

State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors

July 2013

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State Board of Examiners
of Plumbing, Heating, and
Fire Sprinkler Contractors

1109 Dresser Court
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919-875-3612

www.nclicensing.org

Changes to permitting requirements effective July 1, 2013

For many years a number of city and county inspection departments have required multiple permits for the installation of a single appliance: for example, both electrical and mechanical permits for the replacement of a heat pump, or both mechanical and plumbing permits for the replacement of a gas-fired water heater. This results in higher permitting fees that must ultimately be paid by the consumer.

On June 19, 2013 changes to the existing permitting laws were enacted by the General Assembly. The new language reads as follows:

G.S. 153A-357. Permits

*(a1) A **county** shall not require more than one permit for the complete installation or replacement of any natural gas, propane gas, or electrical appliance on an existing structure when the installation or replacement is performed by a person licensed under G.S. 87-21 or G.S. 87-43. The cost of the permit for such work shall not exceed the cost of any one individual trade permit issued by that county, nor shall the county increase the costs of any fees to offset the loss of revenue caused by this provision.*

G.S. 160A-417 Permits

*(a1) A **city** shall not require more than one permit for the complete installation or replacement of any natural gas, propane gas, or electrical appliance on an existing structure when the installation or replacement is performed by a person licensed under G.S. 87-21 or G.S. 87-43. The cost of the permit for such work shall not exceed the cost of any one individual trade permit issued by that city, nor shall the city increase the costs of any fees to offset the loss of revenue caused by this provision.*

While the contractor(s) performing the installation or replacement must still comply with all licensing laws, they will no longer be required to obtain multiple separate permits. A single permit must be issued to a single contractor for all activity related to the job if he/she holds the required licenses. A single permit must also be issued to multiple contractors for all activity related to the job if a single contractor does not hold all of the required licenses.

Furthermore, cities and counties must keep the single permit covering multiple trades at a cost equal to comparable single-trade permits, and may not increase any fees to offset the effects of this change. The full text of the approved bill is published on pages 22-23 of this newsletter. Any questions regarding the new permitting requirements should be directed to the North Carolina Department of Insurance (see page 5 for contact information).

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Public Comment Period closes August 16, 2013

On January 1, 2010, NC House Bill 1151 added Article 19B to Chapter 130A to establish a state-administered Lead-Based paint Hazard Management Program for Renovation, Repair, and Painting (LHMP-RRP) which applies to North Carolina in lieu of the similar federal EPA program.

Temporary rules became effective on January 2, 1010. The state must now adopt permanent rules. The Health Hazards Control Unit (HHCU) has drafted proposed permanent rules and is requesting public comment.

Public comments will be accepted through August 16, 2013. Written comments, statements, and other information may be submitted by the deadline by one of the following methods:

By e-mail to mary.giguere@dhhs.nc.gov

By mail to:
Mary Giguere
Health Hazards Control Unit
1912 Mail Service Center
Raleigh, NC 27699-1912

If you have questions or need assistance, please contact the HHCU staff at 919-707-5950.

The proposed rules are printed beginning on page 16 of this newsletter.

Residential Fire Sprinkler Installation Contractor Class

The only Residential Fire Sprinkler Installation Contractor class of 2013 will be held on October 23rd and 24th in Greensboro. This license allows the installation of combination plumbing / fire sprinkler systems in one- and two-family dwellings (depending on the plumbing license class held).

In order to be eligible to apply for the license, individuals must have held an active Plumbing Class I or II license for at least two years. Completed applications (available on the website) and the application fee must be received by the Board on or before September 3, 2013. The examination will be given following the completion of the class on the 24th.

Applicants should also include a check or money order in the amount of \$25.00 made payable to Floyd Fritz. Seating is limited, and will be assigned on a first come-first served basis. If applications are received after the class is filled, applicants will be scheduled for a class in 2014.

INFORMAL CODE INTERPRETATION

**NC Department of Insurance
Office of the State Fire Marshal—Engineering Division
1202 Mail Service Center, Raleigh, NC 27699-1202
919-661-5880**

Compatible/Properly Matched Partial Replacement of a Split System Heat Pump or Air Conditioner

Code: 2012 Mechanical Code Date: January 22
Section: 304.1

Code: 2012 Energy Code Date: January 22, 2013,
Section: 403.6.2

Code: 2012 Residential Code Date: January 22, 2013
Section: NI 103.6.2

Question:

When the outdoor section of a split system air conditioner or residential heat pump unit must be replaced with a new condensing unit (or heat pump) and where the existing air handler unit/coil is remaining for use with the new condensing unit or heat pump, what is the responsibility, per the code, of the installing contractor to assure that the condensing unit (or heat pump) and the air handler/coil is code compliant for use together? What about vice versa? Also, what is the responsibility of the inspector to assure that the equipment is compatible (properly matched) for use together?

Answer:

This interpretation applies to a condenser (or heat pump) replacement or an AHU replacement or an indoor coil replacement, although the most common situation is a replacement of the condenser (or heat pump).

In order for the code to consider a condensing unit (or heat pump) and air handler/coil compatible, Section 301.4 would require the replacement appliance to be listed and labeled, and Section 304.1 would also require the proposed combination meet the manufacturer's installation instructions. If the proposed combination is provided in the manufacturer's installation instructions, then this combination would be considered code-compliant. If the proposed combination is prohibited in the manufacturer's installation instructions, it would not be code compliant with Section 304.1. If the proposed combination is not addressed by the manufacturer's installation instructions, the compatibility would be determined at the discretion of the installing contractor using any needed resources such as personal experience, manufacturer's input, and/or input from a registered design professional as necessary to assure a compatible match.

Inspector responsibilities:

The code official is responsible for verifying code compliance of the technical codes. This will primarily include Section 304.1 Manufacturer's instructions, Section 302 Protection of Structure, and Section 307 for indoor unit replacements.

Footnotes:

1. This listing is referring to the code-defined listing and labeling requirements, such as UL, ETL, etc., but not AHRI, which is a rating.
2. If the manufacturer's instructions do not address the proposed combination, it is not the intent of the code or this interpretation of the code, to deny a permit or inspection for a proposed installation. Proceed with the permit/inspection of the applicable portions of the code, and the performance will be addressed by the Board, as referred to in footnote #3 below.
3. Section 101.5 of the Mechanical Code references the requirements of other agencies or licensing boards in addition to the requirements in the building codes. Refer to <http://nclicensing.org/> for the NC State Board of Examiners of Plumbing, Heating, and Fire Sprinkler Contractors requirements in regards to split system replacement Board requirements.

Permits Required on Almost All Water Heater Replacements

This is a reprint of an article that appeared in the March and September 2011 Board newsletters.

It is being published again due to the number of calls and complaints that are still being received concerning this issue.

It is time to dispel a very large myth...or what can be referred to as a new “urban legend”: That all replacement water heaters can be installed without a permit. The replacement of most water heaters **does** require a permit, regardless of the “word on the street”. Several years ago, legislation was enacted that allowed some water heaters to be replaced without the normally required permits or inspections. The fact is that most of the replacements **do** require a permit.

We have worked numerous complaints against licensed contractors who have performed water heater replacements from single family structures to commercial structures where permits were not purchased in direct violation of this new legislation. These contractors have been disciplined for listening to the word on the street and not actually confirming the language in the legislation. In addition there are some inspection departments who are telling licensees that permits are not required, again based on misinformation and not the actual legislation. This newsletter article is an effort to clarify the requirements.

In order for a water heater replacement to be installed without a permit, **all** of the following conditions must be met:

- The work is restricted to one- or two-family dwellings only (no buildings with three or more dwelling units and no commercial buildings)
- The work has to be performed by a North Carolina Licensed Plumbing Contractor with a currently active license (or a bona-fide employee of a North Carolina Licensed Plumbing Contractor);
- The licensee is required to personally examine the work at completion
- The licensee is required to ensure that a leak test has been performed on the gas piping (of a gas-fired water heater)
- The energy use rate or thermal input is not greater than the water heater which is being replaced
- The replacement is required to be installed in accordance with the current edition of the North Carolina State Building Code (Plumbing)
- There is no change in fuel type
- There is no change in energy source
- There is no change in location
- There is no change in capacity
- There is no change in routing or sizing of venting or piping

A contractor is not required to obtain a permit or inspection for the water heater replacement only if **all** of the above listed items are true for that particular replacement. If any of the items listed above are missing or not accomplished on a water heater replacement then A PERMIT IS REQUIRED.

If someone files a complaint against a licensee for performing a water heater installation without a permit or it is otherwise brought to the attention to the Board, we will investigate each complaint to make sure all of the requirements listed above have been met. Any jobs where all of the above requirements are not met will result in a verified complaint against the licensee and sanctions will be instituted.

If you have any doubt about the need for a permit it is always better to err on the side of caution and secure the permit before commencing the work. If you have questions, please contact the administrative officer in your area. Their contact information, as well as a map and listing of the counties in their regions is available on the Administrative Officers page of our website at www.nclicensing.org.

North Carolina State Agencies

NC Department of Insurance	919-661-5880	NC Department of Labor	919-807-2796
• William "Bill" Moeller (Plumbing & Gas Interpretations)	Ext. 238	NC Department of Revenue	919-252-3052
• Dan Dittman (Mechanical & Energy Interpretations)	Ext. 237	NC Electrical Licensing Board	919-733-9042
• Richard Strickland (Fire) (Fire Code Interpretations)	Ext. 255	NC General Contractor Licensing Board	919-571-4183
• Judy McGee (Building Code Bookstore)	Ext. 240	NC Irrigation Contractors Licensing Board	919-872-2229
		NC Refrigeration Licensing Board	919-779-4711
		NC Secretary of State	919-807-2225
		NC Well Commission	919-707-5882

State Board of Examiners of Plumbing, Heating & Fire Sprinkler Contractors

Office Staff Directory

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Extension 211 or complaint@nclicensing.org

Administrative Officer (Field Staff) Directory

Fax for all Administrative Officers: 919-875-3616

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336-906-9141 or tjohnston@nclicensing.org

Derek Farmer

Northeastern Region
919-602-9095 or dfarmer@nclicensing.org

David Boulay

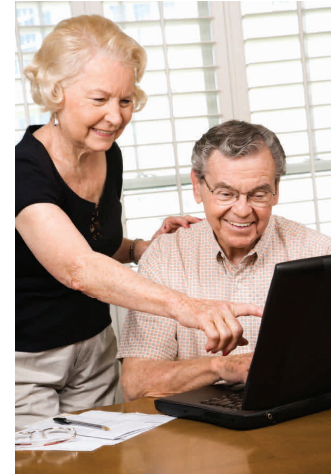
Western Region
828-234-2719 or dboulay@nclicensing.org

To view a regional map and listing of counties, please visit our website at www.nclicensing.org and click on the "Administrative Officers" button.

Website Information: www.nclicensing.org (Download Forms)

Online license renewal is now available for licensees who wish to do so and can pay the renewal fee with a MasterCard or Visa. The online renewal link can be found on the home page of our website. You will also find a link to a step-by-step tutorial available to guide licensees through the process. If you do not have your username and password, or have any other questions regarding online renewal, please contact DJ Soltys at 919-875-3612, ext. 203.

You may obtain any of the following forms 24 hours a day, 7 days a week by visiting our website and clicking on the Download Forms button on the left side of the screen.



Consumer Forms

Consumer Complaint against licensed or unlicensed contractors

Change of Address or Status

1. Address Change: Licensee
2. Address Change: Sub-licensee
3. Trade Name Change (Licensee or firm name in which business is conducted)
4. Add Sub-licensee
5. Delete Sub-licensee

Renewal Forms

1. Reinstatement Form—Previous Sub-licensees
2. Renewal form—2013 without Sub-licensees
3. Renewal form—2013 with Sublicensees
4. Renewal form—2013 and previous Year(s) without Sub-Licensees

New Applicant Forms

1. Plumbing, Heating, & Fuel Piping Contractor Examination Application
2. Plumbing, Heating, & Fuel Piping Technician Examination Application
3. Residential Fire Sprinkler Installation Contractor Examination Application
4. Fire Sprinkler Installation & Inspection Contractor Examination Application
5. Fire Sprinkler Inspection Technician Examination Application (no NICET)
6. Fire Sprinkler Inspection Technician Application (NICET)
7. Fire Sprinkler Maintenance Technician Application

Order Forms

1. Books - Board's Laws & Rules and Business & Project Management for Contractors
2. Request for Copy (Reprint) of License
3. Request for Register of Licensees
4. Request for Verification of License

You can also access our website at one of the following easy to remember addresses:

- www.ncplumbing.org
- www.ncheating.org
- www.ncfiresprinkler.org

Disciplinary Actions

The Board is required by law to investigate every complaint received. If the findings of the investigation indicate that a violation of the laws and rules enforced by the Board have occurred by a licensed or unlicensed individual and/or firm, a number of disciplinary actions are available to the Board.

Recent actions are reflected in the four reports that follow:

- Letter of Caution Report
- Consent Agreement Report
- Field Resolution and Resolution Review Committee Report
- Attorney's Report

Letter of Caution Report

Upon completion of investigations, a Letter of Caution can be issued to a licensee where it is determined through an investigation that a violation has occurred by one of our licensees. The Letter of Caution is issued to address and affirm issues they should improve upon or be more mindful of for future jobs:

<u>Name</u>	<u>City/Town</u>	<u>Date</u>	<u>Name</u>	<u>City/Town</u>	<u>Date</u>
Arnold, Michael W.	Wilmington, NC	5/6/2013	Johnson, Jamie	Bunnlevel, NC	3/27/2013
Avery, Gregory	Norfolk, VA	5/22/2013	Mills, Randy N.	Wilmington, NC	5/22/2013
Boathouse, Donald	Leland, NC	5/20/2013	Mizell, Jimmy	Goldsboro, NC	6/5/2013
Carroll, Jimmy	Holly Springs, NC	6/3/2013	Sherrill, John C.	Atlantic Beach, NC	5/2/2013
Celeste, Frank	Charlotte, NC	5/21/2013	Spear, Bobby	Newport, NC	6/13/2013
Jenkins, Larry M.	Taylorsville, NC	6/5/2013	Swirski, Dominick	Mars Hill, NC	5/23/2013

Consent Agreement Report

A Consent Agreement is an affidavit taken from unlicensed individuals performing plumbing, heating and fire sprinkler work without a license. These individuals sign a Consent Agreement stating that they will not perform any work requiring a license until they are properly licensed to do so. If you see these individuals performing contracting activities in the field, please report them to this office.

<u>Name</u>	<u>City/Town</u>	<u>Date</u>	<u>Name</u>	<u>City/Town</u>	<u>Date</u>
Barker, Oynex	Blanch, NC	4/24/2013	McDonald, Gail	Pleasant Garden, NC	4/18/2013
Braswell, Danny	Bailey, NC	4/11/2013	Reed, Gary W. Jr.	Morganton, NC	5/1/2013
Cleveland, John A.	Kernersville, NC	6/5/2013	Rouse, John G.	Southport, NC	4/17/2013
Corrales-Solis, Mario A.	Charlotte, NC	4/22/2013	Sams, Edward L.	Eden, NC	4/17/2013
Craven, William T.	Fuquay-Varina, NC	5/22/2013	Stocks, Kenneth A.	Tabor City, NC	5/3/2013
Denning, George R.	Mount Olive, NC	5/21/2013	Stowe, Matthew D.	Lincolnton, NC	6/14/2013
Duvall, Michael P.	Franklin, NC	6/7/2013	Suttles, James M.	Rhodhiss, NC	4/13/2013
East, Ronald G. Jr.	Eden, NC	4/17/2013	Thompson, Robert C.	Mayodan, NC	5/21/2013
Fiyalko, Gary S.	Charlotte, NC	5/16/2013	Vauter, Robert P.	Clayton, NC	4/23/2013
Gardner, Greg L.	Taylorsville, NC	4/30/2013	Vivas, Telseforo	Broadway, NC	5/30/2013
Howard, Tony D.	Wilson, NC	4/11/2013	Warren, Christopher L.	Fort Worth, TX	4/2/2013
Hudson, Neel L.	Hickory, NC	5/17/2013	Warren, David E.	Harmony, NC	5/17/2013
Krueger, Drew S.	Bunn, NC	2/11/2013	Wheeler, Kenneth B.	Kernersville, NC	6/5/2013

Resolution Review Committee Report

A Field Resolution Agreement is a voluntary agreement by which a licensee enters into some type of sanctions against their license instead of appearing before the Resolution Review Committee or the Full Board at a formal hearing. All of the Agreements are reviewed by a member of the Resolution Review Committee and then presented to a Board hearing panel for approval prior to the agreement being adopted as a final agency decision. If a complaint has not been resolved in the field through a Field Resolution Agreement, then the case can be referred to the Resolution Review Committee. During the Resolution Review Committee meeting, a licensee can enter into a Review Committee Resolution Agreement in place of appearing before the Board at a formal hearing; the agreement is then presented to a Board hearing panel for approval prior to the agreement being adopted as a final agency decision. Cases that cannot be resolved through the use of Field Resolution Agreements or Review Committee Resolution Agreements are forwarded to formal hearings before the Board. Listed below are the different agreements entered into by the field staff and the Resolution Review Committee that have been approved by the Board. The information below does not contain all of the facts or details of each case. Specific details of any of the following cases can be obtained by e-mail (information@nclicensing.org) or upon written request to the Board's office.

**Andras, Jeffery L.
Amerigas Propane,
Limited Partnership
Goldsboro, NC
License# 21088 FP**

Allegations of misconduct and incompetence in the business of fuel piping contracting in that the licensee failed to obtain permit(s) prior to commencing work, violated the minimum standard of the North Carolina State Fuel Gas Code, failed to provide adequate supervision, and managed several offices without those offices being properly licensed.

Resolution Conference held
06/04/2013.

Jeffrey Lynn Andras signed a Resolution Conference Agreement
06/04/2013.

The license of Jeffrey Andras, number 21088 FP, and that of the firm shall be placed on unsupervised probation for a period of 12 months. Among other things during the probation, licensee shall enroll in, attend and complete the Special Board Laws & Rules course. If the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions listed above.

**Ballance, Michael G.
South Mills, NC
License# 14881, H-3-I**

Allegations of misconduct and working without a license in the business of heating contracting in that the licensee

performed work while his license was expired, failed to obtain permit(s) prior to commencing work, and engaged in business under a different name or style of business than appears on his license.

Resolution Conference held
06/03/2013.

Michael Ballance signed a Resolution Conference Agreement 06/03/2013. The license of Michael Ballance, number 14881 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probation, licensee must assure that his license has been listed with the Board in the name that he currently operates his business within the next thirty (30) business days from 06/03/2013, and enroll in, attend and complete the Special Board Laws & Rules course. In the event the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation requirements.

**Beckett, Bruce A. Air One Systems, LLC
Auburn, GA
License# 30506 H-3-I**

Allegations of misconduct in the business of heating contracting in that the licensee failed to provide adequate supervision, and failed to withdraw his license from the firm name after the licensee left the employment of the

firm, J.R. Hobbs Co..
Resolution Conference held
06/06/2013.

Bruce Beckett signed a Resolution Conference Agreement 06/06/2013. The license of Bruce Beckett, number 30506 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of 12 months. Among other things during the probation, only license a firm that he is actively involved in the day to day operations, and within ninety (90) days of approval of this agreement, enroll in, attend and complete the Special Board Laws & Rules course. If the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions listed above.

**Betz, Ernest L.
Ernie's Plumbing, LLC
Sylva, NC
License# 28510 P-II**

Allegations of misconduct in the business of plumbing contracting in that the licensee failed to pull the required permits for the installation of (2) water heaters and the installation of the plumbing for a whirlpool tub in violation of GS 87-21, section .0402, failed to meet minimum standards or competency of the North Carolina Plumbing Code Standards in violation of GS 87-21 sections .0412 (d) & .0505 (b). Ernest Betz signed a Proposed Resolution Agreement 05/07/2013. The license of Ernest Betz, number

28510 P-I, and that of the firm shall be placed on unsupervised probation for a period of 12 months. Among other things during the probation, assure that (5) open permits are closed out by 06/06/2013, enroll in, attend and complete the series of Special Plumbing Code and Design courses, and enroll in, attend and complete the Special Board Laws & Rules course. If the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions listed above.

Brotherton, Ryan
Brotherton Heating & Cooling
Kannapolis, NC
License# 29996, H-2&3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee performed work for the City of Concord while no one was licensing the City of Concord, and failed to assure permits were obtained prior to performing installation (s) that require a license. Resolution Conference held 04/18/2013.

Ryan Brotherton signed a Resolution Conference Agreement 04/18/2013. The license of Ryan Brotherton, number 29996 H-2&3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probation, licensee must assure that on future examination applications all information that is submitted is accurate and factual, and enroll in, attend and complete the Special Board Laws & Rules course. In the event the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation requirements.

Calhoun, Larry W.
Larry Calhoun Heating & Air,
L.L.C.
Buxton, NC
License# 20575 H-3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to obtain permits prior to commencing work, and failed to request final inspection within 10 days of substantial completion of the work.

Larry Calhoun signed a Proposed Resolution Agreement 04/22/2013.

The license of Larry Calhoun, number 20575 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of 12 months. Among other things during the probation, assure that all HVAC installations / replacements have permits pulled and receive an approved final inspection within the next 30 days of the date of this agreement, and enroll in, attend and complete the Special Board Laws & Rules course. If the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions listed above.

Clark, James Cecil II Electrical & Plumbing
Solution of NC
Simpson, NC
License# 08625 PH-I,2&3-I

Allegations of misconduct and incompetence in the business of plumbing contracting in that the licensee failed to ensure proper system operation in that the licensee installed a natural gas water heater and the resident had LP gas service, and failed to respond to the customer in a timely manner. James Clark signed a Proposed Resolution Agreement 06/06/2013.

The license of James Cecil Clark, number 08625 PH-I, 2&3-I, and that of the firm shall be placed on unsupervised probation for a period of 12 months. Among other things during the probation, licensee must respond to all requests for warranty work and/or service work within a reasonable time frame, enroll in, attend and complete the Special Board Laws & Rules course, and enroll in, attend and complete the Special Plumbing Code and Design courses. If the licensee violates the conditions of probation, his license will be suspended for a period of ninety

(90) days, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions listed above.

Crawford, Calvin
Crawford Heating and Cooling
Charlotte, NC
License# 23497 H-3-II

Allegations of misconduct in the business of heating contracting in that the licensee failed to obtain permit(s) prior to commencing work, and contracted Heating Group 1, Class I and Heating Group 2 work without proper license qualifications.

Calvin Crawford signed a Proposed Resolution Agreement 04/09/2013.

The license of Calvin Crawford, number 23497 H-3-II, and that of the firm shall be placed on unsupervised probation for a period of 12 months. Among other things during the probation, enroll in, attend and complete the Special Board Laws & Rules course. If the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions listed above.

Dannun, Imad A.
Right Temp Air, Inc.
Indian Trail, NC
License# 31128, H-2&3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to obtain permit(s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections, and performed plumbing work outside his current licensing qualifications.

Resolution Conference held 04/18/2013.

Imad Dannun signed a Resolution Conference Agreement 04/18/2013.

The license of Imad Dannun, number 31128 H-2&3-I, and that of the firm shall be placed on supervised probation for a period of eighteen (18) months. Among other things during the probation, enroll in, attend and complete the series of Special Plumb-

ing Code and Design courses, enroll in, attend and complete the Special Board Laws & Rules course, and licensee shall list his license with the Board in the name in which he contracts and/ or performs work that requires a license. In the event the licensee violates the conditions of probation, his license will be suspended for a period of nine (9) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation requirements.

David, Lynden C.
David & Son Plumbing
Siler City, NC
License# 09209 P-I

Allegations of misconduct and incompetence in the business of plumbing contracting in that the licensee failed to obtain permit(s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections, violated the minimum standard of the North Carolina State Plumbing Code, and allowed the use of license by unlicensed persons by issuing 1099's to unlicensed persons. Resolution Conference held 06/06/2013.

Lynden David signed a Resolution Conference Agreement 06/06/2013. The license of Lynden David, number 09209 P-I, and that of the firm shall be placed on unsupervised probation for a period of 12 months. Among other things during the probation, enroll in, attend and complete the series of Special Plumbing Code and Design courses, and enroll in, attend and complete the Special Board Laws & Rules course. If the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions listed above.

Davis, Roy Oscar
Davis Plumbing & Piping, Inc.
Tarboro, NC
License# 30147 P-I

Allegations of misconduct, incompetence, and job abandonment in the business of plumbing contracting in

that the licensee failed to obtain permit(s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections, failed to complete job in a timely manner, violated the minimum standard of the North Carolina State Plumbing Code, obtained money and failed to complete installation (job abandonment), contracted work while license was expired, failed to respond to consumer in a timely manner/poor business practices, and failed to notify the Board of a change in address within 30 days as required by rule.

Resolution Conference held 06/06/2013.

Roy Oscar Davis signed a Resolution Conference Agreement 06/06/2013. The license of Roy Oscar Davis, number 30147 P-I, and that of the firm shall be suspended for a period of six (6) months, beginning when this agreement is approved by the Board. Among other things during the suspension, license will be restored at the end of the suspension provided that the licensee enroll in, attend and complete the series of Special Plumbing Code and Design courses, enroll in, attend and complete the Special Board Laws & Rules course within 90 days of approval of this agreement. In the event the licensee violates the conditions of suspension, the license will remain suspended until such time as he complies with all of the suspension provisions listed above. Upon successful completion of the suspension, the license of Roy Davis, license, number 30147 P-I, and that of the firm shall be placed on supervised probation for a period of twenty-four (24) months. If the licensee violates the conditions of probation, his license will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions listed above.

Dozier, Guy W.
No Sweat Air Conditioning Service, Inc.
Carolina Beach, NC
License# 29410, H-3-I

Allegations of misconduct in the busi-

ness of heating contracting in that the licensee allowed the use of his license by unlicensed persons by issuing 1099's to unlicensed persons, and submitted to the Board inaccurate information verifying work experience on an application.

Resolution Conference held 05/08/2013.

Guy Dozier signed a Resolution Conference Agreement 05/08/2013. The license of Guy Dozier, number 29410 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probation, assure that in the future to only confirm actual and factual experience on any examination application, and enroll in, attend and complete the Special Board Laws & Rules course. In the event the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation requirements.

Frye, Charles E.
Bath Fitter
Garner, NC
License# 20040 P-I

Allegations of misconduct and incompetence in the business of plumbing contracting in that the licensee failed to obtain permit(s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections, failed to provide adequate supervision, and failed to execute contracts.

Resolution Conference held 06/04/2013.

Charles Frye signed a Resolution Conference Agreement 06/04/2013. The license of Charles Frye, number 20040 P-I, and that of the firm shall be placed on supervised probation for a period of eighteen (18) months. Among other things during the probation, licensee shall enroll in, attend and complete the Special Board Laws & Rules course within 90 days of approval of this agreement. If the licensee violates the conditions of probation, his license will be suspended for a peri-

od of nine (9) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions listed above.

Hall, William B. , III
Hall's Heat & A/C
Greensboro, NC
License# 20552 H-3-I

Allegations of misconduct and being unlicensed in the business of plumbing contracting in that the licensee contracted and pulled the installation of a new gas water heater without proper license qualifications.

William Hall signed a Proposed Resolution Agreement 03/22/2013.

The license of William B. Hall, number 20552 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of six (6) months. Among other things during the probation, licensee shall enroll in, attend and complete the Special Board Laws & Rules course. If the licensee violates the conditions of probation, his license will be suspended for a period of two (2) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions listed above.

Hill, Jacob J.
d/b/a Hill Heating & Air
Hiwassee, GA
License# 28398 H-3-I

Allegations of misconduct in the business of heating contracting in that the licensee improperly listed his license with the board in violation of GS 87-21 section .0404 by operating as Hill Heating and Air Conditioning while his license with the Board was listed as Jacob Hill, Inc., and contracted to install zoning, and modify the existing ductwork for a church, where the total tonnage for the structure was approximately 60 tons, without proper license qualifications.

Jacob Hall signed a Proposed Resolution Agreement 03/25/2013.

The license of Jacob Hall, number 28398 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the proba-

tion, by 04/07/2013, assure that his license has been listed with the Board in the name that he currently operates his business, and enroll in, attend and complete the Special Board Laws & Rules course. After complaint to the Board, the licensee listed his license in the name of d/b/a Hill Heating & Air. If the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions listed above.

Holland, Jeffrey L.
d/b/a Re-Bath of WNC
Arden, NC
License# 11199 P-I

Allegations of misconduct in the business of plumbing contracting in that the licensee failed to obtain a permit for a shower valve installation and the relocation of the drain in violation of GS 87-21 section .0402.

Jeffrey Holland signed a Proposed Resolution Agreement 05/02/2013.

The license of Jeffrey Holland, number 11199 P-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probation, by 05/16/2013, the contractor shall obtain a permit from the local code enforcement official and assure that the plumbing installation passes inspection, provide a copy of the final inspection to the board by 05/23/2013, and enroll in, attend and complete the Special Board Laws & Rules course. After complaint to the Board, the licensee obtained a permit and received an approved final inspection. If the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions listed above.

Holliday, Johnnie S.
Holliday Heating and Cooling, Inc.
Lincolnton, NC
License# 22401 FP, H-2-3-I
 Allegations of misconduct in the busi-

ness of heating contracting in that the licensee failed to ensure that a permit had been obtained prior to commencing work, and failed to perform a load calculation for a mechanical installation. Johnnie Holliday signed a Proposed Resolution Agreement 04/01/2013.

The license of Johnnie Holliday, number 2240, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probation, by 04/15/2013, the contractor shall return to the home located at 3115 E. Highway 150, Lincolnton, NC 28092 and perform a thorough Manual J load calculation. If the load calculation reveals that the equipment is improperly sized, then the contractor shall obtain a permit from the local inspection department, replace the undersized or oversized equipment with properly sized air handler(s) and condensing unit(s) and obtain a final inspection by 04/12/013. The contractor shall submit evidence to the board by 04/30/2013 of the final inspection and shall submit a copy of his load calculation; and enroll in, attend and complete the Special Board Laws & Rules course. After complaint to the Board, the licensee obtained a permit and received an approved final inspection. If the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions listed above.

Hood, Weston D.
Mansfield Brothers LP Gas, Inc.
Southport, NC
License# 30013 FP

Allegations of misconduct in the business of fuel piping in that the licensee failed to obtain a permit prior to commencing the installation of fuel gas piping to serve a boiler that had already been installed and the installation of (2) LP fuel tanks, failed to ensure that a portion of the fuel piping (CSST piping) was properly bonded and grounded upon completion of the work performed, and failed to provide adequate supervision.

Weston Hood signed a Proposed Res-

olution Agreement 05/24/2013. The license of Weston Hood, number 30013 FP, and that of the firm shall be placed on unsupervised probation for a period of 12 months. Among other things during the probation, by 06/07/2013, the contractor shall obtain a permit from the local code enforcement official, return to this structure and correct any and all code violations that still exist. The contractor shall contact the building owner in advance, arrange a time to perform this work and shall receive a final inspection by 06/07/2013. This work shall be performed at the expense of the contractor. After complaint to the Board, the licensee obtained a permit and received an approved final inspection. The licensee shall enroll in, attend and complete the series of Special Fuel Gas Code and Design courses, and enroll in, attend and complete the Special Board Laws & Rules course. If the licensee violates the conditions of probation, his license will be suspended for a period of ninety (90) days, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions listed above.

**King, William (Billy) D.
King Plumbing Co
Bolivia, NC
License# 11817 P-I**

Allegations of misconduct and working without a license in the business of plumbing contracting in that the licensee failed to obtain a permit prior to commencing work, failed to request final inspection within 10 days of substantial completion of the work, and performed Heating Group I, Class I work without valid license qualifications.

William King signed a Proposed Resolution Agreement 05/24/2013. The license of William King, number 11817 P-I, and that of the firm shall be placed on unsupervised probation for a period of 12 months. Among other things during the probation, licensee shall enroll in, attend and complete the Special Board Laws & Rules course. If the licensee violates the conditions of probation, his license will be suspended

for a period of ninety (90) days, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions listed above.

**Lamarche, Jacques
Winnabow, NC
License# 16439, H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee violated the minimum standard of the North Carolina State Mechanical Code, and failed to carry out adequate ductwork installation.

Resolution Conference held 02/14/2013.

Jacques Lamarche signed a Resolution Conference Agreement 02/14/2013. The license of Jacques Lamarche, number 16439 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of nine (9) months. In the event the license violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation requirements.

**Nichols, Norman
Nichols Plumbing and Piping Co
Hope Mills, NC
License# 17993 P-I**

Allegations of misconduct and incompetence in the business of plumbing contracting in that the licensee failed to correctly install a sediment trap on a fuel gas line serving the water heater, pipe insulation installed too close to the draft connector (12 inch clearance from top of heater and 1 inch clearance from flue required according to manufacturer installation instructions), thermal expansion blow off valve piped to the floor (piping for blow off valve should be piped to the exterior of the structure or to an approved receptor), and capacity of the water heater was changed and the venting was changed from a direct vent to a b vent but licensee failed to obtain a permit and final inspection in violation of North Carolina General Statutes (G.S. 153A-357(a) or 160A-417(a)).

Norman Nichols signed a Proposed Resolution Agreement 04/03/2013. The license of Norman Nichols, number 17993, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probation, by 04/12/2013, the contractor shall obtain a permit from the local code enforcement official, return to this structure and correct any and all code violations that still exist. The contractor shall contact the building owner in advance, arrange a time to perform this work and shall receive a final inspection by 04/12/2013, this work shall be performed at the expense of the contractor, enroll in, attend and complete the Special Board Laws & Rules course, enroll in, attend and complete the series of Special Plumbing Code and Design courses, and enroll in, attend and complete the series of Special Fuel Gas Code and Design courses. After complaint to the Board, the licensee obtained a permit and received an approved final inspection. If the licensee violates the conditions of probation, his license will be suspended for a period of days (90) days, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions listed above.

**Pierce, Jimmy
Bunnlevel, NC
License# 18855 H-3-I**

Allegations of misconduct in the business of heating contracting in that the licensee failed to ensure that a permit was obtained for an installation contracted under his license number, Jimmy Pierce signed a Proposed Resolution Agreement 03/27/2013. The license of Jimmy Pierce, number 18855, and that of the firm shall be placed on unsupervised probation for a period of eighteen (18) months. Among other things during the probation, licensee shall enroll in, attend and complete the series of Special Mechanical Code courses, enroll in, attend and complete the Special Board Laws & Rules course, hire, at his own expense, a licensed heating contractor, which contractor shall obtain a permit, cor-

rect any and all code violations with the installation and obtain a final inspection within the next 90 days from today, licensee agrees that his/her record and the records of the company shall be available for review. After complaint to the Board, the license obtained a permit and received an approved final inspection. If the licensee violates the conditions of probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions listed above.

Roberts, Robbin J.
RJR Electric Heating & Air
Burlington, NC
License# 22476 H-3-I

Allegations of misconduct in the business of heating contracting in that the licensee allowed his company to continue to work on a contract that required a Heating Group two license after the individual, who had the Heating Group 2 qualifications, was no longer employed with RJR Electric Heating & Air.

Robbin Joel Roberts signed a Proposed Resolution Agreement 04/18/2013. The license of Robbin Roberts, number 22479, and that of the firm shall be placed on unsupervised probation for a period of six (6) months. Among other things during the probation, licensee shall not perform any work outside licensing classification held until properly licensed to work in these other fields, and enroll in, attend and complete the Special Board Laws & Rules course. If the licensee violates the conditions of probation, his license will be suspended for a period of two (2) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions listed above.

Rogers, James C.
Flow Master Plumbing & Pump
Service, Inc.
Oxford, NC
License# 21658 P-I

Allegations of misconduct, incompetence, and violation of probation order

in that the licensee violated the probation, failed to obtain permit(s) prior to commencing work, failed to pass the Plumbing Class I examination by the end of the probation, failed to request inspections within 10 days of substantial completion of work, violated the minimum standard of the North Carolina State Plumbing Code, and failed to provide supervision.

Resolution Conference held 06/03/2013.

James Rogers signed a Resolution Conference Agreement 06/03/2013.

The license of James Rogers, number 21658 P-I, and that of the firm shall be placed on supervised probation for a period of twenty-four (24) months. Among other things during the probation, licensee shall enroll in, attend and complete the Special Plumbing Code and Design course. If the licensee violates the conditions of probation, his license will be suspended for a period of nine (9) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions listed above.

Sawyer, Dennis Ray
D&S Gas Service
Lenoir, NC
License #21844 FP

Allegations of misconduct in the business of fuel piping in that the licensee failed to comply with the Board rules and regulations on bona-fide employees by failing to withhold taxes and issued 1099's to an unlicensed individual, allowed the unlicensed individual to perform a gas line installation on a contract entered into by D&S Gas Service.

Dennis Sawyer signed a Proposed Resolution Agreement 04/18/2013.

The license of Dennis Sawyer, number 21844, and that of the firm shall be placed on supervised probation for a period of twelve (12) months. Among other things during the probation, licensee shall submit to the Board's office within the next thirty (30) days copies of all employee W-4's and by the end of the probation submit a copy of all employee W-2's. If the licensee violates the conditions of probation,

his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions listed above.

Southern, Warren E.
A Southern Breeze
Lenoir, NC
License #15575 H-3-I

Allegations of misconduct in the business of heating contracting in that the licensee failed to request final inspection(s) within 10 days of substantial completion of the work.

Warren Southern signed a Proposed Resolution Agreement 04/18/2013. The license of Warren Southern, number 15575, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probation, within 45 days from signing this agreement, the licensee shall obtain a final inspection of all open permits or submit evidence of his efforts to obtain final inspection for each job referenced in his signed Proposed Resolution Agreement dated 05/06/2013, and enroll in, attend and complete the Special Board Laws & Rules course. If the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions listed above.

Tucker, Finley T.
Blue Flame Service & Repair
Lenoir, NC
License# 28706, FP

Allegations of misconduct and incompetence in the business of fuel piping contracting in that the licensee failed to obtain permit(s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections, violated the minimum standard of the North Carolina State Fuel Gas Code, and failed to provide supervision.

Resolution Conference held 04/18/2013.

Finley Tucker signed a Resolution Conference Agreement 04/18/2013.

The license of Finley Tucker, number 28706 FP, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probation, enroll in, attend and complete the series of Special Fuel Gas Code and Design Courses, enroll in, attend and complete the Special Board Laws & Rules course. In the event the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation requirements.

**Turbyfill, Robert R.
Caryl Mechanicals II, Inc.
Monroe, NC**

License# 28902 H-2-3-I

Allegations of misconduct in the business of heating contracting in that the licensee contracted from an unlicensed contractor which is a violation of GS 87-21, failed to properly size the mechanical installation which is a violation of GS 87-21, section .0505 (f), and failed to properly permit the installation which is a violation of GS 87-21 section .0402.

Robert Turbyfill signed a Proposed Resolution Agreement 06/04/2013.

The license of Robert Turbyfill, number 28902 H-2-3-I, and that of the firm shall be placed on unsupervised probation for a period of 12 months. By 06/18/2013, the contractor shall return to the home located at 139 Hamlet Street, NC and perform a thorough Manual J load calculation. If the load calculation reveals that the equipment is improperly sized or mismatched, then the contractor shall obtain a permit from the local inspection department, replace the undersized or oversized equipment with properly sized air handler(s) and condensing unit(s) and obtain a final inspection by 06/25/2013. The contractor shall submit evidence to the board by 07/01/2013 of the final inspection and shall submit a copy of his load calculation. By 06/18/2013, the contractor shall obtain a permit from the local code enforcement offi-

cial, return to this structure and correct any and all code violations that still exist. The contractor shall contact the building owner in advance, arrange a time to perform this work and shall receive a final inspection by 06/25/2013. This work shall be performed at the expense of the contractor. After complaint to the Board, the licensee obtained a final inspection on 06/21/2013, and licensee submitted a complete load calculation to the Board for review. Licensee shall enroll in, attend and complete the Special Board Laws & Rules course. If the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions listed above.

Attorney's Report

The Attorney's Report contains information pertaining to cases that have been adjudicated in a formal proceeding of the Board or in the courts of North Carolina. Disciplinary actions against licensed contractors are typically imposed during a Formal Hearing of the Board. Court action is necessary when unlicensed individuals are in violation of the Board's Laws and Rules or in circumstances where licensees are found to be in violation of any order(s) issued by the Board.

**BRADLEY, JONATHAN
"BUTCH"**
d/b/a **APPLIANCE DEPOT**
Maiden, NC

Heating contracting without a license. Judgment of Permanent Injunction filed 5/8/13 enjoining the Defendant from engaging in the business of plumbing, heating or fire sprinkler contracting until properly licensed.

BRITT, KENNETH D.
Hope Mills, NC

Heating contracting without a license. Judgment of Permanent Injunction filed 5/3/13 enjoining the Defendant from engaging in the business of plumbing, heating or fire sprinkler contracting until properly licensed.

BRUCE, WILLIAM LEWIS
d/b/a **L&L Heating & A/C**
Lumberton, NC

Plumbing contracting without a license. Judgment of Permanent Injunction filed 5/29/13 enjoining the Defendant from engaging in the business of plumbing, heating or fire sprinkler contracting until properly licensed.

BRYANT, DAVID
d/b/a **AMERICAN AIR HEATING
& COOLING**
Asheboro, NC

Heating contracting without a license. Judgment of Permanent Injunction filed 5/8/13 enjoining the Defendant from engaging in the business of plumbing, heating or fire sprinkler contracting until properly licensed.

GLENN, CHRISTOPHER S.

Heating contracting without a license. Judgment of Permanent Injunction filed 5/24/13 enjoining the Defendant from engaging in the business of plumbing, heating or fire sprinkler contracting until properly licensed.

HELMS, BOBBY
d/b/a **HELMS HVAC & PLUMB-
ING SERVICE/ROOFING**
Albemarle, NC

Heating contracting without a license. Judgment of Permanent Injunction filed 5/16/13 enjoining the Defendant from engaging in the business of plumbing, heating or fire sprinkler contracting until properly licensed.

ISALES, RAYMOND
d/b/a **KINGSWAY HEATING AIR
& PLUMBING**
Mooreville, NC

Heating contracting without a license. Judgment of Permanent Injunction filed 5/6/13 enjoining the Defendant from engaging in the business of plumbing, heating or fire sprinkler contracting until properly licensed.

MARTIN, DAVID TODD
d/b/a **MARTIN MECHANICAL
SERVICES**
Mount Holly, NC

Heating contracting without a license. Complaint and Summons filed 7/13/12. Defendant offered Consent Order 1/2/13.

Board served Request for Production of Document, First Set of Interrogatories and Request for Admissions on 2/19/13.

Order granting Injunction by Summary Judgment entered on 5/13/13 enjoining the Defendant from engaging in the business of plumbing, heating or fire sprinkler contracting until properly licensed.

MONACH, DWIGHT
d/b/a **DWIGHT'S HANDYMAN
SERVICES**
Cedar Mountain, NC

Plumbing contracting without a license. Judgment of Permanent Injunction filed 5/3/13 enjoining the Defendant from engaging in the business of plumbing,

heating or fire sprinkler contracting until properly licensed.

RODGERS, GLENWOOD
d/b/a **G. R. MECHANICAL**
Greenville, NC
License #12148 PH-1,2&3-I

Respondent allowed his brother to use his license, failed to adequately supervise the job and failed to obtain a permit for the work being performed. Formal Hearing held 2/11/13.

License of Respondent is suspended for two years.

Respondent must complete the Special Board Laws & Rules course.

Upon completion of the two year suspension, license shall be placed on probation for one year.

WILLIAMS, SCOTTY
Crouse, NC

Heating contracting without a license. Judgment of Permanent Injunction filed 5/17/13 enjoining the Defendant from engaging in the business of plumbing, heating or fire sprinkler contracting until properly licensed.

Proposed Permanent Rules

Proposed Permanent Rules

Permanent Rules have been proposed for the Lead-Based Paint Hazard Management Program for Renovation, Repair and Painting 10A NCAC 41C .0900 - .0907

Proposed Effective Date: October 1, 2010

Comments: If you wish to provide written comments on the proposed permanent rules, you may do so until August 16, 2010, in writing or via email, to the attention of:

Mary Giguere mary.giguere@dhhs.nc.gov

Program Manager

Health Hazards Control Unit

1912 Mail Service Center

Raleigh, NC 27699-1912

Public Hearing: A Public Hearing will be held on July 7, 2010, from 2:00 p.m. to 4:00 p.m. in the Cardinal Room, 5605 Six Forks Road, Raleigh, NC 27609. If you plan to attend or speak at the Public Hearing, please contact the Health Hazards Control Unit at 919-707-

5950 prior to the Hearing date.

Note: The underlines and strike through marks in the Rules indicate changes the agency is proposing comparing the text of the temporary rules effective January 1, 2010 and the proposed permanent rules.

CHAPTER 41 - HEALTH: EPIDEMIOLOGY

SUBCHAPTER 41C - OCCUPATIONAL HEALTH

SECTION .0900 – LEAD-BASED PAINT HAZARD MANAGEMENT PROGRAM FOR RENOVATION, REPAIR AND PAINTING

10A NCAC 41C .0901 GENERAL

(a) In addition to the definitions found in 40 CFR Part 745 Subpart E and Subpart L and G.S. 130A-453.12 the following definitions apply throughout this Section:

(1) "Accredited training course" means a lead training course accredited by the Program.

(2) "Accredited training provider" means a training provider who is accredited by the Program, and who provides accredited training courses.

(3) "Program" means the Lead-Based Paint Hazard Management Program for Renovation, Repair and Painting within the Division of Public Health.

(4) "Training hour" means at least 50 minutes of actual learning, including, but not limited to, time devoted to lecture, learning activities, small group activities, demonstrations, evaluations, and/or hands-on experience.

(5) "Working day" means Monday through Friday. Holidays falling on any of these days are included in the definition.

(b) Residential Property Renovation and Lead-Based Paint Activities, 40 CFR Part 745 Subpart E and Subpart L, is hereby incorporated by reference, including any subsequent amendments and editions. This

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document is available for inspection at the Division of Public Health, 1915 Mail Service Center, Raleigh, North Carolina 27499-1915. A copy of this document may be obtained in writing from the US Government Printing Office, P.O. Box 979050, St Louis, MO 63197-9000, at a cost of sixty-one dollars (\$61.00).

Authority G.S. 130A-453.21.

10A NCAC 41C .0902 CERTIFICATION OF INDIVIDUALS

(a) No person shall perform lead-based paint renovation activities for compensation in target housing and child-occupied facilities until that person has been certified by the Program in the applicable certification category. Certification is not required for a trained renovation worker as defined by G.S. 130A-453.12(b)(7).

(b) An applicant for certification shall successfully complete applicable, discipline specific training courses accredited by the Program pursuant to Rule .0904 of this Section. Successful completion includes attendance of at least 95 percent of the course, passing the course exam with a minimum score of 70 percent, and successful completion of the hands-on skills assessment pursuant to 40 CFR 745, Subpart L. An applicant for initial certification shall also meet the applicable, discipline-specific, certification requirements in Paragraphs (c) and (d) of this Rule:

(c) To obtain dust sampling technician certification or renewal of certification, the applicant shall meet the following:

(1) An applicant for initial certification shall have successfully completed an accredited initial dust sampling technician training course within the 12 months immediately preceding application. If initial training was completed more than 12 months prior to application, the applicant shall have successfully completed an accredited dust sampling technician training course at least every 60 months from the date of the last training, and within 12 months immediately preceding the application.

(2) An applicant shall submit a completed dust sampling technician certification application with the following information to the Program:

(A) full name of the applicant;

(B) address, including city, state, zip code, and telephone number;

(C) date of birth, sex, height, and weight;

(D) name, address, including city, state, zip code, and telephone number of certified renovation firm;

(E) name of training provider;

- (F) name of training course completed;
- (G) dates of course attended;
- (H) one color photograph of the applicant; and
- (I) confirmation of completion of accredited initial and refresher training courses, as applicable, from the training provider. The confirmation shall be in the form of an original certificate of completion of the accredited training course, or an original letter from the training provider, on training provider letterhead, confirming completion of the course.

(3) Initial dust sampling technician certification expires on the last day of the twelfth month after training was taken.

(4) An applicant for renewal of dust sampling technician certification shall have successfully completed an accredited initial or refresher training course within 48 months prior to applying for certification renewal, and shall meet the requirements of this Paragraph and Paragraph (b) of this Rule. All renewal certifications expire on the last day of the 12th month from the date of certification. If a person fails to obtain the required training within 48 calendar months of the date of last training, that person may renew certification

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only by successful completion of an accredited dust sampling technician initial course and by meeting the requirements of this Paragraph and Paragraph (b) of the Rule. If a person fails to obtain the required training within 60 calendar months of the date of last training, that person may renew certification only by successful completion of an accredited initial dust sampling technician course and by meeting the requirements of this Paragraph and Paragraph (b) of this Rule.

(d) To obtain certification as a certified renovator or to renew certification, the applicant shall meet the following:

(1) An applicant for renovator certification shall have successfully completed an accredited initial renovator training course prior to application. If initial training was completed more than 60 months prior to application, the applicant shall have successfully completed an accredited refresher course for the specific discipline at least every 60 months from the date of completion of initial training.

(2) An applicant shall submit a completed renovator certification application with the following information to the Program:

(A) full name of the applicant;

(B) address, including city, state, zip code, and telephone number;

(C) date of birth and sex;

(D) name, address, including city, state, zip code, and telephone number of certified renovation firm;

(E) name, address, including city, state, zip code, and telephone number of training provider that provided the training;

(F) name of training course completed and language in which it was taught;

(G) date(s) of course completion and exam;

(H) confirmation of completion of accredited initial and refresher training courses, as applicable from the training provider. The confirmation shall be in the form of a copy of an original certificate of completion of the accredited training course, or an original letter from the training provider, on training provider letterhead, including the information in Parts (A) – (G) of this Subparagraph, and confirming completion of the course; and

(I) one color photograph of the applicant.

(3) Renovator certification shall expire on the last day of the 60th month after training was taken.

(3)(4) An applicant for renewal of renovator certification shall have successfully completed the required accredited refresher training course no more than 60 months prior to applying for certification renewal, and shall meet the requirements of this Paragraph and Paragraph (b) of this Rule. All renewal certifications shall expire on the last day of the 60th month after training was taken. If a person fails to obtain the required training within 60 calendar months of the date of last training, that person may renew certification only by successful completion of an accredited initial renovator initial course and by meeting the requirements of this Paragraph and Paragraph (b) of this Rule.

(e) All certified persons shall be assigned a unique certification number by the Program.

(f) A person whose certification or certification renewal is revoked, suspended or denied because of misrepresentations or because of violations that create a public health threat as defined in G.S. 130A-475(d), shall not reapply for certification or certification renewal before 12 months after the effective date of the revocation, suspension, or denial and shall repeat the initial training course and other requirements as set out in Paragraphs (b), (c), and (d) of this Rule.

(g) The Program may revoke, suspend or deny certification or certification renewal upon a finding that the certified person has violated any requirement referenced in the following provisions with regard to renovation activities, as determined by the agencies which administer these Rules:

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(1) Department of Labor Rules found at Chapter 7, Title 13 of the North Carolina Administrative Code;

(2) Department of Transportation Rules found at Title 19A of the North Carolina Administrative Code;

(3) Solid Waste Management Rules found at Chapter 13, Title 15A of the North Carolina Administrative Code; and

(4) NC Childhood Lead Poisoning Prevention Program requirements found at G.S. 130A, Article 5, Part 4.

Authority G.S. 130A-453.14; 130A-453.15; 130A-453.21; 130A-23.

10A NCAC 41C .0903 CERTIFICATION OF RENOVATION FIRMS

(a) The Program shall issue a certificate of approval to firms meeting the requirements in Paragraphs (b) and (c) of this Rule.

(b) A firm applying for certification shall submit a completed firm certification application provided by the Program for evaluation. The application shall include:

(1) The name, address, including city, state, and zip code, and telephone number of the firm;

(2) A statement that attests that all individuals to be used by the firm as renovators and dust sampling technicians are certified by the

Program;

(3) A statement that attests that the firm will perform lead-based paint renovation activities in accordance with the rules of this Section

- and all applicable local, State, and Federal requirements, including all applicable record keeping, record retention, information distribution, and reporting requirements;
- (4) A disclosure of any action by US EPA or a US EPA authorized program involving violations, suspension, revocations, or modifications of a firm's activities or the activities of employees performing a renovation on behalf of a firm;
- (5) A list of renovators and dust sampling technicians employed by the firm to perform lead-based paint renovation activities, and their Program certification numbers; and
- (6) The original signature, title, and printed name of an official of the firm.
- (c) All certifications may be renewed annually by submitting a completed application provided by the Program for evaluation.
- (d) A firm whose certification is revoked, suspended or denied because of misrepresentations or because of violations that create a public health threat as defined in G.S. 130A-475(d) shall not reapply for certification or renewal of certification before 12 months after the effective date of the revocation, suspension, or denial and shall comply with the requirements for firm certification as set out in Paragraphs (a), (b), and (c) of this Rule. The Program may revoke, suspend or deny certification or certification renewal upon a finding that a certified firm, or an individual performing a renovation on behalf of the firm, has violated any requirement referenced in Rule .0902(g) of this Section. Firm certification may be revoked, suspended or denied upon revocation of certification by US EPA or a US EPA authorized program.

Authority G.S. 130A-453.14; 130A-453.15; 130A-453.21; 130A-23.

10A NCAC 41C .0904 ACCREDITATION OF TRAINING COURSES

- (a) Pursuant to Rule .0902 of this Section, applicants for certification and certification renewal are required to successfully complete training courses accredited by the Program. Training courses:
- (1) Taught in locations other than North Carolina and accredited by US EPA or by a state with a US EPA authorized program shall be deemed accredited for certification purposes of the Program;
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- (2) Taught in North Carolina and accredited by a state, tribe, or territory that has a written reciprocating agreement with the Program shall meet the requirements of Paragraphs (b), (c), (e), (h), and (i) of this Rule to be accredited by the Program;
- (3) Taught in North Carolina, other than those covered in Subparagraphs (2) and (4) of this Paragraph, shall meet the requirements of this Rule;
- (4) Taught in North Carolina prior to August 1, 2010, and accredited by US EPA or by a state with a US EPA authorized program shall be deemed accredited for certification purposes of the Program.
- (b) A training provider may apply for initial and refresher training course accreditation for the following disciplines: renovator and dust sampling technician. Training providers applying for course accreditation shall submit a completed training course application to the Program for review and approval, evaluation, pursuant to Paragraph (e) of this Rule. Once a training course is accredited, any changes in curriculum, hands-on exercises, examination, training manual or materials, or quality control plan from the original course accreditation application shall be submitted and approved by the Program prior to implementation.
- (c) For all courses, the training provider shall administer a closed book examination. Initial courses shall include a hands-on skills assessment. Initial and refresher course examinations shall consist of a minimum of 25 multiple choice questions.
- (d) Training courses shall be evaluated for accreditation purposes by the Program for course administration, course length, curriculum, training methods, instructors' teaching effectiveness, technical accuracy of written materials and instruction, examination, and training certificate. The evaluation shall be conducted using 40 CFR Part 745 Subpart L.
- (e) Training course providers shall submit the following for evaluation by the Program:
- (1) A completed application on a form provided by the Program, along with supporting documentation. The form and supporting documentation shall include the following:
- (A) name, address including city, state, and zip code, and telephone number of the training provider, and name and signature of the contact person, training manager, and principal instructor;
- (B) course title, location, and the language in which the course is to be taught;
- (C) course agenda;
- (D) a copy of all written instructional material to be used;
- (E) learning or performance objectives for each topic to be taught;
- (F) a copy or description of all audio/visual materials to be used;
- (G) a description of each hands-on training activity and skills assessment, including criteria for determining student proficiency;
- (H) a description of instructional facilities and equipment; and
- (I) a copy of a sample exam with correct answers marked and exam blueprint. blueprint; and
- (J) a written policy for administration of oral exams.
- (2) A sample course certificate with the following information:
- (A) name and address, including city, state, and zip code of the student;
- (B) training course title specifying "initial" or "refresher" of training course completed;
- (C) inclusive dates of course and applicable examination;
- (D) a statement that the student successfully completed the course and hands-on skills assessment and passed the required examination;
- (E) unique certificate number;
- (F) location of student photo on certificate; photo;
- (G) printed name and signature of the training course manager and printed name of the principal instructor;
- (H) name, address including city, state, and zip code, and telephone number of the training provider;

- (l) training course location; and
- (j) for training courses taught in languages other than English, the certificate shall indicate the language of the course; course.
- (3) A list of accredited lead training courses being offered for certification;
- (4) A list of instructors who will teach in North Carolina and their qualifications in accordance with Paragraph (f) of this Rule; and
- (5) A copy of the course quality control plan that meets the requirements of 40 CFR 745 Subpart L Subsection .225(c)(9).
- (f) All instructors and training managers shall be approved by the Program. Any person seeking approval as an instructor or training manager for courses covered under these Rules and taught in North Carolina shall meet the following requirements:
 - (1) Training managers and instructors shall meet the requirement of 40 CFR 745 Subpart L .225(c), except that guest instructors who teach work practice topics shall meet the requirements of 40 CFR 745, Subpart L, .225(c)(2)(i) and (iii).
 - (2) Principal instructors and guest instructors who teach work practice topics shall meet the training requirements for certification, pursuant to Rule .0902 of this Section, for the discipline in which instructor approval is sought. Training required to maintain instructor approval must be acquired from a training provider other than the instructor's employer; and
 - (3) Training managers and instructors shall submit to the Program a completed application with the following information:
 - (A) name, address including city, state and zip code, and telephone number of the applicant;
 - (B) name, address including city, state, and zip code, and telephone number of the training provider that is employing the applicant;
 - (C) confirmation of completion of the required training if applicable. The confirmation shall be in the form of a copy of the original certificate of completion of the accredited training course or must include the following information: the course title, dates of instruction, names of instructors, name, address, and telephone number of the training provider;
 - (D) when education is a requirement, a copy of the diploma or other written documentation; and
 - (E) when work experience is a requirement, documentation of relevant work history, including employer name, address, and telephone number, positions held, dates when positions were held, and legible copies of any relevant licenses, registrations, or certifications.
 - (f)(g) An application for course accreditation by the Program shall be processed as follows:
 - (1) The program Program shall review the application and supporting documentation and advise the applicant of any deficiencies. If the deficiencies are not corrected within 12 months from the date of application, the application and any supporting documentation shall be returned to the applicant and the applicant shall re-submit a completed application. Approval of submitted documentation does not constitute course accreditation;
 - (2) If the submitted documentation meets all applicable requirements of this Rule, the Program shall notify the applicant of this and also advise the applicant that it may contact the Program to schedule an on-site audit. The on-site audit shall be of a class of at least two student attendees and taught in North Carolina;
 - (3) If the Program determines, as a result of the on-site audit, that the training course meets all applicable requirements of this Rule, it shall issue course accreditation. If the course does not meet these requirements, the Program shall notify the applicant of the
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 - deficiencies and advise the applicant that it may request one additional on-site audit, which shall be held no more than six months from the date of the first audit; and
 - (4) If the Program determines, as the result of the second audit, that the training course meets all applicable requirements of this Rule, it shall issue course accreditation. If the course does not meet all these requirements, the Program shall notify the applicant of the deficiencies, return all the application materials, and advise the applicant that it may not reapply for course accreditation for the audited course for a period of six months from the date of the last audit.
 - (g)(h) Training course providers shall perform the following in order to maintain accreditation of all initial and refresher courses:
 - (1) Issue a certificate of training meeting the requirements of Subparagraph (e)(2) of this Rule to any student who successfully completes the required training and the hands-on skills assessment, and passes the applicable examination;
 - (2) Submit to the Program written notice of intention to conduct a training course for North Carolina lead certification purposes, if the course is to be taught in North Carolina. Notices for training courses shall be postmarked or received 10 working days before the training course begins. If the training course is canceled, canceled or there is a change of instructors or course location, the training course provider shall notify the Program at least one two working day days prior to the scheduled start date. Notification of intent to conduct a training course shall be made using a form provided by the Program and shall include the following:
 - (A) training provider name, address including city, state, and zip code, telephone number, and contact person;
 - (B) training course title;
 - (C) inclusive dates of course and applicable exam;
 - (D) start and completion times;
 - (E) location of the course facility and directions to the course facility; facility;
 - (F) language in which the course is taught; and
 - (G) signature of the training manager;
 - (3) Notify the Program, in writing, at least 10 working days prior to the scheduled course start date, of any changes to course length, curriculum, training methods, training manual or materials, instructors, examination, training certificate, or training course manager or contact person; manager;
 - (4) Submit to the Program information and documentation for any course accredited pursuant to this Rule if requested by the Program;
 - (5) Ensure that all training courses covered under this Rule meet the requirements of 40 CFR Part 745 Subpart L, Subsection .225(c), (d), and (e) and the following requirements:
 - (A) the instructor must follow the curriculum that was approved by the Program, US EPA, or a state, tribe, or territory with whom the Program has a reciprocity agreement. The schedule may be adjusted, but all curriculum elements shall be covered;
 - (B) all initial and refresher training courses shall have a maximum of 30 students;
 - (C) a day of training shall include at least six and one-half hours of direct instruction, including classroom and hands-on training eight

training hours;

(D) students' work time and instruction time shall not exceed 12 hours in a 24-hour period;

(E) a training course shall be completed within a two-week period;

(F) instructor ratio for hands-on training shall be no more than 10 students per instructor;

(G) all course materials shall be in the language in which the course is being taught;

(H) each training course shall be discipline specific;

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(I) students shall be allowed to take an examination no more than twice for each course. Each The exam used for retesting shall be different from the previous exam. After two failures, the student shall retake the full course before being allowed to retest; and
(J) training providers shall provide examination security to prevent student access to the examination materials before and after the exam. Training providers shall take measures to preclude cheating during the exam, such as providing space between students, prohibiting talking, and monitoring students throughout the exam; and exam.

(K) training providers shall provide a written policy for administration of oral exams.

(6) Verify, by photo identification, the identity of any student requesting training;

(7) Submit a completed renewal application on a form provided by the Program for each course accredited by the Program, and taught in North Carolina, for which the training provider is seeking renewal; and

(8) Conduct work practice and worker protection demonstrations and hands-on exercises presented in all training courses covered under this Rule in accordance with Rule .0906 of this Section and 29 CFR 1926.62, which is hereby incorporated by reference, including any subsequent amendments and editions. editions;

(9) Work practice topics taught by lecture or hands-on training activities include:

(A) for the renovator courses: procedures for using acceptable test kits to determine whether paint is lead-based paint, renovation methods to minimize the creation of dust and lead-based paint hazards, interior and exterior containment and cleanup methods, methods to ensure that the renovation has been properly completed, including cleaning verification, and clearance testing, waste handling and disposal; and

(B) for the dust sampling technician: dust sampling methodologies, clearance standards and testing, and report preparation; and

(10) Training courses accredited by the Program under Paragraph (g) of this Rule shall be taught at least once every five years in North Carolina.

(h)(i) Training course providers shall permit Program representatives to attend, evaluate and monitor any training course, take the course examination, and have access to records of training courses without charge or hindrance to the Program for the purpose of evaluating compliance with these Rules. The Program shall perform periodic and unannounced on-site audits of training courses.

(i)(j) In accordance with G.S. 130A-23, the Program may suspend, revoke, or deny accreditation for a training course for any violation of G.S. 130A, Article 19B or the Rules of this Section and shall revoke accreditation upon revocation of accreditation by the US EPA or by any state with a US EPA authorized accreditation program. The Program shall also revoke course accreditation for all courses taught by a training provider upon a finding that the training course provider has issued one or more certificates to an individual who did not actually attend the course, successfully complete the hands-on exercises, and pass the examination. When course accreditation is revoked for improper issuance of certificates, the training course provider is not eligible for reaccreditation for a period of 36 months from the date of revocation.

Authority G.S. 130A-453.16; 130A-453.21; 130A-23.

10A NCAC 41C .0905 ACCREDITATION OF TRAINING PROVIDERS

(a) To become accredited, training providers shall meet the following requirements:

(1) Submit a completed application on a form provided by the Program including:

(A) the name, address including city, state and zip code, and telephone number of the training provider;

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(B) a statement that all courses taught in North Carolina for certification will comply with all of the requirements of the rules in this Section;

(C) a statement that the training provider is responsible for maintaining the validity and integrity of the hands-on skills assessment to ensure that it accurately evaluates the trainees' performance of the work practices and procedures associated with the course topics;

(D) a statement that the training provider is responsible for maintaining the validity and integrity of the course examination to ensure that it accurately evaluates the trainees' knowledge and retention of the course topics;

(E) documentation for the training manager, pursuant to Rule .0904 .0904(f) of this Section; and

(F) the original signature, title, and printed name of an official of the training provider.

(2) Training Providers accredited by US EPA or by a state with a US EPA authorized program shall submit a copy of the original certificate of accreditation for the training provider documentation of their accreditation to the Program.

(b) In accordance with G.S. 130A-23, the Program may suspend, revoke, or deny accreditation of a training provider for any violation of G.S. 130A, Article 19B or the rules of this Section and shall revoke accreditation upon revocation of accreditation by the US EPA or by any state with a US EPA authorized accreditation program. A training provider whose course accreditation has been revoked by the Program is not eligible for accreditation for a period of 12 months from the date of revocation. The Program shall also revoke a training provider's accreditation upon a finding that the training course provider has falsified training documents or issued one or more certificates to an individual who did not actually attend the course, complete the hands-on exercises, and pass the examination. When accreditation is revoked for falsification of documents or improper issuance of certificates, the training course provider shall not be eligible for reaccreditation for a period of 36 months from the date of revocation.

Authority G.S. 130A-453.16; 130A-453.21; 130A-23.

10A NCAC 41C .0906 STANDARDS FOR CONDUCTING LEAD-BASED PAINT RENOVATION ACTIVITIES

(a) All lead-based paint renovation activities performed for compensation in target housing and child-occupied facilities shall be conducted in accordance with 40 CFR 745 Subpart E, Subsections .85 and .90.

(b) The following shall be maintained on site during renovation activities and be immediately available for review by the Program:

(1) A copy of the Program issued firm certification;

(2) A copy of the Program issued certification letter for the certified renovator assigned to the project; and

(3) Photo-identification cards issued by the Department for inspectors, risk assessors and dust sampling technicians performing dust wipe sampling or clearance sampling as applicable.

Authority G.S. 130A-453.18; 130A-453.21.

10A NCAC 41C .0907 STANDARDS FOR RECORDS RETENTION, INFORMATION DISTRIBUTION, AND REPORTING REQUIREMENTS

(a) All certified renovation firms shall comply with the records retention, information distribution, and reporting requirements related to lead-based paint renovation activities, in accordance with 40 CFR 745 Subpart E, Subsections .84 and .86.

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(b) All certified renovation firms using USEPA-recognized test kits prior to conducting renovation activities in target housing and child-occupied facilities must provide in writing to the person who contracted for the renovation the identifying information as to the manufacturer and model of the test kits used, a description of the components that were tested including their locations, and the test kit results. This information must be provided prior to the start of the renovation activities.

(c) All accredited training providers shall comply with the training program recordkeeping requirements in accordance with 40 CFR 745 Subpart L, Subsection .225(i).

Authority G.S. 130A-453.19; 130A-453.21.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

**SESSION LAW 2013-160
SENATE BILL 468**

AN ACT TO SPECIFY THAT WHEN APPLIANCE INSTALLERS ARE LICENSED TO PERFORM ALL ASPECTS OF AN INSTALLATION, JUST ONE PERMIT AND INSPECTION WILL BE REQUIRED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-357 reads as rewritten:

"§ 153A-357. Permits.

(a) ~~No~~ Except as provided in subsection (a) of this section, no person may commence or proceed with any of the following without first securing from the inspection department with jurisdiction over the site of the work each permit required by the State Building Code and any other State or local law or local ordinance or regulation applicable to the work:

- (1) The construction, reconstruction, alteration, repair, movement to another site, removal, or demolition of any building.
- (2) The installation, extension, or general repair of any plumbing system except that in any one- or two-family dwelling unit a permit shall not be required for the connection of a water heater that is being replaced, provided that the work is performed by a person licensed under G.S. 87-21, who personally examines the work at completion and ensures that a leak test has been performed on the gas piping, and provided the energy use rate or thermal input is not greater than that of the water heater which is being replaced, there is no change in fuel, energy source, location, capacity, or routing or sizing of venting and piping, and the replacement is installed in accordance with the current edition of the State Building Code.
- (3) The installation, extension, alteration, or general repair of any heating or cooling equipment system.
- (4) The installation, extension, alteration, or general repair of any electrical wiring, devices, appliances, or equipment except that in any one- or two-family dwelling unit a permit shall not be required for repair or replacement of electrical lighting fixtures or devices, such as receptacles and lighting switches, or for the connection of an existing branch circuit to an electric water heater that is being replaced, provided that all of the following requirements are met:
 - a. With respect to electric water heaters, the replacement water heater is placed in the same location and is of the same or less capacity and electrical rating as the original.
 - b. With respect to electrical lighting fixtures and devices, the replacement is with a fixture or device having the same voltage and the same or less amperage.
 - c. The work is performed by a person licensed under G.S. 87-43.

d. The repair or replacement installation meets the current edition of the State Building Code, including the State Electrical Code. A permit shall be in writing and shall contain a provision that the work done shall comply with the State Building Code and all other applicable State and local laws and local ordinances and regulations. Nothing in this section shall require a county to review and approve residential building plans submitted to the county pursuant to Section R-110 of Volume VII of the North Carolina State Building Code; provided that the county may review and approve such residential building plans as it deems necessary. No permit may be issued unless the plans and specifications are identified by the name and address of the author thereof; and if the General Statutes of North Carolina require that plans for certain types of work be prepared only by a registered architect or registered engineer, no permit may be issued unless the plans and specifications bear the North Carolina seal of a registered architect or of a registered engineer. If a provision of the General Statutes of North Carolina or of any ordinance requires that work be done by a licensed specialty contractor of any kind, no permit for the work may be issued unless the work is to be performed by such a duly licensed contractor. No permit issued under Articles 9 or 9C of G.S. Chapter 143 shall be required for any construction, installation, repair, replacement, or alteration costing five thousand dollars (\$5,000) or less in any single-family residence or farm building unless the work involves: the addition, repair or replacement of load bearing structures; the addition (excluding replacement of same size and capacity) or change in the design of plumbing; the addition, replacement or change in the design of heating, air conditioning, or electrical wiring, devices, appliances, or equipment; the use of materials not permitted by the North Carolina Uniform Residential Building Code; or the addition (excluding replacement of like grade of fire resistance) of roofing. Violation of this section constitutes a Class 1 misdemeanor.

(a) A county shall not require more than one permit for the complete installation or replacement of any natural gas, propane gas, or electrical appliance on an existing structure when the installation or replacement is performed by a person licensed under G.S. 87-21 or G.S. 87-43. The cost of the permit for such work shall not exceed the cost of any one individual trade permit issued by that county, nor shall the county increase the costs of any fees to offset the loss of revenue caused by this provision.

...."

SECTION 2. G.S. 160A-417 reads as rewritten:

"§ 160A-417. Permits.

(a) ~~No~~ Except as provided in subsection (a1) of this section, no person shall commence or proceed with any of the following without first securing from the inspection department with jurisdiction over the site of the work any and all permits required by the State Building Code and any other State or local laws applicable to the work:

(1) The construction, reconstruction, alteration, repair, movement to another site, removal, or demolition of any building or structure.
 (2) The installation, extension, or general repair of any plumbing system except that in any one- or two-family dwelling unit a permit shall not be required for the connection of a water heater that is being replaced, provided that the work is performed by a person licensed under G.S. 87-21, who personally examines the work at completion and ensures that a leak test has been performed on the gas piping, and provided the energy use rate or thermal input is not greater than that of the water heater which is being replaced, there is no change in fuel, energy source, location, capacity, or routing or sizing of venting and piping, and the replacement is installed in accordance with the current edition of the State Building Code.

(3) The installation, extension, alteration, or general repair of any heating or cooling equipment system.

(4) The installation, extension, alteration, or general repair of any electrical wiring, devices, appliances, or equipment except that in any one- or two-family dwelling unit a permit shall not be required for repair or replacement of electrical lighting fixtures or devices, such as receptacles and lighting switches, or for the connection of an existing branch circuit to an electric water heater that is being replaced, provided that all of the following requirements are met:

a. With respect to electric water heaters, the replacement water heater is placed in the same location and is of the same or less capacity and electrical rating as the original.

b. With respect to electrical lighting fixtures and devices, the replacement is with a fixture or device having the same voltage and the same or less amperage.

c. The work is performed by a person licensed under G.S. 87-43.

d. The repair or replacement installation meets the current edition of the State Building Code, including the State Electrical Code. Senate Bill 468 Session Law 2013-160 Page 3

A permit shall be in writing and shall contain a provision that the work done shall comply with the State Building Code and all other applicable State and local laws. Nothing in this section shall require a city to review and approve residential building plans submitted to the city pursuant to Section R-110 of Volume VII of the North Carolina State Building Code; provided that the city may review and approve such residential building plans as it deems necessary. No permits shall be issued unless the plans and specifications are identified by the name and address of the author thereof, and if the General Statutes of North Carolina require that plans for certain types of work be prepared only by a registered architect or registered engineer, no permit shall be issued unless the plans and specifications bear the North Carolina seal of a registered architect or of a registered engineer. When any provision of the General Statutes of North Carolina or of any ordinance requires that work be done by a licensed specialty contractor of any kind, no permit for the work shall be issued unless the work is to be performed by such a duly licensed contractor. No permit issued under Articles 9 or 9C of Chapter 143 shall be required for any construction, installation, repair, replacement, or alteration costing five thousand dollars (\$5,000) or less in any single family residence or farm building unless the work involves: the addition, repair or replacement of load bearing structures; the addition (excluding replacement of same size and capacity) or change in the design of plumbing; the addition, replacement or change in the design of heating, air conditioning, or electrical wiring, devices, appliances, or equipment; the use of materials not permitted by the North Carolina Uniform Residential Building Code; or the addition (excluding replacement of like grade of fire resistance) of roofing.

Violation of this section shall constitute a Class 1 misdemeanor.

(a1) A city shall not require more than one permit for the complete installation or replacement of any natural gas, propane gas, or electrical appliance on an existing structure when the installation or replacement is performed by a person licensed under G.S. 87-21 or G.S. 87-43. The cost of the permit for such work shall not exceed the cost of any one individual trade permit issued by that city, nor shall the city increase the costs of any fees to offset the loss of revenue caused by this provision.

...."

SECTION 3. This act becomes effective July 1, 2013.

In the General Assembly read three times and ratified this the 13th day of June, 2013.

Daniel J. Forest
 President of the Senate

Thom Tillis
 Speaker of the House of Representatives

Pat McCrory
 Governor

Approved 4:27 p.m. this 19th day of June, 2013