



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

The State Licensing Board for General Contractors

2. Rule citation & name:

21 NCAC 12A .0304 FEES

3. Action:

☐ Adoption

☒ Amendment

☐ Repeal

4. Was this an Emergency Rule:

☐ Yes

Effective date:

☒ No

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: October 17, 2019

b. Proposed Temporary Rule published on the OAH website: October 24, 2019

c. Public Hearing date: November 20, 2019

d. Comment Period: October 21, 2019 through November 15, 2019

e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 24, 2019

f. Adoption by agency on: December 13, 2019

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: January 7, 2020

h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- ☐ A serious and unforeseen threat to the public health, safety or welfare.
- ☒ The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2019-72
Effective date: July 1, 2019
- ☐ A recent change in federal or state budgetary policy.
Effective date of change:
- ☐ A recent federal regulation.
Cite:
Effective date:
- ☐ A recent court order.
Cite order:
- ☐ State Medical Facilities Plan.
- ☐ Other:

Explain:

S.L. 2019-72 implemented continuing education for certain classifications of licensed general contractors.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

Session Law 2019-72 established the Board's continuing education program and states that the continuing education requirement "becomes effective January 1, 2020." Therefore, the only way that the Board could establish the process and related fees in a timely manner to comply with the law was to promulgate rules through the temporary rulemaking process.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

☒ Yes

Agency submitted request for consultation on: October 9, 2019

Consultation not required. Cite authority:

☐ No

9. Rule-making Coordinator:

Anna Baird Choi

Phone:

919-341-2636

E-Mail:

anna@nci-law.com

Agency contact, if any:

Frank Wiesner

Phone:

919-571-4183

E-Mail: Frank.Wiesner@ncibgc.org

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:

J. David Stike

Title:

Chairman

E-Mail: dstike@sanfordcontractors.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

**SESSION LAW 2019-72
SENATE BILL 55**

AN ACT TO REVISE THE LAW GOVERNING THE LICENSURE OF CERTAIN GENERAL CONTRACTORS TO REQUIRE CONTINUING EDUCATION FOR THE PURPOSE OF ENHANCING THE PROFESSIONAL COMPETENCE AND PROFESSIONAL RESPONSIBILITY OF THOSE LICENSEES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 1 of Chapter 87 of the General Statutes is amended by adding a new section to read:

"§ 87-10.2. Continuing education.

(a) As a condition of license renewal, at least one qualifier or qualifying party of a licensee holding a building contractor, residential contractor, or unclassified contractor license classification shall complete, on an annual basis, eight hours of continuing education approved in accordance with this section. Where an entity holding a building contractor, residential contractor, or unclassified contractor license classification has multiple qualifiers or qualifying parties, at least one qualifier or qualifying party of the licensee shall complete this requirement for the license to remain valid.

(b) Of the eight hours of annual continuing education required by this section, two hours shall be a mandatory course approved by the Board and the remaining six hours shall be elective courses approved by the Board. Each qualifier or qualifying party shall complete the mandatory course each year. Each qualifier or qualifying party may accumulate and carry forward up to four hours of elective course credit to the next calendar year. The Board shall evaluate and approve:

- (1) The content of continuing education courses.
- (2) Accreditation of continuing education sponsors and programs.
- (3) Computation of credit.
- (4) General compliance procedures.

(c) All prospective providers of the mandatory course shall attend a training program established, approved, and administered by the Board to ensure the quality and consistency of mandatory course information. All prospective providers of elective courses shall submit course materials and instructor qualifications for Board evaluation, approval, and accreditation.

(d) Continuing education credit hours may only be given for courses that are taught live by an instructor approved by the Board. To receive credit, a qualifier or qualifying party shall attend and view the live teaching of the course and shall certify this requirement in the manner required by the Board. Only the period of live instruction shall apply to the satisfaction of the continuing education requirement established by this section. Continuing education providers shall certify the attendance of course attendees and shall transmit the qualifier or qualifying party's certification to the Board. For the purposes of this subsection, "live instruction" includes credit hours presented by video or by Internet transmission of a previously recorded and approved presentation by an approved instructor or instructors provided the presentation is either proctored by the approved sponsor or contains safeguards as approved by the Board that allow the approved sponsor to certify that the qualifier or qualifying party has viewed the presentation. The Board shall implement procedures to ensure that qualifiers and qualifying parties may satisfy all of the



continuing education requirements of this section through approved courses offered by approved providers by Internet transmission.

(e) False certification of attendance shall be grounds for the suspension or revocation of the course provider's privilege to provide courses in this State. The Board may take disciplinary action against any licensee on account of a false certification of attendance by that licensee's qualifier or qualifying party at any continuing education course.

(f) The Board shall maintain and distribute to licensees and qualifiers, as appropriate, records of the educational coursework successfully completed by each qualifier or qualifying party, including the subject matter and the number of hours of each course.

(g) Continuing education requirements shall begin on January 1 of any calendar year and shall be completed by November 30 of that calendar year. The Board shall establish a 90-day grace period following November 30 of each calendar year for any qualifier or qualifying party who has failed to complete the continuing education requirement. Failure of the qualifier or qualifying party of the entity holding a building contractor, residential contractor, or unclassified contractor license classification to satisfy the annual continuing education requirement by the expiration of the grace period shall result in the license of the entity being invalidated until such time that continuing education and all other licensing requirements have been met.

(h) Any licensee who chooses not to complete the annual continuing education as required by this section may request that the Board place the licensee's license in an inactive status and the license shall become invalid. However, in order for the license to be maintained as inactive, the licensee shall pay the same annual renewal fee paid by active licensees. Should the licensee desire to return to active status, the qualifier or qualifying party of the licensee shall satisfactorily complete the following continuing education requirements prior to seeking reinstatement:

(1) If the licensee seeks reinstatement during the first two years after the license becomes inactive, the qualifier or qualifying party shall complete eight hours of continuing education, including the mandatory course offered during the year of reinstatement.

(2) If the licensee seeks reinstatement more than two years after the license becomes inactive, the qualifier or qualifying party shall complete 16 hours of continuing education, including the mandatory course offered during the year of reinstatement.

(i) The Board shall establish nonrefundable fees for the purpose of administering the continuing education program. The Board may charge the sponsor of a proposed course a nonrefundable fee not to exceed twenty-five dollars (\$25.00) per credit hour for the initial review of the course and a nonrefundable fee of twelve dollars and fifty cents (\$12.50) per credit hour for the annual renewal of a course previously approved. The Board shall require an approved course provider to pay a fee, not to exceed five dollars (\$5.00) per credit hour per qualifier or qualifying party, for each qualifier or qualifying party completing an approved continuing education course conducted by that provider.

(j) The Board may modify the continuing education requirements set forth in this Article in cases of certified illness or undue hardship as provided for in the rules of the Board.

(k) The Board may adopt rules to implement the requirements of this section."

SECTION 2. G.S. 87-10 reads as rewritten:

"§ 87-10. Application for license; examination; certificate; renewal.

...

(e) A license shall expire on the first day of January following its issuance or renewal and shall become invalid 60 days from that date unless renewed, subject to the approval of the Board. Renewal applications shall be submitted with a fee not to exceed one hundred twenty-five dollars (\$125.00) for an unlimited license, one hundred dollars (\$100.00) for an intermediate license, and seventy-five dollars (\$75.00) for a limited license. Renewal applications shall be

accompanied by evidence of continued financial responsibility ~~satisfactory to the Board, and evidence of satisfactory completion of continuing education as required by G.S. 87-10.2.~~ Renewal applications received by the Board on or after the first day of January shall be accompanied by a late payment of ten dollars (\$10.00) for each month or part after January.

(f) After a license has been ~~inactive~~-invalid for four years, a licensee shall not be permitted to renew the license, and the license shall be deemed archived. If a licensee wishes to be relicensed subsequent to the archival of the license, the licensee shall fulfill all requirements of a new applicant as set forth in this section. Archived licensed numbers shall not be renewed."

SECTION 3. The State Licensing Board for General Contractors shall adopt temporary rules to implement G.S. 87-10.2, as enacted by Section 1 of this act, and G.S. 87-10, as amended by Section 2 of this act. Notwithstanding G.S. 150B-21.1(d), the temporary rules required by this act shall remain in effect until the effective date of the permanent rule adopted to replace these temporary rules. The Board is exempt from the fiscal note requirement of G.S. 150B-21.4 in adopting rules to implement this act.

SECTION 4. Except as otherwise provided, this act is effective when it becomes law. The continuing education requirement established by G.S. 87-10.2(a), as enacted by Section 1 of this act, becomes effective January 1, 2020, and applies to licenses renewed on or after that date. The requirement that the State Licensing Board for General Contractors ensure that qualifiers and qualifying parties may satisfy all of the continuing education requirements by approved courses offered by Internet transmission, as provided in G.S. 87-10.2(d), as enacted by Section 1 of this act, becomes effective January 1, 2021.

In the General Assembly read three times and ratified this the 26th day of June, 2019.

s/ Daniel J. Forest
President of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 5:20 p.m. this 1st day of July, 2019

REQUEST FOR TECHNICAL CHANGE – TEMPORARY RULES

AGENCY: The State Licensing Board for General Contractors

RULE CITATION: 21 NCAC 12A .0304

DEADLINE FOR RECEIPT: Tuesday, December 17, 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:

Please add an "and" at the end of (a)(4) and (b)(1)(a).

In (b)(2) change "qualifier/qualifying party" to "qualifier or qualifying party" (or "and" if that's correct.)

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

Amber May
Commission Counsel
Date submitted to agency: December 16, 2019

21 NCAC 12A .0304 is amended under temporary procedures as follows:

21 NCAC 12A .0304 FEES

(a) The Board shall charge the following ~~fees~~: fees related to license applications:

- (1) Application for limited license: \$75.00;
- (2) Application for intermediate license: \$100.00;
- (3) Application for unlimited license: \$125.00;
- (4) Application for increase in limitation: \$100.00 for increase to intermediate license and \$125.00 for increase to unlimited license;
- (5) Late renewal: \$10.00 per month for every month or part after the first day of January.

(b) The Board shall charge the following fees related to continuing education:

(1) Course Sponsor:

a. Initial review: \$25.00 per credit hour requested;

b. Subsequent annual review: \$10.00 per credit hour requested.

(2) Qualifier Completion: \$4.00 per credit hour per qualifier/qualifying party who completes an approved continuing education course. This fee shall be paid by the course sponsor.

~~(b)~~ (c) All fees charged by the Board shall be non-refundable.

History Note: Authority G.S. 87-1; 87-10; 87-10.2(i);

Eff. February 1, 1976;

Readopted Eff. September 26, 1977;

Amended Eff. January 1, 1983;

Repealed Eff. May 1, 1989;

Codifier approved agency's waiver request to reuse rule number;

Eff. April 1, ~~2018~~. 2018;

Temporary Amendment Eff. January 7, 2020.



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

The State Licensing Board for General Contractors

2. Rule citation & name:

21 NCAC 12A .0503 RENEWAL OF LICENSE

3. Action:

☐ Adoption

☒ Amendment

☐ Repeal

4. Was this an Emergency Rule: ☐ Yes

Effective date:

☒ No

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: October 17, 2019

b. Proposed Temporary Rule published on the OAH website: October 24, 2019

c. Public Hearing date: November 20, 2019

d. Comment Period: October 21, 2019 through November 15, 2019

e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 24, 2019

f. Adoption by agency on: December 13, 2019

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: January 2, 2020

h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- ☐ A serious and unforeseen threat to the public health, safety or welfare.
- ☒ The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2019-72
Effective date: July 1, 2019
- ☐ A recent change in federal or state budgetary policy.
Effective date of change:
- ☐ A recent federal regulation.
Cite:
Effective date:
- ☐ A recent court order.
Cite order:
- ☐ State Medical Facilities Plan.
- ☐ Other:

Explain:

S.L. 2019-72 implemented continuing education for certain classifications of licensed general contractors.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

Session Law 2019-72 established the Board's continuing education program and states that the continuing education requirement "becomes effective January 1, 2020." Therefore, the only way that the Board could establish the process and related fees in a timely manner to comply with the law was to promulgate rules through the temporary rulemaking process.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

☒ No

9. Rule-making Coordinator:

Anna Baird Choi

Phone:

919-341-2636

E-Mail:

anna@ncl-law.com

Agency contact, if any:

Frank Wiesner

Phone:

919-571-4183

E-Mail: Frank.Wiesner@nclbgc.org

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:

J. David Stike

Title:

Chairman

E-Mail: dstike@sanfordcontractors.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

REQUEST FOR TECHNICAL CHANGE – TEMPORARY RULES

AGENCY: The State Licensing Board for General Contractors

RULE CITATION: 21 NCAC 12A .0503

DEADLINE FOR RECEIPT: Tuesday, December 17, 2019

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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:

In (a)(11), would it be “if applicable in accordance with G.S 87-10.2”?

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

Amber May
Commission Counsel
Date submitted to agency: December 16, 2019

21 NCAC 12A .0503 is amended under temporary procedures as follows:

21 NCAC 12A .0503 RENEWAL OF LICENSE

(a) Applications for renewal of license shall contain the following:

- (1) the Social Security Number of the applicant and qualifier(s) and tax identification number for corporations, LLCs, or partnerships;
- (2) the applicant's contact information;
- (3) the name of business under which licensee will be operating, if any;
- (4) information regarding any changes made in the status of the licensee's business, since the initial application or last renewal was submitted to the Board, whichever is later;
- (5) confirmation of license limitation and classifications;
- (6) information about all crimes of which the applicant has been convicted since the initial application or last renewal was submitted to the Board, whichever is later;
- (7) documentation regarding all crimes referenced above;
- (8) information indicating whether the applicant has any disciplinary history with any other occupational licensing, registration, or certification agency since the initial application or last renewal was submitted to the Board, whichever is later;
- (9) an attestation that the applicant maintains continued financial responsibility pursuant to Rule .0204 of this Chapter;
- (10) if applicable, proof that the surety bond is maintained in compliance with Rule .0204 of this Chapter;
- ~~and~~
- (11) if applicable, proof of completion of continuing education requirements; and
- ~~(11)(12)~~ the application fee and any accrued late fees as set forth in Rule .0304 of this Chapter.

(b) A licensee shall submit an audited financial statement as evidence of continued financial responsibility in accordance with Rule .0204 of this Chapter if the Board finds that the licensee is insolvent, financially unstable, or unable to meet its financial responsibilities based upon the information provided in the renewal application.

(c) A licensee shall provide the Board with a copy of any bankruptcy petition filed by the licensee within 30 days of its filing. A licensee in bankruptcy shall provide to the Board an agreed-upon procedures report on a form provided by the Board or an audited financial statement with a classified balance sheet as part of any application for renewal.

(d) A corporate license shall not be renewed unless it is in good standing with the N.C. Department of the Secretary of State.

(e) Upon receipt of a written request by or on behalf of a licensee who is currently in good standing with the Board, is serving in the armed forces of the United States, and to whom G.S. 105-249.2 grants an extension of time to file a tax return, the Board shall grant that same extension of time for complying with renewal application deadlines, for paying renewal fees, and for meeting any other requirement or conditions related to the maintenance or renewal of the license issued by the Board. The applicant shall furnish to the Board a copy of the military orders or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue.

1
2 *History Note: Authority G.S. 87-1; 87-4;87-10; 87-10.2; 87-12; 87-13; 93B-15;*
3 *Eff. February 1, 1976;*
4 *Readopted Eff. September 26, 1977;*
5 *ARRC Objection March 19, 1987;*
6 *Amended Eff. May 1, 1989; August 1, 1987;*
7 *Temporary Amendment Eff. June 28, 1989 for a period of 155 Days to Expire on December 1, 1989;*
8 *Amended Eff. December 1, 1989;*
9 *RRC Removed Objection of March 19, 1987 Eff. August 20, 1992 based on subsequent amendment;*
10 *Amended Eff. September 1, 1992;*
11 *Temporary Amendment Eff. May 31, 1996;*
12 *Amended Eff. April 1, 2014; June 1, 2011; June 1, 2003; April 1, 2003; August 1, 2002; April 1,*
13 *1997;*
14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23,*
15 *2016;*
16 *Amended Eff. September 1, 2019; April 1, ~~2018~~; 2018;*
17 *Temporary Amendment Eff. January 2, 2020.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

The State Licensing Board for General Contractors

2. Rule citation & name:

21 NCAC 12B .0101 GENERAL

3. Action: ☒ Adoption ☐ Amendment ☐ Repeal

4. Was this an Emergency Rule: ☐ Yes ☒ No **Effective date:**

5. Provide dates for the following actions as applicable:

- a. Proposed Temporary Rule submitted to OAH: October 17, 2019
- b. Proposed Temporary Rule published on the OAH website: October 24, 2019
- c. Public Hearing date: November 20, 2019
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- g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: January 2, 2020
- h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- ☐ A serious and unforeseen threat to the public health, safety or welfare.
- ☒ The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2019-72
Effective date: July 1, 2019
- ☐ A recent change in federal or state budgetary policy.
Effective date of change:
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Cite:
Effective date:
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Explain:

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8. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

☒ No

9. Rule-making Coordinator:

Anna Baird Choi

Phone:

919-341-2636

E-Mail:

anna@ncl-law.com

Agency contact, if any:

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10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

J. David Stike

Title:

Chairman

E-Mail: dstike@sanfordcontractors.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

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REQUEST FOR TECHNICAL CHANGE – TEMPORARY RULES

AGENCY: The State Licensing Board for General Contractors

RULE CITATION: 21 NCAC 12B .0101

DEADLINE FOR RECEIPT: Tuesday, December 17, 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:

In (a), is the first sentence necessary? I can understand that perhaps this would be appropriate as policy language, but it does not appear to meet the definition of a Rule.

In (a), what is meant by "if required"? I'm a bit confused because G.S. 87-10.2 seems to require that "at least one qualifier... complete, on an annual basis, eight hours of continuing education." So, I'm reading this as saying that the continuing education would always be required upon an annual renewal. Please provide

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

21 NCAC 12B .0101 is adopted under temporary procedures as follows:

21 NCAC 12B .0101 GENERAL

(a) To ensure continuing efforts on the part of licensed general contractors to remain current with new developments in all aspects of general contracting and to encourage better business practices and safety in the profession, continuing education is required as a condition of license renewal. If required, a licensee shall submit, as a part of his or her renewal application, evidence that he or she has met the Board's continuing education requirements as set forth in this Section. Except as provided in Rule .0104 of this Subchapter, renewal applications that do not contain this information shall be deemed incomplete.

(b) This Subchapter shall apply to all aspects of continuing education as set forth in 87-10.2 of the General Statutes.

(c) For the purposes of this Subchapter, the terms "sponsor" and "provider" shall be synonymous.

History Note: Authority G.S. 87-10.2;

Temporary Adoption Eff. January 2, 2020.



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

The State Licensing Board for General Contractors

2. Rule citation & name:

21 NCAC 12B .0102 CONTINUING EDUCATION CREDIT

3. Action: ☒ Adoption ☐ Amendment ☐ Repeal

4. Was this an Emergency Rule: ☐ Yes ☒ No **Effective date:**

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8. Rule establishes or increases a fee? (See G.S. 12-3.1)

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☒ No

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Typed Name:

J. David Stike

Title:

Chairman

E-Mail: dstike@sanfordcontractors.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

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REQUEST FOR TECHNICAL CHANGE – TEMPORARY RULES

AGENCY: The State Licensing Board for General Contractors

RULE CITATION: 21 NCAC 12B .0102

DEADLINE FOR RECEIPT: Tuesday, December 17, 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:

Just so I'm clear, the intent is that the courses have to be taken in 2020 for 2021 renewal applications? If so, I think that could be a bit more clear.

In (b), delete "directly"

In (b), please consider changing "and" to "that" in "and relate to general contracting..."

Also in (b), consider changing "relate" to "address"

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

Amber May
Commission Counsel
Date submitted to agency: December 16, 2019

21 NCAC 12B .0102 is adopted under temporary procedures as follows:

21 NCAC 12B .0102 CONTINUING EDUCATION CREDIT

(a) Beginning with renewals filed for the 2021 license year, a licensee shall designate at least one qualifier who shall complete eight continuing education (CE) hours during the year preceding renewal.

(b) For the purposes of this Subchapter, “elective courses” are defined as courses relating directly to the subject matter of general contracting as described in G.S. 87-1 and 87-10 and relate to general business practices, including business planning, contracts, liability exposure, human resources, basic accounting, financial statements, and safety.

(c) One credit hour is equal to 50 minutes of instructional time.

History Note: Authority G.S. 87-1; 87-10; 87-10.2;

Temporary Adoption Eff. January 2, 2020.



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

The State Licensing Board for General Contractors

2. Rule citation & name:

21 NCAC 12B .0103 CONTINUING EDUCATION RECORDS; AUDIT

3. Action: ☒ Adoption ☐ Amendment ☐ Repeal

4. Was this an Emergency Rule: ☐ Yes ☒ No **Effective date:**

5. Provide dates for the following actions as applicable:

- a. Proposed Temporary Rule submitted to OAH: October 17, 2019
- b. Proposed Temporary Rule published on the OAH website: October 24, 2019
- c. Public Hearing date: November 20, 2019
- d. Comment Period: October 21, 2019 through November 15, 2019
- e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 24, 2019
- f. Adoption by agency on: December 13, 2019
- g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: January 2, 2020
- h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- ☐ A serious and unforeseen threat to the public health, safety or welfare.
- ☒ The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2019-72
Effective date: July 1, 2019
- ☐ A recent change in federal or state budgetary policy.
Effective date of change:
- ☐ A recent federal regulation.
Cite:
Effective date:
- ☐ A recent court order.
Cite order:
- ☐ State Medical Facilities Plan.
- ☐ Other:

Explain:

S.L. 2019-72 implemented continuing education for certain classifications of licensed general contractors.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

Session Law 2019-72 established the Board's continuing education program and states that the continuing education requirement "becomes effective January 1, 2020." Therefore, the only way that the Board could establish the process and related fees in a timely manner to comply with the law was to promulgate rules through the temporary rulemaking process.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ Yes

Agency submitted request for consultation on:

Consultation not required. Cite authority:

☒ No

9. Rule-making Coordinator:

Anna Baird Choi

Phone:

919-341-2636

E-Mail:

anna@nci-law.com

Agency contact, if any:

Frank Wiesner

Phone:

919-571-4183

E-Mail: Frank.Wiesner@ncibgc.org

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:

J. David Stike

Title:

Chairman

E-Mail: dstike@sanfordcontractors.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

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REQUEST FOR TECHNICAL CHANGE – TEMPORARY RULES

AGENCY: The State Licensing Board for General Contractors

RULE CITATION: 21 NCAC 12B .0103

DEADLINE FOR RECEIPT: Tuesday, December 17, 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:

I'm a bit confused how this Rule goes with 87-10.2(f), which requires the Board to "maintain and distribute... records of the educational coursework successfully completed by each qualifier... including the subject matter and the number of hours of each course." The statute appears to put the responsibility on the Board; however, the Rule appears to put the responsibility on the licensee. Please review and revise as necessary.

Begin (b)(1) and (2) with lower-case letters.

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

21 NCAC 12B .0103 is adopted under temporary procedures as follows:

21 NCAC 12B .0103 CONTINUING EDUCATION RECORDS; AUDIT

(a) A licensee shall maintain records of a qualifier's attendance at continuing education programs for which CE credit has been approved for four years following the processing date of the renewal application to which the CE credits were applied.

(b) Compliance with annual CE requirements shall be determined through a random audit process conducted by the Board. Licensees selected for auditing shall provide the Board with the following documentation of the CE activities claimed for the renewal period:

(1) Attendance verification records; and

(2) Information regarding course content, instructors, and sponsoring organization.

(c) Licensees selected for audit shall submit all requested information to the Board within 21 calendar days after the date the licensee was notified by the Board of the audit.

(d) Failure to maintain compliance with the Board's continuing education requirements shall result in the licensee's status being changed to invalid except as set forth in G.S. 87-10.2(h).

History Note: Authority G.S. 87-10.2(h);

Temporary Adoption Eff. January 2, 2020.



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

The State Licensing Board for General Contractors

2. Rule citation & name:

21 NCAC 12B .0104 EXTENSION OF TIME

3. Action:

☒ Adoption

☐ Amendment

☐ Repeal

4. Was this an Emergency Rule:

☐ Yes

Effective date:

☒ No

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: October 17, 2019

b. Proposed Temporary Rule published on the OAH website: October 24, 2019

c. Public Hearing date: November 20, 2019

d. Comment Period: October 21, 2019 through November 15, 2019

e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 24, 2019

f. Adoption by agency on: December 13, 2019

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: January 2, 2020

h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- ☐ A serious and unforeseen threat to the public health, safety or welfare.
- ☒ The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2019-72
Effective date: July 1, 2019
- ☐ A recent change in federal or state budgetary policy.
Effective date of change:
- ☐ A recent federal regulation.
Cite:
Effective date:
- ☐ A recent court order.
Cite order:
- ☐ State Medical Facilities Plan.
- ☐ Other:

Explain:

S.L. 2019-72 implemented continuing education for certain classifications of licensed general contractors.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

Session Law 2019-72 established the Board's continuing education program and states that the continuing education requirement "becomes effective January 1, 2020." Therefore, the only way that the Board could establish the process and related fees in a timely manner to comply with the law was to promulgate rules through the temporary rulemaking process.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ Yes

Agency submitted request for consultation on:

Consultation not required. Cite authority:

☒ No

9. Rule-making Coordinator:

Anna Baird Choi

Phone:

919-341-2636

E-Mail:

anna@nci-law.com

Agency contact, if any:

Frank Wiesner

Phone:

919-571-4183

E-Mail: Frank.Wiesner@ncibgc.org

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:

J. David Stike

Title:

Chairman

E-Mail: dstike@sanfordcontractors.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

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Read

REQUEST FOR TECHNICAL CHANGE – TEMPORARY RULES

AGENCY: The State Licensing Board for General Contractors

RULE CITATION: 21 NCAC 12B .0104

DEADLINE FOR RECEIPT: Tuesday, December 17, 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:

Begin (a)(1) and (2), (b)(1) and (2) and (c)(1) and (2) with lower case letters.

Please just confirm, (a) and (d) are two separate reasons that a member of the armed forces could be granted an extension? (a) would apply to combat and (d) otherwise.

Since you've specifically addressed active military service in (d), do you need the reference in (c)? I think that it could be confusing.

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

21 NCAC 12B .0104 is adopted under temporary procedures as follows:

21 NCAC 12B .0104 EXTENSION OF TIME

(a) The Board shall grant a licensee an extension of time to complete CE requirements during a period of service in the Armed Forces of the United States upon submission of the following to the Board:

(1) Written request for an extension; and

(2) Documentation that the licensee or his or her qualifier is serving in the Armed Forces of the United States and is eligible for an extension of time to file a tax return pursuant to G.S. 105-249.2.

(b) The Board shall grant a licensee an extension of time to obtain CE requirements if he or she or his or her qualifier has a disability or illness that prevents him or her from complying with CE requirements. In order to receive the waiver, a licensee shall provide the Board with the following:

(1) Written request for waiver; and

(2) Documentation that describes the disability or illness and explains how the disability or illness prevents the licensee's qualifier from complying with the Board's CE requirements. Documentation includes a letter from a licensed physician, nurse practitioner (NP), or physician assistant (PA).

(c) Where on a case-by-case basis the Board determines that due to an undue hardship (such as active military service, natural disaster, or illness of family member) the licensee could not reasonably be expected to comply with the Board's CE requirements, the licensee shall be granted an extension of time in which to obtain the required CE credits. To be considered for an extension of time, a licensee shall submit the following:

(1) Written request for extension; and

(2) Documentation that supports the reason for the extension.

(d) The Board shall grant a waiver of CE requirements upon submission of documentation that a licensee or his or her qualifier is in active duty while serving in the Armed Forces and is or has been deployed for at least eight months during the twelve-month period during which CE credits were required.

(e) An extension granted under paragraphs (b) or (c) of this Rule shall not exceed one year. Prior to the expiration of the one year extension of time, a licensee may request an additional extension in accordance with this Rule. Except as set out in Paragraph (a) of this Rule, the Board shall grant no more than two consecutive extensions.

History Note: Authority G.S. 87-10.2(j); 93B-15; 105-249.2;

Temporary Adoption Eff. January 2, 2020.



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

The State Licensing Board for General Contractors

2. Rule citation & name:

21 NCAC 12B .0105 INACTIVE STATUS

3. Action:

☒ Adoption

☐ Amendment

☐ Repeal

4. Was this an Emergency Rule:

☐ Yes

Effective date:

☒ No

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: October 17, 2019

b. Proposed Temporary Rule published on the OAH website: October 24, 2019

c. Public Hearing date: November 20, 2019

d. Comment Period: October 21, 2019 through November 15, 2019

e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 24, 2019

f. Adoption by agency on: December 13, 2019

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: January 2, 2020

h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- ☐ A serious and unforeseen threat to the public health, safety or welfare.
- ☒ The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2019-72
Effective date: July 1, 2019
- ☐ A recent change in federal or state budgetary policy.
Effective date of change:
- ☐ A recent federal regulation.
Cite:
Effective date:
- ☐ A recent court order.
Cite order:
- ☐ State Medical Facilities Plan.
- ☐ Other:

Explain:

S.L. 2019-72 implemented continuing education for certain classifications of licensed general contractors.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

Session Law 2019-72 established the Board's continuing education program and states that the continuing education requirement "becomes effective January 1, 2020." Therefore, the only way that the Board could establish the process and related fees in a timely manner to comply with the law was to promulgate rules through the temporary rulemaking process.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

☒ No

9. Rule-making Coordinator:

Anna Baird Choi

Phone:

919-341-2636

E-Mail:

anna@ncl-law.com

Agency contact, if any:

Frank Wiesner

Phone:

919-571-4183

E-Mail: Frank.Wiesner@nclbgc.org

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:

J. David Stike

Title:

Chairman

E-Mail: dstike@sanfordcontractors.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

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REQUEST FOR TECHNICAL CHANGE – TEMPORARY RULES

AGENCY: The State Licensing Board for General Contractors

RULE CITATION: 21 NCAC 12B .0105

DEADLINE FOR RECEIPT: Tuesday, December 17, 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:

Begin (a)(1) through (4) and (c)(1) through (4) with lower case letters.

In (a)(3), what is meant by "if required"?

Given In (b), change "will" to "shall"

In (b) and (c)(3), change "Title 21, Subchapter 12A of the Code" to "Subchapter 12A of this Title."

Please consider providing some additional information in (c). A suggestion would be something like "A licensee on inactive status who wishes to return to active status shall submit an application to the Board that contains the following information:..."

In (c)(3), what is meant by "if applicable"? Are there times when someone will not have to pay the fee?

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

Amber May
Commission Counsel
Date submitted to agency: December 16, 2019

21 NCAC 12B .0105 is adopted under temporary procedures as follows:

21 NCAC 12B .0105 INACTIVE STATUS

(a) Applications for inactive status as described in G.S. 87-10.2(h) shall contain the following:

- (1) License name and number issued by the Board;
- (2) Name(s) of qualifier(s);
- (3) If required, proof of active license status with the Board; and
- (4) Certification that the individual submitting the request is authorized by the licensee to do so.

(b) If a licensee on inactive status fails to renew his or her license as of January 1 of the following year, the license will become invalid in accordance with Article 1, Chapter 87 and the rules set forth in Title 21, Subchapter 12A of the Code.

(c) Applications to lift inactive status and return to active status shall contain the following:

- (1) License name and number issued by the Board;
- (2) Name(s) of qualifier(s) and the classifications in which they qualify;
- (3) If applicable, application renewal fee and late fees as set out in G.S. 87-10(e) and Rule .0304 in Title 21, Subchapter 12A; and
- (4) Proof of completion of continuing education requirements as set forth in G.S. 87-10.2(h).

*History Note: Authority G.S. 87-1; 87-10; 87-10.2(h);
Temporary Adoption Eff. January 2, 2020.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

The State Licensing Board for General Contractors

2. Rule citation & name:

21 NCAC 12B .0201 APPLICATION FOR INITIAL APPROVAL OF CONTINUING EDUCATION PROVIDER

3. Action: ☒ Adoption ☐ Amendment ☐ Repeal

4. Was this an Emergency Rule: ☐ Yes ☒ No **Effective date:**

5. Provide dates for the following actions as applicable:

- a. Proposed Temporary Rule submitted to OAH: October 17, 2019
- b. Proposed Temporary Rule published on the OAH website: October 24, 2019
- c. Public Hearing date: November 20, 2019
- d. Comment Period: October 21, 2019 through November 15, 2019
- e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 24, 2019
- f. Adoption by agency on: December 13, 2019
- g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: January 2, 2020
- h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- ☐ A serious and unforeseen threat to the public health, safety or welfare.
- ☒ The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2019-72
Effective date: July 1, 2019
- ☐ A recent change in federal or state budgetary policy.
Effective date of change:
- ☐ A recent federal regulation.
Cite:
Effective date:
- ☐ A recent court order.
Cite order:
- ☐ State Medical Facilities Plan.
- ☐ Other:

Explain:

S.L. 2019-72 implemented continuing education for certain classifications of licensed general contractors.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

Session Law 2019-72 established the Board's continuing education program and states that the continuing education requirement "becomes effective January 1, 2020." Therefore, the only way that the Board could establish the process and related fees in a timely manner to comply with the law was to promulgate rules through the temporary rulemaking process.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

☒ No

9. Rule-making Coordinator:

Anna Baird Choi

Phone:

919-341-2636

E-Mail:

anna@nci-law.com

Agency contact, if any:

Frank Wiesner

Phone:

919-571-4183

E-Mail: Frank.Wiesner@ncibgc.org

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:

J. David Stike

Title:

Chairman

E-Mail: dstike@sanfordcontractors.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

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REQUEST FOR TECHNICAL CHANGE – TEMPORARY RULES

AGENCY: The State Licensing Board for General Contractors

RULE CITATION: 21 NCAC 12B .0201

DEADLINE FOR RECEIPT: Tuesday, December 17, 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:

In (a), how will it be determined whether a provider will be approved to offer continuing education courses? Please note that I have asked this question elsewhere throughout these Rules. It only needs to be addressed once (and not necessarily in every place I've asked the question.)

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

Amber May
Commission Counsel
Date submitted to agency: December 16, 2019

21 NCAC 12B .0201 is adopted under temporary procedures as follows:

**21 NCAC 12B .0201 APPLICATION FOR INITIAL APPROVAL OF CONTINUING EDUCATION
PROVIDER**

(a) Only continuing education providers approved by the Board shall be eligible to offer continuing education courses.

(b) Prospective providers of all courses must obtain written approval from the Board to conduct such course prior to conducting the course and prior to advertising or otherwise representing that the course is or may be approved for general contractor continuing education credit in North Carolina. No retroactive approval to conduct a continuing education course will be granted.

(c) Any entity seeking initial approval to be a continuing education provider shall make application on a form available on the Board's website that requires the applicant to set forth:

(1) the legal name of applicant and any assumed business name;

(2) the applicant's mailing address, telephone number, and email address;

(3) the SOS ID number issued by the NC Secretary of State, if applicable;

(4) the legal name(s) of the provider's owner(s), member(s), manager(s), or partner(s);

(5) the name of a continuing education coordinator who shall serve as the contact person for the provider; and

(6) the signature of the applicant or its legal designee.

(d) The name of any course provider shall not be identical or similar so as to cause confusion to the name of any other approved continuing education course provider.

(e) Continuing education providers shall notify the Board in writing within 10 days of any change in business name, ownership interest, continuing education coordinator, address, business telephone number, or email address.

History Note: Authority G.S. 87-10.2(c);

Temporary Adoption Eff. January 2, 2020.



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

The State Licensing Board for General Contractors

2. Rule citation & name:

21 NCAC 12B .0202 EXPIRATION AND RENEWAL OF PROVIDER APPROVAL

3. Action:

☒ Adoption

☐ Amendment

☐ Repeal

4. Was this an Emergency Rule:

☐ Yes

Effective date:

☒ No

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: October 17, 2019

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c. Public Hearing date: November 20, 2019

d. Comment Period: October 21, 2019 through November 15, 2019

e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 24, 2019

f. Adoption by agency on: December 13, 2019

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: January 2, 2020

h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- ☐ A serious and unforeseen threat to the public health, safety or welfare.
- ☒ The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2019-72
Effective date: July 1, 2019
- ☐ A recent change in federal or state budgetary policy.
Effective date of change:
- ☐ A recent federal regulation.
Cite:
Effective date:
- ☐ A recent court order.
Cite order:
- ☐ State Medical Facilities Plan.
- ☐ Other:

Explain:

S.L. 2019-72 implemented continuing education for certain classifications of licensed general contractors.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

Session Law 2019-72 established the Board's continuing education program and states that the continuing education requirement "becomes effective January 1, 2020." Therefore, the only way that the Board could establish the process and related fees in a timely manner to comply with the law was to promulgate rules through the temporary rulemaking process.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

☒ No

9. Rule-making Coordinator:

Anna Baird Choi

Phone:

919-341-2636

E-Mail:

anna@ncl-law.com

Agency contact, if any:

Frank Wiesner

Phone:

919-571-4183

E-Mail: Frank.Wiesner@nclbgc.org

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:

J. David Stike

Title:

Chairman

E-Mail: dstike@sanfordcontractors.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

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REQUEST FOR TECHNICAL CHANGE – TEMPORARY RULES

AGENCY: The State Licensing Board for General Contractors

RULE CITATION: 21 NCAC 12B .0202

DEADLINE FOR RECEIPT: Tuesday, December 17, 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:

In (c), is there any grace period? If not, I think it's fine as written.

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

Amber May
Commission Counsel
Date submitted to agency: December 16, 2019

21 NCAC 12B .0202 is adopted under temporary procedures as follows:

21 NCAC 12B .0202 EXPIRATION AND RENEWAL OF PROVIDER APPROVAL

(a) All Board approvals issued to providers shall expire annually on December 1 following issuance of approval.

(b) A provider shall submit an application for renewal of its approval within 45 days immediately preceding expiration of approval on a form available on the Board's website. The provider renewal application form shall include:

(1) the provider's name;

(2) the provider ID number issued by the Board;

(3) the name of the provider's designated continuing education coordinator;

(4) the provider's mailing address, telephone number, and web address, if applicable;

(5) any change in the provider's business entity; and

(6) the signature of the provider or its legal designee.

(c) If a provider's approval has expired, the provider shall submit an application as a new applicant.

History Note: Authority G.S. 87-10.2;

Temporary Adoption Eff. January 2, 2020.



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

The State Licensing Board for General Contractors

2. Rule citation & name:

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

3. Action: ☒ Adoption ☐ Amendment ☐ Repeal

4. Was this an Emergency Rule: ☐ Yes ☒ No **Effective date:**

5. Provide dates for the following actions as applicable:

- a. Proposed Temporary Rule submitted to OAH: October 17, 2019
- b. Proposed Temporary Rule published on the OAH website: October 24, 2019
- c. Public Hearing date: November 20, 2019
- d. Comment Period: October 21, 2019 through November 15, 2019
- e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 24, 2019
- f. Adoption by agency on: December 13, 2019
- g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: January 2, 2020
- h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- ☐ A serious and unforeseen threat to the public health, safety or welfare.
- ☒ The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2019-72
Effective date: July 1, 2019
- ☐ A recent change in federal or state budgetary policy.
Effective date of change:
- ☐ A recent federal regulation.
Cite:
Effective date:
- ☐ A recent court order.
Cite order:
- ☐ State Medical Facilities Plan.
- ☐ Other:

Explain:

S.L. 2019-72 Implemented continuing education for certain classifications of licensed general contractors.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

Session Law 2019-72 established the Board's continuing education program and states that the continuing education requirement "becomes effective January 1, 2020." Therefore, the only way that the Board could establish the process and related fees in a timely manner to comply with the law was to promulgate rules through the temporary rulemaking process.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

☒ No

9. Rule-making Coordinator:

Anna Baird Choi

Phone:

919-341-2636

E-Mail:

anna@ncl-law.com

Agency contact, if any:

Frank Wiesner

Phone:

919-571-4183

E-Mail: Frank.Wiesner@nclbgc.org

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:

J. David Stike

Title:

Chairman

E-Mail: dstike@sanfordcontractors.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

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21 NCAC 12B .0203 is adopted under temporary procedures 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) 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) collected money from licensees and qualifiers for a continuing education course but refused or failed to provide the promised instruction;
- (6) intentionally provided false, incomplete, or misleading information relating to general contractors licensing, education matters, or the qualifier's education requirements or license status;
- (7) failed to submit the CE Roster Reports as required by Rule .0206 of this Subchapter;
- (8) failed to submit the per student fee as required by Rule .0304 of Title 21, Subchapter 12A; or
- (9) 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.



**TEMPORARY RULE-MAKING
FINDINGS OF NEED**
[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

The State Licensing Board for General Contractors

2. Rule citation & name:

21 NCAC 12B .0204 ATTENDANCE; ROSTER REPORTS AND CERTIFICATES

3. Action:

☒ Adoption

☐ Amendment

☐ Repeal

4. Was this an Emergency Rule:

☐ Yes

Effective date:

☒ No

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: October 17, 2019

b. Proposed Temporary Rule published on the OAH website: October 24, 2019

c. Public Hearing date: November 20, 2019

d. Comment Period: October 21, 2019 through November 15, 2019

e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 24, 2019

f. Adoption by agency on: December 13, 2019

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: January 2, 2020

h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- ☐ A serious and unforeseen threat to the public health, safety or welfare.
- ☒ The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2019-72
Effective date: July 1, 2019
- ☐ A recent change in federal or state budgetary policy.
Effective date of change:
- ☐ A recent federal regulation.
Cite:
Effective date:
- ☐ A recent court order.
Cite order:
- ☐ State Medical Facilities Plan.
- ☐ Other:

Explain:

S.L. 2019-72 implemented continuing education for certain classifications of licensed general contractors.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

Session Law 2019-72 established the Board's continuing education program and states that the continuing education requirement "becomes effective January 1, 2020." Therefore, the only way that the Board could establish the process and related fees in a timely manner to comply with the law was to promulgate rules through the temporary rulemaking process.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ Yes

Agency submitted request for consultation on:

Consultation not required. Cite authority:

☒ No

9. Rule-making Coordinator:

Anna Baird Choi

Phone:

919-341-2636

E-Mail:

anna@nci-law.com

Agency contact, if any:

Frank Wiesner

Phone:

919-571-4183

E-Mail: Frank.Wiesner@ncibgc.org

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:

J. David Stike

Title:

Chairman

E-Mail: dstike@sanfordcontractors.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

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21 NCAC 12B .0204 is adopted under temporary procedures as follows:

21 NCAC 12B .0204 ATTENDANCE; ROSTER REPORTS AND CERTIFICATES

(a) Qualifiers shall provide proof of identity upon arrival at a class session.

(b) At the conclusion of any continuing education course, the provider shall submit to the Board a CE Roster Report verifying each qualifier's completion of the course. The CE Roster Report shall be submitted in a format prescribed by the Board and shall contain the following:

(1) provider's name;

(2) provider's ID number assigned by the Board;

(3) course instructor's name and ID number;

(4) course's name and ID number;

(5) course completion date; and

(6) name and qualifier ID number of each student who completed the course.

(c) Providers shall submit the CE Roster Report electronically to the Board within seven calendar days following the end of any course, but in no case later than December 7.

(d) Providers shall submit the per student fee required by Rule .0304 of Title 21, Subchapter 12A with the CE Roster Report.

(e) Providers shall provide a course completion certificate to each student who completes an approved continuing education course. Providers shall provide a printed or electronic certificate to a student within 10 days following the course, but in no case later than December 7, for any course completed prior to that date.

(f) A student shall not be issued a completion certificate and shall not be reported to the Board as having completed a course unless the student satisfies the attendance requirements set forth in this Subchapter.

(g) Providers and instructors shall not make any exceptions to this Rule.

History Note: Authority G.S. 87-10.2(d) and (e);

Temporary Adoption Eff. January 2, 2020.



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

The State Licensing Board for General Contractors

2. Rule citation & name:

21 NCAC 12B .0205 COURSE SCHEDULING

3. Action:

☒ Adoption

☐ Amendment

☐ Repeal

4. Was this an Emergency Rule:

☐ Yes

Effective date:

☒ No

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: October 17, 2019

b. Proposed Temporary Rule published on the OAH website: October 24, 2019

c. Public Hearing date: November 20, 2019

d. Comment Period: October 21, 2019 through November 15, 2019

e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 24, 2019

f. Adoption by agency on: December 13, 2019

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: January 2, 2020

h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- ☐ A serious and unforeseen threat to the public health, safety or welfare.
- ☒ The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2019-72
Effective date: July 1, 2019
- ☐ A recent change in federal or state budgetary policy.
Effective date of change:
- ☐ A recent federal regulation.
Cite:
Effective date:
- ☐ A recent court order.
Cite order:
- ☐ State Medical Facilities Plan.
- ☐ Other:

Explain:

S.L. 2019-72 implemented continuing education for certain classifications of licensed general contractors.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

Session Law 2019-72 established the Board's continuing education program and states that the continuing education requirement "becomes effective January 1, 2020." Therefore, the only way that the Board could establish the process and related fees in a timely manner to comply with the law was to promulgate rules through the temporary rulemaking process.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

☒ No

9. Rule-making Coordinator:

Anna Baird Choi

Phone:

919-341-2636

E-Mail:

anna@ncl-law.com

Agency contact, if any:

Frank Wiesner

Phone:

919-571-4183

E-Mail: Frank.Wiesner@ncibgc.org

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:

J. David Stike

Title:

Chairman

E-Mail: dstike@sanfordcontractors.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

REQUEST FOR TECHNICAL CHANGE – TEMPORARY RULES

AGENCY: The State Licensing Board for General Contractors

RULE CITATION: 21 NCAC 12B .0205

DEADLINE FOR RECEIPT: Tuesday, December 17, 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:

Can you delete “any course and offer” and change “credit” to “course” so that it reads “... complete any continuing education course between...” As written, I think it’s unclear.

On line 5, why is “inclusive” included? Was the intent to make it clear that no courses can be offered on December 31?

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

Amber May
Commission Counsel
Date submitted to agency: December 16, 2019

21 NCAC 12B .0205 is adopted under temporary procedures as follows:

21 NCAC 12B .0205 COURSE SCHEDULING

Continuing education providers shall not offer, conduct, or allow a student to complete any course and offer continuing education credit between December 1 and December 31, inclusive.

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

Temporary Adoption Eff. January 2, 2020.



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

The State Licensing Board for General Contractors

2. Rule citation & name:

21 NCAC 12B .0206 RECORDS AND BOARD REVIEW

3. Action:

☒ Adoption

☐ Amendment

☐ Repeal

4. Was this an Emergency Rule:

☐ Yes

Effective date:

☒ No

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: October 17, 2019

b. Proposed Temporary Rule published on the OAH website: October 24, 2019

c. Public Hearing date: November 20, 2019

d. Comment Period: October 21, 2019 through November 15, 2019

e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 24, 2019

f. Adoption by agency on: December 13, 2019

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: January 2, 2020

h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- ☐ A serious and unforeseen threat to the public health, safety or welfare.
☒ The effective date of a recent act of the General Assembly or of the U.S. Congress.

Cite: S.L. 2019-72

Effective date: July 1, 2019

- ☐ A recent change in federal or state budgetary policy.

Effective date of change:

- ☐ A recent federal regulation.

Cite:

Effective date:

- ☐ A recent court order.

Cite order:

- ☐ State Medical Facilities Plan.

- ☐ Other:

Explain:

S.L. 2019-72 implemented continuing education for certain classifications of licensed general contractors.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

Session Law 2019-72 established the Board's continuing education program and states that the continuing education requirement "becomes effective January 1, 2020." Therefore, the only way that the Board could establish the process and related fees in a timely manner to comply with the law was to promulgate rules through the temporary rulemaking process.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

☒ No

9. Rule-making Coordinator:

Anna Baird Choi

Phone:

919-341-2636

E-Mail:

anna@ncl-law.com

Agency contact, if any:

Frank Wiesner

Phone:

919-571-4183

E-Mail: Frank.Wiesner@ncibgc.org

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

J. David Stike

Title:

Chairman

E-Mail: dstike@sanfordcontractors.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

21 NCAC 12B .0206 is adopted under temporary procedures as follows:

21 NCAC 12B .0206 RECORDS AND BOARD REVIEW

(a) All providers shall retain on file for four years records of student registration and attendance for each session of an approved continuing education course that is conducted and shall make such records available to the Board upon request during an investigation.

(b) Providers shall admit any Board authorized representative to monitor any continuing education class without prior notice. Such representatives shall not be required to register or pay any fee and shall not be reported as having completed the course.

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

Temporary Adoption Eff. January 2, 2020.



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

The State Licensing Board for General Contractors

2. Rule citation & name:

21 NCAC 12B .0301 COURSE REQUIREMENTS

3. Action:

☒ Adoption

☐ Amendment

☐ Repeal

4. Was this an Emergency Rule:

☐ Yes

Effective date:

☒ No

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: October 17, 2019

b. Proposed Temporary Rule published on the OAH website: October 24, 2019

c. Public Hearing date: November 20, 2019

d. Comment Period: October 21, 2019 through November 15, 2019

e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 24, 2019

f. Adoption by agency on: December 13, 2019

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: January 2, 2020

h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- ☐ A serious and unforeseen threat to the public health, safety or welfare.
- ☒ The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2019-72
Effective date: July 1, 2019
- ☐ A recent change in federal or state budgetary policy.
Effective date of change:
- ☐ A recent federal regulation.
Cite:
Effective date:
- ☐ A recent court order.
Cite order:
- ☐ State Medical Facilities Plan.
- ☐ Other:

Explain:

S.L. 2019-72 implemented continuing education for certain classifications of licensed general contractors.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

Session Law 2019-72 established the Board's continuing education program and states that the continuing education requirement "becomes effective January 1, 2020." Therefore, the only way that the Board could establish the process and related fees in a timely manner to comply with the law was to promulgate rules through the temporary rulemaking process.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

☒ No

9. Rule-making Coordinator:

Anna Baird Choi

Phone:

919-341-2636

E-Mail:

anna@ncl-law.com

Agency contact, if any:

Frank Wiesner

Phone:

919-571-4183

E-Mail: Frank.Wiesner@ncdbg.org

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:

J. David Stike

Title:

Chairman

E-Mail: dstike@sanfordcontractors.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

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REQUEST FOR TECHNICAL CHANGE – TEMPORARY RULES

AGENCY: The State Licensing Board for General Contractors

RULE CITATION: 21 NCAC 12B .0301

DEADLINE FOR RECEIPT: Tuesday, December 17, 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:

What is the practical difference between (a)(2) and (3)? I'm sure there is one, but I'm not sure what it is.

In (b), what is meant by "cover subject matter as established by the Board"? What is this subject matter? Is it set forth in Rule? Please either provide the cross-reference or say what the required subject matter is. Please note that this is an issue that comes up with other Commissions/ Boards and they end up having to update their Rule annually.

I initially had a lot of questions regarding (b) until I saw .0303. Could you delete most of (b) and just cross-reference .0303 (which addressed most of my questions.)

In (c), what is the "manner prescribed by the Board"? Is this not the process set forth in Rule .0302? Please either provide the appropriate cross-reference or provide how this is to be done.

In (d), what factors will the Board use in determining whether to grant a change approval? I'm guessing that the determination will be dependent upon whether the course as changed would still relate to the practice of general contracting and

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

Amber May
Commission Counsel
Date submitted to agency: December 16, 2019

21 NCAC 12B .0301 is adopted under temporary procedures as follows:

21 NCAC 12B .0301 COURSE REQUIREMENTS

(a) All continuing education courses shall:

- (1) cover subject matter related to the practice of general contracting and offer knowledge or skills that will enable general contractors to better serve consumers and the public interest;
- (2) consist of two or four hours of instruction;
- (3) offer two or four continuing education credit hours;
- (4) include materials for students that provide the information to be presented in the course; and
- (5) be taught only by an instructor who possesses education or experience in a field directly related to the course.

(b) Mandatory courses shall cover subject matter as established by the Board. Additionally, all supplemental materials distributed to Mandatory course attendees will be developed solely by the Board or its designee.

(c) Providers shall submit all elective courses to the Board for approval in a manner prescribed by the Board.

(d) Providers shall obtain approval from the Board before making any changes in the content of a prior approved elective course. Requests for approval of changes shall be made in writing.

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

Temporary Adoption Eff. January 2, 2020.



**TEMPORARY RULE-MAKING
FINDINGS OF NEED**
[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

The State Licensing Board for General Contractors

2. Rule citation & name:

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

3. Action:

☒ Adoption

☐ Amendment

☐ Repeal

4. Was this an Emergency Rule:

☐ Yes

Effective date:

☒ No

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: October 17, 2019

b. Proposed Temporary Rule published on the OAH website: October 24, 2019

c. Public Hearing date: November 20, 2019

d. Comment Period: October 21, 2019 through November 15, 2019

e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 24, 2019

f. Adoption by agency on: December 13, 2019

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: January 2, 2020

h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- ☐ A serious and unforeseen threat to the public health, safety or welfare.
- ☒ The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2019-72
Effective date: July 1, 2019
- ☐ A recent change in federal or state budgetary policy.
Effective date of change:
- ☐ A recent federal regulation.
Cite:
Effective date:
- ☐ A recent court order.
Cite order:
- ☐ State Medical Facilities Plan.
- ☐ Other:

Explain:

S.L. 2019-72 implemented continuing education for certain classifications of licensed general contractors.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

Session Law 2019-72 established the Board's continuing education program and states that the continuing education requirement "becomes effective January 1, 2020." Therefore, the only way that the Board could establish the process and related fees in a timely manner to comply with the law was to promulgate rules through the temporary rulemaking process.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

☒ No

9. Rule-making Coordinator:

Anna Baird Choi

Phone:

919-341-2636

E-Mail:

anna@ncl-law.com

Agency contact, if any:

Frank Wiesner

Phone:

919-571-4183

E-Mail: Frank.Wiesner@nclbgc.org

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:

J. David Stike

Title:

Chairman

E-Mail: dstike@sanfordcontractors.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

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REQUEST FOR TECHNICAL CHANGE – TEMPORARY RULES

AGENCY: The State Licensing Board for General Contractors

RULE CITATION: 21 NCAC 12B .0302

DEADLINE FOR RECEIPT: Tuesday, December 17, 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:

In (b), how will the determination be made whether a provider will be approved to offer the mandatory course? What factors will be used? I'm guessing that the determination will be dependent upon whether the course would relate to the practice of general contracting and would increase knowledge for any topic set forth in .0102? Please provide some additional information as to how the determination will be made whether to approve a provider.

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

Amber May
Commission Counsel
Date submitted to agency: December 16, 2019

21 NCAC 12B .0302 is adopted under temporary procedures 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;
- (7) identity of the course content owner;
- (8) written permission of the course content owner, if other than the applicant;
- (9) identity of prospective instructors; and
- (10) 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) identity of prospective instructors;
- (8) signature of the provider or its legal designee; and
- (9) certification that there have been no substantial changes to the course materials since the course was last approved.

(g) All applications for approval and renewal of elective courses shall be accompanied by fees as required by Rule .0304 of Title 21, Subchapter 12A.

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

1 (i) In order to obtain approval for an expired continuing education elective, a course provider shall submit an
2 application for initial approval.

3
4 *History Note: Authority G.S. 87-10.2(b);*
5 *Temporary Adoption Eff. January 2, 2020.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

The State Licensing Board for General Contractors

2. Rule citation & name:

21 NCAC 12B .0303 MANDATORY COURSE

3. Action:

☒ Adoption

☐ Amendment

☐ Repeal

4. Was this an Emergency Rule:

☐ Yes

Effective date:

☒ No

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: October 17, 2019

b. Proposed Temporary Rule published on the OAH website: October 24, 2019

c. Public Hearing date: November 20, 2019

d. Comment Period: October 21, 2019 through November 15, 2019

e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 24, 2019

f. Adoption by agency on: December 13, 2019

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: January 2, 2020

h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- ☐ A serious and unforeseen threat to the public health, safety or welfare.
- ☒ The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2019-72
Effective date: July 1, 2019
- ☐ A recent change in federal or state budgetary policy.
Effective date of change:
- ☐ A recent federal regulation.
Cite:
Effective date:
- ☐ A recent court order.
Cite order:
- ☐ State Medical Facilities Plan.
- ☐ Other:

Explain:

S.L. 2019-72 implemented continuing education for certain classifications of licensed general contractors.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

Session Law 2019-72 established the Board's continuing education program and states that the continuing education requirement "becomes effective January 1, 2020." Therefore, the only way that the Board could establish the process and related fees in a timely manner to comply with the law was to promulgate rules through the temporary rulemaking process.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ Yes

Agency submitted request for consultation on:

Consultation not required. Cite authority:

☒ No

9. Rule-making Coordinator:

Anna Baird Choi

Phone:

919-341-2636

E-Mail:

anna@ncl-law.com

Agency contact, if any:

Frank Wiesner

Phone:

919-571-4183

E-Mail: Frank.Wiesner@nclbgc.org

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

J. David Stike

Title:

Chairman

E-Mail: dstike@sanfordcontractors.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

REQUEST FOR TECHNICAL CHANGE – TEMPORARY RULES

AGENCY: The State Licensing Board for General Contractors

RULE CITATION: 21 NCAC 12B .0303

DEADLINE FOR RECEIPT: Tuesday, December 17, 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:

In (b), how will the determination be made whether a provider will be approved to offer the mandatory course? What factors will be used?

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

Amber May
Commission Counsel
Date submitted to agency: December 16, 2019

21 NCAC 12B .0303 is adopted under temporary procedures as follows:

21 NCAC 12B .0303 MANDATORY COURSE

(a) The Board shall annually develop a Mandatory course as described in G.S. 87-10.2(b) and shall provide instructional materials for use by providers.

(b) Only approved continuing education providers shall offer the Mandatory course to students. Only approved instructors pursuant to Rule .0401 of this Subchapter shall instruct the Mandatory course.

(c) Providers shall obtain written approval from the Board prior to offering, advertising, or otherwise representing that any Update course is being offered for continuing education credit in North Carolina.

(d) A provider seeking approval to offer the Mandatory course shall submit an application form available on the Board's website that shall require the following:

(1) provider's legal name, address, telephone number, and website;

(2) continuing education coordinator's name;

(3) if applicable, provider's ID number assigned by the Board;

(4) if applicable, name and instructor ID number of prospective instructors; and

(5) signature of the applicant or its legal designee.

(e) A provider may obtain approval from the Board to offer the Mandatory course by requesting it on the application or renewal of the provider's approval.

(f) Providers shall use the Board-developed course materials to conduct Mandatory courses. Providers shall provide a copy of the course materials to each student taking the Mandatory course.

(g) Board approval to offer Mandatory courses shall expire annually on November 30 following issuance of approval. Providers shall apply for renewal of approval to offer Mandatory courses along with the renewal of provider approval required in Rule .0202 of this Subchapter.

(h) All Mandatory course materials developed by the Board are the sole property of the Board and are subject to the protection of federal copyright laws. Violation of the Board's copyright with regard to these materials shall be grounds for disciplinary action or other action as permissible by law.

History Note: Authority G.S. 87-10.2(c);

Temporary Adoption Eff. January 2, 2020.



**TEMPORARY RULE-MAKING
FINDINGS OF NEED**
[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

The State Licensing Board for General Contractors

2. Rule citation & name:

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

3. Action: ☒ Adoption ☐ Amendment ☐ Repeal

4. Was this an Emergency Rule: ☐ Yes ☒ No **Effective date:**

5. Provide dates for the following actions as applicable:

- a. Proposed Temporary Rule submitted to OAH: October 17, 2019
- b. Proposed Temporary Rule published on the OAH website: October 24, 2019
- c. Public Hearing date: November 20, 2019
- d. Comment Period: October 21, 2019 through November 15, 2019
- e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 24, 2019
- f. Adoption by agency on: December 13, 2019
- g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: January 2, 2020
- h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- ☐ A serious and unforeseen threat to the public health, safety or welfare.
- ☒ The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2019-72
Effective date: July 1, 2019
- ☐ A recent change in federal or state budgetary policy.
Effective date of change:
- ☐ A recent federal regulation.
Cite:
Effective date:
- ☐ A recent court order.
Cite order:
- ☐ State Medical Facilities Plan.
- ☐ Other:

Explain:

S.L. 2019-72 implemented continuing education for certain classifications of licensed general contractors.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

Session Law 2019-72 established the Board's continuing education program and states that the continuing education requirement "becomes effective January 1, 2020." Therefore, the only way that the Board could establish the process and related fees in a timely manner to comply with the law was to promulgate rules through the temporary rulemaking process.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

☒ No

9. Rule-making Coordinator:

Anna Baird Choi

Phone:

919-341-2636

E-Mail:

anna@ncl-law.com

Agency contact, if any:

Frank Wiesner

Phone:

919-571-4183

E-Mail: Frank.Wiesner@nclbgc.org

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:

J. David Stike

Title:

Chairman

E-Mail: dstike@sanfordcontractors.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

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REQUEST FOR TECHNICAL CHANGE – TEMPORARY RULES

AGENCY: The State Licensing Board for General Contractors

RULE CITATION: 21 NCAC 12B .0401

DEADLINE FOR RECEIPT: Tuesday, December 17, 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:

In (a), consider changing “shall require” to “requires” on line 5

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

Amber May
Commission Counsel
Date submitted to agency: December 16, 2019

21 NCAC 12B .0401 is adopted under temporary procedures as follows:

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 shall require 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. 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.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

The State Licensing Board for General Contractors

2. Rule citation & name:

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

3. Action:

☒ Adoption

☐ Amendment

☐ Repeal

4. Was this an Emergency Rule:

☐ Yes

Effective date:

☒ No

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: October 17, 2019

b. Proposed Temporary Rule published on the OAH website: October 24, 2019

c. Public Hearing date: November 20, 2019

d. Comment Period: October 21, 2019 through November 15, 2019

e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 24, 2019

f. Adoption by agency on: December 13, 2019

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: January 2, 2020

h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- ☐ A serious and unforeseen threat to the public health, safety or welfare.
- ☒ The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2019-72
Effective date: July 1, 2019
- ☐ A recent change in federal or state budgetary policy.
Effective date of change:
- ☐ A recent federal regulation.
Cite:
Effective date:
- ☐ A recent court order.
Cite order:
- ☐ State Medical Facilities Plan.
- ☐ Other:

Explain:

S.L. 2019-72 implemented continuing education for certain classifications of licensed general contractors.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

Session Law 2019-72 established the Board's continuing education program and states that the continuing education requirement "becomes effective January 1, 2020." Therefore, the only way that the Board could establish the process and related fees in a timely manner to comply with the law was to promulgate rules through the temporary rulemaking process.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

☒ No

9. Rule-making Coordinator:

Anna Baird Choi

Phone:

919-341-2636

E-Mail:

anna@nci-law.com

Agency contact, if any:

Frank Wiesner

Phone:

919-571-4183

E-Mail: Frank.Wiesner@ncibgc.org

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:

J. David Stike

Title:

Chairman

E-Mail: dstike@sanfordcontractors.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

21 NCAC 12B .0402 is adopted under temporary procedures as follows:

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

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

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

(1) legal name, address, email address, and telephone number;

(2) general contractor's license number and qualifier ID number, if applicable, and instructor ID number assigned by the Board;

(3) course name(s) and course number(s) for which the provider is seeking approval as an instructor; and

(4) signature.

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

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

History Note: Authority G .S. 87-10.2(d);

Temporary Adoption Eff. January 2, 2020.



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

The State Licensing Board for General Contractors

2. Rule citation & name:

21 NCAC 12B .0403 DENIAL OR WITHDRAWAL OF INSTRUCTOR APPROVAL

3. Action:

☒ Adoption

☐ Amendment

☐ Repeal

4. Was this an Emergency Rule:

☐ Yes

Effective date:

☒ No

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: October 17, 2019

b. Proposed Temporary Rule published on the OAH website: October 24, 2019

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d. Comment Period: October 21, 2019 through November 15, 2019

e. Notice pursuant to G.S. 150B-21.1(a3)(2): October 24, 2019

f. Adoption by agency on: December 13, 2019

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: January 2, 2020

h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- ☐ A serious and unforeseen threat to the public health, safety or welfare.
- ☒ The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2019-72
Effective date: July 1, 2019
- ☐ A recent change in federal or state budgetary policy.
Effective date of change:
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Cite:
Effective date:
- ☐ A recent court order.
Cite order:
- ☐ State Medical Facilities Plan.
- ☐ Other:

Explain:

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7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

Session Law 2019-72 established the Board's continuing education program and states that the continuing education requirement "becomes effective January 1, 2020." Therefore, the only way that the Board could establish the process and related fees in a timely manner to comply with the law was to promulgate rules through the temporary rulemaking process.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

☒ No

9. Rule-making Coordinator:

Anna Baird Choi

Phone:

919-341-2636

E-Mail:

anna@nci-law.com

Agency contact, if any:

Frank Wiesner

Phone:

919-571-4183

E-Mail: Frank.Wiesner@ncdbg.org

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:

J. David Stike

Title:

Chairman

E-Mail: dstike@sanfordcontractors.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

REQUEST FOR TECHNICAL CHANGE – TEMPORARY RULES

AGENCY: The State Licensing Board for General Contractors

RULE CITATION: 21 NCAC 12B .0403

DEADLINE FOR RECEIPT: Tuesday, December 17, 2019

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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:

In (1), I don't see "criteria for approval" in .0401 or .0402. I read (a) of .0401 and (b) to simply provide the application contents. Please review and revise as necessary for clarity.

In (2), is it any "approval or any report required to be submitted in accordance with the Rules of this Chapter"? This Section?

In (3), what are "these Rules"? This Chapter? I think it's this Chapter.

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

Amber May
Commission Counsel
Date submitted to agency: December 16, 2019

21 NCAC 12B .0403 is adopted under temporary procedures as follows:

21 NCAC 12B .0403 DENIAL OR WITHDRAWAL OF INSTRUCTOR APPROVAL

The Board may deny or withdraw approval of any instructor applicant or approved instructor upon finding that the instructor or instructor applicant:

- (1) has failed to meet the criteria for approval described in Rule .0401 of this Subchapter or the criteria for renewal of approval described in Rule .0402 of this Subchapter at the time of application or at any time during an approval period;
- (2) made any false statements or presented any false, incomplete, or incorrect information in connection with an application for approval or renewal of approval or any report that is required to be submitted to the Board;
- (3) has failed to submit to the Board any report, course examination, or video recording required by these Rules;
- (4) has failed to demonstrate the ability to teach any elective or Mandatory course in a manner consistent with the course materials;
- (5) engaged in any other improper, fraudulent, or dishonest conduct as determined by the Board; or
- (6) failed to comply with any other provisions of this Chapter.

*History Note: Authority G.S. 87-10.2(d);
Temporary Adoption Eff. January 2, 2020.*