

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

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SENATE BILL 463

Short Title: Home Inspectors Lic. Mods./Code Qual. Bd. (Public)

Sponsors: Senators Jarvis, Moffitt, and Johnson (Primary Sponsors).

Referred to: Rules and Operations of the Senate

April 4, 2023

A BILL TO BE ENTITLED

AN ACT TO MAKE MODIFICATIONS TO THE HOME INSPECTOR LICENSING BOARD POWERS AND FEES AND TO MAKE VARIOUS CHANGES REGARDING LICENSING AND EXAMINATION FOR CODE OFFICIALS AND POWERS OF THE NC CODE OFFICIALS QUALIFICATION BOARD.

The General Assembly of North Carolina enacts:

PART I. EXPAND POWERS OF THE HOME INSPECTOR LICENSING BOARD AND INCREASE EXAMINATION FEE TO COVER ONLINE TESTING COSTS

SECTION 1.(a) G.S. 143-151.49(a) reads as rewritten:

"(a) General. – The Board has the power to do all of the following:

...

(12a) Establish requirements for pre-licensing program course sponsors and instructors.

...."

SECTION 1.(b) G.S. 143-151.57 reads as rewritten:

"§ 143-151.57. Fees.

(a) Maximum Fees. – The Board may adopt fees that do not exceed the amounts set in the following table for administering this Article:

Item	Maximum Fee
Application for home inspector license	\$35.00
Home inspector examination	80.00 200.00
Issuance or renewal of home inspector license	160.00
Late renewal of home inspector license	30.00
Application for course approval	150.00
Renewal of course approval	75.00
Course fee, per credit hour per licensee	5.00
Credit for unapproved continuing education course	50.00
Copies of Board rules or licensure standards	Cost of printing and mailing.

(b) Subsequent Application. – An individual who applied for a license as a home inspector and who failed the home inspector examination is not required to pay an additional application fee if the individual submits another application for a license as a home inspector. The individual must pay the examination fee, however, to be eligible to take the examination again. An individual may take the examination only once every 90 days."



1 **PART II. CLARIFY THAT INDIVIDUALS WITH CERTAIN PROFESSIONAL OR**
2 **OCCUPATIONAL LICENSES MAY OBTAIN STANDARD CERTIFICATES BY ONLY**
3 **PASSING STANDARD EXAMINATIONS**

4 **SECTION 2.** G.S. 143-151.13 reads as rewritten:

5 **"§ 143-151.13. Required standards and certificates for Code-enforcement officials.**

6 ...

7 (f) The Board shall issue a standard certificate to any person who is ~~currently~~ licensed to
8 practice as ~~a(n) any of the following~~, provided the person successfully passes the examination
9 required under subsection (a) of this section:

10 (1) Architect, registered pursuant to ~~Chapter 83A;~~ Chapter 83A.

11 (2) General contractor, licensed pursuant to Article 1 of ~~Chapter 87;~~ Chapter 87.

12 (3) Plumbing or heating contractor, licensed pursuant to Article 2 of ~~Chapter~~
13 ~~87;~~ Chapter 87.

14 (4) Electrical contractor, licensed pursuant to Article 4 of ~~Chapter 87; or,~~ Chapter
15 87.

16 (5) Professional engineer, registered pursuant to ~~Chapter 89C;~~ Chapter 89C.

17 ~~provided the person successfully completes a short course, as prescribed by the Board, relating~~
18 ~~to the State Building Code regulations and Code enforcement administration. The standard~~
19 ~~ertificate shall authorize the person to practice as a qualified Code enforcement official in a~~
20 ~~particular type of position at the level determined by the Board, based on the type of license or~~
21 ~~registration held in any profession specified above."~~

22
23 **PART III. AUTHORIZE THE CODE OFFICIALS' QUALIFICATION BOARD TO**
24 **CHARGE FEES FOR THE REVIEW AND APPROVAL OF PROFESSIONAL**
25 **DEVELOPMENT COURSES AND SPONSORS**

26 **SECTION 3.** G.S. 143-151.13A reads as rewritten:

27 **"§ 143-151.13A. Professional development program for ~~officials~~ officials; course sponsor**
28 **fees.**

29 ...

30 (g) Each course sponsor shall pay to the Board a fee of one dollar (\$1.00) per approved
31 credit hour per individual who successfully completes a course under the provisions of this
32 section.

33 (h) At the time a course sponsor submits an application to the Board for approval of a
34 course under the provisions of this section, the sponsor shall pay to the Commissioner a filing
35 fee of one hundred dollars (\$100.00) per course up to a two thousand five hundred dollars
36 (\$2,500) per calendar year maximum.

37 (i) An official who selects a course other than one offered by an approved course sponsor
38 and who seeks approval of the course pursuant to rules adopted by the Board shall, upon approval
39 of the course, pay a fee of one dollar (\$1.00) per approved credit hour."

40
41 **PART IV. ALLOW FOR THE DEPARTMENT OF INSURANCE TO DEVELOP AN**
42 **APPRENTICESHIP PROGRAM AND CHARGE A FEE TO COVER PROGRAM**
43 **COSTS**

44 **SECTION 4.** G.S. 143-138.1 reads as rewritten:

45 **"§ 143-138.1. Introduction and instruction of the North Carolina Building Code; posting**
46 **of written commentaries and interpretations on Department of Insurance Web**
47 **site.**

48 (a) Prior to the effective date of Code changes pursuant to G.S. 143-138, the State
49 Building Code Council and Department of Insurance shall provide for instructional classes for
50 the various trades affected by the Code. The Department of Insurance shall develop the
51 curriculum for each class but shall consult the affected licensing boards and trade organizations.

1 The curriculum shall include explanations of the rationale and need for each Code amendment
2 or revision. Classes may also be conducted by, on behalf of, or in cooperation with licensing
3 boards, trade associations, and professional societies. The Department of Insurance may charge
4 fees sufficient to recover the costs it incurs under this ~~section~~-subsection. The Council shall
5 ensure that courses are accessible to persons throughout the State.

6 (a) The Department of Insurance may develop an apprenticeship program to provide
7 training in enforcement of the Code and may charge fees sufficient to recover its cost for the
8 apprenticeship program.

9 (b) The Department of Insurance shall post and maintain on that portion of its Web site
10 devoted to the Building Code Council written commentaries and written interpretations made
11 and given by staff to the Council and the Department for each section of the North Carolina
12 Building Code within 10 business days of issuance."
13

14 **PART V. PENALTIES FOR VIOLATION**

15 **SECTION 5.** G.S. 143-151 reads as rewritten:

16 "**§ 143-151. Penalties.**

17 (a) Any person who is found by the Commissioner to have violated the provisions of the
18 Act, this Article, or any rules adopted under this Article, shall be liable for a civil penalty ~~not to~~
19 ~~exceed~~-in the amount set by 24 C.F.R. § 3282.10 for each violation. Each violation shall
20 constitute a separate violation for each manufactured home or for each failure or refusal to allow
21 or perform an act required by the Act, this Article, or any rules adopted under this Article. The
22 maximum civil penalty may not exceed the amount set by 24 C.F.R. § 3282.10 for any related
23 series of violations occurring within one year after the date of the first violation. In determining
24 the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused
25 by the violation, the amount of money that inured to the benefit of the violator as a result of the
26 violation, whether the violation was willful, and the prior record of the violator in complying or
27 failing to comply with laws, rules, or orders applicable to the violator. The clear proceeds of civil
28 penalties provided for in this section shall be remitted to the Civil Penalty and Forfeiture Fund
29 in accordance with G.S. 115C-457.2.

30"
31

32 **PART VI. RULEMAKING AND EFFECTIVE DATE**

33 **SECTION 6.(a)** The North Carolina Home Inspector Licensure Board, the
34 Department of Insurance, and the North Carolina Code Officials Qualification Board shall adopt
35 rules to implement the provisions of this act.

36 **SECTION 6.(b)** This act becomes effective October 1, 2023.