

NORTH CAROLINA REGISTER

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August 16, 2021

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Rule Notices, Filings, Register, Deadlines, Copies of Proposed Rules, etc.

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NORTH CAROLINA REGISTER
Publication Schedule for January 2021 – December 2021

FILING DEADLINES			NOTICE OF TEXT		PERMANENT RULE			TEMPORARY RULES
Volume & issue number	Issue date	Last day for filing	Earliest date for public hearing	End of required comment Period	Deadline to submit to RRC for review at next meeting	RRC Meeting Date	Earliest Eff. Date of Permanent Rule	270 th day from publication in the Register
35:13	01/04/21	12/08/20	01/19/21	03/05/21	03/22/21	04/15/21	05/01/21	10/01/21
35:14	01/15/21	12/21/20	01/30/21	03/16/21	03/22/21	04/15/21	05/01/21	10/12/21
35:15	02/01/21	01/08/21	02/16/21	04/05/21	04/20/21	05/20/21	06/01/21	10/29/21
35:16	02/15/21	01/25/21	03/02/21	04/16/21	04/20/21	05/20/21	06/01/21	11/12/21
35:17	03/01/21	02/08/21	03/16/21	04/30/21	05/20/21	06/17/21	07/01/21	11/26/21
35:18	03/15/21	02/22/21	03/30/21	05/14/21	05/20/21	06/17/21	07/01/21	12/10/21
35:19	04/01/21	03/11/21	04/16/21	06/01/21	06/21/21	07/15/21	08/01/21	12/27/21
35:20	04/15/21	03/24/21	04/30/21	06/14/21	06/21/21	07/15/21	08/01/21	01/10/22
35:21	05/03/21	04/12/21	05/18/21	07/02/21	07/20/21	08/19/21	09/01/21	01/28/22
35:22	05/17/21	04/26/21	06/01/21	07/16/21	07/20/21	08/19/21	09/01/21	02/11/22
35:23	06/01/21	05/10/21	06/16/21	08/02/21	08/20/21	09/16/21	10/01/21	02/26/22
35:24	06/15/21	05/24/21	06/30/21	08/16/21	08/20/21	09/16/21	10/01/21	03/12/22
36:01	07/01/21	06/10/21	07/16/21	08/30/21	09/20/21	10/21/21	11/01/21	03/28/22
36:02	07/15/21	06/23/21	07/30/21	09/13/21	09/20/21	10/21/21	11/01/21	04/11/22
36:03	08/02/21	07/12/21	08/17/21	10/01/21	10/20/21	11/18/21	12/01/21	04/29/22
36:04	08/16/21	07/26/21	08/31/21	10/15/21	10/20/21	11/18/21	12/01/21	05/13/22
36:05	09/01/21	08/11/21	09/16/21	11/01/21	11/22/21	12/16/21	01/01/22	05/29/22
36:06	09/15/21	08/24/21	09/30/21	11/15/21	11/22/21	12/16/21	01/01/22	06/12/22
36:07	10/01/21	09/10/21	10/16/21	11/30/21	12/20/21	01/20/22	02/01/22	06/28/22
36:08	10/15/21	09/24/21	10/30/21	12/14/21	12/20/21	01/20/22	02/01/22	07/12/22
36:09	11/01/21	10/11/21	11/16/21	01/03/22	01/20/22	02/17/22	03/01/22	07/29/22
36:10	11/15/21	10/22/21	11/30/21	01/14/22	01/20/22	02/17/22	03/01/22	08/12/22
36:11	12/01/21	11/05/21	12/16/21	01/31/22	02/21/22	03/17/22	04/01/22	08/28/22
36:12	12/15/21	11/22/21	12/30/21	02/14/22	02/21/22	03/17/22	04/01/22	09/11/22

This document is prepared by the Office of Administrative Hearings as a public service and is not to be deemed binding or controlling.

EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

GENERAL

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:

- (1) temporary rules;
- (2) text of proposed rules;
- (3) text of permanent rules approved by the Rules Review Commission;
- (4) emergency rules
- (5) Executive Orders of the Governor;
- (6) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H; and
- (7) other information the Codifier of Rules determines to be helpful to the public.

COMPUTING TIME: In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

FILING DEADLINES

ISSUE DATE: The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month after the first or fifteenth that is not a Saturday, Sunday, or holiday for State employees.

LAST DAY FOR FILING: The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

NOTICE OF TEXT

EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days after the date a notice of the hearing is published.

END OF REQUIRED COMMENT PERIOD
An agency shall accept comments on the text of a proposed rule for at least 60 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.

DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION: The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.

1 **NOTICE OF RULE MAKING PROCEEDINGS AND PUBLIC HEARING**

2
3 **NORTH CAROLINA BUILDING CODE COUNCIL**

4
5 **Notice of Rule-making Proceedings** *is hereby given by NC Building Code Council in accordance with*
6 *G.S. 150B-21.5(d).*

7
8 **Citation to Existing Rule Affected by this Rule-Making:** *North Carolina, Administrative, and*
9 *Residential, Code amendments.*

10
11 **Authority for Rule-making:** *G.S. 143-136; 143-138.*

12
13 **Reason for Proposed Action:** *To incorporate changes in the NC State Building Codes as a result of*
14 *rulemaking petitions filed with the NC Building Code Council and to incorporate changes proposed by the*
15 *Council.*

16
17 **Public Hearing:** *Tuesday, September 14, 2021, 9:00AM, Albemarle Building, 325 North Salisbury Street,*
18 *Raleigh, NC 27603, 2nd Floor Training Room 240. Comments on both the proposed rule and any fiscal*
19 *impact will be accepted.*

20
21 **Comment Procedures:** *Written comments may be sent to Carl Martin, Secretary, NC Building Code*
22 *Council, NC Department of Insurance, 1202 Mail Service Center, Raleigh, NC 27699-1202 (email*
23 *carl.martin@ncdoi.gov). Comments on both the proposed rule and any fiscal impact will be accepted.*
24 *Comment period expires on October 15, 2021.*

25
26 **Link to Agency Notice:**
27 <https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notices>

28
29 **Statement of Subject Matter:**

30
31 **1. Request from Carl Martin representing the Department of Insurance to amend the 2018 NC**
32 **Administration Code, Section 204.3.5.**

33
34 **204.3.5 Design professional seal required.** *Where the General Statutes require, no permit shall be issued*
35 *unless the construction documents (drawings and specifications), bear the North Carolina seal of a*
36 *registered design professional. Construction documents shall include the name and address of the business*
37 *entity (individual, corporation or partnership) with whom the registered design professional is affiliated.*

1 Questions concerning this section should be directed to the North Carolina Board of Architecture or the
2 North Carolina Board of Examiners for Engineers and Land Surveyors.

3 **Exceptions:** For permitting purposes, the seal of a registered design professional is not required when the
4 building, structure or project involved is in one of the categories listed below, unless otherwise required
5 pursuant to the provisions of the General Statutes or the technical codes:

6 1. A family residence, up to eight units attached with grade-level exit, which is not a part of or physically
7 connected with any other buildings or residential units;

8 2. A building upon any farm that is for the use of any farmer, unless the building is of such nature and
9 intended for such use as to substantially involve the health or safety of the public;

10 3. An institutional or commercial building if it does not have a total cost of construction exceeding ~~\$90,000~~
11 \$200,000;

12 4. An institutional or commercial building if the total building area does not exceed ~~2,500~~ 3,000 square feet
13 (2.32 m²) in gross floor area;

14 5. Alteration, remodeling or renovation of an existing building that is exempt under this section, or
15 alteration, remodeling or renovation of an existing building or building site that does not alter or affect the
16 structural system of the building; change the building's access or exit pattern; or change the live or dead
17 load on the building's structural system. This subdivision shall not limit or change any other exemptions to
18 this chapter or to the practice of engineering under Chapter 89C of the General Statutes.

19 6. The preparation and use of details and shop drawings, assembly or erection drawings, or graphic
20 descriptions utilized to detail or illustrate a portion of the work required to construct the project in
21 accordance with the plans and specifications prepared or to be prepared under the requirements or
22 exemptions of this chapter.

23 7. Nothing in this ~~chapter~~ section shall be construed to prevent any individual from making plans or data
24 for

25 buildings for himself or herself. This exemption does not apply to plans for places of religious
26 worship.

27 (General Statute 83A-13)

28
29 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is
30 December 1, 2021 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1,
31 2022).

32 **Reason Given** – The purpose of this amendment is to update the 2018 NC Administrative Code and
33 Policies to reflect changes in NC Statutes 83A-13.

34 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
35 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
36 funds. A fiscal note has not been prepared.

37

1
2 **2. Request from Carl Martin representing the Department of Insurance to amend the 2018 NC**
3 **Administration Code, Sections 106.3.1 and 106.3.**

4
5 **106.3.1 Information required.** A permit application shall be filed with the Inspection Department on a
6 form (see Appendix A) furnished for that purpose. The Inspection Department shall make available a list of
7 information which must be submitted with the building permit application, including a complete ~~building~~
8 ~~code summary~~ Building Code Summary (~~see Appendix A of the Administrative Code and Policies~~
9 Appendix B) complying with 106.3.2.

10 **Exception:** A Building Code Summary is not required if the AHJ determines plan review can be performed
11 without the Building Code Summary.

12 **106.3.2 Building Code Summary.** ~~The Inspection Department's building code summary~~ Building Code
13 Summary used by an AHJ shall be in the exact format as, and contain only the information in, Appendix B
14 of the Administrative Code and Policies. ~~The Inspection Department~~ An AHJ shall only modify ~~its the~~
15 ~~building code summary~~ Building Code Summary as set forth in Section 103.5 Modifications, or as
16 necessary to reflect any changes by the Office of State Fire Marshal to Appendix B which have been
17 approved by the Building Code Council.

18
19 **Motion/Second/Approved –** The request was granted. The proposed effective date of this rule is
20 December 1, 2021 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1,
21 2022).

22 **Reason Given –** The purpose of this amendment is to allow certain projects identified by the local code
23 enforcement agency to be submitted without a Building Code Summary to help simplify the permit
24 application process.

25 **Fiscal Statement –** This rule is anticipated to provide equivalent compliance with no net decrease/increase
26 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
27 funds. A fiscal note has not been prepared.

28
29
30 **3. Request from Jeff Griffin and Bob Haynes representing the NC Building Inspector's Association**
31 **to amend the 2018 NC Residential Building Code, Sections R302.2 and R313 and Chapter 2.**

32
33 **R302.2 Townhouses.** Each *townhouse* shall be considered a separate building and shall be separated by
34 fire-resistance rated wall assemblies meeting the requirements of Section ~~R302.1 for exterior walls.~~
35 R302.2.1 or R302.2.2.

Exception: If an automatic residential fire sprinkler is installed, a common 1-hour fire resistance-rated wall assembly tested in accordance with ASTM E119 or UL263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior wall sheathing and the underside of the roof sheathing. Electrical installations shall be installed in accordance with Section R302.4.

R302.2.1 Double walls. Each townhouse shall be separated by two 1-hour fire resistance-rated wall assemblies tested in accordance with ASTM E11, UL263 or Section 703.3 of the 2018 NC Building Code.

R302.2.2 Common Walls. Common walls separating townhouses shall be assigned a fire-resistance rating in accordance with Item #1 or 2. The common wall shared by two townhouses shall be constructed shall be constructed without plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be in accordance with Chapter 34 through 43. Penetrations of the membrane of common walls for electrical outlet boxes shall be in accordance with Section R302. 4.

1. Where a fire sprinkler system in accordance with Section P2904 is provided, the common wall shall be not less than a 1-hour fire-resistance-rated wall assembly tested in accordance with ASTM E119, UL 263 or Section 703.3 of the NC Building Code.

2. Where a fire sprinkle in accordance with Section P2904 is not provided, the common wall shall be not less than a 2-hour fire-restance-rated wall assembly tested in accordance with ASTM E119, UL 263 or Section 703.3 of the NC Building Code.

R302.2.5 Townhouse eave protection. In townhouse construction ~~(with three or more attached dwellings)~~ projections extending into the fire separation distance shall have not less than 1-hour fire resistive construction on the underside. Soffit material beyond the fire separation distance shall be securely attached to framing members and shall be constructed using either noncombustible soffit material; fire-retardant-treated soffit material; vinyl soffit installed over 3/4-inch (19 mm) wood sheathing or 5/8-inch (15.9 mm) gypsum board; or aluminum soffit installed over 3/4-inch (19 mm) wood sheathing or 5/8-inch (15.9mm) gypsum board. Venting requirements shall be provided in both soffit and underlayment's. Vents shall be either nominal 2-inch (51 mm) continuous or equivalent intermittent and shall not exceed the minimum net free air requirements established in Section R806.2 by more than 50 percent. Vents in soffit are not allowed within 4 feet (1219 mm) of fire walls or property lines.

SECTION R313

AUTOMATIC FIRE SPRINKLER SYSTEMS

R313.1 Townhouse automatic fire sprinkler systems.

~~An automatic residential fire sprinkler system shall be installed in townhouses.~~

Exceptions:

~~1. Townhouses constructed with a common 2-hour fire resistance-rated wall assembly tested in accordance with ASTM E119 or UL 263, provided such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior wall sheathing and the underside of the roof sheathing. Electrical installations shall be installed in accordance with the North Carolina Electrical Code. Penetrations for electrical outlet boxes shall be in accordance with Section R302.4.~~

~~2. An automatic residential fire sprinkler system shall not be required where additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed~~

CHAPTER 2 DEFINITIONS

[RB] DWELLING. Any building that contains one or two dwelling units (duplex) on the same parcel of land, used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

[RB] DWELLING UNIT. A single unit providing complete independent living facilities for a single family one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

[RB] TOWNHOUSE. A single-family dwelling unit constructed in a group of two three or more attached units separated by property lines in which each unit extends from foundation to roof and with a yard or public way on not less than two sides.

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is December 1, 2021 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2022).

Reason Given – The purpose of this amendment is to clarify the application of the term “townhouse” and to clarify the use of rated walls between such dwellings.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with no net decrease/increase in cost. This rule is not expected to either have a substantial economic impact or increase local and state funds. A fiscal note has not been prepared.

1 **4. Request from Jeff Griffin and Bob Haynes representing the NC Building Inspector's Association**
2 **to amend the 2018 NC Residential Building Code, Appendix Q.**

3
4 **APPENDIX Q TINY HOUSES**

5 The provisions contained in this appendix are adopted as part of this code.
6

7 **SECTION AQ101 GENERAL**

8 **AQ101.1 Scope.** This appendix shall be applicable to *tiny houses* used as single dwelling unit. *Tiny houses*
9 shall comply with this code except as otherwise stated in this appendix.
10

11 **SECTION AQ102 DEFINITIONS**

12 **AQ102.1 General.** The following words and terms shall, for the purposes of this appendix, have the
13 meanings shown herein. Refer to Chapter 2 of this code for general definitions.
14

15 **LANDING PLATFORM.** A landing provided as the top step of a stairway accessing a *loft*.

16 **HABITABLE LOFT.** A floor level located more than 30 inches above the main floor and open to the main
17 floor on one or more sides with a ceiling height of less than 6 feet 8 inches and used as a living or sleeping
18 space.

19 **TINY HOUSE.** A dwelling that is 400 square feet or less in floor area excluding *lofts*.
20

21 **SECTION AQ103 LOFTS**

22 **AQ103.1 General.** *Lofts* used as a sleeping or living space shall meet the minimum area and dimension
23 requirements of Sections AQ103.1.1 through AQ103.1.4.
24

25 **AQ103.1.1 Minimum area.** *Lofts* shall have a floor area of not less than 35 square feet.
26

27 **AQ103.1.2 Minimum dimensions.** *Lofts* shall be not less than 5 feet in any horizontal dimension.
28

29 **AQ103.1.3 Minimum ceiling height.** *Habitable space* and hallways in *tiny houses* shall have a ceiling
30 height of not less than 6 feet 8 inches. Bathrooms, toilet rooms and kitchens shall have a ceiling height of
31 not less than 6 feet 4 inches. Obstructions including, but not limited to, beams, girders, ducts and lighting,
32 shall not extend below these minimum ceiling heights.

33 **Exception:** Ceiling heights in *lofts* are permitted to be less than 6 feet 8 inches.
34

35 **AQ104.1.4 Height effect on loft area.** Portions of a *loft* with a sloped ceiling measuring less than 3 feet
36 from the finished floor to the finished ceiling shall not be considered as contributing to the minimum
37 required area for the loft.

1 **Exception:** Under gable roofs with a minimum slope of 6 units vertical in 12 units horizontal (50-percent
2 slope), portions of a *loft* with a sloped ceiling measuring less than 16 inches from the finished floor to the
3 finished ceiling shall not be considered as contributing to the minimum required area for the *loft*.

4
5 **SECTION AQ104 MEANS OF EGRESS**

6 **AQ104.1 Loft access.** The access to and primary egress from *lofts* shall be of any type described in
7 Sections AQ104.2.1 through AQ104.2.4.

8
9 **AQ104.2.1 Stairways.** Stairways accessing *lofts* shall comply with this code or with Sections AQ104.2.1.1
10 through AQ104.2.1.5.

11
12 **AQ104.2.1.1 Width.** Stairways accessing a *loft* shall not be less than 20 inches in clear width including
13 handrail.

14
15 **AQ104.2.1.2 Headroom.** The headroom in stairways accessing a *loft* shall be not less than 6 feet 2 inches,
16 as measured vertically, from a sloped line connecting the tread or landing platform nosing in the middle of
17 their width.

18
19 **AQ104.2.1.3 Treads and risers.** Risers for stairs accessing a *loft* shall be a maximum of 12 inches in
20 height and every riser shall be uniform within a tolerance of $\frac{3}{4}$ ". Tread depth shall be a minimum 12" with
21 all treads uniform within a tolerance $\frac{3}{4}$ ".

22
23 **AQ104.2.1.4 Landing platforms.** The top tread and riser of stairways accessing *lofts* shall be constructed
24 as a *landing platform* where the *loft* ceiling height is less than 6 feet 2 inches where the stairway meets the
25 *loft*. The *landing platform* shall be the width of the stairs with a minimum depth of 18" inches measured
26 from the nosing of the landing platform to the edge of the *loft*, and 16 to 18 inches in height measured from
27 the *landing platform* to the *loft* floor.

28
29 **AQ104.2.1.5 Handrails.** Handrails shall comply with Section R311.7.8.

30
31 **AQ104.2.1.6 Stairway guards.** Guards at open sides of stairways shall comply with Section R312.1.

32
33 **AQ104.2.2 Ladders.** Non-removable ladders accessing *lofts* shall comply with Sections AQ104.2.2.1.

34 **Exception:** Ladders that slide out of away from the *loft* opening that are with reach of the *loft* occupant.
35

1 **AQ104.2.2.1 Size and capacity.** Ladders accessing *lofts* shall have a rung width of not less than 12 inches,
 2 and no more than 18-inches spacing between rungs. Ladders shall be capable of supporting a 200-pound
 3 load on any rung. Rung spacing shall be uniform within 3/8 inch.

5 **AQ104.2.3 Ship's ladders.** Ship's ladders accessing *lofts* shall be installed at 70 to 80 degrees from
 6 horizontal are permitted to be used as an element of a means of egress from lofts. *Ship ladders* shall comply
 7 with Sections R311.7.12.

9 **AQ104.2.4 Loft Guards.** *Loft* guards complying with R312.1 shall be located along the open side of *lofts*.
 10 *Loft* guards shall be not less than 36 inches in height or one-half of the clear height to the ceiling,
 11 whichever is less.

13 **SECTION AQ105 EMERGENCY ESCAPE AND RESCUE**

14 **AS105.1 Emergency Escape and Rescue.** Tiny houses and their lofts shall meet the requirements of
 15 Section R310 for emergency escape and rescue openings.

17 **SECTION AQ106 SMOKE AND CARBON MONOXIDE DETECTORS**

18 **AQ106.1 Smoke and Carbon monoxide detectors.** Smoke and carbon monoxide detectors shall be
 19 installed as required in Sections R314 and R315 and just below the highest point of any loft.

21 **SECTION AQ107 FOUNDATION**

22 **AQ107.1 Foundation options.** *Tiny Houses* are permitted to be constructed without a masonry or concrete
 23 foundation per Section AQ107.1.1 and AQ107.1.2, except in *coastal high hazard, ocean hazard and flood*
 24 *hazard areas*.

26 **AQ107.1.1 Wood Foundation.** The building is supported on a wood foundation of minimum 4-inch by 4-
 27 inch or 6-inch by 6-inch mudsill or runner of approved wood in accordance with Section R317. Structural
 28 floor system which include joists and subfloor material shall also comply with Section R317, item #1.

30 **AQ107.1.2. Anchorage.** Tiny houses with wood foundations per AQ107 shall be designed and anchored to
 31 resist overturning and sliding.

32 **Exception:** Tiny houses with no more than 12' vertical mean roof height shall be anchored to resist
 33 overturning and sliding by installing a minimum of one ground anchor at each corner of the building. The
 34 total resisting force of the anchors shall be equal to 20psf (958 Pa) times the plan area of the building.

36 **SECTION R202 DEFINITIONS**

37 **LANDING PLATFORM.** A landing provided as the top step of a stairway accessing a loft.

~~**LOFT.** A floor level located more than 30 inches (762 mm) above the main floor and open to it on at least one side with a ceiling height of less than 6 feet 8 inches (2032 mm), used as a living or sleeping space.~~

R305.1 Minimum height. *Habitable space*, hallways and portions of *basements* containing these spaces shall have a ceiling height of not less than 7 feet (2134 mm). Bathrooms, toilet rooms and laundry rooms shall have a ceiling height of not less than 6 feet 8 inches (2032 mm).

Exceptions:

1. For rooms with sloped ceilings, the required floor area of the room shall have a ceiling height of not less than 5 feet (1524 mm) and not less than 50 percent of the required floor area shall have a ceiling height of not less than 7 feet (2134 mm).

2. The ceiling height above bathroom and toilet room fixtures shall be such that the fixture is capable of being used for its intended purpose. A shower or tub equipped with a showerhead shall have a ceiling height of not less than 6 feet 8 inches (2032 mm) above an area of not less than 30 inches (762 mm) by 30 inches (762 mm) at the showerhead.

3. Beams, girders, ducts or other obstructions in *habitable space* shall be permitted to project to within 6 feet 4 inches (1931 mm) of the finished floor.

~~4. Ceiling heights in lofts are permitted to be less than 6 feet 8 inches.~~

SECTION R328 LOFTS

~~**R328.1 Minimum loft area and dimensions.** *Lofts* used as a sleeping or living space shall meet the minimum area and dimension requirements of Sections R328.1.1 through R328.1.4.~~

~~**R328.1.1 Minimum area.** *Lofts* shall have floor area of not less than 35 square feet (3.25 m²).~~

~~**R328.1.2 Maximum area.** *Lofts* shall have a floor area not greater than 70 square feet (6.50 m²).~~

~~**R328.1.3 Minimum dimensions.** *Lofts* shall not be less than 5 feet (1524 mm) in any horizontal dimension.~~

~~**R328.1.4 Height effect on loft area.** Portions of a *loft* with a sloping ceiling measuring less than 3 feet (914 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the *loft*.~~

~~**Exception:** Under gable roofs with a minimum slope of 6 units vertical in 12 units horizontal (50 percent slope) portions of a *loft* with a sloped ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the *loft*.~~

~~**R328.2 Loft access.** The access to and primary egress from lofts shall be any type described in Sections R328.2.1 through R328.2.4.~~

~~**R328.2.1 Stairways.** Stairways accessing lofts shall comply with this code or with Sections R328.2.1.1 through R328.2.1.5.~~

~~**R328.2.1.1 Width.** Stairways accessing a loft shall not be less than 17 inches (432 mm) in clear width at or above the handrail. The minimum below the handrail shall be not less than 20 inches (508 mm).~~

~~**R328.2.1.2 Headroom.** The headroom in stairways accessing a loft shall be not less than 6 feet 2 inches (1880 mm), as measured vertically, from a sloped line connecting the tread or landing platform nosings in the middle of their width.~~

~~**R328.2.1.3 Treads and Risers.** Risers for stairs accessing a loft shall be not less than 7 inches (178 mm) and not more than 12 inches (305 mm) in height. Tread depth and riser height shall be calculated in accordance with one of the following formulas:~~

~~1. The tread depth shall be 20 inches (508 mm) minus $\frac{4}{3}$ of the riser height; or~~

~~2. The riser height shall be 15 inches (381 mm) minus $\frac{3}{4}$ of the tread depth.~~

~~**R328.2.1.4 Landing platforms.** The top tread and riser of stairways accessing lofts shall be constructed as a landing platform where the loft ceiling height is less than 6 feet 2 inches (1880 mm) where the stairway meets the loft. The landing platform shall be 18 inches to 22 inches (457 to 559 mm) in depth measured from the nosing of the landing platform to the edge of the loft, and 16 to 18 inches (406 to 457 mm) in height measured from the landing platform to the loft floor.~~

~~**R328.2.1.5 Handrails.** Handrails shall comply with Section R311.7.8.~~

~~**R328.2.1.6 Stairway guards.** Guards at open sides of stairways shall comply with Section R312.1.~~

~~**R328.2.2 Ladders.** Ladders accessing lofts shall comply with Sections R328.2.2.1 and R328.2.2.2.~~

~~**R328.2.2.1 Size and capacity.** Ladders accessing lofts shall have a rung width of not less than 12 inches (305 mm) and 10 inches (254 mm) to 14 inches (356 mm) spacing between rungs. Ladders shall be capable of supporting a 200 pound (75 kg) load on any rung. Rung spacing shall be uniform within $\frac{3}{8}$ inch (9.5 mm).~~

~~**R328.2.2.2 Incline.** Ladders shall be installed at 70 to 80 degrees from horizontal.~~

~~**R328.2.4 Ships ladders.** Ships ladders accessing *lofts* shall comply with Sections R311.7.12.1 and R311.7.12.2. The clear width at and below handrails shall be not less than 20 inches (508 mm).~~

~~**R328.2.5 Loft Guards.** *Loft* guards shall be located along the open side of *lofts*. *Loft* guards shall not be less than 36 inches (914 mm) in height or one half of the clear height to the ceiling, whichever is less.~~

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is December 1, 2021 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2022).

Reason Given – The purpose of this amendment is to pull all tiny house related code information out of separate parts of the code and place them in a single location to match the current International Residential Code.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with no net decrease/increase in cost. This rule is not expected to either have a substantial economic impact or increase local and state funds. A fiscal note has not been prepared.

5. Request from Barry Gupton representing the NC DOI, OSEFM, Manufactured Building Division to amend the 2018 NC Residential Building Code, Sections R4602 and 4605.5.

SECTION R4602 DEFINITIONS

COASTAL HIGH HAZARD AREA. ~~An area subject to coastal flooding and high velocity waters including storm wave wash, as shown by Federal Emergency Management Agency Maps and subject to the approval of the Building Code Council.~~ An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The coastal high hazard area is identified as either V Zone or Coastal A Zone on Flood Insurance Rate Maps (FIRMs).

CORROSION RESISTANCE AREA. Areas within hurricane prone regions defined as that area east of the Intracoastal Waterway from the NC/SC state line north to Beaufort Inlet and from that point to include the barrier islands to the NC/VA state line.

OCEAN HAZARD AREA. An area, as identified by the North Carolina Coastal Resources Commission, ~~and subject to approval by the Building Code Council,~~ near the shoreline of the Atlantic Ocean that has been identified as subject to at least one of the following hazards: (A) Historical or predicted future trends of long-term erosion, (B) erosion expected to occur during a coastal storm reaching the base flood elevation, or (C) shoreline fluctuations due to tidal inlets.

SECTION R4606 FASTENER CORROSION RESISTANCE

R4605.5 R4606. Fastener corrosion resistance.

In the Coastal High Hazard Area, the Corrosion Resistance Area and the Ocean Hazard Area, all metal connectors and fasteners outside of conditioned spaces shall be hot-dip galvanized steel after fabrication and meet ASTM A 153. Exposed metal connectors, such as tie-down straps on porches, decks, and areas under the structure, shall be a minimum 3/16-inch (5 mm) thick, and shall be hot-dip galvanized after fabrication and meet ASTM A 123 or ASTM A 153. Stainless steel light-gage metal connectors shall be permitted in exposed or partially exposed locations. Metal connectors of approved equivalent corrosion-resistant material are permitted to be accepted. See Table ~~R4605.5~~ R4606.

TABLE ~~R4605.5~~* R4606* CORROSION RESISTANCE

	OPEN (exterior, porches, under house)	EXPOSURE LEVEL VENTED/ENCLOSED (attic, floor trusses, enclosed crawl spaces and stud cavity)	CONDITIONED (heated/cooled living areas)
Nails, staples, screws	Hot-dip galvanized	Hot-dip galvanized	-
Nuts, bolts, washers, tie rods	Hot-dip galvanized	Hot-dip galvanized	-
Steel connection plates & straps (3/16" minimum thickness)	Hot-dip galvanized after fabrication	Hot-dip galvanized	-
Sheet metal connectors, wind anchors, joists hangers, steel joists and beams	Stainless steel or hot-dipped galvanized after fabrication	Hot-dip galvanized after plate fabrication or triple galvanized ^b	Hot-dip galvanized or triple galvanized ^b
Truss plates	Stainless steel or hot-dipped galvanized after fabrication	Hot-dip galvanized after fabrication, stainless steel, triple galvanized ^b or in accordance with TPI-1 of the Truss Plate Institute within 6'-0" of a gable louver, ridge or soffit vent. Otherwise, standard galvanized ^b .	Standard galvanized

a. Applies only to structures located in Coastal High Hazard Area, Corrosion Resistance Area and Ocean High Hazard Area.

b. Triple galvanizing – G185, standard galvanizing – G60, both per ASTM A 653 / A 653M.

(RENUMBER THE REMAINDER OF R4605.6 thru R4605.8)

1 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is
2 December 1, 2021 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1,
3 2022).

4 **Reason Given** – The purpose of this amendment is to pull all tiny house related code information out of
5 separate parts of the code and place them in a single location to match the current International Residential
6 Code.

7 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
8 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
9 funds. A fiscal note has not been prepared.

10

11

12 **NOTICE:**

13 **Appeals and Interpretations** of the North Carolina State Building Codes are published online at the
14 following link.

15 **<https://www.ncosfm.gov/codes/codes-current-and-past>**

16

17

18 **NOTICE:**

19 **Objections and Legislative Review** requests may be made to the NC Office of Administrative Hearings in
20 accordance with G.S. 150B-21.3(b2) after Rules are adopted by the Building Code Council.

21 **<http://www.ncoah.com/rules/>**

22

23



North Carolina Department of Labor
Division of Occupational Safety and Health
1101 Mail Service Center
Raleigh, NC 27699-1101
(919) 807-2875

NOTICE OF VERBATIM ADOPTION OF FEDERAL STANDARDS

In consideration of G.S. 150B-21.5(c) the Occupational Safety and Health Division of the Department of Labor hereby gives notice that:

- Rule changes have been submitted to update the *North Carolina Administrative Code* at 13 NCAC 07F .0101 to incorporate by reference the occupational safety and health related provisions of Title 29 of the *Code of Federal Regulations* Parts 1910 promulgated as of June 21, 2021, except as specifically described, and
- The *North Carolina Administrative Code* at 13 NCAC 07A .0301 automatically adopts subsequent amendments to certain parts of the *Code of Federal Regulations*. Title 29, Part 1910—General Industry Standards does not automatically include subsequent amendments.

This update encompasses the following recent verbatim adoption:

- Occupational Safety and Health Standards, Occupational Exposure to COVID-19, General Industry, 29 CFR § 1910 (86 FR 32376, June 21, 2021)

The Occupational Safety and Health Administration (OSHA) issued an emergency temporary standard (ETS), published in the Federal Register on June 21, 2021 (86 FR 32376), to protect healthcare and healthcare support service workers from occupational exposure to COVID-19 in settings where people with COVID-19 are reasonably expected to be present. During the period of the emergency standard, covered healthcare employers must develop and implement a COVID-19 plan to identify and control COVID-19 hazards in the workplace. OSHA's interim final rule was effective June 21, 2021.

For additional information, please contact:

Bureau of Education, Training and Technical Assistance
Occupational Safety and Health Division
North Carolina Department of Labor
1101 Mail Service Center
Raleigh, North Carolina 27699-1101

For additional information regarding North Carolina's process of adopting federal OSHA Standards verbatim, please contact:

Jill F. Cramer, Agency Rulemaking Coordinator
North Carolina Department of Labor
Legal Affairs Division
1101 Mail Service Center
Raleigh, North Carolina 27699-1101

Summary of Verbatim Adoptions
Effective July 21, 2021

Occupational Safety and Health Standards

The Occupational Safety and Health Administration (OSHA) issued an emergency temporary standard (ETS), published in the Federal Register on June 21, 2021 (86 FR 32376), to protect healthcare and healthcare support service workers from occupational exposure to COVID-19 in settings where people with COVID-19 are reasonably expected to be present. During the period of the emergency standard, covered healthcare employers must develop and implement a COVID-19 plan to identify and control COVID-19 hazards in the workplace. OSHA's interim final rule was effective June 21, 2021.

The attached amendment of 13 NCAC 07F .0101 is required by 29 CFR 1902.4(a)(1) and G.S. 95-131(a) in order for North Carolina's Occupational Safety and Health program to be as effective as the federal program and to maintain North Carolina's state plan status under the federal Occupational Safety and Health Act of 1970. This rule was adopted in accordance with 150B-21.5(c). Pursuant to the provisions of G.S. 150B-21.3(e), the effective date of this action is July 21, 2021.

Note from the Codifier: The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept comments on the proposed rule(s) for at least 60 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days. Statutory reference: G.S. 150B-21.2.

TITLE 14B – DEPARTMENT OF PUBLIC SAFETY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Private Protective Services Board intends to amend the rules cited as 14B NCAC 16 .0110, .0501, .0807, .0903, and .1203.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://www.ncdps.gov/dps-services/permits-licenses/private-protective-services-board>

Proposed Effective Date: December 1, 2021

Public Hearing:

Date: August 31, 2021

Time: 2:00 p.m.

Location: 3101 Industrial Drive, Suite 104, Raleigh, NC 27609

Reason for Proposed Action: *The rule amendments add a requirement that the Qualifying Agent must be a resident of NC if the office is in NC, define "registered agent," add new categories for who must report criminal charges, clarify the examination process for polygraph operators, correct the number of hours required for a PI to obtain a firearms registration, clarify firearms qualification criteria, raise the fees for firearms instructor certification, and transfer two continuing education requirements to a more appropriate section.*

Comments may be submitted to: Paul Sherwin, 3101 Industrial Drive, Suite 104, Raleigh, NC 27609; phone (919) 788-5320; fax (919) 715-0370; email paul.sherwin@ncdps.gov

Comment period ends: October 20, 2021

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or email. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

☐ State funds affected

- ☐ Local funds affected
- ☐ Substantial economic impact (\geq \$1,000,000)
- ☐ Approved by OSBM
- ☒ No fiscal note required

CHAPTER 16 - PRIVATE PROTECTIVE SERVICES BOARD

SECTION .0100 - ORGANIZATION AND GENERAL PROVISIONS

14B NCAC 16 .0110 REPORTING REQUIREMENTS

(a) If any registrant, trainee, certificate holder, employee, subcontractor, or any other person providing private protective services on behalf of a licensee is charged with any criminal offense that would constitute grounds to deny, suspend, or revoke a permit, registration or certificate under this Chapter, the licensee shall report the criminal charge to the Board either in person or by telephone no later than the first business day following knowledge of the charge. The licensee shall provide a copy of the charging document and a written explanation to the Board within five business days.

(b) If any licensee, trainee, registrant, or certificate ~~holder~~ holder, or any employee, subcontractor, or any other person providing services on behalf of a licensee, trainee, registrant, or certificate holder is charged with any criminal offense that would constitute grounds to deny, suspend, or revoke a license, registration, or certificate under this Chapter, the licensee, trainee, registrant, or certificate holder shall self-report the criminal charge to the Board either in person or by telephone no later than the first business day following the charge. The licensee, trainee, registrant, or certificate holder shall provide a copy of the charging document and a written explanation to the Board within five business days.

(c) If a licensee, trainee, registrant, or certificate ~~holder~~ holder, or any employee, subcontractor, or any other person providing services on behalf of a licensee, trainee, registrant, or certificate holder discharges a firearm while engaged in the private protective services business, the licensee shall notify the Board either in person or by telephone no later than the first business day following the incident. The licensee shall also file a written report to the Board within five business days of the incident. In the report, the licensee shall state the name of the individual who discharged the firearm, the type of weapon discharged, the location of the incident, the law enforcement agency investigating the incident, the events leading to the discharge of the firearm, and any bodily injuries occurring from the incident. This Rule shall not apply to a weapon that is discharged during a training course that has been approved by the Board.

Authority G.S. 74C-5.

SECTION .0500 - POLYGRAPH

14B NCAC 16 .0501 EXPERIENCE REQUIREMENTS FOR A POLYGRAPH LICENSE

(a) In addition to the requirements of Section .0200 of this Chapter, applicants for a polygraph license shall:

- (1) pass an examination and a performance test administered by a panel of polygraph examiners appointed by an entity designated by the Board;
- (2) successfully complete a course of instruction at any polygraph school approved by the American Polygraph Association, the American Association of Police Polygraphists, or the Board; and
- (3) have either:
 - (A) one year of verifiable polygraph experience; or
 - (B) complete at least six months of training as a holder of a polygraph trainee permit, and have administered no fewer than 50 polygraph examinations; or
- (4) establish to the Board's satisfaction a military occupational specialty and two years of verifiable experience within the past five years in the U.S. Armed Forces performing polygraph examinations.

(b) In addition to the requirements of Section .0200 of this Chapter, an applicant for a polygraph license who is the spouse of an active duty member of the U.S. Armed Forces shall establish to the Board's satisfaction:

- (1) the spouse holds a current license, certification, or registration from another jurisdiction and the other jurisdiction's requirements are substantially equivalent to or exceed the Board's requirements; and
- (2) the spouse has two years of verifiable experience within the past five years performing polygraph examinations.

(c) Applicants for a polygraph license may take the examination required in Subparagraph (a)(1) of this Rule no more than twice ~~in any calendar year.~~ within a 12 month period. All portions of the examination must be completed within that 12 month period. Any applicant who fails the polygraph examination four times shall retake the polygraph course of instruction required in Subparagraph (a)(2) of this Rule before taking the polygraph examination again.

(d) Polygraph operators who are duly licensed in another state may perform up to three examinations in this State without being licensed, provided that those examinations are for the purpose of an evaluation of that examiner and the Director has given authorization for this evaluation in advance.

Authority G.S. 74C-5; 93B-15.1.

SECTION .0800 - ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT

14B NCAC 16 .0807 TRAINING REQUIREMENTS FOR ARMED SECURITY GUARDS

(a) Applicants for an armed security guard firearm registration permit shall first complete the basic unarmed security guard training course set forth in Rule .0707 of this Chapter.

(b) Private investigator licensees applying for an armed security guard firearm registration permit shall first complete a ~~four-hour~~ five-hour training course consisting of the courses set forth in Rule .0707(a)(1) and (2) of this Chapter and all additional training requirements set forth in that Rule.

(c) Applicants for an armed security guard firearm registration permit shall complete a basic training course for armed security guards which consists of at least 20 hours of classroom instruction including:

- (1) legal limitations on the use of handguns and on the powers and authority of an armed security guard, including familiarity with rules and regulations relating to armed security guards (minimum of four hours);
- (2) handgun safety, including range firing procedures (minimum of one hour);
- (3) handgun operation and maintenance (minimum of three hours);
- (4) handgun fundamentals (minimum of eight hours); and
- (5) night firing (minimum of four hours).

Subparagraph (c)(2), "operation" under Subparagraph (c)(3), and Subparagraph (c)(4) of this Rule shall be completed prior to the applicant's participation in range firing.

(d) Applicants for an armed security guard firearm registration permit shall attain a score of at least 80 percent accuracy on a firearms range qualification course adopted by the Board and the Secretary of Public Safety, a copy of which is on file in the Director's office. ~~For rifle qualification all shots shall be located on the target. Should a student fail to attain a score of 80 percent accuracy, the student may be given three additional attempts to qualify on the course of fire the student did not pass. Failure to meet the qualification after three attempts shall require the student to repeat the entire basic training course for armed security guards.~~ office, once in three consecutive attempts. Should a student fail to attain a score of 80 percent accuracy, the student may be given a second opportunity to qualify once in three consecutive attempts on the course of fire the student did not pass. Failure to qualify after the second series of attempts shall require the student to repeat the entire basic training course for armed security guards. All additional attempts must take place within 20 days of the completion of the initial 20 hour course. For rifle qualification all shots shall be located on the target.

(e) All armed security guard training required by this Chapter shall be administered by a certified trainer and shall be completed no more than 90 days prior to the date of issuance of the armed security guard firearm registration permit.

(f) All applicants for an armed security guard firearm registration permit shall obtain training under the provisions of this Section using their duty weapon and their duty ammunition or ballistic equivalent ammunition, to include lead-free ammunition that meets the same point of aim, point of impact, and felt recoil of the duty ammunition, for all weapons.

(g) No more than six new or renewal armed security guard applicants per one instructor shall be placed on the firing line at any one time during firearms range training for armed security guards.

(h) Applicants for re-certification of an armed security guard firearm registration permit shall complete a basic recertification training course for armed security guards that consists of at least four hours of classroom instruction and is a review of the requirements set forth in Subparagraphs (c)(1) through (c)(5) of this Rule. The recertification course is valid for 180 days after completion of the course. Applicants for recertification of an armed security guard firearm registration permit shall also complete the requirements of Paragraph (d) of this Rule.

(i) An armed guard registered with one company may be registered with a second company. The registration shall be considered "dual." The registration with the second company shall expire at the same time that the registration expires with the first company. An updated application shall be required to be submitted by the applicant, along with the digital photograph, updated criminal records checks, and a forty dollar (\$40.00) registration fee. If the guard will be carrying a firearm of the same make, model, and caliber, then no additional firearms training shall be required. The licensee shall submit a letter stating the guard will be carrying the same make and model firearm. If the guard will be carrying a firearm of a different make and model, the licensee shall submit a letter to the Board advising of the make, model, and caliber of the firearm the guard will be carrying and the guard shall be required to qualify at the firing range on both the day and night qualification course. The qualification score is valid for 180 days after completion of the course.

(j) To be authorized to carry a standard 12 gauge shotgun in the performance of his or her duties as an armed security guard, an applicant shall complete, in addition to the requirements of Paragraphs (a), (c), and (d) of this Rule, six hours of classroom training that shall include the following:

- (1) legal limitations on the use of shotgun (minimum of one hour);
- (2) shotgun safety, including range firing procedures (minimum of one hour);
- (3) shotgun operation and maintenance (minimum of one hour);
- (4) shotgun fundamentals (minimum of two hours); and
- (5) night firing (minimum of one hour).

Subparagraph (j)(2), "operation" under Subparagraph (j)(3), and Subparagraph (j)(4) of this Rule shall be completed prior to the applicant's participation in range firing.

(k) An applicant may take the additional shotgun training at a time after the initial training in this Rule. If the shotgun training is completed at a later time, the shotgun certification shall run concurrent with the armed registration permit. In addition to the requirements set forth in Paragraph (j) of this Rule, applicants shall attain a score of at least 80 percent accuracy on a shotgun range qualification course adopted by the Board and the Secretary of Public Safety, a copy of which is on file in the Director's office.

(l) Applicants for shotgun recertification shall complete one hour of classroom training covering the topics set forth in Paragraph (j) of this Rule and shall also complete the requirements of Paragraph (d) of this Rule.

(m) To be authorized to carry a rifle in the performance of his or her duties as an armed security guard, an applicant shall complete, in addition to the requirements of Paragraphs (a), (c), and (d) of this Rule, 16 hours of classroom training which shall include the following:

- (1) legal limitations on the use of rifles (minimum of one hour);
- (2) rifle safety, including range firing procedures (minimum of one hour);
- (3) rifle operation and maintenance (minimum of two hours);
- (4) rifle fundamentals (minimum of ten hours); and
- (5) night firing (minimum two hours).

Subparagraph (m)(2), "operation" under Subparagraph (m)(3), and Subparagraph (m)(4) of this Rule shall be completed prior to the applicant's participation in range firing.

(n) The applicant shall pass a skills course that tests each basic rifle skill and the test of each skill shall be completed within three attempts.

(o) An applicant may take the additional rifle training at a time after the initial training in this Rule. If the rifle training is completed at a later time, the rifle certification shall run concurrent with the armed registration permit. In addition to the requirements set forth in Paragraphs (m) and (n) of this Rule, applicants shall attain a score of at least 80 percent accuracy on a rifle range qualification course adopted by the Board and the Secretary of Public Safety, a copy of which is on file in the Director's office.

(p) Applicants for rifle recertification shall complete an additional one hour of classroom training covering the topics set forth in Paragraph (m) of this Rule and shall also complete the requirements of Paragraph (d) of this Rule.

(q) Upon written request, an applicant for an armed security guard firearm registration permit who possesses a current firearms trainer certificate shall be given a firearms registration permit that will run concurrent with the trainer certificate upon completion of an annual qualification with the applicant's duty firearms as set forth in Paragraph (d) of this Rule.

(r) An armed security guard is required to qualify annually both for day and night firing with his or her duty handgun, shotgun, and rifle, if applicable. If the security guard fails to qualify on any course of fire, the security guard shall not carry the firearm until such time as he or she meets the qualification requirements. Upon failure to qualify, the firearm instructor shall notify the security guard that he or she is no longer authorized to carry the firearm and the firearm instructor shall notify the employer and the Private Protective Services Board staff on the next business day.

(s) A firearm training certificate of an armed security guard remains valid even if the guard leaves the employment of one company for the employment of another. The range qualifications shall remain valid if the guard will be carrying a firearm of the same make, model, and caliber and no additional firearms training shall be required. The licensee shall submit a letter stating the guard will be carrying the same make and model firearm. If the guard will be carrying a firearm of a different make and model, the licensee shall submit a letter to the Board advising of the make, model, and caliber of the firearm the guard will be carrying and the guard shall be required to qualify at the firing range on both the day and night qualification course. The qualification

score is valid for 180 days after completion of the course. However, nothing herein shall extend the period of time the qualification is valid.

Authority G.S. 74C-5; 74C-9; 74C-13.

SECTION .0900 – TRAINER CERTIFICATE

14B NCAC 16 .0903 FEES FOR TRAINER CERTIFICATE

(a) Trainer certificate fees are as follows:

- (1) ~~forty dollar (\$40.00)~~ fifty dollar (\$50.00) non-refundable initial application fee for firearms trainer applicants;
- (2) ~~twenty-five dollar (\$25.00)~~ fifty dollar (\$50.00) non-refundable initial application fee for an unarmed trainer applicant; and
- (3) twenty-five dollar (\$25.00) biennial fee for a renewal or replacement trainer certificate.

(b) Fees shall be paid online by credit card or other form of electronic funds transfer.

Authority G.S. 74C-9.

SECTION .1200 – CONTINUING EDUCATION

14B NCAC 16 .1203 ACCREDITATION STANDARDS

(a) CE courses may obtain the approval of the Board by submitting the following information to the Board for consideration:

- (1) the nature and purpose of the course;
- (2) the course objectives or goals;
- (3) the outline of the course, including the number of training hours for each segment; and
- (4) the name of the instructor.

(b) To determine if a course will receive approval from the Board, the Board shall complete the following review:

- (1) The matter shall be referred to the Training and Education Committee for the appointment of a sub-committee that shall review the course under consideration. The sub-committee shall consist of at least two industry members of the Training and Education Committee. Other members of the sub-committee may be appointed at the discretion of the Training and Education Committee Chairman.
- (2) The sub-committee shall review the course to determine if the course is pertinent to the industry, and if the course meets its stated objectives or goals.
- (3) When the sub-committee completes its review, it shall report to the Training and Education Committee. The Training and Education Committee shall review the course to determine if the course is pertinent to the industry, and if the course meets its stated objectives and goals. The Training and Education Committee shall then report the findings with a recommendation

of acceptance or denial to the Private Protective Services Board.

(c) Upon receipt of the Training and Education Committee report, the Private Protective Services Board shall determine by majority vote if the course will be approved for continuing education credits. In making its determination, the Board shall review the course to determine if the course is pertinent to the industry, and if the course meets its stated objectives or goals.

(d) Each approved course shall remain an approved course for four years from the date of approval by the Board, unless the course content changes or the course instructor changes.

(e) Trainers and instructors shall receive continuing education credit of five hours for every actual teaching hour with an eight hour cap of continuing education credit every two years.

(f) Colleges, universities, trade schools, and other degree granting institutions shall be granted standing approval when the institutions are accredited, certified, or approved by the Department of Public Instruction or by a similar agency in another state and the course is related to law, criminal justice, security profession, finance, ethics, forensics, crime prevention, and investigation. Approval is one credit hour per contact hour not to exceed eight credit hours.

~~(g) Online courses shall be approved by the Board based on compliance with the standards set forth in Paragraph (a) of this Rule. No more than six hours of CEU credit shall be given during a renewal period for online courses.~~

~~(h) No course offering CEU credits may be taken for credit more than one time during a renewal period.~~

Authority G.S. 74C-5; 74C-22.

TITLE 20 – OFFICE OF THE STATE TREASURER

Notice is hereby given in accordance with G.S. 150B-21.2 that the Department of State Treasurer intends to adopt the rules cited as 20 NCAC 01F .0111, .0208, and repeal the rules cited as 20 NCAC 01F .0102, .0203, .0204, and .0207.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://www.nctreasurer.com/office-state-treasurer/nc-administrative-code-rules>

Proposed Effective Date: *December 1, 2021*

Instructions on How to Demand a Public Hearing: *(must be requested in writing within 15 days of notice): Any person may request a public hearing on the proposed rules by submitting a request in writing no later than August 31, 2021 to Laura Rowe, Rulemaking Coordinator, Department of State Treasurer, 3200 Atlantic Avenue, Raleigh, NC 27604.*

Reason for Proposed Action: *Section 150B-20(a) of the Administrative Procedure Act (APA) provides in part that “[e]ach agency must establish by rule the procedure for submitting a rulemaking petition to it and the procedure the agency follows in considering a rulemaking petition.” The Department of State Treasurer (Department) is proposing to*

adopt new rule 20 NCAC 01F .0111 to comply with this requirement of the APA. In proposing the adoption of 20 NCAC 01F .0111, the State Treasurer is also proposing to repeal current rule 20 NCAC 01F .0102 Correspondence. Repeal of 20 NCAC 01F .0102 is proposed because more comprehensive information about submitting a petition for rulemaking is included in the proposed new rule, making the current rule duplicative.

Section 150B-4(a) of the APA provides in part that “[t]he agency shall prescribe in its rules the procedure for requesting a declaratory ruling and the circumstances in which rulings shall or shall not be issued.” It is proposed that the Department’s rules in Section .0200, Subchapter 01F, Chapter 1, Title 20 be updated by adopting a new rule and repealing some current rules. The new rule seeks to update the Department’s declaratory ruling section by adopting a comprehensive rule that prescribes the procedure for requesting a declaratory ruling and sets forth the circumstances in which rulings will not be issued.

In proposing the adoption of 20 NCAC 01F .0208, the State Treasurer is also proposing to repeal the following rules in Title 20, Chapter 1, Subchapter 01F, Section .0200: 20 NCAC 01F .0203 Form of Requests; 20 NCAC 01F .0204 Who Makes Ruling; and 20 NCAC 01F .0207 Ruling Procedures. These rules are proposed for repeal because the information contained within them has been incorporated in the proposed new rule and updated to better conform with the requirements of the APA.

Comments may be submitted to: *Laura Rowe, 3200 Atlantic Avenue, Raleigh, NC 27604; email DST.NCAC@nctreasurer.com*

Comment period ends: *October 15, 2021*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or email. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- ☐ State funds affected
- ☐ Local funds affected
- ☐ Substantial economic impact ($\geq \$1,000,000$)
- ☐ Approved by OSBM
- ☒ No fiscal note required

CHAPTER 01 - DEPARTMENTAL RULES

SUBCHAPTER 01F - PROCEDURAL RIGHTS

SECTION .0100 - RULE-MAKING PROCEDURES

20 NCAC 01F .0102 CORRESPONDENCE

~~All correspondence within the Department of State Treasurer should be addressed to the division within the department.~~

Authority G.S. 143A-31.

20 NCAC 01F .0111 PETITION FOR RULEMAKING

(a) All petitions requesting the adoption, amendment, or repeal of a rule shall be in writing and mailed to the attention of the Rulemaking Coordinator at the address specified in Rule 20 NCAC 01A .0101.

(b) The petition for rulemaking shall:

- (1) contain the names and addresses of petitioners;
- (2) identify the agency, board, or commission to whom the petition is directed for consideration; and
- (3) for petitions to adopt or amend a rule, draft text of the proposed rule or amendment and a statement of the effect of the requested rule change.

(c) The petition may contain the following information:

- (1) the reason for the proposal;
- (2) anticipated cost factors; or
- (3) any additional data supporting the petition.

(d) If the State Treasurer is the appropriate rulemaking body to consider the petition, within 30 days of submission of the petition, the State Treasurer, or deputy pursuant to G.S. 147-75, shall render a final decision. If the decision is to deny the petition, the petitioner shall be notified in writing, stating the reasons for the denial. If the decision is to grant the petition, written notice of the decision shall be provided as set forth in G.S. 150B-20(c) and rulemaking proceedings shall be initiated.

(e) If a board or commission within the Department of State Treasurer is the appropriate rulemaking body to consider the petition, the petition shall be forwarded to the chair of the board or commission. Within 120 days of submission of the petition, the board or commission shall render a final decision. If the decision is to deny the petition, the petitioner shall be notified by the board or commission in writing, stating the reasons for the denial. If the decision is to grant the petition, written notice of the decision shall be provided as set forth in G.S. 150B-20(c) and rulemaking proceedings shall be initiated.

Authority G.S. 150B-20.

SECTION .0200 - DECLARATORY RULINGS

20 NCAC 01F .0203 FORM OF REQUESTS

~~All requests for a declaratory ruling must include the following information:~~

- ~~(1) name, address and telephone number of petitioner;~~
- ~~(2) statute or rule to which petition relates;~~

- (3) ~~concise statement of the manner in which petitioner is aggrieved by the rule or statute, or its potential application to him;~~
- (4) ~~a statement of whether an oral hearing is desired, and if so, the reasons for such an oral hearing.~~

Authority G.S. 150B-17.

20 NCAC 01F .0204 WHO MAKES RULING

~~The chief officer shall have the power to make such declaratory rulings. All requests for declaratory rulings shall be written and mailed to the chief officer.~~

Authority G.S. 150B-17.

20 NCAC 01F .0207 RULING PROCEDURES

~~Declaratory ruling procedures may consist of written submissions, an oral hearing, or such other procedures as may be appropriate in a particular case.~~

Authority G.S. 150B-17.

20 NCAC 01F .0208 DECLARATORY RULINGS

(a) All requests for declaratory rulings shall be in writing and mailed to the attention of the Rulemaking Coordinator at the address specified in Rule 20 NCAC 01A .0101.

(b) The request for declaratory ruling shall:

- (1) contain the name and address of the requestor;
- (2) identify the agency, board, or commission to whom the request is directed for consideration;
- (3) identify the statute, rule, or order to which the request relates; and
- (4) contain a statement of the manner in which the requestor is affected, or thinks that the requestor may be affected, by the statute, rule, or order and its application to the requestor.

(c) A decision to grant or deny a request for a declaratory ruling will be made by the State Treasurer, a deputy pursuant to G.S. 147-75, or board or commission within 30 days of receipt. The requestor shall be notified in writing of a decision to grant or deny the request.

(d) A request for declaratory ruling shall be denied by the State Treasurer, deputy, or appropriate board or commission if:

- (1) the request does not meet the requirements set forth in this Rule;
- (2) a declaratory ruling has previously been issued on same or similar facts;
- (3) a controlling decision has already been issued on same or similar facts in a contested case;
- (4) the facts underlying the request were considered at the time of adoption of the rule;
or
- (5) the subject matter of the request is involved in pending litigation.

(e) If the request is granted, the State Treasurer, deputy, or appropriate board or commission shall issue a written ruling within 45 days of the decision to grant the request.

Authority G.S. 150B-4.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 12 – LICENSING BOARD FOR GENERAL CONTRACTORS

Notice is hereby given in accordance with G.S. 150B-21.2 that the Licensing Board for General Contractors intends to amend the rules cited as 21 NCAC 12A .0202, .0501; 12B .0203, .0302 and .0401.

Link to agency website pursuant to G.S. 150B-19.1(c):
www.nclbgc.org

Proposed Effective Date: *January 1, 2022*

Public Hearing:

Date: *September 15, 2021*

Time: *9:00 a.m.*

Location: *NC Licensing Board for General Contractors, 5400 Creedmoor Road, Raleigh, NC 27612*

Reason for Proposed Action:

21 NCAC 12A .0202 - To clarify definition of the Marine Construction specialty classification.

21 NCAC 12A .0501 - To require a licensee to notify the Board upon change of the corporate structure.

21 NCAC 12B .0203 - To add an additional basis for denial of CE provider approval.

21 NCAC 12B .0302 - To require a CE provider to certify that course content does not infringe on intellectual property rights.

21 NCAC 12B .0401 - To clarify that a CE instructor can receive credit only once per course.

Comments may be submitted to: *C. Frank Wiesner, NC Licensing Board for General Contractors, 5400 Creedmoor Road, Raleigh, NC 27612; phone (919) 571-4183; fax (919) 571-4703; email Frank.Wiesner@nclbgc.org*

Comment period ends: *October 15, 2021*

Procedure for Subjecting a Proposed Rule to Legislative

Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the

Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- ☐ State funds affected
- ☐ Local funds affected
- ☐ Substantial economic impact ($\geq \$1,000,000$)
- ☐ Approved by OSBM
- ☒ No fiscal note required

SUBCHAPTER 12A – GENERAL PROVISIONS

SECTION .0200 - LICENSING REQUIREMENTS

21 NCAC 12A .0202 CLASSIFICATION

(a) A general contractor shall be certified in one of the following five classifications:

- (1) Building Contractor. This classification covers all building construction and demolition activity including: commercial, industrial, institutional, and all residential building construction. It includes parking decks; all site work, grading and paving of parking lots, driveways, sidewalks, and gutters; storm drainage, retaining or screen walls, and hardware and accessory structures; and indoor and outdoor recreational facilities including natural and artificial surface athletic fields, running tracks, bleachers, and seating. It also covers work done under the specialty classifications of S(Concrete Construction), S(Insulation), S(Interior Construction), S(Marine Construction), S(Masonry Construction), S(Roofing), S(Metal Erection), S(Swimming Pools), and S(Asbestos), and S(Wind Turbine).
- (2) Residential Contractor. This classification covers all construction and demolition activity pertaining to the construction of residential units that are required to conform to the residential building code adopted by the Building Code Council pursuant to G.S. 143-138; all site work, driveways, sidewalks, and water and wastewater systems ancillary to the aforementioned structures and improvements; and the work done as part of such residential units under the specialty classifications of S(Insulation), S(Interior Construction), S(Masonry Construction), S(Roofing), S(Swimming Pools), and S(Asbestos).
- (3) Highway Contractor. This classification covers all highway construction activity including: grading, paving of all types, installation of exterior artificial athletic surfaces, relocation of public and private utility lines ancillary to a principal project, bridge construction and repair, culvert construction and repair, parking decks, sidewalks, curbs, gutters and storm

drainage. It also includes installation and erection of guard rails, fencing, signage and ancillary highway hardware; covers paving and grading of airport and airfield runways, taxiways, and aprons, including the installation of fencing, signage, runway lighting and marking; and work done under the specialty classifications of S(Boring and Tunneling), S(Concrete Construction), S(Marine Construction), S(Railroad Construction), and H(Grading and Excavating).

- (4) Public Utilities Contractor. This classification includes operations that are the performance of construction work on water and wastewater systems and on the subclassifications of facilities set forth in G.S. 87-10(b)(3). The Board shall issue a license to a public utilities contractor that is limited to any of the subclassifications set forth in G.S. 87-10(b)(3) for which the contractor qualifies. A public utilities contractor license covers work done under the specialty classifications of S(Boring and Tunneling), PU(Communications), PU(Fuel Distribution), PU(Electrical-Ahead of Point of Delivery), PU(Water Lines and Sewer Lines), PU(Water Purification and Sewage Disposal), and S(Swimming Pools).

- (5) Specialty Contractor. This classification covers all construction operation and performance of contract work outlined as follows:

(A) H(Grading and Excavating). This classification covers the digging, moving, and placing of materials forming the surface of the earth, excluding air and water, in such a manner that the cut, fill, excavation, grade, trench, backfill, or any similar operation may be executed with the use of hand and power tools and machines used for these types of digging, moving, and material placing. It covers work on earthen dams and the use of explosives used in connection with all or any part of the activities described in this Subparagraph. It also includes clearing and grubbing, and erosion control activities.

(B) S(Boring and Tunneling). This classification covers the construction of underground or underwater passageways by digging or boring through and under the earth's surface, including the bracing and compacting of such passageways to make them safe for the purpose intended. It includes preparation of the ground surfaces at points of ingress and egress.

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| <p>(C) PU (Communications). This classification covers the installation of the following:</p> <ul style="list-style-type: none"> (i) all types of pole lines, and aerial and underground distribution cable for telephone systems; (ii) aerial and underground distribution cable for cable TV and master antenna TV systems capable of transmitting R.F. signals; (iii) underground conduit and communication cable including fiber optic cable; and (iv) microwave systems and towers, including foundations and excavations where required, when the microwave systems are being used for the purpose of transmitting R.F. signals; and installation of PCS or cellular telephone towers and sites. <p>(D) S(Concrete Construction). This classification covers the construction, demolition, and installation of foundations, pre-cast silos, and other concrete tanks or receptacles, prestressed components, and gunite applications, but excludes bridges, streets, sidewalks, curbs, gutters, driveways, parking lots, and highways.</p> <p>(E) PU(Electrical-Ahead of Point of Delivery). This classification covers the construction, installation, alteration, maintenance, or repair of an electrical wiring system, including sub-stations or components thereof, which is or is intended to be owned, operated, and maintained by an electric power supplier, such as a public or private utility, a utility cooperative, or any other properly franchised electric power supplier, for the purpose of furnishing electrical services to one or more customers.</p> <p>(F) PU(Fuel Distribution). This classification covers the construction, installation, alteration, maintenance, or repair of systems for distribution of petroleum fuels, petroleum distillates, natural gas, chemicals, and slurries through pipeline from one station to another. It includes all excavating, trenching, and backfilling in connection therewith. It covers the</p> | <p>installation, replacement, and removal of above ground and below ground fuel storage tanks.</p> <p>(G) PU(Water Lines and Sewer Lines). This classification covers construction work on water and sewer mains, water service lines, and house and building sewer lines, as defined in the North Carolina State Building Code, and covers water storage tanks, lift stations, pumping stations, and appurtenances to water storage tanks, lift stations and pumping stations. It includes pavement patching, backfill, and erosion control as part of construction.</p> <p>(H) PU(Water Purification and Sewage Disposal). This classification covers the performance of construction work on water and wastewater systems; water and wastewater treatment facilities; and all site work, grading, and paving of parking lots, driveways, sidewalks, and curbs and gutters that are ancillary to such construction of water and wastewater treatment facilities. It covers the work done under the specialty classifications of S(Concrete Construction), S(Insulation), S(Interior Construction), S(Masonry Construction), S(Roofing), and S(Metal Erection) as part of the work on water and wastewater treatment facilities.</p> <p>(I) S(Insulation). This classification covers the installation, alteration, or repair of materials classified as insulating media used for the non-mechanical control of temperatures in the construction of residential and commercial buildings. It does not include the insulation of mechanical equipment, and ancillary lines and piping.</p> <p>(J) S(Interior Construction). This classification covers the installation and demolition of acoustical ceiling systems and panels, load bearing and non-load bearing partitions, lathing and plastering, flooring and finishing, interior recreational surfaces, window and door installation, and installation of fixtures, cabinets, and millwork. It includes the removal of asbestos and replacement with non-toxic substances.</p> <p>(K) S(Marine <u>and</u> Freshwater Construction). This classification</p> |
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- covers all marine and freshwater construction and repair activities and all types of marine and freshwater construction and demolition in deep-water installations and in harbors, inlets, sounds, bays, ~~and channels;~~ channels, canals, rivers, lakes, ponds, or any navigable waterway; it covers dredging, construction, and installation of pilings, piers, decks, slips, docks, and bulkheads. It does not include other structures required that may be constructed on docks, slips, and piers.
- (L) S(Masonry Construction). This classification covers the demolition and installation, with or without the use of mortar or adhesives, of the following:
- (i) brick, concrete block, gypsum partition tile, pumice block, or other lightweight and facsimile units and products common to the masonry industry;
 - (ii) installation of fire clay products and refractory construction; and
 - (iii) installation of rough cut and dressed stone, marble panels and slate units, and installation of structural glazed tile or block, glass brick or block, and solar screen tile or block.
- (M) S(Railroad Construction). This classification covers the building, construction, and repair of railroad lines including:
- (i) the clearing and filling of rights-of-way;
 - (ii) shaping, compacting, setting, and stabilizing of road beds;
 - (iii) setting ties, tie plates, rails, rail connectors, frogs, switch plates, switches, signal markers, retaining walls, dikes, fences, and gates; and
 - (iv) construction and repair of tool sheds and platforms.
- (N) S(Roofing). This classification covers the installation, demolition, and repair of roofs and decks on residential, commercial, industrial, and institutional structures requiring materials that form a water-tight and weather-resistant surface. The term "materials" for purposes of this Subparagraph includes cedar, cement, asbestos, clay tile and composition shingles, all types of metal coverings, wood shakes, single ply and built-up roofing, protective and reflective roof and deck coatings, sheet metal valleys, flashings, gravel stops, gutters and downspouts, and bituminous waterproofing.
- (O) S(Metal Erection). This classification covers:
- (i) the field fabrication, demolition, erection, repair, and alteration of architectural and structural shapes, plates, tubing, pipe and bars, not limited to steel or aluminum, that are or may be used as structural members for buildings, equipment, and structure; and
 - (ii) the layout, assembly and erection by welding, bolting, riveting, or fastening in any manner metal products as curtain walls, tanks of all types, hoppers, structural members for buildings, towers, stairs, conveyor frames, cranes and crane runways, canopies, carports, guard rails, signs, steel scaffolding as a permanent structure, rigging, flagpoles, fences, steel and aluminum siding, bleachers, fire escapes, and seating for stadiums, arenas, and auditoriums.
- (P) S(Swimming Pools). This classification covers the construction, demolition, service, and repair of all swimming pools. It includes:
- (i) excavation and grading;
 - (ii) construction of concrete, gunite, and plastic-type pools, pool decks, and walkways, and tiling and coping; and
 - (iii) installation of all equipment including pumps, filters, and chemical feeders. It does not include direct connections to a sanitary sewer system or to portable water lines, nor the grounding and bonding of any metal surfaces or the making of any electrical connections.

(Q) S(Asbestos). This classification covers renovation or demolition activities involving the repair, maintenance, removal, isolation, encapsulation, or enclosure of Regulated Asbestos Containing Materials (RACM) for any commercial, industrial, or institutional building, whether public or private. It also covers all types of residential building construction involving RACM during renovation or demolition activities. This specialty is required only when the cost of asbestos activities as described herein are equal to or exceed thirty thousand dollars (\$30,000).

(R) S(Wind Turbine). This classification covers the construction, demolition, installation, and repair of wind turbines, wind generators, and wind power units. It includes assembly of blades, generator, turbine structures, and towers. It also includes ancillary foundation work, field fabrication of metal equipment, and structural support components.

(b) An applicant may be licensed in more than one classification of general contracting provided the applicant meets the qualifications for the classifications, which includes passing the examinations for the classification requested by the applicant. The license granted to an applicant who meets the qualifications for all of the classifications set forth in the rules of this Section shall be designated "unclassified."

Authority G.S. 87-1; 87-4; 87-10.

SECTION .0500 - LICENSE

21 NCAC 12A .0501 LICENSE GRANTED

- (a) License numbers shall be included on all contracts and bids.
- (b) If a licensee files Articles of Dissolution or the N.C. Department of the Secretary of State withdraws the licensee's Certificate of Authority, the Board shall archive the license.
- (c) A licensee shall notify the Board within 30 days of a change in ownership or a filing with the N.C. Department of the Secretary of State that amends or changes the corporate structure of the licensed entity.

Authority G.S. 87-1; 87-10; 87-12.

SUBCHAPTER 12B – CONTINUING EDUCATION

SECTION .0200 – PROVIDERS

21 NCAC 12B .0203 DENIAL OR WITHDRAWAL OF PROVIDER APPROVAL

(a) The Board may deny or withdraw approval of any continuing education provider upon finding that the provider or the continuing education coordinator in the employ of the provider:

- (1) made any false statements or presented any false, incomplete, or incorrect information in connection with an application for course or provider approval or renewal;
- (2) made any false statements in course advertisement or promotional materials;
- (3) provided false, incomplete, or incorrect information in connection with any reports the continuing education provider is required to submit to the Board;
- (4) delivered CE course content that infringed upon copyright or any intellectual property right of another;
- ~~(4)~~(5) provided the Board a check or credit card for required fees that was not honored by a financial institution or bank or returned for insufficient funds;
- ~~(5)~~(6) collected money from licensees and qualifiers for a continuing education course but refused or failed to provide the promised instruction;
- ~~(6)~~(7) intentionally provided false, incomplete, or misleading information relating to general contractors licensing, education matters, or the qualifier's education requirements or license status;
- ~~(7)~~(8) failed to submit the CE Roster Reports as required by Rule .0206 of this Subchapter;
- ~~(8)~~(9) failed to submit the per student fee as required by 21 NCAC 12A .0304; or
- ~~(9)~~(10) failed to comply with any other provision of this Chapter.

(b) A licensed general contractor and its qualifier(s) shall be subject to discipline pursuant to G.S. 87-11 if the licensee or its qualifier(s) engages in dishonest, fraudulent, or improper conduct in connection with the operations of a continuing education course provider if that licensee or qualifier(s):

- (1) has an ownership interest in the course provider;
- (2) is the designated continuing education coordinator for the course provider; or
- (3) is an instructor for the course provider.

(c) When ownership of an approved continuing education provider is transferred to a separate legal entity, the provider's approval is not transferable and shall terminate on the effective date of the transfer. All courses shall be completed by the effective date of the transfer. The transferring owner shall report course completion(s) to the Board. The new entity shall obtain an original continuing education provider approval as required by Rule .0202 of this Subchapter prior to advertising courses, registering students, accepting tuition, conducting courses, or otherwise engaging in any provider operations.

Authority G.S. 87-10.2(b) and (c).

SECTION .0300 – COURSES

21 NCAC 12B .0302 APPROVAL AND RENEWAL OF ELECTIVE COURSE

(a) Prior to obtaining the Board's written approval of a continuing education elective course, providers shall not offer, advertise, or otherwise represent that any continuing education elective course is, or may be, approved for continuing education credit in North Carolina.

(b) A provider seeking initial approval of a proposed elective course shall complete an application on a form available on the Board's website that requires the applicant to set forth the following:

- (1) title of the proposed elective course;
- (2) provider's legal name, address, and telephone number;
- (3) continuing education coordinator's name;
- (4) provider's ID number, if previously approved;
- (5) credit hours awarded for completing the course;
- (6) subject matter of the course as evidenced by course outlines, PowerPoint slides, videos, or other similar materials;
- (7) identity of the course content owner;
- (8) written permission of the course content owner, if other than the applicant;
- (9) certification that the course content does not infringe upon any copyright or any intellectual property right of another;

~~(9)~~(10) identity of prospective instructors; and

~~(10)~~(11) signature of the provider or its legal designee.

(c) The application for initial approval shall be accompanied by a copy of the elective course guide, which shall include course objectives, learning objectives for each topic, a timed outline, instructional methods and aids to be employed, and all materials that will be provided to students.

(d) A provider seeking approval to offer an already approved elective course shall complete an application on a form available on the Board's website that requires the applicant to submit the following:

- (1) title of the elective course;
- (2) applicant's legal name, address, and telephone number;
- (3) applicant's continuing education coordinator's name;
- (4) applicant's continuing education provider code, if previously approved;
- (5) identity of the course content owner;
- (6) written permission of the course content owner, if other than the applicant;
- (7) certification that the course content does not infringe upon any copyright or any intellectual property right of another;

~~(7)~~(8) identity of prospective instructors;

~~(8)~~(9) signature of the provider or its legal designee; and

~~(9)~~(10) certification that there have been no changes to the course materials since the course was last approved.

(e) If the course will be taught by any method other than live, in-person, in-class instruction, the provider shall, if requested, make the presentation available and accessible to the Board at no cost to the Board during the Board's operating hours. In case of an internet-based course, the Board shall be provided access to the course at a date and time set by the Board and shall not be charged any fee for such access.

(f) All applications for approval and renewal of elective courses shall be accompanied by fees as required by 21 NCAC 12A .0304.

(g) Board approval of all continuing education elective courses shall expire on December 1 of each year.

(h) In order to obtain approval for an expired continuing education elective, a course provider shall submit an application for initial approval.

(i) Courses offered prior to Board approval shall not be eligible for continuing education credit.

Authority G.S. 87-10.2(b).

SECTION .0400 – INSTRUCTORS

21 NCAC 12B .0401 APPLICATION AND CRITERIA FOR INITIAL INSTRUCTOR APPROVAL

(a) A provider seeking initial instructor approval shall submit an application on a form available on the Board's website that requires the instructor applicant to indicate the course(s) for which he or she is seeking approval and set forth the instructor applicant's:

- (1) legal name, address, email address, and telephone number;
- (2) general contractor's license number, qualifier ID number, and instructor ID number, if any, assigned by the Board;
- (3) education background, including specific general contracting education;
- (4) experience in the general contracting industry;
- (5) professional licenses or certifications held by the prospective instructor;
- (6) teaching experience, if any; and
- (7) signature of the prospective instructor.

(b) Prior to teaching the Mandatory course, an instructor shall attend the Board's Mandatory Instructor Seminar for the designated license year.

(c) Approved instructors who are also qualifiers shall receive one hour of CE credit for each one hour of class instruction. Approved instructors shall only receive instruction credit once per course. Course providers shall be responsible for payment of all CE fees for instructors seeking CE credit.

Authority G.S. 87-10.2(b) and (d).

This Section contains information for the meeting of the Rules Review Commission July 15, 2021 at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners. Specific instructions and addresses may be obtained from the Rules Review Commission at 984-236-1850. Anyone wishing to address the Commission should notify the RRC staff and the agency no later than 5:00 p.m. of the 2nd business day before the meeting. Please refer to RRC rules codified in 26 NCAC 05.

RULES REVIEW COMMISSION MEMBERS**Appointed by Senate**

Jeanette Doran (Chair)
Robert A. Bryan, Jr.
Margaret Currin
Jeff Hyde
Robert A. Rucho

Appointed by House

Anna Baird Choi (1st Vice Chair)
Andrew P. Atkins (2nd Vice Chair)
Paul Powell
Randy Overton
Barbara A. Jackson

COMMISSION COUNSEL

Amber Cronk May 984-236-1936
Amanda Reeder 984-236-1939

RULES REVIEW COMMISSION MEETING DATES

August 19, 2021 September 16, 2021
October 21, 2021 November 18, 2021

**RULES REVIEW COMMISSION MEETING
MINUTES**

July 15, 2021

The Rules Review Commission met on Thursday, July 15, 2021, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and via WebEx. The Commissioners held a WebEx meeting in accordance with the provisions of G.S. 143-318.13.

Commissioner Bob Rucho was present in the Commission Room. Commissioners present via WebEx were Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeanette Doran, Jeff Hyde, Barbara Jackson, Randy Overton, and Paul Powell.

Staff members present were Alexander Burgos and Commission Counsel Amanda Reeder. Commission Counsel Amber May and Codifier of Rules Ashley Snyder were present via WebEx.

The meeting was called to order at 9:00 a.m. with Chair Doran presiding.

The Chair read the notice required by G.S. 138A-15(e) and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearance of conflicts of interest.

APPROVAL OF MINUTES

The Chair asked for any discussion, comments, or corrections concerning the minutes of the June 17, 2021 meeting. There were none and the minutes were approved as distributed.

Upon the call of the Chair, the minutes were approved by roll-call vote, ayes 6, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Anna Baird Choi, Jeff Hyde, Randy Overton, Paul Powell, and Bob Rucho – 6. Voting in the negative: None.

FOLLOW UP MATTERS

Commissioners Margaret Currin and Barbara Jackson joined the meeting.

Coastal Resources Commission

15A NCAC 07J .0403, .0404, .0405, .0407, .0410; and 07K .0207 - Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

LOG OF FILINGS (PERMANENT RULES)**Social Services Commission 10A NCAC 70M**

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Social Services Commission 10A NCAC 71, 72

Upon the call of the Chair, the period of review was extended as requested by the agency to address technical changes by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Department of Insurance

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Industrial Commission

Upon the call of the Chair, 11 NCAC 23E .0302 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Criminal Justice Education and Training Standards Commission

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Anna Baird Choi, Margaret Currin, Jeff Hyde, Randy Overton, Paul Powell, and Bob Rucho – 7. Voting in the negative: None.

The Commission received over 10 letters of objection to 12 NCAC 09B .0101 and 09G .0205. Pursuant to G.S. 150B-21.3, the rules are subject to legislative review and a delayed effective date.

Sheriffs' Education and Training Standards Commission

Upon the call of the Chair, 12 NCAC 10B .0510 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Coastal Resources Commission

Upon the call of the Chair, 15A NCAC 07K .0208 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Upon the call of the Chair, the period of review was extended for 15A NCAC 07H .0304 and .0312; 07J .1201, .1202, .1203, .1204, .1205, .1206, .1301, .1302, and .1303 as requested by the agency to address technical changes by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Board of Dental Examiners

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Medical Board

Prior to the review of the rules from the Medical Board, Commissioner Atkins recused himself and did not participate in any discussion or vote concerning the rules because of a conflict.

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 7. Voting in the negative: None.

Board of Nursing

Prior to the review of the rule from Board of Nursing, Commissioner Choi recused herself and did not participate in any discussion or vote concerning the rule because her law firm provides a varied scope of legal services to the Board, some of which includes advice on rulemaking.

Upon the call of the Chair, 21 NCAC 36 .0809 was approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 7. Voting in the negative: None.

Board of Pharmacy

Upon the call of the Chair, 21 NCAC 46 .2801 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Board of Physical Therapy Examiners

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Commissioner Bobby Bryan Joined the meeting.

Social Work Certification and Licensure Board

Prior to the review of the rule from the Social Work Certification and Licensure Board, Commissioner Choi recused herself and did not participate in any discussion or vote concerning the rule because her law firm provides a varied scope of legal services to the Board, some of which includes advice on rulemaking.

Upon the call of the Chair, 21 NCAC 63 .0211 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Veterinary Medical Board

Upon the call of the Chair, the period of review was extended for 21 NCAC 66 .0211 as requested by the agency to address public interest in the revised rule by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

Office of Administrative Hearings

Commissioner Bryan presented the rules to the Commission.

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

Building Code Council

The 2020 NC Electrical Code was withdrawn at the request of the agency.

Upon the call of the Chair, the remaining rules were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

EXISTING RULES REVIEW**Department of Environmental Quality**

15A NCAC 01E - As reflected in the attached letter, the Commission voted to schedule readoption of the rules no later than November 30, 2022 pursuant to G.S. 150B-21.3A(d)(2).

Upon the call of the Chair, the readoption date was approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

COMMISSION BUSINESS

Upon the call of the Chair, the Commission amended Rule 26 NCAC 05 .0211 to schedule review of the report for 16 NCAC 06 in March 2022. The amendment was approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

Staff updated the Commission on the status of the remaining outstanding rules in this cycle of the existing rules review, as set forth in Rule 26 NCAC 05 .0211. The rules in 15A NCAC 05A, 05B, 05C, 05F, and 05G are under the authority of the Mining and Energy Commission. Staff of the Mining and Energy Commission informed RRC staff that it is not yet fully formed. Therefore, the RRC cannot schedule the review at this time. Once the Mining and Energy Commission is fully formed, these rules will be added to the review schedule.

The Chair informed all of the Commissioners beginning in August, the meetings would resume being held in-person with the option to participate remotely via WebEx. She added that OAH has a new Chief Administrative Law Judge, Donald van der Vaart, and he plans to be present at the August meeting to meet all Commissioners present.

The meeting adjourned at 9:39 a.m.

The next regularly scheduled meeting of the Commission is Thursday, August 19, 2021, at 9:00 a.m.

Alexander Burgos, Paralegal

Minutes approved by the Rules Review Commission:
Jeanette Doran, Chair

**Rules Review Commission Meeting July 15, 2021
Held Via WebEx**

Name	Agency
Crystal Tillman	Nursing
Jon Carr	Jordan Price
Loretta Bunch	DOI
Kathy Arney	PT Board
Robert Glass	Good Manning MFG
Bill Lane	DEQ
Thomas Campbell	DOJ
Carl Martin	DOI
Amy Fitzhugh	Nursing
Brandon Walker	DPI
Helen Landi	DOT
Dauna Bartley	Brockers Law
Melanie Mabrey	Nursing
Leann Mckoy	DHHS
Paris Penny	DHHS
Clint Pinyan	Pharmacy
Beth Riley	DHHS
Jennifer Everett	DEQ
Sara Griffith	Nursing
Angela Ellis	Nursing
Carla Mcneill	DHHS
Diane Konopka	DOJ
David Gadd	PT Board
Deborah Ragan	PT Board
Raj Premakumar	DOJ
Charminique Williams	CJETS
Gina Cammarano	IC



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

July 15, 2021

Jennifer Everett, Rulemaking Coordinator
Department of Environmental Quality
1601 Mail Service Center
Raleigh, NC 27699-1601

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of **15A NCAC 01E**

Dear Ms. Everett:

Attached to this letter are the rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, the scheduling of readoption for this set of rules was discussed at the July 15, 2021 Rules Review Commission meeting. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached document shall be readopted no later than November 30, 2022.

If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Amber May
Commission Counsel

Donald R. van der Vaart, Director
Chief Administrative Law Judge

Fred G. Morrison, Jr.
Senior Administrative Law Judge

Linda T. Worth
Deputy Director

An Equal Employment Opportunity Employer

1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

**RRC DETERMINATION
PERIODIC RULE REVIEW****February 16, 2017****APO Review: April 23, 2017****Environmental Quality, Department of
Total: 14****RRC Determination: Necessary with substantive public interest**

Rule	Determination
<u>15A NCAC 01E .0101</u>	Necessary with substantive public interest
<u>15A NCAC 01E .0102</u>	Necessary with substantive public interest
<u>15A NCAC 01E .0103</u>	Necessary with substantive public interest
<u>15A NCAC 01E .0104</u>	Necessary with substantive public interest
<u>15A NCAC 01E .0105</u>	Necessary with substantive public interest
<u>15A NCAC 01E .0106</u>	Necessary with substantive public interest
<u>15A NCAC 01E .0107</u>	Necessary with substantive public interest
<u>15A NCAC 01E .0108</u>	Necessary with substantive public interest
<u>15A NCAC 01E .0109</u>	Necessary with substantive public interest
<u>15A NCAC 01E .0110</u>	Necessary with substantive public interest
<u>15A NCAC 01E .0111</u>	Necessary with substantive public interest
<u>15A NCAC 01E .0112</u>	Necessary with substantive public interest
<u>15A NCAC 01E .0113</u>	Necessary with substantive public interest
<u>15A NCAC 01E .0114</u>	Necessary with substantive public interest

**List of Approved Permanent Rules
July 15, 2021 Meeting**

SOCIAL SERVICES COMMISSION

<u>Definitions</u>	10A NCAC 70M .0102
<u>Public Adoption Agencies</u>	10A NCAC 70M .0201
<u>Functions of a Public Adoption Agency</u>	10A NCAC 70M .0301
<u>Services to Adoptive Applicants</u>	10A NCAC 70M .0302
<u>Multiethnic Placement Act Requirements for Adoptive Home ...</u>	10A NCAC 70M .0304
<u>Regular Monthly Cash Adoption Assistance and Vendor Payments</u>	10A NCAC 70M .0401
<u>Eligibility Requirements for Regular Monthly Cash Assista...</u>	10A NCAC 70M .0402
<u>Procedures/Reimbursement of Adoption Assistance Benefits</u>	10A NCAC 70M .0403
<u>Eligibility Requirements for the Special Children Adoptio...</u>	10A NCAC 70M .0404
<u>Payments from the Special Children Adoption Incentive Fund</u>	10A NCAC 70M .0405
<u>Out of State Adoption Fees</u>	10A NCAC 70M .0501
<u>General Eligibility Requirements</u>	10A NCAC 70M .0502
<u>Public Adoption Agency Requirements</u>	10A NCAC 70M .0601
<u>Eligible Non-Recurring Adoption Expenses</u>	10A NCAC 70M .0602
<u>Requirements</u>	10A NCAC 70M .0603
<u>Prohibition on Reimbursement Caps</u>	10A NCAC 70M .0604
<u>Eligibility Requirements for the Special Need Adoption In...</u>	10A NCAC 70M .0701
<u>Payments from the Special Need Adoption Incentive Fund</u>	10A NCAC 70M .0702

INSURANCE, DEPARTMENT OF

<u>Licensing of Resident Agent, LTD Representative and Adjuster</u>	11 NCAC 06A .0402
<u>Renewal of Agent Appts: Licenses/Limited Reps</u>	11 NCAC 06A .0501
<u>Salesmen to be Licensed Insurance Agents</u>	11 NCAC 13 .0410

INDUSTRIAL COMMISSION

<u>Emergency Orders and Directives of the Chief Justice of t...</u>	11 NCAC 23E .0302
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CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

<u>Summary Suspensions</u>	12 NCAC 09A .0206
<u>Minimum Standards for Criminal Justice Officers</u>	12 NCAC 09B .0101
<u>Certification Training for School Resource Officers</u>	12 NCAC 09B .0313
<u>Trainee Attendance</u>	12 NCAC 09B .0404
<u>Physical and Mental Standards</u>	12 NCAC 09G .0205
<u>Moral Character</u>	12 NCAC 09G .0206
<u>Suspension: Revocation: or Denial of Certification</u>	12 NCAC 09G .0504
<u>Summary Suspension</u>	12 NCAC 09G .0506

SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

<u>Certification and Training for School Resources Officers</u>	12 NCAC 10B .0510
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COASTAL RESOURCES COMMISSION

<u>Development Period/Commencement/Continuation</u>	15A NCAC 07J .0403
<u>Development Period Extension</u>	15A NCAC 07J .0404

<u>Permit Modification</u>	15A NCAC 07J .0405
<u>Project Maintenance: Major Development/Dredge and Fill</u>	15A NCAC 07J .0407
<u>Restoration/Mitigation</u>	15A NCAC 07J .0410
<u>Structural Accessways Over Frontal Dunes Exempted</u>	15A NCAC 07K .0207
<u>Single Family Residences Exempted</u>	15A NCAC 07K .0208

DENTAL EXAMINERS, BOARD OF

<u>Application for General Anesthesia or Sedation Permit, Pe...</u>	21 NCAC 16Q .0102
<u>Itinerant (Mobile) General Anesthesia Permit, Equipment a...</u>	21 NCAC 16Q .0206
<u>Annual Review of General Anesthesia and Itinerant (Mobile...</u>	21 NCAC 16Q .0207
<u>Annual Renewal of Moderate Parenteral and Enteral Conscio...</u>	21 NCAC 16Q .0305
<u>Annual Renewal of Moderate Pediatric Conscious Sedation P...</u>	21 NCAC 16Q .0407
<u>Minimal Conscious Sedation Credentials and Permit</u>	21 NCAC 16Q .0504
<u>Minimal Conscious Sedation Clinical Requirements and Equi...</u>	21 NCAC 16Q .0505
<u>Annual Renewal of Minimal Conscious Sedation Permit</u>	21 NCAC 16Q .0506
<u>Procedure for Minimal Conscious Sedation Evaluation or In...</u>	21 NCAC 16Q .0507

MEDICAL BOARD

<u>Prescribing Authority</u>	21 NCAC 32M .0109
<u>Reporting Criteria</u>	21 NCAC 32M .0117

NURSING, BOARD OF

<u>Prescribing Authority</u>	21 NCAC 36 .0809
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PHARMACY, BOARD OF

<u>Compounding</u>	21 NCAC 46 .2801
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PHYSICAL THERAPY EXAMINERS, BOARD OF

<u>Persons Refused Examination Permission</u>	21 NCAC 48D .0107
<u>Retaking Examination</u>	21 NCAC 48D .0109
<u>Applicants with Special Needs</u>	21 NCAC 48D .0111
<u>Filing Application and Board Determination of Exam Eligib...</u>	21 NCAC 48E .0101

SOCIAL WORK CERTIFICATION AND LICENSURE BOARD

<u>Work Experience</u>	21 NCAC 63 .0211
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ADMINISTRATIVE HEARINGS, OFFICE OF

<u>Cost To Public</u>	26 NCAC 01 .0103
<u>Official Record</u>	26 NCAC 03 .0123

BUILDING CODE COUNCIL

<u>2018 NC Residential Code/Mandatory Requirements</u>	N1106.2
<u>2018 NC Residential Code/General</u>	M1402.1
<u>2018 NC Residential Code/Heat Pumps</u>	M1403.1
<u>NC Residential Code/References UL/CSA/ANCE 60335-2-40 & A...</u>	Chapter 44
<u>2018 NC Building Code</u>	403.4.5/916
<u>2018 NC Mechanical Code/General</u>	908.1

<u>2018 NC Mechanical Code/Forced-Air Furnaces and Heat Pumps</u>	918.1/918.2
<u>2018 NC Mechanical Code/Factory-Built Equipment and Appli...</u>	1101.2
<u>2018 NC Mechanical Code/References UL/CSA 60335-2-40 & AS...</u>	Chapter 15
<u>2018 NC Energy Code/Definitions</u>	Chapter 2
<u>2018 NC Energy Code/Mandatory Requirements</u>	R406.2
<u>2018 NC Fire Code/Revocation</u>	304.4.4
<u>2018 NC Fire Code/Emergency Responder Communications Cove...</u>	510

CONTESTED CASE DECISIONS

This Section contains a listing of recently issued Administrative Law Judge decisions for contested cases that are non-confidential. Published decisions are available for viewing on the OAH website at <http://www.ncoah.com/hearings/decisions/>. If you are having problems accessing the text of the decisions online or for other questions regarding contested cases or case decisions, please contact the Clerk's office by email: oah.clerks@oah.nc.gov or phone 984-236-1850.

OFFICE OF ADMINISTRATIVE HEARINGS

Chief Administrative Law Judge
DONALD R. VAN DER VAART

Senior Administrative Law Judge
FRED G. MORRISON JR.

ADMINISTRATIVE LAW JUDGES

Melissa Owens Lassiter
J. Randall May
David Sutton
Selina Malherbe

J. Randolph Ward
Stacey Bawtinheimer
Michael Byrne
Karlene Turrentine
Linda Nelson

Year	Code	Number	Date Decision Filed	Petitioner		Respondent	ALJ
				<u>Published</u>			
20	DOJ	03447	6/14/2021	Christopher Lee Maness	v.	NC Sheriffs Education and Training Standards Commission	May
20	DOJ	03914	6/15/2021	Robert Joseph Brewington	v.	NC Criminal Justice Education and Training Standards Commission	Lassiter
20	DOJ	04027	6/25/2021	Heather Chatel Blair	v.	NC Sheriffs Education and Training Standards Commission	Sutton
20	DOJ	05455	6/10/2021	Jose Daniel Palma	v.	NC Sheriffs Education and Training Standards Commission	May
21	DOJ	00829	6/22/2021	Darren Tyree Taylor	v.	NC Sheriffs Education and Training Standards Commission	Byrne
20	DSC	02922	6/4/2021	Timothy C Roper	v.	North Carolina Department of Public Safety	Bawtinheimer
19	DST	05261	7/30/2020; 6/24/2021	Kirk Justin Barefoot	v.	NC Retirement Systems Division	Bawtinheimer
21	DST	00090	6/15/2021	Evelyn P Hammond	v.	North Carolina Total Retirement Plans	Bawtinheimer
20	INS	02078	6/2/2021	Dr James Anthony McKernan Professor	v.	The North Carolina State Health Plan for Teachers and State Employees	Ward
21	INS	01323	6/29/2021	Rhonda Russell-Smith	v.	North Carolina State Health Plan	Byrne
				<u>Unpublished</u>			
21	ABC	01833	6/4/2021	NC Alcoholic Beverage Control Commission	v.	Express Mini Mart 1 Inc T/A Express Mini Mart 1	Lassiter

CONTESTED CASE DECISIONS

21	ABC	01901	6/14/2021	NC Alcoholic Beverage Control Commission	v.	Smokers Post LLC T/A Smokers Post	Bawtinhimer
20	CPA	02840	5/12/2021; 6/30/2021	NC State Board of Certified Public Accountant Examiners	v.	Leon Little Rives II #29505	Bawtinhimer
20	CPS	04557	6/30/2021	Johnathan Adams	v.	Victims Compensation Commission	Mann
21	CPS	01871	6/9/2021	Marion Lamont Sherrod Jr agent for Marion Lamont Sherrod	v.	North Carolina Department of Adult Corrections/Public Safety	Byrne
20	CSE	04195	6/8/2021	William Glasson	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Turrentine
20	CSE	04292	6/16/2021	Kevin S Davenport	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Turrentine
20	CSE	04361	6/21/2021	Michael Smith	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Turrentine
20	CSE	04393	6/25/2021	Kenneth D White	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	May
20	CSE	04396	6/28/2021	Jaime Arturo Alejos Mejia	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	May
20	CSE	04518	6/28/2021	Isaiah Callands	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	May
20	CSE	04693	6/30/2021	Carter Ryan Manley	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Bawtinhimer
20	CSE	04917	6/9/2021	Byron D Black	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Byrne
20	CSE	05178	6/9/2021	Justin Tyler Garrett	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Sutton
20	CSE	05320	6/14/2021	Rodrigo Alberto Conde	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Byrne
21	CSE	01299	6/2/2021	Travis L Davidson	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Sutton
21	DHR	01051	6/30/2021	Jennifer Jimenez	v.	DSS	Mann
21	DHR	01676	6/2/2021	Sean Hawkins	v.	Health Care Personnel Registry	May
21	DHR	01898	6/11/2021	Aaliyah Taylor	v.	NC Department of Health and Human Services, Division of Health Service Regulation	Bawtinhimer
21	DHR	02116	6/30/2021	Tom LaGarde Haw River Ballroom	v.	NC Department of Health and Human Services Division of Public Health	Mann

CONTESTED CASE DECISIONS

21	DOL	01831	6/30/2021	Pani Verma	v.	DOL	Mann
21	DOT	01593	6/30/2021	Benjamin Riley Pierce	v.	NC Department of Transportation	Mann
21	DSA	01505	6/10/2021	Kinetic Minds Inc	v.	NC Office of the State Auditor	Lassiter
21	EDC	02118	6/14/2021	Essie Mae Kiser Foxx Charter School	v.	North Carolina State Board of Education et al	May
21	INS	01553	6/24/2021	Chelsea McLean	v.	North Carolina Department of State Treasurer	Malherbe
21	INS	01794	6/14/2021	Cailisha L Petty	v.	North Carolina State Health Plan for Teachers and State Employees	May
21	MIS	01325	6/11/2021	Nigel Rankin	v.	Guilford County Courthouse Angela Fox Department of Social Services Camelia K Smith & Paige Gilliard Childrens Law Center of Central North Carolina Jessica Stone Brian Hogan	Mann
21	MIS	01326	6/2/2021	Trisha White	v.	Sheriffs Office Harvey David Legrant Jr Forsyth County Courthouse - Family Court C District Logan T Burke Susan Frye David Sipprell Lawrence J Fine Lisa Menfee Shea Bree Ward Blalock	Mann
21	MIS	01442	6/15/2021	Jennifer and Eliseo Contreras Jimenez	v.	Department of Social Services Children and Families of Forsyth County	Mann
21	OSP	01243	6/7/2021	Anastahia Johnson	v.	East Carolina University	Turrentine
21	OSP	01471	6/22/2021	Jason Yoder	v.	NC Department of Public Safety	Mann
21	SOS	01555	6/30/2021	Jordan P Archer (The Archer Foundation)	v.	NC Dpt of the Secretary of State	Mann