



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

September 2013

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

1109 Dresser Court
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Board Completes Investigation into Carbon Monoxide Deaths

The State Board of Examiners of Plumbing, Heating & Fire Sprinkler Contractors, working in conjunction with other local and state agencies, has completed its portion of an investigation into three deaths that occurred in a North Carolina hotel earlier this year.

Daryl and Shirley Jenkins, a couple in their 70s, died on April 16, and 11-year-old Jeffrey Lee Williams died on June 8 after staying in Room 225 of the Best Western of Boone.

The fatalities were caused by conditions which led to elevated levels of carbon monoxide gas from a swimming pool heater entering the guest room of the victims.

The investigation determined that several individuals and firms were engaged in performing work on the premises. Some individuals were not properly licensed, and some licensed contractors may also be found to have contributed to the circumstances that resulted in the deaths.

Individuals performing plumbing, heating or fire sprinkler work without a proper license may be found guilty of a Class 2 misdemeanor, with any charges being handled through the court system.

With regard to licensed individuals, through the Board's established disciplinary process, the Board has the authority to temporarily suspend or permanently revoke the license of any contractor that does not comply with state laws and the rules of the Board.

Findings resulting from the investigation have been forwarded to the Board's attorney, who is reviewing the information and prior to proceeding with the case. The Board cannot release any further detailed information about the case at this time.

"We really hate what's happened, and our hearts go out to the families. We're trying to keep in sight what's important," said Dale Dawson, Executive Director of the Board. "But we've still got to make sure that we go through the right processes and that everyone is treated fairly."

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Continuing Education Opportunities for Well Exemption

Licensed plumbing contractors who wish to contract and engage in the business of well pump work must hold either a Level D certification from the North Carolina Well Commission or be current on the required continuing education which exempts licensed contractors from being required to hold the Level D certification when performing certain limited activities.

General Statute 87-98.4(b) details the conditions of the exemption and the allowed activities:

A person who is licensed as a plumbing contractor under Article 2 of Chapter 87 of the General Statutes who installs pumps or pumping equipment; installs, breaks, or reinstalls a well seal in accordance with G.S. 87-85(6); or disinfects a well incident to the installation, alteration, or replacement of pumps or pumping equipment within or near a well. However, the plumbing contractor shall maintain documentation of having attended a continuing education course that covered well seal installation, protection, and sanitation within the last two years prior to the work being performed. The State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors shall ensure that continuing education courses covering well seal installation, protection, and sanitation are available to licensed plumbing contractors during each six-month continuing education course schedule. The licensed plumbing contractor shall remain on-site while the work is being performed until the well is disinfecting and sealed."

The North Carolina Plumbing and Mechanical Association is offering the required course on the following dates:

September 5, 2013 6-8 pm Charlotte, NC
November 7, 2013 5-7 pm Charlotte, NC

You may contact Jenny Horne at 919-532-0522 or via e-mail at jenny@nc-pma.org for more information.

Well Activities Allowed Under Level D Exemption

The NC Well Commission has taken the position that well disinfection and sealing is incident to the installation, alteration, or replacement of pumps or pumping equipment ONLY when it is performed for the first time, but their position is in contrast to the Board's position.

If the licensed plumbing contractor who has completed the well seal installation, protection and sanitation education class within the past two years replaces a well pump and reseals the well, that work is allowed without having to hold a Level D certification from the Well Commission.

It is the opinion of the Board that if after the completion of the well pump installation and the sealing of the well, a licensee receives a water sample (drawn at the completion of the installation) that indicates that the well needs to be re-sanitized, it is the Board's position that the licensee can perform the re-sanitization of the well again as part of the initial installation, to assure that the water being delivered to the citizen of North Carolina is safe. However, if the licensed plumber who has obtained the exemption by completing the education returns to the re-sanitize the well, after the installation has been completed, then the licensee will not be allowed to perform any work beyond the initial sanitizing and sealing at the time of the well pump work.

Breaking and/or reinstalling a well seal, or sanitizing a well at any time other than during the pump work without a valid Level D certification is considered to be a violation of the NC Well Commission's rules, and has resulted in \$1,000.00 fines being levied by the Well Commission.

Time Again for Annual License Renewal

As the last few months of 2013 approach, so does the need to renew your license(s).

All licenses issued by the Board expire at midnight on December 31st of each year. There is no 'grace period'. If the license is not renewed prior to expiration, all tasks requiring a license (bidding, contracting, and performing work) must cease until it is renewed. Additionally, the majority of inspection departments will refuse to issue permits and/or inspect work performed on jobs previously permitted if the license is not displayed on our website as being active. The late renewal fee of \$25.00 is waived through January 31st, but the license expires on December 31st.

Beginning this year, if we have your e-mail address, your license renewal notification will be sent to you by e-mail. If we do not have your e-mail address, or if the message is returned to our server as undeliverable, your renewal notice will be sent to you by U.S. Mail as in the past.

Regardless of whether you receive the renewal notice by mail or e-mail, it will contain your username and password. This is needed if you wish to renew your license online.

A license may be renewed online if it is currently active with an expiration date of December 31, 2013. Simply visit our website at www.nclicensing.org and see the Online License Renewal section at the top of the homepage. There you will find the link for online renewal, as well as a step-by-step tutorial to assist you in setting up your account for the first time. For your convenience, both MasterCard and VISA are accepted.

If you prefer not to renew online, you may still bring or mail your completed form to our office with a check or money order. Renewal forms are available by clicking on the Download Forms button on the left side of the homepage.

If your license expired in a prior year (2010, 2011 or 2012), you must bring or mail the completed form to our office with your check or money order. These cannot be renewed online.

This is the last year that you may renew a license that expired in 2010. If you do not renew your license by December 31, 2013, your license will be retired. In order to reinstate a retired license, you will be required to reapply and successfully complete the required examination(s).

If you are a master licensee and need to delete a sub-licensee from your license, you may fax the completed Delete Sub-licensee form to us, allow 3 business days for processing, and then you may renew the license online. If you are a master licensee and need to add a sub-licensee, you may renew online and then mail in the Add Sub-licensee form. If you have any questions regarding the form or fees, please contact our Licensing Coordinator, as fees for sub-licensees vary depending upon the license classification.

If you are reinstating your license from sub-licensee status to contractor status for 2014 you must mail in your form to renew for 2014, but your paperwork will not be processed until December 31.

There are no continuing education requirements for renewal of any license, current or expired.

The Board rules require that you list the license in the name in which you are conducting business. If you have changed the name under which you are doing business in the last year and have not yet notified us of this change, now is the time to complete your Trade Name Change form, also available on the Download Forms page.

If you have any questions regarding license renewal or trade names, please contact our Licensing Coordinator at 919-875-3612, ext. 203.

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

Office Phone: 919-875-3612
Office Fax: 919-875-3616
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Dale Dawson

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Dejaya (DJ) Soltys

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Extension 230 or kjolliffe@nclicensing.org

Lauren Getzie

Complaint Coordinator
Extension 211 or complaint@nclicensing.org

Maddison Dirks

Receptionist
Extension 213 or ????????

Administrative Officer (Field Staff) Directory

Fax for all Administrative Officers: 919-875-3616

John Todaro

Senior Administrative Officer
South Central Region
704-975-5305 or jtodaro@nclicensing.org

Moises "Jimmy" Jimenez

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David Boulay

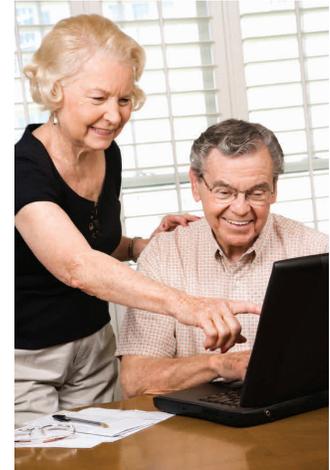
Western Region
828-234-2719 or dboulay@nclicensing.org

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>
Acosta, Ezquiel	Charlotte	7/24/2013	Harrower, Steven	Asheville	7/11/2013
Benson, Russell	Bladenboro	7/3/2013	Kerney, Patrick	Dania, FL	7/9/2013
Bryant, Roger D.	Madison	7/22/2013	Swaim, Danny	Greensboro	7/24/2013
Benson, Russell	Fairview	7/10/2013	Taylor, John	Fayetteville	7/2/2013
Earley, Troy	Fairview	7/12/2013	Warner, Steven	Asheville	7/11/2013
Franks, Charles	Belmont	7/24/2013	Williams, Barry S.	Holden Beach	7/24/2013
Halliger, Michael	Leicester	7/10/2013			

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>
Alejo, Miguel	Monroe	7/16/2013	Leonard, James R.	Hendersonville	7/9/2013
Brothers, Timothy H.	Morehead City	7/1/2013	Mahoney, Chad M.	Indian Trail	7/15/2013
Glover, Brian T.	Sims	6/28/2013	Stone, Todd	Charlotte	4/11/2013
Heatherly, Aldon J.	Brevard	7/3/2013	Van Smith, Stephen	Trinity	8/1/2013
Johnston, Sidney K.	Matthews	7/12/2013	Williams, Shannon	Lexington	7/31/2013

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.

(continued on next

Alderson, Daniel
Alderson Plumbing, Inc.
Cape Carteret, NC
License# 29373, P-I

Allegations of misconduct in the business of plumbing contracting in that the licensee failed to obtain a permit prior to commencing work, and accepted a contract for licensed plumbing work from an unlicensed individual who did not hold a plumbing license or a general contractor's license.

Daniel Alderson a Proposed Resolution Agreement 07/01/2013. The license of Daniel Alderson, number 29373 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, licensee must 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 90 days, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation requirements.

Best, Carroll G.
Temp-Rite, LLC
Asheville, NC
License# 29094, H-3-II

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, failed to provide supervision, failed to perform load calculation (s), violated the minimum standard of the North Carolina State Mechanical Code, allowed the use of license by unlicensed persons by issuing 1099's to unlicensed persons, and allowed licensed work contracted and installed while the licensee was actively employed at Mission Hospital. Resolution Conference held 07/10/2013.

Carroll Best signed a Resolution Conference Agreement 06/04/2013. The license of Carroll Best, number 29094 H-3-II, and that of the firm shall be placed on supervised probation for a period of eighteen (18) months. Among other things during the proba-

tion, licensee shall enroll in, attend and complete the series of Special Mechanical Code courses. 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.

Seidl, Jamie D.
Charlotte, NC
License# 28075, FS

Allegations of misconduct in the business of fire sprinkler contracting in that the licensee allowed his license to be listed in the name of Eager Fire Systems, LLC in Charlotte, NC, although he was not a full time employee but worked full time for VSC Fire & Security in Jessup, MD, failed to have knowledge of all the work the firm (Eager Fire Systems, LLC) contracted and installed, failed to sign contracts, failed to supervise work on a regular basis, and was not actively employed by the firm (Eager Fire Systems) during all hours work was being performed under his license.

Jamie Seidl signed a Proposed Resolution Agreement 06/18/2013. The license of Jamie Seidl, number 28075 FS, and that of the firm shall be suspended for a period of twelve (12) months. Among other things during the suspension, licensee must enroll in, attend and complete the Special Board Laws & Rules course. In the event the licensee violates the conditions of suspension, 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 requirements.

Stone, Steven G.
Asheville, NC
License# 15078, H-3-II

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, failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections, allowed the use of license by unlicensed

persons, and failed to have a signed contract which specified payment terms, work schedule or scope of work properly in contract. Resolution Conference held 07/11/2013. Steven Stone signed a Resolution Conference Agreement 07/11/2013. The license of Steven Stone, number 15078 H-3-II, 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 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.

Wilson, Rodney E.
Blue Horizon USA, Inc.
Woodstock, GA
License# 20971, 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, failed to provide supervision, engaged in business as Blue Horizon USA, Inc., yet the licensee license was listed in his individual name.

Rodney Edward Wilson signed a Resolution Conference Agreement 07/10/2013. The license of Rodney Edward Wilson, number 20971 H-3-I, 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 enroll in, attend and complete the series of Special Mechanical Code courses, enroll in, attend and complete the Special Board Laws & Rules course, and shall submit to the Board's office within the next 20 calendar days copies of all employees W-4's and by the end of the probation submit a copy of all employees 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.

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.

CANO-CHAVEZ, JOSE
Wingate, NC

Plumbing contracting without a license. Judgment of Permanent Injunction filed 7/16/13 enjoining the Defendant from engaging in the business of plumbing, heating or fire sprinkler contracting until properly licensed.

GRAHAM, JOHN WAYNE
d/b/a MOUNTAIN AIR
MECHANICAL
CONTRACTORS, INC.
Asheville, NC

Respondent installed a 3 ton HVAC single zone system in a two story townhome and failed to design a duct system to allow for adequate air flow and/or CFM's to serve the upstairs of the home; failed to ensure licensee's name was on the permit; failed to properly supervise the installation; and failed to meet minimum design standards by installing a system which will not maintain uniform temperature throughout the house within appropriate temperature differentials. Consent Order issued placing Respondent on unsupervised probation from the date of approval of the Order by the Board until a date which is 180 days after the date Respondent provides proof to the Board that he has completed all of the courses required by the Order.

HENSON, ROB
d/b/a HENSON'S
HANDYMAN SERVICES
Raleigh, NC

Heating contracting without a license. Judgment of Permanent Injunction filed 7/24/13 enjoining the Defendant from engaging in the business of plumbing, heating or fire sprinkler contracting until properly licensed.

JOYNER, RANDALL LEE
d/b/a QUALITY ROOFING &
GUTTERING
Rocky Mount, NC

Plumbing contracting without a license. Judgment of Permanent Injunction filed 6/27/13 enjoining the Defendant from engaging in the business of plumbing, heating or fire sprinkler contracting until properly licensed.

KLEIN, RALPH JOSEPH
Bryson City, NC
License #22995 H-3-II [revoked]

Heating contracting without a license in contempt of prior order of the Court. Order of Contempt filed 6/19/13 finding Defendant in contempt for violating a prior Order and enjoining the Defendant from engaging in the business of plumbing, heating or fire sprinkler contracting until properly licensed and putting in place suspended sentence of 60 days jail time.

LUCAS, DARYL
Holly Springs, NC

Heating contracting without a license. Permanent Injunction Judgment filed 4/26/13 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

MARSH, ROBERT MICHAEL
Mount Airy, NC

Heating contracting without a license. Judgment of Permanent Injunction filed 6/7/13 enjoining the Defendant from engaging in the business of plumbing, heating or fire sprinkler contracting until properly licensed.

MARTIN, STEVEN A.
d/b/a DIXIE RESIDENTIAL SER-
VICES
Hildebran, NC

Heating contracting without a license. Judgment of Permanent Injunction filed 7/2/13 enjoining the Defendant from engaging in the business of plumbing, heating or fire sprinkler contracting until properly licensed.

SYPHRETT, DARNELL
d/b/a Real Evestors
Durham, NC

Heating contracting without a license. Judgment of Permanent Injunction filed 7/12/13 enjoining the Defendant from engaging in the business of plumbing, heating or fire sprinkler contracting until properly licensed.

WINDHAM, BRYAN LEE
d/b/a WINDHAM
HEATING & AIR
Walnut Cove, NC

Heating contracting without a license. Judgment of Permanent Injunction filed 7/23/13 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