



7. Explain Reason For Proposed Rule(s): Session Law 2016, Chapter 105 (HB 742) mandated creation of a new subset of license for licensees who work for school systems or state or local government and who wish to be able to moonlight while their license is listed in the name of the State or local agency. These rules effectuate the legislation by specifying experience, exam requirements, responsibilities and fees.

8. Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Rule(s) is automatically subject to legislative review. Cite statutory reference:

9. The person to whom written comments may be submitted on the proposed rule(s):

Name: Dale Dawson  
Address: 1109 Dresser Court  
Raleigh, NC 27609

Phone (optional):  
Fax (optional):  
E-Mail (optional): DDawson@nclicensing.org

10. Comment Period Ends: December 13, 2016 at 12:00 noon

11. Fiscal impact (check all that apply).

If this form contains rules that have different fiscal impacts, list the rule citations beside the appropriate impact.

- State funds affected
- Environmental permitting of DOT affected  
Analysis submitted to Board of Transportation
- Local funds affected
- Substantial economic impact ( $\geq$ \$1,000,000)
- Approved by OSBM
- No fiscal note required by G.S. 150B-21.4
- No fiscal note required by G.S. 150B-21.3A(d)(2)

12. Rule-making Coordinator: John N. Fountain

Address: Young Moore and Henderson, P.A.  
P.O. Box 27612, Raleigh, North Carolina 27612

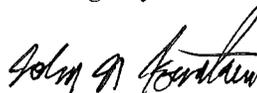
Phone: 919-782-6860  
E-Mail: jnf@youngmoorelaw.com

Agency contact, if any:

Phone:  
E-mail:

13. The Agency formally proposed the text of this rule(s) on  
Date: September 10, 2016

14. Signature of Agency Head\* or Rule-making Coordinator:



\*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: John N. Fountain

Title: Rule-making Coordinator

310040-2261/3990200

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2 **21 NCAC 50 .0312 STATE AND LOCAL GOVERNMENT PLUMBING OR HEATING**

3 **TECHNICIAN** is proposed to be adopted as follows:

4 (a) In order to determine the qualifications of an applicant for a license as a State or local government plumbing or  
5 heating technician, the Board shall provide a written or computer-based examination in the following categories:

6 (1) State and Local Government Plumbing Technician

7 (2) State & Local Government Heating Group No. 1 Technician

8 (3) State & Local Government Heating Group No. 2 Technician

9 (4) State & Local Government Heating Group No. 3 Technician

10 (b) Applicants for a license as a State & Local Government Plumbing or Heating Technician must obtain a license  
11 based on experience set forth in Rule .0312(c) and must pass the Class I technical and Board laws and rules part of  
12 the Board-administered examination related to the category for which a technician license is sought. Such applicant  
13 need not pass the business part of the examination.

14 (c) Applicants for a license as a State & Local Government plumbing or heating technician shall present evidence  
15 adequate to establish 3000 hours of full-time experience in the installation, maintenance, service or repair of  
16 plumbing or heating systems related to the category for which a technician license is sought, whether or not a license  
17 was required for the work performed.

18 (d) Applicants for a license as a State & Local Government Technician who currently hold an active plumbing, or  
19 heating contractor license issued by this board may qualify for the corresponding State and local government  
20 technician license without examination.

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22 History Note: Authority G.S. 87-18; 87-21(a); 87-21(b);

23 Eff. February 1, 2017

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26 3140040.2261.3991254

1 **21 NCAC 50 .0313 RESPONSIBILITIES OF STATE AND LOCAL GOVERNMENT TECHNICIAN**

2 **LICENSEES** is proposed to be adopted as follows:

3 (a) A licensed state & local government technician licensee shall be required to list their license with the Board  
4 in the name of the state & local government agency by whom the licensee is employed.

5 (b) The holder of license as a State & Local Government Heating, Group 1 Technician, Heating, Group 2  
6 Technician, Heating Group 3 Technician or Plumbing Technician shall be a full-time employee of a State or Local  
7 Government agency.

8 (c) A licensed state & local government technician licensee shall ensure that a permit is obtained from the  
9 appropriate state or local Code Enforcement official before commencing any work for which a license is required by  
10 the Board. The licensee shall also ensure that a request for final inspection of the work for which a license is  
11 required is made within 10 days of the earlier of the system being made operational or placed in service, absent  
12 agreement with the appropriate state or local Code Enforcement official. Absent agreement with the local Code  
13 Enforcement official the licensee is not relieved of responsibility to the Board to arrange inspection until a certificate  
14 of compliance or the equivalent is obtained from the appropriate state or local code enforcement official or the  
15 license has clear and convincing evidence of his effort to obtain the same.

16 (d) The failure of a licensee to comply with the permit and inspection obligations outlined in this Rule shall be  
17 considered by the Board as evidence of incompetence or misconduct in the use of license from the Board.

18 (e) A licensed state & local government technician licensee is responsible for general supervision to the extent  
19 of his qualifications, compliance with all applicable codes and standards, and assurance that permits and inspections  
20 are obtained.

21 (f) The general supervision required by G.S. 87-26 is that degree of supervision which is necessary and  
22 sufficient to ensure that the work is performed in a workmanlike manner and with the requisite skill and that the  
23 installation is made properly, safely and in accordance with applicable codes and rules. General supervision  
24 requires that review of the work done pursuant to the state and local government technician license be performed by  
25 the state and local government technician licensee while the work is in progress.

26 (g) In each state or local government agency location, branch or facility of any kind from which work requiring  
27 a license pursuant to G.S. 87, Article 2 is carried out there shall be on duty the lesser of 1500 hours annually, or all  
28 hours during which the activities described herein are carried out, at least one individual who holds the appropriate  
29 state & local government technician license in the classification required for the work being proposed or performed,  
30 whose license is listed in the name of the particular state or local government agency at that location, and who is  
31 engaged in the work of the state or local government at the agency location or at an agency job site and who has the  
32 responsibility to exercise general supervision over the work and who has been empowered to act for the state or  
33 local government agency, as defined in Rule 21 NCAC .0505 of this Chapter, of all work falling within his license  
34 qualification. Evidence of compliance shall be required as a condition of renewal or retention of license and  
35 falsification shall constitute fraud in obtaining license. The standards set forth in Rule 21 NCAC 50 .0512 shall be  
36 applied.

37 (h) An unlicensed person who is directly and regularly employed by state & local government agency licensed  
38 pursuant to G.S. 87, Article 2 is not required to have a license and shall not be subject to an action for injunctive  
39 relief brought by the Board if the unlicensed person is a bona-fide employee of the state & local government.

40 (i) The annual license fee for a State & Local Government Technician license is one hundred thirty dollars  
41 (\$130.00), except as provided in subsection (j) below.

42 (j) The annual license fee for a State & Local Government Technician Plumbing or Heating Technician license  
43 which is listed as the second or subsequent licensee at the same agency location is sixty-five dollars (\$65.00).

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46 History Note: Authority G.S. 87-18; 87-21(a)(5); 87-21(a)(6); 87-21(a)(10)87-21(b)(3); 87-22; 87-22.1;87-26;  
47 Eff. February 1, 2017

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51 310040-001.3991258

1 **21 NCAC 50 .1104 FEES FOR COPIES OF RECORDS AND RETURNED CHECKS** is proposed to be  
2 amended as follows:

3 The Board charges the following fees:

4	(1)	copies of license	\$20.00
5	(2)	abstract of license record	\$25.00 per license record
6			search
7	(3)	processing fee for returned checks	maximum allowed by law
8	(4)	copy of Board rules	\$10.00
9	(5)	processing fee for late renewal	\$25.00
10	(6)	Business and Project Management for Contractors	<del>\$45.00</del> <u>Publisher's Retail Price</u>

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12 *History Note: Authority G.S. 25-3-506; 87-18; 87-22; 150B-19;*  
13 *Eff. September 1, 1994;*  
14 *Amended Eff. February 1, 2017; July 1, 1998; November 1, 1994;*  
15 *Temporary Amendment Eff. August 31, 2001;*  
16 *Amended Eff. July 1, 2010; December 1, 2003; December 4, 2002;*  
17 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*  
18 *2015.*

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21 310040-2261/3987396

1 **21 NCAC 50 .0405** **MULTIPLE LICENSES** is proposed amended as follows:

2 (a) In order to maintain the identity of firms and allow effective supervision, each licensed contractor or technician  
3 shall qualify only the business location where he is primarily located.

4 (b) A licensee may be listed on only one contractor license at any given time, whether the license is issued in the  
5 name of the individual or in the name of a firm; provided, however, that the fire sprinkler maintenance technician  
6 qualification and the state and local government technician qualification may be listed separately in the name of the  
7 employer to which restricted.

8 (c) The holder of qualification as a contractor may, upon deletion of his name and qualifications from a firm  
9 license, reinstate his personal license, either as an individual or in the name of some other corporation, partnership,  
10 or business that has a trade name, upon compliance with G.S. 87-26.

11 (d) A technician licensee, other than the holder of a Fire Sprinkler Maintenance Technician license, may, upon  
12 deletion of his name and qualification from a firm license, move his qualification to another licensed corporation,  
13 partnership or business which has a trade name, upon compliance with G.S. 87-26.

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15 *History Note:* Authority G.S. 87-18; 87-21(a)(5); 87-21(a)(6); 87-21(b)(2)(c); 87-26;

16 *Eff. February 1, 1976;*

17 *Readopted Eff. September 29, 1977;*

18 *Amended Eff. February 1, 2017; December 31, 2011; January 1, 2010; January 1, 2004; July 1,*  
19 *1998; May 1, 1989;*

20 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*  
21 *2015.*

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23 310040-2261/3987342

1 **21 NCAC 50.0414** **SUPERVISION IN ABSENCE OF INSPECTION** is proposed to be adopted as  
2 follows:

3 In lieu of the supervision required by 21 NCAC 50.0505, the holder of the qualifications upon which a license is  
4 based shall personally examine all work performed in reliance upon the license at completion and before the work is  
5 placed in service to assure that the installation, replacement or repair is performed in compliance with the current  
6 edition of the NC Building Codes and the manufacturers installation instructions, where the work will not be  
7 examined and approved by a person holding qualification from the Code Officials Qualification Board.

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10 *History Note:* Authority G.S. 87-18; 87-21(b)(2)(c);87-25;87-26  
11 Eff. February 1, 2017

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310040-2261.3995586