

**NC Department of Insurance  
Office of the State Fire Marshal - Engineering Division  
1202 Mail Service Center, Raleigh, NC 27699-1202  
919-647-0000**

**Guidance Paper: Acceptance of Licensed Architect or Engineer Inspections**

**Code:** 2012 NC Administrative Code and Policies  
**Section:** GS 153A-352(c) and GS 160A-412(c)

**Date:** 8/22/2017  
**Rev.:** 9/26/2017

**Question #1:**

Can a licensed architect or licensed engineer design a building and then perform all inspections based on § 153A-352(c) or § 160A-412(c)?

**Opinion:**

No. The statute only allows for a city or county to accept, without further inspection, a design or other proposal for a “component” or “element” (see reference #1). Though no definition of “component” or “element” is provided in the statute, in the industry, those terms are generally associated with particular parts of a building (ie. studs, floor joists, rafters, sheathing, doors, footings, ducts, light fixtures, fasteners, etc.) A building is, therefore, not considered a component or element but rather is made up of components and elements. A “component” or “element” does not encompass a “system,” such as a structural system, plumbing system, HVAC system, etc., but only a component or element within the system.

The NC Board of Architecture issued a position statement on May 12, 2017 (see reference #2) indicating they also recognize that the terms “components” and “elements” are not sufficiently defined in the Statute. Their position statement goes on to state that it is their belief that it is not the intent of the Statute to allow a designer to perform building inspections on an entire structure.

An example of such an element or component would be a footing inspection.

**Question #2:**

Is § 153A-352(c) or § 160A-412(c) a way to eliminate a specific requirement from the code (or other law) by having a licensed architect or engineer design and perform the component or element inspection?

**Opinion:**

No. In no way does the Statute eliminate the requirements of the codes or other laws.

*The guidance and opinions contained herein are not legal advice and may not necessarily reflect the most current statutory or code language.*

**Question #3:**

What is acceptable for a jurisdiction to accept and approve a component or element from a licensed architect or licensed engineer based on § 153A-352(c) or § 160A-412(c)?

**Opinion:**

The statute points out requirements for such acceptance of a component or element. Below is a guide for jurisdictions in need of more clarification:

1. A form, as issued or approved by the Authority Having Jurisdiction indicating the design of the specific component or element to be submitted.
2. The design submission is completed under the valid seal of a licensed architect or licensed engineer.
3. The site-specific field inspection of the installation or completion of a construction component or element of the building is performed by the licensed architect or licensed engineer or a person under the direct supervisory control (responsible charge) of the licensed architect or licensed engineer, as defined in the licensing laws.
4. The licensed architect or licensed engineer provides the jurisdiction with a signed written statement that the component or element of the building is in compliance with the current North Carolina State Building Codes. This statement would also list the specific applicable code sections for the inspection of the component or element.
5. The submission would include observations from the site visit, basis of compliance and an explanation of the compliance method, conclusions, recommendation, and any corrective action that was required.
6. A jurisdiction may ask for detailed documentation upon which the design and inspection of a component or elements conclusions were based (calculations, standard tables, project drawings, existing drawings, field test data, national standards, research data, manufacturer's test data, evaluation reports, manufacturer's installation instructions, and code requirements as applicable) to protect life safety and property.

**Important Notes:**

1. Each jurisdiction should establish a written procedure to address this matter so that all parties are aware at the time of permitting of the procedure (see template attached). The template can be downloaded in MS Word format at:  
[http://www.ncdoi.com/OSFM/Engineering\\_and\\_Codes/Default.aspx?field1=Code\\_Enforcement\\_-\\_Design\\_Tools&user=Code\\_Enforcement\\_Resources](http://www.ncdoi.com/OSFM/Engineering_and_Codes/Default.aspx?field1=Code_Enforcement_-_Design_Tools&user=Code_Enforcement_Resources)
2. One architect or engineer must take responsibility for the inspection of a given component or element. Licensing laws for the all respective boards shall be maintained.
3. § 153A-352(c) and § 160A-412(c) do not address plan review. Plan review should be performed pursuant to the policy of the jurisdiction.
4. The inspection of a component or element shall be performed by a licensed architect or licensed engineer.

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**Question #4:**

Can I use § 153A-352(c) or § 160A-412(c) to design and inspect all components or elements within a given building thus circumventing the local Code Enforcement Official?

**Opinion:**

No. While it is possible to list every single component or element of a given building, we believe that was not the intent of the Statute. The intent is for an architect or engineer, to submit the necessary paperwork in the design and inspection of a specific component or element to minimize the amount of time for the owner or contractor to move the given project forward.

**Question #5:**

Does § 153A-352(c) or § 160A-412(c) effect in anyway non-prescriptive design?

**Opinion:**

No. Architects and engineers have always designed non-prescriptive (outside the codes) components, elements, systems, etc. (ie: Trusses, steel beams, log homes), and may be required to inspect them if required by the jurisdiction and/or provide detailed documentation including calculations, etc.

An example of a non-prescriptive design would be heavy timber design showing steel plate connections of a log home, a reinforced concrete column or steel beam across an opening.

**Question #6:**

Can a permit holder have the architect or engineer perform the inspection of a revised design for a given component or element at any time?

**Opinion:**

No. According to the *2012 North Carolina Administration Code and Policies, Section 107.4 Independent inspections authorized by the code enforcement official*, in part states, "...Any change from the permit documents shall be approved by the code enforcement official prior to its implementation."

**References:** {§ 160A-412(c) - Similar - Not shown}

1. § 153A-352(c) – *"Notwithstanding the requirements of this Article, a county shall accept and approve, without further responsibility to inspect, a design or other proposal for a component or element in the construction of buildings from a licensed architect or licensed engineer provided all of the following apply:*

- (1) The submission is completed under valid seal of the licensed architect or licensed engineer.*
- (2) Field inspection of the installation or completion of a construction component or element of the building is performed by a licensed architect or licensed engineer or a person under the direct supervisory control of the licensed architect or licensed engineer.*

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(3) *The licensed architect or licensed engineer under subdivision (2) of this subsection provides the county with a signed written document stating the component or element of the building so inspected is in compliance with the North Carolina State Building Code or the North Carolina Residential Code for One- and Two-Family Dwellings.*

(d) *Upon the acceptance and approval of a signed written document by the county as required under subsection (c) of this section, the county, its inspection department, and the inspectors shall be discharged and released from any duties and responsibilities imposed by this Article with respect to the component or element in the construction of the building for which the signed written document was submitted."*

**2. NC Board of Architecture Position Statement on NC General Statute 153A-352 (c) and (d) and 160A-412(c)**

*"The Board of Architecture ("the Board") prefaces this Position Statement by stating that the referenced statutes are not administered by the Board, however, it is acknowledged that it may have an impact on the practice of architecture by an architect.*

*It is the position of the Board that there is insufficient language in the Statute to define and interpret the meaning of "a component or element". As such, it is open to misinterpretation by the architect who may deem this permission to complete all field inspections of an entire project of their design.*

*The Board is of the opinion that the statutory language is not meant to allow an architect to perform building code inspections or 'field inspections' on an entire structure, but to give the authority having jurisdiction the ability to approve, without further responsibility, a smaller part of the project.*

*Approved by Board on May 12, 2017."*

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3. NC Board of Examiners for Engineers and Surveyors Position Statement on NC General Statute 153A-352 (c) and (d) and 160A-412(c)



**NORTH CAROLINA BOARD OF EXAMINERS  
FOR ENGINEERS AND SURVEYORS**

4601 Six Forks Rd Suite 310  
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December 18, 2017

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Office of State Fire Marshal  
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Re: Guidance Paper: Acceptance of Licensed Architect or  
Engineer Inspections

Dear Mr. Isaac:

The North Carolina Board of Examiners for Engineers and Surveyors administers the provisions of the Engineering and Land Surveying Act, Chapter 89C, of the North Carolina General Statutes.

This letter is to inform your office that the Board's Engineering Committee recently had the occasion to review the North Carolina Department Insurance's *Guidance Paper: Acceptance of Licensed Architect or Engineer Inspections* dated August 22, 2017, Revised September 26, 2017. The Committee wished to inform your office that it concurred with the opinions stated within the Guidance Paper.

Should you have any questions, or concerns about Professional Engineers adhering to the guidance provided by NCDOL, please feel free to contact this office.

Sincerely,

Andrew L. Ritter  
Executive Director

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**Keywords:**

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# [INSPECTION DEPARTMENT LOGO]

*AUGUST 2017  
PER SESSION LAW 2017-130*

## **G.S. 153A-352 OR 160A-412 REQUEST**

Pursuant to Session Law 2017-130, Section 2(a) or (b), GS 153A-352(c) and GS 160A-412(c) now allow a design professional (licensed architect, licensed engineer or a person under the direct supervisory control of the licensed architect or licensed engineer), without responsibility to the Authority Having Jurisdiction; to inspect a design or other proposal for a component or element in the construction of a building, if all the following criteria are met:

- 1) The submission is completed under valid seal of the licensed architect or licensed engineer.
- 2) Field inspection of the installation or completion of a construction component or element of the building is performed by a licensed architect

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or licensed engineer or a person under the direct supervisory control of the licensed architect or licensed engineer.

- 3) The licensed architect or licensed engineer under subdivision (2) of this subsection provides the county or city with a signed, written document stating the component or element of the building so inspected is in compliance with the North Carolina State Building Code or the North Carolina Residential Code for One- and Two-Family Dwellings."

**Instructions for completing the necessary documentation shown above (See NCDOI Guidance), and is as follows:**

1. Completion of the information within the document below shall be submitted by the licensed Architect or licensed Engineer for review by the jurisdiction.

**Design Professional:** (Architect or Engineer licensed in the State of North Carolina)

Name:			
Firm Name:			
License No:			
Phone No:		Mobile	
Email Address:			

**Project Information:**

Residential Single Family Project:		Commercial Project:	
Code Enforcement Project No:		Permit No:	
Project Address:		Suite No:	
Date Requested:			

**ELEMENT OR COMPONENT BEING REQUESTED FOR COMPLIANCE**

Arch./Eng.	List Requested Element or Component *	AP	Accepted	Notes and/or Comments
		<input type="checkbox"/>		

*\*Verification statement shall include an exact description of the component or element, the code section for the basis of compliance and an explanation of the compliance method.*

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2. Once the information has been reviewed and accepted by the Director and /or Appropriate Person - AP (within the associated trade); the approved letter or documentation shall be reproduced in the plan review set of documents or permits.
3. You must complete and include all criteria requested within this document, pursuant to N.C.G.S. 153A-352(c) or 160A-412, and meet all conditions as described above. This will advise the inspector, owner, tenant and contractor that the element or component will be inspected for code compliance by the above listed seal holder and will relieve the jurisdiction and Inspector from responsibility.

If you have questions or comments, please contact us below for additional information on this process.

## **Contract Information**

[Names, emails, phone numbers - of staff]