

## CHAPTER 8 - ENGINEERING AND BUILDING CODES DIVISION

### SECTION .0100 - GENERAL PROVISIONS

<b>11 NCAC 08 .0101</b>	<b>PURPOSE OF THE DIVISION</b>
<b>11 NCAC 08 .0102</b>	<b>DEPUTY COMMISSIONER</b>
<b>11 NCAC 08 .0103</b>	<b>DIVISION PERSONNEL</b>
<b>11 NCAC 08 .0104</b>	<b>ORGANIZATION OF DIVISION</b>

*History Note:* Authority G.S. 58-7.3; 58-9; 58-9.1; 58-9.2; 143-139;  
Eff. February 1, 1976;  
Readopted Eff. May 12, 1978;  
Repealed Eff. July 1, 1988.

### SECTION .0200 - NORTH CAROLINA STATE BUILDING CODE

#### **11 NCAC 08 .0201 NORTH CAROLINA BUILDING CODE COUNCIL**

The North Carolina Building Code Council is established to adopt and amend the North Carolina State Building Code and hear appeals from state enforcement agencies. The Commissioner of Insurance of the State of North Carolina has responsibility for supervision of the State Building Code in cooperation with local officials appointed by city and county commissioners.

*History Note:* Authority G.S. 143-136; 143-138; 143A-78;  
Eff. February 1, 1976;  
Readopted Eff. May 12, 1978.

#### **11 NCAC 08 .0202 NORTH CAROLINA STATE BUILDING CODE**

All rules and regulations, code requirements, procedures for amendment or repeal of requirements and other pertinent information are contained in published volumes of the North Carolina State Building Code as described in this Section. For purposes of this Section the terms "building code" or "code" shall mean the North Carolina State Building Code.

*History Note:* Authority G.S. 143-138;  
Eff. February 1, 1976;  
Readopted Eff. May 12, 1978.

#### **11 NCAC 08 .0203 BUILDING CODE PUBLICATIONS: GENERAL INFORMATION**

(a) All volumes of the North Carolina State Building Code are published under the direction of the North Carolina Department of Insurance. All volumes of the code are updated annually and supplements containing amendments and other pertinent information are also published and filed with the State Attorney General.

(b) Copies of the various volumes of the building code may be obtained from: North Carolina Department of Insurance, Engineering & Codes, 1202 Mail Service Center, Raleigh, NC 27699-1202. Information regarding cost of the publications may be obtained at the same address. Costs are based upon the cost to the Department of publication, distribution and annual revisions.

*History Note:* Authority G.S. 143-138; 143A-78;  
Eff. February 1, 1976;  
Readopted Eff. May 12, 1978;  
Amended Eff. May 1, 2008; September 1, 1987.

<b>11 NCAC 08 .0204</b>	<b>BLDG CODE/VOLUME I/GENERAL CONSTRUCTION</b>
<b>11 NCAC 08 .0205</b>	<b>BLDG CODE/VOLUME IB/UNIFORM RESIDENTIAL CODE</b>
<b>11 NCAC 08 .0206</b>	<b>BLDG CODE/VOLUME II/PLUMBING</b>
<b>11 NCAC 08 .0207</b>	<b>HEATING/AIR CONDITIONING/REFRIGERATION/VENTILATION</b>
<b>11 NCAC 08 .0208</b>	<b>BUILDING CODE/VOLUME IV/ELECTRICAL</b>
<b>11 NCAC 08 .0209</b>	<b>REGULATIONS FOR MOBILE HOMES</b>
<b>11 NCAC 08 .0210</b>	<b>BUILDING CODE/HANDICAPPED SECTION</b>

*History Note:* Authority G.S. 143-138; 143-146 through 143-151.1;  
 Eff. February 1, 1976;  
 Readopted Eff. May 12, 1978;  
 Amended Eff. February 1, 1987; August 1, 1986; May 1, 1984;  
 Repealed Eff. September 1, 1987.

### **SECTION .0300 - COUNTY ELECTRICAL INSPECTORS CERTIFICATION**

<b>11 NCAC 08 .0301</b>	<b>APPLICATION FORMS FURNISHED</b>
<b>11 NCAC 08 .0302</b>	<b>APPLICATION FOR CO. ELECTRICAL INSPECTORS CERTIFICATION</b>
<b>11 NCAC 08 .0303</b>	<b>TYPE OF EXAMINATION</b>
<b>11 NCAC 08 .0304</b>	<b>SCOPE OF EXAMINATION</b>
<b>11 NCAC 08 .0305</b>	<b>EXAMINATION SCHEDULE</b>
<b>11 NCAC 08 .0306</b>	<b>CLASSES OF CERTIFICATION</b>
<b>11 NCAC 08 .0307</b>	<b>CERTIFICATION COSTS</b>

*History Note:* Authority G.S. 153A-351(b);  
 Eff. February 1, 1976;  
 Readopted Eff. May 12, 1978;  
 Repealed Eff. July 1, 1988.

### **SECTION .0400 - APPROVAL OF SCHOOL MAINTENANCE ELECTRICIANS**

#### **11 NCAC 08 .0401 APPLICATION FORMS FURNISHED**

The staff of the electrical section shall provide application forms for persons wishing to apply for approval as a school maintenance electrician.

*History Note:* Authority G.S. 58-2-40; 115C-525;  
 Eff. February 1, 1976;  
 Readopted Eff. May 12, 1978.

#### **11 NCAC 08 .0402 APPLICATION FOR SCHOOL MAINTENANCE ELECTRICIANS APPROVAL**

The application requires the applicant to furnish all of the following pertinent information and such other information as may be deemed necessary in determining the qualifications of the applicant, including but not limited to:

- (1) date, school unit, name, address, telephone number, age, educational background, whether or not applicant has taken qualifying examinations previously, electrical experience background, whether or not employed full time by school unit, present responsibilities and title, signature of applicant, etc.;
- (2) signature of superintendent or maintenance supervisor other than applicant requesting application be processed and the applicant be approved.

*History Note:* Authority G.S. 58-2-40; 115C-525;  
Eff. February 1, 1976;  
Readopted Eff. May 12, 1978.

#### **11 NCAC 08 .0403 METHODS OF APPROVAL OF SCHOOL MAINTENANCE ELECTRICIANS**

Approved school maintenance electricians may be certified by two methods as set forth in 11 NCAC 8 .0404 and .0405.

*History Note:* Authority G.S. 58-2-40; 115C-525;  
Eff. February 1, 1976;  
Readopted Eff. May 12, 1978.

#### **11 NCAC 08 .0404 APPLICATION APPROVAL**

An applicant will be approved as a school maintenance electrician if he has filed a completed application on a form furnished by the Commissioner and the applicant furnishes with his application satisfactory evidence that he has complied with one of the following conditions:

- (1) The applicant has taken and passed a regular qualifying examination administered by the State Board of Examiners of Electrical Contractors; or
- (2) The applicant has qualified for and obtained a journeyman electrician's certification from a duly established city or county journeyman electrician's examining board in the State of North Carolina; or
- (3) The applicant was on May 29, 1957 (date of enactment of statute) regularly employed by a local school unit in the State of North Carolina for the purposes of installing electrical wiring or altering or adding to any existing wiring as prescribed in G.S. 115-150.1(2) and has had at least 10 years of experience in such electrical work.

*History Note:* Authority G.S. 58-2-40; 115C-525;  
Eff. February 1, 1976;  
Readopted Eff. May 12, 1978.

#### **11 NCAC 08 .0405 APPROVAL OF SCHOOL MAINTENANCE ELECTRICIANS BY EXAM**

The Commissioner will certify an applicant as a school maintenance electrician if the applicant:

- (1) furnishes with his application satisfactory evidence that he has had at least two years experience in the capacity of a journeyman electrician or in a capacity equivalent to or higher than that of a journeyman electrician classification, and
- (2) takes and passes the qualifying examination prepared and administered by the Commissioner of Insurance.

*History Note:* Authority G.S. 58-2-40; 115C-525;  
Eff. February 1, 1976;  
Readopted Eff. May 12, 1978.

#### **11 NCAC 08 .0406 EXAMINATION INFORMATION**

The qualifying examination shall be designed to test applicants knowledge of fundamentals of electricity, acceptable materials, devices, appliances and equipment, provisions contained in the current edition of the National Electrical Code; the requirements regarding emergency lighting as contained in the North Carolina State Building Code; and other pertinent statutory requirements.

The examination may contain multiple-choice, true-false, essay type and research type questions, as well as problems and questions requiring calculations. All of the questions and problems will be designed to cover typical electrical installations as found on the premises of school properties.

The examination may be of the open-book and closed-book type with the majority of the examination being of the open-book type. All reference books will be provided the examinee for use during the examination.

The passing grade on the examination will be a minimum of 75. There will be no examination fee charged.

Arrangements shall be made to conduct the examination twice yearly in the Raleigh area and may be conducted at other times and places as deemed desirable by the Commissioner.

*History Note:* Authority G.S. 58-2-40; 115C-525;  
Eff. February 1, 1976;

*Readopted Eff. May 12, 1978.*

## **SECTION .0500 - QUALIFICATION BOARD-LIMITED CERTIFICATE**

### **11 NCAC 08 .0501      LEGAL REQUIREMENT**

*History Note:    Authority G.S. 143-151.13;  
                      Eff. June 28, 1979;  
                      Repealed Eff. February 1, 1991.*

### **11 NCAC 08 .0502      NATURE OF LIMITED CERTIFICATE**

A limited certificate shall be issued to each code enforcement official who held such a position on June 13, 1977. This certificate will entitle the official to continue in the position held on that date; it will not entitle him to shift to another employer or to another position for the same employer. The limited certificate will be issued and renewed from year to year without examination, on application of the official and verification of his status. However, it will not be renewed beyond the applicable date specified in Rule .0508 unless the official has prior to that date completed in-service training prescribed by the Board.

On or after the appropriate "applicable date" specified in Rule .0510, a limited certificate will be issued to each code enforcement official who makes application in accordance with these regulations. Such certificate will authorize the official to continue in the position held on the "applicable date" in the same manner as a limited certificate issued to an official who held a position on June 13, 1977.

*History Note:    Authority G.S. 143-151.13(c);  
                      Eff. June 28, 1979;  
                      Amended Eff. January 15, 1980.*

### **11 NCAC 08 .0503      APPLICATION FORM: AVAILABILITY**

The Board shall provide, upon request, application forms for any person desiring a limited certificate, obtainable from the Division of Engineering and Building Codes of the Department of Insurance.

*History Note:    Authority G.S. 143-151.19;  
                      Eff. June 28, 1979.*

### **11 NCAC 08 .0504      APPLICATION FORM: CONTENTS**

(a) The application form requires the applicant to furnish all of the following pertinent information necessary to determine the qualifications of the applicant for a limited certificate:

- (1) the date;
- (2) name, address, and telephone number where applicant can be reached;
- (3) age;
- (4) title of position held on June 13, 1977 or applicable date;
- (5) government unit by which employed on June 13, 1977 (or applicable date);
- (6) duties in position held on June 13, 1977 (or applicable date);
- (7) educational background;
- (8) employment record.

(b) Each application for a limited certificate authorizing continuation in a position held after June 13, 1977, shall be accompanied by a notarized certificate from the department head or higher level supervisor of the code enforcement official that:

- (1) the official occupied that position on the applicable date;

- (2) that the duties and title of the position were as set forth in the application; and
- (3) that the supervisor understands that the limited certificate will become invalid if the code enforcement official fails within two years to complete in-service training required under Rule .0508 of these Regulations.

*History Note:* Authority G.S. 143-151.13;  
Eff. June 28, 1979;  
Amended Eff. January 15, 1980.

**11 NCAC 08 .0505 APPLICATION: WHERE MADE AND FEE**

The completed application shall be returned to the Board at P.O. Box 26387, Raleigh, North Carolina 27611. Each application shall be accompanied by payment of a twenty dollar (\$20.00) fee, either in cash or by a check made payable to the North Carolina Code Officials Qualification Board.

*History Note:* Authority G.S. 143-151.12(1); 143-151.16;  
Eff. June 28, 1979;  
Amended Eff. February 1, 1991.

**11 NCAC 08 .0506 CERTIFICATE**

If an application is found to be in order, the Board's staff shall mail a limited certificate to the applicant at the address specified on the application. The certificate shall describe with particularity the position which it authorizes the applicant to hold and the governmental unit for which he is authorized to hold such position. The certificate shall be effective for one year, as specified in the certificate.

*History Note:* Authority G.S. 143-151.13;  
Eff. June 28, 1979.

**11 NCAC 08 .0507 RENEWAL**

To remain effective, a limited certificate must be renewed annually on or before the first day of July. Applications for renewal shall be made in the same manner as the original application for the certificate, on forms furnished by the Board. A ten dollar (\$10.00) renewal fee shall accompany each such application. In the event that an application is not received by July 1, an additional late renewal fee of two dollars (\$2.00) shall be charged. In accordance with 11 NCAC 08 .0712, continuing education requirements must be completed by June 30 for renewal of the limited certificate.

*History Note:* Authority G.S. 143-151.12(1); 143-151.13A(b); 143-151.16;  
Eff. June 28, 1979;  
Amended Eff. February 1, 2006; February 1, 1991.

**11 NCAC 08 .0508 REQUIRED IN-SERVICE TRAINING FOR RENEWAL**

No code enforcement official may have a limited certificate authorizing continuation in a position he held on June 13, 1977, renewed after July 1, 1981 unless he shall have submitted valid evidence that he has completed in-service training as prescribed by the Board.

No code enforcement official may have a limited certificate authorizing continuation in a position he held on an "applicable date" as specified in 11 NCAC 8 .0510 renewed beyond two years following such date, fire prevention inspectors beyond July 1, 1993, unless he shall have submitted valid evidence that he has completed in-service training as prescribed by the Board; said training shall be identical to the training required of applicants for standard certificates for the types and levels of code enforcement duties performed.

*History Note:* Authority G.S. 143-151.12(1); 143-151.13;

*Eff. June 28, 1979;*  
*Amended Eff. February 1, 1991; January 15, 1980.*

**11 NCAC 08 .0509      RETURN OF CERTIFICATE WHEN LEAVE EMPLOYMENT**

*History Note:    Authority G.S. 143-151.15;*  
*Eff. June 28, 1979;*  
*Repealed Eff. February 1, 1991.*

**11 NCAC 08 .0510      CERTIFICATES FOR POSITIONS HELD ON APPLICABLE DATES**

*History Note:    Authority G.S. 143-151.13;*  
*Eff. January 15, 1980;*  
*Repealed Eff. February 1, 1991.*

**SECTION .0600 - QUALIFICATION BOARD-PROBATIONARY CERTIFICATE**

**11 NCAC 08 .0601      LEGAL REQUIREMENT**

*History Note:    Authority G.S. 143-151.13;*  
*Eff. June 28, 1979;*  
*Repealed Eff. February 1, 1991.*

**11 NCAC 08 .0602      NATURE OF PROBATIONARY CERTIFICATE**

(a) A probationary certificate may be issued, without examination, to any newly-employed or newly-promoted code enforcement official who lacks a standard certificate that covers the new position. A probationary certificate shall be issued for two years only and may not be renewed. The official shall take whatever measures are necessary during the two year period to qualify for an appropriate standard certificate. A probationary certificate authorizes the official, during the effective period of the certificate, to hold the position of the type, level, and location specified. The certificate shall be conditioned on the applicant's completion of a high school diploma or a high school equivalency certificate (GED) and meeting one of the following:

- (1) Working under supervision sufficient to protect the public health and safety;
- (2) Possessing a minimum of two years of design, construction, or inspection experience working under a certified inspector or under a licensed professional engineer, registered architect, or licensed contractor;
- (3) Possessing one of the experience qualifications listed in 11 NCAC 08 .0706 in each area of code enforcement for which the probationary certificate is issued; or
- (4) Successfully completing a probationary prequalification exam administered by the Board in each area of code enforcement for which the probationary certificate is issued.

(b) A probationary certificate shall be issued if the Board determines that the applicant may obtain the experience required by Paragraph (a)(3) of this Rule before the expiration of the probationary certificate.

*History Note:    Filed as a Temporary Amendment Eff. January 1, 1983, For a Period of 120 Days to Expire on April 30, 1983;*  
*Authority G.S. 143-151.12(2); 143-151.13(d);*  
*Eff. June 28, 1979;*  
*Amended Eff. July 18, 2002; October 1, 1992; February 1, 1991; May 1, 1983; December 1, 1982.*

**11 NCAC 08 .0603 APPLICATION FORM: AVAILABILITY**

The Board shall provide, upon request, application forms for any person desiring a probationary certificate, obtainable from the Division of Engineering and Building Codes of the Department of Insurance.

*History Note: Authority G.S. 143-151.19;  
Eff. June 28, 1979.*

**11 NCAC 08 .0604 APPLICATION FORM: CONTENTS**

The application form requires the applicant to furnish all of the following pertinent information necessary to determine the qualifications of the applicant for a probationary certificate:

- (1) the date;
- (2) name, address and telephone number where applicant can be reached;
- (3) date of birth;
- (4) education;
- (5) work experience;
- (6) certificates and other professional licenses, if any, held previously or currently;
- (7) title of position to which appointed or promoted;
- (8) date of appointment or promotion to position;
- (9) governmental unit by which employed;
- (10) duties in a new position, in sufficient detail to determine appropriate type and level of certification;
- (11) name and title, certification, or other qualifications of persons to be responsible for supervision; and
- (12) Social Security number.

*History Note: Authority G.S. 143-151.13;  
Eff. June 28, 1979;  
Amended Eff. July 18, 2002.*

**11 NCAC 08 .0605 APPLICATION: WHERE MADE AND FEE**

The completed application shall be returned to the Board at P.O. Box 26387, Raleigh, North Carolina 27611. Each application shall be accompanied by payment of a twenty dollar (\$20.00) fee, either in cash or by a check made payable to the North Carolina Code Officials Qualification Board.

*History Note: Authority G.S. 143-151.12(1); 143-151.16;  
Eff. June 28, 1979;  
Amended Eff. February 1, 1991.*

**11 NCAC 08 .0606 CERTIFICATE**

If an application is found to be in order, the Board's staff shall mail a probationary certificate to the applicant at the address specified on the application. The certificate shall specify the type and level of code enforcement in which the applicant may engage and may be conditioned upon his having supervision from an official with specified certification or qualifications. The certificate shall be effective for the period specified in the certificate.

*History Note: Authority G.S. 143-151.13;  
Eff. June 28, 1979;  
Amended Eff. December 1, 1982.*

**11 NCAC 08 .0607 RETURN OF CERTIFICATE WHEN LEAVE EMPLOYMENT**

A probationary certificate shall remain valid only so long as the person certified is employed by the state or a local government as a code enforcement official of the type and level indicated on the certificate. When the person certified leaves

such employment for any reason, he shall return the certificate to the Board. If the person subsequently returns to such employment, the Board shall re-issue the certificate to him, provided there is any period remaining of its effective life. In such event, the effective period shall be calculated as though the resumed employment followed immediately after the cessation of employment.

*History Note:* Authority G.S. 143-151.15;  
Eff. June 28, 1979;  
Amended Eff. December 1, 1982.

## **SECTION .0700 - QUALIFICATION BOARD-STANDARD CERTIFICATE**

### **11 NCAC 08 .0701 LEGAL REQUIREMENT**

*History Note:* Authority G.S. 143-151.13;  
Eff. January 15, 1980;  
Repealed Eff. February 1, 1991.

### **11 NCAC 08 .0702 NATURE OF STANDARD CERTIFICATE**

(a) The Board shall issue one or more standard certificates to each code enforcement official demonstrating the qualifications set forth in 11 NCAC 08 .0706 and .0707. Standard certificates are available for each of the following types of qualified code enforcement officials:

- (1) building inspector;
- (2) electrical inspector;
- (3) mechanical inspector;
- (4) plumbing inspector; and
- (5) fire inspector.

(b) The holder of a standard certificate may practice code enforcement only within the inspection area and level described upon the certificate issued by the Board. A code enforcement official may qualify and hold one or more certificates. These certificates may be for different levels in different types of positions.

(c) A code enforcement official holding a certificate indicating a specified level of proficiency in a particular type of position may hold a position calling for that type of qualification anywhere in the State of North Carolina. A standard certificate must be renewed annually in order to remain valid.

*History Note:* Authority G.S. 143-151.13; 143-151.16;  
Eff. January 15, 1980;  
Amended Eff. August 1, 2004; August 1, 1990; July 1, 1983.

### **11 NCAC 08 .0703 APPLICATION FORM: AVAILABILITY**

The Board shall provide, upon request, application forms for any person desiring a standard certificate, obtainable from the Division of Engineering and Building Codes of the Department of Insurance.

*History Note:* Authority G.S. 143-151.19;  
Eff. January 15, 1980.

### **11 NCAC 08 .0704 APPLICATION FORM: CONTENTS**

The application form requires the applicant to furnish all of the following pertinent information necessary to determine the qualifications of the applicant for a standard certificate:

- (1) the date;

- (2) name, address, and telephone number where applicant can be reached;
- (3) date of birth;
- (4) education;
- (5) work experience;
- (6) certificates and other professional licenses, if any, held previously or currently;
- (7) type and level of certificate for which application is made;
- (8) governmental unit by which currently employed;
- (9) supporting data needed for verification of applicant's qualifications called for by Rule .0706 or .0707 of this Section; and
- (10) Social Security number.

*History Note: Authority G.S. 143-151.13;  
Eff. January 15, 1980;  
Amended Eff. July 18, 2002.*

**11 NCAC 08 .0705 APPLICATION: WHERE MADE AND FEE**

The completed application and all required supplementary information shall be returned to the Board at P.O. Box 26387, Raleigh, North Carolina 27611. Each application (whether for one or several standard certificates for a single individual) shall be accompanied by payment of a twenty dollar (\$20.00) fee, either in cash or by a check made payable to the North Carolina Code Officials Qualification Board.

*History Note: Authority G.S. 143-151.16;  
Eff. January 15, 1980;  
Amended Eff. August 1, 1990.*

**11 NCAC 08 .0706 REQUIRED QUALIFICATIONS: TYPES AND LEVELS**

(a) Qualification Levels

- (1) With respect to all types of code enforcement officials, those with Level I, Level II, or Level III certificates shall be qualified to inspect and approve only those types and sizes of buildings specified in the following tables.
- (2) Limitation on maximum number of stories and square feet (sf) of floor area of buildings for Building, Electrical, Mechanical, and Plumbing inspectors, Levels I, II, or III:

Occupancy Classification	Level I	Level II	Level III
Assembly	1 story/7,500 sf	1 story/20,000 sf	Unlimited
Business	1 story/20,000 sf	1 story/60,000 sf Multi-story: 4 stories max/20,000 sf per floor	Unlimited
Education	1 story/7,500 sf	1 story/20,000 sf Multi-story: 2 stories max/20,000 sf per floor	Unlimited
Hazardous	1 story/3,000 sf (See Note)	1 story/20,000 sf Multi-story: 2 stories max/20,000 sf per floor	Unlimited
Factory Industrial	1 story/20,000 sf	1 story/60,000 sf Multi-story: 4 stories max/20,000 sf per floor	Unlimited
Institutional	1 story/7,500 sf	1 story/10,000 sf Multi-story: 3 stories max/10,000 sf per floor	Unlimited
Mercantile	1 story/20,000 sf	1 story/60,000 sf	Unlimited

		Multi-story: 4 stories max/20,000 sf per floor	
Residential Multi-unit	1 story /7,500 sf	3 stories max/no restriction on floor area	Unlimited
1 & 2 family dwellings, townhouses	Unlimited	Unlimited	Unlimited
Storage	1 story/20,000 sf	1 story/60,000 sf per floor Multi-story: 4 stories max/20,000 sf per floor	Unlimited
Utility and Miscellaneous	Unlimited	Unlimited	Unlimited

See the Building Code for Occupancy classifications.

Note: \*Electrical Inspector, Level I shall not be authorized to inspect wiring or equipment in hazardous locations as defined by Article 500 of the National Electrical Code with the exception of service stations and service pumps.

(3) Limitation on occupancy classifications of buildings for Fire Inspectors, Levels I, II and III:

**CERTIFICATION LEVELS FOR FIRE INSPECTORS**

**LEVEL I: - OCCUPANCY:**

- Business
- Assembly - 1 story, 20,000 sf
- Mercantile
- Residential
- Storage S-2
- Factory Industrial F-2
- Utility and Miscellaneous
- Excluding Highrise \*
- Note: A Level I fire inspector shall not conduct any plan review on any building, highrise or other.

**LEVEL II: - OCCUPANCY:**

- Everything in Level I
- Assembly - unlimited
- Educational
- Factory Industrial F-1
- Storage S-1
- Excluding Highrise \*
- Note: A level II fire inspector is authorized to conduct Plan Review of all occupancies in Level I and II.

**LEVEL III: - OCCUPANCY:**

- Everything in Levels I and II
- Hazardous
- Institutional
- Highrise
- (Unlimited Occupancies)
- Note: A Level III fire inspector is authorized to conduct Plan Review of all occupancies in Levels I, II and III.

\* The term "excluding highrise" is listed because some of the acceptable occupancies for the levels could be located in a highrise building (defined in the Building Code).

(b) Whenever a provision of the Rules in this Section requires a supporting letter (maximum of two per level) from a supervisor, the letter(s) shall be notarized, shall state the supervisor's qualifications (i.e., what type and level of certificate or license the supervisor holds), shall state that the applicant has worked under the supervisor's direct supervision for a specified period of time, and shall recommend certification of the applicant as a specified type and level of inspector upon satisfaction

of other required qualifications. The supervisor shall describe the name, floor area, and number of stories of the buildings worked on by the applicant and shall describe the work performed by the applicant.

(c) References in the rules in this Section to professional engineer or licensed engineer means engineers licensed by the North Carolina State Board of Examiners for Engineers and Surveyors pursuant to G.S. 89C. References in the rules in this Section to registered architect means architects licensed by the Board of Architecture pursuant to Chapter 83A of the North Carolina General Statutes. References to licensed building, residential, electrical, heating, plumbing, and fire sprinkler contractors means contractors licensed by the State Licensing Board for General Contractors, the N.C. State Board of Examiners of Electrical Contractors, or the N.C. State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors pursuant to Chapter 87 of the North Carolina General Statutes. References to licensed "building" contractors do not include licensed "residential" contractors. Specialty licenses issued by these occupational licensing boards are not acceptable. Applicants with licenses from other states or countries must provide a copy of their license and documentation that the requirements of the other state are at least equivalent to the statewide licensing requirements of North Carolina occupational licensing boards.

(d) Whenever a provision of the rules in this Section requires the possession of an occupational license other than those certificates that are issued by the Board, if that license is inactive, the applicant must provide documentation from the appropriate occupational licensing board that the applicant previously held the license and that the license is currently inactive.

(e) Whenever a provision of the rules in this Section requires inspector experience on a minimum number of buildings or systems, the experience must include all the inspections typically performed by an inspector during construction of the building or system. Inspections do not have to be performed on the same building.

(f) Whenever a provision of the rules in this Section requires a high school education or other education and experience qualifications, the Board may approve equivalent qualifications. Whenever a provision of the Rules in this Section requires the possession of a diploma or degree from an accredited college, university, or trade school, accredited shall mean accreditation from a regional accrediting association, for example, Southern Association of Colleges and Schools.

(g) Every applicant shall:

- (1) provide documentation that the applicant possesses a minimum of a high school education or a high school equivalency certificate (GED); and
- (2) provide notarized certification by a city or county manager, clerk, or director of inspection department that the applicant will be performing "code enforcement", as defined in G.S. 143-151.8(a)(3), as an employee of that city or county; or provide certification by the head of the Engineering and Building Codes Division of the North Carolina Department of Insurance that the applicant will be performing "code enforcement", as defined in G.S. 143-151.8(a)(3), for a state department or agency; and
- (3) make a grade of at least 70 on courses developed by the Board. Successful completion is defined as attendance of a minimum of 80 percent of the hours taught and achieving a minimum score of 70 percent on the course exam. All applicants must successfully complete a law and administration course. Applicants for certification in building, electrical, fire prevention, mechanical, or plumbing inspection at levels I, II, or III must successfully complete a course in that area and level (or a higher level). For the purpose of entry into the state examination, courses must be completed within five years of the exam in Subparagraph (g)(4) of this Rule. These courses shall be administered and taught in the N.C. Community College System or other educational agencies accredited by a regional accrediting association; for example, Southern Association of Colleges and Schools; and
- (4) achieve a passing grade of 70 percent on the written examination administered by the Board in each level of certification unless exempt by 11 NCAC 08.0707.

(h) Building Inspector, Level I. A standard certificate, building inspector, Level I, shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) a one year diploma in building construction from an accredited college or an equivalent apprenticeship or trade school program in building construction;
- (2) a four-year degree from an accredited college or university;
- (3) at least six months of building inspection experience with a probationary Level I building inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified building inspector I, II, or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (4) at least one year of building design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed engineer, registered architect, or

licensed building contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;

- (5) a license as a building contractor;
- (6) at least two years of building construction or inspection experience while working under a licensed building contractor;
- (7) at least two years of experience with a probationary Level I building inspection certificate inspecting building construction on a minimum of two Level I buildings;
- (8) at least two years of experience as an owner, manager or supervisor of a residential construction company and who has a license as a residential contractor and who has construction experience on a minimum of two Level I buildings (this does not include a business partner providing monetary backing for the company); or
- (9) at least two years of construction experience as a subcontractor or employee of a residential contractor in the building trades or work in building construction on a minimum of two Level I buildings and under the direct supervision of a licensed residential contractor who at that time had at least three years of experience.

(i) Building Inspector, Level II. A standard certificate, building inspector, Level II, shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) a license as a professional engineer or registered architect;
- (2) a four year degree from an accredited college or university in architecture, civil or architectural engineering, or building construction;
- (3) a four-year degree from an accredited college or university and at least two years of design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified building inspector II or III, licensed engineer, registered architect, or intermediate or unlimited licensed building contractor;
- (4) a two year degree from an accredited college or university in architecture, civil or architectural engineering, or building construction and at least two years of building design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified building inspector II or III, licensed engineer, registered architect, or intermediate or unlimited licensed building contractor;
- (5) an intermediate or unlimited license as a building contractor with building construction experience on a minimum of two Level II buildings;
- (6) at least three years of building inspection experience including one year of inspection experience with a probationary Level II building inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified building inspector II or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (7) at least three years of building design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed engineer, registered architect, or licensed intermediate or unlimited building contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule; or
- (8) at least two years of experience with a probationary Level II building inspection certificate inspecting construction of a minimum of two Level II buildings.

(j) Building Inspector, Level III. A standard certificate, building inspector, Level III, shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) a license as a professional engineer or registered architect with design, construction, or inspection experience on Level III buildings and specialization in architecture, civil or architectural engineering, or fire protection engineering;
- (2) a four-year degree from an accredited college or university in architecture, civil or architectural engineering, or building construction and at least one year of building design, construction, or inspection experience while working under the direct supervision of a certified building inspector III, licensed engineer, registered architect, or licensed unlimited building contractor, at least at the level of supervisor in responsible charge of a minimum of two Level III buildings;
- (3) a two-year degree from an accredited college or university in architecture, civil or architectural engineering or building construction and at least three years of building design, construction, or inspection experience

while working under the direct supervision of a certified building inspector III, licensed engineer, registered architect, or licensed unlimited building contractor with at least one year at the level of supervisor in responsible charge of a minimum of two Level III buildings;

- (4) an unlimited license as a building contractor with experience on a minimum of two Level III buildings;
- (5) at least four years of inspection experience including one year of building inspection experience with a probationary Level III building inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified building inspector III, with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (6) at least four years of building design, construction, or inspection experience while working under the direct supervision of a licensed engineer, registered architect, or licensed unlimited building contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule; or
- (7) at least one year of experience with a probationary Level III building inspection certificate inspecting the construction of a minimum of two Level III buildings.

(k) Electrical Inspector, Level I. A standard certificate, electrical inspector, Level I, shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) a one-year diploma in electrical construction from an accredited college or an equivalent apprenticeship or trade school program in electrical construction;
- (2) a four-year degree from an accredited college or university;
- (3) at least six months of electrical inspection experience with a probationary Level I electrical inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified electrical inspector I, II, or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (4) at least one year of electrical design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed engineer or licensed electrical contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (5) a restricted (one family dwelling) license or license as an electrical contractor;
- (6) at least two years of electrical installation or inspection experience while working under a licensed electrical contractor; or
- (7) at least two years of experience with a probationary Level I electrical inspection certificate inspecting electrical installations on a minimum of two Level I buildings.

(l) Electrical Inspector, Level II. A standard certificate, electrical inspector, Level II, shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) a license as a professional engineer;
- (2) a four-year degree from an accredited college or university in electrical engineering or electrical construction;
- (3) a four-year degree from an accredited college or university and at least two years of electrical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified electrical inspector II or III, licensed engineer, or intermediate or unlimited licensed electrical contractor;
- (4) a two-year degree from an accredited college or university in electrical engineering or electrical construction and at least two years of electrical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified electrical inspector II or III, licensed engineer, or intermediate or unlimited licensed electrical contractor;
- (5) an intermediate or unlimited license as an electrical contractor with experience on a minimum of two Level II buildings;
- (6) at least three years of electrical inspection experience including one year of inspection experience with a probationary Level II electrical inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified electrical inspector II or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (7) at least three years of electrical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed engineer or licensed intermediate or

unlimited electrical contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule; or

- (8) at least two years of experience with a probationary Level II electrical inspection certificate inspecting electrical installations on a minimum of two Level II buildings.

(m) Electrical Inspector, Level III. A standard certificate, electrical inspector, Level III, shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) a license as a professional engineer with design, construction, or inspection experience on Level III buildings and specialization in electrical engineering;
- (2) a four year degree from an accredited university in electrical engineering or electrical construction and at least one year of electrical design, installation, or inspection experience while working under the direct supervision of a certified electrical inspector III, licensed engineer, or licensed unlimited electrical contractor at least at the level of supervisor in responsible charge of a minimum of two Level III buildings;
- (3) a two-year degree from an accredited college or university in electrical engineering or electrical construction and at least three years of electrical design, installation, or inspection experience while working under the direct supervision of a certified electrical inspector III, licensed engineer, or licensed unlimited electrical contractor with at least one year at the level of supervisor in responsible charge of a minimum of two Level III buildings;
- (4) an unlimited license as an electrical contractor with experience on a minimum of two Level III buildings;
- (5) at least four years of electrical inspection experience including one year of inspection experience with a probationary Level III electrical inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified electrical inspector III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (6) at least four years of electrical design, construction, or inspection experience while working under the direct supervision of a licensed engineer or licensed unlimited electrical contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule; or
- (7) at least one year of experience with a probationary Level III electrical inspection certificate inspecting the electrical installations of a minimum of two Level III buildings.

(n) Mechanical Inspector, Level I. A standard certificate, mechanical inspector, Level I, shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) a one-year diploma in mechanical construction from an accredited college or an equivalent apprenticeship or trade school program in mechanical construction;
- (2) a four-year degree from an accredited college or university;
- (3) at least six months of mechanical inspection experience with a probationary Level I mechanical inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified mechanical inspector I, II, or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (4) at least one year of mechanical design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed engineer or licensed Class I mechanical contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (5) an H-1, H-2, or H-3 Class I license as a mechanical contractor;
- (6) at least two years of mechanical installation or inspection experience while working under a Class I H-1, H-2, or H-3 licensed mechanical contractor; or
- (7) at least two years of experience with a probationary Level I mechanical inspection certificate inspecting mechanical installations a minimum of two Level I buildings.

(o) Mechanical Inspector, Level II. A standard certificate, mechanical inspector, Level II, shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) a license as a professional engineer;
- (2) a four-year degree from an accredited college or university in mechanical engineering or mechanical construction;

- (3) a four-year degree from an accredited college or university and at least two years of mechanical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified mechanical inspector II or III, licensed engineer, or licensed Class I mechanical contractor;
- (4) a two-year degree from an accredited college or university in mechanical engineering or mechanical construction and at least two years of mechanical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified mechanical inspector II or III, licensed engineer, or licensed Class I mechanical contractor;
- (5) an H-1, H-2, or H-3 Class I license as a mechanical contractor with experience on a minimum of two Level II buildings;
- (6) at least three years of mechanical inspection experience including one year of inspection experience with a probationary Level II mechanical inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified mechanical inspector II or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (7) at least three years of mechanical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed engineer or licensed Class I H-1, H-2, or H-3 mechanical contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule; or
- (8) at least two years of experience with a probationary Level II mechanical inspection certificate inspecting mechanical installations on a minimum of two Level II buildings.

(p) Mechanical Inspector, Level III. A standard certificate, mechanical inspector, Level III shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) a license as a professional engineer, with design, construction, or inspection experience on Level III buildings and specialization in mechanical engineering;
- (2) a four-year degree from an accredited university in mechanical engineering or mechanical construction and at least one year of mechanical design, installation, or inspection experience while working under the direct supervision of a certified mechanical inspector III, licensed engineer, or licensed Class I H-1, H-2, and H-3 mechanical contractor at least at the level of supervisor in responsible charge of a minimum of two Level III buildings;
- (3) a two-year degree from an accredited college or university in mechanical engineering or mechanical construction and at least three years of mechanical design, installation, or inspection experience while working under the direct supervision of a certified mechanical inspector III, licensed engineer, or licensed Class I H-1, H-2, and H-3 mechanical contractor with at least one year at the level of supervisor in responsible charge of a minimum of two Level III buildings;
- (4) H-1, H-2, and H-3 Class I licenses as a mechanical contractor with experience on a minimum of two Level III buildings;
- (5) at least four years of mechanical inspection experience including one year of inspection experience with a probationary Level III mechanical inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified mechanical inspector III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (6) at least four years of mechanical design, construction, or inspection experience while working under the direct supervision of a licensed engineer or licensed Class I H-1, H-2, and H-3 mechanical contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule; or
- (7) at least one year of experience with a probationary Level III mechanical inspection certificate inspecting the mechanical installations of a minimum of two Level III buildings.

(q) Plumbing Inspector, Level I. A standard certificate, plumbing inspector, Level I, shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) a one-year diploma in plumbing construction from an accredited college or an equivalent apprenticeship or trade school program in plumbing construction;
- (2) a four-year degree from an accredited college or university;

- (3) at least six months of plumbing inspection experience with a probationary Level I plumbing inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified plumbing inspector I, II, or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (4) at least one year of plumbing design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed engineer or licensed Class I plumbing contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (5) a Class I license as a plumbing contractor;
- (6) at least two years of plumbing installation or inspection experience while working under a licensed Class I plumbing contractor; or
- (7) at least two years of experience with a probationary Level I plumbing inspection certificate inspecting plumbing installations a minimum of two Level I buildings.

(r) Plumbing Inspector, Level II. A standard certificate, plumbing inspector, Level II, shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) a license as a professional engineer;
- (2) a four-year degree from an accredited college or university in mechanical engineering or mechanical or plumbing construction;
- (3) a four-year degree from an accredited college or university and at least two years of plumbing design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified plumbing inspector II or III, licensed engineer, or licensed Class I plumbing contractor;
- (4) a two year degree from an accredited college or university in mechanical engineering or mechanical or plumbing construction and at least two years of plumbing design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified plumbing inspector II or III, licensed engineer, or licensed Class I plumbing contractor;
- (5) a Class I license as a plumbing contractor with experience on a minimum of two Level II buildings;
- (6) at least three years of plumbing inspection experience including one year of inspection experience with a probationary Level II plumbing inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified plumbing inspector II or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (7) at least three years of plumbing design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed engineer or licensed Class I plumbing contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule; or
- (8) at least two years of experience with a probationary Level II plumbing inspection certificate inspecting plumbing installations on a minimum of two Level II buildings.

(s) Plumbing Inspector, Level III. A standard certificate, plumbing inspector, Level III shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) a license as a professional engineer with design, construction, or inspection experience on Level III buildings and specialization in mechanical engineering;
- (2) a four-year degree from an accredited university in mechanical engineering or mechanical or plumbing construction and at least one year of plumbing design, installation, or inspection experience while working under the direct supervision of a certified plumbing inspector III, licensed engineer, or licensed Class I plumbing contractor at least at the level of supervisor in responsible charge of a minimum of two Level III buildings;
- (3) a two-year degree from an accredited college or university in mechanical engineering or plumbing construction and at least three years of plumbing design, installation, or inspection experience while working under the direct supervision of a certified plumbing inspector III, licensed engineer, or licensed Class I plumbing contractor with at least one year at the level of supervisor in responsible charge of a minimum of two Level III buildings;
- (4) a Class I license as a plumbing contractor with experience on a minimum of two Level III buildings;

- (5) at least four years of plumbing inspection experience including one year of inspection experience with a probationary Level III plumbing inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified plumbing inspector III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (6) at least four years of plumbing design, construction, or inspection experience while working under the direct supervision of a licensed engineer or licensed Class I plumbing contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule; or
- (7) at least one year of experience with a probationary Level III plumbing inspection certificate inspecting the plumbing installations of a minimum of two Level III buildings.

(t) Fire Inspector, Level I. A standard certificate, fire inspector, Level I, shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) a one year diploma in fire science from an accredited college or an equivalent apprenticeship or trade school program in fire science;
- (2) a four-year degree from an accredited college or university;
- (3) at least six months of fire inspection experience with a probationary Level I fire inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified fire inspector I, II, or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (4) at least one year of fire protection design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed engineer, registered architect, or licensed building, electrical, or fire sprinkler contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (5) a license as a fire sprinkler contractor;
- (6) at least two years of construction or inspection experience in fire protection systems while working under a licensed building, electrical, or fire sprinkler contractor;
- (7) at least two years of experience with a probationary Level I fire inspection certificate conducting fire inspections on a minimum of two Level I buildings;
- (8) at least four years of experience in fire suppression activities for a city, county, volunteer, or other governmental fire department; or
- (9) Firefighter Level II certification under the North Carolina State Fire and Rescue Commission with at least one year of fire inspection experience in Level I buildings.

(u) Fire Inspector, Level II. A standard certificate, fire inspector, Level II, shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) a license as a professional engineer or registered architect;
- (2) a four year degree from an accredited college or university in architecture, civil or architectural engineering, building construction, or fire science;
- (3) a four-year degree from an accredited college or university and at least two years of fire protection design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified fire inspector II or III, licensed engineer, registered architect, intermediate or unlimited licensed building contractor, or licensed fire sprinkler contractor;
- (4) a two-year degree from an accredited college or university in architecture, civil or architectural engineering, building construction, or fire science and at least two years of fire protection design, construction, or inspection experience on a minimum of two Level II building fire protection systems while working under the direct supervision of a certified fire inspector II or III, licensed engineer, registered architect, intermediate or unlimited licensed building contractor, or licensed fire sprinkler contractor;
- (5) a license as a fire sprinkler contractor with experience on a minimum of two Level II buildings;
- (6) at least three years of fire inspection experience including one year of inspection experience with a probationary Level II fire inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified fire inspector II or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (7) at least three years of fire protection system design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed engineer, registered

- architect, licensed intermediate or unlimited building contractor, or licensed fire sprinkler contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (8) at least two years of experience with a probationary Level II fire inspection certificate conducting fire inspections on a minimum of two Level II buildings; or
  - (9) completion of the basic, intermediate, and advanced classes of the North Carolina Fire Prevention School with at least three years of fire inspection experience in Level II buildings.
- (v) Fire Inspector, Level III. A standard certificate, fire inspector, Level III, shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:
- (1) a license as a professional engineer or registered architect with design, construction, or inspection experience on Level III buildings and specialization in architecture, civil or architectural engineering, or fire protection engineering;
  - (2) a four-year degree from an accredited college or university in civil, architectural, or fire protection engineering and at least one year of fire inspection experience while working under a certified fire inspector III, licensed engineer, registered architect, or licensed fire sprinkler contractor on a minimum of two Level III buildings;
  - (3) a two-year degree from an accredited college or university in civil, architectural, or fire protection engineering and at least three years of fire protection design, installation, or inspection experience while working under the direct supervision of a certified fire inspector III, licensed engineer, registered architect, licensed unlimited building contractor, or licensed fire sprinkler contractor with at least one year in responsible charge of a minimum of two Level III buildings;
  - (4) a license as a fire sprinkler contractor with experience on a minimum of two Level III buildings;
  - (5) at least four years of fire inspection experience in fire protection systems including one year of inspection experience with a probationary Level III fire inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified fire inspector III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
  - (6) at least four years of fire protection system design, construction, or inspection experience while working under the direct supervision of a licensed engineer, registered architect, licensed intermediate or unlimited building contractor, or licensed fire sprinkler contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule; or
  - (7) at least one year of experience with a probationary Level III fire inspection certificate conducting fire inspections on a minimum of two Level III buildings.

*History Note: Authority G.S. 143-151.12(1); 143-151.13;  
 Eff. January 15, 1980;  
 Amended Eff. August 1, 2004; July 18, 2002; February 1, 1991; August 1, 1990; July 1, 1983.*

#### **11 NCAC 08 .0707 SPECIAL CIRCUMSTANCES**

- (a) Licensed County Electrical Inspector. Pursuant to G.S. 143-151.13(e), the Board will, without requiring an examination, issue a standard certificate to any person holding a currently valid certificate as a county electrical inspector, issued by the Commissioner of Insurance under G.S. 153A-351. Such certificate shall be for the electrical inspector level corresponding to the level at which the applicant is currently certified.
- (b) Registered Architect, Licensed General Contractor, Licensed Plumbing or Heating Contractor, Licensed Electrical Contractor, Registered Professional Engineer. Pursuant to G.S. 143-151.13(f), the Board will, without requiring an examination, issue a standard certificate to any person who successfully completes the Board's prescribed short course concerning state building code regulations and code enforcement administration and who is currently registered or licensed (as of June 13, 1977) by the State of North Carolina as an architect, a general contractor, a plumbing or heating contractor, an electrical contractor, or a professional engineer. The standard certificate thus issued will authorize the person to practice as a qualified code enforcement official of the type and at the performance level determined by the Board to be appropriate in light of the applicant's education, training, and experience.
- (c) Certified Code Enforcement Official From Another State. Pursuant to G.S. 143-151.14, the Board will, without requiring an examination, issue a standard certificate to any person who successfully completes the Board's prescribed short course concerning state building code regulations and code enforcement administration and who holds a currently valid certificate as

a qualified code enforcement official from another state or territory whose standards are acceptable to the Board and not lower than those required of North Carolina applicants.

*History Note:* Authority G.S. 143-151.13; 143-151.14;  
Eff. January 15, 1980;  
Amended Eff. July 1, 1983.

#### **11 NCAC 08 .0708 CERTIFICATE**

(a) If an application is found to be in order and the applicant qualified for a particular type and level of certificate, upon approval of the Board the Board's staff shall mail a standard certificate of that type and level to the applicant at the address specified on the application. The certificate shall be effective until the renewal date specified in G.S. 143-151.16(b).

(b) If the applicant does not meet the criteria for the certificate for which applied, the applicant shall be given written notice of the criterion that the applicant apparently fails to meet and offered a choice of:

- (1) accepting a certificate for a lower level for which the applicant is qualified;
- (2) submitting additional evidence in support of the application;
- (3) withdrawing the application; or
- (4) appealing the decision to the Board.

If an appeal is filed, the Board shall conduct a hearing and render a decision in accordance with G.S. 150B.

*History Note:* Authority G.S. 143-151.12; 143-151.13; 143-151.14; 143-151.19;  
Eff. January 15, 1980;  
Amended Eff. July 18, 2002; January 1, 1991.

#### **11 NCAC 08 .0709 RENEWAL**

To remain effective, a standard certificate must be renewed in accordance with G.S. 143-151.16(b). Applications for renewal shall be made on forms furnished by the Division of Engineering and Building Codes of the Department of Insurance. A ten dollar (\$10.00) renewal fee shall accompany each such application. In the event that an application for renewal is not received by July 1, an additional late-renewal fee of two dollars (\$2.00) shall be charged. Any person who fails to renew a certificate for a period of two consecutive years shall take and pass the same examination as unlicensed applicants for that type and level of certificate before that person shall be allowed to renew the certificate. In accordance with 11 NCAC 08 .0712, continuing education requirements must be completed by June 30 for renewal of the standard certificate.

*History Note:* Authority G.S. 143-151.13A(b); 143-151.16;  
Eff. January 15, 1980;  
Amended Eff. February 1, 2006; July 18, 2002; August 1, 1990.

#### **11 NCAC 08 .0710 RETURN OF CERTIFICATE WHEN LEAVE EMPLOYMENT**

A standard certificate issued by the Board shall remain valid only so long as the person certified is employed by the State of North Carolina or any political subdivision thereof as a code enforcement official. When the person certified leaves such employment for any reason, he shall return the certificate to the Board. If the person subsequently obtains employment as a code enforcement official in any of such governmental jurisdictions, the Board shall re-issue the certificate to him, subject to the provisions of Rule .0709, provided, however, that if there is time remaining on the re-issued certificate, no additional fee will be charged.

*History Note:* Authority G.S. 143-151.15;  
Eff. January 15, 1980.

#### **11 NCAC 08 .0711 PRE-QUALIFICATION PROGRAM**

The Board may prequalify, as an inspector, an applicant who is not an employee of a city, county, or state inspection department. The Board shall accept applicants who meet the same education, experience, and other requirements listed in Rules .0702 through .0707 of this Section. The Board shall prequalify the applicant at the area and level of certification when

the applicant completes these requirements. The Board shall issue a standard inspection certificate when the prequalified applicant is employed by a city, county, or state inspection department.

*History Note:* Authority G.S. 143-151.12;  
Eff. July 18, 2002.

#### **11 NCAC 08 .0712 CONTINUING EDUCATION - GENERAL**

As a condition of certificate renewal, holders of active standard and limited certificates must meet continuing education (CE) requirements in accordance with 11 NCAC 08 .0713 through 08 .0733. Courses and sponsors must meet the requirements in 11 NCAC 08 .0713 through 08 .0733.

*History Note:* Authority G.S. 143-151.13A(b);  
Eff. February 1, 2006.

#### **11 NCAC 08 .0713 CONTINUING EDUCATION REQUIREMENTS**

- (a) To be eligible to renew a certificate, whether active standard or active limited, a Code Enforcement Official (CEO) shall have completed the requisite number of credit hours by June 30, 2007, and each June 30 thereafter.
- (b) A credit hour is 50 minutes of class contact course instruction or 50 minutes of distance learning time.
- (c) A CEO with an active limited certificate shall complete six hours of continuing education courses per renewal year in each technical area for which the limited certificate is valid. A CEO with an active standard certificate shall complete six hours of continuing education courses per renewal year for each standard certificate. A CEO with a limited and a standard certificate valid for the same technical area shall complete only six hours for that technical area.
- (d) A CEO with only a probationary certificate and no standard or limited certificate is not required to complete any continuing education courses.
- (e) If a course exceeds the number of credit hours specified for renewal of a technical area certificate, the excess credit hours may be carried forward into the following renewal year of that technical area certificate. The number of carry-forward credit hours shall not exceed six.

*History Note:* Authority G.S. 143-151.13A(b); 143-151.13A(f)(1); 143-151.13A(f)(4); 143-151.13A(f)(5); 143-151.16(b);  
Eff. March 1, 2006;  
Amended Eff. April 1, 2007.

#### **11 NCAC 08 .0714 INACTIVE CODE ENFORCEMENT OFFICIALS**

- (a) A CEO either who is no longer employed by a city, county, or state inspection department or who remains employed by a city, county, or state inspection department but no longer has Code enforcement responsibility is deemed inactive. Inactive CEOs are neither subject to certificate renewal requirements nor continuing education requirements.
- (b) When an inactive CEO wishes to become reemployed as an active CEO, the CEO must complete continuing education courses within one year after reemployment to re-activate certificates in addition to the courses required for renewal of certificates as follows:
  - (1) A CEO who has been on inactive status for more than two years and who has not been continuously employed by a city, county, or state inspection department during the period of inactive status shall complete continuing education courses of 12 hours for each technical area in which the CEO is certified.
  - (2) A CEO who has been on inactive status for more than two years and who has been continuously employed by a city, county, or state inspection department during the period of inactive status shall complete continuing education courses of six hours for each technical area in which the CEO is certified.
  - (3) A CEO who has been on inactive status for two years or less shall complete CE courses of four hours for each technical area in which the CEO is certified.

*History Note:* Authority G.S. 143-151.13A(b); 143-151.13A(d); 143-151.15;  
Eff. February 1, 2006.

#### **11 NCAC 08 .0715 FAILURE TO COMPLETE CONTINUING EDUCATION**

Any active CEO who fails to complete the required continuing education courses by June 30 of the current renewal year shall have his or her certificates suspended until the CE requirement is met. A CEO without a currently valid certificate shall not perform Code enforcement.

*History Note:* Authority G.S. 143-151.13A(f)(7);  
Eff. February 1, 2006.

#### **11 NCAC 08 .0716 COMPLIANCE**

(a) General CEO compliance with annual CE requirements may be determined through an audit process conducted by the Board's staff. Determination of individuals to be audited shall be accomplished either through a random selection process or based on information available to the Board's staff. Individuals selected for auditing shall provide the Board's staff with documentation of the CE activities claimed for the renewal period, including attendance verification records in the form of transcripts, completion certificates, and any other documents supporting evidence of attendance.

(b) Attendance records shall be maintained by CEOs for a period of three years following the applicable certificate renewal date for audit verification purposes.

*History Note:* Authority G.S. 143-151.13A(f);  
Eff. February 1, 2006.

#### **11 NCAC 08 .0717 EXTENSIONS OF TIME**

Upon petition to the Board staff, extensions of time to complete continuing education courses shall be granted to CEOs for good cause only, such as military service, physical disability, illness, and similar hardship if the period of hardship exceeded 90 consecutive days. Supporting documentation such as military orders or a letter from a physician must be furnished to the Board's staff. The Board staff shall determine whether the extension shall be granted within 10 calendar days of receipt of the petition and shall notify the CEO of its determination.

*History Note:* Authority G.S. 143-151.13A (e);  
Eff. February 1, 2006.

#### **11 NCAC 08 .0718 COURSE SPONSORS**

(a) A course sponsor is an organization or individual that has submitted an application and has been approved by the Board to provide courses and instructors for continuing education. No retroactive approval of a sponsor shall be granted by the Board for any reason.

(b) A prospective sponsor of a CE course shall obtain written approval from the Board to conduct the course before offering or conducting the course and before advertising or otherwise representing that the course is or may be approved for continuing education credit.

(c) Sponsors may include community colleges; colleges and universities; CEO associations; trade associations; providers of self-paced or internet based training programs; city, county, and state inspection departments or other agencies; and private instructors. A prospective sponsor shall be approved by the Board as a course sponsor if, upon submission of a completed application under Paragraph (d) of this Rule, the Board determines that at least one course proposed to be offered by the prospective sponsor meets the criteria for course approval under 11 NCAC 08 .0720, each instructor that is to offer course instruction for the prospective sponsor satisfies the requirements of Paragraph (e) of this Rule, and there are no other grounds under the laws of North Carolina on the basis of which approval should not be granted to the sponsor.

(d) Each course sponsor shall submit an application for continuing education course sponsor approval to the Board on a form provided by the Board. The application shall include:

- (1) The name of the sponsor;
- (2) The sponsor contact person, address and telephone number;
- (3) The course contact hours;
- (4) A description of the courses or types of courses the sponsor proposes to offer and the schedule of courses, if established, including dates, time and locations; and
- (5) The identity and qualifications and experience of each instructor.

(e) Instructors shall have a minimum of one year of experience in architecture; engineering; construction; inspection; installation of equipment, building materials, or components; or other Code-related areas which shall be pertinent to the nature and purpose of the course(s) for which they will provide instruction. Instructors shall possess the ability to:

- (1) Communicate through speech, with the ability to speak clearly, and with voice inflection, using proper grammar and vocabulary;
- (2) Present instruction in a thorough, accurate, logical, orderly and understandable manner;

- (3) Use varied instructional techniques in addition to straight lecture, such as class discussion, role-playing, or other techniques; and
- (4) Use instructional aids, such as projectors and computers to enhance learning.

Instructors shall assure that class sessions are started on time and are conducted for the full amount of time that is scheduled. Instructors shall also assure that each CE course is taught according to the course outline and plan that was approved by the Board, including the furnishing of approved student materials.

*History Note:* Authority G.S. 143-151.13A(f)(2);  
Eff. March 1, 2006.

#### **11 NCAC 08 .0719 CONTINUING EDUCATION COORDINATOR**

Each sponsor of a CE course shall designate one person to serve as the Continuing Education Coordinator for all Board-approved continuing education courses offered by the sponsor. The designated Coordinator shall serve as the official contact person for the sponsor and shall be responsible for signing the course completion certificates provided by the sponsor to CEOs completing courses and submitting to the Board's staff all required rosters, sign-in sheets, reports, and other information.

*History Note:* Authority G.S. 143-151.13A(f);  
Eff. February 1, 2006.

#### **11 NCAC 08 .0720 APPROVED COURSES**

(a) To be approved for credit in the continuing education program, a course shall be directly related to State Building Codes, inspection, administration, or enforcement of State Building Codes; construction or design of buildings or electrical, mechanical, plumbing, or fire prevention systems; or certification courses approved for CEOs.

(b) Credit shall be given only for courses that have been approved by the Board. Continuing education courses for other State occupational licenses must be specifically approved to satisfy the Board's continuing education requirements. Courses from approved sponsors must be specifically approved before being offered.

(c) Some courses shall be approved for credit in more than one area of certification. A CEO with multiple certificates may apply the credit to any certificate for which the course is approved. If the course hours are greater than required for one certificate, the remaining hours may be applied to other certificates for which the course is approved or the remaining hours may be carried over in accordance with 11 NCAC 08 .0713(e).

(d) A CEO shall only receive credit for the same course once within any three-year period.

(e) A course shall contain a minimum of one credit hour.

(f) A CEO may select a course other than one offered by an approved sponsor. In order to obtain approval for the course, the CEO shall, upon completion of the course, submit an application for approval on a form provided by the Board. The application shall include:

- (1) the topic;
- (2) content of lecture material;
- (3) date, time, and location of the course;
- (4) name and qualifications of the instructor; and
- (5) the number of course contact hours received upon completion of the course.

In lieu of the form, the CEO may submit a course brochure that contains all of the information required by the form. The CEO shall also provide verification of attendance from the course instructor. The Board shall not accept any applications for course approval under this paragraph after April 30 of each year.

(g) Instructors shall receive twice the number of course credit hours for each instructional hour in an approved course. An instructor shall only receive twice the number of course credit hours for the same course once within any two-year period.

*History Note:* Authority G.S. 143-151.13A(f)(1); 143-151.13A(f)(4);  
Eff. February 1, 2006;  
Amended Eff. April 1, 2007.

#### **11 NCAC 08 .0721 COURSE ACCREDITATION REQUIREMENTS**

(a) Sponsors of prospective CE courses shall apply for approval from the Board by submitting the following information to the Board's staff for consideration:

- (1) course title and outline;

- (2) nature and purpose of the course;
  - (3) outline of the course, including the number of training hours for each segment; and
  - (4) copies of handouts and materials to be furnished to students.
- (b) To determine if a course is approved, the Board's staff shall review the course to determine if the course meets the requirements of 11 NCAC 08 .0720 and its stated objectives. The Board's staff shall issue written approval to the course sponsor for all courses deemed to be acceptable. The Board's staff shall notify the course sponsor of any course found not to be acceptable, providing specific reasons for the disapproval. A course sponsor may appeal the Board's staff's disapproval of a course to the Board, and such appeal shall be heard at the next scheduled meeting of the Board.

*History Note:* Authority G.S. 143-151.13A(f)(2);  
Eff. February 1, 2006.

### **11 NCAC 08 .0722 DISTANCE EDUCATION COURSES**

A distance education course is a continuing education course in which instruction is accomplished through the use of media and methods whereby instructor and student are separated by distance and sometimes by time. In addition to fulfilling all course accrediting requirements, a sponsor requesting approval of a distance education course must demonstrate that the proposed distance education course satisfies the following criteria:

- (1) The course shall be designed to assure that students have defined learning objectives. If the nature of the subject matter is such that the learning objectives cannot be reasonably accomplished without some direct interaction between the instructor and students, then the course must be designed to provide for such interaction.
- (2) A course that does not provide the opportunity for continuous audio and visual communication between instructor and all students during the course presentation shall utilize testing processes to assure student understanding of the subject material.
- (3) A course that involves students completing the course on a self-paced study basis shall be designed so that the time required for a student of average ability to complete the course will be equivalent to a similar course taught in a classroom setting. The sponsor shall utilize a system that assures that students have actually performed all tasks required for completion and understanding of the subject material.
- (4) The sponsor shall provide technical support to enable students to satisfactorily complete the course.
- (5) The course instructors shall be available to respond in a timely manner to student questions about the subject matter of the course. Instructors shall have training in the proper use of the instructional delivery method utilized in the course, including the use of computer hardware and software or other applicable equipment and systems.
- (6) The sponsor shall provide students with an information package containing all pertinent information regarding requirements unique to completing a distance education course, including any special requirements with regard to computer hardware and software or other equipment, and outlining in detail the instructor and technical support that will be available when taking the course.
- (7) The sponsor shall use procedures that provide reasonable assurance that the student receiving continuing education credit for completing the course actually performed all the work required to complete the course. For courses that involve independent study by students, certification that the student personally completed all required course work shall be provided by the student to the sponsor, either by a signed statement (on a form provided by the sponsor) or, in the case of internet or computer based courses, by electronic means that are indicated in the software or on the website. Signed course completion statements or records of electronic certification shall be retained by the sponsor together with any other course records required by the rules in this Section.
- (8) Sponsors seeking approval of distance education courses must submit to the Board's staff a complete copy of the course in the medium that is to be used, including all computer software that will be used in presenting the course and administering tests. If the course is to be internet based, the Board's staff must be provided access to the course via the internet and shall not be charged a fee for such access.
- (9) Distance education courses shall comply with requirements for course completion reporting. Students shall not be reported for continuing education credit for distance education courses until the signed form from the student or electronic certification as described in Item (7) of this Rule has been received by the sponsor.

*History Note:* Authority G.S. 143-151.13A(f)(2); 143-151.13A(f)(3);  
Eff. February 1, 2006.

**11 NCAC 08 .0723 DENIAL OR WITHDRAWAL OF APPROVAL OF SPONSOR OR COURSE**

The Board may deny, suspend or terminate approval of sponsors or courses offered by a sponsor if the Board finds a failure to comply with the Board's rules or the course outline, or for misstatements as to content or participation.

*History Note: Authority G.S. 143-151.13A(f)(7);  
Eff. February 1, 2006.*

**11 NCAC 08 .0724 SPONSOR AND COURSE CHANGES**

(a) Course sponsors shall obtain prior approval from the Board's staff for any proposed changes in the content or number of hours for approved CE courses. Requests for approval of changes shall be in writing. The Board's staff shall approve the changes if they satisfy the accreditation requirements as provided in 11 NCAC 08 .0721. Changes in course content that are solely for the purpose of assuring that information provided in a course is current, such as updating to address code amendments or changes in regulations, need not be submitted for approval.

(b) Course sponsors shall give prior written notice to the Board's staff in writing of any change in business name, Continuing Education Coordinator, address, or business telephone number.

*History Note: Authority G.S. 143-151.13A(f)(2);  
Eff. February 1, 2006.*

**11 NCAC 08 .0725 NOTICE OF SCHEDULED COURSES**

(a) A sponsor shall provide the Board's staff with written notice of each scheduled course offering no later than 20 calendar days before a scheduled course date. The notice shall include the name and assigned number for the sponsor, the name and assigned number for the course, and the scheduled date, time, and location of the course.

(b) A sponsor shall notify any registered CEOs and the Board's staff of any schedule changes or course cancellations at least five calendar days before the original scheduled course date. If a change or cancellation becomes necessary after the five-day deadline, the sponsor shall notify the Board's staff and any registered CEOs as soon as the sponsor effects the change or cancellation.

*History Note: Authority G.S. 143-151.13A(f);  
Eff. February 1, 2006.*

**11 NCAC 08 .0726 ADVERTISING AND PROVIDING COURSE INFORMATION**

(a) Course sponsors shall not use false or misleading advertising.

(b) Any flyers, brochures, or other medium used to promote a CE course shall describe the fee to be charged and the sponsor's cancellation and fee refund policies.

(c) A sponsor of a CE course shall provide a description of the course content to the CEO.

*History Note: Authority G.S. 143-151.13A(f);  
Eff. February 1, 2006.*

**11 NCAC 08 .0727 FEE FOR CE COURSES**

The sponsor of an approved CE course shall establish the amount of any fee to be charged to CEOs taking the course. The fee shall be all-inclusive. No separate or additional fee shall be charged to CEOs for providing course materials, providing course completion certificates, reporting course completion to the Board's staff, or for recouping administrative expenses. The total amount of any fees to be charged shall be included in any advertising or promotional materials for the course.

*History Note: Authority G.S. 143-151.13A(f);  
Eff. February 1, 2006.*

**11 NCAC 08 .0728 CANCELLATION AND REFUND POLICIES**

If a scheduled course is canceled, a sponsor shall immediately notify preregistered CEOs of the cancellation. All prepaid fees received from preregistered CEOs shall be refunded within 30 days after the date of cancellation. Failure to provide a refund shall result in revocation of sponsor approval.

*History Note: Authority G.S. 143-151.13A(f);  
Eff. February 1, 2006.*

**11 NCAC 08 .0729 COURSE ATTENDANCE**

(a) Course instructors shall monitor attendance to assure that all CEOs have completed the course. A CEO shall not be reported to the Board's staff as having completed a course unless the CEO satisfies the attendance requirement.

(b) Any CEO providing false information to a course sponsor shall not receive CE credits for the course, shall not be entitled to a refund of course fees, and may be subject to disciplinary action by the Board.

*History Note: Authority G.S. 143-151.13A(f);  
Eff. February 1, 2006.*

**11 NCAC 08 .0730 ACCOMMODATIONS FOR PERSONS WITH DISABILITIES**

Course sponsors and instructors shall comply with the Americans with Disabilities Act or other laws requiring accommodation of persons with disabilities.

*History Note: Authority G.S. 143-151.13A(f);  
Eff. February 1, 2006.*

**11 NCAC 08 .0731 COURSE COMPLETION REPORTING**

(a) Each sponsor shall submit to the Board's staff a report verifying completion of a CE course for each CEO who completes the course. A sponsor shall submit this report to the Board's staff within 15 calendar days following the course completion. Reports shall be submitted electronically on forms provided by the Board. Reports shall include the sponsor name and the sponsor identifying number, the name and the identifying number of the CEO who completed the course, the date of course completion, the course name and course identifying number, the trade area to which the course applies, the instructor name, the standard or limited certificate number to which to credit the course, and the number of credit hours, and the renewal year to apply the course credit.

(b) Course sponsors shall provide CEOs enrolled in each CE course an opportunity to complete an evaluation on a form provided by the Board of each approved CE course. Sponsors shall submit the completed evaluation forms to the Board's staff. The evaluation form may be provided on the internet at the option of the provider.

(c) Course sponsors shall provide each CEO who completes an approved CE course with a course completion certificate. Sponsors shall provide the certificates to CEOs within 15 calendar days following the course completion. The certificate shall be retained for three years by the CEO as proof of having completed the course.

*History Note: Authority G.S. 143-151.13A(f);  
Eff. February 1, 2006.*

**11 NCAC 08 .0732 RETENTION OF COURSE RECORDS**

All course sponsors shall retain records of student registration, attendance, and course completion for CE courses for at least three years. All course sponsors shall make these records available to the Board's staff upon request.

*History Note: Authority G.S. 143-151.13A(f);  
Eff. February 1, 2006.*

**11 NCAC 08 .0733 BOARD MONITORS**

A course sponsor shall admit representatives of the Board to monitor any CE class without prior notice. Board 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. 143-151.13A(f);  
Eff. February 1, 2006.*

**SECTION .0800 - DISCIPLINARY ACTIONS: OTHER CONTESTED MATTERS**

**11 NCAC 08 .0801 DISCIPLINARY POWERS**

(a) As used in this Section "Board" and "Code" have the same meanings as those terms are defined in G.S. 143-151.8(a); and "official" means a qualified Code-enforcement official as defined in G.S. 143-151.8(5).

(b) Any person who believes that an official is or has been in violation of G.S. 143-151.17(a) may file a complaint against that official. Copies of this Section and G.S. 143-151.17 shall be mailed to any person requesting complaint information from the Board.

(c) The complaint must specifically refer to one or more of the grounds in G.S. 143-151.17(a). The name of the official, if known, and the name of the local inspection department must be listed. If the official is unknown, the complaint must refer to "the inspector who performed the building (or electrical, mechanical, plumbing, or fire prevention) inspection."

(d) Supporting information must be included to justify the complaint. If the complaint involves violations of the Code that the official did not discover, a list of those violations must be submitted with the complaint. Such information may be provided by the complainant, an architect, professional engineer, licensed contractor, certified inspector, or other person with knowledge of the Code. Supporting information must refer to specific violations of the Code or of the General Statutes.

(e) The complaint must be in writing, signed by the complainant, and dated. The complaint must include the complainant's mailing address and a daytime phone number at which the complainant may be reached. The street address of the structure must be included. There must be a notarized verification at the end of the complaint.

*History Note:* Filed as a Temporary Amendment Eff. March 3, 1992 For a Period of 169 Days to Expire on August 21, 1992;  
Authority G.S. 143-151.12(1); 143-151.17; 150B-38(h);  
Eff. January 15, 1980;  
Amended Eff. June 1, 1992; September 1, 1991.

#### **11 NCAC 08 .0802 PRELIMINARY INVESTIGATION**

*History Note:* Filed as a Temporary Amendment Eff. March 3, 1992 For a Period of 169 Days to Expire on August 21, 1992;  
Authority G.S. 143-151.12(1); 143-151.17(b); 150B-38(h);  
Eff. January 15, 1980;  
Amended Eff. June 1, 1992; September 1, 1991;  
Repealed Eff. July 18, 2002.

#### **11 NCAC 08 .0803 NOTICE TO PARTIES**

#### **11 NCAC 08 .0804 EMERGENCY SUSPENSION**

*History Note:* Authority G.S. 150A-3(b); 150A-3(c); 150A-23(b)(c)(d);  
Eff. January 15, 1980;  
Repealed Eff. September 1, 1991.

#### **11 NCAC 08 .0805 HEARING OFFICER**

In all contested case hearings before the Board, the Chairman of the Board shall serve as presiding officer. In the absence of the Chairman, the Vice-Chairman shall serve as presiding officer, or a presiding officer shall be elected by the Board.

*History Note:* Filed as a Temporary Amendment Eff. March 3, 1992  
For a Period of 169 Days to Expire on August 21, 1992;  
Statutory Authority G.S. 143-151.12(1); 143-151.17; 150B-38(h);  
Eff. January 15, 1980;  
Amended Eff. June 1, 1992; September 1, 1991.

#### **11 NCAC 08 .0806 CONSOLIDATION OF SEVERAL CASES**

#### **11 NCAC 08 .0807 VENUE OF HEARING**

#### **11 NCAC 08 .0808 POWERS OF HEARING OFFICER: HEARING COMMITTEE: CHAIRMAN**

<b>11 NCAC 08 .0809</b>	<b>ACTIONS PRIOR TO HEARING</b>
<b>11 NCAC 08 .0810</b>	<b>CONDUCT OF HEARING</b>
<b>11 NCAC 08 .0811</b>	<b>RULES OF EVIDENCE</b>
<b>11 NCAC 08 .0812</b>	<b>DISPOSITION OF CASE BY STIPULATION: ETC: OF PARTIES</b>
<b>11 NCAC 08 .0813</b>	<b>PROPOSAL FOR DECISION</b>
<b>11 NCAC 08 .0814</b>	<b>OFFICIAL RECORD</b>

*History Note:* Authority G.S. 150A-23(e); 150A-24; 150A-25; 150A-25(b); 150A-26; 150A-27; 150A-28(a); 150A-28(b); 150A-29; 150A-30; 150A-31(a); 150A-31(b); 150A-33; 150A-34; 150A-37; 150A-37(b);  
Eff. January 15, 1980;  
Repealed Eff. September 1, 1991.

**11 NCAC 08 .0815 FINAL BOARD ORDER**

(a) If after the close of a contested case hearing the Board decides that an official's conduct does not justify the suspension or revocation of his certificate but that his conduct does fail to conform to the standards of good code enforcement practice, the Board may issue a letter of reprimand or a letter of caution to the official in which the Board may summarize those deficiencies and make appropriate recommendations.

(b) If a final board order is to suspend, revoke, or refuse to issue a certificate, the order shall set forth the conditions, if any, that must be met in order to remove the suspension, to re-issue the certificate, or to issue the certificate.

*History Note:* Filed as a Temporary Amendment Eff. March 3, 1992 For a Period of 169 Days to Expire on August 21, 1992;  
Authority G.S. 143-151.12(1); 143-151.17(c); 150B-38(h);  
Eff. January 15, 1980;  
Amended Eff. October 1, 1991.

<b>11 NCAC 08 .0816</b>	<b>JUDICIAL REVIEW</b>
<b>11 NCAC 08 .0817</b>	<b>APPEALS FROM ADMINISTRATIVE DECISIONS</b>
<b>11 NCAC 08 .0818</b>	<b>PROHIBITION AGAINST EX PARTE COMMUNICATIONS</b>

*History Note:* Authority G.S. 143-151.12; 150A, Article 3; 150A, Article 4; 150A-35;  
Eff. January 15, 1980;  
Repealed Eff. September 1, 1991.

**11 NCAC 08 .0819 GENERAL**

Governed by the principles of fairness, uniformity, and punctuality, the following general rules apply:

- (1) The Rules of Civil Procedure as contained in G.S. 1A-1, the General Rules of Practice for the Superior and District Courts as authorized by G.S. 7A-34 and found in the Rules Volume of the North Carolina General Statutes apply in contested cases before the Board unless another specific statute or rule of the Board provides otherwise.
- (2) The Board may supply, at the cost of reproduction, forms for use in contested cases.
- (3) Every document filed with the hearing officer or the Board shall be signed by the author of the document, and shall contain his name, address, telephone number, and North Carolina State Bar number if the author is an attorney. An original and one copy of each document shall be filed.
- (4) Except as otherwise provided by statute, the rules contained in this Section govern the conduct of contested case hearings under G.S. 143-151.17.
- (5) The content and the manner of service of the notice of hearing shall be as specified in G.S. 150B-38(b) and (c).
- (6) Venue in a contested case shall be determined in accordance with G.S. 150B-38(e).

- (7) Hearings shall be conducted, as nearly as practical, in accordance with the practice in the Trial Division of the General Court of Justice.
- (8) Ex parte communications in a contested case are governed by G.S. 150B-40(d).
- (9) This Section and copies of all matter adopted by reference herein are available from the Board at the cost established in 11 NCAC 1 .0103.
- (10) The rules of statutory construction contained in Chapter 12 of the General Statutes apply in the construction of this Section.
- (11) Unless otherwise provided in the rules of the Board or in a specific statute, time computations in contested cases before the Board are governed by G.S. 1A-1, Rule 6.

*History Note:* Filed as a Temporary Adoption Eff. March 3, 1992 For a Period of 169 Days to Expire on August 21, 1992;  
Authority G.S. 143-151.12(1); 143-151.17; 150B-38(h);  
Eff. June 1, 1992.

### **11 NCAC 08 .0820 DEFINITIONS**

The definitions contained in G.S. 150B-2, including subsequent amendments, are incorporated herein by reference. In addition to the definitions in 11 NCAC 8 .0801(a), the following definitions apply to this Section:

- (1) "File or filing" means to place the paper or item to be filed into the care and custody of the hearing officer, and acceptance thereof by him, except that the Board may permit the papers to be filed with the Board, in which event the Board shall note thereon the filing date. All documents filed with the hearing officer or the Board, except exhibits, shall be duplicate in letter size 8" by 11".
- (2) "Hearing officer" means the presiding officer specified in 11 NCAC 8 .0805.
- (3) "Party" means the Board, the official, or an intervenor who qualifies under 11 NCAC 8 .0831. "Party" does not include a complainant unless the complainant is allowed to intervene under 11 NCAC 8 .0831.
- (4) "Service or serve" means personal delivery or, unless otherwise provided by law or rule, delivery by first class United States Postal Service mail or a licensed overnight express mail service, addressed to the person to be served at his or her last known address. A Certificate of Service by the person making the service shall be appended to every document requiring service under these Rules. Service by mail or licensed overnight express mail is complete upon addressing, enveloping, and placing the item to be served, in an official depository of the United State Postal Service or delivering the item to an agent of an overnight express mail service.

*History Note:* Filed as a Temporary Adoption Eff. March 3, 1992 For a Period of 169 Days to expire on August 21, 1992;  
Authority G.S. 143-151.12(1); 143-151.17; 150B-38(h);  
Eff. June 1, 1992.

### **11 NCAC 08 .0821 ORDER FOR PREHEARING STATEMENTS**

The hearing officer may serve all parties with an order for prehearing statements together with, or after service of, the notice of hearing. Every party thus served shall, within 30 days after service, file the requested statements setting out the party's present position on the following:

- (1) The nature of the proceeding and the issues to be resolved;
- (2) A brief statement of the facts and reasons supporting the party's position on each matter in dispute;
- (3) A list of proposed witnesses with a brief description of his or her proposed testimony;
- (4) A description of what discovery, if any, the party will seek to conduct prior to the contested case hearing and an estimate of the time needed to complete discovery;
- (5) Venue considerations;
- (6) Estimation of length of the hearing;
- (7) The name, address, and telephone number of the party's attorney, if any; and
- (8) Other special matters.

*History Note:* Filed as a Temporary Adoption Eff. March 3, 1992 For a Period of 169 Days to Expire on August 21, 1992;  
Authority G.S. 143-151.12(1); 143-151.17; 150B-38(h);

*Eff. June 1, 1992.*

**11 NCAC 08 .0822 DUTIES OF THE HEARING OFFICER**

In conjunction with the powers in this Section and in G.S. 143-151.17, the hearing officer shall perform the following duties, consistent with law:

- (1) Hear and rule on motions;
- (2) Grant or deny continuances;
- (3) Issue orders regarding prehearing matters, including directing the appearance of the parties at a prehearing conference;
- (4) Examine witnesses when deemed to be necessary to make a complete record and to aid in the full development of material facts in the case;
- (5) Make preliminary, interlocutory, or other orders as deemed to be appropriate;
- (6) Recommended a summary disposition of the case or any part thereof when there is no genuine issue as to any material fact or recommend dismissal when the case or any part thereof has become moot or for other reasons; and
- (7) Apply sanctions in accordance with 11 NCAC 8 .0829.

*History Note: Filed as a Temporary Adoption Eff. March 3, 1992 For a Period of 169 Days to Expire on August 21, 1992;*  
*Authority G.S. 143-151.12(1); 143-151.17; 150B-38(h);*  
*Eff. June 1, 1992.*

**11 NCAC 08 .0823 CONSENT ORDER; SETTLEMENT; STIPULATION**

Informal disposition may be made of a contested case or an issue in a contested case by stipulation, agreement, or consent order at any time during the proceedings. Parties may enter into such agreements on their own or may ask for a settlement conference with the hearing officer to promote consensual disposition of the case.

*History Note: Filed as a Temporary Adoption Eff. March 3, 1992 For a Period of 169 Days to Expire on August 21, 1992;*  
*Authority G.S. 143-151.12(1); 143-151.17; 150B-38(h);*  
*Eff. June 1, 1992.*

**11 NCAC 08 .0824 SETTLEMENT CONFERENCE**

- (a) A settlement conference is for the primary purpose of assisting the parties in resolving disputes and for the secondary purpose of narrowing the issues and preparing for hearing.
- (b) Upon the request of any party, the hearing officer shall assign the case to another Board member for the purpose of conducting a settlement conference. Unless the parties and the other Board member agree, a unilateral request for a settlement conference does not constitute good cause for a continuance. The conference shall be conducted at a time and place agreeable to all parties and the hearing officer. It shall be conducted by telephone if any party would be required to travel more than 50 miles to attend, unless that party agrees to travel to the location set for the conference. If a telephone conference is scheduled, the parties must be available by telephone at the time of the conference.
- (c) All parties shall attend or be represented at a settlement conference. Parties or their representatives shall be prepared to participate in settlement discussions.
- (d) The parties shall discuss the possibility of settlement before a settlement conference if they believe that a reasonable basis for settlement exists.
- (e) At the settlement conference, the parties shall be prepared to provide information and to discuss all matters required in 11 NCAC 8 .0821.
- (f) If, following a settlement conference, a settlement has not been reached but the parties have reached an agreement on any facts or other issues, the Board member presiding over the settlement conference shall issue an order confirming and approving, if necessary, those matters agreed upon. The order is binding on the hearing officer who is assigned to hear the case.

*History Note: Filed as a Temporary Adoption Eff. March 3, 1992 For a Period of 169 Days to Expire on August 21, 1992;*  
*Authority G.S. 143-151.12(1); 143-151.17; 150B-38(h);*

*Eff. June 1, 1992.*

**11 NCAC 08 .0825 PREHEARING CONFERENCE**

(a) The purpose of the prehearing conference is to simplify the issues to be determined; to obtain stipulations in regard to foundations for testimony or exhibits; to obtain stipulations of agreement on nondisputed facts or the application of particular laws; to consider the proposed witnesses for each party; to identify and exchange documentary evidence intended to be introduced at the hearing; to determine deadlines for the completion of any discovery; to establish hearing dates and locations if not previously set; to consider such other matters that may be necessary or advisable; and, if possible, to reach a settlement without the necessity for further hearing. Any final settlement shall be set forth in a settlement agreement or consent order and made a part of the record.

(b) Upon the request of any party or upon the hearing officer's own motion, the hearing officer may hold a prehearing conference before a contested case hearing. The hearing officer may require the parties to file prehearing statements in accordance with 11 NCAC 8 .0821. A prehearing conference on the simplification of issues, amendments, stipulations, or other matters may be entered on the record or may be made the subject of an order by the hearing officer. Venue for purposes of a prehearing conference shall be determined in accordance with G.S. 150B-38(e).

*History Note: Filed as a Temporary Adoption Eff. March 3, 1992 For a Period of 169 Days to Expire on August 21, 1992;*  
*Authority G.S. 143-151.12(1); 143-151.17; 150B-38(h);*  
*Eff. June 1, 1992.*

**11 NCAC 08 .0826 CONSOLIDATION OF CASES**

(a) The hearing officer may order a joint hearing of any matters at issue in contested cases involving common questions of law or fact or multiple proceedings involving the same or related parties, or may order the cases consolidated or make other orders to reduce costs or delay in the proceedings.

(b) A party requesting consolidation shall serve a petition for consolidation on all parties to the cases to be consolidated and shall file the original with the hearing officer, together with a certificate of service showing service on all parties as herein required. Any party objecting to the petition shall serve and file his objections within 10 days after service of the petition for consolidation.

(c) Upon determining whether cases should be consolidated, the hearing officer shall serve a written order on all parties that contains a description of the cases for consolidation and the reasons for the decision.

(d) Nothing contained in this Rule prohibits the parties from stipulating and agreeing to a consolidation, which shall be granted upon submittal of a written stipulation, signed by every party, to the hearing officer.

(e) Following receipt of a notice of or order for consolidation, any party may petition for severance by serving it on all other parties and filing with the hearing officer at least seven days before the first scheduled hearing date. If the hearing officer finds that the consolidation will prejudice any party, he shall order the severance or other relief that will prevent the prejudice from occurring.

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*Authority G.S. 143-151.12(1); 143-151.17; 150B-38(h);*  
*Eff. June 1, 1992.*

**11 NCAC 08 .0827 DISCOVERY**

(a) Discovery methods are means designed to assist parties in preparing to meet their responsibilities and protect their rights during hearings without unduly delaying, burdening or complicating the hearings process and with due regard to the rights and responsibilities of other parties and persons affected. Accordingly, parties are obligated to exhaust all less formal opportunities to obtain discoverable material before utilizing this Rule.

(b) Any means of discovery available pursuant to the North Carolina Rules of Civil Procedure, G.S. 1A-1, is allowed. If the party from whom discovery is sought objects to the discovery, the party seeking the discovery may file a motion with the hearing officer to obtain an order compelling discovery. In the disposition of the motion, the party seeking discovery shall have the burden of showing that the discovery is needed for the proper presentation of the party's case, is not for purposes of delay, and that the issues in controversy are significant enough to warrant the discovery. In ruling on a motion for discovery, the hearing officer shall recognize all privileges recognized at law.

- (c) When a party serves another party with a request for discovery, that request need not be filed with the hearing officer but shall be served upon all parties.
- (d) The parties shall immediately commence to exchange information voluntarily, to seek access as provided by law to public documents, and to exhaust other informal means of obtaining discoverable material.
- (e) All discovery shall be completed no later than the first day of the hearing. The hearing officer may shorten or lengthen the period for discovery and adjust hearing dates accordingly and, when necessary, allow discovery during the pendency of the hearing.
- (f) No later than 15 days after receipt of a notice requesting discovery, the receiving party shall:
  - (1) move for relief from the request;
  - (2) provide the requested information, material or access; or
  - (3) offer a schedule for reasonable compliance with the request.
- (g) Sanctions for failure of a party to comply with an order of the hearing officer made pursuant to this Rule shall be as provided for by G.S. 1A-1, Rule 37, to the extent that a hearing officer may impose such sanctions, and 11 NCAC 8 .0829.

*History Note:* Filed as a Temporary Adoption Eff. March 3, 1992 For a Period of 169 Days to Expire on August 21, 1992;  
 Authority G.S. 143-151.12(1); 143-151.17; 150B-38(h);  
 Eff. June 1, 1992.

**11 NCAC 08 .0828 SUBPOENAS**

- (a) Subpoenas for the attendance and testimony of witnesses or for the production of documents, either at a hearing or for the purposes of discovery, shall be issued in accordance with G.S. 150B-39(c) and G.S. 1A-1 Rule 45.
- (b) A subpoena shall be served in the manner provided by G.S. 150B-39(c) and G.S. 1A-1, Rule 45. The cost of service, fees, and expenses of any witnesses subpoenaed shall be paid by the party at whose request the witness appears. A party seeking an order imposing sanctions for failure to comply with any subpoena issued under this Rule must prove proper service of the subpoena.
- (c) Objections to subpoenas shall be heard in accordance with G.S. 150B-39(c) and G.S. 1A-1, Rule 45.

*History Note:* Filed as a Temporary Adoption Eff. March 3, 1992 For a Period of 169 Days to Expire on August 21, 1992;  
 Authority G.S. 143-151.12(1); 143-151.17; 150B-38(h);  
 Eff. June 1, 1992.

**11 NCAC 08 .0829 SANCTIONS**

- (a) If a party fails to appear at a hearing or fails to comply with an interlocutory order of the hearing officer, the hearing officer may:
  - (1) Find that the allegations of or the issues set out in the notice of hearing or other pleading may be taken as true or deemed to be proved without further evidence;
  - (2) Dismiss or grant the motion or petition;
  - (3) Suppress a claim or defense; or
  - (4) Exclude evidence.
- (b) In the event that any party, attorney at law, or other representative of a party engages in behavior that obstructs the orderly conduct of proceedings or would constitute contempt if done in the General Court of Justice, the hearing officer may enter a show cause order returnable in Superior Court for contempt proceedings in accordance with G.S. 150B-40(c)(6).

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 Eff. June 1, 1992.

**11 NCAC 08 .0830 MOTIONS**

- (a) Any application to the hearing officer for an order shall be by motion, which shall be in writing unless made during a hearing, and must be filed and served upon all parties not less than 10 days before the hearing, if any, is to be held either on the motion or the merits of the case. The nonmoving party has 10 days after the date of service of the motion to file a

response, which must be in writing. Motions practice in contested cases before the Board are governed by Rule 6 of the General Rules of Practice for the Superior and District Court.

(b) If any party desires a hearing on the motion, he shall make a request for a hearing at the time of the filing of his motion or response. A response shall set forth the nonmoving party's objections. All motions in writing shall be decided without oral argument unless an oral argument is directed by the hearing officer. When oral argument is directed by the hearing officer, a motion shall be considered submitted for disposition at the close of the argument. A hearing on a motion will be directed by the hearing officer only if it is determined that a hearing is necessary to the development of a full and complete record on which a proper decision can be made. All orders on such motions, other than those made during the course of a hearing, shall be in writing and shall be served upon all parties of record not less than five days before a hearing, if any, is held.

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Authority G.S. 143-151.12(1); 143-151.17; 150B-38(h);  
Eff. June 1, 1992.

### **11 NCAC 08 .0831 INTERVENTION**

(a) Any person not named in the notice of hearing who desires to intervene in a contested case as a party shall file a timely motion to intervene and shall serve the motion upon all existing parties. Timeliness will be determined by the hearing officer in each case based on circumstances at the time of filing. The motion shall show how the movant's rights, duties, or privileges may be determined or affected by the contested case; shall show how the movant may be directly affected by the outcome or show that the movant's participation is authorized by statute, rule, or court decision; shall set forth the grounds and purposes for which intervention is sought; and shall indicate movant's statutory right to intervene if one exists.

(b) Any party may object to the motion for intervention by filing a written notice of objections with the hearing officer within five days after service of the motion if there is sufficient time before the hearing. The notice of objection shall state the party's reasons for objection and shall be served upon all parties. If there is insufficient time before the hearing for a written objection, the objection may be made at the hearing.

(c) When the hearing officer deems it to be necessary to develop a full record on the question of intervention, he may conduct a hearing on the motion to determine specific standards that will apply to each intervenor and to define the extent of allowed intervention.

(d) The hearing officer shall allow intervention upon a proper showing under this Rule, unless he finds that the movant's interest is adequately represented by one or more parties participating in the case or unless intervention is mandated by statute, rule, or court decision. An order allowing intervention shall specify the extent of participation permitted the intervenor and shall state the hearing officer's reason. An intervenor may be allowed to:

- (1) File a written brief without acquiring the status of a party;
- (2) Intervene as a party with all the rights of a party; or
- (3) Intervene as a party with all the rights of a party but limited to specific issues and to the means necessary to present and develop those issues.

*History Note:* Filed as a Temporary Adoption Eff. March 3, 1992 For a Period of 169 Days to Expire on August 21, 1992;  
Authority G.S. 143-151.12(1); 143-151.17; 150B-38(h);  
Eff. June 1, 1992.

### **11 NCAC 08 .0832 CONTINUANCES**

(a) A request for a continuance of a hearing shall be granted upon a showing of good cause. Unless time does not permit, a request for a continuance of a hearing shall be made in writing to the hearing officer and shall be served upon all parties of record. In determining whether good cause exists, due regard shall be given to the ability of the party requesting a continuance to proceed effectively without a continuance. A request for a continuance filed within five days before a hearing shall be denied unless the reason for the request could not have been ascertained earlier.

(b) "Good cause" includes death or incapacitating illness of a party, representative, or attorney of a party; a court order requiring a continuance; lack of proper notice of the hearing; a substitution of the representative or attorney of a party if the substitution is shown to be required; a change in the parties or pleadings requiring postponement; and agreement for a continuance by all parties if either more time is clearly necessary to complete mandatory preparation for the case, such as authorized discovery, and the parties and the hearing officer have agreed to a new hearing date or the parties have agreed to a settlement of the case that had been or is likely to be approved by the final decision maker.

- (c) "Good cause" does not include: intentional delay; unavailability of counsel or other representative because of engagement in another judicial or administrative proceeding unless all other members of the attorney's or representative's firm familiar with the case are similarly engaged, or if the notice of the other proceeding was received subsequent to the notice of the hearing for which the continuance is sought; unavailability of a witness if the witness' testimony can be taken by deposition; or failure of the attorney or representative to properly utilize the statutory notice period to prepare for the hearing.
- (d) During a hearing, if it appears in the interest of justice that further testimony should be received and sufficient time does not remain to conclude the testimony, the hearing officer shall either order the additional testimony taken by deposition or continue the hearing to a future date for which oral notice on the record is sufficient.
- (e) A continuance shall not be granted if granting it would prevent the case from being concluded within any statutory or regulatory deadline.

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Authority G.S. 143-151.12(1); 143-151.17; 150B-38(h);  
Eff. June 1, 1992.

### **11 NCAC 08 .0833 RIGHTS AND RESPONSIBILITIES OF PARTIES**

- (a) A party has the right to present evidence, rebuttal testimony, and argument with respect to the issues of law and policy, and to cross-examine witnesses, including the author of a document prepared by, on behalf of, or for use of the Board and offered in evidence.
- (b) A party shall have all evidence to be presented, both oral and written, available on the date for hearing. Requests for subpoenas, depositions, or continuances shall be made within a reasonable time after their needs become evident to the requesting party. In cases when the hearing time is expected to exceed one day, the parties shall be prepared to present their evidence at the date and time ordered by the hearing officer or agreed upon at a prehearing conference.
- (c) The hearing officer shall send copies of all orders or decisions to all parties simultaneously. Any party sending a letter, exhibit, brief, memorandum, or other document to the hearing officer shall simultaneously send a copy to all other parties.
- (d) All parties have the continuing responsibility to notify the hearing officer of their current address and telephone number.
- (e) A party need not be represented by an attorney. If a party has notified other parties of that party's representation by an attorney, all communications shall be directed to that attorney.
- (f) With the approval of the hearing officer, any person may offer testimony or other evidence relevant to the case. Any nonparty offering testimony or other evidence may be questioned by parties to the case and by the hearing officer.
- (g) Before issuing a recommended decision, the hearing officer may order any party to submit proposed findings of fact and written arguments.

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Authority G.S. 143-151.12(1); 143-151.17; 150B-38(h);  
Eff. June 1, 1992.

### **11 NCAC 08 .0834 WITNESSES**

Any party may be a witness and may present witnesses on the party's behalf at the hearing. All oral testimony at the hearing shall be under oath or affirmation and shall be recorded. At the request of a party or upon the hearing officer's own motion, the hearing officer may exclude witnesses from the hearing room so that they cannot hear the testimony of other witnesses.

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Authority G.S. 143-151.12(1); 143-151.17; 150B-38(h);  
Eff. June 1, 1992.

### **11 NCAC 08 .0835 EVIDENCE**

- (a) The North Carolina Rules of Evidence as found in Chapter 8C of the General Statutes govern in all contested case proceedings, except as provided otherwise in this Section and G.S. 150B-41.
- (b) The hearing officer may admit all evidence that has probative value. Irrelevant, incompetent, immaterial, or unduly repetitious evidence shall be excluded. The hearing officer may, in his discretion, exclude any evidence if its probative value

is substantially outweighed by the risk that its admission will require undue consumption of time or create substantial danger of undue prejudice or confusion.

(c) Contemporaneous objections by a party or a party's attorney are not required in the course of a hearing to preserve the right to object to the consideration of evidence by the hearing officer in reaching a decision or by the court upon judicial review.

(d) All evidence to be considered in the case, including all records and documents or true and accurate photocopies thereof, shall be offered and made a part of the record in the case. Except as provided in Paragraph (f) of this Rule, factual information or evidence that is not offered shall not be considered in the determination of the case. Documentary evidence incorporated by reference may be admitted only if the materials so incorporated are available for examination by the parties.

(e) Documentary evidence in the form of copies or excerpts may be received in the discretion of the hearing officer or upon agreement of the parties. Copies of a document shall be received to the same extent as the original document unless a genuine question is raised about the accuracy or authenticity of the copy or, under the circumstances, it would be unfair to admit the copy instead of the original.

(f) The hearing officer may take notice of judicially cognizable facts by entering a statement of the noticed fact and its source into the record. Upon a timely request, any party shall be given the opportunity to contest the facts so noticed through submission of evidence and argument.

(g) A party may call an adverse party; or an officer, director, managing agent, or employee of the State or any local government, of a public or private corporation, or of a partnership or association or body politic that is an adverse party; and may interrogate that party by leading questions and may contradict and impeach that party on material matters in all respects as if that party had been called by the adverse party. The adverse party may be examined by that party's counsel upon the subject matter of that party's examination in chief under the rules applicable to direct examination, and may be cross-examined, contradicted, and impeached by any other party adversely affected by the testimony.

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Authority G.S. 143-151.12(1); 143-151.17; 150B-38(h);  
Eff. June 1, 1992.

#### **11 NCAC 08 .0836 OFFICIAL RECORD**

(a) The official record of a contested case is available for public inspection upon reasonable request. The hearing officer may, upon good cause shown and consistent with law, order part or all of an official record sealed.

(b) The official record shall be prepared in accordance with G.S. 150B-42.

(c) Contested case hearings shall be recorded either by a recording system or a professional court reporter using stenomask or stenotype.

(d) Transcript costs incurred by the Board shall be apportioned equally among the party(ies) requesting a transcript.

(e) Any other costs incurred by the Board when using a professional court reporter shall be apportioned equally among the requesting party(ies).

(f) A 24-hour cancellation notice is required in all cases. The party(ies) responsible for the cancellation shall be liable for any cancellation fees.

(g) Transcripts of proceedings during which oral evidence is presented will be made only upon request of a party. Transcript costs shall include the cost of an original for the Board. An attorney requesting a transcript on behalf of a party is a guarantor of payment of the cost. Cost shall be determined under supervision of the hearing officer who, in cases deemed to be appropriate by him, may require an advance security deposit to cover the prospective cost. The security deposit shall be applied to the actual cost and any excess shall be returned to the party that submitted it.

(h) Copies of tapes are available upon written request at a cost of five dollars (\$5.00) per tape.

(i) Copies of Board hearings tapes or Non-Board certified transcripts therefrom are not part of the official record.

Note: Rule 5.3(B) of the Rules of Professional Conduct permits an attorney to advance or guarantee expenses of litigation provided the client remains ultimately liable for such expenses.

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Authority G.S. 143-151.12(1); 143-151.17; 150B-38(h);  
Eff. June 1, 1992.

#### **SECTION .0900 - MANUFACTURED HOUSING BOARD**

### **11 NCAC 08 .0901 MANUFACTURED HOUSING BOARD**

The North Carolina Manufactured Housing Board is established to provide for a comprehensive framework for regulation of all segments of the manufactured housing industry. The Commissioner of Insurance or his designee shall serve as chairman of a nine member board representing the industry and the public.

*History Note: Authority G.S. 143-143.8; 143-143.10;  
Eff. January 1, 1983;  
Amended Eff. April 1, 1989.*

### **11 NCAC 08 .0902 ADDRESS**

The mailing address for the North Carolina Manufactured Housing Board is: North Carolina Manufactured Housing Board, c/o North Carolina Department of Insurance, 1202 Mail Service Center, Raleigh, NC 27699-1202.

*History Note: Authority G.S. 143-143.8; 143-143.10; 143-143.17;  
Eff. January 1, 1983;  
Amended Eff. June 1, 2005; April 1, 1989.*

### **11 NCAC 08 .0903 RULE-MAKING AND HEARING PROCEDURES**

(a) Unless otherwise provided for in the North Carolina General Statutes, rulemaking and contested case hearing procedures shall be those set forth in G.S. 150B.

(b) Copies of Standards adopted by the Manufactured Housing Board or the Commissioner of Insurance may be obtained by writing or calling:

North Carolina Manufactured Housing Board  
Engineering Division  
1202 Mail Service Center  
Raleigh, North Carolina 27699-1202  
Phone (919) 661-5880

The Engineering Division is located at:

322 Chapanoke Road, Suite 200  
Raleigh, North Carolina 27603.

*History Note: Legislative Objection Lodged Eff. December 22, 1982;  
Authority G.S. 143-143.10; 143-143.11; 143-143.11B; 143-143.12; 143-143.14; 143-143.19;  
Eff. January 1, 1983;  
Amended Eff. March 1, 1988 at ARRC request to cure referenced Legislative Objection;  
Amended Eff. June 1, 2005.*

### **11 NCAC 08 .0904 FORMS**

(a) The application for license as a manufactured housing manufacturer, dealer, and set-up contractor shall include the following:

- (1) The name of the person or business applicant;
- (2) The business address of applicant;
- (3) The state under whose laws the applicant firm or corporation is organized or incorporated;
- (4) A resume' of each owner, partner, or officer of the corporation. Each resume' shall include education and a complete job history, as well as a listing of residences for the last seven years.
- (5) Type of license applied for;
- (6) Signature of the person with authority to legally obligate the applicant;
- (7) A statement that the appropriate bond is attached; and
- (8) A criminal history record check consent form signed by each owner, partner and officer of the corporation, and any other documentation or materials required by G.S. 143-143.10A.

(b) The application for license as a manufactured housing salesperson shall include the following:

- (1) The name of the applicant;

- (2) The applicant's address;
  - (3) The name and business address of the dealer employing the applicant;
  - (4) The name and address of previous employers of applicant for the past three years;
  - (5) Three personal references;
  - (6) A wallet size photograph; and
  - (7) A criminal history record check consent form signed by each applicant, and any other documentation or materials required by G.S. 143-143.10A.
- (c) Corporate surety bonds shall include the name of the applicant, the name of the surety, the amount of the bond, and the terms of cancellation specified in 11 NCAC 08 .0905.
- (d) All license forms shall include the name and address of the licensee, the type of license being issued, the date of issuance, the date of expiration, the amount of the license fee, and the terms of the license.
- (e) All applications for renewal of licenses shall include the name and address of the applicant, the type of license, the date the license expires, the amount of the license renewal fee, and instructions for completion.
- (f) A request for cancellation of license shall include the name and address of the licensee, the effective date of the cancellation, the specific reason for the cancellation, and the signature of the person with authority to legally obligate the licensee.
- (g) Each application form and criminal history record check form required by Paragraphs (a) and (b) of this Rule may be obtained from the North Carolina Manufactured Housing Board, c/o North Carolina Department of Insurance, 1202 Mail Service Center, Raleigh, NC 27699-1202.

*History Note:* Authority G.S. 143-143.10; 143-143.10A; 143-143.11; 143-143.12;  
 Eff. January 1, 1983;  
 Amended Eff. February 1, 2006; March 1, 1988.

**11 NCAC 08 .0905 LICENSING**

- (a) Any person employed by a dealer whose occupational activity is that of selling on behalf of the retail dealership shall be licensed as a salesperson. Each salesperson's license shall be conspicuously displayed at all times by the dealership employing the salesperson.
- (b) The following shall not be required to be licensed as a manufactured housing dealer:
- (1) Receivers, trustees, administrators, executors, guardians or other persons appointed by or acting under the judgment or order of any court;
  - (2) Public officials while performing their official duties;
  - (3) Persons disposing of manufactured homes acquired for their own use, provided that said home is not used for the purpose of avoiding the provisions of G.S. 143-143.11;
  - (4) Licensed real estate salesmen or brokers who negotiate or sell a manufactured home for any individual who is the owner of not more than three manufactured homes;
  - (5) Banks and finance companies who sell repossessed manufactured homes who do not maintain a sales lot or building with one or more employed retail salespersons.
- (c) Licenses shall be issued by the Board whenever the application is in compliance with the applicable laws and regulations. Such license shall entitle the licensee to conduct the specified business for a period of one year from date of issuance or the first day of July, whichever is earlier. The Board may, if it deems necessary, cause an investigation to be made to ascertain if all the requirements set forth in the application are true and shall not issue a license to the applicant until it is satisfied as to the accuracy of the application.
- (d) Manufactured housing manufacturers, dealers, and set-up contractors shall conspicuously display their licenses at all times at their place of business.
- (e) Whenever a bond is required by G.S. 143-143.12, before any license shall be issued by the Board, the applicant shall deliver to the Board a corporate surety bond, cash bond or fixed value equivalent. The bond shall be to the Board and in favor of any person who shall suffer any loss as a result of any violation of the law or administrative rules governing manufactured housing. The bond shall be for the license period and a new bond or proper continuation certificate shall be delivered to the Board at the beginning of each license period. The bond for one type of license may not be considered as the bond for another type of license.
- (f) License fees are as follows:
- (1) three hundred dollars(\$300.00) per Certificate of Origin plant for manufactured housing manufacturers;
  - (2) two hundred fifty dollars (\$250.00) per county of operation for manufactured housing dealers;
  - (3) one hundred dollars (\$100.00) per county for supplemental manufactured housing dealer locations;

- (4) twenty-five dollars (\$25.00) for retail manufactured housing salesperson; and
- (5) two hundred fifty dollars (\$250.00) per business location for set-up contractors.

*History Note: Legislative Objection Lodged Eff. December 22, 1982;  
Authority G.S. 143-143.10; 143-143.11;  
Eff. January 1, 1983;  
Amended Eff. January 4, 1994; June 1, 1990; April 1, 1990; April 1, 1989.*

#### **11 NCAC 08 .0906 DUTIES AND RESPONSIBILITIES OF BOARD**

- (a) The Board shall be required to keep minutes and records of all its transactions, proceedings and meetings, and duly certified copies thereof shall be sufficient to comply with the rules of evidence.
- (b) The Board may investigate on its own initiative or upon receipt of inquiries or complaints (See 11 NCAC 8 .0910) any allegation of a wrongful act or acts involving manufactured housing manufacturers, suppliers, dealers, salesmen, or set-up contractors. Violation of the laws or administrative rules governing the manufactured housing industry shall be grounds for revocation or suspension of licenses issued by the Board or for the civil penalties prescribed by G.S. 143-143.13.

*History Note: Legislative Objection Lodged Eff. December 22, 1982;  
Authority G.S. 143-143.10; 143-143.13; 143-143.14; 143-143.17; 143-143.18 143-143.22;  
Eff. January 1, 1983;  
Amended Eff. March 1, 1988 at ARRC request to cure referenced Legislative Objection.*

#### **11 NCAC 08 .0907 UNFAIR COMPETITION AND DECEPTIVE PRACTICES**

Unfair methods of competition or unfair or deceptive commercial acts or practices shall include, but not be limited to:

- (1) Failure to perform repairs, alterations and/or additions completely or in a workmanlike and competent manner.
- (2) Repeated failure to give timely notice of inability to appear for a scheduled repair.
- (3) Representing used manufactured homes, appliances, or fixtures as new or failure to identify used appliances, fixtures and/or equipment in new manufactured homes.
- (4) Repeated failure to respond promptly to consumer complaints and inquiries.
- (5) Failure to give clear and conspicuous notice that the wheels, axles, and/or tongue are not included in the sales price, when such is the case. An example of clear and conspicuous notice is a sticker or printed notice in bold face type stating "The purchase price does not include the wheels, axles, and tongue of this manufactured home."
- (6) Failure to give clear and conspicuous notice of the significance of leveling a manufactured home and when releveling becomes the customer's responsibility. An example of clear and conspicuous notice is a sticker or printed notice in bold face type stating "Proper set-up, leveling and anchoring of your manufactured home is necessary in order to assure proper functioning and safe operation of your manufactured home."
- (7) Misrepresenting the model year or size of a manufactured home. Size shall be calculated as follows:
  - (a) length means the distance from the exterior of the front wall (nearest to the drawbar and coupling mechanism) to the exterior of the rear wall (at the opposite end of the home) where such walls enclose living or other interior space, but not bay windows, porches, drawbars, couplings, hitches, wall and roof extensions, or other attachments;
  - (b) width means the distance from the exterior of one side wall to the exterior of the opposite side wall where such walls enclose living or other interior space, but not bay windows, porches, wall and roof extensions, or other attachments;
  - (c) measurements may be represented to the nearest foot.

*History Note: Legislative Objection Lodged Eff. December 22, 1982;  
Authority G.S. 143-143.10; 143-143.13;  
Eff. January 1, 1983;  
Amended Eff. March 1, 1988 at ARRC request to cure referenced Legislative Objection.*

**11 NCAC 08 .0908           SUSPENSION OF IMMINENT SAFETY HAZARD PERIOD**

- (a) Suspension of the five day period to remedy imminent safety hazards in the event of widespread defects or damages resulting from adverse weather conditions or other natural catastrophes authorized by G.S. 143-143.18 may be ordered by the Board in emergency meeting or telephone conference by a quorum of the Board.
- (b) Such suspension order shall be in writing and shall specify an expiration date for the suspension.

*History Note:*     *Authority G.S. 143-143.18;*  
                          *Eff. January 1, 1983.*

**11 NCAC 08 .0909           MAINTENANCE OF RECORDS**

- (a) Every manufactured housing manufacturer, supplier, dealer, and set-up contractor shall maintain for at least five years all service records.
- (b) Every manufactured housing manufacturer, supplier, dealer, or set-up contractor shall maintain a record of all written complaints listing the name and address of the complainant, the nature of the complaint, and the disposition of the complaint. This record shall be retained for at least five years.
- (c) Nothing in this Rule shall be construed to prohibit use of electronic or photographic processes to store such records.

*History Note:*     *Authority G.S. 143-143.10 through 143-143.13; 143-143.17; 143-143.18*  
                          *143-143.22;*  
                          *Eff. January 1, 1983.*

**11 NCAC 08 .0910           COMPLAINT HANDLING AND INSPECTION PROCEDURE**

- (a) Complaints received by telephone shall be confirmed in writing over the signature of the owner or his or her agent; however, this shall not delay any action to resolve the complaint. Complaints shall be processed as follows:
  - (1) The Manufactured Building Division shall forward complaints to the manufactured housing manufacturer, dealer, or set-up contractor as appropriate.
  - (2) If the complaint is not resolved, the Manufactured Building Division shall schedule an on-site inspection or the deputy commissioner shall arrange a conference to discuss the problem. Unless otherwise agreed, concerned parties shall be given at least 72 hours notice, orally, in writing, or electronically, of the time and place of the inspection or conference and the opportunity to attend the inspection or conference.
  - (3) If the complaint is not resolved, the deputy commissioner shall refer the complaint to the Board. The secretary of the Board may recommend legal action be taken to ensure compliance with the applicable statutes and rules. Such action may include the convening of a public hearing.
- (b) The Manufactured Building Division shall not knowingly attempt to resolve a complaint which is also the subject matter of a pending lawsuit filed by the complainant or on the complainant's behalf by the complainant's attorney unless authorized by the Board, which authorization shall occur upon mutual assent of all parties to the lawsuit, whether through the parties themselves or attorneys for the parties. If no lawsuit has been filed but the complainant has retained an attorney, the Manufactured Building Division shall, upon request by the complainant or the complainant's attorney, investigate a complaint, which investigation shall consist of inspecting the home for violations of the Code, as defined in G.S. 143-143.9, providing a copy of the inspection report to all the parties, and attempting to resolve the matter between the parties.

*History Note:*     *Authority G.S. 143-143.10; 143-143.13; 143-143.14; 143-143.17;*  
                          *Eff. January 1, 1983;*  
                          *Amended Eff. June 1, 2005.*

**11 NCAC 08 .0911   SALESMAN EXAM; TEMPORARY LICENSE; LICENSE TRANSFER; FEES**

- (a) A salesman's license shall be issued to any applicant after the Board has approved the applicant's criminal history record check upon receipt by the Board of a properly executed application, receipt of the applicant of a passing grade (70 percent of a possible 100 percent) on a written examination administered by the Board, and qualification of the applicant for licensure, except as follows:

- (1) Those persons holding a Registered Housing Specialist certification from the North Carolina Manufactured Housing Institute on or before June 30, 1992, are exempt from the examination requirement.
- (2) Any salesman who has been tested and licensed under this Section and whose license has lapsed is not required to be re-tested if he re-applies for licensing within 12 months after the expiration of the lapsed license.

(b) A temporary salesman's license shall be issued prior to the Board's approval of the applicant's criminal history record check for a period of 90 days to a person upon request of the employing dealer. The holder of a valid salesman's or temporary salesman's license may sell manufactured homes only for the dealer with whom he is employed as shown on the application. A temporary salesman's license shall not be renewed.

(c) A salesman's license is valid only as long as the person remains employed with the dealer shown on the application. A salesman must apply for a new salesman's license if he changes or transfers from one dealer to another. In lieu of applying for a new license, the salesman may transfer his license from one dealership to another upon application from the new dealer and the approval of the Board. When a salesman leaves employment with a dealer, the dealer shall report this fact to the Board within 10 days thereafter.

(d) The fee for a salesman's or temporary salesman's license shall be twenty five dollars (\$25.00). The temporary salesman's license fee shall apply toward the salesman's license fee if both licenses are issued in the same license year. The fee for a salesman's license transfer application shall be fifteen dollars (\$15.00).

(e) A criminal history record check fee in the amount of fifty five dollars (\$55.00) shall be submitted with each applicant application.

*History Note: Authority G.S. 143-143.10; 143-143.10A; 143-143.11;  
Eff. July 1, 1992;  
Amended Eff. February 1, 2006.*

#### **11 NCAC 08 .0912 SET-UP CONTRACTOR EXAMS**

(a) Definitions. The definitions contained in G.S. 143-143.9 are incorporated into this Rule by reference. As used in this Rule, "qualifier" means an individual taking the examination on behalf of an applicant that is not an individual.

(b) Examination Required. Each applicant for a set-up contractor's license shall pass a written examination administered by the Board before the Board will issue a license to the applicant. Every applicant shall pass the examination with a grade of at least 70 percent. An applicant who does not pass the examination shall be allowed to retake the examination.

(c) Time and Place of Examinations. The Board shall administer examinations in its offices in Raleigh. The Board shall announce the time and place for each examination at least 10 days before the date of the examination.

(d) Application Process. Each applicant shall complete an application on a form provided by the Board. If the applicant is not an individual, the applicant shall identify on the application any individuals who will take the examination for the applicant. In order to take an examination on a particular date, an applicant shall file a completed application no later than 30 days before the scheduled date of the examination.

(e) Person Taking Examination. A qualifier shall be associated with the applicant, and shall be actively engaged in the work of the applicant for a minimum of 20 hours per week, or a majority of the hours operated by the applicant, whichever is less. Each licensee shall notify the Board in writing within 10 days after any qualifier no longer meets the preceding requirements. If one qualifier fails, and another passes, the license shall be granted to that applicant. An individual shall not serve as a qualifier for more than one license. The applicant may have more than one individual serve as a qualifier.

(f) General Requirements. All applicants scheduled for an examination shall bring a form of identification with a current picture. No visitors shall be allowed in the testing room.

(g) Special Arrangements for the Disabled. If an applicant has a disability which will require special arrangements to take an examination, the applicant shall request in writing that appropriate special arrangements be made. The Board shall make reasonable accommodations for applicants requesting assistance pursuant to this Rule.

(h) Cheating and Related Misconduct. Applicants shall not cheat or attempt to cheat on an examination by any means, including both giving and receiving assistance, and shall not communicate in any manner for any purpose with any person other than staff members for the Board during an examination.

(i) Notification of Results. The examination results shall be mailed to the applicant at the address on the application form within 30 days after the examination. Passing applicants shall receive only a grade of "pass."

(j) Review of Examinations. Upon the applicant's written request, made within 30 days after the written notification of the examination results, an applicant who did not pass the examination shall be allowed to review his examination. The review shall be at the Board's offices, at a time schedule by the Board's staff. An applicant shall review his examination in the presence of a staff member of the Board and shall not be accompanied by any other individual at a review session. No other

individual shall review an examination on behalf of the applicant. An applicant shall not be permitted to copy a question or answer contained in the examination report or alter an examination paper in any way. An applicant who has passed the examination shall not be permitted to review his examination. If the applicant is not an individual, the review of the examination shall be made by the applicant's qualifier.

*History Note: Authority G.S. 143-143.10(b)(4); 143-143.11(h);  
Eff. April 1, 1999.*

## **SECTION .1000 - N.C. HOME INSPECTOR LICENSURE BOARD**

### **11 NCAC 08 .1001 OFFICERS**

The term of each officer shall be one year. Officers shall serve until a successor is elected and installed. Officers shall be eligible for re-election.

*History Note: Authority G.S. 143-151.48(a);  
Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15, 1996;  
Temporary Adoption Eff. October 24, 1996;  
Eff. July 1, 1998.*

### **11 NCAC 08 .1002 MEETINGS**

*History Note: Authority G.S. 143-151.48(a);  
Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15, 1996;  
Temporary Adoption Eff. October 24, 1996;  
Eff. July 1, 1998;  
Repealed Eff. March 1, 2010.*

### **11 NCAC 08 .1003 PERSONS AND PRACTICES NOT AFFECTED**

Registered architects, professional engineers, and licensed general contractors do not need home inspector licenses to make on site inspections of residential buildings for which they are preparing plans, designs, specifications, or estimates for construction, remodeling, or repairs.

*History Note: Authority G.S. 143-151.49(a)(13);  
Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15, 1996;  
Temporary Adoption Eff. October 24, 1996;  
Eff. July 1, 1998.*

### **11 NCAC 08 .1004 EQUIVALENT EXPERIENCE**

(a) The Board shall consider equivalent experience of applicants who do not meet the experience requirements of G.S. 143-151.51(5)a. Any one of the following descriptions of experience is considered sufficient to meet the equivalent experience requirements:

- (1) A bachelor of science degree from any engineering, architecture or building technology school and two years experience working in building design, construction, or inspection of building, electrical, mechanical, and plumbing systems.
- (2) A two year Associate of Applied Science degree from a community college or technical school in building technology, civil engineering, electrical engineering, mechanical engineering, or architecture; and either four years of design experience in building, electrical, mechanical, and plumbing systems, or four years experience as an employee who works under the direct supervision of a licensed general (residential or building) contractor and who supervises electrical, mechanical, and plumbing subcontractors.
- (3) Six years experience as an employee who works under the direct supervision of a licensed general contractor (residential or building) performing building construction and who supervises electrical, mechanical, and plumbing subcontractors.
- (4) Certification by the North Carolina Code Officials Qualification Board as a Code Enforcement Official with Standard Level I (or higher) inspection certification in four areas: building, electrical, mechanical, and plumbing.

- (5) Any combination of certification listed in Paragraph (a)(4) of this Rule and a license as an electrical contractor (limited or greater) issued by the N.C. Board of Electrical Examiners, or a license as a heating or cooling contractor (H1, H2, or H3), or a plumbing contractor issued by the N.C. Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors, resulting in either a certificate or a license in four areas in building, electrical, mechanical, and plumbing contracting or inspections.

(b) Applicants may submit other experience in the design, installation, or inspection of buildings and electrical, mechanical, and plumbing systems. The Board's Application Evaluation Committee shall consider such experience on a case-by-case basis.

(c) Successful completion of a home inspection course or training program, approved by the Board, is sufficient to meet the equivalent experience requirement for licensure. The applicant must provide to the Board certification from the home inspection course or training program demonstrating that the applicant has met all requirements of that program, including attendance, testing, and training as applicable. The home inspection course or training program shall consist of at least 120 hours of instruction. The Board shall approve a home inspection course or training program if such course or program provides adequate instruction to teach all skills and knowledge necessary to be a fully licensed home inspector in this State. The Board shall request any documentation or information needed to demonstrate that a home inspection course or training program meets such requirements.

*History Note: Authority G.S. 143-151.49(a)(13); 143-151.51(5)b;  
Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15, 1996;  
Temporary Adoption Eff. October 24, 1996;  
Eff. July 1, 1998;  
Amended Eff. April 1, 2010.*

#### **11 NCAC 08 .1005 RECIPROCITY**

If an applicant is licensed as a home inspector in another state that has laws and rules that are similar to G.S. 143, Article 9F and to the rules of the Board, the Board shall accept that license as evidence of experience. However, the applicant shall satisfactorily complete the Board's written examination and other licensing requirements before the Board shall issue the applicant a license.

*History Note: Authority G.S. 143-151.49(a)(13);  
Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15, 1996;  
Temporary Adoption Eff. October 24, 1996;  
Eff. July 1, 1998.*

#### **11 NCAC 08 .1006 INSURANCE REQUIREMENTS**

(a) To be licensed as a home inspector, an applicant must meet the requirements set forth in G.S. 143-151.51(b) including general liability insurance that meets the following requirements:

- (1) The general liability insurance policy must cover the licensee's activities performed during the course of a home inspection on the premises of the home inspection; and
- (2) The general liability insurance policy must include coverage for both property damage and bodily injury coverage.

(b) The amount of the surety bond required in G.S. 143-151.51(b) shall be at least five thousand dollars (\$5,000). Any surety bond shall be written by a surety company that is authorized by the Commissioner of Insurance to do business in this State.

*History Note: Authority G.S. 143-151.49(a)(13); 143-151.51;  
Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15, 1996;  
Temporary Adoption Eff. October 24, 1996;  
Eff. July 1, 1998;  
Amended Eff. October 1, 2011.*

#### **11 NCAC 08 .1007 EXAMINATION**

An applicant must pass an examination administered by the Board. The examination shall be administered at least twice each year. The applicant must answer 70% of the questions correctly to receive a passing grade. The examination shall include questions about the administrative rules adopted by the Board, G.S. 143, Article 9F inspections of the building structures and their components, and electrical, mechanical, and plumbing systems and appliances.

*History Note:* Authority G.S. 143-151.49(a)(13); 143-151.51(2); 143-151.42(2);  
Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15, 1996;  
Temporary Adoption Eff. October 24, 1996;  
Eff. July 1, 1998.

#### **11 NCAC 08 .1008 APPLICATIONS FOR LICENSES**

Persons may obtain license applications from the Board after they pay the appropriate fee. Applicants shall return a completed application form and any supporting documentation to the Board at least 30 days before the next scheduled examination. The Board shall notify applicants of the times, dates, and locations of examinations. If available space is not sufficient for the number of applicants, additional examinations shall be scheduled.

*History Note:* Authority G.S. 143-151.49; 143-151.51;  
Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15, 1996;  
Temporary Adoption Eff. October 24, 1996;  
Eff. July 1, 1998.

#### **11 NCAC 08 .1009 DISPLAY OF LICENSE**

Home inspectors shall display their licenses at their places of business. If a home inspector works out of his or her home, the inspector shall keep the license on file in the home.

*History Note:* Authority G.S. 143-151.49; 143-151.51;  
Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15, 1996;  
Temporary Adoption Eff. October 24, 1996;  
Eff. July 1, 1998.

#### **11 NCAC 08 .1010 APPEALS OF DENIALS**

The initial evaluations of license applications shall be made by the Board's staff. Any applicant wishing to appeal the staff's decision to deny his or her application shall make a written request for a review to the Board's Application Evaluation Committee. The applicant shall request a hearing if aggrieved by any final decision of the Board denying the application.

*History Note:* Authority G.S. 143-151.49(a)(13); 143-151.56(b);  
Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15, 1996;  
Temporary Adoption Eff. October 24, 1996;  
Eff. July 1, 1998.

#### **11 NCAC 08 .1011 FEE SCHEDULE**

(a) The following fees apply to the licensure of home inspectors:

Application for Home Inspector License	\$ 35.00
Application for Associate Home Inspector License	\$ 20.00
Home Inspector Examination	\$ 80.00
Initial Issuance or Annual Renewal of Home Inspector License	\$160.00
Initial Issuance or Annual Renewal of Associate Home Inspector License	\$110.00
Late Renewal Penalty Fee - Home Inspector License	\$ 30.00
Late Renewal Penalty Fee - Associate Home Inspector License	\$ 20.00
Copies of Board Rules and License Standards	\$ 5.00

(b) The home inspector and the associate home inspector initial issuance license fees are due after successful completion of the examination. The Board shall not issue a license until it receives the appropriate fee. The license is valid from the date of issue until the following September 30.

*History Note:* Authority G.S. 143-151.49; 143-151.55; 143-151.57;  
Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15, 1996;  
Temporary Adoption Eff. October 24, 1996;  
Eff. July 1, 1998;  
Amended Eff. October 1, 2010; January 1, 2008.

<b>11 NCAC 08 .1012</b>	<b>RESERVED FOR FUTURE CODIFICATION</b>
<b>11 NCAC 08 .1013</b>	<b>RESERVED FOR FUTURE CODIFICATION</b>
<b>11 NCAC 08 .1014</b>	<b>RESERVED FOR FUTURE CODIFICATION</b>
<b>11 NCAC 08 .1015</b>	<b>RESERVED FOR FUTURE CODIFICATION</b>
<b>11 NCAC 08 .1016</b>	<b>RESERVED FOR FUTURE CODIFICATION</b>
<b>11 NCAC 08 .1017</b>	<b>RESERVED FOR FUTURE CODIFICATION</b>
<b>11 NCAC 08 .1018</b>	<b>RESERVED FOR FUTURE CODIFICATION</b>
<b>11 NCAC 08 .1019</b>	<b>RESERVED FOR FUTURE CODIFICATION</b>
<b>11 NCAC 08 .1020</b>	<b>DEFINITIONS</b>

(a) As used in Rules .1020 through .1028 of this Section:

- (1) "Course Sponsor" means a person approved by the Board to conduct home inspection prelicensing courses.
- (2) "Credit hour" means one continuing education course hour, comprising at least 50 minutes of instruction.
- (3) "License period" means October 1 through the following September 30.
- (4) "Licensee" means a home inspector or associate home inspector licensed by the Board under G.S. 143, Article 9F.
- (5) "Person" means an individual, partnership, firm, association, corporation, joint-stock company, trust, any similar entity, or any combination of the foregoing acting in concert.

(b) The definitions contained in G.S. 143-151.45 apply to this Section.

*History Note:* Authority G.S. 143-151.45; 143-151.49; 143-151.51;  
Eff. October 1, 2011.

#### **11 NCAC 08 .1021 PROGRAM STRUCTURING AND ADMISSION REQUIREMENTS**

The home inspection prelicensing education program shall consist of a minimum total of 200 hours consisting of classroom and field training as follows:

- (1) Academic education consisting of at least 120 hours classroom instruction; and
- (2) Training consisting of at least 80 hours of field instruction with at least 10 site visits.

*History Note:* Authority G.S. 143-151.49; 143-151.51;  
Eff. October 1, 2011.

#### **11 NCAC 08 .1022 PROGRAM SPONSORS**

The course sponsor of a home inspection prelicensing program shall obtain approval of the Board for its educational program.

*History Note:* Authority G.S. 143-151.49; 143-151.51; 143-151.64;  
Eff. October 1, 2011.

#### **11 NCAC 08 .1023 APPLICATION FOR PROGRAM SPONSOR APPROVAL**

- (a) An entity seeking approval to sponsor a home inspection prelicensing education program must make written applications to the Board upon a form provided by the Board.
- (b) An applying entity that is not a resident of North Carolina shall also file with the application a consent to service of process and pleading.
- (c) The applicant shall submit separate applications to sponsor the academic classroom and practical training portions of the program.
- (d) The application shall be accompanied by a program plan outline, course description materials, instructor's guide and textbook, North Carolina Standards of Practice and Code of Ethics (Section .1100 of Chapter 8), sample exams, and report formats.
- (e) The sponsor must obtain approval by the Board 45 days prior to the commencement of any courses or training.

*History Note:* Authority G.S. 143-151.49; 143-151.51; 143-151.57;  
Eff. October 1, 2011.

#### **11 NCAC 08 .1024 COURSE REQUIREMENTS**

- (a) Prelicensing programs shall be comprised of the following subject areas:

- (1) Introduction to Home Inspection N.C. General Statutes, Standards of Practice and Code of Ethics, and
- (2) Inspection defect and report writing including:
  - (A) Structural Components;
  - (B) Exteriors;
  - (C) Roofing;
  - (D) Plumbing;
  - (E) Electrical;
  - (F) Heating;
  - (g) Air Conditioning;
  - (H) Insulation and Ventilation;
  - (I) Interiors; and
  - (J) Built in Kitchen Appliances.

(b) Courses may include coverage of additional related subject areas not prescribed by the Board; however, any such course shall provide additional class time above the minimum requirement for the coverage of such additional subject areas.

(c) Classroom time and instructional materials shall be utilized for instructional purposes only and not for promoting the interests of or recruiting employees or members for any particular home inspector, home inspection firm or franchise.

(d) Practical training time and instructional materials shall be utilized for instructional purposes only and not for promoting the interests of or recruiting employees or members for any particular home inspector, home inspection firm or franchise.

*History Note: Authority G.S. 143-151.49; 143-151.51;  
Eff. October 1, 2011.*

#### **11 NCAC 08 .1025 COURSE COMPLETION STANDARDS**

(a) An applicant must attend at least 90 percent of all scheduled classroom hours.

(b) A student's grade shall be based solely on his performance on examinations, on graded homework and class work assignments.

(c) An applicant for licensure shall obtain a grade of at least 75 percent on a comprehensive final course examination that covers all prescribed subject areas. Take home or open book final course examinations are prohibited. Sponsors and instructors may utilize other course quizzes and tests in addition to the final course examination provided that a student's grade on the final course examination accounts for at least 75 percent of the student's grade for the course.

(d) Prelicensing course final examinations may be provided by the Board for use by approved sponsors and instructors. If the Board does not provide such examinations, or if a sponsor or instructor elects not to use Board-provided examinations, the sponsor or instructor shall use a comprehensive examination which tests student's knowledge and mastery of the course subject matter. The examination is subject to review and approval by the Board. Sponsors may, within 90 days of the course ending date, allow a prelicensing course student one opportunity to make up any missed course final examination or to retake any failed course final examination without repeating the course. If examinations provided by the Board are used, any makeup or repeat examination shall consist of a different form of the examination than the one previously administered in the student's course. If examinations not provided by the Board are used, any makeup or repeat examination shall be comparable to the initial examination with regard to the number of questions, subject areas tested and overall difficulty, and at least 75 percent of the questions shall be different from those used on the initial examination.

(e) Sponsors shall protect the security and integrity of course examinations at all times. This includes:

- (1) Maintaining examinations and answer keys in a secure place accessible only to the instructor or sponsor;
- (2) Prohibiting students from retaining copies of examinations, answer sheets, scratch paper containing notes or calculations that jeopardize examination security; and
- (3) Monitoring students at all times when examinations are being administered.

(f) Any student who gives or receives assistance during the examination shall turn in all exam materials and leave the room. Under these circumstances, the student's answer sheet shall not be scored and information regarding the giving of assistance shall be reported by the course sponsor to the Board within 10 days of the incident.

*History Note: Authority G.S. 143-151.49; 143-151.51;  
Eff. October 1, 2011.*

#### **11 NCAC 08 .1026 COURSE SCHEDULING**

(a) All courses must have fixed beginning and ending dates.

- (b) Sponsors may not utilize a scheduling system that allows students to enroll late for a course and then complete their course work in a subsequently scheduled course.
- (c) Late enrollment is permitted only if the enrolling student can satisfy the minimum attendance requirements set forth in Rule .1025 of this Section.
- (d) Courses shall not have practical training field exercises that exceed a total of eight hours in any given day.

*History Note:* Authority G.S. 143-151.49; 143-151.51;  
Eff. October 1, 2011.

#### **11 NCAC 08 .1027 TEXTBOOKS**

- (a) Each course shall utilize a textbook or course materials which are approved by the Board
- (b) A request for Board approval of a proposed textbook or similar course materials shall be submitted in writing to the Board and accompanied by two copies of the proposed textbook or course materials.
- (c) Approval of a textbook or other course materials applies only to the edition reviewed by the Board.
- (d) A request for approval of a new edition of an approved textbook shall be made in writing to the Board.
- (e) If requested by the Board, the sponsor shall provide a copy of the new edition to the Board or shall submit a list of changes.
- (f) Approval is for an indefinite period; however, such approval may be terminated by the Board at any time upon determining that the approved edition no longer complies with the criteria for approval. The criteria for approval is:
  - (1) The textbook or materials shall provide accurate, current and complete coverage of the subject matter required by the Board for the course for which approval of the textbook or materials is sought, including coverage of unique North Carolina home inspection related laws, rules and practices that are integrated into the basic coverage; and
  - (2) The information provided shall be logically organized.

*History Note:* Authority G.S. 143-151.49; 143-151.51;  
Eff. October 1, 2011.

#### **11 NCAC 08 .1028 COURSE COMPLETION REPORTING**

- (a) Program sponsors shall submit to the Board verification of each student who completes a precicensing course that is in compliance with Board rules.
- (b) Sponsors shall provide students a certificate of course completion upon completing a precicensing course that is in compliance with the Board rules.
- (c) A course completion certificate shall be prepared in the following format:
  - (1) the certificate shall be printed on the official sponsor letterhead offering the precicensing course;
  - (2) the title of the completed precicensing course;
  - (3) the first and last name of the student who completed the precicensing course;
  - (4) the instructor's name; and
  - (5) the signature certifying the completion of the course program shall be either an original signature, an electronic signature or stamped signature of the director, dean or other official and shall be in a color other than black ink.

*History Note:* Authority G.S. 143-151.49; 143-151.51;  
Eff. October 1, 2011.

### **SECTION .1100 - N.C. HOME INSPECTOR STANDARDS OF PRACTICE AND CODE OF ETHICS**

#### **11 NCAC 08 .1101 DEFINITIONS**

The following definitions apply to this Section:

- (1) "Automatic safety controls" means devices designed and installed to protect systems and components from excessively high or low pressures and temperatures, excessive electrical current, loss of water, loss of ignition, fuel leaks, fire, freezing, or other unsafe conditions.
- (2) "Central air conditioning" means a system that uses ducts to distribute cooled or dehumidified air to more than one room or uses pipes to distribute chilled water to heat exchangers in more than one room, and that is not plugged into an electrical convenience outlet.

- (3) "Component" means a readily accessible and observable aspect of a system, such as a floor, or wall, but not individual pieces such as boards or nails where many similar pieces make up the component.
- (4) "Cosmetic damage" means superficial blemishes or defects that do not interfere with the functionality of the component or system.
- (5) "Cross connection" means any physical connection or arrangement between potable water and any source of contamination.
- (6) "Dangerous or adverse situations" means situations that pose a threat of injury to the inspector, or those situations that require the use of special protective clothing or safety equipment.
- (7) "Describe" means report in writing a system or component by its type, or other inspected characteristics, to distinguish it from other systems or components used for the same purpose.
- (8) "Dismantle" means to take apart or remove any component, device or piece of equipment that is bolted, screwed, or fastened by other means and that would not be dismantled by a homeowner in the course of normal household maintenance
- (9) "Enter" means to go into an area to inspect all visible components.
- (10) "Functional drainage" means a drain that empties in a reasonable amount of time and does not overflow when another fixture is drained simultaneously.
- (11) "Functional flow" means a reasonable flow at the highest fixture in a dwelling when another fixture is operated simultaneously.
- (12) "Habitable space" means a space in a building for living, sleeping, eating or cooking. "Habitable space" does not mean a bathroom, toilet room, closet, or any space used or designed for storage.
- (13) "Inspect" means to make a visual examination.
- (14) "Installed" means attached or connected such that an item requires tools for removal.
- (15) "Normal operating controls" means homeowner operated devices such as a thermostat, wall switch, or safety switch.
- (16) "On-site water supply quality" means water quality based on the bacterial, chemical, mineral, and solids content of the water.
- (17) "On-site water supply quantity" means the rate of flow of on-site well water.
- (18) "Operate" means to cause systems or equipment to function.
- (19) "Readily accessible" means approachable or enterable for visual inspection without the risk of damage to any property or alteration of the accessible space, equipment, or opening.
- (20) "Readily openable access panel" means a panel provided for homeowner inspection and maintenance that has removable or operable fasteners or latch devices in order to be lifted off, swung open, or otherwise removed by one person; and its edges and fasteners are not painted in place. This definition is limited to those panels within normal reach or from a four-foot stepladder, and that are not blocked by stored items, furniture, or building components.
- (21) "Readily visible" means seen by using natural or artificial light without the use of equipment or tools other than a flashlight.
- (22) "Representative number" means, for multiple identical components such as windows and electrical outlets, one such component per room; and, for multiple identical exterior components, one such component on each side of the building.
- (23) "Roof drainage systems" means gutters, downspouts, leaders, splash blocks, and similar components used to carry water off a roof and away from a building.
- (24) "Shut down" means a piece of equipment or a system which cannot be operated by the device or control that a homeowner should normally use to operate it. If its safety switch or circuit breaker is in the "off" position, or its fuse is missing or blown, the inspector is not required to reestablish the circuit for the purpose of operating the equipment or system.
- (25) "Solid fuel heating device" means any wood, coal, fossil, or other similar organic fuel burning device, including fireplaces whether masonry or factory built, fireplace inserts and stoves, wood stoves (room heaters), central furnaces, and combinations of these devices.
- (26) "Structural component" means a component that supports non-variable forces or weights (dead loads) and variable forces or weights (live loads).
- (27) "System" means a combination of interacting or interdependent components, assembled to carry out one or more functions.

- (28) "Technically exhaustive" means an inspection involving the use of measurements, instruments, testing, calculations, and other means to develop scientific or engineering findings, conclusions, and recommendations.
- (29) "Under floor crawl space" means the area within the confines of the foundation and between the ground and the underside of the lowest floor structural component.

*History Note:* Authority G.S. 143-151.49;  
Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15, 1996;  
Temporary Adoption Eff. October 24, 1996;  
Eff. July 1, 1998;  
Amended Eff. February 1, 2007; April 1, 2005; May 1, 2003.

#### **11 NCAC 08 .1102 STANDARDS OF PRACTICE**

This Section sets forth the minimum standards of practice required of licensed home inspectors and licensed associate home inspectors. In this Section, the term "home inspectors" means both licensed home inspectors and licensed associate home inspectors.

*History Note:* Authority G.S. 143-151.49(a)(2); 143-151.49(a)(13);  
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Eff. July 1, 1998.

#### **11 NCAC 08 .1103 PURPOSE AND SCOPE**

(a) Home inspections performed according to this Section shall provide the client with an understanding of the property conditions, as inspected at the time of the home inspection.

(b) Home inspectors shall:

- (1) Provide a written contract, signed by the client, before the home inspection is performed that shall:
  - (A) State that the home inspection is in accordance with the Standards of Practice of the North Carolina Home Inspector Licensure Board;
  - (B) Describe what services shall be provided and their cost; and
  - (C) State, when an inspection is for only one or a limited number of systems or components, that the inspection is limited to only those systems or components;
- (2) Inspect readily visible and readily accessible installed systems and components listed in this Section; and
- (3) Submit a written report to the client that shall:
  - (A) Describe those systems and components required to be described in Rules .1106 through .1115 of this Section;
  - (B) State which systems and components present at the home and designated for inspection in this Section were not inspected, and the reason for not inspecting;
  - (C) State any systems or components so inspected that do not function as intended, allowing for normal wear and tear, or adversely affect the habitability of the dwelling;
  - (D) State whether the condition reported requires repair or subsequent observation, or warrants further investigation by a specialist. The statements shall describe the component or system and how the condition is defective, explain the consequences of the condition, and direct the recipient to a course of action with regard to the condition or refer the recipient to a specialist; and
  - (E) State the name, license number, and signature of the person supervising the inspection and the name, license number, and signature of the person conducting the inspection.

(c) This Section does not limit home inspectors from:

- (1) Reporting observations and conditions or rendering opinions of items in addition to those required in Paragraph (b) of this Rule; or
- (2) Excluding systems and components from the inspection if requested by the client, and so stated in the written contract.

*History Note:* Authority G.S. 143-151.49; 143-151.58;  
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#### **11 NCAC 08 .1104 GENERAL LIMITATIONS**

- (a) Home inspections done in accordance with this Section are not technically exhaustive.
- (b) This Section applies to buildings with four or fewer dwelling units, and individually owned residential units within multi-family buildings, and their attached garages or carports.

*History Note: Authority G.S. 143-151.49;*  
*Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15, 1996;*  
*Temporary Adoption Eff. October 24, 1996;*  
*Eff. July 1, 1998;*  
*Amended Eff. October 1, 2010.*

#### **11 NCAC 08 .1105 GENERAL EXCLUSIONS**

- (a) Home inspectors are not required to report on:
  - (1) Life expectancy of any component or system;
  - (2) The causes of the need for a repair;
  - (3) The methods, materials, and costs of corrections;
  - (4) The suitability of the property for any specialized use;
  - (5) Compliance or non-compliance with codes, ordinances, statutes, regulatory requirements or restrictions;
  - (6) The market value of the property or its marketability;
  - (7) The advisability or inadvisability of purchase of the property;
  - (8) Any component or system that was not inspected;
  - (9) The presence or absence of pests such as wood damaging organisms, rodents, or insects; or
  - (10) Cosmetic damage, underground items, or items not permanently installed.
- (b) Home inspectors are not required to:
  - (1) Offer warranties or guarantees of any kind;
  - (2) Calculate the strength, adequacy, or efficiency of any system or component;
  - (3) Enter any area or perform any procedure that may damage the property or its components or be dangerous to or adversely affect the health or safety of the home inspector or other persons;
  - (4) Operate any system or component that is shut down or otherwise inoperable;
  - (5) Operate any system or component that does not respond to normal operating controls;
  - (6) Move personal items, panels, furniture, equipment, plant life, soil, snow, ice, or debris that obstructs access or visibility;
  - (7) Determine the presence or absence of any suspected adverse environmental condition or hazardous substance, including toxins, carcinogens, noise, contaminants in the building or in soil, water, and air;
  - (8) Determine the effectiveness of any system installed to control or remove suspected hazardous substances;
  - (9) Predict future condition, including failure of components;
  - (10) Project operating costs of components;
  - (11) Evaluate acoustical characteristics of any system or component;
  - (12) Inspect special equipment or accessories that are not listed as components to be inspected in this Section; or
  - (13) Disturb insulation, except as required in Rule .1114 of this Section.
- (c) Home inspectors shall not:
  - (1) Offer or perform any act or service contrary to law; or
  - (2) Offer or perform engineering, architectural, plumbing, electrical or any other job function requiring an occupational license in the jurisdiction where the inspection is taking place, unless the home inspector holds a valid occupational license, in which case the home inspector shall inform the client that the home inspector is so licensed, and therefore qualified to go beyond this Section and perform additional inspections beyond those within the scope of the Standards of Practice.

*History Note: Authority G.S. 143-151.49;*  
*Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15, 1996;*

*Temporary Adoption Eff. October 24, 1996;  
Eff. July 1, 1998;  
Amended Eff. February 1, 2007; April 1, 2005; May 1, 2003.*

**11 NCAC 08 .1106 STRUCTURAL COMPONENTS**

- (a) The home inspector shall inspect structural components including:
- (1) Foundation;
  - (2) Floors;
  - (3) Walls;
  - (4) Columns or piers;
  - (5) Ceilings; and
  - (6) Roofs.
- (b) The home inspector shall describe the type of:
- (1) Foundation;
  - (2) Floor structure;
  - (3) Wall structure;
  - (4) Columns or piers;
  - (5) Ceiling structure; and
  - (6) Roof structure.
- (c) The home inspector shall:
- (1) Probe structural components where deterioration is suspected;
  - (2) Enter underfloor crawl spaces, basements, and attic spaces except when access is obstructed, when entry could damage the property, or when dangerous or adverse situations are suspected;
  - (3) Report the methods used to inspect underfloor crawl spaces and attics; and
  - (4) Report signs of abnormal or harmful water penetration into the building or signs of abnormal or harmful condensation on building components.

*History Note: Authority G.S. 143-151.49;  
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Eff. July 1, 1998;  
Amended Eff. April 1, 2005; July 1, 2000.*

**11 NCAC 08 .1107 EXTERIOR**

- (a) The home inspector shall inspect:
- (1) Wall cladding, flashings, and trim;
  - (2) Entryway doors and a representative number of windows;
  - (3) Garage door operators;
  - (4) Decks, balconies, stoops, steps, areaways, porches and applicable railings;
  - (5) Eaves, soffits, and fascias;
  - (6) Driveways, patios, walkways, and retaining walls; and
  - (7) Vegetation, grading, and drainage with respect only to their effect on the condition of the building.
- (b) The home inspector shall:
- (1) Describe wall cladding materials;
  - (2) Operate all entryway doors;
  - (3) Operate garage doors manually or by using permanently installed controls for any garage door operator;
  - (4) Report whether or not any garage door operator will automatically reverse or stop when meeting reasonable resistance during closing; and
  - (5) Probe exterior wood components where deterioration is suspected.
- (c) The home inspector is not required to inspect:
- (1) Storm windows, storm doors, screening, shutters, awnings, and similar seasonal accessories;
  - (2) Fences;
  - (3) For the presence of safety glazing in doors and windows;
  - (4) Garage door operator remote control transmitters;
  - (5) Geological conditions;

- (6) Soil conditions;
- (7) Recreational facilities (including spas, saunas, steam baths, swimming pools, tennis courts, playground equipment, and other exercise, entertainment, or athletic facilities); except as otherwise provided in 11 NCAC 08 .1109(d)(5)(F);
- (8) Detached buildings or structures; or
- (9) For the presence or condition of buried fuel storage tanks.

*History Note: Authority G.S. 143-151.49;  
Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15, 1996;  
Temporary Adoption Eff. October 24, 1996;  
Eff. July 1, 1998;  
Amended Eff. February 1, 2007; April 1, 2005; July 1, 2000.*

#### **11 NCAC 08 .1108 ROOFING**

- (a) The home inspector shall inspect:
  - (1) Roof coverings;
  - (2) Roof drainage systems;
  - (3) Flashings;
  - (4) Skylights, chimneys, and roof penetrations; and
  - (5) Signs of leaks or abnormal condensation on building components.
- (b) The home inspector shall:
  - (1) Describe the type of roof covering materials; and
  - (2) Report the methods used to inspect the roofing.
- (c) The home inspector is not required to:
  - (1) Walk on the roofing; or
  - (2) Inspect attached accessories including solar systems, antennae, and lightning arrestors.

*History Note: Authority G.S. 143-151.49;  
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Temporary Adoption Eff. October 24, 1996;  
Amended Eff. April 1, 2005; July 1, 1998.*

#### **11 NCAC 08 .1109 PLUMBING**

- (a) The home inspector shall inspect:
  - (1) Interior water supply and distribution system, including: piping materials, supports, and insulation; fixtures and faucets; functional flow; leaks; and cross connections;
  - (2) Interior drain, waste, and vent system, including: traps; drain, waste, and vent piping; piping supports and pipe insulation; leaks; and functional drainage;
  - (3) Hot water systems including: water heating equipment; normal operating controls; automatic safety controls; and chimneys, flues, and vents;
  - (4) Fuel storage and distribution systems including: interior fuel storage equipment, supply piping, venting, and supports; leaks; and
  - (5) Sump pumps.
- (b) The home inspector shall describe:
  - (1) Water supply and distribution piping materials;
  - (2) Drain, waste, and vent piping materials;
  - (3) Water heating equipment, including fuel or power source, storage capacity, and location; and
  - (4) The location of any main water supply shutoff device.
- (c) The home inspector shall operate all plumbing fixtures, including their faucets and all exterior faucets attached to the house, except where the flow end of the faucet is connected to an appliance.
- (d) The home inspector is not required to:
  - (1) State the effectiveness of anti-siphon devices;
  - (2) Determine whether water supply and waste disposal systems are public or private;
  - (3) Operate automatic safety controls;

- (4) Operate any valve except water closet flush valves, fixture faucets, and hose faucets;
- (5) Inspect:
  - (A) Water conditioning systems;
  - (B) Fire and lawn sprinkler systems;
  - (C) On-site water supply quantity and quality;
  - (D) On-site waste disposal systems;
  - (E) Foundation irrigation systems;
  - (F) Bathroom spas, except as to functional flow and functional drainage;
  - (G) Swimming pools;
  - (H) Solar water heating equipment; or
- (6) Inspect the system for proper sizing, design, or use of proper materials.

*History Note:* Authority G.S. 143-151.49;  
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 Eff. July 1, 1998;  
 Amended Eff. February 1, 2007; April 1, 2005.

## **11 NCAC 08 .1110 ELECTRICAL**

- (a) The home inspector shall inspect:
  - (1) Service entrance conductors;
  - (2) Service equipment, grounding equipment, main overcurrent device, and main and distribution panels;
  - (3) Amperage and voltage ratings of the service;
  - (4) Branch circuit conductors, their overcurrent devices, and the compatibility of their ampacities;
  - (5) The operation of a representative number of installed ceiling fans, lighting fixtures, switches and receptacles located inside the house, garage, and on the dwelling's exterior walls;
  - (6) The polarity and grounding of all receptacles within six feet of interior plumbing fixtures, and all receptacles in the garage or carport, and on the exterior of inspected structures;
  - (7) The operation of ground fault circuit interrupters; and
  - (8) Smoke detectors.
- (b) The home inspector shall describe:
  - (1) Service amperage and voltage;
  - (2) Service entry conductor materials;
  - (3) The service type as being overhead or underground; and
  - (4) The location of main and distribution panels.
- (c) The home inspector shall report the presence of any readily accessible single strand aluminum branch circuit wiring.
- (d) The home inspector shall report on the presence or absence of smoke detectors, and operate their test function, if accessible, except when detectors are part of a central alarm system.
- (e) The home inspector is not required to:
  - (1) Insert any tool, probe, or testing device inside the panels;
  - (2) Test or operate any overcurrent device except ground fault circuit interrupters;
  - (3) Dismantle any electrical device or control other than to remove the covers of the main and auxiliary distribution panels; or
  - (4) Inspect:
    - (A) Low voltage systems;
    - (B) Security system devices, heat detectors, or carbon monoxide detectors;
    - (C) Telephone, security, cable TV, intercoms, or other ancillary wiring that is not a part of the primary electrical distribution system; or
    - (D) Built-in vacuum equipment.

*History Note:* Authority G.S. 143-151.49;  
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 Eff. July 1, 1998;  
 Amended Eff. February 1, 2007; April 1, 2005.

## **11 NCAC 08 .1111 HEATING**

- (a) The home inspector shall inspect permanently installed heating systems including:
  - (1) Heating equipment;
  - (2) Normal operating controls;
  - (3) Automatic safety controls;
  - (4) Chimneys, flues, and vents, where readily visible;
  - (5) Solid fuel heating devices;
  - (6) Heat distribution systems including fans, pumps, ducts and piping, with supports, insulation, air filters, registers, radiators, fan coil units, convectors; and
  - (7) The presence or absence of an installed heat source for each habitable space.
- (b) The home inspector shall describe:
  - (1) Energy source; and
  - (2) Heating equipment and distribution type.
- (c) The home inspector shall operate the systems using normal operating controls.
- (d) The home inspector shall open readily openable access panels provided by the manufacturer or installer for routine homeowner maintenance.
- (e) The home inspector is not required to:
  - (1) Operate heating systems when weather conditions or other circumstances may cause equipment damage;
  - (2) Operate automatic safety controls;
  - (3) Ignite or extinguish solid fuel fires;
  - (4) Ignite a pilot light; or
  - (5) Inspect:
    - (A) The interior of flues;
    - (B) Fireplace insert flue connections;
    - (C) Heat exchangers;
    - (D) Humidifiers;
    - (E) Electronic air filters;
    - (F) The uniformity or adequacy of heat supply to the various rooms; or
    - (G) Solar space heating equipment.

*History Note: Authority G.S. 143-151.49;  
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Eff. July 1, 1998;  
Amended Eff. February 1, 2007; April 1, 2005.*

## **11 NCAC 08 .1112 AIR CONDITIONING**

- (a) The home inspector shall inspect:
  - (1) Central air conditioning and through-the-wall installed cooling systems including:
    - (A) Cooling and air handling equipment; and
    - (B) Normal operating controls.
  - (2) Distribution systems including:
    - (A) Fans, pumps, ducts and piping, with associated supports, dampers, insulation, air filters, registers, fan-coil units; and
    - (B) The presence or absence of an installed cooling source for each habitable space.
- (b) The home inspector shall describe:
  - (1) Energy sources; and
  - (2) Cooling equipment type.
- (c) The home inspector shall operate the systems using normal operating controls.
- (d) The home inspector shall open readily openable access panels provided by the manufacturer or installer for routine homeowner maintenance.
- (e) The home inspector is not required to:
  - (1) Operate cooling systems when weather conditions or other circumstances may cause equipment damage;
  - (2) Inspect window air conditioners; or

- (3) Inspect the uniformity or adequacy of cool-air supply to the various rooms.

*History Note:* Authority G.S. 143-151.49;  
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Eff. July 1, 1998;  
Amended Eff. February 1, 2007; April 1, 2005; May 1, 2003.

#### **11 NCAC 08 .1113 INTERIORS**

- (a) The home inspector shall inspect:
  - (1) Walls, ceiling, and floors;
  - (2) Steps, stairways, balconies, and railings;
  - (3) Counters and a representative number of built-in cabinets; and
  - (4) A representative number of doors and windows.
- (b) The home inspector shall:
  - (1) Operate a representative number of windows and interior doors; and
  - (2) Report signs of water penetration into the building or signs of abnormal or harmful condensation on building components.
- (c) The home inspector is not required to inspect:
  - (1) Paint, wallpaper, and other finish treatments on the interior walls, ceilings, and floors;
  - (2) Carpeting; or
  - (3) Draperies, blinds, or other window treatments.

*History Note:* Authority G.S. 143-151.49;  
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Amended Eff. February 1, 2007; April 1, 2005; May 1, 2003.

#### **11 NCAC 08 .1114 INSULATION AND VENTILATION**

- (a) The home inspector shall inspect:
  - (1) Insulation and vapor retarders in unfinished spaces;
  - (2) Ventilation of attics and foundation areas;
  - (3) Kitchen, bathroom, and laundry venting systems; and
  - (4) The operation of any readily accessible attic ventilation fan, and, when temperature permits, the operation of any readily accessible thermostatic control.
- (b) The home inspector shall describe:
  - (1) Insulation in unfinished spaces; and
  - (2) The absence of insulation in unfinished space at conditioned surfaces.
- (c) The home inspector is not required to report on:
  - (1) Concealed insulation and vapor retarders; or
  - (2) Venting equipment that is integral with household appliances.
- (d) The home inspector shall:
  - (1) Move insulation where readily visible evidence indicates the possibility of a problem; and
  - (2) Move floor insulation where plumbing drain/waste pipes penetrate floors, adjacent to earth-filled stoops or porches, and at exterior doors.

*History Note:* Authority G.S. 143-151.49;  
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Eff. July 1, 1998;  
Amended Eff. February 1, 2007; April 1, 2005; May 1, 2003.

#### **11 NCAC 08 .1115 BUILT-IN KITCHEN APPLIANCES**

- (a) The home inspector shall inspect and operate the basic functions of the following kitchen appliances:

- (1) Permanently installed, dishwasher(s) through a normal cycle;
  - (2) Range(s), cook top(s), and permanently installed oven(s);
  - (3) Trash compactor(s);
  - (4) Garbage disposal(s);
  - (5) Ventilation equipment or range hood(s); and
  - (6) Permanently installed microwave oven(s).
- (b) The home inspector is not required to inspect:
- (1) Clocks, timers, self-cleaning oven functions, or thermostats for calibration or automatic operation;
  - (2) Non built-in appliances; or
  - (3) Refrigeration units.
- (c) The home inspector is not required to operate:
- (1) Appliances in use; or
  - (2) Any appliance that is shut down or otherwise inoperable.

*History Note: Authority G.S. 143-151.49;  
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Amended Eff. April 1, 2005.*

#### **11 NCAC 08 .1116 CODE OF ETHICS**

- (a) Licensees shall discharge their duties with fidelity to the public, their clients, and with fairness and impartiality to all.
- (b) Opinions expressed by licensees shall only be based on their education, experience, and honest convictions.
- (c) A licensee shall not disclose any information about the results of an inspection without the approval of the client for whom the inspection was performed, or the client's designated representative.
- (d) No licensee shall accept compensation or any other consideration from more than one interested party for the same service without the consent of all interested parties.
- (e) No licensee shall accept or offer commissions or allowances, directly or indirectly, from other parties dealing with the client in connection with work for which the licensee is responsible.
- (f) No licensee shall express, within the context of an inspection, an appraisal or opinion of the market value of the inspected property.
- (g) Before the execution of a contract to perform a home inspection, a licensee shall disclose to the client any interest in a business that may affect the client. No licensee shall allow his or her interest in any business to affect the quality or results of the inspection work that the licensee may be called upon to perform.
- (h) A licensee shall not solicit for repairs of systems or components found defective in the course of a home inspection performed by the licensee or that licensee's company.
- (i) Licensees shall not engage in false or misleading advertising or otherwise misrepresent any matters to the public.
- (j) Licensees shall not inspect properties under contingent arrangements whereby any compensation or future referrals are dependent on reported findings or on the sale of a property.

*History Note: Authority G.S. 143-151.49;  
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#### **SECTION .1200 - N.C. HOME INSPECTOR DISCIPLINARY ACTIONS**

##### **11 NCAC 08 .1201 DEFINITIONS**

The following definitions are used in this Section:

- (1) The definitions in G.S. 143-151.45 are incorporated into this Section by reference. "Associate home inspector" is included where reference is made to "home inspector" or "licensee".
- (2) "File or filing" means to place the paper or item to be filed into the care and custody of the presiding officer, and acceptance thereof by him, except that the Board may permit the papers to be filed with the

Board, in which event the Board shall note thereon the filing date. All documents filed with the presiding officer or the Board, except exhibits, shall be duplicate in letter size 8 1/2" by 11".

- (3) "Party" means the Board, the licensee, or an intervenor who qualifies under G.S. 150B-38(f). "Party" does not include a complainant unless the complainant is allowed to intervene under G.S. 150B-38(f).
- (4) "Service or serve" means personal delivery or, unless otherwise provided by law or rule, delivery by first class United States Postal Service mail or a licensed overnight express mail service, addressed to the person to be served at his or her last known address. A Certificate of Service by the person making the service shall be appended to every document requiring service under these Rules. Service by mail or licensed overnight express mail is complete upon addressing, enveloping, and placing the item to be served, in an official depository of the United States Postal Service or delivering the item to an agent of an overnight express mail service.

*History Note:* Authority G.S. 143-151.49; 150B-38(h);  
Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15, 1996;  
Temporary Adoption Eff. October 24, 1996;  
Eff. July 1, 1998.

#### **11 NCAC 08 .1202 COMPLAINTS**

(a) Anyone who believes that a licensee is or has been engaged in any conduct set out in G.S. 143-151.56(a) may file a written complaint against that licensee. The Board may, upon its own motion, initiate an investigation of a licensee. **The Board shall not consider complaints that are received by the Board more than three years from the dates of the inspection.**

(b) An information memo containing instructions for filing the complaint shall be mailed to anyone requesting complaint information from the Board.

(c) The complaint shall specifically identify the licensee and describe the conduct complained about.

(d) Supporting information shall be included to justify the complaint. Supporting information shall refer to specific violations of the Board's rules or of the General Statutes. If the complaint involves items included in the Standards of Practice that the licensee did not observe, a list of those items must be submitted with the complaint. This information may be provided by the complainant, an architect, professional engineer, licensed contractor, another licensed home inspector, or other person with knowledge of the Standards of Practice. A copy of the contract agreement, the inspection report, and any reports made by other consultants shall be included with the complaint.

(e) The complaint shall be in writing, signed by the complainant, and dated. The complaint shall include the complainant's mailing address and a daytime phone number at which the complainant may be reached. The street address of the structure must be included.

(f) The Board shall not consider services that are under the jurisdiction of other regulatory agencies or licensing boards, such as termite inspections, appraisals, services rendered by licensed architects, engineers, or general contractors, unless the persons rendering those services claim to be home inspectors.

(g) The Board has no jurisdiction over persons who make specialized inspections as part of their repair or maintenance businesses, such as roofing repair contractors, chimney sweeps, duct cleaning, and interior environment specialists.

*History Note:* Authority G.S. 143-151.49; 150B-38(h);  
Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15, 1996;  
Temporary Adoption Eff. October 24, 1996;  
Eff. July 1, 1998;  
Amended Eff. April 1, 2006.

#### **11 NCAC 08 .1203 BOARD STAFF**

The Engineering Division shall verify whether any allegations against a licensee are violations of the Standards of Practice, Code of Ethics, or of the General Statutes.

*History Note:* Authority G.S. 143-151.49; 150B-38(h);  
Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15, 1996;  
Temporary Adoption Eff. October 24, 1996;  
Eff. July 1, 1998;  
Amended Eff. April 1, 2005.

#### **11 NCAC 08 .1204 INVESTIGATION**

(a) On receipt of a complaint conforming to this Section, the Engineering Division shall make an investigation of the charges and issue a report. The report shall address each item alleged to be a violation of these Rules or of the General Statutes.

(b) A copy of the complaint shall be mailed to the home inspector. The inspector shall submit a written response to the Engineering Division within two weeks after receipt of the copy of the complaint.

(c) A copy of the report shall be mailed to the complainant and to the inspector.

(d) The report shall state that the complaint either has or lacks sufficient evidence to support the allegations in the complaint.

(e) If the report states that the allegations lack sufficient evidence, the Engineering Division shall:

- (1) Advise the complainant in writing that the evidence was insufficient to support the allegations in the complaint.
- (2) Advise the complainant that the complaint may be reviewed by a committee of Board members appointed by the Chairman to determine whether the finding of the Engineering Division is correct.
- (3) Advise the complainant that the complainant must make a written request for the review and must state in the request the reasons why the complainant is of the opinion the Engineering Division's determination is incorrect.
- (4) If the complainant makes a written request for review by a committee of Board members, the chairman shall appoint the committee. The committee shall review the report and the complainant's documentation. If the committee finds that the allegations are unsupported by the evidence, the Engineering Division shall advise the complainant in writing that the committee has concurred with the Engineering Division's conclusion that the complaint lacks sufficient evidence to support the allegations in the complaint.

*History Note:* Authority G.S. 143-151.49; 150B-38(h);  
Codifier determined that agency findings did not meet criteria for temporary rule  
Eff. October 15, 1996;  
Temporary Adoption Eff. October 24, 1996;  
Eff. July 1, 1998.

#### **11 NCAC 08 .1205 DISCIPLINARY HEARING**

If there are findings in the report or by the review committee that there is sufficient evidence to support the allegations in the complaint, the Board shall fix a time and place for a disciplinary hearing and give notice to the licensee. The disciplinary hearing shall be held in accordance with G.S. 150B, Article 3A and this Section.

*History Note:* Authority G.S. 143-151.49; 150B-38(h);  
Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15, 1996;  
Temporary Adoption Eff. October 24, 1996;  
Eff. July 1, 1998.

#### **11 NCAC 08 .1206 PRESIDING OFFICER**

In all contested case hearings before the Board, the Chairman of the Board shall serve as presiding officer. In the absence of the Chairman, the Vice-Chairman shall serve as presiding officer, or a presiding officer shall be elected by the Board.

*History Note:* Authority G.S. 143-151.49; 150B-38(h);  
Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15, 1996;  
Temporary Adoption Eff. October 24, 1996;  
Eff. July 1, 1998.

#### **11 NCAC 08 .1207 PREHEARING CONFERENCE**

Upon the request of any party or upon the presiding officer's own motion, the presiding officer may hold a prehearing conference before a contested case hearing. A prehearing conference on the simplification of issues, amendments, stipulations, or other matters may be entered on the record or may be made the subject of an order by the presiding officer. Venue for purposes of a prehearing conference shall be determined in accordance with G.S. 150B-38(e).

*History Note:* Authority G.S. 143-151.49; 150B-38(h);  
Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15, 1996;

*Temporary Adoption Eff. October 24, 1996;  
Eff. July 1, 1998.*

**11 NCAC 08 .1208 CONSENT AGREEMENT**

- (a) The Board's staff and the home inspector may attempt to resolve the complaint by means of a consent agreement. Such consent agreement may impose upon the licensee a penalty, or penalties, including the following: requiring the licensee to take training or educational courses, probation, letter of reprimand, suspension of license, or revocation of license.
- (b) The proposed consent agreement shall then be presented to the Board at the next meeting. The Board may either accept the consent agreement as written, modify the consent agreement and send it back to the licensee for agreement, or reject the consent agreement.

*History Note: Authority G.S. 143-151.49(a)(13); 150B-38(h);  
Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15, 1996;  
Temporary Adoption Eff. October 24, 1996;  
Eff. July 1, 1998.*

**11 NCAC 08 .1209 FINAL BOARD ORDER**

- (a) After the close of a contested case hearing, the Board shall meet and determine if the licensee engaged in the conduct alleged and the appropriate penalty, including requiring the licensee to take training or education courses, probation, letter of reprimand, or license suspension or revocation.
- (b) If a final Board order is to suspend, revoke, place on probation, or refuse to issue a license, the order shall set forth any conditions that must be met in order to remove the suspension or probation, to reissue the license, or to issue the license.
- (c) Contested case hearings shall be recorded either by a recording system or a professional court reporter using stenomask or stenotype.
- (d) Transcript costs incurred by the Board shall be paid by the the party or parties requesting a transcript. Any other costs incurred by the Board when using a professional court reporter shall be paid by the requesting party or parties.
- (e) A 24-hour cancellation notice shall be required in all cases. The party or parties responsible for the cancellation shall be responsible for any cancellation fees charged by a professional court reporter.
- (f) Transcripts of proceedings during which oral evidence is presented shall be made only upon request of a party. Transcript costs shall include the cost of an original for the Board. An attorney requesting a transcript on behalf of a party shall be a guarantor of payment of the cost. Cost shall be determined under supervision of the presiding officer who, in cases deemed to be appropriate by him, may require an advance security deposit to cover the prospective cost. The security deposit shall be applied to the actual cost and any excess shall be returned to the party that submitted it.
- (g) Copies of tapes shall be available upon written request at cost of reproduction and postage.
- (h) Copies of Board hearings tapes or non-Board certified transcripts therefrom shall not be part of the official record.

*History Note: Authority G.S. 143-151.49; 150B-38(h);  
Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15, 1996;  
Temporary Adoption Eff. October 24, 1996;  
Eff. July 1, 1998.*

**SECTION .1300 - HOME INSPECTOR CONTINUING EDUCATION**

**11 NCAC 08 .1301 DEFINITIONS**

- (a) As used in this Section:
  - (1) "Credit hour" means one continuing education course hour, comprising at least 50 minutes of instruction.
  - (2) "License period" means October 1 through the following September 30.
  - (3) "Licensee" means a home inspector or associate home inspector licensed by the Board under G.S. 143, Article 9F and Section .1000 of this Chapter.
  - (4) "Person" means an individual, partnership, firm, association, corporation, joint-stock company, trust, any similar entity, or any combination of the foregoing acting in concert.
- (b) The definitions contained in G.S. 143-151.45 apply to this Section.

*History Note:* Authority G.S. 143-151.49; 143-151.55;  
Eff. August 1, 1998;  
Amended Eff. July 18, 2002.

#### **11 NCAC 08 .1302 CONTINUING EDUCATION REQUIRED FOR RENEWAL OF ACTIVE LICENSE**

(a) In order to renew an active home inspector or associate home inspector license for license renewal periods beginning on or after October 1, 2011, the licensee shall have completed, during the license renewal period, 16 credit hours, except as described in Paragraph (b) of this Rule.

(b) In order to renew an active home inspector license for license renewal periods beginning on or after October 1, 2011, home inspectors who are newly licensed on or after October 1, 2011, who have not completed the pre-licensing education program established pursuant to G.S. 143-151.51(1)(5)(a), or its equivalent pursuant to 11 NCAC 08 .1004(c), must complete 20 hours of continuing education per year for the first three years of licensure that include the following:

- (1) Four hours of a Board approved mandatory course;
- (2) Four hours of the update course component described in 11 NCAC 08 .1309; and
- (3) 12 hours of Board approved elective courses.

(c) A licensee who is newly licensed on or after June 1 is exempt from this Section for the initial license period.

*History Note:* Authority G.S. 143-151.49; 143-151.51; 143-151.55; 143-151.64;  
Eff. August 1, 1998;  
Amended Eff. February 1, 2011; July 18, 2002.

#### **11 NCAC 08 .1303 INACTIVE LICENSE**

A person holding an inactive license is not subject to this Section. In order to change a license from inactive status to active status, the licensee must complete the same number of continuing education credit hours that would have been required for an active license during the period of inactive status but not more than the hours required in G.S. 143-151.55.

*History Note:* Authority G.S. 143-151.49; 143-151.55;  
Eff. August 1, 1998;  
Amended Eff. January 1, 2011.

#### **11 NCAC 08 .1304 COURSE REQUIREMENTS**

(a) The same elective continuing education course may be taken only once for continuing education credit during any three year period.

(b) A licensee may carry over up to eight elective credit hours per year until the next year.

*History Note:* Authority G.S. 143-151.49; 143-151.55;  
Eff. August 1, 1998;  
Amended Eff. July 18, 2002.

#### **11 NCAC 08 .1305 ATTENDANCE REQUIREMENTS**

In order to receive any credit for completing a continuing education course, a licensee must attend at least 90 percent of the scheduled credit hours for the course, regardless of the length of the course, and must comply with student participation standards described in Rule .1347 of this Section. No credit shall be awarded for attending less than 90 percent of the scheduled credit hours.

*History Note:* Authority G.S. 143-151.49; 143-151.55;  
Eff. August 1, 1998;  
Amended Eff. July 18, 2002.

#### **11 NCAC 08 .1306 EXTENSIONS OF TIME**

A licensee may request and be granted an extension of time to satisfy the continuing education requirement for a particular license period if the licensee provides evidence to the Board that the licensee was unable to obtain the necessary education because of an incapacitating illness or other circumstance that:

- (1) existed for 75 percent of the license period; and

- (2) constituted a verifiable hardship.

*History Note:* Authority G.S. 143-151.49; 143-151.55;  
Eff. August 1, 1998;  
Amended Eff. July 18, 2002.

#### **11 NCAC 08 .1307 DENIAL OR WITHDRAWAL OF CREDIT**

(a) The Board shall deny continuing education credit claimed by a licensee, and shall withdraw continuing education credit previously awarded by the Board to a licensee if:

- (1) The licensee provided incorrect or incomplete information to the Board concerning continuing education or compliance with this Section; or
- (2) The licensee was mistakenly awarded continuing education credit because of an administrative error; or
- (3) The licensee failed to comply with the attendance requirement established by Rule .1305 of this Section.

(b) When continuing education credit is denied or withdrawn by the Board under Subparagraph (a)(1) or (a)(2) of this Rule, the Board shall, upon written request of the licensee, grant the licensee an extension of time of 60 days to satisfy the continuing education requirement. When continuing education credit is denied or withdrawn by the Board under Subparagraph (a)(3) of this Rule, the licensee remains responsible for satisfying the continuing education requirement.

*History Note:* Authority G.S. 143-151.49; 143-151.55;  
Eff. August 1, 1998;  
Amended Eff. July 18, 2002.

#### **11 NCAC 08 .1308 DUTIES OF LICENSEES TO SHOW PROOF OF COMPLIANCE**

*History Note:* Authority G.S. 143-151.49; 143-151.55;  
Eff. August 1, 1998;  
Repealed Eff. July 18, 2002.

#### **11 NCAC 08 .1309 UPDATE COURSE COMPONENT**

(a) To keep a license on active status, a licensee shall complete a Board-developed update course within one year preceding license expiration. This course is in addition to the continuing education elective requirement described in Rule .1318 of this Section, and shall consist of four classroom hours of instruction.

(b) The Board shall develop annually an update course which shall be conducted by sponsors approved by the Board under this Section. The subject matter of this course shall be determined by the Board, which shall prepare a completely new course for each one-year period beginning October 1 and ending September 30. Sponsors shall acquire the Board-developed course materials and utilize such materials to conduct the update course. The course shall be conducted exactly as prescribed by the rules in this Section and the course materials developed by the Board. Sponsors shall provide licensees participating in their classes a copy of the student materials developed by the Board

(c) Approval of a sponsor to conduct an update course authorizes the sponsor to conduct the update course using an instructor who has been approved by the Board as an update course instructor under Rules .1313 through .1317 of this Section. The sponsor may conduct the update course at any location as frequently as is desired during the approval period, provided that no courses may be conducted between September 10 and September 30 of any approval period.

*History Note:* Authority G.S. 143-151.49(13); 143-151.64;  
Eff. July 18, 2002.

#### **11 NCAC 08 .1310 APPLICATION FOR ORIGINAL APPROVAL OF UPDATE COURSES**

An entity seeking original approval to sponsor a Board-developed update course shall make application on a form prescribed by the Board. An applying entity that is not a resident of North Carolina shall also file with the application a consent to service of process and pleadings.

*History Note:* Authority G.S. 143-151.49(13); 143-151.64;  
Eff. July 18, 2002.

#### **11 NCAC 08 .1311 CRITERIA FOR APPROVAL OF UPDATE COURSE SPONSOR**

Approval to sponsor a Board-developed update course shall be granted to an applicant upon showing to the satisfaction of the Board that:

- (1) The applicant has submitted all information required by the rules in this Section;
- (2) The applicant has at least one proposed instructor who has been approved by the Board as an update course instructor under Rules .1313 through .1317 of this Section;
- (3) The applicant satisfies the requirements of Rules .1327 through .1337 of this Section relating to qualifications or eligibility of course sponsors; and
- (4) The applicant is honest. In this regard, the Board may consider the reputation and character of any owner, officer, continuing education coordinator, or director of any corporation, association, or organization applying for sponsor approval.

*History Note:* Authority G.S. 143-151.49(13); 143-151.64;  
Eff. July 18, 2002.

#### **11 NCAC 08 .1312 STUDENT FEE FOR UPDATE COURSES**

A sponsor of an update course may establish the amount of the fee to be charged to students taking the course. The established fee shall be an all-inclusive fee, and no separate or additional fee may be charged to students for providing course materials required by the Board, providing course completion certificates, reporting course completion to the Board, or for recouping similar routine administrative expenses. The total amount of any fees to be charged shall be included in any advertising or promotional materials for the course.

*History Note:* Authority G.S. 143-151.49(13); 143-151.64;  
Eff. July 18, 2002.

#### **11 NCAC 08 .1313 NATURE AND SCOPE OF APPROVAL OF UPDATE COURSE INSTRUCTORS**

Approval of update course instructors shall be accomplished on a calendar year basis separate from the approval of update course sponsors. Approval of an update course instructor authorizes the instructor to teach the update course for any approved update course sponsor; however, an approved update course instructor may not independently conduct an update course unless the instructor has also obtained approval as an update course sponsor. An instructor shall obtain written approval from the Board before teaching an update course and before representing to any sponsor or other party that he or she is approved or may be approved as an update course instructor.

*History Note:* Authority G.S. 143-151.49(13); 143-151.64;  
Eff. July 18, 2002.

#### **11 NCAC 08 .1314 APPLICATION AND CRITERIA FOR ORIGINAL APPROVAL OF UPDATE COURSE INSTRUCTORS**

(a) A person seeking original approval as an update course instructor shall make application on a form prescribed by the Board. An applicant who is not a resident of North Carolina shall also file with the application a consent to service of process and pleadings. No application fee is required. All required information regarding the applicant's qualifications shall be submitted.

(b) The applicant shall be honest in all dealings with the Board and in course instruction.

(c) The applicant shall be qualified under one of the following standards:

- (1) Possession of a baccalaureate or higher degree with a major in the field of engineering, construction, or architecture;
- (2) Possession of a current North Carolina home inspector license, three years active full-time experience in performing home inspections for compensation within the previous 10 years, and 30 classroom hours of home inspection education, excluding prelicensing education, within the past three years, such education covering topics that are acceptable under Board rules for continuing education credit.
- (3) Possession of a current North Carolina home inspector license and experience teaching at least 10 home inspector prelicensing courses within the previous five years; or
- (4) Possession of qualifications found by the Board to be equivalent to one or more of the above standards, provided that the requirement for a current North Carolina home inspector license shall be waived only for applicants who qualify under Subparagraph (c)(1) of this Rule.

(d) The applicant shall possess good teaching skills as demonstrated on a video portraying the instructor teaching a live audience. The applicant shall submit the video to the Board for review. The video shall be 45-60 minutes in length and shall depict a continuous block of instruction on home inspections or a directly related topic. The video shall be unedited, shall show at least a portion of the audience, and shall have visual and sound quality sufficient to enable reviewers to clearly see and hear the instructor. The video shall have been made within the previous three years. The video shall demonstrate that the instructor possesses the teaching skills described in Rule .1345 of this Section.

*History Note:* Authority G.S. 143-151.49(13); 143-151.64;  
Eff. July 18, 2002.

#### **11 NCAC 08 .1315 RENEWAL OF APPROVAL OF UPDATE COURSE INSTRUCTORS**

Board approval of update course instructors expires on December 31 following issuance of approval. In order to assure continuous approval, approved instructors shall file applications for renewal of approval on a form prescribed by the Board on or before December 1 immediately preceding expiration of their approval. In order to renew approval, applicants shall satisfy the criteria for original approval, with the exception of the requirement stated in Rule .1314(d) of this Section, unless requested by the Board under Rule .1317 of this Section.

*History Note:* Authority G.S. 143-151.49(13); 143-151.64;  
Eff. July 18, 2002.

#### **11 NCAC 08 .1316 DENIAL OR WITHDRAWAL OF APPROVAL OF UPDATE COURSE INSTRUCTORS**

(a) The Board may deny or withdraw approval of any update course instructor upon finding that:

- (1) The instructor has made any false statements or presented any false information in connection with an application for approval or renewal of approval;
- (2) The instructor has failed to meet the criteria for approval described in Rule .1314 of this Section or has refused or failed to comply with any other provisions of this Section;
- (3) The instructor has failed to demonstrate, during the teaching of update courses, those effective teaching skills described in Rule .1345 of this Section;
- (4) The instructor has provided false or incorrect information in connection with any reports a course sponsor is required to submit to the Board; or
- (5) The instructor has been disciplined by the Board or any other occupational licensing agency in North Carolina or another jurisdiction.

(b) If a licensee who is an approved update course instructor engages in any dishonest, fraudulent, or conduct lacking moral turpitude in connection with the licensee's activities as an instructor, the licensee shall be subject to disciplinary action pursuant to G.S. 143-151.56.

*History Note:* Authority G.S. 143-151.49(13); 143-151.64;  
Eff. July 18, 2002.

#### **11 NCAC 08 .1317 REQUEST FOR VIDEO OF UPDATE COURSE INSTRUCTORS**

When concerns about the quality of a course or instructor are made known to the Board, upon the written request of the Board, an approved update course instructor shall submit to the Board a video depicting the instructor teaching the update course. The video shall have been made within 12 months before the date of submittal, shall include a label that clearly identifies the instructor and the date of the video presentation, shall not be the same video that was submitted under Rule .1314(d) of this Section, and shall conform to specifications set forth in Rule .1314(d) of this Section.

*History Note:* Authority G.S. 143-151.49(13); 143-151.64;  
Eff. July 18, 2002.

#### **11 NCAC 08 .1318 ELECTIVE COURSE COMPONENT**

(a) To renew a license on active status, a licensee shall complete 12 classroom hours of instruction in three or more Board approved elective courses within one year preceding license expiration in addition to satisfying the continuing education mandatory update course requirement described in Rule .1309 of this Section.

(b) Approval of an elective course requires approval of the sponsor and instructor(s) as well as the course itself. Such approval authorizes the sponsor to conduct the approved course using the instructor(s) who have been found by the Board to

satisfy the instructor requirements set forth in Rule .1322 of this Section. The sponsor may conduct the course at any location as frequently as is desired during the approval period. However, the sponsor may not conduct any session of an approved course for home inspector continuing education purposes between September 10 and September 30, inclusive, of any approval period.

*History Note: Authority G.S. 143-151.49(13); 143-151.64;  
Eff. July 18, 2002;  
Amended Eff. October 1, 2011.*

#### **11 NCAC 08 .1319 APPLICATION FOR ORIGINAL APPROVAL OF AN ELECTIVE COURSE**

A person seeking original approval of a proposed elective course shall make application on a form provided by the Board. The course shall be submitted to the Board for approval no less than 45 days before the course presentation date. The Board shall not accept an application for original approval between July 1 and September 30. This restriction shall not apply when an applicant is seeking approval to conduct a course for which another sponsor has obtained approval. The applicant shall submit a nonrefundable fee of one hundred fifty dollars (\$150.00) per course paid to the Home Inspector Licensure Board. The application shall be accompanied by a copy of the course plan or instructor's guide for the course and a copy of materials that will be provided to students. An applicant that is not a resident of North Carolina shall also file with the application a consent to service of process and pleadings.

*History Note: Authority G.S. 143-151.49(13); 143-151.64;  
Eff. July 18, 2002;  
Amended Eff. February 1, 2011; January 1, 2008.*

#### **11 NCAC 08 .1320 CRITERIA FOR ELECTIVE COURSE APPROVAL**

The following requirements shall be satisfied in order to obtain approval of a proposed elective course:

- (1) The applicant shall submit all information required by the rules in this Section and pay the application fee.
- (2) The applicant shall satisfy the requirements of Rules .1327 through .1337 of this Section relating to the qualifications or eligibility of course sponsors.
- (3) The subject matter of the course shall satisfy the elective course subject matter requirements set forth in Rule .1321 of this Section and all information to be presented in the course shall be current and accurate.
- (4) The course shall involve a minimum of two classroom hours of instruction on acceptable subject matter. A classroom hour consists of 50 minutes of instruction and 10 minutes of break time.
- (5) The applicant is honest. In this regard, the Board may consider the reputation and character of any owner, member, officer, continuing education coordinator, and director of any corporation, association, or organization applying for sponsor approval.
- (6) The proposed instructor(s) for the course shall possess the qualifications described in Rule .1322 of this Section.
- (7) The instructional delivery methods to be used in the course shall comply with the requirements described in Rule .1326 of this Section.
- (8) The applicant shall submit an instructor guide that includes:
  - (a) a detailed course outline;
  - (b) the amount of time to be devoted to each major topic and to breaks;
  - (c) the learning objective(s) for each major topic; and
  - (d) the instructional methods and instructional aids that will be used in the course.

The proposed time allotments shall be appropriate for the proposed subject matter to be taught. Unless the applicant can demonstrate that straight lecture is the most effective instructional method for the course, the instructor guide shall provide for the use of a variety of instructional methods and instructional aids intended to enhance student attentiveness and learning. Examples of instructional methods and instructional aids that may be appropriate include class discussion, role-playing, in-class work assignments, overhead transparencies, and videos.
- (9) The course shall include handout materials for students unless the applicant can demonstrate that such materials are either inappropriate or unnecessary for the course. Such materials shall be current, accurate, grammatically correct, logically organized, and produced in a manner that reflects reasonable quality.

- (10) Either the instructor guide or the student materials shall describe, in narrative form, the details of the substantive information to be presented in the course. The substantive information to be presented must be provided in sufficient detail to demonstrate that the information is current, accurate, and complete.
- (11) If an applicant proposes to use copyrighted materials in the course, such materials must be used in a form approved by the copyright holder. If any copyrighted material is to be duplicated by the applicant for use in the course, the sponsor shall have the specific permission of the copyright holder.
- (12) Applicants requesting approval of a computer-based instructional program need not comply with the requirements in Subparagraphs (8), (9), and (10) of this Rule; however, such applicants shall submit a written course plan that includes a detailed course outline, the minimum amount of time required for a typical licensee to complete each lesson, and the entire course and the learning objectives for each major topic. Such applicants shall also submit a complete copy of the instructional program on the medium that is to be utilized and shall make available, to the Board and at the sponsor's expense, all hardware and software necessary for review by the Board. The information in the instructional program shall comply with the requirements of Rule .1326 of this Section.

*History Note:* Authority G.S. 143-151.49(13); 143-151.64;  
Eff. July 18, 2002.

#### **11 NCAC 08 .1321 ELECTIVE COURSE SUBJECT MATTER**

(a) Elective courses shall directly contribute to accomplishment of the primary purpose of mandatory continuing education, which is to help assure that licensees possess the knowledge, skills, and competence necessary to function in the home inspection profession in a manner that protects and serves the public interest. The knowledge or skills taught in an elective course shall enable licensees to better serve their clients and the subject matter shall be directly related to the home inspection profession. Examples of acceptable subject matter include rules adopted by the Board, including the Standards of Practice and Code of Ethics for home inspectors, which are found in 11 NCAC 08 .1100; G.S. 143, Article 9F; construction techniques; construction materials; residential environmental issues; residential mechanical systems and components; residential structural systems and components; and business administration or management.

(b) If there are unique North Carolina laws, rules, or customary practices that are relevant to a topic being addressed in an elective course, and if the course is to be conducted in North Carolina or primarily for the benefit of North Carolina licensees, then the course shall accurately and completely address such North Carolina laws, rules, or practices.

*History Note:* Authority G.S. 143-151.49(13); 143-151.64;  
Eff. July 18, 2002.

#### **11 NCAC 08 .1322 ELECTIVE COURSE INSTRUCTORS**

(a) The instructor of an elective course shall be honest and shall be qualified under one of the following standards:

- (1) Possession of a baccalaureate or higher degree in a field directly related to the subject matter of the course;
- (2) Three years' full-time experience within the previous 10 years that is directly related to the subject matter of the course;
- (3) Three years' full-time experience within the previous 10 years teaching the subject matter of the course; or
- (4) Education or experience or both found by the Board to be equivalent to one or more of the above standards.

(b) If the subject matter of the course deals directly with conducting a home inspection according to the Standards of Practice and Code of Ethics in 11 NCAC 08, Section 1100, then the instructor shall also possess a current home inspector license issued by the Board.

*History Note:* Authority G.S. 143-151.49(13); 143-151.64;  
Eff. July 18, 2002.

#### **11 NCAC 08 .1323 ELECTIVE COURSE CREDIT HOURS**

The elective course approval issued to a course sponsor shall include the number of credit hours of continuing education credit that may be awarded for the course. The maximum number of credit hours that may be awarded for an elective course is four credit hours.

*History Note:* Authority G.S. 143-151.49(13); 143-151.64;  
Eff. July 18, 2002.

### **11 NCAC 08 .1324      REQUEST FOR VIDEO OF AN ELECTIVE COURSE**

When concerns about the quality of a course or instructor are made known to the Board, upon the written request of the Board, the sponsor of an approved elective course shall submit to the Board a video depicting the course being taught by a particular instructor designated by the Board. The video shall have been made within 12 months before the date of submittal, shall include a label that clearly identifies the instructor and the date of the video presentation, shall not be the same video that was submitted under Rule .1314(d) of this Section, and shall conform to technical specifications set forth in Rule .1314(d) of this Section.

*History Note:*      *Authority G.S. 143-151.49(13); 143-151.64;*  
*Eff. July 18, 2002.*

### **11 NCAC 08 .1325      STUDENT FEES FOR ELECTIVE COURSES**

A sponsor of an elective course may establish the amount of the fee to be charged to students taking the course. The established fee shall be an all-inclusive fee, and no separate or additional fee may be charged to students for providing course materials required by the Board, providing course completion certificates, reporting course completion to the Board, or for recouping similar routine administrative expenses. The total amount of any fees to be charged shall be included in any advertising or promotional materials for the course.

*History Note:*      *Authority G.S. 143-151.49(13); 143-151.64;*  
*Eff. July 18, 2002.*

### **11 NCAC 08 .1326      ELECTIVE COURSE INSTRUCTIONAL DELIVERY METHODS**

(a) The principal instructional delivery method utilized in elective courses shall be one or more of the following:

- (1) Personal teaching by an instructor in a traditional classroom setting;
- (2) Instruction through an interactive audio and video system that requires continuous audio communication between the instructor and all students and that provides for monitoring and technical support at each site where the instructor or students are located;
- (3) Instruction through an interactive computer-based instructional program, which program provides for control of student progress through the educational materials by testing to assure student mastery of the subject matter at the end of each lesson, monitoring of time devoted to each lesson by the computer with automatic program shutdown after a period of non-activity by the student, which period shall be determined by the sponsor, and a monitoring system that assures that the student receiving continuing education credit for completing the program actually performed all the work required to complete the program; and
- (4) Personal teaching by an instructor in a field setting, such as a house or other structure, a new home construction site, a home renovation site, or other locations outside of a classroom that are appropriate for the subject matter of the course.

(b) The use of passive or non-interactive instructional delivery systems such as video, remote non-interactive television, or similar systems may be employed only in a limited manner to enhance or supplement one of the acceptable instructional delivery methods previously described in this Rule. No portion of a course may consist of correspondence instruction.

(c) A field setting shall have technical support at each site where the instructor and students are located, and have safeguards in place to prevent injury to the students, such as hardhats. A field setting shall not be at the residence of the instructor, course sponsor, or any other person affiliated with the course.

*History Note:*      *Authority G.S. 143-151.49(13); 143-151.64;*  
*Eff. July 18, 2002;*  
*Amended Eff. January 1, 2011.*

### **11 NCAC 08 .1327      GENERAL SPONSOR ELIGIBILITY REQUIREMENTS**

Any person is eligible to seek approval as a sponsor of continuing education courses, provided that the person seeking approval of a continuing education elective course is either the owner of the proprietary rights to the course or has lawfully acquired from the course owner the right to seek course approval from the Board and to conduct the course.

*History Note:*      *Authority G.S. 143-151.49(13); 143-151.64;*  
*Eff. July 18, 2002.*

### **11 NCAC 08 .1328 SPONSOR NAME**

(a) The official name to be used by any course sponsor in connection with the offering of an approved continuing education course shall clearly distinguish the sponsor from any other previously approved continuing education course sponsor. Unless the sponsor is a licensed private home inspector training school proposing to operate continuing education courses in its own name, the official name also shall clearly distinguish the sponsor from any licensed private home inspector training school. The Board shall not approve a sponsor name that does not comply with this paragraph.

(b) Any advertisement or promotional material used by an approved course sponsor shall include the course sponsor's official name only.

*History Note:* Authority G.S. 143-151.49(13); 143-151.64;  
Eff. July 18, 2002.

### **11 NCAC 08 .1329 SPONSOR ADVANCE APPROVAL REQUIRED**

A prospective sponsor of an update course or elective course shall obtain written approval from the Board to conduct the course before offering or conducting the course and before advertising or otherwise representing that the course is approved for continuing education credit in North Carolina. No retroactive approval to conduct an update course shall be granted for any reason. Retroactive approval of an elective course shall be granted by the Board if the course sponsor can provide evidence to the Board that the course was not offered for purposes of satisfying the home inspector continuing education requirement and that the sponsor could not reasonably have been expected to anticipate that students would want to receive continuing education credit for the course.

*History Note:* Authority G.S. 143-151.49(13); 143-151.64;  
Eff. July 18, 2002.

### **11 NCAC 08 .1330 CONTINUING EDUCATION COORDINATOR**

A sponsor of an update course or elective course shall designate one person to serve as the continuing education coordinator for all Board-approved continuing education courses offered by the sponsor. The designated coordinator shall serve as the official contact person for the sponsor and shall be responsible for the following:

- (1) Supervising the conduct of attendees at the sponsor's Board-approved continuing education courses;
- (2) Signing the course completion certificates provided by the sponsor to licensees completing courses; and
- (3) Submitting to the Board all required fees, rosters, reports, and other information.

*History Note:* Authority G.S. 143-151.49(13); 143-151.64;  
Eff. July 18, 2002.

### **11 NCAC 08 .1331 COURSE COMPLETION REPORTING**

(a) Course sponsors shall prepare and submit to the Board reports verifying completion of a continuing education course for each licensee who satisfactorily completes the course according to the criteria in Rule .1305 of this Section and who desires continuing education credit for the course. The reports shall be completed on forms prescribed by the Board. Sponsors shall submit these reports to the Board in a manner that will assure receipt by the Board within 15 calendar days following the course, but in no case later than September 10 for courses conducted before that date.

(b) Course sponsors shall provide licensees enrolled in each continuing education course an opportunity to complete an evaluation of each approved continuing education course on a form prescribed by the Board. Sponsors shall submit the completed evaluation forms to the Board along with the reports that verify completion of a continuing education course .

(c) Course sponsors shall provide each licensee who satisfactorily completes an approved continuing education course according to the criteria in Rule .1305 of this Section a course completion certificate on a form prescribed by the Board. Sponsors shall provide the certificates to licensees within 15 calendar days following the course, but in no case later than September 10 for any course completed before that date. The certificate may be retained by the licensee as proof of having completed the course.

(d) When a licensee does not comply with the participation standards in Rule .1347 of this Section, the course sponsor shall advise the Board of this matter in writing at the time the sponsor submits the reports verifying completion of continuing education for the course. The sponsor who determines that a licensee failed to comply with either the Board's attendance or student participation standards in Rules .1305 and .1347 of this Section shall not provide the licensee with a course

completion certificate nor shall the sponsor include the licensee's name on the reports verifying completion of continuing education.

*History Note:* Authority G.S. 143-151.49(13); 143-151.64;  
Eff. July 18, 2002.

#### **11 NCAC 08 .1332 PER STUDENT FEE**

Following completion of any approved continuing education update or elective course, the course sponsor shall submit to the Board, along with the roster and the items required to be submitted by Rule .1331 of this Section, a fee in the amount of five dollars (\$5.00) per credit hour for each licensee who completes the course according to the criteria in Rule .1305 of this Section. Fees shall be paid to the Home Inspector Licensure Board. The sponsor shall make a separate fee payment for each separate class session.

*History Note:* Authority G.S. 143-151.49(13); 143-151.64;  
Eff. December 4, 2002;  
Amended Eff. February 1, 2011; October 1, 2010.

#### **11 NCAC 08 .1333 CHANGE IN SPONSOR OWNERSHIP**

The approval granted to a course sponsor may be transferred to a new or different person only with the prior approval of the Board. The Board shall approve the transfer if the transferee satisfies the requirements of the rules in this Section. If the ownership of an approved course sponsor is to be sold or otherwise changed, the sponsor shall obtain Board approval of the ownership change. The Board shall approve the ownership change if the proposed new owner satisfies the requirements of the rules in this Section.

*History Note:* Authority G.S. 143-151.49(13); 143-151.64;  
Eff. July 18, 2002.

#### **11 NCAC 08 .1334 SPONSOR CHANGES DURING APPROVAL PERIOD**

- (a) Course sponsors shall give prior written notice to the Board in writing of any change in business name, continuing education coordinator, address, or business telephone number.
- (b) Course sponsors shall obtain prior approval from the Board for any proposed changes in the content or number of hours for elective courses. The Board shall approve the changes if the changes satisfy the requirements of the rules in this Section. Changes in course content that are solely for the purpose of assuring that information provided in a course is current and accurate do not require approval during the approval period, but shall be reported at the time the sponsor requests renewal of course approval. Requests for approval of changes shall be in writing.

*History Note:* Authority G.S. 143-151.49(13); 143-151.64;  
Eff. July 18, 2002.

#### **11 NCAC 08 .1335 COURSE RECORDS**

All course sponsors shall retain records of student registration, attendance, and course completion for each session of a continuing education course for two years. All course sponsors shall make these records available to the Board upon request.

*History Note:* Authority G.S. 143-151.49(13); 143-151.64;  
Eff. July 18, 2002.

#### **11 NCAC 08 .1336 RENEWAL OF COURSE AND SPONSOR APPROVAL**

(a) Board approval of all continuing education elective courses and of update course sponsors expires on the next September 30 following the date of issuance. In order to assure continuous approval, renewal applications shall be accompanied by the renewal fee and filed on a form provided by the Board on or before July 31 of each year. Any incomplete renewal application received on or before July 31 that is not completed within 10 days after notice of the deficiency, as well as any renewal application received after July 31, shall not be accepted; and the sponsor shall file an application for original approval on or after October 1 in order to be reapproved. Applicants for renewal of approval shall satisfy the criteria for original approval. When the Board issues original course or sponsor approval with an effective date between July 1 and September 10, the deadline for submittal of renewal applications shall be September 10 of the year in which the original approval is issued.

(b) The fee for renewal of Board approval shall be seventy-five dollars (\$75.00) for each elective course. Fees shall be paid to the Home Inspector Licensure Board and are nonrefundable.

*History Note:* Authority G.S. 143-151.49(13); 143-151.64;  
Eff. July 18, 2002;  
Amended Eff. February 1, 2011.

#### **11 NCAC 08 .1337 DENIAL OR WITHDRAWAL OF APPROVAL OF COURSE OR COURSE SPONSOR**

(a) The Board shall deny or withdraw approval of any course or course sponsor upon finding that:

- (1) the course sponsor has made any false statements or presented any false information in connection with an application for course or sponsor approval or renewal of the approval;
- (2) the course sponsor or any official or instructor employed by or under contract with the course sponsor has refused or failed to comply with any of the provisions of this Section;
- (3) the course sponsor or any official or instructor employed by or under contract with the course sponsor has provided false or incorrect information in connection with any reports the course sponsor is required to submit to the Board;
- (4) the course sponsor has engaged in a pattern of consistently canceling scheduled courses;
- (5) the course sponsor has knowingly paid fees to the Board with a check that was dishonored by a bank;
- (6) an instructor employed by or under contract with the course sponsor fails to conduct approved courses in a manner that demonstrates possession of the teaching skills described in Rule .1345 of this Section;
- (7) any court of competent jurisdiction has found the course sponsor or any official or instructor employed by or under contract with the course sponsor to have violated, in connection with the offering of continuing education courses, any applicable federal or state law or regulation prohibiting discrimination on the basis of disability, requiring places of public accommodation to be in compliance with prescribed accessibility standards, or requiring that courses related to licensing or certification for professional or trade purposes be offered in a place and manner accessible to persons with disabilities;

(b) If a licensee who is an approved course sponsor or an instructor employed by or under contract with an approved course sponsor engages in any dishonest, fraudulent, or conduct inconsistent with the Rules in this Section in connection with the licensee's activities as a course sponsor or instructor, the licensee shall be subject to disciplinary action pursuant to G.S. 143-151.56.

*History Note:* Authority G.S. 143-151.49(13); 143-151.64;  
Eff. July 18, 2002.

#### **11 NCAC 08 .1338 SCHEDULING**

Courses shall be scheduled and conducted in a manner that limits class sessions to a maximum of eight classroom hours in any given day, including breaks for each class session. The maximum permissible class session without a break is 90 minutes. Courses scheduled for more than four hours in any given day shall include a meal break of at least one hour.

*History Note:* Authority G.S. 143-151.49(13); 143-151.64;  
Eff. July 18, 2002.

#### **11 NCAC 08 .1339 MINIMUM CLASS SIZE**

The minimum class size for any session of an approved continuing education course shall be five students, as determined by the sponsor's preregistration records. The minimum class size requirement shall not apply to class sessions when the sponsor notifies the Board in writing of the scheduled class session as provided in Rule .1340 of this Section and advertises in advance the scheduled class session in the community where the class session is to be held. A sponsor who conducts a class session for fewer than five students shall submit a copy of the advertisement for the class session with the reports verifying completion of the course plus a statement or other documentation indicating the date of the advertisement and the advertising method.

*History Note:* Authority G.S. 143-151.49(13); 143-151.64;  
Eff. July 18, 2002.

#### **11 NCAC 08 .1340 NOTICE OF SCHEDULED COURSES**

- (a) A sponsor shall provide the Board with written notice of each scheduled course offering no later than 10 days before a scheduled course date. The notice shall include the name and assigned number for the sponsor, the name and assigned number for the course, the scheduled date and time, specific location, and name of the instructor.
- (b) A sponsor shall notify the Board of any schedule changes or course cancellations at least five days before to the original scheduled course date. If a change or cancellation is necessary because of some unforeseen circumstance, the sponsor shall notify the Board as soon as the sponsor effects the change or cancellation.
- (c) A sponsor shall notify the Board as soon as it becomes apparent to the sponsor that enrollment in a planned class session will exceed 100 students.

*History Note:* Authority G.S. 143-151.49(13); 143-151.64;  
Eff. July 18, 2002.

#### **11 NCAC 08 .1341 ADVERTISING; PROVIDING COURSE INFORMATION**

- (a) Course sponsors shall not use advertising of any type that is false or misleading. If the number of continuing education credit hours awarded by the Board for an approved elective course is fewer than the number of scheduled hours for the course, any course advertisement or promotional materials that indicate the course is approved for home inspection continuing education credit in North Carolina shall specify the number of continuing education credit hours awarded by the Board for the course.
- (b) Any flyers, brochures, or similar materials used to promote a continuing education course shall clearly describe the fee to be charged and the sponsor's cancellation and fee refund policies.
- (c) A course sponsor of any elective course shall, upon request, provide any prospective student a description of the course content.

*History Note:* Authority G.S. 143-151.49(13); 143-151.64;  
Eff. July 18, 2002.

#### **11 NCAC 08 .1342 CLASSES OPEN TO ALL LICENSEES**

All class sessions of approved continuing education courses shall be open to all licensees on a first-come, first-served basis. The sponsor of a course that has a bona fide education or experience prerequisite may refuse admission to a licensee who does not satisfy the prerequisite. A sponsor may contract with an organization such as a home inspection firm, franchise, or trade organization to conduct approved continuing education courses for licensees affiliated with the firm, franchise, or organization. The sponsor shall allow licensees not affiliated with the firm, franchise, or organization to enroll in any class session on a first-come, first-served basis.

*History Note:* Authority G.S. 143-151.49(13); 143-151.64;  
Eff. July 18, 2002.

#### **11 NCAC 08 .1343 CLASSROOM FACILITIES**

A classroom in which a course is provided shall:

- (1) accommodate all enrolled students;
- (2) be equipped with student desks, worktables with chairs, or other seating having a surface on which students can write;
- (3) have light, heat, cooling, ventilation, and, as needed, a public address system; and
- (4) be free of distractions that would disrupt class sessions.

Subparagraphs (2) and (3) of this Rule are not required if the course is conducted in a field setting.

*History Note:* Authority G.S. 143-151.49(13); 143-151.64;  
Eff. July 18, 2002.

#### **11 NCAC 08 .1344 STUDENT CHECK-IN**

Upon initially checking in for a class session, sponsors and instructors shall require licensees to provide their license numbers and shall provide each student with a copy of the continuing education student information sheet provided to sponsors by the Board.

*History Note:* Authority G.S. 143-151.49(13); 143-151.64;

*Eff. July 18, 2002.*

#### **11 NCAC 08 .1345 INSTRUCTOR REQUIREMENTS**

(a) Instructors shall assure that class sessions are started on time and are conducted for the full amount of time that is scheduled. Instructors shall also assure that each update course is taught according to the instructor guide provided by the Board and that each elective course is taught according to the course plan and instructor guide that was approved by the Board, including the furnishing of appropriate student materials.

(b) Instructors shall possess the ability to:

- (1) Communicate through speech, with the ability to speak clearly, and with voice inflection, using proper grammar, and vocabulary;
- (2) Present instruction in a thorough, accurate, logical, orderly and understandable manner;
- (3) Use varied instructional techniques in addition to straight lecture, such as class discussion, role-playing, or other techniques;
- (4) Use instructional aids, such as the overhead projector, to enhance learning; and
- (5) Interact with adult students in a positive manner that encourages students to learn, that demonstrates an understanding of varied student backgrounds, that avoids offending the sensibilities of students, and that avoids personal criticism of any other person, agency or organization.

*History Note: Authority G.S. 143-151.49(13); 143-151.64;  
Eff. July 18, 2002.*

#### **11 NCAC 08 .1346 MONITORING ATTENDANCE**

(a) Sponsors and instructors shall monitor attendance for the duration of each class session to assure that all students reported as satisfactorily completing a course according to the criteria in Rule .1305 of this Section have attended at least 90 percent of the scheduled credit hours. Students shall not be admitted to a class session after 10 percent of the scheduled credit hours have been conducted. A student shall not be allowed to sign a course attendance roster report, shall not be issued a course completion certificate, and shall not be reported to the Board as having completed a course unless the student fully satisfies the attendance requirement. Sponsors and instructors shall not make any exceptions to the attendance requirement for any reason.

(b) Sponsors shall assure that personnel in addition to the instructor are present during all class sessions to assist the instructor in monitoring attendance and performing the necessary administrative tasks associated with conducting a course. Sponsors shall provide one monitor for every 50 students attending a course. If a class size is 20 students or less, requirements for additional personnel are waived.

*History Note: Authority G.S. 143-151.49(13); 143-151.64;  
Eff. July 18, 2002.*

#### **11 NCAC 08 .1347 STUDENT PARTICIPATION STANDARDS**

(a) In addition to requiring student compliance with the attendance requirement, sponsors and instructors shall require that students comply with the following student participation standards:

- (1) A student shall direct his or her attention to the instruction being provided and refrain from engaging in activities unrelated to the instruction.
- (2) A student shall refrain from engaging in any activities that are distracting to other students or the instructor, or that otherwise disrupt the orderly conduct of a class.
- (3) A student shall comply with all instructions provided by the sponsor or instructor related to providing information needed to properly report completion of a course by the student.

(b) Instructors and sponsors may dismiss from a class session any student who fails to comply with the student participation standards prescribed in Paragraph (a) of this Rule.

(c) Sponsors shall not issue a course completion certificate to any student who fails to comply with the student participation standards set forth in Paragraph (a) of this Rule, nor shall a sponsor include the name of that student on a report verifying completion of a continuing education course. A sponsor shall submit to the Board with the report for the class session a written statement that includes the name and license number of the student for whom the sponsor does not report course credit, details concerning the student's failure to comply with the student participation standards, and names of other persons in attendance at the class who witnessed the student's conduct.

*History Note:* Authority G.S. 143-151.49(13); 143-151.64;  
Eff. July 18, 2002.

#### **11 NCAC 08 .1348 SOLICITATION OF STUDENTS**

Sponsors and instructors may make available for purchase by students materials that belong to the sponsor, instructor, or some other party; however, class time may not be used to promote or sell any materials or to solicit affiliation or membership in any business or organization.

*History Note:* Authority G.S. 143-151.49(13); 143-151.64;  
Eff. July 18, 2002.

#### **11 NCAC 08 .1349 CANCELLATION AND REFUND POLICIES**

Course sponsors shall administer course cancellation and fee refund policies in a non-discriminatory manner. If a scheduled course is canceled, a sponsor shall notify preregistered students of the cancellation. All prepaid fees received from preregistered students shall be refunded within 30 days after date of cancellation or, with the student's permission, applied toward the fees for another course.

*History Note:* Authority G.S. 143-151.49(13); 143-151.64;  
Eff. July 18, 2002.

#### **11 NCAC 08 .1350 COURSE MONITORS**

A course sponsor shall admit an authorized representative of the Board to monitor any continuing education class without prior notice. A Board representative 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. 143-151.49(13); 143-151.64;  
Eff. July 18, 2002.

#### **11 NCAC 08 .1351 ACCOMMODATIONS FOR PERSONS WITH DISABILITIES**

Course sponsors may deviate from Board rules concerning the conduct of continuing education courses, such as rules addressing classroom facilities, minimum class size, and instructional methods, as may be necessary in order for the sponsor to comply with the Americans with Disabilities Act or other laws requiring sponsors to accommodate persons with disabilities. A sponsor providing a special accommodation for a licensee with a disability that requires the sponsor to deviate from Board rules shall notify the Board in writing of the accommodation at the time reports are submitted for the class session attended by the licensee.

*History Note:* Authority G.S. 143-151.49(13); 143-151.64;  
Amended Eff. July 18, 2002.

### **SECTION .1400 - MANUFACTURED HOUSING BOARD CONTINUING EDUCATION**

#### **11 NCAC 08 .1401 DEFINITIONS**

As used in this Section:

- (1) "Board" means the North Carolina Manufactured Housing Board, as defined in G.S. 143-143.9(1).
- (2) "CE Administrator" means a person designated by the Board to receive all applications for course approval, course reports, course application and renewal fees, on behalf of the Board for the CE program.
- (3) "Continuing education" or "CE" means any educational activity approved by the Board to be a continuing education activity.
- (4) "Course" means a continuing education course directly related to manufactured housing principles and practices or a course designed and approved for licensees.
- (5) "Credit hour" means at least 50 minutes of continuing education instruction.
- (6) "Distance education course" or "distance learning course" means a continuing education course approved by the Board in which instruction is accomplished through the use of media whereby teacher and student are separated by distance and sometimes by time.

- (7) "Licensee" means a manufactured housing salesperson or set-up contractor who holds a license issued by the Board in accordance with G.S. 143-143.11, but does not include a licensed manufacturer or dealer.
- (8) "Qualifier" means the person or persons having passed the written Set-Up Contractor's Examination as administered by the Board and authorized in G.S. 143-143.11(h), and as defined in 11 NCAC 08 .0912(e), or a person who meets the requirements of 11 NCAC 08 .0912(e) and is designated by a licensee to obtain CE credits.
- (9) "Sponsor" means an organization or individual who has submitted information to the Board as specified in this Section and has been approved by the Board to provide instruction for the purpose of CE.
- (10) "Staff" means designated employees of the Manufactured Building Division of the Department of Insurance who are authorized to act on behalf of the Board with regard to continuing education matters.

*History Note:* Authority G.S. 143-143.10; 143-143.11B;  
Eff. August 1, 2002;  
Amended Eff. May 1, 2004.

#### **11 NCAC 08 .1402 CE COURSES -- GENERAL**

- (a) Credit shall be given only for courses that have been approved by the Board. No other continuing education hours for other State occupational licenses shall be used by a licensee to satisfy the continuing education requirements in this Section.
- (b) The Board may award CE credit for a course or related educational activity that has not been approved in accordance with 11 NCAC 08 .1405(c). Licensees who wish to have the Board consider an unapproved course or educational activity for possible CE credit shall provide documentation to the Board consisting of not less than the information required in 11 NCAC 08 .1405(a), together with a fee of fifty dollars (\$50.00) for each course or educational activity to be reviewed. Fees shall be paid by check, money order, VISA, or MasterCard, made payable to the North Carolina Manufactured Housing Board, and are nonrefundable.
- (c) The minimum credit hours that a licensee must obtain during the license year before renewal are as follows:
  - Salespersons -- six credit hours;
  - Set-up Contractors -- four credit hours.

*History Note:* Authority G.S. 143-143.10; 143-143.11B;  
Eff. August 1, 2002.

#### **11 NCAC 08 .1403 SPONSOR ADVANCE APPROVAL REQUIRED**

A prospective sponsor of a CE course shall obtain written approval from the Board according to these Rules to conduct the course before offering or conducting the course and before advertising or otherwise representing that the course is or may be approved for continuing education credit in North Carolina. No retroactive approval to conduct a CE course shall be granted by the Board for any reason.

*History Note:* Authority G.S. 143-143.10; 143-143.11B;  
Eff. August 1, 2002.

#### **11 NCAC 08 .1404 SPONSOR NAME**

- (a) The official name to be used by any course sponsor in connection with the offering of an approved CE course shall clearly distinguish the sponsor from any other previously approved CE course sponsor.
- (b) Any advertisement or promotional material used by an approved course sponsor shall include the course sponsor's official name only.
- (c) Violations of this Section may result in revocation of course approval.

*History Note:* Authority G.S. 143-143.10; 143-143.11B;  
Eff. August 1, 2002.

#### **11 NCAC 08 .1405 ACCREDITATION STANDARDS**

- (a) Prospective sponsors of CE courses shall apply for approval from the Board by submitting the following information to the Board for consideration:
  - (1) The nature and purpose of the course;
  - (2) The course objectives or goals;

- (3) The outline of the course, including the number of training hours for each segment;
  - (4) Copies of all handouts and materials to be furnished to students;
  - (5) The identity, qualifications, and experience of each instructor; and
  - (6) Inclement weather policies for courses conducted outdoors.
- (b) A nonrefundable fee of one hundred fifty dollars (\$150.00), in the form of check, money order, VISA, or MasterCard, payable to the North Carolina Manufactured Housing Board, must be received by the Board for each course submitted for approval. The Board will not review a prospective course application before receiving the fee.
- (c) To determine if a course will receive approval, the Board shall complete the following review:
- (1) The course shall be referred to the staff for review;
  - (2) The staff shall review the course to determine if the course is pertinent to the industry, if the course meets its stated objectives, and if the instructor(s) meets the requirements of 11 NCAC 08 .1418; and
  - (3) The staff shall issue written documentation of approval to the course sponsor, with copies to the Board, for all courses deemed to be acceptable. A written report shall be issued to the course sponsor for all courses found not to be acceptable, documenting specific reasons for the disapproval. A course sponsor may appeal the staff's disapproval of a course to the Board and be heard at the next scheduled meeting of the Board.
- (d) Once a course has been approved, neither the content of the course nor any handouts or any teaching aids may be changed without prior written approval from the staff.

*History Note:* Authority G.S. 143-143.10; 143-143.11B; 143-143.25;  
Eff. August 1, 2002.

#### **11 NCAC 08 .1406 CE COURSE SUBJECT MATTER**

- (a) CE courses shall help assure that licensees possess the knowledge, skills, and competence necessary to function as manufactured home salespersons or set-up contractors in a manner that protects and serves the public interest. The knowledge or skills taught in a CE course shall enable licensees to better serve manufactured home consumers and the subject matter shall be directly related to manufactured home sales and set-up operations.
- (b) If there are unique North Carolina laws, codes, rules, customary practices, or approved methods that are relevant to a topic being addressed in a CE course, and if the course is to be conducted in North Carolina or primarily for the benefit of North Carolina licensees, then the course shall accurately and completely address such North Carolina laws, codes, rules, customary practices, or approved methods.
- (c) Instructors shall not communicate any misinformation about or contradiction of any statute, court decision, administrative rule, or order that has been issued by the Board.

*History Note:* Authority G.S. 143-143.10; 143-143.11B;  
Eff. August 1, 2002.

#### **11 NCAC 08 .1407 SCHEDULING**

Courses shall be scheduled and conducted in a manner that limits class sessions to a maximum of eight classroom hours in any given day, including breaks for each class session. The maximum permissible class session without a break is 90 minutes. Courses scheduled for more than four hours in any given day shall include a meal break of at least one hour. The provisions of this rule do not apply to distance learning courses.

*History Note:* Authority G.S. 143-143.10; 143-143.11B;  
Eff. August 1, 2002;  
Amended Eff. May 1, 2004.

#### **11 NCAC 08 .1408 NOTICE OF SCHEDULED COURSES**

- (a) A sponsor shall provide the Board with written notice of each scheduled course offering not later than 10 days before a scheduled course date. The notice shall include the name and assigned number for the sponsor, the name and assigned number for the course, the scheduled date and time, specific location, and name of the instructor(s).
- (b) A sponsor shall notify the Board of any schedule changes or course cancellations at least five calendar days before the original scheduled course date. If a change or cancellation is necessary because of some unforeseen circumstance, the sponsor shall notify the Board as soon as the sponsor effects the change or cancellation.

- (c) A sponsor shall notify the Board as soon as it becomes apparent to the sponsor that enrollment in a planned class session will exceed 100 students.
- (d) Distance learning courses shall be advertised in accordance with 11 NCAC 08 .1409 and shall be posted on the North Carolina Department of Insurance website.

*History Note:* Authority G.S. 143-143.10; 143-143.11B;  
Eff. August 1, 2002;  
Amended Eff. May 1, 2004.

#### **11 NCAC 08 .1409 ADVERTISING AND PROVIDING COURSE INFORMATION**

- (a) Course sponsors shall not use advertising of any type that is false or misleading. If the number of CE credit hours awarded by the Board for an approved CE course is less than the number of scheduled hours for the course, any course advertisement or promotional materials that indicate the course is approved for CE credit shall specify the number of CE credit hours awarded by the Board for the course.
- (b) Any flyers, brochures, or other medium used to promote a CE course shall clearly describe the fee to be charged and the sponsor's cancellation and fee refund policies. Such policies shall be in accordance with 11 NCAC 08 .1411.
- (c) A sponsor of a CE course shall, upon request, provide any prospective student with a description of the course content.

*History Note:* Authority G.S. 143-143.10; 143-143.11B;  
Eff. August 1, 2002.

#### **11 NCAC 08 .1410 SOLICITATION OF STUDENTS**

Sponsors and instructors may make available for purchase by students unapproved materials, pamphlets, and brochures that belong to the sponsor, instructor, or some other person. However, class time shall not be used to promote or sell any materials or to solicit affiliation or membership in any business or organization. Unapproved materials shall not be used as teaching aids during the class.

*History Note:* Authority G.S. 143-143.10; 143-143.11B;  
Eff. August 1, 2002.

#### **11 NCAC 08 .1411 CANCELLATION AND REFUND POLICIES**

Course sponsors shall administer course cancellation and fee refund policies in a non-discriminatory manner. Such policies shall be clearly defined in course advertising and information as outlined in 11 NCAC 08 .1409. If a scheduled course is canceled, a sponsor shall notify preregistered students of the cancellation. All prepaid fees received from preregistered students shall be refunded within 30 days after the date of cancellation or, with the student's permission, applied toward the fees for another course.

*History Note:* Authority G.S. 143-143.10; 143-143.11B;  
Eff. August 1, 2002.

#### **11 NCAC 08 .1412 DENIAL OR WITHDRAWAL OF APPROVAL OF COURSE OR COURSE SPONSOR**

The Board shall deny or withdraw approval of any course or course sponsor upon finding that:

- (1) The course sponsor has made any false statements or presented any false information in connection with an application for course or sponsor approval or renewal of the approval.
- (2) The course sponsor or any official or instructor employed by or under contract with the course sponsor has refused or failed to comply with any of the provisions of this Section.
- (3) The course sponsor or any official or instructor employed by or under contract with the course sponsor has provided false or incorrect information in connection with any reports the course sponsor is required to submit to the Board.
- (4) The course sponsor has engaged in a pattern of consistently canceling scheduled courses.
- (5) The course sponsor has knowingly paid fees to the Board with a check that was dishonored by a bank.
- (6) An instructor employed by or under contract with the course sponsor fails to conduct approved courses in a manner that demonstrates compliance with the instructor requirements described in 11 NCAC 08 .1418.
- (7) Any court of competent jurisdiction has found the course sponsor to have violated, in connection with the offering of CE courses, any applicable federal or state law or regulation prohibiting discrimination on the

basis of disability, requiring places of public accommodation to be in compliance with prescribed accessibility standards, or requiring that courses related to licensing or certification for professional or trade purposes be offered in a place and manner accessible to persons with disabilities.

- (8) The course sponsor has failed to comply with cancellation and refund policies as outlined in 11 NCAC 08 .1411.

*History Note:* Authority G.S. 143-143.10; 143-143.11B;  
Eff. August 1, 2002.

#### **11 NCAC 08 .1413 RENEWAL OF COURSE AND SPONSOR APPROVAL**

(a) Board approval of all CE courses and course sponsors shall expire one year following the date of approval. In order to assure continuous approval, renewal applications shall be accompanied by the prescribed renewal fee and filed with the Board not later than 30 days prior to the date of expiration. Any incomplete renewal application received 30 days or more prior to the date of expiration that is not completed within 10 days after notice of the deficiency, as well as any renewal application received less than 30 days prior to the date of expiration, shall not be accepted. For renewal applications received less than 30 days prior to the date of expiration, the sponsor shall file an application for original approval in accordance with 11 NCAC 08 .1405 on or after July 1 in order to be reapproved. Fees as prescribed in 11 NCAC 08 .1405 shall apply for all such reapprovals.

(b) The fee for renewal of Board approval shall be seventy-five dollars (\$75.00) for each CE course for sponsors meeting the deadlines specified in Paragraph (a) of this Rule. Fees shall be paid by check, money order, or Visa / MasterCard made payable to the North Carolina Manufactured Housing Board and are nonrefundable.

*History Note:* Authority G.S. 143-143.10; 143-143.11B;  
Eff. August 1, 2002.

#### **11 NCAC 08 .1414 SPONSOR CHANGES DURING APPROVAL PERIOD**

(a) Course sponsors shall give prior written notice to the Board in writing of any change in business name, Continuing Education Coordinator, address, or business telephone number.

(b) Course sponsors shall obtain prior approval from the Board for any proposed changes in the content or number of hours for CE courses. The Board shall approve the changes if they satisfy the accreditation requirements of 11 NCAC 08 .1405. Changes in course content that are solely for the purpose of assuring that information provided in a course is current, such as code amendments, changes in regulations, etc., need not be reported until the time the sponsor requests renewal of course approval as specified in 11 NCAC 08 .1413. Requests for approval of changes shall be in writing.

*History Note:* Authority G.S. 143-143.10; 143-143.11B;  
Eff. August 1, 2002.

#### **11 NCAC 08 .1415 CE REQUIREMENTS**

(a) In order to renew an active manufactured housing salesperson or set-up contractor license for license periods beginning on or after July 1, 2003, and in accordance with G.S. 143-143.11B(a), a licensee shall have completed the number of credit hours specified in this Paragraph, by June 30 of the previous license year. Salespersons shall complete six credit hours and set-up contractors shall complete four credit hours. If a licensee exceeds the number of credit hours specified in this Paragraph, the excess credit hours may be carried forward into the next license year, but the number of carry over credit hours may not exceed the number specified in this Paragraph. In addition to the specific requirements stated in this Rule, a Law and Administration course consisting of at least six hours of continuing education for salespersons and at least four hours of continuing education for set-up contractors shall be required to be taken for continuing education credit at least once in every five year period beginning July 1, 2004. In license periods in which a salesperson or set-up contractor takes an approved Law and Administration course, no additional courses shall be required during that license period. All Law and Administration courses taken for credit shall be submitted to and approved by the Board in accordance with 11 NCAC 08 .1405 and 11 NCAC 08 .1433.

(b) For set-up contractors originally licensed on or after July 15, 1999, the person obtaining the required credit hours must be a qualifier. If a set-up contractor licensed on or after July 15, 1999 has more than one qualifier, each qualifier must obtain the required number of CE credits for the license period. For set-up contractors originally licensed prior to July 15, 1999, the licensee shall designate an individual, known as the "qualifier," who is associated with the licensee and is actively engaged in the work of the licensee for a minimum of 20 hours per week or a majority of the hours operated by the licensee, whichever is

less. The qualifier shall be the person who obtains CE credits on behalf of the licensee. Each licensee shall notify the Board in writing within 10 days after the qualifier no longer meets the preceding requirements. If a qualifier has obtained excess credit hours which may be carried over into the subsequent license year, and no longer meets the requirements of this Section, the carry over credits shall not apply to the licensee. If the qualifier becomes employed by another licensee and meets the requirements of this Section, the qualifier's carry over credit hours may be applied to the licensee with whom the qualifier is newly employed for the current license year. A licensee whose qualifier no longer meets the requirements of this Section must designate another qualifier who shall obtain the required credit hours for the subsequent license year.

(c) A licensee who is initially licensed on or after January 1 in any license year is exempt from this Section for the license period expiring on the next June 30.

(d) A licensee who is qualified as an instructor in accordance with 11 NCAC 08 .1418 and who serves as an instructor for an approved CE course shall receive the maximum credits for the course taught by the instructor that are awarded to a student for the course. However, teaching credit is valid for teaching an approved CE course or seminar for the first time only.

*History Note:* Authority G.S. 143-143.10; 143-143.11B;  
Eff. August 1, 2002;  
Amended Eff. May 1, 2004.

### **11 NCAC 08 .1416 CONTINUING EDUCATION COORDINATOR**

Every sponsor of a CE course shall designate one person to serve as the Continuing Education Coordinator for all Board-approved continuing education courses offered by the sponsor. The designated Coordinator shall serve as the official contact person for the sponsor and shall be responsible for the following:

- (1) Monitoring the attendance and conduct of students in accordance with 11 NCAC 08 .1417 and 11 NCAC 08 .1419 at the sponsor's Board-approved CE courses;
- (2) Signing the course completion certificates provided by the sponsor to licensees completing courses; and
- (3) Submitting to the Board all required fees, rosters, reports, and other information.

*History Note:* Authority G.S. 143-143.10; 143-143.11B;  
Eff. August 1, 2002.

### **11 NCAC 08 .1417 MONITORING ATTENDANCE**

(a) Continuing Education Coordinators, or their designees, shall monitor attendance for the duration of each class session to assure that all students reported as satisfactorily completing a course have attended at least 90 percent of the scheduled classroom hours, regardless of the length of the course. Students shall not be admitted to a class session after 10 percent of the scheduled classroom hours have been conducted. A student shall not be allowed to sign a course attendance roster report, shall not be issued a course completion certificate, and shall not be reported to the Board as having completed a course unless the student fully satisfies the attendance requirement. Sponsors and instructors shall not make any exceptions to the attendance requirement for any reason.

(b) Sponsors shall assure that, if necessary, adequate personnel in addition to the instructor are present during all class sessions to assist the instructor in monitoring attendance and performing the administrative tasks associated with conducting a course. Sponsors shall assure that time required for administrative tasks does not interfere with designated minimum instruction time.

*History Note:* Authority G.S. 143-143.10; 143-143.11B;  
Eff. August 1, 2002.

### **11 NCAC 08 .1418 INSTRUCTOR REQUIREMENTS**

(a) Instructors shall assure that class sessions are started on time and are conducted for the full amount of time that is scheduled. Instructors shall also assure that each CE course is taught according to the course outline and plan that was approved by the Board, including the furnishing of approved student materials.

(b) Instructors shall possess the ability to:

- (1) Communicate through speech, with the ability to speak clearly, and with voice inflection, using proper grammar, and vocabulary;
- (2) Present instruction in a thorough, accurate, logical, orderly and understandable manner;
- (3) Use varied instructional techniques in addition to straight lecture, such as class discussion, role-playing, or other techniques; and

- (4) Use instructional aids, such as the overhead projector, to enhance learning.

*History Note:* Authority G.S. 143-143.10; 143-143.11B;  
Eff. August 1, 2002.

#### **11 NCAC 08 .1419 STUDENT PARTICIPATION STANDARDS**

(a) In addition to requiring student compliance with the attendance requirement, sponsors and instructors shall require that students comply with the following student participation standards:

- (1) A student shall direct his or her attention to the instruction being provided and refrain from engaging in activities unrelated to the instruction.
- (2) A student shall refrain from engaging in any activities that are distracting to other students or the instructor, or that otherwise disrupt the orderly conduct of a class.
- (3) A student shall comply with all instructions provided by the sponsor or instructor related to providing information needed to properly report completion of a course by the student.

(b) Instructors and sponsors may dismiss from a class session any student who fails to comply with the student participation standards prescribed in Paragraph (a) of this Rule.

(c) Sponsors shall not issue a course completion certificate to any student who fails to comply with the student participation standards set forth in Paragraph (a) of this Rule, nor shall a sponsor include the name of that student on a report verifying completion of a CE course. A sponsor shall submit to the Board with the report for the class session a written statement that includes the name and license number of each student for whom the sponsor does not report course credit, details concerning the student's failure to comply with the student participation standards, and names of other persons in attendance at the class who witnessed the student's conduct.

*History Note:* Authority G.S. 143-143.10; 143-143.11B;  
Eff. August 1, 2002.

#### **11 NCAC 08 .1420 STUDENT FEE FOR CE COURSES**

The sponsor of an approved CE course may establish the amount of the fee to be charged to students taking the course. The established fee shall be an all-inclusive fee, and no separate or additional fee may be charged to students for providing course materials as described in 11 NCAC 08 .1405(a)(4), providing course completion certificates, reporting course completion to the Board, or for recouping similar routine administrative expenses. The total amount of any fees to be charged shall be included in any advertising or promotional materials for the course.

*History Note:* Authority G.S. 143-143.10; 143-143.11B;  
Eff. August 1, 2002.

#### **11 NCAC 08 .1421 MINIMUM CLASS SIZE**

The minimum class size for any session of an approved CE course shall be five students, as determined by the sponsor's preregistration records. The minimum class size requirement shall not apply to class sessions when the sponsor notifies the Board in writing of the scheduled class session as provided in 11 NCAC 08 .1408 and advertises in advance the scheduled class session in the community where the class session is to be held. A sponsor who conducts a class session for fewer than five students shall submit a copy of the advertisement for the class session with the reports verifying completion of the course plus a statement or other documentation indicating the date of the advertisement and the advertising method.

*History Note:* Authority G.S. 143-143.10; 143-143.11B;  
Eff. August 1, 2002.

#### **11 NCAC 08 .1422 CLASSES OPEN TO ALL LICENSEES**

All class sessions of approved CE courses shall be open to all licensees on a first-come, first-served basis. The sponsor of a course that has a bona fide education or experience prerequisite may refuse admission to a licensee who does not satisfy the prerequisite. A sponsor may contract with an organization such as a manufactured home set-up company, dealership, or trade organization to conduct approved CE courses for licensees affiliated with the organization.

*History Note:* Authority G.S. 143-143.10; 143-143.11B;  
Eff. August 1, 2002.

### **11 NCAC 08 .1423 CLASSROOM FACILITIES**

A classroom in which a course is provided shall:

- (1) Accommodate all enrolled students;
- (2) Be equipped with student desks, worktables with chairs, or other seating arrangement which provides a surface whereby each student can sit and write;
- (3) Have light, heat, cooling, and ventilation;
- (4) Have, if required, a public address system such that all students can hear the instructor clearly;
- (5) Provide a direct, unobstructed line of sight from each student to the instructor and all teaching aids; and
- (6) Be free of distractions that would disrupt class sessions.

Items (2) and (3) of this Rule are not required if the course is conducted in a field setting.

*History Note:* Authority G.S. 143-143.10; 143-143.11B;  
Eff. August 1, 2002.

### **11 NCAC 08 .1424 STUDENT CHECK-IN**

Upon initially checking in for a class session, sponsors and instructors shall require licensees to provide their manufactured housing salesperson license number or set-up contractor license number and qualifier number. Student identity shall be verified by a photo identification issued to the student by a federal, state or local government agency. The CE Administrator shall verify information reported in accordance with 11 NCAC 08 .1426(a) regarding each student's license number, qualifier number, and current license status. Any student providing false information to a course sponsor shall not receive CE credits for the course, shall not be entitled to a refund of course fees, and may be subject to disciplinary action by the Board.

*History Note:* Authority G.S. 143-143.10; 143-143.11B;  
Eff. August 1, 2002.

### **11 NCAC 08 .1425 ACCOMMODATIONS FOR PERSONS WITH DISABILITIES**

Course sponsors may deviate from Board rules concerning the conduct of CE courses, such as rules addressing classroom facilities, minimum class size, and instructional methods, as may be necessary in order for the sponsor to comply with the Americans with Disabilities Act or other laws requiring sponsors to accommodate persons with disabilities. A sponsor providing a special accommodation for a licensee with a disability that requires the sponsor to deviate from Board rules shall notify the Board in writing of the accommodation at the time reports are submitted for the class session attended by the licensee.

*History Note:* Authority G.S. 143-143.10; 143-143.11B;  
Eff. August 1, 2002.

### **11 NCAC 08 .1426 COURSE COMPLETION REPORTING**

(a) The Continuing Education Coordinator designated by the sponsor in accordance with 11 NCAC 08 .1416 shall prepare and submit to the Board reports verifying completion of a CE course for each licensee who satisfactorily completes the course according to the criteria in 11 NCAC 08 .1417 and 11 NCAC 08 .1419. The reports shall be submitted in the manner and format as prescribed by this Rule. Sponsors shall submit these reports to the attention of the CE Administrator such that receipt by the Board within 15 calendar days following the course is assured, but in no case later than June 1 for courses conducted before that date. The report shall be submitted to the attention of the CE Administrator. For each course taken, such report shall include a certificate of course completion that is signed by at least one course instructor and shall indicate the name and license number of the licensee who completed the course, the date of course completion, and the number of credit hours granted to the licensee. A fee of five dollars (\$5.00) per credit hour per licensee must be provided by the sponsor with this information, and shall be by check, money order, or Visa / MasterCard made payable to the North Carolina Manufactured Housing Board. The same course shall not be repeated and reported for credit by a licensee within any three year period. No refund of required fees shall be issued for any course credits that are rejected for this reason. The sponsor shall make a separate fee payment for each separate class session.

(b) Course sponsors shall provide licensees enrolled in each CE course an opportunity to complete an evaluation of each approved CE course. Sponsors shall submit the completed evaluation forms to the Board along with the reports that verify completion of a CE course. Evaluation forms shall be reviewed to determine course problem areas and to verify compliance with these Rules.

(c) Course sponsors shall provide each licensee who satisfactorily completes an approved CE course according to the criteria in 11 NCAC 08 .1417 and 11 NCAC 08 .1419 a course completion certificate. Sponsors shall provide the certificates to licensees within 15 calendar days following the course, but in no case later than June 1 for any course completed before that date. The certificate may be retained by the licensee as proof of having completed the course.

(d) When a licensee does not comply with the participation standards in 11 NCAC 08 .1419, the course sponsor shall advise the Board of this matter in writing at the time the sponsor submits the reports verifying completion of the course as specified in Paragraph (a) of this Rule. The sponsor who determines that a licensee failed to comply with either the Board's attendance or student participation standards in 11 NCAC 08 .1417 and 11 NCAC 08 .1419 shall not provide the licensee with a course completion certificate nor shall the sponsor include the licensee's name on the reports verifying completion of continuing education. Such persons shall be reported to the CE Administrator as specified in 11 NCAC 08 .1419(c).

*History Note:* Authority G.S. 143-143.10; 143-143.11B;  
Eff. August 1, 2002.

#### **11 NCAC 08 .1427 RETENTION OF COURSE RECORDS**

All course sponsors shall retain records of student registration, attendance, and course completion for each session of a CE course for five years. All course sponsors shall make these records available to the Board upon request.

*History Note:* Authority G.S. 143-143.10; 143-143.11B;  
Eff. August 1, 2002.

#### **11 NCAC 08 .1428 REQUEST FOR VIDEO OF AN ELECTIVE COURSE**

If concerns about the quality of a course or instructor are made known to the Board, the Board shall, through written request, require that the sponsor of an approved CE course submit to the Board a video depicting the course being taught by a particular instructor or instructors specified by the Board. If not already available, the video shall be produced at the next scheduled course offering. A video produced within a 12-month period preceding the date of submittal shall be acceptable. All videos shall include a label that clearly identifies the instructor and the date of the video presentation, and shall be 45-60 minutes in length. The video shall depict a continuous block of instruction concerning manufactured home salesperson requirements or set-up contractor operations, shall be unedited, shall show at least a portion of the audience, and shall have visual and sound quality sufficient to enable reviewers to clearly see and hear the instructor. Videos requested by the Board shall be shipped within 10 calendar days of receiving the request or within two weeks after course completion. The cost of producing and shipping such videos shall be borne solely by the course sponsor.

*History Note:* Authority G.S. 143-143.10; 143-143.11B;  
Eff. August 1, 2002.

#### **11 NCAC 08 .1429 CHANGE IN SPONSOR OWNERSHIP**

The approval granted to a course sponsor may be transferred to a new or different person, firm, or corporation only with the prior approval of the Board. The Board shall approve the transfer if the transferee satisfies the accreditation requirements as specified in 11 NCAC 08 .1405. If the ownership of an approved course sponsor is to be sold or otherwise changed, the sponsor shall obtain Board approval of the ownership change. The Board shall approve the ownership change if the proposed new owner satisfies the requirements of the Rules in this Section. All requests for Board approval of transfers or changes in ownership shall be in writing and shall be accompanied by a fee of one hundred fifty dollars (\$150.00). Fees shall be paid by check, money order, or Visa / MasterCard made payable to the North Carolina Manufactured Housing Board and are nonrefundable.

*History Note:* Authority G.S. 143-143.10; 143-143.11B;  
Eff. August 1, 2002.

#### **11 NCAC 08 .1430 COURSE MONITORS**

A course sponsor shall admit authorized representatives of the Board to monitor any CE class without prior notice. Board 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. 143-143.10; 143-143.11B;  
Eff. August 1, 2002.

### **11 NCAC 08 .1431 NON-RESIDENT LICENSEES AND CE CREDITS**

A non-resident licensee may obtain required CE credits as set forth in this section. If a non-resident licensee resides in a state requiring continuing education for a manufactured housing license, the courses or educational activities offered in the state of residence may be considered by the Board for sanctioning in North Carolina on an individual course basis. Licensees who wish to have the Board consider courses or educational activities offered in states other than North Carolina for possible CE credit shall provide documentation to the Board consisting of not less than the information required in 11 NCAC 08 .1405(a), together with a fee of fifty dollars (\$50.00) for each course or educational activity to be reviewed. Fees shall be paid by check, money order, or Visa/MasterCard made payable to the North Carolina Manufactured Housing Board and are nonrefundable.

*History Note:* Authority G.S. 143-143.10; 143-143.11B;  
Eff. August 1, 2002.

### **11 NCAC 08 .1432 NON-COMPLIANCE**

If a licensee fails to complete the CE requirements specified in these Rules by June 30 of a given license year, his or her license shall not be renewed. A licensee may renew at any time prior to the following June 30, but may not operate as either a manufactured housing salesperson or set-up contractor until such time as documentation of having completed the CE requirements is furnished to the Board and the license has been renewed. A licensee who has not completed the CE requirements within one year of the original expiration shall be required to pass written State examinations in order to be re-licensed.

*History Note:* Authority G.S. 143-143.10; 143-143.11B;  
Eff. August 1, 2002.

### **11 NCAC 08 .1433 DISTANCE EDUCATION COURSES**

A sponsor requesting approval of a distance education course shall comply with 11 NCAC 08 .1405. Additionally, the proposed distance education course shall satisfy the following criteria, as applicable:

- (1) The course shall be designed to assure that students have defined learning objectives. If the nature of the subject matter is such that the learning objectives cannot be reasonably accomplished without some direct interaction between the instructor and students, then the course shall be designed to provide for such interaction.
- (2) A course that does not provide the opportunity for continuous audio and visual communication between instructor and all students during the course presentation shall utilize testing processes that assure student mastery of the subject material.
- (3) A course that involves students completing the course on a self-paced study basis shall be designed so that the time required for a student of average ability to complete the course will be not less than six hours for salespersons and four hours for set-up contractors. The sponsor shall utilize a system that assures that students have actually performed all tasks required for completion and mastery of the subject material.
- (4) The sponsor shall provide technical support to enable students to satisfactorily complete the course.
- (5) The approved course instructor(s) shall be available to respond in a timely manner to student questions about the subject matter of the course. Instructors shall have training in the proper use of the instructional delivery method utilized in the course, including the use of computer hardware and software or other applicable equipment and systems.
- (6) The sponsor shall provide students an orientation or information package containing all pertinent information regarding requirements unique to completing a distance education course, including any requirements with regard to computer hardware and software or other equipment, and outlining in detail the instructor and technical support that will be available when taking the course.
- (7) The sponsor shall utilize procedures that provide reasonable assurance that the student receiving continuing education credit for completing the course actually performed, on his or her own, all the work required to complete the course. For courses that involve independent study by students, certification that the student personally completed all required course work shall be provided by the student to the sponsor, either by a signed statement (on a form provided by the sponsor) or, in the case of Internet or computer based courses, by electronic means that are indicated in the software or on the website. Signed course completion

statements or records of electronic certification shall be retained by the sponsor together with any other course records required by this Section.

- (8) In addition to the information required in 11 NCAC 08 .1405, sponsors seeking approval of distance education courses must submit to the Board a complete copy of the course in the medium that is to be utilized, including all computer software that will be used in presenting the course and administering tests. If the course is to be Internet based, the Board must be provided access to the course via the Internet and shall not be charged a fee for such access.
- (9) All reporting of completed distance education courses shall be in full accordance with 11 NCAC 08 .1426. Students shall not be reported for continuing education credit for distance education courses until the signed form from the student or electronic certification, as described in Item (7) of this Rule, has been received.

*History Note:* Authority G.S. 143-143.10; 143-143.11B;  
Eff. May 1, 2004.

## **SECTION .1500 - ALTERNATIVE DESIGN AND CONSTRUCTION APPEALS**

### **11 NCAC 08 .1501 TIME FOR APPEAL AND DOCUMENTS REQUIRED**

Within 30 days after the date a local authority having jurisdiction ("local authority") notifies a designer or owner-representative that the local authority has decided that an alternative design and construction proposed by the designer or owner-representative violates the North Carolina State Building Code ("Code"), the designer or owner-representative may appeal the decision in writing to the N.C. Department of Insurance, Engineering Division, 1201 Mail Service Center, Raleigh, NC 27699-1201. The designer or owner-representative shall provide the Engineering Division with all construction documents pertaining to the alternative design and construction, including supporting language, drawings, and descriptions.

*History Note:* Authority G.S. 143-140.1;  
Eff. March 1, 2008.

### **11 NCAC 08 .1502 SERVICE ON LOCAL AUTHORITY**

The designer or owner-representative shall provide the local authority with a written notice of the appeal and copies of all documents the designer or owner-representative provides to the Engineering Division in accordance with Rule .1501 of this Section. The notice of appeal and the documents shall be sent to the local authority and the Engineering Division by certified mail, return receipt requested.

*History Note:* Authority G.S. 143-140.1;  
Eff. March 1, 2008.

### **11 NCAC 08 .1503 RESPONSE BY LOCAL AUTHORITY**

Within five business days after the date the appeal is received by the Engineering Division, the local authority may file a response to the appeal with the Engineering Division at the same address in Rule .1501 of this Section.

*History Note:* Authority G.S. 143-140.1;  
Eff. March 1, 2008.

### **11 NCAC 08 .1504 REVIEW OF LOCAL AUTHORITY DECISION**

(a) If the Engineering Division determines that the requested alternative design and construction does not conform to the requirements of the Code, and does not provide the equivalent level of protection of public health, safety, and welfare prescribed by the Code, the Engineering Division shall uphold the determination by the local authority.

(b) If the Engineering Division determines that the requested alternative design and construction does not conform to the requirements of the Code, but does provide the equivalent level of protection of public health, safety, and welfare prescribed by the Code, the Engineering Division shall overrule the determination by the local authority. The designer or owner-representative may then use the alternative design and construction.

*History Note:* Authority G.S. 143-140.1;  
Eff. March 1, 2008.

**11 NCAC 08 .1505 ADMINISTRATIVE AND JUDICIAL REVIEW**

A party that is aggrieved by the determination of the Engineering Division may appeal to the Building Code Council pursuant to G.S. 143-141.

*History Note: Authority G.S. 143-140.1;  
Eff. March 1, 2008.*