

Burgos, Alexander N

Subject: FW: [External] Electrical Contractors - 21 NCAC 18B .1101 (Revised Rule)

From: Wiggs, Travis C
Sent: Monday, July 22, 2024 2:18 PM
To: Kelly Edwards <kelly.edwards@youngmoorelaw.com>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Reed Fountain <Reed.Fountain@youngmoorelaw.com>
Subject: RE: [External] Electrical Contractors - 21 NCAC 18B .1101 (Revised Rule)

Ms. Edwards,

Thank you for the email. In addition, please see the request below for this Rule that I failed to address initially.

In (a), line 6, please delete “twelve”, “ninety”, and the parenthesis around “(12)” and “(90)”. In line 4, please delete “(4)”. This complies with Chapter 5 of the OAH Style Guide.

Please resend the final revised rule once this change is made.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Kelly Edwards <kelly.edwards@youngmoorelaw.com>
Sent: Monday, July 22, 2024 1:28 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: Reed Fountain <Reed.Fountain@youngmoorelaw.com>; Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Subject: [External] Electrical Contractors - 21 NCAC 18B .1101 (Revised Rule)

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Please see attached final revised rule to be approved at the August 28th meeting. We are submitting this email per instructions from Mr. Wiggs who reviewed the revised rule and indicated he intended to recommend to the RRC that this final revised rule be approved.

Please let us know if you have any questions.

Kelly



Kelly Edwards

Assistant to John N. Fountain and Reed N. Fountain

YOUNG MOORE AND HENDERSON, P.A.

3101 Glenwood Avenue, Suite 200

Raleigh, NC 27612

KEdwards@YoungMooreLaw.com

Direct: (919) 861-5013

Main Office: (919) 782-6860

Fax: (919) 782-6753

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Burgos, Alexander N

Subject: FW: [External] RE: Electrical Contractors-21 NCAC 18B .1101

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Sent: Friday, July 19, 2024 12:27 PM

To: Reed Fountain <Reed.Fountain@youngmoorelaw.com>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Kelly Edwards <kelly.edwards@youngmoorelaw.com>

Subject: RE: [External] RE: Electrical Contractors-21 NCAC 18B .1101

Mr. Fountain,

I intend to recommend to the RRC that this final revised Rule be approved at the August 28th meeting. Please submit the revised rule via email to oah.rules@oah.nc.gov no later than 5pm on August 17, 2024. The electronic copy must be saved as the official rule name (XX NCAC XXXX). Please include me on the email.

Thank you.

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: [External] RE: Electrical Contractors-21 NCAC 18B .1101
Attachments: 21 NCAC 18B 1101 - Continuing Education.docx

From: Reed Fountain <Reed.Fountain@youngmoorelaw.com>
Sent: Tuesday, July 16, 2024 10:33 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Kelly Edwards <kelly.edwards@youngmoorelaw.com>
Subject: [External] RE: Electrical Contractors-21 NCAC 18B .1101

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Thank you for your suggestions. I am attaching a revised version in advance of the deadline for discussion purposes and to ensure any of my formatting issues are addressed early. I will file the final version by separate email. In response to your requests, I offer the following responses to your italicized requests:

In (a), line 5, please add “as defined in G.S. 87-41.1(1)” after “qualified individual.”

Response: We have done this on the attached and we also added a comma after “as defined in GS 87-41.1(c),”

In (b), line 9, please add “as defined in G.S. 87-41.1(2)” after “qualified individual.”

Response: We have done this on the attached and we also added a comma after “as defined in GS 87-41.1(2),”

In (b)(2), line 16, will you confirm that this subsection is referring to individuals who present or instruct continuing education courses?

Response: Confirmed

In (d), lines 27-28, is it necessary to include “Because of differences...of qualified individuals,”? It seems like the sentence should begin with “each”.

Response: We would prefer to keep the existing language as is since there is no known confusion among the regulated population, and it serves to explain some of the rationale behind that section of the rule. That said, if this is of importance, then we are willing to consider further your suggested change.

In your History Note, consider adding G.S. 87-41.1 in light of the requests above.

Response: We have done this on the attached.

In your History Note, line 8, it says “October 1, 1990”. Please change this date. The earliest it can be entered into the Code is September 1, 2024.

Response: We have changed the date to January 1, 2025.

Please let me know your thoughts and if any additional changes or corrections are needed. Thanks for your time and input.



Reed N. Fountain
Young Moore and Henderson, P.A.
3101 Glenwood Avenue, Suite 200
Raleigh, NC 27612
(919)782-6860
(919) 782-6753 (fax)
rnf@ymh.com

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21 NCAC 18B .1101 is amended as published in NCR 38:14, pages 1195-1196, with changes, as follows:

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

(a) Upon becoming a qualified individual, as defined in G.S. 87-41.1(c), all qualifiers shall complete a free, four-hour Laws and Rules Course conducted by Board staff within twelve (12) months after becoming a qualified individual or ninety (90) days prior to becoming a qualified individual. Completion of the Laws and Rules Course pursuant to this requirement, shall satisfy four (4) of the required contact hours of continuing education for the initial renewal of the individual's qualification.

~~(a)~~(b) Every listed qualified individual, as defined in G.S. 41.1(2), including listed qualified individuals pursuant to G.S. 87-50, shall complete continuing education ~~for~~ prior to 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)~~(1) 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)~~(2) persons presenting approved courses of continuing education.

~~(b)~~(c) 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 or is eligible to be 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)~~(d) 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)~~(e) 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)~~(f) 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)~~(g) 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

1 credit for courses offered in their state, province or country of residence provided the Board subsequently approves
2 the courses taken, pursuant to Rule .1102(b) of this Section.

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

6
7 *History Note: Authority G.S. 87-41.1; 87-42; 87-44.1;*

8 *Eff. October 1, 1990; January 1, 2025;*

9 *Amended Eff. January 1, 2025; January 1, 2010; January 1, 2006; March 1, 1999;*

10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 2,*
11 *2016.*

Burgos, Alexander N

From: Wiggs, Travis C
Sent: Tuesday, July 16, 2024 9:12 AM
To: reed.fountain@youngmoorelaw.com
Cc: Burgos, Alexander N
Subject: Electrical Contractors-21 NCAC 18B .1101
Attachments: 8_2024-Electrical Contractors-Request for Changes.docx

Good morning,

I'm the attorney who reviewed the Rule submitted by the State Board of Examiners of Electrical Contractors for the August 2024 RRC meeting. The RRC will formally review this Rule at its meeting on Wednesday, August 28, 2024, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an invite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, please let me know prior to the meeting, and we will get invites out to them as well.

Attached is the Request for Changes Pursuant to G.S. 150B-21.10. Please submit the revised Rules and forms to me via email, no later than 5 p.m. on July 30, 2024.

Thank you.

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

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