

Burgos, Alexander N

Subject: FW: [External] Technical Changes - General Contractor's Board

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Tuesday, August 12, 2025 10:41 AM
To: Dena Brown <dena.brown@nclbgc.org>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Anna Choi <Anna.Choi@nclbgc.org>
Subject: RE: [External] Technical Changes - General Contractor's Board

Thank you.

Alex and Julie,
These rules are final for review at the August RRC meeting.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Dena Brown <dena.brown@nclbgc.org>
Sent: Tuesday, August 12, 2025 9:59 AM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Anna Choi <Anna.Choi@nclbgc.org>
Subject: [External] Technical Changes - General Contractor's Board

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Five attachments for RRC review at August 28 meeting.

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Burgos, Alexander N

Subject: FW: [External] Technical Changes - General Contractor's Board

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Tuesday, August 12, 2025 8:49 AM
To: Anna Choi <Anna.Choi@nclbgc.org>
Cc: Dena Brown <dena.brown@nclbgc.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Technical Changes - General Contractor's Board

Good morning,

I'm satisfied with the changes. Please email all the rules submitted for RRC review in August to oah.rules@oah.nc.gov by August 19th. Please copy me and alexander.burgos@oah.nc.gov to the email.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

21 NCAC 12A .0202 is amended with changes as published in 39.17 NCR 1118-1121 as follows:

21 NCAC 12A .0202 CLASSIFICATION

(a) A general contractor shall be certified in one of the following five classifications:

- (1) Building Contractor. This classification covers all building construction and demolition activity including: commercial, industrial, institutional, and all residential building construction. It includes installation of solar panels; parking decks; all site work, grading and paving of parking lots, driveways, sidewalks, and gutters; storm drainage, retaining or screen walls, and hardware and accessory structures; and indoor and outdoor recreational facilities including natural and artificial surface athletic fields, running tracks, bleachers, and seating. It also covers work done under the specialty classifications of S(Concrete Construction), S(Insulation), S(Interior Construction), S(Marine and Freshwater Construction), S(Masonry Construction), S(Roofing), S(Metal Erection), S(Swimming Pools), ~~and S(Asbestos), and S(Wind Turbine)~~ Turbine), and S(Sign/Billboard).
- (2) Residential Contractor. This classification covers all construction and demolition activity pertaining to the construction of residential units that are required to conform to the Residential Building Code adopted by the Building Code Council pursuant to G.S. 143-138; all site work, driveways, sidewalks, and water and wastewater systems ancillary to the aforementioned structures and improvements; and the work done as part of such residential units under the specialty classifications of S(Insulation), S(Interior Construction), S(Masonry Construction), S(Roofing), S(Swimming Pools), and S(Asbestos). This classification also covers the installation of solar panels on residential units that are required to conform to the residential building code.
- (3) Highway Contractor. This classification covers all highway construction activity including: demolition, grading, paving of all types, installation of exterior artificial athletic surfaces, relocation of public and private utility lines ancillary to a principal project, bridge construction and repair, culvert construction and repair, parking decks, sidewalks, curbs, gutters and storm drainage. It also includes installation and erection of guard rails, fencing, signage, and ancillary highway hardware; covers paving and grading of airport and airfield runways, taxiways, and aprons, including the installation of fencing, signage, runway lighting and marking; and work done under the specialty classifications of S(Boring and Tunneling), S(Concrete Construction), S(Marine and Freshwater Construction), S(Railroad Construction), ~~and H(Grading and Excavating)~~ Excavating), S(Metal Erection), and S(Sign/Billboard).
- (4) Public Utilities Contractor. This classification includes demolition and operations that are the performance of construction work on water and wastewater systems and on the subclassifications of facilities set forth in G.S. 87-10(b)(3). The Board shall issue a license to a public utilities contractor that is limited to any of the subclassifications set forth in G.S. 87-10(b)(3) for which the contractor qualifies. A public utilities contractor license covers work done under the specialty classifications of S(Boring and Tunneling), PU(Communications), PU(Fuel Distribution),

1 PU(Electrical-Ahead of Point of Delivery), PU(Water Lines and Sewer Lines), PU(Water
2 Purification and Sewage Disposal), and S(Swimming Pools).

3 (5) Specialty Contractor. This classification covers all construction operation and performance of
4 contract work outlined as follows:

5 (A) H(Grading and Excavating). This classification covers the digging, moving, and placing of
6 materials forming the surface of the earth, excluding air and water, in such a manner that
7 the cut, fill, excavation, grade, trench, backfill, or any similar operation may be executed
8 with the use of hand and power tools and machines used for these types of digging, moving,
9 and material placing. It covers work on earthen dams and the use of explosives used in
10 connection with all or any part of the activities described in this Subparagraph. It also
11 includes clearing and grubbing, and erosion control activities.

12 (B) S(Boring and Tunneling). This classification covers the construction of underground or
13 underwater passageways by digging or boring through and under the earth's surface,
14 including the bracing and compacting of such passageways to make them safe for the
15 purpose intended. It includes preparation of the ground surfaces at points of ingress and
16 egress.

17 (C) PU (Communications). This classification covers the demolition and installation of the
18 following:

19 (i) all types of pole lines, and aerial and underground distribution cable for telephone
20 systems;

21 (ii) aerial and underground distribution cable for cable TV and master antenna TV
22 systems capable of transmitting R.F. signals;

23 (iii) underground conduit and communication cable, including fiber optic cable; and

24 (iv) microwave systems and towers, including foundations and excavations where
25 required, when the microwave systems are being used for the purpose of
26 transmitting R.F. signals; and installation of PCS or cellular telephone towers and
27 sites.

28 (D) S(Concrete Construction). This classification covers the construction, demolition, and
29 installation of foundations, pre-cast silos, and other concrete tanks or receptacles,
30 prestressed components, and gunite applications, but excludes bridges, streets, sidewalks,
31 curbs, gutters, driveways, parking lots, and highways.

32 (E) PU(Electrical-Ahead of Point of Delivery). This classification covers the construction,
33 installation, alteration, maintenance, or repair of an electrical wiring system, including sub-
34 stations or components thereof, which is or is intended to be owned, operated, and
35 maintained by an electric power supplier, such as a public or private utility, a utility
36 cooperative, or any other properly franchised electric power supplier, for the purpose of

furnishing electrical services to one or more customers. This classification includes the construction of solar arrays.

(F) PU(Fuel Distribution). This classification covers the construction, installation, alteration, maintenance, or repair of systems for distribution of petroleum fuels, petroleum distillates, natural gas, chemicals, and slurries through pipeline from one station to another. It includes all excavating, trenching, and backfilling in connection therewith. It covers the installation, replacement, and removal of above ground and below ground fuel storage tanks.

(G) PU(Water Lines and Sewer Lines). This classification covers demolition and construction work on water and sewer mains, water service lines, and house and building sewer lines, as defined in the North Carolina State Building Code, and covers water storage tanks, lift stations, pumping stations, and appurtenances to water storage tanks, lift stations, and pumping stations. It includes pavement patching, backfill, and erosion control as part of construction.

(H) PU(Water Purification and Sewage Disposal). This classification covers the demolition and performance of construction work on water and wastewater systems; water and wastewater treatment facilities; and all site work, grading, and paving of parking lots, driveways, sidewalks, curbs, and gutters that are ancillary to such construction of water and wastewater treatment facilities. It covers the work done under the specialty classifications of S(Concrete Construction), S(Insulation), S(Interior Construction), S(Masonry Construction), S(Roofing), and S(Metal Erection) as part of the work on water and wastewater treatment facilities.

(I) S(Insulation). This classification covers the installation, alteration, or repair of materials classified as insulating media used for the non-mechanical control of temperatures in the construction of residential and commercial buildings. It does not include the insulation of mechanical equipment, and lines and piping that are ancillary to the building.

(J) S(Interior Construction). This classification covers the installation and demolition of acoustical ceiling systems and panels, load bearing and non-load bearing partitions, lathing and plastering, flooring and finishing, interior recreational surfaces, window and door installation, and installation of fixtures, cabinets, and millwork. It includes the removal of asbestos and replacement with non-toxic substances.

(K) S(Marine and Freshwater Construction). This classification covers all marine and freshwater demolition and construction and repair activities and all types of marine and freshwater construction and demolition in deep-water installations and in harbors, inlets, sounds, bays, channels, canals, rivers, lakes, ponds, or any navigable waterway; it covers dredging, construction, and installation of pilings, piers, decks, slips, docks, and bulkheads. It does not include other structures that may be constructed on docks, slips, and piers.

- (L) S(Masonry Construction). This classification covers the demolition and installation, with or without the use of mortar or adhesives, of the following:
- (i) brick, concrete block, gypsum partition tile, pumice block, or other lightweight and facsimile units and products common to the masonry industry;
 - (ii) installation of fire clay products and refractory construction; and
 - (iii) installation of rough cut and dressed stone, marble panels and slate units, and installation of structural glazed tile or block, glass brick or block, and solar screen tile or block.
- (M) S(Railroad Construction). This classification covers the demolition, building, construction, and repair of railroad lines including:
- (i) the clearing and filling of rights-of-way;
 - (ii) shaping, compacting, setting, and stabilizing of road beds;
 - (iii) setting ties, tie plates, rails, rail connectors, frogs, switch plates, switches, signal markers, retaining walls, dikes, fences, and gates; and
 - (iv) construction and repair of tool sheds and platforms.
- (N) S(Roofing). This classification covers the installation, demolition, and repair of roofs and decks on residential, commercial, industrial, and institutional structures requiring materials that form a water-tight and weather-resistant surface. The term "materials" for purposes of this Subparagraph includes cedar, cement, asbestos, clay tile and composition shingles, all types of metal coverings, wood shakes, single ply and built-up roofing, protective and reflective roof and deck coatings, sheet metal valleys, flashings, gravel stops, gutters and downspouts, and bituminous ~~waterproofing~~ waterproofing, including torch down roof systems. Any insulation material installed as a component of a torch down roofing system shall be included as work covered under this classification.
- (O) S(Metal Erection). This classification covers:
- (i) the field fabrication, demolition, erection, repair, and alteration of architectural and structural shapes, plates, tubing, pipe and bars, not limited to steel or aluminum, that are or may be used as structural members for buildings, equipment, and structure; and
 - (ii) the layout, assembly and erection by welding, bolting, riveting, or fastening in any manner metal products as curtain walls, tanks of all types, hoppers, structural members for buildings, towers, stairs, conveyor frames, cranes and crane runways, canopies, carports, guard rails, signs, steel scaffolding as a permanent structure, rigging, flagpoles, fences, steel and aluminum siding, bleachers, fire escapes, and seating for stadiums, arenas, and auditoriums.
- (P) S(Swimming Pools). This classification covers the construction, demolition, service, and repair of all swimming pools. It includes:

- (i) excavation and grading;
- (ii) construction of concrete, gunite, fiberglass, metal-walled with liner, steel-walled with liner, and plastic-type pools, pool decks, and walkways, and tiling and coping; and
- (iii) installation of all equipment including pumps, filters, and chemical feeders. It does not include direct connections to a sanitary sewer system or to portable water lines, nor the grounding and bonding of any metal surfaces or the making of any electrical connections.

(Q) S(Asbestos). This classification covers renovation or demolition activities involving the repair, maintenance, removal, isolation, encapsulation, or enclosure of Regulated Asbestos Containing Materials (RACM) for any commercial, industrial, or institutional building, whether public or private. It also covers all types of residential building construction involving RACM during renovation or demolition activities. This specialty is required only when the cost of asbestos activities as described herein are equal to or exceed ~~thirty~~ forty thousand dollars ~~(\$30,000)~~ (\$40,000).

(R) S(Wind Turbine). This classification covers the construction, demolition, installation, and repair of wind turbines, wind generators, and wind power units. It includes assembly of blades, generator, turbine structures, and towers. It also includes ancillary foundation work, field fabrication of metal equipment, and structural support components.

(S) S(Sign/Billboard). This classification covers the construction, renovation, installation, repair, erection, or demolition of any structural signs [and/or billboard,] or billboards, as used in G.S. 136-128(3) that [is] are permanently annexed to real property and as defined in Article 11 of Chapter 136 of the N.C. General Statutes.

(b) An applicant may be licensed in more than one classification of general contracting provided the applicant meets the qualifications for the classifications, which includes passing the examinations for the classification requested by the applicant. The license granted to an applicant who meets the qualifications for all of the classifications set forth in the rules of this Section shall be designated "unclassified."

History Note: Authority G.S. 87-1; 87-4; 87-10;

Eff. February 1, 1976;

Readopted Eff. September 26, 1977;

Amended Eff. June 1, 1994; June 1, 1992; May 1, 1989; January 1, 1983;

Temporary Amendment Eff. February 18, 1997;

Amended Eff. April 1, 2014; June 1, 2011; September 1, 2009; April 1, 2004; April 1, 2003; August 1, 2002; April 1, 2001; August 1, 2000; August 1, 1998;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016;

1 *Amended Eff. September 1, 2019; April 1, 2018;*
2 *Recodified from 21 NCAC 12 .0202 Eff. January 2, 2020;*
3 *Amended Eff. September 1, 2025; December 1, 2023; January 1, 2023; January 1, 2022.*
4
5

21 NCAC 12B .0402 is amended with changes as published in 39.17 NCR 1122 as follows:

21 NCAC 12B .0402 RENEWAL AND EXPIRATION OF INSTRUCTOR APPROVAL

(a) Board approval of instructors shall expire annually on December 1 following issuance of Board approval.

(b) A provider offering courses shall file an application for a previously approved instructor renewal no less than 30 days immediately preceding expiration of approval. The instructor renewal application shall include the instructor's:

- (1) legal name, address, email address, and telephone number;
- (2) general contractor's license number and qualifier ID number, if applicable, and instructor ID number assigned by the Board;
- (3) course name(s) and course number(s) for which the provider is seeking approval as an instructor; and
- (4) signature.

(c) In order to reinstate an instructor approval that has been expired for less than ~~six months~~, one year, the former instructor shall meet the requirements set forth in Paragraph (b) of this Rule.

(d) If an instructor approval has been expired for more than ~~six months~~, one year, the provider shall file an application for initial instructor approval pursuant to Rule .0401 of this Subchapter.

History Note: Authority G.S. 87-10.2(d);

Temporary Adoption Eff. January 2, 2020;

Eff. September 1, ~~2020~~ 2020;

Amended Eff. September 1, 2025.

Burgos, Alexander N

Subject: FW: [External] Technical Changes - General Contractor's Board

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Monday, August 11, 2025 1:54 PM
To: Anna Choi <Anna.Choi@nclbgc.org>
Cc: Dena Brown <dena.brown@nclbgc.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Technical Changes - General Contractor's Board

Good afternoon,

12B .0402:

- In (b), line 5, please add “offering courses” after “provider”.
- Thank you for clarifying. The phrase “defined entirely” confused me.

12A .0202:

- Yes, line 21. Please delete “billboard” or consider saying, “as used in G.S. 136-128(3)”.

Please reply with the requested changes and/or responses at your earliest convenience.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

From: Anna Choi <Anna.Choi@nclbgc.org>
Sent: Friday, August 8, 2025 6:14 PM
To: Wiggs, Travis C
Cc: Dena Brown; Burgos, Alexander N
Subject: RE: [External] Technical Changes - General Contractor's Board

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Travis,
My apologies for not including Alex in my original the email. Below are my replies to your follow-up questions:

12B .0402:

- I don't see any mention of "sponsor" in 21 NCAC 12B .0202(c). Is there a different rule you intended to reference? I don't see a definition of "provider" in Section .0200 of 21 NCAC 12B. Your response says "provider" is a "statutory term". Please cite the statute in which "provider" is defined. This Rule uses "provider" and "instructor" but any distinction between them is unclear and ambiguous in this Rule.

RESPONSE:

I provided you with an incorrect rule reference; my apologies. Please see 21 NCAC 12B .0101(c) which states that the terms "sponsor" and "provider" are synonymous. I offered that as an effort to help you better understand the role of the provider. "Provider" is used throughout – but is not specifically defined in – GS 87-10.2, the Board's Continuing Education statute. However, the function and responsibilities of a provider are clearly established by the requirements set out in GS 87-10.2 "Providers" are the entities that offer the courses; "instructors" are the individuals who actually teach the courses. As an example, CLE courses are offered by the NC Bar Association (provider/sponsor) and are taught by individual lawyers who serve as the instructors. The Board believes that these terms and their distinction throughout the statute and existing rules are clear and unambiguous. Please see 21 NCAC 12B .0201(a) which reads "Only continuing education providers approved by the Board shall be eligible to offer continuing education courses. . . ." (emphasis added). Finally, I would note that 21 NCAC 12B .0201 ("Application for Initial Approval of Continuing Education Provider"), while not before the Commission at this time, was amended effective January 1, 2023. This rule is within section .0200 "providers" of 21 NCAC 12B and references the term "provider" throughout, including setting out the requirements to become an approved provider. Commission Counsel Liebman raised no concerns with the term "provider" at that time; the rule was voted on by the Commission at its November 17, 2022 meeting and was approved effective January 1, 2023 with no objections. Please let me know if you would like to discuss this further.

- In (b), your response says, "the contents" of the application "are defined entirely in this Rule." 21 NCAC 12B .0202(5) requires "any change in the provider's business entity" to be included in the renewal application. Why is that requirement not listed in .402(b)?

RESPONSE

I am not sure I fully understand your question, but I will do my best to address it. Your original question was whether the contents of the instructor approval renewal application - which must be filed by a provider per .0402(b) – were “entirely described in this Rule, another rule, or a statute.” I responded, “The contents are defined entirely in this Rule” but I should have responded “The contents are described entirely in this Rule.” I am not sure if my use of the incorrect word led to your follow up question, but I would note that rule .0202 sets out the requirements for provider approval and rule .0402 sets out the requirements for instructor approval. Providers and instructors are different, hence the differences in both initial applications (.0201 for providers; .0401 for instructors) and renewals (.0202 for providers; .0402 for instructors). Please let me know if you would like to discuss this further.

12A .0202:

- On pg. 5, line 12, my prior request said, “*please cite specifically where the definition is found in “Article 11 of Chapter 136.”*” You responded, “Done”, but I don’t see where any change was made. Please clarify.

RESPONSE

I assume you are referring to page 5, line 21 but please confirm; apologies for not fully responding to your previous request. “Billboard” is not defined in Article 11 of Chapter 136 but is referenced in the definition of “outdoor advertising” set out in GS 136-128(3). If it would resolve your concern to remove “billboard” from this amendment, please let me know.



Anna Baird Choi

General Counsel

North Carolina Licensing Board for General Contractors

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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Sent: Friday, August 8, 2025 4:12 PM

To: Anna Choi <Anna.Choi@nclbnc.org>

Cc: Dena Brown <dena.brown@nclbnc.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: RE: [External] Technical Changes - General Contractor's Board

Some people who received this message don't often get email from travis.wiggs@oah.nc.gov. [Learn why this is important](#)

Good afternoon,

Please remember to cc alexander.burgos@oah.nc.gov to all email communications. Please see my requests and responses below:

12B .0402:

- I don’t see any mention of “sponsor” in 21 NCAC 12B .0202(c). Is there a different rule you intended to reference? I don’t see a definition of “provider” in Section .0200 of 21 NCAC 12B. Your response says “provider” is a “statutory term”. Please cite the statute in which “provider” is defined. This Rule uses “provider” and “instructor” but any distinction between them is unclear and ambiguous in this Rule.

- In (b), your response says, “the contents” of the application “are defined entirely in this Rule.” 21 NCAC 12B .0202(5) requires “any change in the provider’s business entity” to be included in the renewal application. Why is that requirement not listed in .402(b)?

12A .0202:

- On pg. 5, line 12, my prior request said, “*please cite specifically where the definition is found in “Article 11 of Chapter 136.”*” You responded, “Done”, but I don’t see where any change was made. Please clarify.

Please reply at your earliest convenience. Thank you.

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Anna Choi <Anna.Choi@nclbgc.org>
Sent: Thursday, August 7, 2025 4:50 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Dena Brown <dena.brown@nclbgc.org>
Subject: [External] Technical Changes - General Contractor's Board

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Travis,
Attached please find your Request for Technical Changes and the Board’s 5 rules (4 for amendment, 1 for repeal).

My responses are in **red** text, within your document and immediately below your comments. This is how I’ve responded to other Commission Counsel when receiving a Request for Technical Changes, but if you’d prefer I respond in another way, just let me now.

Regards,
Anna



Anna Baird Choi
General Counsel
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Burgos, Alexander N

From: Wiggs, Travis C
Sent: Thursday, July 24, 2025 3:33 PM
To: anna.choi@nclbgc.org
Cc: Burgos, Alexander N
Subject: August RRC Meeting
Attachments: 08_2025_Licensing Board for General Contractors Request for Technical Changes.docx

Good afternoon,

I'm the attorney who reviewed the rules submitted by the Licensing Board of General Contractors for the August 2025 RRC meeting. The RRC will formally review these rules at its meeting on Thursday, August 28, 2025, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, please let me know prior to the meeting, and we will get evites out to them as well.

Attached is the Request for Changes Pursuant to G.S. 150B-21.10. Please submit the revised rules to me via email, no later than 5 p.m. on August 8, 2025. Let me know if you have any questions.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
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Email: travis.wiggs@oah.nc.gov

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