

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors

RULE CITATION: All Rules

DEADLINE FOR RECEIPT: Tuesday, February 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 Introductory Statement must be at the top of the page, not part of the Rule name.

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

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors

RULE CITATION: 21 NCAC 50 .0301

DEADLINE FOR RECEIPT: Tuesday, February 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:

Per Rule 26 NCAC 02C .0108(1)(f), have the line numbers for each page start at 1. Additionally, please insert page numbers, per Sub-Item 1(h) of the same Rule.

In (a), lines 3 and 4, why not state "provide a written or computer based examination"?

In (a), is there no Heating, Group No. 2 – Contracting, Class II?

I am guessing that the Rule has been amended several times to add new classifications. The Rule would make more sense if the groups were actually put near each other – all plumbing, all heating, all fuel piping, etc. Also, why don't these categories have Subparagraphs with numbers?

Also in (a), shouldn't "Fuel Piping Technician" also restricted, and thus, the term be "Restricted Fuel Piping Technician" to be consistent with Restricted Limited Plumbing Contractor? Note the same question for the Fuel Piping Contractor. And what the difference between these two (technician v. contractor) as the statute speaks to licensure?

Paragraph (b) is confusing as written. It states that everyone must take the examination except for Fire Sprinkler Installation or Fire Inspection Contractor licensure. However, it appears that all applicants for licensure must take the business and law portion of the exam. Are you saying that everyone must take that part and most must take the technical part, as well? The Paragraph should be rewritten to be made clearer what is required of applicants. You may just wish to remove the reference to Fire Sprinkler Installation or Inspection here.

In (b) and beyond, I take it the reference to "law" part of the examination is the knowledge of the Code required by G.S. 87-21(b)(3)?

In (c), line 27, you do not capitalize the term "fire sprinkler installation contractor" but you capitalize all of the other terms throughout the Rule. Be consistent and use capital or lowercase letters in referring to the licensure category.

In (c), delete the comma after "contractor" on line 27.

Amanda J. Reeder
Commission Counsel

In Paragraphs (c) and (e), you are requiring the certification as a prerequisite for licensure and taking the examination. G.S. 87-21(b)(4) states:

(4) Conditions of examination set by the Board shall be uniformly applied to each applicant within each license classification. It is the purpose and intent of this section that the Board shall provide an examination for plumbing, heating group number one, or heating group number two, or heating group number three, or each restricted classification, and may provide an examination for fire sprinkler contracting **or** may accept a current certification of the National Institute for Certification in Engineering Technologies for Fire Protection Engineering Technician, Level III, subfield of Automatic Sprinkler System Layout.

Is it the Board's interpretation of the statute that it may require both? Is this because you are only requiring part of the examination relating to business and law, not the technical part?

It seems to me that structure of Paragraphs (c) and (e) should be parallel. Why do they read differently when they seem to address the same points?

On line 29, begin the sentence "The certification...". Delete "is in" and state "shall be in lieu..."

Is the exam referred to in Paragraph (c) the same the one in (b)? Or is there a separate exam for this class of individuals? If this is the same test, state "as set forth in Paragraph (b) of this Rule." And note this change for the rest of the Paragraphs.

In (c), the statute refers to the National Institute for Certification in Engineering Technologies for Fire Protection Engineering. In the Rule, you state the name is "National Institute for Certification and Engineering Technology". The website for NICET indicates it is the name in the statute, not the Rule. Please change the Rule to reflect the correct name.

In addition, the statute refers to the Engineering Technologies for Fire Protection Engineering Protection, Level III as the equivalent for the testing. Are the terms used in the Rule, such as "Water-based Fire Protection System Layout" or "Inspection and Testing of Water-based Systems" part of this? The NICET webpage states the following categories:

Fire Protection

- [Fire Alarm Systems](#)
- [Inspection and Testing of Water-Based Systems](#)
- [Special Hazards Suppression Systems](#)
- [Water-Based \(formerly Automatic Sprinkler System\) Layout](#)

Do the terms used within this Rule all fall within the statutory designation?

In (d), line 34, do you mean "shall accept"?

In (d), line 35, isn't the use of "by NICET" repetitive of the language in line 34, "the NICET examination"? Please strike the language on line 35.

In Paragraph (d), are you accepting the NICET exam in lieu of the technical examination or the entire examination? If it's just the technical portion, you need to state "part" since Paragraph (b) speaks to the "part" of the examination.

Also in (d), it appears that the Board is adopting part of the NICET exam as its own, rather than requiring applicants to take the Board prepared exam. Is this correct? Or is that by passing the NICET exam, the individual is certified?

Assuming what you care about is certification by NICET, rather than the NICET examination, why not state, "Individuals who have been awarded Level II Certification in "Inspection and Testing of Water-based Systems" by NICET shall not be required to take the Board administered exam."?

In (e), why isn't "Fire Sprinkler Inspection Contractor" capitalized on line 41? I think it should be.

Also in (e), I don't think you need the last words on line 42, and recommend striking "in addition to demonstrating NICET certification as set out herein."

In (h), line 49, state "Applicants for a license..."

I think you can delete Paragraph (i) altogether. If you have some compelling reason to keep it, then make sure that you insert "a" before "plumbing" on line 52. And make the capitalization of "plumbing, heating or fuel piping" consistent with Paragraph (h).

In Paragraph (j), line 56, state "an active..."

In Paragraph (j), line 56, do you need to retain the language "obtained by examination"? Do you still have individuals who hold plumbing, heating or fuel piping technician licenses who did not take an exam? (I realize licenses are good for two years, so if someone made application through Paragraph (i), they didn't take the technical portion, but didn't they take some portion of the exam?)

On line 58, Paragraph (j), you refer to Rule .0306(a) as setting out experience requirements. That information is not contained in that Paragraph. Do you intend to refer to the entire Rule? Please note, the proper citation is "Rule .0306 of this Section."

In Paragraph (k), line 60, state "Applicants for a license..."

Also in Paragraph (k), line 60, did you mean "Restricted Limited..." (Note the same question for line 62)

In Paragraph (k), line 60, you state "shall obtain a license... and shall be required to read..." Paragraphs (f), (g) and (h) all state "must obtain a license... and must take..." The other Paragraphs should be changed to match the language in (k).

In Paragraph (k), aren't you just requiring the individuals to take the entire examination? And why are you requiring they "read, interpret and provide answers" when everyone else just has to "pass" the exam?

And I take it that throughout the Rule when you referred to "passing" the examination, you are relying upon Rule .0305 that states passing is obtaining 70% of the exam?

In Paragraph (l) of the Rule, line 63, do you mean "effective date of this Rule"? If not, then I don't know what you are trying to say here.

On lines 63 and 65, "applicants" should be lowercase.

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REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors

RULE CITATION: 21 NCAC 50 .0306

DEADLINE FOR RECEIPT: Tuesday, February 11, 2014

Per Rule 26 NCAC 02C .0108(1)(f), have the line numbers for each page start at 1. And please insert page numbers, per Sub-Item 1(h) of the same Rule.

In (a), how will the Board provide the form? Upon request, or is it available on the Board's website? I see G.S. 87-21(b)(6) states that the examination must be available on line and supplied at no cost. I just wonder if your regulated public knows where to find this.

In (b), line 5, insert an "a" after "Applicants for..." Similarly, on line 7, insert an article ("the"?) after "Applicants for"

In (b), line 10, insert "of" after "one-half"

In (b), I don't fully understand what you are saying on lines 11-12. Please note the same concern for Page 2, Paragraph (j), lines 54-55.

In (e), you refer to the "Limited Fire Sprinkler Inspection Technician" but there is no such classification listed in Rule .0301. Do you mean "Fire Sprinkler Inspection Technician"? (See Rule .0301(e))

In (e)(1) and (2), what is the "NFPA"? Please spell that out. Are you incorporating this as standard by reference? If so, you need to use the requirements set forth in G.S. 150B-21.6 to do so properly.

In (e)(2), insert a comma after "NFPA-25" on line 22.

In (g), you refer to the "Fire Sprinkler Maintenance Technician" on lines 30 and 35, but that is not listed in Rule .0301. The category there is "Limited Fire Sprinkler Maintenance Technician." (See Rule .0301(f)) Is that what you mean here? And are these licenses are facility specific? That seems to be what you are saying on line 35. Is that correct?

In Paragraph (g), line 32, the proper citation is "Rule .0515 of this Chapter."

On line 36, insert a comma after "initial licensure"

I think the sentence on lines 34-37 can be simplified. "Applicants who have held... are not required to demonstrate additional experience since licensure, and shall submit an application for licensure at the new location."

In Paragraph (h), line 40, what is the NFPA 13D? Please note my questions above about NFPA 25.

On lines 41 and 42, why isn't the word "Sprinkler" capitalized?

On line 42, insert an article before "Plumbing Contractor":

I think Paragraph (i) should be two paragraphs – one for plumbing or heating, and one for fuel piping. I know earlier Paragraphs consolidated these categories, but since they have different experience requirements, it would be appropriate here and make the rule clearer.

Paragraph (i) is the only place in the Rule where numerals have commas. To be consistent with the rest of the Rule, write "3000" and "1500"

On lines 44 and 47, insert an article before "license"

In current (i), on line 49, insert "of" after "one-half"

On line 50, insert "the" before "examination"

Insert an article after "Applicants for" on line 51.

Insert an "of" after "one-half" on line 53.

In (k), line 56, state, "In lieu of the requirements of Paragraph (j) above, applicants for a Restricted..."

Delete the comma after "Board" on line 57.

On line 58, "applicant" should not be capitalized.

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REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors

RULE CITATION: 21 NCAC 50 .0518

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Begin the Rule, "Licensure in the ..."

On line 3, delete the comma after "classification"

On line 3, insert an "a" before license

On line 4, G.S. 87-21(b)(2)b states that the limited license will be issued to those who desire to engage in contracting or installation, repair or replacement. Therefore, shouldn't the language include "contracting in," as well as the language that is currently there?

Do you wish to incorporate the Plumbing Code? If so, please use G.S. 150B-21.6 to properly do so.

In Item 1, I don't see that "building sewer piping" or "sewer piping" is defined in the Definitions section of the Plumbing Code. Is it elsewhere in that Code?

Insert a semicolon after "less" on line 8. Delete the comma after "or" on that same line.

Is Item 4 supposed to capture the language in G.S. 87-21(b)(2)b.1. "Exterior potable water service lines"? If so, don't those need to serve irrigation systems or domestic water service systems? Is that what is meant by "water distribution line or water service piping"?

Also in Item 4, I don't see "water purification system," "water distribution line" or "water service piping" defined in the Definitions section of the Plumbing Code. Is it elsewhere?

In the History Note, put the citations in numerical order.

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

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors

RULE CITATION: 21 NCAC 50 .1102

DEADLINE FOR RECEIPT: Tuesday, February 11, 2014

Where is the authority in (b) to require that the individual cannot be actively employed in or engaged in the business requiring a license from the Board? G.S. 87-22 states:

A licensee employed full time as a local government plumbing, heating, or mechanical inspector and holding qualifications from the Code Officials Qualifications Board may renew the license at a fee not to exceed twenty-five dollars (\$25.00).

Is Paragraph (c) intended to apply to individuals applying for “the business of fire sprinkler contracting” ? Is this the application fee contemplated in G.S. 87-22, as highlighted below?

§ 87-22. License fee; expiration and renewal; reinstatement.

All persons, firms, or corporations engaged in the business of either plumbing or heating contracting, or both, shall pay an annual license fee not to exceed one hundred fifty dollars (\$150.00). The annual fee for a piping or restricted classification license shall not exceed that for a plumbing or heating license. All persons, firms, or corporations engaged in the business of fire sprinkler contracting shall pay an initial application fee not to exceed seventy-five dollars (\$75.00) and an annual license fee not to exceed three hundred dollars (\$300.00).

If that is the case, you need to make it clear that you are referring to those individuals making an application without an exam. But isn't everyone taking some portion of the exam currently? If you are not referring to these individuals, I do not see that you have the authority to charge other applicants an application fee if they don't take the exam.

Is the requirement in Paragraph (d) meant to apply to “All persons... engaged in the business of either plumbing or heating contracting, or both, shall pay an annual license fee not to exceed one hundred fifty dollars (\$150.00).” (in G.S. 87-22)? Are these individuals not paying the individual license fee? If not, then where is the Board's statutory authority to charge a contractor \$160 per year for the license?

In Paragraph (e), should the terms “fire sprinkler installation contractor” and “fire sprinkler inspection contractor” be capitalized?

In (f), you refer to a “Fire Sprinkler Maintenance Technician.” However, Rule .0301 refers to a “Limited Fire Sprinkler Maintenance Technician.” Is that what the Rule should say here?

In Paragraph (i), what is a “Class A Gas Dealer”? Does your regulated public know?

In (k), do you mean to refer to a “Restricted Limited Plumbing Contractor”?

Amanda J. Reeder
Commission Counsel

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