

# Electrical Contractor Board Rules

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## SUB CHAPTER 18B BOARD'S RULES FOR THE IMPLEMENTATION OF THE ELECTRICAL CONTRACTING LICENSING ACT

### SECTION .0100 - GENERAL PROVISIONS

#### 21 NCAC 18B .0101 PRINCIPAL OFFICE: MAILING ADDRESS: OFFICE HOURS

The State Board of Examiners of Electrical Contractors has designated 3101 Industrial Drive, Suite 206, Raleigh, North Carolina 27609, as its principal office. Its mailing address is P. O. Box 18727, Raleigh, North Carolina 27619. Its regular office business hours are 8:30 a.m. to 5:00 p.m., Monday through Friday.

*History Note:* Authority G.S. 87-39; 87-42;  
Eff. October 1, 1988;  
Amended Eff. January 1, 2006.

#### 21 NCAC 18B .0102 REFERENCE TO STATE BUILDING AND ELEVATOR CODES

(a) Pursuant to G.S. 150B-21.6, the North Carolina State Building Code, Volume IV Electrical, and the National Electrical Code, NFPA 70, are incorporated by reference. Whenever a reference is made in this Subchapter to one of these codes, it means the current edition and any amendments thereto. The term "National Electrical Code" when used in these Rules includes both codes incorporated in this Paragraph.

(b) Pursuant to G.S. 150B-21.6, the North Carolina codes and standards for elevators, dumbwaiters, escalators, moving walks and personnel hoists, administered by the North Carolina Department of Labor and codified as 13 NCAC 15 .0200, are incorporated by reference. Whenever a reference is made in this Subchapter to these codes and standards, it means the current edition and amendments thereto.

*History Note:* Authority G.S. 87-39; 87-42; 143-138;  
Eff. October 1, 1988.  
Amended Eff. July 1, 2011.

#### 21 NCAC 18B .0103 ANNUAL REPORTS

Annual Reports. The Board shall make timely filing of all reports required by G.S. 93B-2. In case of the untimely filing of a report, then pursuant to G.S. 93B-2(d), the Board shall hold in escrow any fees tendered 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. 87-39; 87-40; 87-42; 93B-2;  
Eff. October 1, 1988;  
Amended Eff. July 1, 2011; February 1, 1996; February 1, 1990.

#### 21 NCAC 18B .0104 AUTHORIZED LEGAL ACTION BY STAFF

(a) The following members of the Board's staff are authorized to act on behalf of the Board in criminal and civil actions brought under the provisions of G.S. 87-48;

- (1) the Board's executive director; and
- (2) the Board's field representatives/investigators.

(b) The staff members set out in Paragraph (a) of this Rule are authorized to sign affidavits as to the content of Board records, execute or verify civil complaints in the name of the Board, sign criminal warrants with respect to violations of G.S. 87-48, testify in court or in other proceedings and to perform all other acts as may be required in criminal and civil actions related to G.S. 87-48.

*History Note:* Authority G.S. 87-40; 87-42; 87-43;  
Eff. October 1, 1988;  
Amended Eff. February 1, 2006; April 1, 1993.

## **21 NCAC 18B .0105 BOARD RECORDS**

The records of the Board shall be maintained at the Board office and shall be available for public inspection, in accordance with G.S. 132, during regular office business hours.

*History Note:* Authority G.S. 87-42; 87-47; 132-1;  
Eff. October 1, 1988;  
Amended Eff. February 1, 1995.

## **21 NCAC 18B .0106 JOINT RESOLUTION AND AGREEMENTS**

*History Note:* Authority G.S. 87-39; 87-42;  
Eff. October 1, 1988;  
Repealed Eff. July 1, 2011.

## **21 NCAC 18B .0107 PROCESSING FEE FOR SUBMITTAL OF BAD CHECK**

(a) Any person, firm or corporation submitting to the Board a check which is subsequently returned to the Board because of insufficient funds in or no account at a bank shall be charged the maximum processing fee allowed by G.S. 25-3-506 for processing such check.

(b) Until such time as the payor of such bad check has made the check good and paid the prescribed processing fee, the payor shall not be eligible to take an examination, review an examination, obtain a license or have a license renewed.

(c) Any license which has been issued based on the payment of a check which is subsequently returned to the Board for reasons stated herein shall be declared invalid until such time as the payor has made the check good and paid the prescribed processing fee.

(d) Payment to the Board for making good such bad check and for the prescribed processing fee may be made in the form of cash, cashier's check or money order.

(e) All examination, examination review, license and license renewal applications provided by the Board shall contain information in a conspicuous place thereon clearly advising the applicant of the foregoing bad check processing fee.

*History Note:* Authority G.S. 25-3-506; 87-42;  
Eff. October 1, 1988;  
Amended Eff. May 1, 1998.

## **21 NCAC 18B .0108 PETITION FOR RULE-MAKING PROCEDURES**

(a) Any person wishing to request the Board to adopt, amend, or repeal a rule shall file a petition with the Board pursuant to G.S. 150B-20, by mail or personal delivery. The petition shall be signed by the petitioner and shall include the petitioner's address.

(b) There is no form required for the petition.

(c) The Board shall grant the petition if it finds the requested rule change would comply with the requirements of law and, if so, it would likely serve the public interest. The Board may request additional information from the petitioner and may contact interested persons or persons likely to be affected by the proposal and request their comments in order to obtain information upon which to base the determination of public interest. Before granting or denying the petition, the Board shall consider the contents of the petition and any other information filed with or obtained by the Board.

## **21 NCAC 18B .0109 DECLARATORY RULING PROCEDURES**

(a) All requests for declaratory rulings shall be written and mailed to the Board at the Board's address.

(b) Each request for a declaratory ruling must include the following information:

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

(c) Upon receipt of a request for a declaratory ruling, the Board shall determine whether a ruling is appropriate under the facts stated.

(d) The Board shall proceed to issue a declaratory ruling when the person requesting the ruling shows that, with regard to the facts presented:

- (1) the rule or statute in question is unclear on its face;
- (2) circumstances are so changed since the adoption of a rule that a declaratory ruling is warranted;
- (3) the factors specified in the request were not given appropriate consideration by the Board at the time the rule was adopted;
- (4) the rule or statute is unclear in its application to the requesting person's facts; or
- (5) a fair question exists regarding the validity of the rule because of:
  - (A) an absence of Authority for the Board's adoption of the rule; or
  - (B) irregularities in the Board's rule-making proceedings.

(e) When the Board determines for good cause that the issuance of a declaratory ruling is undesirable, the Board shall notify, in writing, the person requesting the ruling, stating the reasons for the denial of the request. The Board will ordinarily decline to issue a declaratory ruling when:

- (1) there has been a similar controlling factual determination made by the Board;
- (2) the rule-making record shows that the factual issues raised by the request were specifically considered prior to adoption of the rule; or
- (3) the subject matter of the request is involved in pending litigation in any state or federal court in North Carolina.

(f) Prior to issuing a declaratory ruling, the Board may give notice of the declaratory proceedings to any persons it deems appropriate and may direct that fact-finding proceedings appropriate to the circumstances of the particular request be conducted by the Board. The proceedings may consist of written submissions, an oral hearing, or other appropriate procedures.

(g) If the Board finds evidence that the factors listed in Subdivisions (d)(1), (2), or (3) of this Rule exist or potentially exist beyond the specific facts presented in a particular petition for declaratory ruling, the Board shall consider rule-making proceedings on the rule.

(h) A record of each declaratory ruling and the procedures conducted therefor will be maintained by the Board at least until:

- (1) the statute or rule interpreted by the declaratory ruling is amended, altered, or repealed;

- (2) the Board prospectively changes the declaratory ruling for good reason;
- (3) any court sets aside the ruling in litigation between the Board and the party requesting the ruling; or
- (4) any court of the Appellate Division of the General Court of Justice construes the statute or rule which is the subject of the declaratory ruling in a manner plainly irreconcilable with the declaratory ruling.

(i) The record will contain:

- (1) the request for a declaratory ruling;
- (2) all written submissions filed in the request, whether filed by the person requesting the ruling or by any other person;
- (3) a record or summary of oral presentations, if any; and
- (4) a copy of the declaratory ruling.

*History Note:*

*Authority G.S. 87-42; 150B-4;  
Eff. October 1, 1988.*

## **SECTION .0200 - EXAMINATIONS**

### **21 NCAC 18B .0201 REQUIREMENTS FOR ALL EXAMINATION APPLICANTS**

- (a) To take an examination in any electrical contracting license classification, the applicant must:
  - (1) be at least 18 years of age;
  - (2) submit the required duly filed application as defined in Rule .0210;
  - (3) submit with the application written statements from at least two persons attesting to the applicant's good character; and
  - (4) meet any other requirements set out in Paragraph (b) of this Rule.
- (b) Examination applicants must meet the following requirements for the specified license classifications:
  - (1) Limited classification. An applicant must have at least four years of experience, as defined in Rule .0202 of this Section, of which at least two years shall be primary experience. The balance of experience may be primary, secondary or both.
  - (2) Intermediate classification. An applicant must have at least six years of experience, as defined in Rule .0202 of this Section, of which at least four years shall be primary experience. The balance of experience may be primary, secondary or both.
  - (3) Unlimited classification. An applicant must:
    - (A) have at least seven years of experience, as defined in Rule .0202 of this Section, of which at least five years shall be primary experience. The balance of experience may be primary, secondary or both, and
    - (B) submit with the application written statements from at least two persons, who are knowledgeable of the applicant's electrical experience, attesting to the applicant's ability to supervise and direct all electrical wiring or electrical installation work done by an electrical contracting business in the unlimited classification.
  - (4) Single family detached residential dwelling (SP-SFD) classification. An applicant must have at least four years of experience, as defined in Rule .0202 of this Section, of which at least two years shall be primary experience. The balance of experience may be primary, secondary or both.

- (5) Special restricted fire alarm/low voltage (FALV) classification. An applicant must have at least two years of experience, as defined in Rule .0202 of this Section, of which at least one year shall be primary experience. The balance of experience may be primary, secondary or both. An applicant in this classification may also receive creditable experience for service in any of the capacities listed in Rule .0202 that the applicant gained in the low voltage field.
- (6) Special restricted elevator (SP-EL) classification. An applicant must:
  - (A) have at least four years of experience, as defined in Rule .0202 of this Section, of which at least two and one-half years shall be primary experience. The balance of experience may be primary, secondary or both. An applicant in this classification may also receive creditable experience for service in any of the capacities listed in Rule .0202 that the applicant gained in the elevator field, and
  - (B) include on the application information verifying that the applicant is primarily engaged in, or is regularly employed by and will be the listed qualified individual for a firm that is primarily engaged in, a lawful elevator business in this State.
- (7) Special restricted plumbing and heating (SP-PH) classification. An applicant must:
  - (A) have at least two years of experience, as defined in Rule .0202 of this Section, of which at least one year shall be primary experience. The balance of experience may be primary, secondary or both. An applicant in this classification may also receive creditable experience for service in any of the capacities listed in Rule .0202 that the applicant gained in the plumbing, heating or air conditioning field, and
  - (B) include on the application information verifying that the applicant is primarily engaged in, or is regularly employed by and will be the listed qualified individual for a firm that is primarily engaged in, a lawful plumbing, heating or air conditioning business in this State.
- (8) Special restricted ground water pump (SP-WP) classification. An applicant must:
  - (A) have at least two years of experience, as defined in Rule .0202 of this Section, of which at least one year shall be primary experience. The balance of experience may be primary, secondary or both. An applicant in this classification may also receive creditable experience for service in any of the capacities listed in Rule .0202 that the applicant gained in the ground water pump field, and
  - (B) include on the application information verifying that the applicant is primarily engaged in, or is regularly employed by and will be the listed qualified individual for a firm that is primarily engaged in, a lawful ground water pump business in this State.
- (9) Special restricted electric sign (SP-ES) classification. An applicant must:
  - (A) have at least two years of experience, as defined in Rule .0202 of this Section, of which at least one year shall be primary experience. The balance of experience may be primary, secondary or both. An applicant in this classification may also receive creditable experience in any of the capacities listed in Rule .0202 that the applicant gained in the electric sign field, and
  - (B) include on the application information verifying that the applicant is primarily engaged in, or is regularly employed by and will be the listed qualified individual for a firm that is primarily engaged in, a lawful electric sign business in this State.
- (10) Special restricted swimming pool (SP-SP) classification. An applicant must:
  - (A) have at least two years of experience, as defined in Rule .0202 of this Section, of which at least one year shall be primary experience. The balance of experience may be primary,

secondary or both. An applicant in this classification may also receive creditable experience for service in any of the capacities listed in Rule .0202 that the applicant gained in the swimming pool field, and

- (B) include on the application information verifying that the applicant is primarily engaged in, or is regularly employed by and will be the listed qualified individual for a firm that is primarily engaged in, a lawful swimming pool business in this State.

*History Note: Authority G.S. 87-42; 87-43.3; 87-43.4; 87-44;  
Eff. October 1, 1988;  
Amended Eff. October 1, 2017; January 1, 2010, March 1, 1999; February 1, 1990.*

## 21 NCAC 18B .0202 EXPERIENCE

(a) Primary. As used in this Chapter, primary experience means working experience gained by the applicant while engaged directly in the installation of electrical wiring and equipment governed by the National Electrical Code or work activities directly related thereto. Examples of the capacity in which a person may work in gaining primary experience and the percentages for creditable primary experience are as follows:

	Percentage
(1) journeyman electrician or electrician mechanic, both meaning the same;	100
(2) electrical foreman;	100
(3) electrical general foreman;	100
(4) electrical superintendent;	100
(5) electrical general superintendent;	100
(6) estimator for licensed electrical contractor;	100
(7) electrical inspector recognized as such by the State Department of Insurance;	100
(8) time spent by a professional engineer who is responsible for follow-up project supervision, beyond the point of delivery, in electrical engineering design, or consulting;	100
(9) fulltime instructor teaching National Electrical Code, NFPA 72 and related electrical courses at a college, university, community college, technical institute, high school or vocational school;	80
(10) maintenance journeyman electrician or electrician mechanic employed in a full-time electrical maintenance department;	100
(11) time actually spent in electrical maintenance by a maintenance journeyman electrician or electrician mechanic regularly employed in other than a full-time electrical maintenance department;	100
(12) military person holding an electrician rating or rank of at least E-4 who is engaged in land based electrical installations similar or equivalent to work performed by an electrical contractor;	100
(13) time actually spent in part-time or incidental work in any primary experience category;	100
(14) time actually spent installing or maintaining fire alarm/low voltage systems;	100
(15) time as a holder of NICET certification on NFPA 72 Level I, II, III or IV applicable to Fire Alarm-Low Voltage only.	100

In calculating accumulative primary experience, a total of 2,000 hours shall equal one creditable year. The total number of creditable years shall be calculated by dividing the total hours of primary experience by 2,000. Example: Applicant has worked in primary capacity for a total of 7,200 hours of primary experience.

$$\frac{7,200}{2,000} = 3.6 \text{ years creditable primary work experience}$$

(b) Secondary. As used in this Chapter, secondary experience means working experience gained while engaged in work or training that is related to the installation of electrical wiring and equipment governed by the National Electrical Code. Examples of the type of work or training in which a person may engage to gain creditable secondary experience and the percentages for creditable secondary experience are as follows:

	Percentage
(1) apprentice electrician training in an apprentice program approved by the North Carolina Department of Labor;	100
(2) time spent as an apprentice electrician or helper other than as described in Subparagraph (1) and (3) of this Paragraph;	80
(3) time actually spent in electrical maintenance by a maintenance apprentice or electrician helper regularly employed in other than a full-time electrical maintenance department;	80
(4) student satisfactorily completing National Electrical Code and related electrical courses at a college, university, community college, technical institute, high school or vocational school;	50
(5) time spent by a professional engineer who is not responsible for follow-up project supervision, beyond the point of delivery, in electrical engineering, design, or consulting;	50
(6) electrical construction design under the supervision of a professional engineer;	50
(7) sales representative for an electrical wholesaler, distributor, or manufacturer;	20
(8) appliance service and repair;	20
(9) electric utility lineman; and	10
(10) electric utility serviceman.	20

In calculating cumulative secondary experience, a total of 2,000 hours shall equal one creditable year. The total number of creditable years shall be calculated by applying the percentage for creditable secondary experience and dividing the remainder hours by 2,000. Example: Applicant has 1,000 hours of work experience as a helper or regular apprentice and 2,200 hours of experience while enrolled in an approved apprentice training program: 1,000 hours at 80 percent = 800 hours secondary experience; 2,200 hours at 100 percent = 2,200 hours secondary experience;

$$\frac{800 + 2,200}{2,000} = 1.5 \text{ years creditable secondary experience.}$$

(c) Other Experience. The Board shall approve other experience that it finds to be equivalent or similar to the primary or secondary experience defined in this Rule.

*History Note:* Authority G.S. 87-42; 87-43.3; 87-43.4;  
Eff. October 1, 1988;  
Amended Eff. October 1, 2017; January 1, 2010; March 1, 1999.

## **21 NCAC 18B .0203 EXAMINATION SCOPE**

(a) General. In addition to the examination subjects specified in G.S. 87-42, qualifying examinations for each license classification shall include permit and inspection requirements, business practices and the North Carolina statutes and rules applicable to electrical contracting.

(b) Variation in Scope. The examinations for each license classification shall be based on a level of technical and practical knowledge concerning the safe and proper installation of electrical work and equipment that corresponds to the electrical contracting work authorized under each license classification.

*History Note:* Authority G.S. 87-42; 87-43.3; 87-43.4;  
Eff. October 1, 1988;  
Amended Eff. March 1, 1999; April 1, 1993.

## **21 NCAC 18B .0204 EXAMINATIONS**

(a) All qualifying examinations administered by the Board for each license classification shall be written or computer-based examinations and must be taken personally by the approved applicant after the applicant has met the requirement for examination contained in the rules in this Subchapter.

(b) Upon approval of an application pursuant to these Rules, the Board shall provide the applicant a notice of examination eligibility that is valid for a period of three months and for a single administration of the qualifying examination. Upon receipt of a notice of examination eligibility from the Board, the applicant shall schedule the examination by contacting the Board or the authorized testing service. The applicant shall be scheduled for the examination, by the Board and the Board or authorized testing service will confirm the date, time and place.

(c) A minimum grade of 70 out of a possible score of 100 is required in order to pass any qualifying examination administered by the Board.

*History Note:* Authority GS 87-42; 87-43.3; 87-43.4; 93B-8;  
Eff. October 31, 1988;  
Temporary Amendment Eff. August 31, 2001;  
Amended Eff. October 1, 2017; July 1, 2011; January 1, 2006; July 18, 2002.

## **21 NCAC 18B .0205 MINIMUM PASSING GRADE**

## **21 NCAC 18B .0206 REGULAR EXAMINATIONS**

## **21 NCAC 18B .0207 APPLICATION FOR REGULAR EXAMINATIONS**

## **21 NCAC 18B .0208 SPECIALLY-ARRANGED EXAMINATIONS**

*History Note:* Authority G.S. 87-42; 87-43.3; 87-43.4; 87-44;  
Eff. October 1, 1988;  
Amended Eff. August 1, 1999 (Rule .0208); February 1, 1996 (Rule .0207); April 1, 1993 (Rule .0206);  
February 1, 1990 (Rule .0208);  
Temporary Amendment Eff. August 31, 2001;  
Repealed Eff. July 1, 2011.

## **21 NCAC 18B .0209 FEES**

(a) The examination fee for qualifying examinations is ninety dollars (\$90.00) for all classifications.

(b) The fee for review of a failed examination is twenty-five dollars (\$25.00). All reviews are supervised by the Board or staff.

(c) The examination fees for examinations in all classifications and the fees for examination reviews may be in the form of cash, check, money order, Visa or Mastercard made payable to the Board and must accompany the respective applications when filed with the Board.

(d) Examination fees received with applications filed for qualifying examinations shall be retained by the Board unless:

- (1) an application is not filed as prescribed in Rule .0210 of this Section, in which case the examination fee and application shall be returned; or
- (2) the applicant does not take the examination during the period for which application was made, files a written request for a refund, setting out extenuating circumstance, and the Board finds extenuating circumstances.

(e) Examination review fees are non-refundable unless the applicant does not take the review, files a written request for a refund, setting out extenuating circumstance, and the Board finds extenuating circumstances.

(f) Any fee retained by the Board shall not be creditable toward any future examination fee or examination review.



(g) Extenuating circumstances for the purposes of Paragraphs (d)(2) and (e) of this Rule are the applicant's illness, bodily injury or death, or death of the applicant's spouse, child, parent or sibling, or a breakdown of the applicant's transportation to the designated site of the examination or examination review.

*History Note:* Authority G.S. 87-42; 87-43.3; 87-43.4; 87-44;  
Eff. October 1, 1988;  
Amended Eff. May 1, 1998; July 1, 1989;  
Temporary Amendment Eff. June 30, 2000;  
Temporary Amendment Eff. August 31, 2001;  
Amended Eff. July 1, 2011; January 1, 2008; December 4, 2002.

## **21 NCAC 18B .0210 APPLICATIONS DULY FILED**

Examinations applications are considered as duly filed when the applicant has filed an application with the Board, on a form provided by the Board, together with the examination fee as prescribed in Rule .0209 of this Section and information sufficient to meet the minimum examination requirements applicable to the classification involved. By filing an application with the Board, an applicant authorizes the Board or the Board's staff to verify, in any manner the Board or staff deems necessary and appropriate, the information submitted on or in support of the application. The Board or staff shall determine whether applications are duly filed, process all applications, and return all applications not duly filed.

*History Note:* Authority G.S. 87-42; 87-43.3; 87-43.4; 87-44;  
Eff. October 1, 1988;  
Temporary Amendment Eff. August 31, 2001;  
Amended Eff. July 1, 2011; July 18, 2002.

## **21 NCAC 18B .0211 WAITING PERIOD BETWEEN EXAMINATIONS**

(a) A person who fails a qualifying examination must wait three months from the date of the failed examination before being eligible to take another examination in the same classification.

(b) A person shall be considered a new applicant each time he or she applies to take an examination, and must file an application on the standard application form and pay the required application fee and examination fee.

*History Note:* Authority G.S. 87-42; 87-43.3; 87-43.4;  
Eff. October 1, 1988;  
Amended Eff. July 1, 2011; January 1, 2006  
Amended Eff. July 1, 2016

## **21 NCAC 18B .0212 APPRENTICE TRAINING (Effective July 1, 2020)**

Applicants for examination or license based upon apprentice training pursuant to G.S. 93B-8.6 shall receive credit for such apprenticeship experience consistent with all applicants as set forth in 21 NCAC 18B .0202(b)(1) or 21 NCAC 18B .0202(b)(2).

## **SECTION .0300 - DEFINITIONS AND EXPLANATIONS OF TERMS APPLICABLE TO LICENSING**

### **21 NCAC 18B .0301 LISTED QUALIFIED INDIVIDUAL**

A listed qualified individual cannot be “regularly on active duty”, as the term is used in G.S. 87-43, during the hours when he has committed himself to work for an employer other than the employers on whose license he is the listed qualified individual. Therefore, no electrical contracting work can be done under a license during the hours its listed qualified individual has committed himself to duty as an employee in other employment.

*History Note:* Authority G.S. 87-42; 87-43;  
Eff. October 1, 1988;  
Amended Eff. February 1, 1990.

### **21 NCAC 18B .0302 DRAWINGS**

Pursuant to an agreement between the Board and the North Carolina State Board for Professional Engineers and Land Surveyors, the following definitions and procedures shall apply to drawings:

- (1) Design Drawing. A design drawing indicates the total result to be achieved by an assembly of various systems. It is the creative work of a design professional, prepared with the use of special knowledge of the mathematical, physical and engineering sciences in order to accomplish a specific function and bears the seal of the preparing design professional.
- (2) Shop Drawing. A shop drawing indicates the fabrication, assembly, installation or erection of a system's components. It is usually prepared by the manufacturer or installing contractor for the purpose of conveying to the mechanic the materials and construction sequencing procedures to be used in achieving the total result called for by the design drawings.
- (3) Drawings by Contractor. If design drawings are not required by any statute, the installing contractor may prepare preliminary drawings to illustrate his proposed installation. If design drawings are required by a statute for an installation, the contractor may prepare preliminary drawings to illustrate his proposed installation; provided his proposal contains specific provisions to assure the awarding authority that, if awarded the project, the services of a duly registered professional will be employed to prepare the required final design drawings for the installation proposed and that the installation will be constructed in accordance with such design drawings.

*History Note:* Authority G.S. 87-39; 87-42;  
Eff. October 1, 1988.

### **21 NCAC 18B .0303 ELECTRICAL INSTALLATION: PROJECT: PROJECT VALUE-LIMITATION**

For the purpose of implementing G.S. 87-43.3 pertaining to the limited and intermediate electrical contracting license classifications, the following provisions shall apply:

- (1) Electrical Installation. Electrical work is construed to be an electrical installation when the work is made or is to be made:
  - (A) in or on a new building or structure;
  - (B) in or on an addition to an existing building or structure;
  - (C) in or on an existing building or structure, including electrical work in connection with lighting or power rewiring or with the addition or replacement of machines, equipment or fixtures; or
  - (D) in an area outside of buildings or structures, either overhead or underground or both.
- (2) Project. An electrical installation is construed to be a separate electrical contracting project if all the following conditions are met:

- (A) the installation is, or will be, separate and independently supplied by a separate service, feeder or feeder system; and
  - (B) the installation is for:
    - (i) an individual building or structure which is separated from other buildings or structures by a lot line or, if located on the same lot with other buildings or structures, is physically separated from such other buildings or structures by an open space or an area separation fire wall;
    - (ii) an individual townhouse single-family dwelling unit constructed in a series or group of attached units with property lines separating such units;
    - (iii) an individual tenant space in a mall-type shopping center;
    - (iv) an addition to an existing building or structure;
    - (v) an existing building or structure, including electrical work in connection with lighting or power rewiring or with the addition or replacement of machines, equipment or fixtures; or
    - (vi) an outdoor area either overhead or underground or both.
  - (C) the negotiations or bidding procedures for the installation are carried out in a manner totally separate and apart from the negotiations or bidding procedures of any other electrical installation or part thereof;
  - (D) except for new additions, alterations, repairs or changes to a pre-existing electrical installation, no electrical interconnection or relationship whatsoever will exist between the installation and any other electrical installation or part thereof;
  - (E) a separate permit is to be obtained for each individual building structure or outdoor area involved from the governmental agency having jurisdiction; and if a question is raised by a party at interest or if requested by the Board or Board's staff for any reason, the owner or the awarding authority or an agent of either furnishes to the Board, and to the inspections department having jurisdiction, a sworn affidavit confirming that each and every one of the conditions set forth in (2)(a) through (e) of this Rule are satisfied.
- (3) Relationship of Plans and Specifications to Definition of Project. Even though such electrical work may not fully comply with each condition set out in Item (2) of this Rule, the entire electrical work, wiring, devices, appliances or equipment covered by one set of plans or specifications is construed to be a single electrical contracting project.
- (4) Project Value Limitation (estimated cost value changes effective July 1, 2020). In determining the value of a given electrical contracting project, the total known or reasonable estimated costs of all electrical wiring materials, equipment, fixtures, devices, and installation must be included in arriving at this value, regardless of who furnishes all or part of same, and regardless of the form or type of contract or subcontract involved.
- (A) If the total cost of the wiring, materials, etc., including that furnished by others, plus the total cost of the installation involved, will be more than sixty thousand dollars (\$60,000) but not more than one hundred fifty thousand dollars (\$150,000), then only an electrical contractor holding either an intermediate or unlimited license shall be eligible to submit a proposal or engage in the project.

- (B) If the total cost of the wiring, materials, etc., including that furnished by others, plus the total cost of the installation involved, will exceed one hundred fifty thousand dollars (\$150,000), then only an electrical contractor holding an unlimited license is eligible to submit a proposal or engage in the project.

If a given electrical contracting project is subdivided into two or more contracts or subcontracts for any reason, then the total value of the combined contracts or subcontracts which may be awarded to or accepted by any one licensee of the Board must be within the total project value in accordance with this Rule.

The Board's staff shall make a determination of what constitutes a project in any given situation, and any party at interest may appeal any staff determination to the Board for a final binding decision.

*History Note: Authority G.S. 8742; 8743; 87-43.3;  
Eff. October 1, 1988;  
Amended Eff. September 1, 2014; January 1, 2008; February 1, 1996; February 1, 1990.  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest ;  
Eff. February 2, 2016*

## **21 NCAC 18B .0304 POINT OF DELIVERY AND RELATED TERMS**

(a) "Point of delivery" and other terms related thereto are defined as follows:

- (1) Consumer's Premises. A "consumer's premises" is any publicly or privately owned building, structure, land or facility to which electric energy is being furnished.
- (2) Consumer's Wiring. A "consumer's wiring" is the portion of a wiring system that is located at or on the consumer's premises and for which the consumer has full responsibility for ownership, operation and maintenance. This wiring is considered to be beyond the point of delivery.
- (3) Electric Power Supplier. An "electric power supplier" is a public utility company, a private utility company, an electric membership co-op, a municipal utility or any other entity that furnishes electric energy for private or public use.
- (4) Electric Power Supplier's Wiring. An "electric power supplier's wiring" is the portion of a wiring system that is located either off, at, or on the consumer's premises and for which the electric supplier has full responsibility for ownership, operation and maintenance. This wiring is considered to be ahead of the point of delivery.
- (5) Point of Delivery. The "point of delivery," as used in G.S. 87-43.1(1), is the point where an electric power supplier's wiring terminates in the supplier's delivery of electrical energy to a consumer's wiring at or on the consumer's premises.
- (6) Service Point. The "service point" in a wiring system, defined in the National Electrical Code as the point of connection between the facilities of the serving utility and the premises wiring, is construed to be the same as the point of delivery.

(b) Special Conditions. Where conditions of service or other circumstances require that a portion of an electric power supplier's owned, operated and maintained equipment, such as metering and load control equipment, be installed within the consumer's wiring, such installation shall be construed to be beyond the point of delivery, and the installation of such equipment is required to be made by a licensee of the Board. This provision does not prohibit an electric power supplier from installing its metering and load control equipment in the enclosures for such equipment or removing same from such enclosures.

(c) Rulings. Where conditions of service or other circumstances are such that the definition of point of delivery and the related terms in this Rule are not strictly applicable, either in whole or in part, a special limited ruling will be issued by the Board on request of any part of interest.

(d) Illustration. The point of delivery and service point in a wiring system and the application of the North Carolina Electrical Contracting Licensing Act are further defined in the following illustration:

## POINT OF DELIVERY

### G.S. CH 87,ART. 4

### SERVICE POINT

### NEC, NFPA 70

<----- AHEAD ----->

•

<----- BEYOND ----->

Wiring on this side is that portion of a wiring system for which the electric power supplier has the responsibility for ownership, operation and maintenance, including any overhead, underground, inside or outside wiring.

#### LICENSE REQUIREMENTS

Wiring installations on this side are exempted from the North Carolina Electrical Contracting Licensing Act. Parties of interest are referred to the North Carolina Licensing Board for General Contractors for applicable licensing requirements.

Wiring on this side is that portion of a wiring system for which the consumer has the responsibility for ownership, operation and maintenance, including any overhead, underground, inside or outside wiring.

#### LICENSE REQUIREMENTS

Wiring installations on this side are covered by the North Carolina Electrical Contracting Licensing Act and, pursuant to the provisions of said act, persons, firms or corporations installing, maintaining, altering or repairing such wiring are required to hold an appropriate license issued by the State Board of Examiners of Electrical Contractors.

History Note:

Authority G.S. 87-39; 87-42; 87-43.1(1);  
Eff. October 1, 1988.

## 21 NCAC 18B .0305 LICENSE REQUIREMENTS AND EXEMPTIONS

(a) Pursuant to G.S. 87-43.1(7), an electrical contractor's license is not required for:

- (1) the installation and servicing of electrical appliances or equipment which is being supplied through a cord connected by means of an attachment plug-in device to a suitable permanently installed receptacle; and
- (2) the servicing of electrical appliances or equipment being supplied through wiring connected to a permanently installed junction box.

(b) Unless exempted by a statute other than G.S. 87-43.1(7), an electrical contractor's license is required for:

- (1) the installation of the permanently installed receptacles to which cord-supplied electrical appliances or equipment are connected;
- (2) the installation of the permanently installed junction boxes to which electrical appliances or equipment are connected; and
- (3) any wiring connected to and supplied from the out-put side of any electrical appliances or equipment regardless of whether such appliances or equipment are supplied through a cord connected by means of an attachment plug-in device to a suitable permanently installed receptacle or are supplied through wiring connected to a permanently installed junction box.

History Note:

Authority G.S. 87-42; 87-43.1;  
Eff. October 1, 1988.

## **21 NCAC 18B .0306 BONA FIDE EMPLOYEE**

(a) For the exemption for electrical work done as a bona fide employee of a license under G.S. 87-43.1(3), the following conditions must be met:

- (1) The restrictions of the employing licensee's license apply to any employee of the licensee.
- (2) The employing licensee shall have control and direction of the details, methods and manner of performing the electrical work being done by the employee. The manner of payment, if any, to the person shall not be the sole determining factor concerning whether the person is an employee.
- (3) The electrical work shall be performed under the supervision and direction of a listed qualified individual who is the employing licensee, or under the supervision and direction of a listed qualified individual regularly employed by the employing licensee.

(b) The employing licensee, the employee, and every listed qualified individual of the licensee shall furnish any information the Board may require, including affidavits, to evaluate and determine a claim of employee exemption.

(c) When the information furnished to the Board does not substantiate compliance with this Rule, the individual shall be deemed to be an independent contractor rather than an employee and shall be subject to G.S. Chapter 87, Article 4.

*History Note:*

*Authority G.S. 87-42;*

*Eff. October 1, 1988;*

*Amended Eff. April 1, 1993; February 1, 1990.*

## **21 NCAC 18B .0307 CERTAIN ELECTRICAL WORK/MANUFACTURER/PREFABRICATED UNITS**

(a) A manufacturer of prefabricated units is not required to be licensed by the Board to engage in installing, altering or repairing the electric work, wiring, devices, appliances or equipment in or on its prefabricated units under either of the following conditions:

- (1) during the time the prefabricated units are physically located at the actual place of manufacture; or
- (2) after the prefabricated units have been removed from the actual place of manufacture if all of the following conditions are met:
  - (A) the prefabricated units have been factory inspected, approved and duly labeled by an independent certifying agency approved by the North Carolina Building Code Council; and
  - (B) the work is specifically restricted to that part of the electrical installation covered under the approved independent certifying agency's initial label and such work is performed by the manufacturer's bona fide employees under the onsite direct personal supervision of the independent certifying agency's official inspector and in cooperation with and approval by the local governmental inspection authority.

(b) Except as specified in this Rule, this exemption from the North Carolina Electrical Contracting Licensing Act does not apply once a unit has been removed from the manufacturing facility and placed anywhere within the State of North Carolina, including sales lots, the property of purchasers and lessees, or any other place for any reason, either temporarily or permanently.

(c) In order for a manufacturer to engage or offer to engage in the installation, alteration, maintenance or repair of any electric work, wiring, devices, appliances or equipment in connection with any unit, except as permitted in this Rule, the manufacturer must hold an active electrical contracting license issued by the Board.

(d) Nothing in this Rule shall be construed to exempt any electrical work on any property from the North Carolina State Building Code requirements or from any local special construction rules or permit or inspection requirements.

*History Note:*

*Authority G.S. 87-42; 87-43;*

*Eff. October 1, 1988.*

## **SECTION .0400 - LICENSING REQUIREMENTS**

### **21 NCAC 18B .0401 LICENSE APPLICANTS: REQUIREMENTS FOR EACH CLASSIFICATION**

(a) An applicant for an electrical contracting license in each of the license classifications shall:

- (1) submit a completed application to the Board on a form provided by the Board for the license classification involved;
- (2) submit the annual license fee for the license classification involved as prescribed in Rule .0404 of this Section; and
- (3) furnish the name, signature and social security number of at least one person to serve as the listed qualified individual for the applicant's license.

(b) Corporation, Partnership or Limited Liability Company. If the license applicant is a corporation, partnership or limited liability company, the application shall contain the names and titles of the officers, names of the partners or names of the members of the limited liability company, whichever is applicable.

(c) Intermediate and Unlimited Classifications. License applicants in the intermediate and unlimited classifications shall also furnish a bonding ability statement or a line of credit letter issued by a bank, savings bank, or savings and loan association pursuant to G.S. 87-43.2(a)(4).

(d) Special Classifications. A license applicant in the SP-EL, SP-PH, SP-WP, SP-ES or SP-SP classification must also include on the license application information verifying that the applicant is conducting a lawful business in the State of North Carolina in the license classification involved.

*History Note:* Authority G.S. 87-42; 87-43.2; 87-43.3; 87-43.4;  
Eff. November 1, 1988;  
Amended Eff. February 1, 1995; April 1, 1993; February 1, 1990.

### **21 NCAC 18B .0402 LICENSE NAME REQUIREMENTS**

(a) Issuance of License. The name in which a license is issued must be distinguishable upon the records of the Board from the name in which a license has already been issued. If the name requested, after deleting all spaces, punctuation marks, articles, prepositions, conjunctions and, whether abbreviated or not, "corporation," "incorporated," "company," or "limited," is not identical to the name in which a license has already been issued, it shall be distinguishable. The substitution of a numeral for a word that represents the same numeral shall not make the name distinguishable.

(b) Name In Which Business Must Be Conducted. All electrical contracting business, including all business advertising and the submission of all documents and papers, conducted in the state of North Carolina by a licensee of the Board shall be conducted in the exact name in which the electrical contracting license is issued.

(c) Notification of Address, Telephone Change and email address. All licensees shall notify the Board in writing within 30 days of any change in location, mailing address, telephone number or email address.

*History Note:* Authority G.S. 87-42;  
Eff. October 1, 1988;  
Amended Eff. July 1, 2011; March 1, 1999; February 1, 1996.

### **21 NCAC 18B .0403 SEPARATE LICENSE REQUIREMENTS**

(a) A separate license certificate and license fee shall be required for each separate place of business with at least one listed qualified individual indicated thereon. No listed qualified individual shall be indicated on more than one license certificate at the same time except where a place of business has one listed qualified individual with licenses issued in different classifications.

(b) As used in G.S. 87-43, the term "each separate place of business" means:

- (1) the one place of business of a firm in the case where an electrical contracting firm conducts its business from only one place; and
- (2) the principal place of business and each of the other places of business of a firm in the case where an electrical contracting firm is conducting its business from more than one place.

*History Note:* Authority G.S. 87-42; 87-43; 87-43.2;  
Eff. October 1, 1988;  
Amended Eff. April 1, 1993; February 1, 1990.

## **21 NCAC 18B .0404 ANNUAL LICENSE FEES**

The annual license fees and license renewal fees for the various license classifications are as follows:

### **LICENSE FEE SCHEDULE**

#### **21 NCAC 18B .0212 APPRENTICE TRAINING (Effective July 1, 2020)**

CLASSIFICATION	LICENSE FEE
Limited	\$95.00
Intermediate	\$140.00
Unlimited	\$190.00
SP-SFD	\$95.00
Special Restricted	\$95.00

(b) License fees may be paid by cash, check, money order, Visa or Mastercard made payable to the Board. Payment must accompany any license or license renewal application filed with the Board.

*History Note:* Authority G.S. 8742; 8744;  
Eff. October 1, 1988;  
Amended Eff. May 1, 1998; July 1, 1989;  
Temporary Amendment Eff. June 30, 2000;  
Temporary Amended Eff. August 31, 2001;  
Amended Eff. July 1, 2015; January 1, 2008; December 4, 2002.  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 2, 2016;  
Amended Eff. October 1, 2017.

## **21 NCAC 18B .0405 LICENSE RENEWAL DUE DATE**

(a) License renewal applications and fees are due 30 days prior to the license expiration date. An administrative fee of twentyfive dollars (\$25.00) shall be imposed upon applications received after the expiration date. Applications filed with the Board by mail shall be considered filed on the date such mail is postmarked.

(b) The Board will implement a system of staggered license renewals beginning July 1, 2002. Renewal applications for the year beginning July 1, 2002 will be mailed in the spring of 2002. Some licenses will be renewed for a 13-month period and the fee for such licenses will be the license fee set forth in Rule .0404 of this Section together with a one-twelfth (1/12) pro rata part of the license fee. Other renewals will be for varying monthly terms up to twenty-three (23) months and pro rata portions of the license fee for that classification will be added. Beginning July 1, 2003 all licenses will be renewed for twelve (12) month periods as the renewal date is reached.

*History Note:* Authority G.S. 87-42; 87-44;  
Eff. October 1, 1988;  
Amended Eff. February 1, 1990;  
Temporary Amendment Eff. August 31, 2001;  
Amended Eff. July 1, 2015; July 18, 2002.

## **21 NCAC 18B .0406 RENEWAL AFTER EXPIRATION OF ANNUAL LICENSE**

(a) Subject to Rule .0906 of this Subchapter, any licensee whose license has expired solely because of failure to apply for renewal may apply and have the license renewed without further examination, and in compliance with



the provisions contained in G.S. 87-44, if the applicant makes application within a period of 12 months immediately following the date the license expired.

(b) If the renewal application is filed more than 12 months immediately following the date the license expired, the applicant may have the license renewed if, during the 12 month period immediately preceding the date the application is filed with the Board, the applicant's listed qualified individual has obtained at least 500 hours of primary experience as defined in Rule .0202 of this Subchapter within the most recent 12 months, is current on the fee requirements set forth in Rule .0404 of this Section, pays the late fee set forth in Rule .0405 of this Section, and meets the continuing education requirements set forth in Rule .1101 of this Subchapter.

(c) An applicant failing to meet the requirements of Paragraphs (a) or (b) of this Rule may obtain a new license in accordance with Section .0200 of this Subchapter and Rule .0401 of this Section.

(d) The provisions of Section .0600 of this Subchapter apply to applicants whose last license expired on or before June 30, 1970.

*History Note:* Authority G.S. 87-42;  
Eff. October 1, 1988;  
Amended Eff. March 1, 1999; February 1, 1990;  
Amended Eff. July 1, 2016.

## **21 NCAC 18B .0407 NUMBERING OF LICENSES**

(a) License numbers will not be related in any way to license classifications. However, each license number shall have a letter suffix added and shown on the license certificate to designate the classification of the license as follows:

Limited Classifications	(License No.) - L
Intermediate Classification	(License No.) - I
Unlimited Classification	(License No.) - U
Single Family Detached Residential Dwelling Classification	(License No.) - SP-SFD
Special Restricted Classification	(License No.) - SP
	With additional suffix letters denoting limitation of each such classification established by the Board.

(b) Numbers for new licenses will be assigned in numerical order following the number of the last license previously issued.

(c) A re-classified license will carry the same number as the old license which it replaces.

(d) The person who is the initial qualified individual listed on a given license shall become the permanent possessor of the license number under which that license is issued, unless such person, his legal agent, personal representative, heirs or assigns furnished to the Board specific written authorization to assign his number to another, who then will become the possessor of that number. Each successive assignee, his legal agent, personal representative, heirs or assigns shall have the right to make such assignments.

*History Note:* Authority G.S. 87-42; 87-43.3; 87-43.4;  
Eff. October 1, 1988.

## **21 NCAC 18B .0408 SCHOOL, HOSPITAL AND NONPROFIT ELECTRICAL CONTRACTORS AND SEPARATE EMPLOYMENT**

Consistent with the provisions of G.S. 87-43.1(5a), the provisions of 21 NCAC 18B .0402(b) and 21 NCAC 18B .0403(b) do not apply to an individual who is employed full-time by a local Board of Education, Hospital or non-

profit organization, while such individual is obligated to be regularly on active duty, as defined by 21 NCAC 18B .0301 at said place of employment and complies with the supervision requirements of 21 NCAC 18B .0907(c). The provisions of 21 NCAC 18B .0907, 21 NCAC 18B .0908 and 21 NCAC 18B .0909 continue to apply.

## **SECTION .0500 - LICENSING OPTIONS**

### **21 NCAC 18B .0501 RECLASSIFICATION OF CURRENT LICENSE**

(a) A licensee may have the license classification lowered from unlimited to intermediate or limited, or from intermediate to limited, by:

- (1) filing with the Board, in writing, a request for the lowering of the license classification; and
- (2) surrendering the current license certificate to the Board for replacement as requested.

(b) A licensee may have a license that was lowered pursuant to Paragraph (a) of this Rule raised to a classification up to and including that classification from which it was lowered by:

- (1) filing with the Board, in writing, a request for the raising of the license classification;
- (2) surrendering the current license certificate to the Board for replacement as requested; and
- (3) paying the applicable license fee. If a change is made prior to the expiration of a current license, the fee shall be the difference between the annual license fee for the existing license and the annual license fee for the new class license requested. If the change is made at the expiration date, the fee shall be the annual license fee for the class license requested.

(c) A limited or intermediate licensee whose license has not been lowered pursuant to Paragraph (a) of this Rule may have the license classification raised to intermediate or unlimited by:

- (1) submitting an application on a form furnished by the Board indicating the classification of the license desired;
- (2) meeting all the requirements for the classification in effect when the application is made, including taking and passing the examination; and
- (3) paying the applicable license fee. If a change is made prior to the expiration of a current license, the fee shall be the difference between the annual license fee for the existing license and the annual license fee for the new class license requested. If the change is made at the expiration date, the fee shall be the annual license fee for the class license requested.

(d) Licenses in the single family detached residential dwelling classification and in any special restricted classification are not subject to reclassification. A change in these classifications can be effected only on the basis of a new application subject to all of the normal processing and examination requirements.

*History Note: Authority G.S. 87-42; 87-43.3; 87-43.4;  
Eff. October 1, 1988;  
Amended Eff. March 1, 1999.*

### **21 NCAC 18B .0502 LISTED QUALIFIED INDIVIDUAL CHANGING FROM ONE LICENSE TO ANOTHER**

A listed qualified individual indicated on a current active license may have his name removed from that license and added to another current active license by submitting to the Board:

- (1) his written request to remove his name from the license on which he is currently listed;
- (2) the license certificate on which he is currently listed;
- (3) a written request from the licensee on whose license the listed qualified individual is to be indicated, co-signed by the listed qualified individual being added; and

- (4) the current license certificate on which the listed qualified individual is to be indicated.

*History Note:* Authority G.S. 87-42; 87-43;  
Eff. October 1, 1988;  
Amended Eff. February 1, 1990.

## **21 NCAC 18B .0503 LISTED QUALIFIED INDIVIDUAL OBTAINING OWN LICENSE**

Any listed qualified individual on any license may have his name removed from this license and obtain his own license upon meeting any current licensing requirements he has not previously met and submitting to the Board:

- (1) his written request to remove his name from the license on which he is currently listed;
- (2) the license certificate on which he is currently listed;
- (3) his license application on a form furnished by the Board; and
- (4) payment of the appropriate license fee.

*History Note:* Authority G.S. 87-42; 87-43;  
Eff. October 1, 1988;  
Amended Eff. February 1, 1990.

## **21 NCAC 18B .0504 QUALIFIED INDIVIDUAL - LISTING OPTIONS AFTER EXPIRATION**

(a) A qualified individual who was formerly but is not now listed on any license may apply for and obtain a license upon meeting all current licensing requirements not previously met and by submitting to the Board:

- (1) a license application on a form furnished by the Board;
- (2) payment of the appropriate license fee; and
- (3) if more than 12 months has elapsed since the qualified individual was listed on an active license, information verifying that, during the 12 month period immediately preceding the date the application is filed with the Board, the qualified individual has obtained at least 500 hours primary experience as defined in Rule .0202 of this Subchapter within the most recent twelve months, is current on the fee requirements set forth in 21 NCAC 18B .0404, pays the late fee set forth in 21 NCAC 18B .0404 and meets the continuing education requirements set forth in 21 NCAC 18B .1101.

(b) A qualified individual who was formerly but is not now listed on any license may be listed on a current active license in the same or a lower classification as the classification of examination passed by submitting to the Board:

- (1) a written request from the licensee, co-signed by the qualified individual, requesting the Board to list the qualified individual on the license;
- (2) the licensee's current license certificate; and
- (3) if more than 12 months has elapsed since the qualified individual was listed on an active license, information verifying that, during the 12 month period immediately preceding the date the application is filed with the Board, the qualified individual has obtained at least 500 hours in an occupation of primary experience as defined in Rule .0202 of this Subchapter within the most recent twelve months, is current on the fee requirements set forth in 21 NCAC 18B .0404, pays the late fee set forth in 21 NCAC 18B .0404 and meets the continuing education requirements set forth in 21 NCAC 18B .1101.

*History Note:* Authority G.S. 87-42; 87-43;  
Eff. October 1, 1988;  
Amended Eff. October 1, 2017; July 1, 2011; March 1, 1999; February 1, 1990.

## **21 NCAC 18B .0505 QUALIFIED INDIVIDUAL - INITIAL LISTING OPTIONS**

A qualified individual who has passed the qualifying examination for a license but has never obtained a license nor been a listed qualified individual on any license shall:

- (1) be eligible to obtain a license in the same or lower classification as the classification of examination passed upon meeting all current licensing requirements not previously met and by submitting to the Board:
  - (a) a license application on a form furnished by the Board;
  - (b) payment of the appropriate license fee; and
  - (c) if more than 12 months has elapsed since the qualified individual was listed on an active license, information verifying that, during the 12 month period immediately preceding the date the application is filed with the Board, the qualified individual has obtained at least 500 hours primary experience as defined in Rule .0202 of this Chapter within the most recent twelve months, is current on the fee requirements set forth in 21 NCAC 18B .0404, pays the late fee set forth in 21 NCAC 18B .0404 and meets the continuing education requirements set forth in 21 NCAC 18B .1101.
- (2) be eligible to be included as a listed qualified individual on a current active license in the same or a lower classification as the classification of examination passed upon submitting to the Board:
  - (a) a written request from the licensee, co-signed by the qualified individual, requesting the Board to list the qualified individual on the license;
  - (b) the licensee's current license certificate; and
  - (c) if more than 12 months has elapsed since the qualified individual was listed on an active license, information verifying that, during the 12 month period immediately preceding the date the application is filed with the Board, the qualified individual has at least 500 hours primary experience as defined in Rule .0202 of this Chapter within the most recent twelve months, is current on the fee requirements set forth in 21 NCAC 18B .0404, pays the late fee set forth in 21 NCAC 18B .0404 and meets the continuing education requirements set forth in 21 NCAC 18B .1101.

History Note:

Authority G.S. 87-42; 87-43;  
Eff. October 1, 1988;  
Amended Eff. October 1, 2017; July 1, 2011; March 1, 1999; February 1, 1990.

## **SECTION .0600 - RECLASSIFICATION OF FORMER CLASS I AND CLASS II LICENSES AND QUALIFIED INDIVIDUALS**

### **21 NCAC 18B .0601 LICENSES EXPIRING AND INDIVIDUALS QUALIFIED/JULY 1, 1970**

### **21 NCAC 18B .0602 QUALIFIED INDIVIDUALS LISTED PRIOR TO JULY 1, 1970**

History Note:

Authority G.S. 87-42; 87-49;  
Eff. October 1, 1988;  
Amended Eff. February 1, 1996; February 1, 1990.  
Repealed Eff. July 1, 2011.

## SECTION .0700 - LICENSING RECIPROCITY

### 21 NCAC 18B .0701 LICENSE BY RECIPROCITY

(a) The Board has entered into reciprocal licensing agreements with contractor licensing boards of several states whereby electrical contractors licensed by the other state boards may obtain a North Carolina electrical contracting license without written examinations provided:

- (1) the applicant furnishes to the Board a written statement from the state licensing board certifying that the applicant holds a current electrical contracting license issued by that board;
- (2) the proposed qualified individual for the applicant is the same individual who is duly qualified for the license currently issued to the applicant by the state licensing board;
- (3) the applicant files an application on a form provided by the Board requesting a license under the licensing reciprocity agreement currently in effect between the Board and the applicant's state licensing board;
- (4) except for the written examination requirement, the applicant furnishes to the Board information satisfactorily verifying to the Board that he meets all of the requirements in Sections .0200, .0300 and .0400 of this Subchapter applicable to the specific license classification requested;
- (5) the applicant pays to the Board the annual license fee as required in Rule .0404 of this Subchapter for the specific license classification; and
- (6) the license classification for which application is made is a classification for which the license from the other state is treated as equivalent under the agreement with that state.

(b) The expiration date for each license issued under a reciprocal agreement shall be as prescribed in G.S. 87-44.

(c) The renewal application due date and late filing penalty for a license issued under a reciprocal agreement shall be as prescribed in Rule .0405 of this Subchapter.

(d) Copies of all reciprocity agreements and applications are available from the Board.

(e) In the absence of a current reciprocity agreement in force between the contractor licensing board of a particular state and this Board, there is no waiver of examination.

*History Note: Authority G.S. 87-42; 87-50;  
Eff. October 1, 1988;  
Amended Eff. March 1, 1999; June 1, 1993;  
Amended Eff. July 1, 2011; April 15, 2003.*

### STATE RECIPROCAL AGREEMENTS IN EFFECT AS OF 2018

Alabama	South Carolina
Florida	Texas
Georgia	Tennessee
Louisiana	Virginia
Mississippi	West Virginia
Ohio	

## SECTION .0800 - SPECIAL RESTRICTED LICENSES

### 21 NCAC 18B .0801 GENERAL PROVISIONS

(a) Types. A special restricted electrical contracting license classification is a classification established pursuant to G.S. 87-43.3 or by G.S. 87-43.4. Its purpose is to license persons, partnerships, firms, or corporations to engage or offer to engage in only a limited phase of electrical contracting work. Each special restricted license classification is separate from all other special restricted and regular license classifications. The General Assembly created the special restricted single family dwelling electrical contractor license in G.S. 87-43.4. Pursuant to G.S. 87-43.3, the Board has established the following special restricted electrical contracting licenses:

- (1) fire alarm/low voltage wiring license (SP-FA/LV);
- (2) elevator license (SP-EL);
- (3) plumbing, heating, and air conditioning license (SP-PH);
- (4) groundwater pump license (SP-WP);
- (5) electric sign license (SP-ES); and
- (6) swimming pool license (SP-SP).

(b) Limited Scope. A special restricted contracting license does not authorize the licensee to engage or offer to engage in the business of electrical contracting in general. It authorizes the licensee to engage or offer to engage only in the limited phase of electrical contracting described in the Rule in this Section that specifies the scope of the applicable special restricted license.

(c) No Project Value Limit. The limitations concerning the dollar value of projects that may be undertaken by a limited or an intermediate licensee do not apply to special restricted licensees. Thus, the holder of a special restricted license may engage or offer to engage in any project authorized by the license regardless of the dollar value of the project.

(d) Effect of Regular License. A licensee in the regular license classifications, whether limited, intermediate or unlimited, is qualified to engage or offer to engage in any activity authorized by a special restricted license, subject to the project value limitations contained in G.S. 87-43.3, and does not have to obtain a special restricted license.

*History Note:* Authority G.S. 87-42; 87-43.3; 87-43.4;  
Eff. October 1, 1988;  
Amended Eff. January 1, 2010, February 1, 1995; February 1, 1990.

### 21 NCAC 18B .0802 ESTABLISHING A SPECIAL RESTRICTED CLASSIFICATION

(a) The Board shall establish a special restricted license classification pursuant to G.S. 87-43.3 when it finds that:

- (1) the licensees who hold regular electrical contracting licenses are not meeting the need for the proposed electrical work to be authorized by the special restricted license; and
- (2) establishing the special restricted license classification serves the public interest.

(b) The Board shall establish special restricted license classifications by rule-making conducted pursuant to the requirements of G.S. 150B, Article 2A.

*History Note:* Authority G.S. 87-42; 87-43.3;  
Eff. October 1, 1988;  
Amended Eff. May 1, 1998.

### 21 NCAC 18B .0803 SCOPE OF SP-SFD LICENSE

(a) The following definitions apply in determination of the scope of work available to the holder of a SP-SFD license:

- (1) "Ancillary" with reference to the scope of a single family residential dwelling license, is an appurtenance or out-building or similar structure associated with the single family dwelling such

as a detached residential garage or carport, a farm or household equipment storage shed, a barn, a pump house, an electric fence, or yard lighting.

- (2) "Habitation" means the occupancy of dwelling primarily or exclusively for residential purposes and includes the incidental use of the dwelling or its ancillaries for a business, commercial, or professional activity, such as providing hair dressing, medical, legal, consulting, or tax services, if:
  - (A) the activity is incidental to the primary use of the dwelling as a residence;
  - (B) no stock-in-trade is either displayed or sold on the premises; and
  - (C) the full-time or part-time services of no more than one person who does not live at the dwelling are used in the activity.
- (3) A "single family residential dwelling" is a building or a manufactured home that is designed and used only for habitation by one family and is not physically attached to any other building or structure. Cabanas, porches, room additions, and ancillary structures are considered part of a single family dwelling if they are designed for and used only for residential purposes by the occupants of the dwelling.

(b) A special restricted single family residential dwelling electrical contracting license (SP-SFD) authorizes the licensee to install, maintain, or repair only electrical wiring and devices that are in or on a single family residential dwelling or are ancillary to a single family residential dwelling. Electrical work within the scope of another special restricted license may be performed by a SP-SFD licensee without obtaining the other special restricted license as long as it is in or on a single family residential dwelling or is ancillary to a single family residential dwelling.

*History Note* Authority G.S. 87-42; 87-43.4;  
Eff. October 1, 1988;  
Amended Eff. July 1, 2011.

## **21 NCAC 18B .0804 SCOPE OF SP-FA/LV LICENSE**

- (a) Definition. As used in this Chapter, fire alarm, burglar alarm and low voltage wiring systems are defined as:
  - (1) wiring systems of 50 volts or less and control circuits directly associated therewith;
  - (2) wiring systems that have a voltage in excess of 50 volts and consist solely of power limited circuits meeting the definition of a Class II or Class III wiring system in the National Electrical Code or paging systems not in excess of 70 volts;
  - (3) line voltage wiring that has a voltage not in excess of 300 volts to ground and is installed from the load-side terminals of a disconnecting means or from a junction box, either of which has been installed by others, for the specific purpose of supplying the low voltage wiring system involved. Some low voltage wiring systems that meet this definition are exempt under Rule .0805;
  - (4) interconnected components wired to a common control panel either as a standalone fire alarm system or as part of a combination burglar/fire system to monitor and annunciate the status of evidence of flame, heat, smoke or water flow within a building or structure in accordance with the requirements of the N.C. State Building Code and NFPA 72; or
  - (5) alarm systems or devices used to detect burglary or theft as defined in G.S. 74D-2(a).
- (b) Scope. A special restricted fire alarm/low voltage electrical contracting license authorizes the licensee to install, maintain, or repair only low voltage wiring and directly related wiring. Wiring is directed related if it:
  - (1) originates at the load-side terminals of a disconnecting means or junction box that:
    - (A) has been installed, complete with line-side connections, by others for the purpose of supplying the low voltage wiring system involved; and
    - (B) is permanently and legibly marked to identify the low voltage wiring system supplied; and

- (2) is not installed in a location considered as hazardous under the National Electrical Code.

History Note:

Authority G.S. 87-42; 87-43.3;  
Eff. October 1, 1988;  
Amended Eff. July 1, 2011; January 1, 2010.

## **21 NCAC 18B .0805 EXEMPTION OF CERTAIN LOW VOLTAGE WIRING SYSTEMS**

Exemption. Except a fire alarm, burglar alarm or low voltage wiring system as defined in Rule .0804, the installation, maintenance, or repair of low voltage wiring systems may be performed by those not licensed by the Board if all of the following conditions are met:

- (1) the system is not required by the N.C. State Building Code;
- (2) the low voltage control circuit and power supply is a Class II or Class III system as defined in the National Electrical Code other than that described in Rule .0804;
- (3) the system operates at a voltage not in excess of 50 volts or meets the provisions for sound recording and similar equipment in the National Electrical Code;
- (4) no part of the system is installed in an area considered as hazardous under the National Electrical Code;
- (5) the system is current limited or protected by a circuit breaker, fuse, or other current limiting device; and
- (6) a failure in the system would not, in the opinion of the electrical inspector having jurisdiction, create a shock or fire hazard to persons or property.

History Note:

Authority G.S. 87-42; 87-43.3;  
Eff. October 1, 1988;  
Amended Eff. January 1, 2010.

## **21 NCAC 18B .0806 SCOPE OF SP-EL LICENSE**

A special restricted elevator electrical contracting license (SP-EL) authorizes the licensee to install, maintain, or repair electrical wiring only as an incident to the licensee's elevator, dumbwaiter, escalator, moving walk, or personnel hoist business. Furthermore, the license authorizes the licensee to install, maintain, or repair only electric wiring that:

- (1) is an integral part of an elevator, dumbwaiter, escalator, moving walk, or personnel hoist;
- (2) is electrically isolated from the building wiring such as a safety switch or circuit breaker, that has been installed, complete with line-side connections, by others; and
- (3) originates at the load-side terminals of the protective isolating device, referred to as "beyond the disconnection means."

History Note:

Authority G. S. 87-42; 87-43.3;  
Eff. October 1, 1988.

## **21 NCAC 18B .0807 SCOPE OF SP-PH LICENSE**

A special restricting plumbing, heating, and air conditioning electrical contracting license (SP-PH) authorizes the licensee to install, maintain, or repair electric wiring or devices only as an incident to the licensee's plumbing, heating, or air conditioning business. Furthermore, the license authorizes the licensee to install, maintain, or repair only wiring that is directly related to plumbing, heating, or air conditioning equipment and that:

- (1) is restricted to circuits or parts of circuits that operate at voltages not exceeding 600 volts, phase-to-phase;
- (2) is electrically isolated from the building wiring system by an overcurrent protective isolating device, such as a fused switch or circuit breaker, that:
  - (a) has been installed, complete with line-side connections, by others;



- (b) is permanently and legibly marked to identify the equipment served by the device; and
- (c) is located within an enclosure intended solely for, and limited to, serving the specific plumbing, heating, or air conditioning equipment involved, or is located within a panelboard that serves the building wiring system and is likewise permanently and legibly marked to identify the equipment served by the device, provided wiring is installed by others from the load-side terminals of the device to a junction box, auxiliary gutter, or similar disconnecting means located outside the panelboard, but in sight of and within 50 feet of, the plumbing, heating, or air conditioning equipment served;
- (3) originates at the load-side terminals of the protective isolating device;
- (4) except for control wiring, is physically adjacent to the plumbing, heating, or air conditioning equipment from the equipment. Control wiring that receives its control power from the plumbing, heating, or air conditioning equipment involved may extend beyond these limits if the control voltage does not exceed 120 volts to ground and the wiring is protected from overcurrent; and
- (5) is not installed in a location considered as hazardous under the National Electrical Code.

*History Note:* Authority G.S. 87-42; 87-43.3;

## **21 NCAC 18B .0808 SCOPE OF SP-WP LICENSE**

A special restricted groundwater pump electrical contracting license (SP-WP) authorizes the licensee to install, maintain, or repair electric wiring only as an incident to the licensee's groundwater pump business. Furthermore, the license authorizes the licensee to install, maintain, or repair only wiring that is directly related to a groundwater pump and that:

- (1) is restricted to circuits or parts of circuits that operate at voltages not exceeding 600 volts, phase-to-phase;
- (2) is electrically isolated from the building wiring system by an overcurrent protective isolating device that:
  - (a) has been installed, complete with line-side connections, by others;
  - (b) is permanently and legibly marked to identify the equipment served by the device; and
  - (c) is located adjacent to the controller for the specific groundwater pump equipment involved and within an enclosure intended solely for, and limited to, serving that equipment;
- (3) originates at the load-side terminals of the protective isolating device; and
- (4) is not installed in a location considered as hazardous under the National Electrical Code.

*History Note:* Authority G.S. 87-42; 87-43.3;  
Eff. October 1, 1988.

## **21 NCAC 18B .0809 SCOPE OF SP-ES LICENSE**

(a) Definitions. As used in this Rule:

- (1) "Electric sign" means fixed, stationary, or portable self-contained, electrically illuminated utilization equipment that has words or symbols designed to convey information or attract attention. The term includes outline lighting.
- (2) "Outline lighting" means an arrangement of incandescent lamps or electric discharge tubing that outlines or otherwise calls attention to certain features, such as the shape of a building or the decoration of a window.

(b) Scope of License. A special restricted electric sign electrical contracting license (SP-ES) authorizes the licensee to install, maintain, or repair electric wiring or devices only as an incident to the licensee's electric sign business. Furthermore, the license authorizes the licensee to install, maintain, or repair only wiring that is directly related

to electric signs and is electrically isolated from the building wiring system. Wiring that is directly related differs depending on the type sign involved:

- (1) Except for electric signs described in Paragraphs (2), (3), and (4) of this Rule, related wiring is the portion of the electric sign wiring that originates at the load-side terminals of a disconnecting means located immediately adjacent to the electric sign involved, or originates within a junction box so located. Related wiring does not include the installation of the disconnecting means, complete with line-side connections, or the installation of the junction box, complete with free-length circuit conductors to accommodate the connection of the related wiring in the box.
- (2) For electric sign installations having sign transformers installed physically apart from the sign, related wiring is the portion of the electric sign wiring that originates at the load-side terminals of a disconnecting means located immediately adjacent to the sign transformer supplying the electric sign involved, or originates within a junction box so located. Related wiring does not include the installation of the disconnecting means, complete with line-side connections, or the installation of the junction box, complete with free-length circuit conductors to accommodate the connection of the related wiring in the box.
- (3) For free-standing electric sign installations supplied through underground circuit conductors, related wiring is the portion of the electric sign wiring that originates at a wiring termination point located at, within, or immediately above the permanent base for the sign structure. Related wiring does not include the installation of:
  - (A) a junction box, located at, within or immediately above the permanent base for the sign, complete with free-length circuit conductors to accommodate the connection of the related wiring; or
  - (B) if the base of the structure is suitable for use as a raceway, the installation of bushing, complete with free-length circuit conductors extending through to accommodate the connection of the related wiring within the sign structure raceway.
- (4) For electric signs specifically designed to be connected directly to the building wiring raceway or cable supply, related wiring is the portion of the electric sign wiring that originates at the point where the free-length circuit conductors extend through the building wiring raceway or cable at the specifically designed supply location for the electric sign involved. Related wiring does not include the installation of the building wiring raceway or cable system to the specifically designated point of supply for the electric sign involved, complete with free-length circuit conductors extending through the building wiring raceway or cable to accommodate the connection of the related wiring.
- (5) Except for the related wiring on the secondary side of sign transformers, related wiring is restricted to circuits or parts of circuits that operate at voltages not exceeding 600 volts, phase-to-phase.
- (6) No related wiring, or any part thereof, may be installed in a location considered as hazardous under the National Electrical Code.

*History Note:*

*Authority G.S. 87-42; 87-43.3;  
Eff. October 1, 1988;  
Amended Eff. February 1, 1990.*

## **21 NCAC 18B .0810 SCOPE OF SP-SP LICENSE**

A special restricted swimming pool electrical contracting license (SP-SP) authorizes the licensee to install, maintain, or repair swimming pool bonding work only as an incident to the licensee's business of installing, maintaining, or repairing swimming pools. Furthermore, the license authorizes the licensee to perform only the:

- (1) Bonding together of all of the following metal parts on or near a swimming pool installation:
  - (a) all metal parts of the pool structure, including the reinforcing metal of the pool shell, coping stones, and deck;

- (b) all forming shells;
  - (c) all metal fittings within or attached to the pool structure; and
  - (d) all metal conduit, metal piping, fixed metal parts.
- (2) Installation of a common bonding grid, bonding together all parts listed in Subdivision (1);
  - (3) Installation of the forming shells for lighting fixtures and underwater audio equipment;
  - (4) Installation of the conduits extending from the lighting fixture and audio equipment forming shells to deck or junction boxes and the installation of the deck or junction boxes;
  - (5) Installation of the lighting fixtures and audio equipment in their respective forming shells from the forming shells to the deck or junction boxes, leaving appropriate leads in the deck or junction boxes to which the circuit conductors can be connected by others; and
  - (6) Installation of a bonding conductor and from the point of its connection to the common bonding grid to a readily accessible point at the circulating pump location.

History Note:

Authority G.S. 87-42; 87-43.3;  
Eff. October 1, 1988

## **SECTION .0900 - VIOLATIONS AND CONTESTED CASE HEARINGS**

### **21 NCAC 18B .0901 REPEALED**

### **21 NCAC 18B .0902 CHARGES AND PRELIMINARY PROCEDURES**

(a) The authority given to the Board's executive director in this Rule shall include the executive director's authority to delegate to other members of the Board's staff.

(b) Charges filed pursuant to G.S. 87-47(a4) shall be handled according to the progressive steps set out in Paragraphs (c) through (f) of this Rule.

(c) A charge shall be handled initially by the executive director. The executive director may recommend to the Board that the charge be dismissed as unfounded or trivial, without a hearing. Unless so recommended, the executive director shall:

- (1) issue and cause to be served on the accused a written notice of violation, including a proposed sanction pursuant to G.S. 87-47(a2) or civil penalty pursuant to G.S. 87-47(a3), or both, or
- (2) give the accused written notice of the charge, including a request that the accused respond to it in writing within 20 days.

(d) The executive director may, upon receipt and evaluation of the response, recommend to the Board that the charge be dismissed as unfounded or trivial, without a hearing, or the executive director may issue and cause to be served on the accused a written notice of violation, including a proposed sanction pursuant to G.S. 87-47(a2) or civil penalty pursuant to G.S. 87-47(a3), or both, or may turn the matter over to the Board's Disciplinary Review Committee.

(e) The Disciplinary Review Committee will review regularly the actions of staff, and as to any particular matter, may take the actions outlined in paragraph (c) of this Rule or may schedule a conference before the Committee with the accused. If a conference is held, the Committee shall issue its findings in the form of a Recommended Order, that shall be provided to the accused and proposed for adoption by the full board as a Final Order in the absence of objection by the accused in 20 days.

(f) The Board shall review the report and recommendations of the Disciplinary Review Committee and as to any matter may, without a hearing, dismiss the charge as unfounded or trivial, adopt the unopposed recommendations

of the Committee, schedule a hearing on matters not resolved, or set an administrative hearing on the charge, notice of which may include a statement that the Board shall accept an offer in compromise pursuant to G.S. 87-47(e).

(g) Before an administrative hearing is held, the Board may direct the disciplinary review committee to meet with the accused and the complainant in a final effort to effect a settlement.

(h) Each notice of violation or Recommended Order shall include a statement of the right to request a hearing, pursuant to G.S. 87-47(a4).

*History Note:* Authority G.S. 8742; 8747;  
Eff. October 1, 1988;  
Amended Eff. April 15, 2003; February 1, 1996; February 1, 1990.

## **21 NCAC 18B .0903 PRELIMINARY DETERMINATION**

*History Note:* Authority G.S. 8742; 8747; 150B, Article 3A;  
Eff. October 1, 1988;  
Amended Eff. February 1, 1990;  
Repealed Eff. February 1, 1996.

## **21 NCAC 18B .0904 ADMINISTRATIVE HEARING PROCEDURES**

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 3 .0101(2), .0102(a)(2), .0103, .0126 and .0128 shall not apply. Copies of Title 26, Chapter 3 of the North Carolina Administrative Code are on file in the Board's office and may be obtained therefrom at the Board's actual cost of copying and mailing.

*History Note:* Authority G.S. 87-42; 87-47; 150B-21.6; 150B-38(h);  
Eff. October 1, 1988;  
Amended Eff. May 1, 1998.

## **21 NCAC 18B .0905 JUDICIAL REVIEW**

*History Note:* Authority G.S. 87-47; 150B-43;  
Eff. October 1, 1988;  
Amended Eff. February 1, 1990;  
Repealed Eff. February 1, 1996.

## **21 NCAC 18B .0906 LICENSE INELIGIBILITY AFTER VIOLATION**

(a) Non-licensee. Any person, partnership, firm or corporation not duly licensed by the Board and found to be engaging or offering to engage in a given electrical contracting project in North Carolina shall be subject to the provisions of G.S. 87-48. Furthermore, such person, partnership, firm or corporation shall not be eligible for a qualifying examination or to obtain a license until the Board has found that any commitment to the project involving the person, partnership, firm or corporation has been voided and that the project, if continued, has been awarded to a person, partnership, firm or corporation duly licensed by the Board to engage or offer to engage in the project.

(b) Licensee. Any licensee of the Board found to be engaging or offering to engage in a given electrical contracting project in North Carolina exceeding the project limitations or scope of the licensee's current license shall be subject to the provisions of G.S. 87-47 and 87-48. Furthermore, the licensee shall not be eligible to upgrade its license to a higher or general classification, or for a qualifying examination therefor, until the Board has found that any commitment to the project involving the licensee has been voided and that the project, if continued, has been awarded to a person, partnership, firm or corporation duly licensed by the Board to engage or offer to engage in the project.

History Note:

Authority G.S. 87-42; 87-43; 87-47; 87-48;  
Eff. October 1, 1988;  
Amended Eff. February 1, 1990.

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

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

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

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

History Note:

Authority G.S. 87-42; 87-50;  
Eff. April 15, 2003.

## **21 NCAC 18B .0908 MALPRACTICE**

(a) The provisions of the North Carolina Building Code, including the provisions of the National Electrical Code as modified and adopted by the Building Code Council of North Carolina from time to time, is a minimum standard of competence applicable to contractors licensed by the Board. Malpractice consists in failure to design and install systems that 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.

(b) Malpractice may consist in lack of knowledge of Code, Manufacturer's specifications and industry standards, in a failure to apply such technical knowledge, in undertaking a project that is not planned and supervised, or in undertaking a project that the licensee may not reasonably expect to complete timely and in accordance with codes, specifications, and industry standards.

(c) Where work is carried out by employees of the licensee, failure to provide supervision of such employees, whether by consistent absence from the workplace or jobsite, or as demonstrated by the failure of the work to comply with this rule, also constitutes malpractice on the part of the licensee.

(d) Where more than one qualified individual, as defined in G.S.87-41.1(1) is employed at a firm, each such person is responsible for the work of the firm.

History Note:

Authority G.S. 87-42; 87-47; 87-50;  
Eff. April 15, 2003

## **21 NCAC 18B .0909 MALPRACTICE FURTHER DEFINED**

(a) A licensee of the Board 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 and ensure that a request for final inspection is made by him, the general contractor or the owner within 10 days of completion of the work for which a license is required, absent agreement with both 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 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) The failure of a licensee or qualified individual to comply with the permit and inspection obligations outlined in this rule is considered by the Board as evidence of malpractice, gross incompetence or gross misconduct, in the use of license or qualification from the Board.

History Note:

Authority G.S. 87-42; 87-43; 87-46; 153A-357; 160A-417;  
Eff. July 1, 2011.

## **SECTION .1000 - DESCRIPTION OF FORMS, CERTIFICATES AND PUBLICATIONS**

(Repealed Effective March 1, 1999)

## **SECTION .1100 - CONTINUING EDUCATION**

### **21 NCAC 18B .1101 CONTINUING EDUCATION REQUIREMENTS: LISTED QUALIFIED INDIVIDUALS**

(a) Every listed qualified individual, including listed qualified individuals pursuant to G.S. 87-50, shall complete continuing education for each annual license period to renew the license on which the qualified individual is currently listed, for the next annual license period, except as follows:

- (1) individuals becoming qualified by examination during the 12 month period immediately preceding the license renewal date;
- (2) qualified individuals unable to fulfill the required number of hours as the result of illness as certified in writing by the attending physician; or
- (3) persons presenting approved courses of continuing education.

(b) The number of required contact hours for every listed qualified individual shall be determined by the classification of license on which the qualified individual is currently listed as follows:

- (1) qualified individuals currently listed on a license in the limited, intermediate, unlimited and special restricted single family dwelling classifications shall complete at least eight hours of approved continuing education for license renewal, and
- (2) qualified individuals currently listed on a license in the special restricted fire alarm/low voltage (SP-FA/LV), special restricted elevator (SP-EL), special restricted plumbing and heating (SP-PH), special restricted ground water pump (SP-WP), special restricted electric sign (SP-ES) and special restricted swimming pool (SP-SP) classifications shall complete at least four hours of approved continuing education for license renewal.

(c) The Board, pursuant to Rules .1102 and .1103 of the Section, approves courses. Because of differences in the electrical contracting industry and individual needs of listed qualified individuals, each qualified individual must exercise judgment in selecting courses for which continuing education is claimed and in choosing only those courses that will advance the individual's knowledge.

(d) Course sponsors may be colleges or universities, community colleges, trade associations, providers of self-study programs, employers, third party professional examination companies, private instructors and the like.

(e) North Carolina listed qualified individuals residing within the state must obtain the required continuing education hours by taking a course provided by an approved sponsor.

(f) North Carolina listed qualified individuals residing outside of North Carolina, including listed qualified individuals pursuant to G.S. 87-50, may obtain credit for courses offered in North Carolina. They may also obtain credit for courses offered in their state, province or country of residence provided the Board subsequently approves the courses taken, pursuant to Rule .1102(b) of this Section.

(g) Effective for renewals on or after July 1, 2008, all persons seeking to renew qualification must demonstrate that a minimum of one-half the continuing education hours for each annual license period were obtained by in-person classroom or seminar attendance.

*History Note:* Authority G.S. 87-42; 87-44.1;  
Eff. October 1, 1990;  
Amended Eff. January 1, 2010, January 1, 2006, March 1, 1999.

## **21 NCAC 18B .1102 MINIMUM REQUIREMENTS FOR COURSE SPONSOR APPROVAL**

(a) Each course sponsor shall submit an application for continuing education course sponsor approval to the Board on a form provided by the Board by March 1 prior to the fiscal year (July 1 to June 30) in which the course will be offered. The application shall include:

- (1) the name of the sponsor;
- (2) sponsor contact person, address, telephone number and email address;
- (3) course title and outline;
- (4) course contact hours;
- (5) schedule of courses, if established, including dates, time and locations;
- (6) course fee; and
- (7) names and credentials of each instructor.

(b) To qualify as an approved continuing education course sponsor:

- (1) all courses offered by the sponsor shall last no fewer than two contact hours required for the license classification pursuant to Rule .1101(b) of this Section; and
- (2) all courses offered by the sponsor shall cover articles of the current National Electrical Code; NFPA 72 and reference materials for Fire Alarm Systems; G.S. 87, Article 4; 21 NCAC 18B; or other subject matter satisfying the requirements in G.S. 87-44.1 as approved by the Board.

(c) The course sponsor or instructor shall provide the Board with a certified class roster of all attending qualified individuals within 10 days after the completion of each course.

(d) The course sponsor or instructor shall provide each attending qualified individual with a certificate of completion within 10 days after completion of each course.

(e) The Board shall approve or deny applications at its regularly scheduled meetings.

(f) Upon approval of the application, each approved sponsor shall agree to conduct courses in accordance with this Section and the application and shall indicate its agreement by signing a continuing education sponsor agreement form provided by the Board.

*History Note:* Authority G.S. 87-42; 87-44.1;  
Eff. October 1, 1990;  
Amended Eff. July 1, 2011; January 1, 2010; January 1, 2006; March 1, 1999.

## **21 NCAC 18B .1103 MINIMUM REQUIREMENTS FOR COURSE APPROVAL**

(a) Each course sponsor shall submit an application for continuing education course approval to the Board on a form provided by the Board by March 1 prior to the fiscal year (July 1 to June 30) in which the course will be offered. The application shall include:

- (1) The name of the instructor;
- (2) Instructor's address, telephone number and email address;
- (3) The name of the course sponsor;
- (4) Course title and outline;

- (5) Course contact hours; and
- (6) Qualifications of instructor.
- (b) The Board shall approve courses when:
  - (1) The proposed course outline demonstrates content related to the technical, practical and business aspects of electrical contracting so as to have educational value consistent with the number of hours credit sought and the class is to be offered at a location conducive to learning; and
  - (2) The course is to be taught by qualified individuals as defined in G.S. 87-41.1, by persons who have demonstrated subject matter knowledge on a test administered by the Board, by persons holding qualifications as a code enforcement official issued by the Code Official Qualification Board or by persons who otherwise establish knowledge of the material in the course outline.
- (c) The Board may deny an application for course approval if it finds that the sponsor or proposed instructor has previously failed to comply with the terms of any agreement as provided in Paragraph (g) of this Rule or the rules of the Board.
- (d) The application for course approval shall be submitted together with the application for continuing education course sponsor approval as prescribed in Rule .1102 of this Section.
- (e) The Board shall approve or deny applications at a regular meeting.
- (f) Appeals from denial of course approval will be heard at the next regular meeting of the Board.
- (g) Upon approval of a course, the sponsor and the instructor teaching the approved courses shall agree to conduct courses in accordance with this Section and the information represented on the application, and shall indicate agreement by signing a continuing education agreement form provided by the Board.

*History Note:* Authority G.S. 87-42; 87-44.1;  
Eff. October 1, 1990;  
Amended Eff. July 1, 2011; January 1, 2006; April 1, 1993.

## **21 NCAC 18B .1104 CONTACT HOURS**

- (a) Approved courses must be offered for no fewer than two contact hours.
- (b) Credit shall be granted to the qualified individual only upon completion of an entire course.
- (c) When a qualified individual has completed more than the required number of hours of continuing education in any one license period, the extra hours shall be carried forward in multiples of two hours and treated as hours earned in the following one or two additional license periods. Extra hours are subject to the provisions of Rule .1101(g) of this Section.
- (d) No credit shall be granted for courses attended prior to being qualified by examination.

*History Note:* Authority G.S. 87-42; 87-44.1;  
Eff. October 1, 1990;  
Amended Eff. February 1, 2006; March 1, 1999.

## **21 NCAC 18B .1105 COMPUTATION OF CONTINUING EDUCATION HOURS**

- (a) Group Courses: Non-college. Continuing education credit for a group course that is not part of a college curriculum is given based on contact hours. A contact hour is 50 minutes of instruction. Credit is granted only for full contact hours.
- (b) College Courses. Continuing education credit for a college course in the college curriculum is given based on college credit hours. One semester hour of college credit is 16 contact hours; and one continuing education unit is 10 contact hours.



(c) Self-Study Courses. Continuing education credit for a self-study course is given based on the average number of contact hours needed to complete the course. The course shall include a study text and a written examination having a minimum of 25 questions for each two contact hours course credit and a minimum passing grade of 70. A sponsor must determine the average number of contact hours it takes to complete the self-study course and submit this information with its application for continuing education course sponsor approval.

(d) Examination. Continuing education credit for an examination is given based on the type of examination, number of questions, number of hours permitted to take the examination, and passing grade. The examination shall include a minimum of 25 questions for each two contact hours course credit and a minimum passing grade of 70. A sponsor must set the number of hours permitted to take the examination and submit this information with its application for continuing education course sponsor approval.

(e) Totaling Annual Hours. No credit shall be allowed for a course having fewer than two contact hours required for the license classification pursuant to Rule .1101(b) of this Section. Credit hours for more than one year are subject to the provisions of Rule .1104(c) of this Section.

*History Note:* Authority G.S. 87-42; 87-44.1;  
Eff. October 1, 1990;  
Amended Eff. January 1, 2006; March 1, 1999.

## **21 NCAC 18B .1106 LIST OF APPROVED COURSE SPONSORS AND INSTRUCTORS**

In July of each year the Board shall post a link on the Board website that shall include:

- (1) All approved course sponsors and instructors for that fiscal year; and
- (2) Contact information for all approved course sponsors and instructors.

*History Note:* Authority G.S. 87-42; 87-44.1;  
Eff. October 1, 1990;  
Amended Eff. January 1, 2006.

## **21 NCAC 18B .1107 ADVERTISEMENTS BY APPROVED COURSE SPONSORS AND INSTRUCTORS**

Approved course sponsors and instructors who state in their advertisements, brochures or other course descriptions that a particular course meets the requirement of the North Carolina State Board of Examiners of Electrical Contractors for continuing education shall so state exactly as follows:

This course, when offered during fiscal year \_\_\_\_, meets the requirements of the North Carolina State Board of Examiners of Electrical Contractors for \_\_\_\_ contact hours of continuing education credit. This course is not sponsored by the Board.

*History Note:* Authority G.S. 87-42; 87-44.1;  
Eff. October 1, 1990.

## **21 NCAC 18B .1108 REVOCATION OF COURSE SPONSOR OR INSTRUCTOR APPROVAL**

(a) The Board may revoke, suspend or terminate the agreement with any approved continuing education course sponsor and/or instructor if the Board determines that either has failed to comply with the terms of the agreement or the Rules of the Board.

(b) The Board shall have the authority to monitor courses to determine whether the course sponsor and instructor are complying with the terms of the agreement and the rules of the Board.

*History Note:* Authority G.S. 87-42; 87-44.1;  
Eff. October 1, 1990.