

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2023**

**SESSION LAW 2023-91**  
**HOUSE BILL 782**

AN ACT TO AMEND THE NORTH CAROLINA BUILDING CODE EXCLUSION FOR TEMPORARY MOTION PICTURE, TELEVISION, AND THEATER STAGE SETS AND SCENERY TO EXEMPT THEM FROM USE AND OCCUPANCY CLASSIFICATION UNDER THE CODE; TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH AN APPROVAL PROCESS FOR RADON PROFICIENCY PROGRAMS; AND TO PROVIDE THAT EVIDENCE OF A LICENSEE HAVING MAINTAINED A LICENSE IN GOOD STANDING UNDER ARTICLE 2 OF CHAPTER 87 OF THE GENERAL STATUTES FOR AT LEAST FIFTEEN YEARS SHALL BE ACCEPTED AS EXPERIENCE FOR PLUMBING AND HEATING QUALIFICATIONS BY THE BOARD OF EXAMINERS OF PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 143-138(b20) reads as rewritten:

"(b20) Exclusion for Temporary Motion Picture, Television, and Theater Stage Sets and Scenery. – Buildings used for temporary motion picture, television, and theater stage sets and scenery are exempt from use and occupancy classification under the North Carolina State Building Code. No permit shall be required under the North Carolina State Building Code or any local variant approved under subsection (e) of this section for any construction, installation, repair, replacement, or alteration of temporary motion picture, television, and theater stage sets and scenery that are being used for less than one year in one location and are inspected by the assigned fire code inspector. ~~The Building Code Council shall create a fire code inspection checklist that shall be used for inspections under this subsection.~~scenery."

**SECTION 2.(a)** Definitions. – The following definitions apply in this section:

- (1) Department. – The Department of Health and Human Services, through its Division of Health Service Regulation.
- (2) International Program Approval Standard. – The ISO/IEC 17024:2012 standard, an international consensus standard containing principles and requirements for a certifying entity, and including standards for the development and maintenance of a certification program, including certification programs for radon professionals.
- (3) ISO/IEC. – The joint technical committee of the International Organization for Standardization and the International Electrotechnical Commission.
- (4) Radon professional. – Any individual engaged in the practice of testing for the presence of radon or radon progeny or implementing methods to reduce the concentration of radon or radon progeny in the indoor environment of a building.
- (5) Radon proficiency program approval rules. – Rules adopted by the Department for the approval of proficiency programs for radon professionals as set forth in this section.



- (6) Recognized accreditation body. – A third-party accreditation body that accredits the compliance of radon proficiency programs and is a signatory of the International Accreditation Forum's Multilateral Recognition Agreement.

**SECTION 2.(b)** Radon Proficiency Program Approval Rules. – The Department shall adopt temporary and permanent radon proficiency program approval rules that provide for all of the following:

- (1) Approval of a term that is no less than one year for radon proficiency programs that meet the criteria set forth in subdivision (3) of this subsection.
- (2) In cases where an application for approval or renewal of approval for a radon proficiency program is denied, that a proficiency program shall have 180 days to engage in corrective actions and reapply for renewal before any approval is revoked or, for a new radon proficiency program, before the applicant will have to resubmit a new application.
- (3) Approval of a radon proficiency program that meets either of the following criteria:
  - a. Establishing compliance and periodic reaccreditation with the international program approval standard through accreditation by a recognized accreditation body or demonstration of current approval by the United States Environmental Protection Agency as a radon proficiency program.
  - b. Showing to the satisfaction of the Department in a manner that the Department may specify that the radon proficiency program meets the following requirements:
    1. Establishment of a board with members from various private and public sector stakeholders to make decisions regarding curriculum, testing, instructor qualifications, quality assurance and control, continuing education requirements, and procedures for the handling of complaints.
    2. Minimum training requirements for radon professional certification.
    3. Examination requirements.
    4. Continuing education requirements.
    5. Submission of instructor qualifications demonstrating relevant knowledge and experience.
    6. Submission to regular audits regarding proper handling of risk, impartiality, and candidate records.
- (4) Publication of a registry of approved proficiency programs in all communications by the Department regarding proficiency programs.

**SECTION 2.(c)** Additional Rulemaking Authority. – Notwithstanding G.S. 150B-19(4), rules adopted by the Department shall be substantively identical to the provisions of subsection (b) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes and shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by G.S. 150B-21.3(b2).

**SECTION 2.(d)** Transitional Provisions. – Radon proficiency programs currently operating and included in public listings of programs by the Department at any time after January 1, 2020, shall be deemed to be an approved radon proficiency program under this act until the Department has adopted permanent rules under Sections 2(a) through 2(c) of this act and has approved or denied approval of the program under those rules.

**SECTION 3.** G.S. 87-21(b)(3) reads as rewritten:

"(3) The Board shall prescribe the standard of competence, experience and efficiency to be required of an applicant for license of each class, and shall give an examination designed to ascertain the technical and practical knowledge of the applicant concerning the analysis of plans and specifications, estimating costs, fundamentals of installation and design, codes, fire hazards, and related subjects as these subjects pertain to plumbing, heating, or fire sprinkler systems. The examination for a fire sprinkler contractor's license shall include such materials as would test the competency of the applicant and which may include the minimum requirements of certification for Level III, subfield of Automatic Sprinkler System Layout, National Institute for Certification of Engineering Technologies (NICET). As a result of the examination, the Board shall issue a certificate of license of the appropriate class in plumbing, heating, or fire sprinkler contracting, and a license shall be obtained, in accordance with the provisions of this Article, before any person, firm or corporation shall engage in, or offer to engage in, the business of plumbing, heating, or fire sprinkler contracting, or any combination thereof. The obtaining of a license, as required by this Article, shall not of itself authorize the practice of another profession or trade for which a State qualification license is required. Prior to taking the examination, the applicant may be required by the Board to establish that the applicant is at least 18 years of age and is of good moral character. The Board may require experience as a condition of examination, provided that (i) the experience required may not exceed two years, (ii) that up to one-half the experience may be in the form of academic or technical courses of study, and (iii) that registration is not required at the commencement of the period of experience. Evidence that a plumbing or heating licensee has continuously maintained a license in good standing under this Article for a minimum of 10 years shall be accepted as experience for Class II plumbing and heating qualifications."

**SECTION 4.** Section 3 of this act becomes effective July 1, 2023. The remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 29<sup>th</sup> day of June, 2023.

s/ Phil Berger  
President Pro Tempore of the Senate

s/ Tim Moore  
Speaker of the House of Representatives

s/ Roy Cooper  
Governor

Approved 12:28 p.m. this 10<sup>th</sup> day of July, 2023