

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Examiners of Plumbing, Heating, and Fire Sprinkler Contractors

RULE CITATION: All Rules

DEADLINE FOR RECEIPT: April 9, 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 all forms, February 11, 2020 is listed as both your public hearing date and your adoption date. Were these rules adopted after the close of the public hearing and comment period?

Please review the formatting requirements for rules in 26 NCAC 02C .0108 and update all rules accordingly. Specifically, please use 1.5 line spacing and ensure your margins and rule "levels" – (a), (1), etc. are formatted in accordance with this Rule.

At the top of each rule, please update your introductory statement for compliance with 26 NCAC 02C .0404. Formatting examples are available at: <https://www.oah.nc.gov/rules-division/information-rulemaking-coordinators/rule-format-examples>. Please follow the examples for publication in the Code.

Throughout the rules, please change "must" to "shall."

In your history notes, please insert a semicolon at the end of each line, underline the proposed effective date, and end the last line with a period. See example below from .0301:

*History Note: Authority G.S. 87-18; 87-21(a); 87-21(b);
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. July 1, 1991; May 1, 1989; August 1, 1982;
Temporary Amendment Eff. September 15, 1997;
Amended Eff. March 1, 2005; January 1, 2004; July 1, 2003; August 1, 2002; July 1, 1998;
Emergency Amendment Eff. December 5, 2005;
Emergency Amendment Expired February 13, 2006;
Amended Eff. April 1, 2014; July 3, 2012; January 1, 2010; May 1, 2006;*

Ashley Snyder
Commission Counsel
Date submitted to agency: March 26, 2020

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015;

Amended Eff. July 1, 2020.

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

Ashley Snyder
Commission Counsel
Date submitted to agency: March 26, 2020

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Examiners of Plumbing, Heating, and Fire Sprinkler Contractors

RULE CITATION: 21 NCAC 50 .0301

DEADLINE FOR RECEIPT: April 9, 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:

In (a), just to be sure, are these categories of examinations or categories of licensure or restricted licensure?

Please consider organizing this list by type of examination – for example, group all plumbing examinations together.

On page 2, lines 8, 10, 11, 14, 16, 18, and 20, please change “must” to “shall.”

At line 22, please add a comma after “education.”

At lines 24 and 26, please change “must” to “shall.”

On page 3, line 1, please add a comma after “Heating.”

In (h), lines 1 and 2, please change “must” to “shall.”

At line 2, please refer to “Rule .0306 of this Section.”

Please compare the language in (h) to the language in (b) and similar language throughout these rules. Did you intentionally use “laws and rules parts” at line 2 whereas you only refer to the “law part” in (b) and other times throughout these rules? Please ensure differences in language are intentional.

In (i), please add a comma after “Heating.”

In (j), please refer to “Rule .0306 of this Section.”

At line 9, to be more concise, please consider “. . . required to pass the business, law, and technical parts of the Restricted Limited Plumbing Contractor examination.”

Ashley Snyder
Commission Counsel
Date submitted to agency: March 26, 2020

In (k), which “effective date” are you referring to? The original effective date of February 1, 1976? If so, is (k) still necessary? If you keep (k), consider whether “plumbing code” should be replaced with “State Plumbing Code” in (k)(2).

In (k)(2), why are “Laws” and “Rules” capitalized?

In (k)(2), again, please ensure the reference to the “laws and rules part of the examination” is intentional since these rules also refer to a “laws part” of examinations.

At line 19, please capitalize “Board.”

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

Ashley Snyder
Commission Counsel
Date submitted to agency: March 26, 2020

21 NCAC 50 .0301 QUALIFICATIONS DETERMINED BY EXAMINATION is amended as follows:

SECTION .0300 - EXAMINATIONS

21 NCAC 50 .0301 QUALIFICATIONS DETERMINED BY EXAMINATION

(a) In order to determine the qualifications of an applicant, the Board shall provide a written or computer-based examination in the following categories:

- (1) Plumbing Contracting, Class I
- (2) Plumbing Contracting, Class II
- (3) Heating, Group No. 1 - Contracting, Class I
- (4) Heating, Group No. 1 - Contracting, Class II
- (5) Heating, Group No. 2 - Contracting, Class I
- (6) Heating, Group No. 3 - Contracting, Class I
- (7) Heating, Group No. 3 - Contracting, Class II
- (8) Fuel Piping Contractor
- (9) Fire Sprinkler Installation Contractor
- (10) Fire Sprinkler Inspection Contractor
- (11) Residential Fire Sprinkler Installation Contractor
- (12) Restricted Limited Plumbing Contractor
- (13) Fire Sprinkler ~~Maintenance~~Inspection Technician
- (14) Limited Fire Sprinkler Maintenance Technician
- (15) Plumbing Technician
- (16) Heating Group No. 1 Technician
- (17) Heating Group No. 2 Technician
- (18) Heating Group No. 3 Technician
- (19) Fuel Piping Technician
- (20) Private Educational Institution Plumbing Technician
- (21) Private Educational Institution Heating Group 1 Technician
- (22) Private Educational Institution Heating Group 2 Technician

1 (23) Private Educational Institution Heating Group 3 Technician

2 (24) Residential Fire Sprinkler Design Contractor

3 (b) Each person being examined by the Board for a contractor license other than a Fire Sprinkler Installation or Fire
4 Sprinkler Inspection Contractor license shall be required to pass both the business and law part and the technical part
5 of the examination required by G.S. 87-21(b).

6 (c) Applicants for licensure as a Fire Sprinkler Installation Contractor must submit evidence of current certification
7 by the National Institute for Certification of Engineering Technologies (NICET) for Automated Sprinkler System
8 Layout as the prerequisite for licensure. Applicants for licensure as a Fire Sprinkler Installation Contractor must
9 pass the business and law part of the exam administered by the Board. Persons licensed based upon NICET
10 certification must maintain such certification as a condition of license renewal.

11 (d) Applicants for licensure in the Fire Sprinkler Inspection Technician classification must pass the technical
12 examination offered by the Board. The Board shall accept the results of NICET examination resulting in Level II
13 Certification in "Inspection and Testing of Water-based Systems" by NICET. Persons who obtain license as a Fire
14 Sprinkler Inspection Technician based on NICET certification must maintain such certification as a condition of
15 license renewal.

16 (e) Applicants for licensure as a Fire Sprinkler Inspection Contractor must submit evidence of Level III certification
17 in "Inspection and Testing of Water-based Fire Systems" by NICET in lieu of the technical part of the Board-
18 administered examination. Applicants for licensure as a Fire Sprinkler Inspection Contractor must also pass the
19 business and law part of the examination administered by the Board. Contractors who obtain license by NICET
20 certification must maintain such certification thereafter as a condition of license renewal.

21 (f) Applicants for a license in the Limited Fire Sprinkler Maintenance Technician classification shall obtain a
22 license based on maintenance experience, education and job classification set forth in Rule .0306 and pass a test
23 administered by the Board.

24 (g) Applicants for a license as a Residential Fire Sprinkler Installation Contractor must obtain a license based on
25 experience set forth in Rule .0306 and must pass the technical part of the Residential Fire Sprinkler Installation
26 Contractor examination.

1 (h) Applicants for a license as a Plumbing, Heating or Fuel Piping Technician must obtain a license based on
2 experience set forth in Rule .0306 and must pass the Class I technical and Board laws and rules parts of the Board-
3 administered examination related to the category for which a technician license is sought.

4 (i) Applicants who hold an active Plumbing, Heating or Fuel Piping Technician license obtained by examination
5 may obtain the Plumbing, Heating or Fuel Piping Contractor license in the same category by meeting the experience
6 requirement listed in Rule .0306 of this Section for the specific contractor license sought and passage of only the
7 business portion of the examination.

8 (j) Applicants for a license as a Restricted Limited Plumbing Contractor shall obtain a license based on experience
9 set forth in Rule .0306 and shall be required to pass both the business and law part and the technical part of the
10 Restricted Limited Plumbing Contractor examination.

11 (k) If application is made on or before 120 days from the effective date of this Rule, applicants for Restricted
12 Limited Plumbing Contractor license who present a current active License from the North Carolina Irrigation
13 Contractor Licensing Board are not required to take the Board administered examination, provided the applicant:

- 14 (1) Presents evidence of passage of a locally administered examination covering the same topics as
15 the Board examination, resulting in certification as a Backflow Inspector by one of the
16 municipalities in North Carolina, or evidence to establish 1000 hours of experience in the
17 maintenance, service or repair of components of plumbing systems, and
18 (2) Completes a plumbing code course offered by the Board and passes the Laws and Rules part of the
19 examination administered by the board.
20

21 *History Note: Authority G.S. 87-18; 87-21(a); 87-21(b);*

22 *Eff. February 1, 1976;*

23 *Readopted Eff. September 29, 1977;*

24 *Amended Eff. July 1, 1991; May 1, 1989; August 1, 1982;*

25 *Temporary Amendment Eff. September 15, 1997;*

26 *Amended Eff. March 1, 2005; January 1, 2004; July 1, 2003; August 1, 2002; July 1, 1998;*

27 *Emergency Amendment Eff. December 5, 2005;*

28 *Emergency Amendment Expired February 13, 2006;*

1 *Amended Eff. April 1, 2014; July 3, 2012; January 1, 2010; May 1, 2006;*
2 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*
3 *2015.*
4 *Amended Eff. July 1, 2020*

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Examiners of Plumbing, Heating, and Fire Sprinkler Contractors

RULE CITATION: 21 NCAC 50 .0306

DEADLINE FOR RECEIPT: April 9, 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:

In (a), are the contents or substantive requirements of the application form in rule in accordance with G.S. 150B-2(8a)(d)?

At line 4, by "these Rules" do you mean "the Rules of this Section" or "the Rules of this Chapter?"

On page 2, line 20, please change "must" to "shall."

In (l), consider beginning the sentence as follows, if it conveys your intent: "Applicants for licensure based on completing an apprenticeship program . . ."

On page 3, line 13, please capitalize "Rule."

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

Ashley Snyder
Commission Counsel
Date submitted to agency: March 26, 2020

21 NCAC 50 .0306 is amended as follows:

21 NCAC 50 .0306 APPLICATIONS: ISSUANCE OF LICENSE

(a) All applicants for licensure or examination shall file an application setting forth the information required in G.S. 87-21 or these Rules on a form available on the Board website or at the Board office.

(b) Applicants for a plumbing or heating examination shall present evidence at the time of application to establish two years of full-time experience in the installation, maintenance, service, or repair of plumbing or heating systems related to the category for which a license is sought, whether or not a license was required for the work performed. Applicants for a fuel piping examination shall present evidence at the time of application to establish one year of experience in the installation, maintenance, service, or repair of fuel piping, whether or not a license was required for the work performed. Up to one-half of the experience may be in academic or technical training related to the field of endeavor for which examination is requested. The Board shall prorate part-time work of less than 40 hours per week or part-time academic work of less than 15 semester or quarter hours.

(c) The Board shall issue a license certificate bearing the license number assigned to the qualifying individual.

(d) Fire Sprinkler Installation Contractors shall meet experience requirements in accordance with NICET examination criteria.

(e) Applicants for examination or licensure in the Fire Sprinkler Inspection Technician classification shall submit evidence adequate to establish that the applicant has either:

(1) 4000 hours of experience involved in inspection and testing of previously installed fire sprinkler systems, consistent with NFPA-25, Standard for the Inspection Testing and Maintenance of Water-Based Fire Protection Systems of the National Fire Protection Association, adopted by the North Carolina Building Code, which is hereby incorporated by reference including all subsequent editions and amendments to the document as a full-time employee of a Fire Sprinkler Inspection Contractor or fire insurance underwriting organization;

(2) 4000 hours of experience as a full-time employee of a hospital, manufacturing, government, or university facility under direct supervision of Fire Sprinkler Inspection Contractor or a Fire Sprinkler Inspection Technician involved in inspection and testing of previously installed fire sprinkler systems, consistent with NFPA 25: Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems, which is hereby incorporated by reference

including all subsequent editions and amendments. The document may be accessed free of charge at <http://www.nfpa.org/codes-and-standards/>;

(3) 4000 hours of experience involved in installation of fire sprinkler systems as a full-time employee of a Fire Sprinkler Installation Contractor; or

(4) a combination of 4000 hours of experience in any of the categories listed in this Paragraph.

(f) Applicants for licensure in the Fire Sprinkler Inspection Contractor classification shall meet experience requirements in accordance with NICET certification criteria.

(g) Applicants for initial licensure in the Limited Fire Sprinkler Maintenance Technician classification shall submit evidence of 2000 hours experience at the place for which license is sought as a full-time maintenance employee in facility maintenance with exposure to periodic maintenance of fire protection systems as described in Rule .0515 of this Chapter. Applicants who have held Limited Fire Sprinkler Maintenance Technician license previously are not required to demonstrate experience in addition to the experience at the time of initial licensure, but shall submit a new application if relocating to a new location.

(h) Applicants for licensure in the Residential Fire Sprinkler Installation Contractor classification shall hold an active Plumbing Class I or Class II Contractor license issued by this Board for a minimum of two years and shall document attendance at a 16 hour course approved by the Board pursuant to the Rules in this Chapter covering NFPA 13D: Standard for the Installation of Sprinkler Systems in One-and Two-Family Dwellings and Manufactured Homes, which is hereby incorporated by reference including all subsequent editions and amendments. The document may be accessed free of charge at <http://www.nfpa.org/codes-and-standards/>. Residential Fire Sprinkler Installation Contractors must maintain a Plumbing Contractor license as a condition of renewal of the Residential Fire sprinkler Installation Contractor license.

(i) Applicants for a license as a plumbing or heating technician shall present evidence adequate to establish 3000 hours of full-time experience in the installation, maintenance, service, or repair of plumbing or heating systems related to the category for which a technician license is sought, whether or not a license was required for the work performed. Applicants for a license as a fuel piping technician shall present evidence adequate to establish 1500 hours of experience in the installation, maintenance, service, or repair of fuel piping, whether or not a license was required for the work performed. Up to one-half of the experience may be in academic or technical training related to the field of endeavor for which the examination is requested.

(j) Applicants for a Restricted Limited Plumbing Contractor license shall present evidence at the time of application to establish 1500 hours of full-time experience in the installation, maintenance, service, or repair of plumbing systems, whether or not a license was required for the work performed. Up to one-half of the experience may be in academic or technical training related to the field of endeavor for which examination is requested. The Board shall prorate part-time work of fewer than 40 hours per week or part-time academic work of less than 15 semester or quarter hours.

(k) In lieu of the requirements of Paragraph (j) of this Rule, applicants for a Restricted Limited Plumbing Contractor License who present a current active License from the North Carolina Irrigation Contractor Licensing Board may take the examination, provided the applicant demonstrates that he or she holds certification as a Backflow Inspector from one of the municipalities in North Carolina, or demonstrates 500 hours of experience in the maintenance, service, or repair of components of plumbing systems.

(l) Applicants for license based on apprenticeship program as described in G.S. 93B-8.6(b) shall meet the same experience and training requirement for the category of license that is sought as set forth in this rule.

History Note: Authority G.S. 87-18; 87-21(b);

Eff. February 1, 1976;

Readopted Eff. September 29, 1977;

Amended Eff. January 1, 2004; July 1, 2003; August 1, 2002; July 1, 1998; September 1, 1994;

November 1, 1993; April 1, 1991; May 1, 1990;

Temporary Amendment Eff. August 31, 2004;

Amended Eff. April 1, 2014; July 3, 2012; January 1, 2010; June 1, 2006; March 1, 2005;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015;

Amended Eff. April 1, 2018.

Amended Eff. July 1, 2020

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Examiners of Plumbing, Heating, and Fire Sprinkler Contractors

RULE CITATION: 21 NCAC 50 .0313

DEADLINE FOR RECEIPT: April 9, 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:

At line 6, please consider deleting either "licensed" or "licensee" to avoid being repetitive.

In (c), line 12, does your regulated public know who the "appropriate" enforcement official is?

At lines 12, 15, and 16, why is "Code Enforcement" capitalized?

At line 21, please consider deleting either "licensed" or "licensee" to avoid being repetitive.

At line 22, what "standards" are you referring to?

At line 26, please insert a comma after "rules."

On page 2, in (g), just to be clear, are you requiring State and local governments to employ or have on duty licensees for a minimum number of hours? If so, where is your statutory authority?

Please review (g) and consider breaking up the sentence at lines 1-9 into multiple sentences.

Are inspectors employed by local governments exempt from (i) and (j)? See G.S. 87-22.

In your history note, why are G.S. 87-21(a)(5)(6), and (10) listed?

In your history note, why is G.S. 87-22.1 listed?

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

Ashley Snyder
Commission Counsel
Date submitted to agency: March 26, 2020

1 21 NCAC 50 .0313 RESPONSIBILITIES OF STATE AND LOCAL GOVERNMENT TECHNICIAN

2 LICENSEES is amended as follows:

3
4 **21 NCAC 50 .0313 RESPONSIBILITIES OF STATE AND LOCAL GOVERNMENT TECHNICIAN**
5 **LICENSEES**

6 (a) A licensed State and local government technician licensee shall be required to list their license with the Board in
7 the name of the State and local government agency by whom the licensee is employed,

8 (b) The holder of license as a State and local government Heating Group 1 Technician, Heating Group 2
9 Technician, Heating Group 3 Technician, or Plumbing Technician shall be a full-time employee of a State or local
10 government agency.

11 (c) A licensed State and local government technician licensee shall ensure that a permit is obtained from the
12 appropriate State or local Code Enforcement official before commencing any work for which a license is required by
13 the Board. The licensee shall also ensure that a request for final inspection of the work for which a license is
14 required is made within 10 days of the earlier of the system being made operational or placed in service, absent
15 agreement with the appropriate State or local Code Enforcement official. Absent agreement with the local Code
16 Enforcement official the licensee shall not be relieved of responsibility to the Board to arrange inspection until a
17 certificate of compliance or the equivalent is obtained from the appropriate State or local code enforcement official
18 or the licensee has documentary evidence of his effort to obtain the same.

19 (d) The failure of a licensee to comply with the permit and inspection obligations outlined in this Rule shall be
20 considered by the Board as evidence of incompetence or misconduct in the use of license from the Board.

21 (e) A licensed State and local government technician licensee shall be responsible for general supervision to the
22 extent of his qualifications, compliance with all applicable codes and standards, and assurance that permits and
23 inspections are obtained.

24 (f) The "general supervision" required by G.S. 87-26 is the degree of supervision necessary and sufficient to ensure
25 that the work is performed in a workmanlike manner and with the requisite skill and that the installation is made in
26 accordance with applicable codes, rules and manufacturer installation instructions and industry practice. General
27 supervision requires that review of the work done pursuant to the State and local government technician license be
28 performed by the State and local government technician licensee while the work is in progress.

(g) In each State or local government agency location, branch, or facility of any kind from which work requiring a license pursuant to G.S. 87, Article 2 is carried out there shall be on duty the lesser of 1500 hours annually, or all hours during which the activities described herein are carried out, at least one licensee who holds the appropriate State and local government technician license in the classification required for the work being proposed or performed, whose license is listed in the name of the particular State or local government agency at that location, and who is engaged in the work of the State or local government at the agency location or at an agency job site and who has the responsibility to exercise general supervision over the work and who has been empowered to act for the State or local government agency, as defined in Rule .0505 of this Chapter, of all work falling within his or her license qualification. Evidence of compliance shall be required as a condition of renewal or retention of license and falsification shall constitute fraud in obtaining license. The standards set forth in Rule .0512 of this Chapter shall be applied.

(h) An unlicensed person employed by a State and local government agency licensed and supervised pursuant to G.S. 87, Article 2 shall not be required to have a license and shall not be subject to an action for injunctive relief brought by the Board if the unlicensed person is a bona-fide employee of the State and local government.

(i) The annual license fee for a State and local government Technician license is ~~one hundred thirty dollars (\$130.00)~~, one hundred fifty dollars (\$150.00), except as provided in Paragraph (j) of this Rule.

(j) The annual license fee for a State & Local Government Technician Plumbing or Heating Technician license that is listed as the second or subsequent licensee at the same agency location is ~~sixty-five~~seventy-five dollars (~~\$65.00~~)(\$75.00).

History Note: Authority G.S. 87-18; 87-21(a)(5); 87-21(a)(6); 87-21(a)(10); 87-21(b)(2)c; 87-22; 87-22.1; 87-26;
Eff. April 1, 2017.
Amended Eff. July 1, 2020

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Examiners of Plumbing, Heating, and Fire Sprinkler Contractors

RULE CITATION: 21 NCAC 50 .0314

DEADLINE FOR RECEIPT: April 9, 2020

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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:

At line 11, please define "full time" experience.

In (c), line 15, do you mean "may" or "shall?" If you mean "may," under what circumstances would they qualify?

In (d), line 18, do you mean "may" or "shall?" If you mean "may," under what circumstances would they qualify?

In your history note, please consider adding G.S. 87-21(b).

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

Ashley Snyder
Commission Counsel
Date submitted to agency: March 26, 2020

21 NCAC 50 .0314 is adopted as follows:

**21 NCAC 50 .0314 PRIVATE EDUCATIONAL INSTITUTION PLUMBING OR HEATING
TECHNICIAN**

- (a) Applicants for a license as a Private Educational Institution Plumbing or Heating Technician shall obtain a license based on experience set forth in Paragraph (c) of this Rule and shall pass the Class I technical and Board laws and rules part of the Board –administered examination described in 21 NCAC 50. 0301 related to the category for which a technician license is sought. The applicant need not pass the business part of the examination.
- (b) Applicants for a license as a Private Educational Institution Plumbing or Heating Technician shall present evidence to establish 3000 hours of full-time experience in the installation, maintenance service or repair of plumbing or heating system related to the category for which a technician license is sought, whether or not a license was required for the work performed.
- (c) Applicants for a license as a Private Educational Institution Technician who currently hold an active plumbing or heating contractor license issued by this Board may qualify for the corresponding State and local government technician license without examination.
- (d) Applicants for a license as Private Educational Institution Technician who currently hold an active plumbing or heating technician license obtained by examination and issued by the Board may qualify for the Corresponding Private Educational Institution technician license without examination.

Authority G.S. 87-18;

Eff. July 1, 2020

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Examiners of Plumbing, Heating, and Fire Sprinkler Contractors

RULE CITATION: 21 NCAC 50 .0315

DEADLINE FOR RECEIPT: April 9, 2020

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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:

At line 6, please refer to "Rule .0313 of this Section."

.0313(b) requires the licensee to be a full-time employee of a State or local government agency. As written, all of .0313 applies to Private Education Institution technician licensees. Is this accurate?

In your history note, please consider adding G.S. 87-21(b).

Please delete the numbers in line 12.

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

Ashley Snyder
Commission Counsel
Date submitted to agency: March 26, 2020

21 NCAC 50 .0315 is adopted as follows:

21 NCAC 50 .0315 RESPONSIBILITIES OF PRIVATE EDUCATIONAL INSTITUTION

TECHNICIAN LICENSEES

- (a) A licensed Private Educational Institution technician licensee shall meet the same requirements as State and Local Government Technician licensees, as set forth in Rule 21 NCAC 50.0313

Authority G.S. 87-18;

Eff. July 1, 2020

310040-2668/4787526

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Examiners of Plumbing, Heating, and Fire Sprinkler Contractors

RULE CITATION: 21 NCAC 50 .0316

DEADLINE FOR RECEIPT: April 9, 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:

"Residential" is capitalized at line 4, but not at line 7. Please be consistent.

At line 5, please refer to "Paragraph (b) of this Rule."

Is the "technical examination" mentioned at line 6 different than the "license examination" at line 12? In other words, this Rule requires two examinations, correct?

At line 10, I do not see information related to a fire sprinkler design course in 21 NCAC 50 .0505. Please review and clarify.

If you keep a reference to .0505, please refer to "Rule .0505 of this Chapter."

At lines 10-11, specifically which Rules in this Chapter are you referring to? Are you referencing rules governing a design course or rules governing NFPA-13D fires sprinkler design? Please clarify and provide cross-references in the Rule.

In your history note, please consider adding G.S. 87-21(b).

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

Ashley Snyder
Commission Counsel
Date submitted to agency: March 26, 2020

21 NCAC 50 .0316 is adopted as follows:

21 NCAC 50 .0316 RESIDENTIAL FIRE SPRINKLER DESIGN CONTRACTOR LICENSE

(a) Applicants for a Residential Fire Sprinkler Design Contractor license shall obtain a license based on experience set forth in paragraph (b) and shall be required to pass the Residential Fire Sprinkler Design technical examination.

(b) Applicants for a residential Fire Sprinkler Design Contractor license shall present evidence at the time of application to establish that the applicant currently holds an active Residential Fire Sprinkler Installation Contractor license issued by the Board, shall document completion of the 32 hour fire sprinkler systems design course set forth in Rule 21 NCAC 50 .0505 approved by the Board pursuant to the Rules in this Chapter covering NFPA-13D fire sprinkler systems design and shall pass the Residential Fire Sprinkler Design Contractor license examination conducted by the Board.

Authority G.S. 87-18;

Eff. July 1, 2020

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Examiners of Plumbing, Heating, and Fire Sprinkler Contractors

RULE CITATION: 21 NCAC 50 .0317

DEADLINE FOR RECEIPT: April 9, 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:

In (a), did you intend to say "licensees" instead of "applicants?"

In (b), please replace "licensee" with "licensees."

In (b), please delete or define "personally."

At line 9, please change "must" to "shall."

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

Ashley Snyder
Commission Counsel
Date submitted to agency: March 26, 2020

21 NCAC 50 .0317 is adopted as follows:

21 NCAC 50 .0317 RESIDENTIAL FIRE SPRINKLER DESIGN CONTRACTOR LICENSEES

- (a) Applicants for a Residential Fire Sprinkler Design Contractor licensee shall design NFPA 13D residential multipurpose fire sprinkler systems consistent with NFPA 13D design requirements and the water design conditions present at the system installation location.
- (b) Residential Fire Sprinkler Design Contractor licensee shall personally sign and date each specific NFPA 13D residential design performed.
- (c) Residential Fire Sprinkler Design Contractor must maintain a Plumbing Contractor and a Residential Fire Sprinkler Installation Contractor license as a condition of renewal of the Residential Fire Sprinkler Design Contractor license.
- (d) The annual license fee for a Residential Fire Sprinkler Design Contractor license is one hundred fifty dollars (\$150.00).

Authority G.S. 87-18;

Eff. July 1, 2020

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Examiners of Plumbing, Heating, and Fire Sprinkler Contractors

RULE CITATION: 21 NCAC 50 .0405

DEADLINE FOR RECEIPT: April 9, 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:

At line 5, please define "primarily."

At line 6, please consider replacing "may be listed on only" with "shall only be listed on."

In (c), lines 10 and 11, please replace "his" with "his or her."

Please compare the language in (c) with .0407(b). Should "State or local governmental agency" and "private educational institution" be added to the list in (c)?

In (d), line 14, please replace "his" with "his or her."

At line 15, please capitalize "State" if you are only referring to North Carolina. Please do not capitalize "state" if you are referring to any state.

In your history note, why are G.S. 87-21(a)(5) and (6) listed?

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

Ashley Snyder
Commission Counsel
Date submitted to agency: March 26, 2020

21 NCAC 50 .0405 MULTIPLE LICENSES is amended as follows:

21 NCAC 50 .0405 MULTIPLE LICENSES

(a) In order to maintain the identity of firms and allow effective supervision, each licensed contractor or technician shall qualify only the business location where he is primarily located.

(b) A licensee may be listed on only one contractor license at any given time, whether the license is issued in the name of the individual or in the name of a firm; provided, however, that the Fire Sprinkler Maintenance Technician ~~qualification~~ qualification, the Private Educational Institution Technician, and the State and local government technician qualification may be listed separately in the name of the employer to which restricted.

(c) The holder of qualification as a contractor may, upon deletion of his name and qualifications from a firm license, reinstate his personal license, either as an individual or in the name of some other corporation, partnership, or business that has a trade name, upon compliance with G.S. 87-26.

(d) A technician licensee, other than the holder of a Fire Sprinkler Maintenance Technician license, may, upon deletion of his name and qualification from a firm license, move his qualification to another licensed corporation, partnership, state or local governmental agency, private educational institution, or business that has a trade name, upon compliance with G.S. 87-26.

History Note: Authority G.S. 87-18; 87-21(a)(5); 87-21(a)(6); 87-21(b)(2)c; 87-26;

Eff. February 1, 1976;

Readopted Eff. September 29, 1977;

Amended Eff. December 31, 2011; January 1, 2010; January 1, 2004; July 1, 1998; May 1, 1989;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015;

Amended Eff. February 1, 2017.

Amended Eff. July 1, 2020

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Examiners of Plumbing, Heating, and Fire Sprinkler Contractors

RULE CITATION: 21 NCAC 50 .0407

DEADLINE FOR RECEIPT: April 9, 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:

At line 3, please consider replacing "are required to" with "shall."

At lines 4, 12, 15, and 17, please capitalize "State" if you are only referring to North Carolina. Please do not capitalize "state" if you are referring to any state.

At line 6, which forms are you referring to?

At line 6, are the contents or substantive requirements of the forms in rule in accordance with G.S. 150B-2(8a)(d)?

At line 10, does the notification have to be provided in writing?

At line 13, are the contents or substantive requirements of this form in rule in accordance with G.S. 150B-2(8a)(d)?

At line 13, please add a comma after "Board."

At line 18, please capitalize "Rules."

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

Ashley Snyder
Commission Counsel
Date submitted to agency: March 26, 2020

21 NCAC 50 .0407 CORPORATIONS, PARTNERSHIPS AND TRADE NAMES is amended as follows:

21 NCAC 50 .0407 CORPORATIONS, PARTNERSHIPS AND TRADE NAMES

(a) Licensees are required to list their license with the Board in the name in which they conduct business.

(b) A contractor license may be issued or renewed in the name of a corporation, ~~partnership~~partnership, state or local governmental agency, private educational institution, or business with a trade name upon compliance with the provisions of G.S. 87-26, verified by the execution of forms furnished by the Board.

(c) Additional licensees may be added to licenses issued in the above manner upon verifications of compliance with the provisions of G.S. 87-26. If a licensee terminates his association with a corporation, ~~partnership~~partnership, state or local governmental agency, private educational institution, or business with a trade name, both the firm and the licensee shall notify the Board within 30 days.

(d) A person who has a license which has been expired less than three years may be added to an active license issued in the name of a corporation, ~~partnership~~partnership, state or local governmental agency, private educational institution, or business with a trade name, upon written request, completion of forms provided by the Board and payment of the fee set forth in Rule .1102 of this Chapter.

(e) The license number assigned to a corporation, partnership, state or local governmental agency, private educational institution, or business with a trade name shall be that of the first licensee listed on the license.

(f) A corporation, partnership, state or local governmental agency, private educational institution, or business with a trade name which is issued a license is subject to the provisions of G.S. 87, Article 2 and to the rules in this Chapter.

History Note: Authority G.S. 87-18; 87-22; 87-26;

Eff. February 1, 1976;

Readopted Eff. September 29, 1977;

Amended Eff. December 31, 2011; November 1, 1994; November 1, 1993; July 1, 1991; May 1, 1989;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

Amended Eff. July 1, 2020

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Examiners of Plumbing, Heating, and Fire Sprinkler Contractors

RULE CITATION: 21 NCAC 50 .0408

DEADLINE FOR RECEIPT: April 9, 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:

In (a), how does someone make such a request? Are there any requirements associated with making this request?

In (a), under what circumstances does the Board approve a request? What factors are considered?

At line 5, which rules are you referring to?

In (b), please capitalize "State" if you are referring to North Carolina. Please do not capitalize "state" if you are referring to any state.

At line 8, please define "substantially similar." Are a set of factors used when making this determination?

At line 10, please add a comma after "physical address."

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

Ashley Snyder
Commission Counsel
Date submitted to agency: March 26, 2020

21 NCAC 50 .0408 CHANGE OF TRADE NAME is amended as follows:

21 NCAC 50 .0408 CHANGE OF TRADE NAME

(a) The trade name under which a license is issued may be changed upon request to and approval by the Board pursuant to these Rules. If the Board approves the name change, the last license issued to the licensee must be returned to the Board before the new license will be sent to the licensee.

(b) A contractor license shall be issued or renewed using any corporate name, partnership name, state or local governmental agency, private educational institution, or trade name which is not substantially similar to a name already in use according to the records of the Board.

(c) The licensee shall notify the Board of any change in location, telephone number, physical address or mailing address from that shown on the last license renewal invoice within 30 days after the change takes place.

History Note: Authority G.S. 55B-5; 87-18; 87-26;

Eff. February 1, 1976;

Readopted Eff. September 29, 1977;

Amended Eff. January 1, 2010; December 1, 2003; November 1, 1994; February 1, 1991; May 1, 1989;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

Amended Eff. July 1, 2020

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Examiners of Plumbing, Heating, and Fire Sprinkler Contractors

RULE CITATION: 21 NCAC 50 .0505

DEADLINE FOR RECEIPT: April 9, 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:

At line 6, please delete or define "properly" and "safely" or consider mirroring the language in .0313(f).

At line 8, please delete or define "properly."

At line 11, please delete or define "properly" and "safely" or consider mirroring the language in .0313(f).

In (b), which "provisions of codes and standards" are you referring to? If you are incorporating a document by reference, please use the following language: "[Title] is hereby incorporated by reference, [including/not including] subsequent amendments and editions. The document may be accessed at [cost] at [website]."

At line 16, please add a comma after "specifications."

At line 17, how does the Board determine which instructions and standards are prevailing in the industry?

In (c), please consider referring to: "Rules .0513, .0514, and .0515 of this Section."

At line 20, please define "newly."

In (d), where is your authority to set design requirements for heating and air conditioning systems? Are you referring to requirements set in the Building Code or another code?

In (d), where is your authority to require "contractors provide a separate HVAC system for each floor or to install automatically controlled zoning equipment. . ." Is this requirement set elsewhere, such as in the Building Code?

At line 27, please define "newly."

Ashley Snyder
Commission Counsel

Date submitted to agency: March 26, 2020

On page 2, line 2, please insert a comma after “owner.”

At line 3, is it necessary to say “a minimum of six years?” Rules always set minimum requirements.

At line 3, which license is “appropriate?”

At lines 16-17, does the licensee use a calculation previously established by an Engineer or are you requiring an Engineer to make this calculation? If the later, where is your statutory authority to define the scope of practice for Licensed Engineers?

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

21 NCAC 50 .0505 GENERAL SUPERVISION AND STANDARD OF COMPETENCE is amended
with changes as follows:

21 NCAC 50 .0505 GENERAL SUPERVISION AND STANDARD OF COMPETENCE

(a) The general supervision required by G.S. 87-26 is that degree of supervision which is necessary and sufficient to ensure that the contract is performed in a workmanlike manner and with the requisite skill and that the installation is made properly, safely and in accordance with applicable codes and rules. General supervision requires that a review of the work done pursuant to the license be performed by a licensee of the firm while the work is in progress. If a Plumbing, Heating or Fuel Piping Contractor licensed by this Board employs a properly licensed Plumbing, Heating or Fuel Piping Technician, whose Technician license is listed under the name of that licensed contractor, then the licensed technician may review and supervise work-in lieu of the licensed contractor as a means to assure that the contract is performed in a workmanlike manner and with the requisite skill and that the installation is made properly, safely and in accordance with applicable codes and rules.

(b) The provisions of the North Carolina Building Code, including the provisions of codes and standards incorporated by reference, and adopted by the Building Code Council of North Carolina are the minimum standard of competence applicable to contractors licensed by the Board. Licensees shall design and install systems which meet or exceed the minimum standards of the North Carolina State Building Code, manufacturer's specifications and installation instructions and standards prevailing in the industry.

(c) Work performed under Rule .0513, Rule .0514, and Rule .0515 shall be performed by the licensed technician pursuant to the license held by that person.

(d) Every newly installed residential heating system, air conditioning system or both shall be designed and installed to maintain a maximum temperature differential of four degrees Fahrenheit room-to-room and floor-to-floor. On multilevel structures, contractors shall either provide a separate HVAC system for each floor or to install automatically controlled zoning equipment for each level with individual thermostats on each level to control the temperature for that level. The seasonal adjustment needed to maintain the four degrees Fahrenheit room-to-room and floor-to-floor maximum temperature differential shall not be accomplished through the use of manual dampers.

(e) All licensed HVAC contractors or licensed technicians shall perform a room-by-room load calculation for all newly installed residential ~~structures~~ systems prior to installing heating systems, air conditioning systems, or both, which calculations shall be specific to the location and orientation where the HVAC system or equipment is to be

1 installed. A written record of the system and equipment sizing information shall be provided to the homeowner,
2 owner or general contractor upon request and a copy shall be maintained in the job file of the licensee for a
3 minimum of six years. Load calculations shall be performed by a licensee who holds the appropriate license from
4 this Board, or a licensee may utilize a load calculation carried out for this particular structure and location by a
5 North Carolina Licensed Professional Engineer.

6 (f) When either a furnace, condenser, package unit or air handler in an existing residential heating or air
7 conditioning system is replaced, the licensed HVAC contractor or licensed technician is required to perform a
8 minimum of a whole house block load calculation. When a furnace, condenser, package unit or air handler in a
9 residential heating or air conditioning system is replaced, the licensee shall ensure that all systems and equipment
10 are properly sized. The licensee may utilize industry standards, reference materials, evaluation of the structure, and
11 load calculations. A written record of the system and equipment sizing information shall be provided to the
12 homeowner, owner or general contractor upon request and a copy shall be maintained in the job file of the licensee
13 for a minimum of six years. If a load calculation was not performed or if a load calculation was performed and it is
14 later determined by the Board that the unit installed was undersized or oversized, the installation will be considered
15 as evidence of incompetence. Load calculations shall be performed by a licensee who holds the appropriate license
16 from this Board, or a licensee may utilize load calculations carried out for this particular structure and location by a
17 North Carolina Licensed Professional Engineer.

18 (g) A licensed plumbing contractor involved in installation or replacement of a well pump or pumping equipment
19 which includes installation or reinstallation of a well seal shall be present on site until the well is disinfected and
20 sealed.

21 (h) At the time of completion of initial installation and upon any subsequent alteration, licensees who install
22 multipurpose residential fire sprinkler systems shall assure that the two most remote fire sprinkler heads, as
23 identified by the design professional who designed the system, undergo a water flow test using at the designed water
24 supply delivery volume and delivery pressure and assure that the system flows the required functions to deliver the
25 amount of water through each of the tested fire sprinkler heads specified by the design professional. Failure to carry
26 out the flow test or failure of a system to provide the required volume or water when placed in operation due to fire
27 or otherwise shall be considered evidence of misconduct and incompetence on the part of the installing licensee.

1 *History Note:* *Authority G.S. 87-18; 87-23; 87-26;*
2 *Eff. February 1, 1976;*
3 *Readopted Eff. September 29, 1977;*
4 *Amended Eff. July 3, 2012; January 1, 2010; March 1, 2005; January 1, 2004; July 1, 2003; July*
5 *1, 1991; October 1, 1989; May 1, 1989;*
6 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*
7 *2015.*
8 *Amended Eff. July 1, 2020*

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Examiners of Plumbing, Heating, and Fire Sprinkler Contractors

RULE CITATION: 21 NCAC 50 .0519

DEADLINE FOR RECEIPT: April 9, 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:

Please consider re-wording this rule to say who shall do what. For example, begin with "To design a residential fire sprinkler system consistent with NFPA 13D Residential Multipurpose Fire Sprinkler Systems, a person shall be licensed as a Fire Sprinkler Design Contractor."

Does this rule require licensure as a residential Fire Sprinkler Design Contractor, Plumbing Contractor, and a Residential Fire Sprinkler Installation Contractor to design residential fire sprinkler systems? And, to be clear, they are not required to hold a license as a Fire Sprinkler Installation Contractor. If so, please reword this rule to make that clear by using active voice and saying who shall do what. Please also consider breaking this rule into two sentences.

In your history note, please consider adding G.S. 87-21(b).

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

Ashley Snyder
Commission Counsel
Date submitted to agency: March 26, 2020

21 NCAC 50 .0519 is adopted as follows:

21 NCAC 50 .0519 RESIDENTIAL FIRE SPRINKLER DESIGN CONTRACTOR LICENSE

License as a residential Fire Sprinkler Design Contractor is required of persons who desire to design residential fire sprinkler Systems consistent with NFPA 13D Residential Multipurpose Fire Sprinkler Systems, who hold an active license as a Plumbing Contractor and as a Residential Fire Sprinkler Installation Contractor, but who do not hold a license as a Fire Sprinkler Installation Contractor.

Authority G.S. 87-18;

Eff. July 1, 2020

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Examiners of Plumbing, Heating, and Fire Sprinkler Contractors

RULE CITATION: 21 NCAC 50 .1101

DEADLINE FOR RECEIPT: April 9, 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:

Where is your statutory authority for the fee in (a)?

Where is your statutory authority for the fee in (b)?

At line 12, please change "must" to "shall."

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

Ashley Snyder
Commission Counsel
Date submitted to agency: March 26, 2020

21 NCAC 50 .1101 EXAMINATION FEES is amended as follows:

SECTION .1100 - FEES

21 NCAC 50 .1101 EXAMINATION FEES

(a) An application to reissue or transfer a license to a different corporation, partnership or individual name requires a fee of ~~twenty-five dollars (\$25.00)~~ thirty dollars (\$30.00).

(b) An application to issue or transfer a license to the license of an existing licensee requires a fee of ~~twenty-five dollars (\$25.00)~~ thirty dollars (\$30.00).

(c) An application for a license by examination requires a fee of one hundred dollars (\$100.00), consisting of an application fee of twenty-five dollars (\$25.00) and an examination fee of seventy-five dollars (\$75.00), which is nonrefundable. Upon passage of the examination, the license fee set forth in 21 NCAC 50.1102 or this Rule must be paid to obtain the license within 45 days of notification of the result of the examination, except that anyone passing the examination after November 1 of any year may elect to obtain a license for the following year rather than the year in which the exam was passed.

History Note: Authority G.S. 87-18; 87-22.1; 87-22; 87-26;

Eff. May 1, 1989;

Temporary Amendment Eff. November 17, 1989 for a period of 77 days to expire on February 1, 1990;

Amended Eff. August 1, 2000; November 1, 1993; March 1, 1990;

Temporary Amendment Eff. August 31, 2001;

Amended Eff. March 1, 2005; December 1, 2003; April 1, 2003; December 4, 2002;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

Amended Eff. July 1, 2020

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Examiners of Plumbing, Heating, and Fire Sprinkler Contractors

RULE CITATION: 21 NCAC 50 .1102

DEADLINE FOR RECEIPT: April 9, 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:

At line 3, please add a comma after "heating."

(a) begins with "except as set out in this rule" but Paragraphs (e)-(i) and (k) do not provide exceptions because those licenses also have an annual licensure fee of \$150.00. Please clarify.

If an individual is, for example a Plumbing Contractor in (a) and also a Residential Fire Sprinkler Installation Contractor in (g), is their total annual licensure fee \$150 or \$300? In other words, for any individual who holds multiple licenses, is their fee capped at \$150 or do they pay the fee listed for each type of license?

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

Ashley Snyder
Commission Counsel
Date submitted to agency: March 26, 2020

21 NCAC 50 .1102 LICENSE FEES is amended as follows:

21 NCAC 50 .1102 LICENSE FEES

(a) Except as set out in this Rule, the annual license fee for plumbing, heating and fuel piping contractor licenses issued or renewed by the Board is ~~one hundred thirty dollars (\$130.00)~~ one hundred fifty dollars (\$150.00).

(b) The annual license fee for a licensed individual who holds qualifications from the Code Officials Qualification Board and is employed full-time as a local government plumbing, heating or mechanical inspector is twenty-five dollars (\$25.00).

(c) The initial application fee for a license without examination conducted by the Board is thirty dollars (\$30.00).

(d) The annual license fee for a contractor or fire sprinkler inspection technician whose qualifications are listed as the second or subsequent individual on the license of a corporation, partnership, or business with a trade name under Paragraphs (a) or (c) of this Rule is ~~thirty dollars (\$30.00)~~ seventy-five dollars (\$75.00).

(e) The annual license fee for a Fire Sprinkler Installation Contractor and a Fire Sprinkler Inspection Contractor license by this Board is ~~one hundred thirty dollars (\$130.00)~~ one hundred fifty dollars (\$150.00).

(f) The annual license fee for a Limited Fire Sprinkler Maintenance Technician is ~~one hundred thirty dollars (\$130.00)~~ one hundred fifty dollars (\$150.00).

(g) The annual license fee for a Residential Fire Sprinkler Installation Contractor is ~~one hundred thirty dollars (\$130.00)~~ one hundred fifty dollars (\$150.00).

(h) The annual license fee for a Fire Sprinkler Inspection Technician is ~~one hundred thirty dollars (\$130.00)~~ one hundred fifty dollars (\$150.00).

(i) The annual license fee for all Fuel Piping Technician licenses listed with a Class A Gas Dealer is ~~one hundred thirty dollars (\$130.00)~~ one hundred fifty dollars (\$150.00).

(j) The annual license fee for Plumbing, Heating or Fuel Piping Technician licensees listed under a licensed Plumbing, Heating or Fuel Piping Contractor is ~~sixty five dollars (\$65.00)~~ seventy-five dollars (\$75.00).

(k) The annual license fee for a Restricted Limited Plumbing Contractor is ~~one hundred thirty dollars (\$130.00)~~ one hundred fifty dollars (\$150.00).

History Note: Authority G.S. 87-18; 87-21; 87-22;

Eff. May 1, 1989;

1 *Temporary Amendment Eff. November 17, 1989 for a period of 77 days to expire on February 1,*
2 *1990;*
3 *Amended Eff. November 1, 1994; July 1, 1991; March 1, 1990;*
4 *Temporary Amendment Eff. August 31, 2001; September 15, 1997;*
5 *Amended Eff. April 1, 2014; July 3, 2012; July 1, 2010; March 1, 2005; December 1, 2003;*
6 *December 4, 2002;*
7 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*
8 *2015.*
9 *Amended Eff. July 1, 2020*

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Examiners of Plumbing, Heating, and Fire Sprinkler Contractors

RULE CITATION: 21 NCAC 50 .1106

DEADLINE FOR RECEIPT: April 9, 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:

Please format (b)(1)-(13) in accordance with 26 NCAC 02C .0108(6) with one tab and one hanging indent.

In (a), how is an individual required to submit the petition? Via mail? Via the Board's website?

In (b)(8), has a reporting service been designated by the Board? See G.S. 93B-8.1(b6).

In (b)(14), by "certification" do you mean "a certification stating the information is true and accurate?"

In your history note, why is G.S. 93A-4 listed?

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

Ashley Snyder
Commission Counsel
Date submitted to agency: March 26, 2020

21NCAC50B .1106 is adopted as follows:

21 NCAC 50B .1106 PETITION FOR PREDETERMINATION

(a) An individual who wishes to file a petition for a predetermination of whether the individual's criminal history will likely disqualify the individual from obtaining a license from the Board shall submit a petition at the office of the Board.

(b) The petition shall include the petitioner's:

(1) legal name;

(2) mailing, physical, and email addresses;

(3) social security number;

(4) date of birth;

(5) telephone number;

(6) places of residence for the past seven years;

(7) employment history since the date the crime was committed;

(8) criminal record report prepared no more than 60 days prior to the date of petition;

(9) written statement describing the circumstances surrounding the commission of the crime(s);

(10) written statement of any rehabilitation efforts;

(11) rehabilitative drug or alcohol treatments;

(12) Certificate of Relief granted pursuant to G.S. 15A-173.2;

(13) affidavits or other written documents, including character references, that the petitioner intends to submit for review;

(14) certification; and

(15) signature.

(c) The fee for a petition for predetermination shall be forty-five dollars (\$45.00).

Authority G.S. 93A-4; 93B-8.1.

Eff. July 1, 2020