

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners of Electrical Contractors

RULE CITATION: Both Rules

DEADLINE FOR RECEIPT: Monday, August 11, 2014

NOTE WELL: This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

On the Submission for Permanent Filing Forms, you must check that the certification pursuant to G.S. 150B-19.1 was not required in Box 5.

You do not need to submit a new form for each rule; instead, you may come to our office and mark the form in the appropriate place.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: July 28, 2014

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners of Electrical Contractors

RULE CITATION: 21 NCAC 18B .0303

DEADLINE FOR RECEIPT: Monday, August 11, 2014

NOTE WELL: This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

The Introductory Statement must include the Volume and Number of the Register where the rule was published and the page numbers. Insert this information in the Rule's Introductory Statement. (See Rule 26 NCAC 02C .0404)

In this Rule, the Sub-Items should not be capitalized. (See Rule 26 NCAC 02C .0207) Please make the changes to make each Sub-Item begin with a lowercase letter, thusly:

~~(A)~~ (a)

On Page 1, Sub-Item (1)(B), is this any addition or new additions? Please note the same query for (2)(B)(iv), line 26. I ask this in light of (2)(D), line 34, which speaks to "new" additions.

In Item (2), I take it that "all of the ... conditions" (referenced on line 15) are Sub-Items (A) through (F)? If so, delete the "and" on line 17.

The way I read Item (2), it appears that (2)(A) through (E) are the requirements and (F) is a way to verify. I don't necessarily think it belongs in the list. I'd remove the (F) and bring the language to the left margin. I'd end Sub-Item(2)(D) with an "and" on line 36 and remove the "and" on line 38. However, you may have other rules that rely upon a citation for (F), and if you do not want to make this change at this time, that's fine.

At the end of (2)(B)(vi), line 30, replace the period after "both" with semicolon.

In Sub-Item (2)(C), does your regulated public know what you mean by "totally" on line 31?

In Sub-Item (2)(D), do you need "whatsoever will exist"? Could you not just state, "relationship exists between...?"

In Sub-Item (2)(E), line 37, should "is to be obtained" be replaced with "shall be" or "is required to be"

Amanda J. Reeder
Commission Counsel
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In Sub-Item (2)(F), on Page 2, line 2, I think you mean “shall furnish” and not “furnishes”

On line 4, “each and every one” is duplicative. Why not delete it altogether and state “confirming that the conditions set forth...”

Also on line, 4, state “Sub-Items (2)(e) through (e) of this Rule...”

In Item (3), line 5, delete “such” and replace it with “the”

On line 7, I recommend “is construed to be” with “shall be construed as a single ...” And I assume that is construed by the Board?

In Item (4), line 10, “reasonable” costs according to who? The contractor? Or the Board?

On line 11, replace “must” with “shall”

I am confused by the language on lines 12 through 14, given the verbiage “As an example.” Are you saying that (4)(A) and (B) are only examples and not the limits being set pursuant to G.S. 87-43.3?

Please properly insert a semicolon after “etc.” and before “and” on line 14.

I take it that if the project is for \$50,000 or less, then a holder of a limited license can complete the project, per G.S. 87-43.3?

In Sub-Items (4)(a) and (b), lines 18 and 22, I know that a previous Request for Technical Changes is the reason the Board says “is.” I’d prefer “shall be” but understand if you do not want to change the language.

On line 25, replace “which” with “that”

Can you please explain to me when the sentence on lines 27-28 is invoked? Does the Board issue an individual license for each project, or is this if there is a report that the individual is exceeding licensure? How does the Board’s staff become involved in the determining the project?

In the History Note, add the citation G.S. 87-43.3.

Move the proposed amendment date on line 30 to the “Amended Eff.” line, line 31.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: July 28, 2014

1 **21 NCAC 18B.0303 is proposed to be amended as follows:**

2

3 **21 NCAC 18B .0303 ELECTRICAL INSTALLATION: PROJECT: PROJECT VALUE-LIMITATION**

4

5 For the purpose of implementing G.S. 87-43.3 pertaining to the limited and intermediate electrical contracting
6 license classifications, the following provisions shall apply:

7 (1) Electrical Installation. Electrical work is construed to be an electrical installation when the work is made
8 or is to be made:

9 (A) in or on a new building or structure;

10 (B) in or on an addition to an existing building or structure;

11 (C) in or on an existing building or structure, including electrical work in connection with lighting
12 or power rewiring or with the addition or replacement of machines, equipment or fixtures; or

13 (D) in an area outside of buildings or structures, either overhead or underground or both.

14 (2) Project. An electrical installation is construed to be a separate electrical contracting project if all the
15 following conditions are met:

16 (A) the installation is, or will be, separate and independently supplied by a separate service,
17 feeder or feeder system; and

18 (B) the installation is for:

19 (i) an individual building or structure which is separated from other buildings or
20 structures by a lot line or, if located on the same lot with other buildings or
21 structures, is physically separated from such other buildings or structures by an
22 open space or an area separation fire wall;

23 (ii) an individual townhouse single-family dwelling unit constructed in a series or
24 group of attached units with property lines separating such units;

25 (iii) an individual tenant space in a mall-type shopping center;

26 (iv) an addition to an existing building or structure;

27 (v) an existing building or structure, including electrical work in connection with
28 lighting or power rewiring or with the addition or replacement of machines,
29 equipment or fixtures; or

30 (vi) an outdoor area either overhead or underground or both.

31 (C) the negotiations or bidding procedures for the installation are carried out in a manner totally
32 separate and apart from the negotiations or bidding procedures of any other electrical
33 installation or part thereof;

34 (D) except for new additions, alterations, repairs or changes to a pre-existing electrical installation,
35 no electrical interconnection or relationship whatsoever will exist between the installation and
36 any other electrical installation or part thereof;

37 (E) a separate permit is to be obtained for each individual building structure or outdoor area
38 involved from the governmental agency having jurisdiction; and

1 (F) if a question is raised by a party at interest or if requested by the Board or Board's staff for
2 any reason, the owner or the awarding authority or an agent of either furnishes to the Board,
3 and to the inspections department having jurisdiction, a sworn affidavit confirming that each
4 and every one of the conditions set forth in (2)(a) through (e) of this Rule are satisfied.

5 (3) Relationship of Plans and Specifications to Definition of Project. Even though such electrical work may
6 not fully comply with each condition set out in Item (2) of this Rule, the entire electrical work, wiring,
7 devices, appliances or equipment covered by one set of plans or specifications is construed to be a single
8 electrical contracting project.

9 (4) Project Value Limitation. In determining the value of a given electrical contracting project, the total
10 known or reasonable estimated costs of all electrical wiring materials, equipment, fixtures, devices, and
11 installation must be included in arriving at this value, regardless of who furnishes all or part of same,
12 and regardless of the form or type of contract or subcontract involved. As an example, on a given
13 electrical contracting project, the owner or general contractor will furnish all or part of the electrical
14 wiring, material, etc. and

15 (A) if the total cost of the wiring, materials, etc., including that furnished by others, plus the total
16 cost of the installation involved, will be more than ~~forty~~ fifty thousand dollars (~~\$40,000~~)
17 (\$50,000) but not more than one hundred ~~ten~~ thirty thousand dollars (~~\$110,000~~), (\$130,000)
18 then only an electrical contractor holding either an intermediate or unlimited license is eligible
19 to submit a proposal or engage in the project.

20 (B) if the total cost of the wiring, materials, etc., including that furnished by others, plus the total
21 cost of the installation involved, will exceed one hundred ~~ten~~ thirty thousand dollars
22 (\$110,000), (\$130,000), then only an electrical contractor holding an unlimited license is
23 eligible to submit a proposal or engage in the project.

24 If a given electrical contracting project is subdivided into two or more contracts or subcontracts for any reason, then
25 the total value of the combined contracts or subcontracts which may be awarded to or accepted by any one licensee
26 of the Board must be within the total project value in accordance with this Rule.

27 The Board's staff shall make a determination of what constitutes a project in any given situation, and any party at
28 interest may appeal any staff determination to the Board for a final binding decision.

29 *History Note: Authority G.S. 87-42; 87-43;*
30 *Eff. September 1, 2014; October 1, 1988;*
31 *Amended Eff. January 1, 2008; February 1, 1996; February 1, 1990.*

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33
34 300035-000605/3504443

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners of Electrical Contractors

RULE CITATION: 21 NCAC 18B .0404

DEADLINE FOR RECEIPT: Monday, August 11, 2014

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

Please note in your Introductory Statement that the Rule was published on page 849 of the Register.

Also in your Introductory Statement, you say that the rule is amended "with changes." What changes are you referring to? The text of the rule appears to be the same as what was published. Are you referring to formatting changes? Pursuant to Rule 26 NCAC 02C .0405(b), any changes made to an amended rule after publication must be highlighted. If there are no changes after publication, please delete "with changes" from the introductory statement.

On line 3, you did not publish the Rule with the introductory statement beside the Rule name. Simply delete it – do not strike it or bracket it, just remove the language altogether.

On lines 7 through 11, this is not the proper way to show the deletion of the amount of money. Use the language published, striking out the full "\$75.00" and replacing it with "\$85.00" Please reference the published rule in 28:09, Page 849 to see the proper way to show this change.

On line 10, I assume the "SP-SFD" designation is "Single Family – detached residential dwelling" as set forth in Rule 21 NCAC 18B .0201?

On line 12, do you need the language "made payable to the Board"? If so, do you not need it closer to "check or money order"?

On line 13, replace "must" with "shall"

On line 20, remove "March 1, 2014" altogether.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: July 28, 2014

1 **21NCAC 18B.0404 is proposed to be amended with changes as published in 28:09 NCR 801 as follows:**

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3 **21 NCAC 18B .0404 ANNUAL LICENSE FEES** ~~is proposed to be amended as follows:~~

4 (a) The annual license fees and license renewal fees for the various license classifications are as follows:

5

LICENSE FEE SCHEDULE

6

| CLASSIFICATION | LICENSE FEE |
|----------------|-------------|
|----------------|-------------|

7

| | |
|---------|--------------------------------|
| Limited | \$ 75 <u>85</u> .00 |
|---------|--------------------------------|

8

| | |
|--------------|---------------------------------|
| Intermediate | \$115 <u>130</u> .00 |
|--------------|---------------------------------|

9

| | |
|-----------|---------------------------------|
| Unlimited | \$165 <u>180</u> .00 |
|-----------|---------------------------------|

10

| | |
|--------|--------------------------------|
| SP-SFD | \$ 75 <u>85</u> .00 |
|--------|--------------------------------|

11

| | |
|--------------------|--------------------------------|
| Special Restricted | \$ 75 <u>85</u> .00 |
|--------------------|--------------------------------|

12

(b) License fees may be paid by cash, check, money order, Visa or Mastercard made payable to the Board. Payment must accompany any license or license renewal application filed with the Board.

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History Note: Authority G.S. 87-42; 87-44;

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Eff. October 1, 1988;

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Amended Eff. May 1, 1998; July 1, 1989;

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Temporary Amendment Eff. June 30, 2000;

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Temporary Amended Eff. August 31, 2001;

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Amended Eff. ~~March 1, 2014~~ July 1, 2015; January 1, 2008; December 4, 2002.

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