

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 .0301

DEADLINE FOR RECEIPT: Friday, August 2, 2024.

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:

On line 1, delete the space after the colon in "38: 18." Also, change "196" to "1196."

On line 4, change "provide" to "administer."

On line 5, consider changing "in" to "covering" or "including."

In (b), lines 33-34, consider putting a comma after "license" on line 33 and after "license" on line 34.

On pg. 2, line 1, is the requirement in (c) the only "perquisite for licensure"? If not, please change "the" in line 1 to "a".

On pg. 2, line 2, change "exam" to "examination" for consistency.

In (d), line 5, add an "s" to the end of "examination".

In (d), line 6, add an "a" before "license" or begin the sentence with "Persons licensed as a ..."

In line 12, consider deleting "who obtain" and begin the sentence with "Contractors licensed..."

In the beginning of (f), (g), (h), and (j), consider replacing "for a license" with "licensure" for consistency.

In (f), line 15, add a comma after "classification", add "as" before "set", and add "of this Section," after ".306".

Travis Wiggs
Commission Counsel
Date submitted to agency: July 19, 2024

In (g), line 18, add a comma after “experience”, add “as” before “set”, and add “of this Section,” after “.306”.

In (h), line 21, add a comma after “experience”, add “as” before “set”, and add a comma after “Section”.

In (i), line 24, consider adding a comma after “examination”. On line 26, add “by” before “passage” and consider replacing “passage” with “passing”.

In (j), lines 27-28, add a comma after “experience”, add “as” before “set”, and add a comma after “Section”. On line 29, delete the “s” at the end of “parts” if there is only one technical part.

In (l), lines 36-37, add a comma after “Contractor”, consider changing “through” to “by”, capitalize “board”, and add a comma after “board”.

On pg. 3, line 2, replace “ours” with “hours”.

In the History Note, how is G.S. 87-18 Authority for this Rule?

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

Travis Wiggs
Commission Counsel

Date submitted to agency: July 19, 2024

21 NCAC 50 .0301 is amended as published in NCR 38: 18, pages 196-1197, as follows:

21 NCAC 50 .0301 QUALIFICATIONS DETERMINED BY EXAMINATION

(a) In order to determine the qualifications of an applicant, the Board shall provide a written or computer-based examination in the following categories:

- (1) Plumbing Contracting, Class I
- (2) Plumbing Contracting, Class II
- (3) Heating, Group No. 1 - Contracting, Class I
- (4) Heating, Group No. 1 - Contracting, Class II
- (5) Heating, Group No. 2 - Contracting, Class I
- (6) Heating, Group No. 3 - Contracting, Class I
- (7) Heating, Group No. 3 - Contracting, Class II
- (8) Fuel Piping Contractor
- (9) Fire Sprinkler Installation Contractor
- (10) Fire Sprinkler Inspection Contractor
- (11) Residential Fire Sprinkler Installation Contractor
- (12) Restricted Limited Plumbing Contractor
- (13) Fire Sprinkler Inspection Technician
- (14) Limited Fire Sprinkler Maintenance Technician
- (15) Plumbing Technician, Class I
- (16) Plumbing Technician, Class II
- ~~(16)~~(17) Heating Group No. 1 Technician, Class I
- (18) Heating Group No. 1 Technician, Class II
- ~~(17)~~(19) Heating Group No. 2 Technician
- ~~(18)~~(20) Heating Group No. 3 Technician, Class I
- (21) Heating Group No. 3 Technician, Class II
- ~~(19)~~(22) Fuel Piping Technician
- ~~(20)~~(23) Private Educational Institution Plumbing Technician
- ~~(21)~~(24) Private Educational Institution Heating Group 1 Technician
- ~~(22)~~(25) Private Educational Institution Heating Group 2 Technician
- ~~(23)~~(26) Private Educational Institution Heating Group 3 Technician
- ~~(24)~~(27) Residential Fire Sprinkler Design Contractor

(b) Each person being examined by the Board for a contractor license other than a Fire Sprinkler Installation or Fire Sprinkler Inspection Contractor license shall be required to pass both the business and law part and the technical part of the examination required by G.S. 87-21(b).

(c) Applicants for licensure as a Fire Sprinkler Installation Contractor shall submit evidence of current certification by the National Institute for Certification of Engineering Technologies (NICET) for Automated Sprinkler System

1 Layout as the prerequisite for licensure. Applicants for licensure as a Fire Sprinkler Installation Contractor shall pass
2 the business and law part of the exam administered by the Board. Persons licensed based upon NICET certification
3 shall maintain such certification as a condition of license renewal.

4 (d) Applicants for licensure in the Fire Sprinkler Inspection Technician classification shall pass the technical
5 examination offered by the Board. The Board shall accept the results of NICET examination resulting in Level II
6 Certification in "Inspection and Testing of Water-based Systems" by NICET. Persons who obtain license as a Fire
7 Sprinkler Inspection Technician based on NICET certification shall maintain such certification as a condition of
8 license renewal.

9 (e) Applicants for licensure as a Fire Sprinkler Inspection Contractor shall submit evidence of Level III certification
10 in "Inspection and Testing of Water-based Fire Systems" by NICET in lieu of the technical part of the Board-
11 administered examination. Applicants for licensure as a Fire Sprinkler Inspection Contractor shall also pass the
12 business and law part of the examination administered by the Board. Contractors who obtain license by NICET
13 certification shall maintain such certification thereafter as a condition of license renewal.

14 (f) Applicants for a license in the Limited Fire Sprinkler Maintenance Technician classification shall obtain a license
15 based on maintenance experience, education, and job classification set forth in Rule .0306 and pass a test administered
16 by the Board.

17 (g) Applicants for a license as a Residential Fire Sprinkler Installation Contractor shall obtain a license based on
18 experience set forth in Rule .0306 and shall pass the technical part of the Residential Fire Sprinkler Installation
19 Contractor examination.

20 (h) Applicants for a license as a Plumbing, Heating, or Fuel Piping Technician shall obtain a license based on
21 experience set forth in Rule .0306 of this Section and shall pass the Class I or the Class II technical and Board laws
22 and rules parts of the Board-administered examination related to the category for which a technician license is sought.

23 (i) Applicants who hold an active Plumbing, Heating, or Fuel Piping Technician Class I or Class II license obtained
24 by examination may obtain the Plumbing, Heating or Fuel Piping Contractor Class I or Class II license in the same
25 category and class by meeting the experience requirement listed in Rule .0306 of this Section for the specific contractor
26 license sought and passage of only the business portion of the examination.

27 (j) Applicants for a license as a Restricted Limited Plumbing Contractor shall obtain a license based on experience
28 set forth in Rule .0306 of this Section and shall be required to pass both the business and law part and the technical
29 parts of the Restricted Limited Plumbing Contractor examination.

30 (k) In lieu of the requirements of Paragraph (j) of this Rule, applicants for a Restricted Limited Plumbing Contractor
31 License who present a current active License from the North Carolina Irrigation Contractor Licensing Board may take
32 the examination, provided the applicant demonstrates that he or she holds certification as a Backflow Inspector from
33 one of the municipalities in North Carolina, or demonstrates 500 hours of experience in the maintenance, service, or
34 repair of components of plumbing systems.

35 (l) In lieu of the requirements of Paragraph (j) of this Rule, applicants for a Restricted Limited Plumbing Contractor
36 License who present a current active certification as an On-site Wastewater Contractor issued through the North
37 Carolina On-Site Wastewater Contractors and Inspectors Certification board may take the examination, provided the

1 applicant demonstrates that he or she has attended a minimum of 8 semester hours of education in a plumbing program
2 through a North Carolina Community College program or demonstrates 500 ours of experience in the maintenance,
3 service, or repair of components of plumbing systems.

4
5 *History Note: Authority G.S. 87-18; 87-21(a); 87-21(b);*
6 *Eff. February 1, 1976;*
7 *Readopted Eff. September 29, 1977;*
8 *Amended Eff. July 1, 1991; May 1, 1989; August 1, 1982;*
9 *Temporary Amendment Eff. September 15, 1997;*
10 *Amended Eff. March 1, 2005; January 1, 2004; July 1, 2003; August 1, 2002; July 1, 1998;*
11 *Emergency Amendment Eff. December 5, 2005;*
12 *Emergency Amendment Expired February 13, 2006;*
13 *Amended Eff. April 1, 2014; July 3, 2012; January 1, 2010; May 1, 2006;*
14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*
15 *2015;*
16 *Amended Eff. October 1, 2024; July 1, 2020.*

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 .0306

DEADLINE FOR RECEIPT: Friday, August 2, 2024.

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:

On line 1, delete the space after the colon in “38: 18.”

In (a), line 4, how do applicants “file an application”? Is the filing process described on the Board website? Consider adding a comma after “application” on line 4 and after “Chapter” on line 5.

On line 5, please add the Board website url to the Rule.

In (b), line 6, consider replacing “at the time of” with “when submitting an”.

On line 7, consider adding “completion of” before “two-years”. Please consider making the same changes on line 9.

In (d), line 15, please spell out the acronym “NICET” the first time it’s used in a rule.

In (e)(1), line 19, and (e)(3), line 32, consider deleting “involved”.

In (e)(1), line 20, change the semicolon to a colon.

In line 22, add a comma after “reference” and after “amendments” on line 33.

In line 23, what “document” is being referred to?

In (e)(1), is the “NFPA-25: Standard” the same as incorporated by reference in (e)(2)? If so, please use the exact same language and format in both subsections for consistency. Also, please add the last sentence in (e)(2) to (e)(1).

In line 29, add a comma after “reference”.

Travis Wiggs
Commission Counsel

Date submitted to agency: July 19, 2024

In (f), line 36, add “the” before “NICET”.

On pg. 2, line 3, what is meant by “exposure”? Rule .0515 doesn’t appear to define “exposure.” Also, please add a comma after “systems” in line 3.

In line 4, add “a” before “Limited”.

In line 8, consider replacing “this” with “the”.

In line 9, add a hyphen between “16 hour”.

In line 11, add a comma after “reference”.

In line 13, capitalize “sprinkler”.

In (i), consider replacing “a license” with “licensure”.

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

1 21 NCAC 50 .0306 is adopted as published in NCR 38: 18, pages 1196-1199, as follows:

2
3 **21 NCAC 50 .0306 APPLICATIONS: ISSUANCE OF LICENSE**

4 (a) All applicants for licensure or examination shall file an application setting forth the information required in G.S.
5 87-21 and the rules of this Chapter on a form available on the Board website or at the Board office.

6 (b) Applicants for a plumbing or heating examination shall present evidence at the time of application to establish
7 two years of full-time experience in the installation, maintenance, service, or repair of plumbing or heating systems
8 related to the category for which a license is sought, whether or not a license was required for the work performed.
9 Applicants for a fuel piping examination shall present evidence at the time of application to establish one year of
10 experience in the installation, maintenance, service, or repair of fuel piping, whether or not a license was required for
11 the work performed. Up to one-half of the experience may be in academic or technical training related to the field of
12 endeavor for which examination is requested. The Board shall prorate part-time work of less than 40 hours per week
13 or part-time academic work of less than 15 semester or quarter hours.

14 (c) The Board shall issue a license certificate bearing the license number assigned to the qualifying individual.

15 (d) Fire Sprinkler Installation Contractors shall meet experience requirements in accordance with NICET examination
16 criteria.

17 (e) Applicants for examination or licensure in the Fire Sprinkler Inspection Technician classification shall submit
18 evidence adequate to establish that the applicant has either:

19 (1) 4000 hours of experience involved in inspection and testing of previously installed fire sprinkler
20 systems, consistent with NFPA-25, Standard for the Inspection Testing as Maintenance of Water-
21 Based Fire Protection Systems of the National Fire Protection Association, adopted by the North
22 Carolina Building Code, which is hereby incorporated by reference including all subsequent editions
23 and amendments to the document as a full-time employee of a Fire Sprinkler Inspection Contractor
24 or fire insurance underwriting organization;

25 (2) 4000 hours of experience as a full-time employee of a hospital, manufacturing, government, or
26 university facility under direct supervision of Fire Sprinkler Inspection Contractor or a Fire
27 Sprinkler Inspection Technician involved in inspection and testing of previously installed fire
28 sprinkler systems, consistent with NFPA 25: Standard for the Inspection, Testing, and Maintenance
29 of Water-Based Fire Protection Systems, which is hereby incorporated by reference including all
30 subsequent editions and amendments. The document may be accessed free of charge at
31 <http://www.nfpa.org/codes-and-standards/>;

32 (3) 4000 hours of experience involved in installation of fire sprinkler systems as a full-time employee
33 of a Fire Sprinkler Installation Contractor; or

34 (4) a combination of 4000 hours of experience in any of the categories listed in this Paragraph.

35 (f) Applicants for licensure in the Fire Sprinkler Inspection Contractor classification shall meet experience
36 requirements in accordance with NICET certification criteria.

1 (g) Applicants for initial licensure in the Limited Fire Sprinkler Maintenance Technician classification shall submit
2 evidence of 2000 hours experience at the place for which license is sought as a full-time maintenance employee in
3 facility maintenance with exposure to periodic maintenance of fire protection systems as described in Rule .0515 of
4 this Chapter. Applicants who have held Limited Fire Sprinkler Maintenance Technician license previously are not
5 required to demonstrate experience in addition to the experience at the time of initial licensure, but shall submit a new
6 application if relocating to a new location.

7 (h) Applicants for licensure in the Residential Fire Sprinkler Installation Contractor classification shall hold an active
8 Plumbing Class I or Class II Contractor license issued by this Board for a minimum of two years and shall document
9 attendance at a 16 hour course approved by the Board pursuant to the Rules in this Chapter covering NFPA 13D:
10 Standard for the Installation of Sprinkler Systems in One-and Two-Family Dwellings and Manufactured Homes,
11 which is hereby incorporated by reference including all subsequent editions and amendments. The document may be
12 accessed free of charge at <http://www.nfpa.org/codes-and-standards/>. Residential Fire Sprinkler Installation
13 Contractors shall maintain a Plumbing Contractor license as a condition of renewal of the Residential Fire sprinkler
14 Installation Contractor license.

15 (i) Applicants for a license as a plumbing or heating Class I technician shall present evidence adequate to establish
16 3000 hours of full-time experience in the installation, maintenance, service, or repair of plumbing or heating systems
17 related to the category for which a technician license is sought, whether or not a license was required for the work
18 performed. Applicants for a license as a plumbing or heating Class II technician shall present evidence adequate to
19 establish 2500 hours of full-time experience in the installation, maintenance, service, or repair of plumbing or heating
20 systems related to the category for which a technician license is sought, whether or not a license was required for the
21 work performed. Applicants for a license as a fuel piping Class I technician shall present evidence adequate to establish
22 1500 hours of experience in the installation, maintenance, service, or repair of fuel piping, whether or not a license
23 was required for the work performed. Applicants for a license as a fuel piping Class II technician shall present evidence
24 adequate to establish 1500 hours of experience in the installation, maintenance, service, or repair of fuel piping,
25 whether or not a license was required for the work performed. Up to one-half of the experience may be in academic
26 or technical training related to the field of endeavor for which the examination is requested.

27 (j) Applicants for a Restricted Limited Plumbing Contractor license shall present evidence at the time of application
28 to establish 1500 hours of full-time experience in the installation, maintenance, service, or repair of plumbing systems,
29 whether or not a license was required for the work performed. Up to one-half of the experience may be in academic
30 or technical training related to the field of endeavor for which examination is requested. The Board shall prorate part-
31 time work of fewer than 40 hours per week or part-time academic work of less than 15 semester or quarter hours.

32 (k) In lieu of the requirements of Paragraph (j) of this Rule, applicants for a Restricted Limited Plumbing Contractor
33 License who present a current active License from the North Carolina Irrigation Contractor Licensing Board may take
34 the examination, provided the applicant demonstrates that he or she holds certification as a Backflow Inspector from
35 one of the municipalities in North Carolina, or demonstrates 500 hours of experience in the maintenance, service, or
36 repair of components of plumbing systems.

1 (l) Applicants for license based on completion of an apprenticeship program as described in G.S. 93B-8.6(b) shall
2 meet the same experience and training requirements for the category of license sought as is set forth in this Rule.

3
4 *History Note: Authority G.S. 87-18; 87-21(b);*
5 *Eff. February 1, 1976;*
6 *Readopted Eff. September 29, 1977;*
7 *Amended Eff. January 1, 2004; July 1, 2003; August 1, 2002; July 1, 1998; September 1, 1994;*
8 *November 1, 1993; April 1, 1991; May 1, 1990;*
9 *Temporary Amendment Eff. August 31, 2004;*
10 *Amended Eff. April 1, 2014; July 3, 2012; January 1, 2010; June 1, 2006; March 1, 2005;*
11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*
12 *2015;*
13 *Amended Eff. October 1, 2024; July 1, 2020; April 1, 2018.*
14
15

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 .0318

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

On line 1, delete the space after the colon in "38: 18."

Please ensure that the formatting and font used in this Rule follows the Administrative Rule Style Guide.

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

1 21 NCAC 50. 0318 is adopted as published in NCR 38: 18, pages 1196-1199, as follows:

2

3 21 NCAC 50. 0318 License in Good Standing

4

5 A license has been maintained in good standing for the purposes of GS 87-21(b)(3) if the license:

6 1) has remained continuously active for 10 years as of the date of the application request;

7 2) is current as to all fees payable to the Board as of the date of the application request; and

8 3) has not been the subject of a disciplinary order that imposed a sanction that included

9 supervised probation, suspension, revocation or restoration of a revoked license during the

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Authority: GS 87-18; 87-21(b)(3)

Eff. October 1, 2024