

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Code Officials Qualification Board

RULE CITATION: 11 NCAC 08 .0602

**DEADLINE FOR RECEIPT: Wednesday, June 5, 2019**

**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:*

*In Box 6, state the date of adoption of this Rule by the Board.*

*In Box 9B, did you mean to cite to SL 2018-29? Or should this not be checked at all, but instead, check the "Agency" box since the agency decided to readopt the Rule?*

*In the Rule:*

*There cannot be an (a) without a (b). Please strike "(a)" on line 4.*

*On line 4, this is not the proper way to insert a comma after "issued" and "examination" As you published it correctly in the Register, do not show it as a change, but simply properly insert the commas.*

*On line 4, I take it you are using "newly employed" to mirror the statutory terms?*

*On line 7, will "appropriate" be determined using Rule 11 NCAC 08 .0706?*

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: May 21, 2019

1 11 NCAC 08 .0602 is readopted as published in 33:16 NCR 1666-1667 as follows:

2  
3 **11 NCAC 08 .0602 NATURE OF PROBATIONARY CERTIFICATE**

4 (a) A probationary certificate may be issued without examination to any newly employed or newly promoted code  
5 enforcement official who lacks a standard certificate that covers the new position. A probationary certificate shall be  
6 issued for three years only and shall not be renewed. During the ~~three-year~~ three-year period, the official shall complete  
7 the requirements set forth in 11 NCAC 08 .0706 to qualify for the appropriate standard certificate. A probationary  
8 certificate shall authorize the official, during the effective period of the certificate, to hold the position of the type,  
9 level, and location specified. The certificate shall be conditioned on the applicant's completion of a high school  
10 diploma or a high school equivalency certificate and meeting one of the following:

- 11 (1) working under supervision ~~sufficient~~ sufficient, as determined by a supporting letter provided for in  
12 11 NCAC 08 .0706(b), to protect the public health and safety;
- 13 (2) possessing a minimum of two years of design, construction, or inspection experience working under  
14 a certified inspector or under a licensed professional engineer, registered architect, or licensed  
15 contractor;
- 16 (3) possessing one of the experience qualifications listed in 11 NCAC 08 .0706 in each area of code  
17 enforcement for which the probationary certificate is issued; or
- 18 (4) achieving a minimum score of 70 percent on the probationary prequalification exam administered  
19 by the Board in each area of code enforcement for which the probationary certificate is issued.

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

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Code Officials Qualification Board

RULE CITATION: 11 NCAC 08 .0707

**DEADLINE FOR RECEIPT: Wednesday, June 5, 2019**

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:*

*In Box 6, state the date of adoption of this Rule by the Board.*

*In Box 9B, did you mean to cite to SL 2018-29?*

*In the Rule:*

*Throughout this Rule, do you need to retain "successfully" before "complete"? I know that Rule 11 NCAC 08 .0706(g)(3) uses that term, but do you need it here?*

*In (b), lines 14-15, do you need to retain the language "(as of June 13, 1977)" given that this language addresses a time period of over 40 years ago?*

*In (c), line 20, please state "Pursuant to G.S. 143-151.14(a)" since (d) addresses 143-151.14(b). Without adding in the specific citation here, it will be unclear how Paragraphs (c) and (d) apply.*

*On line 22, please use the language on line 13 by capitalizing "State Building Code" and replacing "regulations" with "rules"*

*What is the purpose of the new language on lines 24-26?*

*On line 25, what is "applicable"?*

*In (e), I believe the intent is to apply the requirements of Rule .0706 to both Paragraphs (c) and (d). But that means that in (d), lines 28-31 are now recited in (e). I suggest you delete most of (d) and just retain the lead in sentence and state "Applicants for certification pursuant to G.S. 143-151.14(b) shall complete the short course required by G.S. 143-151.14(c) as set forth in 11 NCAC 08 .0706(g)(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: May 21, 2019

1 11 NCAC 08 .0707 is readopted as published in 33:16 NCR 1667 as follows:

2  
3 **11 NCAC 08 .0707 SPECIAL CIRCUMSTANCES**

4 (a) Licensed County Electrical Inspector. Certificates issued pursuant to ~~G.S. 143-151.13(e)~~ G.S. 143-151.13(e) shall  
5 be for the electrical inspector level corresponding to the level at which the applicant is currently certified.

6 (b) Registered Architect, Licensed General Contractor, Licensed Plumbing or Heating Contractor, Licensed Electrical  
7 Contractor, Registered Professional Engineer. Applicants for certification under ~~G.S. 143-151.13(f)~~ G.S. 143-  
8 151.13(f) shall successfully ~~complete~~ complete the Board's prescribed short ~~course~~ course, as set out in 11 NCAC 08  
9 .0706(g)(3), concerning ~~state building code~~ State Building Code rules and code enforcement administration prior to  
10 being certified. Applicants under this Paragraph shall be currently registered or licensed (as of June 13, 1977) by the  
11 State of North Carolina as an architect, a general contractor, a plumbing or heating contractor, an electrical contractor,  
12 or a professional ~~engineer~~. engineer to receive certification. The standard certificate shall authorize the person to  
13 practice as a qualified code enforcement official of the type and at the performance level determined by the Board to  
14 be ~~appropriate~~ appropriate, in accordance with 11 NCAC 08 .0706, in light of the applicant's education, training, and  
15 experience.

16 (c) Certified Code Enforcement Official From Another State. Pursuant to G.S. 143-151.14, the Board ~~may~~, without  
17 requiring an examination, issue a standard certificate to any person who successfully completes the Board's prescribed  
18 short course concerning state building code regulations and code enforcement administration and who holds a  
19 currently valid certificate as a qualified code enforcement official from another state or territory whose standards are  
20 acceptable to the Board and not lower than those required of North Carolina ~~applicants~~ applicants, under Article 9C  
21 of the North Carolina General Statutes and all applicable administrative rules governing Code Enforcement Officials.

22 (d) Certified Code Enforcement Official with International Code Council Certification. Applicants for certification  
23 pursuant to G.S. 143-151.14(b) shall meet the experience requirements specified in 11 NCAC 08 .0706 to be eligible  
24 for consideration. The short course required by G.S. 143-151.14 (c) is set out in 11 NCAC 08 .0706(g)(3). Standard  
25 certificates issued under this Rule shall expire if the required short course is not completed within three years of  
26 certification.

27 (e) Comity Applicants. Comity applicants as set out in in Paragraphs (c) and (d) of this Rule shall meet the experience  
28 requirements specified in 11 NCAC 08 .0706 to be eligible for comity consideration. The successful completion of a  
29 law and administration course and a standard technical course, as set out in 11 NCAC 08 .0706(g)(3), in the area and  
30 level of the standard certificate must be completed within three years to maintain any standard certificate issued due  
31 to comity. Standard certificates issued under comity shall expire if required courses are not completed within the  
32 three-year period.

33 *History Note: Authority G.S. 143-151.13; 143-151.14;*  
34 *Eff. January 15, 1980;*  
35 *Amended Eff. ~~July 1, 1983~~. July 1, 1983;*  
36 *Readopted Eff. July 1, 2019.*  
37

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Code Officials Qualification Board

RULE CITATION: 11 NCAC 08 .0708

**DEADLINE FOR RECEIPT: Wednesday, June 5, 2019**

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

*On the Submission for Permanent Rule form:*

*In Box 6, state the date of adoption of this Rule by the Board.*

*In Box 9B, did you mean to cite to SL 2018-29? Or should this not be checked at all, but instead, check the "Agency" box since the agency decided to readopt the Rule?*

*In the Rule:*

*In (a), line 4, please underline the addition of "Section,"*

*On line 6, I take it "type and level" is known to your regulated public?*

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: May 21, 2019

1 11 NCAC 08 .0708 is readopted as published in 33:16 NCR 1667 as follows:

2  
3 **11 NCAC 08 .0708 CERTIFICATE**

4 (a) If an application meets the requirements of Rules .0704 and .0706 of this ~~Section~~ Section, ~~and~~ the application fee  
5 has been paid, and the applicant qualified for a particular type and level of certificate, the Board's staff shall mail a  
6 standard certificate of that type and level to the applicant at the address specified on the application. The certificate  
7 shall be effective until the renewal date specified in G.S. 143-151.16(b).

8 (b) If the applicant does not meet the criteria for the certificate for which he or she applied, the applicant shall be  
9 given written notice of the criterion that the applicant fails to meet and offered a choice of:

- 10 (1) accepting a certificate for a lower level for which the applicant is qualified;  
11 (2) submitting additional evidence in support of the application;  
12 (3) withdrawing the application; or  
13 (4) appealing the decision to the Board.

14 If an appeal is filed, the Board shall conduct a hearing and render a decision in accordance with Article 3A of G.S.  
15 150B.

16  
17 *History Note: Authority G.S. 143-151.12; 143-151.13; 143-151.14; 143-151.17; 143-151.19;*  
18 *Eff. January 15, 1980;*  
19 *Amended Eff. December 1, 2017; July 18, 2002; ~~January 1, 1991~~; January 1, 1991;*  
20 *Readopted Eff. July 1, 2019.*  
21  
22

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Code Officials Qualification Board

RULE CITATION: 11 NCAC 08 .0714

**DEADLINE FOR RECEIPT: Wednesday, June 5, 2019**

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:*

*In Box 6, state the date of adoption of this Rule by the Board.*

*In Box 9B, did you mean to cite to SL 2018-29?*

*In the Rule:*

*In (a) and elsewhere the term is used, does your regulated public know what "local" inspection department means?*

*In (b), are the contents of these courses in other Rules of the Chapter? It appears that this is the case, but I wanted to check.*

*In the History Note, why are you citing to G.S. 143-151.13A(b)?*

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: May 21, 2019

1 11 NCAC 08 .0714 is readopted as published in 33:16 NCR 1667 as follows:

2  
3 **11 NCAC 08 .0714 INACTIVE CODE ENFORCEMENT OFFICIALS**

4 (a) A CEO either who is no longer employed by a local inspection department or who remains employed by a local  
5 inspection department but no longer has Code enforcement responsibility shall be inactive. Inactive CEOs shall not  
6 be subject to certificate renewal requirements nor continuing education requirements.

7 (b) When an inactive CEO wishes to become reemployed as an active CEO, the CEO shall complete continuing  
8 education courses within one year after reemployment to re-activate certificates in addition to completing the courses  
9 required for renewal of certificates as follows:

- 10 (1) A CEO who has been on inactive status for more than two years and who has not been continuously  
11 employed by a local inspection department during the period of inactive status shall complete  
12 continuing education courses of six hours for each technical area in which the CEO is certified.
- 13 (2) A CEO who has been on inactive status for more than two years and who has been continuously  
14 employed by a local inspection department during the period of inactive status shall complete  
15 continuing education courses of three hours for each technical area in which the CEO is certified.
- 16 (3) A CEO who has been on inactive status for two years or less shall complete CE courses of two hours  
17 for each technical area in which the CEO is certified.

18  
19 *History Note: Authority G.S. 143-151.13A(b); 143-151.13A(d); 143-151.15;*  
20 *Eff. ~~February 1, 2006.~~ February 1, 2006;*  
21 *Readopted Eff. July 1, 2019.*  
22  
23