

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 959

Short Title: Modular Home Certifying Agent.

(Public)

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Sponsors: Senator Hartsell.

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Referred to: State Government, Local Government, and Personnel.

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April 17, 1997

A BILL TO BE ENTITLED

1 AN ACT TO EXEMPT MODULAR CONSTRUCTION CERTIFYING AGENCIES  
2 FROM CHAPTER 89C OF THE GENERAL STATUTES WHILE PRACTICING  
3 EXCLUSIVELY AS CERTIFYING AGENCIES.  
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5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 89C-25 reads as rewritten:

7 **"§ 89C-25. Limitations on application of Chapter.**

8 This Chapter shall not be construed to prevent or affect:

9 (1) The practice of architecture, landscape architecture, or contracting or  
10 any other legally recognized profession or trade; or

11 (2) The practice of professional engineering or land surveying in this State  
12 or by any person not a resident of this State and having no established  
13 place of business in this State when this practice does not aggregate  
14 more than 90 days in any calendar year, whether performed in this State  
15 or elsewhere, or involve more than one specific project; provided,  
16 however, that such person is legally qualified by registration to practice  
17 the said profession in his own state or country, in which the  
18 requirements and qualifications for obtaining a certificate of registration  
19 are satisfactory to the Board; in which case the person shall apply for  
20 and the Board will issue a temporary permit; or

- 1           (3)    The practice of professional engineering or land surveying in this State  
2           not to aggregate more than 90 days by any person residing in this State,  
3           but whose residence has not been of sufficient duration for the Board to  
4           grant or deny registration; provided, however, such person shall have  
5           filed an application for registration as a professional engineer or  
6           registered land surveyor and shall have paid the fee provided for in G.S.  
7           89C-14, and provided that such a person is legally qualified by  
8           registration to practice professional engineering or land surveying in his  
9           own state or country in which the requirements and qualifications for  
10          obtaining a certificate of registration are satisfactory to the Board, in  
11          which case the person shall apply for and the Board will issue a  
12          temporary permit; or
- 13          (4)    Engaging in engineering or land surveying as an employee or assistant  
14          under the responsible charge of a professional engineer or registered  
15          land surveyor or as an employee or assistant of a nonresident  
16          professional engineer or a nonresident registered land surveyor provided  
17          for in subdivisions (2) and (3) of this section, provided that said work as  
18          an employee may not include responsible charge of design or  
19          supervision; or
- 20          (5)    The practice of professional engineering or land surveying by any  
21          person not a resident of, and having no established place of business in  
22          this State, as a consulting associate of a professional engineer or  
23          registered land surveyor registered under the provisions of this Chapter;  
24          provided, the nonresident is qualified for such professional service in his  
25          own state or country; or
- 26          (6)    Practice by members of the armed forces or employees of the  
27          government of the United States while engaged in the practice of  
28          engineering or land surveying solely for said government on  
29          government-owned works and projects; or
- 30          (7)    The internal engineering or surveying activities of a person, firm or  
31          corporation engaged in manufacturing, processing, or producing a  
32          product, including the activities of public service corporations, public  
33          utility companies, authorities, State agencies, railroads, or membership  
34          cooperatives, or the installation and servicing of their product in the  
35          field; or research and development in connection with the manufacture  
36          of that product or their service; or of their research affiliates; or their  
37          employees in the course of their employment in connection with the  
38          manufacture, installation, or servicing of their product or service in the  
39          field, or on-the- premises maintenance of machinery, equipment, or  
40          apparatus incidental to the manufacture or installation of the product or  
41          service of a firm by the employees of the firm upon property owned,  
42          leased or used by the firm; inspection, maintenance and service work  
43          done by employees of the State of North Carolina, any political

1 subdivision thereof, or any municipality therein including construction,  
2 installation, servicing, maintenance by regular full-time employees of  
3 streets, street lighting, traffic-control signals, police and fire alarm  
4 systems, waterworks, steam, electric and sewage treatment and disposal  
5 plants; the services of superintendents, inspectors or foremen regularly  
6 employed by the State of North Carolina or any political subdivision  
7 thereof, or municipal corporation therein; provided, however, that the  
8 internal engineering or surveying activity is not a holding out to or an  
9 offer to the public of engineering or any service thereof as prohibited by  
10 this Chapter. Engineering work, not related to the foregoing exemptions,  
11 where the safety of the public is directly involved shall be under the  
12 responsible charge of a registered professional engineer, or in  
13 accordance with standards prepared or approved by a registered  
14 professional engineer.

15 (8) The (i) preparation of fire sprinkler planning and design drawings by a  
16 fire sprinkler contractor licensed under Article 2 of Chapter 87 of the  
17 General Statutes, or (ii) the performance of internal engineering or  
18 survey work by a manufacturing or communications common carrier  
19 company, or by a research and development company, or by employees  
20 of such corporations provided that such work is in connection with, or  
21 incidental to products of, or nonengineering services rendered by such  
22 corporations or their affiliates.

23 (9) The routine maintenance or servicing of machinery, equipment,  
24 facilities or structures, the work of mechanics in the performance of  
25 their established functions, or the inspection or supervision of  
26 construction by a foreman, superintendent, or agent of the architect or  
27 professional engineer, or services of an operational nature performed by  
28 an employee of a laboratory, a manufacturing plant, a public service  
29 corporation, or governmental operation.

30 (10) Practice by certifying agencies, approved by the State Building Code  
31 Council under G.S. 143-139.1, only while performing testing,  
32 evaluation, inspection, and certification services under G.S. 143-139.1."

33 Section 2. This act is effective when it becomes law.