

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.*