

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Board of Architecture

RULE CITATION: 21 NCAC 02 .0107

**DEADLINE FOR RECEIPT: Friday, June 13, 2014**

***NOTE WELL: This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

*Please list the Board's website.*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: June 2, 2014

1 21 NCAC 02 .0107 is amended as published in NCR 28:18:

2 **21 NCAC 02 .0107 FORMS**

3 Any forms referred to or required by these rules are available on the Board web site. ~~upon request made in person or by~~  
4 ~~writing to the Board.~~

5

6 *History Note: Authority G.S. 83A-6;*

7 *Eff. February 1, 1976;*

8 *Readopted Eff. September 29, 1977;*

9 *Amended Eff. July 1, 2014, May 1, 1989; November 1, 1979.*

10

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Board of Architecture

RULE CITATION: 21 NCAC 02 .0108

**DEADLINE FOR RECEIPT: Friday, June 13, 2014**

***NOTE WELL: This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

*Please list the Board's website.*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: June 2, 2014

1 21 NCAC 02 .0108 is amended as published in NCR 28:18:

2 **21 NCAC 02 .0108 FEES**

3 Fees required by the Board, are payable in advance and are set forth below:

4 Initial Registration Application by Exam

5

6 Residents and Non-Residents \$ 50.00

7 Firm \$ 75.00

8 Application to take the Architectural Registration Exam \$ 50.00

9 Annual license renewal

10 Individual \$ 50.00

11 Firm \$100.00

12 Late renewal Penalty \$ 50.00

13 Reciprocal registration \$150.00

14 Individual or Firm Reinstatement shall be the fee as set forth G.S. 83A-11 and G.S. 55B-10.

15 All fees paid to the Board are non-refundable.

16 Other publications and services provided by the Board are available on the Board web site. ~~at cost from the Board office.~~

17

18 *History Note: Authority G.S. 83A-4; 83A-11;*

19 *Eff. February 1, 1976;*

20 *Readopted Eff. September 29, 1977;*

21 *Amended Eff. July 1, 2014, December 1, 2010; June 1, 1995; December 1, 1992; May 1, 1991; May*

22 *1, 1989; July 1, 1987.*

23

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Board of Architecture

RULE CITATION: 21 NCAC 02 .0202

**DEADLINE FOR RECEIPT: Friday, June 13, 2014**

***NOTE WELL: This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

*Please list the Board's website.*

*Is "newly licensed individuals... by virtue of having successfully completed the prescribed examination and having otherwise met the Board's requirements for registration" necessary? I assume that the Board rules are applicable to all licensees so why is this only directed to "newly licensed individuals?"*

*If the above language is deemed necessary, are the Board's requirements for registration in line 6 set out elsewhere in rule or rules? Please indicate where these can be found.*

*The wording on lines 9 through 10 is a bit awkward. Please consider rewording to something like "All licensees of the Board are charged with having knowledge of the existence of the Board rules and shall be deemed to be familiar with and have an understanding of their provisions."*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: June 2, 2014

1 21 NCAC 02 .0202 is amended as published in NCR 28:18:

2 **21 NCAC 02 .0202 APPLICABILITY OF BOARD RULES**

3 The Executive Director shall ~~mail~~ make available on the Board web site a copy of Chapter 83A of the North Carolina  
4 General Statutes and the rules of the Board adopted hereunder to newly licensed individuals ~~each licensed architect in~~  
5 ~~and out of the state to whom a new license has been issued~~, by virtue of having successfully completed the prescribed  
6 examination and having otherwise met the Board's requirements for registration. Rules adopted and published by the  
7 Board under the provisions of Chapter 83A and Chapter 150B shall be binding upon every individual holding a license  
8 from the Board, and upon all professional corporations legally authorized to offer or to perform architectural services in  
9 this state. All licensees of the Board are charged with having knowledge of the existence of the Board rules and shall be  
10 deemed to be familiar with their several provisions and to understand them. Each licensed person and entity shall affirm  
11 in their renewals that they have read the current architectural laws and rules.

12

13 *History Note: Authority G.S. 83A-6;*

14 *Eff. February 1, 1976;*

15 *Readopted Eff. September 29, 1977;*

16 *Amended Eff. July 1, 2014, June 1, 1995; May 1, 1989.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Board of Architecture

RULE CITATION: 21 NCAC 02 .0214

**DEADLINE FOR RECEIPT: Friday, June 13, 2014**

***NOTE WELL: This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

*Please add an introduction to (a) to be consistent with the rest of the Paragraphs. Perhaps something like "Registration?"*

*Please cross-reference 21 NCAC 02 .0108 for the required application fee, assuming this is the correct Rule for this fee.*

*In (a), line 7, please add "Professional Corporation Act of" after "the" and before "G.S. 55B."*

*Where can the forms in (a), line 5, and (b), lines 9-10, be found? Are these available on your website?*

*In (b)(2), line 15, please change "and such services as may be ancillary thereto" to "and ancillary services."*

*In (c), line 19, please explain how the license will be both expired and delinquent. When is the fee actually due? Is this fee paid in advance?*

*In (c), lines 20-21, is the requirement that the firm designate an officer to complete the renewal documentation set out in another rule? If so, please cross-reference. If not, is there a specific way that you want this information?*

*In (c), line 21, what is considered complete? Is there a rule setting out what is required for renewal?*

*In (c), line 25, are the random audits performed when necessary to protect the public health, safety, or welfare pursuant to G.S. 83A-6(a)?*

*In (d), please add a comma in between "renewal fee" and "and the late renewal fees."*

Amber Cronk May  
Commission Counsel  
Date submitted to agency: June 2, 2014

*In (d), line 31, did you mean "shall"?*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: June 2, 2014



1 21 NCAC 02 .0214 is amended as published in NCR 28:18:

2 **21 NCAC 02 .0214 FIRM PRACTICE OF ARCHITECTURE**

3 (a) Prior to offering and rendering architectural services as set forth in G.S. 83A and 21 NCAC 02 .0204(a), all firms  
4 must submit an application for firm registration and be granted registration by the Board. Application for firm  
5 registration to practice of architecture within the State of North Carolina shall be made upon forms provided by the Board  
6 and include the required application fee. Certificates for firm practice may be issued only under the provisions of the,  
7 G.S. 55B, except as provided in Subsection (b) of this Rule and G.S 57C.

8 (b) Architectural Corporations Under G.S. 55, the Business Corporation Act. Applications for certificate of registration  
9 as exempt from the Professional Corporation Act under the provisions of G.S. 55B-15 shall be made upon forms  
10 provided by the Board. Completed applications must be accompanied by the corporate application fee. To be eligible as  
11 an exempt corporation under the provisions of G.S. 55B-15, the following conditions must exist:

- 12 (1) The corporation must have been incorporated prior to June 5, 1969 as a business corporation;
- 13 (2) Prior to and since June 5, 1969, the corporation must have been a bona fide architectural or  
14 architectural-engineering firm with services limited to the practice of architecture or architecture-  
15 engineering and such services as may be ancillary thereto within the State of North Carolina; and
- 16 (3) The corporation must have applied to be an exempt corporation before October 1, 1979.

17 (c) Renewal of Certificate. Firm registration must be renewed on or before December 31st each year. If the Board has  
18 not received the annual renewal fee and completed application on or before December 31st each year, the firm license  
19 shall expire and be delinquent. No less than 30 days prior to the renewal date, the Board shall send a notice of renewal to  
20 each registered firm. The firm must designate an officer to complete the renewal documentation required by the Board.  
21 The Board shall not accept incomplete renewal documentation. Renewal documentation must be accompanied by the  
22 renewal fee. If the accompanying draft or check in the amount of the renewal fee is dishonored by the firm's drawee bank  
23 for any reason, the Board shall suspend the firm registration until the renewal fees and returned check charges are paid.  
24 When the annual renewal has been complete according to the provision of G.S. 83A-11, the Executive Director shall  
25 approve renewal for the firm registration for the current renewal year. The Board may randomly audit the compliance of  
26 firm registrations and require proof in the form of corporate records maintained pursuant to North Carolina General  
27 Statute 55B. Such records must be maintained for a period of seven years after the renewal is submitted. Renewal fees  
28 are non-refundable.

29 (d) Failure to Renew and Reinstatement. Within one year of the expiration the firm license may be renewed at any time,  
30 upon the return of the completed renewal documents, the annual renewal fee and the late renewal fees. After one year  
31 from the date of expiration for non-payment of the annual renewal fee the licensee shall seek reinstatement, as allowed by  
32 G.S. 83A-11. The Board may reinstate the firms' certificate of registration, as allowed by G.S. 83A-11.

33 (e) Seal. Each registered corporation shall adopt a seal pursuant to 21 NCAC 02 .0206(a)(3).

34 (f) Approval of Name. In addition to the requirements and limitations of G.S. 55 and 55B, the firm name used by an  
35 architectural corporation shall conform with Rule .0205 and be approved by the Board before being used. This Rule  
36 shall not prohibit the continued use of any firm name adopted in conformity with the General Statutes of North Carolina  
37 and Board Rules in effect at the date of such adoption.

38

39 *History Note: Authority G.S. 55B-5; 55B-10; 55B-15; 83A-6; 83A-8;*

40 *Eff. February 1, 1976;*

1  
2  
3

*Readopted Eff. September 29, 1977;*  
*Amended Eff. July 1, 2014, December 1, 2010; July 1, 1993; May 1, 1989; November 1, 1979.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Board of Architecture

RULE CITATION: 21 NCAC 02 .0302

**DEADLINE FOR RECEIPT: Friday, June 13, 2014**

***NOTE WELL: This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

*In (a), please delete "provided" in line 5.*

*What is meant by (a)(3)? Are those eligible to take the ARE required to have a professional degree in architecture from an NAAB accredited institution? The wording currently is not clear.*

*How is a program approved as equivalent in (a)(4)?*

*In (a)(5), line 20, where can the IDP requirements be found? Are these available on NCARB's website?*

*In (a)(5), please change "set forth in 21 NCAC 02 .0302 (a)(1) through (5)" to "set forth in this Paragraph."*

*In (b)(1), where can the time period be found? Is this available on NCARB's website?*

*Is (c) and the definition for "practical training" still necessary in (c) since the "practical training" language has been stricken in (a)(5)?*

*In (e), where can the NCARB's recommended methods and procedures be found? Is your regulated public aware of these?*

*In (f), what do you mean by "maintains good standing?" Is this standard language that your regulated public is familiar with?*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: June 2, 2014

1 21 NCAC 02 .0302 is amended as published in NCR 28:18:

2 **21 NCAC 02 .0302 EXAMINATION**

3 (a) Licensure Examination. All applicants for architectural registration in North Carolina by examination shall pass the  
4 Architectural Registration Examination (ARE), prepared by the National Council of Architectural Registration Boards  
5 (NCARB). Provided, applicants who have never been registered in any NCARB recognized jurisdiction may transfer  
6 credits for portions of the examination previously passed in another jurisdiction if at the time of initial approval to take  
7 the exam in said jurisdiction they otherwise qualified for taking the exam under the rules in this Chapter. The  
8 qualifications necessary for eligibility to take the ARE are as follows:

- 9 (1) be of good moral character as defined in G.S. 83A-1(5);
- 10 (2) be at least 18 years of age;
- 11 (3) the professional education qualification is the NAAB (National Architectural Accrediting Board)  
12 accredited professional degree in architecture;
- 13 (4) all applicants who apply for architectural registration by exam are required ~~to follow~~ to be enrolled in  
14 the Intern Development Program (IDP) through NCARB or a program approved as equivalent by the  
15 North Carolina Board of Architecture in order to satisfy the requirements of this Section.
- 16 (5) The Board shall grant eligibility to take the exam, to those individuals who have obtained the required  
17 NAAB accredited degree, and have enrolled in the NCARB IDP, and have had verified by NCARB at  
18 least 2000 training units of the IDP as approved by NCARB. Upon successful completion of all  
19 sections of the ARE, ~~fulfillment of the practical training requirement~~ and fulfillment of all ~~remaining~~  
20 IDP requirements an individual may submit the application and fee for licensure by exam and may  
21 then be granted a license to practice architecture. North Carolina General Statute 83A-7 (a)(1) a. shall  
22 be deemed satisfied through completion of the requirements set forth in 21 NCAC 02 .0302 (a) (1)  
23 though (5).

24 (b) Retention of credit for purposes of licensure by examination in North Carolina.

- 25 (1) Passing scores received after July 1, 2006 on any part of the ARE remain valid for a period of time  
26 established by the exam provider, NCARB.
- 27 (2) As of July 1, 2011, passing scores received on any part of the ARE prior to July 1, 1996 are invalid.
- 28 (3) As of July 1, 2014, passing scores received on any part of the ARE after July 1, 1996 and prior to July  
29 1, 2006 are invalid.

30 (c) Practical training means practical experience and diversified training as defined by the Intern Development Program  
31 through the NCARB. However, the Board may judge each case on its own merits.

32 (d) Personal interview. During the application process, the applicant may be interviewed by the Board members. The  
33 purpose of the interview is to augment the evidence submitted in an application with regard to qualifications required in  
34 Subparagraph (a)(1) of this Rule.

35 (e) The ARE shall be graded in accordance with the methods and procedures recommended by NCARB. An exam  
36 candidate must receive a passing grade in each division of the Architectural Registration Exam.

37 (f) A person currently employed under the responsible control of an architect, who holds a Professional Degree from a  
38 NAAB accredited program, and who is enrolled in and maintains good standing or has successfully completed a National  
39 Council of Architectural Registration Boards Record in the Intern Development Program (IDP) may use the title  
40 "Architectural Intern" or "Intern Architect" in conjunction with his/her current employment.

1  
2  
3  
4  
5  
6  
7

*History Note: Authority G.S. 83A-1; 83A-6; 83A-7;*  
*Eff. February 1, 1976;*  
*Readopted Eff. September 29, 1977;*  
*Amended Eff. July 1, 2014, November 1, 2010; July 1, 2006; July 1, 2000; July 1, 1996; June 1,*  
*1995; December 1, 1992; July 1, 1991.*

1 21 NCAC 02 .0303 is amended as published in NCR 28:18:

2 **21 NCAC 02 .0303 LICENSURE BY RECIPROCITY**

3 (a) An individual who holds a current license in good standing from a National Council of Architecture Registration  
4 Boards (NCARB) recognized jurisdiction and a Certified Council Certificate (also known as "Blue Cover") issued by  
5 NCARB may qualify for licensure by reciprocity. Upon receipt of a certified record from NCARB and the Board  
6 application for licensure by reciprocity and fee, the Board may issue a license to an applicant as provided in G.S. 83A-  
7 7(b). Revocation of the certificate by NCARB shall automatically suspend the architect's license to practice in North  
8 Carolina until such time as the certificate is reinstated by NCARB.

9 ~~(b) Licensure by Direct Reciprocity with another NCARB recognized jurisdiction. The Board may grant a reciprocal~~  
10 ~~license to an individual who submits a non-certified NCARB record (also known as the "Buff Cover") or other verified~~  
11 ~~evidence that he/she meets the following requirements:~~

12 (1) ~~the applicant has been continuously licensed in good standing in another jurisdiction; and~~

13 (2) ~~the applicant otherwise met the requirements for a certified NCARB record or North Carolina license~~  
14 ~~in effect at the time of his/her original licensure as an architect.~~

15 The Board may interview with the applicant to satisfy the Board, or its designee that the applicant has had sufficient  
16 recent architectural practice experience to be able to competently practice architecture in this state.

17

18 *History Note: Authority G.S. 83A-6; 83A-7;*

19 *Eff. February 1, 1976;*

20 *Readopted Eff. September 29, 1977;*

21 *Amended Eff. July 1, 2014, November 1, 2010; July 1, 2006; July 1, 2000; October 1, 1995; May 1,*  
22 *1989; October 1, 1984; September 1, 1982.*

23