

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 179*

Short Title: Building Designer Requirement.

(Public)

Sponsors: Senators Goldston, Ezzell, Hunt of Durham, and Plyler.

Referred to: State Government.

February 16, 1989

A BILL TO BE ENTITLED

AN ACT TO CORRECT THE STATUTES REQUIRING THAT CERTAIN BUILDINGS INVOLVING PUBLIC FUNDS BE DESIGNED BY AN ARCHITECT OR ENGINEER.

The General Assembly of North Carolina enacts:

Section 1. G.S. 133-1.1 reads as rewritten:

"§ 133-1.1. **Certain buildings involving public funds to be designed, etc., by architect or engineer.**

(a) In the interest of public health, safety and economy, every officer, board, department, or commission charged with the duty of approving plans and specifications or awarding or entering into contracts involving the expenditure of public funds in excess of of:

(1) One hundred thousand dollars (\$100,000) for the repair of public buildings where such repair does not include major structural ~~change,~~ or in excess of change in framing or foundation support systems.

(2) Forty-five thousand dollars (\$45,000) for the repair of public buildings where such repair includes major structural change in framing or foundation support systems, or

(3) Forty-five thousand dollars (\$45,000) for the construction of, or additions to, public buildings or State-owned and operated utilities shall utilities.

shall require that such plans and specifications be prepared by a registered architect, in accordance with the provisions of Chapter ~~83-83A~~ of the General Statutes, or by a registered engineer, in accordance with the provisions of Chapter 89C of the General

1 Statutes, or by both architect and engineer, particularly qualified by training and
2 experience for the type of work involved, and that the North Carolina seal of such
3 architect or engineer together with the name and address of such architect or engineer,
4 or both, be placed on all such plans and specifications.

5 (b) (1) On all projects requiring the services of an architect, ~~an or~~
6 ~~engineer, or both, the architect or engineer, or both, whose names and~~
7 ~~seals appear on the plans and specifications shall~~ conduct frequent and
8 regular inspections or such inspections as required by ~~the~~ contract
9 and shall issue a signed and sealed certificate of compliance to the
10 awarding authority that:

11 ~~(1)a.~~ The inspections of the construction, repairs, or
12 installations have been conducted with the degree of
13 care and professional skill and judgment ordinarily
14 exercised by a member of that profession; and

15 ~~(2)b.~~ To the best of his knowledge and in the professional
16 opinion of the ~~architect or engineer~~ architect, the
17 contractor has fulfilled the obligations of such plans,
18 specifications, and contract.

19 (2) On all projects requiring the services of an engineer, an engineer shall
20 conduct frequent and regular inspections or such inspections as
21 required by contract and shall issue a signed and sealed certificate of
22 compliance to the awarding authority that:

23 a. The inspections of the construction, repairs, or installations
24 have been conducted with the degree of care and professional
25 skill and judgment ordinarily exercised by a member of that
26 profession; and

27 b. To the best of his knowledge and in the professional opinion of
28 the engineer, the contractor has fulfilled the obligations of such
29 plans, specifications, and contract.

30 (3) No certificate of compliance shall be issued until the architect and/or
31 engineer is satisfied that the contractor has fulfilled the obligations of
32 such plans, specifications, and contract.

33 (c) The following shall be excepted from the requirements of subsection (a) of
34 this section:

35 (1) Dwellings and outbuildings in connection therewith, such as barns and
36 private garages.

37 (2) Apartment buildings used exclusively as the residence of not more
38 than two families.

39 (3) Buildings used for agricultural purposes other than schools or
40 assembly halls which are not within the limits of a city or an
41 incorporated village.

42 (4) Temporary buildings or sheds used exclusively for construction
43 purposes, not exceeding 20 feet in any direction, and not used for
44 living quarters.

1 (d) ~~On repair projects involving the expenditures of public funds in an amount of~~
2 ~~one hundred thousand dollars (\$100,000), or less, or on construction or addition projects~~
3 ~~involving the expenditures of public funds in an amount of forty five thousand dollars~~
4 ~~(\$45,000), or less, and projects on which no registered architect or engineer is~~
5 ~~employed, required pursuant to the provisions of this section, the governing board or~~
6 awarding authority shall require a certificate of compliance with the State Building
7 Code from the city or county inspector for the specific trade or trades involved or from a
8 registered architect or engineer, except that the provisions of this subsection shall not
9 apply on projects wherein plans and specifications are approved by the Department of
10 Administration, Division of State Construction, and the completed project is inspected
11 by the Division of State Construction and the State Electrical Inspector, or on projects
12 exempt from the State Building Code.

13 (e) All plans and specifications for public buildings of any kind shall be
14 identified by the name and address of the author thereof.

15 (f) Neither the designer nor the contractor involved shall receive his final
16 payment until the required certificate of compliance shall have been received by the
17 awarding authority.

18 (g) On all facilities which are covered by this Article, other than those listed in
19 subsection (c) of this section and which require any job-installed finishes, the plans and
20 specifications shall include the color schedule."

21 Sec. 2. This act is effective upon ratification.