

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

AGENCY: North Carolina Locksmith Licensing Board

RULE CITATION: 21 NCAC 29 .0501

DEADLINE FOR RECEIPT: Friday, March 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:

Please double space the Rule. See Rule .0705 as an example of how to properly format the spacing.

In (a), line 6, please capitalize "section".

In (a), line 6, under what circumstances would failure to comply with Section .0500 not result in disciplinary action by the Board?

In your History Note, please put the statutes in numerical order – i.e. put 74F-3 before 74F-6.

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

Brian Liebman
Commission Counsel
Date submitted to agency: February 27, 2023

1 21 NCAC 29 .0501 is amended with changes as published in 37:10 NCR 755-756 as follows:

2 21 NCAC 29 .0501 OBLIGATION OF LICENSED LOCKSMITHS

3 ~~By applying for and accepting a license issued by the Board, all licensees become obligated to comply with the~~
4 ~~provisions of this section. Failure to comply shall result in disciplinary action by the Board.~~

5 (a) By applying for and accepting a license issued by the Board, all licensees become obligated to comply with the
6 provisions of this section. Failure to comply may result in disciplinary action by the Board.

7 (b) The obligations of this Chapter extend to all employees of licensed individuals and licensed individuals shall be
8 responsible for the actions of their employees. The term "employee" shall mean every person engaged in
9 employment under a contract of hire or apprenticeship, express or implied, oral or written, including non-citizens,
10 and also minors, whether lawfully or unlawfully employed.

11

12 *History Note: Authority G.S. 74F-6; ~~74F-3~~;*

13 *Temporary Adoption Eff. August 13, 2002;*

14 *Eff. August 1, 2004;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest*

16 *Eff. ~~February 2, 2016~~. February 2, 2016;*

17 *Amended Eff. ~~March 1, 2023~~ April 1, 2023.*

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

AGENCY: North Carolina Locksmith Licensing Board

RULE CITATION: 21 NCAC 29 .0705

DEADLINE FOR RECEIPT: Friday, March 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:

In general, what is the effect of inactivating a license? Does this toll the 3-year renewal period in G.S. 74F-10? Does it exempt the holder from continuing education requirements? It's not clear from the text of the Rule what inactivating a license does other than preventing a licensee from practicing or supervising an apprentice, which are things someone could do voluntarily or by relinquishing a license.

In (a), line 5, and (b), line 7, you reference an activation form and a re-activation form respectively. What are the substantive contents of these forms? In other words, what information would the Board require before considering either form complete?

In (a), line 5, do you mean "in-activation form"?

In (c), line 8, the phrase "inactive license status issued by the Board" is cumbersome. Would it change the meaning to merely say "While a licensee holds an inactive license..."?

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

Brian Liebman
Commission Counsel
Date submitted to agency: February 27, 2023

1 21 NCAC 29 .0705 is adopted with changes as published in 37:10 NCR 755-756 as follows:

2

3 **21 NCAC 29 .0705 INACTIVE LICENSE STATUS DUE TO ACTIVE MILITARY DEPLOYMENT**

4 (a) A licensee who is actively deployed for military service may place their license on inactive status by notifying
5 the Board by submission of the military activation form on the Board’s website indicating their deployment.

6 (b) A license placed on inactive status may be re-activated by the license holder notifying the Board in writing of
7 their return to civilian employment by use of the re-activation form available on the Board’s website.

8 (c) While a licensee holds an inactive license status issued by the Board, the licensee shall not provide locksmith
9 services to the public, nor shall they supervise a locksmith apprentice.

10

11 *History Note: Authority G.S. 74F-6; 74F-7; 74F-10;*

12 *Eff. April 1, 2023.*