

21 NCAC 12A .0304 is amended with changes 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; and
- (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; and

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

(2) Qualifier Completion: \$4.00 per credit hour per [qualifier/qualifying party] qualifier 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Repealed Eff.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.

21 NCAC 12A .0503 is amended with changes 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,] necessary, 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.*

21 NCAC 12B .0101 is adopted with changes 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,~~ required pursuant to 87-10.2(a) of the General Statutes, 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.

21 NCAC 12B .0102 is adopted with changes 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] that address 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.

21 NCAC 12B .0103 is adopted with changes 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] attendance verification records; and

(2) [Information] 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.

21 NCAC 12B .0104 is adopted with changes 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] written request for an extension; and

(2) [Documentation] 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] written request for waiver; and

(2) [Documentation] 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, 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] written request for extension; and

(2) [Documentation] 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.

21 NCAC 12B .0105 is adopted with changes 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] license name and number issued by the Board;
- (2) [Name(s)] name(s) of qualifier(s);
- (3) [If] if required, proof of active license status with the Board; and
- (4) [Certification] 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] shall become invalid in accordance with Article 1, Chapter 87 and the rules set forth in [Title 21, Subchapter 12A of the Code.] Subchapter 12A of this Title.

(c) [Applications to lift inactive status and return to active status shall contain the following:] A licensee on inactive status who wishes to return to active status shall submit an application to the Board that contains the following information:

- (1) [License] license name and number issued by the Board;
- (2) [Name(s)] name(s) of qualifier(s) and the classifications in which they qualify;
- (3) [If applicable,] application renewal fee [and] and, if applicable, late fees as set out in G.S. 87-10(e) and Rule .0304 in [Title 21, Subchapter 12A:] Subchapter 12A of this Title; and
- (4) [Proof] 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.

21 NCAC 12B .0204 is adopted with changes 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] to 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.

21 NCAC 12B .0205 is adopted with changes 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~~ **course** between December 1 and December 31, inclusive.

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

Temporary Adoption Eff. January 2, 2020.

21 NCAC 12B .0301 is adopted with changes 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)~~ (2) offer two or four continuing education credit hours;

~~(4)~~ (3) include materials for students that provide the information to be presented in the course; and

~~(5)~~ (4) 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, pursuant to Rule .0302 of this Subchapter.]

(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.

21 NCAC 12B .0303 is adopted with changes 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.] All supplemental materials distributed to Mandatory course attendees shall be developed solely by the Board or its designee. Such materials shall be distributed 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.

21 NCAC 12B .0401 is adopted with changes 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]~~ **requires** the instructor applicant to indicate the course(s) for which he or she is seeking approval and set forth the instructor applicant's:

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

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

(c) Approved instructors who are also qualifiers shall receive one hour of CE credit for each one hour of class instruction. 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.*

21 NCAC 12B .0403 is adopted with changes 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;] in accordance with this Subchapter;
- (3) has failed to submit to the Board any report, course examination, or video recording required by [these Rules;] this Subchapter;
- (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.*