

**21 NCAC 18B .0907      RESPONSIBILITY OF LICENSEES AND QUALIFIED INDIVIDUALS**

(a) "Gross negligence" within the meaning of G.S. 87-47 means such lack of due care as evidences reckless disregard of human life or the safety of the person exposed to its dangerous effects, or creating a clear and present danger of personal injury, illness or property damage, or that entire want of care as would raise the presumption of a conscious indifference to the rights of others, which is equivalent to an intentional violation of the law.

(b) "Gross incompetence" refers to such lack of knowledge, supervision or technical competence as to correspond or create risk similar to the consequences of gross negligence.

(c) "Supervision" within the meaning of G.S. 87-43 refers to that degree of attendance, participation and oversight which is necessary and sufficient to ensure that the project is carried out in a workmanlike manner, with the requisite skill and that the installation is made properly, safely and in accordance with applicable codes and rules. Supervision means active onsite review of the work by a qualified individual while the work is in progress.

*History Note:      Authority G.S. 87-42; 87-50;  
                          Eff. April 15, 2003;  
                          Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 2,  
                          2016.*