

1 21 NCAC 60 .0102 is amended as published in 32:4 NCR Page 191 as follows:

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3 **21 NCAC 60 .0102 OFFICE OF BOARD**

4 (a) The Board's office and mailing address is located at ~~889~~ 1027 US 70 Highway West, Suite 221, Garner, North
5 Carolina 27529.

6 (b) The Board's website is <http://www.refrigerationboard.org>.

7 *History Note: Authority G.S. 87 54;*

8 *Eff. February 1, 1976;*

9 *Readopted Eff. April 17, 1978;*

10 *Amended Eff. January 1, 2018; June 1, 2015; April 1, 2015; September 1, 2011; August 1, 2004;*

11 *July 1, 2000; August 1, 1995; December 1, 1993; October 1, 1994;*

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

13 *19, 2015.*

1 21 NCAC 60 .0103 is repealed as published in 32:4 NCR page 192 as follows:

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3 **21 NCAC 60 .0103** **RULE-MAKING AND ADMINISTRATIVE HEARING PROCEDURES**

4 *History Note:* *Authority G.S. 87-54; 150B-21.6; 150B-38(h);*

5 *Eff. February 1, 1981;*

6 *Amended Eff. October 1, 1995; April 1, 1989; May 1, 1988; October 1, 1984;*

7 *Repealed Eff. January 1, 2018*

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

9 *19, 2015.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Refrigeration Examiners

RULE CITATION: 21 NCAC 60 .0106

DEADLINE FOR RECEIPT: Friday, November 10, 2017

PLEASE NOTE: This request may extend to 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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Given Session Law 2017-10, and its changes to G.S. 87-58, why is this Rule necessary? It appears to essentially combine 87-58(a) and (b). Is it to give notice that licenses may be issued in more than one classification? If so, this is noted in .0207(e).

If this Rule is necessary, please note the following inconsistencies with the statute:

(1), for Commercial Refrigeration License, does not include "maintenance" in the Rule, but does include it in the definition in 87-58(a)(1). Also, "transport" is included in the Rule, but is not included in the statute. What is your authority to essentially enlarge the scope of this license?

(2) I don't read this to say the same thing as 87-58(a)(2). Your Rule limits the Industrial Refrigeration License to only allow ammonia; however, the statute indicates that this license is appropriate when ammonia is used, but does not limit it to only ammonia. Further, the statute indicates that this is appropriate for commercial refrigerating contracting, rather than all "refrigeration contracting services."

(3) I don't read 87-58(a)(3) to apply only to commercial contracting services (it says "repairing of refrigerating machinery" with no limitation of commercial), but your Rule limits to "commercial refrigeration"

For all of the classifications, what are the licenses called? Is it just a "Class I License" or is it actually called "Class I Commercial Refrigeration License"? The Rule appears to use both titles. Please make it clear within the Rule.

Amber May
Commission Counsel

Date submitted to agency: October 27, 2017

If you need this Rule, please consider cross-referencing the statute to ensure that there are no inconsistencies with the statute. A suggestion is as follows: :

Refrigeration contracting licenses shall be classified as follows: ~~issued in one or more of the following classifications:~~

- (1) Class I. A Class I Commercial Refrigeration License shall include ~~the installation, servicing and repairing of commercial refrigeration machinery, equipment, devices, components and transport equipment.~~ the services set forth in G.S. 87-85(a)(1).
- (2) Class II. A Class II Industrial Refrigeration License shall ~~only include the use of ammonia as a refrigerant in refrigeration contracting services.~~ the services set forth in G.S. 87-85(a)(2).
- (3) Class III. A Class III Service Refrigeration License shall ~~only include the maintenance, service and repairs of commercial refrigeration machinery, equipment, devices and components.~~ the services set forth in 87-58(a)(3).
- (4) Class IV. A Class IV Transport Refrigeration License shall ~~only include the installation, maintenance, repairing and servicing of transport refrigeration equipment.~~ the services set forth in 87-58(a)(4).

Licenses may be issued in one or more of the classifications in accordance with the Rules of this Chapter.

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

Amber May
Commission Counsel
Date submitted to agency: October 27, 2017

1 21 NCAC 60 .0106 is adopted as published in 32:4 NCR page 192 as follows:

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3 **21 NCAC 60 .0106 CLASSIFICATIONS**

4 Refrigeration contracting licenses shall be issued in one or more of the following classifications:

5 (1) Class I. A Class I Commercial Refrigeration License shall include the installation, servicing and
6 repairing of commercial refrigeration machinery, equipment, devices, components and transport
7 equipment.

8 (2) Class II. A Class II Industrial Refrigeration License shall only include the use of ammonia as a
9 refrigerant in refrigeration contracting services.

10 (3) Class III. A Class III Service Refrigeration License shall only include the maintenance, service
11 and repairs of commercial refrigeration machinery, equipment, devices and components.

12 (4) Class IV. A Class IV Transport Refrigeration License shall only include the installation,
13 maintenance, repairing and servicing of transport refrigeration equipment.

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15 *History Note: Authority G.S. 87-54; G.S. 87-58;*

16 *Eff. January 1, 2018.*

1 21 NCAC 60 .0206 is repealed as published in 32:4 NCR page 192 as follows:

2

3 **21 NCAC 60 .0206 EXAMINATION APPLICATION DULY FILED**

4 *History Note: Authority G.S. 87 54; 87 58;*

5 *Eff. October 1, 1984;*

6 *Repealed Eff. January 1, 2018*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Refrigeration Examiners

RULE CITATION: 21 NCAC 60 .0207

DEADLINE FOR RECEIPT: Friday, November 10, 2017

PLEASE NOTE: This request may extend to 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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Is this Rule intending to address the requirements to be licensed as set forth in (a) or to take the exam as set forth in the title? If it is intended to say what is required to be licensed, should the exam also be included here to tie these Rules together and the title changed? If it is intended to say what is required to be approved to take the exam, (a) is inaccurate.

I'm not sure that I understand the cross-reference to 87-58(d) here as that statute does not set forth the experience requirement. Please consider removing this cross-reference.

Please consider revising (a)(2) as follows:

(2) File [with the Board] an application with the Board that includes [on a form provided by the Board together with the non refundable examination fee as set forth in Rule .0209 of this Section. The form may be obtained on the Board's website (www.refrigerationboard.org) or by requesting a copy from the Board office. The application shall require] the following:

- (A) The applicants contact information
- (B) The name of the business under which the licensee will operate, if any....
- (G) The application fee...

The application may be found on the Board's website. (note: because you have an address Rule with this listed, you don't have to provide the website or the address again.)

Alternatively, in (a)(2), please delete the reference to the fee as you already have it set out in (a)(2)(H).

Amber May
Commission Counsel
Date submitted to agency: October 27, 2017

In (a)(2)(A), what is your authority to require a social security number? Please see G.S.132-1.10 and 143-64.60.

In (a)(2)(E), please change "information indication" to "information indicating" if that's what is meant. Also, is this intended to caption any agency, or any occupational licensing agency?

In (b), just so I'm clear, the Board has determined that experience under a professional engineer is sufficient for your purposes, even if that professional engineer does not have any refrigeration experience?

In (b), line 36, how is "equivalent industry experience" determined? What factors will the Board use to make this determination?

In (b), what do lines 36-37 mean? Is this saying that up to 2,000 hours of the experience may be obtained in the classroom (like through a community college) and not under the supervision of a PE or refrigeration contractor? It's unclear to me what is being required.

Is (d) saying that someone with a class III or IV license can sit for the exam by simply completing the application? Are their requirements different? Must they also have the 4,000 hours? Is this necessary?

If it is necessary, is the application referenced in (d) the same as (a)? If so, why not say something like "An individual holding a transport or service contractor refrigeration license shall be eligible to sit for the commercial refrigeration examination upon filing an application with the Board as set forth in Paragraph (a) of this Rule."

In (e), what are the different qualifications for each classification? Is it simply taking the appropriate test for that classification?

Please revise your History Note as follows:

A History Note: Authority G.S. 87-54; 87-58;

Eff. October 1, 1984;

Amended Eff. ~~January 1, 2018~~; August 1, 2004, July 1, 2000; April 1, 1997; December 1, 1993; April 1, 1989; September 1, 1988;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015;

Amended Eff. January 1, 2018.

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

Amber May
Commission Counsel

Date submitted to agency: October 27, 2017

1 21 NCAC 60 .0207 is amended as published in 32:4 NCR pages 192 and 193 as follows:

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3 **21 NCAC 60 .0207 REQUIREMENTS FOR EXAMINATION APPLICANTS**

4 ~~(a) An applicant for the commercial refrigeration examination shall be eligible to take that examination upon:~~

5 (1) ~~Filing with the Board an application, on a form provided by the Board, together with the non-~~
6 ~~refundable combined examination license fee.~~

7 (2) ~~Furnishing with his application information verifying that he has acquired at least 4000 hours of~~
8 ~~commercial refrigeration experience gained while engaged actively and directly in the installation,~~
9 ~~maintenance, servicing or repairing of commercial, industrial or institutional refrigeration~~
10 ~~equipment classification of licensure desired.~~

11 ~~(b) An applicant for the transport refrigeration examination shall be eligible to take that examination upon:~~

12 (1) ~~Filing with the Board an application, on a form provided by the Board, together with the non-~~
13 ~~refundable combined examination license fee.~~

14 (2) ~~Furnishing with his application information verifying that he has acquired at least 4000 hours of~~
15 ~~transport or commercial refrigeration experience or a combination of both gained while engaged~~
16 ~~actively and directly in the installation, maintenance, servicing or repairing of transport or~~
17 ~~commercial refrigeration equipment or a combination of both.~~

18 (a) To be licensed as a refrigeration contractor, an applicant shall:

19 (1) Obtain 4,000 hours of refrigeration experience as set forth in G.S. 87-58(d) relevant to the
20 classification of licensure desired as set forth in Rule .0106 of this Chapter.

21 (2) File with the Board an application on a form provided by the Board together with the non-
22 refundable examination fee as set forth in Rule .0209 of this Section. The form may be obtained
23 on the Board's website (www.refrigerationboard.org) or by requesting a copy from the Board
24 office. The application shall require the following:

25 (A) The Social Security Number of the applicant;

26 (B) The applicant's contact information;

27 (C) The name of the business under which licensee will be operating, if any;

28 (D) The license classification desired;

29 (E) Information indication whether the applicant has any disciplinary history with any other
30 occupational licensing board or agency;

31 (F) Record of refrigeration experience and education;

32 (G) Supervisor(s) statement verifying experience;

33 (H) The application fee as set forth in Rule .0209 of this Section.

34 ~~(e)(b)~~ Prior to filing the application, ~~qualifying~~ experience shall be acquired while working under the supervision of
35 a person who holds a valid refrigeration contractor's license, who is a ~~registered~~ professional engineer as defined in
36 G.S. 89C-3(8) or who has equivalent industry experience. Up to one-half of the experience may be in academic or
37 technical training ~~directly~~ related to the field of refrigeration contracting. ~~endeavor for which the examination is~~

1 ~~requested. Applicants who obtain a license shall receive a certificate issued by the Board, bearing that license~~
2 ~~number. The license shall not be assigned or transferred to another individual.~~

3 (c) Applicants who obtain a license shall receive a certificate issued by the Board bearing that license number. The
4 license shall not be assigned or transferred to another individual.

5 (d) An individual holding a valid transport or service contractor refrigeration license shall be eligible to sit for the
6 commercial refrigeration examination upon filing with the Board an application, on a form provided by the Board,
7 together with the examination ~~license~~ fee as set forth in Rule .0209 of this Section.

8 (e) An applicant may be licensed in more than one classification of refrigerating contracting provided the applicant
9 meets the qualifications for the classifications, including passing the examinations for the classifications desired.

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11 *A History Note: Authority G.S. 87-54; 87-58;*

12 *Eff. October 1, 1984;*

13 *Amended Eff. January 1, 2018; August 1, 2004, July 1, 2000; April 1, 1997; December 1, 1993;*

14 *April 1, 1989; September 1, 1988;*

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

16 *19, 2015.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Refrigeration Examiners

RULE CITATION: 21 NCAC 60 .0209

DEADLINE FOR RECEIPT: Friday, November 10, 2017

PLEASE NOTE: This request may extend to 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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In your History Note, would 87-58 be appropriate, rather than 87-58(d)?

Please move Amended Eff. January 1, 2018 after "Pursuant to G.S. 150B.." so that your History note looks like this:

History Note: Authority G.S. 54; G.S. 87-58(d); 87-64;

Eff. May 1, 1989;

~~Amended Eff. January 1, 2018;~~

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

September 19, 2015;

Amended Eff. January 1, 2018.

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

Amber May
Commission Counsel
Date submitted to agency: October 27, 2017

1 21 NCAC 60 .0209 is amended as published in 32:4 NCR page 193 as follows:

2

3 **21 NCAC 60 .0209 FEES**

4 Fees shall be set ~~at the statutory maximum for the following:~~ as follows:

5 (1) Examination ~~application/initial licensure;~~ application -- \$100.00;

6 (2) License ~~renewal;~~ renewal -- \$80.00; and

7 (3) License ~~reinstatement.~~ reinstatement -- \$120.00.

8

9 *History Note: Authority G.S. 54; G.S. 87-58(d); 87-64;*

10 *Eff. May 1, 1989;*

11 *Amended Eff. January 1, 2018;*

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

13 *19, 2015.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Refrigeration Examiners

RULE CITATION: 21 NCAC 60 .0212

DEADLINE FOR RECEIPT: Friday, November 10, 2017

PLEASE NOTE: This request may extend to 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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Just so I'm clear, a person who wishes to get a class 1 or class 2 license, will need to take the commercial or industrial refrigeration contractor exam, and someone who wishes to get a class 3 or 4 license will need to take the service or transport contractor examination?

Please consider revising (a) as follows:

- (a) Qualifying examinations shall be divided as follows:
 - (1) Commercial and Industrial Refrigeration contractor examinations ~~are~~ shall be divided into four parts, "A," "B," "C" and "~~D~~," "D"; and
 - (2) Service and Transport refrigeration contractor examinations ~~are~~ shall be divided into three parts, "A", "B" and "C".

Is the intent of (b) to require that applicants answer 70% of the questions correctly? As written, I don't read it to say that. Please consider revising (b) as follows:

- (b) Each applicant shall pass the qualifying examination with a grade of at least ~~must successfully complete~~ 70 percent of each part. ~~part to pass an examination.~~ Each candidate who passes an examination shall be issued a refrigeration contractor's ~~license.~~ license for the appropriate classification.

In (b), is "each candidate who passes an examination shall be issued a refrigeration contractor's license for the appropriate classification" necessary here?

Alternatively, please delete or define "successfully"

Amber May
Commission Counsel
Date submitted to agency: October 27, 2017

In (c), is a “qualifying examination” the same as “examination”? Both phrases have been used in this Rule. Assuming that they are in fact the same thing, please use consistent phrases.

In (d), please delete or define “approved”

In (d), please consider adding a comma after “time”

Please revise your History Note as follows:

History Note: Authority G.S. 87-54; 87-58;

Eff. August 1, 2004;

~~Amended Eff. January 1, 2018;~~

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

September 19, 2015;

Amended Eff. January 1, 2018.

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

Amber May
Commission Counsel
Date submitted to agency: October 27, 2017

1 21 NCAC 60 .0212 is amended as published in 32:4 NCR page 193 as follows:

2

3 **21 NCAC 60 .0212 QUALIFYING EXAMINATIONS**

4 (a) Commercial and Industrial Refrigeration contractor examinations are divided into four parts, "A," "B," "C" and
5 "D". Service and Transport refrigeration contractor examinations are divided into three parts, "A", "B" and "C".

6 (b) Each applicant must successfully complete 70 percent of each part to pass an examination. Each candidate who
7 passes an examination shall be issued a refrigeration contractor's ~~license.~~ license for the appropriate classification.

8 (c) All qualifying examinations administered by the Board for each license classification shall be written or
9 computer-based ~~examinations~~ examinations. ~~and must be taken by the approved applicant.~~

10 (d) The Board office shall schedule the examination and shall notify the approved applicant of the date, time and
11 place.

12 ~~(e) The executive director shall arrange for examinations to be administered by the Board.~~

13

14 *History Note: Authority G.S. 87-54; 87-58;*

15 *Eff. August 1, 2004;*

16 *Amended Eff. January 1, 2018;*

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

18 *19, 2015.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Refrigeration Examiners

RULE CITATION: 21 NCAC 60 .0213

DEADLINE FOR RECEIPT: Friday, November 10, 2017

PLEASE NOTE: This request may extend to 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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Are the "examinations" in this Rule the same as "qualifying examinations" in .0212? Please be consistent in the terminology.

Please consider revising (d) as follows:

(d) An applicant who fails to ~~show for~~ appear at a scheduled examination shall have the no show count toward the three ~~consequent~~ attempts described in Paragraph (a) of this Rule unless ~~proper~~ notice is ~~given~~ given. ~~Proper notice shall consist of~~ five business days prior to the scheduled examination.

In (e), when will an application be accepted? Is there a cross-reference available? I assume that it will be accepted if all requirements of .0207 are met.

In (e), please delete "be kept and" in "shall be kept and shall be sufficient for taking any" so that line 18 reads "shall be sufficient for taking any..."

Please revise your History Note as follows:

*History Note: Authority G.S. 87-54; 87-58;
Eff. August 1, 2004;
Amended Eff. January 1, 2018;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest
Eff. September 19, 2015;
Amended Eff. January 1, 2018.*

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

Amber May
Commission Counsel
Date submitted to agency: October 27, 2017

1 21 NCAC 60 .0213 is amended as published in 32:4 NCR page 193 as follows:

2

3 **21 NCAC 60 .0213 EXAMINATIONS**

4 (a) ~~In order to pass the examination, an~~ An applicant is required to shall pass all parts of the examination within the
5 same one year period and within no more than three consecutive attempts. Each time an applicant takes the
6 examination, the applicant shall take all parts for which he or she does not have ~~currently valid~~ passing grades. If the
7 applicant fails to pass all parts within one year or within three consecutive attempts (whichever period is shorter),
8 any passing grades for individual parts shall no longer be valid and the applicant ~~shall must start over by re-taking~~
9 retake all parts of the examination.

10 (b) ~~A person~~ An applicant who fails an examination must wait a period of five business days from the date he or she
11 last failed an examination before he or she will be eligible to take another examination.

12 (c) Each ~~person~~ applicant who fails an examination shall be notified of his or her scores and the parts of the
13 examination he or she failed.

14 (d) An applicant who fails to show for a scheduled examination shall have the no show count toward the three
15 consequent attempts described in Paragraph (a) of this Rule unless proper notice is given. Proper notice shall consist
16 of five business days prior to the scheduled examination.

17 ~~(d)(e)~~ (e) If ~~a person~~ an applicant files an application for examination ~~which~~ that is accepted, and takes and fails the
18 examination, his or her verification of refrigeration experience shall be kept and shall be sufficient for taking any
19 future examination, provided he or she files another application accompanied by the required ~~fee.~~ fee as set forth in
20 Rule .0209 of this Section.

21

22 *History Note: Authority G.S. 87-54; 87-58;*

23 *Eff. August 1, 2004;*

24 *Amended Eff. January 1, 2018;*

25 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September*
26 *19, 2015.*