

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1260
Committee Substitute Favorable 6/2/98

Short Title: Code Officials Cont. Ed.

(Public)

Sponsors:

Referred to:

May 13, 1998

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE NORTH CAROLINA CODE OFFICIALS
QUALIFICATION BOARD TO REQUIRE CODE-ENFORCEMENT OFFICIALS
TO PARTICIPATE IN PROFESSIONAL DEVELOPMENT PROGRAMS AND TO
RESTORE THE AUTHORITY OF LOCAL GOVERNMENTS TO ADOPT
FLOODPLAIN MANAGEMENT ORDINANCES.

The General Assembly of North Carolina enacts:

Section 1. Article 9C of Chapter 143 of the General Statutes is amended by
adding a new section to read:

"§ 143-151.13A. Professional development program for code-enforcement officials.

(a) The Board may establish professional development requirements for code-
enforcement officials as a condition of the renewal or reactivation of their certificates.
Such professional development shall be oriented to assist inspectors in achieving and
maintaining professional competence in their enforcement of the code and assuring the
health, safety, and welfare of the citizens of North Carolina. Criteria adopted by the
Board for a professional development program may include:

(1) The content of professional development courses;

(2) Accreditation of professional development course sponsors and
programs;

- 1 (3) Computation of credit hours;
- 2 (4) Record keeping and other administrative procedures; and
- 3 (5) Sanctions for noncompliance.

4 (b) The Board may require, as a condition of renewal of a certificate, that each
5 individual holding a standard or a limited certificate complete professional development
6 courses as prescribed by the Board. The professional development coursework
7 requirement shall not exceed 24 hours in any three-year period.

8 (c) The Board may require each individual who earns a standard certificate under
9 the prequalification program established pursuant to G.S. 143-151.13(d) to complete
10 professional development coursework, not to exceed 16 hours in each technical area of
11 certification, within one year of that individual becoming employed by a city or county
12 inspection department.

13 (d) As a condition of reactivating a standard or limited certificate, the Board may
14 require the completion of professional development coursework within one year of
15 reemployment as a code-enforcement official as follows:

- 16 (1) Individuals who have been on inactive status and who have been out of
17 the inspection field for more than two years shall complete professional
18 development coursework not to exceed 16 hours for each technical area
19 in which the individual is certified.
- 20 (2) Individuals who have been on inactive status for more than two years
21 but who have remained active in the inspection field shall complete
22 professional development coursework not to exceed 12 hours for each
23 technical area in which the individual is certified.
- 24 (3) Individuals who have been on inactive status for two years or less and
25 who have remained active in the inspection field to complete
26 professional development coursework not to exceed eight hours for each
27 technical area in which the individual is certified.

28 Section 2. G.S. 143-151.17(a) reads as rewritten:

29 "(a) The Board shall have the power to suspend, revoke or refuse to grant any
30 certificate issued under the provisions of this Article to any person who:

- 31 (1) Has been convicted of a felony against this State or the United States, or
32 convicted of a felony in another state that would also be a felony if it
33 had been committed in this State;
- 34 (2) Has obtained certification through fraud, deceit, or perjury;
- 35 (3) Has knowingly aided or abetted any person practicing contrary to the
36 provisions of this Article or the State Building Code;
- 37 (4) Has defrauded the public or attempted to do so;
- 38 (5) Has affixed his signature to a report of inspection or other instrument of
39 service if no inspection has been made by him or under his immediate
40 and responsible ~~direction; or, direction;~~
- 41 (6) Has been guilty of willful misconduct, gross negligence or gross
42 ~~incompetence. incompetence; or~~

1 (7) Has failed to comply with the professional development requirements
2 established by the Board under this Article."

3 Section 3. G.S. 58-6-25(d) reads as rewritten:

4 "(d) Use of Proceeds. – The Insurance Regulatory Fund is created in the State
5 treasury, under the control of the Office of State Budget and Management. The proceeds
6 of the charge levied in this section and all fees collected under Articles 69 through 71 of
7 this Chapter and under Articles 9 and 9C of Chapter 143 of the General Statutes shall be
8 credited to the Fund. The Fund shall be placed in an interest-bearing account and any
9 interest or other income derived from the Fund shall be credited to the Fund. Moneys in
10 the Fund may be spent only pursuant to appropriation by the General Assembly and in
11 accordance with the line item budget enacted by the General Assembly. The Fund is
12 subject to the provisions of the Executive Budget Act, except that no unexpended surplus
13 of the Fund shall revert to the General Fund. All money credited to the Fund shall be used
14 to reimburse the General Fund for the following:

15 (1) Money appropriated to the Department of Insurance to pay its expenses
16 incurred in regulating the insurance industry and other industries in this
17 State.

18 (2) Money appropriated to State agencies to pay the expenses incurred in
19 regulating the insurance industry, in certifying statewide data processors
20 under Article 11A of Chapter 131E of the General Statutes, and in
21 purchasing reports of patient data from statewide data processors
22 certified under that Article.

23 (3) Money appropriated to the Department of Revenue to pay the expenses
24 incurred in collecting and administering the taxes on insurance
25 companies levied in Article 8B of Chapter 105 of the General Statutes.

26 (4) Money appropriated to the Department of Insurance for the code-
27 enforcement officials professional development requirements under
28 G.S. 143-151.13A."

29 Section 4. The North Carolina Code Officials Qualification Board may adopt
30 temporary rules to implement this act as a recent act of the General Assembly under G.S.
31 150B-21.1(a)(2).

32 Section 5. G.S. 143-138(e) reads as rewritten:

33 "(e) Effect upon Local Codes. – The North Carolina State Building Code shall
34 apply throughout the State, from the time of its adoption. However, any political
35 subdivision of the State may adopt a fire prevention code and floodplain management
36 regulations within its jurisdiction. The territorial jurisdiction of any municipality or
37 county for this purpose, unless otherwise specified by the General Assembly, shall be as
38 follows: Municipal jurisdiction shall include all areas within the corporate limits of the
39 municipality and extraterritorial jurisdiction areas established as provided in G.S. 160A-
40 360 or a local act; county jurisdiction shall include all other areas of the county. No such
41 code or regulations, other than floodplain management regulations and those permitted by
42 G.S. 160A-436, shall be effective until they have been officially approved by the
43 Building Code Council as providing adequate minimum standards to preserve and protect

1 health and safety, in accordance with the provisions of subsection (c) above. Local
2 floodplain regulations may regulate all types and uses of buildings or structures located in
3 flood hazard areas identified by local, State, and federal agencies, and include provisions
4 governing substantial improvements, substantial damage, cumulative substantial
5 improvements, lowest floor elevation, protection of mechanical and electrical systems,
6 foundation construction, anchorage, acceptable flood resistant materials, and other
7 measures the political subdivision deems necessary considering the characteristics of its
8 flood hazards and vulnerability. In the absence of approval by the Building Code
9 Council, or in the event that approval is withdrawn, local fire prevention codes and
10 regulations shall have no force and effect. Provided any local regulations approved by the
11 local governing body which are found by the Council to be more stringent than the
12 adopted statewide fire prevention code and which are found to regulate only activities
13 and conditions in buildings, structures, and premises that pose dangers of fire, explosion
14 or related hazards, and are not matters in conflict with the State Building Code, shall be
15 approved. Local governments may enforce the fire prevention code of the State Building
16 Code using civil remedies authorized under G.S. 143-139, 153A-123, and 160A-175. If
17 the Commissioner of Insurance or other State official with responsibility for enforcement
18 of the Code institutes a civil action pursuant to G.S. 143-139, a local government may not
19 institute a civil action under G.S. 143-139, 153A-123, or 160A-175 based upon the same
20 violation. Appeals from the assessment or imposition of such civil remedies shall be as
21 provided in G.S. 160A-434."

22 Section 6. Local floodplain management ordinances adopted as of the effective
23 date of Section 5 of Session Laws 1997-26 continue in effect until repealed.

24 Section 7. There is appropriated from the Department of Insurance Fund in
25 G.S. 58-6-25 to the Department of Insurance for the Code Officials Qualification Board
26 the sum of one hundred thousand dollars (\$100,000) for fiscal year 1998-99 for the
27 purpose of developing and implementing the code officials professional development
28 program under G.S. 143-151.13A. This appropriation is contingent upon a decision by
29 the Board to establish the program as prescribed in this act.

30 Section 8. Section 7 of this act becomes effective July 1, 1998. The remainder
31 of this act is effective when it becomes law.