

## SUBCHAPTER 12B – CONTINUING EDUCATION

### SECTION .0100 – GENERAL

#### 21 NCAC 12B .0101 GENERAL

- (a) To ensure continuing efforts on the part of licensed general contractors to remain current with new developments in all aspects of general contracting and to encourage better business practices and safety in the profession, continuing education is required as a condition of license renewal. If required pursuant to G.S. 87-10.2(a), a licensee shall submit, as a part of his or her renewal application, evidence that he or she has met the Board's continuing education requirements as set forth in this Section. Except as provided in Rule .0104 of this Subchapter, renewal applications that do not contain this information shall be deemed incomplete.
- (b) This Subchapter shall apply to all aspects of continuing education as set forth in G.S. 87-10.2.
- (c) For the purposes of this Subchapter, the terms "sponsor" and "provider" shall be synonymous.

*History Note:* Authority G.S. 87-10.2;  
Temporary Adoption Eff. January 2, 2020;  
Eff. September 1, 2020.

#### 21 NCAC 12B .0102 CONTINUING EDUCATION CREDIT

- (a) Beginning with renewals filed for the 2021 license year, a licensee shall designate at least one qualifier who shall complete eight continuing education (CE) hours during the year preceding renewal.
- (b) For the purposes of this Subchapter, "elective courses" are defined as courses relating to the subject matter of general contracting as described in G.S. 87-1 and 87-10 that address general business practices, including business planning, contracts, liability exposure, human resources, basic accounting, financial statements, and safety.
- (c) One credit hour is equal to 50 minutes of instructional time.

*History Note:* Authority G.S. 87-1; 87-10; 87-10.2;  
Temporary Adoption Eff. January 2, 2020;  
Eff. September 1, 2020.

#### 21 NCAC 12B .0103 CONTINUING EDUCATION RECORDS; AUDIT

- (a) A licensee shall maintain records of a qualifier's attendance at continuing education programs for which CE credit has been approved for four years following the processing date of the renewal application to which the CE credits were applied.
- (b) Compliance with annual CE requirements shall be determined through a random audit process conducted by the Board. Licensees selected for auditing shall provide the Board with the following documentation of the CE activities claimed for the renewal period:
- (1) attendance verification records; and
  - (2) information regarding course content, instructors, and sponsoring organization.
- (c) Licensees selected for audit shall submit all requested information to the Board within 21 calendar days after the date the licensee was notified by the Board of the audit.
- (d) Failure to maintain compliance with the Board's continuing education requirements shall result in the licensee's status being changed to invalid except as set forth in G.S. 87-10.2(h).

*History Note:* Authority G.S. 87-10.2(h);  
Temporary Adoption Eff. January 2, 2020;  
Eff. September 1, 2020.

#### 21 NCAC 12B .0104 EXTENSION OF TIME

- (a) The Board shall grant a licensee an extension of time to complete CE requirements during a period of service in the Armed Forces of the United States upon submission of the following to the Board:
- (1) written request for an extension; and
  - (2) documentation that the licensee or his or her qualifier is serving in the Armed Forces of the United States and is eligible for an extension of time to file a tax return pursuant to G.S. 105-249.2.
- (b) The Board shall grant a licensee an extension of time to obtain CE requirements if he or she or his or her qualifier has a disability or illness that prevents him or her from complying with CE requirements. In order to receive the waiver, a licensee shall provide the Board with the following:

- (1) written request for waiver; and
  - (2) documentation that describes the disability or illness and explains how the disability or illness prevents the licensee's qualifier from complying with the Board's CE requirements. Documentation includes a letter from a licensed physician, nurse practitioner (NP), or physician assistant (PA).
- (c) Where on a case-by-case basis the Board determines that due to an undue hardship (such as natural disaster or illness of family member) the licensee could not reasonably be expected to comply with the Board's CE requirements, the licensee shall be granted an extension of time in which to obtain the required CE credits. To be considered for an extension of time, a licensee shall submit the following:
- (1) written request for extension; and
  - (2) documentation that supports the reason for the extension.
- (d) The Board shall grant a waiver of CE requirements upon submission of documentation that a licensee or his or her qualifier is in active duty while serving in the Armed Forces and is or has been deployed for at least eight months during the twelve-month period during which CE credits were required.
- (e) An extension granted under Paragraphs (b) or (c) of this Rule shall not exceed one year. Prior to the expiration of the one year extension of time, a licensee may request an additional extension in accordance with this Rule. Except as set out in Paragraph (a) of this Rule, the Board shall grant no more than two consecutive extensions.

*History Note: Authority G.S. 87-10.2(j); 93B-15; 105-249.2;  
Temporary Adoption Eff. January 2, 2020;  
Eff. September 1, 2020.*

#### **21 NCAC 12B .0105 INACTIVE STATUS**

- (a) Requests for inactive status as described in G.S. 87-10.2(h) shall be in writing and shall contain the following:
- (1) license name and number issued by the Board;
  - (2) name(s) of qualifier(s);
  - (3) if required, proof of active license status with the Board; and
  - (4) certification that the individual submitting the request is authorized by the licensee to do so.
- (b) If a licensee on inactive status fails to renew his or her license as of January 1 of the following year, the license shall become invalid in accordance with Article 1, Chapter 87 and the rules set forth in 21 NCAC 12A.
- (c) A licensee on inactive status who wishes to return to active status shall submit a written request to the Board that contains the following information:
- (1) license name and number issued by the Board;
  - (2) name(s) of qualifier(s) and the classifications in which they qualify;
  - (3) application renewal fee and, if applicable, late fees as set out in G.S. 87-10(e) and in 21 NCAC 12A .0304; and
  - (4) proof of completion of continuing education requirements as set forth in G.S. 87-10.2(h).

*History Note: Authority G.S. 87-1; 87-10; 87-10.2(h);  
Temporary Adoption Eff. January 2, 2020;  
Eff. September 1, 2020.*

### **SECTION .0200 – PROVIDERS**

#### **21 NCAC 12B .0201 APPLICATION FOR INITIAL APPROVAL OF CONTINUING EDUCATION PROVIDER**

- (a) Only continuing education providers approved by the Board shall be eligible to offer continuing education courses. If a third party advertises or hosts an approved course, all materials advertising the course shall include the approved provider's name.
- (b) Prospective providers of all courses shall obtain written approval from the Board to conduct courses prior to conducting courses and prior to advertising or otherwise representing that a course is or may be approved for general contractor continuing education credit in North Carolina. No retroactive approval to conduct continuing education courses will be granted.
- (c) Any entity seeking initial approval to be a continuing education provider shall apply using a form available on the Board's website that requires the applicant to set forth:
- (1) the legal name of applicant and any assumed business name;

- (2) the applicant's mailing address, telephone number, and email address;
  - (3) the SOS ID number issued by the NC Secretary of State, if applicable;
  - (4) the legal names of the provider's owners, members, managers or partners;
  - (5) the name of a continuing education coordinator who shall serve as the contact person for the provider; and
  - (6) the signature of the applicant or its legal designee.
- (d) The name of any course provider shall not be identical or similar so as to cause confusion to the name of any other approved continuing education course provider.
- (e) Continuing education providers shall notify the Board in writing within 10 days of any change in business name, ownership interest, continuing education coordinator, address, business telephone number, or email address.

*History Note:* Authority G.S. 87-10.2;  
 Temporary Adoption Eff. January 2, 2020;  
 Eff. September 1, 2020;  
 Amended Eff. January 1, 2023.

**21 NCAC 12B .0202 EXPIRATION AND RENEWAL OF PROVIDER APPROVAL**

- (a) All Board approvals issued to providers shall expire annually on December 1 following issuance of approval.
- (b) A provider shall submit an application for renewal of its approval within 45 days immediately preceding expiration of approval on a form available on the Board's website. The provider renewal application form shall include:
- (1) the provider's name;
  - (2) the provider ID number issued by the Board;
  - (3) the name of the provider's designated continuing education coordinator;
  - (4) the provider's mailing address, telephone number, and web address, if applicable;
  - (5) any change in the provider's business entity; and
  - (6) the signature of the provider or its legal designee.
- (c) If a provider's approval has expired, the provider shall submit an application as a new applicant.

*History Note:* Authority G.S. 87-10.2;  
 Temporary Adoption Eff. January 2, 2020;  
 Eff. September 1, 2020.

**21 NCAC 12B .0203 DENIAL OR WITHDRAWAL OF PROVIDER APPROVAL**

- (a) The Board may deny or withdraw approval of any continuing education provider upon finding that the provider or the continuing education coordinator in the employ of the provider:
- (1) made any false statements or presented any false, incomplete, or incorrect information in connection with an application for course or provider approval or renewal;
  - (2) made any false statements in course advertisement or promotional materials;
  - (3) provided false, incomplete, or incorrect information in connection with any reports the continuing education provider is required to submit to the Board;
  - (4) delivered CE course content that infringed upon copyright or any intellectual property right of another;
  - (5) provided the Board a check or credit card for required fees that was not honored by a financial institution or bank or returned for insufficient funds;
  - (6) collected money from licensees and qualifiers for a continuing education course but refused or failed to provide the promised instruction;
  - (7) intentionally provided false, incomplete, or misleading information relating to general contractors licensing, education matters, or the qualifier's education requirements or license status;
  - (8) failed to submit the CE Roster Reports as required by Rule .0206 of this Subchapter;
  - (9) failed to submit the per student fee as required by 21 NCAC 12A .0304; or
  - (10) failed to comply with any other provision of this Chapter.
- (b) A licensed general contractor and its qualifier(s) shall be subject to discipline pursuant to G.S. 87-11 if the licensee or its qualifier(s) engages in dishonest, fraudulent, or improper conduct in connection with the operations of a continuing education course provider if that licensee or qualifier(s):
- (1) has an ownership interest in the course provider;

- (2) is the designated continuing education coordinator for the course provider; or
  - (3) is an instructor for the course provider.
- (c) When ownership of an approved continuing education provider is transferred to a separate legal entity, the provider's approval is not transferable and shall terminate on the effective date of the transfer. All courses shall be completed by the effective date of the transfer. The transferring owner shall report course completion(s) to the Board. The new entity shall obtain an original continuing education provider approval as required by Rule .0202 of this Subchapter prior to advertising courses, registering students, accepting tuition, conducting courses, or otherwise engaging in any provider operations.

*History Note: Authority G.S. 87-10.2(b) and (c);  
Temporary Adoption Eff. January 2, 2020;  
Eff. September 1, 2020;  
Amended Eff. January 1, 2022.*

#### **21 NCAC 12B .0204 ATTENDANCE; ROSTER REPORTS AND CERTIFICATES**

- (a) Qualifiers shall provide proof of identity upon arrival at a class session.
- (b) At the conclusion of any continuing education course, the provider shall submit to the Board a CE Roster Report verifying each qualifier's completion of the course. The CE Roster Report shall be submitted to the Board and shall contain the following:
  - (1) provider's name;
  - (2) provider's ID number assigned by the Board;
  - (3) course instructor's name and ID number;
  - (4) course's name and ID number;
  - (5) course completion date;
  - (6) name and qualifier ID number of each student who completed the course; and
  - (7) name, qualifier ID number, and reason given for each student who requested but was denied credit by the provider.
- (c) Providers shall submit the CE Roster Report electronically to the Board within seven calendar days following the end of any course, but in no case later than December 7.
- (d) Providers shall submit the per student fee required by 21 NCAC 12A .0304 with the CE Roster Report.
- (e) Providers shall provide a course completion certificate to each student who completes an approved continuing education course. Providers shall provide a printed or electronic certificate to a student within 10 days following the course, but in no case later than December 7, for any course completed prior to that date.
- (f) A student shall not be issued a completion certificate and shall not be reported to the Board as having completed a course unless the student satisfies the attendance requirements set forth in this Subchapter.

*History Note: Authority G.S. 87-10.2(d) and (e);  
Temporary Adoption Eff. January 2, 2020;  
Eff. September 1, 2020;  
Amended Eff. July 1, 2021.*

#### **21 NCAC 12B .0205 COURSE SCHEDULING**

Continuing education providers shall not offer, conduct, or allow a student to complete any continuing education course between December 1 and December 31, inclusive.

*History Note: Authority G.S. 87-10.2(b);  
Temporary Adoption Eff. January 2, 2020;  
Eff. September 1, 2020.*

#### **21 NCAC 12B .0206 RECORDS AND BOARD REVIEW**

- (a) All providers shall retain on file for four years records of student registration and attendance for each session of an approved continuing education course that is conducted and shall make such records available to the Board upon request during an investigation.
- (b) Providers shall admit any Board authorized representative to monitor any continuing education class without prior notice. Such representatives shall not be required to register or pay any fee and shall not be reported as having completed the course.

*History Note: Authority G.S. 87-10.2(b);  
Temporary Adoption Eff. January 2, 2020;  
Eff. September 1, 2020.*

## **SECTION .0300 – COURSES**

### **21 NCAC 12B .0301 COURSE REQUIREMENTS**

- (a) All continuing education courses shall:
- (1) cover subject matter related to the practice of general contracting and offer knowledge or skills that will enable general contractors to better serve consumers and the public interest;
  - (2) offer two or four continuing education credit hours;
  - (3) include materials for students that provide the information to be presented in the course; and
  - (4) be taught only by an instructor who possesses education or experience in a field related to the course.
- (b) Mandatory courses shall cover subject matter as established by the Board, including statutes and rules applicable to general contracting, changes to the N.C. Building Codes, case studies of Board investigations, and relevant court decisions.
- (c) Providers shall submit all elective courses to the Board for approval pursuant to Rule .0302 of this Subchapter.
- (d) Elective courses shall be related to the practice of general contracting as set forth in Article 1 of Chapter 87 in the North Carolina General Statutes. Instructional time and materials shall be utilized for instructional purposes only.
- (e) All elective courses shall include the following disclaimer within the first three pages or slides of the course materials: THE NORTH CAROLINA LICENSING BOARD FOR GENERAL CONTRACTORS HAS APPROVED THIS COURSE ONLY AS TO ITS RELEVANCE TO THE PRACTICE OF GENERAL CONTRACTING IN NORTH CAROLINA. THE COURSE PROVIDER AND INSTRUCTOR ARE RESPONSIBLE FOR THE ACCURACY OF THE CONTENT AND COMPLIANCE WITH ALL STATE AND FEDERAL LAWS DURING THE ADMINISTRATION OF THE COURSE.
- (f) Providers shall obtain approval from the Board before making any changes in the content of a prior approved elective course. Requests for approval of changes shall be made in writing.

*History Note: Authority G.S 87-10.2(b);  
Temporary Adoption Eff. January 2, 2020;  
Eff. September 1, 2020;  
Amended Eff. July 1, 2021.*

### **21 NCAC 12B .0302 APPROVAL AND RENEWAL OF ELECTIVE COURSE**

- (a) Prior to obtaining the Board's written approval of a continuing education elective course, providers shall not offer, advertise, or otherwise represent that any continuing education elective course is, or may be, approved for continuing education credit in North Carolina.
- (b) A provider seeking initial approval of a proposed elective course shall complete an application on a form available on the Board's website that requires the applicant to set forth the following:
- (1) title of the proposed elective course;
  - (2) provider's legal name, address, and telephone number;
  - (3) continuing education coordinator's name;
  - (4) provider's ID number, if previously approved;
  - (5) credit hours awarded for completing the course;
  - (6) subject matter of the course as evidenced by course outlines, PowerPoint slides, videos, or other similar materials;
  - (7) identity of the course content owner;
  - (8) written permission of the course content owner, if other than the applicant;
  - (9) certification that the course content does not infringe upon any copyright or any intellectual property right of another;
  - (10) identity of prospective instructors; and
  - (11) signature of the provider or its legal designee.

(c) The application for initial approval shall be accompanied by a copy of the elective course guide, which shall include course objectives, learning objectives for each topic, a timed outline, instructional methods and aids to be employed, and all materials that will be provided to students.

(d) A provider seeking approval to offer an already approved elective course shall complete an application on a form available on the Board's website that requires the applicant to submit the following:

- (1) title of the elective course;
- (2) applicant's legal name, address, and telephone number;
- (3) applicant's continuing education coordinator's name;
- (4) applicant's continuing education provider code, if previously approved;
- (5) identity of the course content owner;
- (6) written permission of the course content owner, if other than the applicant;
- (7) certification that the course content does not infringe upon any copyright or any intellectual property right of another;
- (8) identity of prospective instructors;
- (9) signature of the provider or its legal designee; and
- (10) certification that there have been no changes to the course materials since the course was last approved.

(e) If the course will be taught by any method other than live, in-person, in-class instruction, the provider shall, if requested, make the presentation available and accessible to the Board at no cost to the Board during the Board's operating hours. In case of an internet-based course, the Board shall be provided access to the course at a date and time set by the Board and shall not be charged any fee for such access.

(f) All applications for approval and renewal of elective courses shall be accompanied by fees as required by 21 NCAC 12A .0304.

(g) Board approval of all continuing education elective courses shall expire on December 1 of each year.

(h) In order to obtain approval for an expired continuing education elective, a course provider shall submit an application for initial approval.

(i) Courses offered prior to Board approval shall not be eligible for continuing education credit.

*History Note: Authority G.S. 87-10.2(b);  
Temporary Adoption Eff. January 2, 2020;  
Eff. September 1, 2020;  
Amended Eff. January 1, 2022.*

### **21 NCAC 12B .0303 MANDATORY COURSE**

(a) The Board shall annually develop a Mandatory course as described in G.S. 87-10.2(b) and shall provide instructional materials for use by providers.

(b) Only approved continuing education providers shall offer the Mandatory course to students. Only approved instructors pursuant to Rule .0401 of this Subchapter shall instruct the Mandatory course.

(c) Providers shall obtain written approval from the Board prior to offering, advertising, or otherwise representing that any Mandatory course is being offered for continuing education credit in North Carolina.

(d) A provider seeking approval to offer the Mandatory course shall submit an application form available on the Board's website that shall require the following:

- (1) provider's legal name, address, telephone number, and website;
- (2) continuing education coordinator's name;
- (3) if applicable, provider's ID number assigned by the Board;
- (4) if applicable, name and instructor ID number of prospective instructors; and
- (5) signature of the applicant or its legal designee.

(e) A provider may obtain approval from the Board to offer the Mandatory course by requesting it on the application or renewal of the provider's approval.

(f) All supplemental materials distributed to Mandatory course attendees shall be developed solely by the Board or its designee. Such materials shall be distributed to each student taking the Mandatory course.

(g) Board approval to offer Mandatory courses shall expire annually on November 30 following issuance of approval. Providers shall apply for renewal of approval to offer Mandatory courses along with the renewal of provider approval required in Rule .0202 of this Subchapter.

(h) Course providers and instructors shall not deviate from or alter the Mandatory Course materials developed by the Board. A violation of this Paragraph shall be grounds for withdrawal of Board approval or denial of a future application pursuant to 21 NCAC 12B .0203 and .0403.

*History Note: Authority G.S. 87-10.2(c);  
Temporary Adoption Eff. January 2, 2020;  
Eff. September 1, 2020.*

## **SECTION .0400 – INSTRUCTORS**

### **21 NCAC 12B .0401 APPLICATION AND CRITERIA FOR INITIAL INSTRUCTOR APPROVAL**

(a) A provider seeking initial instructor approval shall submit an application on a form available on the Board's website that requires the instructor applicant to indicate the course(s) for which he or she is seeking approval and set forth the instructor applicant's:

- (1) legal name, address, email address, and telephone number;
- (2) general contractor's license number, qualifier ID number, and instructor ID number, if any, assigned by the Board;
- (3) education background, including specific general contracting education;
- (4) experience in the general contracting industry;
- (5) professional licenses or certifications held by the prospective instructor;
- (6) teaching experience, if any; and
- (7) signature of the prospective instructor.

(b) Prior to teaching the Mandatory course, an instructor shall attend the Board's Mandatory Instructor Seminar for the designated license year.

(c) Approved instructors who are also qualifiers shall receive one hour of CE credit for each one hour of class instruction. Approved instructors shall only receive instruction credit once per course. Course providers shall be responsible for payment of all CE fees for instructors seeking CE credit.

*History Note: Authority G.S. 87-10.2(b) and (d);  
Temporary Adoption Eff. January 2, 2020;  
Eff. September 1, 2020;  
Amended Eff. January 1, 2022.*

### **21 NCAC 12B .0402 RENEWAL AND EXPIRATION OF INSTRUCTOR APPROVAL**

(a) Board approval of instructors shall expire annually on December 1 following issuance of Board approval.

(b) A provider shall file an application for a previously approved instructor renewal no less than 30 days immediately preceding expiration of approval. The instructor renewal application shall include the instructor's:

- (1) legal name, address, email address, and telephone number;
- (2) general contractor's license number and qualifier ID number, if applicable, and instructor ID number assigned by the Board;
- (3) course name(s) and course number(s) for which the provider is seeking approval as an instructor; and
- (4) signature.

(c) In order to reinstate an instructor approval that has been expired for less than six months, the former instructor shall meet the requirements set forth in Paragraph (b) of this Rule.

(d) If an instructor approval has been expired for more than six months, the provider shall file an application for initial instructor approval pursuant to Rule .0401 of this Subchapter.

*History Note: Authority G.S. 87-10.2(d);  
Temporary Adoption Eff. January 2, 2020;  
Eff. September 1, 2020.*

### **21 NCAC 12B .0403 DENIAL OR WITHDRAWAL OF INSTRUCTOR APPROVAL**

The Board may deny or withdraw approval of any instructor applicant or approved instructor upon finding that the instructor or instructor applicant:

- (1) has failed to meet the criteria for approval described in Rule .0401 of this Subchapter or the criteria for renewal of approval described in Rule .0402 of this Subchapter at the time of application or at any time during an approval period;
- (2) made any false statements or presented any false, incomplete, or incorrect information in connection with an application for approval or renewal of approval or any report that is required to be submitted in accordance with this Subchapter;
- (3) has failed to submit to the Board any report, course examination, or video recording required by this Subchapter;
- (4) has failed to demonstrate the ability to teach any elective or Mandatory course in a manner consistent with the course materials;
- (5) engaged in any other improper, fraudulent, or dishonest conduct as determined by the Board; or
- (6) failed to comply with any other provisions of this Chapter.

*History Note:* Authority G.S. 87-10.2(d);  
Temporary Adoption Eff. January 2, 2020;  
Eff. September 1, 2020.