

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Examiners of Electrical Contractors

RULE CITATION: 21 NCAC 18B

DEADLINE FOR RECEIPT: April 8, 2016

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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

General comments:

These rules have been prepared and filed using track changes. We strongly recommend that you avoid using track changes in any filing with the Rules Division or the RRC because we have seen many formatting errors result from the use of this tool.

These rules have vertical lines that show where track changes has identified edits in the text. Please remove these vertical lines.

Two of these rules as filed with the RRC differ from the same rules as published in the N.C. Register, but the change is not highlighted. Either these are simple errors, perhaps due to the use of track changes, or are a failure to comply with 26 NCAC 02C .0405(b)(2). When you resubmit these rules, please be sure to format them correctly.

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

Jason S. Thomas
Commission Counsel
Date submitted to agency: March 24, 2016

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Examiners of Electrical Contractors

RULE CITATION: 21 NCAC 18B .0209

DEADLINE FOR RECEIPT: April 8, 2016

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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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 4 – “application and” is underlined in the N.C. Register publication of this rule. It appears that it should be underlined here also.

Line 4 – replace “is” with “shall be”

Line 7 – replace “may” with “shall”

Line 8 – insert a comma after “Visa”

Line 8 – replace “must” with “shall”

Line 14 – delete the comma after “refund”

Line 20 – insert a comma after “parent”

Line 25 – delete “July 1, 2016” and insert “Amended Eff. July 1, 2016” on its own line at the end of the History Note.

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

Jason S. Thomas
Commission Counsel
Date submitted to agency: March 24, 2016

1 **Rule 21 NCAC 18B .0209 is adopted as published in 30:13 NCR 1404 as follows:**

2
3 **21 NCAC 18B .0209 FEES**

4 (a) The application and examination fee for qualifying examinations is ninety dollars (\$90.00) for all classifications.

5 (b) The fee for review of a failed examination is twenty-five dollars (\$25.00). All reviews are supervised by the Board
6 or staff.

7 (c) The examination fees for examinations in all classifications and the fees for examination reviews may be in the form
8 of cash, check, money order, Visa or Mastercard made payable to the Board and must accompany the respective
9 applications when filed with the Board.

10 (d) Examination fees received with applications filed for qualifying examinations shall be retained by the Board unless:

11 (1) an application is not filed as prescribed in Rule .0210 of this Section, in which case the examination
12 fee of sixty dollars (\$60.00) shall be returned and application shall be returned; or

13 (2) the applicant does not take the examination during the period for which application was made, files a
14 written request for a refund, setting out extenuating circumstance, and the Board finds extenuating
15 circumstances.

16 (e) Examination review fees are non-refundable unless the applicant does not take the review, files a written request for a
17 refund, setting out extenuating circumstance, and the Board finds extenuating circumstances.

18 (f) Any fee retained by the Board shall not be creditable toward any future examination fee or examination review.

19 (g) Extenuating circumstances for the purposes of Paragraphs (d)(2) and (e) of this Rule are the applicant's illness, bodily
20 injury or death, or death of the applicant's spouse, child, parent or sibling, or a breakdown of the applicant's
21 transportation to the designated site of the examination or examination review.

22
23 *History Note: Authority G.S. 87-42; 87-43.3; 87-43.4; 87-44;*

24 *Eff. October 1, 1988;*

25 *Amended Eff. May 1, 1998; July 1, 1989; July 1, 2016*

26 *Temporary Amendment Eff. June 30, 2000;*

27 *Temporary Amendment Eff. August 31, 2001;*

28 *Amended Eff. July 1, 2011; January 1, 2008; December 4, 2002;*

29 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 2,*
30 *2016.*

31
32 300035-704/3899172

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Examiners of Electrical Contractors

RULE CITATION: 21 NCAC 18B .0211

DEADLINE FOR RECEIPT: April 8, 2016

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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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 4-5 – consider revising as follows:

(a) A person who fails a qualifying examination shall not be eligible to take another examination in the same classification until three months after the date of the failed examination.

Line 16 – insert “or she” after “he”

Line 16 – replace “examination and must” with “examination, and he or she shall”

Line 17 – regarding the “standard application form,” the APA requires the substantive contents of forms to be set forth in either rules or statute. Wherever you refer to forms, you should either state the substantive contents of the form in the rule or be able to show rules or statutes where the substantive contents are set forth. In addition, the rule should also state, with specificity, where the form may be obtained. In this case you may choose to refer to another rule which states where the form may be obtained.

Line 21 – delete “July 1, 2016” and insert “Amended Eff. July 1, 2016” on its own line at the end of the History Note.

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

Jason S. Thomas
Commission Counsel
Date submitted to agency: March 24, 2016

1 **RULE 21 NCAC 18B .0211 is adopted as published in 30:13 NCR 1404**

2
3 **21 NCAC 18B .0211 WAITING PERIOD BETWEEN EXAMINATIONS**

4 (a) A person who fails a qualifying examination must wait three months from the date of the failed examination before
5 being eligible to take another examination in the same classification. ~~The waiting period depends on the score on the~~
6 ~~failed examination, as follows:~~

7

8 Failed Examination Grade	Waiting Period
9	
10 74-65	3 months
11 64 and below	6 months

12

13 ~~(b) A person who fails an examination in the same license classification three times must satisfactorily complete a~~
14 ~~minimum of 16 hours classroom education on the electrical code provided by a board approved continuing education~~
15 ~~sponsor before retaking the examination.~~

16 ~~(c)~~ (b) A person shall be considered a new applicant each time he applies to take an examination and must file an
17 application on the standard application form and pay the required application and examination fee.

18
19 *History Note: Authority G.S. 87-42; 87-43.3; 87-43.4; 87-44*

20 *Eff. October 1, 1988;*

21 *Amended Eff. July 1, 2011; January 1, 2006; July 1, 2016*

22 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 2,*
23 *2016.*

24
25 300035-704/3899145

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Examiners of Electrical Contractors

RULE CITATION: 21 NCAC 18B .0406

DEADLINE FOR RECEIPT: April 8, 2016

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 4-7 – Paragraph (a) allows renewal of an expired license within 12 months immediately following the expiration date. An expired license is “automatically revoked,” pursuant to G.S. 87-44. Nonetheless, it appears that the Board has statutory authority for this Paragraph (a) if G.S. 87-47(d) does not apply to an expired license. Is this the basis for your authority for Paragraph (a) of this Rule?

Line 11 – delete “within the most recent 12 months” if this phrase is unnecessary.

Lines 12-13 - these lines differ from the same lines as published in the N.C. Register, but the changes are not highlighted, in violation of 26 NCAC 02C .0405(b)(2). When you resubmit these rules, please be sure to format them correctly.

Lines 12-13 – correctly space the citations to the NCAC.

Lines 12-13 – correctly space the citations to the NCAC.

Lines 12-13 – replace “of” with “set forth in” each of the three times it appears.

Line 22 – delete “July 1, 2016” and insert “Amended Eff. July 1, 2016” on its own line at the end of the History Note.

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

Jason S. Thomas
Commission Counsel
Date submitted to agency: March 24, 2016

1 **Rule 21 NCAC 18B .0406 is adopted as published in 30:13 NCR 1404-1405 as follows:**

2
3 **21 NCAC 18B .0406 RENEWAL AFTER EXPIRATION OF ANNUAL LICENSE**

4 (a) Subject to Rule .0906 of this Subchapter, any licensee whose license has expired solely because of failure to apply
5 for renewal may apply and have the license renewed without further examination, and in compliance with the provisions
6 contained in G.S. 87-44, if the applicant makes application within a period of 12 months immediately following the date
7 the license expired.

8 (b) If the renewal application is filed ~~later~~ more than 12 months immediately following the date the license expired, the
9 applicant may have the license renewed if, during the 12 month period immediately preceding the date the application is
10 filed with the Board, the applicant's listed qualified individual has ~~engaged for~~obtained at least ~~4,000~~500 hours ~~in an~~
11 ~~occupation of~~ primary experience as defined in Rule .0202 of this Subchapter within the most recent twelve months, is
12 current on the fee requirements of 21NCAC18B. 0404, pays the late fee of 21NCAC18B. 0405. And meets the
13 continuing education requirements of 21NCAC18B. 1101.~~or completed 16 contact hours of approved continuing~~
14 ~~education.~~

15 (c) An applicant failing to meet the requirements of Paragraphs (a) or (b) of this Rule may obtain a new license in
16 accordance with Section .0200 of this Subchapter and Rule .0401 of this Section.

17 (d) The provisions of Section .0600 of this Subchapter apply to applicants whose last license expired on or before June
18 30, 1970.

19
20 *History Note: Authority ~~G.S. 87-42;G.S. 87-44; G.S. 87-44.1~~*

21 *Eff. October 1, 1988;*

22 *Amended Eff. March 1, 1999; February 1, 1990; July 1, 2016*

23 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 2,*
24 *2016.*

25
26 300035-704/3899170

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Examiners of Electrical Contractors

RULE CITATION: 21 NCAC 18B .0502

DEADLINE FOR RECEIPT: April 8, 2016

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 11-12 – create a new Sub-Item (5), as follows:

- (4) the current license certificate on which the listed qualified individual is to be indicated; and
- (5) payment of a processing fee of twenty-five dollars (\$25.00).

Line 12 – what is your statutory authority for requiring payment of this processing fee?

Line 16 – delete “July 1, 2016” and insert “Amended Eff. July 1, 2016” on its own line at the end of the History Note.

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

Jason S. Thomas
Commission Counsel
Date submitted to agency: March 24, 2016

1 **RULE 21 NCAC 18B .0502 is adopted as published in 30:13 NCR 1405 as follows:**

2

3 **21 NCAC 18B .0502 LISTED QUALIFIED INDIVIDUAL CHANGING FROM ONE LICENSE TO**
4 **ANOTHER**

5 A listed qualified individual indicated on a current active license may have his name removed from that license and
6 added to another current active license by submitting to the Board:

- 7 (1) his written request to remove his name from the license on which he is currently listed;
8 (2) the license certificate on which he is currently listed;
9 (3) a written request from the licensee on whose license the listed qualified individual is to be indicated,
10 co-signed by the listed qualified individual being added; ~~and~~
11 (4) the current license certificate on which the listed qualified individual is to be ~~indicated~~indicated; and
12 payment of a processing fee of twenty-five dollars (\$25.00).

13

14 *History Note: Authority G.S. 87-42; 87-43;87-44*

15 *Eff. October 1, 1988;*

16 *Amended Eff. February 1, 1990; July 1, 2016;*

17 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 2,*
18 *2016.*

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20 300035-1/3899114