

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 24
SENATE BILL 179

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

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

- ~~(1)~~ a. The inspections of the construction, repairs, or installations have been conducted with the degree of care and professional

skill and judgment ordinarily exercised by a member of that profession; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 23rd day of March, 1989.