

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

AGENCY: The State Board of Examiners of Electrical Contractors

RULE CITATION: 21 NCAC 18B .0209

DEADLINE FOR RECEIPT: Monday, May 8, 2022.

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 (a), line 4, what is the “application and examination fee”? G.S. 87-44 refers to a fee “from applicants for examinations”. I’m assuming that’s what this fee refers to, but it seems to me that there’s a distinction between an “application fee” and a “fee from applicants for examination.” Also in (c) and (d) you refer to an “examination fee”. If these are the same fees, it makes sense to use the same language to refer to them throughout. If not, you need to clarify what is the application fee and what is the examination fee. Also, if you are charging an application fee, where is your statutory authority for that fee?

In (b), line 6, consider changing “reviews are supervised” to “reviews shall be supervised”.

In (c), line 8, is it necessary to say “the examination fees for examinations in all classifications”? It seems like “the examination fees” would suffice and be clearer.

In (d), line 11, you say the fee “shall be retained by the Board”, but in (e) you say the fee is “non-refundable”. For clarity’s sake, consider using one term to refer to this one idea.

In (d)(1), line 14, you say the examination fee is \$60.00, when (a) says the “application and examination fee” is \$125.00. If this isn’t an oversight, the best I can figure is that of the \$125 fee, \$65 is apportioned as an “application fee” and \$60 is apportioned as an “examination fee”. Again, please clarify and if there is an “application fee” provide your statutory authority.

In (g), line 21, please correct to say “Subparagraph (d)(2) and Paragraph (e)”.

In your History Note, why the references to G.S. 87-43.3 and 87-43.4?

Brian Liebman
Commission Counsel

Date submitted to agency: April 24, 2023

In your History Note, line 33, it says “July 1, 201”. Either this is the world’s oldest administrative rule, or there’s a typo. Also, the newest entry—“July 1, 2023”—should come first on that line.

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: April 24, 2023

1 21 NCAC 18B .0209 is amended as published in 37:16 NCR 1105 as follows:

2

3 **21 NCAC 18B .0209 FEES**

4 (a) The application and examination fee for qualifying examinations shall be ~~ninety dollars (\$90.00)~~ one hundred and
5 twenty-five (\$125.00) for all classifications.

6 (b) The fee for review of a failed examination is twenty-five dollars (\$25.00). All reviews are supervised by the
7 Board or staff.

8 (c) The examination fees for examinations in all classifications and the fees for examination reviews shall be in the
9 form of cash, check, money order, Visa, or Mastercard made payable to the Board and shall accompany the respective
10 applications when filed with the Board.

11 (d) Examination fees received with applications filed for qualifying examinations shall be retained by the Board
12 unless:

- 13 (1) an application is not filed as prescribed in Rule .0210 of this Section, in which case the examination
14 fee of sixty dollars (\$60.00) shall be returned and application shall be returned; or
- 15 (2) the applicant does not take the examination during the period for which application was made, files
16 a written request for a refund setting out extenuating circumstance, and the Board finds extenuating
17 circumstances.

18 (e) Examination review fees are non-refundable unless the applicant does not take the review, files a written request
19 for a refund, setting out extenuating circumstance, and the Board finds extenuating circumstances.

20 (f) Any fee retained by the Board shall not be creditable toward any future examination fee or examination review.

21 (g) Extenuating circumstances for the purposes of Paragraphs (d)(2) and (e) of this Rule are the applicant's illness,
22 bodily injury or death, or death of the applicant's spouse, child, parent, or sibling, or a breakdown of the applicant's
23 transportation to the designated site of the examination or examination review.

24

25 *History Note: Authority G.S. 87-42; 87-43.3; 87-43.4; 87-44;*

26 *Eff. October 1, 1988;*

27 *Amended Eff. May 1, 1998; July 1, 1989;*

28 *Temporary Amendment Eff. June 30, 2000;*

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

30 *Amended Eff. July 1, 2011; January 1, 2008; December 4, 2002;*

31 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 2,*
32 *2016;*

33 *Amended Eff. July 1, 201; July 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 .0404

DEADLINE FOR RECEIPT: Monday, May 8, 2022.

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 your History Note, line 24, please put your effective dates in chronological order, with the newest one—July 1, 2023—listed first.

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

1 21 NCAC 18B .0404 is amended as published in 37:16 NCR 1105 as follows:

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3 **21 NCAC 18B .0404 ANNUAL LICENSE FEES**

4 (a) The fee for issuance of license, reissuance of license, or license renewal in the various license classifications shall
5 be as follows:

6

LICENSE FEE SCHEDULE

7

CLASSIFICATION LICENSE FEE

8

Limited ~~\$95.00~~ \$100.00

9

Intermediate ~~\$140.00~~ \$150.00

10

Unlimited ~~\$190.00~~ \$200.00

11

SP-SFD ~~\$95.00~~ \$100.00

12

Special Restricted ~~\$95.00~~ \$100.00

13

(b) License fees shall be made payable to the Board. Payment shall accompany any license or license renewal
14 application filed with the Board.

15

16 *History Note: Authority G.S. 87-42; 87-44;*

17 *Eff. October 1, 1988;*

18 *Amended Eff. May 1, 1998; July 1, 1989;*

19 *Temporary Amendment Eff. June 30, 2000;*

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

21 *Amended Eff. July 1, 2015; January 1, 2008; December 4, 2002;*

22 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 2,*
23 *2016;*

24 *Amended Eff. July 1, 2020; October 1, 2017; July 1, 2023.*

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