

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners of Electrical Contractors

RULE CITATION: All Rules Submitted

**DEADLINE FOR RECEIPT: Friday, January 10, 2020**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

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

*On the Submission for Permanent Rule form, Box 6, you state that the agency adopted each rule on December 16, 2019. As the comment period ended on December 16, 2019, please confirm that the agency adopted after 5 p.m.*

*On each Rule:*

### Introductory Statements:

*Please change the Introductory Statement on the first line to say "Rule 21 NCAC 18B .XXXX is amended/adopted/repealed as published in 34:08 NCR 710 as follows:"*

*Do not include the rule name in the Introductory Statement.*

*And for any Rule where you are making changes in response to these technical changes, please state that the Rule is amended/adopted as published in 34:08 NCR 710 with changes as follows:*

### History Notes:

*Please insert an effective date in the History Note for each Rule.*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: January 2, 2020

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners of Electrical Contractors

RULE CITATION: 21 NCAC 18B .0212

**DEADLINE FOR RECEIPT: Friday, January 10, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

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

*On line 5, consider replacing "such" with "the"*

*Also on line 5, the proper citation is .0202. As this was published correctly in the Register, do not show this as a change – simply do it. Alternatively, consider stating "Rule .0202(b)(1) and (b)(2) of this Section."*

*I note that you are limiting the application of G.S. 93B-8.6 to only limited or intermediate licenses. What is your authority to do so? Or practically speaking, are those the only types of licenses that an apprenticeship will be available for?*

*In the History Note, why are you citing to G.S. 93B-3?*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: January 2, 2020

21NCAC18B .0212 is proposed for adoption as follows:

**21 NCAC 18B .0212      APPRENTICE TRAINING**

Applicants for examination or license based upon apprentice training pursuant to G.S. 93B-8.6 shall receive credit for such apprenticeship experience consistent with all applicants as set forth in Rule 21 NCAC 18B. 202(b)(1) or 21 NCAC 18B .0202(b)(2).

*Authority G.S. 87-42; 87-44; 93B-3; 93B-8.6.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners of Electrical Contractors

RULE CITATION: 21 NCAC 18B .0303

**DEADLINE FOR RECEIPT: Friday, January 10, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

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

*On the Submission for Permanent Rule form, Box 2, please state the full name of the Rule.*

*In (1), line 6, and (2), line 14, please replace "is construed" with "shall be construed by the Board" This will mirror the language in (3), Page 2, line 20.*

*In (1)(c), line 11, insert a comma after "equipment"*

*In (2)(b)(i), line 19, replace "which" with "that"*

*In (2)(c), Page 2, lines 5 - 6, what is "totally separate"? Who determines this? If it is the Board, then please include guidance on how this will be determined.*

*Page 3, lines 10-11, what authority are you relying upon for this delegation?*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: January 2, 2020

**21 NCAC 18B .0303 ELECTRICAL INSTALLATION: PROJECT: PROJECT VALUE-LIMITATION** is proposed for amendment as follows:

**21 NCAC 18B .0303 ELECTRICAL INSTALLATION: PROJECT: PROJECT VALUE-LIMITATION**

For the purpose of implementing G.S. 87-43.3 pertaining to the limited and intermediate electrical contracting license classifications, the following provisions shall apply:

(1) Electrical Installation. Electrical work is construed to be an electrical installation when the work is made or is to be made:

- (a) in or on a new building or structure;
- (b) in or on an addition to an existing building or structure;
- (c) in or on an existing building or structure, including electrical work in connection with lighting or power rewiring or with the addition or replacement of machines, equipment or fixtures; or
- (d) in an area outside of buildings or structures, either overhead or underground or both.

(2) Project. An electrical installation is construed to be a separate electrical contracting project if all the following conditions are met:

- (a) the installation is, or will be, separate and independently supplied by a separate service, feeder, or feeder system;
- (b) the installation is for:
  - (i) an individual building or structure which is separated from other buildings or structures by a lot line or, if located on the same lot with other buildings or structures, is physically separated from such other buildings or structures by an open space or an area separation fire wall;
  - (ii) an individual townhouse single-family dwelling unit constructed in a series or group of attached units with property lines separating such units;
  - (iii) an individual tenant space in a mall-type shopping center;
  - (iv) an addition to an existing building or structure;

(v) an existing building or structure, including electrical work in connection with lighting or power rewiring or with the addition or replacement of machines, equipment, or fixtures; or

(vi) an outdoor area either overhead or underground or both;

(c) the negotiations or bidding procedures for the installation are carried out in a manner totally separate and apart from the negotiations or bidding procedures of any other electrical installation or part thereof;

(d) except for additions, alterations, repairs, or changes to a pre-existing electrical installation, no electrical interconnection or relationship exists between the installation and any other electrical installation or part thereof; and

(e) a separate permit is required to be obtained for each individual building structure or outdoor area involved from the governmental agency having jurisdiction.

If a question is raised by a party at interest or if requested by the Board or Board's staff for any reason, the owner or the awarding authority or an agent of either shall furnish to the Board, and to the inspections department having jurisdiction, a sworn affidavit confirming that the conditions set forth in Sub-Items (2)(a) through (e) of this Rule are satisfied or the project will be treated as a single project.

(3) Relationship of Plans and Specifications to Definition of Project. Even though the electrical work may not fully comply with each condition set out in Item (2) of this Rule, the entire electrical work, wiring, devices, appliances or equipment covered by one set of plans or specifications shall be construed as a single electrical contracting project by the Board.

(4) Project Value Limitation. In determining the value of a given electrical contracting project, the total known or reasonable estimated costs as determined by the Board of all electrical wiring materials, equipment, fixtures, devices, and installation shall be included in arriving at this value, regardless whether a third party such as an owner or general contractor furnishes all or part of same, and regardless of the form or type of contract or subcontract involved.

(a) if the total cost of the wiring, materials, etc., including that furnished by others, plus the total cost of the installation involved, will be more than ~~fifty~~sixty thousand dollars ~~(\$50,000)~~(\$60,000) but not more than one hundred ~~thirty~~thirty-five thousand dollars ~~(\$130,000)~~;

1                    ~~(\$150,000).~~ then only an electrical contractor holding either an intermediate or unlimited  
2                    license shall be eligible to submit a proposal or engage in the project.

3                    (b)        if the total cost of the wiring, materials, etc., including that furnished by others, plus the total  
4                    cost of the installation involved, will exceed one hundred ~~thirty~~fifty thousand dollars  
5                    ~~(\$130,000), (\$150,000).~~ then only an electrical contractor holding an unlimited license shall  
6                    be eligible to submit a proposal or engage in the project.

7        If a given electrical contracting project is subdivided into two or more contracts or subcontracts for any reason, then the  
8        total value of the combined contracts or subcontracts that may be awarded to or accepted by any one licensee of the  
9        Board must be within the total project value in accordance with this Rule.

10       The Board's staff shall make a determination of what constitutes a project in any given situation, and any party at interest  
11       may appeal any staff determination to the Board for a final binding decision.

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13       *History Note:*     *Authority G.S. 87-42; 87-43; 87-43.3;*

14                    *Eff. October 1, 1988;*

15                    *Amended Eff. September 1, 2014; January 1, 2008; February 1, 1996; February 1, 1990;*

16                    *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 2,*  
17                    *2016.*

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**21 NCAC 18B .0404 ANNUAL LICENSE FEES** is proposed for amendment as follows:

**21 NCAC 18B .0404 ANNUAL LICENSE FEES**

(a) The fee for issuance of license, reissuance of license, or license renewal in the various license classifications shall be as follows:

LICENSE FEE SCHEDULE

| CLASSIFICATION                | LICENSE FEE         |
|-------------------------------|---------------------|
| <del>Limited</del>            | <del>\$ 85.00</del> |
| <u>Limited</u>                | <u>\$ 95.00</u>     |
| <del>Intermediate</del>       | <del>\$130.00</del> |
| <u>Intermediate</u>           | <u>\$140.00</u>     |
| <del>Unlimited</del>          | <del>\$180.00</del> |
| <u>Unlimited</u>              | <u>\$190.00</u>     |
| <del>SP-SFD</del>             | <del>\$ 85.00</del> |
| <u>SP-SFD</u>                 | <u>\$ 95.00</u>     |
| <del>Special Restricted</del> | <del>\$ 85.00</del> |
| <u>Special Restricted</u>     | <u>\$ 95.00</u>     |

(b) License fees shall be made payable to the Board. Payment shall accompany any license or license renewal application filed with the Board.

*History Note: Authority G.S. 87-42; 87-44;*

*Eff. October 1, 1988;*

*Amended Eff. May 1, 1998; July 1, 1989;*

*Temporary Amendment Eff. June 30, 2000;*

*Temporary Amendment Eff. August 31, 2001;*

*Amended Eff. July 1, 2015; January 1, 2008; December 4, 2002;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 2, 2016;*

*Amended Eff. October 1, 2017.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners of Electrical Contractors

RULE CITATION: 21 NCAC 18B .0408

**DEADLINE FOR RECEIPT: Friday, January 10, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

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

*On the Submission for Permanent Rule form, Box 3, this is an adoption, not an amendment.*

*Please note that rule names are not in the purview of the RRC, so this is only a question to ponder – why are you referring to “separate employment” in the name?*

*I think you are using more words than you need here. Why not state “Individuals employed by a local board of education, hospital, or nonprofit organization shall be exempt from the provisions of Rules .0402(b) and .0403(b) of this Section when in the course of their regularly active duty, as defined in Rule .0301 of this Section.”*

*If you don't want to do make this change:*

*On line 5, why are you citing to G.S. 87-43.1(5a), rather than G.S. 87-43.2(c)?*

*On line 5, I suggest that you replace “Rule 21 NCAC 18B .0402(b) and Rule 21 NCAC 18B .0403(b)” with “Rules .0402(b) and .0403(b) of this Section”*

*On line 6, why is “Board of Education” and “Hospital” capitalized? The terms are not capitalized in statute.*

*On line 6, please insert a comma after “hospital”*

*On lines 6-7, why is “non-profit” hyphenated?*

*On line 7, replace “such” with “the”*

*On line 8, replace “said” with “the”*

*On line 9, I suggest replacing the citations with “Rules .0907 through .0909 of this Subchapter”*

*On line 9, replace “continue to” with “shall”*

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

Amanda J. Reeder  
Commission Counsel

Date submitted to agency: January 2, 2020

21 NCAC 18B .0408 is proposed for adoption as follows:

**21 NCAC 18B .0408 SCHOOL, HOSPITAL AND NONPROFIT ELECTRICAL CONTRACTORS AND  
SEPARATE EMPLOYMENT**

Consistent with the provisions of G.S. 87-43.1(5a), the provisions of Rule 21 NCAC 18B .0402(b) and Rule 21 NCAC 18B .0403(b) do not apply to an individual who is employed full-time by a local Board of Education, Hospital or non-profit organization, while such individual is obligated to be regularly on active duty, as defined by 21 NCAC 18B .0301 at said place of employment and complies with the supervision requirements of 21 NCAC 18B .0907(c). The provisions of 21 NCAC 18B .0907, 21 NCAC 18B .0908 and 21 NCAC 18B .0909 continue to apply.

*History Note: Authority G.S. 87-42; 87-44; 87-43.1(5a).*

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## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners of Electrical Contractors

RULE CITATION: 21 NCAC 18B .0901

**DEADLINE FOR RECEIPT: Friday, January 10, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

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

*On the Submission for Permanent Rule form, Box 3, this is a repeal, not an amendment.*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: January 2, 2020

21NCAC18B .0901 is proposed for repeal, as follows:

**21 NCAC 18B .0901      APPLICANTS CONVICTED OF CRIMES**

*History Note:      Authority G.S. 87-42; 87-43.3; 87-43.4; 87-47(a1)(4);  
Eff. October 1, 1988;  
Amended Eff. January 1, 2010; April 1, 1995; February 1, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 2,  
2016.*

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