

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

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

RULE CITATION: 21 NCAC 50 .0403

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:

*The second sentence of paragraph b is difficult to read. Consider splitting into two sentences on lines 8 and 9: "~~requirement; provided however that,~~ **requirement.** **However**"*

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 50 .0403 is amended as published in 37:05 NCR 371 as follows:

2

3 **21 NCAC 50 .0403 USE OF LICENSE**

4 (a) A licensed contractor or technician shall not permit the use of his license by any other person.

5 (b) A contractor licensed by the Board shall not bid or contract installations requiring license of a type or classification
6 issued by this Board which the licensee does not have except as a part of a documented joint venture with a licensee
7 holding the necessary qualification or in accordance with the provisions set out in 21 NCAC 50 .0415. Bidding
8 without qualification and with an intention to subcontract the unauthorized work does not satisfy this requirement;
9 provided however that, in a contract administered pursuant to G.S. 143-129 and in which more than one classification
10 administered by this Board has been combined in the separate contract specifications, a licensee of this Board holding
11 either of such qualifications may bid both of such classifications of work administered by this Board in addition to the
12 classification for which he holds license if the successful bidder obtains an executed written contract with a qualified
13 licensee prior to the award of the contract by the awarding authority.

14 (c) A technician licensed by this Board shall not contract work based on the Technician license.

15

16 *History Note: Authority G.S. 87-18; 87-23; 87-26; 87-1.1;*

17 *Eff. February 1, 1976;*

18 *Readopted September 29, 1977;*

19 *Amended Eff. December 31, 2011; November 1, 1993; May 1, 1989;*

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

22 *Amended Eff. March 1, 2023.*

23

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

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

RULE CITATION: 21 NCAC 50 .0415

DEADLINE FOR RECEIPT: February 10, 2023

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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:

There is a space missing in the rule number. On line 3: “~~50.0415~~ 50 .0415”

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 electrical contractor to qualify for an exception to plumbing, heating, or fire sprinkler 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 50 .0415 is adopted as published in 37:05 NCR 371 as follows:

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3 **21 NCAC 50.0415 PROPOSAL, BID, ESTIMATE, PERFORMANCE UNDER 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 a license by the State
8 Board of Examiners of Electrical Contractors under Article 4 of Chapter 87 of the North Carolina
9 General Statutes shall not exceed 25% of the total bid price.

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11 Authority S.L. 2022-6; 2021-122; G.S. 87-1.1; 87-18.

12 Adopted Eff. March 1, 2023.

13

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

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

RULE CITATION: 21 NCAC 50 .0519

DEADLINE FOR RECEIPT: February 10, 2023

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

Is NFPA 13D Residential Multipurpose Fire Sprinkler Systems defined somewhere? If not, it will need to be defined or brought in by incorporation.

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 50 .0519 is amended as published in 37:05 NCR 371 as follows:

2

3 **21 NCAC 50 .0519 RESIDENTIAL FIRE SPRINKLER DESIGN CONTRACTOR LICENSE**

4 (a) A licensed Residential Fire Sprinkler Design Contractor is authorized to design residential fire sprinkler Systems
5 consistent with NFPA 13D Residential Multipurpose Fire Sprinkler Systems.

6 (b) An individual who holds an active license as a Plumbing Contractor and as a Residential Fire Sprinkler Installation
7 Contractor may obtain license as a Residential Fire Sprinkler Design Contractor upon meeting the requirements of
8 Rule .0316 of this Chapter.

9 (c) A licensed Fire Sprinkler Installation Contractor may design residential fire sprinkler systems consistent with
10 NFPA 13D Residential Multipurpose Fire Sprinkler Systems without meeting the requirements of Paragraph (a) and
11 (b) of this Rule.

12 (d) Residential Fire Sprinkler Design Contractors shall place their Residential Fire Sprinkler Design Contractor
13 license number and their dated signature on all design drawings and documents.

14 (e) Residential Fire Sprinkler Design Contractors shall submit all NFPA 13D multipurpose fire sprinkler design
15 drawings and documents to the Residential Fire Sprinkler Installation Contractors prior to the commencement of the
16 multipurpose fire sprinkler installation and upon request from the local inspection department.

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

19 *Eff. July 1, 2020.*

20 *Amended Eff. March 1, 2023.*

21

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

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

RULE CITATION: 21 NCAC 50 .1101

DEADLINE FOR RECEIPT: February 10, 2023

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

*There is a space missing in the rule number on line 10: "~~21 NCAC 50.1102~~ **21 NCAC 50 .1102**".*

*On line 10, the fees in .1102 are named "license fee" but the fees in .1101 are not. As written, this sentence is potentially ambiguous. Consider: "or **the fee set forth in Paragraphs (a) and (b)** this Rule"*

As written, applicants passing the exam would pay either a license fee or a fee under this rule. Is this the Board's intent?

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 50 .1101 is amended as published in 37:05 NCR 372 as follows:

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3 **21 NCAC 50 .1101 EXAMINATION FEES**

4 (a) An application to reissue or transfer a license to a different corporation, partnership or individual name requires a
5 fee of twenty-five dollars (\$25.00).

6 (b) An application to issue or transfer a license to the license of an existing licensee requires a fee of twenty-five
7 dollars (\$25.00).

8 (c) An application for a license by examination requires a fee of one hundred dollars (\$100.00), consisting of an
9 application fee of twenty-five dollars (\$25.00) and an examination fee of seventy-five dollars (\$75.00), which is
10 nonrefundable. Upon passage of the examination, the license fee set forth in 21 NCAC 50.1102 or this Rule must be
11 paid to obtain the license within 45 days of notification of the result of the examination, except that anyone passing
12 the examination ~~on or after November~~ October 1 of any year may elect to obtain a license for the following year rather
13 than the year in which the exam was passed.

14

15 *History Note: Authority G.S. 87-18; 87-22.1; 87-22; 87-26;*

16 *Eff. May 1, 1989;*

17 *Temporary Amendment Eff. November 17, 1989 for a period of 77 days to expire on February 1,*
18 *1990;*

19 *Amended Eff. August 1, 2000; November 1, 1993; March 1, 1990;*

20 *Temporary Amendment Eff. August 31, 2001;*

21 *Amended Eff. March 1, 2005; December 1, 2003; April 1, 2003; December 4, 2002;*

22 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*
23 *2015.*

24 *Amended Eff. March 1, 2023.*

25