

**CHAPTER 50 - BOARD OF EXAMINERS OF PLUMBING, HEATING AND FIRE
SPRINKLER CONTRACTORS**

SECTION .0100 - ORGANIZATION

21 NCAC 50 .0101 LICENSING AUTHORITY
21 NCAC 50 .0102 PURPOSE

History Note: Authority G.S. 87-16; 87-18; 87-20; 87-21(a),(b),(c); 87-22 to 87-26; 87-27;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Repealed Eff. May 1, 1989.

21 NCAC 50 .0103 ORGANIZATION: OFFICERS: DUTIES

History Note: Authority G.S. 87-12 to 87-20; 87-27;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. May 1, 1989;
RRC Objection December 19, 2002 and rule returned to agency on April 17, 2003.

21 NCAC 50 .0104 EXECUTIVE SECRETARY: OTHER PERSONNEL

History Note: Authority G.S. 87-18;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. May 1, 1989;
Repealed Eff. August 1, 2002.

21 NCAC 50 .0105 MEETINGS OF BOARD: QUORUM

Regular meetings of the Board shall be held during April and October of each year and additional meetings may be held at such other times and places as the Board deems wise and necessary.

History Note: Authority G.S. 87-18; 87-19;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. 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 .0106 LOCATION OF OFFICE

The mailing address of The State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors is 1109 Dresser Court, Raleigh, NC 27609. The office hours are set forth on the Board website, www.nclicensing.org.

History Note: Authority G.S. 87-16; 87-18;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. January 1, 2003; August 1, 2002; June 11, 1998; November 1, 1993; April 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015;
Amended Eff. January 1, 2017.

21 NCAC 50 .0107 BOARD COMMITTEES

History Note: Authority G.S. 87-18;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;

Amended Eff. May 1, 1989;
Repealed Eff. January 1, 2012.

21 NCAC 50 .0108 RULE-MAKING AND ADMINISTRATIVE HEARING PROCEDURES

History Note: Authority G.S. 87-18;
Eff. August 1, 1982;
Amended Eff. October 1, 1986;
Repealed Eff. May 1, 1989.

SECTION .0200 - FORMS

21 NCAC 50 .0201 FORMS

History Note: Authority G.S. 87-18; 87-20; 87-21(b); 87-21(d); 87-26(a),(b),(c),(d);
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Repealed Eff. August 1, 1982.

21 NCAC 50 .0202 OBTAINING FORMS

Forms may be obtained on request from the State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors, 1109 Dresser Court, Raleigh, North Carolina, 27609, or via document download from the Board's official website at <http://www.nclicensing.org>.

History Note: Authority G.S. 87-18;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. January 1, 2010; January 1, 2003; June 11, 1998; April 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

SECTION .0300 - EXAMINATIONS

21 NCAC 50 .0301 QUALIFICATIONS DETERMINED BY EXAMINATION

(a) In order to determine the qualifications of an applicant, the Board shall administer a written or computer-based examination covering 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 Inspection Technician
- (14) Limited Fire Sprinkler Maintenance Technician
- (15) Plumbing Technician, Class I
- (16) Plumbing Technician, Class II
- (17) Heating Group No. 1 Technician, Class I
- (18) Heating Group No. 1 Technician, Class II
- (19) Heating Group No. 2 Technician

- (20) Heating Group No. 3 Technician, Class I
- (21) Heating Group No. 3 Technician, Class II
- (22) Fuel Piping Technician
- (23) Private Educational Institution Plumbing Technician
- (24) Private Educational Institution Heating Group 1 Technician
- (25) Private Educational Institution Heating Group 2 Technician
- (26) Private Educational Institution Heating Group 3 Technician
- (27) 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 shall submit evidence of current certification by the National Institute for Certification of Engineering Technologies (NICET) for Automated Sprinkler System Layout as a prerequisite for licensure. Applicants for licensure as a Fire Sprinkler Installation Contractor shall pass the business and law part of the examination administered by the Board. Persons licensed based upon NICET certification shall maintain such certification as a condition of license renewal.

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

(e) Applicants for licensure as a Fire Sprinkler Inspection Contractor shall 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 shall also pass the business and law part of the examination administered by the Board. Contractors who obtain a license by NICET certification shall maintain such certification thereafter as a condition of license renewal.

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

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

(h) Applicants for licensure as a Plumbing, Heating, or Fuel Piping Technician shall obtain a license based on experience, as set forth in Rule .0306 of this Section, and shall pass the Class I or the Class II 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 Class I or Class II license obtained by examination, may obtain the Plumbing, Heating or Fuel Piping Contractor Class I or Class II license in the same category and class by meeting the experience requirement listed in Rule .0306 of this Section for the specific contractor license sought and by passing only the business portion of the examination.

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

(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) In lieu of the requirements of Paragraph (j) of this Rule, applicants for a Restricted Limited Plumbing Contractor License who present a current active certification as an On-site Wastewater Contractor, issued by the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board, may take the examination, provided the applicant demonstrates that he or she has attended a minimum of 8 semester hours of education in a plumbing program through a North Carolina Community College program or demonstrates 500 hours of experience in the maintenance, service, or repair of components of plumbing systems.

*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;
Amended Eff. October 1, 2024; July 1, 2020.

21 NCAC 50 .0302 ORAL EXAMINATIONS

History Note: Authority G.S. 87-18; 87-20; 87-21(a); 87-21(b);
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. August 1, 1982;
Repealed Eff. May 1, 1989.

21 NCAC 50 .0303 VISITORS

History Note: Authority G.S. 87-18; 87-20; 87-21(a); 87-21(b);
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. May 1, 1989;
Repealed Eff. December 31, 2011.

21 NCAC 50 .0304 SPECIAL EXAMINATIONS

History Note: Authority G.S. 87-18; 87-21(a); 87-21(b);
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. August 1, 2000; May 1, 1989;
Repealed Eff. August 1, 2002.

21 NCAC 50 .0305 PASSING GRADE

Examinations provided by the Board are based upon a maximum obtainable grade of 100 points, and a grade of 70 is required to pass.

History Note: Authority G.S. 87-18; 87-21(a); 87-21(b); 93B-8;
Eff. February 1, 1976;
Readopted September 29, 1977;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .0306 APPLICATIONS: ISSUANCE OF LICENSE

- (a) All applicants for licensure or examination shall submit an application, setting forth the information required in G.S. 87-21 and the rules of this Chapter, on a form available on the Board website, <http://www.nclicensing.org>. or at the Board office.
- (b) Applicants for a plumbing or heating examination shall present evidence when submitting an application to establish completion of 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 when submitting an application to establish completion of 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 the National Institute for Certification in Engineering Technologies (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 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, as a full-time employee of a Fire Sprinkler Inspection Contractor or fire insurance underwriting organization. The document may be accessed free of charge at <http://www.nfpa.org/codes-and-standards/>;
- (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 of the National Fire Protection Association, 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 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 the National Institute for Certification in Engineering Technologies (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 experience in periodic maintenance of fire protection systems, as described in Rule .0515 of this Chapter. Applicants who have held a 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 the 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 shall maintain a Plumbing Contractor license as a condition of renewal of the Residential Fire Sprinkler Installation Contractor license.

(i) Applicants for Licensure as a plumbing or heating Class I 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 plumbing or heating Class II technician shall present evidence adequate to establish 2500 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 Class I 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. Applicants for a license as a fuel piping Class II 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 completion of an apprenticeship program as described in G.S. 93B-8.6(b) shall meet the same experience and training requirements for the category of license sought as is 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. October 1, 2024; July 1, 2020; April 1, 2018.

21 NCAC 50 .0307 REFUND OF DEPOSIT

The application fee for license without examination, and the application and examination fee for an examination shall not be refunded.

History Note: Authority G.S. 87-18; 87-21(b); 87-22; 87-22.1;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. May 1, 1989;
Temporary Amendment Eff. August 31, 2001;
Amended Eff. January 1, 2010; August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .0308 REVIEW OF EXAMINATION

Any person who fails to pass an examination may, on written request, review his or her examination at a time and place determined by the Board.

History Note: Authority G.S. 87-18; 87-21(b); 87-25; 93B-8(c);
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. December 31, 2011; January 1, 2010; December 1, 2003; August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .0309 EXPANDING SCOPE OF LICENSE

Any licensee holding a license as an individual, or a licensee whose name appears on the certificate of license issued in the name of a corporation, partnership, or business that has a trade name, may be examined for the purpose of expansion of his license qualifications upon payment of the required application and examination fee, providing that the individual meets the requirements for licensing in the classification sought.

History Note: Authority G.S. 87-18; 87-21(b); 87-25;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. July 1, 1991; May 1, 1989;
Temporary Amendment Eff. August 31, 2001;
Amended Eff. January 1, 2010; August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .0310 APPLICATION FOR LICENSURE BY RECIPROCITY

The Board shall grant license by reciprocity only pursuant to reciprocal licensing agreements worked out with various states after mutual review of the applicable licensing standards and examinations.

*History Note: Authority G.S. 87-18; 87-21(g);
Eff. November 1, 1993;
Amended Eff. January 1, 2010; August 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.*

21 NCAC 50 .0311 IDENTIFICATION OF APPLICANTS

The Board may require any applicant seeking licensure to submit proof of identification at the time of submitting the application and at the time of the examination. For purposes of this Rule, a valid driver's license, an identification card issued by the Department of Motor Vehicles or a passport shall constitute proper identification.

*History Note: Authority G.S. 87-18; 87-21(b);
Eff. November 1, 1993;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.*

21 NCAC 50 .0312 STATE AND LOCAL GOVERNMENT PLUMBING OR HEATING TECHNICIAN

(a) In order to determine the qualifications of an applicant for a license as a State or local government plumbing or heating technician, the Board shall provide a written or computer-based examination in the following categories:

- (1) State and local government Plumbing Technician;
- (2) State and local government Heating Group No. 1 Technician;
- (3) State and local government Heating Group No. 2 Technician; or
- (4) State and local government Heating Group No. 3 Technician

(b) Applicants for a license as a State & Local Government 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 Rule .0301 of this Section related to the category for which a technician license is sought. The applicant need not pass the business part of the examination.

(c) Applicants for a license as a State & Local Government 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 systems related to the category for which a technician license is sought, whether or not a license was required for the work performed.

(d) Applicants for a license as a State & Local Government 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.

(e) Applicants for a license as a State & local Government Technician who currently hold an active plumbing or heating technician license obtained by examination and issued by the Board may qualify for the corresponding State & Local Government technician license without examination.

*History Note: Authority G.S. 87-18; 87-21(a); 87-21(b);
Eff. February 1, 2017;
Amended Eff. April 1, 2018.*

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

(a) A 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 State and local government technician licensee shall ensure that a permit is obtained from the State or local code enforcement official for the jurisdiction where the worksite is located 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 State and local government technician licensee shall be responsible for general supervision to the extent of his qualifications, compliance with the codes and standards contained in Rule .0505 of this Chapter, 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 the codes and standards contained in Rule .0505 of this Chapter, 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 all hours during which the activities described herein are carried out, at least one licensee who holds 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 fifty dollars (\$150.00), except as provided in Paragraph (j) of this Rule.

(j) The annual license fee for a State and local government Plumbing or Heating Technician license that is listed as the second or subsequent licensee at the same agency location is seventy-five dollars (\$75.00).

History Note: Authority G.S. 87-18; 87-21(b)(2)c; 87-22; 87-26;
Eff. April 1, 2017;
Amended Eff. July 1, 2020.

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 license as a Private Educational Institution Plumbing or Heating Technician shall present evidence to establish 3000 hours of 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 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 qualify for the Corresponding Private Educational Institution technician license without examination.

History Note: Authority G.S. 87-18; 87-21(b);
Eff. July 1, 2020.

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

(a) A licensed Private Educational Institution Technician shall list their license with the Board in the name of the private educational institution by whom the licensee is employed.

(b) The holder of license as a Private Educational Institution Technician shall be a full-time employee of a private education institution.

(c) A Private Educational Institution Technician licensee shall ensure that a permit is obtained from the State or local code enforcement official of the jurisdiction where the worksite is located 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 permitting authority. Absent agreement with the authority having jurisdiction 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 authority having jurisdiction 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 Private Educational Institution Technician licensee shall be responsible for general supervision to the extent of his or her qualifications, compliance with the codes and standards contained in Rule .0505 of this Chapter, 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 the codes and standards contained in Rule .0505 of this Chapter, manufacturer installation instructions and industry practice. General supervision requires that review of the work done pursuant to the Private Educational Institution Technician license be performed by the Private Educational Institution Technician licensee while the work is in progress.

(g) In each Private Educational Institution 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 all hours during which the work requiring license is carried out, at least one licensee who holds the appropriate Private Educational Institution Technician license in the classification required for the work being proposed or performed, whose license is listed in the name of the particular Private Educational Institution at that location, and who is engaged in the work of the Private Educational Institution at the institution location or at an institution job site and who has the responsibility to exercise general supervision over the work and who has been empowered to act for the Private Educational Institution, 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 Private Educational Institution 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 Private Educational Institution Technician license is one hundred fifty dollars (\$150.00), except as provided in Paragraph (j) of this Rule.

(j) The annual license fee for a Private Educational Institution Technician license that is listed as the second or subsequent licensee at the same agency location is seventy-five dollars (\$75.00).

History Note: Authority G.S. 87-18; 87-21(b);
Eff. July 1, 2020.

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) of this Rule 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, and shall document completion of a 32 hour fire sprinkler systems design course created by the Board on NFPA-13D fire sprinkler system design.

History Note: Authority G.S. 87-18; 87-21(b);
Eff. July 1, 2020.

21 NCAC 50 .0317 RESPONSIBILITIES OF RESIDENTIAL FIRE SPRINKLER DESIGN CONTRACTORS

(a) Residential Fire Sprinkler Design Contractor licensees 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 licensees shall sign and date each specific NFPA 13D residential design performed and shall not delegate this responsibility.

(c) Residential Fire Sprinkler Design Contractors shall 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).

History Note: Authority G.S. 87-18; 87-21(b)(2);
Eff. July 1, 2020.

SECTION .0400 - GENERAL PROCEDURES

21 NCAC 50 .0401 LICENSE DISPLAY

History Note: Authority G.S. 87-18; 87-21(e);
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Repealed Eff. May 1, 1989.

21 NCAC 50 .0402 PERMITS

(a) A licensed contractor shall ensure that a permit is obtained from the local Code Enforcement official before commencing any work for which a license is required by the Board, except as set out in Paragraph (c) of this Rule. The contractor shall also ensure that a request for final inspection of the work for which a license is required is made by himself, the general contractor or the owner within 10 days of the earlier of the system being made operational or placed in service, absent agreement with the owner and the local Code Enforcement official. Absent agreement with the local Code Enforcement official the licensee is not relieved by the Board of responsibility to arrange inspection until a certificate of compliance or the equivalent is obtained from the local code enforcement official or the licensee has clear and convincing evidence of his effort to obtain same.

(b) A licensed contractor shall not allow a permit to be obtained or his license number to appear upon a permit except for work which he or his employees perform, over which he or a properly licensed technician will provide general supervision until the completion of the work for which he holds an executed contract with the licensed general contractor or property owner and for which he receives all contractual payments.

(c) A plumbing permit is not required for replacement of a water heater in a one or two-family dwelling under circumstances set out in G.S. 153A-357 or G.S. 160A-417.

(d) The failure of a licensee to comply with the permit and inspection obligations outlined in this Rule is considered by the Board as evidence of incompetence or misconduct in the use of license from the Board.

History Note: Authority G.S. 87-18; 87-21; 87-26;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. December 31, 2011; January 1, 2010; December 1, 2003; August 1, 2000; September 1, 1995; November 1, 1993; May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .0403 USE OF LICENSE

(a) A licensed contractor or technician shall not permit the use of his license by any other person.

(b) A contractor licensed by the Board shall not bid or contract installations requiring license of a type or classification issued by this Board which the licensee does not have except as a part of a documented joint venture with a licensee holding the necessary qualification or in accordance with the provisions set out in 21 NCAC 50 .0415. Bidding without qualification and with an intention to subcontract the unauthorized work does not satisfy this requirement. However in a contract administered pursuant to G.S. 143-129 and in which more than one classification administered by this Board has been combined in the separate contract specifications, a licensee of this Board holding either of such qualifications may bid both of such classifications of work administered by this Board in addition to the classification for which he holds license if the successful bidder obtains an executed written contract with a qualified licensee prior to the award of the contract by the awarding authority.

(c) A technician licensed by this Board shall not contract work based on the Technician license.

History Note: Authority G.S. 87-18; 87-23; 87-26; 87-1.1;
Eff. February 1, 1976;
Readopted September 29, 1977;

*Amended Eff. December 31, 2011; November 1, 1993; May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015;
Amended Eff. March 1, 2023.*

21 NCAC 50 .0404 ACTIVE EMPLOYMENT

(a) In each business location, branch or facility of any kind from which work requiring a license pursuant to G.S. 87, Article 2 is:

- (1) solicited or proposed;
- (2) from which contracts for such work are negotiated or entered into;
- (3) from which requests for such work are received, accepted, or dispatched; or
- (4) from which such work 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 individual who holds contractor license in the classification required for the work being proposed or performed, whose license is listed in the name of the particular firm or business at that location, and who is engaged in the work of the firm at the business location or at firm job sites and who has the responsibility to make, modify, terminate and set the terms of contracts, and to exercise general supervision, as defined in Rule .0505 of this Chapter, of all work falling within his 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 21 NCAC 50 .0512 shall be applied.

(b) If a licensee uses his or her license to qualify a firm and that licensee holds employment elsewhere, no work that requires a license may be performed by the firm based on the qualification of that licensee during the hours the licensee is committed or active in employment elsewhere.

(c) A field or project office used solely to carry out an existing contract or contracts entered into by the main license office and from which none of the other activities in Rule .0404(a) are conducted shall not be deemed a separate place of business or branch requiring compliance with Rule .0404(a).

(d) A Class A Gas Dealer as defined in G.S. 119-56 or provider of natural gas holding certificate of public convenience and necessity under Chapter 62 of the General Statutes shall not contract or carry out fuel piping installations which require a license from this Board unless such Dealer or natural gas provider employs in the particular office or branch a fulltime bona-fide employee, who holds a Fuel Piping Technician license or Fuel Piping Contractor license and whose license is listed in the name of the Dealer or natural gas provider at the specific branch office consistent with Paragraph (a) of this Rule.

*History Note: Authority G.S. 87-18; 87-21(a)(5); 87-21(a)(6); 87-26;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. December 31, 2011; January 1, 2010; January 1, 2004; August 1, 2002; August 1, 2000;
July 1, 1998; 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 .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 from which the majority of his or her work is carried out.

(b) A licensee shall only be listed on 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 or her name and qualifications from the license for a corporate, partnership, private education institution or State or local government agency, reinstate his or her 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 or her 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(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. July 1, 2020; February 1, 2017.*

21 NCAC 50 .0406 RESPONSIBILITY OF LICENSED PERSON EMPLOYED BY FIRM

- (a) A licensed contractor, whether individually or for a corporation, partnership or business with a trade name, is responsible for all proposals, bids, contracts, supervision to the extent of his qualifications, compliance with all applicable codes and standards, and assurance that permits and inspections are obtained.
- (b) A contract, and the responsibility imposed on a licensed person to supervise work performed under a contract, may be assumed by another licensed contractor upon written notice to and approval by the property owner and local inspection department.
- (c) The contractor license number and qualification of the firm shall be displayed on firm contracts, proposals, permit applications, and telephone yellow page advertising.

*History Note: Authority G.S. 87-18; 87-26;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. December 31, 2011; January 1, 2004; August 1, 2000; May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.*

21 NCAC 50 .0407 CORPORATIONS, PARTNERSHIPS AND TRADE NAMES

- (a) Licensees shall 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 a form for that purpose furnished by the Board which is available at nclicensing.org.
- (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 by completing the form for that purpose which is available at nclicensing.org.
- (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;
Amended Eff. July 1, 2020.*

21 NCAC 50 .0408 CHANGE OF TRADE NAME

- (a) The trade name under which a license is issued may be changed upon written request to and compliance with Paragraph (b) of this Rule. 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 the same as 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;
Amended Eff. July 1, 2020.

21 NCAC 50 .0409 REINSTATEMENT OF EXPIRED LICENSE

An expired license may be reinstated within three years of the date of expiration upon written request and upon payment of the current license fee, the license fee for the unpaid prior years, the processing fee imposed by G.S. 87-22, and evidence of continuing education for each prior as required by Rule .1401 herein.

History Note: Authority G.S. 87-18; 87-22;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. April 1, 1991; May 1, 1989; August 1, 1984; August 1, 1982;
Temporary Amendment Eff. August 31, 2001;
Amended Eff. December 1, 2003; August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .0410 RENEWAL OF LICENSES

The issuance of a license in the name of a corporation or other entity or the transfer of the license qualification of an individual licensee to a license in the name of a corporation or other entity through which the individual is actively engaged in contracting, pursuant to Rules .0405, .0407 and .0408 hereof, does not result in the expiration of the license of the individual for purposes of re-examination under G.S. 87-22 if such corporate or other license is kept in force.

History Note: Authority G.S. 87-18; 87-22; 150B-3;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. May 1, 1989; May 30, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .0411 PUBLICATIONS

- (a) The following publications are available from the Board:
- (1) laws applicable to plumbing, heating and fire sprinkler contracting in the State of North Carolina;
 - (2) rules of the Board; and
 - (3) suggested study references for the qualifying examinations conducted by the Board.
- (b) A Register of licensees is made available electronically on-line at all times.

History Note: Authority G.S. 87-18;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. August 1, 2002; 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 .0412 GUIDELINES ON DISCIPLINARY ACTIONS

- (a) The provisions of G.S. 87, Article 2, the rules of the Board and the matters referenced therein are the guidelines by which the conduct of an entity subject to the authority of the Board are evaluated.
- (b) The Board may suspend a license or impose probation provisions for violations of 21 NCAC 50 .0402, 21 NCAC 50 .0403, 21 NCAC 50 .0404 and 21 NCAC 50 .0405. Repeated violations may result in revocation.
- (c) The Board may suspend a license or impose probationary terms when a licensee fails to comply with the supervision requirements of 21 NCAC 50 .0404, 21 NCAC 50 .0406 or 21 NCAC 50 .0505. Multiple violations within the same proceeding may result in revocation.

(d) The Board may suspend or revoke a license where it is found that the licensee has failed to comply with the minimum standards of competence as set forth in 21 NCAC 50 .0505(b). The Board may condition the subsequent reinstatement of license upon passing of the Board's examination or completion of specified educational courses. The Board may impose additional conditions of reinstatement.

(e) The Board may suspend or revoke the license of a contractor where it is found that the contractor abandoned a job after obtaining funds from the owner.

(f) The Board may revoke the license of any licensee where it is found that the licensee through a violation of G.S. 87, Article 2, has increased the risk of:

- (1) exposure to carbon monoxide or other harmful vapors,
- (2) fire, or damage resulting therefrom,
- (3) the release of sewage or methane gas, or
- (4) contamination of the potable water supply.

(g) This Rule is not intended to limit the authority of the Board or the variety of facts for which action is required in a particular situation.

(h) Any of the foregoing actions may result in a probation period or combination of suspension and probation. Condition of probation may include remediation, education, reexamination, record-keeping or other provisions likely to deter future violation or remedy perceived shortcomings.

History Note: Authority G.S. 87-18; 87-23;
Eff. November 1, 1993;
Amended Eff. December 31, 2011; August 1, 2000; November 1, 1994; August 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .0413 PROPOSAL, BID OR ESTIMATE

Proposal or bid within the meaning of G.S. 87-21 refers to a firm offer or commitment to perform work, which becomes a contract upon acceptance by a property owner or other for whom the work is to be performed, but does not include a non-binding estimate.

History Note: Authority G.S. 87-18; 87-21;
Eff. February 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .0414 SUPERVISION IN ABSENCE OF INSPECTION

In lieu of the supervision required by Rule .0505 of this Chapter, the holder of the qualifications upon which a license is based shall personally examine all work performed in reliance upon the license at completion and before the work is placed in service to assure that the installation, replacement, or repair is performed in compliance with the current edition of the North Carolina State Building Codes which is hereby incorporated by reference including all subsequent editions and amendments, and the manufacturers installation instructions, where the work will not be examined and approved by a person holding qualification from the Code Officials Qualification Board. The State Building Code may be accessed at <http://www.NCDOL.com/OSFM/Engineering>.

History Note: Authority G.S. 87-18; 87-21(b)(2)(c); 87-25; 87-26;
Eff. February 1, 2017.

21 NCAC 50 .0415 PROPOSAL, BID, ESTIMATE, PERFORMANCE UNDER G.S. 87-1.1

For a Contractor licensed by the State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors to qualify to bid either electrical or general contracting projects pursuant to G.S. 87-1.1, the building project must be bid and performed subject to the following conditions:

- (1) the total amount of work to be performed by all licensed general contractors shall not exceed 25 percent of the total bid price;
- (2) the total amount of work to be performed by all licensed contractors issued a license by the State Board of Examiners of Electrical Contractors under Article 4 of Chapter 87 of the North Carolina General Statutes shall not exceed 25 percent of the total bid price.

History Note: Authority G.S. 87-1.1; 87-18; S.L. 2022-6; 2021-122;

Eff. March 1, 2023.

SECTION .0500 - POLICY STATEMENTS AND INTERPRETATIVE RULES

21 NCAC 50 .0501 AIR CONDITIONING FURTHER DEFINED

- (a) Heating Group 2 systems are defined in G.S. 87-21(a)(3). Multiple units serving interconnected space and aggregating more than 15 tons are included Heating Group 2 systems in the foregoing whether or not separately ducted or controlled.
- (b) The installation of heating and air conditioning systems or components located in single family dwellings and systems of 15 tons or less capacity in non-residential structures require Heating Group 3 license except where:
- (1) heat is provided by hot water or steam in a Heating Group 1 system, or
 - (2) cooling is provided by a unitary appliance such as a window unit in which case a license is not required.

*History Note: Authority G.S. 87-18; 87-21(a)(3);
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. August 1, 2000; May 1, 1989;
Temporary Amendment Eff. August 31, 2001;
Amended Eff. January 1, 2010; August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.*

21 NCAC 50 .0502 JOINT VENTURE

- (a) A joint venture bid or proposal may be submitted provided the names and license numbers of those licensees who constitute the joint venture are indicated on the proposal and, in the case of bids, on the outside of the bid envelope.
- (b) The licensees who constitute the joint venture must sign the contract to the extent of their qualifications and exercise general supervision over the work until its completion.

*History Note: Authority G.S. 87-18; 87-21(a)(5); 87-21(c);
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. December 1, 2003;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.*

21 NCAC 50 .0503 SUBMISSION OF BID

The submission of a bid to perform plumbing, heating, or fire sprinkler work is an offer to engage in the business of plumbing, heating or fire sprinkler contracting within the meaning of G.S. 87-25.

*History Note: Authority G.S. 87-18; 87-25;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. April 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 .0504 MINOR REPAIRS

*History Note: Authority G.S. 87-18; 87-21(c);
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Repealed Eff. May 1, 1989.*

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 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 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 at the water supply delivery volume and delivery pressure and assure that the system flows the required amount of water through each of the tested fire sprinkler heads. 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 .0506 MINOR REPAIRS AND ALTERATIONS

(a) The connection of a factory installed and inspected mobile home drainage system to an existing approved premises sewer system, which premises sewer system extends from the septic tank or municipal sewer system, constitutes a minor repair or replacement. The connection of a factory installed mobile home water system to an existing potable water supply on the premises constitutes a minor repair or replacement.

- (b) The initial installation or the subsequent replacement of any water heater in any structure requires a license in plumbing except where installed by a property owner personally in property not intended or used for sale or rental.
- (c) The installation of a water purification system which interrupts the potable water supply does not constitute a minor repair or replacement within the meaning of G.S. 87-21(c).
- (d) Any connection, repair, or alteration which requires interruption of the potable water supply and if poorly performed creates risk of contamination of the potable water supply is not a minor repair, replacement or alteration.
- (e) Any connection, repair or alteration which if poorly performed creates risk of fire or exposure to carbon monoxide, open sewage or other gases is not a minor repair, replacement or alteration.
- (f) The failure to enumerate above any specific type of repair, replacement or alteration shall not be construed in itself to render said repair, replacement or alteration as minor within the meaning of G.S. 87-21(c).
- (g) A license in plumbing contracting or a license issued pursuant to Article 7A, Chapter 87 of the General Statutes is required of a person who installs pumps or pumping equipment, installs, breaks or reinstalls a well seal or disinfects a well.

History Note: Authority G.S. 87-18; 87-21(a)(1); 87-21(a)(5); 87-21(c); 87-98;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. November 1, 1993; May 1, 1989; April 15, 1978; February 1, 1978;
Temporary Amendment Eff. September 15, 1997;
Temporary Amendment Expired June 28, 1998;
Amended Eff. January 1, 2010; April 1, 2003;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .0507 HEATING: GROUP 1 LICENSE REQUIRED

A license in heating, group No. 1 is required for the installation or replacement of a boiler in a heating group No. 1 system.

History Note: Authority G.S. 87-18; 87-21(a)(2); 87-21(a)(5); 87-21(c);
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. May 1, 1989; August 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .0508 HEATING: GROUP 3 LICENSE REQUIRED

- (a) A license in heating, group No. 3 is required for the installation or replacement of a furnace, air handler, heat pump, package unit, ductwork or condenser in a heating, group No. 3 system.
- (b) A license in heating, group No. 3 is required to install or replace a self-contained fireplace unit if the unit utilizes ducts or a blower to distribute air to areas not immediately adjacent to the fireplace itself.
- (c) A license in heating, group No. 3 is required when air conditioning of 15 tons or less is added to an already installed heating, group No. 3 system.
- (d) A heating, group No. 2 license is required for the installation or replacement of equipment or ductwork in a Heating Group No. 2 system, unless exempted by G.S. 87-21(a)(3).

History Note: Authority G.S. 87-18; 87-21(a)(3); 87-21(a)(5); 87-21(c);
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. August 1, 2002; May 1, 1989; August 1, 1982;
Temporary Amendment Eff. August 31, 2001;
Amended Eff. January 1, 2010; March 1, 2005; August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .0509 PROPERTY OWNER

History Note: Authority G.S. 87-18; 87-21(a),(b),(c); 87-25;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Repealed Eff. August 1, 1984.

21 NCAC 50 .0510 LICENSE REQUIREMENTS GENERALLY

An individual may not perform any work which is within the scope of G.S. 87-21(a)(1), 87-21(a)(2), 87-21(a)(3), 87-21(a)(4), 87-21(a)(11), or 87-21(b)(2), and not otherwise excluded by G.S. 87-21(c), 87-21(c1) or 87-25, for any other individual, firm, body corporate or body politic no matter the form or arrangement of compensation unless such person has been issued the appropriate license by the Board.

History Note: Authority G.S. 87-18; 87-21(a)(5); 87-21(c);
Eff. November 1, 1993;
Amended Eff. July 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .0511 FUEL PIPING

The contracting or installation of fuel piping extending from an approved fuel source at or near the premises, to a point within the premises, requires either Plumbing, Heating Group 1, Heating Group 2, Heating Group 3, or Fuel Piping license regardless the nature of the system, equipment or appliance served. The term fuel refers to flammable gas, flammable liquefied gas, or flammable liquid as those terms are defined in Volume V of the North Carolina Building Code, and to combustible liquid so defined when used in a non-residential application. This provision does not alter the restriction of Class II license to single family detached residential dwellings.

History Note: Authority G.S. 87-18; 87-21;
Eff. July 1, 1998;
Temporary Amendment Eff. August 31, 2001;
Amended Eff. August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .0512 EMPLOYEES EXEMPTED FROM LICENSURE

(a) An unlicensed person who is directly and regularly employed in the ordinary course of business by a contractor licensed pursuant to G.S. 87, Article 2 is not required to have a license and shall not be subject to an action for injunctive relief brought by the Board. Factors establishing whether the individual is directly and regularly employed in the ordinary course of business of such contractor include the following:

- (1) whether the individual is on the licensed contractor's payroll;
- (2) whether taxes are withheld from the payment to the individual and the contractor performs such other acts as are lawfully required of an employer;
- (3) whether the licensed contractor exercises control and supervision over the method, manner and details of the individual's work; and
- (4) whether the licensed contractor, and not the unlicensed person, is and remains obligated to the property owner or general contractor for the work.

(b) Persons acting as independent contractors, consultants or subcontractors, or paid as such, are not bona fide employees.

(c) Licensed contractors may utilize employees shared with a labor supplier under a written contract which may allocate payroll or tax withholding obligations to the labor supplier while reserving control, supervision and obligation to the owner or general contractor to the licensee of the Board, and provided the licensee upon whose qualifications the license of the employing contractor is based remains a person meeting all four of the indicia of employment set out in Paragraph (a) of this Rule and is not contracted by or acting as a labor supplier.

History Note: Authority G.S. 87-18; 87-25;
Eff. August 1, 2000;
Amended Eff. December 31, 2011; May 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .0513 FIRE SPRINKLER INSPECTION TECHNICIAN LICENSE

(a) License in the Fire Sprinkler Inspection Technician classification is required of the technician who carries out periodic inspection of fire sprinkler systems consistent with NFPA-25.

(b) Periodic observation and testing of systems other than NFPA-25 system certification may be carried out by Fire Sprinkler Maintenance Technicians licensed under Rule .0515 of this Chapter. Insurers who carry out inspections for the limited

purpose of underwriting or rating for insurance purposes, in situations where the physical tasks are carried out by the on-site Fire Sprinkler Maintenance Technician licensee of the insured, are not required to be licensed pursuant to this Rule. All NFPA-25 reports and system tags must display the name and signature of the licensee who performed the actual inspection as well as the licensee number of the inspection contractor; except that where the Fire Sprinkler Inspection Technician license is issued in the name of a manufacturing, government, university or hospital facility as set out in this Rule, the NFPA-25 report and system tags must display the name, signature and license number of the Inspection Technician.

(c) Licenses shall be issued based on experience and examination or on experience and certification, as described in Rules .0301 and .0306 of this Chapter and expire annually.

(d) The duties of fire sprinkler inspection technicians may be carried out as employees of fire sprinkler inspection contractors or as full-time employees at a manufacturing, government, university or hospital facility. Fire Sprinkler Inspection Technician licenses shall be issued and listed either as sublicensees of fire sprinkler inspection contractors or as a fire sprinkler inspection technician license in the name of the manufacturing, government, university or hospital facility where the fire sprinkler inspection technician is employed.

*History Note: Authority G.S. 87-21;
Eff. January 1, 2004;
Amended Eff. January 1, 2010; March 1, 2005;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.*

21 NCAC 50 .0514 FIRE SPRINKLER INSPECTION CONTRACTOR LICENSE

(a) License in the Fire Sprinkler Inspection Contractor classification is required of persons who engage in the business of contracting to perform or performing independent testing and inspections of fire sprinkler systems consistent with NFPA-25. Insurers who carry out inspections for the limited purpose of underwriting or rating for insurance purposes, in situations where the physical tasks are carried out by the on-site Fire Sprinkler Maintenance technician licensee of the insured, are not required to be licensed pursuant to this Rule.

(b) Where the NFPA-25 inspection is carried out by a Fire Sprinkler Inspection Contractor, the NFPA-25 report and system tags must display the name, signature and license number of the Fire Sprinkler Inspection Contractor.

(c) Licenses shall be issued based on experience and examination, as described in Rules .0301 and .0306 of this Chapter and expire annually.

*History Note: Authority G.S. 87-21;
Eff. January 1, 2004;
Amended Eff. January 1, 2010; March 1, 2005;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.*

21 NCAC 50 .0515 FIRE SPRINKLER MAINTENANCE TECHNICIAN LICENSE

(a) License in the Fire Sprinkler Maintenance Technician classification is required of the technician who carries out periodic maintenance observation or testing of water-based fire protection systems. Licenses shall be issued based on experience and training, as described in Rules .0301 and .0306 of this Chapter and expire annually. This license is limited to work on the systems at the locations of the employer of the licensee for which experience was demonstrated. Upon termination of employment at the location for which certified, the Fire Sprinkler Maintenance Technician license shall lapse, and a new license shall be obtained for the systems at the new place of employment by compliance with the requirements of Rule .0306 of this Chapter. Insurers who carry out inspections for the limited purpose of underwriting or rating for insurance purposes, in situations where the physical tasks are carried out by the on-site Fire Sprinkler Maintenance Technician licensee of the insured, are not required to be licensed pursuant to this Rule.

(b) Persons holding a Fire Sprinkler Maintenance Technician license may only:

- (1) Operate and lubricate hydrants and control valves;
- (2) Adjust valve and pump packing glands;
- (3) Bleed moisture and condensation from air compressors, air lines and dry pipe system auxiliary drains;
- (4) Clean strainers;
- (5) Check for painted, damaged or corroded sprinklers, corroded or leaking piping and verify control valves are open;
- (6) Replace painted, corroded or damaged sprinkler head, using identical serial numbers;
- (7) Replace missing or loose hangers;
- (8) Replace gauges;

- (9) Clean water motor gong;
- (10) Perform air compressor maintenance;
- (11) Reset dry pipe valves;
- (12) Exercise fire pumps, not including conduct of a flow measurement test;
- (13) Perform periodic maintenance observation or testing, not including the annual NFPA-25 inspections; or
- (14) Perform repairs other than the foregoing on an emergency basis where necessary to restore a system to operation, provided the holder of the Fire Sprinkler Maintenance Technician license documents his efforts and inability to obtain the services of the holder of a license as a Fire Sprinkler Installation Contractor prior to performing the repairs, but obtains such services within 72 hours thereafter.

History Note: Authority G.S. 87-21;
 Eff. January 1, 2004;
 Amended Eff. January 1, 2010; May 1, 2006; March 1, 2005;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .0516 RESIDENTIAL FIRE SPRINKLER INSTALLATION LICENSE

License in the Residential Fire Sprinkler Installation Contractor classification is required of persons who engage in the business of contracting to perform or performing the installation of multipurpose one or two family residential water-based plumbing and fire sprinkler piping systems consistent with NFPA-13D. All multipurpose one or two family residential plumbing and fire sprinkler piping systems shall be hydraulically calculated and designed by a licensed North Carolina Fire Sprinkler Installation Contractor. The licensed Residential Fire Sprinkler installation contractor may also utilize a system calculated and designed by a North Carolina licensed engineer for each specific installation. Residential Fire Sprinkler Installation Contractors shall perform each installation consistent with the calculation and design. Any single purpose residential water-based fire sprinkler system shall be installed by a licensed Fire Sprinkler Installation Contractor.

History Note: Authority G.S. 87-21;
 Eff. July 1, 2010;
 Amended Eff. January 1, 2012;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .0517 PLUMBING, HEATING AND FUEL PIPING TECHNICIAN LICENSE

- (a) The holder of license as a Heating, Group 1 Technician shall be a full-time employee of a Heating, Group No. 1 Contractor.
- (b) The holder of license as a Heating, Group 2 Technician shall be a full-time employee of a Heating, Group No. 2 Contractor.
- (c) The holder of license as a Heating, Group 3 Technician shall be a full-time employee of a Heating, Group No. 3 Contractor.
- (d) The holder of license as a Plumbing Technician shall be a full-time employee of a Plumbing Contractor.
- (e) The holder of license as a Fuel Piping Technician shall be a full-time employee of a Fuel Piping Contractor licensee or a Class A Gas Dealer pursuant to 21 NCAC 50 .0404(c).

History Note: Authority G.S. 87-18;87-21(b);
 Eff. December 31, 2011;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .0518 RESTRICTED LIMITED PLUMBING CONTRACTOR LICENSE

Licensure in the Restricted Limited Plumbing Contractor classification is required of persons who do not possess a license as a plumbing contractor, but contract install, repair or replace:

- (1) exterior building sewer piping, as defined in the North Carolina Plumbing Code, which is hereby incorporated by reference including all subsequent editions and amendments. The document can be accessed at <http://www.NCDOI.com/OSFM/engineering>.
- (2) exterior water service piping two inch diameter or less, as defined in the North Carolina Plumbing Code;
- (3) exterior backflow preventers connected to water service piping two inches in diameter or less; or
- (4) water filtration systems or components of water filtration systems that filter, treat, condition or remove impurities from potable water by means of a fine physical barrier or membrane, a chemical process or a

biological process, and which are installed on a water distribution line or water service piping, as defined in North Carolina State Plumbing Code.

History Note: Authority G.S. 87-18; 87-21;
Eff. April 1, 2014;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .0519 RESIDENTIAL FIRE SPRINKLER DESIGN CONTRACTOR LICENSE

(a) A licensed Residential Fire Sprinkler Design Contractor is authorized to design residential fire sprinkler Systems consistent with NFPA 13D Residential Multipurpose Fire Sprinkler Systems as set forth in the North Carolina Plumbing Code.

(b) An individual who holds an active license as a Plumbing Contractor and as a Residential Fire Sprinkler Installation Contractor may obtain license as a Residential Fire Sprinkler Design Contractor upon meeting the requirements of Rule .0316 of this Chapter.

(c) A licensed Fire Sprinkler Installation Contractor may design residential fire sprinkler systems consistent with NFPA 13D Residential Multipurpose Fire Sprinkler Systems without meeting the requirements of Paragraph (a) and (b) of this Rule.

(d) Residential Fire Sprinkler Design Contractors shall place their Residential Fire Sprinkler Design Contractor license number and their dated signature on all design drawings and documents.

(e) Residential Fire Sprinkler Design Contractors shall submit all NFPA 13D multipurpose fire sprinkler design drawings and documents to the Residential Fire Sprinkler Installation Contractors prior to the commencement of the multipurpose fire sprinkler installation and upon request from the local inspection department.

History Note: Authority G.S. 87-18; 87-21(b);
Eff. July 1, 2020;
Amended Eff. March 1, 2023.

21 NCAC 50 .0520 ONSITE SUPERVISION AND STANDARD OF COMPETENCE

The general supervision required by G.S. 87-26 requires that a licensee of the firm who holds the proper licensing qualification issued by the Board pursuant to G.S. 87-21(b) shall personally perform on-site and in-person supervision and review on all work, prior to work being covered or placed into service, to assure that all installations meet or exceed the minimum standard of the North Carolina State Building Code.

History Note: Authority G.S. 87-18; 87-21; 87-26;
Eff. June 1, 2023.

SECTION .0600 - PETITIONS FOR RULES

21 NCAC 50 .0601	PETITION FOR RULEMAKING HEARINGS
21 NCAC 50 .0602	CONTENTS OF PETITION
21 NCAC 50 .0603	DISPOSITION OF PETITIONS
21 NCAC 50 .0604	NOTICE OF RULEMAKING HEARINGS
21 NCAC 50 .0605	NOTICE MAILING LIST
21 NCAC 50 .0606	ADDITIONAL INFORMATION
21 NCAC 50 .0607	REQUEST TO PARTICIPATE
21 NCAC 50 .0608	CONTENTS OF REQUEST: GENERAL TIME LIMITATIONS
21 NCAC 50 .0609	RECEIPT OF REQUEST: SPECIFIC TIME LIMITS
21 NCAC 50 .0610	WRITTEN SUBMISSIONS
21 NCAC 50 .0611	PRESIDING OFFICER: POWERS AND DUTIES
21 NCAC 50 .0612	STATEMENT OF REASONS FOR DECISION
21 NCAC 50 .0613	RECORD OF PROCEEDINGS
21 NCAC 50 .0614	EMERGENCY RULES

History Note: Authority G.S. 87-18; 150A-2; 150A-12; 150A-12(2); 150A-12(a),(b),(d),(e);
150A-16; 150A-33(5); 150A-34(a); 150A-43;

Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Repealed Eff. August 1, 1982.

SECTION .0700 - DECLARATORY RULINGS

21 NCAC 50 .0701	SUBJECTS OF DECLARATORY RULINGS
21 NCAC 50 .0702	SUBMISSION OF REQUEST FOR RULING
21 NCAC 50 .0703	DISPOSITION OF REQUESTS
21 NCAC 50 .0704	RECORD OF DECISION
21 NCAC 50 .0705	DEFINITION

History Note: Authority G.S. 87-18; 150A-12(e); 150A-17;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Repealed Eff. August 1, 1982.

SECTION .0800 - ADMINISTRATIVE HEARING PROCEDURES

21 NCAC 50 .0801	RIGHT TO HEARING
21 NCAC 50 .0802	REQUEST FOR HEARING
21 NCAC 50 .0803	GRANTING OR DENYING HEARING REQUESTS
21 NCAC 50 .0804	NOTICE OF HEARING
21 NCAC 50 .0805	WHO SHALL HEAR CONTESTED CASES
21 NCAC 50 .0806	PETITION FOR INTERVENTION
21 NCAC 50 .0807	TYPES OF INTERVENTION
21 NCAC 50 .0808	DISQUALIFICATION OF HEARING OFFICERS
21 NCAC 50 .0809	FAILURE TO APPEAR
21 NCAC 50 .0810	SIMPLIFICATION OF ISSUES
21 NCAC 50 .0811	SUBPOENAS
21 NCAC 50 .0812	FINAL DECISIONS IN ADMINISTRATIVE HEARINGS
21 NCAC 50 .0813	PROPOSALS FOR DECISIONS

History Note: Authority G.S. 87-18; 150A-2; 150A-2(2); 150A-23; 150A-23(2); 150A-23(a);
150A-25(a); 150A-32; 150A-33(5); 150A-34(a); 150A-43;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Repealed Eff. August 1, 1982.

SECTION .0900 - SPECIAL PROVISIONS ON LICENSING

21 NCAC 50 .0901	PROCEDURE IN CONTESTED CASES
21 NCAC 50 .0902	BOARD DECISION

History Note: Authority G.S. 87-18; 87-23; 150A-3;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Repealed Eff. August 1, 1982.

SECTION .1000 – CONTESTED CASES

21 NCAC 50 .1001 RIGHT TO HEARING

History Note: *Authority G.S. 87-18; 150B-38;*
 Eff. May 1, 1989;
 Repealed Eff. August 1, 2000.

21 NCAC 50 .1002 REQUEST FOR HEARING

(a) Any time an aggrieved party believes that individual's rights, duties, or privileges have been affected by the Board's administrative action, but has not received notice of a right to an administrative hearing, that individual may file a request for a hearing.

(b) Before an individual may file a request, that individual shall exhaust all reasonable efforts to resolve the issue informally with the Board.

(c) Subsequent to such informal action, if still dissatisfied, the individual shall submit a request to the Board's office, with the request bearing the notation: REQUEST FOR ADMINISTRATIVE HEARING. The request shall contain the following information:

- (1) name and address of the petitioner,
- (2) a statement of the action taken by the Board which is challenged,
- (3) a statement of the way in which the petitioner has been aggrieved, and
- (4) a statement of request for a hearing.

(d) The Board shall acknowledge the request and take action consistent with 21 NCAC 50 .1003.

History Note: *Authority G.S. 87-18; 150B-22; 150B-38;*
 Eff. May 1, 1989;
 Amended Eff. December 31, 2011;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .1003 GRANTING OR DENYING HEARING REQUEST

(a) The Board will grant a request for a hearing if it determines that the party requesting the hearing is a "person aggrieved" within the meaning of G.S. 150B-2(6).

(b) The denial of request for a hearing will be issued immediately upon decision, and in no case later than 60 days after the submission of the request. Such denial shall contain a statement of the reasons leading the Board to deny the request.

(c) Approval of a request for a hearing will be signified by the issuing of a notice as required by G.S. 150B-38(b) and explained in Rule .1004 of this Section.

History Note: *Authority G.S. 87-18; 150B-11; 150B-38;*
 Eff. May 1, 1989;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .1004 NOTICE OF HEARING

(a) Hearings of the Board are commenced and conducted consistent with G.S. 150B, Article 3A.

(b) If the Board determines that the public health, safety or welfare requires such action, it shall issue an order summarily suspending a license. Upon service of the order, the licensee to whom the order is directed shall immediately cease the practice of plumbing, heating or fire sprinkler contracting in North Carolina. The Board shall give notice of hearing pursuant to G.S. 150B, Article 3A following service of the order. The suspension shall remain in effect pending issuance by the Board of a final agency decision pursuant to G.S. 150B-42.

History Note: *Authority G.S. 87-18; 150B-3(c); 150B-38;*
 Eff. May 1, 1989;
 Amended Eff. December 31, 2011; August 1, 2000; April 1, 1991;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .1005 WHO SHALL HEAR CONTESTED CASES

All administrative hearings will be conducted by the Board or a panel consisting of a majority of the members of the Board.

History Note: Authority G.S. 87-18; 150B-11; 150B-38; 150B-40;
Eff. May 1, 1989;
Amended Eff. December 31, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .1006 INFORMAL PROCEDURES

(a) The Board and party or parties may agree at a pre-hearing conference to simplify the hearing by: decreasing the number of issues to be contested at the hearing; accepting the validity of proposed evidence; accepting the findings in another case with relevance to the case at hand; or agreeing to such other matters as may expedite the hearing.

(b) The Board may establish a resolution committee consisting of the Executive Director and one or two persons appointed by the Executive Director to conduct an informal conference when it appears there may not be a need for a formal hearing. At least two Resolution Committee members must be present and participate in Committee proceedings. Any party who does not agree with a proposal for resolution resulting from an informal conference may notify the Board within 30 days. The matter will subsequently be heard de novo by a majority of the Board or as otherwise provided by 21 NCAC 50 .1005, or this Rule. If there is no objection to the proposed resolution within 30 days, the proposed resolution will be received and considered by a majority of the Board as a recommendation by the staff, any Board member involved and the licensee for adoption.

(c) As a part of the contested case hearing process, the Board may elect to conduct a summary proceeding in a contested case. The procedure for a summary proceeding is substantially as follows:

(1) After issuance of a notice of hearing in accordance with 21 NCAC 50 .1004, the matter is considered by a single board member without a record. Each party may tender affidavits, documents and a closing statement. Live testimony shall not be received.

(2) Each party may present a suggestion as to the terms of a Recommended Order. The board member will consider the materials and suggestions and issue a Recommended Decision in summary proceeding. If there is no objection within 30 days, the Recommended Order shall be received and considered by a majority of the Board as a recommendation by the staff, any Board member involved and the respondent for adoption.

(3) Any party who does not agree with the recommended decision may notify the Board within 30 days.

(d) Any matter not resolved pursuant to the procedure in Paragraph (b) or (c) of this Rule shall be heard de novo by a majority of the Board or as otherwise provided by 21 NCAC 50 .1005. The de novo hearing shall be conducted as other contested case hearings are conducted pursuant to 21 NCAC 50 .1000. The Board member who conducted the summary proceedings shall be disqualified from the de novo hearing.

History Note: Authority G.S. 87-18; 150B-41;
Eff. May 1, 1989;
Amended Eff. January 1, 2010; February 1, 2004; August 1, 2000; November 1, 1993;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .1007	PETITION FOR INTERVENTION
21 NCAC 50 .1008	TYPES OF INTERVENTION
21 NCAC 50 .1009	DISQUALIFICATION OF BOARD MEMBERS
21 NCAC 50 .1010	SUBPOENAS
21 NCAC 50 .1011	WITNESSES

History Note: Authority G.S. 87-18; 87-21(g); 150B-11; 150B-38; 150B-39; 150B-40;
Eff. May 1, 1989;
Repealed Eff. August 1, 2000.

21 NCAC 50 .1012 FINAL DECISION

In all cases heard by the Board, the Board will issue its decision within 60 days after its next regularly scheduled meeting following the close of the hearing. This decision will be the prerequisite "final agency decision" for the right to judicial review.

History Note: Authority G.S. 87-18; 150B-11; 150B-38; 150B-42;
Eff. May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .1013 PROPOSALS FOR DECISION

History Note: *Authority G.S. 87-18; 150B-11; 150B-38; 150B-40;*
Eff. May 1, 1989;
Repealed Eff. August 1, 2000.

21 NCAC 50 .1014 ADMINISTRATIVE HEARING PROCEDURES

(a) The Rules establishing procedures for contested cases adopted by the Office of Administrative Hearings as contained in Title 26, Chapter 3 of the North Carolina Administrative Code are hereby incorporated by reference, including subsequent amendments and editions, for contested cases for which the Board has authority to adopt rules under G.S. 150B-38(h). Provided, however, that if the case is conducted under G.S. 150B-40(b), the presiding officer shall have the powers and duties given to the Chief Administrative Law Judge or the presiding administrative law judge in Title 26, Chapter 3 of the North Carolina Administrative Code and that 26 NCAC 03 .0101(2), .0102(a)(2), .0103, .0104, .0107, .0108(b), .0109, .0124, .0125, .0126, .0128, .0130, Section .0200 and Section .0300 shall not apply. The provisions of 26 NCAC 03.0108(a) prehearing conference are modified to require a prehearing conference directly between counsel or the parties without participation by the Board at least 15 days in advance of any hearing by the Board, and to exchange all documents and witness information at that time. The provisions of 26 NCAC 03 .0113(b) are modified to authorize service of subpoenas by mail, facsimile, or e-mail likely to result in delivery. Copies of Title 26, Chapter 3 of the North Carolina Administrative Code are on file in the Board's office and may be obtained at the cost of ten cents per page.

History Note: *Authority G.S. 87-18; 150B-38; 150B-40;*
Eff. August 1, 2000;
Amended Eff. December 1, 2003;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

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).
- (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).
- (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 must be paid to obtain the license within 45 days of notification of the result of the examination, except that anyone passing the examination on or after October 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;
Amended Eff. March 1, 2023.

21 NCAC 50 .1102 LICENSE FEES

- (a) Except as set out in Paragraphs (b) and (d) of this Rule, the annual license fee for plumbing, heating, and fuel piping contractor licenses issued or renewed by the Board is 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 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 fifty dollars (\$150.00).
- (f) The annual license fee for a Limited Fire Sprinkler Maintenance Technician is one hundred fifty dollars (\$150.00).
- (g) The annual license fee for a Residential Fire Sprinkler Installation Contractor is one hundred fifty dollars (\$150.00).
- (h) The annual license fee for a Fire Sprinkler Inspection Technician is 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 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 seventy-five dollars (\$75.00).
- (k) The annual license fee for a Restricted Limited Plumbing Contractor is 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;
 Amended Eff. July 1, 2020.

21 NCAC 50 .1103 EXPANDING SCOPE OF LICENSE

History Note: Authority G.S. 87-18; 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. March 1, 1990;
 Repealed Eff. August 1, 2002.

21 NCAC 50 .1104 FEES FOR COPIES OF RECORDS AND RETURNED CHECKS

The Board charges the following fees:

(1)	copies of license	\$20.00
(2)	abstract of license record	\$25.00 per license record search
(3)		processing fee for returned checks
		maximum allowed by G.S. 25-3- 506
(4)	copy of Board rules	\$10.00
(5)	processing fee for late renewal	\$25.00
(6)	Contractors	Business and Project Management for
		Publisher's Price as set forth at
		www.nclicensing.org

History Note: Authority G.S. 25-3-506; 87-18; 87-22; 132-6.2(b); 150B-19;
 Eff. September 1, 1994;
 Amended Eff. July 1, 1998; November 1, 1994;
 Temporary Amendment Eff. August 31, 2001;
 Amended Eff. July 1, 2010; December 1, 2003; December 4, 2002;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015;
 Amended Eff. April 1, 2017.

21 NCAC 50 .1105 ANNUAL REPORTS

The Board shall file all reports required by G.S. 93B-2 as well as the audit required by G.S. 93B-4. In case of untimely filing of a report required by G.S. 93B-2, the Board shall hold in escrow any fees collected between the filing deadline and the filing

date. Issuance of licenses, renewals and application processing shall continue during any interval created by the untimely filing of a report required by G.S. 93B-2.

History Note: Authority G.S. 93B-2;
Eff. December 31, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .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 in writing 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) criminal record report prepared no more than 60 days prior to the date of petition by the agency designated by the Board;
- (7) written statement describing the circumstances surrounding the commission of the crime(s);
- (8) written statement of any rehabilitation efforts;
- (9) rehabilitative drug or alcohol treatments;
- (10) Certificate of Relief granted pursuant to G.S. 15A-173.2;
- (11) affidavits or other written documents, including character references, that the petitioner intends to submit for review;
- (12) certification that the this information provided is true and complete;
- (13) signature.

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

History Note: Authority G.S. 87-18; 93B-8.1(b6);
Eff. July 1, 2020.

SECTION .1200 - PETITIONS FOR RULES

21 NCAC 50 .1201 PETITION FOR RULEMAKING HEARINGS

Any person wishing to submit a petition requesting the adoption, amendment or repeal of a rule by the Board shall address a petition to: State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors, 1109 Dresser Court, Raleigh, North Carolina 27609. The petition shall bear the notation: RULE-MAKING PETITION RE and then the subject area, for example, RE G.S. 87-21(a)(1) RE ADMINISTRATIVE PROCEDURE ACT, RE AIR CONDITIONING SYSTEMS, or an indication of any other area over which the Board may have rule-making authority.

History Note: Authority G.S. 87-18; 150B-20;
Eff. February 1, 1991;
Amended Eff. December 31, 2011; June 11, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .1202 CONTENTS OF PETITION

The petition shall include the following information:

- (1) an indication of the subject area to which the petition is directed; for example, "This is a petition to hold a rulemaking hearing to amend Rule .0000 pertaining to Administrative Procedure Act filing requirements";
- (2) either a draft of a proposed rule or a summary of its contents;
- (3) reasons for the proposal;
- (4) the effect on existing rules or orders;
- (5) any data supporting the proposal;
- (6) effect of the proposed rule on existing practices in the area involved, including cost factors;
- (7) names of those most likely to be affected by the proposed rule, with addresses if reasonable known;

(8) name(s) and address(es) of petitioner(s).

History Note: Authority G.S. 87-18; 150B-20;
Eff. February 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .1203 DISPOSITION OF PETITIONS

(a) The Executive Director of the Board shall determine whether the public interest will be served by granting the request. Prior to making this determination, the Executive Director may request additional information from the petitioner(s); he may contact interested persons or persons likely to be affected by the proposed rule and request comments and he may use any other method for obtaining information on which to base a determination. The Executive Director shall consider all of the contents of the petition submitted plus any other information obtained by the means described in this Paragraph.

(b) The Executive Director shall make a recommendation to the Board for the institution of rulemaking proceedings or for the denial of the petition, as the case may be.

(c) At its next regularly scheduled meeting but within 120 days of submission of the petition, a final decision shall be rendered by the Board. If the decision is to deny the petition the Board shall notify the petitioner in writing, stating the reasons therefor. If the decision is to grant the petition, the Board, within 120 days of submission, shall initiate a rulemaking proceeding by publishing a notice of text in the North Carolina Register as required by G.S. 150B-21.2.

History Note: Authority G.S. 87-18; 150B-20;
Eff. February 1, 1991;
Amended Eff. December 31, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .1204 NOTICE OF RULEMAKING HEARINGS

Upon a determination to hold a rulemaking proceeding, either in response to a petition or otherwise, the Board will give notice of a public hearing on the proposed rule, consistent with G.S. 150B-21.2.

History Note: Authority G.S. 87-18; 150B-21.2;
Eff. February 1, 1991;
Amended Eff. August 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .1205 ADOPTION OF RULES

The procedure followed by the Board in adoption of rules may be found in Article 2A, Part 2, Chapter 150B of the General Statutes, as amended from time to time.

History Note: Authority G.S. 87-18; 150B-21.1 et seq.; 150B-21.2;
Eff. February 1, 1991;
Amended Eff. August 1, 2000; June 11, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .1206 ADDITIONAL INFORMATION

History Note: Authority G.S. 87-18; 150B-21; 150b-21.2;
Eff. February 1, 1991;
Amended Eff. June 11, 1998;
Repealed Eff. August 1, 2000.

21 NCAC 50 .1207 REQUEST TO PARTICIPATE

Any person desiring to present oral data, views, or arguments on the proposed rule is asked to advise the Board at least 10 days prior to the hearing. Any person who makes an oral presentation is encouraged to submit a written copy of the presentation to the Executive Director prior to or at the hearing.

History Note: Authority G.S. 87-18; 150B-21.2;

Eff. February 1, 1991;
Amended Eff. December 31, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .1208 CONTENTS OF REQUEST; GENERAL TIME LIMITATIONS

A request to make an oral presentation should contain a clear reference to the proposed rule, a brief summary of the individual's views in respect thereto, and how long the individual desires to speak. Presentations shall be limited to 10 minutes unless the Board prescribes some other time limit.

History Note: Authority G.S. 87-18; 150B-21.2;
Eff. February 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .1209 RECEIPT OF REQUEST; SPECIFIC TIME LIMITS

Upon receipt of notice of a person's desire to present his views orally, the Board will acknowledge receipt of the request and inform the person of the imposition of any limitations deemed necessary to the end of a full and effective public hearing on the proposed rule.

History Note: Authority G.S. 87-18; 150B-21.2;
Eff. February 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .1210 WRITTEN SUBMISSIONS

(a) Any person may file a written submission containing data, comments or arguments, after publication of a rulemaking notice and up to the day of the hearing, unless a different period has been prescribed in the notice. These written comments shall be sent to the Board at 1109 Dresser Court, Raleigh, North Carolina 27609. The submission shall state the rule(s) or proposed rule(s) to which the comments are addressed.

(b) Upon receipt of written comments, the Executive Director shall assure that the comments will be provided to the Board for consideration.

History Note: Authority G.S. 87-18; 150B-21.2;
Eff. February 1, 1991;
Amended Eff. December 31, 2011; August 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .1211 PRESIDING OFFICER; POWERS AND DUTIES

The presiding officer at the hearing shall have complete control of the proceedings, including: extensions of any time requirements, recognition of speakers, time allotments for presentations, the right to question speakers, direction of the discussion, and management of the hearing. The presiding officer, at all times, will take care that each person participating in the hearing is given a fair opportunity to present views, data and comments.

History Note: Authority G.S. 87-18; 150B-21.2;
Eff. February 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .1212 STATEMENT OF REASONS FOR DECISION

21 NCAC 50 .1213 RECORD OF PROCEEDINGS

History Note: Authority G.S. 87-18; 150B-12; 150B-12(e);
Eff. February 1, 1991;
Repealed Eff. August 1, 2000.

21 NCAC 50 .1214 TEMPORARY RULES

Temporary rules may be adopted under the circumstances described in G.S 150B-21.1.

History Note: Authority G.S. 87-18; 150B-21.1;
Eff. February 1, 1991;
Amended Eff. August 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

SECTION .1300 - DECLARATORY RULINGS

21 NCAC 50 .1301 SUBJECTS OF DECLARATORY RULINGS

Any person aggrieved by a statute administered or rule promulgated by the Board, may request a declaratory ruling as to either the manner in which a statute or rule applies to a given factual situation, if at all, or whether a particular agency rule is valid.

History Note: Authority G.S. 87-18; 150B-17;
Eff. February 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .1302 SUBMISSION OF REQUEST FOR RULING

All requests for declaratory rulings shall be written and mailed to the Board at 1109 Dresser Court, Raleigh, North Carolina 27609. The container of the request shall bear the notation: REQUEST FOR DECLARATORY RULING. The request must include the following information:

- (1) name and address of petitioner;
- (2) statute or rule to which petition relates;
- (3) statement of the manner in which petitioner is aggrieved by the rule or statute or its potential application to him;
- (4) a statement of whether an oral hearing is desired, and if so, the reason therefor.

History Note: Authority G.S. 87-18; 150B-4;
Eff. February 1, 1991;
Amended Eff. December 31, 2011; June 11, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .1303 DISPOSITION OF REQUESTS

- (a) When the Board deems it appropriate to issue a declaratory ruling it shall issue such declaratory ruling within 60 days of receipt of the petition.
- (b) A declaratory ruling proceeding may consist of written submissions, an oral hearing, or other procedure as may be appropriate in the circumstances of the particular request.
- (c) Whenever the Board believes "for good cause" that the issuance of a declaratory ruling is undesirable, the Board may refuse to issue such ruling. When good cause is deemed to exist, the Board will notify the petitioner of its decision in writing, stating the reasons for the denial of the declaratory ruling.
- (d) For purposes of Paragraph (c) of this Rule, the Board will ordinarily refuse to issue a declaratory ruling:
 - (1) unless the petitioner shows that the circumstances are so changed since the adoption of the rule that such a ruling would be warranted;
 - (2) unless the petitioner shows that the Board did not give to the factors specified in the request for a declaratory ruling a full consideration at the time the rule was issued;
 - (3) where there has been a similar controlling factual determination in a contested case, or where the factual context being raised for a declaratory ruling was specifically considered upon the adoption of the rule or directive being questioned, as evidenced by the rulemaking record;
 - (4) where the subject matter of the request is involved in pending litigation in any state or federal court in North Carolina.

History Note: Authority G.S. 87-18; 150B-17;
Eff. February 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .1304 RECORD OF DECISION

A record of all declaratory rulemaking proceedings will be maintained in the office of the Board for as long as the ruling is in effect and for five years thereafter. This record will contain: the petition, notice, all written submissions filed in the request, whether filed by the petitioner or any other person, and a record or summary of oral presentations, if any. Records of rulemaking proceedings will be available for public inspection during the regular office hours of the Board.

History Note: Authority G.S. 87-18;
Eff. February 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

21 NCAC 50 .1305 DEFINITION

For purposes of Rule .1304 of this Section, a declaratory ruling shall be deemed to be "in effect": until the statute or rule interpreted by the declaratory ruling is amended, altered or repealed; until the Board changes the declaratory ruling prospectively; or until the court sets aside the ruling in litigation between the Board and the party requesting the rule; or until any court of the Appellate Division of the General Court of Justice shall construe the statute or rule which is the subject of the declaratory ruling in a manner plainly irreconcilable with the declaratory ruling.

History Note: Authority G.S. 87-18; 150B-12; 150B-17;
Eff. February 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.

SECTION .1400 – CONTINUING EDUCATION

21 NCAC 50 .1401 CONTINUING EDUCATION REQUIREMENTS

History Note: Authority G.S. 87-21(b)(3); 87-22;
Eff. April 1, 2001;
Amended Eff. January 1, 2010; May 1, 2006; January 1, 2004; April 1, 2003;
Repealed Eff. December 31, 2012.

21 NCAC 50 .1402 EXEMPTIONS AND CREDITS

History Note: Authority G.S. 87-21(b)(3); 87-22;
Eff. April 1, 2001;
Amended Eff. January 1, 2010; May 1, 2006; April 1, 2003;
Repealed Eff. December 31, 2012.

21 NCAC 50 .1403 COMPUTATION OF CONTINUING EDUCATION HOURS

History Note: Authority G.S. 87-21(b)(3); 87-2;
Eff. April 1, 2001;
Amended Eff. April 1, 2003;
Repealed Eff. December 31, 2012.

21 NCAC 50 .1404 COURSE REQUIREMENTS AND LIMITATIONS

History Note: Authority G.S. 87-21(b)(3); 87-22;
Eff. April 1, 2001;
Amended Eff. January 1, 2010; June 1, 2006; April 1, 2003;
Repealed Eff. December 31, 2012.

21 NCAC 50 .1405 APPROVAL OF COURSES

History Note: Authority G.S. 87-21(b)(3); 87-22;
Eff. April 1, 2001;
Amended Eff. January 1, 2010; April 1, 2003;

Repealed Eff. December 31, 2012.

21 NCAC 50 .1406 RESERVED FOR FUTURE CODIFICATION

21 NCAC 50 .1407 CERTIFICATION OF COURSE COMPLETION BY LICENSEES AND PROVIDERS

*History Note: Authority G.S. 87-21(b)(3); 87-22;
 Eff. April 1, 2001;
 Amended Eff. March 15, 2003;
 Repealed Eff. December 31, 2012.*

21 NCAC 50 .1408 ADVERTISEMENTS BY COURSE PROVIDERS OR INSTRUCTORS

*History Note: Authority G.S. 87-21(b)(3); 87-22;
 Eff. April 1, 2001;
 Amended Eff. April 1, 2003;
 Repealed Eff. December 31, 2012.*

21 NCAC 50 .1409 TERMINATION OF COURSE OR PROVIDER APPROVAL

*History Note: Authority G.S. 87-21(b)(3); 87-22;
 Eff. April 1, 2001;
 Amended Eff. April 1, 2003;
 Repealed Eff. December 31, 2012.*

21 NCAC 50 .1410 PETITIONS FOR REINSTATEMENT OF LICENSE

*History Note: Authority G.S. 87-21(b)(3); 87-22;
 Eff. April 1, 2001;
 Repealed Eff. December 31, 2012.*

21 NCAC 50. 0318 LICENSE IN GOOD STANDING

A license has been maintained in good standing for the purposes of G.S. 87-21(b)(3) if the license:

- (1) has remained continuously active for 10 years as of the date of the application request;
- (2) is current as to all fees payable to the Board as of the date of the application request; and
- (3) has not been the subject of a disciplinary order that imposed a sanction that included supervised probation, suspension, revocation or restoration of a revoked license during the 10-year period preceding the date of the application request for a Class II plumbing or heating license.

*History Note: Authority: G.S. 87-18; 87-21(b)(3);
 Eff. October 1, 2024.*