



APPENDIX C CODE CHANGE PROPOSAL NORTH CAROLINA BUILDING CODE COUNCIL

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Granted by BCC _____ Petition for Rule Making Item Number _____
 Denied by BCC _____ Adopted by BCC _____ Approved by RRC _____
 Disapproved by BCC _____ Objection by RRC _____

PROPONENT: Bryan P. Holland, MCP, CStd. PHONE: (972) 358-0543
 REPRESENTING: National Electrical Manufacturers Association (NEMA)
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North Carolina State Building Code, Volume State Electrical Code - Section 10.1 and 10.2

CHECK ONE: Revise section to read as follows: Delete section and substitute the following:
 Add new section to read as follows: Delete section without substitution:

LINE THROUGH MATERIAL TO BE DELETED UNDERLINE MATERIAL TO BE ADDED

Please type. Continue proposal or reason on plain paper attached to this form. See reverse side for instructions.

10.1 TITLE

These Administrative Regulations along with the requirements included in the 2020 Edition of the National Electrical Code (NFPA-70 - 2020) as adopted by the North Carolina Building Code Council on June 8, 2021, to be effective November 1, 2021, with the following amendments:

- | | | |
|-------------------|-------------------|-------------------|
| (1) 110.26(E)(2) | (12) 230.67 | (23) 334.15(C) |
| (2) 210.8 | (13) 230.71(B) | (24) 406.4(D)(4) |
| (3) 210.8(A) | (14) 230.85 | (25) 410.2 |
| (4) 210.8(A)(2) | (15) 250.50 | (26) 410.16(C) |
| (5) 210.8(A)(3) | (16) 250.53(A)(2) | (27) 555.10(3) |
| (6) 210.8(A)(5) | (17) 250.140 | (28) 555.35(A)(3) |
| (7) 210.8(B)(4) | (18) 250.142(B) | (29) 680.4 |
| (8) 210.8(F) | (19) 300.3(B) | (30) 680.21(D) |
| (9) 210.12(D) | (20) Table 300.5 | (31) 695.2 |
| (10) 210.52(B)(2) | (21) 300.9 | (32) 695.3 |
| (11) 210.52(C)(2) | (22) 320.23(A) | |

shall be known as the North Carolina Electrical Code, and may be cited as such or as the State Electrical Code; and will be referred to herein as “the code” or “this code”. This code shall ~~not~~ apply to one- and two-family dwellings effective November 1, 2022. ~~The 2017 State Electrical Code shall apply to one- and two-family dwellings.~~

10.2 SCOPE

~~Article 80 Administration and Enforcement of the code is hereby not adopted and does not apply for this code.~~

For Scope and Exceptions to Applicability of Technical Codes, refer to the North Carolina Administrative Code and Policies. ~~This code shall not apply to one and two family dwellings.~~

Will this proposal change the cost of construction? Decrease [] Increase [] No []
 Will this proposal increase to the cost of a dwelling by \$80 or more? Yes [] No []
 Will this proposal affect the Local or State funds? Local [] State [] No []
 Will this proposal cause a substantial economic impact (≥\$1,000,000)? Yes [] No []

- Non-Substantial – Provide an economic analysis including benefit/cost estimates.
- Substantial – The economic analysis must also include 2-alternatives, time value of money and risk analysis.
- Pursuant to §143-138(a1)(2) a cost-benefit analysis is required for all proposed amendments to the NC Energy Conservation Code. The Building Code Council shall also require same for the NC Residential Code, Chapter 11.

REASON:

NEMA believes that §143-138(a) “Preparation and Adoption” defines the authority the Building Code Council holds to prepare and adopt the NC State Building Code: NC Electrical Code. No language in §143-138(a) places a hold of six years on the Council’s preparation or adoption of new code. Moreover, there is no language in §143-138 that restricts or prescribes time limitations on the Building Code Council’s authority to repeal all or parts of the NC State Building Code: NC Electrical Code and reinstate new codes in a repealed code’s place.

Regarding §143-138(d) “Amendments to the Code,” this section makes it clear that the NC State Building Code: Residential Code for One- and Two-Family Dwellings cannot be amended for six years after January 1, 2019. The language in §143-138(d) plainly references amendments to the NC State Building Code: Residential Code for One- and Two-Family Dwellings and is of no consequence to adoption of a new NC Electrical Code.

NEMA will concede that §143-138 needs revisions to improve interpretation and proper application by the Building Code Council and Rules Review Commission, therefore the proposal is recommending the effective date for application of the 2020 State Electrical Code to one- and two-family dwellings be established as November 1, 2022 to give time for the North Carolina State Legislature to make the needed revisions to §143-138 during the next legislative session. This proposal will allow the Building Code Council to act in correlation with the anticipated revisions to §143-138 over the course of next year.

The first sentence of 10.2 Scope has been deleted as “Article 80 “ no longer exists in the National Electrical Code, but rather resides in Annex H where it is not a part of the requirements of the code and is included for informational purposes only.

The economic impact of this proposal will increase the cost of a dwelling by more than \$80, however many of the new provisions related to the protection of life and property that safeguard against hazards such as shock, electrocution, fire, and arc flash will result in reduced homeowner insurance premiums and the costs associated with injury and death as a result of these hazards. It should also be noted that many of the more costly provisions of the 2020 NEC related to one- and two-family dwellings have been amended by the 2020 State Electrical Code so will not impact the cost of construction. This includes all the amendments 1-30, excluding 31 and 32. Most of the remaining changes to the 2020 NEC related to one- and two-family dwellings are editorial in nature to improve application and enforceability. The benefits of this proposal to homebuyers, dwelling tenants, neighborhoods, and the state of North Carolina at large far outweigh the initial increased costs of construction.

Signature: _____

Date: _____

INSTRUCTIONS

Each proposed Code change request shall comply with the following policies:

Rule 1: The Original and twenty-two (22) copies of the proposed Petition for Rule-Making along with supporting documentation shall be filed with the Building Code Council Secretary. Submit one (1) electronic copy via email.

Rule 2: The filing shall be received by the first day of the month prior to the quarterly scheduled meeting date. Example: A December meeting date will require filing by November 1 prior to the meeting.

Rule 3: Each request shall be typewritten on this form and shall contain the following:

- (1) The proposed rule change must be set forth in full and contain explicit reference to the affected section or sections of the Code.
- (2) The request shall state the reasons for the proposed rule change with supporting documentation.
- (3) The proposed rule change shall comply with the standards set forth in GS 143-138(c) and reference to the particular standards shall be set forth in the request for the amendment.
- (4) The proposed rule change shall contain an economic impact analysis as required by GS 143-138(a).
- (5) A proposed rule change to the NC Energy Conservation Code shall have an accompanying cost-benefit analysis as required by GS 143-138(a)(2).

Rule 4: When a request is improperly filed or not in accordance with all the rules listed above, the BCC Secretary shall reject the submittal and notify the applicant of the proper procedure to follow.

Rule 5: Upon the proper filing of a request, the BCC Secretary shall forward one copy of said request to each council member prior to the scheduled meeting date. Persons filing proposed petitions are hereby notified of the place and time of the scheduled hearings. The BCC Secretary shall cause to be published the notice of public hearing as specified in GS 143-138(a).

Rule 6: The Council shall either Grant or Deny the proposed Petition for Rulemaking at the meeting following receipt of the proposed rule change. The Council will take no further action on items that are Denied. Granted items may be referred to Committee for review.

Rule 7: The Council will hold a public hearing on Granted items at the next quarterly scheduled meeting. The Council will take final action on Granted items at the next quarterly scheduled meeting after the public hearing.

Timeline Example

Petition received:	February 1
Petition Granted:	March BCC meeting
Notice of Hearing published:	April NC Register
Committee review:	May - June
Hearing held:	June BCC meeting
Final Adoption:	September BCC meeting
Rules Review Meeting:	November RRC meeting
Approved:	December 1