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October 29, 2019

**Via Email: govops@ncleg.net**

Joint Committee on North Carolina Board Assembly  
Government Operations

Re: Consultation on Fee Change  
State Board of Examiners of Plumbing, Heating & Fire Sprinkler Contractors

Gentlemen:

Pursuant to G.S. 12-3.1, I write to request consultation regarding fee changes.

In House Bill 675 (Session Law 2019-174), The General Assembly mandated creation of a Residential Fire Sprinkler Design license, and such program is included in these proposed rules. The General Assembly also mandated recognition of apprenticeship training by Boards generally and a proposed rule in this group makes clear experience has always been recognized by this Board. In response to a petition for Rulemaking filed by the Association of Independent Colleges and Universities, the Board proposes creation of a Technician License similar to that available to State and Local Government Technicians. Fees are proposed to be increased to address cost of living increases and to provide for capital projects.

The Board has proposed changes as set forth in the attached rules. In general, the renewal fee for most licensees is proposed to increase from \$130.00 to \$150.00, with similar adjustments in other categories, all within authority previously granted by the General Assembly.

As rulemaking coordinator and counsel to the Board, I ask that you not hesitate to contact me or Dale Dawson, Executive Director of the Board, with any questions. There has been one increase of five dollars in the most recent sixteen years.

Sincerely yours,

YOUNG MOORE AND HENDERSON, P.A.

*John N. Fountain*

By:

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cc: Dale Dawson  
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21 NCAC 50 .0301 QUALIFICATIONS DETERMINED BY EXAMINATION is proposed for amendment as follows:

### **SECTION .0300 - EXAMINATIONS**

#### **21 NCAC 50 .0301 QUALIFICATIONS DETERMINED BY EXAMINATION**

(a) In order to determine the qualifications of an applicant, the Board shall provide a written or computer-based examination in the following categories:

- (1) Plumbing Contracting, Class I
- (2) Plumbing Contracting, Class II
- (3) Heating, Group No. 1 - Contracting, Class I
- (4) Heating, Group No. 1 - Contracting, Class II
- (5) Heating, Group No. 2 - Contracting, Class I
- (6) Heating, Group No. 3 - Contracting, Class I
- (7) Heating, Group No. 3 - Contracting, Class II
- (8) Fuel Piping Contractor
- (9) Fire Sprinkler Installation Contractor
- (10) Fire Sprinkler Inspection Contractor
- (11) Residential Fire Sprinkler Installation Contractor
- (12) Restricted Limited Plumbing Contractor
- (13) Fire Sprinkler ~~Maintenance~~Inspection Technician
- (14) Limited Fire Sprinkler Maintenance Technician
- (15) Plumbing Technician
- (16) Heating Group No. 1 Technician
- (17) Heating Group No. 2 Technician
- (18) Heating Group No. 3 Technician
- (19) Fuel Piping Technician
- (20) Private Educational Institution Plumbing Technician
- (21) Private Educational Institution Heating Group 1 Technician

(22) Private Educational Institution Heating Group 2 Technician

(23) Private Educational Institution Heating Group 3 Technician

(24) Residential Fire Sprinkler Design Contractor

(b) Each person being examined by the Board for a contractor license other than a Fire Sprinkler Installation or Fire Sprinkler Inspection Contractor license shall be required to pass both the business and law part and the technical part of the examination required by G.S. 87-21(b).

(c) Applicants for licensure as a Fire Sprinkler Installation Contractor must submit evidence of current certification by the National Institute for Certification of Engineering Technologies (NICET) for Automated Sprinkler System Layout as the prerequisite for licensure. Applicants for licensure as a Fire Sprinkler Installation Contractor must pass the business and law part of the exam administered by the Board. Persons licensed based upon NICET certification must maintain such certification as a condition of license renewal.

(d) Applicants for licensure in the Fire Sprinkler Inspection Technician classification must pass the technical examination offered by the Board. The Board shall accept the results of NICET examination resulting in Level II Certification in "Inspection and Testing of Water-based Systems" by NICET. Persons who obtain license as a Fire Sprinkler Inspection Technician based on NICET certification must maintain such certification as a condition of license renewal.

(e) Applicants for licensure as a Fire Sprinkler Inspection Contractor must submit evidence of Level III certification in "Inspection and Testing of Water-based Fire Systems" by NICET in lieu of the technical part of the Board-administered examination. Applicants for licensure as a Fire Sprinkler Inspection Contractor must also pass the business and law part of the examination administered by the Board. Contractors who obtain license by NICET certification must maintain such certification thereafter as a condition of license renewal.

(f) Applicants for a license in the Limited Fire Sprinkler Maintenance Technician classification shall obtain a license based on maintenance experience, education and job classification set forth in Rule .0306 and pass a test administered by the Board.

(g) Applicants for a license as a Residential Fire Sprinkler Installation Contractor must obtain a license based on experience set forth in Rule .0306 and must pass the technical part of the Residential Fire Sprinkler Installation Contractor examination.

(h) Applicants for a license as a Plumbing, Heating or Fuel Piping Technician must obtain a license based on experience set forth in Rule .0306 and must pass the Class I technical and Board laws and rules parts of the Board-administered examination related to the category for which a technician license is sought.

(i) Applicants who hold an active Plumbing, Heating or Fuel Piping Technician license obtained by examination may obtain the Plumbing, Heating or Fuel Piping Contractor license in the same category by meeting the experience requirement listed in Rule .0306 of this Section for the specific contractor license sought and passage of only the business portion of the examination.

(j) Applicants for a license as a Restricted Limited Plumbing Contractor shall obtain a license based on experience set forth in Rule .0306 and shall be required to pass both the business and law part and the technical part of the Restricted Limited Plumbing Contractor examination.

(k) If application is made on or before 120 days from the effective date of this Rule, applicants for Restricted Limited Plumbing Contractor license who present a current active License from the North Carolina Irrigation Contractor Licensing Board are not required to take the Board administered examination, provided the applicant:

- (1) Presents evidence of passage of a locally administered examination covering the same topics as the Board examination, resulting in certification as a Backflow Inspector by one of the municipalities in North Carolina, or evidence to establish 1000 hours of experience in the maintenance, service or repair of components of plumbing systems, and
- (2) Completes a plumbing code course offered by the Board and passes the Laws and Rules part of the examination administered by the board.

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

*Eff. February 1, 1976;*

*Readopted Eff. September 29, 1977;*

*Amended Eff. July 1, 1991; May 1, 1989; August 1, 1982;*

*Temporary Amendment Eff. September 15, 1997;*

*Amended Eff. March 1, 2005; January 1, 2004; July 1, 2003; August 1, 2002; July 1, 1998;*

*Emergency Amendment Eff. December 5, 2005;*

*Emergency Amendment Expired February 13, 2006;*

*Amended Eff. April 1, 2014; July 3, 2012; January 1, 2010; May 1, 2006;*

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

21 NCAC 50 .0306 is proposed for amendment as follows:

**21 NCAC 50 .0306        APPLICATIONS: ISSUANCE OF LICENSE**

(a) All applicants for licensure or examination shall file an application setting forth the information required in G.S. 87-21 or these Rules on a form available on the Board website or at the Board office.

(b) Applicants for a plumbing or heating examination shall present evidence at the time of application to establish two years of full-time experience in the installation, maintenance, service, or repair of plumbing or heating systems related to the category for which a license is sought, whether or not a license was required for the work performed. Applicants for a fuel piping examination shall present evidence at the time of application to establish one year of experience in the installation, maintenance, service, or repair of fuel piping, whether or not a license was required for the work performed. Up to one-half of the experience may be in academic or technical training related to the field of endeavor for which examination is requested. The Board shall prorate part-time work of less than 40 hours per week or part-time academic work of less than 15 semester or quarter hours.

(c) The Board shall issue a license certificate bearing the license number assigned to the qualifying individual.

(d) Fire Sprinkler Installation Contractors shall meet experience requirements in accordance with NICET examination criteria.

(e) Applicants for examination or licensure in the Fire Sprinkler Inspection Technician classification shall submit evidence adequate to establish that the applicant has either:

- (1) 4000 hours of experience involved in inspection and testing of previously installed fire sprinkler systems, consistent with NFPA-25, Standard for the Inspection Testing and Maintenance of Water-Based Fire Protection Systems of the National Fire Protection Association, adopted by the North Carolina Building Code, which is hereby incorporated by reference including all subsequent editions and amendments to the document as a full-time employee of a Fire Sprinkler Inspection Contractor or fire insurance underwriting organization;
- (2) 4000 hours of experience as a full-time employee of a hospital, manufacturing, government, or university facility under direct supervision of Fire Sprinkler Inspection Contractor or a Fire

Sprinkler Inspection Technician involved in inspection and testing of previously installed fire sprinkler systems, consistent with NFPA 25: Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems, which is hereby incorporated by reference including all subsequent editions and amendments. The document may be accessed free of charge at <http://www.nfpa.org/codes-and-standards/>;

(3) 4000 hours of experience involved in installation of fire sprinkler systems as a full-time employee of a Fire Sprinkler Installation Contractor; or

(4) a combination of 4000 hours of experience in any of the categories listed in this Paragraph.

(f) Applicants for licensure in the Fire Sprinkler Inspection Contractor classification shall meet experience requirements in accordance with NICET certification criteria.

(g) Applicants for initial licensure in the Limited Fire Sprinkler Maintenance Technician classification shall submit evidence of 2000 hours experience at the place for which license is sought as a full-time maintenance employee in facility maintenance with exposure to periodic maintenance of fire protection systems as described in Rule .0515 of this Chapter. Applicants who have held Limited Fire Sprinkler Maintenance Technician license previously are not required to demonstrate experience in addition to the experience at the time of initial licensure, but shall submit a new application if relocating to a new location.

(h) Applicants for licensure in the Residential Fire Sprinkler Installation Contractor classification shall hold an active Plumbing Class I or Class II Contractor license issued by this Board for a minimum of two years and shall document attendance at a 16 hour course approved by the Board pursuant to the Rules in this Chapter covering NFPA 13D: Standard for the Installation of Sprinkler Systems in One-and Two-Family Dwellings and Manufactured Homes, which is hereby incorporated by reference including all subsequent editions and amendments. The document may be accessed free of charge at <http://www.nfpa.org/codes-and-standards/>. Residential Fire Sprinkler Installation Contractors must maintain a Plumbing Contractor license as a condition of renewal of the Residential Fire sprinkler Installation Contractor license.

(i) Applicants for a license as a plumbing or heating technician shall present evidence adequate to establish 3000 hours of full-time experience in the installation, maintenance, service, or repair of plumbing or heating systems related to the category for which a technician license is sought, whether or not a license was required for the work performed. Applicants for a license as a fuel piping technician shall present evidence adequate to establish 1500

hours of experience in the installation, maintenance, service, or repair of fuel piping, whether or not a license was required for the work performed. Up to one-half of the experience may be in academic or technical training related to the field of endeavor for which the examination is requested.

(j) Applicants for a Restricted Limited Plumbing Contractor license shall present evidence at the time of application to establish 1500 hours of full-time experience in the installation, maintenance, service, or repair of plumbing systems, whether or not a license was required for the work performed. Up to one-half of the experience may be in academic or technical training related to the field of endeavor for which examination is requested. The Board shall prorate part-time work of fewer than 40 hours per week or part-time academic work of less than 15 semester or quarter hours.

(k) In lieu of the requirements of Paragraph (j) of this Rule, applicants for a Restricted Limited Plumbing Contractor License who present a current active License from the North Carolina Irrigation Contractor Licensing Board may take the examination, provided the applicant demonstrates that he or she holds certification as a Backflow Inspector from one of the municipalities in North Carolina, or demonstrates 500 hours of experience in the maintenance, service, or repair of components of plumbing systems.

(l) Applicants for license based on apprenticeship program as described in G.S. 93B-8.6(b) shall meet the same experience and training requirement for the category of license that is sought as set forth in this rule.

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

*Eff. February 1, 1976;*

*Readopted Eff. September 29, 1977;*

*Amended Eff. January 1, 2004; July 1, 2003; August 1, 2002; July 1, 1998; September 1, 1994;*

*November 1, 1993; April 1, 1991; May 1, 1990;*

*Temporary Amendment Eff. August 31, 2004;*

*Amended Eff. April 1, 2014; July 3, 2012; January 1, 2010; June 1, 2006; March 1, 2005;*

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

*Amended Eff. April 1, 2018.*

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

LICENSEES is proposed amended as follows:

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

- (a) A licensed State and local government technician licensee shall be required to list their license with the Board in the name of the State and local government agency by whom the licensee is employed,
- (b) The holder of license as a State and local government Heating Group 1 Technician, Heating Group 2 Technician, Heating Group 3 Technician, or Plumbing Technician shall be a full-time employee of a State or local government agency.
- (c) A licensed State and local government technician licensee shall ensure that a permit is obtained from the appropriate State or local Code Enforcement official before commencing any work for which a license is required by the Board. The licensee shall also ensure that a request for final inspection of the work for which a license is required is made within 10 days of the earlier of the system being made operational or placed in service, absent agreement with the appropriate State or local Code Enforcement official. Absent agreement with the local Code Enforcement official the licensee shall not be relieved of responsibility to the Board to arrange inspection until a certificate of compliance or the equivalent is obtained from the appropriate State or local code enforcement official or the licensee has documentary evidence of his effort to obtain the same.
- (d) The failure of a licensee to comply with the permit and inspection obligations outlined in this Rule shall be considered by the Board as evidence of incompetence or misconduct in the use of license from the Board.
- (e) A licensed State and local government technician licensee shall be responsible for general supervision to the extent of his qualifications, compliance with all applicable codes and standards, and assurance that permits and inspections are obtained.
- (f) The "general supervision" required by G.S. 87-26 is the degree of supervision necessary and sufficient to ensure that the work is performed in a workmanlike manner and with the requisite skill and that the installation is made in accordance with applicable codes, rules and manufacturer installation instructions and industry practice. General supervision requires that review of the work done pursuant to the State and local government technician license be performed by the State and local government technician licensee while the work is in progress.

(g) In each State or local government agency location, branch, or facility of any kind from which work requiring a license pursuant to G.S. 87, Article 2 is carried out there shall be on duty the lesser of 1500 hours annually, or all hours during which the activities described herein are carried out, at least one licensee who holds the appropriate State and local government technician license in the classification required for the work being proposed or performed, whose license is listed in the name of the particular State or local government agency at that location, and who is engaged in the work of the State or local government at the agency location or at an agency job site and who has the responsibility to exercise general supervision over the work and who has been empowered to act for the State or local government agency, as defined in Rule .0505 of this Chapter, of all work falling within his or her license qualification. Evidence of compliance shall be required as a condition of renewal or retention of license and falsification shall constitute fraud in obtaining license. The standards set forth in Rule .0512 of this Chapter shall be applied.

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

(i) The annual license fee for a State and local government Technician license is ~~one hundred thirty dollars (\$130.00)~~, one hundred fifty dollars (\$150.00), except as provided in Paragraph (j) of this Rule.

(j) The annual license fee for a State & Local Government Technician Plumbing or Heating Technician license that is listed as the second or subsequent licensee at the same agency location is ~~sixty-five~~seventy-five dollars (~~\$65.00~~)(\$75.00).

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

*Eff. April 1, 2017.*

21 NCAC 50 .0314 is proposed for adoption as follows:

**21 NCAC 50 .0314 PRIVATE EDUCATIONAL INSTITUTION PLUMBING OR HEATING  
TECHNICIAN**

- (a) Applicants for a license as a Private Educational Institution Plumbing or Heating Technician shall obtain a license based on experience set forth in Paragraph (c) of this Rule and shall pass the Class I technical and Board laws and rules part of the Board –administered examination described in 21 NCAC 50. 0301 related

to the category for which a technician license is sought. The applicant need not pass the business part of the examination.

- (b) Applicants for a as a Private Educational Institution Plumbing or Heating Technician shall present evidence to establish 3000 hours of full-time experience in the installation, maintenance service or repair of plumbing or heating system related to the category for which a technician license is sought, whether or not a license was required for the work performed.
- (c) Applicants for a license as a Private Educational Institution Technician who currently hold an active plumbing or heating contractor license issued by this Board may qualify for the corresponding State and local government technician license without examination.
- (d) Applicants for a license as Private Educational Institution Technician who currently hold an active plumbing or heating technician license obtained by examination and issued by the Board may qualify for the Corresponding Private Educational Institution technician license without examination.

*Authority G.S. 87-18;*

21 NCAC 50 .0315 is proposed for adoption as follows:

**21 NCAC 50 .0315        RESPONSIBILITIES OF PRIVATE EDUCATIONAL INSTITUTION**  
**TECHNICIAN LICENSEES**

- (a) A licensed Private Educational Institution technician licensee shall meet the same requirements as State and Local Government Technician licensees, as set forth in Rule 21 NCAC 50.0313

*Authority G.S. 87-18;*

21 NCAC 50 .0316 is proposed for adoption as follows:

**21 NCAC 50 .0316        RESIDENTIAL FIRE SPRINKLER DESIGN CONTRACTOR LICENSE**

- (a) Applicants for a Residential Fire Sprinkler Design Contractor license shall obtain a license based on experience set forth in paragraph (b) and shall be required to pass the Residential Fire Sprinkler Design technical examination.
- (b) Applicants for a residential Fire Sprinkler Design Contractor license shall present evidence at the time of application to establish that the applicant currently holds an active Residential Fire Sprinkler Installation Contractor license issued by the Board, shall document completion of the 32 hour fire sprinkler systems design course set forth in Rule 21 NCAC 50 .0505 approved by the Board pursuant to the Rules in this

Chapter covering NFPA-13D fire sprinkler systems design and shall pass the Residential Fire Sprinkler Design Contractor license examination conducted by the Board.

*Authority G.S. 87-18;*

21 NCAC 50 .0317 is proposed for adoption as follows:

**21 NCAC 50 .0317      RESIDENTIAL FIRE SPRINKLER DESIGN CONTRACTOR LICENSEES**

- (a) Applicants for a Residential Fire Sprinkler Design Contractor licensee shall design NFPA 13D residential multipurpose fire sprinkler systems consistent with NFPA 13D design requirements and the water design conditions present at the system installation location.
- (b) Residential Fire Sprinkler Design Contractor licensee shall personally sign and date each specific NFPA 13D residential design performed.
- (c) Residential Fire Sprinkler Design Contractor must maintain a Plumbing Contractor and a Residential Fire Sprinkler Installation Contractor license as a condition of renewal of the Residential Fire Sprinkler Design Contractor license.
- (d) The annual license fee for a Residential Fire Sprinkler Design Contractor license is one hundred fifty dollars (\$150.00).

*Authority G.S. 87-18;*

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

**21 NCAC 50 .0405      MULTIPLE LICENSES**

- (a) In order to maintain the identity of firms and allow effective supervision, each licensed contractor or technician shall qualify only the business location where he is primarily located.
- (b) A licensee may be listed on only one contractor license at any given time, whether the license is issued in the name of the individual or in the name of a firm; provided, however, that the Fire Sprinkler Maintenance Technician qualification, the Private Educational Institution Technician, and the State and local government technician qualification may be listed separately in the name of the employer to which restricted.
- (c) The holder of qualification as a contractor may, upon deletion of his name and qualifications from a firm license, reinstate his personal license, either as an individual or in the name of some other corporation, partnership, or business that has a trade name, upon compliance with G.S. 87-26.
- (d) A technician licensee, other than the holder of a Fire Sprinkler Maintenance Technician license, may, upon deletion of his name and qualification from a firm license, move his qualification to another licensed corporation,

partnership, state or local governmental agency, private educational institution, or business that has a trade name, upon compliance with G.S. 87-26.

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

*Eff. February 1, 1976;*

*Readopted Eff. September 29, 1977;*

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

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

*Amended Eff. February 1, 2017.*

21 NCAC 50 .0407 CORPORATIONS, PARTNERSHIPS AND TRADE NAMES is proposed amended as follows:

**21 NCAC 50 .0407 CORPORATIONS, PARTNERSHIPS AND TRADE NAMES**

(a) Licensees are required to list their license with the Board in the name in which they conduct business.

(b) A contractor license may be issued or renewed in the name of a corporation, partnership, state or local governmental agency, private educational institution, or business with a trade name upon compliance with the provisions of G.S. 87-26, verified by the execution of forms furnished by the Board.

(c) Additional licensees may be added to licenses issued in the above manner upon verifications of compliance with the provisions of G.S. 87-26. If a licensee terminates his association with a corporation, partnership, state or local governmental agency, private educational institution, or business with a trade name, both the firm and the licensee shall notify the Board within 30 days.

(d) A person who has a license which has been expired less than three years may be added to an active license issued in the name of a corporation, partnership, state or local governmental agency, private educational institution, or business with a trade name, upon written request, completion of forms provided by the Board and payment of the fee set forth in Rule .1102 of this Chapter.

(e) The license number assigned to a corporation, partnership, state or local governmental agency, private educational institution, or business with a trade name shall be that of the first licensee listed on the license.

(f) A corporation, partnership, state or local governmental agency, private educational institution, or business with a trade name which is issued a license is subject to the provisions of G.S. 87, Article 2 and to the rules in this Chapter.

*History Note:* Authority G.S. 87-18; 87-22; 87-26;

*Eff. February 1, 1976;*

*Readopted Eff. September 29, 1977;*

*Amended Eff. December 31, 2011; November 1, 1994; November 1, 1993; July 1, 1991; May 1, 1989;*

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

**21 NCAC 50 .0408**      **CHANGE OF TRADE NAME** is proposed amended as follows:

**21 NCAC 50 .0408**      **CHANGE OF TRADE NAME**

(a) The trade name under which a license is issued may be changed upon request to and approval by the Board pursuant to these Rules. If the Board approves the name change, the last license issued to the licensee must be returned to the Board before the new license will be sent to the licensee.

(b) A contractor license shall be issued or renewed using any corporate name, partnership name, state or local governmental agency, private educational institution, or trade name which is not substantially similar to a name already in use according to the records of the Board.

(c) The licensee shall notify the Board of any change in location, telephone number, physical address or mailing address from that shown on the last license renewal invoice within 30 days after the change takes place.

*History Note: Authority G.S. 55B-5; 87-18; 87-26;*

*Eff. February 1, 1976;*

*Readopted Eff. September 29, 1977;*

*Amended Eff. January 1, 2010; December 1, 2003; November 1, 1994; February 1, 1991; May 1, 1989;*

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

**21 NCAC 50 .0505**      **GENERAL SUPERVISION AND STANDARD OF COMPETENCE** is proposed amended as follows:

**21 NCAC 50 .0505**      **GENERAL SUPERVISION AND STANDARD OF COMPETENCE**

(a) The general supervision required by G.S. 87-26 is that degree of supervision which is necessary and sufficient to ensure that the contract is performed in a workmanlike manner and with the requisite skill and that the installation is made properly, safely and in accordance with applicable codes and rules. General supervision requires that a review of the work done pursuant to the license be performed by a licensee of the firm while the work is in progress. If a Plumbing, Heating or Fuel Piping Contractor licensed by this Board employs a properly licensed Plumbing, Heating or Fuel Piping Technician, whose Technician license is listed under the name of that licensed contractor, then the licensed technician may review and supervise work-in lieu of the licensed contractor as a means to assure that the contract is performed in a workmanlike manner and with the requisite skill and that the installation is made properly, safely and in accordance with applicable codes and rules.

(b) The provisions of the North Carolina Building Code, including the provisions of codes and standards incorporated by reference, and adopted by the Building Code Council of North Carolina are the minimum standard of competence applicable to contractors licensed by the Board. Licensees shall design and install systems which meet or exceed the minimum standards of the North Carolina State Building Code, manufacturer's specifications and installation instructions and standards prevailing in the industry.

(c) Work performed under Rule .0513, Rule .0514, and Rule .0515 shall be performed by the licensed technician pursuant to the license held by that person.

(d) Every newly installed residential heating system, air conditioning system or both shall be designed and installed to maintain a maximum temperature differential of four degrees Fahrenheit room-to-room and floor-to-floor. On multilevel structures, contractors shall either provide a separate HVAC system for each floor or to install automatically controlled zoning equipment for each level with individual thermostats on each level to control the temperature for that level. The seasonal adjustment needed to maintain the four degrees Fahrenheit room-to-room and floor-to-floor maximum temperature differential shall not be accomplished through the use of manual dampers.

(e) All licensed HVAC contractors or licensed technicians shall perform a room-by-room load calculation for all newly installed residential ~~structures~~systems prior to installing heating systems, air conditioning systems, or both, which calculations shall be specific to the location and orientation where the HVAC system or equipment is to be installed. A written record of the system and equipment sizing information shall be provided to the homeowner, owner or general contractor upon request and a copy shall be maintained in the job file of the licensee for a minimum of six years. Load calculations shall be performed by a licensee who holds the appropriate license from

this Board, or a licensee may utilize a load calculation carried out for this particular structure and location by a North Carolina Licensed Professional Engineer.

(f) When either a furnace, condenser, package unit or air handler in an existing residential heating or air conditioning system is replaced, the licensed HVAC contractor or licensed technician is required to perform a minimum of a whole house block load calculation. When a furnace, condenser, package unit or air handler in a residential heating or air conditioning system is replaced, the licensee shall ensure that all systems and equipment are properly sized. The licensee may utilize industry standards, reference materials, evaluation of the structure, and load calculations. A written record of the system and equipment sizing information shall be provided to the homeowner, owner or general contractor upon request and a copy shall be maintained in the job file of the licensee for a minimum of six years. If a load calculation was not performed or if a load calculation was performed and it is later determined by the Board that the unit installed was undersized or oversized, the installation will be considered as evidence of incompetence. Load calculations shall be performed by a licensee who holds the appropriate license from this Board, or a licensee may utilize load calculations carried out for this particular structure and location by a North Carolina Licensed Professional Engineer.

(g) A licensed plumbing contractor involved in installation or replacement of a well pump or pumping equipment which includes installation or reinstallation of a well seal shall be present on site until the well is disinfected and sealed.

(h) At the time of completion of initial installation and upon any subsequent alteration, licensees who install multipurpose residential fire sprinkler systems shall assure that the two most remote fire sprinkler heads, as identified by the design professional who designed the system, undergo a water flow test using at the designed water supply delivery volume and delivery pressure and assure that the system flows the required functions to deliver the amount of water through each of the tested fire sprinkler heads specified by the design professional. Failure to carry out the flow test or failure of a system to provide the required volume or water when placed in operation due to fire or otherwise shall be considered evidence of misconduct and incompetence on the part of the installing licensee.

*History Note: Authority G.S. 87-18; 87-23; 87-26;*

*Eff. February 1, 1976;*

*Readopted Eff. September 29, 1977;*

*Amended Eff. July 3, 2012; January 1, 2010; March 1, 2005; January 1, 2004; July 1, 2003; July 1, 1991; October 1, 1989; May 1, 1989;*

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

21 NCAC 50 .0519 is proposed for adoption as follows:

**21 NCAC 50 .0519      RESIDENTIAL FIRE SPRINKLER DESIGN CONTRACTOR LICENSE**

License as a residential Fire Sprinkler Design Contractor is required of persons who desire to design residential fire sprinkler Systems consistent with NFPA 13D Residential Multipurpose Fire Sprinkler Systems, who hold an active license as a Plumbing Contractor and as a Residential Fire Sprinkler Installation Contractor, but who do not hold a license as a Fire Sprinkler Installation Contractor.

*Authority G.S. 87-18;*

**21 NCAC 50 .1101      EXAMINATION FEES is proposed amended as follows:**

**SECTION .1100 - FEES**

**21 NCAC 50 .1101      EXAMINATION FEES**

- (a) An application to reissue or transfer a license to a different corporation, partnership or individual name requires a fee of ~~twenty five dollars (\$25.00)~~thirty dollars (\$30.00).
- (b) An application to issue or transfer a license to the license of an existing licensee requires a fee of ~~twenty five dollars (\$25.00)~~thirty dollars (\$30.00).
- (c) An application for a license by examination requires a fee of one hundred dollars (\$100.00), consisting of an application fee of twenty-five dollars (\$25.00) and an examination fee of seventy-five dollars (\$75.00), which is nonrefundable. Upon passage of the examination, the license fee set forth in 21 NCAC 50.1102 or this Rule must be paid to obtain the license within 45 days of notification of the result of the examination, except that anyone passing the examination after November 1 of any year may elect to obtain a license for the following year rather than the year in which the exam was passed.

*History Note:      Authority G.S. 87-18; 87-22.1; 87-22; 87-26;*

*Eff. May 1, 1989;*

*Temporary Amendment Eff. November 17, 1989 for a period of 77 days to expire on February 1, 1990;*

*Amended Eff. August 1, 2000; November 1, 1993; March 1, 1990;*

*Temporary Amendment Eff. August 31, 2001;*

*Amended Eff. March 1, 2005; December 1, 2003; April 1, 2003; December 4, 2002;*

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

**21 NCAC 50 .1102**      **LICENSE FEES** is proposed amended as follows:

**21 NCAC 50 .1102**      **LICENSE FEES**

- (a) Except as set out in this Rule, the annual license fee for plumbing, heating and fuel piping contractor licenses issued or renewed by the Board is ~~one hundred thirty dollars (\$130.00)~~ one hundred fifty dollars (\$150.00).
- (b) The annual license fee for a licensed individual who holds qualifications from the Code Officials Qualification Board and is employed full-time as a local government plumbing, heating or mechanical inspector is twenty-five dollars (\$25.00).
- (c) The initial application fee for a license without examination conducted by the Board is thirty dollars (\$30.00).
- (d) The annual license fee for a contractor or fire sprinkler inspection technician whose qualifications are listed as the second or subsequent individual on the license of a corporation, partnership, or business with a trade name under Paragraphs (a) or (c) of this Rule is ~~thirty dollars (\$30.00)~~ seventy-five dollars (\$75.00).
- (e) The annual license fee for a Fire Sprinkler Installation Contractor and a Fire Sprinkler Inspection Contractor license by this Board is ~~one hundred thirty dollars (\$130.00)~~ one hundred fifty dollars (\$150.00).
- (f) The annual license fee for a Limited Fire Sprinkler Maintenance Technician is ~~one hundred thirty dollars (\$130.00)~~ one hundred fifty dollars (\$150.00).
- (g) The annual license fee for a Residential Fire Sprinkler Installation Contractor is ~~one hundred thirty dollars (\$130.00)~~ one hundred fifty dollars (\$150.00).
- (h) The annual license fee for a Fire Sprinkler Inspection Technician is ~~one hundred thirty dollars (\$130.00)~~ one hundred fifty dollars (\$150.00).
- (i) The annual license fee for all Fuel Piping Technician licenses listed with a Class A Gas Dealer is ~~one hundred thirty dollars (\$130.00)~~ one hundred fifty dollars (\$150.00).

(j) The annual license fee for Plumbing, Heating or Fuel Piping Technician licensees listed under a licensed Plumbing, Heating or Fuel Piping Contractor is ~~sixty-five dollars (\$65.00)~~ seventy-five dollars (\$75.00)

(k) The annual license fee for a Restricted Limited Plumbing Contractor is ~~one hundred thirty dollars (\$130.00)~~ one hundred fifty dollars (\$150.00).

*History Note: Authority G.S. 87-18; 87-21; 87-22;*

*Eff. May 1, 1989;*

*Temporary Amendment Eff. November 17, 1989 for a period of 77 days to expire on February 1, 1990;*

*Amended Eff. November 1, 1994; July 1, 1991; March 1, 1990;*

*Temporary Amendment Eff. August 31, 2001; September 15, 1997;*

*Amended Eff. April 1, 2014; July 3, 2012; July 1, 2010; March 1, 2005; December 1, 2003; December 4, 2002;*

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

21NCAC50B .1106 is proposed for adoption as follows:

#### **21 NCAC 50B .1106 PETITION FOR PREDETERMINATION**

(a) An individual who wishes to file a petition for a predetermination of whether the individual's criminal history will likely disqualify the individual from obtaining a license from the Board shall submit a petition at the office of the Board.

(b) The petition shall include the petitioner's:

(1) legal name;

(2) mailing, physical, and email addresses;

(3) social security number;

(4) date of birth;

(5) telephone number;

(6) places of residence for the past seven years;

- (7) employment history since the date the crime was committed;
- (8) criminal record report prepared no more than 60 days prior to the date of petition;
- (9) written statement describing the circumstances surrounding the commission of the crime(s);
- (10) written statement of any rehabilitation efforts;
- (11) rehabilitative drug or alcohol treatments;
- (12) Certificate of Relief granted pursuant to G.S. 15A-173.2;
- (13) affidavits or other written documents, including character references, that the petitioner intends to submit for review;
- (14) certification; and
- (15) signature.

(c) The fee for a petition for predetermination shall be forty-five dollars (\$45.00).

Authority G.S. 93A-4; 93B-8.1.