

21 NCAC 12A .0202 is amended as published in 36:04 NCR 265-270 as follows:

21 NCAC 12A .0202 CLASSIFICATION

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

- (1) Building Contractor. This classification covers all building construction and demolition activity including: commercial, industrial, institutional, and all residential building construction. It includes parking decks; all site work, grading and paving of parking lots, driveways, sidewalks, and gutters; storm drainage, retaining or screen walls, and hardware and accessory structures; and indoor and outdoor recreational facilities including natural and artificial surface athletic fields, running tracks, bleachers, and seating. It also covers work done under the specialty classifications of S(Concrete Construction), S(Insulation), S(Interior Construction), S(Marine Construction), S(Masonry Construction), S(Roofing), S(Metal Erection), S(Swimming Pools), and S(Asbestos), and S(Wind Turbine).
- (2) Residential Contractor. This classification covers all construction and demolition activity pertaining to the construction of residential units that are required to conform to the residential building code adopted by the Building Code Council pursuant to G.S. 143-138; all site work, driveways, sidewalks, and water and wastewater systems ancillary to the aforementioned structures and improvements; and the work done as part of such residential units under the specialty classifications of S(Insulation), S(Interior Construction), S(Masonry Construction), S(Roofing), S(Swimming Pools), and S(Asbestos).
- (3) Highway Contractor. This classification covers all highway construction activity including: grading, paving of all types, installation of exterior artificial athletic surfaces, relocation of public and private utility lines ancillary to a principal project, bridge construction and repair, culvert construction and repair, parking decks, sidewalks, curbs, gutters and storm drainage. It also includes installation and erection of guard rails, fencing, signage and ancillary highway hardware; covers paving and grading of airport and airfield runways, taxiways, and aprons, including the installation of fencing, signage, runway lighting and marking; and work done under the specialty classifications of S(Boring and Tunneling), S(Concrete Construction), S(Marine Construction), S(Railroad Construction), and H(Grading and Excavating).
- (4) Public Utilities Contractor. This classification includes operations that are the performance of construction work on water and wastewater systems and on the subclassifications of facilities set forth in G.S. 87-10(b)(3). The Board shall issue a license to a public utilities contractor that is limited to any of the subclassifications set forth in G.S. 87-10(b)(3) for which the contractor qualifies. A public utilities contractor license covers work done under the specialty classifications of S(Boring and Tunneling), PU(Communications), PU(Fuel Distribution), PU(Electrical-Ahead of Point of Delivery), PU(Water Lines and Sewer Lines), PU(Water Purification and Sewage Disposal), and S(Swimming Pools).

- 1 (5) Specialty Contractor. This classification covers all construction operation and performance of
2 contract work outlined as follows:
- 3 (A) H(Grading and Excavating). This classification covers the digging, moving, and placing of
4 materials forming the surface of the earth, excluding air and water, in such a manner that
5 the cut, fill, excavation, grade, trench, backfill, or any similar operation may be executed
6 with the use of hand and power tools and machines used for these types of digging, moving,
7 and material placing. It covers work on earthen dams and the use of explosives used in
8 connection with all or any part of the activities described in this Subparagraph. It also
9 includes clearing and grubbing, and erosion control activities.
- 10 (B) S(Boring and Tunneling). This classification covers the construction of underground or
11 underwater passageways by digging or boring through and under the earth's surface,
12 including the bracing and compacting of such passageways to make them safe for the
13 purpose intended. It includes preparation of the ground surfaces at points of ingress and
14 egress.
- 15 (C) PU (Communications). This classification covers the installation of the following:
- 16 (i) all types of pole lines, and aerial and underground distribution cable for telephone
17 systems;
- 18 (ii) aerial and underground distribution cable for cable TV and master antenna TV
19 systems capable of transmitting R.F. signals;
- 20 (iii) underground conduit and communication cable including fiber optic cable; and
21 (iv) microwave systems and towers, including foundations and excavations where
22 required, when the microwave systems are being used for the purpose of
23 transmitting R.F. signals; and installation of PCS or cellular telephone towers and
24 sites.
- 25 (D) S(Concrete Construction). This classification covers the construction, demolition, and
26 installation of foundations, pre-cast silos, and other concrete tanks or receptacles,
27 prestressed components, and gunite applications, but excludes bridges, streets, sidewalks,
28 curbs, gutters, driveways, parking lots, and highways.
- 29 (E) PU(Electrical-Ahead of Point of Delivery). This classification covers the construction,
30 installation, alteration, maintenance, or repair of an electrical wiring system, including sub-
31 stations or components thereof, which is or is intended to be owned, operated, and
32 maintained by an electric power supplier, such as a public or private utility, a utility
33 cooperative, or any other properly franchised electric power supplier, for the purpose of
34 furnishing electrical services to one or more customers.
- 35 (F) PU(Fuel Distribution). This classification covers the construction, installation, alteration,
36 maintenance, or repair of systems for distribution of petroleum fuels, petroleum distillates,
37 natural gas, chemicals, and slurries through pipeline from one station to another. It includes

all excavating, trenching, and backfilling in connection therewith. It covers the installation, replacement, and removal of above ground and below ground fuel storage tanks.

(G) PU(Water Lines and Sewer Lines). This classification covers construction work on water and sewer mains, water service lines, and house and building sewer lines, as defined in the North Carolina State Building Code, and covers water storage tanks, lift stations, pumping stations, and appurtenances to water storage tanks, lift stations and pumping stations. It includes pavement patching, backfill, and erosion control as part of construction.

(H) PU(Water Purification and Sewage Disposal). This classification covers the performance of construction work on water and wastewater systems; water and wastewater treatment facilities; and all site work, grading, and paving of parking lots, driveways, sidewalks, and curbs and gutters that are ancillary to such construction of water and wastewater treatment facilities. It covers the work done under the specialty classifications of S(Concrete Construction), S(Insulation), S(Interior Construction), S(Masonry Construction), S(Roofing), and S(Metal Erection) as part of the work on water and wastewater treatment facilities.

(I) S(Insulation). This classification covers the installation, alteration, or repair of materials classified as insulating media used for the non-mechanical control of temperatures in the construction of residential and commercial buildings. It does not include the insulation of mechanical equipment, and ancillary lines and piping.

(J) S(Interior Construction). This classification covers the installation and demolition of acoustical ceiling systems and panels, load bearing and non-load bearing partitions, lathing and plastering, flooring and finishing, interior recreational surfaces, window and door installation, and installation of fixtures, cabinets, and millwork. It includes the removal of asbestos and replacement with non-toxic substances.

(K) S(Marine and Freshwater Construction). This classification covers all marine and freshwater construction and repair activities and all types of marine and freshwater construction and demolition in deep-water installations and in harbors, inlets, sounds, bays, ~~and channels; channels, canals, rivers, lakes, ponds, or any navigable waterway;~~ it covers dredging, construction, and installation of pilings, piers, decks, slips, docks, and bulkheads. It does not include other structures required that may be constructed on docks, slips, and piers.

(L) S(Masonry Construction). This classification covers the demolition and installation, with or without the use of mortar or adhesives, of the following:

- (i) brick, concrete block, gypsum partition tile, pumice block, or other lightweight and facsimile units and products common to the masonry industry;
- (ii) installation of fire clay products and refractory construction; and

(iii) installation of rough cut and dressed stone, marble panels and slate units, and installation of structural glazed tile or block, glass brick or block, and solar screen tile or block.

(M) S(Railroad Construction). This classification covers the building, construction, and repair of railroad lines including:

- (i) the clearing and filling of rights-of-way;
- (ii) shaping, compacting, setting, and stabilizing of road beds;
- (iii) setting ties, tie plates, rails, rail connectors, frogs, switch plates, switches, signal markers, retaining walls, dikes, fences, and gates; and
- (iv) construction and repair of tool sheds and platforms.

(N) S(Roofing). This classification covers the installation, demolition, and repair of roofs and decks on residential, commercial, industrial, and institutional structures requiring materials that form a water-tight and weather-resistant surface. The term "materials" for purposes of this Subparagraph includes cedar, cement, asbestos, clay tile and composition shingles, all types of metal coverings, wood shakes, single ply and built-up roofing, protective and reflective roof and deck coatings, sheet metal valleys, flashings, gravel stops, gutters and downspouts, and bituminous waterproofing.

(O) S(Metal Erection). This classification covers:

- (i) the field fabrication, demolition, erection, repair, and alteration of architectural and structural shapes, plates, tubing, pipe and bars, not limited to steel or aluminum, that are or may be used as structural members for buildings, equipment, and structure; and
- (ii) the layout, assembly and erection by welding, bolting, riveting, or fastening in any manner metal products as curtain walls, tanks of all types, hoppers, structural members for buildings, towers, stairs, conveyor frames, cranes and crane runways, canopies, carports, guard rails, signs, steel scaffolding as a permanent structure, rigging, flagpoles, fences, steel and aluminum siding, bleachers, fire escapes, and seating for stadiums, arenas, and auditoriums.

(P) S(Swimming Pools). This classification covers the construction, demolition, service, and repair of all swimming pools. It includes:

- (i) excavation and grading;
- (ii) construction of concrete, gunite, and plastic-type pools, pool decks, and walkways, and tiling and coping; and
- (iii) installation of all equipment including pumps, filters, and chemical feeders. It does not include direct connections to a sanitary sewer system or to portable water lines, nor the grounding and bonding of any metal surfaces or the making of any electrical connections.

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

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

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

16
17 *History Note: Authority G.S. 87-1; 87-4; 87-10;*

18 *Eff. February 1, 1976;*

19 *Readopted Eff. September 26, 1977;*

20 *Amended Eff. June 1, 1994; June 1, 1992; May 1, 1989; January 1, 1983;*

21 *Temporary Amendment Eff. February 18, 1997;*

22 *Amended Eff. April 1, 2014; June 1, 2011; September 1, 2009; April 1, 2004; April 1, 2003; August*
23 *1, 2002; April 1, 2001; August 1, 2000; August 1, 1998;*

24 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23,*
25 *2016;*

26 *Amended Eff. September 1, 2019; April 1, 2018;*

27 *Recodified from 21 NCAC 12 .0202 Eff. January 2, ~~2020~~, 2020;*

28 *Amended Eff. January 1, 2022.*

21 NCAC 12A .0501 is amended as published in 36:04 NCR 265-270 as follows:

SECTION .0500 - LICENSE

21 NCAC 12A .0501 LICENSE GRANTED

(a) License numbers shall be included on all contracts and bids.

(b) If a licensee files Articles of Dissolution or the N.C. Department of the Secretary of State withdraws the licensee's Certificate of Authority, the Board shall archive the license.

(c) A licensee shall notify the Board within 30 days of a change in ownership or a filing with the N.C. Department of the Secretary of State that amends or changes the corporate structure of the licensed entity.

History Note: Authority G.S. 87-1; 87-10; 87-12;

Eff. February 1, 1976;

Readopted Eff. September 26, 1977;

Amended Eff. May 1, 1989;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016;

Amended Eff. September 1, 2019; April 1, 2018;

Recodified from 21 NCAC 12 .0501 Eff. January 2, ~~2020~~, 2020;

Amended Eff. January 1, 2022.

21 NCAC 12B .0203 is amended as published in 36:04 NCR 265-270 as follows:

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

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

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

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

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

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

*History Note: Authority G.S. 87-10.2(b) and (c);
Temporary Adoption Eff. January 2, 2020;
Eff. September 1, 2020-2020;*

21 NCAC 12B .0302 is amended as published in 36:04 NCR 265-270 as follows:

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

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

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

- (1) title of the proposed elective course;
- (2) provider's legal name, address, and telephone number;
- (3) continuing education coordinator's name;
- (4) provider's ID number, if previously approved;
- (5) credit hours awarded for completing the course;
- (6) subject matter of the course as evidenced by course outlines, PowerPoint slides, videos, or other similar materials;
- (7) identity of the course content owner;
- (8) written permission of the course content owner, if other than the applicant;
- (9) certification that the course content does not infringe upon any copyright or any intellectual property right of another;
- ~~(9)~~(10) identity of prospective instructors; and
- ~~(10)~~(11) signature of the provider or its legal designee.

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

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

- (1) title of the elective course;
- (2) applicant's legal name, address, and telephone number;
- (3) applicant's continuing education coordinator's name;
- (4) applicant's continuing education provider code, if previously approved;
- (5) identity of the course content owner;
- (6) written permission of the course content owner, if other than the applicant;
- (7) certification that the course content does not infringe upon any copyright or any intellectual property right of another;
- ~~(7)~~(8) identity of prospective instructors;
- ~~(8)~~(9) signature of the provider or its legal designee; and

1 ~~(9)~~10) certification that there have been no changes to the course materials since the course was last
2 approved.

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

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

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

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

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

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14 *History Note: Authority G.S. 87-10.2(b);*

15 *Temporary Adoption Eff. January 2, 2020;*

16 *Eff. September 1, ~~2020~~ 2020;*

17 *Amended Eff. January 1, 2022.*

21 NCAC 12B .0401 is amended as published in 36:04 NCR 265-270 as follows:

SECTION .0400 – INSTRUCTORS

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

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

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

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

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

*History Note: Authority G.S. 87-10.2(b) and (d);
Temporary Adoption Eff. January 2, 2020;
Eff. September 1, 2020- 2020;
Amended Eff. January 1, 2022.*