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# *The* **NORTH CAROLINA REGISTER**

**IN THIS ISSUE .....**

**EXECUTIVE ORDER**

**PROPOSED RULES**

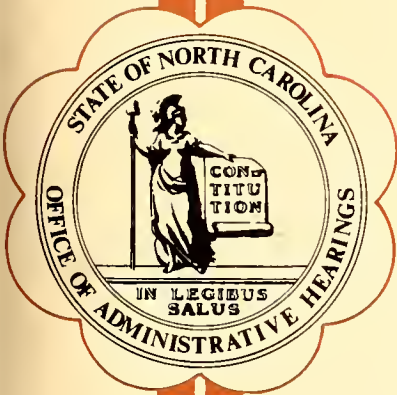
**Administration**

**Examiners Electrical Contractors**

**Insurance**

**FINAL OF RULES**

**Transportation**



**ISSUE DATE: JUNE 1, 1988**

**Volume 3 • Issue 5 • Pages 146-184**

# INFORMATION ABOUT THE NORTH CAROLINA REGISTER AND ADMINISTRATIVE CODE

## NORTH CAROLINA REGISTER

The *North Carolina Register* is published bi-monthly and contains information relating to agency, executive, legislative and judicial actions required by or affecting Chapter 150B of the General Statutes. All proposed, administrative rules and amendments filed under Chapter 150B must be published in the Register. The Register will typically comprise approximately fifty pages per issue of legal text.

State law requires that a copy of each issue be provided free of charge to each county in the state and to various state officials and institutions. The *North Carolina Register* is available by yearly subscription at a cost of ninety-five dollars (\$95.00) for 24 issues.

Requests for subscriptions to the *North Carolina Register* should be directed to the Office of Administrative Hearings, P. O. Drawer 11666, Raleigh, N. C. 27604, Attn: *Subscriptions*.

## ADOPTION, AMENDMENT, AND REPEAL OF RULES

An agency intending to adopt, amend, or repeal a rule must first publish notice of the proposed action in the *North Carolina Register*. The notice must include the time and place of the public hearing; a statement of how public comments may be submitted to the agency either at the hearing or otherwise; the text of the proposed rule or amendment; a reference to the Statutory Authority for the action and the proposed effective date.

The Director of the Office of Administrative Hearings has authority to publish a summary, rather than the full text, of any **amendment** which is considered to be too lengthy. In such case, the full text of the rule containing the proposed amendment will be available for public inspection at the Rules Division of the Office of Administrative Hearings and at the office of the promulgating agency.

Unless a specific statute provides otherwise, at least 30 days must elapse following publication of the proposal in the *North Carolina Register* before the agency may conduct the required public hearing and take action on the proposed adoption, amendment or repeal.

When final action is taken, the promulgating agency must file any adopted or amended rule for approval by the Administrative Rules Review Commission. Upon approval of ARRC, the adopted or amended rule must be filed with the Office of Administrative Hearings. If it differs substantially from the proposed form published as part of the public notice, upon request by the agency, the adopted version will again be published in the *North Carolina Register*.

A rule, or amended rule cannot become effective earlier than the first day of the second calendar month after the adoption is filed with the Office of Administrative Hearings for publication in the NCAC.

Proposed action on rules may be withdrawn by the promulgating agency at any time before final action is taken by the agency.

## TEMPORARY RULES

Under certain conditions of an emergency nature, some agencies may issue temporary rules. A temporary rule becomes effective when adopted and remains in

effect for the period specified in the rule or 180 days whichever is less. An agency adopting a temporary rule must begin normal rule-making procedures on the permanent rule at the same time the temporary rule is adopted.

## NORTH CAROLINA ADMINISTRATIVE CODE

The North Carolina Administrative Code (NCAC) is a compilation and index of the administrative rules of 25 state agencies and 38 occupational licensing boards. The NCAC comprises approximately 15,000 letter size single spaced pages of material of which approximately 35% is changed annually. Compilation and publication of the NCAC is mandated by G.S. 150B-63(b).

The Code is divided into Titles and Chapters. Each state agency is assigned a separate title which is further broken down by chapters. Title 21 is designated for occupational licensing boards.

The NCAC is available in two formats.

- (1) Single pages may be obtained at a minimum cost of two dollars and 50 cents (\$2.50) for 1 page or less, plus fifteen cents (\$0.15) per each additional page.
- (2) The full publication consists of 52 volumes totaling in excess of 15,000 pages. It is supplemented monthly with replacement pages. A one year subscription to the full publication including supplements can be purchased for seven hundred and fifty dollars (\$750.00). Individual volumes may also be purchased with supplement service. Renewal subscriptions for supplements to the initial publication available.

Requests for pages of rules or volumes of the NCAC should be directed to the Office of Administrative Hearings.

## NOTE

The foregoing is a generalized statement of the procedures to be followed. For specific statutory language it is suggested that Articles 2 and 5 of Chapter 150B of the General Statutes be examined carefully.

## CITATION TO THE NORTH CAROLINA REGISTER

The *North Carolina Register* is cited by volume, issue number and date. 1:1 NCR 101-201, April 1, 1988 refers to Volume 1, Issue 1, pages 101 through 201 of the *North Carolina Register* issued on April 1, 1988.

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# NORTH CAROLINA REGISTER



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**NORTH CAROLINA REGISTER**  
*Publication Deadlines and Schedules*  
 (March 1988 - March 1989)

Issue Date	Last Day for Filing	Last Day for Electronic Filing	Earliest Date for Public Hearing and Adoption by Agency	* Earliest Effective Date
*****	*****	*****	*****	*****
03/15/88	02 24 88	03/02/88	04/14/88	07/01/88
04 04/88	03 11/88	03/18/88	05/04/88	08/01/88
04 15/88	03 25/88	04/01/88	05/15/88	08/01/88
05 02 88	04 11/88	04 18/88	06/01/88	09/01/88
05/16/88	04/27/88	05/03/88	06/15/88	09/01/88
06/01/88	05/10/88	05/17/88	07/01/88	10/01/88
06 15 88	05 26/88	06/02/88	07/15/88	10/01/88
07/01 88	06/10/88	06/17/88	07/31/88	11/01/88
07/15 88	06 24 88	07/01/88	08/14 88	11/01/88
08/01/88	07 11/88	07/18/88	08/31/88	12/01/88
08 15 88	07 26 88	08 02/88	09/14 88	12/01/88
09 01 88	08 11 88	08/18/88	10/01/88	01/01/89
09 15 88	08 26/88	09/02 88	10/15 88	01/01/89
10/03/88	09/12/88	09/19/88	11/02/88	02/01/89
10/14/88	09/26/88	10/03/88	11/13/88	02/01/89
11/01/88	10 11/88	10/18/88	12/01/88	03/01/89
11/15 88	10 26/88	11/02/88	12/15/88	03/01/89
12/01 88	11 07/88	11/15/88	12/31/88	04/01/89
12/15/88	11/23/88	12/02/88	01/14/89	04/01/89
01/02/89	12/08/88	12/15/88	02/01/89	05/01/89
01/16 89	12/27/88	01/03/89	02/15/89	05/01/89
02/01 89	01/10/89	01/17/89	03/03/89	06/01/89
02/15 89	01/26/89	02/02/89	03/17/89	06/01/89
03/01 89	02/08/89	02/15/89	03/31/89	07/01/89
03/15 89	02 21 89	03 02 89	04/14/89	07/01/89

\* The "Earliest Effective Date" is computed assuming that the public hearing and adoption occur in the calendar month immediately following the "Issue Date", that the agency files the rule with The Administrative Rules Review Commission by the 20th of the same calendar month and that ARRC approves the rule at the next calendar month meeting.

EXECUTIVE ORDER NUMBER 73

EMERGENCY MANAGEMENT PROGRAM

WHEREAS, the natural phenomena such as hurricanes, floods, tornadoes, severe winter weather, droughts, earthquakes, and man-made disasters such as explosions or major electric power failures are an ever-present danger; and

WHEREAS, potential enemies of the United States now possess the capability of launching attacks and unprecedented destruction upon this State and nation, from land, sea and air; and

WHEREAS, it is the duty of the Department of Crime Control and Public Safety to provide emergency services to protect the public against natural and man-made disasters; and

WHEREAS, it is the duty of the Department of Crime Control and Public Safety to insure the preparation, coordination, and readiness of emergency management and military plans and effective conduct of emergency operations by all participating agencies in order to sustain life and prevent, minimize, or remedy injury to persons and damage to property resulting from disasters caused by enemy attack or other hostile actions or from disasters due to natural or man-made causes; and

WHEREAS, the Emergency Management Act of 1977, as amended, N.C.G.S. 166A-1, et seq., the North Carolina Emergency War Powers Act, N.C.G.S. 147-33.1, et seq., and Article 36A of Chapter 14 of the General Statutes confer upon the Governor comprehensive powers to be exercised in providing for the common defense and protection of the lives and property of the people of this State against both man-made and natural disasters; and

WHEREAS, the effective exercise of these emergency powers requires extensive initial planning, continued revision and exercising of plans, assignment of Emergency Management functions prior to the occurrence of an emergency, the training of personnel in order to ensure a smooth, effective application of governmental functions to emergency operations, and the quick response of all necessary State resources and

WHEREAS, these Emergency Management functions are intended to be and can be accomplished most effectively through those established activities of State and local government whose normal functions relate to those emergency services which would be needed;

NOW, THEREFORE, IT IS ORDERED:

Section 1

In the event the Governor, in the exercise of his constitutional and statutory responsibilities, shall deem it necessary to utilize the services of more than one subunit of State Government to provide protection to the people from natural or man-made disasters or emergencies, including but not limited to wars, insurrections, riots, civil disturbances, or accidents, the Secretary of Crime Control and Public Safety under the direction of the Governor, shall serve as the chief coordinating officer for the State between the respective subunits so utilized, as provided in N.C.G.S. 143B-476.

Section 2

Whenever the Secretary of Crime Control and Public Safety exercises the authority provided in Section 1, he shall be authorized to utilize and allocate all available State resources as are reasonably necessary to cope with the emergency or disaster, including directing of personnel and functions of State agencies or units thereof for the purpose of performing or facilitating the initial response to the disaster or emergency. Following the initial response, the Secretary, in consultation with the heads of the State agencies which have or appear to have responsibility for dealing with the emergency or disaster, shall designate one or more lead agencies to be responsible for subsequent phases of the response to the emergency or disaster. Pending an opportunity to consult with the head of such agencies, the Secretary may make interim lead agency designations.

Section 3

Every department of State Government is required to report to the Secretary of Crime Control and Public Safety by the fastest means practicable, all natural or man-made disasters or emergencies, including but not limited to wars, insurrections, riots, civil disturbances, or accidents which appear likely to require the utilization of the services of more than one subunit of State government.

Section 4

The Secretary of Crime Control and Public Safety is hereby authorized to delegate the authority to utilize and allocate all available State resources as may be necessary to carry out the intent of this order.

Section 5

An explanation of the Emergency Management functions assigned to each State department, division, subdivision or agency is contained in the State plans developed and published by the Division of Emergency Management of the North

Carolina Department of Crime Control and Public Safety and the provisions of these documents, including annexes attached thereto, and any revisions thereto, are specifically incorporated herein by reference.

Section 6

The heads of the departments of State Government and other agencies designated in said plans are granted the authority and charged with the responsibility to develop supporting plans and procedures and to execute upon order of the Governor, the Secretary of Crime Control and Public Safety or his designee the Emergency Management functions assigned to them in said plans.

Section 7

The Secretary of Crime Control and Public Safety is hereby authorized to update and periodically revise or cause to be revised said plans and supporting plans to the end that they will be at all times current and consistent with the functions, duties, and capabilities of a given department or agency.

Section 8

The head of each department, agency, commission or office of State Government that is

charged with Emergency Management responsibilities shall designate personnel from said department, agency, commission, or office to perform liaison with all other components of State Government on matters pertaining to Emergency Management activities.

Section 9

The heads of State Government departments assigned Emergency Management functions shall prepare procedures to procure from governmental and private sources all materials, manpower, equipment, supplies, and services which would be needed to carry out these assigned functions. Each agency of State Government shall cooperate with all other agencies of State Government to assure the availability of resources in an emergency.

Section 10

This Order shall supersede and cancel all previous Executive Orders on this subject.

Section 11

This Order shall become effective immediate. Done in the Capital City of Raleigh, North Carolina, this the 27th day of April, 1988.

**TITLE 1 - DEPARTMENT OF  
ADMINISTRATION**

*Notice is hereby given in accordance with G.S. 150B-12 that the Department of Administration intends to adopt regulations cited as 1 NCAC 19B .0101 - .0103, .0201, .0301 - .0303.*

*The proposed effective date of this action is October 1, 1988.*

*The public hearing will be conducted at 10:00 a.m. on July 6, 1988 at Williamsburg Room, Administration Building, 1st Floor, 116 West Jones Street, Raleigh, North Carolina 27603-8003.*

*Comment Procedures: Any interested person may present his or her views and comments either in writing prior to or at the hearing or orally at the hearing. Any person may request information, permission to be heard or copies of the proposed regulations by writing or calling Becky Barbee, Department of Administration, 116 West Jones Street, Raleigh, North Carolina 27603-8003, (919) 733-7232.*

**CHAPTER 19  
YOUTH ADVOCACY AND INVOLVEMENT  
OFFICE**

**SUBCHAPTER 19B - STATE YOUTH  
INVOLVEMENT OFFICE**

**SECTION .0100 - GENERAL PROVISIONS**

**.0101 AUTHORITY AND PURPOSE**

The North Carolina Fund for Children and Families Commission, hereinafter referred to as commission, is established by Exec. Order No. 27. The commission is responsible for administering the North Carolina Fund for Children and Families, hereinafter referred to as the fund, which provides financial assistance to organizations that manage community treatment programs for abused, neglected and exploited children and their families.

*Statutory Authority G.S. 143B-10; Exec. Order No. 27.*

**.0102 REQUESTS FOR INFORMATION BY  
THE PUBLIC**

Any citizen, group, organization or any unit of government may request in writing information on any action taken by the commission by writing to:

North Carolina Fund for Children and Families  
Commission  
Youth Advocacy and Involvement Office  
121 West Jones Street  
Raleigh, North Carolina 27603

*Statutory Authority G.S. 143B-10; Exec. Order No. 27.*

**.0103 CONFIDENTIALITY OF CLIENT  
INFORMATION**

Each applicant applying for a grant from the Fund is responsible for maintaining and discussing client information in such manner as to prevent disclosure of privileged communications.

*Statutory Authority G.S. 143B-10; Exec. Order No. 27.*

**SECTION .0200 - SELECTION OF RECIPIENTS  
FOR GRANTS**

**.0201 SELECTION CRITERIA**

In selecting the recipients of grants from the fund, the commission shall take into consideration such factors as:

- (1) General description of the clients to be served or beneficiaries of the program;
- (2) Statement of clients' needs to be addressed by the proposed program within the geographic service area of the applicant (expressed in quantitative terms to the extent possible);
- (3) Statement of specific program objectives designed to meet clients' needs and the method(s) to be used in accomplishing these objectives;
- (4) Documentation that all necessary licenses and credentials are possessed by personnel providing professional services;
- (5) Statement identifying the sources of funding or future funding and a plan detailing the method(s) to be used to obtain the funds;
- (6) Statement of cooperation and commitment to the applicant's program from local community agencies providing adjunct services including, but not limited to, financial assistance or providing facilities and personnel;
- (7) Letters from local community agencies stating intent to participate in the applicant's program;
- (8) Statement of the monitoring method(s) to be used in evaluating the program and reporting its results;
- (9) Statement of 501(c)(3) exemption status or unit of government;
- (10) Statement that applicant's budget is sufficient to support the program's objectives;

- (11) Existence of matching funds equal to 25 percent of the total grant requested;
- (12) Policy of non-discrimination on the basis of race, color, religion, sex, age, national origin or physical or mental handicap for clients and employees of the program applicant; and
- (13) Geographic location of the applicant for the purpose of achieving balanced distribution of available funds.

*Statutory Authority G.S. 143B-10; Exec. Order No. 27.*

**SECTION .0300 - APPLICATION PROCESS AND SCHEDULE**

**.0301 SCHEDULE**

Completed grant applications must be post-marked by March 11 of each calendar year.

Incomplete grant applications will not be considered by the commission.

*Statutory Authority G.S. 143B-10; Exec. Order No. 27.*

**.0302 RESPONSE**

All applicants will be notified in writing of their acceptance or rejection within 30 days of receipt of the completed application. The commission will announce the recipient(s) of the awards to the public within a reasonable and timely manner.

*Statutory Authority G.S. 143B-10; Exec. Order No. 27.*

**.0303 AUDIT**

A certified audit will be required from each grant recipient.

*Statutory Authority G.S. 143B-10; Exec. Order No. 27.*

**TITLE II - DEPARTMENT OF INSURANCE**

*Notice is hereby given in accordance with G.S. 150B-12 that the N.C. Department of Insurance intends to adopt regulations cited as 11 NCAC 5B .0101 - .0103, .0201 - .0202, .0301 - .0303, .0401 - .0402, .0501 - .0502.*

*The proposed effective date of this action is October 1, 1988.*

*The public hearing will be conducted at 10:00 a.m. on July 12, 1988 at Conference Room, Fire and Rescue Division, N.C. Department of Insurance, 111 Seaboard Ave., Raleigh, N.C. 27611.*

*Comment Procedures: Oral comments may be presented at the public hearing. Written comments should be sent to Tim Bradley, Executive Director, N.C. Fire Commission, P.O. Box 26387, Raleigh, N.C. 27611. Tim Bradley may be reached by phone at (919) 733-5435.*

**CHAPTER 5 - FIRE AND RESCUE SERVICES DIVISION**

**SUBCHAPTER 5B - N.C. STATE FIRE COMMISSION**

**SECTION .0100 - GENERAL PROVISIONS**

**.0101 DEFINITIONS**

As used in this Chapter, the following terms shall be construed as follows:

- (1) "Fire Commission" or "the Commission" shall mean the North Carolina State Fire Commission of the North Carolina Department of Insurance;
- (2) "Fire and Rescue Division" or "fire and rescue" shall mean the Fire and Rescue Division of the North Carolina Department of Insurance;
- (3) "Community College" shall mean the Fire Training Services Section of the North Carolina Department of Community Colleges;
- (4) "FEMA" shall mean the Federal Emergency Management Agency of the Federal Government;
- (5) "US Fire Administration" or "USFA" shall mean the United States Fire Administration, Division of the Federal Emergency Management Agency;
- (6) "NFA" shall mean the National Fire Academy, Division of the Federal Emergency Management Agency.

*Statutory Authority G.S. 58-27.30.*

**.0102 PURPOSE**

In order to carry out the duties of the State Fire Commission as listed in G.S. 58-27.31, that Commission shall:

- (1) develop voluntary certification and professional standards for all levels of fire service personnel;
- (2) develop and maintain a statewide fire incident reporting system;



- (3) serve as the central state clearing house for all federal programs from the USFA, and NFA involving fire prevention and control programs that come into North Carolina; and
- (4) provide on a bi-annual basis an updated listing of North Carolina fire departments and fire marshals.

*Statutory Authority G.S. 58-27.30; 58-27.31; 58-27.32.*

**.0103 MAILING ADDRESS**

All requests for information, assistance, or forms, and all replies, answers, supplied information, etc., shall be forwarded to the North Carolina Fire Commission, P.O. Box 26387, Raleigh, N.C. 27611.

*Statutory Authority G.S. 58-27.34.*

**SECTION .0200 - MASTER PLANNING**

**.0201 STATE FIRE TRAINING**

The commission shall develop and monitor a master plan which shall include guidelines for training of fire service personnel in North Carolina. These guidelines shall be consistent with the needs of the state's fire service, and shall be continually monitored and updated to reflect the training needs of the state's fire service. Any state agency involved in the training of fire service personnel shall submit to the executive director on a quarterly basis descriptions of programs currently under way or planned.

The executive director shall serve as state training director for the purpose of coordinating state training programs. The director shall serve as the central clearinghouse for the information on state programs and information coming into the state from federal agencies and other states.

*Statutory Authority G.S. 58-27.31.*

**.0202 ADDITIONAL PROGRAMS**

The state master plan shall contain guidelines for additional programs deemed useful to fire service organizations throughout the state. These may include, but are not limited to:

- (1) fire service computer coordination;
- (2) data collection and analysis;
- (3) fire codes and inspections;
- (4) radio communications; and
- (5) arson.

*Statutory Authority G.S. 58-27.31.*

**SECTION .0300 - CERTIFICATION OF FIRE SERVICE PERSONNEL**

**.0301 MINIMUM PROFESSIONAL QUALIFICATIONS**

The commission shall establish voluntary minimum professional qualifications for all levels of fire service personnel. These shall be developed by special committees, appointed by the chairman or full commission, and shall be subject to final approval of the full commission. All boards, committees and sub-committees, having recommendations for changes to these standards shall make them to the full commission for approval. The commission shall make final ruling on appeals to these standards, and shall have the authority to appoint boards or committees to act as intermediaries.

*Statutory Authority G.S. 58-27.31 (a) (14b).*

**.0302 VOLUNTARY CERTIFICATION**

The commission shall establish certification levels for the qualifications developed, and shall issue such certification to appropriate individuals who meet the commission's standards. Certification shall be voluntary, unless adopted as mandatory at the local level. The commission shall be the only state agency certifying fire service personnel on professional qualifications for fire prevention and control duties. The commission shall maintain appropriate records and provide same to individuals upon written request. The commission shall rule on all questions and appeals regarding certification programs. The commission shall inform participating agencies of standard changes and status of certified personnel.

*Statutory Authority G.S. 58-27.31 (a) (14); 58-27.31 (a) (14b).*

**.0303 COORDINATION WITH OTHER STATE AGENCIES**

The commission shall serve as the central clearinghouse for certification issues. All state agencies participating in the certification process shall follow reporting procedures developed by the commission.

*Statutory Authority G.S. 58-27.31 (a) (14); 58-27.31 (a) (14a).*

**SECTION .0400 - FIRE INCIDENT REPORTING**

**.0401 DEVELOPMENT**

The North Carolina Fire Commission shall develop and implement a uniform fire incident reporting system for the fire service of North Carolina.

Statutory Authority 1985 N.C. Sess. Laws Ch. 757, Sec. 167(j).

**.0402 OPERATION AND CONTROL**

(a) The commission shall have full authority over the operation and control of the fire incident reporting system. Each county shall have a central collection site to which participating fire departments shall report. Larger municipal departments may obtain permission from the executive director to report directly to the commission. The data collected shall be available for use at the local, county and state levels. The commission may submit state data to the United States Fire Administration. Any equipment dispersed by the commission for the purpose of inputting incident reports shall remain under the control of the commission, and said local agency shall sign an approved contract with the commissioner of insurance for the use of said equipment.

(b) The commission may utilize dispersed equipment for the purpose of creating a fire information network, to be used for the collection and dissemination of information pertinent to the state's fire service. The network may contain, but not be limited to:

- (1) fire incident reporting;
- (2) emergency medical reporting;
- (3) hazardous material reporting;
- (4) arson or suspicious fire reporting;
- (5) hazardous material data collection and disbursement;
- (6) bulletin board for exchange of information; and
- (7) schedule announcements.

(c) Those locations which agree to the use of any provided equipment shall keep said equipment in good order and shall provide the commission with requested reports.

Statutory Authority 1985 N.C. Sess. Laws Ch. 757, Sec. 167(j).

**SECTION .0500 - CENTRAL INFORMATION OFFICE**

**.0501 COLLECTION AND DISSEMINATION OF INFORMATION**

The commission shall be the central information office for all fire service activity in the state. Any state agency involved in fire service activities shall submit to the executive director quarterly reports in a form set out by the commission. The commission staff shall provide available information to individuals whenever requested in accordance with applicable state or federal laws.

Statutory Authority G.S. 58-27.31 (a) (14a).

**.0502 FEDERAL PROGRAMS**

The commission shall be the central clearinghouse for all fire prevention and control programs coming into the state from federal agencies including the National Fire Academy and the United States Fire Administration. The executive director shall serve as the state representative to the USFA and NFA, and shall be considered the state fire training director for the purposes of participating in federal training programs.

Statutory Authority G.S. 58-27.31.

**TITLE 21 - OCCUPATIONAL LICENSING BOARDS**

*Notice is hereby given in accordance with G.S. 150B-12 that the North Carolina State Board of Examiners of Electrical Contractors intends to adopt regulations cited as 21 NCAC 18 .2404, .2503; amend 21 NCAC 18 .1603 - .1605, .1607, .1701 - .1703, .1804, .1807 - .1808, .1812, .1902, .1904, .2002, .2004, .2201 - .2202, .2206 - .2209, .2302 - .2303, .2305 - .2308, .2402, .2602, .2606 - .2607, .2610, .2612, .2701 - .2703; repeal 21 NCAC 18 .2304.*

*The proposed effective date of this action is October 1, 1988.*

*The public hearing will be conducted at 10:30 a.m. on July 7, 1988 at North Carolina State Board of Examiners of Electrical Contractors, 1200 Front Street, Suite 105, Raleigh, NC 27609.*

*Comment Procedures: Any persons interested in these rules may present oral comments relevant to the actions proposed at the public hearing or deliver written comments to the North Carolina State Board of Examiners of Electrical Contractors, 1200 Front Street, Suite 105, Raleigh, NC 27609, not later than 10:00 a.m. on July 7, 1988.*

**CHAPTER 18 - BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS**

**SECTION .1600 - GENERAL PROVISIONS**

**.1603 PRINCIPAL OFFICE: MAILING ADDRESS: OFFICE HOURS**

The board has designated 1200 Front Street, Suite 105, Raleigh, North Carolina 27609, as its principal office; and P. O. Box 18727, Raleigh, North Carolina ~~27619~~, 27619, as its mailing address; and has established 8:30 a.m. to 5:00 p.m.,

## PROPOSED RULES

Monday through Friday as its regular office business hours.

*Statutory Authority G.S. 87-39; 87-42.*

### .1604 ORGANIZATION

(b) The board shall, at the first regular meeting following the appointment /designation of a new member, by the Governor, elect from its membership a chairman and a vice chairman, each to serve for one year. The one-year term shall date from July 1, and, if the Governor's appointment /designation is delayed beyond this date for any reason, the chairman and vice chairman shall continue to serve in these capacities during the interim, and the election of the new chairman and vice chairman shall be only for the balance of the year remaining after the appointment designation is made.

(e) Committees of the board may be established as follows:

(3) The regular board committees are:

(C) finance and salary committee to review the board's finances and accounting records; to review the State Auditor's annual audit report on the board's fiscal matters; to review the board's financial needs and recommend ~~annual~~ annual fees to fund these needs; to review and recommend staff salaries; and to perform any other board assignment in the area of finances.

(f) The board shall hold regular meetings quarterly and may hold special meetings on call of the chairman. The chairman shall be required to hold a special meeting upon written request by two members of the board. Four members of the board shall constitute a quorum. The regular quarterly meetings shall be held in the board's office and shall begin at ~~10:00~~ 9:00 a.m., unless some other place and/or time is set by the board. Special meetings may be held at places and times deemed by the chairman to be suitable to accomplish the necessary purposes for which such meetings are held.

*Statutory Authority G.S. 87-39; 87-40; 87-42.*

### .1605 REFERENCE TO STATE BUILDING AND ELEVATOR CODES

(a) ~~Wherever~~ Pursuant to G.S. 150B-14(c), the North Carolina State Building Code, Volume IV Electrical, and the National Electrical Code, NFPA 70, are adopted by reference; and whenever a reference is made in this Chapter to the current edition of the North Carolina State Building Code, Vol. IV Electrical, including any reference to the current edition of the National

Electrical Code, said codes, it shall mean the current editions and any subsequent editions or amendments ~~to said codes when adopted by the North Carolina State Building Code Council, thereto.~~

(b) ~~Wherever~~ Pursuant to G.S. 150B-14(c), the North Carolina codes and standards for elevators, dumbwaiters, escalators, moving walks and personnel hoists, administered by the North Carolina Department of Labor and codified as 13 NCAC 15 .0200, are adopted by reference; and whenever a reference is made in this Chapter to the current edition of the North Carolina Code for elevator, escalator, dumbwaiter, moving walk and personnel hoist installations, said codes, it shall mean the current edition and any subsequent editions or amendments ~~to said code as administered by the North Carolina Department of Labor, thereto.~~

*Statutory Authority G.S. 87-39; 87-42; 95-11(e); 143-138(a), (b); 143-142(b).*

### .1607 PENALTY FOR SUBMITTAL OF BAD CHECK

(a) In addition to making the check good, any person, firm or corporation submitting to the board a check which is subsequently returned to the board because of insufficient funds or no account in bank will be charged the maximum penalty fee allowed by Statute for processing such check.

(b) Until such time as the payor of such bad check has made the check good and paid the prescribed penalty fee, the payor will not be eligible to take an examination, review an examination, obtain a license or have ~~his~~ a license renewed.

*Statutory Authority G.S. 87-39; 87-42; 87-44; 25-3 through 25-512.*

## SECTION .1700 - DISCIPLINARY ACTION

### .1701 PREFERRING CHARGES

Any person who believes that any licensee of the board is in violation of the provisions of G.S. Chapter 87, Article 4, or Title 21, Chapter 18, of the North Carolina Administrative Code, may prefer charges against such licensee by filing a written statement with the board's staff in the board's office, setting out the particulars of ~~his~~ the charges, including, but not limited to, the nature, date and place of the alleged violation.

*Statutory Authority G.S. 87-39; 87-42; 87-47.*

### .1702 PRELIMINARY DETERMINATION

(b) Once such charge has or charges have been filed with the board's executive director, he or his staff designee shall notify in writing the licensee against whom the charge or charges are made. Such written notice shall set forth the alleged facts and circumstances as contained in the written statement filed with the board and shall be given personally or by ~~registered or certified mail,~~ return receipt. ~~requested.~~ Such written notice shall contain a request for the licensee so charged to ~~respond~~ answer in writing within 20 days from the date the said notice of charges is received as shown on the returned receipt or from the date of personal ~~notice.~~ delivery of said notice of charges.

(c) If the ~~respondent~~ licensee admits to the charges, the executive director shall accept the ~~respondent's~~ licensee's admission of guilt and issue in behalf of the board a reprimand and order the ~~respondent~~ licensee not to commit in the future any violations of G.S. Chapter 87, Article 4, or Title 21, Chapter 18, of the North Carolina Administrative Code; or if, in the opinion of the executive director, circumstances merit a review by the board's disciplinary review committee, he shall refer the case to the said committee for review. ~~A record of such charges, admission of guilt and issuance of reprimand and order shall be placed in the file of the licensee so charged. If two such charges are recorded in the respondent's license file during a period of twelve months or if three such charges are recorded in the respondent's license file during any period of time, the executive director shall present the respondent's license file to the board's disciplinary review committee for a detailed review. From such review, the disciplinary review committee shall determine whether or not he should be brought before the full board for a hearing or what other action, if any, should be taken against the respondent. make a preliminary determination of the charges filed against the licensee and recommend to the board what action, if any, should be taken against the licensee as prescribed in Paragraph (f) of this Rule.~~

(d) If the ~~respondent~~ licensee denies the charges, ~~brought against him,~~ the board's executive director or his staff designee and/or other designated investigative personnel shall investigate the allegations contained in the said charges and refer the charges, ~~and~~ investigative findings and all available evidence to the board's disciplinary review committee for review. The disciplinary review committee shall have the authority to direct the executive director to further investigate, or to retain additional investigative personnel, for the purpose of obtaining additional evidence relating to the charges. After all evi-

dence has been received and reviewed by the disciplinary review committee, it shall make a preliminary determination of the charges filed against the licensee. From this evidence, it may recommend to the board that:

- (1) the charges be dismissed as unfounded, frivolous or trivial; or
- (2) the charge or charges be presented to the full board for hearing and determination on the merits of the charge or charges in accordance with G.S. 87-47 and G.S. Chapter 150B Article 3 and Administrative Rules adopted by the board pursuant thereto.

From such review, the disciplinary review committee shall make a preliminary determination of the charges filed against the licensee and recommend to the board what action, if any, should be taken against the licensee as prescribed in Paragraph (f) of this Rule.

(e) All charges, investigative findings, evidence and disposition of each case shall be placed in a permanent file of the licensee so charged. If two charges are recorded in a licensee's file during a period of 12 months or if three such charges are recorded in a licensee's file during any period of time, the executive director shall present the licensee's file to the board's disciplinary review committee for a detailed review. From such review, the disciplinary review committee shall make a preliminary determination of the charges filed against the licensee and recommend to the board what action, if any, should be taken against the licensee as prescribed in Paragraph (f) of this Rule.

(f) In accordance with Paragraph (c)-(e) of this Rule, the board's disciplinary review committee shall receive and review the licensee's file and from such review the committee shall make a preliminary determination and recommend to the board one or more of the following actions:

- (1) the charges be dismissed as unfounded, frivolous or trivial;
- (2) a letter of caution be issued to the licensee by the board;
- (3) in the case of admission of guilt, a letter of reprimand be issued to the licensee by the board; or
- (4) the case be presented to the board (excluding board members who participated in the preliminary determination) for an Administrative Hearing to be conducted in accordance with G.S. 87-47 and Chapter 150B, Article 3A, of the North Carolina General Statutes and the Administrative Rules adopted by the board pursuant thereto.

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*Statutory Authority G.S. 87-39; 87-40; 87-42; 87-47; 150B-11; 150B, Article 3.*

**.1703 JUDICIAL REVIEW**

If the ~~respondent~~ licensee considers he has been aggrieved by the final decision of the board, he may appeal for a judicial review as provided by G.S. Chapter 150B, Article 4.

*Statutory Authority G.S. 87-39; 87-47; 150B-11; 150B, Article 4.*

**SECTION .1800 - EXAMINATION DATES:  
APPLICATIONS: FEES:  
SCOPE: GRADES: RE-EXAMINATIONS**

**.1804 COMBINED APPLICATION AND EXAMINATION FEES/REVIEW FEES**

(a) The combined application and examination fees for the regular qualifying examinations in the various license classifications shall be as prescribed in the following regular application and examination fee schedule:

**APPLICATION AND EXAMINATION FEE SCHEDULE: REGULAR**

CLASSIFICATION	APPLICATION FEE	EXAMINATION FEE	TOTAL COMBINED FEE
Limited	<del>\$11.00</del> \$15.00	\$7.00 \$10.00	<del>\$18.00</del> \$25.00
Intermediate	\$25.00	<del>\$20.00</del> \$25.00	<del>\$45.00</del> \$50.00
Unlimited	<del>\$40.00</del> \$50.00	\$50.00	<del>\$90.00</del> \$100.00
SP-SFD	<del>\$11.00</del> \$15.00	<del>\$7.00</del> \$10.00	<del>\$18.00</del> \$25.00
Special Restricted	<del>\$11.00</del> \$15.00	<del>\$7.00</del> \$10.00	<del>\$18.00</del> \$25.00

(d) Variance in fees. The board may vary the application and examination review fees from year to year according to essential financial needs for the next ensuing fiscal year as determined and established by the board not later than the regular third quarter board meeting of the current fiscal year. The total combined application ~~examination~~ and examination review fees shall not exceed the maximum fees allowed in G.S. 87-44 for the regular and specially arranged examinations in the various classifications.

(f) Application and examination fees received with applications filed for qualifying examina-

tions shall be retained by the board or refunded to the applicant as follows:

(2) The examination fee portion of the total combined application and examination fee shall be refunded to any applicant who does not take the examination during the ~~examination~~ examination period for which he has applied.

*Statutory Authority G.S. 87-39; 87-42; 87-43.3; 87-43.4; 87-44.*

**.1807 EXPERIENCE**

(a) Primary. Primary experience shall mean verified working experience gained by the applicant while engaged actively and directly in the installation of electrical wiring and equipment governed by the National Electrical Code or work activities directly related thereto. Examples of the capacity in which a person may work in gaining primary experience include:

(12) military person holding an electrician rating or rank of at least a ~~third class petty officer or E-4, noncommissioned officer~~ engaged in land based electrical installations similar or equivalent to work performed by an electrical contractor;

(b) Secondary. Secondary experience shall mean verified working experience gained while engaged in work or training which is related in varying degrees to the installation of electrical wiring and equipment governed by the National Electrical Code. Examples of the type of work or training in which a person may engage to gain creditable secondary experience and the percentages of supplementary primary experience creditable from secondary experience are as follows:

(4) electrical ~~lighting and power~~ engineering; college-----50 Percent

*Statutory Authority G.S. 87-39; 87-42; 87-43.3; 87-43.4.*

**.1808 EXAMINATION SCOPE**

(a) General. Qualifying examinations for the limited, intermediate and unlimited license classifications shall be based on, but not limited to, the following:

(1) rules contained in the North Carolina State Building Code, ~~Vol.~~ Volume IV Electrical, and the (~~current edition~~ National Electrical Code, NFPA-70;

*Statutory Authority G.S. 87-39; 87-42; 87-43.3; 87-43.4.*

**.1812 DENIAL OF EXAMINATION OR LICENSE**

(a) In a case where the board has determined that an applicant taking the qualifying examination for a license or that the issuance of a license to the applicant after he has taken and passed the qualifying examination would adversely affect the health, safety and welfare of the applicant or the public, the board may consider such to be good and sufficient cause to deny the applicant permission to take an examination after his application has been duly filed, or deny a license after the applicant has made a passing grade on the examination. Prior to final decision in each such case, the applicant shall be notified of the board's contemplated action by registered mail, return receipt requested, and advised of his right to request a hearing by means of a registered letter addressed to the board and mailed within 20 days after date of return receipt showing delivery of the board's notice to addressee, or showing refusal of addressee to accept the notice.

(b) Within 20 days of the receipt of such request, the board shall notify the applicant of the time and place of hearing, which shall be not more than 30 nor less than 10 days from date of service of the notice. The hearing shall be conducted in accordance with Section .1600 of this Chapter.

(c) If applicant does not request a hearing, or fails to appear at the scheduled hearing, the board then may take the contemplated action, and such action shall be final and not subject to judicial review.

Notwithstanding any other provisions of this Chapter, in a case where, pursuant to Section .1700 of this Chapter, a preliminary determination has been made that an applicant for the qualifying examination or an applicant for a license after having passed the qualifying examination, would, if licensed, adversely affect the health, safety or welfare of the applicant or the public, the board may consider such to be good and sufficient cause to deny the applicant permission to take an examination after his application has been duly filed or deny a license after the applicant has made a passing grade on the examination. Prior to final decision in each such case the board shall conduct an administrative hearing pursuant to Rule .1606 of this Chapter.

Statutory Authority G.S. 87-39; 87-42; 87-43.3; 87-43.4; 150B-11(1).

SECTION .1900 - LICENSING REQUIREMENTS

.1902 ANNUAL LICENSE FEES

(a) The annual license fees and license renewal fees for the various license classifications shall be as prescribed in the following fee schedule:

LICENSE FEE SCHEDULE

CLASSIFICATION	LICENSE FEE
Limited	<del>\$18.00</del> \$25.00
Intermediate	<del>\$15.00</del> \$50.00
Unlimited	<del>\$90.00</del> \$100.00
SP-SFD	<del>\$18.00</del> \$25.00
Special Restricted	<del>\$18.00</del> \$25.00

Statutory Authority G.S. 87-39; 87-42; 87-43.3; 87-43.4; 87-44; 87-45.

.1904 RENEWAL AFTER EXPIRATION OF ANNUAL LICENSE

Subject to Rule .2607 of this Chapter, any person who has been once duly licensed by the board and whose license has expired solely because of failure to apply for renewal or because of occupational requirements may apply and have his license renewed if, within a period of twelve months immediately preceding his renewal request, without further examination and in compliance with the penalty provisions contained in G.S. 87-44, provided that said person makes application therefor within a period of 12 months immediately following the date of expiration of said license. If the application is filed later than 12 months immediately following the date of expiration of said license, the applicant may have said license renewed if, during the 12 month period immediately preceding the date said application is filed with the board, the applicant has been primarily, actively and lawfully engaged (at least 1,000 hours) as an electrical contractor or in an occupation which in the judgement of the board is similar or equivalent to that of an electrical contractor. Lawful work as defined under primary experience in Rule .1807 of this Chapter shall be considered as similar or equivalent to that of an electrical contractor. If the applicant fails to meet these requirements, he said person may obtain a new license in accordance with Section .1800 of this Chapter and Rule .1901 of this Section. The provisions of Section .2100 of this Chapter shall apply to such persons whose last license expired on or before June 30, 1970.

Statutory Authority G.S. 87-39; 87-42; 87-49.

SECTION .2000 - LISTING QUALIFIED INDIVIDUALS AND LICENSING OPTIONS

.2002 QUALIFIED INDIVIDUAL: NEVER LISTED NOR OBTAINED LICENSE

An individual who has once taken and passed the qualifying examination for a license but has

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never obtained a license nor been listed as a qualified individual on another person or firm's license shall:

- (1) be eligible to obtain a license in the same or lesser classification as the classification of examination he passed upon meeting all applicable current license requirements he has not previously met and submitting to the board:
(c) if more than 12-months have elapsed since the individual applicant took and passed the qualifying examination for a license, he shall be required to furnish to the board information satisfactorily verifying, that during the immediate past 12-months, he has been primarily, actively and lawfully engaged (at least 1,000 hours) in an occupation which in the judgement of the board is similar or equivalent to that of an electrical contractor. Lawful work as defined under primary experience in Rule .1807 of this Chapter shall be considered as similar or equivalent to that of an electrical contractor;
(2) be eligible to be included as an additional qualified individual on another person or firm's current active license in the same or lesser classification as the classification of examination he passed, upon submitting to the board:
(c) If more than twelve-months have elapsed since the individual took and passed the qualifying examination for a license, he shall be required to furnish to the board information satisfactorily verifying that, during the immediate past 12 months, he has been primarily, actively and lawfully engaged (at least 1,000 hours) in an occupation which in the judgment of the board is similar or equivalent to that of an electrical contractor. Lawful work as defined under primary experience in Rule .1807 of this Chapter shall be considered as similar or equivalent to that of an electrical contractor.

Statutory Authority G.S. 87-39; 87-42; 87-43; 87-49.

.2004 ONCE LISTED BUT NOT NOW LISTED

An individual who has once been but is not now listed on another person or firm's license may apply for and obtain his own license upon meeting all applicable license requirements he has not previously met and submitting to the board:

- (3) If more than 12-months have elapsed since the individual was listed on an active license,

he shall be required to furnish to the board information satisfactorily verifying that, during the immediate past 12-months, he has been primarily, actively and lawfully engaged (at least 1,000 hours) in an occupation which in the judgment of the board is similar or equivalent to that of an electrical contractor. Lawful work as defined under primary experience in Rule .1807 of this Chapter shall be considered as similar or equivalent to that of an electrical contractor.

Statutory Authority G.S. 87-39; 87-42; 87-43; 87-49.

SECTION .2200 - SINGLE FAMILY DWELLING LICENSE

.2201 LICENSE CLASSIFICATION: SP-SFD

(a) A residential dwelling license is defined as a special restricted electrical contracting license in the single family detached residential dwelling dwelling classification, referred to as a license in the SP-SFD classification.

(d) Subject to Rule .1902 of this Chapter, The annual license fee and annual license renewal fee for a license in the SP-SFD classification shall be eighteen dollars (\$18.00). License fees must be paid by check or money order made payable to the board, as prescribed in Rule .1902 of this Chapter and subject to the provisions thereof.

Statutory Authority G.S. 87-39; 87-42; 87-43.3; 87-43.4; 87-44.

.2202 SEPARATE LICENSE AND QUALIFIED PERSON REQUIRED

(d) Each supervisor at the principal principal place or branch place of business shall be a qualified person as defined herein.

Statutory Authority G.S. 87-39; 87-42; 87-43.2 through 87-43.4.

.2206 QUALIFYING EXAMINATIONS: FEES: APPLICATIONS

(b) The combined application and examination fees for the SP-SFD classification regular qualifying examinations shall be as listed in the following schedule:

Table with 2 columns: Fee Schedule and Application Fee. Rows include Regular Semi-Annual Examination (\$11.00) and Specially Arranged.

Examination	\$30.00
	TOTAL
EXAMINATION	COMBINED
FEES	FEES
\$7.00	\$18.00
\$70.00	\$100.00

prescribed in Rule 1804 of this Chapter and subject to the provisions thereof.

Statutory Authority G.S. 87-39; 87-42; 87-43.3; 87-43.4; 87-44.

**.2207 QUALIFICATION REQUIREMENTS FOR APPLICANTS**

The minimum qualification requirements for applicants to take the SP-SFD qualifying examination are as follows:

- (3) Applicant must furnish to the board information satisfactorily verifying that he has had experience of a type and amount as follows:
- (c) An applicant having at least one year of experience as a journeyman electrician may supplement the other year by receiving credit for a total accumulation of other experience considered by the board to be a total of one year of supplementary experience. Some examples of credit allowed for each are as follows:
  - (iii) electrical ~~or mechanical~~ engineering - college-----50 Percent

Statutory Authority G.S. 87-39; 87-42; 87-43.3; 87-43.4.

**.2208 EXAMINATION; SCOPE; GRADE; RE-EXAMINATION**

(b) The qualifying examination for the SP-SFD classification shall be based on, but not limited to, the following:

- (1) rules contained in the ~~current edition of Volume IV of the~~ North Carolina State Building Code, Volume IV Electrical, including and the current edition of the National Electrical Code, NFPA No. 70, which are applicable to electrical work covered by the SP-SFD classification;

Statutory Authority G.S. 87-39; 87-42; 87-43.3; 87-43.4.

**.2209 APPLICATION FOR LICENSE**

(a) Individuals who have taken and passed the qualifying examination in the SP-SFD classification shall be eligible to apply for and obtain a

SP-SFD license as follows: in accordance with the provisions prescribed in Sections 1900 and 2000 of this Chapter; and provided said individual has met all other provisions of this Section.

- (1) Any individual who has taken and passed the qualifying examination for an electrical contracting license in the SP-SFD classification shall immediately upon passing the examination be eligible to apply for and obtain a ~~SP-SFD~~ license.
- (2) Any individual who has once duly qualified for a SP-SFD license but has never obtained a license shall be eligible to apply for and obtain a license in the ~~SP-SFD~~ classification without further examination provided such applicant furnishes information with his license application verifying that he has been primarily actively engaged in electrical contracting type work during the twelve-month period immediately preceding the date his application is filed with the board.
- (3) An individual who has once held an electrical contracting license in the ~~SP-SFD~~ classification and had allowed his license to become inactive shall be eligible to apply for and have his license reactivated without further examination provided such applicant furnishes information with his application verifying that he has been primarily actively engaged (at least 1,000 hours) in electrical contracting type work during the twelve-month period immediately preceding the date his application is filed with the board.

(b) Applications for an electrical contracting license in the SP-SFD classification shall be filed with the board on forms furnished by the board, together with a check or money order ~~in the amount of eighteen dollars (\$18.00) made payable to the board in the amount as prescribed in~~ Rule 1902 of this Chapter and subject to the provisions thereof. Cash cannot be accepted.

Statutory Authority G.S. 87-39; 87-42; 87-43.3; 87-43.4; 87-44.

**SECTION 2300 - SPECIAL RESTRICTED LICENSE CLASSIFICATIONS**

**.2302 SPECIAL RESTRICTED ELEVATOR LICENSE**

- (c) Restrictions of License.
  - (1) A holder of a SP-EL license shall be specifically restricted to engaging or offering to engage in the business of installing, maintaining, altering or repairing only that



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electric work, wiring, devices, appliances or equipment which is:

(B) electrically isolated from the related building wiring system by means of a suitable protective device (safety switch or circuit breaker) of a size and type to meet the applicable requirements of the current edition of Volume IV of the North Carolina State Building Code North Carolina State Building Code, Volume IV Electrical, and the National Electrical Code, NFPA 70 for load, location, and other pertinent conditions. The required isolating devices shall have been installed by others complete with line-side connections with the restricted electric work, normally referred to in the trade as being "beyond the disconnection means", originating at the load-side terminals of the isolating device.

(e) Inactive SP-EL licensees or individuals qualified in the SP-EL classification may apply for and obtain a SP-EL license as follows: in accordance with the provisions prescribed in Sections .1900 and .2000 of this Chapter; and provided said individual has met all other provisions of this Rule.

(1) Any person, firm or corporation who once held a SP-EL license, but, due to failure to renew or because of occupational requirements, allowed his license to expire, may, upon filing with the board an appropriate application on a form furnished by the board and paying the required fee, reactivate such license status and obtain a current license in the SP-EL classification, without further examination; provided information is furnished in writing to the board from which the board can determine that the applicant has been primarily actively engaged (at least 1,000 hours) in the type work covered by the SP-EL classification during the twelve-month period immediately preceding the date such application is filed with the board; and provided he has met all other provisions of this Rule.

(2) Any person who has taken and passed the qualifying examination for a license in the SP-EL classification but never obtained such license may, upon filing the required license application with the board and paying the annual SP-EL license fee, obtain a SP-EL license; provided he furnished information to the board satisfactorily verifying that he has been primarily actively engaged (at least 1,000 hours) in the type of electrical contracting

covered by the SP-EL classification during the twelve-month period immediately preceding the date such application is filed with the board; and provided he has met all other provisions of this Rule.

(g) Annual License Fee. Until revised by the board, The annual license fee and license renewal fee for an electrical contracting license in the SP-EL classification shall be eighteen dollars (\$18.00) as prescribed in Rule .1902 of this Chapter and subject to the provisions thereof.

(m) Combined Application and Examination Fees.

(1) Until revised by the board, The combined application and examination fees for the SP-EL classification regular qualifying examinations and specially arranged examinations shall be as listed in the following fee schedule: prescribed in Rule .1804 of this Chapter and subject to the provisions thereof.

**FEE SCHEDULE**

	APPLICATION FEE	
Regular Semi-Annual Examination	\$11.00	
Specially Arranged Examination	\$30.00	
		<b>TOTAL COMBINED FEE</b>
<b>EXAMINATION FEE</b>		
\$7.00		\$18.00
\$70.00		\$100.00

(o) Examination Scope. The qualifying examination for the SP-EL license shall be based on, but not limited to, the following:

- (1) rules contained in the current edition of the North Carolina State Building Code, Volume IV Electrical and the National Electrical Code, NFPA 70, which are applicable to elevator type wiring; electrical work covered by the SP-EL classification;
- (2) rules contained in the current edition of the North Carolina Code codes and standards for elevator, escalator, dumbwaiter, moving walk and personnel hoist installations as administered by the elevator division of the North Carolina Department of Labor and codified as 13 NCAC 15 .0200;

Statutory Authority G.S. 87-39; 87-42; 87-43.3; 87-44; 87-48.

**.2303 SPECIAL RESTRICTED PLUMBING AND HEATING LICENSE: CLASS I**

(a) License Defined. A special restricted plumbing and heating electrical contracting license, ~~Class I~~ shall be referred to as a special restricted electrical contracting license in the SP-PH ~~Class I~~ classification and is defined as a special restricted electrical contracting license issued by the board to eligible applicants.

(b) Eligible Applicants for SP-PH ~~Class I~~ License. Only those persons, firms or corporations who are primarily engaged in a lawful business of plumbing, heating or air conditioning contracting within the State of North Carolina and whose duly authorized representative has taken and passed the SP-PH ~~Class I~~ qualifying examination administered by the board, shall be eligible to apply for and obtain a SP-PH ~~Class I~~ License:

(2) A duly authorized representative of a license applicant shall be deemed to be a person who is regularly employed by the license applicant, and who is regularly on active duty in the license applicant's lawful plumbing, heating or air conditioning contracting place of business; and who has the specific duty and authority to provide direct supervision of all installation, maintenance, alteration or repair of any electrical wiring, devices, appliances or equipment done in the name of the SP-PH ~~Class I~~ licensee.

(c) License Restrictions. With regard to electrical contracting, a SP-PH ~~Class I~~ licensee is specifically restricted to engaging or offering to engage in the business of installing, maintaining, altering or repairing only such electric work, wiring, devices, appliances or equipment which is an incidental part of his lawful plumbing, heating or air conditioning business and which is directly in connection with his lawful business. Such licensee shall be further restricted to electrical contracting work which is within the physical and technical limitations delineated in Paragraph (d) of this Rule.

(d) Physical and Technical Limitations of License. Electrical contracting under the SP-PH ~~Class I~~ license classification shall be restricted to wiring which is directly related to plumbing, heating or air conditioning installations within the State of North Carolina as described and defined as follows:

(2) All related wiring shall be electrically isolated from the building wiring system by means of a suitable overcurrent protective

device (fused switch or circuit breaker) of a size and type to meet the ~~current edition of the N. C. North Carolina State Building Code, Vol. Volume IV Electrical, and the National Electrical Code, NFPA 70;~~

(3) The isolating device referred to in Paragraph (d)(2) of this Rule is to be installed, complete with line-side connections by others. Related wiring must originate at the load-side terminals of the isolating device and all such related wiring shall be in compliance with the ~~current edition of the N. C. North Carolina State Building Code, Vol. Volume IV Electrical, and the National Electrical Code, NFPA 70.~~ Such isolating device must be permanently and legibly identified as to the equipment being served and, except as set out in Paragraph (d)(4) of this Rule, must be installed within an approved enclosure which is intended solely for, and limited to, serving the specific plumbing, heating or air conditioning equipment involved;

(4) In lieu of a separate enclosure as required in Paragraph (d)(3) of this Rule, a separate overcurrent device of a suitable type and size located within a switchboard or panelboard which serves the building wiring system may be used as the isolating overcurrent device described in Paragraphs (d)(2) and (d)(3) of this Rule; provided:

(A) The device is permanently and legibly marked, or the switchboard ~~or panelboard~~ panelboard is so marked, to clearly identify the device as to the plumbing, heating or air conditioning equipment the device is intended to serve; and

(B) Suitable wiring is installed from the load-side terminals of such overcurrent device to an approved junction box, auxiliary gutter, disconnecting means or other similar equipment installed outside of the switchboard or ~~panelboard~~ panelboard enclosure at a point in sight of and not more than 50 feet from the plumbing, heating or air conditioning equipment being served. Such ~~suitable~~ suitable wiring shall not be construed to be related wiring covered by the SP-PH ~~Class I~~ license classification;

(6) No such related wiring, or any part thereof, may be installed in any location defined as a hazardous location by the ~~current edition of the North Carolina State National Electrical Code, NFPA 70.~~

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(e) Project Value Limitation. Within the restrictions set out in Paragraphs (c) and (d) of this Rule, a licensee holding a SP-PH ~~Class I~~ license shall be entitled to engage or offer to engage in any plumbing, heating or air conditioning related wiring electrical contracting project regardless of the dollar value of such related wiring project.

(f) Annual License Fee. ~~Until revised by the board,~~ The annual license fee and license renewal fee for an electrical contracting license in the SP-PH Class I classification shall be eighteen dollars (\$18.00), as prescribed in Rule .1902 of this Chapter and subject to the provisions thereof. License fees must be in the form of a check or money order made payable to the board and must be filed with the license applications. Cash cannot be accepted as payment for license fees.

(h) License Required. No person, firm or corporation shall engage or offer to engage in the business of installing, maintaining, altering or repairing electric work, wiring, devices, appliances or equipment, covered under the SP-PH ~~Class I~~ license classification without first having obtained a SP-PH ~~Class I~~ license from the board.

(i) Separate License and Qualified Individual. There shall be a separate SP-PH ~~Class I~~ license and a separate qualified person for each place of business as follows:

(1) Each person, firm or corporation engaging or offering to engage in the business of installing, maintaining, altering or repairing electric work, wiring, devices, appliances or equipment covered under the SP-PH ~~Class I~~ license classification must hold a separate SP-PH ~~Class I~~ license for each place of business from which the type of business covered under this license classification is being conducted.

(j) Inactive SP-PH ~~Class I~~ licensees or individuals qualified in the SP-PH ~~Class I~~ classification may apply for and obtain a SP-PH ~~Class I~~ license as follows: in accordance with the provisions prescribed in Sections .1900 and .2000 of this Chapter; and provided said individual has met all other provisions of this Rule.

~~(4) Any person, firm or corporation who once held a SP-PH Class I license but, due to failure to renew or because of occupational requirements, allowed his license to expire, may apply and have his license renewed if he furnishes information to the board verifying that he is engaged in a lawful plumbing, heating or air conditioning business and during the twelve-months period immediately preceding the filing of his application he has been primarily actively engaged (at least 1,000~~

~~hours) in plumbing, heating, air conditioning or electrical contracting type work.~~

~~(2) Any person who has once duly qualified for a SP-PH Class I license but never obtained a license may apply and obtain a license if he furnishes information verifying that he is engaged in a lawful plumbing, heating or air conditioning business and, during the twelve-month period immediately preceding the filing of his application, he has been primarily actively engaged (at least 1,000 hours) in plumbing, heating, air conditioning or electrical contracting type work.~~

(I) Qualifying Examinations; Minimum Requirements. In order to take the SP-PH ~~Class I~~ qualifying examination, as applicant must meet the following minimum requirements:

(1) Applicant must present satisfactory evidence verifying that he is regularly employed by a person, firm or corporation engaged in a lawful plumbing, heating or air conditioning business within the State of North Carolina as defined in Paragraph (b) of this Rule and that he is applying to take the qualifying examination for the purpose of qualifying for a SP-PH ~~Class I~~ license for the said lawful business;

(m) Written Qualifying Examination. Applicants for the SP-PH ~~Class I~~ license are required to take in their own handwriting a written qualifying examination as prescribed by the board.

(o) Re-examination; Waiting Period. An applicant failing to make a passing grade on the qualifying examination must wait a nominal period of six months (period between semi-annual examinations) before he will be eligible to take another qualifying examination in the SP-PH ~~Class I~~ license classification. Such applicant shall be considered a new applicant each time he applies to take the qualifying examination and for each such time, he must file an application on the SP-PH ~~Class I~~ qualifying examination application form furnished by the board and pay the required application and examination fee.

(p) Examination Dates. Regular semi-annual and specially arranged SP-PH ~~Class I~~ qualifying examinations shall be administered by the board as follows:

(I) When eligible applicants are waiting to take the examination, qualifying examinations for an electrical contracting license in the SP-PH ~~Class I~~ classification shall be conducted during the board's regular semi-annual examination period in the months of March and September of each year. The board may establish such

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other dates to conduct examinations as may be necessary.

(q) Combined Application and Examination Fees. ~~Until changed by the board, the combined application and examination fees for the SP-PH Class I qualifying examination shall be as specified in the following fee schedule:~~

~~SEE SCHEDULE~~

	<del>APPLICATION FEE</del>
Regular Semi-Annual Examination	<del>\$11.00</del>
Specially Arranged Examination	<del>\$30.00</del>
	<del>TOTAL COMBINED FEE</del>
EXAMINATION FEE	<del>\$18.00</del>
\$7.00	<del>\$18.00</del>
\$70.00	<del>\$100.00</del>

(1) ~~The combined application and examination fees for the SP-PH classification regular qualifying examinations and specially arranged examinations shall be as prescribed in Rule .1804 of this Chapter and subject to the provisions thereof.~~

(2) ~~(1)~~ The total combined application and examination fee must be in the form of a check or money order payable to the board and must accompany the application when filed with the board.

(3) ~~(2)~~ The application and examination fees shall be retained by the board or refunded to the applicant as follows:

(A) The application portion of the combined application and examination fee shall be retained by the board unless the applicant does not take the qualifying examination for which he applied and does submit a written request to the board for a refund and the refund is specifically approved by the board.

(B) The examination fee portion of the combined application and examination fee shall be refunded to any applicant who does not take the examination during the examination period for which he has applied.

(4) ~~(3)~~ Any fee retained by the board shall not be creditable toward the payment of any future application ~~of or~~ examination fee.

(r) Applications to Take Examination. Applications to be considered for regular semi-annual

and specially arranged examinations must be duly filed on forms provided by the board:

(3) Applications for examinations shall not be considered duly filed unless and until the applicant has filed an application with the board prior to the filing deadline on a form provided by the board, together with the following information:

(C) satisfactory verification that he meets the minimum standards of experience and proficiency for the SP-PH ~~Class I~~ license classification; and

(s) Examination Scope. The qualifying examination for a SP-PH ~~Class I~~ license shall be based on, but not limited to, the following:

(1) rules contained in the ~~current edition of the N. C. North Carolina State Building Code, Vol. Volume IV Electrical and the National Electrical Code, NFPA 70,~~ which are applicable to installations covered by the SP-PH ~~Class I~~ license classification;

(2) analysis of electrical schematic diagrams, plans and specifications applicable to installations covered by the SP-PH ~~Class I~~ license classification; and

(t) Other Electrical Contracting Work. Electrical contracting work other than that specifically covered under the SP-PH ~~Class I~~ license is covered in G.S. 87-43 and by appropriate rules in this Chapter. Any person, firm or corporation, including any SP-PH ~~Class I~~ licensee, who engages or offers to engage in such other electrical contracting is required to hold a valid electrical contracting license which has been issued by the board to cover such other work.

(u) Duty and Responsibility of SP-PH ~~Class I~~ Licensee. In addition to complying with the general laws, regulations and requirements applicable to persons, firms or corporations engaging or offering to engage in the business of electrical contracting within the State of North Carolina, it shall be the duty and responsibility of a licensee holding an electrical contracting license in the SP-PH ~~Class I~~ classification to confine his electrical contracting business strictly to related wiring in connection with plumbing, heating or air conditioning installations as defined in Paragraphs (c) and (d) of this Rule.

(v) Penalty for Violation. Any licensee holding a SP-PH ~~Class I~~ license and engaging or offering to engage in any electrical contracting business under said license, other than that specifically covered by this Rule shall be deemed to be in violation of Chapter 87, Article 4, of the North Carolina General Statutes and shall be subject to penalty as provided in G.S. 87-48.

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Statutory Authority G.S. 87-39; 87-42; 87-43.3; 87-44; 87-48.

**.2304 SPECIAL RESTRICTED PLUMBING AND HEATING: CLASS II (REPEALED)**

Statutory Authority G.S. 87-39; 87-42; 87-43.3; 87-44; 87-48.

**.2305 SPECIAL RESTRICTED GROUNDWATER PUMP LICENSE**

(d) Physical and Technical Limitations of License. Electrical contracting under the SP-WP license classification shall be restricted to wiring which is directly related to groundwater pump installations within the State of North Carolina as described in this Rule:

(3) The suitable disconnecting means referred to in Subparagraphs (d)(1) and (2) of this Rule shall:

(C) be of a type and size as required by the ~~current edition of the North Carolina State Building Code, Vol. Volume IV Electrical and the National Electrical Code, NFPA 70,~~ for the specific groundwater pump equipment involved; and

(D) contain fuse or circuit breaker overcurrent protection of a type and size as required by the ~~current edition of the North Carolina State Building Code, Vol. Volume IV Electrical and the National Electrical Code, NFPA 70,~~ for the specific groundwater pump equipment involved, unless such overcurrent protection is otherwise provided in the building wiring system.

(4) All related wiring covered by the SP-WP classification shall be installed in compliance with the applicable provisions of the ~~current edition of the North Carolina State Building Code, Vol. Volume IV Electrical and the National Electrical Code, NFPA 70.~~

(5) Related wiring covered by the SP-WP classification shall be restricted to circuits or parts thereof which operate at voltages not exceeding 600 volts, phase-to-phase. No related wiring, or any part thereof, may be installed in any location defined as a hazardous location ~~in by the current edition of the North Carolina State Building Code, Vol. IV Electrical. National Electrical Code, NFPA 70.~~

(f) Annual License Fee. ~~Until revised by the board, The annual license fee and license renewal fee for an electrical contracting license in the~~

SP-WP classification shall be ~~eighteen dollars (\$18.00),~~ as prescribed in Rule .1902 of this Chapter and subject to the provisions thereof. License fees must be in the form of a check or money order made payable to the board and must be filed with the license applications. Cash cannot be accepted as payment for license fees.

(j) Inactive SP-WP licensees or individuals qualified in the SP-WP classification may apply for and obtain a SP-WP license as follows: in accordance with the provisions prescribed in Sections .1900 and .2000 of this Chapter; and provided said individual has met all other provisions of this Rule.

(1) ~~Any person, firm or corporation who once held a SP-WP license, but, due to failure to renew or because of occupational requirements, allowed his license to expire, may apply and have his license renewed if he furnishes information to the board verifying that he is engaged in a lawful groundwater pump business; and, during the twelve-month period immediately preceding the filing of his application, he has been primarily actively engaged (at least 1,000 hours) in groundwater pump or electrical contracting type work.~~

(2) ~~Any person who has once duly qualified for a SP-WP license but never obtained a license may apply and obtain a license if he furnishes to the board information verifying that he is engaged in a lawful groundwater pump business and, during the twelve-month period immediately preceding the filing of his application, he has been primarily actively engaged (1,000 hours) in groundwater pump or electrical contracting type work.~~

(p) Combined Application and Examination Fee. ~~Until changed by the board, the combined application and examination fee for the SP-WP qualifying examination shall be as specified in the following fee schedule:~~

**FEE SCHEDULE**

	APPLICATION FEE
Regular Semi-Annual Examination	\$11.00
Specially Arranged Examination	\$30.00
	<b>TOTAL COMBINED FEE</b>
<b>EXAMINATION FEE</b>	

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\$7.00  
\$70.00

\$18.00  
\$100.00

(1) The combined application and examination fees for the SP-WP classification regular qualifying examinations and specially arranged examinations shall be as prescribed in Rule 1804 of this Chapter and subject to the provisions thereof.

(2) ~~(1)~~ The total combined application and examination fee must be in the form of a check or money order made payable to the board and must accompany the application when filed with the board.

(3) ~~(2)~~ The application and examination fee shall be retained by the board or refunded to the applicant as follows:

(A) The application fee portion of the combined application and examination fee shall be retained by the board unless the applicant does not take the examination for which he applied and does submit a written request to the board for a refund and the refund is specifically approved by the board.

(B) The examination fee portion of the combined application and examination fee shall be refunded to any applicant who does not take the examination during the examination period for which he has applied.

(4) ~~(3)~~ Any fee retained by the board shall not be creditable toward the payment of any future application or examination fee.

(r) Examination Scope. The qualifying examination for a SP-WP license shall be based on, but not limited to, the following:

(1) rules contained in the ~~current edition of the~~ North Carolina State Building Code, ~~Vol. Volume IV Electrical and the National Electrical Code, NFPA 70, which~~ are applicable to installations covered by the SP-WP classification; ~~and~~

Statutory Authority G.S. 87-39; 87-42; 87-43.3; 87-44; 87-48.

.2306 SPECIAL RESTRICTED ELECTRIC SIGN LICENSE

(e) Physical and Technical Limitations of License. Electrical contracting under the SP-ES license classification shall be restricted to wiring which is directly related to electric sign installations within the State of North Carolina as described in this Rule:

(5) The suitable disconnecting means or suitable junction box referred to in Subparagraph (e)(1) and (2) of this Rule and the

suitable junction box referred to in Subparagraph (e)(3) of this Rule shall be installed as separate enclosures intended solely for and limited to serving the specific electric sign installation involved; shall be of a type and size as required by the ~~current edition of the~~ North Carolina State Building Code, ~~Vol. Volume IV Electrical and the National Electrical Code, NFPA 70,~~ for the specific electric sign installation involved; and shall be permanently and legibly marked to identify same with the specific electric sign installation being served.

(7) All related wiring shall be installed in compliance with the applicable provisions of the ~~current edition of the~~ North Carolina State Building Code, ~~Vol. Volume IV Electrical and the National Electrical Code, NFPA 70.~~

(8) No related wiring, or any part thereof, may be installed in any location defined as a hazardous location ~~in~~ by the ~~current edition of the~~ North Carolina State Building Code, ~~Vol. IV Electrical. National Electrical Code, NFPA 70.~~

(9) All building wiring shall be installed by others and all such wiring shall be installed in compliance with the applicable provisions of the ~~current edition of the~~ North Carolina State Building Code, ~~Vol. Volume IV Electrical and the National Electrical Code, NFPA 70.~~

(g) Annual License Fee. ~~Until revised by the board, The annual license fee and license renewal fee for an electrical contracting in the SP-ES classification shall be eighteen dollars (\$18.00), as prescribed in Rule 1902 of this Chapter and subject to the provisions thereof. License fees must be in the form of a check or money order made payable to the board and must be filed with the license applications. Cash cannot be accepted as payment for license fees.~~

(h) Annual License Renewal. All licenses issued by the board automatically expire at ~~midnight~~ midnight on June 30 of each year unless otherwise rendered invalid prior to that date. License renewal applications and the ~~eighteen dollar (\$18.00)~~ annual license renewal fees shall be due in the office of the board 30 days prior to the midnight June 30 expiration date. The filing date of applications filed by mail will be considered to be the date of postmark. Renewal applications received after the midnight June 30 expiration date shall be subject to a late filing penalty of 10 percent of the annual license fee.

(j) Inactive SP-ES licensees or individuals qualified in the SP-ES classification may apply

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for and obtain a SP-ES license as follows: in accordance with the provisions prescribed in Sections .1900 and .2000 of this Chapter; and provided said individual has met all other provisions of this Rule.

- (1) ~~Any person, firm or corporation who once held a SP-ES license, but, due to failure to renew or because of occupational requirements, allowed his license to expire, may apply and have his license renewed if he furnished information to the board verifying that he is engaged in a lawful electric sign business, and, during the twelve month period immediately preceding the filing of his application, he has been primarily actively engaged (at least 1,000 hours) in electric sign or electrical contracting type work.~~
- (2) ~~Any person who has once duly qualified for a SP-ES license but never obtained a license may apply and obtain a license if he furnishes to the board information verifying that he is engaged in a lawful electric sign business and, during the twelve month period immediately preceding the filing of his application, he has been primarily actively engaged (1,000 hours) in electric sign or electrical contracting type work.~~
- (q) Combined Application and Examination Fees. ~~Until changed by the board, the combined application and examination fees for the SP-ES qualifying examination shall be as specified in the following fee schedule:~~

**FEE SCHEDULE**

	APPLICATION FEE	
Regular Semi-Annual Examination	\$11.00	
Specially Arranged Examination	\$30.00	
	<b>TOTAL COMBINED FEE</b>	
	\$11.00	\$18.00
	\$70.00	\$100.00

- (2) ~~(1)~~ The total combined application and examination fee must be in the form of a check or money order made payable to the board and must accompany the application when filed with the board.
- (3) ~~(2)~~ The application and examination fee shall be retained by the board or refunded to the applicant as follows:
  - (A) The application fee portion of the combined application and examination fee shall be retained by the board unless the applicant does not take the examination for which he applied and does submit a written request to the board for a refund and the refund is specifically approved by the board.
  - (B) The examination fee portion of the combined application and examination fee shall be refunded to any applicant who does not take the examination during the examination period for which he has applied.
- (4) ~~(3)~~ Any fee retained by the board shall not be creditable toward the payment of any future application or examination fee.
- (s) Examination Scope. The qualifying examination for a SP-ES license shall be based on, but not limited to, the following:
  - (1) rules contained in the current edition of the North Carolina State Building Code, Vol. Volume IV Electrical and the National Electrical Code, NFPA 70, which are applicable to installations covered by the SP-ES license classification;

*Statutory Authority G.S. 87-39; 87-42; 87-43.3; 87-44; 87-48.*

**.2307 SPECIAL RESTRICTED LOW VOLTAGE LICENSE**

- (b) Low Voltage Wiring Defined. With regard to the SP-LV license classification, low voltage wiring is defined as:
  - (2) Wiring systems having a voltage in excess of 50 volts; provided such systems consist solely or power limited circuits meeting the definition of a Class II or Class III wiring system as defined in the N. C. North Carolina State Building Code, Vol. Volume IV Electrical (current edition of and the National Electrical Code, NFPA 70 }; or
- (c) Hazardous Locations. No related wiring or any part thereof may be installed under the provisions of this Rule in any location defined as a hazardous location by the N. C. State Building Code, Vol. IV Electrical (current edition of the National Electrical Code, NFPA 70. }

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(l) Inactive SP-LV licensees or individuals qualified in the SP-LV classification may apply for and obtain a SP-LV license ~~as follows: in accordance with the provisions prescribed in Sections .1900 and .2000 of this Chapter; and provided said individual has met all other provisions of this Rule.~~

(1) ~~Any person, firm or corporation who once held a license; but, due to failure to renew or because of occupational requirements allowed his license to expire, may apply and have his license renewed if he furnishes information to the board verifying that, during the twelve-month period immediately preceding the filing of his application, he has been primarily actively engaged (at least 1,000 hours) in low voltage or other electrical contracting type work.~~

(2) ~~Any person who has once duly qualified for a SP-LV license, but never obtained a license, may apply and obtain a license if he furnishes to the board information verifying that during the twelve-month period immediately preceding the filing of his application he has been primarily actively engaged (1,000 hours) in low voltage or other electrical contracting type work.~~

(m) Certain Licensees Exempt. Within the restrictions of their respective electrical contracting license classification, licensees holding a current electrical contracting license issued by the board in the limited, intermediate, unlimited, SP-SFD or SP-PII ~~Class I~~ classification are exempted from the license requirements of this Rule.

(n) Annual License Fee. ~~Until revised by the board, The annual license fee and license renewal fee for an electrical contracting license in the SP-LV classification shall be eighteen dollars (\$18.00) as prescribed in Rule .1902 of this Chapter and subject to the provisions thereof.~~ License fees must be paid in the form of a check or money order made payable to the board and must accompany be filed with the license applications. Cash cannot be accepted as payment for license fees.

(o) Annual License Renewal. All licenses issued by the board automatically expire at midnight on June 30 of each year unless otherwise rendered invalid prior to that date. License renewal applications and the ~~eighteen dollar (\$18.00)~~ license renewal fee shall be due in the office of the board 30 days prior to the midnight June 30 expiration date. The filing date of applications filed by mail will be considered to be

the date of postmark. Renewal applications received after the midnight June 30 expiration date shall be subject to a late filing penalty of 10 percent of the annual license fee.

(u) ~~Combined Application and Examination Fees. Until changed by the board the combined application and examination fees for the SP-LV qualifying examination shall be as specified in the following fee~~

**FEE SCHEDULE**

	APPLICATION FEE
Regular Semi-Annual	\$11.00
Specially Arranged	\$30.00
	<b>TOTAL COMBINED FEE</b>
<del>EXAMINATION FEE</del>	<del>\$7.00</del>
	<del>\$18.00</del>
	<del>\$70.00</del>
	<del>\$100.00</del>

(1) ~~The combined application and examination fees for the SP-LV classification regular qualifying examinations and specially arranged examinations shall be as prescribed in Rule .1804 of this Chapter and subject to the provisions thereof.~~

(2) ~~(1)~~ The total combined application and examination fee must be in the form of a check or money order made payable to the board and must accompany the application when filed with the board. Cash cannot be accepted.

(3) ~~(2)~~ The application and examination fee shall be retained by the board or refunded to the applicant as follows:

(A) The application portion of the combined application and examination fee shall be retained by the board unless the applicant does not take the examination for which he applied and submits a written request to the board for a refund and the refund is specifically approved by the board.

(B) The examination fee portion of the combined application and examination fee shall be refunded to any applicant who does not take the examination during the examination period for which he has applied.

(4) ~~(3)~~ Any fee retained by the board shall not be creditable toward the payment of any future application or examination fee.



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(w) examination Scope. The qualifying examination for a SP-LV license shall be based on, but not limited to, the following:

- (1) rules contained in the N.C. North Carolina State Building Code, Vol. Volume IV Electrical (current edition of and the National Electrical Code, NFPA 70, ) applicable to low voltage installations covered by the SP-LV license classification;

Statutory Authority G.S. 87-39; 87-42; 87-43; 87-43.2; 87-43.3; 87-44; 87-48.

**.2308 SPECIAL RESTRICTED SWIMMING POOL LICENSE**

(h) Annual License Fee. ~~Until revised by the board, The annual license fee for an electrical contracting license in the SP-SP classification shall be eighteen dollars (\$18.00) as prescribed in Rule .1902 of this Chapter and subject to the provisions thereof.~~ License fees must be paid in the form of a check or money order made payable to the board and must accompany be filed with the license application. Cash cannot be accepted as payment for license fees.

(i) Annual License Renewal. All licenses issued by the board automatically expire at midnight on June 30 of each year unless otherwise rendered invalid prior to that date. License renewal applications and the ~~eighteen dollar (\$18.00)~~ license renewal fee shall be due in the board's office 30 days prior to the midnight June 30 expiration date. The filing date of renewal applications filed by mail will be considered to be the date of postmark. Renewal applications received after the midnight June 30 expiration date shall be subject to a late filing penalty of 10 percent of the annual license fee.

(o) Combined Application and Examination Fees. ~~Until changed by the board, the combined application and examination fees for the SP-SP qualifying examinations shall be as prescribed in the following fe~~

**FEE SCHEDULE**

	APPLICATION FEE
Regular Semi-annual	\$11.00
Specially Arranged	\$30.00
	TOTAL COMBINED FEE
<b>EXAMINATION FEE</b>	<b>\$7.00</b>
	\$18.00

\$70.00

\$100.00

- (1) The combined application and examination fees for the SP-SP classification regular qualifying examinations and specially arranged examinations shall be as prescribed in Rule .1804 of this Chapter and subject to the provisions thereof.

- (2) ~~(4)~~ The total combined application and examination fee must be in the form of a check or money order made payable to the board and must accompany the application when filed with the board. Cash cannot be accepted.

- (3) ~~(2)~~ The application and examination fee shall be retained by the board or refunded to the applicant as follows:

(A) The application portion of the combined application and examination fee shall be retained by the board unless the applicant does not take the examination for which he applied and submits a written request to the board for a refund and the refund is specifically approved by the board.

(B) The examination fee portion of the combined application and examination fee shall be refunded to any applicant who does not take the examination during the examination period for which he has applied.

- (4) ~~(3)~~ Any fee retained by the board shall not be creditable toward the payment of any future application or examination fee.

(q) Examination Scope. The qualifying examination for a SP-SP license shall be based on, but not limited to, the following:

- (1) rules contained in the N.C. North Carolina State Building Code, Vol. Volume IV Electrical (current edition of and the National Electrical Code, NFPA 70, ) which are applicable to installations covered by the SP-SP license classification;

(r) Reactivating License. Any SP-SP licensee who, due to failure to renew or because of occupational requirements, allowed his license to expire, may apply and have his license renewed if he furnishes information satisfactorily verifying that during the 12-month period immediately preceding the filing of his application, the applicant's duly qualified representative has been primarily actively engaged (at least 1,000 hours) in electrical contracting or swimming pool construction type work. Inactive SP-SP licensees or individuals qualified in the SP-SP classification, may apply for and obtain a SP-SP license in accordance with the provisions prescribed in Sections .1900 and .2000 of this Chapter, and

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provided said individual has met all other provisions of this Rule.

(c) ~~Duly Qualified But Never Obtained a License. Any person, firm or corporation who is engaged in a lawful swimming pool construction business and whose duly authorized representative took and passed the SP-SP qualifying examination but no license was obtained shall be eligible to apply and obtain a SP-SP license provided the board is furnished information satisfactorily verifying that, during the 12-month period immediately preceding the filing of his application, the applicant's duly authorized representative has been primarily actively engaged (at least 1,000 hours) in electrical contracting or swimming pool construction type work.~~

(4) (s) Duty and Responsibility of SP-SP Licensee. It shall be the duty and responsibility of a licensee holding an electrical contracting license in the SP-SP classification to confine his electrical contracting work strictly to the scope of swimming pool bonding work as prescribed in this Rule.

(4) (t) Permit: Inspection Requirements. Nothing ~~herein~~ herein shall be construed as superseding or authorizing the waiver of any state or local requirements for permits and inspections or any local special construction rules which would otherwise be applicable to any work covered under the provisions of this Rule.

Statutory Authority G.S. 87-39; 87-42; 87-43; 87-43.2; 87-43.3; 87-44; 87-48.

SECTION .2400 - LICENSING RECIPROCITY

.2402 RECIPROCITY: SOUTH CAROLINA

Pursuant to the provisions of Rule .2401 of this Section and the formal resolution agreement between the board and the South Carolina Licensing Board for Contractors, licensees of the South Carolina Board, who are non-residents of North Carolina, are eligible to apply for and obtain a North Carolina electrical contracting license and North Carolina licensees, who are non-residents of South Carolina, are eligible to apply to the South Carolina board and obtain a South Carolina electrical contracting license in classifications as prescribed in the following table:

SOUTH CAROLINA LICENSEE

Limited  
Intermediate  
Unlimited

ELIGIBLE FOR NORTH CAROLINA LICENSE

Limited or intermediate  
Limited, intermediate or unlimited  
Limited, intermediate or unlimited

NORTH CAROLINA LICENSEE

Limited  
  
Intermediate  
Unlimited

ELIGIBLE FOR SOUTH CAROLINA LICENSE

Not eligible for any license: no  
S.C. State license required for  
projects up to ~~\$10,000.00~~ \$17,500.00  
Limited or intermediate  
Limited, intermediate or unlimited

Statutory Authority G.S. 87-39; 87-42; 87-50.

.2404 RECIPROCITY: FLORIDA

Pursuant to the provisions of Rule .2401 of this Section and the formal resolution agreement between the board and the Florida Electrical Contractors Licensing Board, licensees of the Florida board, who are non-residents of North Carolina, are eligible to apply for and obtain a North Carolina electrical contracting license and North Carolina licensees, who are non-residents of Florida, are eligible to apply to the Florida board and obtain a Florida electrical contracting license in classifications as prescribed in the following table:

FLORIDA LICENSEE

Unlimited

ELIGIBLE FOR NORTH CAROLINA LICENSE

Unlimited

NORTH CAROLINA LICENSEE

Unlimited

ELIGIBLE FOR FLORIDA LICENSE

Unlimited

Statutory Authority G.S. 87-39; 87-42; 87-50.

SECTION .2500 - JOINT RESOLUTIONS:  
AGREEMENTS

.2503 AGREEMENT: ENGINEERING BOARD

Pursuant to an agreement between the board and the North Carolina State Board for Professional Engineers and Land Surveyors, the following definitions and procedures shall apply to drawings:

- (1) Design drawing. A design drawing indicates the total result to be achieved by an assembly of various systems. It is the creative work of a design professional, prepared with the use of special knowledge of the mathematical, physical and engineering sciences in order to accomplish a specific function and bears the seal of the preparing design professional.
- (2) Shop drawing. A shop drawing indicates the fabrication, assembly, installation or erection of a system's components. It is usually prepared by the manufacturer or installing contractor for the purpose of conveying to the mechanic the materials and construction sequencing procedures to be used in achieving the total result called for by the design drawings.
- (3) Other drawings. If design drawings are not required by any statute, the installing contractor may prepare preliminary drawings to illustrate his proposed installation.
- (4) Other drawings. If design drawings are required by a statute for an installation, the contractor may prepare preliminary drawings to illustrate his proposed installation; provided his proposal contains specific provisions to assure the awarding authority that, if awarded the project, the services of a duly registered professional will be employed to prepare the required final design drawing(s) for the installation proposed and that the installation will be constructed in accordance with such design drawing(s).

Statutory Authority G.S. 87-39; 87-42.

SECTION .2600 - INTERPRETIVE RULINGS

.2602 INTERPRETIVE RULING: LOW VOLTAGE SYSTEMS

- (b) A low voltage wiring system will be construed by the board as a system which a non-licensee of the board shall be permitted to install, maintain, alter or repair if all of the following conditions are met:
- (2) The low voltage control circuit and power supply is a Class II or Class III system as defined in the ~~N. C.~~ North Carolina State Building Code, Vol. Volume IV Elec-

trical (~~current edition of and the National Electrical Code, NFPA 70;~~ )

- (3) The low voltage wiring system operates at a voltage not in excess of 50 volts unless the system meets the provisions for sound-recording and similar equipment as set out in the ~~N. C.~~ North Carolina State Building Code, Vol. Volume IV Electrical (~~current edition of and the National Electrical Code, NFPA 70;~~ )
- (4) No part of the installation is in any area designated as hazardous by the ~~N. C.~~ North Carolina State Building Code, Vol. Volume IV Electrical (~~current edition of and the National Electrical Code, NFPA 70;~~ )

Statutory Authority G.S. 87-39; 87-42; 150B-11(1).

.2606 INTERPRETIVE RULING: JOINT VENTURE

(a) Joint Venture Eligibility. Any person, firm or corporation not duly licensed by the board to engage or offer to engage in a given electrical contracting project in North Carolina shall be eligible to participate in said project by entering into a joint venture agreement with a person, firm or corporation duly licensed by the board to engage or offer to engage in such project; provided that, prior to any act of engaging or offering to engage in the said project, all of the following conditions are met: Definition. Joint venture shall mean a written agreement entered into, prior to any act of engaging or offering to engage, between a North Carolina electrical contractor duly licensed for a given electrical contracting project and a North Carolina electrical contractor or an out-of-state electrical contractor not duly licensed for said project.

- (1) the joint venture agreement is entered into; and
- (2) the joint venture agreement is duly executed on joint venture affidavit agreement forms provided by the board and the duly executed forms are furnished to the board with copies furnished to the local governmental inspections department having jurisdiction over the said project.

(b) Joint Venture Ineligibility After Violation. Any person, firm or corporation found to be engaging or offering to engage in a given electrical contracting project in North Carolina when such person, firm or corporation is not duly licensed to do so, shall not be eligible to joint venture the said project. North Carolina Electrical Contractor. Subject to Rules .1803(c) and .2607(b) of this Chapter, a North Carolina electrical con-

tractor not duly licensed for a given electrical contracting project shall be eligible to enter into a joint venture agreement as defined in Paragraph (a) of this Rule and, provided that the parties to the joint venture agreement duly execute said agreement on joint venture affidavit-agreement forms furnished by the board, return the duly executed forms to the board and submit copies thereof to the local governmental inspections department having jurisdiction over the said electrical contracting project.

(c) Out-of-State Electrical Contractor. Subject to Rules .1803(b) and .2607(a) of this Chapter, an out-of-state electrical contractor currently operating an electrical contracting business in accordance with the laws of its home state and not duly licensed for a given electrical contracting project in North Carolina shall be eligible to enter into a joint venture agreement as defined in Paragraph (a) of this Rule and, provided that the parties to the joint venture agreement duly execute said agreement on joint venture affidavit-agreement forms furnished by the board, return the duly executed forms to the board and submit copies thereof to the local governmental inspections department having jurisdiction over the said electrical contracting project.

*Statutory Authority G.S. 87-39; 87-42; 87-43; 150B-11(1).*

**.2607 INTERPRETIVE RULING: LICENSE INELIGIBILITY AFTER VIOLATION**

(a) Non-licensee. Any person, firm or corporation not duly licensed by the board and found to be engaging or offering to engage in a given electrical contracting project in North Carolina shall be subject to the provisions of G.S. 87-48 and shall not be eligible to enter into a joint venture agreement for the said project. Furthermore, such person, firm or corporation shall not be eligible for a qualifying examination to obtain a license, from the board until such time as the board has found that any commitment to the said project involving said person, firm or corporation has been voided and that the given said project, if continued, has been awarded to a person, firm or corporation duly licensed by the board to engage or offer to engage in such project.

(b) Licensee. Any licensee of the board found to be engaging or offering to engage in a given electrical contracting project in North Carolina exceeding the project limitations of his said licensee's current license shall be subject to the provisions of G.S. 87- 48 47 and shall not be eligible to enter into a joint venture agreement for

the said project. Furthermore, such licensee shall not be eligible for a qualifying examination to upgrade his said license to a higher classification until such time as the board has found that any commitment to the said project involving said licensee has been voided and that the given said project, if continued, has been awarded to a person, firm or corporation duly licensed by the board to engage or offer to engage in such project.

*Statutory Authority G.S. 87-39; 87-42; 87-43; 87-48; 150B-11(1).*

**.2610 INTERPRETIVE RULING: AUTHORIZED LEGAL ACTION BY STAFF**

(a) Pursuant to action of the board on December 11, 1980, the following members of the board's staff are authorized to act on behalf of the board in criminal or civil actions brought under the provisions of G.S. 87-48(a) and 87-48(b):

- (1) the board's executive director, and
- (2) the board field representatives coordinator, and
- (3) the board's field representatives.

(b) Said staff members are authorized to give affidavits, act as plaintiffs, verify complaints, sign criminal warrants, testify in court or in other proceedings, and to perform all other acts as may be required in such criminal and civil actions.

(c) All such acts performed by said staff members prior to December 11, 1980, are ratified and affirmed by the board.

*Statutory Authority G.S. 87-39; 87-40; 87-42; 150B-11(1).*

**.2612 INTERPRETIVE RULING: DEFINITIONS: DELIVERY/RELATED TERMS**

(c) Service Point. The service point in a wiring system, defined in Section 230-200 of the 1981 Edition of the National Electrical Code, NFPA 70, as the point of connection between the facilities of the serving utility and the premises wiring, is hereby construed to be one and the same as the point herein defined as point of delivery.

(e) Illustrated definitions and application of Licensing Act. The point of delivery and service point in a wiring system and the application of the North Carolina Electrical Contracting Licensing Act are further defined in the following illustration:

POINT OF DELIVERY  
NCGS CII. 87, ART. 4

SERVICE POINT  
NEC, NFPA 70

AHEAD

Wiring on this side is that portion of a wiring system for which the electric power supplier has the responsibility for the ownership, operation and maintenance thereof, including any such overhead, underground, inside or outside wiring.

LICENSE REQUIREMENTS

Wiring installations on this side are expected from the North Carolina Electrical Contracting Licensing Act. Parties of interest are referred to the North Carolina Licensing Board for General Contractors for applicable licensing requirements.

BEYOND

Wiring on this side is that portion of a wiring system for which the consumer has the responsibility for the ownership, operation and maintenance thereof, including any such overhead, underground, inside or outside wiring.

LICENSE REQUIREMENTS

Wiring installations on this side are covered by the North Carolina Electrical Contracting Licensing Act and, pursuant to the provisions of said act, persons, firms or corporations installing, maintaining, altering or repairing such wiring are required to hold an appropriate license issued by State Board of Examiners of Electrical Contractors.

*Statutory Authority G.S. 87-39; 87-42; 150B-11(1).*

**SECTION .2700 - DESCRIPTION OF FORMS:  
CERTIFICATES AND PUBLICATIONS**

**.2701 FORMS PROVIDED BY THE BOARD**

(h) License Applications; Florida Reciprocity. These forms are designed for the applicant to furnish essentially the same type of information

as is provided on the forms described in Paragraphs (c), (d) and (f) of this Rule.

(i) ~~(h)~~ Bonding Ability Statement. A bonding ability statement form is provided to an applicant wishing to obtain a license in either the intermediate or unlimited classification. This form is to be completed by a bonding company duly licensed to issue performance bonds in North Carolina. The form is designed for the bonding company to state its bonding experience with the applicant and amount of performance bond the bonding company will be willing to issue to applicant at the date the form is completed and signed. The signer's power ~~to~~ of attorney must accompany the bonding ability statement form.

(j) ~~(i)~~ Certification of Qualified Person. This form is provided to any licensee or applicant for a license whose qualified person is someone other than the licensee or applicant for a license. This form is designed for the licensee or applicant for a license to certify who will be the qualified person for the licensee and that the said qualified person is, or will be regularly employed by the licensee and has, or will have, the specific duty and authority to supervise and direct all electrical installation, maintenance, alteration or repair of any electric wiring, devices, appliances or equipment done in the name of the licensee.

(k) ~~(j)~~ Joint Venture Affidavit. This form is provided to two or more firms wishing to enter into a joint venture contractual agreement for electrical contracting projects in North Carolina and is required to be filed with the board in any case where all of the contractors involved in the joint venture are not duly licensed to engage in the project on their own. The form is designed for the parties involved in the joint venture to furnish the fo

- (1) names of the joint venturers;
- (2) name and location of project involved;
- (3) name of duly licensed electrical contractor having the duty and authority for supervision in accordance with the Electrical Contracting Licensing Act; and
- (4) signatures and titles of joint venturing parties, notarized by a duly certified notary public.

(l) ~~(k)~~ Affidavit Certifying Employee Exception. This affidavit form is provided to any licensee whose relationship with his employees has been challenged and it is alleged that someone other than his bona fide employees is engaging in electrical work under the auspices of his license. The form is designed for the licensee to furnish the following information:

- (1) That the person in question is employed by licensee in the capacity of a mechanic (journeyman electrician);

- (2) The employee receives compensation from the licensee which is reasonably related to the hours worked, or the work accomplished, by the employee for the licensee;
- (3) The related compensation paid to the employee is reported to federal and state tax authorities as earnings of the individual employee with appropriate deductions taken and reported for withholding taxes and FICA contributions;
- (4) The employee is clearly covered by licensee's worker's compensation insurance as shown by the inclusion of the employee's related compensation on the premium audit of the licensee's insurance carrier;
- (5) All work performed by the employee is performed under the direction and supervision of a qualified person regularly employed by the licensee; and
- (6) Signature and title of submitter, notarized by a duly certified notary public.

*Statutory Authority G.S. 87-39; 87-42; 87-43; 87-43.1; 87-43.2; 87-43.3; 87-43.4; 87-44; 150B-11.*

**.2702 CERTIFICATES ISSUED BY THE BOARD**

(a) Annual License Certificate. An annual license certificate is issued to each eligible licensee. This certificate contains the following information:

- (3) name ~~and mailing address~~ in which license is issued;
- (b) Permanent Pocket Card. A permanent pocket identification card is issued to each person who has taken and passed the qualifying examination for a license. This card contains the following information:
  - (4) date of issuance ~~of~~ or date examination was passed.

*Statutory Authority G.S. 87-39; 87-42; 87-43; 87-43.1; 87-43.3; 87-43.4; 87-44; 150B-11.*

**.2703 PUBLICATIONS AVAILABLE FROM THE BOARD**

The following publications are available from the board:

- (2) General and special rules, regulations and procedures for the implementation of the laws applicable to electrical contracting in the State of North Carolina;

- ~~(3) Rules, regulations and procedures for the qualifying of applicants and issuance of electrical contracting licenses in the single family detached residential dwelling classification, SP-SFD;~~
- ~~(4) Special rules, regulations and procedures for the establishment of special restricted electrical contracting license classifications;~~
- ~~(5) Special rules, regulations and procedures for the qualifying of applicants and issuance of electrical contracting licenses in the special restricted elevator classification, SP-EL;~~
- ~~(6) Special rules, regulations and procedures for the qualifying of applicants and issuance of electrical contracting licenses in the special restricted class I plumbing and heating classification, SP-PH-Class I;~~
- ~~(7) Special rules, regulations and procedures for the qualifying of applicants and issuance of electrical contracting licenses in the special restricted class II plumbing and heating classification, SP-PH-Class II;~~
- ~~(8) Special rules, regulations and procedures for the qualifying of applicants and issuance of electrical contracting licenses in the special restricted groundwater pump classification, SP-WP;~~
- ~~(9) Special rules, regulations and procedures for the qualifying of applicants and issuance of electrical contracting licenses in the special restricted electric sign classification, SP-ES;~~
- ~~(10) Special rules, regulations and procedures for the qualifying of applicants and issuance of electrical contracting licenses in the special restricted low voltage classification, SP-LV;~~
- ~~(11) Special rules, regulations and procedures for the qualifying of applicants and issuance of electrical contracting licenses in any other special restricted classifications established by the board;~~
- ~~(12) (3) Information booklet for persons applying to take the qualifying examination for an electrical contracting license in the limited, intermediate or unlimited classification;~~
- ~~(13) (4) Current edition of The National Electrical Code, NFPA 70, at the current price; and~~
- ~~(14) (5) Volume IV Electrical, The North Carolina Building Code, Volume IV Electrical, at the current price.~~

*Statutory Authority G.S. 87-39; 87-42; 87-43; 87-43.1; 87-43.3; 87-43.4; 87-44; 150B-11.*

*Upon request from the adopting agency, the text of rules will be published in this section.*

*When the text of any adopted rule is identical to the text of that as proposed, adoption of the rule will be noted in the "List of Rules Affected" and the text of the adopted rule will not be republished.*

*Adopted rules filed by the Departments of Correction, Revenue and Transportation are published in this section. These departments are not subject to the provisions of G.S. 150B, Article 2 requiring publication of proposed rules.*

**TITLE 19A - DEPARTMENT OF  
TRANSPORTATION**

**CHAPTER 3 - DIVISION OF MOTOR  
VEHICLES**

**SUBCHAPTER 3D - LICENSE AND THEFT  
SECTION**

**SECTION .0200 - MOTOR VEHICLE DEALER  
AND SALESMAN LICENSE**

**.0201 REQUIREMENT FOR LICENSE  
(REPEALED)**

*History Note: Statutory Authority G.S. 20-1; 20-52.1; 20-75; 20-79; 20-82; 20-286(6) and (15); 20-287; 20-288; 20-290(a); 20-291; 20-294 through 20-296; 20-301 through 20-305; 20-305.1 through 20-305.3; 54-4; 55-131; 66-68; 143B-350(g); Eff. July 1, 1978; Amended Eff. March 1, 1982; April 11, 1980. Repealed Eff. June 1, 1988.*

**.0203 LICENSE FEES (REPEALED)**

**.0204 DESCRIPTION OF LICENSE  
(REPEALED)**

**.0205 CHANGE OF EMPLOYMENT  
(REPEALED)**

**.0206 RECORDS (REPEALED)**

**.0207 HEARINGS PURSUANT TO ARTICLE  
12 (REPEALED)**

**.0208 ILLEGAL USE OF DEALER PLATES  
(REPEALED)**

**.0209 DEALER PLATES LOST OR  
STOLEN (REPEALED)**

**.0210 CONDITIONS FOR ISSUING  
TEMPORARY MARKERS BY A  
DEALER (REPEALED)**

**.0211 ISSUANCE OF TEMPORARY MARKER  
RECEIPTS (REPEALED)**

**.0212 DEALER'S DELIVERY OF  
PURCHASER'S APPLICATION:  
REGISTRATION (REPEALED)**

*History Note: Statutory Authority G.S. 20-1; 20-39; 20-52.1; 20-68; 20-68(a); 20-75; 20-79; 20-79(a)(b); 20-79.1; 20-82; 20-85(5); 20-87(7); 20-286(6)(15); 20-289; 20-290(a); 20-291; 20-294 through 20-296; 20-297; 20-301 through 20-305; 20-305.1 through 20-305.3; 20-347; Eff. March 1, 1982. Repealed Eff. June 1, 1988.*

**.0213 RENEWAL OF DEALER PLATES  
(REPEALED)**

*History Note: Statutory Authority G.S. 20-39; 20-66; 20-79; Eff. August 1, 1982. Repealed Eff. June 1, 1988.*

**.0214 CORP. SURETY BONDS: MOBILE  
/MANUFACTURED HOME DEALERS  
(REPEALED)**

*History Note: Statutory Authority G.S. 20-39; 20-288(e); Eff. December 1, 1982. Repealed Eff. June 1, 1988.*

**.0215 ELIGIBILITY FOR LICENSING**

Any person, firm or corporation who upon proper application meets the qualifications and requirements set out in Article 12 of Chapter 20 of the North Carolina General Statutes, related statutes and regulations contained in Title 19A, Subchapter 3D, Section .0200.

*History Note: Statutory Authority G.S. 20-1; 20-302; Eff. June 1, 1988.*

**.0216 DEFINITIONS**

(a) Statutory Definitions: Definitions for words and phrases used in these regulations not defined in subsection (b) shall be the same as the definitions appearing in G.S. 20-286 and G.S. 20-4.01.

(b) Administrative Definitions: The following words and phrases shall have the meanings listed below when used in these regulations:

- (1) "Principal Place of Business" - Means a salesroom containing 96 square feet of floor space in a permanently enclosed building or structure which is separate and apart from any living quarters, residence or other business and having a separate entrance; where any vehicles displayed are separate and apart from vehicles of any

other dealer; having displayed thereon or immediately adjacent thereto a sign, in block letters of not less than 3 inches in height on a contrasting background, clearly and distinctly designating the trade name of the business at which a permanent business of bartering, trading and selling of motor vehicles will be carried on as such in good faith and at which place of business shall be kept and maintained the books, records, and files the Division may require as necessary to conduct the business at such location. Provided, however, the minimum area requirement provided for in this paragraph is not applicable to any established place of business lawfully in existence and duly licensed on or before January 1, 1978.

- (2) "Supplemental Location" - Any improved or unimproved lot that is not immediately adjacent to the principal place of business at which a permanent business of bartering, trading and selling motor vehicles will be carried on as such in good faith and which is located within the relevant trade area of the applicant dealer as defined by G.S. 20-286(13b). A supplementary lot must have displayed thereon a sign in block letters not less than 3 inches in height on a contrasting background, clearly and distinctly designating the trade name of the business and the address and telephone number of the principal place of business. Supplemental locations must operate in exactly the same name as the principal place of business and only vehicles owned by or lawfully consigned to the principal place of business may be offered for sale at supplemental locations.
- (3) "Suspension" - The temporary withdrawal of a license issued by the Division of Motor Vehicles to a motor vehicle dealer, manufacturer, factory branch, distributor, wholesaler or their salesman or representative for a definite period.
- (4) "Revocation" - The termination of a license issued by the Division of Motor Vehicles to a motor vehicle dealer, manufacturer, factory branch, distributor, wholesaler or their salesman or representative.

*History Note: Statutory Authority G.S. 20-1; 20-302; Eff. June 1, 1958.*

.0217 APPLICATION FOR LICENSE

(a) Applications for all licenses required by the Dealers and Manufacturers Licensing Act shall be made on forms furnished by the Division and signed by the Owner, partner or proper officer of a corporation and filed with the Enforcement Section, N. C. Division of Motor Vehicles; Raleigh, North Carolina 27697, accompanied by the necessary fees; provided, the Division shall not issue a motor vehicle dealer license to a new motor vehicle dealer unless or until the applicant has satisfied the Division that a distributor or manufacturer has awarded the applicant a franchise to sell new motor vehicles in the relevant market area for which a license is sought. The Division shall not issue a supplemental license for any location where such location is outside the trade area, or such location is of a distance from the principal place of business that the records and files are not immediately available to transfer ownership of vehicles sold or traded at such location. The Division shall not issue more than one supplemental license per location and only one dealer may locate on each supplemental lot.

(b) The application and renewal for license to do business as a manufacturer, factory branch, distributor, wholesaler, dealer, or dealer supplemental must be signed by the owner, partner or an officer of the corporation. The application for license as a motor vehicle salesman, distributor or factory representative must be certified by the owner, partner, or an officer of the corporation.

(c) All applications for dealer licenses must accurately describe the physical location of the business such as: street number, street name, city, state and zip code. If a post office box or rural route is used, the above information must also be included. It is not permissible to have a mailing address different from the actual location of the business.

(d) Each applicant before being approved for license as a motor vehicle dealer, manufacturer, distributor, wholesaler or factory branch shall furnish a corporate surety bond; cash bond or fixed value equivalent thereof in the amount of fifteen thousand dollars (\$15,000) for each principal place of business and an additional five thousand dollars (\$5,000) for each additional or supplemental location. This bond shall remain in force and effect so long as the licensee remains in business. When a cash bond or equivalent thereof is filed with the Division, same shall remain in effect for a period of four years after termination of business. The name and address appearing on the bond must be exactly as shown on dealer application.

(e) The Division must have evidence of an assumed name being filed with the Register of Deeds in the county in North Carolina where the



business is maintained when such business is operated under any designation, name or style other than the real name of the owner or owners thereof or under its corporate name. After this filing when there is a change of name and/or ownership, such must be filed with the Register of Deeds and evidence of this change being filed furnished to the Division of Motor Vehicles.

(f) A foreign corporation must procure a certificate of authority from the North Carolina Secretary of State before being licensed to operate in this State under the Dealers and Manufacturers Licensing Law, and written proof of same provided to the Division.

(g) Before a North Carolina corporation can be licensed under the Dealer and Manufacturers Licensing Law, articles of incorporation must have been filed with the North Carolina Secretary of State, and written proof of same provided to the Division.

(h) Before the Division can issue a dealer's license the dealership is required to be in compliance with all state, county and municipal zoning ordinances or regulations, and written proof of same provided to the Division.

(i) Prior to issuance of a dealer's license the applicant must purchase all required state and local "Traders" licenses, and written proof of same provided to the Division.

(j) License fees for each fiscal year, or part thereof, shall be as provided under G.S. 20-289; provided no license shall be issued until the fees for license required by G.S. 20-79 have been paid to the Division.

(k) Upon receipt of application for any license required by the Dealers and Manufacturers Licensing Act, the Commissioner shall cause an investigation to be made to determine whether the applicant meets the requirements of law for licensing as a motor vehicle dealer, manufacturer, factory branch, distributor, wholesaler, motor vehicle salesman, factory representative or distributor branch representative, and this shall include the inspection of the proposed location, applications and other required documents by an agent of the Enforcement Section.

(l) When applicant for license under this section is approved, based upon the application and the results of investigation made, the applicant will be issued license subject to the following limitations:

- (1) A license issued under the Motor Vehicle Dealers and Manufacturers Licensing Act shall be valid until suspended, revoked or expired. License must be at all times conspicuously displayed at the place designated therein.
- (2) Any motor vehicle dealer, manufacturer, factory branch, distributor, or wholesaler

who moves his place of business from the location for which license was issued shall immediately notify the Enforcement Section, North Carolina Division of Motor Vehicles, of such change of location and shall not engage in the business of buying, selling, trading or manufacturing motor vehicles until the new location has been inspected and approved by an agent of the Division and the necessary form and additional fees, if any, have been submitted to the Division.

(3) License issued pursuant to this Article shall not be assignable and shall be valid only for the owner, or owners in whose name or names they are issued and for transaction of business only at place designated therein. If individual, partnership or proprietorship should incorporate, new fees are due.

(4) The Division shall be notified when there is a change of name and licensee shall produce evidence that a bond as required by G.S. 20-288(e) is in effect.

(m) The Commissioner shall deny the application for any license under the Motor Vehicle Dealers and Manufacturers Licensing Act of any applicant who fails to meet the qualifications set out in Article 12 of Chapter 20 of the North Carolina General Statutes. Upon denial, applicant:

- (1) Will be notified by certified mail within 30 days from denial of license, directed to the address shown by applicant on application form.
- (2) Upon request, will be afforded a hearing by the Commissioner of Motor Vehicles as required under provisions of G.S. 20-295; applicant must file request for hearing allowed by this section within thirty (30) days of denial of license.

(n) Every motor vehicle salesman who engages in business in this State as such must obtain a license. Applicants for a motor vehicle salesman's license shall be subject to the following provisions:

- (1) A salesman, factory representative, or distributor representative, must be employed by a motor vehicle dealer, manufacturer, factory branch, distributor or wholesaler.
- (2) All applications for salesmen, factory representative, and distributor representative licenses must be made on forms furnished by the Division. Each application must be signed by the applicant and endorsed by the employer or employers.
- (3) All salesmen, factory representative, and distributor representative licenses shall be valid until suspended, revoked, or expira-

tion, or until employment as a salesman, factory representative or distributor representative is terminated.

- (4) All salesmen, factory representatives, and distributor representatives shall at the time of changing employment return his license and make application to the Division on forms furnished by the Division designating the name and address of the new employer and must be signed by the applicant and endorsed by the employer or employers.

There is no fee for change of employment in the same category, however, the purchase of a new license would be required for the following changes: Factory representative to distributor representative or vice versa. Distributor representative to motor vehicle salesman or vice versa. Motor vehicle salesman to factory representative or vice versa.

*History Note: Statutory Authority G.S. 20-1; 20-52.1; 20-75; 20-79; 20-82; 20-286(6) and (15); 20-287; 20-288; 20-290(a); 20-291; 20-294 through 20-296; 20-301 through 20-305; 20-305.1 through 20-305.3; 54-4; 55-131; 66-68; 143B-550(g); Eff. June 1, 1988.*

**.0218 DESCRIPTION OF LICENSE**

(a) Every license issued to a dealer, manufacturer, factory branch, distributor, or wholesaler must show the name of the business, location, license number and expiration of license.

(b) Every license issued to a salesman, factory or distributor representative must show his name and address, name of his employer and expiration date.

(c) Every dealer and manufacturer plate must show a distinctive number, the name of this State, the year it was issued for and a distinguishing symbol or word showing that the plate or plates are issued to a dealer or manufacturer.

(d) Every motor vehicle manufacturer or motor vehicle dealer shall, on or before the 30th day of June in any calendar year, apply for and obtain, upon payment of proper fees, the license and number plates required by G.S. 20-79.

*History Note: Statutory Authority G.S. 20-1; 20-79; 20-290(a); 20-291; Eff. June 1, 1988.*

**SECTION .0200 - MOTOR VEHICLE DEALER AND SALESMAN LICENSE**

**.0219 BUSINESS RECORDS**

(a) All motor vehicle dealers, manufacturers, factory branches, distributors and wholesalers shall keep a record for at least four years of all vehicles manufacturers, received, sold, traded or junked. In addition to these records, a copy of an odometer disclosure form, completed with the information required by law from the seller and a copy of an odometer disclosure form, completed with the information required by law, given to the purchaser.

(b) Additional records required under this section shall include:

- (1) Make, body style, vehicle identification number, and year model.
- (2) Name of person, firm or corporation from whom acquired.
- (3) Date vehicle purchased or manufactured.
- (4) Name of person, firm or corporation to whom sold or traded. If vehicle junked, date, name and address of person, firm or corporation to whom frame, motor and body sold.
- (5) Date vehicle sold or traded.
- (6) Copy of bill of sale (written statement).

(c) All records required to be maintained in paragraphs (a) and (b) shall be kept and maintained for every vehicle purchased or sold and shall be kept so as to be readily available for inspection upon demand from an authorized agent of the North Carolina Division of Motor Vehicles in order that the ownership of any vehicle purchased or sold can be traced.

(d) Manufacturer's Certificates of Origin and title for all vehicles owned by a motor vehicle dealer, manufacturer, factory branch, distributor or wholesaler must be immediately available to assign to the purchaser.

(e) Retail installment sales must be made in accordance with G.S. 20-303. Cash sales may be made by proper endorsement and delivery of the title to the purchaser and any other receipt that the purchaser and seller agree upon.

(f) Pursuant to 16 CFR 455.2 a dealer shall not willfully remove the "Monroney Label" or sticker from a new motor vehicle that is displayed for sale. The "Monroney Label" must be affixed to the new vehicle at the time of sale to the ultimate purchaser. "Ultimate Purchaser" means the first person, other than a dealer purchasing in his capacity as a dealer, who in good faith purchases a new automobile for purposes other than a resale.

(g) Pursuant to 15 USC Sec. 1231 every dealer offering used cars for sale shall post buyers guides with warranty information as required by the Federal Trade Commission and same shall be displayed at the time of sale.

*History Note: Statutory Authority G.S. 20-1; 20-52, 20-75; 20-79(a) and (b); 20-82; 20-286(6) and (15); 20-297; 20-302; 20-303; 20-347; Eff. June 1, 1988.*

**.0220 INSPECTION AND INVESTIGATION**

(a) The Division may make periodic inspections of premises and records of licensee.

(b) All bona fide compliants received in writing by the Commissioner about any person, firm or corporation licensed under Article 12 of Chapter 20 shall be investigated for the purpose of determining whether there has been a violation of that Article, Article 15 or these rules.

(c) The Division shall also conduct an investigation when it has reasonable grounds to believe there has been a violation of Chapter 20 or these rules.

*History Note: Statutory Authority G.S. 20-1; 20-49; 20-297; 20-302; Eff. June 1, 1988.*

**.0221 CONDITIONS FOR ISSUING TEMPORARY MARKERS BY A DEALER**

(a) Ownership in the vehicle must pass from the dealer to the purchaser by assigning the title or Manufacturer's Certificate of Origin and by delivering the vehicle to the buyer.

(b) Dealer has obtained from purchaser an application for registering and titling of the purchased vehicle.

(c) Dealer has collected all prescribed fees for titling and registering the vehicle.

(d) Dealer has certification (Form FR-2) certifying liability insurance in effect.

(e) Exception:

The only exception to the above rules b and c is when the dealer is selling the vehicle to an out-of-state purchaser and the vehicle is to be removed from the State of North Carolina to the purchaser's home state prior to the expiration of the 30-day temporary registration marker. Form FR-2 (Insurance Certification) shall be completed and kept by the dealer as part of his records.

(f) Issuance of 30-day temporary marker:

(1) All 30-day temporary markers shall be issued in numerical order, beginning with the lowest number of the set or sets.

(2) The vehicle identification number, the make, the issuance date, and the expiration date shall be entered clearly and indelibly on the face of the temporary marker.

(3) A receipt, which corresponds in number with the 30-day temporary marker, shall be issued.

(4) The receipt shall be completed in duplicate, with pen and ink, and must be readable.

(5) The white copy of the receipt, with the 30-day marker, shall be delivered to the purchaser. The pink copy is to be retained in the book by the issuing dealer for at least one (1) year.

(6) All documents necessary to title and register the vehicle shall be presented to a license plate agency or mailed to the North Carolina Division of Motor Vehicles on the date of issuance. (EXCEPTION): When the purchaser is a nonresident, a 30-day temporary marker may be issued to the nonresident for the sole purpose of removing the vehicle to his home state, provided the customer has in effect liability insurance with a company licensed in North Carolina. The dealer is neither required to obtain from such nonresident a written application for North Carolina registration nor to collect the North Carolina registration fees. However, Form FR-2 should be completed and kept by the dealer as part of his records. If a plate is to be transferred, a 30-day temporary marker cannot be issued. Record the information on the report sheet in the back of receipt book.

(7) All 30-day temporary markers and/or receipts that are voided shall be marked "voided" and recorded on the report sheet. The white copy of the receipt and the 30-day temporary marker shall be forwarded to the North Carolina Division of Motor Vehicles Enforcement Section together with the report sheets. Receipts and 30-day temporary markers that do not match shall be returned to the Division after recording on report sheet. The receipt is not to be altered.

(8) Only one (1) 30-day temporary marker may be issued per vehicle per sale.

(9) Upon issuance of all receipts (Markers) in each receipt book, the report sheet must be completed in duplicate and the original mailed to the Division. A copy of the report sheet must be retained by the Dealer for one (1) year.

*History Note: Statutory Authority G.S. 20-39; 20-79.1; Eff. June 1, 1988.*

**.0222 DEALER'S DELIVERY OF**

**PURCHASER'S APPLICATION:  
REGISTRATION**

The Division's copy of the temporary marker receipt should be attached to the purchaser's application for title and license and submitted with other necessary documents to the Division within four working days of issuance. If the purchaser is a nonresident, the Division's copy of the temporary marker receipt must be sent without application for North Carolina title and license to the Division within four working days of issuance.

*History Note: Statutory Authority G.S. 20-39; 20-79.1;  
Eff. June 1, 1988.*

**.0223 DEALER PLATES**

Application for plates must be signed by owner, partner or officer of the corporation. Lost or stolen dealer plates must be reported to the Division of Motor Vehicles in writing. To replace such plates, complete the appropriate form and a replacement fee of nine dollars (\$9.00) for each plate. Dealer plates issued to the principal place of business are valid for use at supplemental locations. No dealer plates will be issued specifically for supplemental locations.

*History Note: Statutory Authority G.S. 20-39; 20-68; 20-85(5);  
Eff. June 1, 1988.*

**.0224 ILLEGAL USE OF DEALER PLATES**

(a) It is illegal to use dealer plates on vehicles operated for any other business that the dealer is engaged in. The sale of farm machinery, not including farm tractors, is considered another business and delivery of farm machinery by motor transport is not permitted with dealer plates.

(b) Parts trucks used in delivering parts to other sales outlets may use dealer plates only if the sale of parts is incident to the dealer business. A parts business that is separate and apart from the dealership cannot use dealer plates.

(c) It is illegal to use dealer plates on vehicles that are not owned by the dealer.

(d) It is illegal to use dealer plates for personal use of dealers, dealers families or employees.

(e) It is illegal to use dealer plates on wreckers used for general wrecker service or on wreckers which move vehicles on a rotation basis at the request of state or local law enforcement authorities. It is permissible to use a dealer plate on wreckers which tow vehicles for the dealer's customers only.

*History Note: Statutory Authority G.S. 20-39; G.S. 20-79;*

*Eff. June 1, 1988.*

**.0225 VEHICLES OFFERED FOR SALE  
OWNED BY DEALERSHIP**

No vehicle shall be sold or offered for sale or trade by any motor vehicle dealer, manufacturer, factory branch, distributor or wholesaler until said motor vehicle dealer, manufacturer, factory branch, distributor, or wholesaler has in his possession a certificate of title or manufacturers certificate of origin or same is immediately available to complete transfer of ownership to the consumer-purchaser.

*History Note: Statutory Authority G.S. 20-39; G.S. 20-79;  
Eff. June 1, 1988.*

**.0226 VEHICLES OFFERED FOR SALE  
ON CONSIGNMENT**

(a) Any dealer offering a vehicle for sale that is on consignment from a manufacturer, distributor, factory branch, distributor branch, wholesaler, or an individual shall have in his possession a consignment contract for each vehicle, executed by both parties.

(b) The consignment contract shall consist of the following:

- (1) The effective dates of the contract.
- (2) The complete name, address, and the telephone number, if available, of the owner.
- (3) A complete description of the vehicle on consignment, including the make, model, body style, year, and vehicle identification number.
- (4) The listing charges.
- (5) The percentage of commission or the amount of the commission the dealer is to get if the vehicle is sold.
- (6) The "after termination" clause shall not exceed 30 days.

(c) Any dealer offering a vehicle for sale on consignment must tell the prospective customer that the vehicle is on consignment unless the dealer is going to take ownership of the vehicle by completing a re-assignment on the title documents.

(d) Dealer plates cannot be used to demonstrate a vehicle on consignment. The consignee's plate may be used if liability insurance is in effect.

(e) In addition to a consignment contract, the dealer shall have in his possession an equipment listing of the vehicle, consisting of, but not limited to, the following:

- (1) Owners name and address.
- (2) Complete description of the vehicle which shall include the year, make, model, body style, color, odometer reading, special or

## FINAL RULES

extra equipment, and the disclosure of known defects.

(3) The vehicle must display a current safety inspection certificate.

(f) The ownership documents of any vehicle on consignment must be made available to any authorized agent of the North Carolina Division of Motor Vehicles on request. The ownership documents must be readily available from the owner.

(g) The owner must execute the ownership documents and deliver them to the purchaser at the time the vehicle is delivered.

*History Note: Statutory Authority G.S. 20-302; Eff. June 1, 1988.*

### .0227 VEHICLES OFFERED FOR SALE ON A FLOOR PLAN LIEN

(a) Any dealer offering a vehicle for sale that has a floor plan lien on it shall at the time of sale, satisfy the floor plan lien and obtain the title from the floor plan lienholder, execute the title documents and deliver them to the purchaser or the lienholder as required by G.S. 20-72 at the time the vehicle is delivered.

(b) Manufacturers Certificate of Origin and titles may be retained by the floor plan lienholder so long as the Manufacturers Certificate of Origin and/or titles are located within the boundaries of North Carolina; provided the dealer has in possession, available for inspection, an invoice from the manufacturer or distributor and a floor plan disclosure form completed, dated and signed by both parties.

*History Note: Statutory Authority G.S. 20-302; Eff. June 1, 1988.*

### .0228 BILL OF SALE - WRITTEN DOCUMENTATION

Every motor vehicle dealer, manufacturer, factory branch, distributor or wholesaler at the time of sale or trade shall provide to the buyer in writing the applicable information listed below which may be on a bill of sale, buyer's order, financial statement or combination thereof. Each form must be completed in duplicate, signed by the buyer and seller, and the original or copy provided to the buyer and a copy of original retained by the dealer for four (4) years. Such documents shall include:

- (1) Name and address of person, firm or corporation to whom vehicle sold or traded.
- (2) Date of sale or trade.
- (3) Name and address of motor vehicle dealer, manufacturer, factory branch, distributor or wholesaler selling or trading vehicle.

(4) Make, body style, vehicle identification number and year model.

(5) Sale price of vehicle.

(6) Amount of cash down payment made by the buyer.

(7) Description of any vehicle used as a trade-in and the amount credited the buyer for sale trade-in. (Description of trade-in shall be the same as outlined in (d) above.)

(8) Amount of finance charge, if any, and interest.

(9) The cost of insurance to the buyer, if any, and an explanation of the type and amount of coverage.

(10) Any investigation charges, service charges or any other charge or charges not included in previous items. The purpose of each charge must be specified.

(11) Net balance due from the buyer.

(12) The amount of each payment and the time and schedule of deferred payment and to whom payments are to be made.

(13) Bill of sale must be signed by both the seller and buyer.

*History Note: Statutory Authority G.S. 20-39; Eff. June 1, 1988.*

### .0229 CORP. SURETY BONDS: MOBILE/ MANUFACTURED HOME DEALERS

A motor vehicle dealer who is engaged in the principal business of selling mobile or manufactured homes (as defined in G.S. 143-143.9) and who also sells other motor vehicles as an incident to this principal business, shall either:

- (1) furnish to the Division a corporate surety bond, cash bond, or fixed equivalent thereof pursuant to G.S. 20-288(e); or
- (2) furnish to the Division a copy of the bond that the dealer has furnished to the North Carolina Manufactured Housing Board, pursuant to G.S. 143-143.12, a corporate surety bond which includes the condition that the obligor will faithfully conform to and abide by the provisions of Article 12 of North Carolina General Statutes Chapter 20.

*History Note: Statutory Authority G.S. 20-39, 20-288(e);*

*Eff. June 1, 1988.*

### .0230 SUSPENSION: REVOCATION AND RENEWAL REFUSED

(a) Suspension: Any person, firm or corporation whose license is suspended shall:

- (1) Surrender all licenses and license plates (dealer, manufacturer or temporary marker) to the Division and not engage in

the business of buying, selling, trading or manufacturing motor vehicles while license is suspended.

- (2) Reinstatement: At the termination of period of suspension, license, license plates and temporary markers will be returned to licensee upon payment of necessary fees, if any. If no fees are due, license, license plates and temporary markers will be returned to licensee upon request; if fees are due, licensee shall be notified prior to date of termination of suspension.
- (b) Revocation:
  - (1) Any person, firm or corporation whose license has been revoked shall surrender all licenses, license plates (dealer, manufacturer and temporary marker) to the Division and not engage in the business of buying, selling, trading, or manufacturing motor vehicles until new license and license plates have been obtained.
  - (2) New license required:
    - (A) Where a license has been revoked, a new license must be obtained before carrying on any activity covered by Article 12 of Chapter 20.
    - (B) The procedure for obtaining a new license after revocation shall be the same as that for obtaining an original license except that application shall have noted on the face thereof by applicant the fact that prior license has been revoked and the date of such revocation.
    - (C) Where dealer or manufacturer's license plates have been revoked, the procedure for obtaining new plates shall be the same as that for obtaining original license plates.
  - (c) Renewal refused: Any person, firm or corporation whose renewal application for license has been refused must surrender all license plates to the Division for cancellation.

*History Note: Statutory Authority: G.S. 20-1; 20-302; Eff. June 1, 1988.*

**.0231 HEARINGS PURSUANT TO ARTICLES 12 AND 15 OF CHAPTER 20**

- (a) The following shall be applicable to hearings requested under G.S. 20-296:
  - (1) No license issued under this Article shall be suspended, revoked or renewal refused until a hearing has been had before the Commissioner or a person designated by him and license shall have been notified in writing 10 days prior to such hearing by certified mail to his last known address as shown by records of the Division.

Provided, however, if a licensee fails to maintain a bond as required by G.S. 20-288(e) or fails to purchase dealer license plates as required by G.S. 20-79, the Division shall cancel the dealer's license subject to the provision that the licensee shall be granted a hearing if requested in writing within 10 days after the date of cancellation of such license.

- (2) Hearing shall be held at a place designated by the Commissioner.
- (3) The licensee shall be advised of the decision of the Commissioner in writing by certified mail within thirty (30) days of the decision to his last known address as shown by records of the Division.
- (4) The decision of the Commissioner or his duly authorized representative, after hearing, shall be final and appeal therefrom shall be as provided in Chapter 150B of the North Carolina General Statutes (G.S. 20-300).
  - (b) Except as otherwise provided, the North Carolina Rules of Civil Procedure will be applicable to hearings requested under N.C.G.S. 20-304 through 20-305.4.
    - (1) Action shall be initiated by the filing of a petition with the Commissioner of Motor Vehicles, North Carolina Division of Motor Vehicles, Raleigh, N. C. 27697, who shall serve a copy thereof on the affected manufacturer by certified mail (return receipt requested) with notice that such manufacturer should reply to the subject petition of the dealer within thirty (30) days unless enlargement of time to file a reply is requested and allowed by the Commissioner.
- (2) Petitioner and replies:
  - (A) The form of the petition shall be the same as that required for filing of petitions in the superior court and there shall be attached thereto a copy of the franchise agreement between the dealer and manufacturer.
  - (B) The form of the reply to the petition shall be the same as required for the filing of a reply to a petition in the superior court and there shall be attached thereto a copy of the franchise agreement between the manufacturer and dealer.
  - (C) Exhibits and supporting documents shall be attached to the petition or reply at the time of filing.
- (3) The hearing shall be held at a place designated by the Commissioner upon twenty (20) days written notice to both the petitioner and respondent.

(A) It shall be the obligation of the parties involved to have present at any hearing all witnesses which the parties desire to be heard.

(B) The parties shall be advised of the decision of the Commissioner in writing by certified mail to the addresses as shown in the pleadings filed in the action.

(4) The decision of the Commissioner or his duly authorized representative after hearing shall be final and appeal therefrom shall be as provided in Chapter 150B of the North Carolina General Statutes (G.S. 20-300).

(c) If license is cancelled due to licensee's failure to maintain a bond as required by G.S. 20-288(e) or failure to purchase dealer license plates as required by G.S. 20-79, then the licensee may have a hearing if requested in writing within 10 days after the license cancellation.

*History Note: Statutory Authority G.S. 20-1; 20-294 through 20-296; 20-301 through 20-305; 20-305.1 through 20-305.3; Eff. June 1, 1988.*

**SECTION .0800 - SAFETY RULES AND REGULATIONS**

**.0801 SAFETY OF OPERATION AND EQUIPMENT**

(a) The rules and regulations adopted by the U.S. Department of Transportation relating to safety of operation and equipment (49 CFR Parts 390-398 - formerly Parts 290-298 - and amendments thereto) shall apply to all for-hire motor carrier vehicles engaged in interstate commerce and intrastate commerce over the highways of the State of North Carolina, whether common carriers, contract carriers or exempt carriers.

(b) The rules and regulations adopted by the U.S. Department of Transportation relating to

safety of operation and equipment (49 CFR Parts 390-398 and amendments thereto) shall also apply to all private motor carriers engaged in the transportation of hazardous waste and radioactive waste in interstate and intrastate commerce over the highways of the State of North Carolina.

(c) The rules and regulations adopted by the U.S. Department of Transportation relating to safety of operation and equipment (49 CFR Parts 390-398 and amendments thereto) shall apply to all private motor carrier vehicles on the highways of the State of North Carolina used in commerce to transport passengers or cargo:

(1) if such vehicle has a gross vehicle weight rating of ten thousand pounds or more; or

(2) if such vehicle is used in the transportation of materials found to be hazardous in accordance with the Hazardous Materials Transportation Act as amended Title 49, Code of Federal Regulations.

49 CFR Part 395.3(b) shall not apply to any private motor carrier engaged in a seasonal enterprise whenever any current 7 or 8 consecutive days, as defined by Part 395.2 (c) and (d), has been preceded by any 24-hour off-duty period as defined by Part 395.2(e) and the driver is on duty within a radius of 100 air miles of the point at which he reports for duty; and provided the driver has not been on duty more than 70 hours in any 7 consecutive days or more than 80 hours in any 8 consecutive days. 49 CFR Part 391.11 (b) (1), (b) (2), and (b) (6) shall not apply to drivers employed by private motor carriers who hold a valid North Carolina Driver's License as of June 1, 1988, or until such time that Part 383 (The Commercial Motor Vehicle Safety Act of 1986) shall be adopted by North Carolina.

*History Note: Statutory Authority G.S. 20-384; Eff. December 1, 1983; Amended Eff. June 1, 1988.*

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19A	Transportation, Department of
20	Treasurer, Department of State
*21	Occupational Licensing Boards
22	Administrative Procedures
23	Community Colleges, Department of
24	Housing Finance Agency
25	State Personnel, Office of
26	Administrative Hearings, Office of

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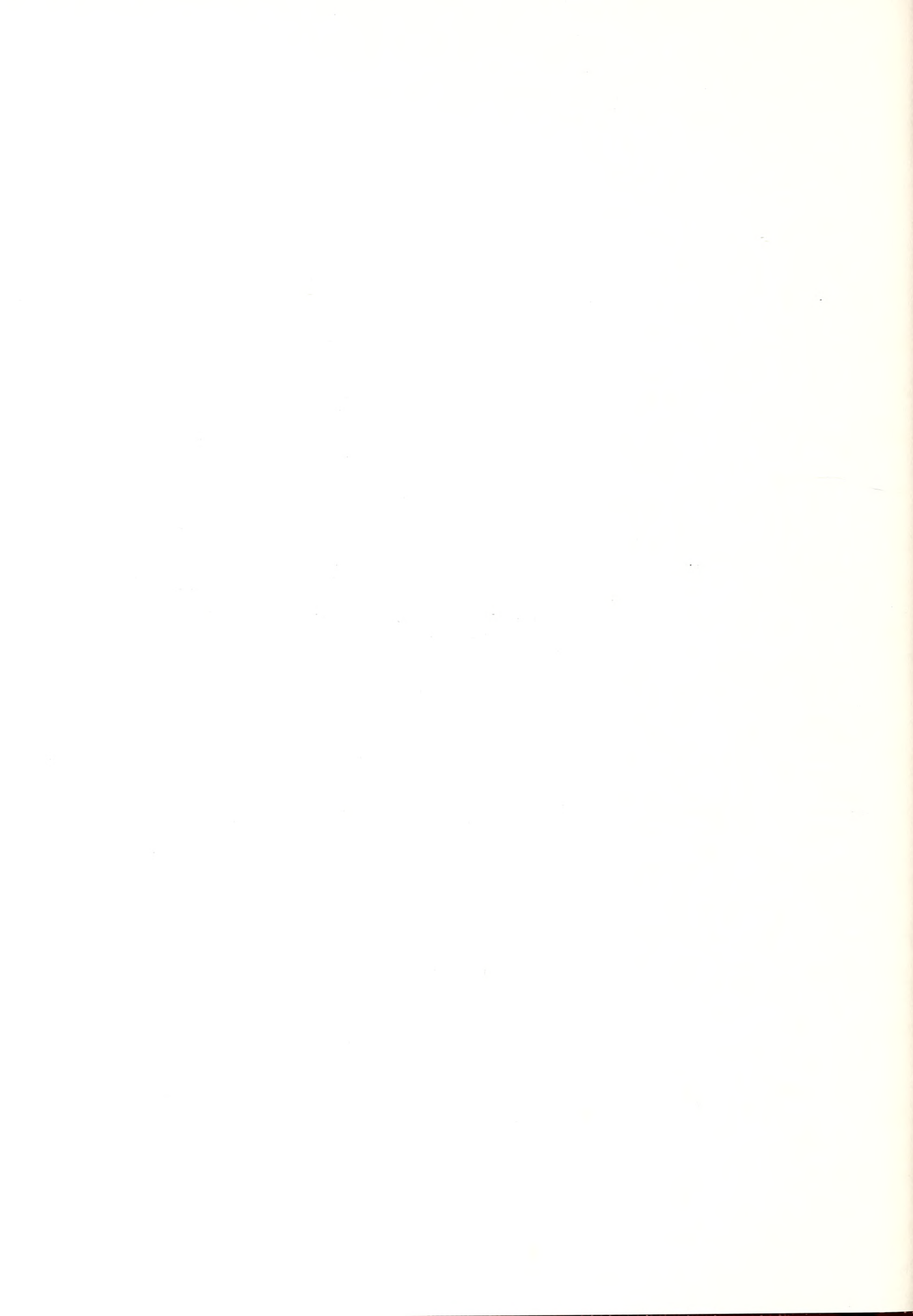
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