

1 21 NCAC 12A .0201 is amended with changes as published in 35:11 NCR 1154-1157 as follows:

2
3 **SECTION .0200 - LICENSING REQUIREMENTS**
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5 **21 NCAC 12A .0201 DEFINITIONS**

6 The following definitions shall apply to the Rules in this Chapter:

- 7 (1) Completion: As used in G.S. 87-1(b), "**completion**" occurs upon issuance of a certificate of
8 occupancy by the permitting authority with jurisdiction over the project.
- 9 (2) Cost of the undertaking: As used in G.S. 87-1(a), "**cost of the undertaking**" means the final price of
10 a project, excluding the cost of land, as evidenced by the ~~contract~~, contract and any subsequent
11 amendments, or in the absence of a contract, permit records, invoices, and cancelled checks.
- 12 (3) Misconduct: As used in G.S. 87-11, "misconduct" includes allowing an unlicensed person or entity
13 to use a license or examination credential on an undertaking where a license is required. Misconduct
14 also includes allowing a licensed person or entity to use a license or examination credential on an
15 undertaking for which the user does not hold proper classification or limitation. Misconduct also
16 includes dishonest or fraudulent conduct by a qualifier related to the attendance of a continuing
17 education class described in G.S. 87-10.2.
- 18 ~~(3)~~(4) Personally: As used in G.S. 87-14(a)(1), "personally" means the physical presence of the owner of
19 the property and excludes the use of a power of attorney.
- 20 ~~(4)~~(5) Solely for occupancy: As used in G.S. 87-1(b), "solely for occupancy" is restricted to the family of
21 a person, the officers and shareholders of a firm or corporation, and guests and social invitees where
22 no consideration is received. For purposes of G.S. 87-1(b)(2), "family" is defined as a spouse or
23 other family member living in the same household.
- 24 ~~(5)~~(6) Value: As used in G.S. 87-10(a1), "**value**" means the same as "cost of the undertaking."
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26 *History Note: Authority G.S. G.S. 87-1, 87-10, 87-10.2, and 87-14;*
27 *Eff. February 1, 1976;*
28 *Readopted Eff. September 26, 1977;*
29 *Amended Eff. January 1, 1983;*
30 *Repealed Eff. May 1, 1989;*
31 *Codifier approved agency's waiver request to reuse rule number;*
32 *Eff. September 1, 2019;*
33 *Recodified from 21 NCAC 12 .0201 Eff. January 2, ~~2020~~, 2020;*
34 *Amended Eff. July 1, 2021.*

1 21 NCAC 12A .0212 is adopted with changes as published in 35:16 NCAC 1810-1811 as follows:

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3 **21 NCAC 12A .0212 PERMITS AND INSPECTIONS**

4 (a) A licensee shall obtain all necessary building permits from the local Code Enforcement Agency before
5 commencing any work for which a building permit is required. After obtaining the necessary building permits, a
6 licensee shall obtain all required inspections and ~~for assuring~~ assure that all ~~required~~ inspections required by codes
7 adopted by the N.C. Building Code Council are passed by the local Code Enforcement Official or a designee. Absent
8 a written acknowledgement by a local Code Enforcement Official, a licensee shall not be relieved of his, her, or its
9 responsibility to complete all required inspections until a certificate of compliance or the equivalent is obtained from
10 the local Code Enforcement Agency.

11 (b) A licensee shall not allow a building permit to be obtained or allow his, her, or its license number to appear on a
12 building permit application unless:

13 (1) the licensee is the owner of the property; or

14 (2) the licensee has an agreement with the property owner or ~~his/her~~ his or her designee to perform
15 work described in the building permit.

16 (c) Failure to comply with this Rule shall constitute misconduct as described in G.S. 87-11.

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18 *History Note: Authority G.S. 87-1; 87-11; 87-14; 160A-417; 160D-1110;*

19 *Eff. July 1, 2021.*

1 21 NCAC 12A .0503 is amended with changes as published in 35:11 NCR 1154-1157 as follows:

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3 **21 NCAC 12A .0503 RENEWAL OF LICENSE**

4 (a) Applications for renewal of license shall contain the following:

- 5 (1) the Social Security Number of the applicant and qualifier(s) and tax identification number for
- 6 corporations, LLCs, or partnerships;
- 7 (2) the applicant's contact information;
- 8 (3) the name of business under which licensee will be operating, if any;
- 9 (4) information regarding any changes made in the status of the licensee's business, since the initial
- 10 application or last renewal was submitted to the Board, whichever is later;
- 11 (5) confirmation of license limitation and classifications;
- 12 (6) information about all crimes of which the applicant has been convicted since the initial application
- 13 or last renewal was submitted to the Board, whichever is later;
- 14 (7) documentation regarding all crimes referenced above;
- 15 (8) information indicating whether the applicant has any disciplinary history with any other
- 16 occupational licensing, registration, or certification agency since the initial application or last
- 17 renewal was submitted to the Board, whichever is later;
- 18 (9) an attestation that the applicant maintains continued financial responsibility pursuant to Rule .0204
- 19 of this Chapter;
- 20 (10) if applicable, proof that the surety bond is maintained in compliance with Rule .0204 of this Chapter;
- 21 (11) if necessary, proof of completion of continuing education requirements; and
- 22 (12) the application fee and any accrued late fees as set forth in Rule .0304 of this Chapter.

23 (b) A licensee shall submit an audited financial statement as evidence of continued financial responsibility in
24 accordance with Rule .0204 of this Chapter if the Board finds that the licensee is insolvent, financially unstable, or
25 unable to meet its financial responsibilities based upon the information provided in the renewal application.

26 (c) A licensee shall provide the Board with a copy of any bankruptcy petition filed by the licensee within 30 days of
27 its filing. A licensee in bankruptcy shall provide to the Board an agreed-upon procedures report on a form provided
28 by the Board or an audited financial statement with a classified balance sheet as part of any application for renewal.

29 (d) A corporate license shall not be renewed unless it is in good standing with the N.C. Department of the Secretary
30 of State.

31 (e) Upon receipt of a written request by or on behalf of a licensee who is currently in good standing with the Board,
32 is serving in the armed forces of the United States, and to whom G.S. 105-249.2 grants an extension of time to file a
33 tax return, the Board shall grant that same extension of time for complying with renewal application deadlines, for
34 paying renewal fees, and for meeting any other requirement or conditions related to the maintenance or renewal of the
35 license issued by the Board. The applicant shall furnish to the Board a copy of the military orders or the extension
36 approval by the Internal Revenue Service or by the North Carolina Department of Revenue.

1 (f) If a licensee's status is invalid for reasons other than those set forth in G.S. 87-10.2(h) and the licensee requests to
2 renew [its] his, her, or its license, the licensee must submit proof of completion of six elective hours of continuing
3 education [and two mandatory hours] for each year not previously renewed and for the current license [year.] year and
4 two mandatory hours for the current year.

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6 *History Note: Authority G.S. 87-1; 87-4; 87-10; 87-10.2; 87-12; 87-13; 93B-15;*
7 *Eff. February 1, 1976;*
8 *Readopted Eff. September 26, 1977;*
9 *ARRC Objection March 19, 1987;*
10 *Amended Eff. May 1, 1989; August 1, 1987;*
11 *Temporary Amendment Eff. June 28, 1989 for a period of 155 Days to Expire on December 1, 1989;*
12 *Amended Eff. December 1, 1989;*
13 *RRC Removed Objection of March 19, 1987 Eff. August 20, 1992 based on subsequent amendment;*
14 *Amended Eff. September 1, 1992;*
15 *Temporary Amendment Eff. May 31, 1996;*
16 *Amended Eff. April 1, 2014; June 1, 2011; June 1, 2003; April 1, 2003; August 1, 2002; April 1,*
17 *1997;*
18 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23,*
19 *2016;*
20 *Amended Eff. September 1, 2019; April 1, 2018;*
21 *Recodified from 21 NCAC 12 .0503 Eff. January 2, 2020;*
22 *Temporary Amendment Eff. January 2, 2020;*
23 *Amended Eff. September 1, ~~2020~~ 2020;*
24 *Amended Eff. July 1, 2021.*

1 21 NCAC 12A .0607 is adopted with changes as published in 35:11 NCR 1154-1157 as follows:

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3 **21 NCAC 12A .0607 WAIVER**

4 The Board may waive any rule in this Chapter that is not statutorily required ~~upon its own initiative or~~ if a licensee,
5 qualifier, continuing education course provider, or continuing education course instructor submits a written request.

6 Factors the Board shall use in determining whether to grant the waiver are:

7 (1) degree of disruption to the Board;

8 (2) cost to the Board;

9 (3) degree of benefit to the public;

10 (4) whether the requesting party had control over the circumstances that required the requested waiver;

11 (5) notice to and opposition by the public;

12 (6) need for the waiver; and

13 (7) previous requests for waivers submitted from the requesting party.

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15 *History Note: Authority G.S. 87-10.2(j); 150B-19;*

16 *Emergency Adoption Eff. April 24, 2020;*

17 *Temporary Adoption Eff. July 24, ~~2020~~ 2020;*

18 *Eff. July 1, 2021.*

1 21 NCAC 12B .0301 is amended with changes as published in 35:11 NCR 1154-1157 as follows:

2 **SECTION .0300 – COURSES**

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4 **21 NCAC 12B .0301 COURSE REQUIREMENTS**

5 (a) All continuing education courses shall:

- 6 (1) cover subject matter related to the practice of general contracting and offer knowledge or skills that
7 will enable general contractors to better serve consumers and the public interest;
8 (2) offer two or four continuing education credit hours;
9 (3) include materials for students that provide the information to be presented in the course; and
10 (4) be taught only by an instructor who possesses education or experience in a field related to the course.

11 (b) Mandatory courses shall cover subject matter as established by the Board, including statutes and rules applicable
12 to general contracting, changes to the N.C. Building Codes, case studies of Board investigations, and relevant court
13 decisions.

14 (c) Providers shall submit all elective courses to the Board for approval pursuant to Rule .0302 of this Subchapter.

15 (d) Elective courses shall be [directly] related to the practice of general contracting as set forth in Article 1 of Chapter
16 87 in the North Carolina General Statutes. Instructional time and materials shall be utilized for instructional purposes
17 only.

18 (e) All elective courses shall include the following disclaimer within the first three pages or slides of the course
19 materials: THE NORTH CAROLINA LICENSING BOARD FOR GENERAL CONTRACTORS HAS APPROVED
20 THIS COURSE ONLY AS TO ITS RELEVANCE TO THE PRACTICE OF GENERAL CONTRACTING IN
21 NORTH CAROLINA. THE COURSE PROVIDER AND INSTRUCTOR ARE RESPONSIBLE FOR THE
22 ACCURACY OF THE CONTENT AND COMPLIANCE WITH ALL STATE AND FEDERAL LAWS DURING
23 THE ADMINISTRATION OF THE COURSE.

24 ~~(f)~~ Providers shall obtain approval from the Board before making any changes in the content of a prior approved
25 elective course. Requests for approval of changes shall be made in writing.

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27 *History Note: Authority G.S 87-10.2(b);*
28 *Temporary Adoption Eff. January 2, 2020;*
29 *Eff. September 1, 2020- 2020;*
30 *Amended Eff. July 1, 2021.*