

**NC Department of Insurance
Office of the State Fire Marshal - Engineering Division
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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

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 addresses inspections of a design for a “component” or “element” (see reference #1), but provides no definition of the two terms. From a construction standpoint 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 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 indicate 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.

From what we understand, this Statute came about due to a footing not being inspected in a timely fashion.

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. It appears that the intent is to have a licensed architect or licensed engineer inspect a design that is code compliant as specifically written within the code or other laws. In no way does the Statute eliminate the requirements of the code 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 AHJ, 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).
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 as has been the previous policy of the jurisdiction.
4. The inspection of a component or element shall be performed by a licensed design professional.

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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 (in particular), have always designed non-prescriptive components, elements, systems, etc. (ie: Trusses, steel beams, log homes), and may be required to inspect them by the jurisdiction and/or provide detailed documentation including calculations, etc.

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.*
 - (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.*

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(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."

Keywords:

Designer, house, home, engineer, architect, component, element

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[INSPECTION DEPARTMENT LOGO]

AUGUST 2017
PER SESSION LAW 2017-130

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

Per Session Law 2017-130, Section 2(a) or (b), ratified on July 20th 2017, GS 153A-352(c) or GS 160A-412(c) now allows 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 AHJ; to inspect a design or other proposal for a component or element in the construction of a building, meeting all the following criteria:

“(c) Notwithstanding the requirements of this Article, a county/municipality 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.
- 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.”

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

1. Completion of the information within the document below shall be submitted by the Architect or 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.*

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, per the GS requirement and meet all conditions as described above. This will advise the inspector, owner, tenant and contractor that the element or

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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]