

1 21 NCAC 28B .0103 is amended as published in 35:17 NCR 1946-1949 as follows:

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3 **21 NCAC 28B .0103 PRACTICE OF LANDSCAPE CONTRACTING; DISPLAY OF LICENSE**
4 **NUMBER**

5 (a) An individual who is "readily available to exercise supervision over the landscape construction and contracting
6 work" as set forth in G.S. 89D-12(a) and G.S. 89D-17(f) is an individual who is physically located no more than 100
7 miles from where the construction or contract project is located or who is available electronically with the ability to
8 view the construction or contract project.

9 (b) The contractor's license number shall be displayed in accordance with G.S. ~~89D-12(3)~~. 89D-12(e). License
10 numbers displayed on vehicles used in the contractor's landscaping business shall be a minimum of one inch in height.

11 (c) In addition to the requirements of G.S. 89D-12(e), license numbers shall be included on all estimates and proposals.

12 (d) All contracts, estimates, and proposals shall be signed by the contractor or his or her designee.

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14 *History Note: Authority G.S. 89D-12(a) and (e); 89D-15(2);*

15 *Temporary Adoption Eff. January 1, 2016;*

16 *Eff. September 1, 2016;*

17 *Amended Eff. June 1, ~~2019~~ 2019;*

18 *Amended Eff. July 1, 2021.*

1 21 NCAC 28B .0204 is amended as published in 35:17 NCR 1946-1949 as follows:

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3 **21 NCAC 28B .0204 MAINTAIN CURRENT INFORMATION**

4 (a) Every licensee shall keep the Board advised of the licensee's current mailing address, phone number, email address,
5 and the name or names under which the licensee is practicing. If any change occurs, the licensee shall notify the
6 Board in writing of the change within ~~60~~ 30 days.

7 (b) Upon the dissolution of a professional relationship, the member or members thereof shall notify the Board in
8 writing within 30 days concerning such dissolution and of the succeeding business status and addresses of the
9 individuals or firm.

10 (c) A licensee shall maintain a continuous surety bond coverage or an irrevocable letter of credit while the license is
11 active. Within 5 days after the lapse of a surety bond or revocation of a letter of credit prescribed in G.S. 89D-16(a)(4),
12 a licensee shall notify the Board in writing. If a licensee fails to renew the surety bond or obtain a new letter of credit
13 within 30 days after the lapse or revocation, the license shall be revoked.

14 (d) Failure to notify the Board of the changes described in ~~Paragraphs (a), (b), or (c)~~ of this Rule shall constitute a
15 violation of G.S. ~~89D-22~~, 89D-22(a)(6).

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17 *History Note: Authority G.S. 89D-15(2), 89D-15(11); 89D-16(a)(4); 89D-17(h); ~~89D-22(8)~~; 89D-22(a)(8);*
18 *Temporary Adoption Eff. January 1, 2016;*
19 *Eff. September 1, ~~2016-2016~~;*
20 *Amended Eff. July 1, 2021.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Landscape Contractors' Licensing Board

RULE CITATION: 21 NCAC 28B .0402

DEADLINE FOR RECEIPT: Thursday, June 10, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Please end (a)(1)(A) through (C) with semi-colons, instead of periods.

In (d), is there any Board discretion with the use of "maximum"? Is the intent here that if they are a Green Industry Board Member or has Board service, then they will automatically get 5 hours? In what circumstances will they not get the 5 hours? Is it based upon the amount of time actually served, up to five hours?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Thursday, May 27, 2021

21 NCAC 28B .0402 is amended as published in 35:17 NCR 1946-1949 as follows:

21 NCAC 28B .0402 CONTINUING EDUCATION UNITS

(a) A licensee shall complete in-person seven continuing education units (CEUs) during the year preceding renewal. ~~Beginning with renewals filed after August 1, 2016, at~~ At least three of the seven CEUs must be technical credits and at least two of the seven CEUs must be business credits. If the information provided to the Board as required by this Section is unclear, the Board may request additional information from a licensee in order to assure compliance with continuing education requirements.

(b) For the purposes of this Rule:

(1) "technical credits" are defined as credits relating ~~directly~~ to the subject matter of landscape contracting as described in G.S. ~~89D-11(3); and 89D-11(3)~~ and rules .0502 through .0511 in this Subchapter. The rules shall be grouped as follows:

(A) Group A: topics covered in rules .0502, .0503, .0510, and .0511 in this Subchapter.

(B) Group B: topics covered in rules .0504 and .0506 in this Subchapter.

(C) Group C: topics covered in rules .0507 through .0509 in this Subchapter.

(D) Group D: topics covered in rule .0505; and

(2) "business credits" are defined as credits relating to general business practices, including business planning, contracts, liability exposure, human resources, basic accounting, financial statements, and safety.

(c) Beginning with renewals filed after August 1, 2022, a licensee shall obtain one technical credit in at least two groups described in Subparagraph (b)(1) of this Rule in each licensing year. A licensee shall obtain at least one technical credit in each of the distinct groups described in Subparagraph (b)(1) of this Rule during a consecutive three-year period.

~~(e)~~(d) CEUs shall be determined as follows:

Type of Qualifying Activity	Minimum time required for 1 CEU
Live course	50 minutes
Online course	50 minutes
Trade Shows, Field Days, and Tours	4 hours
Green Industry Board Member Service	1 hour <u>5 hours maximum</u> <u>(3 technical and 2 business)</u>
Teaching or instructing	1 hour
In-house or Green Industry training	1 hour

NC Landscape Contractors	<u>5 hours maximum</u>
<u>Licensing Board Service</u>	<u>(3 technical and 2 business)</u>

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- 2 ~~(d)~~(e) No more than two CEU credits shall be given for qualifying teaching or instructing in one year.
- 3 ~~(e) No more than four CEU credits shall be given for pesticide credits issued by the North Carolina Department of~~
- 4 ~~Agriculture and Consumer Services in one year.~~
- 5 (f) Credit shall not be given in increments of less than .5 CEUs. Breaks in courses shall not be counted towards CEU
- 6 credit.
- 7 (g) Requests for pre-approval as set forth in Rule .0405 of this Subchapter shall be submitted at least 45 days prior to
- 8 the first day of the course or event.
- 9 (h) All continuing education shall be taken in-person by the individual receiving credit.
- 10 (i) A licensee shall not take the same CEU course within two consecutive licensing years.
- 11 (j) A licensee licensed less than 12 months shall not be subject to continuing education requirements for the initial
- 12 renewal date as set forth in this Rule.

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14 *History Note: Authority G.S. 89D-15(2); 89D-15(4); 89D-15(12); 89D-20(b);*

15 *Temporary Adoption Eff. January 1, 2016;*

16 *Eff. September 1, 2016;*

17 *Amended Eff. June 1, ~~2019~~-2019;*

18 *Amended Eff. July 1, 2021.*

1 21 NCAC 28B .0403 is amended as published in 35:17 NCR 1946-1949 as follows:

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3 **21 NCAC 28B .0403 CONTINUING EDUCATION RECORDS; AUDIT**

4 (a) A licensee shall maintain records of attendance at continuing education programs for which CEUs have been
5 approved for ~~two~~ three years following the processing date of the renewal application to which the CEUs were applied.

6 (b) Compliance with annual CEU requirements shall be determined through a random audit process conducted by the
7 Board. Licensees selected for auditing shall provide the Board with the following documentation of the CEU activities
8 claimed for the renewal period:

9 (1) ~~Attendance~~ attendance verification records; and

10 (2) ~~Information~~ information regarding course content, instructors, and sponsoring organization.

11 (c) Licensees selected for audit shall submit all requested information to the Board within 21 calendar days after the
12 date the licensee was notified by the Board of the audit.

13 (d) Failure to maintain compliance with the Board's continuing education requirements set forth in Rule .0402 of this
14 Section shall result in the licensee's status being ~~changed to inactive.~~ administratively suspended.

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16 *History Note Authority G.S. 89D-15(2); 89D-15(4); 89D-15(12); 89D-20(b);*

17 *Temporary Adoption Eff. January 1, 2016;*

18 *Eff. September 1, 2016;*

19 *Amended Eff. June 1, ~~2019.~~ 2019.*

20 *Amended Eff. July 1, 2021.*

1 21 NCAC 28B .0503 is amended as published in 35:17 NCR 1946-1949 as follows:

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3 **21 NCAC 28B .0503 TURF**

4 (a) When establishing natural turf, the licensed contractor shall:

- 5 (1) Notify the owner or the construction manager whether there is adequate time to establish the
- 6 specified turf from seed within the construction schedule and prior to finish of the job;
- 7 (2) Prior to lawn installation, loosen soil to a minimum depth of three inches;
- 8 (3) Confirm that all lawn seed meets the standards of the NC Seed Law of 1963, as set forth in G.S.
- 9 106, Art. 31;
- 10 (4) Evenly distribute seed;
- 11 (5) Apply seed at manufacturer's recommended rates;
- 12 (6) Roll or rake after seeding to ~~insure~~ ensure good soil contact;
- 13 (7) Install sod within 36 hours of harvesting unless weather conditions or turf types dictate a shorter
- 14 timeframe;
- 15 (8) Lay sod strips in a staggered pattern, horizontal to slopes and with tight seams;
- 16 (9) Roll sod after installation to provide good soil contact;
- 17 (10) Distribute sprigs evenly;
- 18 (11) ~~insure~~ Ensure that sprigs and sod plugs are in good contact with the soil;
- 19 (12) Water lawn areas after installation and in accordance with the needs of the lawn; and
- 20 (13) Notify client of his or her responsibility to water turf following installation.

21 (b) When installing artificial turf, the licensed contractor shall:

- 22 (1) Ensure that the sub-grade is compacted and shall pitch properly to drain;
- 23 (2) Establish a perimeter attachment system to secure the artificial turf;
- 24 (3) Roll out the turf with the nap facing a consistent direction;
- 25 (4) Secure the turf with an evenly weighted sand layer distributed over the entire surface; and
- 26 (5) Follow all manufacturer's specifications for the type of turf being installed.

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28 *History Note: Authority G.S. 89D-15(2); 89D-15(16);*
29 *Temporary Adoption Eff. January 1, 2016;*
30 *Eff. September 1, ~~2016~~ 2016;*
31 *Amended Eff. July 1, 2021.*

21 NCAC 28B .0508 is amended as published in 35:17 NCR 1946-1949 as follows:

21 NCAC 28B .0508 WALLS

(a) When installing retaining walls, the licensed contractor shall:

- (1) Adhere to all pertinent ~~codes.~~ codes;
- (2) Adhere to all NC Department of Insurance requirements regarding the construction of retaining walls which are hereby incorporated by reference and can be found at www.ncosfm.gov/codes free of charge;
- ~~(2)(3)~~ Adhere to manufacturer's or design professionals ~~specifications.~~ specifications;
- ~~(3)(4)~~ Bury the first course of a retaining ~~wall.~~ wall;
- ~~(4)(5)~~ Not construct dry-laid stone walls of a height more than 3 feet above ~~grade.~~ grade;
- ~~(5)(6)~~ Include a subdrain system that is constructed and sized to release the subsurface water behind the wall and not allow hydrostatic pressure to build behind the ~~wall.~~ wall;
- ~~(6)(7)~~ Construct on a level, well-compacted base of granular material at least 6 inches ~~deep.~~ deep;
- ~~(7)(8)~~ Place backfill behind retaining walls in lifts no greater than 6 inches before compacted (each lift shall be ~~well compacted).~~ well-compacted);
- ~~(8)(9)~~ Prevent excessive runoff from passing over a retaining ~~wall.~~ wall;
- ~~(9)(10)~~ Construct vertically-set timber walls with above-ground heights equal to or less than the depth of timbers below ~~grade.~~ grade;
- ~~(10)(11)~~ Install deadmen every fourth course on 8 feet centers when constructing horizontally-set timber retaining walls with staggered ~~joints.~~ joints;
- ~~(11)(12)~~ Stagger the joints when constructing dry-laid stone walls. If successive vertical joints occur, the licensed contractor shall avoid running vertical joints more than two ~~courses.~~ courses; and
- (13) Assure that segmental walls meet the manufacturer's specifications.

(b) When installing retaining walls of dry-laid stone or concrete rubble, the licensed contractor shall:

- (1) Construct the wall no higher than three feet above grade; and
- (2) Stagger the joints when constructing a dry-laid stone wall.

~~(b)(c)~~ (c) When installing freestanding walls, the licensed contractor shall:

- (1) Install footings for masonry and cast-in-place concrete freestanding walls of reinforced concrete. The top of the footing shall be at least 1 foot below grade.
- (2) Reinforce freestanding walls as needed to prevent displacement from wind loads.
- (3) ~~Insure~~ Ensure that moisture is prevented from entering a cavity wall during construction.
- (4) ~~Insure~~ Ensure that segmental wall construction meets segmental wall manufacturer's specifications.

*History Note: Authority G.S. 89D-15(2); 89D-15(16);
Temporary Adoption Eff. January 1, 2016;
Eff. September 1, 2016-2016;*

