

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: The State Board of Examiners of Electrical Contractors

RULE CITATION: 21 NCAC 18B .0201

DEADLINE FOR RECEIPT: February 10, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

No changes.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Seth Ascher
Commission Counsel
Date submitted to agency: 1/30/23

1 21 NCAC 18B .0201 is amended as published in 37:05 NCR 367-369 as follows:

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21 NCAC 18B .0201 REQUIREMENTS FOR ALL EXAMINATION APPLICANTS

(a) To take an examination in any electrical contracting license classification, the applicant shall:

- (1) be 18 years of age;
- (2) submit the required duly filed application as defined in Rule .0210 of this Section;
- (3) submit with the application written statements from two persons, attesting to the applicant's good character; and
- (4) meet the requirements set out in Paragraph (b) of this Rule.

(b) Examination applicants shall meet the following requirements for the specified license classifications:

- (1) Limited classification. An applicant shall have ~~two years~~ 3,000 hours of experience, as defined in Rule .0202 of this Section, of which ~~one year~~ 2,000 hours shall be primary experience. The balance of experience may be primary, secondary, or both.
- (2) Intermediate classification. An applicant shall have ~~four years~~ 5,750 hours of experience, as defined in Rule .0202 of this Section, of which ~~two and one half years~~ 5,000 hours shall be primary experience. The balance of experience may be primary, secondary, or both.
- (3) Unlimited classification. An applicant shall:
 - (A) have ~~five years~~ 9,000 hours of experience, as defined in Rule .0202 of this Section, of which ~~four years~~ 8,000 hours shall be primary experience. The balance of experience may be primary, secondary, or both; and
 - (B) submit with the application written statements from two persons who are knowledgeable of the applicant's electrical experience, attesting to the applicant's ability to supervise and direct all electrical wiring or electrical installation work of an electrical contracting business in the unlimited classification.
- (4) Single family detached residential dwelling (SP-SFD) classification. An applicant shall have ~~two years~~ 3,000 hours of experience, as defined in Rule .0202 of this Section, of which ~~one year~~ 2,000 hours shall be primary experience. The balance of experience may be primary, secondary, or both.
- (5) Special restricted fire alarm/low voltage (SP-FA/LV) classification. An applicant shall have ~~two years~~ 3,000 hours of experience, as defined in Rule .0202 of this Section, of which one year 2,000 hours shall be primary experience. The balance of experience may be primary, secondary, or both. An applicant in this classification may also receive creditable experience for service in any of the capacities listed in Rule .0202 that the applicant gained in the low voltage field.
- (6) Special restricted elevator (SP-EL) classification. An applicant shall:
 - (A) have ~~two years~~ 3,000 hours of experience, as defined in Rule .0202 of this Section, of which ~~one year~~ 2,000 hours shall be primary experience. The balance of experience may be primary, secondary, or both. An applicant in this classification shall also receive creditable

- 1 experience for service in any of the capacities listed in Rule .0202 that the applicant gained
2 in the elevator field; and
- 3 (B) include on the application information to establish that the applicant is regularly on active
4 duty in, and will be the listed qualified individual for a firm that is primarily engaged in, a
5 lawful elevator business in this State, consistent with G.S. 87-43 and 21 NCAC 18B .0301.
- 6 (7) Special restricted plumbing and heating (SP-PH) classification. An applicant shall:
- 7 (A) have ~~two years~~ 3,000 hours of experience, as defined in Rule .0202 of this Section, of which
8 ~~one year~~ 2,000 hours shall be primary experience. The balance of experience may be
9 primary, secondary, or both. An applicant in this classification shall also receive creditable
10 experience for service in any of the capacities listed in Rule .0202 that the applicant gained
11 in the plumbing, heating, or air conditioning field; and
- 12 (B) include on the application information verifying that the applicant is regularly on active
13 duty in, and will be the listed qualified individual for a firm that is primarily engaged in, a
14 lawful plumbing, heating, or air conditioning business in this State consistent with G.S. 87-
15 43 and 21 NCAC 18B .0301.
- 16 (8) Special restricted ground water pump (SP-WP) classification. An applicant shall:
- 17 (A) have ~~two years~~ 3,000 hours of experience, as defined in Rule .0202 of this Section, of which
18 ~~one year~~ 2,000 hours shall be primary experience. The balance of experience may be
19 primary, secondary, or both. An applicant in this classification shall also receive creditable
20 experience for service in any of the capacities listed in Rule .0202 that the applicant gained
21 in the ground water pump field; and
- 22 (B) include on the application information to establish that the applicant is regularly on active
23 duty in, and will be the listed qualified individual for a firm that is primarily engaged in, a
24 lawful ground water pump business in this State, consistent with G.S. 87-43 and 21 NCAC
25 18B .0301.
- 26 (9) Special restricted electric sign (SP-ES) classification. An applicant shall:
- 27 (A) have ~~two years~~ 3,000 hours of experience, as defined in Rule .0202 of this Section, of which
28 ~~one year~~ 2,000 hours shall be primary experience. The balance of experience be primary,
29 secondary, or both. An applicant in this classification shall also receive creditable
30 experience in any of the capacities listed in Rule .0202 that the applicant gained in the
31 electric sign field; and
- 32 (B) include on the application information to establish that the applicant is regularly on active
33 duty in, and will be the listed qualified individual for a firm that is primarily engaged in, a
34 lawful electric sign business in this State.
- 35 (10) Special restricted swimming pool (SP-SP) classification. An applicant shall:
- 36 (A) have ~~two years~~ 3,000 hours of experience, as defined in Rule .0202 of this Section, of which
37 ~~one year~~ 2,000 hours shall be primary experience. The balance of experience may be

1 primary, secondary, or both. An applicant in this classification shall also receive creditable
2 experience for service in any of the capacities listed in Rule .0202 that the applicant gained
3 in the swimming pool field; and

- 4 (B) include on the application information verifying that the applicant is regularly on active
5 duty in, and will be the listed qualified individual for a firm that is primarily engaged in, a
6 lawful swimming pool business in this State, consistent with G.S. 87-43 and 21 NCAC
7 18B .0301.

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9 *History Note: Authority S.L. 2022-11; G.S. 87-42; 87-43.3; 87-43.4; 87-44;*
10 *Eff. October 1, 1988;*
11 *Amended Eff. January 1, 2010; March 1, 1999; February 1, 1990;*
12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 2,*
13 *2016;*
14 *Amended Eff. February 1, 2019; October 1, 2017.*
15 *Amended Eff. March 1, 2023.*
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REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: The State Board of Examiners of Electrical Contractors

RULE CITATION: 21 NCAC 18B .0212 (.0213)

DEADLINE FOR RECEIPT: February 10, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

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In reviewing this Rule, the staff recommends the following changes be made:

Per email communication between agency and the codifier, this is meant to be a new rule rather than an adoption. On the submission form in section 2, update to the correct rule number, 21 NCAC 18B .0213. In section 3, indicate adoption instead of amendment.

On line 1, change to “~~amended~~ adopted”.

Underline the new rule text, lines 4 through 16.

On line 15, add “History Note: ”

On lines 15 and 16, indent. This is formatted correctly in your other submitted rules.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Seth Ascher
Commission Counsel
Date submitted to agency: 1/30/23

1 21 NCAC 18B .0212 is amended as published in 37:-5 NCR 369 as follows:

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3 **21 NCAC 18B. 0212. ALTERNATIVE EXAMINATION**

4 (a) In the alternative to the qualifying examinations administered by the Board for any license classification, an
5 applicant may submit an Alternative Test Application form from the Board’s website. The alternative application
6 submission form must document a passing score from the computer-based examination entitled “Electrical
7 Contractor” certified by the National Association State Contractor Licensing Agencies (NASCLA).

8 (b) In addition to passing the qualifying examinations set forth above, applicant must satisfy all experience
9 requirements, age and character requirements set forth in Rules 21 NCAC 18B.0201 and 21 NCAC 18B.0203.

10 (c) An applicant under this rule shall further be required to obtain a passing score of at least 18 of the 25 questions
11 answered correctly on the North Carolina Laws, Rules and Business Practices test. The questions for the North
12 Carolina Laws, Rules and Business Practices test are set forth on the NASCLA alternative application. Applicants
13 under this rule shall complete the North Carolina Laws, Rules and Business Practices test remotely and are permitted
14 to use information from the Board’s website during the test.

15 *Authority G.S. 87-42.*

16 *Amended Eff. March 1, 2023.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: The State Board of Examiners of Electrical Contractors

RULE CITATION: 21 NCAC 18B .0308

DEADLINE FOR RECEIPT: February 10, 2023

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In reviewing this Rule, the staff recommends the following changes be made:

On line 9, change "~~no~~ not".

Will the meaning of this rule be clear to those it is meant to regulate?

This rule is written passively, which can make it difficult to understand. Additionally, the rule would be more readable if there was introductory language that indicated who and what was impacted by the rule, rather than requiring several levels of statutory cross-reference. Consider replacing line 4 with something like: "For a licensed plumbing, heating, or fire sprinkler contractor to qualify for an exception to electrical contractor licensing requirements during a building project pursuant to G.S. 87-1.1, the building project must be bid and performed subject to the following conditions:"

Is subparagraph (1) restating the general contractor rule, 21 NCAC 12A .0210? If so, incorporate by reference rather than restating.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Seth Ascher
Commission Counsel
Date submitted to agency: 1/30/23

1 21 NCAC 18B .0308 is adopted as published in 37:05 NCR 369 as follows:

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3 **21 NCAC 18B .0308 BIDDING PROJECTS PURSUANT TO G.S. 87-1.1**

4 If a building project is bid or performed pursuant to G.S 87-1.1,

5 (1) the total amount of work to be performed by all licensed general contractors shall not exceed 25%
6 of the total bid price;

7 (2) the total amount of work to be performed by all licensed contractors issued by a license by the State
8 Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors under Article 2 of Chapter
9 87 of the North Carolina General Statutes shall no exceed 25% of the total bid price.

10 Authority S.L. 2021-122; 2022-6; G.S. 87-1.1; 87-42.

11 Adopted Eff. March 1, 2023.