

# NORTH CAROLINA REGISTER

VOLUME 39 • ISSUE 17 • Pages 1108 – 1201

March 3, 2025

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**PUBLISHED BY**

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## Contact List for Rulemaking Questions or Concerns

For questions or concerns regarding the Administrative Procedure Act or any of its components, consult with the agencies below. The bolded headings are typical issues which the given agency can address but are not inclusive.

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

Office of Administrative Hearings

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984-236-1939

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984-236-1929

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### **Fiscal Notes & Economic Analysis**

Office of State Budget and Management

116 West Jones Street

Raleigh, North Carolina 27603-8005

Contact: Julie Ventaloro, Economic Analyst

osbmruleanalysis@osbm.nc.gov

984-236-0694

Fiscal Research Division

Legislative Office Building

300 N. Salisbury Street, Suites 619 and 400

Raleigh, NC 27603-5925

Contact: Brian Matteson

brian.matteson@ncleg.gov

919-733-4910

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215 North Dawson Street

Raleigh, North Carolina 27603

contact: Amy Bason

919-715-2893

amy.bason@ncacc.org

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424 Fayetteville Street, Suite 1900

Raleigh, North Carolina 27601

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bwells@nclm.org

### **Legislative Process Concerning Rulemaking**

545 Legislative Office Building

300 North Salisbury Street

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**NORTH CAROLINA REGISTER**  
Publication Schedule for January 2025 – December 2025

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 <sup>th</sup> day from publication in the Register
39:13	01/02/25	12/06/24	01/17/25	03/03/25	03/20/25	04/24/2025	05/01/25	09/29/25
39:14	01/15/25	12/19/24	01/30/25	03/17/25	03/20/25	04/24/2025	05/01/25	10/12/25
39:15	02/03/25	01/10/25	02/18/25	04/04/25	04/20/25	05/29/2025	06/01/25	10/31/25
39:16	02/17/25	01/27/25	03/04/25	04/21/25	05/20/25	06/26/2025	07/01/25	11/14/25
39:17	03/03/25	02/10/25	03/18/25	05/02/25	05/20/25	06/26/2025	07/01/25	11/28/25
39:18	03/17/25	02/24/25	04/01/25	05/16/25	05/20/25	06/26/2025	07/01/25	12/12/25
39:19	04/01/25	03/11/25	04/16/25	06/02/25	06/20/25	07/30/2025	08/01/25	12/27/25
39:20	04/15/25	03/25/25	04/30/25	06/16/25	06/20/25	07/30/2025	08/01/25	01/10/26
39:21	05/01/25	04/09/25	05/16/25	06/30/25	07/20/25	08/28/2025	09/01/25	01/26/26
39:22	05/15/25	04/24/25	05/30/25	07/14/25	07/20/25	08/28/2025	09/01/25	02/09/26
39:23	06/02/25	05/09/25	06/17/25	08/01/25	08/20/25	09/25/2025	10/01/25	02/27/26
39:24	06/16/25	05/23/25	07/01/25	08/15/25	08/20/25	09/25/2025	10/01/25	03/13/26
40:01	07/01/25	06/10/25	07/16/25	09/02/25	09/20/25	10/30/2025	11/01/25	03/28/26
40:02	07/15/25	06/23/25	07/30/25	09/15/25	09/20/25	10/30/2025	11/01/25	04/11/26
40:03	08/01/25	07/11/25	08/16/25	09/30/25	10/20/25	11/20/2025	12/01/25	04/28/26
40:04	08/15/25	07/25/25	08/30/25	10/14/25	10/20/25	11/20/2025	12/01/25	05/12/26
40:05	09/02/25	08/11/25	09/17/25	11/03/25	11/20/25	12/18/2025	01/01/26	05/30/26
40:06	09/15/25	08/22/25	09/30/25	11/14/25	11/20/25	12/18/2025	01/01/26	06/12/26
40:07	10/01/25	09/10/25	10/16/25	12/01/25	12/20/25	*01/29/2026	02/01/26	06/28/26
40:08	10/15/25	09/24/25	10/30/25	12/15/25	12/20/25	*01/29/2026	02/01/26	07/12/26
40:09	11/03/25	10/13/25	11/18/25	01/02/26	01/20/26	*02/26/2026	03/01/26	07/31/26
40:10	11/17/25	10/24/25	12/02/25	01/16/26	01/20/26	*02/26/2026	03/01/26	08/14/26
40:11	12/01/25	11/05/25	12/16/25	01/30/26	02/20/26	*03/26/2026	04/01/26	08/28/26
40:12	12/15/25	11/20/25	12/30/25	02/13/26	02/20/26	*03/26/2026	04/01/26	09/11/26

\*Dates not approved by RRC

## 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 Human Resources 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 but not later than 60 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.

**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.

North Carolina License and Theft Bureau

PUBLIC NOTICE

This serves as a notice pursuant to G.S. § 20-288 of a license application submission by a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative that has not been previously issued a license by the Division.

Applicant's Name: Harbinger Motors Inc

Applicant's Address: 12821 Knott St, Garden Grove CA 92841

Application Date: 11/04/2024

Names and titles of any individual listed on the application as an owner, partner, member or officer of the applicant:

John Harris – CEO

Benjamin Dusaste – CFO

Michael Fielkow – General Counsel & Secretary

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 13 – DEPARTMENT OF LABOR

Notice is hereby given in accordance with G.S. 150B-21.2 that the Department of Labor intends to amend the rule cited as 13 NCAC 07F .0201.

Link to agency website pursuant to G.S. 150B-19.1(c): https://www.labor.nc.gov/rules-and-regulations

Proposed Effective Date: July 1, 2025

Instructions on How to Demand a Public Hearing: (must be requested in writing within 15 days of notice): Contact Ashley Snyder via email at ashley.snyder@labor.nc.gov in writing to demand a public hearing.

Reason for Proposed Action: NCDOL is proposing to amend 13 NCAC 07F. 0201 to incorporate by reference a federal OSHA Personal Protective Equipment (PPE) amendment to the existing Construction PPE standard found at 29 CFR Part 1926.95(c). This amendment will make the North Carolina Occupational Safety and Health Division’s State Plan as effective as the federal program.

Comments may be submitted to: Ashley Snyder, 1101 Mail Service Center, Raleigh, NC 27699-1101

Comment period ends: May 2, 2025

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or 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 (>= \$1,000,000)

- Approved by OSBM
No fiscal note required

CHAPTER 07 - OFFICE OF OCCUPATIONAL SAFETY AND HEALTH

SUBCHAPTER 07F - STANDARDS

SECTION .0200 - CONSTRUCTION STANDARDS

13 NCAC 07F .0201 CONSTRUCTION

The provisions for the Occupational Safety and Health Standards for Construction, Title 29 of the Code of Federal Regulations Part 1926 promulgated as of June 30, 2022, January 1, 2025, and exclusive of subsequent amendments, are incorporated by reference except as modified or amended in 13 NCAC 07F .0202 through .0207.

Authority G.S. 95-131; 150B-21.6. 95-131.

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Department of Environmental Quality intends to adopt the rules cited as 15A NCAC 01X .0101-.0106, .0201-.0203, and .0301-.0303.

Link to agency website pursuant to G.S. 150B-19.1(c): https://www.deq.nc.gov/accessdeq/rules-regulations/deq-proposed-rules/proposed-rules

Proposed Effective Date: July 1, 2025

Public Hearing:

Date: March 18, 2025

Time: 6:00 p.m.

Location: Ground Floor Hearing Room, DEQ Archdale Building, 512 N. Salisbury Street, Raleigh, NC 27604, or virtually using Cisco WebEx, Digital Hearing Link: https://ncgov.webex.com/ncgov/j.php?MTID=m6d503373f4f2ee9cda2aed919f11d29e

Meeting Password: 3ZxNYsP323E (39969773 when dialing from a phone or video system)

Audio conference: To receive a call back, provide your phone number when you join the event, or call the number below and enter the access code. US TOLL +1-415-655-0003, Access code: 242 253 32079

If you wish to provide public comments via Webex at the public hearing, you must register, provide the required information, and follow instructions on ways to join the public hearing.

Registration must be completed by 5:00 PM on March 17, 2025. To register, please send an email to adam.parr@deq.nc.gov containing the subject line "Express Permitting Rules", your name, affiliation, and a statement that you wish to speak via Webex at the public hearing.

\*For instructions on ways to join the public hearing, please refer to the following link: https://www.deq.nc.gov/about/boards-and-commissions/how-attend-webex-meeting-0

Reason for Proposed Action: The adoption of proposed rules 15A NCAC 01X .0101-.0106, .0201-.0203, and .0301-.0303, "Express Permitting," is in response to the requirement for DEQ to adopt rules pursuant to S.L. 2023-134, s. 12.13.(b). The rules provide additional detail, clarification, and consistency for the review of requests for express permitting in the Express Review Program established under G.S. 143B-279.13, and establishes the permits to which the program applies, the eligibility requirements for applicants desiring express review, the submission requirements for requests for express review and related applications, the procedures by which requests for express review will be evaluated, and the timelines under which accepted applications will be processed.

Comments may be submitted to: Adam Parr, 1612 Mail Service Center, Raleigh, NC 27699-1612; email: adam.parr@deq.nc.gov (Please type "Express Permitting Rules" in subject line)

Comment period ends: May 2, 2025

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or 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 (>= \$1,000,000)
 Approved by OSBM
 No fiscal note required

CHAPTER 01 - DEPARTMENTAL RULES

SUBCHAPTER 01X - EXPRESS PERMITTING

SECTION .0100 - EXPRESS PERMITTING

15A NCAC 01X .0101 PURPOSE

The purpose of these Rules is to set forth the processes and procedures for implementation of the Department's express review program to provide expedited permit and certification reviews for certain new or modified permits, plans or certifications.

Authority G.S. 143B-279.13; S.L. 2023-134, s. 12.13.(b).

15A NCAC 01X .0102 DEFINITIONS

For purposes of this Subchapter,

- (1) "Acceptance Date" means the assigned date upon which the Department will begin the formal review of an Application after granting a Request for Express Review;
(2) "AccessDEQ" means the Department's online portal for electronic permit applications, which can be found at https://portal.deq.nc.gov. In the event AccessDEQ is unavailable for a specific type of Application, alternative submissions may be made to the regional office with jurisdiction over the project location in the form of either one electronic copy or two paper copies of the Application;
(3) "Application" means the materials to be reviewed by the applicable program once a Request for Express Review has been granted;
(4) "Department" means the North Carolina Department of Environmental Quality;
(5) "ESC Plan" means an Erosion and Sedimentation Control Plan submitted pursuant to G.S. 113A, Article 4.
(6) "Experienced Consultant" means an individual that has received from the Department 25 ESC Plan approvals or 5 issued PCSW Permits, specific to the type of Application for which a Request for Express Review is being made;
(7) "PCSW Permit" means Coastal Post-Construction Stormwater Permits submitted pursuant to G.S. 143, Article 21, Part 1;
(8) "Pre-Application Review Meeting" means the initial meeting between the Applicant or the Experienced Consultant, and the Department to perform a preliminary review all materials submitted as part of the Request for Express Review and Application to make a determination regarding whether the Request for Express Review should be granted or denied as well as provide initial feedback of the Application Materials. The Department is under no obligation to perform any form of technical review of the materials submitted prior to the meeting; and
(9) "Request for Express Review" means the initial submission requesting consideration for express review, including all applicability, eligibility and availability reviews;

Authority G.S. 143B-279.13; S.L. 2023-134, s. 12.13.(b).

**15A NCAC 01X .0103 APPLICABILITY**

The rules in this Subchapter apply to the submission and review of Requests for Express Review of Applications for the following permits, plans or certifications:

- (1) Coastal Post-Construction Stormwater Permits pursuant to G.S. 143, Article 21, Part 1; and
- (2) Erosion and Sedimentation Control Plans pursuant to G.S. 113A, Article 4.

Authority G.S. 143B-279.13; S.L. 2023-134, s. 12.13.(b).

**15A NCAC 01X .0104 REQUESTS FOR EXPRESS REVIEW**

In addition to the information required in Rules .0202 and .0302 of this Subchapter, a Request for Express Review shall be submitted on a form including:

- (1) Applicant name and contact information;
- (2) Experienced Consultant name and contact information;
- (3) Project name, location, and receiving waters;
- (4) Narrative description of the project, including its various features, impacts and proximity to surface waters identified in Item (5) of this Rule;
- (5) Vicinity map identifying the project area, GPS coordinates, and any nearby surface waters including Class SA waters as identified in 15A NCAC 02B .0221, Outstanding Resource Waters as identified in 15A NCAC 02B .0225, High Quality Waters, as identified in 15A NCAC 02B .0224, or Trout Waters, as defined in 15A NCAC 02B .0202(58), 15A NCAC 02B .0221, 15A NCAC 02B .0224 and 15A NCAC 02B .0202 are incorporated by reference, including subsequent amendments;
- (6) Site plan identifying the boundaries of all surface waters, wetlands, regulatory flood zones, protected vegetated setbacks, and protected riparian buffers;
- (7) A list of all existing State or Federal permits, plans, certifications or approvals related to the project; and
- (8) A list of all other State or Federal permits, plans, certifications or approvals necessary to conduct the project and their current status.

Authority G.S. 113A-54.1; 113A-57; 143-214.7; 143B-279.13; S.L. 2023-134, s. 12.13.(b).

**15A NCAC 01X .0105 GRANTING REQUESTS FOR EXPRESS REVIEW**

The Department shall grant Requests for Express Review that are determined to be complete and eligible, in accordance with Rule .0104 of this Section, and Rules .0201, .0202, .0301 and .0302 of this Subchapter. The Department shall not grant a Request for Express Review if it determines it is incomplete or if the review

of the Application cannot be completed within the deadlines established in Rules .0203 and .0303 of this Subchapter due to:

- (1) staffing vacancies or absences;
- (2) existing workloads;
- (3) emergencies; or
- (4) other factors that would conflict with the purposes or requirements of G.S. 143B-279.13 or would prevent an Application from being reviewed prior to the deadlines established in Rules .0203 and .0303 of this Subchapter.

Authority G.S. 143B-279.13; S.L. 2023-134, s. 12.13.(b).

**15A NCAC 01X .0106 PROCESSING OF REQUESTS FOR EXPRESS REVIEW**

The processing of Requests for Express Review shall be performed as follows:

- (1) To be considered for express review under these Rules, an applicant shall submit a Request for Express Review and intake fee via AccessDEQ, including the information required pursuant to Rule .0104 of this Section, and Rules .0202, and .0302 of this Subchapter. Current fees may be found at <https://www.deq.nc.gov/accessdeq/express-permitting> or in AccessDEQ. The Department shall provide the applicant with notice once the necessary fees have been received. Fees are nonrefundable.
- (2) Upon receipt of a Request for Express Review and intake fee, the Department shall perform an administrative review to make an initial determination of applicability pursuant to Rule .0103 of this Section, eligibility pursuant to Rules .0201 and .0301 of this Subchapter and availability pursuant to Rule .0105 of this Section. The Department is under no obligation to perform any form of technical review of the materials submitted prior to the Pre-Application Review Meeting.
- (3) Once an initial determination of applicability, eligibility and availability is made by the Department, notice shall be provided to the applicant and a Pre-Application Review Meeting shall be scheduled with the applicant and their Experienced Consultant.
- (4) During the Pre-Application Review Meeting, the Department, applicant or applicant's Experienced Consultant shall discuss the project, jointly review the submitted application materials and advise regarding any initially identified deficiency issues. If the Request for Express Review involves a PCSW Permit, both the applicant and applicant's Experienced Consultant shall be required to attend the Pre-Application Review Meeting. If, during the Pre-Application Review Meeting, it is determined that the project is ineligible for express review or the Application is

incomplete, the Request for Express Review may be denied. If required information is identified as missing during the Pre-Application Review Meeting, an extension may be granted for up to three business days to submit the required information, after which time a determination regarding the Request for Express Review shall be made. If these identified items are not submitted by the extension deadline, the Request for Express Review shall be considered incomplete and shall be denied.

- (5) If the Request for Express Review is granted, the next available Acceptance Date shall be assigned to the Application and the application review shall proceed in accordance with Rule .0203 or .0303 of this Subchapter.
- (6) Once an Acceptance Date is assigned to the Application, the applicant shall submit the necessary fees via AccessDEQ or by check submitted to the to the regional office with jurisdiction over the project location. Current fees may be found at <https://www.deq.nc.gov/accessdeq/express-permitting> or in AccessDEQ. The Department shall provide the applicant with notice once the necessary fees have been received. Fees are nonrefundable.
- (7) If the necessary fees have not been received by the Department via AccessDEQ or by check submitted to the to the regional office with jurisdiction over the project location one business day prior to the Acceptance Date, the Acceptance Date shall be cancelled.
- (8) If the Department determines, after granting the Request for Express Review, that the project is ineligible for express review, the Department shall conclude the Express Review in accordance with Rules .0203(4) or .0303(4) of this Subchapter.
- (9) Receipt of an Application as part of a Request for Express Review shall not constitute receipt or submission of an application for purposes of the timeframes set forth in G.S. 143-214.7(b6) or in G.S. 113A-54.1(a).

Authority G.S. 143B-279.13; S.L. 2023-134, s. 12.13.(b).

**SECTION .0200 – COASTAL POST-CONSTRUCTION STORMWATER PERMITS**

**15A NCAC 01X .0201 PROJECT ELIGIBILITY**

The following PCSW Permit Applications shall be ineligible for express review:

- (1) PCSW Permit Applications submitted by an individual who does not meet the requirements of being an Experienced Consultant familiar with coastal soil performance and stormwater

control design standards and specifications in North Carolina.

- (2) Transfers.
- (3) Renewals.
- (4) Applications for high density projects that propose or modify four or more primary stormwater control measures, as defined in 15A NCAC 02H .1002(37), 15A NCAC 02H .1002 is incorporated by reference, including subsequent amendments.
- (5) Applications for projects that will impact another PCSW Permit, unless Applications for both projects are submitted jointly.
- (6) Applications for projects that will overlap with another PCSW Permit, unless Applications for both projects are submitted jointly.
- (7) Applications for projects whose construction or permitting would cause another PCSW Permit to become out of compliance, unless Applications for both projects are submitted jointly.
- (8) Applications for projects that would require a variation pursuant to 15A NCAC 02H .1003(6) or would modify a project subject to a variation previously granted, 15A NCAC 02H .1003 is incorporated by reference, including subsequent amendments.
- (9) Applications for projects that would require a Director's Certification pursuant to 15A NCAC 02H .1040(7) or would modify a project subject to a Director's Certification previously granted, 15A NCAC 02H .1040 is incorporated by reference, including subsequent amendments.
- (10) Applications for projects that are out of compliance at the time of submission or review, unless approval of the Application would bring the project into compliance. This provision does not allow applicants to apply for renewal of expired PCSW Permits as part of a Request for Express Review.
- (11) Applications that have been previously returned pursuant to Rule .0203(4) of this Section or 15A NCAC 02H .1042(3)(a)(ii) or denied pursuant to 15A NCAC 02H .1040(5), 15A NCAC 02H .1042 is incorporated by reference, including subsequent amendments.
- (12) Applications for projects that the Department determines to be too complex, unconventional or irregular or that utilize New Stormwater Technologies approved pursuant to 15A NCAC 02H .1050(15) that have been approved by the Department for less than five years, 15A NCAC 02H .1050 is incorporated by reference, including subsequent amendments.
- (13) Applications for projects that do not provide all submission requirements from Rule .0202 of this Section.

Authority G.S. 143B-279.13; S.L. 2023-134, s. 12.13.(b).

**15A NCAC 01X .0202 APPLICATION SUBMISSION REQUIREMENTS**

Applications shall include:

- (1) The type of permitting action and the type of PCSW Permit or approval being requested;
- (2) A list of the number and type of stormwater control measures intended to be utilized in the project;
- (3) A drainage area map depicting the location of all stormwater control measures within the project;
- (4) The Supplement form found at <https://www.deq.nc.gov/about/divisions/energy-mineral-and-land-resources/stormwater/stormwater-program/stormwater-design-manual> summarizing compliance with 15A NCAC 02H .1000 requirements, 15A NCAC 02H .1000 is incorporated by reference, including subsequent amendments; and
- (5) State stormwater management permit application materials listed in 15A NCAC 02H .1042(2)(a) through (m).

Authority G.S. 143-214.7; 143B-279.13; S.L. 2023-134, s. 12.13.(b).

**15A NCAC 01X .0203 REVIEW OF APPLICATIONS**

The review of a PCSW Permit Application shall proceed as follows:

- (1) Upon granting a Request for Express Review pursuant to Rule .0106(5) of this Subchapter, the Department shall review the Application within 10 business days of the Acceptance Date and shall make a determination to:
  - (a) Issue or deny the PCSW Permit pursuant to 15A NCAC 02H .1040;
  - (b) Request additional information pursuant to 15A NCAC 02H .1042(3)(a)(i); or
  - (c) Extend the review deadline upon agreement by both the Department and the applicant.
- (2) When a request for additional information is made by the Department, the applicant shall respond with the requested information within five business days from receipt of the request, beginning the first business day after the request is received. A single, five business day extension may be granted by the Department upon receipt of a justification for the request for extension prior to the expiration of the initial five business day response period.
- (3) Upon receipt of the information in Item (2) of this Rule, the Department shall review the Application and additional information within five business days, starting with the first business day after receipt and shall make a

- (4) determination in accordance with Item (1) of this Rule.
- No more than two requests for additional information shall be made under this Rule. If additional information, clarification or revision is required after two requests, or if the Department determines, after granting the Request for Express Review, that the project is ineligible for express review, the Application shall be returned in accordance with the procedures set forth in 15A NCAC 02H .1042(3)(a)(ii) and the applicant shall be required to resubmit the Application to the standard permit review process with a new application fee.

Authority G.S. 143-214.7; 143B-279.13; S.L. 2023-134, s. 12.13.(b).

**SECTION .0300 – EROSION AND SEDIMENTATION CONTROL PLANS**

**15A NCAC 01X .0301 PROJECT ELIGIBILITY**

The following Erosion and Sedimentation Control Plan Applications shall be ineligible for express review:

- (1) ESC Plans submitted by an individual who does not meet the requirements of being an Experienced Consultant familiar with soil performance and erosion control design standards and specifications in North Carolina.
- (2) ESC Plans submitted where the financially responsible party, pursuant to 15A NCAC 04B .0118(c), is currently subject to a Notice of Violation issued pursuant to the authority of G.S. 113A, Article 4, 15A NCAC 04B .0118 is incorporated by reference, including subsequent amendment.
- (3) ESC Plans submitted for a site that is currently subject to a Notice of Violation issued pursuant to the authority of G.S. 113A, Article 4.
- (4) ESC Plans impacting buffer zones adjacent to Trout Waters, as defined in 15A NCAC 02B .0202(58), unless a Trout Buffer Waiver has been obtained in advance in accordance with 15A NCAC 04B .0125(c) and G.S. 113A-57(1), 15A NCAC 04B .0125 is incorporated by reference, including subsequent amendments.
- (5) ESC Plans with a limit of disturbance greater than 20 acres, except where the Department provides prior approval.
- (6) ESC Plans that propose a site or grading plan that does not comply with G.S. 143-214.7, 15A NCAC 02H .1000, G.S. 113A, Article 7, Part 4, 15A NCAC 07, or G.S. 74-49(7)(f).
- (7) ESC Plans that do not include all submission requirements from Rule .0302 of this Section.

Authority G.S. 143B-279.13; S.L. 2023-134, s. 12.13.(b).

**15A NCAC 01X .0302 APPLICATION SUBMISSION REQUIREMENTS**

Applications for ESC Plan reviews shall include:

- (1) All items listed in the Erosion and Sedimentation Control Plan Preliminary Review Checklist found at <https://www.deq.nc.gov/ESCforms> summarizing compliance with G.S. 113A, Article 4 and 15A NCAC 04, 15A NCAC 04 is incorporated by reference, including subsequent amendments;
- (2) The authorized statement of financial responsibility and documentation of property ownership, pursuant to 15A NCAC 04B .0118(c);
- (3) A detailed construction sequence for all erosion and sedimentation controls on all permits, plans or certifications necessary for the project;
- (4) Applicable landowner-builder agreements as described in 15A NCAC 04B .0118 and G.S. 113A-54.1(a); and
- (5) If the project is for a single-source borrow pit, all items necessary to meet the requirements of G.S. 74-49(7)(f).

Authority G.S. 113A-54.1; 113A-57; 143B-279.13; S.L. 2023-134, s. 12.13.(b).

**15A NCAC 01X .0303 REVIEW OF APPLICATIONS**

The review of an ESC Plan Application shall proceed as follows:

- (1) Upon granting a Request for Express Review pursuant to Rule .0106(5) of this Subchapter, the Department shall review the ESC Plan within five business days of the Acceptance Date and shall make a determination to:
  - (a) Request additional information, clarification or revision;
  - (b) Approve the ESC Plan;
  - (c) Approve the ESC Plan with modification;
  - (d) Disapprove the ESC Plan;
  - (e) Transfer the ESC Plan to the standard ESC Plan review process; or
- (2) When a request for additional information, clarification or revision is made by the Department, the applicant shall respond with the requested information, clarifications or revisions within five business days from receipt of the request, beginning the first business day after the request is received.
- (3) Upon receipt of the information in Item (2) of this Rule, the Department shall review the ESC Plan and additional information within five business days, starting with the first business day after receipt and shall make a determination in accordance with Item (1) of this Rule.
- (4) No more than one request for additional information, clarification or revision shall be made under Sub-Item (1)(a) of this Rule. If

additional information, clarification or revision is required after one request, or if the Department determines, after granting the Request for Express Review, that the project is ineligible for express review, the ESC Plan shall either be disapproved or transferred to the standard ESC Plan review process. If transferred, the date of receipt of the Application for purposes of G.S. 113A-54.1 or G.S. 113A-57 shall be the date upon which the transfer occurs.

Authority G.S. 113A-54.1; 113A-57; 143B-279.13; S.L. 2023-134, s. 12.13.(b).

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*Notice is hereby given in accordance with G.S. 150B-21.2 that the Environmental Management Commission intends to amend the rules cited as 15A NCAC 02B .0219, and .0226.*

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
<https://www.deq.nc.gov/about/divisions/water-resources/water-resources-commissions/environmental-management-commission/emc-proposed-rules>

**Proposed Effective Date:** November 1, 2025

**Public Hearing:**

*The Department of Environmental Quality (DEQ) Division of Water Resources (DWR) will hold one public hearing regarding proposed revisions to the Environmental Management Commission (EMC) Surface Water Quality Standards in 15A NCAC 02B .0200. This hearing will be held in-person at the following location:*

**Date:** April 22, 2025

**Time:** 6:00 p.m.

**Location:** Ground Floor Hearing Room, Archdale Building, 512 North Salisbury Street, Raleigh, N.C. 27604

*Speaker registration and sign-in will begin at 5:00 p.m. The hearing will conclude by 9:00 p.m., however the hearing officer may conclude the hearing earlier if all registered speakers have been heard. The Hearing Officer may limit the length of time for each speaker to allow everyone an opportunity to be heard. Public parking information is available on the Interactive State Parking Map at: <https://www.doa.nc.gov/divisions/state-parking/interactive-state-parking-map>.*

**Reason for Proposed Action:** *The federal Clean Water Act (CWA) requires that states adopt water quality standards to protect surface waters from the deleterious effects of pollution. Surface waters are protected based on established "uses" in the waters. Each surface water in the state receives a classification that defines the uses that apply, and the water quality standards established to protect those uses. These uses include the protection of aquatic life, recreation in and on the water, water supply, and human consumption of fish tissue.*

Federal and State laws require the periodic review of North Carolina’s surface water quality standards. This review is conducted on a triennial basis and includes a review of existing water quality standards, EPA National Recommended Water Quality Criteria, and other scientific information. If necessary, revisions to the standards are subsequently proposed based on new or updated ecological, health and toxicological information.

For the 2023-2025 North Carolina Triennial Review of Surface Water Quality Standards, the proposed revisions consist of the following changes:

- **Recreational criteria (E. coli) in 15A NCAC 02B .0219:**
  - Replace the existing fecal coliform standard with a new *Escherichia coli* (E. coli) standard to serve as the pathogenic indicator in freshwater Primary Recreation (Class B) waters. This change is based on EPA’s 2012 Recreational Water Quality Criteria (EPA 820-F-12-058). The proposed update appears in the 15A NCAC 02B .0219 rule language that is included as part of this public notice.
- **Surface water quality standards variances in 15A NCAC 02B .0226:**
  - Include a reference to Title 40 of the Code of Federal Regulations Part 131.14 (40 CFR 131.14) in existing language in 15A NCAC 02B .0226 to improve clarity regarding the federal requirements for surface water quality standards variances. The proposed correction appears in the 15A NCAC 02B .0226 rule language that is attached as part of this press release.

Public comments will be accepted on these proposed changes and the Regulatory Impact Analysis associated with these changes. Public comments will also be accepted on water quality standard variances and other water quality standard topics not addressed by this rulemaking such as adoption of other published EPA National Recommended Water Quality Criteria. For additional information on these proposed changes and the associated Regulatory Impact Analysis, please visit the DWR Surface Water Standards webpage at <https://www.deq.nc.gov/about/divisions/water-resources/water-planning/classification-standards/surface-water-standards#2023-2025SurfaceWaterQualityStandardsTriennialReview-13158>.

**Comments may be submitted to:** Christopher Ventaloro, DEQ-DWR Planning Section, 1611 Mail Service Center, Raleigh, NC 27699-1611; email SWTriRevComments2025@deq.nc.gov

**Comment period ends:** May 2, 2025

**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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or 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 (>= \$1,000,000)**
- Approved by OSBM**
- No fiscal note required**

**CHAPTER 02 - ENVIRONMENTAL MANAGEMENT**

**SUBCHAPTER 02B - SURFACE WATER AND WETLAND STANDARDS**

**SECTION .0200 - CLASSIFICATIONS AND WATER QUALITY STANDARDS APPLICABLE TO SURFACE WATERS AND WETLANDS OF NORTH CAROLINA**

**15A NCAC 02B .0219 FRESH SURFACE WATER QUALITY STANDARDS FOR CLASS B WATERS**

The following water quality standards shall apply to surface waters that are for primary contact recreation as defined in Rule .0202 of this Section, and are classified as Class B waters. Water quality standards applicable to Class C waters as described in Rule .0211 of this Section also apply to Class B waters.

- (1) The best usage of Class B waters shall be primary contact recreation and any other best usage specified for Class C waters.
- (2) Class B waters shall meet the standards of water quality for outdoor bathing places as specified in Item (3) of this Rule and shall be of sufficient size and depth for primary contact recreation. In assigning the B classification to waters intended for primary contact recreation, the Commission shall consider the relative proximity of sources of water pollution and the potential hazards involved in locating swimming areas close to sources of water pollution and shall not assign this classification to waters in which such water pollution could result in a hazard to public health. Sources of water pollution that preclude any of these uses on either a short-term or long-term basis shall be deemed to violate a water quality standard.
- (3) Quality standards applicable to Class B waters:
  - (a) Sewage, industrial wastes, or other wastes: none shall be allowed that are not treated to the satisfaction of the Commission. In determining the

degree of treatment required for such waste when discharged into waters to be used for bathing, the Commission shall consider the quality and quantity of the sewage and wastes involved and the proximity of such discharges to waters in this class. Discharges in the immediate vicinity of bathing areas shall not be allowed if the Director determines that the waste cannot be treated to ensure the protection of primary contact recreation;

(b) ~~Fecal coliforms~~ Escherichia coli shall not exceed a geometric mean of ~~200~~ 126 /100 ml (~~MF count~~ colony forming units or most probable number) based on at least five samples taken over a 30 day ~~period~~, period. ~~or~~ Escherichia coli also shall not exceed ~~400~~ 274 /100 ml (colony forming units or most probable number) in more than 20 percent of the samples examined during such period.

(4) Wastewater discharges to waters classified as B shall meet the reliability requirements specified in 15A NCAC 02H .0124. Discharges to waters where a primary contact recreational use is determined by the Director to be attainable shall be required to meet water quality standards and reliability requirements to protect this use concurrently with reclassification efforts.

Authority G.S. 143-214.1; 143-215.3(a)(1).

**15A NCAC 02B .0226 EXEMPTIONS FROM SURFACE WATER QUALITY STANDARDS**

Variances from applicable standards, revisions to water quality standards or site-specific water quality standards may be granted by the Commission on a case-by-case basis pursuant to G.S. 143-215.3(e), 143-214.3 or 143-214.1. In addition, variances from applicable standards shall meet the requirements set forth in 40 CFR 131.14. A listing of existing variances shall be maintained and made available to the public by the Division. Exemptions established pursuant to this Rule shall be reviewed as part of the Triennial Review of Water Quality Standards conducted pursuant to 40 CFR 131.10(g).

Authority G.S. 143-214.1; 143-214.3; 143-215.3(e).

**TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS**

**CHAPTER 10 – BOARD OF CHIROPRACTIC EXAMINERS**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Chiropractic Examiners intends to amend the rule cited as 21 NCAC 10 .0204.*

**Link to agency website pursuant to G.S. 150B-19.1(c):** <https://ncchiroboard.com>

**Proposed Effective Date:** July 1, 2025

**Public Hearing:**

**Date:** March 24, 2025

**Time:** 10:00 a.m.

**Location:**

<https://us02web.zoom.us/j/81479739155?pwd=6yYvUob32RnLLuiFaa4FdQXUvFPgmf.1>

**Reason for Proposed Action:** To clarify the method of payment accepted by the Board.

**Comments may be submitted to:** Dr. Joe Siragusa, 9121 Anson Way, Suite 200, Raleigh, NC 27615; phone (704) 793-1342; email [dr.joe@ncchiroboard.com](mailto:dr.joe@ncchiroboard.com)

**Comment period ends:** May 2, 2025

**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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov). If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or 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 (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

**SECTION .0200 - PRACTICE OF CHIROPRACTIC**

**21 NCAC 10 .0204 LICENSURE; RENEWAL OF LICENSE**

(a) Initial Licensure. The initial license awarded to an applicant who passed the examination shall be mailed to the address appearing on the application form.

(b) Change of Contact Information. The licentiate shall inform the Board of any change in his or her contact information. Updated contact information shall be forwarded to the Board office email at [ncboce@ncchiroboard.com](mailto:ncboce@ncchiroboard.com) within 30 days after any such change.

(c) General. The renewal, inactivation, and restoration of a license are governed by G.S. 90-155 and this Rule. A current license that is not renewed shall be placed on inactive status on January 30th of the following year. A licentiate desiring license renewal shall submit to the Board, on or before the date of inactivation, a completed license renewal form accompanied by the renewal fee as provided in Paragraph (i) of this Rule. The renewal fee shall ~~not be paid in cash and may~~ only be paid by ~~credit card~~ through the Board's website, www.ncchiroboard.com, ~~www.ncchiroboard.com, or by a check made payable to the North Carolina Board of Chiropractic Examiners.~~

(d) License Renewal Notification and Form. On or before December 1 of each year, the Board shall email to each licentiate, at the licentiate's current email address on file with the Board, license renewal instructions. The license renewal form with instructions shall also be available at the Board's website, www.ncchiroboard.com, or upon request at the Board's office. A licentiate desiring license renewal shall note on the form changes in name, address, specialty, employment circumstances, and criminal convictions since the last renewal form was submitted to the Board. The licentiate shall also note on the form any professional development continuing education for which the licentiate seeks credit pursuant to Rule .0210(d) of this Chapter.

(e) Continuing Education. As used in G.S. 90-155, one "day" of continuing education shall mean nine hours. Except as provided in Paragraphs (f), (g) and (h) of this Rule, a licentiate seeking license renewal shall obtain 18 hours (2 days) of Board-approved continuing education each calendar year. At least 10 hours shall be obtained by attending in-person or live on-line educational sessions. Live online hours include the opportunity to interact with the instructor in real-time. As many as eight hours may be obtained in the manner set forth in Rule .0210 of this Section. The Board shall not award credit for any continuing education hours until the sponsor or licentiate submits to the Board the sponsor's certificate of attendance or course completion.

(f) First-Year Continuing Education Exemptions. A licentiate who was enrolled in chiropractic college at any time during the year of initial licensure or a licentiate initially licensed after September 1st of the current year shall be permitted to renew his or her license for the ensuing year without obtaining continuing education but shall be required to submit a license renewal form and pay the renewal fee. In subsequent years, a licentiate shall not be permitted to renew his or her license until the continuing education requirements set forth in Paragraph (e) of this Rule are satisfied.

(g) Hardship Waivers. A licentiate seeking a hardship waiver of the continuing education requirement shall make written application to the Board no later than December 15th of the current year explaining the nature and circumstances of the hardship. Upon the applicant's showing that compliance with the continuing education requirement poses an undue hardship, the Board may waive the requirement in whole or part or grant an extension of time within which to comply. "Undue hardship" shall include protracted medical illness, natural disaster, or extended absence from the United States.

(h) Military Hardship. A licentiate who is serving in the Armed Forces of the United States and to whom G.S. 93B-15(a) grants an extension of time to pay a renewal fee shall also be granted an

identical extension of time to complete the continuing education required for license renewal.

(i) Renewal Fee. A renewal fee in the maximum amount allowed by G.S. 90-155 shall be paid by each licentiate applying for renewal.

(j) Restoration of Inactive License. Evidence of Proficiency. In order to provide evidence of proficiency, a former licentiate whose license has been inactive for 180 or fewer days due to non-compliance with G.S. 90-155 shall be re-examined and shall pay the non-refundable application fee prescribed in Rule .0202(d) of this Section and shall demonstrate compliance with continuing education requirements. A former licentiate whose license has been inactive for more than 180 days shall comply with Rule .0203(f) of this Section in addition to this Paragraph. Payment of the application fee shall not constitute payment of the reinstatement fee of twenty-five dollars (\$25.00) mandated by G.S. 90-155.

Authority G.S. 90-142; 90-145; 90-155; 90-148; 93B-15.

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**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, .0303, .0701; 12B .0402 and repeal the rule cited as 21 NCAC 12A .0308.*

*Pursuant to G.S. 150B-21.17, the Codifier has determined it impractical to publish the text of rules proposed for repeal unless the agency requests otherwise. The text of the rules is available on the OAH website at <http://reports.oah.state.nc.us/ncac.asp>.*

**Link to agency website pursuant to G.S. 150B-19.1(c):** <https://nclbhc.org/>

**Proposed Effective Date:** September 1, 2025

**Public Hearing:**

**Date:** March 19, 2025

**Time:** 10:00 a.m.

**Location:** 5400 Creedmoor Rd., Raleigh, NC 27612

**Reason for Proposed Action:**

*21 NCAC 12A .0202 – to update building, highway and specialty licensure classifications to include metal erection and billboards*

*21 NCAC 12A .0303 – to clarify that a new qualifier being added to an existing license must also submit to a background check*

*21 NCAC 12A .0701 – to update the manner in which notification of a complaint is sent to licensees and qualifiers*

*21 NCAC 12B .0402 – to extend the period of time after which a CE instructor must obtain approval if the instructor approval lapses*

**Comments may be submitted to:** Ryan Cody, 5400 Creedmoor Rd., Raleigh, NC 27612; email [ryancody@nclbhc.org](mailto:ryancody@nclbhc.org)

Comment period ends: May 2, 2025

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or 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 (>= \$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 installation of solar panels; 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 and Freshwater Construction), S(Masonry Construction), S(Roofing), S(Metal Erection), S(Swimming Pools), and S(Asbestos), and S(Wind Turbine)- Turbine), and S(Sign/Billboard).
(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). This classification also covers the installation of solar panels on residential units that are required to conform to the residential building code.

- (3) Highway Contractor. This classification covers all highway construction activity including: demolition, 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 and Freshwater Construction), S(Railroad Construction), and H(Grading and Excavating) Excavating), S(Metal Erection), and S(Sign/Billboard).
(4) Public Utilities Contractor. This classification includes demolition and 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.
- (C) PU (Communications). This classification covers the demolition and installation of the following:
- (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.
- (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.
- (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. This classification includes the construction of solar arrays.
- (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 installation, replacement, and removal of above ground and below ground fuel storage tanks.
- (G) PU(Water Lines and Sewer Lines). This classification covers demolition and 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.
- (H) PU(Water Purification and Sewage Disposal). This classification covers the demolition and 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, 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.
- (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 lines and piping that are ancillary to the building.
- (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.
- (K) S(Marine and Freshwater Construction). This classification covers all marine and freshwater demolition and construction and repair activities and all types of marine and freshwater construction and demolition in deep-water installations and in harbors, inlets, sounds, bays, 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 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 demolition, 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 including torch down roof systems. Any insulation material installed as a component of a torch down roofing system shall be included as work covered under this classification.
- (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, fiberglass, metal-walled with liner, steel-walled with liner, 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~~ forty thousand dollars ~~(\$30,000)~~ (\$40,000).

(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.

(S) S(Sign/Billboard). This classification covers the construction, renovation, installation, repair, erection, or demolition of any structural signs and/or billboard, that is permanently annexed to real property and as defined in Article 11 of Chapter 136 of the N.C. General Statutes.

(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 .0300 - APPLICATION PROCEDURE**

**21 NCAC 12A .0303 APPLICATION FOR LICENSURE**

(a) General. Applications for licensure shall contain the following:

- (1) the Social Security Number of examinees and qualifiers and tax identification numbers for corporate applicants;
- (2) the applicant's contact information;
- (3) the name of business under which the licensee will be operating, if any;
- (4) requested designation of license limitation and classifications;
- (5) statements and supporting documentation about all crimes of which the applicant has been convicted;
- (6) certified copies of court records reflecting information regarding all crimes of which the applicant and qualifiers have been convicted;
- (7) statements and supporting documentation indicating whether the applicant or qualifiers has any disciplinary history with the Board or any other occupational licensing, registration, or certification agency;
- (8) statements and supporting documentation establishing financial responsibility as required by G.S. 87-10(a) and Rule .0204 of this Subchapter;
- (9) letters of reference as prescribed in Rule .0308 of this Subchapter; and
- (10) the application fee as set forth in Rule .0304 of this Subchapter.

(b) Criminal Background Check. In addition to the requirements set forth above, all new applicants shall consent to criminal background checks to be performed by a third-party vendor identified by the Board. The cost of the background check shall be paid directly to the vendor. The qualifiers of all new applicants and any qualifier being added to an existing license shall submit

to the background check. Additionally, the following individuals shall submit to the background check, based upon the entity or person applying for the license:

- (1) Sole proprietor license: The sole proprietor;
- (2) Corporation: The president;
- (3) Limited liability company: All managers and members;
- (4) Partnerships (including limited liability partnerships): All partners.

(c) Reciprocity. Applicants based on reciprocity shall submit with the application form a copy of the applicant's license in the other state, certified by the other state licensing board as being a copy of a valid license. Applicants shall have taken and passed the exam offered in the state from which they are seeking reciprocity, or an examination offered by the National Association of State Contractors Licensing Agencies (NASCLA). Applicants shall also be required to take and pass the Board's North Carolina law, rule, and building code examination prior to licensure.

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

**21 NCAC 12A .0308 CHARACTER REFERENCES**

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

**SECTION .0700 – BOARD DISCIPLINARY PROCEDURES**

**21 NCAC 12A .0701 IMPROPER PRACTICE**

(a) Complaint. Any person who believes that a licensed general contractor is in violation of the provisions of G.S. 87-11 may file a complaint with the Board against a licensee, qualifier, or both by setting forth in writing those charges and swearing to their authenticity. The complaint shall be submitted to the Board and include the complainant's contact information, project location, and name of the licensee, qualifier, or both.

(b) Preliminary or Threshold Determination:

- (1) A complaint filed in accordance with G.S. 87-11(a1) shall be forwarded to a staff investigator for investigation. Within 30 days, the Board shall forward a written notice of the complaint to the licensee and qualifier(s) against whom the charge is made. The notice shall request a response from the licensee and qualifier(s). The Board shall send notice of the charge and of the alleged facts or alleged conduct ~~by first class mail to the last known address~~ through the Board's licensure portal and by email to the address of the licensee and qualifier(s).
- (2) After the investigation is complete, the charge shall be referred to the review committee. The review committee shall consist of the following individuals:
  - (A) one member of the Board;
  - (B) the Secretary-Treasurer or his designee; and
  - (C) a staff person agreed upon by the individuals listed above.

(3) Based upon the complaint and investigation, the review committee shall recommend to the Board that:

- (A) The charge be dismissed;
- (B) When the charge is admitted as true by the licensee and qualifier(s), the Board accept the licensee's and qualifier(s) admission of guilt and order the licensee and qualifier(s) not to commit in the future the act or acts admitted by him to have been violated and not to violate any of the acts of misconduct specified in G.S. 87-11 at any time in the future; or
- (C) The charge, whether admitted or denied, be presented to the full Board for a hearing and determination by the Board on the merits of the charge in accordance with the substantive and procedural requirements of the provisions of Section .0800 of this Chapter and the provisions of G.S. 87-11. Prior to the charge's being heard and determined by the Board, it may be resolved by consent order.

Authority G.S. 87-4; 87-11; 150B-3; 150B-38.

**SUBCHAPTER 12B – CONTINUING EDUCATION**

**SECTION .0400 – INSTRUCTORS**

**21 NCAC 12B .0402 RENEWAL AND EXPIRATION OF INSTRUCTOR APPROVAL**

(a) Board approval of instructors shall expire annually on December 1 following issuance of Board approval.

(b) A provider shall file an application for a previously approved instructor renewal no less than 30 days immediately preceding expiration of approval. The instructor renewal application shall include the instructor's:

- (1) legal name, address, email address, and telephone number;
- (2) general contractor's license number and qualifier ID number, if applicable, and instructor ID number assigned by the Board;
- (3) course name(s) and course number(s) for which the provider is seeking approval as an instructor; and
- (4) signature.

(c) In order to reinstate an instructor approval that has been expired for less than ~~six months~~, one year, the former instructor shall meet the requirements set forth in Paragraph (b) of this Rule.

(d) If an instructor approval has been expired for more than ~~six months~~, one year, the provider shall file an application for initial instructor approval pursuant to Rule .0401 of this Subchapter.

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

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CHAPTER 56 – BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Examiners for Engineers and Surveyors intends to amend the rules cited as 21 NCAC 56 .1602, and .1607.

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

Proposed Effective Date: August 1, 2025

Public Hearing:

Date: April 16, 2025

Time: 9:00 am

Location: via conference call at (919) 791-2000 ext. 500

Reason for Proposed Action: The Board seeks to amend 21 NCAC 56 .1602 to clarify when the method of area computation must be stated on a plat prepared by a surveyor.

The Board seeks to amend 21 NCAC 56 .1607 to correct an error and alleviate confusion concerning the required certification for GPS surveys.

Comments may be submitted to: S. Wesley Tripp III, 4601 Six Forks Rd. Ste. 310, Raleigh, NC 27603; phone (919) 791-2000; email wtripp@ncbels.org

Comment period ends: May 2, 2025

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or 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 (>= \$1,000,000)
Approved by OSBM
No fiscal note required

SECTION .1600 – STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA

21 NCAC 56 .1602 SURVEYING PROCEDURES

(a) A Professional Land Surveyor shall spend the necessary time and effort to make investigation to determine if there are encroachments, gaps, lappages, or other irregularities along each line surveyed. Points may be placed on the line from closed or verified traverses and the necessary investigations made from these points. If these investigations are not made, then the surveyor shall not certify to an actual survey of that line and the plat shall contain the appropriate qualifications in accordance with the rules in this Section.

(b) Any and all visible or determined encroachments or easements on the property being surveyed shall be accurately located and indicated.

(c) With respect to investigation of property boundaries and recorded easements, the surveyor shall examine the most recent deeds and recorded plats adjacent to the subject property as well as all deeds and plats recorded after the date of the deed or plat upon which the survey is being based (the survey reference deed or plat).

(d) Except as provided in Paragraph (e) of the Rule, metal stakes or materials of comparable permanence shall be placed at all corners.

(e) Where a corner falls in a right-of-way, tree, stream, or on a fence post, boulder, stone, or similar object, one or more monuments or metal stakes shall be placed in the boundary so that the inaccessible point may be located accurately on the ground and the map.

(f) The results of a survey shall be reported to the user of that survey as a map or report of survey and, whether in written or graphic form, shall be prepared in a clear and factual manner. All reference sources shall be identified. Artificial monuments called for in such reports shall be described as found or set. When no monument is found or set for points described in Paragraph (e) of this Rule, that fact shall be noted.

(g) Tie lines defined. Where the results of a survey are reported in the form of a plat or a written description, one or more corners shall, by a system of azimuths or courses and distances, be accurately tied to and coordinated with a horizontal control monument of some United States or State Agency survey system, such as the North Carolina Geodetic Survey, where such monument is within 2000 feet of the subject property, right-of-way, easement or other surveyed entity. Where the North Carolina grid system coordinates of said monument are on file in the Department of Public Safety, Emergency Management, Geodetic Survey office, the coordinates of both the referenced corner or point and the monument(s) shall be shown in X (easting) and Y (northing) coordinates on the plat or in the written description or document. The coordinates shall be identified as based on "NAD 83," indicating North American Datum of 1983 or as "NAD 27," indicating North American Datum of 1927. The datums of the National Geodetic Survey (NGS) are incorporated by reference including subsequent amendments and editions, and may be accessed free of charge at www.ngs.noaa.gov. The tie lines to the monuments shall be sufficient to establish true north or grid north bearings for the plat or description if the monuments exist in pairs. Control monuments within a previously recorded subdivision may be used in lieu of grid control. In the interest of bearing consistency with previously recorded plats, existing bearing control may be used where practical. In the absence of grid

control, other natural or artificial monuments or landmarks shall be used. In all cases, the tie lines shall be sufficient to accurately reproduce the subject lands from the control or reference points used.

(h) Area is to be computed by double meridian distance or equally accurate method and shown on the face of the plat, written description, or other document. Area computations by estimation, by planimeter, by scale, or by copying from another source are not acceptable methods, except in the case of tracts containing inaccessible areas and in these areas the method of computation shall be stated. areas. The method of computation shall be stated on the plat.

Authority G.S. 89C-10; 89C-20.

**21 NCAC 56 .1607 GLOBAL POSITIONING SYSTEMS SURVEYS**

(a) General. Global Navigation Satellite Systems (GNSS) is the generic name of navigation and positioning systems with global coverage that is comprised of GPS (Global Positioning System, United States, originally Navstar), GLONASS (Global Navigation Satellite System, Russia), Galileo (Europe), BDS (BeiDou Navigation Satellite System, China, also known as COMPASS), and any other satellite-based navigation and positioning systems that provide global coverage.

(b) The Professional Land Surveyor in responsible charge of the GPS survey shall certify all prepared documents. When a map or document consists of more than one sheet, only one sheet must contain the certificate and all others must be certified. The certificate or metadata notes shall contain the following information:

- (1) Class of GPS survey as defined in the Standards of Practice (or list the sections);
- (2) Type of GPS field procedure, such as Static, Kinematic, Pseudo-Kinematic, Real-time Kinematic, Real-time Kinematic networks, and Online Position User Service;
- (3) Positional accuracy;
- (4) Dates of survey;
- (5) What datum and epoch coordinates or geographic positions are based on;
- (6) Designation of fixed-control stations and their positional data;
- (7) Geoid model used;
- (8) Combined grid factor(s); and

(9) Units.

The certificate shall be substantially in the following form: "I, \_\_\_\_\_, certify that this map was drawn under my supervision from an actual GPS survey made under my supervision and the following information was used to perform the survey:

- (1) Class of survey: \_\_\_\_\_
- (2) Positional accuracy: \_\_\_\_\_
- (3) Type of GPS field procedure: \_\_\_\_\_
- (4) Dates of survey: \_\_\_\_\_
- (5) Datum/Epoch: \_\_\_\_\_
- (6) Published/Fixed-control ~~use:~~ used: \_\_\_\_\_
- (7) Geoid model: \_\_\_\_\_
- (8) Combined grid factor(s): \_\_\_\_\_
- (9) Units: \_\_\_\_\_ "

(c) GPS surveys to provide control networks shall be performed in such a manner that it meets a 95 percent confidence level of the positional accuracy of each point relative to the published positions of the control points used and shall meet the accuracy standards of a Class AA survey as set out in Rule .1603.

(d) GPS surveys performed to provide local horizontal or vertical Grid control on a parcel of land where the boundary or topography of that parcel will be shown relative to NC Grid horizontal or vertical datum shall be performed using techniques that will provide the standards of accuracy for the class of survey being performed while determining the horizontal or vertical positions of objects as set out in Rule .1603 or Rule .1606 as applicable.

(e) Fixed station(s) used for the project shall appear on the map, plat, or report. The minimum data shown for each fixed station shall be station name, horizontal position (northing and easting) or latitude, longitude, elevation (ellipsoid or orthometric), and datum and epoch.

Authority G.S. 89C-10; 89C-20.

**Note from the Codifier:** The rules published in this Section of the NC Register are emergency rules reviewed by the Codifier of Rules and entered in the North Carolina Administrative Code. The agency must subsequently publish a proposed temporary rule on the OAH website ([www.ncoah.com/rules](http://www.ncoah.com/rules)) and submit that adopted temporary rule to the Rules Review Commission within 60 days from publication of the emergency rule or the emergency rule will expire on the 60<sup>th</sup> day from publication. This section of the Register may also include, from time to time, a listing of emergency rules that have expired. See G.S. 150B-21.1A and 26 NCAC 02C .0600 for adoption and filing requirements.

**TITLE 15A - DEPARTMENT OF ENVIRONMENTAL QUALITY**

**Rule-making Agency:** Department of Environmental Quality

**Rule Citation:** 15A NCAC 01W .0101-.0105

**Effective Date:** February 14, 2025

**Findings Reviewed and Approved by the Codifier:** February 6, 2025

**Reason for Action:** S.L. 2024-53 establishes an emergency infrastructure bridge loan program for commercial underground storage tanks, which is intended to provide immediate temporary funding to assist tank owners and operators in areas affected by Hurricane Helene with recovery efforts to return to operational status. The loans would be repaid with funds that the owner or operator expects to receive from FEMA, private insurance, or other reimbursement sources which may not be immediately available. Emergency rules are required by the Session Law and are necessary for the Department to clarify multiple aspects of the Session Law requirements, including application and review procedures and repayment requirements.

The intent of the emergency loan program established by the General Assembly is to make funds immediately available, so owners and operators of fueling stations do not have to wait through lengthy application and reimbursement processes from federal or other government agencies or insurance companies to have funds to repair fueling stations and return to operational status as quickly as possible. Fueling stations are necessary to assist all agencies with recovery efforts following Hurricane Helene. Adherence to permanent rulemaking requirements would negate the General Assembly's purpose for the emergency loan program, since the permanent rulemaking process might take as long as it would take for the owner and operators to be reimbursed by federal or other government agencies or insurance companies.

**CHAPTER 01 - DEPARTMENTAL RULES**

**SUBCHAPTER 01W - EMERGENCY INFRASTRUCTURE BRIDGE LOAN PROGRAM FOR COMMERCIAL USTS**

**SECTION .0100 - EMERGENCY INFRASTRUCTURE BRIDGE LOAN PROGRAM FOR COMMERCIAL USTS**

**15A NCAC 01W .0101 APPLICABILITY AND DEFINITIONS**

(a) Applicability. The rules of this Subchapter shall apply to emergency infrastructure bridge loans for commercial underground storage tanks as established by S.L. 2024-53, s. 4C.8 for short-term financial liquidity necessary to immediately conduct emergency services in the affected area, pending federal disaster relief or payment or reimbursement by insurance. The requirements of S.L. 2024-53, s. 3.1.(b), (c), and (d) are applicable to the rules of this Subchapter, including subsequent amendments or editions. 15A NCAC 02N is incorporated by reference including subsequent amendments or editions.

(b) Documents and payments required to be submitted to the Division by the rules of this Subchapter may be submitted to the Division of Waste Management's Underground Storage Tank Section at the Division's mailing address at 1646 Mail Service Center, Raleigh, NC 27699-1646.

(c) Definitions. The definitions found in Part 2A of Article 21A of Chapter 143 of the General Statutes, the definitions in 15A NCAC 02N, and the definitions in Sections 1.4 and 4C.8 of S.L. 2024-53 shall apply to the rules of this Subchapter. For the purposes of this Subchapter, "applicant" means the owner or operator of a commercial underground storage tank permitted by the Division in accordance with 15A NCAC 02N that is located in the affected area, and that is submitting an application for an emergency infrastructure bridge loan.

*History Note:* Authority S.L. 2024-53, s. 4C.8.(1); Emergency Adoption Eff. February 14, 2025.

**15A NCAC 01W .0102 LOAN APPLICATION**

(a) An owner or operator of a commercial underground storage tank permitted by the Division in accordance with 15A NCAC 02N that is located in the affected area may apply for an emergency infrastructure bridge loan in accordance with S.L. 2024-53, s. 4C.8 and the rules of this Subchapter. The application shall be submitted on a form provided by the Division, which can be found on the Division's website at <https://www.deq.nc.gov/about/divisions/waste-management/underground-storage-tanks-section/bridge-loan-program>, and shall include the following information and attachments:

- (1) the owner's contact information, including the name, phone number, email address, and mailing address for the contact person or authorized representative for the owner, and the business name if the owner is a business;
- (2) the operator's contact information, including the name, phone number, email address, and mailing address for the contact person or authorized representative for the operator, and the business name if the operator is a business;

- (3) the UST facility name, UST facility identification number for the operating permit issued by the Division in accordance with 15A NCAC 02N, and the physical address and the county in which the UST system is located;
- (4) a description of the impacts and damage to the UST system from Hurricane Helene, including photographs of the impacts or damage;
- (5) a description of the testing and repairs and the scope of work for which the applicant is requesting funds;
- (6) a list of contractors the applicant is proposing to use for completion of the scope of work;
- (7) the project costs, including costs expended at the time of application and estimated future costs;
- (8) a description and the amount of federal disaster relief funds and private insurance reimbursement that the applicant has applied for and the source of those funds;
- (9) a description and the amount of disaster relief funds that the applicant has already received from other sources as of the date of the application;
- (10) copies of repair cost estimates, contracts, or receipts that comply with Paragraphs (d), (e), and (f) of this Rule;
- (11) a description of the attachments included with the application; and
- (12) a certification signed by the applicant or the applicant's authorized representative certifying that the application and documentation provided to the Division are true and accurate to the best of the applicant's knowledge.

(b) The application shall be submitted by June 30, 2025.

(c) The Division shall review the submitted application and provide a response in writing stating either that the application is complete and under review, or that the application is incomplete and stating the information or attachments that are required to be submitted for the application to meet the requirements of Paragraph (a) of this Rule. The owner or operator shall submit any additional information requested by the Division in the response within 30 days following the date the Division's response was issued.

(d) The UST system testing and repairs for which the loan is being requested shall comply with S.L. 2024-53 and the rules of this Subchapter.

(e) Copies of receipts from testing or repairs in accordance with Paragraph (d) of this Rule that have been completed and paid for at the time the application is submitted shall be submitted with the application. The receipts shall include the name and contact information for the contractor, a description of the testing or repair, and the actual cost for the testing or repair.

(f) Copies of cost estimate documentation such as quotes, invoices, contracts, or similar documents for testing and repairs in accordance with Paragraph (d) of this Rule shall be submitted with the application for testing or repairs that are proposed or in progress and have not been paid for at the time the application is submitted. The testing or repair estimates shall include the name

and contact information for the contractor, a description of the proposed testing or repair, and the estimated cost of the proposed testing or repair.

*History Note: Authority S.L. 2024-53, s. 4C.8.(l);  
Emergency Adoption Eff. February 14, 2025.*

**15A NCAC 01W .0103 APPLICATION REVIEW AND LOAN ELIGIBILITY**

(a) The Division shall review an application submitted that complies with Rule .0102 of this Section and determine whether the loan is eligible for approval. The Division may determine that the loan is not eligible for approval, that the loan is eligible for the amount requested, or that the loan is eligible for a portion of the amount requested. In making the determination for loan approval and the amount approved, the Division may consider the following criteria:

- (1) the information submitted in the application;
- (2) the remaining amount of loan funds available;
- (3) the location of the UST system within the affected areas as defined in S.L. 2024-53, with priority given to the areas with the greatest impacts from Hurricane Helene;
- (4) whether the costs included in the scope of work are significantly different from a range of expected or reasonable costs for such work, as determined by the Division;
- (5) federal disaster relief or private insurance reimbursement received for Hurricane Helene response prior to submittal of the application;
- (6) the level of need for other submitted applications under review by the Division that have not yet been awarded pursuant to S.L. 2024-53, s. 4C.8.(h);
- (7) the type of work included in the scope of work, with funding priority given to the specific examples of repairs and testing listed in the definition of emergency services in S.L. 2024-53, s. 4C.8.(b); and
- (8) the operational status of the UST system and the status of the scope of work submitted.

(b) If the Division determines that the loan is eligible for approval, either for the requested amount or a portion of the requested amount, the Division shall send the applicant a letter of intent to award the loan in accordance with S.L. 2024-53, s. 4C.8.(i) with a copy of the loan agreement developed in accordance with Rule .0104 of this Section within 60 days after receipt of the application. Within 30 days after the offer is issued, the recipient shall:

- (1) accept the offer by executing a loan agreement in accordance with Rule .0104(c) of this Section and returning it to the Division; or
- (2) provide a written response to the Division rejecting the offer.

(c) If the applicant has not accepted or rejected the offer in accordance with Paragraph (b) of this Rule within 30 days after the offer is issued, the Division may rescind the offer to award the loan by providing written notice to the applicant. The awarding of new loans shall cease on June 30, 2028.

(d) If the Division determines that the loan is not eligible for approval because it does not comply with S.L. 2024-53 or the rules of this Subchapter, the Division shall send the applicant a letter via certified mail outlining the reasons that the applicant is not eligible within 60 days after receipt of the application.

(e) If the applicant disagrees with the Division's determination, the applicant may elect to submit an informal appeal to the Division supplying additional supporting information. The appeal must be submitted within 30 days of the date the Division issued the notification of the Division's determination. The Division shall review the additional information and shall issue a final written agency decision via certified mail. Pursuant to S.L. 2024-53, s. 4C.8.(h), the Division's determination of need is conclusive.

*History Note: Authority S.L. 2024-53, s. 4C.8.(l);  
Emergency Adoption Eff. February 14, 2025.*

### **15A NCAC 01W .0104 LOAN AGREEMENT**

(a) Within 10 business days after an applicant elects to accept a loan after it is awarded in accordance with S.L. 2024-53, s. 4C.8.(i), the recipient shall submit a signed NC Substitute W-9 form to the Division. The Substitute W-9 form may be obtained from the NC Office of the State Controller website at: <https://www.osc.nc.gov/state-north-carolina-sub-w-9>.

(b) Loan Agreement. If an applicant elects to accept a loan after it is offered in accordance with S.L. 2024-53, s. 4C.8.(i), a loan agreement shall be executed between the Division and the recipient. The loan agreement shall include the terms and conditions of the agreement such as:

- (1) the conditions for issuance of the loan, including the requirements in Paragraph (a) of this Rule;
- (2) information regarding the intended use of the loan proceeds;
- (3) a deadline by which the applicant shall have entered into a construction contract to begin testing and repairs;
- (4) conditions under which the loan will be repaid including any payment plan schedules requested by the applicant;
- (5) the rights and responsibilities of the parties;
- (6) the loan identification number assigned by the Division; and
- (7) any other applicable terms and conditions of the loan as outlined in Rule .0105 of this Section.

(c) The loan agreement shall be signed and notarized by the recipient and an original signed copy shall be returned to the Division. The Division shall also sign and notarize the agreement to execute the agreement. The agreement shall be effective on the date the agreement is signed and notarized by the Division.

(d) After the loan agreement is executed, the applicant may submit a request in writing for an amendment to the loan amount or the terms of the loan agreement. The request shall include the amendment being requested and supporting evidence for the request, including supporting documentation such as updates to any information that was provided in the application that has changed since the application was submitted. The Division shall review and respond to the request in accordance with Rule .0103 of this Section. If approved, the agreement shall be revised

accordingly and shall be signed and notarized by the Division and the recipient. No amendments to awarded loans shall be approved after June 30, 2028.

*History Note: Authority S.L. 2024-53, s. 4C.8.(l);  
Emergency Adoption Eff. February 14, 2025.*

### **15A NCAC 01W .0105 LOAN TERMS, LIMITATIONS, AND CONDITIONS**

(a) In addition to the loan terms in S.L. 2024-53, s. 4C.8 and the applicable requirements of s. 3.1, a bridge loan from the program is subject to the following terms and conditions:

- (1) The total amount awarded for the loan shall be repaid in full by the maturity date as defined in S.L. 2024-53, s. 4C.8, and no later than June 30, 2030.
- (2) A loan may be repaid early or on a payment plan outlined in the loan agreement prior to the maturity date without penalty.
- (3) Loan payments shall be submitted to the Division of Waste Management Underground Storage Tank Section by certified check or money order.

(b) In addition to the loan limitations in S.L. 2024-53, s. 4C.8, a bridge loan from the program shall not be used for purposes that do not comply with the requirements of S.L. 2024-53, such as the following purposes:

- (1) removal of a commercial underground storage tank unless the applicant provides evidence in the loan application that damage or impacts from Hurricane Helene necessitated the removal, and the removal is necessary to restore the UST system to operational capacity;
- (2) work or testing or repairs related to aboveground storage tanks or non-commercial underground storage tanks, notwithstanding new action from the General Assembly;
- (3) purposes that are or may be eligible for reimbursement from the Commercial Leaking Petroleum Underground Storage Tank Cleanup Fund in accordance with G.S. 143-215.94B;
- (4) any repairs or testing that have already been paid for or reimbursed by federal disaster relief or private insurance or other emergency funding sources; or
- (5) any repairs or testing that occurred or were necessary prior to the date of Hurricane Helene, or that were not a result or impact of Hurricane Helene.

(c) The recipient shall submit a final report within 90 days after completion of testing and repairs. The report shall include a description of:

- (1) the operational capacity of the UST system;
- (2) any deviations from the scope of work submitted in the application; and
- (3) receipts for completed repairs that were not submitted in the application.

(d) If a recipient fails to comply with S.L. 2024-53, the rules of this Subchapter, or the loan agreement, the Division shall notify

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**EMERGENCY RULES**

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the recipient in writing that they are in default, and provide the actions the recipient must take in order to cure the default and the deadlines to take those actions. If the recipient fails to take the required actions by the deadlines stated in the notice, the loan shall be considered to be in default and the Division will refer the loan for collection in accordance with State law.

*History Note: Authority S.L. 2024-53, s. 4C.8.(l);  
Emergency Adoption Eff. February 14, 2025.*

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**APPROVED RULES**

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*This Section includes a listing of rules approved by the Rules Review Commission followed by the full text of those rules. The rules that have been approved by the RRC in a form different from that originally noticed in the Register or when no notice was required to be published in the Register are identified by an \* in the listing of approved rules. Statutory Reference: G.S. 150B-21.17.*

Rules approved by the Rules Review Commission at its meeting on January 30, 2025.

**REGISTER CITATION TO THE  
NOTICE OF TEXT**

**STRUCTURAL PEST CONTROL COMMITTEE**

<u>General Duties</u>	02 NCAC 34 .0101*	39:01 NCR
<u>Application for Licenses and Cards: Examination</u>	02 NCAC 34 .0302*	39:01 NCR
<u>Recertification</u>	02 NCAC 34 .0309*	39:01 NCR
<u>Registered Technician's Identification Cards/Training Mat...</u>	02 NCAC 34 .0313*	39:01 NCR
<u>Licenses and Cards not Issued to Person Under 18</u>	02 NCAC 34 .0327*	39:01 NCR
<u>Wood-Destroying Organisms Record</u>	02 NCAC 34 .0604*	39:01 NCR
<u>Written Records of Household Pest Control</u>	02 NCAC 34 .0703*	39:01 NCR
<u>Written Records of Fumigation</u>	02 NCAC 34 .0803*	39:01 NCR
<u>Financial Responsibility</u>	02 NCAC 34 .0902*	39:01 NCR

**MEDICAL CARE COMMISSION**

<u>Definitions</u>	10A NCAC 13F .1601*	39:06 NCR
<u>Issuance of a Star Rating</u>	10A NCAC 13F .1602*	39:06 NCR
<u>Statutory and Rule Requirements Affecting Star Rated Cert...</u>	10A NCAC 13F .1603*	39:06 NCR
<u>Rating Calculation</u>	10A NCAC 13F .1604	39:06 NCR
<u>Contents of Star Rated Certificate</u>	10A NCAC 13F .1605	39:06 NCR
<u>Definitions</u>	10A NCAC 13G .1601*	39:06 NCR
<u>Issuance of a Star Rating</u>	10A NCAC 13G .1602*	39:06 NCR
<u>Statutory and Rule Requirements Affecting Star Rated Cert...</u>	10A NCAC 13G .1603*	39:06 NCR
<u>Rating Calculation</u>	10A NCAC 13G .1604	39:06 NCR
<u>Contents of Star Rated Certificate</u>	10A NCAC 13G .1605	39:06 NCR

**CODE OFFICIALS QUALIFICATION BOARD**

<u>Nature of Probationary Certificate</u>	11 NCAC 08 .0602	39:08 NCR
<u>Required Qualifications</u>	11 NCAC 08 .0706	39:08 NCR
<u>Special Circumstances</u>	11 NCAC 08 .0707	39:08 NCR
<u>Building Inspector Level I, II and III</u>	11 NCAC 08 .0737	39:08 NCR
<u>Electrical Inspector Level I, II and III</u>	11 NCAC 08 .0738	39:08 NCR
<u>Mechanical Inspector Level I, II and III</u>	11 NCAC 08 .0739	39:08 NCR
<u>Plumbing Inspector Level I, II and III</u>	11 NCAC 08 .0740	39:08 NCR
<u>Fire Inspector Level I, II and III</u>	11 NCAC 08 .0741	39:08 NCR

**SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION**

<u>Background Investigation</u>	12 NCAC 10B .0305*	39:08 NCR
<u>Verification of Records to Division</u>	12 NCAC 10B .0408*	39:08 NCR
<u>Employing Agency Retention of Certification Records</u>	12 NCAC 10B .0409*	39:08 NCR

**WILDLIFE RESOURCES COMMISSION**

<u>Needmore Game Land in Macon and Swain Counties</u>	15A NCAC 10D .0252*	39:02 NCR
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**APPROVED RULES**

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<u>Brunswick County</u>	15A NCAC 10F .0305*	39:05 NCR
<u>Carteret County</u>	15A NCAC 10F .0330*	39:05 NCR
<u>Alexander County</u>	15A NCAC 10F .0332	39:05 NCR
<u>Mecklenburg and Gaston Counties</u>	15A NCAC 10F .0333	39:05 NCR
<u>Licensee Requirements</u>	15A NCAC 10G .0501*	39:05 NCR
<u>Hunting on Wildlife Conservation Areas</u>	15A NCAC 10J .0103*	39:05 NCR
<u>Fishing on Wildlife Conservation Areas</u>	15A NCAC 10J .0104*	39:05 NCR

**REVENUE, DEPARTMENT OF**

<u>Definitions</u>	17 NCAC 04C .2001*	G.S. 150B-1(d)(4)
<u>Directory</u>	17 NCAC 04C .2002*	G.S. 150B-1(d)(4)
<u>Certification</u>	17 NCAC 04C .2003*	G.S. 150B-1(d)(4)
<u>Annual Certification Renewal</u>	17 NCAC 04C .2004*	G.S. 150B-1(d)(4)
<u>Material Changes to Certification</u>	17 NCAC 04C .2005*	G.S. 150B-1(d)(4)
<u>Registered Agent</u>	17 NCAC 04C .2006*	G.S. 150B-1(d)(4)

**INTERPRETER AND TRANSLITERATOR LICENSING BOARD**

<u>The Application Package and Requirements for Licensure</u>	21 NCAC 25 .0202*	39:06 NCR
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**MESSAGE AND BODYWORK THERAPY, BOARD OF**

<u>Application and Scope</u>	21 NCAC 30 .0201*	39:06 NCR
<u>Fees</u>	21 NCAC 30 .0204*	39:06 NCR
<u>Program Requirements</u>	21 NCAC 30 .0620*	39:06 NCR
<u>Learning Resources</u>	21 NCAC 30 .0623*	39:06 NCR
<u>Transfer of Credit; Advanced Placement</u>	21 NCAC 30 .0627*	39:06 NCR
<u>License Renewal</u>	21 NCAC 30 .1012*	39:06 NCR

**FUNERAL SERVICE, BOARD OF**

<u>Definitions</u>	21 NCAC 34B .0801*	39:02 NCR
<u>Initial Permit Application Form</u>	21 NCAC 34B .0802*	39:02 NCR
<u>Permit Renewal Application Form</u>	21 NCAC 34B .0803*	39:02 NCR
<u>Standards for Removal and Transportation of Dead Human Bo...</u>	21 NCAC 34B .0804*	39:02 NCR
<u>Requirements for Removal Vehicles</u>	21 NCAC 34B .0805*	39:02 NCR
<u>Chain of Custody and Control</u>	21 NCAC 34B .0806*	39:02 NCR

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**TITLE 02 - DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**02 NCAC 34 .0101 GENERAL DUTIES**

(a) Applicable to licensees only:

- (1) All licensed structural pest control operators shall carry out the provisions and terms of all contracts into which they enter for the control of structural pests.
- (2) Licensed structural pest control operators shall be responsible for obtaining satisfactory control of all insects, rodents, fungi, or other pests indicated in the control agreement(s).
- (3) Licensed structural pest control operators shall be responsible for obtaining control of active

infestations of pests for which control agreements were entered into prior to July 1, 1955, if contracts covering said agreements are currently effective.

(b) Applicable to both licensees and certified applicators:

- (1) The methods and materials used in structural pest control procedures shall be in accordance with the current label registrations of federal and State of North Carolina agencies responsible for making such registrations, which can be found at the EPA's Pesticide Product and Label system website, <https://ordspub.epa.gov/ords/pesticides/f?p=PPLS:1>.

- (2) The possession, usage, application, storage, and disposal of all pesticides and all pesticide containers shall be in conformity with all current label registrations, federal and North Carolina State laws and regulations governing the possession, usage, application, storage, and disposal of pesticides and pesticide containers, as set forth in Rules .0407 and .0408 of this Chapter.
- (3) Licensed structural pest control operators, or their authorized agents, and certified applicators shall maintain at their business location(s) copies of current registered labels for all pesticides used. Such labels shall be made available for inspection upon request of the Structural Pest Control and Pesticides Division, or the Structural Pest Control Committee.
- (4) Requirements for direct supervision of registered technicians by licensed or certified applicators are as follows:
  - (A) The North Carolina Structural Pest Control Committee hereby incorporates by reference for all Pesticide Applicators, Part 171.201 "Supervision of Noncertified Applicators" of Title 40: Protection of Environment of the Code of Federal Regulations, titled "Certification of Pesticide Applicators Subpart B—Certification Requirements for Applicators of Restricted Use Pesticides" including subsequent amendments. Copies of this material may be obtained at no cost from the U.S. Government Printing Office website, <http://www.gpo.gov/>.
  - (B) Before any registered technician may use any pesticide under the direct supervision of the licensed or certified applicator, the supervising licensed or certified applicator must ensure that the registered technician has met all of the following qualifications: that the registered technician has completed all the training requirements under Rule .0313 of this Chapter; that the registered technician has been instructed within the last 12 months in the safe operation of any equipment he or she will use for mixing, loading, transferring, or applying pesticides as required under Rule .0313(g) of this Chapter; and that the registered technician is at least 18 years old.
  - (C) Use-specific conditions that must be met in order for a registered technician to use any pesticide are outlined in this Part. The licensed or certified

applicator must ensure that all of the following requirements are met before allowing a registered technician to use any pesticide under his or her direct supervision. The licensed or certified applicator must ensure that the registered technician has access to the applicable product labeling at all times during its use. The licensed or certified applicator must provide the registered technician with all personal protective equipment (PPE) required by the labeling of any pesticide used and through training, documentation, or supervision, ensure that the PPE is being worn and used correctly for its intended purpose. The licensed or certified applicator must provide to each registered technician, through training, the tools needed to analyze a site prior to an application being made and understand when it is necessary to postpone an application until the supervising licensed or certified applicator be contacted for input. This training must include reading and understanding labeling directions, precautions, and requirements applicable to various sites and uses. This includes how the characteristics of a use site (e.g., structural pest identification, damage assessment, construction type, control/management options, as well as other factors which could impact any pesticide application decision such as surface and ground water, runoff potential, soil type, weather forecast, endangered species, local population) and the conditions of application (e.g. equipment, method of application, formulation) might increase or decrease the risk of adverse effects. The licensed or certified applicator must provide this information in a manner that the registered technician can understand. The licensed or certified applicator must, through training, documentation, or inspections, ensure that before each day of use, equipment used for mixing, loading, transferring, or applying pesticides is in proper operating condition, as intended by the manufacturer, and can be used without risk of foreseeable adverse effects to the registered technician, other persons, or the environment. The licensed or certified applicator must

ensure that a means to immediately communicate with the licensed or certified applicator has been provided to each registered technician using any pesticide under his or her direct supervision. The licensed or certified applicator must be physically present at the use site, when required by the product labeling.

- (5) Before any registered technician uses any pesticide under the direct supervision of the licensed or certified applicator, the supervising licensed or certified applicator must ensure that the registered technician has met all the requirements and been trained in accordance with Rule .0313 of this Chapter.
- (6) All licensed or certified applicators must adhere to the following provisions of recordkeeping as outlined in the following Parts of this Subparagraph.
  - (A) Prior to the registered technician using any pesticide, the licensed or certified applicator must create or verify the existence of records documenting that each registered technician has met the qualifications required in Subparagraph (b)(5) of this Rule. For each registered technician, the records must contain the information as provided in Part (b)(6)(B) of this Rule.
  - (B) The record must contain all of the following information: the registered technician's printed name and signature; the date the training requirement in Subparagraph (b)(5) of this Rule was completed; the name of the person who provided the training; and the title or a description of the training provided.
  - (C) The licensed or certified applicator supervising any registered technician must have access to records documenting the information required in Part (b)(6)(A) of this Rule at the licensed applicator's principal place of business for two years from the date the registered technician uses the pesticide.

**02 NCAC 34 .0302 APPLICATION FOR LICENSES AND CARDS: EXAMINATION**

(a) Application for licenses under the provisions of G.S. 106-65.26(a) and (c):

- (1) Application for examination shall be on a application form prescribed by the Structural Pest Control and Pesticides Division, the requirements of the application which are set forth in G.S. 106-65.26. The Committee shall approve applications if a complete application was submitted to the Division and all criteria under G.S. 106-65.26 has been met. The application form shall include all information set forth by this Rule, as well as in G.S. 106-65.26, and:
  - (A) the applicant's full name;
  - (B) the applicant's home address;
  - (C) the applicant's contact information, either a telephone number or a valid email address;
  - (D) the applicant's identifying information, including social security number, hair color, eye color, height, and weight; and
  - (E) the applicant's current and previous employer.
- (2) After submission, the application shall be reviewed for completeness by the Division. Applications shall be approved or denied on the basis of criteria set forth by G.S. 106-65.26. Upon approval of the application for examination, the Structural Pest Control Committee secretary shall notify the applicant of said approval and allow the applicant to pre-register for the examination as required in Paragraph (c) of this Rule.
- (3) Applications to take the examination shall be either typed or printed in ink and sworn to before a notary public or some other official authorized by law to administer oaths.
- (4) A high-resolution, full-face, head, and shoulder photograph of the applicant, taken within the preceding 12 months of the date of application, and not less than two and one-half inches square, shall be attached to the application.
- (5) All applications to take the examination shall be retained by the office of the Committee secretary. Documents filed may include affidavits from homeowners or employers, evidence of a criminal background check, or educational transcripts and supporting documents. All examinations shall remain the property of the Committee.
- (6) An applicant who fails to pass the license examination within 12 months of the approval of his or her application shall be required to provide current information concerning his or her qualifications to take the examination to

*History Note: Authority G.S. 106-65.29; Eff. July 1, 1976; Readopted Eff. November 22, 1977; Amended Eff. August 3, 1992; August 1, 1980; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 22, 2018; Amended Eff. February 1, 2025.*

- ensure that the applicant is still qualified to take the examination.
- (7) An applicant who gives or receives unauthorized assistance in answering test questions from anyone who is not employed by the Division during an examination shall be dismissed from the examination and his or her markings or results shall be voided and said applicant's examination fee shall be forfeited. Unauthorized assistance means any outside assistance that has not been previously approved by the Division. Any applicant using unauthorized assistance shall not be permitted to take a reexamination for a period of six months from the date of the examination. Authorized assistance approved by the Division shall include translation services, interpretation services, or other needs required to adhere to The Americans with Disabilities Act (ADA).
- (8) No person shall be admitted to the examination room except members of the Committee, the attorney for the Committee, the examining personnel, employees of the Structural Pest Control Division, and the applicants for licensure.
- (9) Any applicant making a score of 70 percent or more on any license examination(s) shall be issued a license in that phase(s) of structural pest control after submitting a completed application with all required fees and insurance documents therefor.
- (10) The applicant shall furnish the information required by G.S. 106-65.26 and this Rule to establish that said applicant possesses qualifications as specified in G.S. 106-65.26 of the Act for the particular license(s) which he or she seeks. The Committee or the Division may, based upon their review of the contents of an application, make investigations to review an applicant's qualifications.
- (11) All applicants passing the examination(s) for licenses shall apply for said licenses within six months from the date on which the examinations were taken. If such applicants fail to make application for said licenses, within the specified period, such applicants shall be required to take and pass reexaminations covering phases of structural pest control work for which licenses were applied before said licenses are issued.
- (12) If an applicant for a license fails an examination, he or she may review the examination at the next scheduled review session.
- (b) Application for certified applicator's identification card under the provisions of G.S. 106-65.26(a) and (b):
- (1) Applications filed pursuant to G.S. 106-65.26(a) and (b) shall be on a form as set forth by G.S. 106-65.26.
- (2) An applicant for a certified applicator's identification card in any phase of structural pest control shall furnish information as specified in G.S. 106-65.26 of the Act to establish that said applicant possesses qualifications for the particular certified applicator's identification card which he or she seeks. The Committee or the Division may, based upon their review of the contents of an application, make investigations with respect to the applicant's qualifications, to determine if they meet the criteria specified in G.S. 106-65.26.
- (3) All applications for certified applicator's identification cards under the provisions of G.S. 106-65.26(a) and (b) shall be retained by the office of the Committee secretary. All documents filed in support of an application shall be kept by the office of the Committee secretary. All examinations shall remain the property of the Committee.
- (4) The North Carolina Structural Pest Control Committee, hereby incorporates by reference for all Certified Applicators, Part 171.103(a) through (e) "Standards for certification of commercial applicators" of Title 40: Protection of Environment of the Code of Federal Regulations, titled "Certification of Pesticide Applicators Subpart B—Certification Requirements for Applicators of Restricted Use Pesticides" including subsequent amendments. Copies of this material may be obtained at no cost from the U.S. Government Printing Office website, <http://www.gpo.gov/>.
- (A) Industrial, Institutional and Structural is the only federal category regulated under the NC Structural Pest Control Law, G.S. 106-65.25(a), and that category is divided into three subcategory phases. The three subcategory phases and their subsequent competency standards are detailed in this section.
- (B) Household Pest Control: Applicators must demonstrate practical knowledge of household pests, pest problems, and pests that are important vectors of disease, including recognizing the pests and signs of their presence, their habitats, their life cycles, biology, and behavior as it may be relevant to problem identification and control. The required knowledge also includes how to minimize damage to, and contamination of areas treated, acute and chronic exposure of people and pets, and non-target exposures.
- (C) Wood-Destroying Organisms: Applicators must demonstrate a

- practical knowledge of wood-destroying organisms which may devour or destroy wood, wood products, and other cellulose material in, on, under, and in contact with and around structures, including recognizing these pests and signs of their presence, their life cycles, biology, and behavior as it may be relevant to problem identification, treatment and control. The required knowledge also includes how to minimize damage to, and contamination of areas treated, acute and chronic exposure of people and pets, and non-target exposures.
- (D) Fumigation (non-soil): Applicators must demonstrate practical knowledge of the pest problems and pest control practices associated with performing fumigation applications of restricted use pesticides to sites other than soil, such as enclosed spaces or structures, including recognizing these pests and signs of their presence, their life cycles, biology, and behavior as it may be relevant to problem identification, treatment, and control. The required knowledge also includes how to minimize damage to, and contamination of areas treated, acute and chronic exposure of people and pets, and non-target exposures.
- (5) Any applicant making a score of 70 percent or more on the core certification examination and on any certified applicator's examination(s) shall be issued a certified applicator's identification card in that phase of structural pest control after submitting a completed division's certified applicator card application with required fees therefor.
- (6) All applicants passing the examination(s) for certified applicator's identification cards shall apply for said cards within six months from the date on which the examinations were taken. If such applicants fail to make application for said certified applicator's identification cards within the specified period, such applicants shall be required to take and satisfactorily pass reexaminations covering phases of structural pest control work for which certified applicator's identification cards were applied before said cards are issued.
- (7) If an applicant fails to obtain a certified applicator's identification card within 12 months of passing the core examination, the applicant shall take and pass a reexamination before being eligible for the card.
- (8) Upon receipt of the application for examination, the Committee secretary shall provide the necessary exam pre-registration forms for the applicant to pre-register for the examination as required in Paragraph (c) of this Rule.
- (9) If an applicant for a certified applicator's card fails an examination, he or she may review the examination at the next scheduled review session.
- (10) Subparagraphs (a)(2), (5), (7), and (8) of this Rule shall also apply to all applicants for certified applicator's identification cards.
- (11) Completion of the registered technician school shall be a prerequisite for the certification examination.
- (c) Pre-registration for license and certified applicator examination applicants:
- (1) All applicants for the license or certified applicator's examination(s) shall pre-register with the Committee secretary for said examination(s) no less than 10 days prior to the date of the examination.
- (2) Applicants who fail to pre-register shall not be permitted to take the examination.
- (3) Pre-registration shall include a completed application for examination.
- (d) Frequency of examination by license applicant limited:
- (1) An applicant who fails to pass the license examination on his or her first attempt may retake the examination at any subsequent scheduled examination.
- (2) An applicant who fails to pass the second license examination shall wait a minimum of one examination between each subsequent examination: except that, in the event of a death of a licensee the applicant intending to succeed the deceased licensee may take the examination a third time prior to the first one examination waiting period.
- (3) No applicant shall be permitted to take the examination more than six times per year nor more than two times in consecutive months, except as provided for in Subparagraph (d)(2) of this Rule.

*History Note: Authority G.S. 106-65.29; Eff. July 1, 1976; Readopted Eff. November 22, 1977; Amended Eff. July 1, 1998; August 3, 1992; January 1, 1991; January 1, 1989; Readopted Eff. June 1, 2020; Amended Eff. February 1, 2025.*

**02 NCAC 34 .0309                      RECERTIFICATION**

(a) The North Carolina Structural Pest Control Committee, hereby incorporates by reference for all Certified Applicators, Part 171.107 "Standards for recertification of commercial applicators" of Title 40: Protection of Environment of the Code of

Federal Regulations, titled "Certification of Pesticide Applicators Subpart B—Certification Requirements for Applicators of Restricted Use Pesticides" including subsequent amendments. Copies of this material may be obtained at no cost from the U.S. Government Printing Office website, <http://www.gpo.gov/>.

(b) Certified applicators and licensees shall be certified for a five-year period. At the end of said five-year period, a certified applicator or licensee, at his or her discretion, may be recertified for another five-year period by choosing one of the following options:

- (1) Reexamination taken between January 1, prior to the expiration of the five-year recertification period, and June 30; or
- (2) For recertification after July 1, 2002: earning Continuing Certification Units (CCUs) during the five years immediately preceding the expiration date of his or her certification; the number of CCUs required shall be as follows:
  - (A) recertification in any one phase: 10 CCUs total, five of which shall be solely applicable to the phase in which recertification is desired;
  - (B) recertification in any two phases: 15 CCUs total, five of which shall be solely applicable to the first phase and five solely applicable to the second phase in which recertification is desired;
  - (C) recertification in all three phases: 20 CCUs total, five of which shall be solely applicable to the first phase, five solely applicable to the second phase, and five solely applicable to the third phase in which recertification is desired;
  - (D) licensees and noncommercial certified applicators shall earn at least one of the required continuing certification units established in Subparagraph (b)(2) of this Rule in at least four years of the five-year recertification period;
  - (E) commercial certified applicators shall earn at least one of the required continuing certification units established in Subparagraph (b)(2) of this Rule in at least three years of the five-year recertification period; and
  - (F) continuing certification units shall not be carried forward beyond the five-year recertification period.

(c) Licensees holding an inactive license shall be subject to the requirements of this Rule.

*History Note: Authority G.S. 106-65.29; Eff. July 1, 1976; Readopted Eff. November 22, 1977; Amended Eff. July 1, 1998; January 1, 1989; August 1, 1980; Readopted Eff. June 1, 2020; Amended Eff. February 1, 2025.*

**02 NCAC 34 .0313 REGISTERED TECHNICIAN'S IDENTIFICATION CARDS/TRAINING MATERIALS**

(a) A registered technician's identification card shall contain, but not be limited to, the following information:

- (1) name of registrant;
- (2) name of licensee or employer;
- (3) name of licensee's company;
- (4) address of licensee's company;
- (5) license number and phase(s) of licensee;
- (6) age, weight, height, color of hair, and eyes of registrant;
- (7) job classification of card holder; and
- (8) issuance date, expiration date, and license year covered by card.

(b) The registered technician's identification card and the license of the employer of the card holder shall bear the same license number and license phase(s). Each registered technician's identification card shall bear only one license number, one company name, and not more than three license phases.

(c) A licensee or noncommercial certified applicator applying for the issuance or renewal of a registered technician's identification card for his or her employee shall certify to the Structural Pest Control and Pesticides Division that the employee meets all the minimum requirements set forth in Rule .0101(b)(4)(B) of this Chapter and has completed employee training approved by the Structural Pest Control Committee in structural pest control work.

(d) All individuals who apply for the issuance, not renewal, of registered technician's identification cards after January 1, 1999, shall complete the following training, or a program approved by the Division that meets the minimum requirements set out in this Rule, before becoming eligible for the identification card:

- (1) Introductory Training:
  - (A) Introductory training shall include completion of the workbook, Introductory Training for Registered Technicians; and
  - (B) A minimum of 24 hours of on-the-job training in applicable phases of structural pest control by a licensee, certified applicator, or registered technician having at least two years of experience.
- (2) On-the-job training involving the equipment, methods, and materials the employee will use in the day-to-day performance of his or her duties.
- (3) The North Carolina Structural Pest Control Registered Technician School. A fee of twenty-five dollars (\$25.00) shall be charged for each employee attending the Registered Technician School.

(e) Training materials and records shall be made available for inspection during regular business hours upon request by the Division and shall be retained two years beyond the last date of the individual's employment.

(f) Introductory training shall be completed before the employee is permitted to mix or apply pesticides without the on-site supervision of a registered technician, certified applicator, or licensee.

(g) Registered technicians shall complete an annual training in the safe operation of any equipment he or she will use for mixing, loading, transferring, or applying pesticides. The person who conducts this training must meet one of the following criteria:

- (1) Be currently licensed or certified in the phase that the technician is to be registered; or
- (2) Be currently designated as a trainer of registered technicians by the committee or the director.

*History Note: Authority G.S. 106-65.29; Eff. July 1, 1976; Readopted Eff. November 22, 1977; Amended Eff. July 1, 1998; August 3, 1992: January 1, 1991; December 1, 1987; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 22, 2018; Amended Eff. February 1, 2025.*

**02 NCAC 34 .0327 LICENSES AND CARDS NOT ISSUED TO PERSONS UNDER 18**

No license certificate, certified applicator's identification card or, registered technician's identification card, shall be issued to any person who is less than 18 years old.

*History Note: Authority G.S. 106-65.29; Eff. July 1, 1976; Readopted Eff. November 22, 1977; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 22, 2018; Amended Eff. February 1, 2025.*

**02 NCAC 34 .0604 WOOD-DESTROYING ORGANISMS RECORDS**

(a) A duplicate of each written agreement and waiver (if applicable) for the control or prevention of any wood-destroying organism shall be kept by the licensee for a minimum of two years beyond the expiration date of the written agreement. The duplicate of each written agreement shall contain, in addition to the information specified under 02 NCAC 34 .0605, the following:

- (1) EPA approved brand name of all pesticides used;
- (2) Names of all employees who applied a pesticide;
- (3) All record keeping requirements required by the EPA under 40 CFR Part 171.303(b)(7)(vi);
- (4) For restricted use pesticides, as defined in G.S. 106-65.24(21), the concentration and approximate total volume of each pesticide applied. For restricted use pesticides, this information, along with the information required by Subparagraphs (a)(1) and (2) of this Rule, shall also be included on the customer's copy of the written agreement; and
- (5) For all treatments performed pursuant to 02 NCAC 34 .0503, .0505, or .0506, the following records shall be made and maintained:
  - (A) the date of each termiticide application;

- (B) the portion or portions of the structure treated;
- (C) the approximate volume of termiticide applied during each treatment; and
- (D) the concentration at which the termiticide is applied.

(b) A duplicate of each wood-destroying insect or wood-destroying organism report shall be kept by the licensee for a minimum of two years beyond the date of issuance.

(c) Noncommercial certified applicators shall maintain the following records for two years beyond the last date of treatment:

- (1) EPA approved brand name of all pesticides used;
- (2) Concentration and approximate total volume of pesticides applied;
- (3) Names of all employees that applied pesticides;
- (4) Target pest(s);
- (5) Site of application;
- (6) Date of application; and
- (7) All record keeping requirements required by the EPA under 40 CFR Part 171.303(b)(7)(vi).

(d) If the pesticide used to control any wood-destroying organism requires or recommends monitoring or inspecting for the pest to be controlled, the licensee, certified applicator, or their employees shall make and maintain records of all such inspection or monitoring activities. Such records shall be made available for inspection as provided in 02 NCAC 34 .0328.

(e) For all treatments performed pursuant to 02 NCAC 34 .0505 or .0506, the licensee shall place, or cause to be placed, a record of treatment in the permit box or, if no box exists, with the building permit on the job site. The treatment record shall be on a form prescribed by the Division, which can be found at <https://www.ncagr.gov/divisions/structural-pest-control-and-pesticides/structural/forms> and shall include the following information:

- (1) Date of application(s);
- (2) Specific area(s) treated during each application;
- (3) Name of termiticide applied;
- (4) Approximate volume of termiticide applied; and
- (5) Date of final treatment.

*History Note: Authority G.S. 106-65.29; Eff. July 1, 1976; Readopted Eff. November 22, 1977; Amended Eff. August 3, 1992; January 1, 1989; August 1, 1980; Temporary Amendment Eff. January 10, 1997; Temporary Amendment Expired Eff. October 31, 1997; Amended Eff. July 1, 2004; August 1, 2002; July 1, 1998; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 22, 2018; Amended Eff. February 1, 2025.*

**02 NCAC 34 .0703 WRITTEN RECORDS OF HOUSEHOLD PEST CONTROL**

(a) Written records on the treatment for the control of all household pests shall be maintained by the licensee and made available for inspection at any time during regular business hours

upon request from the Structural Pest Control and Pesticides Division. Such records shall include the following information:

- (1) Name(s) and address(es) of the property owner(s) or his or her authorized representative(s);
- (2) Name and address of the company represented by the certified applicator or licensee, or their authorized representatives, and the license number of the licensee responsible for the treatment;
- (3) Address(es) of property(ies) treated, type(s) of treatment(s), and date(s) treatment(s) performed;
- (4) Common name(s) of pest(s) to be controlled or covered by the initial agreement or any subsequent treatments;
- (5) The EPA approved brand name of all pesticides used;
- (6) All record keeping requirements required by the EPA under 40 CFR Part 171 .0303(b)(7)(vi);
- (7) Name of licensee, certified applicator, or registered technician making the application; and
- (8) For "restricted use pesticides," as defined in G.S. 106-65.24(21), the information required by Subparagraphs (a)(5), (a)(6), and (a)(7) of this Rule shall also be included on the customer's copy of the written agreement or service record.

(b) Noncommercial certified applicators shall maintain and make available for inspection the following records of pesticides applied:

- (1) EPA approved brand name of all pesticides applied;
- (2) Target pest(s);
- (3) Site of application;
- (4) Date of application;
- (5) Name of certified applicator or registered technician making the application; and
- (6) All record keeping requirements required by EPA under 40 CFR Part 171.303(b)(7)(vi).

(c) Records shall be retained for two years beyond the last date of treatment.

*History Note: Authority G.S. 106-65.29;*

*Eff. July 1, 1976;*

*Readopted Eff. November 22, 1977;*

*Amended Eff. August 1, 2002; July 1, 1998; January 1, 1989;*

*August 20, 1980; August 1, 1980;*

*Readopted Eff. June 1, 2020;*

*Amended Eff. February 1, 2025.*

**02 NCAC 34 .0803 WRITTEN RECORDS OF FUMIGATION**

(a) Written records shall be maintained on all fumigation operations and be made available for inspection, upon request, by the enforcement agency or Structural Pest Control Committee anytime during regular business hours. Such records shall include the following information for each fumigation performed:

- (1) Name(s) and address(es) of the property owner(s) or his or her authorized representative(s);
- (2) Name and address of the company represented by the licensee or certified applicator, or their authorized representative, and the license number of the licensee responsible for the treatment;
- (3) Address of property(ies) to be fumigated;
- (4) Common name(s) of pest(s) to be fumigated;
- (5) EPA approved common name of fumigant used;
- (6) EPA registration number of fumigant applied;
- (7) If a restricted use pesticide is used, as defined by G.S. 106-65.24(21), all record keeping information required by the EPA under 40 CFR Part 171.303(b)(7)(vi);
- (8) Date and time of application;
- (9) Total amount of fumigant applied;
- (10) Name of licensee or certified applicator performing the fumigation;
- (11) For restricted use pesticides, the information required by Subparagraphs (a)(5), (6), (8), and (9) of this Rule shall also be included on the customers copy of the written agreement or service record; and
- (12) If the pest to be fumigated is a wood-destroying organism, all the requirements of Rule .0605 of this Chapter shall be followed.

(b) Noncommercial certified applicators shall maintain the following records of pesticides applied:

- (1) EPA approved brand name of all fumigants applied;
- (2) EPA registration number of fumigant applied;
- (3) Total amount of fumigant applied;
- (4) Name of certified applicator performing the fumigation;
- (5) Target pest(s);
- (6) Site of application;
- (7) Date and time of application; and
- (8) All record keeping information required by the EPA under 40 CFR Part 171.303(b)(7)(vi).

(c) Records must be retained for two years beyond the last date of treatment or the expiration of the written agreement, if applicable.

*History Note: Authority G.S. 106-65.29;*

*Eff. July 1, 1976;*

*Readopted Eff. November 22, 1977;*

*Amended Eff. August 1, 2002; July 1, 1998; January 1, 1989;*

*August 20, 1980; August 1, 1980;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 22, 2018;*

*Amended Eff. February 1, 2025.*

**02 NCAC 34 .0902 FINANCIAL RESPONSIBILITY**

(a) A licensee shall obtain and maintain a general liability insurance policy which covers structural pest control operations in progress and completed structural pest control operations. The

insurance policy must provide coverage for all employees that work for the licensee. If an insurance policy is issued to a structural pest control company that employs more than one licensee and the policy otherwise meets the standard set forth in this Rule, all licensees employed by the structural pest control company will be deemed to have insurance.

(b) The insurance policy required in Paragraph (a) of this Rule must provide the following minimum coverage:

- |     |                       |           |
|-----|-----------------------|-----------|
| (1) | Single limit          |           |
|     | Property Damage       | \$100,000 |
|     | Each Occurrence       |           |
|     | Bodily Injury         | \$300,000 |
|     | Each Occurrence       |           |
| (2) | Combined single limit | \$300,000 |
|     | Each Occurrence       |           |

(c) Each applicant for a license in any phase of structural pest control shall show evidence of his or her financial ability to the Structural Pest Control Division to indemnify persons adversely affected by the use or application of pesticides in the form of a Certificate of Insurance completed by the insurance company with the Division named as a certificate holder.

(d) The Certificate of Insurance shall set forth the type of coverage, limits of liability, and any exclusions of the policy and shall have an endorsement attached which indicates that the policy provides coverage for any pollution or contamination occurring as a result of the use or application of any pesticide, or shall state that such an endorsement has been issued with the policy.

(e) The license applicant shall be responsible for the submission of the Certificate of Insurance to the Division as specified in Paragraphs (c) and (d) of this Rule. No license shall be issued, reissued, or renewed until said Certificate of Insurance is received by the Division.

(f) The insurance policy(s) shall be with companies licensed, or otherwise approved to do business in North Carolina, by the NC Department of Insurance. The insurance policy shall be in full force and effect during the entire period covered by the license certificate. The license shall expire upon:

- (1) reduction of the available coverage under the policy below the minimum limits set forth in Paragraph (b) of this Rule;
- (2) cancellation of the policy; or
- (3) expiration of the policy.

Such expired license shall be reinstated only upon submission to the Division that the licensee has obtained the required Certificate of Insurance from the insurer, as required in this Rule.

(g) The licensee shall give the Division at least 10 days notice prior to the occurrence of the following:

- (1) cancellation of the policy;
- (2) material change in the policy; or
- (3) reduction of the available coverage under the policy below the minimum limits set forth in Paragraph (b) of this Rule.

(h) No structural pest control license shall be issued to any person when an outstanding and unpaid final judgment exists against said person resulting from any damages suffered by a plaintiff as the result of a misuse of a pesticide by said person. Any current and valid structural pest control license shall become null and void 180 days following the imposition of a final judgment awarding damages to any plaintiff resulting from a civil suit arising out of

losses suffered as the result of a pesticide misuse by the holder of said license, unless the final judgment is settled in full within said 180 days.

(i) Paragraphs (a) through (g) of this Rule shall not apply to any person holding an inactive license, as defined by Rule .0102(31) of this Chapter.

*History Note: Authority G.S. 106-65.37; Eff. July 1, 1976; Readopted Eff. November 22, 1977; Amended Eff. July 1, 1998; November 2, 1992; January 1, 1989; August 1, 1983; August 1, 1980; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 22, 2018; Amended Eff. February 1, 2025.*

**TITLE 10A - DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**10A NCAC 13F .1601 DEFINITIONS**

(a) As used in this Section, the following definitions shall apply:

- (1) "Demerits" means points which are subtracted from a facility's star rating calculation as set forth in the requirements of Rule .1604 of this Section.
- (2) "Merits" means points which are added to a facility's star rating calculation as set forth in the requirements of Rule .1604 of this Section.
- (3) "Standard deficiency" means a citation issued by the Division of Health Service Regulation to a facility for failure to comply with licensure rules and statutes governing adult care homes and the non-compliance does not meet the criteria of a Type A1, Type A2 or Type B violation defined in G.S. 131D-34.
- (4) "Star rated certificate" means a certificate issued by the Division of Health Service Regulation that includes a numerical score and corresponding number of stars issued to an adult care home based on the factors contained in G.S. 131D-10.
- (5) "Star rating" means the numerical score and corresponding number of stars a facility receives based on the factors contained in G.S. 131D-10.
- (6) "Star rating worksheet" means a document issued by the Division of Health Service Regulation which demonstrates how a facility's star rating was calculated in accordance with G.S. 131D-10(e) and Section .1600 of this Subchapter.
- (7) "Type A1 violation" means the term as defined in G.S. 131D-34.
- (8) "Type A2 violation" means the term as defined in G.S. 131D-34.
- (9) "Type B violation" means the term as defined in G.S. 131D-34.

*History Note: Authority G.S. 131D-4.5; 131D-10;  
Eff. July 3, 2008;  
Readopted Eff. August 1, 2025.*

**10A NCAC 13F .1602 ISSUANCE OF A STAR RATING**

- (a) A star rated certificate and worksheet shall be issued to a facility by the Division of Health Service Regulation within 45 days from the date that the Division mails the survey or inspection report to the facility, except when a request has been made by the facility under G.S. 131D-2.11 for informal dispute resolution. If a facility makes a request for informal dispute resolution, the Division of Health Service Regulation shall issue a star rating to the facility within 15 days from the date the Division mails the informal dispute decision to the facility.
- (b) If the ownership of the facility changes, the star rating in effect at the time of the change of ownership shall remain in effect until the next annual or biennial survey or until a new certificate is issued pursuant to Rule .1604(b) of this Subchapter.
- (c) The star rated certificate and worksheet the Division used to calculate the rating shall be displayed in a location visible to the public.
- (d) The star rating worksheet shall be posted on the Division of Health Service Regulation website.
- (e) The facility may contest the star rating by requesting a contested case hearing pursuant to Article 3 of G.S. 150B. The star rating and any subsequent star ratings shall remain in effect during any contested case hearing process.

*History Note: Authority G.S. 131D-4.5; 131D-10;  
Eff. July 3, 2008;  
Readopted Eff. August 1, 2025.*

**10A NCAC 13F .1603 STATUTORY AND RULE REQUIREMENTS AFFECTING STAR RATED CERTIFICATES**

The following Statutes and Rules comprise the standards that contribute to rated certificates:

- (1) G.S. 131D-21 Declaration of Resident's Rights;
- (2) Section .0300 of this Subchapter Physical Plant;
- (3) Section .0400 of this Subchapter Staff Qualifications;
- (4) Section .0700 of this Subchapter Admission and Discharge;
- (5) Section .0800 of this Subchapter Resident Assessment and Care Plan;
- (6) Section .0900 of this Subchapter Resident Care and Services;
- (7) Section .1000 of this Subchapter Medications;
- (8) Section .1300 of this Subchapter Special Care Units for Alzheimer's and Related Disorders;
- (9) Section .1500 of this Subchapter Use of Physical Restraints and Alternatives; and
- (10) Section .1800 of this Subchapter Infection Prevention and Control.

*History Note: Authority G.S. 131D-4.5; 131D-10;  
Eff. July 3, 2008;  
Readopted Eff. August 1, 2025.*

**10A NCAC 13F .1604 RATING CALCULATION**

- (a) Ratings shall be based on:
  - (1) Inspections completed pursuant to G.S. 131D-2.11(a) and (a1);
  - (2) Statutory and Rule requirements listed in Rule .1603 of this Section;
  - (3) Type A1, Type A2, or uncorrected Type B penalty violations identified pursuant to G.S. 131D-34; and
  - (4) Other items listed in Subparagraphs (c)(1) and (c)(2) of this Rule.
- (b) The initial rating a facility receives shall remain in effect until the next inspection. If an activity occurs which results in the assignment of additional merit or demerit points, a new certificate shall be issued pursuant to Rule .1602(a) of this Section.
- (c) The rating shall be based on a 100 point scale. Beginning with the initial rating and repeating with each annual or biennial inspection, the facility shall be assigned 100 points and shall receive merits or demerits, which shall be added or subtracted from the 100 points, respectively. The merits and demerits shall be assigned as follows:
  - (1) Merit Points
    - (A) If the facility corrects a standard deficiency of noncompliance with the statutes or rules listed in Rule .1603 of this Subchapter, the facility shall receive 1.25 merit points for each corrected deficiency;
    - (B) If the facility corrects a citation for which a Type B violation was identified, the facility shall receive 1.75 merit points;
    - (C) If the facility corrects a previously uncorrected Type B violation, the facility shall receive 1.75 merit points;
    - (D) If the facility corrects the citation for which a Type A1 or Type A2 violation was identified, the facility shall receive 5 merit points;
    - (E) If the facility corrects a previously uncorrected Type A1 or Type A2 violation, the facility shall receive 5 merit points;
    - (F) If the facility's admissions have been suspended, the facility shall receive 5 merit points if the suspension is removed;
    - (G) If the facility's license is restored to a full license after being downgraded to a provisional license, the facility shall receive 5 merit points;
    - (H) If the facility participates in any quality improvement program pursuant to G.S. 131D-10, the facility shall receive 2.5 merit points;
    - (I) If the facility establishes an ongoing resident council which meets at least quarterly, the facility shall receive .5 merit point;

- (J) If the facility establishes an ongoing family council which meets at least quarterly, the facility shall receive .5 merit point;
  - (K) If the facility's designated on-site staff member who directs the facility's infection control activities in accordance with G.S. 131D-4.4A has completed the "Infection Control in Long Term Care Facilities" course offered by the University of North Carolina Statewide Program for Infection Control and Epidemiology (SPICE) every two years, the facility shall receive .5 merit point;
  - (L) If the facility permanently installs a generator or has a contract with a generator provider to provide emergency power for essential functions of the facility, the facility shall receive 2 merit points. For purposes of this Rule, essential functions mean those functions necessary to maintain the health or safety of residents during power outages greater than 6 hours and include the fire alarm system, heating, lighting, refrigeration for medication storage, minimal cooking, elevators, medical equipment, computers, door alarms, special locking systems, sewage and well operation where applicable, sprinkler system, and telephones. If the facility has an existing permanently installed generator or an existing contract with a generator provider, the facility shall receive 1 merit point for maintaining the generator in working order or continuing the contract with a generator provider;
  - (M) If the facility installs automatic sprinklers in compliance with the North Carolina Building Code, and maintains the system in working order, the facility shall receive 3 merit points. If the facility has an existing automatic sprinkler, the facility shall receive 2 merit points for subsequent ratings for maintaining the automatic sprinklers in working order; and
  - (N) If the facility engages the services of a third-party company to conduct resident and family satisfaction surveys at least annually for the purpose of improving resident care, the facility shall receive 1 merit point. Resident and family satisfaction surveys shall not be conducted by any employees of the facility, or a third-party company affiliated with the facility. The satisfaction survey results shall be made available upon request and in a location accessible to residents and visitors in the facility.
- (2) Demerit Points
    - (A) For each standard deficiency of noncompliance with the statutes or rules listed in Rule .1603 of this Subchapter, the facility shall receive a demerit of 2 points. The facility shall receive demerit points only once for citations in which the findings are identical to those findings used for another citation;
    - (B) For each citation of a Type A1 or Type A2 violation, the facility shall receive a demerit of 10 points, and if the Type A1 or Type A2 violation remains uncorrected as result of a follow-up inspection, the facility shall receive an additional demerit of 10 points;
    - (C) For each citation of a Type B violation, the facility shall receive a demerit of 3.5 points and if the Type B violation remains uncorrected as the result of a follow-up inspection, the facility shall receive an additional demerit of 3.5 points;
    - (D) If the facility's admissions are suspended, the facility shall receive a demerit of 10 points; however, if the facility's admissions are suspended pursuant to G.S. 131D-2.7, the facility shall not receive any demerit points;
    - (E) If the facility's license is downgraded to a provisional license pursuant to G.S. 131D-2.7, the facility shall receive a demerit of 10 points;
    - (F) If the facility receives a notice of revocation against its license pursuant to G.S. 131D-2.7, the facility shall receive a demerit of 31 points; and
    - (G) If the facility's license is summarily suspended pursuant to G.S. 131D-2.7, the facility shall receive a demerit of 31 points.
- (d) Facilities shall be given a rating of zero to four stars depending on the score assigned pursuant to Paragraph (a), (b) or (c) of this Rule. Ratings shall be assigned as follows:
- (1) Four stars shall be assigned to any facility whose score is 100 points or greater on two consecutive annual or biennial inspections;
  - (2) Three stars shall be assigned for scores of 90 to 99.9 points, or for any facility whose score is 100 points or greater on one annual or biennial inspection;

- (3) Two stars shall be assigned for scores of 80 to 89.9 points;
- (4) One star shall be assigned for scores of 70 to 79.9 points; and
- (5) Zero stars shall be assigned for scores of 69.9 points or lower.

- (7) "Type A1 violation" means the term as defined in G.S. 131D-34.
- (8) "Type A2 violation" means the term as defined in G.S. 131D-34.
- (9) "Type B violation" means the term as defined in G.S. 131D-34.

*History Note: Authority G.S. 131D-4.5; 131D-10; Eff. July 3, 2008; Readopted Eff. August 1, 2025.*

*History Note: Authority G.S. 131D-4.5; 131D-10; Eff. July 3, 2008; Readopted Eff. August 1, 2025.*

**10A NCAC 13F .1605 CONTENTS OF STAR RATED CERTIFICATE**

- (a) The certificate shall contain a rating determined pursuant to Rule .1604 of this Subchapter.
- (b) The certificate or accompanying worksheet from which the score is derived shall contain a breakdown of the point merits and demerits by the factors listed in Rules .1603 and .1604(c) of this Subchapter in a manner that the public can determine how the rating was assigned and the factors that contributed to the rating.
- (c) The Division of Health Service Regulation shall issue the certificate pursuant to Rule .1602 of this Subchapter.

*History Note: Authority G.S. 131D-4.5; 131D-10; Eff. July 3, 2008; Readopted Eff. August 1, 2025.*

**10A NCAC 13G .1601 DEFINITIONS**

- (a) As used in this Section, the following definitions shall apply:
  - (1) "Demerits" means points which are subtracted from a facility's star rating calculation as set forth in the requirements of Rule .1604 of this Section.
  - (2) "Merits" means points which are added to a facility's star rating calculation as set forth in the requirements of Rule .1604 of this Section.
  - (3) "Standard deficiency" means a citation issued by the Division of Health Service Regulation to a facility for failure to comply with licensure rules and statutes governing adult care homes and the non-compliance does not meet the criteria of a Type A1, Type A2 or Type B violation defined in G.S. 131D-34.
  - (4) "Star rated certificate" means a certificate issued by the Division of Health Service Regulation that includes a numerical score and corresponding number of stars issued to an adult care home based on the factors contained in G.S. 131D-10.
  - (5) "Star rating" means the numerical score and corresponding number of stars a facility receives based on the factors contained in G.S. 131D-10.
  - (6) "Star rating worksheet" means a document issued by the Division of Health Service Regulation which demonstrates how a facility's star rating was calculated in accordance with G.S. 131D-10(e) and Section .1600 of this Subchapter.

**10A NCAC 13G .1602 ISSUANCE OF A STAR RATING**

- (a) A star rated certificate and worksheet shall be issued to a facility by the Division of Health Service Regulation within 45 days from the date that the Division mails the survey or inspection report to the facility, except when a request has been made by the facility under G.S. 131D-2.11 for informal dispute resolution. If a facility makes a request for informal dispute resolution, the Division of Health Service Regulation shall issue a star rating to the facility within 15 days from the date the Division mails the informal dispute decision to the facility.
- (b) If the ownership of the facility changes, the star rating in effect at the time of the change of ownership shall remain in effect until the next annual or biennial survey or until a new certificate is issued pursuant to Rule .1604(b) of this Subchapter.
- (c) The star rated certificate and worksheet the Division used to calculate the rating shall be displayed in a location visible to the public.
- (d) The star rating worksheet shall be posted on the Division of Health Service Regulation website.
- (e) The facility may contest the star rating by requesting a contested case hearing pursuant to Article 3 of G.S. 150B. The star rating and any subsequent star ratings shall remain in effect during any contested case hearing process.

*History Note: Authority G.S. 131D-4.5; 131D-10; Eff. July 3, 2008; Readopted Eff. August 1, 2025.*

**10A NCAC 13G .1603 STATUTORY AND RULE REQUIREMENTS AFFECTING STAR RATED CERTIFICATES**

The following Statutes and Rules comprise the standards that contribute to rated certificates:

- (1) G.S. 131D-21 Declaration of Resident's Rights;
- (2) Section .0300 of this Subchapter The Building;
- (3) Section .0400 of this Subchapter Staff Qualifications;
- (4) Section .0700 of this Subchapter Admission and Discharge;
- (5) Section .0800 of this Subchapter Resident Assessment and Care Plan;
- (6) Section .0900 of this Subchapter Resident Care and Services;
- (7) Section .1000 of this Subchapter Medications;
- (8) Section .1300 of this Subchapter Use of Physical Restraints and Alternatives; and
- (9) Section .1700 of this Subchapter Infection Prevention and Control.

*History Note: Authority G.S. 131D-4.5; 131D-10;  
Eff. July 3, 2008;  
Readopted Eff. August 1, 2025.*

**10A NCAC 13G .1604 RATING CALCULATION**

(a) Ratings shall be based on:

- (1) Inspections completed pursuant to G.S. 131D-2.11(a) and (a1);
- (2) Statutory and Rule requirements listed in Rule .1603 of this Section;
- (3) Type A1, Type A2, or uncorrected Type B penalty violations identified pursuant to G.S. 131D-34; and
- (4) Other items listed in Subparagraphs (c)(1) and (c)(2) of this Rule.

(b) The initial rating a facility receives shall remain in effect until the next inspection. If an activity occurs which results in the assignment of additional merit or demerit points, a new certificate shall be issued pursuant to Rule .1602(a) of this Section.

(c) The rating shall be based on a 100 point scale. Beginning with the initial rating and repeating with each annual or biennial inspection, the facility shall be assigned 100 points and shall receive merits or demerits, which shall be added or subtracted from the 100 points, respectively. The merits and demerits shall be assigned as follows:

(1) Merit Points

- (A) If the facility corrects a standard deficiency of noncompliance with the statutes or rules listed in Rule .1603 of this Subchapter, the facility shall receive 1.25 merit points for each corrected deficiency;
- (B) If the facility corrects a citation for which a Type B violation was identified, the facility shall receive 1.75 merit points;
- (C) If the facility corrects a previously uncorrected Type B violation, the facility shall receive 1.75 merit points;
- (D) If the facility corrects the citation for which a Type A1 or Type A2 violation was identified, the facility shall receive 5 merit points;
- (E) If the facility corrects a previously uncorrected Type A1 or A2 violation, the facility shall receive 5 merit points;
- (F) If the facility's admissions have been suspended, the facility shall receive 5 merit points if the suspension is removed;
- (G) If the facility's license is restored to a full license after being downgraded to a provisional license, the facility shall receive 5 merit points;
- (H) If the facility participates in any quality improvement program pursuant to G.S. 131D-10, the facility shall receive 2.5 merit points;

- (I) If the facility establishes an ongoing resident council which meets at least quarterly, the facility shall receive .5 merit point;
- (J) If the facility establishes an ongoing family council which meets at least quarterly, the facility shall receive .5 merit point;
- (K) If the facility's designated on-site staff member who directs the facility's infection control activities in accordance with G.S. 131D-4.4A has completed the "Infection Control in Long Term Care Facilities" course offered by the University of North Carolina Statewide Program for Infection Control and Epidemiology (SPICE) every two years, the facility shall receive .5 merit point;
- (L) If the facility permanently installs a generator or has a contract with a generator provider to provide emergency power for essential functions of the facility, the facility shall receive 2 merit points. For purposes of this Rule, essential functions mean those functions necessary to maintain the health or safety of residents during power outages greater than 6 hours and include the fire alarm system, heating, lighting, refrigeration for medication storage, minimal cooking, elevators, medical equipment, computers, door alarms, special locking systems, sewage and well operation where applicable, sprinkler system, and telephones. If the facility has an existing permanently installed generator or an existing contract with a generator provider, the facility shall receive 1 merit point for maintaining the generator in working order or continuing the contract with a generator provider;
- (M) If the facility installs automatic sprinklers in compliance with the North Carolina Building Code, and maintains the system in working order, the facility shall receive 3 merit points. If the facility has an existing automatic sprinkler, the facility shall receive 2 merit points for subsequent ratings for maintaining the automatic sprinklers in working order; and
- (N) If the facility engages the services of a third-party company to conduct resident and family satisfaction surveys at least annually for the

purpose of improving resident care, the facility shall receive 1 merit point. Resident and family satisfaction surveys shall not be conducted by any employees of the facility, or a third-party company affiliated with the facility. The satisfaction survey results shall be made available upon request and in a location accessible to residents and visitors in the facility.

(2) **Demerit Points**

- (A) For each standard deficiency of noncompliance with the statutes or rules listed in Rule .1603 of this Subchapter, the facility shall receive a demerit of 2 points. The facility shall receive demerit points only once for citations in which the findings are identical to those findings used for another citation;
- (B) For each citation of a Type A1 or Type A2 violation, the facility shall receive a demerit of 10 points, and if the Type A1 or Type A2 violation remains uncorrected as result of a follow-up inspection, the facility shall receive an additional demerit of 10 points;
- (C) For each citation of a Type B violation, the facility shall receive a demerit of 3.5 points and if the Type B violation remains uncorrected as the result of a follow-up inspection, the facility shall receive an additional demerit of 3.5 points;
- (D) If the facility's admissions are suspended, the facility shall receive a demerit of 10 points; however, if the facility's admissions are suspended pursuant to G.S. 131D-2.7, the facility shall not receive any demerit points;
- (E) If the facility's license is downgraded to a provisional license pursuant to G.S. 131D-2.7, the facility shall receive a demerit of 10 points;
- (F) If the facility receives a notice of revocation against its license pursuant to G.S. 131D-2.7, the facility shall receive a demerit of 31 points; and
- (G) If the facility's license is summarily suspended pursuant to G.S. 131D-2.7, the facility shall receive a demerit of 31 points.

- (2) Three stars shall be assigned for scores of 90 to 99.9 points, or for any facility whose score is 100 points or greater on one annual or biennial inspection;
- (3) Two stars shall be assigned for scores of 80 to 89.9 points;
- (4) One star shall be assigned for scores of 70 to 79.9 points; and
- (5) Zero stars shall be assigned for scores of 69.9 points or lower.

*History Note: Authority G.S. 131D-4.5; 131D-10; Eff. July 3, 2008; Readopted Eff. August 1, 2025.*

**10A NCAC 13G .1605 CONTENTS OF STAR RATED CERTIFICATE**

- (a) The certificate shall contain a rating determined pursuant to Rule .1604 of this Subchapter.
- (b) The certificate or accompanying worksheet from which the score is derived shall contain a breakdown of the point merits and demerits by the factors listed in Rules .1603 and .1604(c) of this Subchapter in a manner that the public can determine how the rating was assigned and the factors that contributed to the rating.
- (c) The Division of Health Service Regulation shall issue the certificate pursuant to Rule .1602 of this Subchapter.

*History Note: Authority G.S. 131D-4.5; 131D-10; Eff. July 3, 2008; Readopted Eff. August 1, 2025.*

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**TITLE 11 - DEPARTMENT OF INSURANCE**

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

- (a) A probationary certificate may be issued as a building inspector, electrical inspector, mechanical inspector, plumbing inspector, or fire inspector, as set forth in the rule in this Chapter specific to the type of probationary certificate being sought, to any newly employed or newly promoted code-enforcement official who lacks a standard certificate that covers the new position. A probationary certificate shall be issued for three years and shall not be renewed. During the three-year period, the official shall complete the requirements set forth in the rule in this Chapter specific to the type of probationary certificate being sought to qualify for the appropriate standard certificate. A probationary certificate shall authorize the official, during the effective period of the certificate, to hold the position of the type, level, and jurisdiction specified. A probationary certificate may be placed on inactive status by written request. While on inactive status, the code-enforcement official shall not administer nor enforce the State Building Code for the probationary certificate held. Once a probationary certificate is placed on inactive status, the three-year effective period is tolled. The certificate shall be conditioned on the applicant's completion of a high school diploma, or a high school equivalency certificate, and meeting one of the following:
  - (1) working under supervision sufficient, as determined by a supporting letter provided for

(d) Facilities shall be given a rating of zero to four stars depending on the score assigned pursuant to Paragraph (a), (b) or (c) of this Rule. Ratings shall be assigned as follows:

- (1) Four stars shall be assigned to any facility whose score is 100 points or greater on two consecutive annual or biennial inspections;

in 11 NCAC 08 .0706(b), to protect the public health and safety;

- (2) possessing a minimum of one year of design, construction, or inspection experience working under a certified inspector or under a licensed professional engineer, licensed architect, licensed contractor, or registered interior designer;
- (3) possessing one of the education or experience qualifications listed in the rule in this Chapter specific to the area of code enforcement for which the probationary certificate is issued; or
- (4) making a passing grade of at least 70 percent on courses for certification in building, electrical, fire, mechanical, or plumbing inspection at levels I, II, or III in each area of code enforcement for which the probationary certificate is issued.

(b) A probationary certificate as a residential changeout inspector set forth in 11 NCAC 08 .0734 may be issued to any employed code-enforcement official, whose employment can be verified pursuant to 11 NCAC 08 .0734(d)(2), who lacks a standard certificate as a residential changeout inspector and who successfully completes a residential changeout inspections course set forth in 11 NCAC 08 .0734(c)(3). A probationary certificate shall be issued for three years and shall not be renewed. During the three-year period, the official shall complete the requirements set forth in the rules in this Chapter, specific to an area of code enforcement, to qualify for the corresponding standard certificate. A probationary certificate as a residential changeout inspector shall authorize the inspector, during the effective period of the certificate, to hold the position set forth in 11 NCAC 08 .0734(a). A probationary certificate may be placed on inactive status by written request. While on inactive status, the code-enforcement official shall not administer nor enforce the State Building Code. Once a probationary certificate is placed on inactive status, the three-year effective period is tolled. The probationary certificate shall be conditioned on the applicant's completion of a high school diploma, or a high school equivalency certificate, and working under the direct supervision of a person who possesses, or persons who collectively possess, standard certificates as an electrical inspector III, mechanical inspector III, and plumbing inspector III, or an individual holding a residential changeout inspector certificate and five years of code enforcement experience.

*History Note: Authority G.S. 143-151.12(1); 143-151.12(2); 143-151.13; Eff. June 28, 1979; Amended Eff. December 1, 1982; Temporary Amendment Eff. January 1, 1983; For a Period of 120 Days to Expire on April 30, 1983; Amended Eff. December 1, 2017; July 18, 2002; October 1, 1992; February 1, 1991; May 1, 1983; Readopted Eff. July 1, 2019; Amended Eff. February 1, 2025; August 1, 2020.*

**11 NCAC 08 .0706 REQUIRED QUALIFICATIONS: TYPES AND LEVELS**

(a) Qualification Levels: With respect to all types of code-enforcement officials certified by the Board prior to January 1,

2025, those with Level I, Level II, or Level III certificates shall be qualified to inspect and approve only those buildings limited by the occupancy classification for Fire inspectors and by the occupancy classification, number of stories, and square feet (sf) per floor area of buildings for Building, Electrical, Mechanical, and Plumbing inspectors, as shown in Subparagraphs (a)(1) and (a)(2) of this Rule. Code-enforcement officials certified for Level I and II shall be authorized to inspect and approve these buildings until December 31, 2030. Any code-enforcement official with a probationary Level I or Level II certificate, who earns a Standard Level I or Level II certificate between January 1, 2025 and December 31, 2030, shall be qualified to inspect and approve only those buildings shown in Subparagraphs (a)(1) and (a)(2) of this Rule until December 31, 2030. As of January 1, 2031, code-enforcement officials certified for Level I and Level II shall continue to be certified at those same levels but shall be qualified to inspect and approve only those types of buildings shown in Subparagraph (a)(3) of this Rule. Standard Level III certificates shall be authorized to inspect and approve the types of buildings shown in Subparagraph (a)(3) of this Rule indefinitely.

- (1) Fire inspectors shall be limited to occupancy classifications, Highrise, and plan review as follows, except all Levels include Business, Mercantile, Residential, and Utility and Miscellaneous:
  - (A) Level I. Assembly (limited to 1 story/20,000 sf), Factory Industrial F-2, and Storage S-2. No Highrise or plan review.
  - (B) Level II. Assembly, Educational, Factory Industrial F-1 and F-2, and Storage S-1 and S-2. Plan review.
  - (C) Level III. Assembly, Educational, Factory Industrial F-1 and F-2, Hazardous, Institutional, and Storage S-1 and S-2. Highrise and plan review.
- (2) Building, Mechanical, Electrical and Plumbing inspectors shall be limited to occupancy classifications, number of stories, and square feet (sf) per floor as follows, except for any Level, there shall be no number of stories or square footage limit for one and two family dwellings and townhouses or Utility and Miscellaneous.
  - (A) Level I. Single (1) story/7,500 sf, for Assembly, Education, Institutional, and Residential Multi-unit. Single (1) story/20,000 sf, for Business, Factory Industrial, Mercantile, and Storage. Single (1) story/3,000 sf, for Hazardous.
  - (B) Level II. Single (1) story/10,000 sf, for Institutional; 20,000 sf, for Assembly, Education, and Hazardous; and, 60,000 sf, for Business, Factory Industrial, and Mercantile. Multi-story: 2 stories, maximum 20,000 sf per floor for Education and Hazardous. Multi-story: 3 stories,

maximum 10,000 sf per floor Institutional; and, unlimited sf Residential Multi-unit. Multi-story: 4 stories, maximum 20,000 sf per floor for Business, Factory Industrial, and Mercantile.

(C) Level III. Unlimited stories and sf per floor.

(3) With respect to all types of code-enforcement officials newly certified by the Board on or after January 1, 2025, those with Level I, Level II, or Level III certificates are qualified to inspect and approve buildings as follows except for any Level there shall be no number of stories or square footage limit for one and two family dwellings and townhouses or Utility and Miscellaneous:

(A) Level I inspectors shall be qualified to perform code-enforcement official duties for residential buildings up to three stories in height with no more than four dwelling units subject to the limitations for the type of inspector.

(B) Level II inspectors shall be qualified to perform code-enforcement official duties for commercial buildings subject to the limitations for the type of inspector.

(C) Level III inspectors shall be qualified to perform code-enforcement official duties for any residential or commercial building or structure subject to the limitations for the type of inspector.

(b) Whenever a provision of the rules in this Section requires a supporting letter (maximum of two per level) from a supervisor, the letter(s) shall be notarized, shall state the supervisor's qualifications (i.e., what type and level of certificate or license the supervisor holds), shall state that the applicant has worked under the supervisor's direct supervision for a specified period of time, and shall recommend certification of the applicant as a specified type and level of inspector upon satisfaction of other required qualifications. The supervisor shall describe the name, floor area, and number of stories of the buildings worked on by the applicant and shall describe the work performed by the applicant.

(c) References in the rules in this Section to professional engineer or licensed engineer means engineers licensed by the North Carolina State Board of Examiners for Engineers and Surveyors pursuant to Chapter 89C of the North Carolina General Statutes. References in the rules in this Section to registered architect means architects licensed by the Board of Architecture pursuant to Chapter 83A of the North Carolina General Statutes. References to licensed building, residential, electrical, heating, plumbing, and fire sprinkler contractors means contractors licensed by the State Licensing Board for General Contractors, the North Carolina State Board of Examiners of Electrical Contractors, or the North Carolina State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors, pursuant to Chapter 87 of the North Carolina General Statutes. References to

licensed "building" contractors do not include licensed "residential" contractors. Specialty licenses issued by these occupational licensing boards are applicable as prescribed by the inspector type and level contained in this Section. Applicants with licenses from other states or countries must provide a copy of their license and documentation to prove that the requirements of the other state or country are at least equivalent to the statewide licensing requirements of North Carolina occupational licensing boards.

(d) Whenever a provision of the rules in this Section requires the possession of an occupational license other than those certificates that are issued by the Board, if that license is inactive, the applicant must provide documentation from the appropriate occupational licensing board to prove that the applicant previously held the license and that the license is currently inactive.

(e) Whenever a provision of the rules in this Section requires inspector experience on a minimum number of buildings or systems, the experience must include all the inspections typically performed by an inspector during construction of the building or system. Inspections do not have to be performed on the same building.

(f) Whenever a provision of the rules in this Section requires a high school education or other education and experience qualifications, the Board may approve equivalent qualifications. Whenever a provision of the Rules in this Section requires the possession of a diploma or degree from an accredited college, university, or trade school, accredited shall mean accreditation from a regional accrediting association, for example, Southern Association of Colleges and Schools.

(g) Every applicant for a standard certificate shall:

(1) provide documentation that the applicant possesses a minimum of a high school education or a high school equivalency certificate; and

(2) provide notarized certification by a city or county manager, clerk, or director of inspection department that the applicant will be performing "code enforcement", as defined in G.S. 143-151.8(a)(3), as an employee of or under contract with that city or county jurisdiction; or provide certification by the head of the Engineering and Building Codes Division of the North Carolina Office of State Fire Marshal that the applicant will be performing "code enforcement", as defined in G.S. 143-151.8(a)(3), for a state department or agency; and

(3) make a passing grade of at least 70 percent on a law and administration course administered and taught by a Board-approved sponsor; and

(4) make a passing grade of at least 70 percent on courses for certification in building, electrical, fire prevention, mechanical, or plumbing inspection at Levels I, II, or III, unless exempted by 11 NCAC 08 .0707. For the purpose of entry into the state examination, courses must be completed within five years of the exam in Subparagraph (g)(5) of this Rule.

These courses shall be administered and taught by the North Carolina Office of State Fire Marshal and the North Carolina Community College System or other educational agencies accredited by a regional accrediting association; for example, Southern Association of Colleges and Schools; and

- (5) make a passing grade of 70 percent on the state examination administered by the Board for each inspector type and level of certification, unless exempted by 11 NCAC 08.0707.

*History Note: Authority G.S. 143-151.12(1); 143-151.12(9); 143-151.13; Eff. January 15, 1980; Amended Eff. August 1, 2004; July 18, 2002; February 1, 1991; August 1, 1990; July 1, 1983; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018; Amended Eff. February 1, 2025.*

**11 NCAC 08 .0707 SPECIAL CIRCUMSTANCES**

(a) Licensed Architect, Licensed General Contractor, Licensed Plumbing or Heating Contractor, Licensed Electrical Contractor, Licensed Professional Engineer. Applicants under this Paragraph shall be currently registered or licensed (as of June 13, 1977) by the State of North Carolina as an architect, a general contractor, a plumbing or heating contractor, an electrical contractor, or a professional engineer to receive certification. The standard certificate shall authorize the person to practice as a qualified code-enforcement official of the type and at the performance level determined by the Board to be appropriate, in accordance with the rule in this Chapter specific to that area of code enforcement, in light of the applicant's education, training, and experience.

(b) Certified Code-Enforcement Official From Another State. Pursuant to G.S. 143-151.14(a), the Board may issue a standard certificate to any person who holds a currently valid certificate as a qualified code-enforcement official from another state or territory whose standards are acceptable to the Board and not lower than those required of North Carolina applicants, under Article 9C of Chapter 143 of the North Carolina General Statutes, and all applicable administrative rules governing code-enforcement officials, and passes a state examination in the area and level of the standard certificate sought. The standard certificate shall authorize the person to practice as a qualified code-enforcement official of the type and at the performance level determined by the Board to be appropriate, in accordance with the area and level of the state examination passed by the applicant and the rule in this Chapter specific to that area of code enforcement, in light of the applicant's education, training, and experience.

(c) Certified Code-Enforcement Official with International Code Council (ICC) Certification. Pursuant to G.S. 143-151.14(b), the Board may issue a standard certificate to any person who is certified as a qualified code-enforcement official in good standing by the International Code Council where standards and examinations are acceptable to the Board and not lower than those required of North Carolina applicants, under Article 9C of Chapter 143 of the North Carolina General Statutes and all applicable administrative rules governing code-enforcement

officials, and passes a state examination in the area and level of the standard certificate sought. The standard certificate shall authorize the person to practice as a qualified code-enforcement official of the type and at the performance level determined by the Board to be appropriate, in accordance with the area and level of the state examination passed by the applicant and the rule in this Chapter specific to that area of code enforcement, in light of the applicant's education, training, and experience.

(d) Comity Applicants. Comity applicants as set out in in Paragraphs (b) and (c) of this Rule shall meet the experience requirements specified in the rule in this Chapter specific to the area and level of code enforcement sought to be eligible for comity consideration. The successful completion of a short course required by G.S. 143-151.14(c) concerning the State Building Code rules and code enforcement administration must be completed within three years to maintain any standard certificate issued due to comity. Standard certificates issued under comity shall expire if the required course is not completed within the three-year period.

(e) Applicants may submit other experience in the design, construction, installation or inspection of buildings and electrical, mechanical, plumbing, and fire systems for consideration as other special circumstances meeting the Board's requirements. The Board's Qualification and Evaluation Committee shall consider such experience on a case-by-case basis and make a recommendation to the Board.

*History Note: Authority G.S. 143-151.12(1); 143-151.12(3); 143-151.13; 143-151.14; Eff. January 15, 1980; Amended Eff. July 1, 1983; Readopted Eff. July 1, 2019; Amended Eff. February 1, 2025.*

**11 NCAC 08 .0737 BUILDING INSPECTOR LEVEL I, II AND III**

(a) A Building Inspector, Level I, (Residential), shall be qualified to perform code-enforcement official duties for residential buildings up to three stories in height with no more than four dwelling units, in accordance with the provisions of the North Carolina Residential Code.

(b) A Building Inspector, Level II, (Commercial), shall be qualified to perform code-enforcement official duties for commercial buildings up to four stories in height, except for hazardous and institutional occupancy classifications.

(c) A Building Inspector, Level III, shall be qualified to perform code-enforcement official duties for any residential or commercial building or structure occupancy classification.

(d) Building Inspector, Level I. A standard certificate, Building Inspector, Level I, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:

- (1) A license as a professional engineer, architect, residential or building contractor or a registered interior designer;
- (2) A one-year diploma in building construction from an accredited college or an equivalent apprenticeship or trade school program in building construction;

- (3) A two-year degree from an accredited college or university in building construction, electrical, mechanical, or plumbing contracting, construction management or engineering technology;
- (4) A four-year degree from an accredited college or university;
- (5) At least six months of residential inspection experience, with a probationary Level I building inspection certificate, on a minimum of two Level I buildings while working under the direct supervision of a standard certified building inspector I, II, or III, with a supporting letter from the applicant's supervisor which complies with of Rule .0706(b) of this Section;
- (6) At least one year of residential design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed professional engineer, architect, or residential or building contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (7) At least two years of residential design, construction, or inspection experience while working under a licensed residential contractor;
- (8) At least two years of experience as an owner, manager, supervisor, or qualifier, as that term is defined in G.S. 87-10(b), of a residential construction company, who has a license as a residential contractor, and who has construction experience on a minimum of two Level I buildings (this does not include a business partner providing monetary backing for the company);
- (9) At least two years of construction experience as a subcontractor or employee of a residential contractor in the building trades, or work in building construction, on a minimum of two Level I buildings and under the direct supervision of a licensed residential contractor who at that time had at least three years of experience;
- (10) At least one year of experience with a probationary Level I building inspection certificate inspecting residential construction on a minimum of two Level I buildings.

- (3) A two-year degree from an accredited college or university in architecture, civil or architectural engineering, building construction, or construction management and at least one year of building design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified building inspector II or III, licensed engineer, architect, or building contractor;
- (4) A four-year degree from an accredited college or university and at least one year of design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified building inspector II or III, licensed professional engineer, architect, or building contractor;
- (5) At least six months of commercial inspection experience with a probationary Level II building inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a standard certified building inspector II or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (6) At least one year of commercial design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed professional engineer, architect, or building contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (7) At least two years of commercial building inspection experience including one year of inspection experience with a probationary Level II building inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified building inspector II or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (8) At least two years of commercial building design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed engineer, registered architect, or licensed intermediate or unlimited building contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or
- (9) At least one year of experience with a probationary Level II building inspection certificate inspecting construction of a minimum of two Level II buildings.

(e) Building Inspector, Level II. A standard certificate, building inspector, Level II, shall be issued to any applicant who complies with Rule .0706(b) through (g) and who provides documentation that the applicant possesses one of the following:

- (1) A license as a professional engineer, architect, building contractor or registered interior designer;
- (2) A one-year diploma in building construction from an accredited college or an equivalent apprenticeship or trade school program in building construction;

(f) Building Inspector, Level III. A standard certificate, building inspector, Level III, shall be issued to any applicant who complies

with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) A license as a professional engineer, architect, or unlimited building contractor with design, construction, or inspection experience on a minimum of two Level III buildings and specialization in architecture, civil or architectural engineering, or fire protection engineering;
- (2) A four-year degree from an accredited college or university in architecture, civil or architectural engineering, building construction or construction management and at least one year of building design, construction, or inspection experience while working under the direct supervision of a certified building inspector III, licensed professional engineer, architect, or unlimited building contractor, at least at the level of supervisor in responsible charge of a minimum of two Level III buildings;
- (3) A two-year degree from an accredited college or university in architecture, civil or architectural engineering, building construction, or construction management and at least three years of building design, construction, or inspection experience while working under the direct supervision of a certified building inspector III, licensed professional engineer, architect, or unlimited building contractor with at least one year at the level of supervisor in responsible charge of a minimum of two Level III buildings;
- (4) At least four years of inspection experience including one year of building inspection experience with a probationary Level III building inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified building inspector III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (5) At least four years of building design, construction, or inspection experience while working under the direct supervision of a licensed engineer, architect, or unlimited building contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or
- (6) At least one year of experience with a probationary Level III building inspection certificate inspecting the construction of a minimum of two Level III buildings.

History Note: Authority G.S. 143-151.12(1); 143-151.12(3); 143-151.13; Eff. February 1, 2025.

**11 NCAC 08 .0738 ELECTRICAL INSPECTOR LEVEL I, II AND III**

(a) An Electrical Inspector, Level I, (Residential) shall be qualified to perform code-enforcement official duties for electrical systems that serve individual residential dwelling units and equipment including its accessory structures and equipment, except for those systems described in Paragraph (b) or (c) of this Rule.

(b) An Electrical Inspector, Level II, (Commercial) shall be qualified to perform code-enforcement official duties for electrical systems that serve non-residential structures and equipment including common areas of multi-family residential structures, except for those systems described in Paragraph (a) or (c) of this Rule.

(c) An Electrical Inspector, Level III, (Special Systems) shall be qualified to perform code-enforcement official duties for any residential or commercial building or structure and the following special systems:

- (1) Photovoltaic systems
- (2) Electrical power production facilities and equipment with a generating capacity of 5,000 kW or greater.

(d) Electrical Inspector, Level I. A standard certificate, electrical inspector, Level I, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:

- (1) A one-year diploma in electrical construction from an accredited college or an equivalent apprenticeship or trade school program in electrical construction;
- (2) A four-year degree from an accredited college or university;
- (3) At least six months of electrical inspection experience with a probationary Level I electrical inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified electrical inspector I or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (4) At least one year of electrical design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed professional engineer or licensed electrical contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (5) A restricted (one family dwelling) license or license as an electrical contractor;
- (6) At least two years of electrical installation or inspection experience while working under a licensed electrical contractor; or
- (7) At least one year of experience with a probationary Level I electrical inspection

certificate inspecting electrical installations on a minimum of two Level I buildings.

(e) Electrical Inspector, Level II. A standard certificate, electrical inspector, Level II, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:

- (1) A license as a professional engineer;
- (2) A four-year degree from an accredited college or university in electrical engineering or electrical construction;
- (3) A four-year degree from an accredited college or university and at least two years of electrical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified electrical inspector II or III, licensed engineer, or intermediate or unlimited licensed electrical contractor;
- (4) A two-year degree from an accredited college or university in electrical engineering or electrical construction and at least two years of electrical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified electrical inspector II or III, licensed engineer, or intermediate or unlimited licensed electrical contractor;
- (5) An intermediate or unlimited license as an electrical contractor with experience on a minimum of two Level II buildings;
- (6) At least three years of electrical inspection experience including one year of inspection experience with a probationary Level II electrical inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified electrical inspector II or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section
- (7) At least three years of electrical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed professional engineer or licensed intermediate or unlimited electrical contractor, with a supporting letter from the applicant's supervisor which complies Rule .0706(b) of this Section; or
- (8) At least one year of experience with a probationary Level II electrical inspection certificate inspecting electrical installations on a minimum of two Level II buildings.

(f) Electrical Inspector, Level III. A standard certificate, electrical inspector, Level III, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:

- (1) A license as a professional engineer with design, construction, or inspection experience

on Level III buildings and specialization in electrical engineering;

- (2) A four-year degree from an accredited university in electrical engineering or electrical construction and at least one year of electrical design, installation, or inspection experience while working under the direct supervision of a certified electrical inspector III, licensed professional engineer, or licensed unlimited electrical contractor at least at the level of supervisor in responsible charge of a minimum of two Level III buildings;
- (3) A two-year degree from an accredited college or university in electrical engineering or electrical construction and at least three years of electrical design, installation, or inspection experience while working under the direct supervision of a certified electrical inspector III, licensed professional engineer, or licensed unlimited electrical contractor with at least one year at the level of supervisor in responsible charge of a minimum of two Level III buildings;
- (4) An unlimited license as an electrical contractor with experience on a minimum of two Level III buildings;
- (5) At least four years of electrical inspection experience including one year of inspection experience with a probationary Level III electrical inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified electrical inspector III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (6) At least four years of electrical design, construction, or inspection experience while working under the direct supervision of a licensed professional engineer or licensed unlimited electrical contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or
- (7) At least one year of experience with a probationary Level III electrical inspection certificate inspecting the electrical installations of a minimum of two Level III buildings.

*History Note: Authority G.S. 143-151.12(1); 143-151.12(3); 143-151.13; Eff. February 1, 2025.*

**11 NCAC 08 .0739 MECHANICAL INSPECTOR LEVEL I, II AND III**

(a) A Mechanical Inspector, Level I, (Residential), shall be qualified to perform code-enforcement official duties in

accordance with the provisions of the North Carolina Residential Code.

(b) A Mechanical Inspector, Level II, (Commercial) shall be qualified to perform code-enforcement official duties in accordance with the provisions of the North Carolina Mechanical Code, North Carolina Fuel Gas Code, and the North Carolina Energy Conservation Code.

(c) A Mechanical Inspector, Level III, shall be qualified to perform code-enforcement official duties in accordance with the provisions of the North Carolina Residential Code, North Carolina Mechanical Code, North Carolina Fuel Gas Code, and the North Carolina Energy Conservation Code for any residential or commercial building or structure.

(d) Mechanical Inspector, Level I. A standard certificate, mechanical inspector, Level I, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:

- (1) A one-year diploma in mechanical construction from an accredited college or an equivalent apprenticeship or trade school program in mechanical construction;
- (2) A four-year degree from an accredited college or university;
- (3) At least six months of mechanical inspection experience with a probationary Level I mechanical inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified mechanical inspector I or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (4) At least one year of mechanical design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed professional engineer or licensed Class I mechanical contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (5) An H-1, H-2, or H-3 Class I license as a mechanical contractor;
- (6) At least two years of mechanical installation or inspection experience while working under a Class I H-1, H-2, or H-3 licensed mechanical contractor; or
- (7) At least one year of experience with a probationary Level I mechanical inspection certificate inspecting mechanical installations on a minimum of two Level I buildings.

(e) Mechanical Inspector, Level II. A standard certificate, mechanical inspector, Level II, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:

- (1) A license as a professional engineer;

(2) A four-year degree from an accredited college or university in mechanical engineering or mechanical construction;

(3) A four-year degree from an accredited college or university and at least two years of mechanical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified mechanical inspector II or III, licensed professional engineer, or licensed Class I mechanical contractor;

(4) A two-year degree from an accredited college or university in mechanical engineering or mechanical construction and at least two years of mechanical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified mechanical inspector II or III, licensed professional engineer, or licensed Class I mechanical contractor;

(5) An H-1, H-2, or H-3 Class I license as a mechanical contractor with experience on a minimum of two Level II buildings;

(6) At least three years of mechanical inspection experience including one year of inspection experience with a probationary Level II mechanical inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified mechanical inspector II or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;

(7) At least three years of mechanical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed professional engineer or licensed Class I H-1, H-2, or H-3 mechanical contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or

(8) At least one year of experience with a probationary Level II mechanical inspection certificate inspecting mechanical installations on a minimum of two Level II buildings.

(f) Mechanical Inspector, Level III. A standard certificate, mechanical inspector, Level III shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:

(1) A license as a professional engineer, with design, construction, or inspection experience on Level III buildings and specialization in mechanical engineering;

(2) A four-year degree from an accredited university in mechanical engineering or mechanical construction and at least one year of

mechanical design, installation, or inspection experience while working under the direct supervision of a certified mechanical inspector III, licensed professional engineer, or licensed Class I H-1, H-2, and H-3 mechanical contractor at least at the level of supervisor in responsible charge of a minimum of two Level III buildings;

- (3) A two-year degree from an accredited college or university in mechanical engineering or mechanical construction and at least three years of mechanical design, installation, or inspection experience while working under the direct supervision of a certified mechanical inspector III, licensed professional engineer, or licensed Class I H-1, H-2, and H-3 mechanical contractor with at least one year at the level of supervisor in responsible charge of a minimum of two Level III buildings;
- (4) H-1, H-2, and H-3 Class I licenses as a mechanical contractor with experience on a minimum of two Level III buildings;
- (5) At least four years of mechanical inspection experience including one year of inspection experience with a probationary Level III mechanical inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified mechanical inspector III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (6) At least four years of mechanical design, construction, or inspection experience while working under the direct supervision of a licensed professional engineer or licensed Class I H-1, H-2, and H-3 mechanical contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or
- (7) At least one year of experience with a probationary Level III mechanical inspection certificate inspecting the mechanical installations of a minimum of two Level III buildings.

*History Note:* Authority G.S. 143-151.12(1); 143-151.12(3); 143-151.13;  
Eff. February 1, 2025.

**11 NCAC 08 .0740 PLUMBING INSPECTOR LEVEL I, II AND III**

(a) A Plumbing Inspector, Level I, (Residential), shall be qualified to perform code-enforcement official duties for residential buildings up to three stories in height with no more than four dwelling units in accordance with the provisions of the

North Carolina Residential Code, including NFPA 13D residential sprinkler systems.

(b) A Plumbing Inspector, Level II, (Commercial), shall be qualified to perform code-enforcement official duties for commercial buildings up to four stories in height.

(c) A Plumbing Inspector, Level III, shall be qualified to perform code-enforcement official duties for any residential or commercial building or structure.

(d) Plumbing Inspector, Level I. A standard certificate, plumbing inspector, Level I, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:

- (1) A one-year diploma in plumbing construction from an accredited college or an equivalent apprenticeship or trade school program in plumbing construction;
- (2) A four-year degree from an accredited college or university;
- (3) At least six months of plumbing inspection experience with a probationary Level I plumbing inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified plumbing inspector I or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (4) At least one year of plumbing design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed professional engineer or licensed Class I plumbing contractor with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (5) A Class I license as a plumbing contractor;
- (6) At least two years of plumbing installation or inspection experience while working under a licensed Class I plumbing contractor; or
- (7) At least one year of experience with a probationary Level I plumbing inspection certificate inspecting plumbing installations a minimum of two Level I buildings.

(e) Plumbing Inspector, Level II. A standard certificate, plumbing inspector, Level II, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:

- (1) A license as a professional engineer;
- (2) A four-year degree from an accredited college or university in mechanical engineering or mechanical or plumbing construction;
- (3) A four-year degree from an accredited college or university and at least two years of plumbing design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified plumbing inspector II or III, licensed professional engineer, or licensed Class I plumbing contractor;

- (4) A two-year degree from an accredited college or university in mechanical engineering or mechanical or plumbing construction and at least two years of plumbing design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified plumbing inspector II or III, licensed professional engineer, or licensed Class I plumbing contractor;
- (5) A Class I license as a plumbing contractor with experience on a minimum of two Level II buildings;
- (6) At least three years of plumbing inspection experience including one year of inspection experience with a probationary Level II plumbing inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified plumbing inspector II or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (7) At least three years of plumbing design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed professional engineer or licensed Class I plumbing contractor with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or
- (8) At least one year of experience with a probationary Level II plumbing inspection certificate inspecting plumbing installations on a minimum of two Level II buildings.

(f) Plumbing Inspector, Level III. A standard certificate, plumbing inspector, Level III shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:

- (1) A license as a professional engineer with design, construction, or inspection experience on Level III buildings and specialization in mechanical engineering;
- (2) A four-year degree from an accredited university in mechanical engineering or mechanical or plumbing construction and at least one year of plumbing design, installation, or inspection experience while working under the direct supervision of a certified plumbing inspector III, licensed professional engineer, or licensed Class I plumbing contractor at least at the level of supervisor in responsible charge of a minimum of two Level III buildings;
- (3) A two-year degree from an accredited college or university in mechanical engineering or plumbing construction and at least three years of plumbing design, installation, or inspection experience while working under the direct supervision of a certified plumbing inspector

III, licensed professional engineer, or licensed Class I plumbing contractor, with at least one year at the level of supervisor in responsible charge of a minimum of two Level III buildings;

- (4) A Class I license as a plumbing contractor with experience on a minimum of two Level III buildings;
- (5) At least four years of plumbing inspection experience including one year of inspection experience with a probationary Level III plumbing inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified plumbing inspector III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (6) At least four years of plumbing design, construction, or inspection experience while working under the direct supervision of a licensed professional engineer or licensed Class I plumbing contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or
- (7) At least one year of experience with a probationary Level III plumbing inspection certificate inspecting the plumbing installations of a minimum of two Level III buildings.

*History Note: Authority G.S. 143-151.12(1); 143-151.12(3); 143-151.13; Eff. February 1, 2025.*

**11 NCAC 08 .0741 FIRE INSPECTOR LEVEL I, II AND III**

(a) A Fire Inspector, Level I, shall be qualified to perform code-enforcement official duties of operational permit issuance, field inspection, and related code enforcement activities for existing Assembly (limited to 1 story, 20,000 sf), Business, Mercantile, Residential, Utility and Miscellaneous occupancies, and other existing facilities, premises, and structures within those occupancies as required. A Fire Inspector Level I is not authorized to conduct inspections on high-rise buildings, inspections on new construction, or plan review for any occupancy.

(b) A Fire Inspector, Level II, shall be qualified to perform code-enforcement official duties of plan review, permit issuance, field inspection, certificate of compliance and occupancy, change of occupancy and code-enforcement activities for existing building occupancies and new construction. A Fire Inspector, Level II, is limited to Assembly, Business, Educational, Factory-Industrial, Mercantile, Residential, Storage, Utility and Miscellaneous, and other facilities, premises, and structures within those occupancies as required. A Fire Inspector, Level II, is not authorized to conduct plan review or inspections of high-rise buildings, institutional, or hazardous occupancies.

(c) A Fire Inspector, Level III, shall be qualified to perform code-enforcement official duties of plan review, permit issuance, field inspection, certificate of compliance and occupancy, change of occupancy, and related code-enforcement activities for any existing or new occupancy classification and other facilities, premises, and structures within those occupancies as required.

(d) The level of certification required for buildings with multiple occupancy classifications shall be assigned based on the highest level required as indicated in Paragraphs (a) through (c) of this Rule.

(e) Fire Inspector, Level I. A standard certificate, fire inspector, Level I, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) A one-year diploma in fire science from an accredited college or an equivalent certificate of completion from an apprenticeship or trade school program in fire science;
- (2) A four-year degree from an accredited college or university;
- (3) At least six months of fire inspection experience with a probationary Level I fire inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified fire inspector Level I, II, or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (4) At least one year of fire protection design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed professional engineer, licensed architect, or licensed building, electrical, or fire sprinkler contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (5) A license as a fire sprinkler contractor;
- (6) At least two years of construction or inspection experience in fire protection systems while working under a licensed building, electrical, or fire sprinkler contractor;
- (7) At least one year of experience with a probationary Level I fire inspection certificate conducting fire inspections on a minimum of two Level I buildings;
- (8) At least four years of experience in fire suppression activities for a city, county, volunteer, or other governmental fire department; or
- (9) Firefighter Level II certification under the North Carolina State Fire and Rescue Commission with at least one year of fire inspection experience in Level I buildings.

(f) Fire Inspector, Level II. A standard certificate, fire inspector, Level II, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides

documentation that the applicant possesses one of the following education and experience qualifications:

- (1) A license as a professional engineer or architect;
- (2) A four-year degree from an accredited college or university in architecture, civil or architectural engineering, building construction, or fire science;
- (3) A four-year degree from an accredited college or university and at least two years of fire protection design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified fire inspector Level II or III, licensed professional engineer, architect, intermediate or unlimited licensed building contractor, or licensed fire sprinkler contractor;
- (4) A two-year degree from an accredited college or university in architecture, civil or architectural engineering, building construction, construction management or fire science and at least two years of fire protection design, construction, or inspection experience on a minimum of two Level II building fire protection systems while working under the direct supervision of a certified fire inspector Level II or III, licensed professional engineer, architect, intermediate or unlimited licensed building contractor, or licensed fire sprinkler contractor;
- (5) A license as a fire sprinkler contractor with experience on a minimum of two Level II buildings;
- (6) At least three years of fire inspection experience including at least one year of inspection experience with a probationary Level II fire inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified fire inspector II or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (7) At least three years of fire protection system design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed professional engineer, architect, licensed intermediate or unlimited building contractor, or licensed fire sprinkler contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (8) At least one year of experience with a probationary Level II fire inspection certificate conducting fire inspections on a minimum of two Level II buildings; or
- (9) Completion of the basic, intermediate, and advanced classes of the North Carolina Fire

Prevention School with at least three years of fire inspection experience in Level II buildings.

(g) Fire Inspector, Level III. A standard certificate, fire inspector, Level III, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) A license as a professional engineer or architect with design, construction, or inspection experience on Level III buildings and specialization in architecture, civil or architectural engineering, or fire protection engineering;
- (2) A four-year degree from an accredited college or university in civil, architectural, construction management or fire protection engineering and at least one year of fire inspection experience while working under a certified fire inspector III, licensed professional engineer, architect, or licensed fire sprinkler contractor on a minimum of two Level III buildings;
- (3) A two-year degree from an accredited college or university in civil, architectural, or fire protection engineering and at least three years of fire protection design, installation, or inspection experience while working under the direct supervision of a certified fire inspector Level III, licensed professional engineer, architect, licensed unlimited building contractor, or licensed fire sprinkler contractor with at least one year in responsible charge of a minimum of two Level III buildings;
- (4) A license as a fire sprinkler contractor with experience on a minimum of two Level III buildings;
- (5) At least four years of fire inspection experience in fire protection systems including one year of inspection experience with a probationary Level III fire inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified fire inspector Level III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (6) At least four years of fire protection system design, construction, or inspection experience while working under the direct supervision of a licensed professional engineer, architect, licensed intermediate or unlimited building contractor, or licensed fire sprinkler contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or
- (7) At least one year of experience with a probationary Level III fire inspection certificate

conducting fire inspections on a minimum of two Level III buildings.

*History Note: Authority G.S. 143-151.12(1); 143-151.12(3); 143-151.13; Eff. February 1, 2025.*

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**TITLE 12 - DEPARTMENT OF JUSTICE**

**12 NCAC 10B .0305 BACKGROUND INVESTIGATION**

(a) Prior to employment, an agency shall complete a background investigation on all applicants for certification. The investigation shall determine whether the applicant is of good moral character pursuant to Rule .0301(12) of this Section. This examination includes completion of the Commission's Personal History Statement Form (F-3) and Mandated Background Investigation Form (F-8), ensuring the proper certification and criminal history record check required by each.

(b) Prior to the investigation, the applicant shall complete the Commission's Personal History Statement Form (F-3) to provide a basis for the investigation. The agency shall certify that the results of the background investigation are consistent with the information provided by the applicant on the Personal History Statement Form (F-3). The agency shall then give the applicant the opportunity to update the Personal History Statement Form (F-3) prior to submission to the Division.

(c) The agency shall utilize an investigator with experience or training in conducting background investigations. The investigator shall document the results of the investigation on the Mandated Background Investigation Form (F-8) which shall include information concerning the following:

- (1) biographical information;
- (2) family;
- (3) education;
- (4) employment;
- (5) criminal history including:
  - (A) a statewide search of the Administrative Office of the Courts (AOC) computerized system;
  - (B) a search of the national criminal record database accessible through the Division of Criminal Information (DCI) network;
  - (C) where the applicant resided in a state other than North Carolina, a records check through the Division of Criminal Information (DCI) using the Out-of-State Computer Name Query (IQ) shall be accepted if the state will respond to an Out-of-State Computer Name Query. If not, then either a records check response from both the municipality, city, or town, where the applicant resided and the county-wide Sheriff's Office or Police Department obtained by mail, facsimile, or electronic mail, or a records check

from the county-wide or state-wide record holding agency shall be acceptable;

- (6) military service history. If the applicant had prior military service, the background investigation shall include a copy of the applicant's DD214, Certificate of Release from Active Duty, that shows the characterization of discharge for each discharge that occurred and military discipline received, if any. If the DD214 indicates a discharge characterization of any type other than Honorable, then a military records check for any arrests or charges from the military shall also be required;
- (7) credit history;
- (8) fingerprint criminal history records check results pursuant to Rule .0303 of this Section;
- (9) driving history including a search of:
  - (A) the North Carolina Division of Motor Vehicles, if the applicant has ever possessed a driver's license in North Carolina; and
  - (B) an out-of-state- motor vehicles check obtained through the Division of Criminal Information (DCI) or obtained through another state's division of motor vehicles agency for any state in which the applicant held a license;
- (10) prior applications to law enforcement agencies;
- (11) civil court history;
- (12) applicant interview;
- (13) interviews with the applicant's references; and
- (14) a summary of the investigator's findings and conclusions regarding the applicant's moral character known to the agency or listed on the applicant's Personal History Statement (F-3).

(d) If a criminal record is found, criminal records shall be obtained from the Clerk of Court, a law enforcement agency within the jurisdiction, or other governmental entity that maintains or has access to criminal records for the jurisdiction.

(e) Records checks shall be performed on each name by which the applicant for certification has been known since obtaining the age of majority. If the applicant has had an official name change that occurred after the applicant reached the age of majority, then a copy of the legal document effecting the name change shall be obtained by the employing agency.

(f) The Mandated Background Investigation Form (F-8) shall be completed within 120 days of employment. If the investigator signs the form more than 120 days prior to the applicant's date of employment, then the investigator will certify with a notarized statement on their agency letterhead that all information on the form has been updated or a new F-8 shall be completed.

(g) The employing agency shall include a form or letter signed and notarized by the applicant that authorizes the Division staff to obtain documents and records pertaining to the applicant for certification that may be required in order to determine whether certification may be granted and authorizes entities maintaining such records to release them to the Division. A sample release

authorization form is available on the Division's website at no cost: <https://ncdoj.gov/law-enforcement-training/sheriffs/all-commission-forms-publications/>.

(h) The employing agency shall provide to the Division staff the results of a completed and processed form AOC-CR-280, Law Enforcement Application for Verification of Expunction under G.S. 15A-145.4, 15A-145.5, 15A-145.6, 15A-145.8A or 15A-146, for each applicant presented for certification. The AOC-CR-280 form is available on the Commission's website at no cost: <https://ncdoj.gov/law-enforcement-training/sheriffs/all-commission-forms-publications/>.

(i) The applicant's notarized Personal History Statement (F-3) shall be completed within 120 days of employment. If the form is completed more than 120 days prior to the applicant's date of employment, the Personal History Statement (F-3) shall be updated by the applicant, who shall initial and date all changes no more than 120 days prior to employment or a new Personal History Statement (F-3) shall be completed.

*History Note: Authority G.S. 17E-7; Eff. January 1, 1989; Amended Eff. January 1, 2010; January 1, 2009; January 1, 2007; August 1, 2002; January 1, 1994; January 1, 1993; January 1, 1992; January 1, 1990; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018; Amended Eff. February 1, 2025; April 1, 2023; January 1, 2023; June 1, 2021.*

**12 NCAC 10B .0408 VERIFICATION OF RECORDS TO DIVISION**

(a) Before the Division will issue certification of a justice officer, the employing agency shall submit to the Division the following documents:

- (1) the Report of Appointment (F-4);
- (2) a copy of the applicant's Oath of Office, if applying for certification as a deputy sheriff;
- (3) documentation of the applicant's compliance with the probationary certification requirements pursuant to Rule .0403(f) of this Section by submitting the applicant's Firearms Qualification Record, Form F-9A, if the applicant is a deputy sheriff or a detention officer and is authorized by the sheriff to carry a firearm;
- (4) the results of the fingerprint criminal history records check of the applicant pursuant to Rule .0303 of this Subchapter;
- (5) the applicant's processed Administrative Office of the Courts' AOC-CR-280 form as set forth in Rule .0305 of this Subchapter;
- (6) the applicant's Release Authorization as set forth in Rule .0305 of this Subchapter;
- (7) copies of court documentation and final disposition from the Clerk of Court in the county of adjudication of all criminal offenses for which the applicant was charged, arrested, pleads no contest, pleads guilty, or of which the applicant was found guilty. This shall include

traffic offenses identified as a class B misdemeanor as defined in Rule .0103(17)(b) of this Subchapter and offenses of driving under the influence (DUI) or driving while impaired (DWI);

- (8) a notarized written statement from the applicant providing a description of the circumstances surrounding all criminal offenses identified pursuant to Subparagraph (7) of this Paragraph; and
- (9) the applicant's Personal History Statement (F-3) if the applicant reports any charges as referenced in Subparagraph (7) of this Paragraph or any expunged charges pursuant to Subparagraph (5) of this Paragraph.

(b) Compliance with this Rule is waived, with the exception of the requirements of Subparagraphs (a)(1), (2), and (3) of this Rule for officers applying for dual certification as defined in Rule .0103(9) of this Subchapter provided that:

- (1) the officer holds a valid certification issued by this Commission as either a deputy sheriff, detention officer, or telecommunicator, with the employing agency requesting dual certification; and
- (2) the officer has continuously been employed as a justice officer with the agency.

*History Note: Authority G.S. 17E-4; 17E-7; Eff. January 1, 1989; Recodified from 12 NCAC 10B .0407 Eff. January 1, 1991; Amended Eff. January 1, 1996; January 1, 1994; January 1, 1993; January 1, 1992; Temporary Amendment Eff. March 1, 1998; Amended Eff. August 1, 2002; August 1, 1998; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018; Amended Eff. February 1, 2025; September 1, 2024; February 1, 2024; December 1, 2023; April 1, 2023; February 1, 2023; January 1, 2023.*

**12 NCAC 10B .0409 EMPLOYING AGENCY RETENTION OF RECORDS**

(a) In addition to the records required to be submitted to the Division pursuant to Rule .0408 of this Section, the employing agency shall maintain original documentation of the following records:

- (1) documentation consisting of diplomas, school transcripts, or certificates from the educational institution attended by the applicant confirming the applicant's compliance with the educational requirement pursuant to Rule .0302 of this Subchapter;
- (2) the applicant's Medical History Statement (F-1) pursuant to Rule .0304 of this Subchapter;
- (3) the applicant's Medical Examination Report (F-2) pursuant to Rule .0304 of this Subchapter;
- (4) the applicant's unredacted psychological screening examination as required by G.S. 17E-7;

- (5) the applicant's notarized Personal History Statement (F-3) pursuant to Rule .0305 of this Subchapter;
- (6) documentation of the applicant's negative results on a drug screen pursuant to Rule .0410 of this Section; and
- (7) the Mandated Background Investigation Form (F-8) with all accompanying documentation as set out in Rule .0305 of this Subchapter.

(b) The records required by Paragraph (a) of this Rule shall be available for examination at any time by representatives of the Division for the purpose of verifying compliance with the rules of this Subchapter.

*History Note: Authority G.S. 17E-4; Eff. January 1, 1989; Recodified from 12 NCAC 10B .0408 Eff. January 1, 1991; Amended Eff. January 1, 1996; January 1, 1994; January 1, 1993; January 1, 1991; Temporary Amendment Eff. March 1, 1998; Amended Eff. August 1, 2002; August 1, 1998; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018; Amended Eff. February 1, 2025; December 1, 2023.*

**TITLE 15A - DEPARTMENT OF ENVIRONMENTAL QUALITY**

**15A NCAC 10D .0252 NEEDMORE GAME LAND IN MACON AND SWAIN COUNTIES**

Needmore Game Land is a Seven Days per Week Area, in which the following applies:

- (1) Horseback riding is prohibited except on designated trails May 16 through August 31, and all horseback riding is prohibited from September 1 through May 15.
- (2) On posted dove fields, dove hunting on the opening day of dove season is by permit only.
- (3) No antlerless deer shall be taken during the Deer With Visible Antler season.

*History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-305; Eff. October 1, 2022; Temporary Amendment Eff. August 8, 2024; Amended Eff. February 1, 2025.*

**15A NCAC 10F .0305 BRUNSWICK COUNTY**

(a) Regulated Areas. This Rule applies to the waters described as follows:

- (1) Lockwood Folly River in the Town of Varnamtown, from a point at 33.94966 N, 78.22587 W, 500 yards northwest of the boat ramp located at the end of S.R. 1123 otherwise known as Fisherman Road, to a point at 33.94498 N, 78.22206 W, 180 yards southeast of the boat ramp, and including the portion of the river otherwise known as Mill Creek where

- it meets Lockwood Folly River directly across from the boat ramp, to a point 100 feet northeast at 33.94687 N, 78.22235 W;
- (2) Calabash River in the Town of Calabash, from a point in the water at the end of Marina Drive at 33.88638 N, 78.56254 W to a point 650 yards southwest at the southern end of the deep-sea fishing docks at 33.88344 N, 78.56751 W;
- (3) Morningstar Marinas Southport, shore to shore beginning at its intersection with the Intracoastal Waterway at a point at 33.91685 N, 78.02865 W;
- (4) Shallotte River east of S.R. 1233, otherwise known as Village Point Road SW south of the Town of Shallotte, shore to shore from its intersection with the Intracoastal Waterway at a point at 33.91477 N, 78.37103 W to point 500 feet north at 33.91613 N, 78.37126 W;
- (5) Montgomery Slough, otherwise known as Davis Creek, within 100 yards of the hotel and marina at the northern end of 57<sup>th</sup> Place West in the Town of Oak Island;
- (6) the waters in the natural and concrete canals located on the south side of the Intracoastal Waterway, east of N.C. Highway 904 in the Town of Ocean Isle Beach;
- (7) Town Creek east of S.R. 1609, otherwise known as Clearview Lane in Town Creek Township, shore to shore from a point at 34.16788 N, 78.07139 W, north and east around a bend in the creek to a point at 34.16910 N, 78.07030 W;
- (8) Montgomery Slough, otherwise known as Davis Creek, shore to shore from its entrance at the Intracoastal Waterway west of SW Yacht Drive at a point at 33.92145 N, 78.19408 W, to the canal end at NE 40<sup>th</sup> Street in the Town of Oak Island;
- (9) Intracoastal Waterway in the Town of Sunset Beach in the vicinity of the S.R. 1172 Sunset Beach Bridge and Sunset Beach Boating Access Area at 101 Sunset Boulevard, shore to shore from a point 150 yards east of the Sunset Beach Bridge at 33.88173 N, 78.50995 W, to a point 50 yards west of the bridge at 33.88111 N, 78.51194 W;
- (10) Intracoastal Waterway in the Town of Ocean Isle Beach in the vicinity of the N.C. Highway 904 Odell Williamson Bridge and Ocean Isle Beach Boating Access Area at 67 Causeway Drive, shore to shore from a point 100 yards east of the N.C. Highway 904 Odell Williamson Bridge at 33.89578 N, 78.43870 W, to a point 100 yards west of the Bridge at 33.89551 N, 78.44077 W;
- (11) Lockwood Folly River at Rourk's Landing Subdivision, beginning at a point south of the subdivision at 33.95338 N, 78.22553 W, north and west around two sharp bends in the channel and ending north at a point at 33.95539 N, 78.22900 W;
- (12) Intracoastal Waterway in the Town of Holden Beach, N.C. Highway 130 Holden Beach Bridge and Holden Beach Boating Access Area at 99 S. Shore Drive, shore to shore between a point 250 feet west and a point 100 feet east of the Holden Beach Bridge;
- (13) Intracoastal Waterway, within 50 yards of the Oak Island Boating Access Area at 4950 Fish Factory Road SE in Southport;
- (14) within 50 yards of the Sunset Harbor Boating Access Area adjacent to the Intracoastal Waterway at 356 Riverview Drive SE in Bolivia;
- (15) within 20 yards of the shoreline and 50 yards east and 50 yards west of the Brick Landing Boating Access Area on the Intracoastal Waterway at 1921 Brick Landing Road SW in Shallotte;
- (16) within 50 yards of Rices Creek Boating Access Area on Rice Creek at 797 Gordon Lewis Drive SE in Winnabow; and
- (17) within 50 yards of the Pireway Boating Access Area on Waccamaw River at 9739 Pireway Road NW in Ash.
- (b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within the regulated areas described in Paragraph (a) of this Rule.
- (c) Placement and Maintenance of Markers. The following agencies shall place or place and maintain markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers:
- (1) the Board of Aldermen of Varnamtown for placement in the area indicated in Subparagraph (a)(1) of this Rule;
- (2) the Board of Commissioners of Brunswick County for placement in areas indicated in Subparagraphs (a)(2) through (8) and (a)(11) of this Rule; and
- (3) the North Carolina Wildlife Resources Commission for the placement and maintenance of areas indicated in Subparagraphs (a)(9), (a)(10), and (a)(12) through (17) of this Rule.

*History Note: Authority G.S. 75A-3; 75A-15. Eff. February 1, 1976; Amended Eff. April 1, 1997; July 1, 1994; July 1, 1993; January 1, 1989; January 1, 1987; Temporary Amendment Eff. March 1, 1998; Amended Eff. April 1, 2009; April 1, 1999; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Amended Eff. May 1, 2021; July 1, 2018; Temporary Amendment Eff. October 1, 2022; Temporary Amendment Eff. August 15, 2023; Amended Eff. February 1, 2024; Temporary Amendment Exp. Eff. May 11, 2024;*

*Amended Eff. February 1, 2025.*

**15A NCAC 10F .0330 CARTERET COUNTY**

(a) Regulated Areas. This Rule applies to the following waters in Carteret County:

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| <p>(1) the waters of Money Island Slough in Atlantic Beach, beginning at the east end of Money Island near the Anchorage Marina Basin at a point at 34.70187 N, 76.72938 W and ending at the west end of Money Island where Brooks Avenue dead ends at a point at 34.70235 N, 76.73271 W;</p> <p>(2) the waters of Taylor Creek in Beaufort, shore to shore from its intersection with the Newport River at the western end, to a line at the eastern end between a point on the north shore at 34.70762 N, 76.61784 W, south-southwest to the eastern tip of Carrot Island;</p> <p>(3) the waters of Peletier Creek in Morehead City, beginning at the entrance to Peletier Creek at the Intracoastal Waterway at a point at 34.72543 N, 76.78044 W and ending at U.S. Highway 70;</p> <p>(4) the waters of Bogue Sound Harbor Channel in Morehead City, between Sugarloaf Island and the seawall on the south side of Evans, Shepard, and Shackelford Streets, from the east at the State Ports Authority, west to a point at 34.71848 N, 76.72015 W at the southern end of South 13<sup>th</sup> Street;</p> <p>(5) the waters of Gallants Channel in Beaufort, from the U.S. 70 Grayden Paul Bridge at a point at 34.72248 N, 76.66936 W, south to Taylor Creek at a point at 34.71775 N, 76.66950 W;</p> <p>(6) the waters of Cedar Island Bay and Harbor in the Town of Cedar Island, from N.C. Highway 12 to Cedar Island Bay Channel Light 8;</p> <p>(7) the waters of the small cove on the west side of Radio Island in Beaufort south of Old Causeway Road;</p> <p>(8) the waters of the Newport River in Beaufort, from a point north of the U.S. 70 Grayden Paul Bridge at 34.72265 N, 76.66930 W, north northwest to marker # 6;</p> <p>(9) the waters of Spooner Creek in Morehead City, north of a point where it enters the Intracoastal Waterway at 34.72570 N, 76.80294 W;</p> <p>(10) the waters of the Newport River at Bogue Sound in Morehead City, including all waters surrounding the Port of Morehead City to Goat Island as delineated by markers;</p> <p>(11) the waters of Newport River, known as Morgan Creek in Beaufort, west northwest of a point at the mouth at 34.71611 N, 76.67814 W;</p> <p>(12) the waters of Cannonsgate Marina and the Cannonsgate Marina Channel in Newport, beginning at its intersection with Bogue Sound at 34.70163 N, 76.98157 W, as delineated by markers;</p> | <p>(13) the waters of Newport River within 200 yards of the Newport River Beach Access Boat Ramp, 301 U.S. Highway 70 East, Morehead City, beginning at the shore north of the U.S. Highway 70 Newport River Bridge at a point at 34.72141 N, 76.68707 W, west to a point at 34.72128 N, 76.68893 W, north to a point at 34.72376 N, 76.68911 N, then east to the shore at 34.72371 N, 76.68631 W;</p> <p>(14) the waters of Palmetto Drive Canal on the White Oak River in the Town of Cedar Point, beginning at a point on the western shore at 34.67903 N, 77.10142 W to a point on the eastern shore at 34.67899 N, 77.10098 W and extending the entire length of the canal;</p> <p>(15) the portion of the canal at Dolphin Bay Estates on the White Oak River in the Town of Cedar Point, beginning 30 yards inside the entrance to the canal and extending the entire length of the canal;</p> <p>(16) the waters within approximately 50 yards of the Gordon S. Myers Boating Access Area at Cedar Point Boating Access Area, but not extending into the Intracoastal Waterway channel setback, at 144 Cedar Point Boulevard, Cedar Point;</p> <p>(17) the waters of the navigation channel from a point in Bogue Sound at 34.67392 N, 77.00725 W to the Emerald Isle Boating Access Area, a distance of 345 yards, at 6800 Emerald Drive, Emerald Isle;</p> <p>(18) the waters within 50 yards of the Newport Boating Access Area on Newport River, at 333 E. Chatham Street, Newport;</p> <p>(19) the waters within 50 yards of the Morehead City Boating Access Area on the Intracoastal Waterway, 3407 Arendell Street, Morehead City;</p> <p>(20) the waters within 50 yards of the West Beaufort Boating Access Area on Newport River, 298 West Beaufort Road, Beaufort;</p> <p>(21) the waters within 50 yards of the Taylors Creek Boating Access Area on Taylors Creek, 2370 Lennoxville Road, Beaufort;</p> <p>(22) the waters within 50 yards of the Straits Landing Boating Access Area on North River, 1648 Harkers Island Road, Straits;</p> <p>(23) the waters within 50 yards of the Oyster Creek Boating Access Area on Oyster Creek, 1300 U.S. Highway 70, Davis;</p> <p>(24) the waters within 50 yards of the Salters Creek Boating Access Area on Salters Creek, 200 Wildlife Ramp Road, Sealevel; and</p> <p>(25) the waters within 50 yards of the Cedar Island Boating Access Area on Pamlico Sound, 115 Driftwood Drive, Cedar Island.</p> |
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(b) Speed Limit. No person shall operate a vessel at a speed greater than no-wake speed while on the waters of the regulated areas designated in Paragraph (a) of this Rule.

(c) Placement of Markers. The following agencies shall place the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers:

- (1) the Board of Commissioners of Carteret County, for the regulated areas designated in Subparagraphs (a)(1), (3), (5) through (8), (11), and (12) of this Rule;
- (2) the Board of Commissioners of the Town of Beaufort, for the regulated area designated in Subparagraph (a)(2) of this Rule;
- (3) the Board of Commissioners of Morehead City, for the regulated areas designated in Subparagraphs (a)(4), (9), and (13) of this Rule;
- (4) the North Carolina State Ports Authority, for the regulated area designated in Subparagraph (a)(10) of this Rule;
- (5) the Board of Commissioners of the Town of Cedar Point for the regulated areas designated in Subparagraphs (a)(14) and (15) of this Rule; and
- (6) the North Carolina Wildlife Resources Commission shall place and maintain markers for the areas designated in Subparagraphs (a)(16) through (25) of this Rule.

*History Note: Authority G.S. 75A-3; 75A-15; Eff. March 4, 1979; Amended Eff. October 1, 1997; May 1, 1995; June 1, 1994; February 1, 1994; July 1, 1993; Temporary Amendment Eff. February 1, 1998; Amended Eff. July 1, 1998; Temporary Amendment Eff. March 1, 1999; November 1, 1998; Amended Eff. May 1, 2016; July 1, 2012; September 1, 2010; July 1, 2000; Temporary Amendment Eff. September 1, 2016; Amended Eff. April 1, 2017; Readopted Eff. October 1, 2018. Amended Eff. February 1, 2025.*

**15A NCAC 10F .0332 ALEXANDER COUNTY**

(a) Regulated Area. This Rule applies to the waters of Lake Hickory.

- (1) Taylorsville:
  - (A) the waters shore to shore from the Rink Dam at 35.83035 N, 81.26670 W, east-southeast to a point that is 195 yards southeast of the S.R. 1137 bridge known as the Rink Dam Road bridge, and 50 yards southeast of the Sandbar Marina and Grill docks;
  - (B) the waters within 50 yards of the Lake Hickory Scuba and Marina and docks, located at 420 Taylorsville Beach Court; and
  - (C) the waters within 50 yards of the Dusty Ridge Boating Access Area, 508 Dusty Ridge Access Road.
- (2) Hickory:

- (A) the waters within 50 yards of Rivers Edge Marina and docks, located at 5803 Icard Ridge Road; and
- (B) the waters within 50 yards of the Lakeside Marina and docks, located at 81 Marina Drive.

- (3) Bethlehem. The waters within 50 yards of the Wittenburg Boating Access Area, located at 175 Wildlife Access Road.

(b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within the regulated areas described in Parts (a)(1)(A), (B), (C), (a)(2)(A) and (B), and Subparagraph (a)(3) of this Rule.

(c) Wittenburg Access Area Restricted Area, Bethlehem. Vessel entry is prohibited in the waters of the cove south of the Wittenburg Access Area where the marked swim beach is located, west of a line from a point at 35.80480 N, 81.31101 W to a point at 35.80437 N, 81.31100 W.

(d) Placement of Markers. The Board of Commissioners of Alexander County shall place markers implementing the regulated areas designated in Part (a)(1)(A) and (B), and Part (a)(2)(A) and (B) of this Rule.

(c) Placement and Maintenance of Markers. The following agencies shall place and maintain markers implementing the regulated areas designated in this Rule:

- (1) The Wildlife Resources Commission for the regulated areas designated in Part (a)(1)(C) and Subparagraph (a)(3) of this Rule; and
- (2) Duke Energy, LLC for the regulated area designated in Paragraph (c) of this Rule.

*History Note: Authority G.S. 75A-3; 75A-15; Eff. March 25, 1979; Amended Eff. February 1, 1995; February 1, 1987; Temporary Amendment Eff. April 1, 2000; Amended Eff. May 1, 2010; July 1, 2000; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Amended Eff. February 1, 2025; October 1, 2018.*

**15A NCAC 10F .0333 MECKLENBURG AND GASTON COUNTIES**

(a) Regulated Areas. This Rule applies to the following waters of Lake Wylie in Mecklenburg and Gaston counties:

- (1) McDowell Park. The waters of the coves adjoining McDowell Park and the Southwest Nature Preserve in Mecklenburg County shore to shore, east of the mouth of the cove at a line from a point on the south shore at 35.10272 N, 81.03026 W to a point on the north shore at 35.10556 N, 80.02964 W;
- (2) Gaston County Wildlife Club Cove. The waters of the cove west of the Gaston County Wildlife Club on South Point Road in Belmont, north of a line at the mouth of the cove from a point on the east shore at 35.15628 N, 81.01427 W to a point on the west shore at 35.15628 N, 81.01615 W;

- (3) Buster Boyd Bridge. The waters from a point 250 feet east of the Buster Boyd Bridge on N.C. Highway 49 in Mecklenburg County at 35.10187 N, 81.03913 W to a point 150 feet west of the Buster Boyd Bridge at 35.10165 N, 81.04070 W;
  - (4) N.C. Highway 27 Bridge. The waters shore to shore, from a point 50 yards north of the N.C. Highway 27 bridge in Mecklenburg and Gaston counties at 35.29849 N, 81.00346 W to a point 190 yards south of the N.C. Highway 27 bridge at 35.29635 N, 81.00424 W;
  - (5) Brown's Cove. The area beginning at the mouth of Brown's Cove in Mecklenburg County shore to shore, at a point at 35.16453 N, 81.00474 W, west to a point at 35.16480 N, 81.00309 W;
  - (6) Paradise Point Cove. The waters of Paradise Point Cove in Gaston County between Paradise Circle and Lake Front Drive, west of a line from a point on the south shore at 35.18853 N, 81.04036 W to a point on the north shore at 35.18991 N, 81.04136 W;
  - (7) Withers Cove. The waters of Withers Cove in Mecklenburg County, shore to shore, beginning at a line north of the Mecklenburg Charlotte Fire Department and Police Department Boathouse from a point on the west shore at 35.14632 N, 81.00383 W to a point on the east shore at 35.14713 N, 81.00173 W, and ending at a point 50 feet southeast of the Withers Bridge on S.R. 1116, otherwise known as Shopton Road, at 35.14576 N, 81.00187 W;
  - (8) Sadler Island. The waters shore to shore beginning at a line from a point on the west shore of Lake Wylie in Gaston County at 35.27481 N, 81.0138 W east to a point on the east shore of the Lake in Mecklenburg County at 35.27423 N, 81.01111 W, extending south on the Lake west of Sadler Island to a line from a point on the west shore of the Lake in Gaston County at 35.27079 N, 81.01525 W, east to a point on the west side of Sadler Island in Mecklenburg County at 35.27051 N, 81.01396 W, and the waters shore to shore east of Sadler Island in Mecklenburg County from a point at 35.27441 N, 81.01185 W, south-southwest to a line from a point on the south shore of Sadler Island at 35.26635 N, 81.01432 W, south to a point on the Lake shore at 35.26494 N, 81.01368 W;
  - (9) Other Bridges. The waters within 50 feet of a bridge in North Carolina that crosses the waters of Lake Wylie that is not otherwise specifically mentioned in this Paragraph;
  - (10) Yachtsman on Lake Wylie Community. The waters within 50 yards of the community piers near the terminus of Waterside Drive in Mecklenburg County, and northward to include the waters east of the island that is west of Point Lookout Road, ending at a line from a point on the northern end of the island at 35.12226 N, 81.03306 W, east to a point on the shore at 35.12253 N, 81.03190 W;
  - (11) Brown's Cove. The waters of Brown's Cove in Mecklenburg County, beginning at a line from a point on the east shore at 35.16892 N, 80.99702 W to a point on the west shore at 35.16948 N, 80.99783 W, northeast to a line from a point on the south shore at 35.16913 N, 80.99556 W to a point on the north shore at 35.17043 N, 80.99684 W;
  - (12) South Point Boating Access Area. The waters within 50 yards of the South Point Boating Access Area in Gaston County, 199 Boat Launch Road in Belmont; and
  - (13) the waters within 50 yards of the docks at Joyner's Marina, 16310 York Road in Charlotte, and including the cove southeast of the docks to a point on the shore at 35.10084 N, 81.03610 W.
- (b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within the regulated areas described in Paragraph (a) of this Rule.
- (c) Restricted Area. No person operating or responsible for the operation of a vessel shall allow it to enter the waters of the restricted area with swim beach at the South Point Access Area in Gaston County, at 199 Boat Launch Road in Belmont, north of the rope in the cove east of the South Point Boating Access Area.
- (d) Placement and Maintenance of Markers. The following agencies are the designated agencies for placement and maintenance of markers implementing this Rule:
- (1) the Lake Wylie Marine Commission for the regulated areas designated in Subparagraphs (a)(1) through (11), and (13);
  - (2) the North Carolina Wildlife Resources Commission for the regulated area designated in Subparagraph (a)(12); and
  - (3) Duke Energy Carolinas, LLC for the restricted area designated in Paragraph (c).
- History Note: Authority G.S. 75A-3; 75A-15; Eff. July 1, 1980; Amended Eff. July 1, 1994; June 1, 1985; June 1, 1984; March 1, 1983; Temporary Amendment Eff. January 1, 1998; Amended Eff. July 1, 1998; Temporary Amendment Eff. February 4, 2000; Amended Eff. April 1, 2009; June 1, 2004; July 1, 2000; Temporary Amendment Eff. May 1, 2015; Amended Eff. October 1, 2015; Readopted Eff. October 1, 2018; Amended Eff. February 1, 2025; January 1, 2024; June 1, 2023; June 1, 2022; May 1, 2019.*

**15A NCAC 10G .0501 LICENSEE REQUIREMENTS**

An individual exercising the privilege of a license issued by the Wildlife Resources Commission shall carry on their person and

show to a Wildlife Enforcement Officer, upon request, the following documents:

- (1) an electronic or physical license that entitles the individual to that privilege; and
- (2) a valid picture identification card that includes the license holder's correct name, address, and date of birth.

*History Note: Authority G.S. 113-134; 113-270.1;113-275; Eff. April 1, 1997. Readopted Eff. February 1, 2025*

**15A NCAC 10J .0103 HUNTING ON WILDLIFE CONSERVATION AREAS**

(a) No person shall be under the influence of an impairing substance, as defined by G.S. 20-4.01(48b), while hunting on a designated Wildlife Conservation Area.

(b) Erecting or occupying a tree stand or platform attached by nails, screws, bolts, or wire to a tree for the purpose of hunting on a designated Wildlife Conservation Area is prohibited. This prohibition shall not apply to lag-screw steps or portable stands that are removed after use with no metal left remaining in or attached to the tree.

(c) Hunting on designated Wildlife Conservation Areas during the open season for game or furbearing species is permitted, except where the area is closed to hunting or limited to specific dates by the rules of this Chapter.

- (1) waterfowl hunters shall not enter Wildlife Conservation Areas earlier than 4:00 a.m. on the permitted hunting dates, and hunting is prohibited after 1:00 p.m. on such hunting dates; decoys may not be set out prior to 4:00 a.m. and must be removed by 3:00 p.m. on each date.
- (2) game may be taken during the open seasons and hunting is limited to Mondays, Wednesdays, Saturdays and Thanksgiving Day, Christmas Day, and New Year's Day.
- (3) deer may be taken with archery equipment, as specified in 15A NCAC 10B .0116, on the opening day of the archery season.

(d) The following shall be prohibited while hunting on Wildlife Conservation Areas:

- (1) operating a vessel or vehicle powered by an internal combustion engine;
- (2) attempting to obscure the sex or age of a game bird or game animal taken by severing the head or other part thereof, or possess a bird or animal that has been mutilated;
- (3) placing salt, grain, fruit, or other foods without prior written authorization of the Commission or its agent; or attempting to take game birds or game animals attracted to such foods;
- (4) using an electronic calling device for the purpose of attracting wild birds or wild animals; and
- (5) removing live wild animals or wild birds, except with the written permission of the landowner.

(e) The Nona Pitt Hinson Cohen Wildlife Conservation Area - Richmond County is closed to hunting.

*History Note: Authority G.S. 113-134; 113-136; 113-264; 113-291.2; 113-305; Eff. February 1, 1990; Amended Eff. August 1, 2021; October 1, 1994. Readopted Eff. February 1, 2025.*

**15A NCAC 10J .0104 FISHING ON WILDLIFE CONSERVATION AREAS**

(a) Designated Wildlife Conservations Areas are open to public fishing except restocked ponds posted against fishing.

(b) No special device specified in 15A NCAC 10C .0404, except archery equipment, may be used in the impounded waters or free-running streams on designated Wildlife Conservation Areas.

*History Note: Authority G.S. 113-134; 113-264; 113-272; 113-292; 113-305; Eff. February 1, 1990; Amended Eff. October 1, 1994. Readopted Eff. February 1, 2025*

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**TITLE 17 - DEPARTMENT OF REVENUE**

**17 NCAC 04C .2001 DEFINITIONS**

(a) Certifying Manufacturer – Any manufacturer of vapor products or consumable products, as those terms are defined in G.S. 14-313(a), that submits an initial certification or annual certification renewal to the Secretary as required in G.S. 143B-245.11.

(b) Directory – A public listing on the Department's website, [www.ncdor.gov](http://www.ncdor.gov), of certifying manufacturers whose initial certification or annual certification renewal have been submitted and approved by the Secretary.

(c) Initial Certification Fee – The initial certification fee of two thousand dollars (\$2,000) as set by G.S. 143B-245.11(b)(2). The initial certification fee is per certifying manufacturer and is not based on the number of vapor products or consumable products submitted by the certifying manufacturer to the Department.

(d) Product Offered for Sale – Each unique vapor product name, consumable product name, or brand name along with the product code or stock-keeping unit (SKU) constitutes a separate product offered for sale in this State.

(e) Annual Renewal Fee – The annual certification renewal fee five hundred dollars (\$500.00) as set by G.S. 143B-245.11(b)(2). The annual renewal fee is per certifying manufacturer and is not based on the number of vapor products or consumable products submitted by the certifying manufacturer to the Department.

(f) Vapor Product – As defined in G.S. 14-313(a)(5), shall apply to the manufacturer certification of vapor products and consumable products and the directory of vapor products and consumable products. The definition of vapor product found in G.S. 105-113.4(13a) shall not apply to the administration of the manufacturer certification and directory.

*History Note: Authority G.S. 143B-245.16; Eff. March 1, 2025.*

**17 NCAC 04C .2002 DIRECTORY**

(a) Pursuant to G.S. 143B-245.12, beginning May 1, 2025, and on the first of each month thereafter, the Department shall post to its website, [www.ncdor.gov](http://www.ncdor.gov), a directory of certifying manufacturers. The directory shall include the certifying manufacturer's name, along with a listing of the certified and approved products, to include vapor product names, consumable product names, brand names, type or category of products, and flavor of products.

(b) Only those products appearing on the directory shall be products offered for sale in this State. All other products not appearing on the directory are prohibited from retail sale in this State.

(c) The Department, within each monthly publication of the directory, shall separately list additions or removals of certifying manufacturers or their vapor products or consumable products for that month.

*History Note: Authority G.S. 143B-245.12; 143B-245.16; Eff. March 1, 2025.*

**17 NCAC 04C .2003 CERTIFICATION**

(a) Initial Certification Application - Beginning March 1, 2025, each certifying manufacturer shall electronically submit to the Department an initial certification application. The certifying manufacturer shall also electronically submit to the Department the initial certification fee at the time a certifying manufacturer submits the initial certification application.

(1) Manufacturers of vapor products or consumable products, offered for sale in this State prior to March 1, 2025, shall submit the initial certification application and initial certification fee by April 15, 2025.

(2) Manufacturers of vapor products or consumable products, who intend to offer products for sale in this State after March 1, 2025, shall submit the initial certification application and initial certification fee prior to shipping any vapor products or consumable products to a retailer, distributor, or wholesaler in this State for the purpose of making retail sales.

(b) The initial certification application and initial certification fee shall be completed through the Department's website at the following link: <https://www.ncdor.gov/taxes-forms/tobacco-products-tax>.

(c) The initial certification application shall include the following information:

- (1) the manufacturer's legal business name or assumed name for sole proprietors, business mailing address, daytime telephone number, fax number, and email address;
- (2) federal employer identification number (FEIN) or social security number for proprietorships;
- (3) a contact person, including that person's legal name, telephone number, fax number, and e-mail address.
- (4) a designation of whether the manufacturer is requesting an initial certification or updating

information to a previously submitted application;

(5) the seven-digit Secretary of State identification number assigned by the North Carolina Secretary of State when the manufacturer registered its business entity to do business in the State.

(6) the name, address, telephone number, fax number, and email address of a registered agent as required in Rule .2006 of this Section;

(7) a manufacturer located outside of the United States shall list the importers of any of the manufacturer's products to be sold in this State, as well as the name, address, telephone number, fax number, and email address of the importers registered agent.

(8) a list of each vapor product or consumable product that is sold in this State to include the brand name, category (e.g., e-liquid, power unit, device, e-liquid cartridge, e-liquid pod, disposable), product name, product code or stock-keeping unit (SKU), and flavor; and the Food and Drug Administration (FDA) tracking number and order date for each vapor product and consumable product offered by the manufacturer, and shall upload a copy of:

- (A) the marketing granted order issued by the FDA pursuant to 21 U.S.C. 387j;
- (B) the acceptance letter issued by the FDA pursuant to 21 U.S.C. 387j for a Timely Filed Premarket Tobacco Product Application; or
- (C) a document issued by the FDA or by a court confirming that the premarket tobacco product application has received a denial order that is not yet in effect and remains stayed or rescinded by FDA or vacated by a court; and

(10) the total certification fee due and remitted.

(d) Failure to submit the required information for the initial certification application or the initial certification fee will result in a denial of the application and exclusion from the vapor product and consumable product directory, pursuant to G.S. 143B-245.12(b). If an initial certification application is denied pursuant to a provision of G.S. 143B-245.12(b), the certifying manufacturer shall electronically resubmit to the Department a new initial certification application and initial certification fee.

(e) Failure to submit the initial certification application or initial certification fee to the Department 15- days prior to the first of each month, when the Department makes the vapor product and consumable product directory available for public inspection on the Department's website, will result in a manufacturer's products offered for sale to be prohibited from retail sale in this State, pursuant to G.S. 143B-245.13 until the manufacturer becomes certified.

*History Note: Authority G.S. 143B-245.11; 143B-245.12; 143B-245.13; 143B-245.16;*

*Eff. March 1, 2025.*

**17 NCAC 04C .2004 ANNUAL CERTIFICATION RENEWAL**

(a) Beginning January 1, and not later than March 1, of each subsequent year, certifying manufacturers of vapor products shall electronically submit to the Department an annual renewal application. The certifying manufacturer shall also electronically submit to the Department the annual renewal fee at the time a certifying manufacturer submits the annual renewal application.

(b) The annual certification renewal application and annual renewal fee shall be completed through the Department's website at the following link: [www.ncdor.gov](http://www.ncdor.gov).

(c) The annual certification renewal application shall include the following information:

- (1) the manufacturer's legal business name or assumed name for sole proprietors, business mailing address, daytime telephone number, fax number, and email address;
- (2) federal employer identification number (FEIN) or social security number for proprietorships;
- (3) a contact person, including that person's legal name, telephone number, fax number, and e-mail address;
- (4) a designation of whether the manufacturer is requesting a renewal certification or updating information to a previously submitted application;
- (5) the seven-digit Secretary of State identification number assigned by the North Carolina Secretary of State when the manufacturer registered its business entity to do business in the State;
- (6) the name, address, telephone number, fax number, and email address of the registered agent as required in Rule .2006 of this Section;
- (7) a manufacturer located outside of the United States shall list the importers of any of the manufacturer's products to be sold in this State, as well as the name, address, telephone number, fax number, and email address of the importers registered agent;
- (8) a list of each vapor product or consumable product that is sold in this State to include the brand name, category (e.g., e-liquid, power unit, device, e-liquid cartridge, e-liquid pod, disposable), product name, product code or stock-keeping unit (SKU), and flavor; and
- (9) the Food and Drug Administration (FDA) tracking number and order date for each vapor product and consumable product offered by the manufacturer, and shall upload a copy of:
  - (A) the marketing granted order issued by the FDA pursuant to 21 U.S.C. 387j;
  - (B) the acceptance letter issued by the FDA pursuant to 21 U.S.C. 387j for a Timely Filed Premarket Tobacco Product Application; or

(C) a document issued by the FDA or by a court confirming that the premarket tobacco product application has received a denial order that is not yet in effect and remains stayed or rescinded by FDA or vacated by a court; and

(10) the total certification fee due and remitted.

(d) The certifying manufacturer shall submit the annual renewal application and annual renewal fee to the Department during the annual renewal period to be timely. Failure of a certifying manufacturer to renew its certification or remit the annual renewal fee with the Department shall result in the expiration of the manufacturer's certification and exclusion from the vapor product and consumable product directory, pursuant to G.S. 143B-245.12(b).

(e) If a certifying manufacturer's certification expires, the certifying manufacturer shall electronically submit to the Department a new initial certification application and initial certification fee as set out in Rule .2003 of this Section, to be recertified.

*History Note: Authority G.S. 143B-245.11; 143B-245.12; 143B-245.13; 143B-245.16; Eff. March 1, 2025.*

**17 NCAC 04C .2005 MATERIAL CHANGES TO CERTIFICATION**

(a) Pursuant to G.S. 143B-245.11(e), certifying manufacturers shall notify the Department of any material change to the certification. A material change is any change in the criteria found under G.S. 143B-245.11(a), G.S. 143B-245.11(c), or a change as described in G.S.143B-245.11(e). Certifying manufacturers shall electronically submit the changes to the Department through their original initial certification application. There is no fee to update a certification. Certifying manufacturers shall notify the Department not more than 30 days after any material change to the certification.

(b) Failure to notify the Department of a material change to a certification may result in removal of the certifying manufacturer or its vapor products or consumable products from the directory.

*History Note: Authority G.S. 143B-245.11; 143B-245.12; 143B-245.16; Eff. March 1, 2025.*

**17 NCAC 04C .2006 REGISTERED AGENT**

(a) Pursuant to G.S. 143B-245.14, a manufacturer shall appoint a registered agent in this State for service of process. This applies to a manufacturer that is a sole proprietor in this State, an out-of-state business not required to register with the North Carolina Secretary of State to do business in this State, or a manufacturer located outside of the United States.

(b) A manufacturer located outside of the United States shall require its importers of any of its vapor products or consumable products, to be sold in this State, to appoint a registered agent.

(c) Certifying manufacturers shall notify the Department of the name, address, telephone number, fax number, and email address

of their registered agent through the electronic initial certification application and annual certification renewal.

History Note: Authority G.S. 143B-245.14; 143B-245.16; Eff. March 1, 2025.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 25 - INTERPRETER AND TRANSLITERATOR LICENSING BOARD

21 NCAC 25 .0202 THE APPLICATION PACKAGE AND REQUIREMENTS FOR LICENSURE

(a) An applicant for licensure shall submit the following materials to the Board:

- (1) A completed, signed, and dated application;
(2) A clear, two-inch by two-inch, passport-style photograph of the head and shoulders of the applicant, made within two years of the date of application;
(3) A legible, fully-completed finger print card obtained from a local law enforcement agency;
(4) The applicant's signed, written consent to a criminal record check;
(5) One or more cashier's checks, certified checks or money orders made payable to the North Carolina Interpreter and Transliterator Licensing Board in the amounts charged by the Department of Public Safety for all necessary local, State and federal criminal record checks; and
(6) A cashier's check, certified check or money order made payable to the North Carolina Interpreter and Transliterator Licensing Board in the amount specified by Rule .0203 of this Section.

(b) Upon application to the Board and payment of the required fees under Rule .0203(a) of this Section, the Board shall grant an Applicant a full license as an interpreter or transliterator if the applicant meets all of the following qualifications:

- (1) Is 18 years of age or older.
(2) Is of good moral character presumptively established by the applicant's eligibility under Rule .0302 of this Chapter. If the Board determines there is probable cause to question an applicant's moral character, and after notice to the applicant and a hearing, the Board shall deny a license if there is clear and convincing evidence the applicant lacks good moral character, including possessing the characteristics of honesty, maturity, discipline, attention to detail, and respect for the rights of others, as more fully discussed and interpreted in: In re Willis, 288 N.C. 1, 215 S.E. 2d 771, appeal dismissed, 423 U.S. 976 (1975); State v. Harris, 216 N.C. 746, 6 S.E. 2d 854 (1940); In re Legg, 325 N.C. 658, 386 S.E. 2d 174 (1989);

In re Applicants for License, 143 N.C. 1, 55 S.E. 635 (1906); In re Scott Dillingham's Application, 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309 N.C. 538, 308 S.E. 2d 647 (1983); and later court decisions.

- (3) Meets one of the following criteria:
(A) Is nationally certified by the Registry of Interpreters for the Deaf, Inc., (RID).
(B) Holds a valid Testing, Evaluation and Certification Unit, Inc. (TECUnit) national certification in cued language transliteration.
(C) Holds a current Cued Language Transliterator State Level Assessment (CLTSLA) level 3 or above classification.
(D) Holds a Board for Evaluation of Interpreters (BEI) assessment of Advanced or above.
(E) A Deaf Interpreter who holds a Board for Evaluation of Interpreters (BEI) intermediary certificate level IV or above.

(c) Upon application to the Board and payment of the required fees under Rule .0203(a) of this Section, the Board shall grant an Applicant a one-time provisional license as an interpreter or transliterator if the applicant meets all of the following qualifications:

- (1) Is 18 years of age or older.
(2) Is of good moral character presumptively established by the applicant's eligibility under 21 NCAC 25 .0302. If the Board determines there is probable cause to question an applicant's moral character, and after notice to the applicant and a hearing, the Board shall deny a license if there is clear and convincing evidence the applicant lacks good moral character, including possessing the characteristics of honesty, maturity, discipline, attention to detail, and respect for the rights of others, as more fully discussed and interpreted in: In re Willis, 288 N.C. 1, 215 S.E. 2d 771, appeal dismissed, 423 U.S. 976 (1975); State v. Harris, 216 N.C. 746, 6 S.E. 2d 854 (1940); In re Legg, 325 N.C. 658, 386 S.E. 2d 174 (1989); In re Applicants for License, 143 N.C. 1, 55 S.E. 635 (1906); In re Scott Dillingham's Application, 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309 N.C. 538, 308 S.E. 2d 647 (1983); and later court decisions.
(3) Completes two continuing education units approved by the Board. These units must be completed for each renewable year.
(4) Holds at least a two-year associate degree in interpreting from a post-secondary institution and satisfies one the following:
(A) Holds a quality assurance North Carolina Interpreter Classification

System (NCICS) level C classification.

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- (B) Holds a valid National Association of the Deaf (NAD) level 2 or 3 certification.
- (C) Holds a current Educational Interpreter Performance Assessment (EIPA) level 3.5 or above classification.
- (D) Holds a Board for Evaluation of Interpreters (BEI) assessment of Basic.
- (E) A Deaf Interpreter who holds a Board for Evaluation of Interpreters (BEI) intermediary certificate level III.

CHAPTER 30 – BOARD OF MASSAGE AND BODYWORK THERAPY

21 NCAC 30 .0201 APPLICATION AND SCOPE

(a) Each applicant for a license as a massage and bodywork therapist shall complete an online application provided by the Board on its website at www.bmbt.org. The application shall include the following:

- (1) full name (last name, first name, middle name and maiden name, if applicable);
- (2) name as the applicant wants it to appear on license which must be part or all of applicant's legal name;
- (3) current residence;
- (4) personal mailing address;
- (5) city, state, zip code and county;
- (6) Social Security Number;
- (7) city and state of birth;
- (8) date of birth;
- (9) telephone number;
- (10) email address;
- (11) trade name or business name;
- (12) business address;
- (13) type of license applying for; Regular, License by Endorsement A or License by Endorsement B;
- (14) examination agency; FSMTB, NCCAOM or NCBTMB, if applicable;
- (15) exam taken; MBLEx, NCETMB, NCETM or ABTE, if applicable;
- (16) whether the applicant is a U.S. citizen;
- (17) physical description, including gender, height, eye color, race, weight, and hair color;
- (18) places of residence for the previous 10 years including date, street address, city, state, zip code, and county;
- (19) professional experience for the previous 10 years including date, job title, type of business, hours worked per week, employer's name, address, state, zip code, area code and phone number, and reason for leaving, if applicable;
- (20) education, for example high school, college/university, graduate or professional, including name of educational institution, city, state, zip code, whether or not you were issued a certificate, diploma or degree and month and year of graduation;
- (21) previous or current massage or bodywork therapy licensure, registration, or certification in another state or territory, including state, license, registration or certification type, license or credential number, date issued and date of expiration;
- (22) professional affiliations and achievements;
- (23) whether the applicant has had any of the following situations and an explanation of each:

(d) Upon application to the Board, payment of the required fees under Rule .0203(a) of this Section, and meeting the requirements for a provisional license under Subparagraphs (c)(1) and (2) of this Rule, the Board shall also issue a provisional license to any of the following categories of persons seeking a one-time provisional license:

- (1) A deaf interpreter who completes 16 hours of training in interpreting coursework or workshops provided by the North Carolina Division of Services for the Deaf and Hard of Hearing, including role and function or ethics, and 20 hours in the 12 months immediately preceding the date of application in the provision of interpreting services.
- (2) An oral interpreter who completes a total of 40 hours of training in interpreting coursework or workshops related to oral interpreting.
- (3) A cued language transliterator who holds a current TECUnit Cued language Transliterator State Level Assessment (CLTSLA) level 2 or above classification.
- (4) A person providing interpreting or transliterating services who has a recognized credential from another state's licensing body in the field of interpreting or transliterating.
- (5) An interpreter or transliterator who has accumulated at least 200 hours per year in the provision of interpreting or transliterating services, in this State or another state, totaling at least 400 hours for the two years immediately preceding the date of the application. An applicant must provide documentation of hours when applying for a provisional license under this category, subject to verification by the Board.

History Note: Authority G.S. 90D-6; 90D-7; 90D-10; S.L. 2002-182, s. 7, as amended by S.L. 2003-56; Eff. March 21, 2005; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017; Temporary Amendment Eff. July 5, 2024; Amended Eff. February 1, 2025.

- (A) has ever been charged with, arrested for, convicted of, or has pled guilty or no contest to a violation of any law in any state or jurisdiction;
- (B) had a driver's license canceled, suspended or revoked;
- (C) pending criminal charges in any state or jurisdiction;
- (D) violated any federal or state statute or rule which relates to massage and bodywork therapy or any other healthcare profession;
- (E) obtained or attempted to obtain compensation by fraud or deceit;
- (F) named as a defendant in a civil suit related to your practice of massage and bodywork therapy or other healthcare profession;
- (G) had any judgments entered against you;
- (H) expelled, fired, asked to resign, or otherwise suspended from any educational institution;
- (I) fired, asked to resign, or otherwise suspended from employment;
- (J) denied a massage therapy license or a license for any other healthcare profession;
- (K) had a massage therapy license or a license for any other healthcare profession revoked or suspended;
- (L) have any disciplinary charges pending or action taken by any massage or bodywork therapy licensing board or medical board;
- (M) been diagnosed or treated with a mental illness by a health care provider;
- (N) been diagnosed or treated as being dependent on alcohol or drugs by a health care provider;
- (O) been diagnosed or treated for abuse of alcohol or drugs by a health care provider;
- (P) used any drug or alcohol to the extent it adversely affected your professional competence or employment;

(24) an attestation that the information on the application is true.

(b) This application shall be submitted to the Board and shall be accompanied by:

- (1) One original color photograph of the applicant taken within six months preceding the date of the application of sufficient quality for identification. The photograph shall be of the head and shoulders, passport type, and two inches by two inches in size;
- (2) The fees, as required by Rule .0204 of this Section and G.S. 90-628(b);

- (3) A copy of a high school diploma or transcript, General Equivalency Diploma (GED), or college diploma or transcript showing that the applicant has earned at least a high school diploma or equivalent;
- (4) A copy of a driver's license or birth certificate showing that the applicant is 18 years of age or older;
- (5) An official transcript from the massage therapy school showing that the applicant has completed a course of study at a school approved by the Board and consisting of a minimum of 650 classroom hours of supervised instruction. If the applicant attended a school that is not approved by the Board, the Board shall review that applicant's curriculum on a case-by-case basis. The documentation of such training shall come from a school that is licensed by the educational licensing authority in the state, territory or country in which it operates. In North Carolina the documentation shall come from a proprietary school approved by the Board or a college-based massage program that is exempt from Board approval. The curriculum shall meet or be equivalent to the standards set forth in Rule .0620(2) of this Chapter;
- (6) An official score report showing that the applicant has achieved a passing score on a competency assessment examination administered or approved by the Board that meets generally accepted psychometric principles and standards;
- (7) Signed statements from four persons attesting to the applicant's personal history of honesty, integrity, trustworthiness, fairness, good reputation for fair dealings, and respect for the rights of others and for state and federal laws;
- (8) Fingerprint card executed by a fingerprinting agency; and
- (9) Consent to a criminal history record check by the North Carolina Department of Justice.

(c) For the purposes of this Rule, "health care provider" shall have the definition found in G.S. 90-21.132(7)(a).

*History Note: Authority G.S. 90-626(2); 90-629; Temporary Adoption Eff February 15, 2000; Eff. April 1, 2001; Amended Eff. October 1, 2008; Readopted Eff. October 1, 2015; Amended Eff. February 1, 2025.*

**21 NCAC 30 .0204 FEES**

(a) Fees are as follows:

- |     |   |          |
|-----|---|----------|
| (1) | Application for Examination of Requirements for License | \$ 20.00 |
| (2) | Initial license fee                                     | 150.00   |
| (3) | License renewal   | 100.00   |
| (4) | Late renewal penalty                                    | 75.00    |

- (5) Duplicate license 25.00  
 (b) Fees shall be nonrefundable and shall be paid by credit card, debit card, cashier's check, certified check, or money order made payable to the North Carolina Board of Massage and Bodywork Therapy.

*History Note: Authority G.S. 90-626(8); 90-628; Temporary Adoption Eff. February 15, 2000; Eff. April 1, 2001; Amended Eff. September 2, 2005; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 12, 2014; Amended Eff. February 1, 2025.*

**21 NCAC 30 .0620 PROGRAM REQUIREMENTS**

Pursuant to G.S. 90-631(a)(1), programs shall meet the following requirements:

- (1) A school shall develop and adhere to a set of educational objectives that describe the intended skills and knowledge that the program is designed to develop in the student by the completion of the program;
- (2) The program shall have a core curriculum of at least 650 classroom hours of supervised instruction. The core curriculum shall contain the following hours of specific course work:
  - (a) 230 hours in the fundamental theory and practice of massage and bodywork therapy that is designed to produce comprehensive entry-level skills in the application of direct manipulation to the soft tissues of the human body, and is based in therapeutic methods consistent with the definition set forth in G.S. 90-622(3) such as Swedish massage, acupressure, shiatsu, deep muscle massage, trigger point therapy, and connective tissue bodywork. Of the 230 hours in this category, at least 115 hours shall be in the application of hands-on methods. The balance of the hours shall include client assessment skills, indications and contraindications for treatment, body mechanics, draping procedures, standard practices for hygiene and control of infectious diseases, and the history of massage and bodywork therapy;
  - (b) 100 hours in anatomy and physiology related to the practice of massage and bodywork therapy that shall include the structure and function of the human body;
  - (c) 55 hours in kinesiology related to the practice of massage and bodywork therapy that shall include the function of movement;

- (d) 45 hours in pathology related to the practice of massage and bodywork therapy;
- (e) 20 hours in professional ethics for the practice of massage and bodywork therapy;
- (f) 10 hours in North Carolina laws and rules for the practice of massage and bodywork therapy;
- (g) 15 hours in business management practices related to the practice of massage and bodywork therapy;
- (h) 25 hours in psychological concepts related to the practice of massage and bodywork therapy, including dynamics of the client-therapist relationship and boundaries, professional communication skills, and the mind-body connection;
- (i) 150 hours in other courses related to the practice of massage and bodywork therapy. The courses may include additional hands-on techniques, specific applications, adjunctive modalities, in-depth anatomy and physiology, kinesiology, psychological concepts, or supervised clinical practice. First Aid or CPR shall not be included in this category. Techniques that are considered exempt from licensure pursuant to G.S. 90-624(6) or (7), and that are further defined by Rule .0203(a) may constitute up to 50 hours of the 150 hours in this category.
- (3) Student clinic or fieldwork experiential programs shall not exceed 100 of the 150 hours required by Sub-item (2)(i) of this Rule. All work shall be in the presence of and directly supervised by and evaluated by an instructor;
- (4) For programs that include an externship component, the hours shall not be included in the requirements set forth in Item (2) of this Rule, and shall not comprise more than 20 percent of the total program hours. All work at the externship site shall be supervised by a person at the externship site who meets the school's guidelines and is approved by the school, and shall be monitored and evaluated by the school;
- (5) The program shall provide curriculum hours that allow its graduates to meet the minimum eligibility requirements for at least one of the competency assessment examinations that are approved by the Board as meeting the licensure requirement set forth in G.S. 90-629(5) and Rule .0201(a)(15);
- (6) Programs shall consist of a series of courses that are organized so that each class prepares the

students for the next class and are consistent with the program's educational objectives. Material shall not be presented unless students have the necessary skills and knowledge to utilize the material;

- (7) Course titles shall match the content of the course and published course descriptions shall reflect the specific learning objectives of each course;
- (8) Course requirements and competencies shall be consistent from instructor to instructor. Teaching materials, including lesson plans for every class taught, shall be developed and maintained for each course to ensure consistency. Teaching methods shall adapt to course content, and diverse learning styles;
- (9) Programs shall be at least 25 weeks in length, with no more than nine instructional hours in one day. There shall be no more than two hours of instruction without a break. There shall be no more than four hours of instruction without a meal break;
- (10) For a student to receive credit in a course, the student shall attend 80 percent of the instructional hours of the course. The student shall also make up missed instructional hours to equal no less than 98 percent of the instructional hours in the course according to the procedures established by the school;
- (11) A syllabus shall be developed for each course that shows the basic content of each individual class in the course in the sequence presented and provided to students prior to the beginning of instruction. The syllabus shall include the following elements:
  - (a) course title;
  - (b) course description;
  - (c) learning objectives;
  - (d) teaching methodologies;
  - (e) total number of instructional hours;
  - (f) meeting dates and class times;
  - (g) assignments;
  - (h) textbooks;
  - (i) evaluation methods;
  - (j) quiz and examination dates; and
  - (k) performance standards.
- (12) Any course taken at a college, as defined in Rule .0602(4) of this Section, in a department other than the massage and bodywork therapy department shall fulfill the requirements set forth in Item (2) of this Rule; and
- (13) For classes that involve hands-on practice, the student to instructor ratio shall not exceed 16 to 1. Both instructors and teaching assistants, as defined in Rule .0602(5) and (12) of this Section, shall be considered in calculating these ratios.

*Eff. October 1, 2007;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 12, 2014;*

*Amended Eff. February 1, 2025; April 1, 2017.*

**21 NCAC 30 .0623 LEARNING RESOURCES**

The school shall provide students and instructional staff access to books, periodicals, charts, models, or electronic media, and other informational materials in the field of massage and bodywork therapy to support the educational objectives of the program. As an alternative, the school may have a contractual agreement with another entity to provide access to such resources.

*History Note: Authority G.S. 90-626(9); 90-631;*

*Eff. October 1, 2007;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 12, 2014;*

*Amended Eff. February 1, 2025; April 1, 2017.*

**21 NCAC 30 .0627 TRANSFER OF CREDIT**

(a) A school shall not grant transfer credit from another institution unless the following standards are met:

- (1) The school from where credit is being transferred shall be licensed or approved by the educational licensing authority or be exempt by statute from being licensed or approved in the state in which it operates;
- (2) The school from where credit is being transferred shall provide an official transcript;
- (3) Courses for which credit is granted shall be parallel in content to the courses presently offered by the school granting the transfer;
- (4) Documentation of previous training shall be included in each student's permanent file.

(b) A school may only grant credit to a student, or exempt the student from curriculum requirements, based on the student's performance on an examination that the school administers to determine competency in that subject area. Credit or exemption shall not exceed 35 percent of the total number of hours in the program and shall not reduce the total hours attended to less than 650 hours.

*History Note: Authority G.S. 90-626(9); 90-631;*

*Eff. October 1, 2007;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 12, 2014;*

*Amended Eff. February 1, 2025.*

**21 NCAC 30 .1012 LICENSE RENEWAL**

(a) Any establishment licensee renewing a license shall comply with all requirements for licensure and shall submit the required renewal fee pursuant to Rule .1014(3) of this Section.

(b) An establishment license that has not been renewed prior to its expiration date is expired and the establishment shall not operate. The establishment license may be reinstated within 120 days from the date of expiration upon payment of the license renewal fee and late renewal penalty pursuant to Rule .1014 of this Section. Any establishment license expired for more than 120

*History Note: Authority G.S. 90-626(9); 90-631;*

days shall not be renewed and an initial application for licensure shall be submitted pursuant to Rule .1003 of this Section.

(c) Any owner whose establishment license has expired and who engages in or permits any massage and bodywork therapy activities governed by the Practice Act shall be subject to the penalties prescribed in G.S. 90-634 and G.S. 90-634.1.

(d) Members of the armed forces whose establishment licenses are in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall be granted that same extension of time to pay the establishment license renewal fee. A copy of military orders and the extension approval by the Internal Revenue Service shall be furnished to the Board to be granted the extension of time to pay the renewal fee.

History Note: Authority G.S. 90-630.5; 90-632.14; 93B-15; Eff. November 15, 2019; Amended Eff. February 1, 2025.

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CHAPTER 34 – BOARD OF FUNERAL SERVICE

21 NCAC 34B .0801 DEFINITIONS

For purposes of Section .0800, the following definitions shall apply:

- (1) "Decedent" shall mean any dead human body or remains believed to be human.
(2) "Disinfect" shall mean a process that eliminates pathogenic microorganisms on inanimate objects using liquid chemicals or wet pasteurization.
(3) "Impervious" shall mean constructed from material that does not allow another substance to pass through or to penetrate the material.
(4) "Licensee" shall mean an individual or entity holding any type of licensure from the Board that allows the individual or entity to engage in the removal or transportation of a dead human body. As used in this section, "licensee" shall include employees or authorized representatives of any person or entity exempt from obtaining a transporter permit pursuant to G.S. 90-210.25(c)(5).
(5) "Location of origin" shall mean the location from which the licensee is authorized to transport or remove a dead human body.
(6) "ME" shall mean a local Medical Examiner appointed by the Office of the Chief Medical Examiner, pursuant to G.S. 130A-382.
(7) "NC OSH" shall mean the North Carolina Occupational Safety and Health Division, North Carolina Department of Labor.
(8) "OCME" shall mean the Office of the Chief Medical Examiner.
(9) "OSHA" shall mean the federal Occupational Safety and Health Administration.
(10) "Permit holder" shall mean an individual who holds a permit issued by the Board to engage in

the removal or transportation of a dead human body, as defined in G.S. 90-210.25(c)(3).

- (11) "Removal vehicle" shall mean a vehicle of a size, dimensions, and specifications capable of removing and transporting, in accordance with G.S. 90-210.25(c)(9), at least one adult human body measuring up to seven feet in length and three hundred pounds in weight.
(12) "State" shall mean the State of North Carolina.
(13) "Removal or Transportation" shall mean the removal or transportation of a dead human body, or part thereof.
(14) "Transporter Permit" shall mean a permit issued by the Board pursuant to Rule .0802 of this Section to engage in the removal or transportation of a dead human body, as defined in G.S. 90-210.25(c)(3).
(15) "Transportation Service" shall mean any business that employs or contracts with individuals to engage in the removal or transportation of a dead human body unless otherwise exempt pursuant to G.S. 90-210.25(c)(5) and (6).

History Note: Authority G.S. 90-210.23(a); 90-210.25(c)(10); Eff. February 1, 2025.

21 NCAC 34B .0802 INITIAL PERMIT APPLICATION FORM

(a) Pursuant to G.S. 90-210.25(c)(7), any person desiring to obtain a Transporter Permit from the Board shall make application to the Board. Applications not completed within 90 days of submission to the Board shall be denied. Application forms and instructions may be found on the Board's website at https://ncbfs.org.

(b) All applications for a Transporter Permit shall contain the following:

- (1) The applicant's full name;
(2) The applicant's physical and mailing address of residence;
(3) The name and address of the Transportation Service, if any, for which the applicant will work;
(4) The applicant's work phone number, home phone number, and cell phone number;
(5) The applicant's social security number and sex;
(6) The applicant's date and place of birth;
(7) The applicant's email address;
(8) A copy of the applicant's valid driver's license issued by the State;
(9) The make, model, year, and license plate number of the removal vehicle to be used by the applicant;
(10) A copy of all liability insurance required for the registration of the removal vehicle to be used by the applicant;
(11) A copy of professional liability insurance covering the applicant's acts and omissions while engaging in the removal or

- (12) Whether the applicant has been convicted of any felony or misdemeanor crimes and, if so, a statement providing the jurisdiction, charge, and disposition of each conviction;
- (13) Whether the applicant has had an occupational or business license denied, suspended, or revoked by any local, state, or federal agency and, if so, a statement providing the reason for the denial and the date, location, and circumstances of any violation that led to action against the applicant, the terms of any discipline imposed by the licensing authority, and whether said terms have been satisfied;
- (14) Whether OCME ever has terminated the applicant's ability to provide removal or transportation services on behalf of OCME and, if so, the reasons for said termination, if known;
- (15) Whether the applicant has been subject to any investigation for employee misclassification as defined by G.S. 143-786(a)(5) in the preceding two years;
- (16) The applicant's signature to certify under oath that he or she has prepared the application and has read the answers; that the information provided in the application is true; and that he or she has read the NC Industrial Commission Public Notice Statement;
- (17) The applicant's signature to certify under oath that he or she has read and understands the statutes and rules relating to the removal or transportation, as well as the standards of OSHA for universal precautions and blood-borne pathogens, 29 C.F.R. 1910.1030; and
- (18) The application fee, as prescribed by G.S. 90-210.25(c)(8) and 21 NCAC 34A .0201.

(c) Upon receipt of an applicant's application for a Transporter Permit, the Board shall provide to the applicant instructions on how to submit his or her fingerprints for a criminal background check, in accordance with G.S. 90-210.25(a)(5)(h). The applicant shall sign and return to the Board a form provided by the Board, consenting to the check of the criminal records and to the use of his or her fingerprints and other identifying information required by the State or national repositories. The applicant shall remit payment to the Board in the form of an official check, money order, or cashier's check, made payable to the State Bureau of Investigation, the actual costs charged by the Department of Public Safety for performing the criminal background check.

*History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5)(h); 90-210.25(c)(7) and (10); Eff. February 1, 2025.*

**21 NCAC 34B .0803 PERMIT RENEWAL APPLICATION FORM**

(a) To renew a Transporter Permit, the permit holder shall complete and submit to the Board a renewal application on or before February 1 of each calendar year.

- (b) The renewal application shall contain the following:
  - (1) The permit holder's full name;
  - (2) The permit holder's physical and mailing address of residence;
  - (3) The name and address of the Transportation Service, if any, for which the permit holder works;
  - (4) The permit holder's work phone number, home phone number, and cell phone number;
  - (5) The permit holder's email address;
  - (6) A copy of the permit holder's valid driver's license issued by the State;
  - (7) A copy of all liability insurance required for the registration of the removal vehicle to be used by the permit holder;
  - (8) A copy of professional liability insurance covering the permit holder's acts and omissions while engaging in the removal or transportation, with liability limits not less than required by G.S. 90-210.25(c)(7);
  - (9) Whether the make, model, year, and license plate number of the permit holder's removal vehicle has changed since the previous renewal year and, if so, the make, model, year, and license plate number of the removal vehicle currently used by the applicant;
  - (10) Whether the permit holder has been convicted of any felony or misdemeanor crimes since the previous renewal application was submitted and, if so, a statement providing the jurisdiction, charge, and disposition of each conviction;
  - (11) Whether the permit holder has had an occupational or business license denied, suspended, or revoked by any local, state, or federal agency since the previous renewal application was submitted and, if so, a statement providing the reason for the denial and the date, location, and circumstances of any violation that led to action against the permit holder, the terms of any discipline imposed by the licensing authority, and whether said terms have been satisfied;
  - (12) Whether OCME ever has terminated the permit holder's ability to provide removal or transportation services on behalf of OCME and, if so, the reasons for said termination, if known;
  - (13) Whether the permit holder has been subject to any investigation for employee misclassification as defined by G.S. 143-786(a)(5) since the previous renewal application was submitted;
  - (14) The permit holder's signature to certify that he or she has prepared the application and has read the answers; that the information provided in the application is true; and that he or she has read the NC Industrial Commission Public Notice Statement;

- (15) The permit holder's signature to certify under oath that he or she has read and understands the statutes and rules relating to the removal or transportation, as well as the standards of OSHA for universal precautions and blood-borne pathogens, 29 C.F.R. 1910.1030;
- (16) The permit holder's consent to a check of the permit holder's criminal background by the Board; and
- (17) The application fee, as prescribed by G.S. 90-210.25(c)(8) and 21 NCAC 34A .0201. If the application fee is dishonored by the drawee bank for any reason, the Board shall suspend the Transporter Permit until the renewal fees and non-sufficient fund charges are paid.

*History Note: Authority G.S. 90-210.23(a); 90-210.25(a)(5)(h); 90-210.25(c)(8) and (10); Eff. February 1, 2025.*

**21 NCAC 34B .0804 STANDARDS FOR REMOVAL AND TRANSPORTATION OF DEAD HUMAN BODIES**

(a) Removal and transportation shall be conducted in accordance with the standards of OSHA for universal precautions and blood-borne pathogens set forth at 29 C.F.R. 1910.1030. Before engaging in removal or transportation, a permit holder shall attest in writing to the Board that he or she has taken a training course on universal precautions and blood-borne pathogens offered by OSHA or NC OSH.

(b) Upon arrival at a location to engage in removal or transportation, a permit holder shall:

- (1) Display on the dashboard of the removal vehicle the permit issued by the Board allowing the removal or transportation service;
- (2) Verbally identify himself or herself as a permit holder;
- (3) Identify the entity for whom he or she is engaged in removal or transportation.

(c) Decedents shall be placed face up when secured in the removal vehicle or into a casket or a container that is commercially manufactured for the storage of dead human bodies.

(d) Belongings found at the location of origin (such as tools, bedding, or towels that are not supplied by the licensee) shall not be used to assist with a decedent's removal or transportation if such use is contrary to the directives of the decedent's family members, OCME, ME, or a law enforcement official.

*History Note: Authority G.S. 90-210.23(a); 90-210.25(c)(9), (10) and (14); Eff. February 1, 2025.*

**21 NCAC 34B .0805 REQUIREMENTS FOR REMOVAL VEHICLES**

(a) Licensees shall conduct removal or transportation in a removal vehicle. The removal vehicle shall have a cargo bay that:

- (1) has curtains or tinting on any windows displaying the cargo bay, to obscure the decedent from public view;

- (2) prevents co-mingling or shifting of the decedent while in transit; and
- (3) has flooring that is impervious.

(b) The removal vehicle used by a licensee shall contain the following when removal or transportation is performed:

- (1) Mortuary cot, ambulance cot, casket, or container that is commercially manufactured for the storage of dead human bodies;
- (2) Pillow or head block;
- (3) Sheets and cot cover;
- (4) Rubber or plastic sheeting;
- (5) Towels;
- (6) Zippered mortuary body bag or disaster pouch;
- (7) Straps;
- (8) Impervious tags;
- (9) Pen or marker with indelible ink;
- (10) A universal precaution kit, which shall contain the following:
  - (A) A bio-waste bag;
  - (B) A heavy-duty disaster pouch;
  - (C) Goggles;
  - (D) Impervious foot coverings;
  - (E) Masks;
  - (D) Disposable gloves;
  - (F) Impervious apron or gown;
  - (G) Antiseptic hand cleaner;
  - (H) Disinfectant spray; and
  - (I) A first-aid kit.

(c) A licensee shall disinfect the entire interior of the removal vehicle, including the driver's cabin, as soon as reasonably possible after each removal or transportation of a decedent.

(d) A licensee shall not eat, drink, or smoke in the removal vehicle while engaged in removal or transportation.

(e) A licensee shall not stack decedents inside a removal vehicle unless using shelves designed for such purpose and capable of transporting decedents in a manner consistent with Subparagraph (a)(2) of this Rule.

*History Note: Authority G.S. 90-210.23(a); 90-210.25(c)(9) and (10); Eff. February 1, 2025.*

**21 NCAC 34B .0806 CHAIN OF CUSTODY AND CONTROL**

(a) When removing or transporting a decedent from the location of origin, unless otherwise instructed by a law enforcement official, a licensee shall place an impervious tag on the decedent or the decedent's body bag or disaster pouch, if the decedent is so sealed therein by a law enforcement official prior to the licensee's arrival. The impervious tag shall contain the following:

- (1) The decedent name, if known. Otherwise, the word "unidentified;"
- (2) The name of the county in which the death occurred, if known;
- (3) The date on which the death occurred, if known; and
- (4) The date on which decedent was discovered.

(b) If the licensee places the decedent in a body bag or disaster pouch, the licensee shall place on the bag or pouch an impervious

tag, or otherwise indelibly mark the bag or pouch, with the licensee's name and the information set forth in Subparagraphs (a)(1)-(4) of this Rule.

(c) When conducting removal or transportation at the authorization of OCME or an ME, the licensee shall not transport or remove a decedent from a location of origin that has been designated by a law enforcement official as a crime scene unless the decedent has been sealed in a body bag or disaster pouch by a law enforcement official, OCME, or an ME.

(d) A licensee shall transport directly, with no intervening stops unrelated to the transportation, the decedent from the location of origin to the location requested by the individual or entity for whom the licensee has engaged in the removal or transportation. If the licensee is engaged in the removal or transportation of multiple decedents simultaneously, the licensee shall transport each decedent to its respective destination consecutively, without any intervening stops unrelated to the transportation.

(e) For each removal or transportation performed, a licensee shall give to each individual or entity for whom the removal or transportation is authorized an inventory of all personal belongings found on the decedent, if such an inventory is provided to the licensee upon removal of the decedent from the location of origin, which shall be signed by the licensee. A licensee shall not touch or take possession of any weapon, or controlled substances or paraphernalia that is found among the decedent's personal belongings.

(f) A licensee shall place any written documentation related to the decedent for which the licensee is entrusted with custody during transportation and removal in an impervious container, if said written documents are in physical contact with the decedent.

*History Note: Authority G.S. 90-210.23(a); 90-210.25(c)(9) and (10);*

*Eff. February 1, 2025.*

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**RULES REVIEW COMMISSION**

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*This Section contains information for the meeting of the Rules Review Commission January 30, 2025 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 2<sup>nd</sup> 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)  
John Hahn  
Jeff Hyde  
Brandon Leebrick  
Bill Nelson

**Appointed by House**

Jake Parker (1<sup>st</sup> Vice-Chair)  
Paul Powell (2<sup>nd</sup> Vice-Chair)  
Wayne R. Boyles, III  
Christopher Loutit  
Randy Overton

**COMMISSION COUNSEL**

William W. Peaslee	984-236-1939
Seth M. Ascher	984-236-1934
Travis Wiggs	984-236-1929

**RULES REVIEW COMMISSION MEETING DATES**

March 27, 2025	May 29, 2025
April 24, 2025	June 26, 2025

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**RULES REVIEW COMMISSION MEETING**

**MINUTES**

**January 30, 2025**

The Rules Review Commission met on Thursday, January 30, 2025, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and via Webex.

Commissioners Wayne R. Boyles III, Jeanette Doran, John S. Hahn, Chris Loutit, Randy Overton, Bill Nelson, Jake Parker, and Paul Powell were present in the Commission Room. Commissioner Jeff Hyde was present via Webex.

Staff member Alexander Burgos, Commission Counsel Seth Ascher, Brian Liebman, Bill Peaslee, and Travis Wiggs were present in the room.

The meeting was called to order at 10:00 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 from the December 19, 2024 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 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

**FOLLOW UP MATTERS**

**Coastal Resources Commission**

15A NCAC 07H .0508; 15A NCAC 07J .1401, .1402, .1403, .1405; 15A NCAC 07J .1501, .1502, and .1503 – The agency is addressing the objections from the December meeting. No action was required of the Commission.

**Agricultural Finance Authority**

24 NCAC 02D .0101, .0102, .0103, .0104, .0105, and .0106 were withdrawn at the request of the agency. No action was required of the Commission.

**LOG OF FILINGS (PERMANENT RULES)**

**Structural Pest Control Committee**

Upon the call of the Chair, the Commission voted to approve 02 NCAC 34 .0101, .0302, .0309, .0313, .0327, .0604, .0703, .0803, and .0902 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

**Medical Care Commission 10A NCAC 13F**

Upon the call of the Chair, the Commission voted to approve 10A NCAC 13F .1601, .1602, .1603, .1604, and .1605 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

Upon the call of the Chair, the Commission voted to extend the period of review for 10A NCAC 13F .0206, .0301, .0302, .0304, .0305, .0306, .0307, .0309, .0310, .0311, .0801, .0802, .1304, and .1501 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

**Medical Care Commission 10A NCAC 13G**

Upon the call of the Chair, the Commission voted to approve 10A NCAC 13G .1601, .1602, .1603, .1604, and .1605 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

Upon the call of the Chair, the Commission voted to extend the period of review for 10A NCAC 13G .0206, .0301, .0302, .0305, .0306, .0307, .0308, .0309, .0312, .0313, .0315, .0316, .0317, .0318, .0801, and .0802 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

**Code Officials Qualification Board**

Upon the call of the Chair, the Commission voted to approve 11 NCAC 08 .0602, .0706, .0707, .0737, .0738, .0739, .0740, and .0741 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

**Sheriffs' Education and Training Standards Commission**

Upon the call of the Chair, the Commission voted to approve 12 NCAC 10B .0305, .0408, and .0409 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

**Crime Victims Compensation Commission**

Upon the call of the Chair, the Commission voted to extend the period of review for 14B NCAC 09 .0302 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

**Wildlife Resources Commission**

Upon the call of the Chair, the Commission voted to approve 15A NCAC 10D .0252; 10F .0305, .0330, .0332, .0333; 10G .0501; 10J .0103, and .0104 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

**Department of Revenue**

Upon the call of the Chair, the Commission voted to approve 17 NCAC 04C .2001, .2002, .2003, .2004, .2005, and .2006 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

**Interpreter and Transliterator Licensing Board**

Upon the call of the Chair, the Commission voted to approve 21 NCAC 25 .0202 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

**Board of Massage and Bodywork Therapy**

Upon the call of the Chair, the Commission voted to approve 21 NCAC 30 .0201, .0204, .0620, .0623, .0627, and .1012 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

**Board of Funeral Service**

Upon the call of the Chair, the Commission voted to approve 21 NCAC 34B .0801, .0802, .0803, .0804, .0805, and .0806 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

**Building Code Council**

Upon the call of the Chair, the Commission voted to approve the 2023 NC Electrical Code/Definitions, Selective Coordination - Article 100 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

**Existing Rules Review****Board of Agriculture**

Upon the call of the Chair, the reports for 02 NCAC 09B, 09C, 09D, 09E, 09F, 09G, 09H, 09J, 09K, 09M, 09N, 09O, 38, 43F, 51, 52A, and 52K were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

**Medical Care Commission**

Upon the call of the Chair, the reports for 10A NCAC 13A and 13D were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

**Department of Insurance**

Upon the call of the Chair, the reports for 11 NCAC 01 and 17 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

**Department of the Secretary of State**

Upon the call of the Chair, the reports for 18 NCAC 02, 08, 11, and 12 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

**Board of Athletic Trainer Examiners**

Upon the call of the Chair, the report for 21 NCAC 03 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

**Commerce - Division of Employment Security**

04 NCAC 24 - As reflected in the attached letter, the Commission voted to schedule readoption of these Rules no later than February 1, 2030, pursuant to G.S. 150B-21.3A(d)(2) by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

**Manufactured Housing Board**

11 NCAC 08 .0900 and .1400 - As reflected in the attached letter, the Commission voted to schedule readoption of these Rules no later than March 1, 2027, pursuant to G.S. 150B-21.3A(d)(2) by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

**ABC Commission**

14B NCAC 15C - As reflected in the attached letter, the Commission voted to schedule readoption of these Rules no later than March 1, 2027, pursuant to G.S. 150B-21.3A(d)(2) by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

**Department of Health and Human Services**

15A NCAC 01O - As reflected in the attached letter, the Commission voted to schedule re-adoption of these Rules no later than March 1, 2027, pursuant to G.S. 150B-21.3A(d)(2) by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

**Environmental Management Commission**

15A NCAC 02B, 02H, 02T, and 02U - As reflected in the attached letter, the Commission voted to schedule re-adoption of these Rules no later than June 1, 2029, pursuant to G.S. 150B-21.3A(d)(2) by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

**Environmental Management Commission**

15A NCAC 02K - As reflected in the attached letter, the Commission voted to schedule re-adoption of these Rules no later than February 1, 2027, pursuant to G.S. 150B-21.3A(d)(2) by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

**Board of Certified Public Accountant Examiners**

21 NCAC 08 - As reflected in the attached letter, the Commission voted to schedule re-adoption of these Rules no later than 1 May 1, 2026, pursuant to G.S. 150B-21.3A(d)(2) by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

**Onsite Wastewater Contractor's and Inspector's Certification Board**

21 NCAC 39 - As reflected in the attached letter, the Commission voted to schedule re-adoption of these Rules no later than December 1, 2026, pursuant to G.S. 150B-21.3A(d)(2) by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

**Office of State Human Resources**

25 NCAC 01 - As reflected in the attached letter, the Commission voted to schedule re-adoption of these Rules no later than March 1, 2027, pursuant to G.S. 150B-21.3A(d)(2) by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

**Review of the 2025 State Medical Facilities Plan**

Upon the call of the Chair, the 2025 State Medical Facilities Plan was found in compliance with S.L. 2023-229 and approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

**COMMISSION BUSINESS**

The Department of Revenue submitted a request for a public hearing for the Commission to consider the agency's request for an exemption of 17 NCAC Subchapter 05G from the 2024-2027 Periodic Review of Existing Rules. The Commission denied the agency's request by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

Ashley McGhee with the Corporate Tax Division for the Department of Revenue, addressed the Commission.

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***RULES REVIEW COMMISSION***

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The Commission voted to appoint Commission Counsel Travis Wiggs as rulemaking coordinator to the RRC by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Chris Loutit, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8.

The meeting was adjourned at 10:32 a.m.

The next regularly scheduled meeting of the Commission is Thursday, February 27, 2025, at 10:00 a.m.

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Alexander Burgos, Paralegal

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

**RULES REVIEW COMMISSION**

**January 29, 2025**

Rules Review Commission  
Meeting  
Please **Print Legibly**

Name	Agency
Ben Busch	NCITLB/DOJ
Elly Young	NCDOS
<del>Jim Walker</del>	<del>DOJ</del>
Jay Strickland	NC DOJ
Rickie Squires	NCDAS
Emily Wren	NC DOJ
Al Milak	NCDOR
Nancy Raman	NCDOR
Ashley McGhee	NCDOR
Brian Puckett	NCDOR
Jennifer Everett	DEQ
Sharon Martin	NCDOR, DES
Sam Nezel	NCDOR, DES
ANN ELMORE	NC SOS
Catherine E Lee	NCTBFS
Annalynne Wath	NCDACS
Shanah Back	DHSR
Laura Hansford	NCDOR
Ryan Mitiguy	NC BFS
JESSICA MAJOR	NC DOJ
Kyle Heuser	OSFM

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**RULES REVIEW COMMISSION**

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**Rules Review Commission Meeting January 30, 2025****Via WebEx**

<b>Name</b>	<b>Agency</b>
Melinda Munden	DOI
Lisa Zimmerman	DOI
Jessica Montie	DEQ
Karen Higgins	DEQ
David Propoggio	AGR
Julie Ventaloro	OSBM
Neal McHenry	Auditor
John Feagans	AGR
Shannon Wharry	DOI
David Rittlinger	DOI
Terri Tart	DOI
Beth Williams	DOI
Mike Hejduk	DOI
Dana McGhee	OAH
Ashley Snyder	OAH
Denise Mazza	OSHR
John M Best	grillman102@yahoo.com
Misty Piekaar	DHHS
Grant Welch	cwa-union.org
Helen Landi	hntb.com
Crystal Lyda	hendersoncountync.gov
Tammy	DHHS
Joelle Burleson	DEQ
Mike Morton	cityofwfsfire.org
Stephanie Stella	stella-law.com
Andrea Emanuel	DHHS
Betsy Haywood	WRC
Josh Fleming	ipaper.com
Renee Metz	ABC
Angela Ellis	BON
Brown, Elizabeth K	DHHS
Tamika Jenkins	DHHS
Jill Cramer	Labor
Shalisa Jones	DHHS
Tammy Sylvester	DHHS
Paola Learoyd Gibbs	NCBATE
Megan Lamphere	DHHS
Admin	BMBT
Alisha Benjamin	DOI
Carrie Ruhlman	WRC

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**RULES REVIEW COMMISSION**

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Libby Kinsey	DHHS
Nick Sorensen	DOJ
Wally Ainsworth	DHHS
Tameka Riggsbee	DHHS
Michaela Mitchell	DHHS
Nathan Childs	BCC
Sirena Jones	DOJ
Victor Lennon	AGR

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

January 30, 2025

Sharon Martin, Department of Commerce, Division of Employment Security  
**Sent via email only to: [Sharon.martin@commerce.nc.gov](mailto:Sharon.martin@commerce.nc.gov)**

Re: Readoption deadline for 04 NCAC 24: Commerce- Division of Employment Security

Dear Ms. Martin:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the January 30, 2025, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **February 1, 2030**.

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

Sincerely,

/s/ Seth Ascher  
Seth Ascher  
Commission Counsel

**Donald Robert van der Vaart**, Director  
Chief Administrative Law Judge

**John C. Evans**  
Senior Administrative Law Judge

*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](http://www.oah.nc.gov)

**RRC DETERMINATION: NECESSARY  
PERIODIC RULE REVIEW**

August 28, 2024

APO Review: October 29, 2024

Commerce - Employment Security, Division of

Total: 152

04 NCAC 24A .0101	04 NCAC 24B .0301	04 NCAC 24C .0207	04 NCAC 24D .0801
04 NCAC 24A .0102	04 NCAC 24B .0302	04 NCAC 24C .0208	04 NCAC 24D .0901
04 NCAC 24A .0103	04 NCAC 24B .0401	04 NCAC 24C .0209	04 NCAC 24D .1001
04 NCAC 24A .0104	04 NCAC 24B .0402	04 NCAC 24C .0210	04 NCAC 24D .1002
04 NCAC 24A .0105	04 NCAC 24B .0501	04 NCAC 24C .0211	04 NCAC 24D .1003
04 NCAC 24A .0106	04 NCAC 24B .0502	04 NCAC 24C .0212	04 NCAC 24D .1101
04 NCAC 24A .0107	04 NCAC 24B .0503	04 NCAC 24C .0213	04 NCAC 24D .1102
04 NCAC 24A .0108	04 NCAC 24B .0504	04 NCAC 24C .0214	04 NCAC 24D .1103
04 NCAC 24A .0109	04 NCAC 24B .0601	04 NCAC 24C .0215	04 NCAC 24D .1104
04 NCAC 24A .0110	04 NCAC 24B .0602	04 NCAC 24C .0301	04 NCAC 24D .1201
04 NCAC 24A .0201	04 NCAC 24B .0603	04 NCAC 24C .0302	04 NCAC 24D .1202
04 NCAC 24A .0202	04 NCAC 24B .0701	04 NCAC 24C .0303	04 NCAC 24D .1203
04 NCAC 24A .0203	04 NCAC 24B .0702	04 NCAC 24C .0401	04 NCAC 24D .1204
04 NCAC 24A .0204	04 NCAC 24B .0703	04 NCAC 24C .0402	04 NCAC 24D .1301
04 NCAC 24A .0205	04 NCAC 24B .0704	04 NCAC 24D .0101	04 NCAC 24D .1302
04 NCAC 24A .0206	04 NCAC 24B .0705	04 NCAC 24D .0102	04 NCAC 24F .0101
04 NCAC 24A .0207	04 NCAC 24B .0801	04 NCAC 24D .0201	04 NCAC 24F .0102
04 NCAC 24A .0301	04 NCAC 24B .0802	04 NCAC 24D .0202	04 NCAC 24F .0103
04 NCAC 24A .0302	04 NCAC 24B .0803	04 NCAC 24D .0203	04 NCAC 24F .0104
04 NCAC 24A .0501	04 NCAC 24B .0804	04 NCAC 24D .0204	04 NCAC 24F .0105
04 NCAC 24A .0502	04 NCAC 24B .0901	04 NCAC 24D .0205	04 NCAC 24F .0106
04 NCAC 24A .0503	04 NCAC 24B .0902	04 NCAC 24D .0301	04 NCAC 24F .0107
04 NCAC 24A .0504	04 NCAC 24B .1001	04 NCAC 24D .0302	04 NCAC 24F .0201
04 NCAC 24A .0601	04 NCAC 24B .1002	04 NCAC 24D .0303	04 NCAC 24F .0202
04 NCAC 24B .0101	04 NCAC 24B .1101	04 NCAC 24D .0304	04 NCAC 24F .0203
04 NCAC 24B .0102	04 NCAC 24B .1102	04 NCAC 24D .0401	04 NCAC 24F .0204
04 NCAC 24B .0103	04 NCAC 24B .1103	04 NCAC 24D .0402	04 NCAC 24F .0205
04 NCAC 24B .0104	04 NCAC 24B .1104	04 NCAC 24D .0403	04 NCAC 24F .0206
04 NCAC 24B .0105	04 NCAC 24C .0101	04 NCAC 24D .0501	04 NCAC 24F .0301
04 NCAC 24B .0106	04 NCAC 24C .0102	04 NCAC 24D .0502	04 NCAC 24F .0302
04 NCAC 24B .0107	04 NCAC 24C .0103	04 NCAC 24D .0503	04 NCAC 24F .0304
04 NCAC 24B .0201	04 NCAC 24C .0104	04 NCAC 24D .0504	04 NCAC 24F .0305
04 NCAC 24B .0202	04 NCAC 24C .0201	04 NCAC 24D .0601	04 NCAC 24F .0306
04 NCAC 24B .0203	04 NCAC 24C .0202	04 NCAC 24D .0602	04 NCAC 24F .0307
04 NCAC 24B .0204	04 NCAC 24C .0203	04 NCAC 24D .0603	04 NCAC 24F .0308
04 NCAC 24B .0205	04 NCAC 24C .0204	04 NCAC 24D .0604	04 NCAC 24F .0309
04 NCAC 24B .0206	04 NCAC 24C .0205	04 NCAC 24D .0702	04 NCAC 24F .0310
04 NCAC 24B .0207	04 NCAC 24C .0206	04 NCAC 24D .0703	04 NCAC 24F .0311



STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS

January 30, 2025

Kyle Heuser, Manufactured Housing Board  
**Sent via email to: [kyle.heuser@ncdoi.gov](mailto:kyle.heuser@ncdoi.gov)**

Re: Readoption deadline for 11 NCAC 08 .0900 and .1400

Dear Mr. Heuser:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on January 30, 2025.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **March 1, 2027**.

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

Sincerely,

/s/ Travis Wiggs  
Travis Wiggs  
Commission Counsel

Donald Robert van der Vaart, Director  
Chief Administrative Law Judge

John C. Evans  
Senior Administrative Law Judge

*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](http://www.oah.nc.gov)

RRC DETERMINATION: Necessary

PERIODIC RULE REVIEW

August 28, 2024

APO Review: October 29, 2024

Manufactured Housing Board

Total: 45

11 NCAC 08 .0901	11 NCAC 08 .1412
11 NCAC 08 .0902	11 NCAC 08 .1413
11 NCAC 08 .0903	11 NCAC 08 .1414
11 NCAC 08 .0904	11 NCAC 08 .1415
11 NCAC 08 .0905	11 NCAC 08 .1416
11 NCAC 08 .0906	11 NCAC 08 .1417
11 NCAC 08 .0907	11 NCAC 08 .1418
11 NCAC 08 .0908	11 NCAC 08 .1419
11 NCAC 08 .0909	11 NCAC 08 .1420
11 NCAC 08 .0910	11 NCAC 08 .1421
11 NCAC 08 .0911	11 NCAC 08 .1422
11 NCAC 08 .0912	11 NCAC 08 .1423
11 NCAC 08 .1401	11 NCAC 08 .1424
11 NCAC 08 .1402	11 NCAC 08 .1425
11 NCAC 08 .1403	11 NCAC 08 .1426
11 NCAC 08 .1404	11 NCAC 08 .1427
11 NCAC 08 .1405	11 NCAC 08 .1428
11 NCAC 08 .1406	11 NCAC 08 .1429
11 NCAC 08 .1407	11 NCAC 08 .1430
11 NCAC 08 .1408	11 NCAC 08 .1431
11 NCAC 08 .1409	11 NCAC 08 .1432
11 NCAC 08 .1410	11 NCAC 08 .1433
11 NCAC 08 .1411	



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

January 30, 2025

Renee Metz, Alcoholic Beverage Control Commission  
**Sent via email to: renee.metz@abc.nc.gov**

Re: Readoption deadline for 14B NCAC 15C

Dear Ms. Metz:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on January 30, 2025.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **March 1, 2027**.

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

Sincerely,

*/s/* Travis Wiggs  
Travis Wiggs  
Commission Counsel

**Donald Robert van der Vaart**, Director  
Chief Administrative Law Judge

**John C. Evans**  
Senior Administrative Law Judge

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RRC DETERMINATION: NECESSARY  
PERIODIC RULE REVIEW

August 28, 2024

APO Review: October 29, 2024

Alcoholic Beverage Control Commission

Total: 68

14B NCAC 15C .0102	14B NCAC 15C .0701
14B NCAC 15C .0103	14B NCAC 15C .0702
14B NCAC 15C .0104	14B NCAC 15C .0703
14B NCAC 15C .0201	14B NCAC 15C .0704
14B NCAC 15C .0202	14B NCAC 15C .0705
14B NCAC 15C .0203	14B NCAC 15C .0706
14B NCAC 15C .0204	14B NCAC 15C .0707
14B NCAC 15C .0205	14B NCAC 15C .0708
14B NCAC 15C .0206	14B NCAC 15C .0709
14B NCAC 15C .0301	14B NCAC 15C .0710
14B NCAC 15C .0302	14B NCAC 15C .0711
14B NCAC 15C .0303	14B NCAC 15C .0712
14B NCAC 15C .0304	14B NCAC 15C .0713
14B NCAC 15C .0305	14B NCAC 15C .0714
14B NCAC 15C .0306	14B NCAC 15C .0715
14B NCAC 15C .0307	14B NCAC 15C .0801
14B NCAC 15C .0308	14B NCAC 15C .0802
14B NCAC 15C .0401	14B NCAC 15C .0804
14B NCAC 15C .0402	14B NCAC 15C .0805
14B NCAC 15C .0403	14B NCAC 15C .0901
14B NCAC 15C .0404	14B NCAC 15C .0902
14B NCAC 15C .0501	14B NCAC 15C .1001
14B NCAC 15C .0502	14B NCAC 15C .1002
14B NCAC 15C .0503	14B NCAC 15C .1003
14B NCAC 15C .0504	14B NCAC 15C .1101
14B NCAC 15C .0505	14B NCAC 15C .1102
14B NCAC 15C .0601	14B NCAC 15C .1103
14B NCAC 15C .0602	14B NCAC 15C .1201
14B NCAC 15C .0603	14B NCAC 15C .1301
14B NCAC 15C .0604	14B NCAC 15C .1302
14B NCAC 15C .0605	14B NCAC 15C .1303
14B NCAC 15C .0606	14B NCAC 15C .1304
14B NCAC 15C .0607	14B NCAC 15C .1306
14B NCAC 15C .0608	14B NCAC 15C .1307



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

January 30, 2025

Rajeev Premakumar, Department of Health and Human Services  
**Sent via email to: Raj.Premakumar@dhhs.nc.gov**

Re: Readoption deadline for 15A NCAC 01

Dear Mr. Premakumar:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on January 30, 2025.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **March 1, 2027**.

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

Sincerely,

/s/ Travis Wiggs  
Travis Wiggs  
Commission Counsel

**Donald Robert van der Vaart**, Director  
Chief Administrative Law Judge

**John C. Evans**  
Senior Administrative Law Judge

*An Equal Employment Opportunity Employer*  
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[www.oah.nc.gov](http://www.oah.nc.gov)

RRC DETERMINATION: NECESSARY  
PERIODIC RULE REVIEW

August 28, 2024

APO Review: October 29, 2024

Health and Human Services, Department of

Total: 9

15A NCAC 01O .0101  
15A NCAC 01O .0102  
15A NCAC 01O .0103  
15A NCAC 01O .0104  
15A NCAC 01O .0105  
15A NCAC 01O .0106  
15A NCAC 01O .0107  
15A NCAC 01O .0108  
15A NCAC 01O .0109



STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS

January 30, 2025

Jennifer Everett, Environmental Management Commission

**Sent via email only to: [jennifer.everett@deq.nc.gov](mailto:jennifer.everett@deq.nc.gov)**

Re: Readoption deadline for 15A NCAC 02B, 02H, 02K, 02T, 02U: EMC

Dear Ms. Everett:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the January 30, 2025, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the 15A NCAC 02K rules listed in the attachment shall be readopted by the agency no later than **February 1, 2027**.

Pursuant to G.S. 150B-21.3A(d)(2), the 15A NCAC 02B, 02H, 02T, and 02U rules listed in the attachment shall be readopted by the agency no later than **June 1, 2029**.

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

Sincerely,

/s/ Seth Ascher

Seth Ascher  
Commission Counsel

**Donald Robert van der Vaart**, Director  
Chief Administrative Law Judge

**John C. Evans**  
Senior Administrative Law Judge

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[www.oah.nc.gov](http://www.oah.nc.gov)

**RRC DETERMINATION: Necessary  
PERIODIC RULE REVIEW**

October 30, 2024

APO Review: December 31, 2024

Environmental Management Commission – 15A NCAC 02B

Total: 114

15A NCAC 02B .0101	15A NCAC 02B .0273	15A NCAC 02B .0506
15A NCAC 02B .0103	15A NCAC 02B .0275	15A NCAC 02B .0508
15A NCAC 02B .0104	15A NCAC 02B .0276	15A NCAC 02B .0511
15A NCAC 02B .0110	15A NCAC 02B .0277	15A NCAC 02B .0601
15A NCAC 02B .0201	15A NCAC 02B .0278	15A NCAC 02B .0602
15A NCAC 02B .0202	15A NCAC 02B .0279	15A NCAC 02B .0603
15A NCAC 02B .0203	15A NCAC 02B .0280	15A NCAC 02B .0604
15A NCAC 02B .0204	15A NCAC 02B .0281	15A NCAC 02B .0605
15A NCAC 02B .0205	15A NCAC 02B .0282	15A NCAC 02B .0606
15A NCAC 02B .0206	15A NCAC 02B .0295	15A NCAC 02B .0607
15A NCAC 02B .0208	15A NCAC 02B .0301	15A NCAC 02B .0608
15A NCAC 02B .0211	15A NCAC 02B .0302	15A NCAC 02B .0610
15A NCAC 02B .0212	15A NCAC 02B .0303	15A NCAC 02B .0611
15A NCAC 02B .0214	15A NCAC 02B .0304	15A NCAC 02B .0612
15A NCAC 02B .0215	15A NCAC 02B .0305	15A NCAC 02B .0614
15A NCAC 02B .0216	15A NCAC 02B .0306	15A NCAC 02B .0620
15A NCAC 02B .0218	15A NCAC 02B .0307	15A NCAC 02B .0621
15A NCAC 02B .0219	15A NCAC 02B .0308	15A NCAC 02B .0622
15A NCAC 02B .0220	15A NCAC 02B .0309	15A NCAC 02B .0623
15A NCAC 02B .0221	15A NCAC 02B .0310	15A NCAC 02B .0624
15A NCAC 02B .0222	15A NCAC 02B .0311	15A NCAC 02B .0701
15A NCAC 02B .0223	15A NCAC 02B .0312	15A NCAC 02B .0703
15A NCAC 02B .0224	15A NCAC 02B .0313	15A NCAC 02B .0710
15A NCAC 02B .0225	15A NCAC 02B .0314	15A NCAC 02B .0711
15A NCAC 02B .0226	15A NCAC 02B .0315	15A NCAC 02B .0712
15A NCAC 02B .0227	15A NCAC 02B .0316	15A NCAC 02B .0713
15A NCAC 02B .0228	15A NCAC 02B .0317	15A NCAC 02B .0714
15A NCAC 02B .0230	15A NCAC 02B .0402	15A NCAC 02B .0715
15A NCAC 02B .0231	15A NCAC 02B .0403	15A NCAC 02B .0720
15A NCAC 02B .0262	15A NCAC 02B .0404	15A NCAC 02B .0721
15A NCAC 02B .0263	15A NCAC 02B .0406	15A NCAC 02B .0722
15A NCAC 02B .0264	15A NCAC 02B .0407	15A NCAC 02B .0724
15A NCAC 02B .0265	15A NCAC 02B .0408	15A NCAC 02B .0730
15A NCAC 02B .0266	15A NCAC 02B .0501	15A NCAC 02B .0731
15A NCAC 02B .0267	15A NCAC 02B .0502	15A NCAC 02B .0732
15A NCAC 02B .0270	15A NCAC 02B .0503	15A NCAC 02B .0733
15A NCAC 02B .0271	15A NCAC 02B .0504	15A NCAC 02B .0734
15A NCAC 02B .0272	15A NCAC 02B .0505	15A NCAC 02B .0735

**RRC DETERMINATION: Necessary  
PERIODIC RULE REVIEW**

October 30, 2024

APO Review: December 31, 2024

Environmental Management Commission – 15A NCAC 02H

Total: 109

15A NCAC 02H .0101	15A NCAC 02H .0806	15A NCAC 02H .1045
15A NCAC 02H .0102	15A NCAC 02H .0807	15A NCAC 02H .1050
15A NCAC 02H .0103	15A NCAC 02H .0808	15A NCAC 02H .1051
15A NCAC 02H .0105	15A NCAC 02H .0809	15A NCAC 02H .1052
15A NCAC 02H .0106	15A NCAC 02H .0901	15A NCAC 02H .1053
15A NCAC 02H .0107	15A NCAC 02H .0902	15A NCAC 02H .1054
15A NCAC 02H .0108	15A NCAC 02H .0903	15A NCAC 02H .1055
15A NCAC 02H .0109	15A NCAC 02H .0904	15A NCAC 02H .1056
15A NCAC 02H .0111	15A NCAC 02H .0905	15A NCAC 02H .1057
15A NCAC 02H .0112	15A NCAC 02H .0906	15A NCAC 02H .1058
15A NCAC 02H .0113	15A NCAC 02H .0907	15A NCAC 02H .1059
15A NCAC 02H .0114	15A NCAC 02H .0908	15A NCAC 02H .1060
15A NCAC 02H .0115	15A NCAC 02H .0909	15A NCAC 02H .1061
15A NCAC 02H .0117	15A NCAC 02H .0910	15A NCAC 02H .1062
15A NCAC 02H .0118	15A NCAC 02H .0912	15A NCAC 02H .1101
15A NCAC 02H .0120	15A NCAC 02H .0913	15A NCAC 02H .1103
15A NCAC 02H .0121	15A NCAC 02H .0914	15A NCAC 02H .1104
15A NCAC 02H .0124	15A NCAC 02H .0915	15A NCAC 02H .1105
15A NCAC 02H .0125	15A NCAC 02H .0916	15A NCAC 02H .1106
15A NCAC 02H .0126	15A NCAC 02H .0917	15A NCAC 02H .1107
15A NCAC 02H .0127	15A NCAC 02H .0918	15A NCAC 02H .1108
15A NCAC 02H .0138	15A NCAC 02H .0919	15A NCAC 02H .1109
15A NCAC 02H .0139	15A NCAC 02H .0921	15A NCAC 02H .1110
15A NCAC 02H .0140	15A NCAC 02H .0922	15A NCAC 02H .1111
15A NCAC 02H .0141	15A NCAC 02H .1001	15A NCAC 02H .1201
15A NCAC 02H .0143	15A NCAC 02H .1002	15A NCAC 02H .1202
15A NCAC 02H .0150	15A NCAC 02H .1003	15A NCAC 02H .1203
15A NCAC 02H .0151	15A NCAC 02H .1016	15A NCAC 02H .1204
15A NCAC 02H .0153	15A NCAC 02H .1017	15A NCAC 02H .1205
15A NCAC 02H .0501	15A NCAC 02H .1018	15A NCAC 02H .1206
15A NCAC 02H .0502	15A NCAC 02H .1019	15A NCAC 02H .1301
15A NCAC 02H .0503	15A NCAC 02H .1020	15A NCAC 02H .1302
15A NCAC 02H .0506	15A NCAC 02H .1021	15A NCAC 02H .1303
15A NCAC 02H .0507	15A NCAC 02H .1030	15A NCAC 02H .1304
15A NCAC 02H .0803	15A NCAC 02H .1040	15A NCAC 02H .1305
15A NCAC 02H .0804	15A NCAC 02H .1041	
15A NCAC 02H .0805	15A NCAC 02H .1042	

RRC DETERMINATION: Necessary  
PERIODIC RULE REVIEW  
September 25, 2024  
APO Review: November 26, 2024  
Environmental Management Commission  
Total: 32

15A NCAC 02K .0103  
15A NCAC 02K .0104  
15A NCAC 02K .0105  
15A NCAC 02K .0201  
15A NCAC 02K .0202  
15A NCAC 02K .0203  
15A NCAC 02K .0204  
15A NCAC 02K .0205  
15A NCAC 02K .0206  
15A NCAC 02K .0207  
15A NCAC 02K .0208  
15A NCAC 02K .0209  
15A NCAC 02K .0210  
15A NCAC 02K .0211  
15A NCAC 02K .0212  
15A NCAC 02K .0213  
15A NCAC 02K .0214  
15A NCAC 02K .0215  
15A NCAC 02K .0216  
15A NCAC 02K .0217  
15A NCAC 02K .0219  
15A NCAC 02K .0220  
15A NCAC 02K .0221  
15A NCAC 02K .0222  
15A NCAC 02K .0223  
15A NCAC 02K .0224  
15A NCAC 02K .0301  
15A NCAC 02K .0302  
15A NCAC 02K .0501  
15A NCAC 02K .0502  
15A NCAC 02K .0503  
15A NCAC 02K .0504

**RRC DETERMINATION: Necessary  
PERIODIC RULE REVIEW**

October 30, 2024

APO Review: December 31, 2024

Environmental Management Commission – 15A NCAC 02T

Total: 98

15A NCAC 02T .0101	15A NCAC 02T .0501	15A NCAC 02T .1109
15A NCAC 02T .0102	15A NCAC 02T .0504	15A NCAC 02T .1110
15A NCAC 02T .0103	15A NCAC 02T .0505	15A NCAC 02T .1111
15A NCAC 02T .0105	15A NCAC 02T .0506	15A NCAC 02T .1201
15A NCAC 02T .0106	15A NCAC 02T .0507	15A NCAC 02T .1202
15A NCAC 02T .0107	15A NCAC 02T .0508	15A NCAC 02T .1203
15A NCAC 02T .0108	15A NCAC 02T .0601	15A NCAC 02T .1204
15A NCAC 02T .0109	15A NCAC 02T .0604	15A NCAC 02T .1205
15A NCAC 02T .0110	15A NCAC 02T .0605	15A NCAC 02T .1206
15A NCAC 02T .0111	15A NCAC 02T .0606	15A NCAC 02T .1207
15A NCAC 02T .0112	15A NCAC 02T .0607	15A NCAC 02T .1208
15A NCAC 02T .0113	15A NCAC 02T .0608	15A NCAC 02T .1209
15A NCAC 02T .0114	15A NCAC 02T .0701	15A NCAC 02T .1301
15A NCAC 02T .0115	15A NCAC 02T .0702	15A NCAC 02T .1302
15A NCAC 02T .0116	15A NCAC 02T .0704	15A NCAC 02T .1303
15A NCAC 02T .0117	15A NCAC 02T .0705	15A NCAC 02T .1304
15A NCAC 02T .0118	15A NCAC 02T .0706	15A NCAC 02T .1305
15A NCAC 02T .0120	15A NCAC 02T .0707	15A NCAC 02T .1306
15A NCAC 02T .0201	15A NCAC 02T .0708	15A NCAC 02T .1307
15A NCAC 02T .0203	15A NCAC 02T .0801	15A NCAC 02T .1308
15A NCAC 02T .0204	15A NCAC 02T .0804	15A NCAC 02T .1309
15A NCAC 02T .0301	15A NCAC 02T .0805	15A NCAC 02T .1310
15A NCAC 02T .0302	15A NCAC 02T .0806	15A NCAC 02T .1401
15A NCAC 02T .0303	15A NCAC 02T .0807	15A NCAC 02T .1402
15A NCAC 02T .0304	15A NCAC 02T .0808	15A NCAC 02T .1403
15A NCAC 02T .0305	15A NCAC 02T .1101	15A NCAC 02T .1404
15A NCAC 02T .0306	15A NCAC 02T .1102	15A NCAC 02T .1501
15A NCAC 02T .0401	15A NCAC 02T .1103	15A NCAC 02T .1502
15A NCAC 02T .0402	15A NCAC 02T .1104	15A NCAC 02T .1503
15A NCAC 02T .0403	15A NCAC 02T .1105	15A NCAC 02T .1504
15A NCAC 02T .0404	15A NCAC 02T .1106	15A NCAC 02T .1505
15A NCAC 02T .0405	15A NCAC 02T .1107	15A NCAC 02T .1506
	15A NCAC 02T .1108	15A NCAC 02T .1507

RRC DETERMINATION: Necessary  
PERIODIC RULE REVIEW

October 30, 2024

APO Review: December 31, 2024

Environmental Management Commission – 15A NCAC 02U

Total: 33

15A NCAC 02U .0101  
15A NCAC 02U .0102  
15A NCAC 02U .0103  
15A NCAC 02U .0105  
15A NCAC 02U .0106  
15A NCAC 02U .0107  
15A NCAC 02U .0108  
15A NCAC 02U .0109  
15A NCAC 02U .0110  
15A NCAC 02U .0111  
15A NCAC 02U .0112  
15A NCAC 02U .0113  
15A NCAC 02U .0114  
15A NCAC 02U .0115  
15A NCAC 02U .0116  
15A NCAC 02U .0117  
15A NCAC 02U .0118  
15A NCAC 02U .0120  
15A NCAC 02U .0201  
15A NCAC 02U .0202  
15A NCAC 02U .0301  
15A NCAC 02U .0401  
15A NCAC 02U .0402  
15A NCAC 02U .0403  
15A NCAC 02U .0404  
15A NCAC 02U .0501  
15A NCAC 02U .0601  
15A NCAC 02U .0701  
15A NCAC 02U .0801  
15A NCAC 02U .0802  
15A NCAC 02U .0901  
15A NCAC 02U .1101  
15A NCAC 02U .1401



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

January 30, 2025

Felecia Ashe, Board of CPA Examiners  
**Sent via email only to: feleciaashe@ncecpaboard.gov**

Re: Readoption deadline for 21 NCAC 08: Board of CPA Examiners

Dear Ms. Ashe:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the January 30, 2025, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **May 1, 2026**.

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

Sincerely,

/s/ Seth Ascher  
Seth Ascher  
Commission Counsel

**Donald Robert van der Vaart**, Director  
Chief Administrative Law Judge

**John C. Evans**  
Senior Administrative Law Judge

*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](http://www.oah.nc.gov)

**RRC DETERMINATION: NECESSARY  
PERIODIC RULE REVIEW**

August 28, 2024

APO Review: October 29, 2024

Certified Public Accountant Examiners, Board of

Total: 120

21 NCAC 08A .0101	21 NCAC 08C .0114	21 NCAC 08H .0101
21 NCAC 08A .0102	21 NCAC 08C .0115	21 NCAC 08H .0102
21 NCAC 08A .0103	21 NCAC 08C .0116	21 NCAC 08H .0104
21 NCAC 08A .0201	21 NCAC 08C .0118	21 NCAC 08I .0101
21 NCAC 08A .0203	21 NCAC 08C .0121	21 NCAC 08I .0102
21 NCAC 08A .0301	21 NCAC 08C .0122	21 NCAC 08I .0104
21 NCAC 08A .0307	21 NCAC 08C .0123	21 NCAC 08I .0105
21 NCAC 08A .0308	21 NCAC 08C .0124	21 NCAC 08J .0101
21 NCAC 08A .0309	21 NCAC 08C .0125	21 NCAC 08J .0105
21 NCAC 08A .0310	21 NCAC 08C .0126	21 NCAC 08J .0106
21 NCAC 08B .0101	21 NCAC 08F .0101	21 NCAC 08J .0107
21 NCAC 08B .0102	21 NCAC 08F .0102	21 NCAC 08J .0108
21 NCAC 08B .0104	21 NCAC 08F .0103	21 NCAC 08J .0109
21 NCAC 08B .0105	21 NCAC 08F .0105	21 NCAC 08J .0110
21 NCAC 08B .0202	21 NCAC 08F .0106	21 NCAC 08J .0111
21 NCAC 08B .0304	21 NCAC 08F .0107	21 NCAC 08J .0112
21 NCAC 08B .0307	21 NCAC 08F .0111	21 NCAC 08K .0104
21 NCAC 08B .0501	21 NCAC 08F .0113	21 NCAC 08K .0105
21 NCAC 08B .0502	21 NCAC 08F .0302	21 NCAC 08K .0201
21 NCAC 08B .0503	21 NCAC 08F .0303	21 NCAC 08K .0301
21 NCAC 08B .0507	21 NCAC 08F .0401	21 NCAC 08M .0105
21 NCAC 08B .0508	21 NCAC 08F .0409	21 NCAC 08M .0106
21 NCAC 08C .0103	21 NCAC 08F .0410	21 NCAC 08M .0107
21 NCAC 08C .0104	21 NCAC 08F .0502	21 NCAC 08N .0101
21 NCAC 08C .0105	21 NCAC 08F .0504	21 NCAC 08N .0102
21 NCAC 08C .0107	21 NCAC 08G .0401	21 NCAC 08N .0103
21 NCAC 08C .0108	21 NCAC 08G .0403	21 NCAC 08N .0201
21 NCAC 08C .0109	21 NCAC 08G .0404	21 NCAC 08N .0202
21 NCAC 08C .0110	21 NCAC 08G .0406	
21 NCAC 08C .0111	21 NCAC 08G .0409	



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

January 30, 2025

Connie Stephens, Onsite Wastewater Contractor's and Inspector's Certification Board  
**Sent via email to: [csstephens@ncowcicb.info](mailto:csstephens@ncowcicb.info)**

Re: Readoption deadline for 21 NCAC 39

Dear Ms. Stephens:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the January 30, 2025, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **December 1, 2026**.

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

Sincerely,

*/s/* Travis Wiggs  
Travis Wiggs  
Commission Counsel

Cc: Anna Baird Choi ([achoi@hedrickgardner.com](mailto:achoi@hedrickgardner.com))

**Donald Robert van der Vaart**, Director  
Chief Administrative Law Judge

**John C. Evans**  
Senior Administrative Law Judge

*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](http://www.oah.nc.gov)

**RRC DETERMINATION  
PERIODIC RULE REVIEW  
July 31, 2024  
APO Review: October 01, 2024**

**Onsite Wastewater Contractors and Inspectors Certification Board  
Total: 35**

**RRC Determination: Necessary**

**Rule**

21 NCAC 39 .0101  
21 NCAC 39 .0102  
21 NCAC 39 .0103  
21 NCAC 39 .0201  
21 NCAC 39 .0202  
21 NCAC 39 .0301  
21 NCAC 39 .0401  
21 NCAC 39 .0402  
21 NCAC 39 .0403  
21 NCAC 39 .0404  
21 NCAC 39 .0405  
21 NCAC 39 .0501  
21 NCAC 39 .0601  
21 NCAC 39 .0602  
21 NCAC 39 .0604  
21 NCAC 39 .0605  
21 NCAC 39 .0701  
21 NCAC 39 .0702  
21 NCAC 39 .0703  
21 NCAC 39 .0801  
21 NCAC 39 .0802  
21 NCAC 39 .0803  
21 NCAC 39 .0901  
21 NCAC 39 .0902  
21 NCAC 39 .0903  
21 NCAC 39 .0904  
21 NCAC 39 .1001  
21 NCAC 39 .1002  
21 NCAC 39 .1004  
21 NCAC 39 .1005  
21 NCAC 39 .1006  
21 NCAC 39 .1101  
21 NCAC 39 .1102  
21 NCAC 39 .1103  
21 NCAC 39 .1104



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

January 30, 2025

Blake Thomas, Office of State Human Resources  
**Sent via email to: Blake.Thomas@nc.gov**

Re: Readoption deadline for 25 NCAC 01A, B, and C

Dear Mr. Thomas:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on January 30, 2025.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **March 1, 2027**.

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

Sincerely,

/s/ Travis Wiggs  
Travis Wiggs  
Commission Counsel

Cc: Denise Mazza (denise.mazza@nc.gov)

**Donald Robert van der Vaart**, Director  
Chief Administrative Law Judge

**John C. Evans**  
Senior Administrative Law Judge

*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](http://www.oah.nc.gov)

RRC DETERMINATION  
PERIODIC RULE REVIEW

August 28, 2024

APO Review: October 29, 2024

State Human Resources Commission

Total: 37

25 NCAC 01A .0103  
25 NCAC 01A .0104  
25 NCAC 01A .0106  
25 NCAC 01B .0201  
25 NCAC 01B .0204  
25 NCAC 01B .0205  
25 NCAC 01B .0208  
25 NCAC 01B .0213  
25 NCAC 01B .0214  
25 NCAC 01B .0215  
25 NCAC 01B .0216  
25 NCAC 01B .0217  
25 NCAC 01C .0215  
25 NCAC 01C .0401  
25 NCAC 01C .0402  
25 NCAC 01C .0405  
25 NCAC 01C .0501  
25 NCAC 01C .0502  
25 NCAC 01C .0503  
25 NCAC 01C .0504  
25 NCAC 01C .0507  
25 NCAC 01C .0701  
25 NCAC 01C .0702  
25 NCAC 01C .0703  
25 NCAC 01C .0801  
25 NCAC 01C .0802  
25 NCAC 01C .0813  
25 NCAC 01C .0901  
25 NCAC 01C .1001  
25 NCAC 01C .1002  
25 NCAC 01C .1003  
25 NCAC 01C .1004  
25 NCAC 01C .1005  
25 NCAC 01C .1006  
25 NCAC 01C .1007  
25 NCAC 01C .1008  
25 NCAC 01C .1009

**LIST OF APPROVED PERMANENT RULES**

**January 30, 2025 Meeting**

**STRUCTURAL PEST CONTROL COMMITTEE**

<u>General Duties</u>	02 NCAC 34 .0101
<u>Application for Licenses and Cards: Examination</u>	02 NCAC 34 .0302
<u>Recertification</u>	02 NCAC 34 .0309
<u>Registered Technician's Identification Cards/Training Mat...</u>	02 NCAC 34 .0313
<u>Licenses and Cards not Issued to Person Under 18</u>	02 NCAC 34 .0327
<u>Wood-Destroying Organisms Record</u>	02 NCAC 34 .0604
<u>Written Records of Household Pest Control</u>	02 NCAC 34 .0703
<u>Written Records of Fumigation</u>	02 NCAC 34 .0803
<u>Financial Responsibility</u>	02 NCAC 34 .0902

**MEDICAL CARE COMMISSION**

<u>Definitions</u>	10A NCAC 13F .1601
<u>Issuance of a Star Rating</u>	10A NCAC 13F .1602
<u>Statutory and Rule Requirements Affecting Star Rated Cert...</u>	10A NCAC 13F .1603
<u>Rating Calculation</u>	10A NCAC 13F .1604
<u>Contents of Star Rated Certificate</u>	10A NCAC 13F .1605
<u>Definitions</u>	10A NCAC 13G .1601
<u>Issuance of a Star Rating</u>	10A NCAC 13G .1602
<u>Statutory and Rule Requirements Affecting Star Rated Cert...</u>	10A NCAC 13G .1603
<u>Rating Calculation</u>	10A NCAC 13G .1604
<u>Contents of Star Rated Certificate</u>	10A NCAC 13G .1605

**CODE OFFICIALS QUALIFICATION BOARD**

<u>Nature of Probationary Certificate</u>	11 NCAC 08 .0602
<u>Required Qualifications</u>	11 NCAC 08 .0706
<u>Special Circumstances</u>	11 NCAC 08 .0707
<u>Building Inspector Level I, II and III</u>	11 NCAC 08 .0737
<u>Electrical Inspector Level I, II and III</u>	11 NCAC 08 .0738
<u>Mechanical Inspector Level I, II and III</u>	11 NCAC 08 .0739
<u>Plumbing Inspector Level I, II and III</u>	11 NCAC 08 .0740
<u>Fire Inspector Level I, II and III</u>	11 NCAC 08 .0741

**SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION**

<u>Background Investigation</u>	12 NCAC 10B .0305
<u>Verification of Records to Division</u>	12 NCAC 10B .0408
<u>Employing Agency Retention of Certification Records</u>	12 NCAC 10B .0409

**WILDLIFE RESOURCES COMMISSION**

<u>Needmore Game Land in Macon and Swain Counties</u>	15A NCAC 10D .0252
<u>Brunswick County</u>	15A NCAC 10F .0305
<u>Carteret County</u>	15A NCAC 10F .0330
<u>Alexander County</u>	15A NCAC 10F .0332
<u>Mecklenburg and Gaston Counties</u>	15A NCAC 10F .0333
<u>Licensee Requirements</u>	15A NCAC 10G .0501

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**RULES REVIEW COMMISSION**

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<u>Hunting on Wildlife Conservation Areas</u>	15A NCAC 10J .0103
<u>Fishing on Wildlife Conservation Areas</u>	15A NCAC 10J .0104

**REVENUE, DEPARTMENT OF**

<u>Definitions</u>	17 NCAC 04C .2001
<u>Directory</u>	17 NCAC 04C .2002
<u>Certification</u>	17 NCAC 04C .2003
<u>Annual Certification Renewal</u>	17 NCAC 04C .2004
<u>Material Changes to Certification</u>	17 NCAC 04C .2005
<u>Registered Agent</u>	17 NCAC 04C .2006

**INTERPRETER AND TRANSLITERATOR LICENSING BOARD**

<u>The Application Package and Requirements for Licensure</u>	21 NCAC 25 .0202
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**MESSAGE AND BODYWORK THERAPY, BOARD OF**

<u>Application and Scope</u>	21 NCAC 30 .0201
<u>Fees</u>	21 NCAC 30 .0204
<u>Program Requirements</u>	21 NCAC 30 .0620
<u>Learning Resources</u>	21 NCAC 30 .0623
<u>Transfer of Credit; Advanced Placement</u>	21 NCAC 30 .0627
<u>License Renewal</u>	21 NCAC 30 .1012

**FUNERAL SERVICE, BOARD OF**

<u>Definitions</u>	21 NCAC 34B .0801
<u>Initial Permit Application Form</u>	21 NCAC 34B .0802
<u>Permit Renewal Application Form</u>	21 NCAC 34B .0803
<u>Standards for Removal and Transportation of Dead Human Bo...</u>	21 NCAC 34B .0804
<u>Requirements for Removal Vehicles</u>	21 NCAC 34B .0805
<u>Chain of Custody and Control</u>	21 NCAC 34B .0806

**BUILDING CODE COUNCIL**

<u>2023 NC Electrical Code/Definitions, Selective Coordination</u>	Article 100
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