

1 21 NCAC 50.0301 is proposed to be amended with changes as published in 28:10 NCR 1027 as follows:

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3 **21 NCAC 50 .0301 QUALIFICATIONS DETERMINED BY EXAMINATION**

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

- 6 ~~(i)~~(1) Plumbing Contracting, Class I  
7 ~~(ii)~~(2) Plumbing Contracting, Class II  
8 ~~(iii)~~(3) Heating, Group No. 1 - Contracting, Class I  
9 ~~(iv)~~(4) Heating, Group No. 1 - Contracting, Class II  
10 ~~(v)~~(5) Heating, Group No. 2 - Contracting, Class I  
11 ~~(vi)~~(6) Heating, Group No. 3 - Contracting, Class I  
12 ~~(vii)~~(7) Heating, Group No. 3 - Contracting, Class II  
13 ~~(viii)~~(8) Fuel Piping Contractor  
14 ~~Fire Sprinkler Inspection Technician~~  
15 ~~(ix)~~(9) Fire Sprinkler Installation Contractor  
16 ~~(x)~~(10) Fire Sprinkler Inspection Contractor  
17 ~~Limited Fire Sprinkler Maintenance Technician~~  
18 ~~(xi)~~(11) Residential Fire Sprinkler Installation Contractor  
19 ~~(xii)~~(12) Restricted Limited Plumbing Contractor  
20 ~~(xiii)~~(13) Fire Sprinkler Inspection Technician  
21 ~~(xiv)~~(14) Limited Fire Sprinkler Maintenance Technician  
22 ~~(xv)~~(15) Plumbing Technician  
23 ~~(xvi)~~(16) Heating Group No. 1 Technician  
24 ~~(xvii)~~(17) Heating Group No. 2 Technician  
25 ~~(xviii)~~(18) Heating Group No. 3 Technician  
26 ~~(xix)~~(19) Fuel Piping Technician  
27 ~~Restricted Limited Plumbing Contractor~~

28 (b) Each person being examined by the Board for a contractor license other than a Fire Sprinkler Installation or  
29 Inspection Contractor license shall be required to ~~read, interpret and provide answers to pass~~ both the business and law  
30 part and the technical part of the examination required by G.S. 87-21(b).

31 (c) Applicants for licensure as ~~aa fire sprinkler installation contractor~~ Fire Sprinkler Installation Contractor, Contractor  
32 must submit evidence of current certification by the National Institute for Certification ~~and of Engineering Technology~~  
33 Technologies (NICET) for Water-based Fire Protection System Layout for Automated Sprinkler System Layout as the  
34 prerequisite for licensure. ~~Current certification by NICET is in lieu of separate technical examination conducted by the~~  
35 ~~Board.~~ Applicants for licensure as a ~~fire sprinkler installation contractor~~ Fire Sprinkler Installation Contractor must ~~take~~  
36 ~~and pass read, interpret and provide answers to pass~~ the business and law part of the exam administered by the Board.  
37 Persons licensed based upon NICET certification must maintain such certification as a condition of license renewal.

1 (d) Applicants for licensure in the Fire Sprinkler Inspection Technician classification must ~~pass read, interpret and~~  
2 ~~provide answers to part of~~ pass the technical ~~part of the~~ examination offered by the Board. The Board ~~will~~ shall accept the  
3 results of NICET examination resulting in Level II Certification in "Inspection and Testing of Water-based Systems" by  
4 ~~NICET in lieu of the Board-administered examination. NICET.~~ Persons who obtain license as a Fire Sprinkler Inspection  
5 Technician based on NICET certification must maintain such certification as a condition of license renewal.

6 (e) Applicants for ~~the~~ licensure as a Fire Sprinkler Inspection Contractor ~~classification~~ must submit evidence of Level III  
7 certification in "Inspection and Testing of Water-based Fire Systems" by NICET in lieu of ~~the~~ technical ~~part of the board~~  
8 ~~administered~~ Board-administered examination. ~~Contractors who obtain license by NICET certification must maintain~~  
9 ~~such certification thereafter as a condition of license renewal.~~ Applicants for licensure as a ~~fire sprinkler inspection~~  
10 ~~contractor~~ Fire Sprinkler Inspection Contractor must ~~take and pass also~~ read, interpret and provide answers to ~~pass~~ the  
11 business and law part of the examination administered by the ~~Board in addition to demonstrating NICET certification as~~  
12 ~~set out herein.~~ Board. Contractors who obtain license by NICET certification must maintain such certification thereafter  
13 ~~as a condition of license renewal.~~

14 (f) Applicants for a license in the Limited Fire Sprinkler Maintenance Technician classification ~~must~~ shall obtain a  
15 license based on maintenance experience, education and job classification set forth in Rule .0306 and ~~passage of read,~~  
16 ~~interpret and provide answers to pass~~ a test administered by the Board.

17 (g) Applicants for a license as a Residential Fire Sprinkler Installation Contractor must obtain a license based on  
18 experience set forth in Rule .0306 and must ~~take and pass read, interpret and provide answers to pass~~ the technical part of  
19 the Residential Fire Sprinkler Installation Contractor examination.

20 (h) Applicants for ~~a~~ license as a Plumbing, Heating or Fuel Piping Technician must obtain a license based on experience  
21 set forth in Rule .0306 and must ~~take and pass read, interpret and provide answers to pass~~ the Class I technical and Board  
22 laws and rules ~~parts of the board administered~~ Board-administered examination related to the category for which a  
23 technician license is sought.

24 ~~(i) Applicants for plumbing, heating or fuel piping technician license who present a current plumbing or heating~~  
25 ~~journeyman certificate obtained after examination from a local inspection department as defined in G.S. 143-151.8 in the~~  
26 ~~same classification for which technician license is sought are not required to take the technical portion of the Board~~  
27 ~~administered exam if application is made on or before December 31, 2012.~~

28 ~~(j)-(i)~~ (i) Applicants who ~~hold hold an~~ active Plumbing, Heating or Fuel Piping Technician license obtained by examination  
29 may obtain the Plumbing, Heating or Fuel Piping Contractor license in the same category by meeting the experience  
30 requirement listed in ~~21 NCAC 50 .0306(a)~~ Rule .0306 of this Section for the specific contractor license sought and  
31 passage of ~~only~~ the business portion of the ~~examination only~~ examination.

32 ~~(k)-(j)~~ (j) Applicants for ~~a~~ license as a ~~Restricted~~ Limited Plumbing Contractor shall obtain a license based on experience  
33 set forth in Rule .0306 and shall be required to ~~read, interpret and provide answers to pass~~ both the business and law part  
34 ~~and the technical part of the Restricted Limited Plumbing Contractor examination.~~

35 ~~(l)-(k)~~ (k) If application is made on or before 120 days from the effective date of ~~[of, Paragraph (i) of]~~ this Rule,  
36 ~~[Applicants]~~ applicants for ~~Restricted~~ Limited Plumbing Contractor license who present a current active License from the

1 North Carolina Irrigation Contractor Licensing Board are not required to take the Board administered examination,  
2 provided the [Applicant:] applicant:

3 [1:](1) Presents evidence of passage of a locally administered examination covering the same topics as the  
4 Board examination, resulting in certification as a Backflow Inspector by one of the municipalities in North  
5 Carolina, Carolina, or evidence to establish [1,000] 1000 hours of experience in the maintenance, service or  
6 repair of components of plumbing systems, and

7 [2:](2) Completes a plumbing code [and Board] course offered by the Board and reads, interprets and provides  
8 answers to passes the Laws and Rules part of the examination administered by the board. [course offered by  
9 the Board.]

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

11 *Eff. February 1, 1976;*

12 *Readopted Eff. September 29, 1977;*

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

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

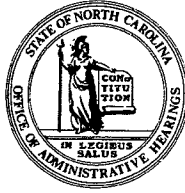
15 *Amended Eff. March 1, 2005; January 1, 2004; July 1, 2003; August 1, 2002; July 1, 1998;*

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

17 *Emergency Amendment Expired February 13, 2006;*

18 *Amended Eff. ~~March~~ April 1, 2014; July 3, 2012; January 1, 2010; May 1, 2006.*

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STATE OF NORTH CAROLINA  
**OFFICE OF ADMINISTRATIVE HEARINGS**

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February 21, 2014

John N. Fountain  
Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors  
**Sent via email to [jnf@youngmoorelaw.com](mailto:jnf@youngmoorelaw.com)**

Re: Rule 21 NCAC 50 .0301

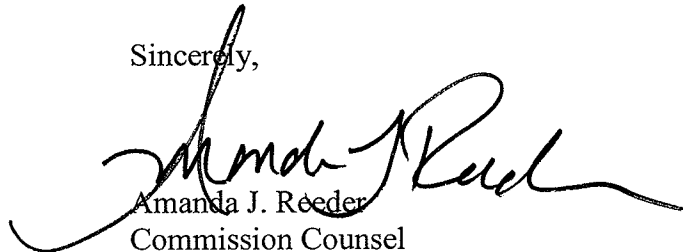
Dear Nick:

At its meeting the Rules Review Commission objected to the above-captioned rule in accordance with G.S. 150B-21.10.

The Commission objected to the rule based on lack of statutory authority. The Commission found that the Board has no authority to waive the requirement that applicants for licensure take an exam as set forth in Paragraph (l) of the Rule.

Please respond to this letter in accordance with the provisions of G.S. 150B-21.12. If you have any questions regarding the Commission's action, please let me know.

Sincerely,



Amanda J. Reeder  
Commission Counsel

Administration  
919/431-3000  
fax: 919/431-3100

Rules Division  
919/431-3000  
fax: 919/431-3104

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Assistants  
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Clerk's Office  
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1 **21 NCAC 50 .0301** **QUALIFICATIONS DETERMINED BY EXAMINATION** is proposed to be  
2 amended with changes as published in 28:10 NCR, page 1027 as follows:

3 (a) In order to determine the qualifications of an applicant, the Board shall provide an examination in writing or by  
4 computer in the following categories:

5 Plumbing Contracting, Class I

6 Plumbing Contracting, Class II

7 Heating, Group No. 1 - Contracting, Class I

8 Heating, Group No. 1 - Contracting, Class II

9 Heating, Group No. 2 - Contracting, Class I

10 Heating, Group No. 3 - Contracting, Class I

11 Heating, Group No. 3 - Contracting, Class II

12 Fuel Piping Contractor

13 Fire Sprinkler Inspection Technician

14 Fire Sprinkler Installation Contractor

15 Fire Sprinkler Inspection Contractor

16 Limited Fire Sprinkler Maintenance Technician

17 Residential Fire Sprinkler Installation Contractor

18 Plumbing Technician

19 Heating Group No. 1 Technician

20 Heating Group No. 2 Technician

21 Heating Group No. 3 Technician

22 Fuel Piping Technician

23 Restricted Limited Plumbing Contractor

24 (b) Each person being examined by the Board for a contractor license other than a Fire Sprinkler Installation or  
25 Inspection Contractor license shall be required to read, interpret and provide answers to both the business and law part  
26 and the technical part of the examination required by G.S. 87-21(b).

27 (c) Applicants for licensure as a fire sprinkler installation contractor, must submit evidence of current certification by the  
28 National Institute for Certification and Engineering Technology (NICET) for Water-based Fire Protection System Layout  
29 as the prerequisite for licensure. Current certification by NICET is in lieu of separate technical examination conducted  
30 by the Board. Applicants for licensure as a fire sprinkler installation contractor must take and pass the business and law  
31 part of the exam administered by the Board. Persons licensed based upon NICET certification must maintain such  
32 certification as a condition of license renewal.

33 (d) Applicants for licensure in the Fire Sprinkler Inspection Technician classification must pass the technical  
34 examination offered by the Board. The Board will accept the results of NICET examination resulting in Level II  
35 Certification in "Inspection and Testing of Water-based Systems" by NICET in lieu of the Board administered  
36 examination. Persons who obtain license as a Fire Sprinkler Inspection Technician based on NICET certification must  
37 maintain such certification as a condition of license renewal.

38 (e) Applicants for the Fire Sprinkler Inspection Contractor classification must submit evidence of Level III certification  
39 in "Inspection and Testing of Water-based Fire Systems" by NICET in lieu of technical examination. Contractors who  
40 obtain license by NICET certification must maintain such certification thereafter as a condition of license renewal.  
41 Applicants for licensure as a fire sprinkler inspection contractor must take and pass the business and law part of the  
42 examination administered by the Board in addition to demonstrating NICET certification as set out herein.

43 (f) Applicants for a license in the Limited Fire Sprinkler Maintenance Technician classification must obtain a license  
44 based on maintenance experience, education and job classification set forth in Rule .0306 and passage of a test  
45 administered by the Board.

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

49 (h) Applicants for license as a Plumbing, Heating or Fuel Piping Technician must obtain a license based on experience  
50 set forth in Rule .0306 and must take and pass the Class I technical and Board laws and rules examination related to the  
51 category for which a technician license is sought.

52 (i) Applicants for plumbing, heating or fuel piping technician license who present a current plumbing or heating  
53 journeyman certificate obtained after examination from a local inspection department as defined in G.S. 143-151.8 in the  
54 same classification for which technician license is sought are not required to take the technical portion of the Board  
55 administered exam if application is made on or before December 31, 2012.

56 (j) Applicants who hold active Plumbing, Heating or Fuel Piping Technician license obtained by examination may obtain  
57 the Plumbing, Heating or Fuel Piping Contractor license in the same category by meeting the experience requirement  
58 listed in 21 NCAC 50 .0306(a) for the specific contractor license sought and passage of the business portion of the  
59 examination only.

60 (k) Applicants for license as a Limited Plumbing Contractor shall obtain a license based on experience set forth in Rule  
61 .0306 and shall be required to read, interpret and provide answers to both the business and law part and the technical part  
62 of the Limited Plumbing Contractor examination.

63 (l) If application is made on or before 120 days from the effective date of Paragraph (l) of this Rule, Applicants for  
64 Restricted Limited Plumbing Contractor license who present a current active License from the North Carolina Irrigation  
65 Contractor Licensing Board are not required to take the Board administered examination, provided the Applicant:

66 1. Presents evidence of certification as a Backflow Inspector by one of the municipalities in North Carolina, or  
67 evidence to establish 1,000 hours of experience in the maintenance, service or repair of components of  
68 plumbing systems, and

69 2: Completes a plumbing code and Board Laws and Rules course offered by the Board.

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

71 *Eff. February 1, 1976;*

72 *Readopted Eff. September 29, 1977;*

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

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