investigations.

All examinations, hearings, and investigations provided for by this Chapter that are within the scope of the Commissioner's powers and duties may be conducted by the Commissioner personally or by one or more deputies, investigators, actuaries, examiners or employees designated for the purpose. If the Commissioner or any investigator appointed to conduct the investigations is of the opinion that there is evidence to charge any person or persons with a criminal violation of any provision of this Chapter, the Commissioner may arrest with warrant or cause the person or persons to be arrested. All hearings shall, unless otherwise specially provided, be held in accordance with this Article and Article 3A of Chapter 150B of the General Statutes and at a time and place designated in a written notice given by the Commissioner to the person cited to appear. The notice shall state the subject of inquiry and the specific charges, if any."

SECTION 11.3. G.S. 58-2-55 reads as rewritten:

"§ 58-2-55. Designated hearing officers.

In any contested case under this ~~Chapter or Article 9A or Article 9B of Chapter 143 of the General Statutes,~~ Chapter that is within the scope of the Commissioner's powers and duties, the Commissioner may designate a member of his staff to serve as a hearing officer. When the Commissioner is unable or elects not to hear a contested case and elects not to designate a hearing officer to hear a contested case, he shall apply to the director of the Office of Administrative Hearings for the designation of an administrative law judge to preside at the hearing of a contested case. Upon receipt of the application, the Director shall, without undue delay, assign an administrative law judge to hear the case."

SECTION 11.4. G.S. 58-2-60 reads as rewritten:

"§ 58-2-60. Restraining orders; criminal convictions.

(a) Whenever it appears to the Commissioner that any person has violated, is violating, or threatens to violate any provision of Articles 1 through 64, 65 and 66, 67, 69, 70, or 71 of this ~~Chapter, or Article 9A of Chapter 143 of the General Statutes,~~ Chapter, he may apply to the superior court of any county in which the violation has occurred, is occurring, or may occur for a restraining order and injunction to restrain such violation. If upon application the court finds that any provision of said statutes has been violated, is being violated, or a violation thereof is threatened, the court shall issue an order restraining and enjoining such violations; and such relief may be granted regardless of whether criminal prosecution is instituted under any provision of law.

...."

SECTION 11.5. G.S. 58-2-65 reads as rewritten:

"§ 58-2-65. License surrenders.

This section applies to persons or entities licensed under Articles 1 through 64, 65 and 66, 67, 69, 70, or 71 of this ~~Chapter, or Article 9A of Chapter 143 of the General Statutes.~~ Chapter. When a licensee is accused of any act, omission, or misconduct that would subject the license to suspension or revocation, the licensee, with the consent and approval of the Commissioner, may surrender the license for a period of time established by the Commissioner. A person or entity

who surrenders a license shall not thereafter be eligible for or submit any application for licensure during the period of license surrender."

SECTION 11.6. G.S. 58-2-70 reads as rewritten:

"§ 58-2-70. Civil penalties or restitution for violations; administrative procedure.

(a) This section applies to any person who is subject to licensure or certification under any Article of this Chapter-Chapter that is within the scope of the Commissioner's powers and duties.

...."

SECTION 11.7. G.S. 58-2-100 reads as rewritten:

"§ 58-2-100. Office of Commissioner a public office; records, etc., subject to inspection.

The office of the Commissioner shall be a public office and the records, reports, books and papers thereof on file therein shall be accessible to the inspection of the ~~public~~, public in accordance with the provisions of Chapter 132 of the General Statutes, except that the records in the custody of the office of the Commissioner that were compiled as a part of an investigation for the crime of arson, that of unlawful burning, or of fraud, shall not be considered as public records and may be made available to the public only upon an order of court of competent jurisdiction. ~~Provided that such records~~ Records in the custody of the office of the Commissioner that were compiled as a part of an investigation described in this section shall upon request be made available to the district attorney of any district if the same concerns persons or investigations in his district."

SECTION 11.8.(a) G.S. 58-78-1 reads as rewritten:

"§ 58-78-1. State Fire and Rescue Commission created; membership.

(a) There is created the State Fire and Rescue Commission of the Department, which shall be composed of 15 voting members to be appointed as follows:

- (1) ~~The Commissioner~~ State Fire Marshal shall appoint 12 members, two from nominations submitted by the North Carolina State Firefighters' Association, one from nominations submitted by the North Carolina Association of Fire Chiefs, one from nominations submitted by the Professional Firefighters of North Carolina Association, one from nominations submitted by the North Carolina Society of Fire Service Instructors, one from nominations submitted by the North Carolina Fire Marshal's Association, two from nominations submitted by the North Carolina Association of Rescue and Emergency Medical Services, Inc., one from nominations submitted by the North Carolina Chapter of the International Association of Arson Investigators, one mayor or other elected city official nominated by the President of the League of Municipalities, one county commissioner nominated by the President of the Association of County Commissioners, and one from the public at-large.

...

(e) The following State officials, or their designees, shall serve by virtue of their offices as nonvoting members of the Commission: ~~the Commissioner of Insurance, State Fire Marshal,~~ the Commissioner of Labor, the Attorney General, the Secretary of Public Safety, the Secretary of Environmental Quality, and the President of the Department of Community Colleges.

...."

SECTION 11.8.(b) The current members of the State Fire and Rescue Commission appointed by the Commissioner of Insurance pursuant to G.S. 58-78-1 may continue to serve until the expiration of their terms. Upon the expiration of each current member's term, the State Fire Marshal shall appoint a successor to serve as provided in G.S. 58-78-1.

SECTION 11.9. G.S. 58-78-5, as amended by Section 30.3(c) of S.L. 2023-134, reads as rewritten:

"§ 58-78-5. State Fire and Rescue Commission – Powers and duties.

(a) The Commission shall have the following powers and duties:

...

- (16) To provide oversight for the workers' compensation benefits administered by the ~~Department of Insurance~~ Office of the State Fire Marshal under G.S. 58-87-10, to create a Volunteer Safety Workers' Compensation Board to assist it in performing this duty, and to reimburse the members of the Commission's Volunteer Safety Workers' Compensation Board in accordance with G.S. 138-5 for travel and subsistence expenses incurred by them.

...."

SECTION 11.10. G.S. 58-78-10 reads as rewritten:

"§ 58-78-10. State Fire and Rescue Commission – Organization; rules and regulations; meetings.

...

(b) Rules and Regulations. – The Commission shall adopt such rules and regulations, not inconsistent with the laws of this State as may be required by the federal government for programs and grants-in-aid for fire protection, firefighting, and rescue purposes which may be made available to the State by the federal government. The Commission shall be the single State agency responsible for establishing policy, planning and carrying out the State's duties with respect to all programs of and grants to the State by the United States Fire Administration, Federal Emergency Management Agency. In respect to such programs and grants, the Commission shall have authority to review, approve and maintain general oversight to the State plan and its implementation, including subgrants and allocations to local units of government and local fire prevention and control and rescue agencies.

All actions taken by the Commission in the performance of its duties shall be implemented and administered by the ~~Department~~ Office of the State Fire Marshal.

...."

SECTION 11.11. G.S. 58-78-15 reads as rewritten:

"§ 58-78-15. State Fire and Rescue Commission; staff.

(a) ~~There~~ The State Fire Marshal shall be an ~~serve as the~~ executive director ~~nominated by of the Commission with direct responsibilities to the Commission, who shall be appointed by the Commissioner.~~ Commission.

(b) ~~Personnel~~ Upon request by the Office of the State Fire Marshal, personnel of the Department shall serve as staff to the ~~Commission.~~ Commission; provided, however, the Office of the State Fire Marshal may also serve as staff to the Commission in the discretion of the State Fire Marshal. The Department or Office shall provide the clerical and professional services required by the Commission and, at the direction of the Commission, shall develop and administer the State Master Plan for Fire Prevention and Control, the State Fire Education and Training Plan, the Rescue Training Plan, the State Master Plan for Rescue Services, and any additional related programs as may be established by, or assigned to, the Commission.

(c) In addition to the other duties prescribed under this section, the State Fire Marshal shall also serve as the State Fire Training Director."

SECTION 11.12. G.S. 58-78-20 reads as rewritten:

"§ 58-78-20. State Fire and Rescue Commission – Fiscal affairs.

All funds for the operation of the Commission and its staff shall be appropriated to the Office of the State Fire Marshal in the Department. All such funds shall be held in a separate or special account on the books of the Department with a separate financial designation or code number to be assigned by the Department of Administration or its agent. Expenditures for staff salaries and operating expenses shall be made in the same manner as expenditures of any other Department funds. The ~~Department~~ Office of the State Fire Marshal may hire such additional personnel as may be necessary to handle the work of the Commission, within the limits of funds appropriated to it by the State and made available to it by the federal government."

SECTION 11.13. G.S. 58-79-20 reads as rewritten:

"§ 58-79-20. Inspection of premises; dangerous material removed.

The ~~Commissioner of Insurance, State Fire Marshal~~, or the chief of fire department or chief of police where there is no chief of fire department, or the city or county building inspector, electrical inspector, heating inspector, or fire prevention inspector has the right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises in their jurisdiction. When any of such officers find in any building or upon any premises overcrowding in violation of occupancy limits established pursuant to the North Carolina State Building Code, combustible material or inflammable conditions dangerous to the safety of such building or premises they shall order the same to be removed or remedied, and this order shall be forthwith complied with by the owner or occupant of such buildings or premises. The owner or occupant may, within twenty-four hours, appeal to the ~~Commissioner of Insurance, State Fire Marshal~~ from the order, and the cause of the complaint shall be at once investigated by the ~~Commissioner's State Fire Marshal's~~ State Fire Marshal's direction, and unless by the ~~Commissioner's State Fire Marshal's~~ authority the order of the officer above named is revoked it remains in force and must be forthwith complied with by the owner or occupant. The ~~Commissioner of Insurance, State Fire Marshal~~, fire chief, or building inspector, electrical inspector, heating inspector, or fire prevention inspector shall make an immediate investigation as to the presence of combustible material or the existence of inflammable conditions in any building or upon any premises under their jurisdiction upon complaint of any person having an interest in such building or premises or property adjacent thereto. The ~~Commissioner, State Fire Marshal~~ may, in person or by deputy, visit any municipality or county and make such inspections alone or in company with the local officer. The ~~Commissioner, State Fire Marshal~~ shall submit annually, as early as consistent with full and accurate preparation, and not later than the first day of June, a detailed report of the ~~Commissioner's State Fire Marshal's~~ official action under this Article, and it shall be embodied in the report to the Joint Legislative Oversight Committee on General Government."

SECTION 11.14.(a) G.S. 58-79-22 reads as rewritten:

"§ 58-79-22. Door lock exemption permit.

Any business entity licensed to sell automatic weapons as a federal firearms dealer that is in the business of selling firearms or ammunition and that operates a firing range which rents firearms and sells ammunition that desires to be exempt from the door lock requirements of Chapter 10 of Volume 1 of the North Carolina State Building Code may apply for a permit to do so with the ~~Department, Office of the State Fire Marshal~~ in accordance with G.S. 143-143.4 and rules adopted by the ~~Department, Office of the State Fire Marshal~~. The ~~Department, Office of the State Fire Marshal~~ shall charge a permit fee of five hundred dollars (\$500.00) for the issuance of a permit issued pursuant to G.S. 143-143.4."

SECTION 11.14.(b) Rules adopted by the Department pursuant to G.S. 58-79-22 shall remain in effect until amended by the State Fire Marshal as authorized by Chapter 150B of the General Statutes.

SECTION 11.15. G.S. 58-79-35 reads as rewritten:

"§ 58-79-35. Fire prevention and Fire Prevention Day.

It is the duty of the ~~Commissioner of Insurance, State Fire Marshal~~, the Superintendent of Public ~~Instruction, Instruction~~, and the State Board of Education to provide a pamphlet containing printed instructions for properly conducting fire drills in all schools and auxiliary school buildings and the principal of every public and private school shall conduct at least one fire drill every month during the regular school session in each building in his charge where children are assembled. The fire drills shall include all children and teachers and the use of various ways of egress to assimilate evacuation of said buildings under various conditions, and such other regulations as prescribed by the ~~Commissioner of Insurance, State Fire Marshal~~, Superintendent of Public ~~Instruction, Instruction~~, and State Board of Education.

The ~~Commissioner of Insurance, State Fire Marshal~~ and Superintendent of Public Instruction shall further provide for the teaching of "Fire Prevention" in the colleges and schools of the State,

and to arrange for a textbook adapted to such use. The ninth day of October of every year shall be set aside and designated as "Fire Prevention Day," and the Governor shall issue a proclamation urging the people to a proper observance of the day, and the ~~Commissioner of Insurance~~ State Fire Marshal shall bring the day and its observance to the attention of the officials of all organized fire departments of the State, whose duty it shall be to disseminate the materials and to arrange suitable programs to be followed in its observance."

SECTION 11.16. G.S. 58-79-45 reads as rewritten:

"§ 58-79-45. Fire incident reports.

(a) Whenever a fire department responds to a fire, the chief of that department shall complete or cause to be completed a fire incident report, which report shall be on a form prescribed by the ~~Department of Insurance~~ State Fire Marshal. When such report is made without fraud, bad faith, or actual malice, the person making the report is not subject to liability for libel or slander.

...."

SECTION 11.17. G.S. 58-80-25 reads as rewritten:

"§ 58-80-25. Dispatching firemen and apparatus from municipalities.

Municipalities endorsing this Article shall retain full and complete control and authority in sending or permitting firemen and apparatus to go beyond the limits of the municipality. The governing bodies of such municipalities shall designate and authorize a person, and at least two alternates, who shall have authority to grant or deny permission to firemen and apparatus to leave the municipality in all cases where request is made for assistance beyond its corporate limits, and the municipality shall, through the office of its municipal fire chief, furnish to the ~~office of the State Commissioner of Insurance~~ Office of the State Fire Marshal and to the secretary of the North Carolina State Firefighters' Association, a list of the persons so authorized by the municipality. The secretary of the North Carolina State Firefighters' Association shall furnish to all municipalities and counties accepting this Article a list of all such persons so designated in all municipalities within the State."

SECTION 11.18.(a) G.S. 58-82A-1 reads as rewritten:

"§ 58-82A-1. State Fire Marshal establish pyrotechnic safety guidelines.

(a) Guidelines. – The ~~Commissioner of Insurance through the Office of the State Fire Marshal~~, in consultation with the State Fire and Rescue Commission, must establish guidelines, testing, and training requirements for the following:

...

(c) Rule making. – The ~~Commissioner~~ State Fire Marshal may adopt rules to implement this Article."

SECTION 11.18.(b) Rules adopted by the Commissioner of Insurance pursuant to Article 82A of Chapter 58 of the General Statutes shall remain in effect until amended by the State Fire Marshal as authorized by Chapter 150B of the General Statutes.

SECTION 11.19. G.S. 58-82A-1.5 reads as rewritten:

"§ 58-82A-1.5. ~~Commissioner of Insurance~~ Office of State Fire Marshal to administer Article; rules; employees; evidence of ~~Commissioner's~~ State Fire Marshal's action.

(a) The ~~Commissioner~~ State Fire Marshal shall have full power and authority to administer the provisions of this Article, which establishes guidelines for the use, handling, exhibiting, or discharge of pyrotechnics in connection with a concert or public exhibition, as allowed under Article 54 of Chapter 14 of the General Statutes, and to license and regulate pyrotechnic operators. The ~~Commissioner~~ State Fire Marshal shall adopt any rules necessary to enforce the purposes and provisions of this Article.

(b) Any written instrument purporting to be a copy of any action, proceeding, or finding of fact by the ~~Commissioner~~ State Fire Marshal, or any record of the ~~Commissioner~~ Office of the State Fire Marshal authenticated under the head of the ~~Commissioner~~ State Fire Marshal by

the seal of the ~~Commissioner's office,~~ Office of the State Fire Marshal, shall be accepted by all courts of this State as prima facie evidence of the contents thereof."

SECTION 11.20. G.S. 58-82A-2 reads as rewritten:

"§ 58-82A-2. Individual training requirements.

An individual may not use, handle, exhibit, or discharge pyrotechnics in connection with a concert or public exhibition, as allowed under Article 54 of Chapter 14 of the General Statutes, unless the individual successfully completes the training approved or offered by the ~~Commissioner of Insurance through the~~ Office of State Fire Marshal or meets all of the following conditions:

...."

SECTION 11.21.(a) G.S. 58-82A-2.1 reads as rewritten:

"§ 58-82A-2.1. Require licenses.

...

(b) An applicant for a license authorized by this Article shall apply on forms supplied by the ~~Commissioner.~~ State Fire Marshal. The ~~Commissioner.~~ State Fire Marshal shall inquire as to the applicant's qualifications and other matters relative to the applicant's fitness to be licensed or to continue to be licensed.

(c) When a license is issued under this section, the ~~Commissioner.~~ State Fire Marshal shall issue to the licensee an identification card approved by the ~~Commissioner.~~ State Fire Marshal. Each licensee must carry this card at all times when working in the scope of the licensee's employment. A licensee whose license terminates or is terminated shall surrender the identification card to the ~~Commissioner.~~ State Fire Marshal, when requested by the ~~Commissioner.~~ State Fire Marshal. The ~~Commissioner.~~ State Fire Marshal may contract directly with persons for the processing and issuance of identification cards required by this section and may charge a reasonable fee in addition to the license fee in an amount that offsets the cost of the service, including the costs associated with the contract authorized by this subsection. Contracts entered into under this subsection shall not be subject to Article 3 of Chapter 143 of the General Statutes."

SECTION 11.21.(b) Licenses and certifications issued under any provision of Article 82A of Chapter 58 of the General Statutes by the Commissioner of Insurance shall remain valid in accordance with the provisions of that Article until suspended, revoked, or not renewed by the State Fire Marshal as authorized by Article 82A of Chapter 58 of the General Statutes.

SECTION 11.22. G.S. 58-82A-2.5 reads as rewritten:

"§ 58-82A-2.5. Terms of licenses.

A license issued to a pyrotechnics display operator, a proximate audience display operator, or an assistant display operator under this Article authorizes the licensee to act in that capacity until the license is suspended, revoked, or not renewed. Upon the suspension or revocation of a license, or the failure to renew a license, the licensee shall return the license to the ~~Commissioner.~~ State Fire Marshal. A pyrotechnics display operator's license, a proximate audience display operator's license, and an assistant display operator's license is valid for three years unless suspended or revoked and may be renewed every three years from the date of issuance upon payment of the applicable renewal fee."

SECTION 11.23. G.S. 58-82A-3 reads as rewritten:

"§ 58-82A-3. Pyrotechnics display operator license.

(a) License Required. – A display operator license issued by the ~~Commissioner.~~ State Fire Marshal is required for an individual to obtain the necessary authorization under Article 54 of Chapter 14 of the General Statutes to exhibit, use, handle, manufacture, or discharge pyrotechnics at a concert or public exhibition in this State. A license issued under this section is valid for three years unless it is revoked by the ~~Commissioner.~~ State Fire Marshal.

(b) Requirements. – The ~~Commissioner.~~ State Fire Marshal may issue a display operator license to an individual if all of the following conditions are met:

...

(b1) The ~~Commissioner~~State Fire Marshal may issue a Limited Pyrotechnic Operator license to an individual meeting all the requirements of subsection (b) of this section with the exception of the "Employer Possessor Letter of Clearance" required by subdivision (6) of subsection (b) of this section if the individual signs a statement provided by the ~~Commissioner~~State Fire Marshal affirming that the individual has not been convicted of violating 18 U.S.C. Chapter 40, Section 842(i), and is not otherwise prohibited from possessing pyrotechnic materials by any provision of 18 U.S.C. Chapter 40, Section 842(i).

...."

SECTION 11.24. G.S. 58-82A-10 reads as rewritten:

"§ 58-82A-10. Proximate audience display operator license.

A proximate audience display operator license issued by the ~~Commissioner~~State Fire Marshal is required for an individual to obtain the necessary authorization under Article 54 of Chapter 14 of the General Statutes to exhibit, use, handle, manufacture, or discharge pyrotechnics at a concert or public exhibition with a proximate audience display of pyrotechnics in this State. The ~~Commissioner~~State Fire Marshal may issue a proximate audience display operator license to an individual who meets all of the following requirements:

...

(2) Completes the training program approved by the ~~Commissioner~~State Fire Marshal for pyrotechnic proximate audience display operators or another program which the ~~Commissioner~~State Fire Marshal determines to be substantially equivalent.

(3) Successfully passes the written examination provided by the ~~Commissioner~~State Fire Marshal.

...

(5) Has no violations of any provision of this Article or of any similar provision of any other state and submits an "Employer Possessor Letter of Clearance" issued to the individual by the Bureau of Alcohol, Tobacco and Firearms pursuant to 18 U.S.C. Chapter 40 or, if the Bureau of Alcohol, Tobacco and Firearms has not issued a Letter of Clearance to the individual, the individual signs a statement provided by the ~~Commissioner~~State Fire Marshal affirming that the individual has not been convicted of violating 18 U.S.C. Chapter 40, Section 842(i)."

SECTION 11.25. G.S. 58-82A-15 reads as rewritten:

"§ 58-82A-15. Assistant display operator license.

(a) No person shall assist a pyrotechnics display operator or a proximate audience display operator with the exhibition, use, handling, or discharge of pyrotechnics or pyrotechnic effects in connection with a concert or public exhibition authorized under Article 54 of Chapter 14 of the General Statutes without an assistant display operator's license issued by the ~~Commissioner~~State Fire Marshal.

(b) The ~~Commissioner~~State Fire Marshal may issue an assistant display operator license to an individual who meets all of the following requirements:

...

(2) Signs a statement provided by the ~~Commissioner~~State Fire Marshal affirming that the individual has read and understands the pyrotechnics safety guidelines established by the Office of the State Fire Marshal.

(3) Successfully passes the written examination provided by the ~~Commissioner~~State Fire Marshal.

(4) Has no violations of any provision of this Article or of any similar provision of any other state and submits an "Employer Possessor Letter of Clearance" issued to the individual by the Bureau of Alcohol, Tobacco and Firearms

pursuant to 18 U.S.C. Chapter 40 or, if the Bureau of Alcohol, Tobacco and Firearms has not issued a Letter of Clearance to the individual, the individual signs a statement provided by the ~~Commissioner~~ State Fire Marshal affirming that the individual has not been convicted of violating 18 U.S.C. Chapter 40 Section 842(i)."

SECTION 11.26. G.S. 58-82A-20 reads as rewritten:

"§ 58-82A-20. License fees.

(a) A nonrefundable license fee of one hundred dollars (\$100.00) shall be paid by the applicant to the ~~Commissioner~~ Office of the State Fire Marshal at the time of each application for a pyrotechnics display operator license.

(b) A nonrefundable license fee of one hundred dollars (\$100.00) shall be paid by the applicant to the ~~Commissioner~~ Office of the State Fire Marshal at the time of each application for a license as a proximate audience display operator license.

(c) A nonrefundable license fee of thirty dollars (\$30.00) shall be paid to the ~~Commissioner~~ Office of the State Fire Marshal by the applicant with each application for a license as an assistant display operator."

SECTION 11.27. G.S. 58-82A-25 reads as rewritten:

"§ 58-82A-25. Qualifications for event employees.

Notwithstanding the provisions of this Article, the ~~Commissioner~~ State Fire Marshal or the fire code official for the jurisdiction issuing the pyrotechnics permit under G.S. 14-413 may certify an individual as an event employee if the individual meets the following requirements:

- ...
- (4) Provides written confirmation from the licensed display operator or proximate audience display operator that the event employee is working under the supervision of the operator and that the event employee will not be in the presence of the pyrotechnic materials without signing a statement provided by the ~~Commissioner~~ State Fire Marshal affirming that the individual has not been convicted of violating 18 U.S.C. Chapter 40, Section 842(i), or is not otherwise prohibited from possessing pyrotechnic materials by any provision of 18 U.S.C. Chapter 40, Section 842(i). The event employee shall not be allowed to discharge or be in the presence of the pyrotechnic materials unless under direct supervision of a licensed pyrotechnic operator or an on-site representative as provided in G.S. 14-410(a1)(2). An event employee certification is valid only for the concert or public exhibition listed on the pyrotechnic permit and cannot be renewed."

SECTION 11.28. G.S. 58-82A-30 reads as rewritten:

"§ 58-82A-30. Examination fees.

(a) Each applicant for a license as a pyrotechnic display operator, a proximate audience display operator, or assistant display operator shall take a written examination approved by the ~~Commissioner~~ State Fire Marshal. The ~~Commissioner~~ State Fire Marshal may contract with a person to process, administer, and grade the examination in the same manner as for agent examinations under Article 33 of this Chapter. The ~~Commissioner~~ State Fire Marshal may charge a fee to offset the costs of the contract for examination services.

...."

SECTION 11.29. G.S. 58-82A-35 reads as rewritten:

"§ 58-82A-35. Renewal fees.

(a) To renew a license as a pyrotechnics display operator, a proximate audience display operator, or an assistant display operator, a licensee shall make application to the ~~Commissioner~~ State Fire Marshal upon the renewal application form provided by the ~~Commissioner~~ Office of the State Fire Marshal and attest that the statements made in the application are true, correct, and complete to the best of the individual's knowledge and belief. Failure to provide the attestation

or providing untrue, incorrect, or incomplete statements shall be grounds for denial, suspension, or revocation of the license.

(b) Before approving the application for renewal, the ~~Commissioner~~ State Fire Marshal shall find that the licensee:

...."

SECTION 11.30. G.S. 58-82A-45 reads as rewritten:

"§ 58-82A-45. Reciprocity.

The ~~Commissioner~~ State Fire Marshal may issue a license under this Article to an individual who holds a comparable valid permit, license, or certification issued by another state, provided the minimum requirements of that state are at least equal to the minimum requirements under this Article for the specific license issued and the person pays the application fee required under this Article."

SECTION 11.31. G.S. 58-82A-50 reads as rewritten:

"§ 58-82A-50. Discipline.

The ~~Commissioner~~ State Fire Marshal may deny, suspend, revoke, or refuse to renew any license under this Article if any of the following apply:

...

- (9) Any existing cause for which the issuance of the license could have been denied had it been known to the ~~Commissioner~~ State Fire Marshal at the time of issuance."

SECTION 11.32. G.S. 58-82A-55 reads as rewritten:

"§ 58-82A-55. License sanction and denial procedures.

...

(b) Whenever the ~~Commissioner~~ State Fire Marshal denies an initial application for a license or an application for a reissuance of a license, the ~~Commissioner~~ State Fire Marshal shall notify the applicant and advise the applicant, in writing, of the reasons for the denial of the license. The application may also be denied for any reason for which a license may be suspended or revoked or not renewed under this Article. In order for an applicant to be entitled to a review of the ~~Commissioner's~~ State Fire Marshal's action, the applicant must make a written demand upon the ~~Commissioner~~ State Fire Marshal for a review no later than 30 days after the service of the notification upon the applicant. The review shall be completed without undue delay, and the applicant shall be notified promptly in writing of the outcome of the review. In order for an applicant who disagrees with the outcome of the review to be entitled to a hearing under Article 3A of Chapter 150B of the General Statutes, the applicant must make a written demand upon the ~~Commissioner~~ State Fire Marshal for a hearing no later 30 days after service upon the applicant of the ~~Commissioner's~~ State Fire Marshal's decision."

SECTION 11.33. G.S. 58-84-5 reads as rewritten:

"§ 58-84-5. Definitions.

The following definitions apply in Articles 84, 85, 85A, 87, and 88 of this Chapter:

...

- (3) Fire district. – Any political subdivision of the State or federally recognized Native American tribe within the State that meets all of the following conditions:

...

- c. It is rated and certified by the ~~Commissioner~~ Commissioner, in consultation with the State Fire Marshal.

...."

SECTION 11.34. G.S. 58-84-25 reads as rewritten:

"§ 58-84-25. Disbursement of funds by Insurance Commissioner.

(a) Distribution. – The Insurance ~~Commissioner~~ Commissioner, in consultation with the State Fire Marshal, shall deduct the sum of three percent (3%) from the tax proceeds credited to

the Department pursuant to G.S. 105-228.5(d)(3) and pay the same over to the treasurer of the North Carolina State Firefighters' Association for administrative purposes. The Insurance ~~Commissioner~~Commissioner, in consultation with the State Fire Marshal, shall deduct the sum of two percent (2%) from the tax proceeds and retain the same in the budget of the Department of Insurance for the purpose of administering the disbursement of funds by the board of trustees in accordance with the provisions of G.S. 58-84-35. The Insurance ~~Commissioner~~Commissioner, in consultation with the State Fire Marshal, shall, pursuant to G.S. 58-84-50, credit the amount forfeited by nonmember fire districts to the North Carolina State Firefighters' Association. The Insurance ~~Commissioner~~Commissioner, in consultation with the State Fire Marshal, shall distribute the remaining tax proceeds to the treasurer of each fire district as provided in subsections (b) and (c) of this section.

(b) Allocation to Counties. – The ~~Insurance Commissioner~~State Fire Marshal shall allocate to each county an amount of tax proceeds based upon the amount allocated to it in the previous year. If the amount allocable in the current year is less than the amount allocated in the previous year, then the ~~Commissioner~~State Fire Marshal shall reduce the amount allocated to each county. The amount of the reduction is equal to the difference in the amount allocated in the previous year and the amount allocable in the current year multiplied by a fraction, the numerator of which is the population of the county and the denominator of which is the population of the State. If the amount allocable in the current year is greater than the amount allocated in the previous year, then the ~~Commissioner~~State Fire Marshal shall increase the amount allocated to each county. The amount of the increase is equal to the excess proceeds multiplied by a fraction, the numerator of which is the population of the county and the denominator of which is the population of the State.

(c) Distribution to Fire Districts. – Once the ~~Insurance Commissioner~~State Fire Marshal has allocated the tax proceeds to a county under subsection (b) of this section, the ~~Commissioner~~State Fire Marshal shall distribute those allocations directly to the fire districts in that county. The ~~Commissioner~~State Fire Marshal shall distribute the allocations by electronic funds transfer, unless a fire district's account cannot accept electronic funds transfers, in which case the ~~Commissioner~~State Fire Marshal shall distribute the district's allocation by paper check. The amount distributed to each fire district is equal to the total amount allocated to the county multiplied by a fraction, the numerator of which is the tax value of the property located in the fire district and the denominator of which is the tax value of all property located in any fire district in that county. A county shall provide the ~~Commissioner~~State Fire Marshal with the tax value of property located in each fire district in that county by February 1 of each year. If a county does not submit information that the ~~Commissioner~~State Fire Marshal needs to make a distribution by the date the information is due, the ~~Commissioner~~State Fire Marshal shall distribute the allocation based on the most recent information the ~~Commissioner~~State Fire Marshal has.

(c1) Certain Amounts Redistributed. – Notwithstanding subsection (c) of this section, the ~~Insurance Commissioner~~State Fire Marshal shall not distribute funds to a fire district whose local relief fund's balance exceeds the amount provided under G.S. 58-84-33(a). Instead, the ~~Commissioner~~State Fire Marshal shall, using the methodology provided in subsections (b) and (c) of this section, distribute those funds to the fire districts whose local relief funds' balances do not exceed the amount provided under G.S. 58-84-33(a). If all of a county's fire districts' local relief funds' balances exceed the amount provided under G.S. 58-84-33(a), then the ~~Commissioner~~State Fire Marshal shall reallocate the amount the county would have received to the counties with fire districts that do not exceed the amount provided under G.S. 58-84-33(a).

...."

SECTION 11.35.(a) G.S. 58-84-30 reads as rewritten:

"§ 58-84-30. Trustees appointed; organization.

For each county, town or city complying with and deriving benefits from the provisions of this Article, there shall be appointed a local board of trustees, known as the trustees of the local

Firefighters' Relief Fund, to be composed of five members, two of whom shall be elected by the members of the local fire department who are qualified as beneficiaries of such fund, two of whom shall be elected by the mayor and board of aldermen or other local governing body, and one of whom shall be named by the ~~Commissioner of Insurance~~ State Fire Marshal. Their selection and term of office shall be as follows:

- ...
- (3) The ~~Commissioner of Insurance~~ State Fire Marshal shall appoint one representative to serve as trustee who shall serve at the pleasure of the ~~Commissioner~~ State Fire Marshal. The member appointed pursuant to this subdivision shall be either (i) a resident of the fire district or (ii) an active or retired member of the fire department.

All of the above trustees shall hold office for their elected or appointed time, or until their successors are elected or appointed, and shall serve without pay for their services. They shall immediately after election and appointment organize by electing from their members a chairman and a secretary and treasurer, which two last positions may be held by the same person. The treasurer of said board of trustees shall give a good and sufficient surety bond in a sum equal to the amount of moneys in his hand, to be approved by the ~~Commissioner of Insurance~~ State Fire Marshal. The cost of this bond may be deducted by the ~~Insurance Commissioner~~ State Fire Marshal from the receipts collected pursuant to G.S. 58-84-10 before distribution is made to local relief funds. If the chief or chiefs of the local fire departments are not named on the board of trustees as above provided, then they shall serve as ex officio members without privilege of voting on matters before the board."

SECTION 11.35.(b) The representative trustee appointed by the Commissioner of Insurance pursuant to G.S. 58-84-30 shall continue to serve at the pleasure of the State Fire Marshal.

SECTION 11.36. G.S. 58-84-33 reads as rewritten:

"§ 58-84-33. Maximum fund balances.

- ...
- (c) A local fire department whose relief fund balance, at the time of annual distribution by the ~~Insurance Commissioner~~ State Fire Marshal, exceeds the amount allowable under subsection (a) of this section shall not be entitled to receive a distribution for that year, and the ~~Commissioner~~ State Fire Marshal shall redistribute the funds that the department would have received, as provided under G.S. 58-84-25(c1).

...."

SECTION 11.37. G.S. 58-84-40 reads as rewritten:

"§ 58-84-40. Trustees to keep account and file certified reports.

- ...
- (b) In turn, the North Carolina State Firefighters' Association shall certify to the ~~Department of Insurance~~ Office of the State Fire Marshal by January 1 of each year on a form prescribed by the ~~Department~~ State Fire Marshal, the following:

- ...
- (c) In the event that any board of trustees in any of the towns and cities benefited by this Article shall neglect or fail to perform their duties, or shall willfully misappropriate the funds entrusted in their care by obligating or disbursing such funds for any purpose other than those set forth in G.S. 58-84-35, then the ~~Insurance Commissioner~~ State Fire Marshal shall withhold any and all further payments to such board of trustees, or their successors, until the matter has been fully investigated by an official of the North Carolina State Firefighters' Association, and adjusted to the satisfaction of the ~~Insurance Commissioner~~ State Fire Marshal.

...."

SECTION 11.38.(a) G.S. 58-84-41 reads as rewritten:

"§ 58-84-41. ~~Commissioner of Insurance~~ State Fire Marshal to maintain database of reports; fire department identification numbers.

(a) Working with the North Carolina State Firefighters' Association, the ~~Commissioner of Insurance~~ State Fire Marshal shall develop and maintain a database of the information reported under G.S. 58-84-40(b) and the certifications filed under G.S. 58-84-46.

(b) The ~~Commissioner of Insurance~~ State Fire Marshal shall issue to each fire department within the State a unique fire department identification number (FDID) that shall be used by the ~~Commissioner~~ State Fire Marshal and the North Carolina State Firefighters' Association to coordinate database records and reports."

SECTION 11.38.(b) A unique fire department identification number (FDID) issued by the Commissioner of Insurance pursuant to G.S. 58-84-41 on or before the date this act becomes law shall continue to be used for the purposes provided for in G.S. 58-84-41(b).

SECTION 11.39. G.S. 58-84-46 reads as rewritten:

"§ 58-84-46. Certification to ~~Commissioner~~ State Fire Marshal.

On or before October 31 of each year, the fire chief of each city or county that has a local board of trustees under G.S. 58-84-30 shall file a certificate of eligibility with the North Carolina State Firefighters' Association on a form prescribed by the Association. If the certificate is not filed with the Association on or before January 31 in the ensuing year:

- ...
- (2) The Association shall inform the ~~Commissioner~~ State Fire Marshal of the local Firefighters' Relief Funds that have not filed the certificate required by this section, and the ~~Commissioner~~ State Fire Marshal shall pay over that amount otherwise due to those local Funds to the treasurer of the North Carolina State Firefighters' Association.

...."

SECTION 11.40. G.S. 58-84-50 reads as rewritten:

"§ 58-84-50. Fire departments to be members of North Carolina State Firefighters' Association.

For the purpose of supervision and as a guaranty that provisions of this Article shall be honestly administered in a businesslike manner, it is provided that every department enjoying the benefits of this law shall be a member of the North Carolina State Firefighters' Association and comply with its constitution and bylaws. If the fire department of any city, town or village shall fail to comply with the constitution and bylaws of said Association, said city, town or village shall forfeit its right to the next annual payment due from the funds mentioned in this Article, and the ~~Commissioner of Insurance~~ State Fire Marshal shall pay over said amount to the treasurer of the North Carolina State Firefighters' Association and same shall constitute a part of the Statewide Firefighters' Relief Fund."

SECTION 11.41. G.S. 58-85-10 reads as rewritten:

"§ 58-85-10. Treasurer to file report and give bond.

The treasurer of the North Carolina State Firefighters' Association shall make a detailed report to the State Treasurer and the ~~Commissioner of Insurance~~ State Fire Marshal of the yearly expenditures of the appropriation under Articles 84 through 88 of this Chapter on or before the end of the fiscal year, showing the total amount of money in his hands at the time of the filing of the report, and shall give a bond to the State of North Carolina with good and sufficient sureties to the satisfaction of the Treasurer of the State of North Carolina in a sum not less than the amount of money on hand as shown by said report."

SECTION 11.42. G.S. 58-85-30 reads as rewritten:

"§ 58-85-30. Treasurer to pay fund to Volunteer Firemen's Association.

(a) The treasurer of the North Carolina State Firefighters' Association shall pay to the treasurer of the North Carolina State Volunteer Firemen's Association one sixth of the funds arising from the three percent (3%) paid the treasurer of the North Carolina State Firefighters'

Association by the ~~Commissioner~~ State Fire Marshal each year to be used by the North Carolina State Volunteer Firemen's Association for the purposes set forth in G.S. 58-84-35.

...."

SECTION 11.43. G.S. 58-85A-1 reads as rewritten:

"§ 58-85A-1. Creation of Fund; allocation to local fire districts and political subdivisions of the State.

...

(b) The ~~Department of Insurance~~ State Fire Marshal shall develop and implement an equitable and uniform statewide method for distributing any funds to the State's local fire districts and political subdivisions.

...."

SECTION 11.44. G.S. 58-86-2 reads as rewritten:

"§ 58-86-2. Definitions.

The following words and phrases as used in this Article, unless a different meaning is plainly required by the context, shall have the following meanings:

...

(4) "Eligible fire department" means a bona fide fire department which is certified to the ~~Commissioner of Insurance~~ State Fire Marshal by the governing body thereof, and determined as classified as not less than class "9S," and said fire department holds training sessions not less than four hours monthly.

...."

SECTION 11.45.(a) G.S. 58-86-6 reads as rewritten:

"§ 58-86-6. Firefighters' and Rescue Squad Workers' Pension Fund Advisory Panel.

There is created an advisory panel to be known as the Firefighters' and Rescue Squad Workers' Pension Fund Advisory Panel, hereinafter referred to as "the advisory panel."

The advisory panel shall consist of seven persons:

...

(2) A designee of the State ~~Insurance Commissioner~~ Fire Marshal.

...."

SECTION 11.45.(b) The designee appointed by the Commissioner of Insurance pursuant to G.S. 58-86-6 shall continue to serve at the discretion of the State Fire Marshal.

SECTION 11.46.(a) G.S. 58-87-1, as amended by Section 30.2(a) of S.L. 2023-134, reads as rewritten:

"§ 58-87-1. Volunteer Fire Department Fund.

(a) Fund. – The Volunteer Fire Department Fund is created as an interest-bearing, nonreverting fund in the Department to provide grants to volunteer fire departments to purchase equipment and make capital improvements. The ~~Commissioner~~ State Fire Marshal shall administer the Fund. Up to one percent (1%) of the Fund may be used for additional staff and resources to administer the Fund in each fiscal year.

(a1) Grant Program. – An eligible fire department may apply to the ~~Commissioner~~ State Fire Marshal for a grant under this section. In awarding grants under this section, the ~~Commissioner~~ State Fire Marshal must, to the extent possible, select applicants from all parts of the State based upon need. The ~~Commissioner~~ State Fire Marshal must award the grants on May 15, or on the first business day after May 15 if May 15 falls on a weekend or a holiday, of each year subject to the following limitations:

(1) The size of a grant may not exceed forty thousand dollars (\$40,000).

...

(b) Eligible Fire Department. – A fire department is eligible for a grant under this section if it meets all of the conditions of this subsection. No fire department may be declared ineligible for a grant solely because it is classified as a municipal fire department. The required conditions are:

- (1) Repealed by Session Laws 2016-78, s. 2.1(a), effective June 30, 2016.
- (2) It consists entirely of volunteer members, with the exception that the unit may have paid members to fill the equivalent of eight full-time paid positions. For purposes of this subdivision, a "full-time paid position" is equivalent to 2,080 hours in a fiscal year.
- (3) It has been certified by the ~~Department of Insurance~~ Office of the State Fire Marshal.

(c) Report. – The ~~Commissioner~~ State Fire Marshal must submit a written report to the Joint Legislative Oversight Committee on General Government and the Fiscal Research Division within 60 days after the grants have been made. This report must contain the following:

...."

SECTION 11.46.(b) Section 30.2(b) of S.L. 2023-134 reads as rewritten:

"**SECTION 30.2.(b)** ~~G.S. 58-87-1(a1)~~, G.S. 58-87-1(a1)(1), as amended by subsection (a) of this section, expires June 30, 2025."

SECTION 11.46.(c) Section 30.2(c) of S.L. 2023-134 reads as rewritten:

"**SECTION 30.2.(c)** For the 2023-2024 fiscal year only, the ~~Commissioner of Insurance~~ State Fire Marshal shall reserve one million dollars (\$1,000,000) of the funds in the Volunteer Fire Department Fund to provide grants to eligible fire departments in the event of an emergency. For purposes of this subsection, the term "emergency" has the same meaning as in G.S. 166A-19.3(6). Emergency reserve grants shall not exceed fifty thousand dollars (\$50,000) and shall be used for purposes consistent with G.S. 58-87-1(a1)(3). Any unspent funds remaining in the emergency reserve on June 30 of each fiscal year of the 2023-2025 fiscal biennium shall revert to the Volunteer Fire Department Fund. If an eligible fire department is awarded an emergency reserve grant and thereafter receives a monetary settlement from its insurance carrier for the same loss or damages for which the grant was awarded, the fire department shall reimburse the State for the amount of the grant."

SECTION 11.46.(d) Section 30.2(d) of S.L. 2023-134 reads as rewritten:

"**SECTION 30.2.(d)** Within 60 days after all grants have been awarded under this section, the ~~Commissioner~~ State Fire Marshal shall submit a written report to the Senate Appropriations Committee on General Government and Information Technology, the House of Representatives Appropriations Committee on General Government, the Joint Legislative Oversight Committee on General Government, and the Fiscal Research Division which shall be posted on the Department of Insurance's website and shall contain all of the following:

...."

SECTION 11.47. G.S. 58-87-5 reads as rewritten:

"**§ 58-87-5. Volunteer Rescue/EMS Fund.**

(a) There is created in the Department of Insurance the Volunteer Rescue/EMS Fund to provide grants to volunteer rescue units, rescue/EMS units, EMS units that are volunteer fire departments that are a part of a county's EMS system plan, and EMS units providing rescue or rescue and emergency medical services to purchase equipment and make capital improvements. An eligible unit may apply to the ~~Department of Insurance~~ Office of the State Fire Marshal for a grant under this section. The application form and criteria for grants shall be established by the ~~Department~~ Office of the State Fire Marshal. The North Carolina Association of Rescue and Emergency Medical Services, Inc., shall provide the ~~Department~~ Office of the State Fire Marshal with an advisory priority listing for rescue equipment eligible for funding, and the Department of Health and Human Services shall provide the ~~Department~~ Office of the State Fire Marshal with an advisory priority listing of EMS equipment eligible for funding. The State Treasurer shall invest the Fund's assets according to law, and the earnings shall remain in the Fund. On December 15, or on the first business day after December 15 if December 15 falls on a weekend or a holiday, of each year, the ~~Department~~ Office of the State Fire Marshal shall make grants to eligible units subject to all of the following limitations:

...

In awarding grants under this section, the ~~Department~~Office of the State Fire Marshal shall to the extent possible select applicants from all parts of the State based upon need. Up to two percent (2%) of the Fund may be used for additional staff and resources to administer the Fund in each fiscal year. In addition, notwithstanding G.S. 58-78-20, up to four percent (4%) of the Fund may be used for additional staff and resources for the North Carolina Fire and Rescue Commission.

(b) A unit is eligible for a grant under this section if it meets all of the following conditions:

- ...
- (3) It has been recognized by the ~~Department~~Office of the State Fire Marshal as a rescue unit, a rescue/EMS unit, or an EMS unit.
 - (4) It satisfies the eligibility criteria established by the ~~Department~~Office of the State Fire Marshal under subsection (a) of this section.

...

(e) Report. — The ~~Commissioner~~State Fire Marshal must submit a written report to the Joint Legislative Oversight Committee on General Government and the Fiscal Research Division within 60 days after the grants have been made. This report must contain the following:

...."

SECTION 11.48. G.S. 58-87-7 reads as rewritten:

"§ 58-87-7. Oversight and accountability of grant awards.

(a) Examination of Purchased Equipment and Supplies. — To increase accountability and to expedite receipt of certain grant awards, notwithstanding any other provision, the Office of the State Fire Marshal and other employees of the Department of ~~Insurance~~Insurance, if those employees are requested to do so by the State Fire Marshal, may in their discretion conduct on-site examinations of fire, rescue, and EMS equipment and supplies purchased with funds awarded from either the Volunteer Fire Department Fund or the Volunteer Rescue/EMS Fund for up to five years from the date of the grant award. The on-site examinations may include the inspection of equipment purchased from prior grants and may be conducted prior to or simultaneous with the delivery of the grant awards. The on-site examination shall document what equipment and supplies have been purchased by the volunteer fire department or volunteer rescue/EMS department and whether those items were received by the department and visually reviewed by the on-site examiner. Items that have already been distributed or put in the field shall be noted by the on-site examiner. The Office of the State Fire Marshal shall maintain records of on-site inspections and provide reports of such inspections, upon request, to the State Auditor or the Office of State Budget and Management.

...

(c) Transfer of Purchased Equipment. — If a grant recipient shall cease to exist within five years of the date of award of the grant, it shall transfer, subject to the approval of the ~~Department of Insurance~~State Fire Marshal, any and all equipment purchased with such grant funds to whichever department shall assume responsibility for providing service to the grant recipient's area of service or to another appropriate department that may effectively use the equipment."

SECTION 11.49.(a) G.S. 58-87-10, as amended by Section 30.3(a) of S.L. 2023-134, reads as rewritten:

"§ 58-87-10. Workers' Compensation Fund for the benefit of certain safety workers.

...

(d) Administration. — The ~~Department of Insurance~~Office of the State Fire Marshal shall administer the Workers' Compensation Fund and shall perform this duty by contracting with a third-party administrator. The contracting procedure is not subject to Article 3C of Chapter 143 of the General Statutes. The reasonable and necessary expenses incurred by the ~~Department~~Office in administering the Fund shall be paid out of the Fund by the State Treasurer. The ~~Department~~Office may adopt rules to implement this section. The ~~Department~~Office shall

include ~~both of the following~~ all provisions of Section 2(d) of S.L. 2014-64 in its contracts with the third-party ~~administrator; administrator.~~

(1) ~~All provisions of Section 2(d) of S.L. 2014-64.~~

(2) ~~A clause explicitly stating that no commissions of any kind may be paid to any agent, broker, or other person from the Fund.~~

(e) Revenue Source. – Revenue is credited to the Workers' Compensation Fund from a portion of the proceeds of the tax levied under G.S. 105-228.5(d)(3). In addition, every eligible unit and eligible entity that elects to participate shall pay into the Fund an amount set annually by the ~~Commissioner of Insurance, Office of the State Fire Marshal,~~ Office of the State Fire Marshal, in consultation with the State Fire and Rescue Commission, to ensure that the Fund will be able to meet its payment obligations under this section. The amount shall be set as an amount for each member of the roster of the eligible unit or for each employee or volunteer of an eligible entity, and the amount may vary based on whether an individual is a volunteer, a part-time employee, or a full-time employee. The payment shall be made to the ~~Department Office~~ Department Office on or before July 1 of each year. The ~~Department Office~~ Department Office shall remit the payments it receives to the State Treasurer, who shall credit the payments to the Fund.

(f) Funding Study. – The ~~Department of Insurance Office of the State Fire Marshal~~ Department Office of the State Fire Marshal shall annually conduct an actuarial study that shall do all of the following:

(1) Calculate the amount required to meet the needs of the Fund, projecting at least five years into the future.

(2) Report on the nature of the claims paid by the Fund and any claims-related trends that impact the financial status of the Fund.

(3) Calculate how much revenue from the State and from member premiums would be required to meet the needs of the Fund for each of the following scenarios:

a. The Fund receives twenty percent (20%) of the net proceeds from the tax collected under G.S. 105-228.5(d)(3).

b. Member premiums do not change from the prior year.

c. Member premiums fully fund the Fund without any State support.

(4) Be published no later than February 1 of each year. Upon publishing the study, the Department shall notify the following of its publication:

a. The Office of State Budget and Management.

b. The House Appropriations Committee.

c. The Senate Appropriations/Base Budget Committee.

d. The Fiscal Research Division.

Additionally, beginning in 2016 and every five years thereafter, the study shall include (i) a comparison of Fund premium levels to the premium levels of employees of municipal fire and rescue departments and (ii) a calculation of the amount of revenue generated by experience-rating premium surcharges and, if necessary, recommend changes to experience-rating premium surcharges given claim trends. The ~~Department Office~~ Department Office may contract with a third party to conduct the study required under this section, and the cost of the study may be paid from the Fund. However, if the ~~Department Office~~ Department Office contracts with the same actuary that the Volunteer Safety Workers' Compensation Board contracts with to perform the study under this section, then the ~~Department Office~~ Department Office shall not pay the actuary for data collection and analysis that the actuary has already performed as part of its loss reserve analysis for the Board.

(g) Allocation of Taxes. – On or before March 1 of each year, the ~~Department of Insurance Office of the State Fire Marshal~~ Department Office of the State Fire Marshal must notify the Secretary of Revenue of the amount required to meet the needs of the Fund, as determined by the study conducted under subsection (f) of this section, for the upcoming fiscal year. The Secretary of Revenue shall remit that amount, subject to the twenty percent (20%) limitation in G.S. 105-228.5(d)(3), to the Fund.

(h) Reports. – The ~~Department of Insurance~~ Office of the State Fire Marshal shall, on a quarterly basis, report to the State Fire and Rescue Commission on its activities conducted pursuant to this section."

SECTION 11.49.(b) Section 30.3(b) of S.L. 2023-134 is repealed.

SECTION 11.49.(c) Rules adopted by the Department pursuant to G.S. 58-87-10 shall remain in effect until amended by the Office of the State Fire Marshal as authorized by Chapter 150B of the General Statutes.

SECTION 11.49.(d) Section 30.5 of S.L. 2023-134 reads as rewritten:

"**SECTION 30.5.** Notwithstanding the provisions of G.S. 58-87-10, for the 2023-2024 fiscal year and the 2024-2025 fiscal year, the ~~Commissioner of Insurance~~ State Fire Marshal shall not set an amount to be paid by every eligible unit and eligible entity, as those terms are defined in G.S. 58-87-10(a), that elects to participate in the Workers' Compensation Fund created pursuant to G.S. 58-87-10(b). For the 2023-2024 fiscal year and the 2024-2025 fiscal year, no eligible unit or eligible entity shall be required to submit to the ~~Commissioner of Insurance~~ State Fire Marshal any payment to participate in the Fund."

SECTION 11.50. G.S. 58-88-5 reads as rewritten:

"**§ 58-88-5. Rescue Squad Workers' Relief Fund; trustees; disbursement of funds.**

...

(c) The ~~Commissioner of Insurance~~ State Fire Marshal has exclusive control of the Fund and shall disburse revenue in the Fund to the Association only for the following purposes:

...."

SECTION 11.51. G.S. 58-88-10 reads as rewritten:

"**§ 58-88-10. Membership eligibility.**

(a) Any member of a rescue squad or EMS service who is eligible for membership in the Association and who has attended a minimum of 36 hours of training in the last calendar year; and each rescue squad or EMS service whose members are eligible for membership in the Association who has filed a roster certifying to the Secretary-Treasurer who certifies to the ~~Commissioner of Insurance~~ State Fire Marshal by January 1 of each calendar year that all eligible members have met the requirements, shall be eligible for the Fund. Any eligible member who, in the actual discharge of his or her duties as rescue or EMS personnel, is (1) made sick by disease contracted or (2) becomes disabled, shall be entitled to the benefits from the Fund.

...."

SECTION 11.52. G.S. 58-88-15 reads as rewritten:

"**§ 58-88-15. Accounting; reports; audits.**

The Board shall keep a correct account of all monies received and disbursed by the Board; and shall annually file a report with the ~~Commissioner of Insurance~~ State Fire Marshal at such time and in such form prescribed by the ~~Commissioner of Insurance~~ State Fire Marshal and the State Auditor. The Board shall be bonded by the sum of any money total for which it is responsible. The books, records, and operations of the Board shall be subject to the oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes."

SECTION 11.53. G.S. 58-88-30 reads as rewritten:

"**§ 58-88-30. Administration costs.**

The Association shall withhold twelve percent (12%) from the money received pursuant to G.S. 20-183.7(c) for the administration of the Fund. The Commissioner of ~~Insurance~~ Insurance, in consultation with the State Fire Marshal, shall withhold two percent (2%) from the money received pursuant to G.S. 20-183.7(c) for the administration of the Fund."

SECTION 11.54. G.S. 143-137 reads as rewritten:

"**§ 143-137. Organization of Council; rules; meetings; staff; fiscal affairs.**

(a) First Meeting; Organization; Rules. – Within 30 days after its appointment, the Building Code Council shall meet on call of the ~~Commissioner of Insurance~~ State Fire Marshal. The Council shall elect from its appointive members a chairman and such other officers as it may

choose, for such terms as it may designate in its rules. The Council shall adopt such rules not inconsistent herewith as it may deem necessary for the proper discharge of its duties. The chairman may appoint members to such committees as the work of the Council may require. In addition, the chairman shall establish and appoint ad hoc code revision committees to consider and prepare revisions and amendments to the Code volumes. Each ad hoc committee shall consist of members of the Council, licensed contractors, and design professionals most affected by the Code volume for which the ad hoc committee is responsible, and members of the public. The subcommittees shall meet upon the call of their respective chairs and shall report their recommendations to the Council.

...

(d) Fiscal Affairs of the Council. – All funds for the operations of the Council and its staff shall be appropriated to the Department of Insurance for the use of the Council. All such funds shall be held in a separate or special account on the books of the Department of Insurance, with a separate financial designation or code number to be assigned by the Department of Administration or its agent. Expenditures for staff salaries and operating expenses shall be made in the same manner as the expenditure of any other Department of Insurance funds. The ~~Department of Insurance~~ Office of the State Fire Marshal may hire such additional personnel as may be necessary to handle the work of the Building Code Council, within the limits of funds appropriated to the Department of Insurance for the Council and with the approval of the Council."

SECTION 11.55.(a) G.S. 143-137.1, as enacted by Section 1(a) of S.L. 2023-108, reads as rewritten:

"§ 143-137.1. Organization of Residential Code Council; rules; meetings; staff; fiscal affairs; quorum.

(a) First Meeting; Organization; Rules. – Within 30 days after its appointment, the Residential Code Council shall meet on call of the ~~Commissioner of Insurance~~ State Fire Marshal. The Council shall adopt rules it may deem necessary for the proper discharge of its duties. The chair may establish and appoint members to any committees the work of the Council may require. In addition, the chair may establish and appoint an ad hoc code revision committee to consider and prepare revisions and amendments to the North Carolina Residential Code. The ad hoc committee shall consist of members of the Council, licensed contractors, and design professionals most affected by the North Carolina Residential Code, and members of the public. Committees shall meet upon the call of their respective chairs and shall report their recommendations to the Council.

...."

SECTION 11.55.(b) This section becomes effective January 1, 2025.

SECTION 11.56. G.S. 143-138, as amended by Section 1(a) of S.L. 2023-108, reads as rewritten:

"§ 143-138. North Carolina State Building Code.

...

(a1) Additional Adoption Requirements. –

(1) The Building Code Council or Residential Code Council shall request the Office of State Budget and Management to prepare a fiscal note for a proposed Code change that has a substantial economic impact, as defined in G.S. 150B-21.4(b1), or that increases the cost of residential housing by eighty dollars (\$80.00) or more per housing unit. The change can become effective only in accordance with G.S. 143-138(d). Neither the ~~Department of Insurance~~ Office of the State Fire Marshal nor the Councils shall be required to expend any monies to pay for the preparation of any fiscal note under this section by any person outside of the ~~Department~~ Office of the State Fire

Marshal or Councils unless the ~~Department Office~~ or Councils contract with a third-party vendor to prepare the fiscal note.

...

(d) Amendments of the Code. – The Building Code Council and Residential Code Council may periodically revise and amend those parts of the North Carolina State Building Code for which those Councils are responsible, either on their own motion or upon application from any citizen, State agency, or political subdivision of the State. In addition to the periodic revisions or amendments made by the responsible Council, the Residential Code Council shall perform a comprehensive review and revise or amend the North Carolina Residential Code, including provisions applicable to dwellings covered by the North Carolina Residential Code, from the North Carolina Energy Conservation Code, North Carolina Electrical Code, North Carolina Fuel Gas Code, North Carolina Plumbing Code, and North Carolina Mechanical Code only every six years, to become effective the first day of January of the following year, with at least six months between adoption and effective date. The first six-year revision by the Residential Council under this subsection shall be adopted to become effective January 1, 2031, and every six years thereafter. After its appointment pursuant to G.S. 143-136.1, the Residential Code Council shall review the North Carolina Energy Conservation Code, the North Carolina Fuel Gas Code, and the North Carolina Mechanical Code and may amend the relevant chapters of the North Carolina Residential Code, affected by that review, by January 1, 2026. Following the adoption of amendments to the North Carolina Residential Code affected by that review, the North Carolina Residential Code shall also be subject to the first six-year revision under this subsection. In adopting any amendment, the Building Code Council and Residential Code Council shall comply with the same procedural requirements and the same standards for adoption of the Code. The Building Code Council and Residential Code Council, through the ~~Department of Insurance, Office of the State Fire Marshal~~, shall publish in the North Carolina Register all appeal decisions made by the responsible Code Council and all formal opinions at least semiannually. The Building Code Council and Residential Code Council, through the ~~Department of Insurance, Office of the State Fire Marshal~~, shall also publish at least semiannually in the North Carolina Register a statement providing the accurate website address and information on how to find additional commentary and interpretation of the Code.

...

(e) Effect upon Local Codes. – Except as otherwise provided in this section, the North Carolina State Building Code shall apply throughout the State, from the time of its adoption. Approved rules shall become effective in accordance with G.S. 150B-21.3. However, any political subdivision of the State may adopt a fire prevention code and floodplain management regulations within its jurisdiction. The territorial jurisdiction of any municipality or county for this purpose, unless otherwise specified by the General Assembly, shall be as follows: Municipal jurisdiction shall include all areas within the corporate limits of the municipality and extraterritorial jurisdiction areas established as provided in G.S. 160D-202 or a local act; county jurisdiction shall include all other areas of the county. No such code or regulations, other than floodplain management regulations and those permitted by G.S. 160D-1128, shall be effective until they have been officially approved by the responsible Code Council as providing adequate minimum standards to preserve and protect health and safety, in accordance with the provisions of subsection (c) above. Local floodplain regulations may regulate all types and uses of buildings or structures located in flood hazard areas identified by local, State, and federal agencies, and include provisions governing substantial improvements, substantial damage, cumulative substantial improvements, lowest floor elevation, protection of mechanical and electrical systems, foundation construction, anchorage, acceptable flood resistant materials, and other measures the political subdivision deems necessary considering the characteristics of its flood hazards and vulnerability. In the absence of approval by the Building Code Council or Residential Code Council, or in the event that approval is withdrawn, local fire prevention codes and

regulations shall have no force and effect. Provided any local regulations approved by the local governing body which are found by the Council to be more stringent than the adopted statewide fire prevention code and which are found to regulate only activities and conditions in buildings, structures, and premises that pose dangers of fire, explosion or related hazards, and are not matters in conflict with the Code, may be approved. Local governments may enforce the fire prevention code of the Code using civil remedies authorized under G.S. 143-139, 153A-123, and 160A-175. If the ~~Commissioner of Insurance~~ State Fire Marshal or other State official with responsibility for enforcement of the Code institutes a civil action pursuant to G.S. 143-139, a local government may not institute a civil action under G.S. 143-139, 153A-123, or 160A-175 based upon the same violation. Appeals from the assessment or imposition of such civil remedies shall be as provided in G.S. 160D-1127.

A local government may not adopt any ordinance In conflict with the exemption provided by subsection (c1) of this section. No local ordinance or regulation shall be construed to limit the exemption provided by subsection (c1) of this section.

...
(g) **Publication and Distribution of Code.** – The Building Code Council and Residential Code Council shall cause to be printed, after adoption by each responsible Code Council, the North Carolina State Building Code, or any part of the Code, and each amendment thereto. It shall, at the State's expense, distribute copies of the Code and each amendment to State and local governmental officials, departments, agencies, and educational institutions, as is set out in the table below. (Those marked by an asterisk will receive copies only on written request to the Council.)

OFFICIAL OR AGENCY	NUMBER OF COPIES
State Departments and Officials	

... Commissioner of Insurance <u>State Fire Marshal</u>	1
---	---

...
(i) Section 1008 of Chapter X of Volume 1 of the North Carolina State Building Code, Title "Special Safety to Life Requirements Applicable to Existing High-Rise Buildings" as adopted by the North Carolina State Building Code Council on March 9, 1976, as ratified and adopted as follows:

SECTION 1008-SPECIAL SAFETY TO LIFE REQUIREMENTS APPLICABLE TO
EXISTING HIGH-RISE BUILDINGS

1008 – GENERAL.

...
(b) *Notification of Building Owner.* – The ~~Department of Insurance~~ Office of the State Fire Marshal will send copies of amendments adopted to all local building officials with the suggestion that all local building officials transmit to applicable building owners in their jurisdiction copies of adopted amendments, within six months from the date the amendments are adopted, with the request that each building owner respond to the local building official how he plans to comply with these requirements within a reasonable time.

NOTE: Suggested reasonable time and procedures for owners to respond to the building official's request is as follows:

- ...
(5) For purposes of this section, the Construction Section of the Division of Health Service Regulation, Department of Health and Human Services, will notify all non-State owned I-Institutional buildings requiring licensure by the Division of Health Service Regulation and coordinate compliance requirements with the ~~Department of Insurance~~ Office of the State Fire Marshal and the local building official.

(d) *Building Official Notification of ~~Department of Insurance~~–Office of State Fire Marshal.* – The building official shall send copies of written notices he sends to building owners to the Engineering and Building Codes Division for their files and also shall file an annual report by August 15th of each year covering the past fiscal year setting forth the work accomplished under the provisions of this section.

...
(f) *Filing of Test Reports and Maintenance on Life Safety Equipment.* – The engineer performing the design for the electrical and mechanical equipment, including sprinkler systems, must file the test results with the Engineering and Building Codes Division of the ~~Department of Insurance~~–Office of the State Fire Marshal, or to the agency designated by the ~~Department of Insurance~~–Office of the State Fire Marshal, that such systems have been tested to indicate that they function in accordance with the standards specified in this section and according to design criteria. These test results shall be a prerequisite for the Certificate of Compliance required by (b) above. Test results for I-Institutional shall be filed with the Construction Section, Division of Health Service Regulation. It shall be the duty and responsibility of the owners of Class I, II and III buildings to maintain smoke detection, fire detection, fire control, smoke removal and venting as required by this section and similar emergency systems in proper operating condition at all times. Certification of full tests and inspections of all emergency systems shall be provided by the owner annually to the fire department.

...."
SECTION 11.57. G.S. 143-138.1, as amended by Section 1(a) of S.L. 2023-108, reads as rewritten:

"§ 143-138.1. Introduction and instruction of the North Carolina State Building Code; posting of written commentaries and interpretations on ~~Department of Insurance~~–Office of State Fire Marshal website.

(a) Prior to the effective date of Code changes pursuant to G.S. 143-138, the responsible Code Council and ~~Department of Insurance~~–the Office of the State Fire Marshal shall provide for instructional classes for the various trades affected by the changes. The ~~Department of Insurance~~–Office of the State Fire Marshal shall develop the curriculum for each class but shall consult the affected licensing boards and trade organizations. The curriculum shall include explanations of the rationale and need for each Code amendment or revision. Classes may also be conducted by, on behalf of, or in cooperation with licensing boards, trade associations, and professional societies. The ~~Department of Insurance~~–Office of the State Fire Marshal may charge fees sufficient to recover the costs it incurs under this section. The responsible Code Council shall ensure that courses are accessible to persons throughout the State.

(b) The ~~Department of Insurance~~–Office of the State Fire Marshal shall post and maintain on that portion of its website devoted to the Building Code Council and Residential Code Council written commentaries and written interpretations made and given by staff to each responsible Code Council and the ~~Department~~–Office for each section of the North Carolina State Building Code within 10 business days of issuance.

SECTION 11.58. G.S. 143-139 reads as rewritten:
"§ 143-139. Enforcement of Building Code.

...
(b) *General Building Regulations.* – The ~~Insurance Commissioner~~–State Fire Marshal shall have general authority, through the Division of Engineering of the Department of Insurance, to supervise, administer, and enforce all sections of the North Carolina State Building Code pertaining to plumbing, electrical systems, general building restrictions and regulations, heating and air conditioning, fire protection, and the construction of buildings generally, except those sections of the Code, the enforcement of which is specifically allocated to other agencies by subsections (c) through (e) below. In the exercise of the duty to supervise, administer, and enforce the North Carolina State Building Code (including local building codes which have superseded

the State Building Code in a particular political subdivision pursuant to G.S. 143-138(e)), the ~~Commissioner, State Fire Marshal~~, through the Division of Engineering, shall:

...

(b1) Remedies. – In case any building or structure is maintained, erected, constructed, or reconstructed or its purpose altered, so that it becomes in violation of this Article or of the North Carolina State Building Code, either the local enforcement officer or the ~~State Commissioner of Insurance-Fire Marshal~~ or other State official with responsibility under this section may, in addition to other remedies, institute any appropriate action or proceeding to: (i) prevent the unlawful maintenance, erection, construction, or reconstruction or alteration of purpose, or overcrowding, (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. In addition to the civil remedies set out in G.S. 160A-175 and G.S. 153A-123, a county, city, or other political subdivision authorized to enforce the North Carolina State Building Code within its jurisdiction may, for the purposes stated in (i) through (iii) of this subsection, levy a civil penalty for violation of the fire prevention code of the North Carolina State Building Code, which penalty may be recovered in a civil action in the nature of debt if the offender does not pay the penalty within a prescribed period of time after the offender has been cited for the violation. If the ~~Commissioner~~ State Fire Marshal or other State official institutes an action or proceeding under this section, a county, city, or other political subdivision may not institute a civil action under this section based upon the same violation. Appeals from the imposition of any remedy set forth herein, including the imposition of a civil penalty by a county, city, or other political subdivision, shall be as provided in G.S. 160D-1127.

...

(e) State Buildings. – With respect to State buildings, the Department of Administration shall have general supervision, through the Office of State Construction, of the administration and enforcement of all sections of the North Carolina State Building Code pertaining to plumbing, electrical systems, general building restrictions and regulations, heating and air conditioning, fire protection, and the construction of buildings generally, except those sections of the Code the enforcement of which is specifically allocated to other agencies by subsections (c) and (d) of this section, and shall also exercise all remedies as provided in subsection (b1) of this section. The Department of Administration shall be the only agency with the authority to seek remedies pursuant to this section with respect to State buildings. Except as provided herein, nothing in this subsection shall be construed to abrogate the authority of the ~~Commissioner of Insurance~~ State Fire Marshal under G.S. 58-31-40 or any other provision of law. For the purposes of this subsection, "State buildings" does not include buildings, facilities, or projects located on State lands that are (i) privately owned or privately leased and (ii) located within the North Carolina Global TransPark."

SECTION 11.59. G.S. 143-139.4 reads as rewritten:

"§ 143-139.4. Certain building inspections by State.

(a) When a permit holder has been informed by a local inspection department that any inspection has not been, or will not be, conducted within two business days after first requested, the permit holder may request in writing that the ~~Commissioner~~ State Fire Marshal assign personnel to conduct the inspection.

(b) Any written request by a permit holder to the ~~Commissioner~~ State Fire Marshal to assign personnel to conduct an inspection shall be submitted to the ~~Commissioner~~ State Fire Marshal, and such submission may be made electronically or by facsimile. The submission shall be on a form adopted by the ~~Commissioner~~ State Fire Marshal, which shall at a minimum contain all of the following:

...

(e) Prior to making any assignment of Code-enforcement officials from the marketplace pool established under G.S. 143-151.12(9)a., the ~~Commissioner~~ State Fire Marshal shall verify all of the following to the ~~Commissioner's~~ State Fire Marshal's satisfaction:

...

(4) Any other information the ~~Commissioner~~ State Fire Marshal deems relevant to determining whether to assign personnel to conduct the requested inspection.

(f) If the ~~Commissioner~~ State Fire Marshal assigns a Code-enforcement official from the marketplace pool established under G.S. 143-151.12(9)a. to conduct the requested inspection, the ~~Commissioner~~ State Fire Marshal shall notify the local inspection department and the local inspection department shall, prior to the inspection, provide the ~~Commissioner~~ State Fire Marshal with information regarding any outstanding building permits and previously conducted inspections on those outstanding building permits for that property. The local inspection department may also provide the ~~Commissioner~~ State Fire Marshal with information regarding other properties with outstanding building permits and inspections by the same permit holder or requestor.

(f1) Personnel assigned by the ~~Commissioner~~ State Fire Marshal to conduct inspections under this section must begin conducting an inspection within two business days after assignment by the ~~Commissioner~~ State Fire Marshal.

(g) Not later than one business day after the receipt of the report, the ~~Commissioner~~ State Fire Marshal shall provide an electronic copy of the report of any inspection conducted by a marketplace pool Code-enforcement official under G.S. 143-151.12(9)a. to all of the following:

...

(h) For the requested services performed by a Code-enforcement official under this section, the ~~Commissioner~~ State Fire Marshal shall charge the permit holder a fee as set by the ~~Commissioner~~ State Fire Marshal under ~~G.S. 58-2-40(1a)~~ G.S. 143-151.12(9)a. The fee shall be paid to the ~~Commissioner~~ State Fire Marshal no later than 30 days after completion of the requested inspection.

...

(l) The ~~Commissioner~~ State Fire Marshal shall contract with any individual, corporation, or other business entity that holds one of the applicable certificates as provided in G.S. 143-151.13 to conduct inspections under this section."

SECTION 11.60.(a) G.S. 143-140.1, as amended by Section 1(a) of S.L. 2023-108, reads as rewritten:

"§ 143-140.1. Alternative design construction and methods; appeals.

The Building Code Council shall, by January 1, 2023, promulgate rules, procedures, and policies for the approval of alternative designs and construction that follow the North Carolina State Building Code. The Residential Code Council shall, by January 1, 2026, promulgate rules, procedures, and policies for the approval of alternative designs and construction that follow the North Carolina State Building Code. In the event of a dispute between a local authority having jurisdiction and the designer or owner-representative regarding alternative designs and construction, and notwithstanding any other section within this Article, appeals by the designer or owner-representative on matters pertaining to alternative design construction or methods shall be heard by the Department of Insurance Engineering Division. The ~~Department of Insurance~~ State Fire Marshal Engineering Division shall issue its decision regarding an appeal filed under this section within 10 business days. The Commissioner of Insurance shall adopt rules in furtherance of this section.

SECTION 11.60.(b) Rules adopted by the Commissioner of Insurance pursuant to G.S. 143-140.1 shall remain in effect until amended by the State Fire Marshal in accordance with Chapter 150B of the General Statutes.

SECTION 11.61. G.S. 143-141, as amended by Section 1(a) of S.L. 2023-108, reads as rewritten:

"§ 143-141. Appeals to Building Code Council and Residential Code Council.

...

(c1) Posting on ~~Department~~State Fire Marshal Website – The ~~Department of Insurance~~Office of the State Fire Marshal shall post and maintain on that portion of its website devoted to the responsible Code Council all appeal decisions, interpretations, and variations of the Code issued by the responsible Code Council within 10 business days of issuance.

...."

SECTION 11.62.(a) G.S. 143-143.4 reads as rewritten:

"§ 143-143.4. Door lock exemption for certain businesses.

(a) Notwithstanding this Article or any other law to the contrary, any business entity licensed to sell automatic weapons as a federal firearms dealer that is in the business of selling firearms or ammunition and that operates a firing range which rents firearms and sells ammunition shall be exempt from the door lock requirements of Chapter 10 of Volume 1 of the North Carolina State Building Code when issued a permit to that effect by ~~the Department of Insurance~~the Office of the State Fire Marshal in accordance with this section.

(b) The ~~Department of Insurance~~Office of the State Fire Marshal shall issue a permit to a business entity specified in subsection (a) of this section for an exemption from the door lock requirements of Chapter 10 of Volume 1 of the North Carolina State Building Code if all of the following conditions are met:

...

(2) The building or facility in which business is conducted is equipped with an approved smoke, fire, and break-in alarm system installed and operated in accordance with rules adopted by the ~~Department of Insurance~~Office of the State Fire Marshal. An approved smoke, fire, or break-in alarm system does not have to include an automatic door unlocking mechanism triggered when the smoke, fire, or break-in alarm system is triggered.

...

(5) Payment of a permit fee of five hundred dollars (\$500.00) to the ~~Department of Insurance~~Office of the State Fire Marshal.

(c) The ~~Department of Insurance~~Office of the State Fire Marshal shall file a copy of the permit issued in accordance with subsection (b) of this section with all local law enforcement and fire protection agencies that provide protection for the business entity.

(d) The ~~Department of Insurance~~Office of the State Fire Marshal shall be responsible for any inspections necessary for the issuance of permits under this section and, in conjunction with local inspection departments, shall be responsible for periodic inspections to ensure compliance with the requirements of this section. The ~~Department of Insurance~~Office of the State Fire Marshal may contract with local inspection departments to conduct inspections under this subsection.

(e) The ~~Department of Insurance~~Office of the State Fire Marshal shall revoke a permit issued under this section upon a finding that the requirements for the original issuance of the permit are not being complied with.

(f) Appeals of decisions of the ~~Department of Insurance~~Office of the State Fire Marshal regarding the issuance or revocation of permits under this section shall be in accordance with Chapter 150B of the General Statutes.

...

(i) The ~~Department of Insurance~~Office of the State Fire Marshal shall adopt rules to implement this section."

SECTION 11.62.(b) Rules adopted by the Commissioner of Insurance pursuant to G.S. 143-143.4 shall remain in effect until amended by the State Fire Marshal in accordance with Chapter 150B of the General Statutes.

SECTION 11.63. G.S. 143-143.7, as amended by Section 1 of S.L. 2023-68, reads as rewritten:

"§ 143-143.7. Elevator safety requirements for certain residential rental accommodations.

...

(c) Upon installation of a door baffle, door space guard, door, or gate meeting the requirements of subdivision (1) or (2) of subsection (b) of this section, the landlord shall provide the ~~Commissioner of Insurance~~ State Fire Marshal with one of the following:

- (1) A statement signed by a professional elevator installer certifying installation of the door baffle, door space guard, door, or gate meeting the requirements of subsection (b) of this section.
- (2) A receipt for purchase of the door baffle, door space guard, door, or gate meeting the requirements of subsection (b) of this section, a signed statement by the landlord stating the date of installation, and photographs depicting the door baffle, door space guard, door, or gate as installed.

...."

SECTION 11.64. G.S. 143-143.8 reads as rewritten:

"§ 143-143.8. Purpose.

The General Assembly finds that manufactured homes have become a primary housing resource for many of the citizens of North Carolina. The General Assembly finds further that it is the responsibility of the manufactured home industry to provide homes which are of reasonable quality and safety and to offer warranties to buyers that provide a means of remedying quality and safety defects in manufactured homes. The General Assembly also finds that it is in the public interest to provide a means for enforcing such warranties.

Consistent with these findings and with the legislative intent to promote the general welfare and safety of manufactured home residents in North Carolina, the General Assembly finds that the most efficient and economical way to assure safety, quality and responsibility is to require the licensing and bonding of all segments of the manufactured home industry. The General Assembly also finds that it is reasonable and proper for the manufactured home industry to cooperate with the ~~Commissioner of Insurance, Office of the State Fire Marshal,~~ through the establishment of the North Carolina Manufactured Housing Board, to provide for a comprehensive framework for industry regulations."

SECTION 11.65. G.S. 143-143.9 reads as rewritten:

"§ 143-143.9. Definitions.

The following definitions apply in this Part:

...

- (3) Code. – Engineering standards entitled State of North Carolina Regulations for Manufactured Homes adopted by the ~~Commissioner~~ State Fire Marshal.
- (4) ~~Commissioner. — The Commissioner of Insurance of the State of North Carolina.~~

...."

SECTION 11.66.(a) G.S. 143-143.10 reads as rewritten:

"§ 143-143.10. Manufactured Housing Board created; membership; terms; meetings.

(a) There is created the North Carolina Manufactured Housing Board within the Department. The Board shall be composed of 11 members as follows:

- (1) ~~The Commissioner of Insurance or the Commissioner's~~ State Fire Marshal or the State Fire Marshal's designee.

...

The ~~Commissioner or the Commissioner's~~ State Fire Marshal or the State Fire Marshal's designee shall chair the Board. The Governor shall appoint to the Board the manufactured home manufacturer and the manufactured home dealer. The General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121 shall appoint to the Board the representative of the banking and finance industry, the employee of a HUD-approved housing counseling agency, and the representative of the insurance industry. The General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121 shall appoint to the Board the manufactured home supplier, the accountant, and the set-up contractor. The ~~Commissioner~~ State Fire Marshal shall appoint two representatives of the general public. Except for the representatives from the general public and the persons appointed by the General Assembly, each member of the Board shall be appointed by the appropriate appointing authority from a list of nominees submitted to the appropriate appointing authority by the Board of Directors of the North Carolina Manufactured and Modular Homebuilders Association. At least three nominations shall be submitted for each position on the Board. The members of the Board shall be residents of the State.

The members of the Board shall serve for terms of three years. In the event of any vacancy of a position appointed by the Governor or ~~Commissioner~~, State Fire Marshal, the appropriate appointing authority shall appoint a replacement in the same manner as provided for the original appointment to serve the remainder of the unexpired term. Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122. In the event of any vacancy, the appropriate appointing authority shall appoint a replacement to serve the remainder of the unexpired term. Such appointment shall be made in the same manner as provided for the original appointment. No member of the Board shall serve more than two consecutive, three-year terms.

The members of the Board designated in subdivisions (8), (9), and (10) of this subsection shall have no current or previous financial interest connected with the manufactured housing industry. No member of the Board shall participate in any proceeding before the Board involving that member's own business.

Each member of the Board, except the ~~Commissioner~~ State Fire Marshal and any other State employee, shall receive per diem and allowances as provided with respect to occupational licensing boards by G.S. 93B-5. Fees collected by the Board under this Article shall be credited to the Insurance Regulatory Fund created under G.S. 58-6-25.

...."

SECTION 11.66.(b) The current members of the Manufactured Housing Board appointed by the Commissioner of Insurance pursuant to G.S. 143-143.10 may continue to serve until the expiration of their terms. Upon the expiration of the term of each current member appointed by the Commissioner of Insurance, the State Fire Marshal shall appoint a successor in accordance with the provisions of G.S. 143-143.10.

SECTION 11.67. G.S. 143-143.15 reads as rewritten:

"§ 143-143.15. **Set-up requirements.**

(a) Manufactured homes shall be set up in accordance with the standards entitled State of North Carolina Regulations for Manufactured Homes adopted by the ~~Commissioner~~ State Fire Marshal.

...."

SECTION 11.68. G.S. 143-143.54 reads as rewritten:

"§ 143-143.54. **Audits and record inspection.**

All financial records required by this Part shall be subject to audit for cause and to random audit at the discretion of and by the Board, the ~~Commissioner~~, State Fire Marshal, or the Attorney General. The Board may inspect these records periodically, without prior notice and may also inspect these records whenever the Board determines that the records are pertinent to an

investigation of any complaint against a licensee. The dealer shall provide written authorization to the bank that holds the escrow or trust account to release any and all requested information relative to the account to the parties authorized under this section to inspect those records."

SECTION 11.69. G.S. 143-145 reads as rewritten:

"§ 143-145. Definitions.

The following definitions apply in this Article:

...
(2) ~~Commissioner.—The Commissioner of Insurance of the State of North Carolina or an authorized designee of the Commissioner.~~
...."

SECTION 11.70.(a) G.S. 143-146 reads as rewritten:

"§ 143-146. Statement of policy; rule-making power.

(a) Manufactured homes, because of the manner of their construction, assembly and use and that of their systems, components and appliances (including heating, plumbing and electrical systems) like other finished products having concealed vital parts may present hazards to the health, life and safety of persons and to the safety of property unless properly manufactured. In the sale of manufactured homes, there is also the possibility of defects not readily ascertainable when inspected by purchasers. It is the policy and purpose of this State to provide protection to the public against those possible hazards, and for that purpose to forbid the manufacture and sale of new manufactured homes, which are not so constructed as to provide reasonable safety and protection to their owners and users. This Article provides to the ~~Commissioner~~ State Fire Marshal all necessary authority to enable the State to obtain approval as a State Administrative Agency under the provisions of the Act.

...
(e) ~~The Commissioner~~ State Fire Marshal may adopt rules to carry out the provisions of the Act and this Article, including rules for consumer complaint procedures and rules for the enforcement of the standards and regulations established and adopted by HUD under the Act."

SECTION 11.70.(b) Rules adopted by the Commissioner of Insurance pursuant to G.S. 143-146 shall remain in effect until amended by the State Fire Marshal in accordance with Chapter 150B of the General Statutes.

SECTION 11.71.(a) G.S. 143-148 reads as rewritten:

"§ 143-148. Certain structures excluded from coverage.

The ~~Commissioner~~ State Fire Marshal may by rule provide for the exclusion of certain structures by certification in accordance with the Act."

SECTION 11.71.(b) Rules adopted by the Commissioner of Insurance pursuant to G.S. 143-148 shall remain in effect unless amended by the State Fire Marshal in accordance with Chapter 150B of the General Statutes.

SECTION 11.72. G.S. 143-151 reads as rewritten:

"§ 143-151. Penalties.

(a) Any person who is found by the ~~Commissioner~~ State Fire Marshal to have violated the provisions of the Act, this Article, or any rules adopted under this Article, shall be liable for a civil penalty not to exceed the amount set by 24 C.F.R. § 3282.10 for each violation. Each violation shall constitute a separate violation for each manufactured home or for each failure or refusal to allow or perform an act required by the Act, this Article, or any rules adopted under this Article. The maximum civil penalty may not exceed the amount set by 24 C.F.R. § 3282.10 for any related series of violations occurring within one year after the date of the first violation. In determining the amount of the penalty, the ~~Commissioner~~ State Fire Marshal shall consider the degree and extent of harm caused by the violation, the amount of money that inured to the benefit of the violator as a result of the violation, whether the violation was willful, and the prior record of the violator in complying or failing to comply with laws, rules, or orders applicable to

the violator. The clear proceeds of civil penalties provided for in this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

...."

SECTION 11.73. G.S. 143-151.1 reads as rewritten:

"§ 143-151.1. Enforcement.

The ~~Commissioner~~ State Fire Marshal may initiate any appropriate action or proceeding to prevent, restrain, or correct any violation of the Act, this Article, or any rules adopted under this Article. The ~~Commissioner~~ State Fire Marshal, or any of his deputies or employees, upon showing proper credentials and in the discharge of their duties under this Article, or the Act, is authorized at reasonable hours and without advance notice to enter and inspect all factories, warehouses, or establishments in this State in which manufactured homes are manufactured, stored or held for sale."

SECTION 11.74.(a) G.S. 143-151.2 reads as rewritten:

"§ 143-151.2. Fees.

(a) The ~~Commissioner~~ State Fire Marshal shall establish a monitoring inspection fee in an amount required by the Secretary of HUD. This monitoring inspection fee shall be an amount paid by each manufactured home manufacturer in this State for each manufactured home produced by the manufacturer in this State.

...."

SECTION 11.74.(b) The monitoring inspection fee established by the Commissioner of Insurance pursuant to G.S. 143-151.2 shall remain in effect until amended by the State Fire Marshal in an amount required by the Secretary of HUD.

SECTION 11.75. G.S. 143-151.3 reads as rewritten:

"§ 143-151.3. Reports.

Each manufacturer, distributor, and dealer of manufactured homes shall establish and maintain such records, make such reports, and provide such information as the ~~Commissioner~~ State Fire Marshal or the Secretary of HUD may reasonably require to be able to determine whether the manufacturer, distributor, or dealer has acted or is acting in compliance with this Article, or the Act and shall, upon request of a person designated by the ~~Commissioner~~ State Fire Marshal or the Secretary of HUD, permit the person to inspect appropriate books, papers, records and documents relevant to determining whether the manufacturer, distributor, or dealer has acted or is acting in compliance with this Article or the Act, and any rules adopted by the ~~Commissioner~~ State Fire Marshal under this Article."

SECTION 11.76. G.S. 143-151.4 reads as rewritten:

"§ 143-151.4. Notification of defects and correction procedures.

Every manufacturer of manufactured homes shall provide for notification and correction procedures in any manufactured home produced by the manufacturer in accordance with the Act, this Article, and any rules adopted by the ~~Commissioner~~ State Fire Marshal."

SECTION 11.77. G.S. 143-151.5 reads as rewritten:

"§ 143-151.5. Prohibited acts.

(a) No person shall:

...

(5) Fail to comply with a rule adopted or an order issued by the ~~Commissioner~~ State Fire Marshal under this Article.

...."

SECTION 11.78. G.S. 143-151.8 reads as rewritten:

"§ 143-151.8. Definitions.

(a) The following definitions apply in this Article:

...

(2) Code. – Consists of all of the following:

...

d. The standards adopted by the ~~Commissioner of Insurance~~ State Fire Marshal under G.S. 143-143.15(a).

...

(c) For purposes of this Article, "willful misconduct, gross negligence, or gross incompetence" in addition to the meaning of those terms under other provisions of the General Statutes or at common law, includes any of the following:

...

(2) Refusing to accept an alternative design or construction method that has been appealed under G.S. 143-140.1 and found by the ~~Department of Insurance~~ Office of the State Fire Marshal to comply with the Code under the conditions or circumstances set forth in the ~~Department's~~ Office of the State Fire Marshal's decision for that appeal.

...

(5) Refusing to implement or adhere to an interpretation of the Building Code issued by the Building Code Council or the ~~Department of Insurance~~ Office of the State Fire Marshal.

...."

SECTION 11.79.(a) G.S. 143-151.9 reads as rewritten:

"§ 143-151.9. North Carolina Code Officials Qualification Board established; members; terms; vacancies.

(a) There is hereby established the North Carolina Code Officials Qualification Board in the Department of Insurance. The Board shall be composed of 20 members appointed as follows:

...

The various categories shall be appointed as follows: (1), (2), (3), and (14) by the Governor; (4), (5), and (6) by the General Assembly upon the recommendation of the President Pro Tempore in accordance with G.S. 120-121; (7), (8), and (9) by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121; (10) by the deans of the respective schools of engineering of the named universities; (11) by the Dean of the School of Government at the University of North Carolina at Chapel Hill; (12) by the President of the Community Colleges System; and (13) by the ~~Commissioner of Insurance~~ State Fire Marshal.

...."

SECTION 11.79.(b) The current member of the North Carolina Code Officials Qualification Board appointed by the Commissioner of Insurance pursuant to G.S. 143-151.9 shall continue to serve until the expiration of the member's term. Upon the expiration of the member's term, the State Fire Marshal shall appoint a successor as provided in G.S. 143-151.9.

SECTION 11.80.(a) G.S. 143-151.12 reads as rewritten:

"§ 143-151.12. Powers.

In addition to powers conferred upon the Board elsewhere in this Article, the Board has the power to do the following:

...

(9) Establish within the ~~Department of Insurance~~ Office of the State Fire Marshal a marketplace pool of qualified Code-enforcement officials available for the following purposes:

a. When requested by the ~~Insurance Commissioner~~ State Fire Marshal, to assist in the discharge of the ~~Commissioner's~~ State Fire Marshal's duty under G.S. 143-139 to supervise, administer, and enforce the North Carolina State Building Code. The State Fire Marshal shall have the power and authority to fix and collect reasonable fees for services performed by Code-enforcement officials under this sub-subdivision. The State Fire Marshal may also collect reimbursement, at the rate

established under G.S. 138-6, for mileage costs incurred by Code-enforcement officials going to and from inspections conducted under this sub-subdivision. The State Fire Marshal shall have no power or authority to fix or collect fees incurred by local inspection departments under sub-subdivision b. of this subdivision.

...."

SECTION 11.80.(b) Fees fixed by the Commissioner of Insurance under G.S. 58-2-40(1a) for services performed by Code-enforcement officials under G.S. 143-151.12(9)a. shall remain in effect until amended by the State Fire Marshal pursuant to G.S. 143-151.12(9)a. in accordance with Chapter 150B of the General Statutes.

SECTION 11.81. G.S. 143-151.13 reads as rewritten:

"§ 143-151.13. Required standards and certificates for Code-enforcement officials.

...

(e) The Board shall, without requiring an examination, issue a standard certificate to any person who is currently certified as a county electrical inspector pursuant to G.S. 160D-1102. The certificate issued by the Board shall authorize the person to serve at the electrical inspector level approved by the ~~Commissioner of Insurance~~ State Fire Marshal in G.S. 160D-1102.

...."

SECTION 11.82. G.S. 143-151.46 reads as rewritten:

"§ 143-151.46. North Carolina Home Inspector Licensure Board established; members; terms; vacancies.

(a) Membership. — The North Carolina Home Inspector Licensure Board is established in the Department of Insurance. The Board shall be composed of the ~~Commissioner of Insurance or the Commissioner's~~ State Fire Marshal or the State Fire Marshal's designee and seven additional members appointed as follows:

...."

SECTION 11.83. G.S. 143-151.21 reads as rewritten:

"§ 143-151.21. Disposition of fees.

Fees collected by the ~~Commissioner~~ State Fire Marshal under this Article shall be credited to the Insurance Regulatory Fund created under G.S. 58-6-25."

SECTION 11.84. G.S. 160D-402 reads as rewritten:

"§ 160D-402. Administrative staff.

...

(d) Financial Support. – The local government may appropriate for the support of the staff any funds that it deems necessary. It shall have power to fix reasonable fees for support, administration, and implementation of programs authorized by this Chapter, and all such fees shall be used for no other purposes. When an inspection, for which the permit holder has paid a fee to the local government, is performed by a marketplace pool Code-enforcement official upon request of the ~~Insurance Commissioner~~ State Fire Marshal under G.S. 143-151.12(9)a., the local government shall promptly return to the permit holder the fee collected by the local government for such inspection. This subsection applies to the following types of inspection: plumbing, electrical systems, general building restrictions and regulations, heating and air-conditioning, and the general construction of buildings."

SECTION 11.85. G.S. 160D-910 reads as rewritten:

"§ 160D-910. Manufactured homes.

...

(g) A local government may require by ordinance that manufactured homes be installed in accordance with the Set-Up and Installation Standards adopted by the ~~Commissioner of Insurance; State Fire Marshal;~~ provided, however, a local government shall not require a masonry curtain wall or masonry skirting for manufactured homes located on land leased to the homeowner."

SECTION 11.86. G.S. 160D-1102 reads as rewritten:

"§ 160D-1102. Building code administration.

...
(b) In the event that any local government fails to provide inspection services or ceases to provide inspection services, the ~~Commissioner of Insurance~~ State Fire Marshal shall arrange for the provision of inspection services, either through personnel employed by the ~~department~~ Office of the State Fire Marshal or another division of the Department of Insurance or through an arrangement with other units of government. In either event, the ~~Commissioner~~ State Fire Marshal has and may exercise within the local government's planning and development regulation jurisdiction all powers made available to the governing board with respect to building inspection under this Article and Part 1 of Article 20 of Chapter 160A of the General Statutes. Whenever the ~~Commissioner~~ State Fire Marshal has intervened in this manner, the local government may assume provision of inspection services only after giving the ~~Commissioner~~ State Fire Marshal two years' written notice of its intention to do so; however, the ~~Commissioner~~ State Fire Marshal may waive this requirement or permit assumption at an earlier date upon finding that an earlier assumption will not unduly interfere with arrangements made for the provision of those services.

...."

SECTION 11.87. G.S. 160D-1114, as amended by Section 1(o) of S.L. 2023-108, reads as rewritten:

"§ 160D-1114. Appeals of stop orders.

(a) The owner or builder may appeal from a stop order involving alleged violation of the North Carolina State Building Code or any approved local modification thereof to the ~~North Carolina Commissioner of Insurance~~ State Fire Marshal or his or her designee within a period of five days after the order is issued. Notice of appeal shall be given in writing to the ~~Commissioner of Insurance~~ State Fire Marshal or his or her designee, with a copy to the local inspector. The ~~Commissioner of Insurance~~ State Fire Marshal or his or her designee shall promptly conduct an investigation, and the appellant and the inspector shall be permitted to submit relevant evidence. The ~~Commissioner of Insurance~~ State Fire Marshal or his or her designee shall as expeditiously as possible provide a written statement of the decision setting forth the facts found, the decision reached, and the reasons for the decision. Pending the ruling by the ~~Commissioner of Insurance~~ State Fire Marshal or his or her designee on an appeal, no further work shall take place in violation of a stop order. In the event of dissatisfaction with the decision, the person affected shall have the following options:

- (1) Appealing to the Building Code Council or Residential Code Council.
- (2) Appealing to the superior court as provided in G.S. 143-141.

(b) The owner or builder may appeal from a stop order involving alleged violation of a local development regulation as provided in G.S. 160D-405."

SECTION 11.88. G.S. 160D-1126 reads as rewritten:

"§ 160D-1126. Records and reports.

The inspection department shall keep complete and accurate records in convenient form of all applications received, permits issued, inspections and reinspections made, defects found, certificates of compliance or occupancy granted, and all other work and activities of the department. These records shall be kept in the manner and for the periods prescribed by the Department of Natural and Cultural Resources. Periodic reports shall be submitted to the governing board and to the ~~Commissioner of Insurance~~ State Fire Marshal as they shall by ordinance, rule, or regulation require."

SECTION 11.89. G.S. 160D-1127, as amended by Section 1(p) of S.L. 2023-108, reads as rewritten:

"§ 160D-1127. Appeals.

Unless otherwise provided by law, appeals from any order, decision, or determination by a member of a local inspection department pertaining to the North Carolina State Building Code or other State building laws shall be taken to the ~~Commissioner of Insurance~~ State Fire Marshal or the ~~Commissioner's~~ State Fire Marshal's designee or other official specified in G.S. 143-139 by filing a written notice with the ~~Commissioner~~ State Fire Marshal and with the inspection department within a period of 10 days after the order, decision, or determination. Further appeals may be taken to the Building Code Council or Residential Code Council or to the courts as provided by law."

SECTION 11.90. G.S. 160D-1128 reads as rewritten:

"§ 160D-1128. Fire limits.

(a) County Fire Limits. – A county may by ordinance establish and define fire limits in any area within the county and not within a city. The limits may include only business and industrial areas. Within any fire limits, no frame or wooden building or addition thereto may be erected, altered, repaired, or moved, either into the fire limits or from one place to another within the limits, except upon the permit of the inspection department and approval of the ~~Commissioner of Insurance~~ State Fire Marshal. The governing board may make additional regulations necessary for the prevention, extinguishment, or mitigation of fires within the fire limits.

...

(c) Restrictions Within Municipal Primary Fire Limits. – Within the primary fire limits of any city, as established and defined by ordinance, no frame or wooden building or structure or addition thereto shall hereafter be erected, altered, repaired, or moved, either into the limits or from one place to another within the limits, except upon the permit of the local inspection department approved by the governing board and by the ~~Commissioner of Insurance~~ State Fire Marshal or the ~~Commissioner's~~ State Fire Marshal's designee. The governing board may make additional regulations for the prevention, extinguishment, or mitigation of fires within the primary fire limits.

...

(e) Failure to Establish Municipal Primary Fire Limits. – If the governing board of any city shall fail or refuse to establish and define the primary fire limits of the city as required by law, after having such failure or refusal called to their attention in writing by the ~~State Commissioner of Insurance, Fire Marshal, the Commissioner~~ State Fire Marshal shall have the power to establish the limits upon making a determination that they are necessary and in the public interest."

SECTION 11.91. Section 30.4A of S.L. 2021-180, as amended by Section 30.4A(b) of S.L. 2023-134, reads as rewritten:

"SECTION 30.4A.(a) Firefighters' Health Benefits Pilot Program. – Of the funds appropriated in this act to the Department of ~~Insurance, Insurance~~ for the firefighter cancer health benefit pilot extension, Fund Code 2510, the sum of five million dollars (\$5,000,000) in nonrecurring funds for each fiscal year of the 2023-2025 fiscal biennium shall be used by the Office of the State Fire Marshal to continue and administer a pilot program to provide health benefits as authorized by this section to eligible firefighters with a new diagnosis of cancer on or after January 1, 2022. The health benefits provided under the pilot program shall be supplemental to any other health benefits authorized by law for firefighters. The pilot program shall end on June 30, 2025, but claims for health benefits filed by that date shall be paid as long as funds appropriated for the pilot program are available. Effective January 1, 2024, the ~~Department~~ Office of the State Fire Marshal shall begin administering the pilot program instead of purchasing private insurance for that ~~purpose.~~ purpose, and the Office shall perform this duty by contracting with a third-party administrator. The contracting procedure is not subject to Article 3C of Chapter 143 of the General Statutes. The Department ~~Office~~ may use up to five percent (5%) ~~ten percent (10%)~~ of the funds appropriated for the pilot program in this act for the ~~purpose of hiring additional staff to aid in administering the pilot program in-house~~ reasonable and necessary

expenses incurred by the Office in administering the pilot program and conducting an independent audit of the pilot program. The results of the independent audit shall be submitted to the General Assembly, the Fiscal Research Division, and the Governor no later than July 1, 2025, along with the report required by subsection (f) of this section.

...
"SECTION 30.4A.(c) Eligibility. – To be eligible to receive benefits under the pilot program, a firefighter:

- (1) Must have served in a North Carolina fire department for a minimum of five continuous years; provided, however, if a firefighter, during those five years, experiences a lapse in service of no more than six months, the firefighter shall not be ineligible to receive benefits under the pilot program.
- (2) Must have received a new diagnosis of cancer on or after January 1, 2022. A firefighter with a diagnosis of cancer prior to January 1, 2022, is not eligible for benefits in the pilot program for that previously diagnosed cancer type but remains eligible for benefits in the pilot program upon diagnosis of any other cancer ~~type-type~~, even if the other cancer type diagnosed on or after January 1, 2022, metastasized from a cancer diagnosed before January 1, 2022. A firefighter is not eligible to receive benefits under the pilot program if the firefighter is receiving benefits related to cancer under Article 1 of Chapter 97 of the General Statutes, the North Carolina Workers' Compensation Act.
- (3) Must have filed a claim with the ~~Department~~Office of the State Fire Marshal seeking benefits under this section no later than June 30, 2025.

"SECTION 30.4A.(d) Benefits Under Pilot Program. – To the extent that funds are available, the following benefits shall be provided under the pilot program:

- ...
- (2) Lump sum benefit. – Not to exceed a total of fifty thousand dollars (\$50,000), a lump sum benefit of twenty-five thousand dollars (\$25,000) for each diagnosis of cancer shall be payable to an eligible firefighter upon sufficient proof to the insurance carrier, the Department, the Office of the State Fire Marshal, or other applicable payor of a diagnosis of cancer by a board-certified, licensed physician in the medical specialty appropriate for the type of cancer diagnosed.
 - (3) Disability benefit. – Upon sufficient proof to the insurance carrier, the Department, the Office of the State Fire Marshal, or other applicable payor of total disability resulting from the diagnosis of cancer or that the cancer precludes the firefighter from serving as a firefighter, the following disability benefits shall be paid to an eligible firefighter beginning six months after the total disability or inability to perform the duties of a firefighter, whichever applies:

...
"SECTION 30.4A.(e) Limitations on Disability Benefit. – The following limitations apply to disability benefits under this section:

- (1) Disability benefits shall continue for no more than 36 consecutive months; provided, however, disability benefits shall continue only until funds appropriated for the pilot program are available. Upon the expenditure of all funds appropriated for the pilot program, all disability payments under the pilot program shall terminate and the ~~Department~~Office of the State Fire Marshal shall have no other responsibility to provide benefits under the pilot program.

...

"**SECTION 30.4A.(f)** Reporting Requirements. – On ~~July 1, 2023, July 1, 2024, July 1, 2024,~~ and July 1, 2025, the ~~Department~~Office of the State Fire Marshal shall submit a report to the General Assembly, the Fiscal Research Division, and the Governor that includes the following information:

...."

SECTION 11.92. Section 30.6 of S.L. 2023-134 reads as rewritten:

"**SECTION 30.6.(a)** Grants Authorized. – Of the funds appropriated in this act to the Department of ~~Insurance,~~Insurance for rescue squad assistance, Fund Code 2123, the sum of one million dollars (\$1,000,000) in nonrecurring funds for each year of the 2023-2025 fiscal biennium shall be used by the ~~Department~~Office of the State Fire Marshal to establish and administer a grant program to provide grants to eligible standalone volunteer rescue units (hereinafter "unit") for the purpose of purchasing equipment and making capital improvements. Grants for equipment shall not be more than twenty-five thousand dollars (\$25,000) to each unit in each fiscal year and not more than two hundred thousand dollars (\$200,000) for capital improvements in each fiscal year. Each grant applicant shall match an equipment grant with ten percent (10%) of the grant amount in non-State funds and a capital improvement grant with five percent (5%) of the grant amount in non-State funds. An applicant may apply for a grant under this section in each fiscal year of the 2023-2025 fiscal biennium. Each applicant may be awarded only one grant in each fiscal year of the 2023-2025 fiscal biennium. For purposes of this section, the term "eligible standalone volunteer rescue unit" means a volunteer rescue unit under G.S. 58-87-5(b) that is not combined with a rescue/EMS, EMS units that are volunteer fire departments that are a part of a county's EMS system plan, EMS units providing rescue or rescue and emergency medical services, or any other unit of any type providing rescue and/or emergency services.

"**SECTION 30.6.(b)** In awarding grants under this section, the ~~Department~~Office of the State Fire Marshal shall, to the extent possible, select applicants from all parts of the State. Grants shall be made as soon as practicable. If, in any fiscal year, the ~~Department~~Office of the State Fire Marshal has not disbursed all of the grant funds appropriated for the grant program as provided in subsection (a) of this section, the ~~Department~~Office of the State Fire Marshal shall allow applicants who have not received grant funds in that fiscal year to apply for a grant, and the applicant shall match the grant funds as provided in subsection (a) of this section. Grants authorized by this section shall be awarded in addition to and shall not supplant any amount of the grant awarded to an eligible standalone volunteer rescue unit under G.S. 58-87-5. Any funds appropriated for the grant program authorized by subsection (a) of this section that are unencumbered at the end of each fiscal year of the 2023-2025 fiscal biennium shall not revert to the Volunteer Rescue/EMS Fund but shall remain available for providing grants as authorized by this section.

"**SECTION 30.6.(c)** Report. – Within 60 days after all grants have been awarded under subsection (a) of this section, the ~~Department~~Office of the State Fire Marshal shall submit a written report to the Senate Appropriations Committee on General Government and Information Technology, the House of Representatives Appropriations Committee on General Government, the Joint Legislative Oversight Committee on General Government, and the Fiscal Research Division which shall include all of the following:

...."

SECTION 11.93. Section 30.7 of S.L. 2023-134 reads as rewritten:

"**SECTION 30.7.(a)** Grants Authorized. – Of the funds appropriated in this act to the Department of ~~Insurance,~~Insurance for voluntary fire department assistance, Fund Code 2133, the sum of one million dollars (\$1,000,000) in nonrecurring funds for each fiscal year of the 2023-2025 fiscal biennium shall be used by the ~~Department~~Office of the State Fire Marshal to establish and administer a grant program to provide grants in an amount of not more than ten thousand dollars (\$10,000) to eligible fire departments under G.S. 58-87-1(b) for the purpose of

replacing fire apparatus tires. Grants shall be awarded only to applicants who certify in writing the need to remove fire apparatus tires from service because of any of the following reasons: (i) tread wear beyond the minimum tread depth, (ii) fire conditions that caused damage to the tires, such as coming into contact with fire retardant and/or running over glass, debris, oil, or chemicals, (iii) tire damage, such as cuts, bulges, and cracks, and (iv) evidence of dry rot or sidewall cracking. Applicants shall use the grant funds only for the purpose of replacing fire apparatus tires and shall not use the funds for any other purpose. Applicants are not required to provide a match for grant funds. An applicant may apply for a grant under this section in each fiscal year of the 2023-2025 fiscal biennium. Each applicant may be awarded only one grant in each fiscal year of the 2023-2025 fiscal biennium.

"SECTION 30.7.(b) In awarding grants under this section, the ~~Department~~ Office of the State Fire Marshal shall, to the extent possible, select applicants from all parts of the State. Grants shall be made as soon as practicable. If, in any fiscal year, the ~~Department~~ Office of the State Fire Marshal has not disbursed all the grant funds appropriated for the grant program authorized by subsection (a) of this section, the ~~Department~~ Office of the State Fire Marshal shall allow applicants who have not received grant funds in that fiscal year to apply for a grant. Grants authorized by this section shall be awarded in addition to and shall not supplant any amount of the grant awarded to an eligible fire department under G.S. 58-87-1. Any funds appropriated for the grant program authorized by subsection (a) of this section that are unencumbered at the end of each fiscal year of the 2023-2025 fiscal biennium shall not revert to the Volunteer Fire Department Fund but shall remain available for providing grants as authorized by this section.

"SECTION 30.7.(c) Report. – Within 60 days after all grants have been awarded under subsection (a) of this section, the ~~Department~~ Office of the State Fire Marshal shall submit a written report to the Senate Appropriations Committee on General Government and Information Technology, the House of Representatives Appropriations Committee on General Government, the Joint Legislative Oversight Committee on General Government, and the Fiscal Research Division which shall include all of the following:

...."

PART XII. MISCELLANEOUS

SECTION 12.1. G.S. 14-68 reads as rewritten:

"§ 14-68. Failure of owner of property to comply with orders of public authorities.

If the owner or occupant of any building or premises shall fail to comply with the duly authorized orders of the chief of the fire department, or of the ~~Commissioner of Insurance,~~ State Fire Marshal, or of any municipal or county inspector of buildings or of particular features, facilities, or installations of buildings, he shall be guilty of a Class 3 misdemeanor, and punished only by a fine of not less than ten (\$10.00) nor more than fifty dollars (\$50.00) for each day's neglect, failure, or refusal to obey such orders."

SECTION 12.2. G.S. 66-25 reads as rewritten:

"§ 66-25. Acceptable listings as to safety of goods.

(a) All electrical materials, devices, appliances, and equipment shall be evaluated for safety and suitability for intended use. Except as provided in subsections (b) and (c) of this section, this evaluation shall be conducted in accordance with nationally recognized standards and shall be conducted by a qualified testing laboratory. The ~~Commissioner of Insurance,~~ State Fire Marshal, through the Engineering Division of the Department of Insurance, shall implement the procedures necessary to approve suitable national standards and to approve suitable qualified testing laboratories. The ~~Commissioner~~ State Fire Marshal may assign his authority to implement the procedures for specific materials, devices, appliances, or equipment to other agencies or bodies when they would be uniquely qualified to implement those procedures.

In the event that the ~~Commissioner~~ State Fire Marshal determines that electrical materials, devices, appliances, or equipment in question cannot be adequately evaluated through the use of

approved national standards or by approved qualified testing laboratories, the Engineering Division of the Department of Insurance shall specify any alternative evaluations which safety requires.

The Engineering Division of the Department of Insurance shall keep in file, where practical, copies of all approved national standards and resumes of approved qualified testing laboratories.

...."

SECTION 12.3. G.S. 115C-288 reads as rewritten:

"§ 115C-288. Powers and duties of principal.

...

(d) To Conduct Fire Drills and Inspect for Fire Hazards. – It shall be the duty of the principal to conduct a fire drill during the first week after the opening of school and thereafter at least one fire drill each school month, in each building in his charge, where children are assembled. Fire drills shall include all pupils and school employees, and the use of various ways of egress to simulate evacuation of said buildings under various conditions, and such other regulations as shall be prescribed for fire safety by the ~~Commissioner of Insurance, State Fire Marshal,~~ the Superintendent of Public ~~Instruction-Instruction,~~ and the State Board of Education. A copy of such regulations shall be kept posted on the bulletin board in each building.

It shall be the duty of each principal to inspect each of the buildings in his charge at least twice each month during the regular school session. This inspection shall include cafeterias, gymnasiums, boiler rooms, storage rooms, auditoriums and stage areas as well as all classrooms. This inspection shall be for the purpose of keeping the buildings safe from the accumulation of trash and other fire hazards.

It shall be the duty of the principal to file two copies of a written report once each month during the regular school session with the superintendent of his local school administrative unit, one copy of which shall be transmitted by the superintendent to the chairman of the local board of education. This report shall state the date the last fire drill was held, the time consumed in evacuating each building, that the inspection has been made as prescribed by law and such other information as is deemed necessary for fire safety by the ~~Commissioner of Insurance, State Fire Marshal,~~ the Superintendent of Public ~~Instruction-Instruction,~~ and the State Board of Education.

It shall be the duty of the principal to minimize fire hazards pursuant to the provisions of G.S. 115C-525.

...."

SECTION 12.4. G.S. 115C-525 reads as rewritten:

"§ 115C-525. Fire prevention.

(a) Duty of Principal Regarding Fire Hazards. – The principal of every public school in the State shall have the following duties regarding fire hazards during periods when he is in control of a school:

...

(2) Every principal shall make certain that no electrical wiring shall be installed within any school building or structure or upon the premises and that no alteration or addition shall be made in any existing wiring, except with the authorization of the superintendent. Any such work shall be performed by a licensed electrical contractor, or by a maintenance electrician regularly employed by the board of education and approved by the ~~Commissioner of Insurance, State Fire Marshal.~~

...

(b) Inspection of Schools for Fire Hazards; Removal of Hazards. – Every public school building in the State shall be inspected a minimum of two times during the year in accordance with the following plan: Provided, that the periodic inspections herein required shall be at least 120 days apart:

- (1) Each school building shall be inspected to make certain that none of the fire hazards enumerated in G.S. 115C-525(a)(1) through (5) exist, and to ensure that the building and all heating, mechanical, electrical, gas, and other equipment and appliances are properly installed and maintained in a safe and serviceable manner as prescribed by the North Carolina Building Code. Following each inspection, the persons making the inspection shall furnish to the principal of the school a written report of conditions found during inspection, upon forms furnished by the ~~Commissioner of Insurance, State Fire Marshal,~~ and the persons making the inspection shall also furnish a copy of the report to the superintendent of schools; the superintendent shall keep such copy on file for a period of three years. In addition to the periodic inspections herein required, any alterations or additions to existing school buildings or to school building utilities or appliances shall be inspected immediately following completion.

- ...
- (3) It shall be the duty of the ~~Commissioner of Insurance, State Fire Marshal,~~ the Superintendent of Public Instruction, and the State Board of Education to prescribe any additional rules and regulations which they may deem necessary in connection with such inspections and reports for the reduction of fire hazards and protection of life and property in public schools.

...."

SECTION 12.5. G.S. 143B-943 reads as rewritten:

"§ 143B-943. Criminal history record checks of applicants to and current members of fire departments and emergency medical services.

...

(g) For purposes of this section, "local fire chief" shall include the fire chief of any bona fide fire department certified to the ~~Commissioner of Insurance State Fire Marshal~~ with at least a Class 9S rating for insurance grading purposes; "county fire marshal" shall include only fire marshals who are paid employees of a county; and "emergency services director" shall include only emergency services directors who are paid employees of a city or county."

SECTION 12.6. G.S. 150B-38 reads as rewritten:

"§ 150B-38. Scope; hearing required; notice; venue.

- (a) The provisions of this Article shall apply to:

...

(5a) The Office of the State Fire Marshal and the State Fire Marshal.

...."

SECTION 12.7. G.S. 169-4 reads as rewritten:

"§ 169-4. North Carolina Innovation Council established.

...

- (b) The Council shall consist of 11 members, as follows:
 - (1) The Commissioner of Banks or appointed designee.
 - (2) The Commissioner of Insurance ~~and Fire Marshal~~ or appointed designee.
 - (3) The Secretary of State or appointed designee.
 - (4) The Attorney General or appointed designee.
 - (5) Two public members appointed by the Governor.
 - (6) One public member appointed by the Lieutenant Governor.
 - (7) Two public members from academia appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate.
 - (8) Two public members from the North Carolina entrepreneurial or blockchain community appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives.

...."

PART XIII. EFFECTIVE DATE

SECTION 13. Except as otherwise provided, the remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 25th day of October, 2023.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 5:12 p.m. this 9th day of November, 2023