

1 21 NCAC 02 .0102 is ~~repealed as follows:~~ repealed as published in 36:15 NCR 1301:

2 **21 NCAC 02 .0102 ORGANIZATION OF BOARD AND OFFICERS**

3

4 *History Note: Authority G.S. 83A-2; 83A-6;*

5 *Eff. February 1, 1976;*

6 *Readopted Eff. September 29, 1977;*

7 *Amended Eff. May 1, 1989; November 1, 1979;*

8 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,*
9 *2015;*

10 *Temporary Amendment Eff. November 30, 2021.*

11 *Repealed Eff. June 1, 2022*

1 21 NCAC 02 .0106 is ~~proposed for amendment as follows:~~ amended as published in 36:15 NCR 1301:

2

3 **21 NCAC 02 .0106 SEAL OF BOARD**

4 ~~The Board has adopted a seal, which is circular in shape and contains the words, "North Carolina Board of~~
5 ~~Architecture." The seal is maintained in the Board's office under the care, custody and charge of the Executive~~
6 ~~Director. The seal shall be used at the direction of the Board to authenticate any official action or report of the~~
7 ~~Board. The absence of the seal shall not automatically imply the lack of authentication of any document issued~~
8 ~~by the Board. The official seal adopted by the Board is the Great Seal of the State of North Carolina with the~~
9 inscription of the Board name on the perimeter.

10

11

12 *History Note: Authority G.S. 83-5; 83A-6;*

13 *Eff. February 1, 1976;*

14 *Readopted Eff. September 29, 1977;*

15 *Amended Eff. May 1, 1989;*

16 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,*
17 *2015.*

18 *Temporary Amended Eff. November 30, 2021*

19 *Amended Eff. June 1, 2022*

1 21 NCAC 02 .0108 is ~~proposed for amendment as follows:~~ amended as published in 36:15 NCR 1301:

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37

21 NCAC 02 .0108 FEES

The fees required by the ~~Board Board~~, are ~~payable in advance and~~ are set forth below:

Initial Registration Application by Exam	
Residents and Non Residents	\$ 50.00
Firm Registration	\$ 75.00
Annual license renewal	
Individual	\$ 50.00
Firm	\$100.00
Late renewal Penalty	\$ 50.00
Reciprocal registration	\$150.00
<u>Initial License to Practice Architecture:</u>	
By Exam	\$50.00
By Reciprocity	\$150.00
Firm License	\$75.00
<u>Annual License to Practice Architecture Renewal:</u>	
Individual	\$50.00
Firm	\$100.00
<u>Late Renewal Penalty for Individual Architects and Firms:</u>	
Up-to-30 days	\$50.00
30 days to 1 year	\$100.00
<u>Reinstatement of Expired License:</u>	
Architect	\$250.00
Firm	\$250.00
<u>Initial Registration to Practice Interior Design:</u>	
By Reciprocity	\$150.00
Firm Registration	\$75.00
<u>Annual Registration to Practice Interior Design Renewal:</u>	
Individual	\$50.00
Firm	\$100.00

1	<u>Late Renewal Penalty for Interior Designers and Interior Design Firms:</u>	
2	<u>Up-to-30 days</u>	<u>\$50.00</u>
3	<u>30 days to 1 year</u>	<u>\$100.00</u>
4		
5		
6	<u>Reinstatement of Expired Registration</u>	
7	<u>Interior Designer</u>	<u>\$250.00</u>
8	<u>Interior Design Firm</u>	<u>\$250.00</u>
9		

10 ~~Individual or Firm Reinstatement shall be the fee as described in G.S. 83A-11 and G.S. 55B-10.~~

11 All fees paid to the Board are non-refundable.

12 ~~Other publications and services provided by the Board are available on the Board web site at www.ncbarch.org.~~

13

14 *History Note: Authority G.S. 55B-10; 83A-4; 83A-11;*
 15 *Eff. February 1, 1976;*
 16 *Readopted Eff. September 29, 1977;*
 17 *Amended Eff. July 1, 2014; December 1, 2010; June 1, 1995; December 1, 1992; May 1, 1991; May*
 18 *1, 1989; July 1, 1987;*
 19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,*
 20 *2015;*
 21 *Amended Eff. November 1, 2017.*
 22 *Temporary Amended Eff. November 30, 2021*
 23 *Amended Eff. June 1, 2022*

1 21 NCAC 02 .0109 is proposed for amendment as follows: amended with changes as published in 36:15 NCR 1301:

2 **21 NCAC 02 .0109 DEFINITIONS**

3 In addition to the statutory definitions in G.S. 83A-1, as used in these Rules, the following terms shall have the
4 following meanings:

5 (1) "Delinquent" is the status of a license registration that has not been renewed in accordance with
6 Rule ~~[21 NCAC 02]~~ .0213(b) of this Chapter for individuals and ~~21 NCAC 02 .0214(d)~~ Rule ~~[21~~
7 ~~NCAC 02]~~ .0214 (c) of this Chapter for firms.

8 ~~[(2)]~~ "Licensed" means holding a license to practice architecture in the State of North Carolina as
9 defined by North Carolina General Statute Chapter 83A. "Registered" has the same meaning as
10 licensed. ~~["Licensed" means holding a license to practice architecture in the State of North~~
11 ~~Carolina as defined by G.S. 83A. "Registered" has the same meaning as 'registered interior~~
12 ~~designer' as set forth in G.S. 83A.]~~

13 ~~[(3)]~~ ² "Fictitious name" is any assumed name, ~~style~~ style, or designation other than the proper legal
14 name of the entity as registered with the Secretary of State, using such name. The surname of a
15 person, standing alone or coupled with words that describe the business, is not a fictitious business
16 name. The inclusion of words that suggest additional owners, such as "Company," "& Company,"
17 "& Sons," "& Associates," makes the name an assumed or fictitious name. For partnerships, the
18 last name of all partners must be ~~listed~~ listed, or the fictitious name definition applies.

19 ~~[(4)]~~ "Responsible control" has the meaning described in Rule ~~.0206(d)~~. ~~["Architectural Firm" means~~
20 ~~any Professional Corporation or Professional Limited Liability Company approved by the Board~~
21 ~~and engaged in the practice of architecture. "Registered Interior Design Firm" means any Business~~
22 ~~Corporation or Limited Liability Company approved by the Board and engaged in registered~~
23 ~~interior design services.]~~

24 (5) ~~"Firm" or "Architectural Firm" means any Professional Corporation or Professional Limited~~
25 ~~Liability Company approved by the Board and engaged in the practice of architecture.~~

26 ~~(6)~~ ~~[(5)]~~ ⁽³⁾ "Procurement" means purchasing or pricing of materials to construct a building or
27 structure.

28 ~~(7)~~ ~~(6)~~ ⁽⁴⁾ ~~[Direct Supervision]~~ "Direct Supervision" as used in North Carolina ~~G.S. 83A-15(a)(1)b~~
29 ~~[General Statute 83A]~~ means responsible control. ~~control as defined in Rule [21 NCAC 02] .0203.~~

30
31 ~~(8)~~ ~~[(7)]~~ ⁽⁵⁾ "Continuing Competency" as used in North Carolina General Statute 83A-6(a)(5) means
32 continuing education obtained post licensure that enables a registered architect to increase or
33 update knowledge of and competence in technical and professional subjects related to the practice
34 of architecture to safeguard the public's health, safety and welfare. ~~["Continuing Competency"]~~
35 ~~"Continuing Competency" as used in [North Carolina General Statute] G.S 83A-6(a)[(5)] means~~
36 ~~continuing education obtained post licensure or registration that enables an architect or registered~~
37 ~~interior designer to increase or update knowledge of and competence in technical and professional~~

1 subjects related to the practice of architecture and interior design to safeguard the public's health,
2 ~~[safety]~~ safety, and welfare.

3 (9)~~(8)~~ (6) "Health, safety ~~[and]~~ or, welfare" (HSW) as used in ~~[North Carolina General Statute]~~
4 G.S. 83A-6 (a)~~(5)~~ means technical and professional subjects that according to these rules
5 safeguard the public and that are necessary for the proper evaluation, design, construction and
6 utilization of buildings and the built environment.

7 ~~(9)~~(7) "Architect-of-record" or "Designer-of-record" means persons or entities whose seals
8 appear on plans, specifications, and contract documents.

9
10 *History Note: Authority G.S. 83A-6;*
11 *Eff. November 1, 2010;*
12 *Amended Eff. October 1, 2012;*
13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
14 *13, 2015.*
15 *Amended Eff. June 1, 2022*
16

1 21 NCAC 02 .0201 ~~proposed for amendment as follows:~~ is amended as published in 36:15 NCR 1302:

2
3 **21 NCAC 02 .0201 ARCHITECT, REGISTERED INTERIOR DESIGNER, FIRM OR PARTNERSHIP**
4 **CONTACT INFORMATION AS ON FILE WITH THE BOARD**

5 (a) Every individual licensee and registrant shall keep the Board advised of ~~his/her~~ his or her preferred current contact
6 information. ~~information,~~ Current contact information includes a ~~including~~ physical mailing address, ~~email and phone~~
7 ~~numbers, principle place of business and electronic mail address~~ email, phone numbers, and the name of the firm or
8 partnership where ~~he/she is~~ he or she is employed.

9 (b) Each firm or partnership ~~shall~~ shall, within 30 ~~days~~ days, notify the Board of all changes in ownership, ~~of~~
10 association, contact information, ~~electronic email~~ email, or physical address. Upon the dissolution of a firm, the
11 architect or registered interior designer in responsible control of the firm at the time of dissolution shall notify the
12 Board within 30 days ~~notify the Board~~ concerning such ~~dissolution,~~ dissolution and of the succeeding status and
13 addresses of the architects and registered interior designers employed by the firm. ~~and addresses of the firm.~~ This
14 ~~requirement is in addition to registration, listing and renewal requirements set out elsewhere in rules of this Chapter.~~

15
16 *History Note: Authority G.S. 83A-5; 83A-6;*

17 *Eff. February 1, 1976;*

18 *Readopted Eff. September 29, 1977;*

19 *Amended Eff. November 1, 2010; June 1, 1995;*

20 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,*
21 *2015.*

22 *Temporary Amended Eff. November 30, 2021*

23 *Amended Eff. June 1, 2022*

24

1 **21 NCAC 02 .0202 IS REPEALED AS FOLLOWS:** repealed as published in 36:15 NCR 1302:

2

3

4 **21 NCAC 02 .0202 APPLICABILITY OF BOARD RULES**

5

6 *History Note: Authority G.S. 83A-6;*

7 *Eff. February 1, 1976;*

8 *Readopted Eff. September 29, 1977;*

9 *Amended Eff. July 1, 2014; June 1, 1995; May 1, 1989;*

10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,*
11 *2015.*

12 *Temporary Amended Eff. November 30, 2021*

13 *Repealed Eff. June 1, 2022*

21 NCAC 02 .0203 is proposed for amendment as follows; amended with changes as published in 36:15 NCR 1302:

21 NCAC 02 .0203 GENERAL OBLIGATIONS OF PRACTICE RULES OF PROFESSIONAL CONDUCT

As a primary obligation and responsibility, the architect shall conduct his office and all aspects of his practice in such manner as to "safeguard life, health and property" as provided in G.S. 83A-12. All persons licensed or registered under the provisions of Chapter 83A of the North Carolina General Statutes are charged with having knowledge of the Rules of this Chapter and are deemed to be familiar with their provisions and to understand them. Each licensed or registered person and entity shall sign a statement on the renewal notice affirming understanding of the laws and rules.

- (1) Licensees and registrants shall conduct their practice in order to ~~protect the public health, safety, or welfare,~~ safeguard life, health and property as provided in G.S. 83A-12. The licensee or registrant shall always recognize the primary obligation to protect the public in the performance of the professional duties. ~~The architect or registered interior designer acts as a professional adviser to their client and their advice shall not be prejudiced.~~ If the licensee or registrant's professional judgment is overruled under circumstances where the licensee or registrant, in their professional judgment, believes ~~safety, health~~ health, safety, and welfare of the public are endangered, the licensee or registrant shall inform the employer, the client, the contractor, other affected parties, and any appropriate regulatory agency of the possible consequences of the situation.
- (2) In designing a project, the licensee or registrant shall consider all applicable federal, State and municipal building laws and rules. A licensee or registrant shall undertake to perform professional services only when they, together with those whom the licensee or registrant may engage as consultants, are qualified by education, training and experience in the specific technical areas involved. While a licensee or registrant may rely on the advice of other professionals such as attorneys, engineers or other qualified persons as to the intent and meaning of such laws and rules, once having obtained advice, a licensee or registrant shall not design a project in violation of laws and rules.
- (3) In practicing architecture or interior design, the licensee or registrant shall act with reasonable care and competence and shall apply the technical knowledge and skill which is ordinarily applied by architects or interior designers of good standing. ~~standing, practicing in the same locality.~~

In addition, an architect is also charged with the following personal and professional obligations of good practice:

- (1) — The concern and purpose of the profession of architecture are the creation of a physical environment of use, order, and beauty through the resources of design, economics, technology, and management. The physical environment includes a spectrum of elements serving man, from the artifact and the building to the community and the region.

1 ~~(2) The profession of architecture calls for individuals of the highest integrity, judgment, business~~
2 ~~capacity and artistic and technical ability. An architect's honesty of purpose must be above~~
3 ~~suspicion. An architect acts as professional adviser to his client and his advice must be~~
4 ~~unprejudiced.~~

5
6 (4) Responsible Control. No architect or registered interior designer shall affix his or her seal and
7 signature to contract documents developed by others not under the architect's or registered interior designer's
8 responsible control. "Responsible control" means that amount of control over and professional knowledge of
9 the content of technical submissions during their preparation as is exercised by an architect or registered
10 interior designer applying the required professional standard of care, including:

11 (a) dissemination of programmatic requirements;

12 (b) ongoing coordination and correlation of services with other aspects of the total design
13 of the project;

14 (c) verification with consultant that owner's requirements are being met;

15 (d) authority over the services of those who assisted in the preparation of the documents;

16 (e) assumption of responsibility for the services;

17 (f) incorporation of services and technical submissions into design documents to be issued
18 for permitting purposes; and

19 (g) incorporation and integration of information from manufacturers, suppliers, installers,
20 the architect's or registered interior designer's consultants, owners, contractors, or other
21 sources the architect or registered interior designer [trusts] knows to be reliable that is
22 incidental to and intended to be incorporated into the architect's or registered interior
23 designer's technical submissions if the architect or registered interior designer has
24 coordinated and reviewed such information.

25 (5) An architect or registered interior designer shall not deliberately make a false statement or deliberately
26 fail to disclose a fact requested in connection with their application for license or registration renewal.

27 (6) An architect or registered interior designer shall not [in] assist [in] the application for licensure or
28 registration of a person known by the architect or registered interior designer to be unqualified with respect
29 to education, training, experience, or character.

30 (7) An architect or registered interior designer shall issue public statements only in an unbiased and truthful
31 manner and:

32 (a) shall be objective and truthful in all professional reports, statements, or testimony. The
33 architect or registered interior designer shall include all relevant and pertinent information
34 in such reports, statements or testimony;

35 (b) when serving as an expert or technical witness before any court, commission, or other
36 tribunal, shall express an opinion only when it is founded upon [adequate] knowledge of

1 the facts at issue, upon a background of technical competence in the subject matter, and
2 ~~upon honest conviction~~ of the accuracy and propriety of the individual's testimony;

3 (c) shall issue no statements, criticisms, or arguments on architectural or interior design
4 matters connected with public policy which are inspired or paid for by an interested party,
5 or parties, unless the architect or registered interior designer has prefaced the comment by
6 explicitly identifying their name, by disclosing the identities of the party or parties on
7 whose behalf the architect or registered interior designer is speaking, and by revealing the
8 existence of any pecuniary interest the architect or registered interior designer may have in
9 the matters; and

10 (d) shall not attempt to harm the professional reputation, prospects, practice, or
11 employment of another architect or registered interior designer, nor indiscriminately
12 criticize another architect's or registered interior designer's work. Indiscriminate criticism
13 ~~includes statements~~ is a statement without ~~valid~~ basis or cause or that ~~are~~ is not
14 objective and truthful or that fails to include all factual information. If the architect or
15 registered interior designer believes that another architect or registered interior designer is
16 in violation of G.S. 83A or the Rules of this Chapter, such information shall be presented
17 to the North Carolina Board of Architecture and Registered Interior Designers in writing.

18 (8) An architect or registered interior designer shall avoid conflicts of interest and:

19 (a) shall inform the employer or client, and any reviewing agency, of any business
20 association, interests, or circumstances that attempts to influence the judgment or the
21 quality of services of the architect or registered interior designer. If, in the course of their
22 work on a project, an architect or registered interior designer becomes aware of a
23 decision taken by their employer or client, against their advice, which violates
24 applicable State or municipal building laws ~~and~~ or federal regulations and which will,
25 in their judgment, affect adversely the safety to the public of the finished project, the
26 architect or registered interior designer shall:

27 (i) report the decision to the local building inspector or other public official
28 charged with the enforcement of the applicable State or municipal building
29 laws and regulations;

30 (ii) refuse to consent to the decision;

31 (iii) in circumstances where the architect or registered interior designer
32 reasonably believes that other such decisions will be taken notwithstanding
33 his or her objection, terminate their services with reference to the project; and

34 (iv) in the case of termination in accordance with clause in Sub-Item (a)(iii)
35 of this Rule, the architect or registered interior designer shall have no liability
36 to ~~their~~ his or her client or employer on account of such termination.

1 (b) shall not accept compensation, financial or otherwise, from more than one party for
2 services on the same project, or for services pertaining to the same project, unless the
3 circumstances are disclosed to, and agreed to, in writing, by all interested parties;

4 (c) shall not solicit or accept financial or other valuable considerations from material,
5 furniture, fixtures, or equipment suppliers for specifying their products unless disclosed to
6 the client;

7 (d) shall not pay or offer to pay, a commission, political contribution, gift, or other
8 consideration in order to secure work. Gifts of nominal value including entertainment and
9 hospitality are permitted;

10 (e) when in public service as a member, advisor, or employee of a governmental body or
11 department, shall not participate in considerations or actions with respect to services
12 provided by the licensee or registrant or the licensee's or registrant's firm in private
13 architectural or registered interior design practices;

14 (f) shall not engage in any false, deceptive, fraudulent, or misleading advertising;

15 (g) shall not attempt to supplant another architect or registered interior designer on a
16 specific project after becoming aware that the other has been selected for the employment;

17 (h) when acting as the interpreter of building contract documents and the judge of
18 contract performance, an architect or interior designer shall render decisions in an
19 impartial manner;

20 (j) if an architect or registered interior designer has any business association or
21 financial interest which ~~is substantial enough to influence~~ influences their judgment
22 in connection with the performance of professional services, they shall disclose in
23 writing to their client or employer the nature of the business association or financial
24 interest, and if the client or employer objects to such association or financial interest,
25 they will either terminate such association or interest or offer to give up the
26 commission or employment;

27 (k) an architect or registered interior designer making public statements on
28 architectural or interior design questions shall disclose when they are being
29 compensated for making such statements.

30
31 (9) A licensee or registrant shall solicit or accept work on the basis of qualifications and:

32 (a) shall not offer to pay any commission, political contribution, gift, or other consideration
33 in order to secure work, exclusive of securing salaried positions through employment
34 agencies;

35 (b) shall not solicit or submit proposals for professional services containing a false,
36 fraudulent, misleading, or deceptive ~~[deceptive, or unfair]~~ statement or claim regarding the
37 cost, ~~[quality]~~ quality, or extent of services to be rendered;

1 (c) shall, with regard to fee bidding on public projects, comply with, and not knowingly
2 cooperate in any violation of the provisions of G.S.143-64.31(a), (a1), (e), and (f) for state
3 projects and, with the Brooks Act, 40 U.S.C. 541 et seq. for federal projects; and

4 (d) shall not falsify or permit misrepresentation of academic or professional qualifications
5 and shall only report educational qualifications when a degree or certificate was awarded
6 unless it is stated that no degree or certificate was awarded; and

7 (e) shall represent to a prospective or existing client or employer their qualifications and
8 the scope of their responsibility in connection with work for which they are claiming credit.

9 Misrepresentation shall be found if any of the following is not complied with:

10 (i) Each licensee or registrant shall state their prior professional experience
11 and the firm they are representing while presenting qualifications to all
12 prospective clients. If the licensee or registrant uses visual representations of prior
13 projects or experience, all designers or architects of record shall be identified.

14 (ii) An architect or registered interior designer who has been an employee of
15 another firm may not claim credit for projects contracted for in the name of the
16 previous employer. They shall indicate, next to the listing for each project, that
17 individual experience gained in connection with the project was acquired as an
18 employee and identify the previous firm. The architect or registered interior
19 designer shall also describe the nature and extent of their participation in the
20 project.

21 (iii) An architect or registered interior designer who presents a project that
22 has received awards or public recognition shall comply with the requirements in
23 this Sub-Item with regard to project presentation to the public and prospective
24 clients.

25 (iv) Projects that remain unconstructed and are listed as credits in
26 presentation items shall be listed as "unbuilt" or a similar designation, as
27 determined by the architect or registered interior designer.

28 (10) A licensee or registrant shall perform services in compliance with all of the provisions of this Chapter
29 and any federal, State, and municipal laws or regulations that apply and:

30 (a) shall not knowingly associate with or permit the use of the licensee's or registrant's name or
31 firm name in a business venture by any person or firm which the licensee or registrant knows, or
32 has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest
33 nature or is not licensed or registered;

34 (b) if the licensee or registrant has knowledge or reason to believe that another person or firm may
35 be in violation of the Rules of this Chapter or of the North Carolina Architectural and Registered
36 Interior Design Practice Act (G.S. 83A), they shall present such information to the Board in writing

1 and shall cooperate with the Board in furnishing further information or assistance as may be required
2 by the Board.

3 (c) An architect or registered interior designer shall cooperate with the Board in connection with
4 any inquiry it shall make. Cooperation includes responding to all inquiries from the Board or its
5 representative and claiming correspondence from the U. S. Postal Service, or other delivery service,
6 sent to the licensee or registrant from the Board in a timely manner. The Board shall utilize electronic
7 mail as its primary method of communication with licensees and registrants. "Timely" is defined
8 as within the time specified in the correspondence, or if no time is specified, within 15 business days
9 of receipt.

10 (11) An architect or registered interior designer who has received a reprimand or civil penalty or whose
11 professional license or registration is revoked, suspended, denied, refused renewal, refused reinstatement, put
12 on probation, restricted, or surrendered as a result of disciplinary action by another jurisdiction is subject to
13 discipline by the Board if the licensee's or registrant's action constitutes a violation of G.S. 83A or the Rules
14 of this Chapter adopted by the Board.

15 (12) In addition to the grounds stated in G.S. 83A-14 and G.S. 83A-15(3), the following acts or omissions
16 may be deemed to be "unprofessional conduct" and to be cause for the levy of a civil penalty or for denial,
17 suspension, or revocation of a license or registration or firm certificate of licensure or registration to practice
18 architecture or registered interior design:

19 (a) An architect or registered interior designer shall not, in the conduct of their professional
20 practice, knowingly violate any State or federal criminal law. A criminal conviction shall be deemed
21 prima facie evidence of knowingly violating the law.

22 (b) Evasion of professional duties.

23 (i) An architect or registered interior designer shall not, through employment by
24 contractors whether or not the contractors are licensed under G.S. 87, or by another
25 individual or entity not holding an individual or firm registration from the Board, enable
26 the employer to offer or perform architectural services or registered interior design
27 services. In design/build arrangements, the architect or registered interior designer shall
28 not be an employee of a person or firm not holding a license to practice architecture or
29 registered interior design in North Carolina.

30 (ii) An architect or registered interior designer shall not furnish limited services in such
31 manner as to enable owners, draftsmen, or others to evade the public health and safety
32 requirements of Chapter 83A, G.S. 133-2, G.S. 153A, G.S. 153A-357, G.S. 160A-412, or
33 G.S. 160A-417.

34 (iii) When building plans are begun or contracted for by persons not licensed or registered
35 and qualified, an architect or registered interior designer shall not take over, review, revise,
36 or sign or seal such drawings or revisions thereof for such persons or do any act to enable

1 either persons or the project owners to evade the requirements of Chapter 83A, G.S. 133-
2 2, G.S. 153A-357, or G.S. 160A-417.

3 (c) It is unprofessional conduct for an architect or registered interior designer to be found by a
4 court to have infringed upon the copyrighted works of other architects, registered interior
5 designers or other design professionals.

6 (13) An architect, registered interior designer or firm shall not maintain or represent by sign, listing, or
7 other manner that they have a physical presence in North Carolina unless such office employs a
8 licensed architect or registered interior designer who is a resident in North Carolina whose principal
9 place of business takes place in that office. This item does not apply to on-site project offices during
10 construction of a project.

11 (14) An architect or registered interior designer shall not knowingly continue to offer or render
12 architectural or registered interior design services as set forth in G.S. 83A after their license or
13 registration expires, is placed on delinquent status, is revoked, or suspended for failure to renew.

14 (15) Architects or registered interior designers preparing plans for building permits shall submit plans
15 that are complete and buildable. Such plans shall conform with the State Building Code and local
16 plan submission requirements. Professional judgment shall be exercised to reflect sufficient
17 documentation necessary for plan approval. Provided, however, this Rule does not alter any
18 standard of liability applicable to licensees or registrants.

19
20
21 *History Note: Authority G.S. 83A-6; 83A-14; 83A-15; 83A-16;*
22 *Eff. February 1, 1976;*
23 *Readopted Eff. September 29, 1977;*
24 *Amended Eff. May 1, 1989; November 1, 1979;*
25 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,*
26 *2015.*
27 *Temporary Amended Eff. November 30, 2021*
28 *Amended Eff. June 1, 2022*
29

1 21 NCAC 02 .0204 is ~~proposed for amendment as follows:~~ amended as published in 36:15 NCR 1307:

2 **21 NCAC 02 .0204 FORMS OF PRACTICE**

3 (a) The practice of architecture shall be carried out by one of the following types of entities:

- 4 (1) sole practitioners;
- 5 (2) professional limited liability companies that are established under the provisions of ~~G.S. 57C;~~ G.S.
6 57D-2-02;
- 7 (3) limited liability partnerships that are established under the provisions of G.S. 59-84.2;
- 8 (4) professional corporations that are established under the provisions of G.S. 55B; or
- 9 (5) general partnerships.

10 (b) The practice of registered interior design shall be carried out by one of the following types of entities:

- 11 (1) sole practitioners;
- 12 (2) limited liability companies that are established under the provisions of G.S. 57D;
- 13 (3) limited liability partnerships that are established under the provisions of G.S. 59-84.2;
- 14 (4) business corporations that are established under the provisions of G.S. 55; or
- 15 (5) general partnerships.

16 Each limited liability partnership and each general partnership engaged in the practice of architecture or registered
17 interior design in North Carolina shall keep a current list of all resident and non-resident partners of the partnership.
18 One annual listing by a representative of the partnership shall satisfy the requirement of this Paragraph for all
19 partners in the firm; however, each partner shall remain responsible for compliance with the rules. Changes in the
20 information required by this Paragraph shall be filed with the Board office within 30 days after the change occurs.

21 (b) All individuals who practice through entities described in Subparagraphs (a)(1) through (a)(4) of this Rule shall
22 be licensed to practice architecture.

23 (c) All individuals who practice architecture through entities described in Subparagraphs (a)(1) through (a)(4) of
24 this Rule shall be licensed to practice architecture.

25
26 *History Note: Authority G.S. 55B; 57C; 59-84.2; 83A-4; 83A-6; 83A-8;*

27 *Eff. February 1, 1976;*

28 *Readopted Eff. September 29, 1977;*

29 *Amended Eff. October 1, 2012; December 1, 2010; June 1, 1995;*

30 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
31 *13, 2015.*

32 *Amended Eff. June 1, 2022*

21 NCAC 02 .0205 is ~~proposed for amendment as follows:~~ amended with changes as published in 36:15 NCR 1307:

21 NCAC 02 .0205 NAME OF FIRM

(a) A licensee or registrant shall not engage in the practice of architecture or registered interior design under a firm name which is misleading or deceptive in any way as to the legal form of the firm or the persons who are partners, officers, members, or shareholders in the firm. The Board shall approve all firm names to be used in this State. Examples of misleading or deceptive firm names include the following:

- (1) ~~Use use of the plural "architects" or "registered interior designers"~~ by a sole practitioner or a firm employing only one architect or registered interior designer.~~[when the number of architects] [or registered interior designers]~~ in a firm does not warrant such use;
- (2) ~~Use use~~ of the name of an employee unless that employee is a licensed or registered partner, licensed or registered officer, licensed or registered member or licensed or registered shareholder;
- (3) ~~Use use~~ of the name of a deceased architect or registered interior designer in order to benefit from their reputation, when that architect or registered interior designer was not a former partner, officer, member or shareholder in the present firm;
- (4) ~~Use use~~ a name which is deceptively similar to that of an existing firm name; and
- (5) ~~Use use~~ of a fictitious or assumed name by a sole proprietor.

(b) Failure of the firm to register a fictitious or assumed name shall be prima facie evidence of the name being misleading or deceptive.

*History Note: Authority G.S. 55B-5; 83A-6; 83A-8; 83A-9; 83A-12;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. November 1, 2010; July 1, 2006; June 1, 1995, April 1, 1991; May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.
Temporary Amended Eff. November 30, 2021
Amended Eff. June 1, 2022*

1 21 NCAC 02 .0206 is proposed for amendment as follows: amended with changes as published in 36:15 NCR 1308:

2
3 **21 NCAC 02 .0206 REQUIREMENT FOR AND USE OF PROFESSIONAL SEAL BY AN**
4 **ARCHITECT OR REGISTERED INTERIOR DESIGNER**

5 (a) An architect shall seal his or her work whether or not the work is for an exempt project as defined in G.S. 83A-
6 13. An architect shall not sign nor seal drawings, specifications, reports, or other professional work that were not
7 prepared by the architect or under his or her responsible control. Documents shall be sealed as follows:

8 (1) An architect may seal those portions of the professional work that:

- 9 (A) were prepared by or under the responsible control of persons who are ~~registered~~ licensed
10 architects in this State if the architect has reviewed in whole or in part such portions and
11 has either coordinated their preparation or integrated them into his or her work; and
12 (B) are not required by law to be prepared by or under the responsible control of an architect if
13 the architect has reviewed and adopted in whole or in part such portions and has integrated
14 them into his or her work.

15 (2) A registered interior designer may seal those portions of the professional work that were prepared
16 by or under the responsible control of persons who are registered interior designers in this State if the registered interior
17 designer has reviewed in whole or in part such portions and has either coordinated their preparation or integrated them
18 into their work

19 ~~(2)~~(3) Individual Architect Seal Design shall be as follows:

- 20 (A) The seal may be a rubber stamp, embossed seal, computer-generated seal, or other
21 facsimile that becomes a permanent addition to original paper drawings or sets of
22 specifications for use in this State. For the purposes of this Rule, the term "for use in this
23 State" means drawings and sets of specifications prepared for bidding, procurement,
24 permitting, or for construction. For purposes of this Rule, "original" means the version of
25 drawings and sets of specifications from which all paper copies can be made.
26 (B) The standard design of the seal shall be two concentric circles in which "North Carolina"
27 and the name of the licensee are placed within the outermost circle and in which the license
28 number of the licensee and "~~Registered~~ "Licensed Architect" placed within the innermost
29 circle. The size shall be 1 ½ to 1 ¾ inches in diameter.
30 (C) The original, handwritten signature of the individual named on the seal shall be considered
31 part of ~~an~~ the individual seal and shall appear across the face of each original seal imprint
32 along with the date of affixation. The use of signature reproductions such as rubber stamps,
33 computer generated, or other facsimiles on paper copies are not permitted in lieu of actual
34 handwritten and hand dated signatures.

35 ~~(3)~~(4) Architecture Firm Seal Design shall be as follows:

- 36 (A) The seal may be a rubber stamp, embossed seal, computer-generated seal, or other
37 facsimile that becomes a permanent addition to paper drawings or sets of specifications.

1 ~~The design of the seal shall be two concentric circles in which the Architectural Firm's~~
2 ~~approved name and "North Carolina" shall be between the inner and outer circles and the~~
3 ~~firm's license registration number is placed within the innermost circle. The size shall be 1~~
4 ~~½ to 1 ¾ inches in diameter.~~

5 (B) The design of the firm seal shall be two concentric circles in which the architectural firm's
6 approved name shall be between the inner and outer circles and the firm's license number
7 is placed within the innermost circle. The size shall be 1 ½ to 1 ¾ inches in diameter. For
8 a Professional Corporation the words "Architectural Corporation, North Carolina" shall be
9 along the inside perimeter of the inner circle. For a Professional Limited Liability
10 Company, the words "Architectural Company" shall be along the inside perimeter of the
11 inner circle.

12 ~~(B) For a Professional Corporation the words "Registered Architectural Corporation, North~~
13 ~~Carolina" shall be along the inside perimeter of the inner circle. For a Professional Limited~~
14 ~~Liability Company, the words "Registered Architectural Company" shall be along the~~
15 ~~inside perimeter of the inner circle.~~

16 ~~A sole proprietorship is not required to have firm seal and shall seal all work with the individual~~
17 ~~seal as set forth in Subparagraph (2) of this Paragraph.~~

18 ~~(4)(5) The use of pre printed documents bearing a pre printed facsimile of the signed and dated seal is~~
19 ~~prohibited. Individual Registered Interior Designer Seal Design shall be as follows:~~

20 (A) The seal may be a rubber stamp, embossed seal, computer-generated seal, or other
21 facsimile that becomes a permanent addition to original paper drawings or sets of
22 specifications for use in this State. For the purposes of this Rule, the term "for use in this
23 State" means drawings and sets of specifications prepared for bidding, procurement,
24 permitting, or for construction. For purposes of this Rule, "original" means the version of
25 drawings and sets of specifications from which all paper copies can be made.

26 (B) The standard design of the seal shall be two concentric ovals in which "North
27 Carolina" and the name of the registrant are placed within the outermost oval and in which
28 the registration number of the registrant and "Registered Interior Designer" be placed
29 within the innermost oval. The dimensions shall be two inches tall by 2.75 inches wide.

30 (C) The original, handwritten signature of the individual named on the seal shall be
31 considered part of the individual seal and shall appear across the face of each original seal
32 imprint along with the date of affixation. The use of signature reproductions such as rubber
33 stamps, computer generated, or other facsimiles on paper are not permitted in lieu of actual
34 handwritten and hand dated signatures.

35 (6) Registered Interior Design Firm Seal Design shall be as follows:

36 (A) The seal may be a rubber stamp, embossed seal, computer-generated seal, or other
37 facsimile that becomes a permanent addition to drawings or sets of specifications.

1 (B) The design of the seal shall be two concentric ovals in which the registered interior design firm's
2 approved name shall be between the inner and outer ovals and the firm's registration number is
3 placed within the innermost oval. The size shall be 2 to 2 ¾ inches in diameter. For a Corporation
4 the words "Registered Interior Design Corporation, North Carolina" shall be along the inside
5 perimeter of the inner circle. For a Limited Liability Company, the words "Registered Interior
6 Design Company" shall be along the inside perimeter of the inner oval.

7 ~~(5)~~(7) Architects and registered interior designers shall affix their seal on one original of all their drawings
8 and sets of specifications prepared by them for use in this State as follows:

9 (A) on the cover sheet of each design and on each drawing prepared by the architect or
10 registered interior designer for the design;

11 (B) on the index page identifying each set of specifications; and

12 (C) on the index page of all other technical submissions. For the purposes of this Rule,
13 "technical submissions" refer to plans, drawings, specifications, studies, addenda, and other
14 technical reports prepared in the course of practicing architecture or registered interior
15 design.

16 ~~(6)~~ (8) Presentation documents, such as renderings created by an architect or registered interior designer
17 used to communicate conceptual information, shall not be sealed or signed.

18 ~~(7)~~ (9) Documents considered incomplete by the architect or registered interior designer may be released
19 for interim review without the architect's or registered interior designers seal or signature affixed,
20 but shall be dated, bear the architect's or registered interior designer's name, and be marked or
21 designated to indicate the documents are for interim review and not intended for bidding,
22 procurement, permit, or construction purposes. as follows "Incomplete - for interim review only
23 and not intended for bidding, procurement, permit, or construction purposes."

24 ~~(8)~~(10) Those sheets or pages prepared by licensed professional consultants, such as structural, mechanical
25 or electrical engineers, retained by the architect or registered interior designer shall bear the seal and
26 registration or license number of the consultant responsible therefore and shall not be sealed by the
27 architect or registered interior designer.

28 ~~(9)~~ Original Signature. The use of signature reproductions such as rubber stamps, computer generated,
29 or other facsimiles are not permitted in lieu of actual handwritten and hand dated signatures.
30 However, a digital signature as defined in Paragraph (e) of this Rule may be used in lieu of a
31 handwritten signature and handwritten date.

32 ~~(10)~~(11) The use of the prescribed seal on paper is an individual act whereby the architect or registered
33 interior designer must personally sign over the imprint of the seal. By sealing documents for use in
34 this State, an architect or registered interior designer is representing that he or she is in responsible
35 control over the content of such documents and has applied the required professional standard of
36 care. The architect or registered interior designer is responsible for security of the seal when not in
37 use.

1 ~~(11)~~(12) Use of Firm Seal. The use of the firm seal does not replace the statutory requirement for an architect's
2 or registered interior designer's individual seal as required in ~~Paragraph (d)~~ Rule .0203(4) of this
3 Chapter. The firm seal must be affixed in addition to the individual seal on the cover sheet. A firm
4 shall designate a principle or other authorized individual to be responsible for the security of the
5 firm seal.

6 (b) Prototypical [Building]-building design documents prepared by architects or registered interior designers who are
7 licensed or registered in this State or in their state of origin may be sealed by a succeeding licensed architect or
8 registered interior designer registered in North Carolina provided:

- 9 (1) the seal of the original architect or registered interior designer appears on the documents to
10 authenticate authorship;
- 11 (2) the words "Prototypical Design Documents/Not for Construction" appear on each sheet of the
12 documents by the original ~~architect~~ architect or registered interior designer;
- 13 (3) the succeeding North Carolina architect or registered interior designer identifies all modifications
14 to the standard design documents;
- 15 (4) the succeeding North Carolina architect or registered interior designer assumes responsibility for
16 the adequacy of the design for the specific application in North Carolina and for the design
17 conforming with applicable building codes, local conditions, site condition; and
- 18 (5) the succeeding North Carolina architect or registered interior designer affixes his or her seal to the
19 prototypical design documents with a statement as follows: "These documents have been examined
20 by the undersigned. I have determined that they comply with existing local North Carolina codes,
21 and I assume responsibility for the adequacy of the design for the specific application in North
22 Carolina."

23 (c) Post [Construction]-construction record drawings prepared by an architect or registered interior designer, but based
24 upon representations of contractors, are not plans that are for "bidding, procurement, permit, or construction purposes"
25 and therefore shall not be sealed by the architect or registered interior designer, as long as the Post construction record
26 drawings documents shall bear the name of the architect or registered interior designer and include language that states
27 stating-"these drawings are post construction record drawings and are based in part upon the representations of others
28 and are not for bidding, procurement, permit, or construction purposes".

29 ~~(d) Responsible Control. No architect shall affix his or her seal and signature to contract documents developed by~~
30 ~~others not under the architect's responsible control. "Responsible control" means that amount of control over and~~
31 ~~professional knowledge of the content of technical submissions during their preparation as is exercised by an architect~~
32 ~~applying the required professional standard of care, including:~~

- 33 (1) — Dissemination of programmatic requirements;
- 34 (2) — Ongoing coordination and correlation of services with other aspects of the total design of the project;
- 35 (3) — Verification with consultant that owner's requirements are being met;
- 36 (4) — Authority over the services of those who assisted in the preparation of the documents;
- 37 (5) — Assumption of responsibility for the services;

1 ~~(6) Incorporation of services and technical submissions into design documents to be issued for~~
2 ~~permitting purposes; and~~

3 ~~(7) Incorporation and integration of information from manufacturers, suppliers, installers, the architect's~~
4 ~~consultants, owners, contractors, or other sources the architect trusts that is incidental to and~~
5 ~~intended to be incorporated into the architect's technical submissions if the architect has coordinated~~
6 ~~and reviewed such information~~

7 (e) ~~The procedure for digitally signing and electronically sealing electronically transmitted plans, specifications,~~
8 ~~reports, or other documents prepared for use in this State in the course of practicing architecture is as follows:~~

9 ~~(1) Information stored in electronic files representing plans or specifications that must be sealed under~~
10 ~~the provisions of G.S. 83A-10 shall be signed, dated, and sealed by the architect in responsible~~
11 ~~control.~~

12 ~~(A) A scanned image of an original signature shall not be used in lieu of a digital or electronic~~
13 ~~signature.~~

14 ~~(B) The date that the electronic signature file was created or the digital signature was placed in~~
15 ~~to the document must appear on the document in the same manner as date is required to be~~
16 ~~applied when a licensee uses the manual sealing procedure set out in Subparagraph (a)(5)~~
17 ~~of this Rule.~~

18 ~~(d)(2) An architect utilizing a digital signature to seal electronic documents for use in this State shall ensure~~
19 ~~that the digital signature is: Documents to be electronically transmitted beyond the direct control of~~
20 ~~the licensee or registrant that are signed using a digital signature, shall contain the authentication~~
21 ~~procedure in a secure mode and a list of the hardware, [software] software, and parameters used to~~
22 ~~prepare the document(s). Secure mode means that the authentication procedure has protective~~
23 ~~measures to prevent alteration or overriding of the authentication procedure. The term "digital~~
24 ~~signature" shall be an electronic authentication process that is attached to or logically associated~~
25 ~~with an electronic document. The digital signature shall be:~~

26 ~~(A)(1) Unique to the person using it;~~

27 ~~(B)(2) Capable of verification;~~

28 ~~(C)(3) Under the sole control of the person using it; and~~

29 ~~(D)(4) Linked to a document in such a manner that the digital signature is invalidated if any data~~
30 ~~in the document is changed.~~

31 ~~(3) Each electronically signed file shall have an authentication code defined as a "message digest," as~~
32 ~~set forth in the Federal Information Processing Standards (FIPS)180-4, "Secure Hash Standard,"~~
33 ~~amended August 2015. The standard is incorporated by reference, including subsequent~~
34 ~~amendments and editions, and may be accessed at no cost at~~
35 ~~<http://nvlpubs.nist.gov/nistpubs/FIPS/NIST.FIPS.180-4.pdf>.~~

36 ~~(e)(4) The architect is responsible for the security of the digital seal. Documents for use in this [state,]~~
37 ~~[State], that are transmitted electronically beyond the direct control of the licensee or registrant shall~~

1 have the computer-generated image of the seal removed from the original file, unless signed with a
2 digital signature as defined in this Rule. After removal of the image of the seal the electronic media
3 shall have the following inserted in lieu of the signature and date: "This document was originally
4 issued and sealed by (name of sealer), (license or registration number), on (date of sealing). This
5 medium shall not be considered a certified document." Hardcopy documents containing the original
6 seal, signature and date of the licensee or registrant may be duplicated by photocopy or electronic
7 scanning processes and distributed either in hardcopy or electronic medium. The scanned digital
8 files of certified documents are not subject to the requirements of this Paragraph. The electronic
9 transmission beyond the direct control of the licensee or registrant of Computer Aided Design
10 (CAD), ~~vector~~ vector, or other files subject to easy editing are subject to the requirements of this
11 ~~paragraph.~~ Paragraph. A file subject to "easy editing" is one ~~[Easy editing is based on the file]~~
12 consisting of separate elements that can be individually modified or deleted. Documents that are
13 excepted from certification by a statement meeting the following requirements are not subject to the
14 requirements of this Paragraph:

15 (1) "Preliminary - Do not use for construction";

16 (2) "Progress Drawings - Do not use for construction";

17 (3) "Final Drawing - Not released for construction";

18 (4) "Final Drawing - For Review Purposes Only";

19 (5) "Not a Certified Document – This document was originally issued and sealed by
20 (name of licensee or registrant), (license or registration number), on (date of sealing). This document
21 shall not be considered a certified document";

22 (6) "Not a Certified Document as to the Original Document but Only as to the
23 Revisions - This document originally issued and sealed by (name of licensee or registrant), (license
24 or registration number), on (date of sealing). This document is only certified as to the revisions".

25
26 History Note: Authority G.S. 83A-6; 83A-10; 83A-12;
27 *Eff. February 1, 1976;*
28 *Readopted Eff. September 29, 1977;*
29 *Amended Eff. December 1, 2010; July 1, 2006; October 1, 1995; July 1, 1993; May 1, 1989; October*
30 *1, 1985;*
31 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,*
32 *2015;*
33 *Amended Eff. November 1, 2017.*
34 *Amended Eff. June 1, 2022*
35

1 **21 NCAC 02 .0208 IS REPEALED AS FOLLOWS:** repealed as published in 36:15 NCR 1311:

2

3

4 **21 NCAC 02 .0208 DISHONEST CONDUCT**

5

6 *History Note: Authority G.S. 14-353; 83A-6; 83A-14; 83A-15;*

7 *Eff. February 1, 1976;*

8 *Readopted Eff. September 29, 1977;*

9 *Amended Eff. November 1, 2010; July 1, 2006; December 1, 1995; June 1, 1995; October 1, 1989;*

10 *May 1, 1989;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,*

12 *2015.*

13 *Temporary Repeal Eff. November 30, 2021*

14 *Repealed Eff. June 1, 2022*

15

16

17

1 **21 NCAC 02 .0209 IS ~~REPEALED AS FOLLOWS:~~ repealed as published in 36:15 NCR 1311:**

2
3
4 **21 NCAC 02 .0209 UNPROFESSIONAL CONDUCT**

5
6 *History Note: Authority G.S. 83A-6; 83A-14; 83A-15;*
7 *Eff. February 1, 1976;*
8 *Amended Eff. February 24, 1976;*
9 *Readopted September 29, 1977;*
10 *Amended Eff. November 1, 2010; July 1, 2006; June 1, 1995; July 1, 1992; October 1, 1989; May*
11 *1, 1989;*
12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,*
13 *2015;*
14 *Amended Eff. November 1, 2017.*
15 *Temporary Amended Eff. November 30, 2021*
16 *Repealed Eff. June 1, 2022*

1 **21 NCAC 02 .0212 IS REPEALED AS FOLLOWS:** repealed as published in 36:15 NCR 1311:

2

3

4 **21 NCAC 02 .0212 INDEPENDENT JUDGMENT AND DISCLOSURE**

5

6 *History Note: Authority G.S. 83A-6; 83A-16; 83A-17;*

7 *Eff. February 1, 1976;*

8 *Readopted Eff. September 29, 1977;*

9 *Amended Eff. June 1, 1995; May 1, 1989; November 1, 1979;*

10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,*
11 *2015.*

12 *Temporary Amended Eff. November 30, 2021*

13 *Repealed Eff. June 1, 2022*

14

1 21 NCAC 02 .0213 is proposed for amendment as follows: amended with changes as published in 36:15 NCR 1311:

2
3 **21 NCAC 02 .0213 INDIVIDUAL LICENSES AND REGISTRATIONS**

4 (a) Renewal. ~~License registration~~ The license to practice architecture or interior design registration must be renewed
5 on or before the first day in July each year. No less than 30 days prior to the renewal date, the Board shall send a
6 notice of renewal to each individual licensee ~~[[or registrant] [via electronic mail.]]~~ [[It shall be the professional
7 responsibility of the licensee] [or registrant] [to renew the license] [or registration] [on or before the 30th day of July
8 each year.]-Continued practice after such date shall constitute unlawful practice as set forth in G.S. 83A-12 and may
9 be grounds for disciplinary action. No less than 30 days prior to the renewal date, the Board shall send a notice of
10 renewal to each individual licensee or registrant via electronic mail. ~~The licensee shall complete the current license~~
11 ~~renewal documentation required by the Board.~~ The licensee or registrant shall submit to the Board the completed
12 license or registration renewal documentation, along with the annual license or registration renewal fee. The Board
13 shall not accept incomplete renewal documentation. If the accompanying payment in the amount of the renewal fee is
14 dishonored by the ~~architect's~~ licensee or registrant's drawee bank for any reason, the Board shall suspend the license
15 or registration until the renewal fees and check charges are paid. When the annual renewal has been completed
16 according to the provisions of G.S. 83A-11, as well as Section .0900 of this Chapter, the Executive Director shall
17 approve renewal of the license or registration for the current license renewal year. Renewal fees are non-refundable.
18 (b) Late Renewal. If the Board has not received the annual renewal fee and completed renewal documentation on or
19 before the first day of July, each year the license or registration shall expire and be placed on delinquent status. For
20 the purpose of this Rule, "delinquent status" means an administrative ~~revocation~~ suspension and is not considered
21 discipline. The license or registration may be renewed at any time within one year of being deemed delinquent, upon
22 the return of the completed renewal documentation, the annual renewal fee, and the late renewal penalty and
23 demonstration of compliance with Section .0900 of this Chapter.
24 (c) Reinstatement. After one year from the date of expiration, the Board shall revoke the license or registration for
25 failure to renew. Reinstatement shall occur pursuant to G.S. 83A-11 and Sections .0300 and .0900 of this Chapter.
26 (d) Any individual who is currently licensed by or registered by and in good standing with the Board who is serving
27 in the armed forces of the United States shall not be subject to late fees, ~~[suspension]~~ suspension, or revocation for
28 failure to renew licensure on or before the first day July each year, provided that the individual has been granted an
29 extension of time to file a tax return as set forth in G.S. 105-249.2.

30
31 *History Note: Authority G.S. 83A-6; 83A-11; 93B-15(b);*
32 *Eff. February 1, 1976;*
33 *Readopted Eff. September 29, 1977;*
34 *Amended Eff. December 1, 2010; July 1, 2006; July 1, 1999; May 1, 1989; November 1, 1979;*
35 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,*
36 *2015;*
37 *Amended Eff. November 1, 2017.*

1
2
3

Temporary Amended Eff. November 30, 2021
Amended Eff. June 1, 2022

1 21 NCAC 02 .0214 is ~~proposed for amendment as follows:~~ amended as published in 36:15 NCR 1312:

2
3 **21 NCAC 02 .0214 FIRM PRACTICE OF ARCHITECTURE AND REGISTERED INTERIOR**
4 **DESIGN**

5 (a) Prior to offering and rendering architectural or registered interior design services as set forth in G.S. 83A and ~~21~~
6 ~~NCAC 02 Rule .0204(a) and Rule .0204(c) of this Chapter,~~ all firms shall submit an application for firm licensure or
7 registration and be granted licensure or registration by the Board. Application for firm licensure or registration to
8 practice of architecture or registered interior design within the State of North Carolina shall be made upon forms
9 provided on the Board web site at www.ncbarch.org and include the required application fee as set forth in Rule .0108
10 of this Chapter. ~~Certificates~~ Licensure for firm practice of architecture shall be issued only under the provisions of
11 the Professional Corporation Act, G.S. ~~55B,~~ except as provided in Subsection (b) of this Rule 55B and G.S. ~~57D-2-~~
12 ~~02, 57C.~~ Registration for firm practice of interior design shall be issued only under the provisions of the Business
13 Corporation G.S. 55 and G.S 57D.

14
15 ~~(b) Architectural Corporations Under G.S. 55, the Business Corporation Act. Applications for certificate of~~
16 ~~registration as exempt from the Professional Corporation Act under the provisions of G.S. 55B-15 shall be made upon~~
17 ~~forms provided by the Board. Completed applications shall be accompanied by the corporate application fee. To be~~
18 ~~eligible as an exempt corporation under the provisions of G.S. 55B-15, the following conditions must exist:~~

19 (1) ~~— The corporation must have been incorporated prior to June 5, 1969 as a business corporation;~~

20 (2) ~~— Prior to and since June 5, 1969, the corporation must have been a bona fide architectural or~~
21 ~~architectural engineering firm with services limited to the practice of architecture or architecture-~~
22 ~~engineering and ancillary services within the State of North Carolina; and~~

23 (3) ~~— The corporation must have applied to be an exempt corporation before October 1, 1979.~~

24 ~~(c)(b) Renewal of Certificate.~~ Architecture firm Firm registration licensure and interior design firm registration shall
25 be renewed on or before December 31st of each year. If the Board has not received the annual renewal fee and
26 completed application on or before December 31st of each year, the architecture firm license or interior design firm
27 registration shall expire. ~~No less than 30 days prior to the renewal date, the~~ The Board shall send a notice of renewal
28 to each licensed and registered firm no less than 30 days prior to the renewal date. Renewal documentation shall be
29 accompanied by the renewal fee. If the accompanying draft or check in the amount of the renewal fee is dishonored
30 by the firm's drawee bank for any reason, the Board shall suspend the firm license or registration until the renewal
31 fees and returned check charges are paid. When the annual renewal has been ~~complete~~ completed according to the
32 ~~provision~~ provisions of G.S. 83A-11, the Executive Director shall approve renewal for the firm for the current renewal
33 year. Upon completion of the firm annual renewal, the Board may randomly audit the compliance of firm licenses
34 and registrations and require proof in the form of corporate records maintained pursuant to North Carolina General
35 Statute ~~55B, 55B or 57D.~~ Such records ~~must~~ shall be maintained for a period of seven years after the renewal is
36 submitted. Renewal fees are non-refundable.

1 ~~(d)(c)~~ Failure to Renew and Reinstatement. Within one year of the expiration, the firm license or registration may
2 be renewed at any time, upon the return of the completed renewal documents, the annual renewal fee, and the late
3 renewal fees. After one year from the date of expiration for non-payment of the annual renewal fee the licensee or
4 registrant shall seek reinstatement, as allowed by G.S. 83A-11. The Board may reinstate the firms' license or certificate
5 of registration, as allowed by G.S. 83A-11.

6 ~~(e)(d)~~ Seal. Each licensed or registered corporation firm shall adopt a seal pursuant to ~~21 NCAC 02 .0206(a)(3).~~
7 Rule .0206 of this Chapter.

8 ~~(f) Approval of Name. In addition to the requirements and limitations of G.S. 55 and 55B, the firm name used by an~~
9 ~~architectural corporation shall conform with Rule .0205 and be approved by the Board before being used. This Rule~~
10 ~~shall not prohibit the continued use of any firm name adopted in conformity with the General Statutes of North~~
11 ~~Carolina and Board Rules in effect at the date of such adoption.~~

12
13 *History Note: Authority G.S. 55B-5; 55B-10; 55B-15; 83A-6; 83A-8; 83A-10*

14 *Eff. February 1, 1976;*

15 *Readopted Eff. September 29, 1977;*

16 *Amended Eff. July 1, 2014; December 1, 2010; July 1, 1993; May 1, 1989; November 1, 1979;*

17 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,*
18 *2015.*

19 *Temporary Amended Eff. November 30, 2021*

20 *Amended Eff. June 1, 2022*

21

1 21 NCAC 02 .0215 is proposed for amendment as follows: amended as published in 36:15 NCR 1313:

2
3 **21 NCAC 02 .0215 OUT OF STATE FIRMS**

4 (a) ~~Incorporation in Other States.~~ Architectural and interior design firms from other states ~~may~~ shall be granted firm
5 ~~certificates of licensure or~~ registration for practice in this State upon receipt by the Board of a completed application,
6 fees, the submission of a ~~certified~~ copy of their firm charter, or other corresponding documents, amended as may be
7 necessary to ~~insure~~ ensure compliance with all requirements of Chapter 55B, the Professional Corporation Act for
8 architectural firms and Chapter 55, the Business Corporation Act for registered interior design firms. ~~of the State of~~
9 ~~North Carolina, and the payment of the firm application fee.~~ In addition to the other requirements as set out in G.S.
10 83A-8, ~~foreign out of state interior design firms shall, must,~~ prior to registration, receive from the Secretary of State
11 of North Carolina a certificate of authority to do business within the state. A Architectural firms shall obtain a
12 certificate for filing for a certificate of authority must be obtained by the ~~from the~~ Board prior to submitting application
13 to the Secretary of State. ~~State for a Certificate of Authority.~~

14 (b) Designated Individuals. ~~Foreign entities may be permitted to practice architecture within the State of North~~
15 ~~Carolina provided that it complies with G.S. Chapter 55B.~~ If a ~~foreign~~ an out of state entity offers both architectural
16 and engineering services, then it ~~must~~ shall comply with requirements set forth in G.S. 89C. ~~A foreign~~ An out of state
17 entity ~~must~~ shall have at least one officer, director and shareholder licensed as an individual architect in this state.
18 Two-thirds of the issued and outstanding shares of the ~~foreign out of state~~ corporations ~~must~~ shall be owned by licensed
19 architects or engineers who are licensed to practice their profession in a jurisdiction of the United States. However,
20 the firm ~~must~~ shall designate at least one architect who is licensed in the State of North Carolina to be in responsible
21 charge control for the firm practice of architecture within the State of North Carolina. ~~Notwithstanding the~~
22 ~~requirements of this Rule, an individual architect who is licensed under G.S. Chapter 83A 7 may practice as an~~
23 ~~individual.~~ A registered interior design firm shall designate one registered interior designer to be in responsible control
24 of all interior design work offered and performed by that firm in this State.

25 (c) Partnerships. An out of state architectural or registered interior design partnership may practice ~~architecture,~~
26 architecture or registered interior design, if every partner in the firm is licensed or registered as an individual in this
27 state under Rule .0213 and the partnership complies with Paragraph (f) this Rule .

28 (d) Limited Liability Companies. An out of state Limited Liability Company may practice ~~architecture, architecture~~
29 or registered interior design if the Limited Liability Company complies with G.S. ~~57C~~ 57D and at least one member
30 and one owner are licensed or registered as ~~in individuals~~ an individual under Rule .0213 and comply with Paragraph
31 (a) of this Rule.

32 (e) Limited Liability Partnerships. An out of state Limited Liability Partnership may practice ~~architecture, architecture~~
33 or registered interior design, if the Limited Liability Partnership complies with G.S. 59, and at least one partner is
34 licensed or registered as an individual under Rule .0213.

35 (f) Failure to Renew and Reinstatement. If the Board has not received the annual firm renewal fee and completed
36 application on or before December 31st each year the firm license or registration shall expire and be deemed
37 delinquent. The firm registration may be renewed at any time within one year, upon the return of the completed

1 application, the annual renewal fee and the late renewal fees. After one year from the date of expiration for non-
2 payment of the annual renewal fee, the license or registration shall be automatically revoked. The Board may reinstate
3 the firm's ~~certificate of~~ license or registration, as allowed by ~~G.S. 83A-11~~ G.S. 83A-11.

4
5 *History Note: Authority G.S. 55B-6; 83A-6; 83A-8; 83A-9; 55B-16;*
6 *Eff. February 1, 1976;*
7 *Readopted Eff. September 29, 1977;*
8 *Amended Eff. December 1, 2010; June 1, 1995; July 1, 1993; May 1, 1989; November 1, 1979;*
9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,*
10 *2015.*
11 *Temporary Amended Eff. November 30, 2021*
12 *Amended Eff. June 1, 2022*

13

1 21 NCAC 02 .0217 proposed for amendment as follows: is amended with changes as published in 36:15 NCR 1313:

2
3 **21 NCAC 02 .0217 ARCHITECT EMERITUS**

4 Resident architects who have been registered in this ~~state~~ State who are retired from active practice or other related
5 professional activities in any[~~jurisdictions whatsoever,~~ jurisdiction may apply for "Emeritus Status" by submitting
6 a form provided by the Board showing compliance with the requirements of this Section. "Retired" means that the
7 architect no longer practices architecture ~~in that he/she no longer seals and certifies documents with his/her seal or~~
8 ~~otherwise offers to practice or practices architecture~~ as defined in G.S. 83A-1, G.S. 83A-1 as amended. Nonresident
9 architects who have been continuously certified by ~~NCARB~~ the National Council of Architecture Registration Boards
10 who are retired from active practice ~~for or~~ or other related professional ~~activities~~ activities in any ~~jurisdictions~~
11 ~~whatsoever, jurisdiction~~ and who are "emeritus." [~~"emeritus", inactive~~ inactive, or retired in every other jurisdiction
12 in which they are licensed may also apply for "Emeritus Status" by submitting a form provided by the Board showing
13 compliance with the requirements of this Section. ~~Any such "architect emeritus" must renew that status on forms~~
14 ~~provided by the Board on or before the first day of July in each year.~~ Any reference to an architect on "Emeritus
15 Status" on any letter, title, sign, ~~card~~ card, or ~~other~~ device shall list such ~~architect~~ individual as "Architect Emeritus."
16 Emeritus".

17
18 *History Note: Authority G.S. 83A-4; 83A-6; 83A-11; 83A-12;*

19 *Eff. November 1, 1991;*

20 *Amended Eff. July 1, 2006;*

21 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,*
22 *2015.*

23 *Temporary Amended Eff. November 30, 2021*

24 *Amended Eff. June 1, 2022*

25

1 **21 NCAC 02 .0218 IS REPEALED AS FOLLOWS:** repealed as published in 36:15 NCR 1313:

2

3

4 **21 NCAC 02 .0218 LIMITED LIABILITY COMPANIES**

5

6

7 *History Note: Authority G.S. 57C-2-01; 83A-6;*

8 *Eff. June 1, 1995;*

9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,*
10 *2015.*

11 *Temporary Amended Eff. November 30, 2021*

12 *Repealed Eff. June 1, 2022*

13

1 21 NCAC 02 .0302 is proposed for amendment as follows: amended with changes as published in 36:15 NCR
2 1313:

3
4 **21 NCAC 02 .0302 ARCHITECTURAL LICENSURE BY EXAMINATION**

5 (a) ~~The Board became a Direct Registration State with the National Council of Architecture Registration Boards~~
6 ~~(NCARB) on July 25, 2016.~~ Those individuals who wish to take the Architectural Registration Exam (ARE)
7 ~~must shall~~ contact the National Council of Architecture Registration Boards (NCARB) NCARB directly to
8 obtain exam eligibility. ~~[eligibility to take the ARE.]~~ Upon completion of all requirements set forth in the NCARB
9 Architecture Experience Program (AXP), a candidate seeking ~~license registration~~ licensure by exam in North
10 Carolina ~~must shall~~ direct NCARB to transmit a completed NCARB AXP record to the North Carolina Board
11 of ~~Architecture.~~ Architecture and Registered Interior Designers.

12 (b) Upon passing all sections of the NCARB ARE ~~NCARB~~, fulfillment of all NCARB AXP requirements, and
13 completion of the National Architectural Accrediting Board (NAAB) accredited degree, NCARB, as directed by
14 the candidate, will transmit a completed NCARB AXP file to the Board ~~for review.~~ ~~Upon notification of receipt~~
15 ~~of a completed AXP file from the Board, an individual may submit the application for Candidate Record Review~~
16 to determine compliance with G.S. 83A-7(a)(1)a. ~~G.S. General Statute~~ 83A-7(a)(1)a. shall be deemed satisfied
17 through completion of the requirements set forth in Subparagraphs (1) through (5) of this Paragraph. The Board
18 shall grant licensure by exam to those individuals who:

- 19 (1) are of good moral character as defined in G.S. 83A-1(5);
- 20 (2) are at least 18 years of age;
- 21 (3) have completed a NAAB accredited professional degree in architecture or who have completed
22 a NAAB accredited degree program that is identified as an NCARB endorsed Integrated Path
23 To Architectural Licensure Degree Program;
- 24 (4) have completed the NCARB AXP; and
- 25 (5) ~~submits~~ submit the Application for Licensure by Exam and fee.

26 (c) Retention of credit for purposes of licensure by examination in North Carolina.

- 27 (1) Passing scores received after July 1, 2006 on any part of the ARE remain valid for a period of
28 time established by the exam provider, NCARB.
- 29 (2) Scores received on any part of the ARE prior to July 1, 2006 are invalid.

30 (d) Practical training pursuant to G.S. 83A-7(a)(2) means practical experience and diversified training as defined
31 by ~~[the Architectural Experience Program through the NCARB.]~~ the NCARB AXP.

32 (e) During the application process, Board members, in order to augment the evidence submitted in an application
33 may interview the applicant regarding qualifications required in Paragraph (b) of this Rule. The Board shall
34 determine whether an interview is needed on a case-by-case basis, based upon information in the application,
35 including any academic or professional discipline.

1 (f) To complete the ARE, an exam candidate shall receive a passing grade in each division of the ARE.
2 Information regarding NCARB grading methods and procedures can be found on their web site at
3 www.ncarb.org.

4 (g) A person currently employed under the responsible control of an architect, who holds a Professional Degree
5 from a NAAB accredited program, and who maintains an active NCARB AXP record or has completed the
6 NCARB AXP may use the title "Architectural Intern" or "Intern Architect" in conjunction with his or her current
7 employment.

8 (h) The fees for examination, or parts thereof, are set and collected by the NCARB. Fee information is available
9 on the NCARB web site www.ncarb.org.

10 (i) The standards of the National Council of Architecture Registration Boards and its components are hereby
11 incorporated by reference including subsequent amendments and editions, and can be accessed at no charge at
12 www.ncarb.org.

13

14 *History Note: Authority G.S. 83A-1; 83A-6; 83A-7; 83A-12;*

15 *Eff. February 1, 1976;*

16 *Readopted Eff. September 29, 1977;*

17 *Amended Eff. March 1, 2016; July 1, 2014; November 1, 2010; July 1, 2006; July 1, 2000; July*
18 *1, 1996; June 1, 1995; December 1, 1992; July 1, 1991;*

19 *Amended Eff. November 1, 2017.*

20 *Temporary Amended Eff. November 30, 2021*

21 *Amended Eff. June 1, 2022*

22

1 21 NCAC 02 .303 is ~~proposed for amendment as follows:~~ amended as published in 36:15 NCR 1314:

2
3 **21 NCAC 02 .0303 ARCHITECTURE LICENSURE BY RECIPROCITY**

4 (a) An individual who holds a current license in good standing from a National Council of Architecture Registration
5 Boards (NCARB) recognized jurisdiction and a Certified Council Certificate (~~also known as "Blue Cover"~~) issued by
6 NCARB ~~may~~ shall qualify for licensure by ~~reciprocity. Upon reciprocity upon~~ receipt of a certified record from
7 NCARB and the Board application for licensure by reciprocity and ~~fee fee, the Board may issue a license to an~~
8 ~~applicant~~ as provided in G.S. 83A-7(b). Revocation of the certificate by NCARB shall automatically suspend the
9 architect's license to practice in North Carolina until such time as the certificate is reinstated by NCARB.

10 (b) In order to supplement or clarify the contents of a record or application, ~~The the~~ Board may interview ~~with~~ the
11 applicant to ~~satisfy the Board, or its designee~~ ensure that the applicant has had sufficient ~~recent~~ architectural practice
12 experience to be able to ~~competently~~ practice architecture in this State. ~~state.~~

13
14 *History Note: Authority G.S. 83A-6; 83A-7;*
15 *Eff. February 1, 1976;*
16 *Readopted Eff. September 29, 1977;*
17 *Amended Eff. July 1, 2014; November 1, 2010; July 1, 2006; July 1, 2000; October 1, 1995; May*
18 *1, 1989; October 1, 1984; September 1, 1982;*
19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,*
20 *2015.*
21 *Temporary Amended Eff. November 30, 2021*
22 *Amended Eff. June 1, 2022*

1 21 NCAC 02 .0306 is proposed for adoption follows: is adopted with changes as published in 36:15 NCR 1314:

2
3 **21 NCAC 02 .0306 INTERIOR DESIGNER REGISTRATION**

- 4 (a) Those individuals who wish ~~[to become registered]~~ to practice as a registered interior designer in North
5 ~~[Carolina,]~~ ~~Carolina~~ shall demonstrate that they have satisfied the educational and professional experience
6 eligibility requirements adopted by the Council for Interior Design Qualification (CIDQ) to sit for the
7 National Council for Interior Design Qualification Examination (NCIDQ), shall ~~[successfully complete]~~
8 ~~pass~~ the NCIDQ ~~[Examination]~~ ~~Examination~~, and submit ~~to~~ the Board ~~an~~ application for registration and
9 fee. Revocation of the certificate by CIDQ shall automatically suspend the interior designer's registration to
10 practice in North Carolina until such time as the certificate is reinstated by CIDQ.
- 11 (b) An architect ~~[may]~~ shall be granted registration to practice interior design so long as they are currently
12 licensed and in good standing in the State of North Carolina and submit the Board application for
13 registration and fee.
- 14 (c) In order to supplement or clarify the contents of a record or application, the Board may interview the
15 applicant to ensure that the applicant has had ~~[sufficient]~~ interior design experience to be able to practice
16 registered interior design in this State.
- 17 (d) The standards of the CIDQ and its components are hereby incorporated by reference including subsequent
18 amendments and editions and can be accessed at no charge at www.cidq.org.

19
20 *History Note: Authority G.S. 83A-7*

21 *Eff. date June 1, 2022*

1 21 NCAC 02 .0901 is ~~proposed for amendment as follows:~~ amended as published in 36:15 NCR 1314:

2

3 **21 NCAC 02 .0901 SCOPE**

4 The rules in this Section set forth the continuing education requirements to be complied with by licensees or
5 registrants.

6

7 *History Note: Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11;*

8 *Eff. July 1, 1998;*

9 *Amended Eff. July 1, 2006;*

10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,*
11 *2015.*

12 *Temporary Amended Eff. November 30, 2021*

13 *Amended Eff. June 1, 2022*

14

1 21 NCAC 02 .0903 is proposed for amendment as follows: amended with changes as published in 36:15 NCR 1315:

2
3 **21 NCAC 02 .0903 REQUIREMENTS**

4 (a) Every licensee and registrant shall obtain 12 contact hours of continuing education for each calendar year.

5 "Contact Hour" means ~~a minimum of~~ 50 minutes contact.

6 (b) The contact hours shall be obtained in structured educational activities intended to increase or update the architect's
7 or registered interior designer's knowledge and competence in technical and professional architectural and interior
8 design subjects ~~directly~~ related to safeguarding public health, [~~safety~~ safety], and welfare("HSW"). "Structured
9 educational activities" are activities in which at least 75 percent of an activity's content and instructional time is
10 devoted to HSW subjects related to the practice of architecture, including courses of study or other activities under
11 the areas identified as HSW by individuals or organizations, whether delivered by direct contact or distance learning
12 methods.

13 (c) ~~Registrants~~ Licensees and registrants shall not carry forward any contact hours into the subsequent period.

14 (d) ~~Registrants~~ Licensees and registrants shall certify completion of the contact hours for the previous calendar year
15 with annual ~~registration~~ renewal.

16
17 *History Note: Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11;*

18 *Eff. July 1, 1998;*

19 *Amended Eff. October 1, 2012;*

20 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,*
21 *2015.*

22 *Temporary Amended Eff. November 30, 2021*

23 *Amended Eff. June 1, 2022*

1 21 NCAC 02 .0904 is ~~proposed for amendment as follows:~~ amended as published in 36:15 NCR 1315:

2

3 **21 NCAC 02 .0904 DETERMINATION OF CREDIT**

4 ~~(a) The Board has final authority with respect to approval of courses, programs, and contact hours.~~

5 (b) The Board may randomly audit the compliance of individual licensees and registrants and require proof in the form
6 of records maintained pursuant to Rule .0905 of this Section of participation in courses or programs that conform with
7 the content and contact hours calculation requirements contained in G.S. 83A-6(a) and these Rules.

8

9 *History Note: Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11;*

10 *Eff. July 1, 1998;*

11 *Amended Eff. October 1, 2012; July 1, 2006;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,*
13 *2015.*

14 *Temporary Amended Eff. November 30, 2021*

15 *Amended Eff. June 1, 2022*

16

17

18

1 21 NCAC 02 .0905 is proposed for amendment as follows: amended with changes as published in 36:15 NCR 1315:

2
3 **21 NCAC 02 .0905 RECORD KEEPING**

4 (a) The licensee or registrant shall maintain records to support credits claimed. [~~Records required include:~~] **Records**
5 **shall be any of the following:**

6 (1) A ~~a self-made~~ log showing the type of activity claimed, sponsoring organization, location, duration,
7 the name of the instructor or speaker and contact hours earned; ~~or~~

8 (2) ~~Attendance~~ attendance certificates or other evidence of participation that includes the type of activity
9 claimed, sponsoring organization, location, duration, the name of the instructor or speaker and
10 contact hours earned; or

11 (3) ~~Records~~ records maintained by the American Institute of Architects Continuing Education
12 System(AIA/CES) or the International Design Continuing Education Council (IDCEC).

13 (b) Records shall be retained by the licensee or registrant for a period of six years after the credit is claimed and
14 provided to the Board upon request.

15
16 *History Note: Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11;*

17 *Eff. July 1, 1998;*

18 *Amended Eff. October 1, 2012;*

19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,*
20 *2015.*

21 *Temporary Amended Eff. November 30, 2021*

22 *Amended Eff. June 1, 2022*

21 NCAC 02 .0906 is proposed for amendment as follows: amended with changes as published in 36:15 NCR 1315:

21 NCAC 02 .0906 CONTINUING EDUCATION EXCEPTIONS

A licensee or registrant shall be exempt from the continuing education requirements for any of the following reasons:

- (1) [New] new licensees or registrants by way of examination or reciprocity for the calendar year in which they become licensed, licensed or registered;
- (2) A registrant serving on temporary active duty in the armed forces of the United States for a period of time exceeding 90 consecutive days in a year or as provided by statute, whichever is greater; [Architects] architects or registered interior designers currently licensed by or registered and in good standing with the Board (whose license or registration is not suspended or revoked) who are serving in the armed forces of the United States and who are eligible for an extension of time to file a tax return pursuant to G.S. 105-249.2 are granted a waiver of their mandatory continuing education requirements for the time period disregarded pursuant to the Internal Revenue Code 26 U.S.C. 7508;
- (3) Registrants experiencing physical disability or illness if supporting documentation is approved by the Board. Such documentation shall be in the form of a statement by the registrant, a statement from a physician, or medical records which show that the disability or illness prevented registrant's participation in a course which the registrant had enrolled, or prevented registrant's participation in the continuing education program for at least 90 consecutive days in a year; and [The] the Board shall exempt a licensee or registrant if the Board determines that the licensee or registrant is experiencing physical disability, illness, or other extenuating circumstances that prevent the licensee or registrant from continuing education. Supporting documentation must be furnished to the Board.
- (4) Registrants [Licensees] licensees who receive emeritus status from the Board. In order to return to active practice, registrants licensees shall complete continuing education requirements for each exempted year not to exceed two years.

*History Note: Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11;
Eff. July 1, 1998;
Amended Eff. October 1, 2012; July 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.
Amended Eff. June 1, 2022*

1 21 NCAC 02 .0907 is ~~proposed for amendment as follows:~~ amended as published in 36:15 NCR 1315:

2

3 **21 NCAC 02 .0907 REINSTATEMENT**

4 A former licensee or registrant may only apply for reinstatement pursuant to G.S. 83A-11 if ~~he has~~ he or she has
5 earned all delinquent contact hours within the 12 months preceding the application. However, if the total number of
6 contact hours required to become current exceeds 24, then 24 shall be the maximum number required.

7

8 *History Note: Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11;*

9 *Eff. July 1, 1998;*

10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,*
11 *2015.*

12 *Temporary Amended Eff. November 30, 2021*

13 *Amended Eff. June 1, 2022*

14

1 21 NCAC 02 .908 is proposed for amendment as follows: amended with changes as published in 36:15 NCR 1316:

2
3 **21 NCAC 02 .0908 CONTINUING EDUCATION RECIPROCITY**

4 The continuing education requirements of North Carolina shall be deemed satisfied by a non-resident licensee or
5 registrant provided:

- 6 (1) ~~Registrant's~~ [The] the licensee or registrant's resident jurisdiction has a ~~comparable~~ similar
7 continuing education program; and
8 (2) ~~[The] the~~ same jurisdiction accepts the North Carolina continuing education requirements as
9 satisfying their requirements.

10
11 *History Note: Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11;*
12 *Eff. July 1, 1998;*
13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,*
14 *2015.*
15 *Temporary Amended Eff. November 30, 2021*
16 *Amended Eff. June 1, 2022*
17

1 21 NCAC 02 .0909 is proposed for amendment as follows: amended as published in 36:15 NCR 1316:

2

3 **21 NCAC 02 .0909 ~~FORMS~~ DOCUMENTATION AND AUDITS**

4 All renewal applications shall require the completion of a continuing education certification provided by the Board
5 documenting the contact hours claimed for the renewal period. ~~The~~ Upon request by the Board, the licensee or
6 registrant shall supply sufficient detail documentation as set forth in Rule .0905 of this Chapter to permit audit
7 verification. ~~verification and shall certify and sign the continuing education certification with the renewal application~~
8 ~~and fee.~~

9

10 *History Note: Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11;*

11 *Eff. July 1, 1998;*

12 *Amended Eff. October 1, 2012;*

13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,*
14 *2015.*

15 *Temporary Amended Eff. November 30, 2021*

16 *Amended Eff. June 1, 2022*

17

1 21 NCAC 02 .0910 is proposed for amendment follows: amended with changes as published in 36:15 NCR 1316:

2
3 **21 NCAC 02 .0910 NON-COMPLIANCE**

4 (a) If any credits are disallowed by the Board, then the licensee or registrant shall have 60 calendar days ~~after~~
5 ~~notification from the date on the notice~~ to substantiate the original claim or obtain other contact hours to meet the
6 minimum requirements.

7 (b) [~~Licenses~~] [~~or registrants~~] A licensee or registrant who [~~fail~~] fails to complete the continuing education
8 requirement by the end of the previous calendar year shall have his or her [~~their~~] license or registration placed on
9 probation and shall complete the outstanding continuing education by December 31st of the current calendar year. If
10 the licensee or registrant fails to complete the outstanding continuing education requirements his or her license shall
11 be suspended for 60 days or until such time as compliance is demonstrated if prior to 60 days. If the licensee or
12 registrant fails to complete the outstanding continuing education within the 60 days suspension period, his or her
13 license or registration shall be revoked.

14
15 *History Note: Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11; 83A-15;*

16 *Eff. July 1, 1998;*

17 *Amended Eff. October 1, 2012; July 1, 2006;*

18 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,*
19 *2015.*

20 *Temporary Amended Eff. November 30, 2021*

21 *Amended Eff. June 1, 2022*