

# SUBMISSION FOR PERMANENT RULE

ORIGINAL

<b>1. Rule-Making Agency:</b> State Board of Plumbing, Heating and Fire Sprinkler Contractors	
<b>2. Rule citation &amp; name (name not required for repeal):</b> 21NCAC50 .0312 STATE AND LOCAL GOVERNMENT PLUMBING OR HEATING TECHNICIAN	
<b>3. Action:</b> <input checked="" type="checkbox"/> <b>ADOPTION</b> <input type="checkbox"/> <b>AMENDMENT</b> <input type="checkbox"/> <b>REPEAL</b> <input type="checkbox"/> <b>READoption</b>	
<b>4. Rule exempt from RRC review?</b> <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	<b>5. Rule automatically subject to legislative review?</b> <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
<b>6. Notice for Proposed Rule:</b> <input checked="" type="checkbox"/> <b>Notice Required</b> <b>Notice of Text published on:</b> October 3, 2016 <b>Link to Agency notice:</b> www.nclicensing.org <b>Hearing on:</b> December 13, 2016 at 8:30 a.m. <b>Adoption by Agency on:</b> December 13, 2016, 12:30 p.m. <input type="checkbox"/> <b>Notice not required under G.S.:</b> <b>Adoption by Agency on:</b>	
<b>7. Rule establishes or increases a fee? (See G.S. 12-3.1)</b> <input type="checkbox"/> Yes <b>Agency submitted request for consultation on:</b> <b>Consultation not required. Cite authority:</b> <input checked="" type="checkbox"/> No	<b>8. Fiscal impact (check all that apply):</b> <input type="checkbox"/> State funds affected <input type="checkbox"/> Environmental permitting of DOT affected and analysis submitted to Board of Transportation <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<div style="text-align: center;"><b>9. REASON FOR ACTION</b></div> <b>9A. What prompted this action? Check all that apply:</b> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> <b>Agency</b>  <input type="checkbox"/> <b>Court order / cite:</b>  <input type="checkbox"/> <b>Federal statute / cite:</b>  <input type="checkbox"/> <b>Federal regulation / cite:</b> </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> <b>Legislation enacted by the General Assembly</b>              <b>Cite Session Law:</b> 2016 Chapter 105 (HB 742)  <input type="checkbox"/> <b>Petition for rule-making</b>  <input type="checkbox"/> <b>Other:</b> </div> </div> <b>9B. Explain:</b> Session law 2016, Chapter 105 (HB 742) mandated creation of a new subset of license for licensees who work for school systems or state or local government and who wish to be able to moonlight while their license is listed in the name of the State or local agency. These rules effectuate the legislation by specifying experience and exam requirements.	
<b>10. Rule-making Coordinator:</b> John N. Fountain <b>Address:</b> P.O. Box 27612, Raleigh, NC 27612  <b>Phone:</b> 919-782-6860 <b>E-Mail:</b> jnf@youngmoorelaw.com <b>Agency Contact, if any:</b> <b>Phone:</b> <b>E-Mail:</b>	<b>11. Signature of Agency Head* or Rule-making Coordinator:</b> <div style="text-align: center; margin-top: 20px;"> </div> <div style="margin-top: 10px;"> <p><small>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</small></p> <p><b>Typed Name:</b> John N. Fountain  <b>Title:</b> Rule Making Coordinator</p> </div>
<b>RRC AND OAH USE ONLY</b>	
<b>Action taken:</b> <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

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 OFFICE OF ADMIN HEARINGS

**21 NCAC 50 .0312 STATE AND LOCAL GOVERNMENT PLUMBING OR HEATING**

**TECHNICIAN** is proposed to be adopted as follows:

(a) In order to determine the qualifications of an applicant for a license as a State or local government plumbing or heating technician, the Board shall provide a written or computer-based examination in the following categories:

(1) State and ~~Local Government~~ local government Plumbing ~~Technician~~ Technician;

(2) State ~~& and Local Government~~ local government Heating Group No. 1 ~~Technician~~ Technician;

(3) State ~~& and Local Government~~ local government Heating Group No. 2 ~~Technician~~ Technician; or

(4) State ~~& and Local Government~~ local government Heating Group No. 3 Technician

(b) Applicants for a license as a State & Local Government Plumbing or Heating Technician ~~must~~shall obtain a license based on experience set forth in Paragraph (c) of this Rule and ~~must~~shall pass the Class I technical and Board laws and rules part of the Board-administered examination ~~described in 21 NCAC 50. 0301~~ related to the category for which a technician license is sought. ~~Such~~The applicant need not pass the business part of the examination.

(c) Applicants for a license as a State & Local Government plumbing or heating technician shall present evidence ~~adequate~~ to establish 3000 hours of full-time experience in the installation, maintenance, ~~service~~service, or repair of plumbing or heating systems related to the category for which a technician license is sought, whether or not a license was required for the work performed.

(d) Applicants for a license as a State & Local Government Technician who currently hold an active ~~plumbing, plumbing~~ or heating contractor license issued by this ~~board~~Board may qualify for the corresponding State and local government technician license without examination.

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

Eff. February 1, 2017

3140040.2261.3991254

# SUBMISSION FOR PERMANENT RULE

ORIGINAL

<b>1. Rule-Making Agency:</b> State Board of Plumbing, Heating and Fire Sprinkler Contractors	
<b>2. Rule citation &amp; name (name not required for repeal):</b> 21 NCAC50 .0313 RESPONSIBILITIES OF STATE AND LOCAL GOVERNMENT TECHNICIAN LICENSEES	
<b>3. Action:</b> <input checked="" type="checkbox"/> <b>ADOPTION</b> <input type="checkbox"/> <b>AMENDMENT</b> <input type="checkbox"/> <b>REPEAL</b> <input type="checkbox"/> <b>READoption</b>	
<b>4. Rule exempt from RRC review?</b> <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	<b>5. Rule automatically subject to legislative review?</b> <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
<b>6. Notice for Proposed Rule:</b> <input checked="" type="checkbox"/> <b>Notice Required</b> <b>Notice of Text published on:</b> October 3, 2016 <b>Link to Agency notice:</b> www.nclicensing.org <b>Hearing on:</b> December 13, 2016 at 8:30 a.m. <b>Adoption by Agency on:</b> December 13, 2016, 12:30 p.m. <input type="checkbox"/> <b>Notice not required under G.S.:</b> <b>Adoption by Agency on:</b>	
<b>7. Rule establishes or increases a fee? (See G.S. 12-3.1)</b> <input checked="" type="checkbox"/> <b>Yes</b> <b>Agency submitted request for consultation on:</b> <b>Consultation not required. Cite authority:</b> 12/19/16 <input type="checkbox"/> <b>No</b>	<b>8. Fiscal impact (check all that apply):</b> <input type="checkbox"/> State funds affected <input type="checkbox"/> Environmental permitting of DOT affected and analysis submitted to Board of Transportation <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
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<b>Action taken:</b>  <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

**21 NCAC 50 .0313 RESPONSIBILITIES OF STATE AND LOCAL GOVERNMENT TECHNICIAN**

**LICENSEES** is proposed to be adopted as follows:

(a) A licensed ~~state & State and~~ local government technician licensee shall be required to list their license with the Board in the name of the ~~state & State and~~ local government agency by whom the licensee is employed.

(b) The holder of license as a State ~~& Local Government~~ and local government ~~Heating, Heating~~ Group 1 Technician, ~~Heating, Heating~~ Group 2 Technician, Heating Group 3 ~~Technician~~ Technician, or Plumbing Technician shall be a full-time employee of a State or ~~Local Government~~ local government agency.

(c) A licensed ~~state & State and~~ local government technician licensee shall ensure that a permit is obtained from the appropriate ~~state~~State or local Code Enforcement official before commencing any work for which a license is required by the Board. The licensee shall also ensure that a request for final inspection of the work for which a license is required is made within 10 days of the earlier of the system being made operational or placed in service, absent agreement with the appropriate ~~state~~State or local Code Enforcement official. Absent agreement with the local Code Enforcement official the licensee ~~is not~~shall not be relieved of responsibility to the Board to arrange inspection until a certificate of compliance or the equivalent is obtained from the appropriate ~~state~~State or local code enforcement official or the ~~licensee~~ licensee has ~~clear and convincing~~documentary evidence of his effort to obtain the same.

(d) The failure of a licensee to comply with the permit and inspection obligations outlined in this Rule shall be considered by the Board as evidence of incompetence or misconduct in the use of license from the Board.

(e) A licensed ~~state & State and~~ local government technician licensee ~~is~~shall be responsible for general supervision to the extent of his qualifications, compliance with all applicable codes and standards, and assurance that permits and inspections are obtained.

(f) The ~~general supervision~~“general supervision” required by G.S. 87-26 is ~~that~~the degree of supervision ~~which is necessary~~ and sufficient to ensure that the work is performed in a workmanlike manner and with the requisite skill and that the installation is made ~~properly, safely and~~ in accordance with applicable ~~codes and rules~~codes, rules and ~~manufacturer installation instructions and industry practice~~. General supervision requires that review of the work done pursuant to the ~~state~~State and local government technician license be performed by the ~~state~~State and local government technician licensee while the work is in progress.

(g) In each ~~state~~State or local government agency location, ~~branch~~branch, or facility of any kind from which work requiring a license pursuant to G.S. 87, Article 2 is carried out there shall be on duty the lesser of 1500 hours annually, or all hours during which the activities described herein are carried out, at least one ~~individual~~licensee who holds the appropriate ~~state & State and~~ local government technician license in the classification required for the work being proposed or performed, whose license is listed in the name of the particular ~~state~~State or local government agency at that location, and who is engaged in the work of the ~~state~~State or local government at the agency location or at an agency job site and who has the responsibility to exercise general supervision over the work and who has been empowered to act for the ~~state~~State or local government agency, as defined in 21 NCAC .0505 of this Chapter, of all work falling within his ~~or her~~ license qualification. Evidence of compliance shall be required as a condition of

1 renewal or retention of license and falsification shall constitute fraud in obtaining license. The standards set forth in  
2 21 NCAC 50 .0512 shall be applied.

3 (h) An unlicensed person ~~who is directly and regularly~~ employed by ~~state &~~ a State and local government  
4 agency licensed ~~and supervised~~ pursuant to G.S. 87, Article 2 ~~is not~~ shall not be required to have a license and shall  
5 not be subject to an action for injunctive relief brought by the Board if the unlicensed person is a bona-fide  
6 employee of the ~~state &~~ State and local government.

7 (i) The annual license fee for a State ~~& Local Government~~and local government Technician license is one  
8 hundred thirty dollars (\$130.00), except as provided in Paragraph (j) of this Rule.

9 (j) The annual license fee for a State & Local Government Technician Plumbing or Heating Technician license  
10 ~~which that~~ is listed as the second or subsequent licensee at the same agency location is sixty-five dollars (\$65.00).

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13 History Note: Authority G.S. 87-18; 87-21(a)(5); 87-21(a)(6); ~~87-21(a)(10); 87-21(a)(10); 87-21(b)(3); 87-~~  
14 ~~21(b)(2)c;~~ 87-22; 87-22.1;87-26;

15 Eff. February 1, 2017

16  
17  
18  
19 310040-001.3991258



# SUBMISSION FOR PERMANENT RULE

ORIGINAL

<b>1. Rule-Making Agency:</b> State Board of Plumbing, Heating and Fire Sprinkler Contractors	
<b>2. Rule citation &amp; name (name not required for repeal):</b> 21 NCAC 50 .0405 MULTIPLE LICENSES	
<b>3. Action:</b> <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READoption	
<b>4. Rule exempt from RRC review?</b> <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	<b>5. Rule automatically subject to legislative review?</b> <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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<b>RRC AND OAH USE ONLY</b>	
<b>Action taken:</b> <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

**21 NCAC 50 .0405 MULTIPLE LICENSES** is proposed amended as follows:

(a) In order to maintain the identity of firms and allow effective supervision, each licensed contractor or technician shall qualify only the business location where he is primarily located.

(b) A licensee may be listed on only one contractor license at any given time, whether the license is issued in the name of the individual or in the name of a firm; provided, however, that the ~~fire sprinkler maintenance technician~~ **Fire Sprinkler Maintenance Technician** qualification and the ~~state~~State and local government technician qualification may be listed separately in the name of the employer to which restricted.

(c) The holder of qualification as a contractor may, upon deletion of his name and qualifications from a firm license, reinstate his personal license, either as an individual or in the name of some other corporation, partnership, or business that has a trade name, upon compliance with G.S. 87-26.

(d) A technician licensee, other than the holder of a Fire Sprinkler Maintenance Technician license, may, upon deletion of his name and qualification from a firm license, move his qualification to another licensed corporation, ~~partnership~~partnership, or business ~~which~~that has a trade name, upon compliance with G.S. 87-26.

*History Note:* Authority G.S. 87-18; 87-21(a)(5); 87-21(a)(6); ~~87-21(b)(2)(c); 87-21(b)(2)c;~~ 87-26;

*Eff. February 1, 1976;*

*Readopted Eff. September 29, 1977;*

*Amended Eff. ~~February 1, 2017;~~ December 31, 2011; January 1, 2010; January 1, 2004; July 1, 1998; May 1, 1989;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.*

**Amended Eff. February 1, 2017**

310040-2261/3987342

# SUBMISSION FOR PERMANENT RULE

ORIGINAL

<b>1. Rule-Making Agency:</b> State Board of Plumbing, Heating and Fire Sprinkler Contractors	
<b>2. Rule citation &amp; name (name not required for repeal):</b> 21 NCAC 50 .0414 SUPERVISION IN ABSENCE OF INSPECTION	
<b>3. Action:</b> <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READoption	
<b>4. Rule exempt from RRC review?</b> <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	<b>5. Rule automatically subject to legislative review?</b> <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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<b>Action taken:</b>  <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	



**21 NCAC 50.0414** **SUPERVISION IN ABSENCE OF INSPECTION** is proposed to be adopted as follows:

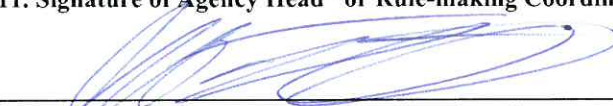
In lieu of the supervision required by 21 NCAC 50.0505, the holder of the qualifications upon which a license is based shall personally examine all work performed in reliance upon the license at completion and before the work is placed in service to assure that the installation, ~~replacement~~ replacement, or repair is performed in compliance with the current edition of the ~~NC~~North Carolina State Building Codes which is hereby incorporated by reference including all subsequent editions and amendments, and the manufacturers installation instructions, where the work will not be examined and approved by a person holding qualification from the Code Officials Qualification Board. The State Building Code may be accessed at <http://www.NCDOI.com/OSFM/Engineering>.

*History Note: Authority G.S. 87-18; 87-21(b)(2)(c); 87-25; 87-26*  
*Eff. February 1, 2017*

310040-2261.3995586

# SUBMISSION FOR PERMANENT RULE

ORIGINAL

<b>1. Rule-Making Agency:</b> State Board of Plumbing, Heating and Fire Sprinkler Contractors	
<b>2. Rule citation &amp; name (name not required for repeal):</b> 21 NCAC 20 .1104 FEES FOR COPIES OF RECORDS AND RETURNED CHECKS	
<b>3. Action:</b> <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION	
<b>4. Rule exempt from RRC review?</b> <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	<b>5. Rule automatically subject to legislative review?</b> <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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<b>10. Rule-making Coordinator:</b> John N. Fountain <b>Address:</b> P.O. Box 27612, Raleigh, NC 27612  <b>Phone:</b> 919-782-6860 <b>E-Mail:</b> jnf@youngmoorelaw.com <b>Agency Contact, if any:</b> <b>Phone:</b> <b>E-Mail:</b>	<b>11. Signature of Agency Head* or Rule-making Coordinator:</b> <div style="text-align: center; margin-top: 20px;">   <hr style="width: 80%; margin: 0 auto;"/> </div> <p style="font-size: 0.8em;">*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <b>Typed Name:</b> John N. Fountain <b>Title:</b> Rule Making Coordinator
<b>RRC AND OAH USE ONLY</b>	
<b>Action taken:</b> <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

**21 NCAC 50 .1104 FEES FOR COPIES OF RECORDS AND RETURNED CHECKS** is proposed to be amended as follows:

The Board charges the following fees:

- |     |   |   |
|-----|---|---|
| (1) | copies of license                               | \$20.00   |
| (2) | abstract of license record                      | \$25.00 per license record search   |
| (3) | processing fee for returned checks              | maximum allowed by law <u>G.S. 25-3-506</u>   |
| (4) | copy of Board rules                             | \$10.00   |
| (5) | processing fee for late renewal                 | \$25.00   |
| (6) | Business and Project Management for Contractors | <del>\$45.00</del> <u>Publisher's Retail Price as set forth at <a href="http://www.nclicensing.org">www.nclicensing.org</a></u> |

*History Note:* Authority G.S. 25-3-506; 87-18; 87-22; 150B-19; G.S. 132-6.2(b)  
Eff. September 1, 1994;  
Amended Eff. ~~February 1, 2017~~; July 1, 1998; November 1, 1994;  
Temporary Amendment Eff. August 31, 2001;  
Amended Eff. July 1, 2010; December 1, 2003; December 4, 2002;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.  
Amended Eff. February 1, 2017

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