

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Code Officials Qualification Board

RULE CITATION: 11 NCAC 08 .0602

DEADLINE FOR RECEIPT: Monday, November 6, 2017

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 call our office to inquire concerning the staff recommendation.

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

Line 4, consider tracking the statutory language in G.S. 143-151.13(d), as the phrase "newly employed" and "newly promoted" are not hyphenated in statute. When possible, please track statutory language to be consistent.

Lines 4 thru 5, the statutory term is "Code-enforcement official." Please consider replacing "code enforcement" with "Code-enforcement"

Lines 6 and 8, the statutory term is "Code-enforcement official." Please consider adding "Code-enforcement" before "official"

Line 6, what is meant by the phrase "whatever measures are necessary"? Please clarify

Lines 11, 12, 15, and 17, please consider beginning these clauses with lowercase letters as they appear to be part of a list

Line 17, define or delete "successfully" If there is a minimum test score, please cross-reference the rule setting the test passage score. The score of "70" is referenced in Rule .0706, if that the correct cross-reference

Lines 19 thru 20, is this Paragraph merely trying to clarify one of the "special conditions or requirements" that is authorized under G.S. 143-151.13(d)? How does the Board make this determination? Please clarify the process.

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

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Tuesday, October 24, 2017

1 11 NCAC 08 .0602 is amended as published in 31:23 NCR 2335 as follows:

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3 **11 NCAC 08 .0602 NATURE OF PROBATIONARY CERTIFICATE**

4 (a) A probationary certificate may be issued, without examination, to any newly-employed or newly-promoted code
5 enforcement official who lacks a standard certificate that covers the new position. A probationary certificate shall be
6 issued for ~~two~~ three years only and ~~may~~ shall not be renewed. The official shall take whatever measures are necessary
7 during the ~~two~~ three year period to qualify for an appropriate standard certificate. A probationary certificate authorizes
8 the official, during the effective period of the certificate, to hold the position of the type, level, and location specified.
9 The certificate shall be conditioned on the applicant's completion of a high school diploma or a high school
10 equivalency certificate (GED) and meeting one of the following:

- 11 (1) Working under supervision sufficient to protect the public health and safety;
- 12 (2) Possessing a minimum of two years of design, construction, or inspection experience working under
13 a certified inspector or under a licensed professional engineer, registered architect, or licensed
14 contractor;
- 15 (3) Possessing one of the experience qualifications listed in 11 NCAC 08 .0706 in each area of code
16 enforcement for which the probationary certificate is issued; or
- 17 (4) Successfully completing a probationary prequalification exam administered by the Board in each
18 area of code enforcement for which the probationary certificate is issued.

19 (b) A probationary certificate shall be issued if the Board determines that the applicant may obtain the experience
20 required by Paragraph (a)(3) of this Rule before the expiration of the probationary certificate.

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22 *History Note: Filed as a Temporary Amendment Eff. January 1, 1983, For a Period of 120 Days to Expire on*
23 *April 30, 1983;*
24 *Authority G.S. 143-151.12(2); 143-151.13(d);*
25 *Eff. June 28, 1979;*
26 *Amended Eff. December 1, 2017, July 18, 2002; October 1, 1992; February 1, 1991; May 1, 1983;*
27 *December 1, 1982.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Code Officials Qualification Board

RULE CITATION: 11 NCAC 08 .0708

DEADLINE FOR RECEIPT: Monday, November 6, 2017

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 call our office to inquire concerning the staff recommendation.

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

Line 4, what is meant by the clause "is found to be in order"? Please clarify

Line 8, add "he or she" between "which applied"

Line 9, define or delete "apparently"

Line 14, add "Article 3A of" between "with G.S."

Line 16, in light of line 14, consider adding 143-151.17 to the statutory authority

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Tuesday, October 24, 2017

1 11 NCAC 08 .0708 is amended as published in 31:23 NCR 2335 as follows:

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3 **11 NCAC 08 .0708 CERTIFICATE**

4 (a) If an application is found to be in order and the applicant qualified for a particular type and level of certificate,
5 ~~upon approval of the Board~~ the Board's staff shall mail a standard certificate of that type and level to the applicant at
6 the address specified on the application. The certificate shall be effective until the renewal date specified in G.S. 143-
7 151.16(b).

8 (b) If the applicant does not meet the criteria for the certificate for which applied, the applicant shall be given written
9 notice of the criterion that the applicant apparently fails to meet and offered a choice of:

- 10 (1) accepting a certificate for a lower level for which the applicant is qualified;
- 11 (2) submitting additional evidence in support of the application;
- 12 (3) withdrawing the application; or
- 13 (4) appealing the decision to the Board.

14 If an appeal is filed, the Board shall conduct a hearing and render a decision in accordance with G.S. 150B.

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16 *History Note: Authority G.S. 143-151.12; 143-151.13; 143-151.14; 143-151.19;*

17 *Eff. January 15, 1980;*

18 *Amended Eff. December 1, 2017, July 18, 2002; January 1, 1991.*

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