

NORTH CAROLINA REGISTER

VOLUME 37 • ISSUE 22 • Pages 2111 – 2165

May 15, 2023

I. IN ADDITION

Building Code Council – Notice of Rulemaking Proceedings	2111 – 2119
License and Theft Bureau - Public Notices of License Application Submission	2120
DHHS - Notice of Application for Innovative Approval of a	2121
Wastewater System	

II. PROPOSED RULES

Insurance, Department of	
Department	2122 – 2128
Environmental Quality, Department of	
Wildlife Resources Commission	2128 – 2129
Occupational Licensing Boards and Commissions	
Examiners In Optometry, Board of.....	2129 – 2130

III. TEMPORARY RULES

Public Safety, Department of	
Private Protective Services Board	2131 – 2137
Occupational Licensing Boards and Commissions	
Barber and Electrolysis Examiners, Board of	2137 – 2153

IV. RULES REVIEW COMMISSION	2154 – 2165
--	-------------

PUBLISHED BY

*The Office of Administrative Hearings
Rules Division
1711 New Hope Church Road
Raleigh, NC 27609
Telephone 984-236-1850
Fax 984-236-1947*

*Donald R. van der Vaart, Director
Ashley B. Snyder, Codifier of Rules
Dana McGhee, Publications Coordinator
Cathy Matthews-Thayer, Editorial Assistant
Julie B. Eddins, Register Drafter*

Contact List for Rulemaking Questions or Concerns

For questions or concerns regarding the Administrative Procedure Act or any of its components, consult with the agencies below. The bolded headings are typical issues which the given agency can address but are not inclusive.

Rule Notices, Filings, Register, Deadlines, Copies of Proposed Rules, etc.

Office of Administrative Hearings

Rules Division

1711 New Hope Church Road

984-236-1850

Raleigh, North Carolina 27609

984-236-1947 FAX

contact: Ashley B. Snyder, Codifier of Rules ashley.snyder@oah.nc.gov 984-236-1941
Dana McGhee, Publications Coordinator dana.mcgee@oah.nc.gov 984-236-1937
Cathy Matthews-Thayer, Editorial Assistant cathy.thayer@oah.nc.gov 984-236-1901

Rule Review and Legal Issues

Rules Review Commission

1711 New Hope Church Road

984-236-1850

Raleigh, North Carolina 27609

984-236-1947 FAX

contact: Brian Liebman, Commission Counsel brian.liebman@oah.nc.gov 984-236-1948
Lawrence Duke, Commission Counsel lawrence.duke@oah.nc.gov 984-236-1938
William W. Peaslee, Commission Counsel bill.peaslee@oah.nc.gov 984-236-1939
Seth M. Ascher, Commission Counsel seth.ascher@oah.nc.gov 984-236-1934
Alexander Burgos, Paralegal alexander.burgos@oah.nc.gov 984-236-1940
Julie B. Eddins, Administrative Assistant julie.eddins@oah.nc.gov 984-236-1935

Fiscal Notes & Economic Analysis

Office of State Budget and Management

116 West Jones Street

Raleigh, North Carolina 27603-8005

Contact: Julie Ventaloro, Economic Analyst

osbmruleanalysis@osbm.nc.gov 984-236-0694

NC Association of County Commissioners

215 North Dawson Street

919-715-2893

Raleigh, North Carolina 27603

contact: Amy Bason

amy.bason@ncacc.org

NC League of Municipalities

919-715-2925

424 Fayetteville Street, Suite 1900

Raleigh, North Carolina 27601

contact: Monica Jackson

mjackson@nclm.org

Legislative Process Concerning Rulemaking

545 Legislative Office Building

300 North Salisbury Street

919-733-2578

Raleigh, North Carolina 27611

919-715-5460 FAX

Jason Moran-Bates, Staff Attorney

Chris Saunders, Staff Attorney

Aaron McGlothlin, Staff Attorney

NORTH CAROLINA REGISTER
 Publication Schedule for January 2023 – December 2023

FILING DEADLINES			NOTICE OF TEXT		PERMANENT RULE			TEMPORARY RULES
Volume & issue number	Issue date	Last day for filing	Earliest date for public hearing	End of required comment Period	Deadline to submit to RRC for review at next meeting	RRC Meeting Date	Earliest Eff. Date of Permanent Rule	270 th day from publication in the Register
37:13	01/03/23	12/07/22	01/18/23	03/06/23	03/20/23	04/20/2023	05/01/23	09/30/23
37:14	01/17/23	12/20/22	02/01/23	03/20/23	04/20/23	05/18/2023	06/01/23	10/14/23
37:15	02/01/23	01/10/23	02/16/23	04/03/23	04/20/23	05/18/2023	06/01/23	10/29/23
37:16	02/15/23	01/25/23	03/02/23	04/17/23	04/20/23	05/18/2023	06/01/23	11/12/23
37:17	03/01/23	02/08/23	03/16/23	05/01/23	05/20/23	06/15/2023	07/01/23	11/26/23
37:18	03/15/23	02/22/23	03/30/23	05/15/23	05/20/23	06/15/2023	07/01/23	12/10/23
37:19	04/03/23	03/13/23	04/18/23	06/02/23	06/20/23	07/20/2023	08/01/23	12/29/23
37:20	04/17/23	03/24/23	05/02/23	06/16/23	06/20/23	07/20/2023	08/01/23	01/12/24
37:21	05/01/23	04/10/23	05/16/23	06/30/23	07/20/23	08/17/2023	09/01/23	01/26/24
37:22	05/15/23	04/24/23	05/30/23	07/14/23	07/20/23	08/17/2023	09/01/23	02/09/24
37:23	06/01/23	05/10/23	06/16/23	07/31/23	08/20/23	09/21/2023	10/01/23	02/26/24
37:24	06/15/23	05/24/23	06/30/23	08/14/23	08/20/23	09/21/2023	10/01/23	03/11/24
38:01	07/03/23	06/12/23	07/18/23	09/01/23	09/20/23	10/19/2023	11/01/23	03/29/24
38:02	07/17/23	06/23/23	08/01/23	09/15/23	09/20/23	10/19/2023	11/01/23	04/12/24
38:03	08/01/23	07/11/23	08/16/23	10/02/23	10/20/23	11/16/2023	12/01/23	04/27/24
38:04	08/15/23	07/25/23	08/30/23	10/16/23	10/20/23	11/16/2023	12/01/23	05/11/24
38:05	09/01/23	08/11/23	09/16/23	10/31/23	11/20/23	12/14/2023	01/01/24	05/28/24
38:06	09/15/23	08/24/23	09/30/23	11/14/23	11/20/23	12/14/2023	01/01/24	06/11/24
38:07	10/02/23	09/11/23	10/17/23	12/01/23	12/20/23	01/18/2024	02/01/24	06/28/24
38:08	10/16/23	09/25/23	10/31/23	12/15/23	12/20/23	01/18/2024	02/01/24	07/12/24
38:09	11/01/23	10/11/23	11/16/23	01/02/24	01/20/24	02/15/2024	03/01/24	07/28/24
38:10	11/15/23	10/24/23	11/30/23	01/16/24	01/20/24	02/15/2024	03/01/24	08/11/24
38:11	12/01/23	11/07/23	12/16/23	01/30/24	02/20/24	03/21/2024	04/01/24	08/27/24
38:12	12/15/23	11/22/23	12/30/23	02/13/24	02/20/24	03/21/2024	04/01/24	09/10/24

EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

GENERAL

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:

- (1) temporary rules;
- (2) text of proposed rules;
- (3) text of permanent rules approved by the Rules Review Commission;
- (4) emergency rules
- (5) Executive Orders of the Governor;
- (6) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H; and
- (7) other information the Codifier of Rules determines to be helpful to the public.

COMPUTING TIME: In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

FILING DEADLINES

ISSUE DATE: The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month after the first or fifteenth that is not a Saturday, Sunday, or holiday for State employees.

LAST DAY FOR FILING: The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

NOTICE OF TEXT

EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days after the date a notice of the hearing is published.

END OF REQUIRED COMMENT PERIOD
An agency shall accept comments on the text of a proposed rule for at least 60 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.

DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION: The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.

1 NOTICE OF RULE MAKING PROCEEDINGS AND PUBLIC HEARING

2
3 NORTH CAROLINA BUILDING CODE COUNCIL

4
5 **Notice of Rule-making Proceedings** is hereby given by NC Building Code Council in accordance with
6 G.S. 150B-21.5(d).

7
8 **Citation to Existing Rule Affected by this Rule-Making:** *North Carolina Administrative, Building, Fire,*
9 *Existing Building and Energy Conservation Code amendments.*

10
11 **Authority for Rule-making:** *G.S. 143-136; 143-138.*

12
13 **Reason for Proposed Action:** *To incorporate changes in the NC State Building Codes as a result of*
14 *rulemaking petitions filed with the NC Building Code Council and to incorporate changes proposed by the*
15 *Council.*

16
17 **Public Hearing:** *Tuesday, June 13, 2023, 9:00AM, Albemarle Building, 325 North Salisbury Street,*
18 *Raleigh, NC 27603, 2nd Floor Training Room 245. Comments on both the proposed rules and any fiscal*
19 *impacts will be accepted.*

20
21 **Comment Procedures:** *Written comments may be sent to Carl Martin, Secretary, NC Building Code*
22 *Council, NC Department of Insurance, 1202 Mail Service Center, Raleigh, NC 27699-1202 (email*
23 *carl.martin@ncdoi.gov). Comments on both the proposed rule and any fiscal impact will be accepted.*
24 *Comment period expires on July 14, 2023.*

25
26 **Link to Agency Notice:**
27 <https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notices>

28
29 **Statement of Subject Matter:**

30
31 **1. Request from the NC Building Code Council Mechanical Standing Committee to adopt the 2024**
32 **edition of the North Carolina Plumbing Code as presented by the committee as follows:**

33
34 The proposed amendments to the 2021 International Plumbing Code to establish the 2024 NC Plumbing
35 Code can be found at the following link on the NCDOI website. Select the link to "B-1 2024 NCPC":
36 <https://www.ncosfm.gov/news/events/building-code-council-meeting-march-14-2023>

1 The 2021 International Plumbing Code can be found at the following link on the ICC website:

2 <https://codes.iccsafe.org/content/IPC2021P3>

3

4 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
5 1, 2025, unless the BCC assigns a delayed effective date.

6 **Reason Given** – This amendment is proposed to protect the public by updating the code to current
7 standards of practice.

8 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
9 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
10 funds. A fiscal note has not been prepared.

11

12 **2. Request from the NC Building Code Council Residential Standing Committee to adopt the 2024**
13 **edition of the North Carolina Residential Code, Chapters 1-10, 25-33, 45, 46 and Appendices as**
14 **presented by the committee as follows:**

15

16 The proposed amendments to the 2021 International Residential Code, Chapters 1-10, 25-33, 45, 46 and
17 Appendices to establish the 2024 NC Residential Code, Chapters 1-10, 25-33, 45, 46 and Appendices can
18 be found at the following link on the NCDOT website. Select the link to “B-4 2024 NCRC Chapters 1-10
19 and 25-33 and 45-46 and Appendices”: [https://www.ncosfm.gov/news/events/building-code-council-](https://www.ncosfm.gov/news/events/building-code-council-meeting-march-14-2023)
20 [meeting-march-14-2023](https://www.ncosfm.gov/news/events/building-code-council-meeting-march-14-2023)

21

22 The 2021 International Residential Code, Chapters 1-10, 25-33, 45, 46 and Appendices can be found at the
23 following link on the ICC website: <https://codes.iccsafe.org/content/IRC2021P2>

24

25 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
26 1, 2025, unless the BCC assigns a delayed effective date.

27 **Reason Given** – This amendment is proposed to protect the public by updating the code to current
28 standards of practice.

29 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
30 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
31 funds. A fiscal note has not been prepared.

32

33 **3. Request from Carl Martin representing NCDOT to amend the 2024 NC Building Code, Section**
34 **101.2 as follows:**

35

36 **[A] 101.2 Scope.** The provisions of this code shall apply to the construction, *alteration*, relocation,
37 enlargement, replacement, *repair*, equipment, use and occupancy, location, maintenance, removal and

1 demolition of every building or structure or any appurtenances connected or attached to such buildings or
2 structures.

3 **Exceptions:** If any of the following apply, then the building or structure is exempt from the
4 provisions of this code:

5 1. Detached one- and two-family *dwelling*s and *townhouse*s not more than three *stories*
6 *above grade plane* in height with a separate *means of egress*, and their accessory
7 structures not more than three *stories above grade plane* in height, shall comply with this
8 code or the *International Residential Code*.

9 2. Farm buildings not used for:

10 a. Sleeping purposes; or

11 b. Storage of hazardous materials in excess of those listed in Tables 307.1(1)
12 and 307.1(2) within the building rules jurisdiction of any municipality.

13 3. The design, construction, location, installation or operation of equipment for storing,
14 handling and transporting liquefied petroleum gases for fuel purposes up to the outlet of
15 the first stage pressure regulator, anhydrous ammonia or other liquid fertilizer.

16 4. The design, construction, location, installation or operation of equipment of facilities
17 of a public utility, as defined in N.C.G.S. 62-3, or electric or telephone membership
18 corporation, including without limitation poles, towers and other structures supporting
19 electric or communication lines from the distribution network up to the meter location.

20 5. The storage and handling of substances governed by the Hazardous Chemical Right to
21 Know Act in N.C.G.S. Chapter 95, Article 18.

22 6. Retaining walls complying with any of the following:

23 a. 3 feet or less in height where a guard is required;

24 b. 5 feet or less of cumulative fill within 3 feet horizontally from the wall;

25 c. Not located within 15 feet of another retaining wall; and

26 d. Not located within 3 feet of a building or structure.

27 7. Farm structures exempt by N.C.G.S. 143-138(b4).

28

29 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
30 1, 2025, unless the BCC assigns a delayed effective date.

31 **Reason Given** – The purpose of this amendment is to generically identify and include exemptions stated in
32 NC General Statute 143-138, paragraph b4. By referencing the statute, the code includes all changes to the
33 statute during the cycle of the code.

34 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
35 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
36 funds. A fiscal note has not been prepared.

37

1 **4. Request from Carl Martin representing NCDOI to amend the 2024 NC Fire Code, Section 102.13**
2 **as follows:**

3
4 **102.13 Exception to applicability.** The provisions of this code shall not apply to the following:

- 5 1. Occupancy of one- and two-family dwellings.
- 6 2. Farm buildings not used for:
 - 7 a. Sleeping purposes; or
 - 8 b. Storage of hazardous materials in excess of those listed in Tables 5003.1.1(1) and
 - 9 5003.1.1(2) within the building rules jurisdiction of any municipality.
- 10 3. The design, construction, location, installation, or operation of equipment for storing, handling,
- 11 and transporting liquefied petroleum gases for fuel purposes up to the first stage regulator,
- 12 liquefied natural gases, and anhydrous ammonia or other liquid fertilizers.
- 13 4. The design, construction, location, installation or operation of equipment or facilities of a public
- 14 utility, as defined in N.C.G.S. 62-3, or an electric or telephone membership corporation, including
- 15 without limitation poles, towers and other structures supporting electric or communication lines
- 16 from the distribution network up to the meter location.

17 **Exception:** All buildings owned and operated by a public utility or an electric or

18 telephone membership corporation shall meet the provisions of the code.
- 19 5. The storage and handling of substances governed by the Hazardous Chemicals Right to Know
- 20 Act in N.C.G.S. Chapter 95, Article 18.
- 21 6. Open burning pursuant to N.C.G.S. 106-940 through 106-950 under the jurisdiction of the
- 22 North Carolina Department of Agriculture and Consumer Services.
- 23 7. Farm structures exempt by N.C.G.S 143-138(b4).

24
25 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
26 1, 2025, unless the BCC assigns a delayed effective date.

27 **Reason Given** – The purpose of this amendment is to generically identify and include exemptions stated in
28 NC General Statute 143-138, paragraph b4. By referencing the statute, the code includes all changes to the
29 statute during the cycle of the code.

30 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
31 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
32 funds. A fiscal note has not been prepared.

33
34 **5. Request from Carl Martin representing NCDOI to amend the 2024 NC Existing Building Code,**
35 **Section 101.2 as follows:**

36

1 [A] **101.2 Scope.** The provisions of this code shall apply to the *repair, alteration, change of occupancy,*
2 *addition* to and relocation of *existing buildings*.

3 **Exceptions:**

4 1. Detached one- and two-family dwellings and townhouses not more than three stories
5 above grade plane in height with a separate means of egress, and their accessory
6 structures not more than three stories above grade plane in height, shall comply with this
7 code or the *International Residential Code*.

8 2. This code shall not apply to buildings constructed under exemption by North Carolina
9 State law to compliance with North Carolina State Building Codes.

10

11 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
12 1, 2025, unless the BCC assigns a delayed effective date.

13 **Reason Given** – The purpose of this amendment is to indicate how this code relates to buildings that are
14 constructed without required compliance to the NC State Building Codes because use of this code assumes
15 a structure complied with minimum safety requirements of a previous code.

16 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
17 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
18 funds. A fiscal note has not been prepared.

19

20 **6. Request from Carl Martin representing NCDOT to amend the 2024 NC Energy Conservation**
21 **Code, Section C101.2 and R102.2 as follows:**

22

23 **C101.2 Scope.** This code applies to *commercial buildings* and the buildings' sites and associated systems
24 and equipment.

25 **Exception:** Farm structures exempt by N.C.G.S 143-138(b4).

26 **R101.2 Scope.** This code applies to *residential buildings, building* sites and associated systems and
27 equipment.

28 **Exception:** Farm structures exempt by N.C.G.S 143-138(b4).

29

30 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
31 1, 2025, unless the BCC assigns a delayed effective date.

32 **Reason Given** – The purpose of this amendment is to generically identify and include exemptions stated in
33 NC General Statute 143-138, paragraph b4. By referencing the statute, the code includes all changes to the
34 statute during the cycle of the code.

35 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
36 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
37 funds. A fiscal note has not been prepared.

1 **7. Request from Carl Martin to amend the 2024 NC Existing Building Code, Section 803.2.1.2 as**
2 **follows:**

3
4 **803.2.1.2 Low-rise buildings.** Work areas that increase the fire area or calculated occupant load above the
5 limits listed in Section 903.2 of the *International Building Code* shall meet the requirements of those
6 sections.

7 **Exception:** Where an automatic sprinklers system is not existing in a *building* or otherwise
8 required by Section 803, *North Carolina Building Code* Section 903.2.8 shall not be applied for
9 Group R-3.

10
11 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
12 1, 2025, unless the BCC assigns a delayed effective date.

13 **Reason Given** – The purpose of this amendment is to clarify that an alteration level 2 can be performed
14 without requiring an automatic sprinkler system for Group R-3 occupancy classifications when the building
15 contains a maximum of two dwelling units in a low rise building and is not otherwise required to be
16 sprinklered. This is consistent with the sprinkler requirements for a change use as addressed in NCEBC
17 Section 1011.2.1.2 and Table 1011.2.1 for Group R-3 as well as Section 904.

18 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
19 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
20 funds. A fiscal note has not been prepared.

21
22 **8. Request from Carl Martin representing NC Board of Architecture and Registered Interior**
23 **Designers to amend the 2024 NC Administrative Code, Section Appendix B as follows:**

APPENDIX B

**2024 BUILDING CODE SUMMARY
FOR ALL COMMERCIAL PROJECTS**

(EXCEPT ONE- AND TWO-FAMILY DWELLINGS AND TOWNHOUSES)
(Reproduce the following data on the building plans sheet 1 or 2)

CONTACT: _____

DESIGNER	FIRM	NAME	LICENSE #	TELEPHONE #	E-MAIL
Architectural	_____	_____	_____	() _____	_____
<u>Registered Interior Designer</u>	_____	_____	_____	() _____	_____
Electrical	_____	_____	_____	() _____	_____
Fire Alarm	_____	_____	_____	() _____	_____
Plumbing	_____	_____	_____	() _____	_____
Mechanical	_____	_____	_____	() _____	_____
Sprinkler- Standpipe	_____	_____	_____	() _____	_____
Structural	_____	_____	_____	() _____	_____
Retaining Walls > 5 feet High	_____	_____	_____	() _____	_____
Other	_____	_____	_____	() _____	_____

("Other" should include firms and individuals such as truss, precast, pre-engineered, nonregistered interior designers, etc.)

(Appendix B beyond this portion remains unchanged by this amendment.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is January 1, 2025, unless the BCC assigns a delayed effective date.

Reason Given – This amendment is proposed to align Appendix B with the current requirements for registered interior designers and is submitted at the request of the Board of Architecture and Registered Interior Designers.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with no net decrease/increase in cost. This rule is not expected to either have a substantial economic impact or increase local and state funds. A fiscal note has not been prepared.

9. Request from Carl Martin representing NC Building Code Council to amend the 2024 NC Administrative Code, Sections 106.3.1 and 106.3.2 as follows:

106.3.1 Information required. A permit application shall be filed with the Inspection Department on a form (see Appendix A) furnished for that purpose. The Inspection Department shall make available a list of

1 information that must be submitted with the building permit application, including a complete ~~building~~
2 ~~code summary~~ Building Code Summary (see ~~Appendix A of the Administrative Code and Policies~~
3 Appendix B) complying with 106.3.2.

4 **Exception:** A Building Code Summary is not required if the AHJ (Authority Having Jurisdiction)
5 determines plan review can be performed without the Building Code Summary.

6 **106.3.2 Building Code Summary.** The ~~Inspection Department's building code summary~~ Building Code
7 Summary used by an AHJ shall be in the exact format as, and contain only the information in, Appendix B
8 of the Administrative Code and Policies. ~~The Inspection Department~~ An AHJ shall only modify its building
9 ~~code summary~~ the Building Code Summary as set forth in section 103.6 Modifications, or as necessary to
10 reflect any changes by the Office of State Fire Marshal to Appendix B that have been approved by the
11 Building Code Council.

12
13 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
14 1, 2025, unless the BCC assigns a delayed effective date.

15 **Reason Given** – This amendment is proposed to amend the 2024 NCAC&P with language that has already
16 been approved by the NC Building Code Council for the 2018 NCAC&P.

17 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
18 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
19 funds. A fiscal note has not been prepared.

20
21 **10. Request from Marielena Salazar & Kyle Baker representing Shell Retail & Convenience**
22 **Operations (dba Shell TapUp) to amend the 2024 NC Fire Code, Section 5706.5.4.5 as follows:**

23
24 **5706.5.4.5 Commercial, industrial, governmental or manufacturing establishments.** Dispensing of
25 Class I, II and III motor vehicle fuel from tank vehicles into the fuel tanks of motor vehicles located at
26 commercial, industrial, governmental or manufacturing establishments is allowed where approved
27 ~~permitted~~ provided that such dispensing operations are conducted in accordance with the following:
28

29 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
30 1, 2025, unless the BCC assigns a delayed effective date.

31 **Reason Given** – Proponent seeks to add approved & add Class I liquids to Section 5706.5.4.5, which
32 governs fleet fueling at commercial, industrial, governmental and manufacturing establishments. The
33 proposed revision I was approved and made final by the ICC Board during the 2024 IFC during the Group
34 A cycle.

35 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
36 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
37 funds. A fiscal note has not been prepared.

1

2 **NOTICE:**

3 **Appeals and Interpretations** of the North Carolina State Building Codes are published online at the
4 following link.

5 **<https://www.ncosfm.gov/interpretations>**

6

7 **NOTICE:**

8 **Amendments** of the North Carolina State Building Codes are published online at the following link.

9 **<https://www.ncosfm.gov/codes/codes-current-and-past>**

10

11 **NOTICE:**

12 **Objections and Legislative Review** requests may be made to the NC Office of Administrative Hearings in
13 accordance with G.S. 150B-21.3(b2) after Rules are adopted by the Building Code Council.

14 **<http://www.ncoah.com/rules/>**

North Carolina License and Theft Bureau

PUBLIC NOTICE

This serves as a notice pursuant to G.S. § 20-288 of a license application submission by a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative that has not been previously issued a license by the Division.

Applicant's Name: Garia Inc

Applicant's Address: 14820 North Freeway, Ste 200 Houston TX 77090

Application Date: 03/01/2023

Names and titles of any individual listed on the application as an owner, partner, member or officer of the applicant:

Mark Wagner CEO

Haresh Shah CFO

Notice of Application for a new Innovative Approval of a Wastewater System for On-site Subsurface Use

Pursuant to NCGS 130A-343(g), the North Carolina Department of Health and Human Services (DHHS) shall publish a Notice in the NC Register that a manufacturer has submitted a request for approval of a modification of a wastewater system, component, or device for on-site subsurface use. The following application has been submitted to DHHS:

Application by: Jim King
Eljen Corporation
90 Meadow Rd
Windsor, CT 06095

For: Innovative Approval for the Eljen Geotextile Sand Filter (GSF) Model A42

DHHS Contact: Jon Fowlkes
1-919-707-5875
Fax: 919-845-3973
jon.fowlkes@dhhs.nc.gov

These applications may be reviewed by contacting the applicant or Jon Fowlkes, Branch Head, at 5605 Six Forks Rd, Raleigh, NC, On-Site Water Protection Branch, Environmental Health Section, Division of Public Health. Draft proposed innovative approvals and proposed final action on the application by DHHS can be viewed on the On-Site Water Protection Branch web site: <http://ehs.ncpublichealth.com/oswp/>.

Written public comments may be submitted to DHHS within 30 days of the date of the Notice publication in the North Carolina Register. All written comments should be submitted to Mr. Jon Fowlkes, Branch Head, On-site Water Protection Branch, 1642 Mail Service Center, Raleigh, NC 27699-1642, jon.fowlkes@dhhs.nc.gov, or fax 919-845-3973. Written comments received by DHHS in accordance with this Notice will be taken into consideration before a final agency decision is made on the innovative subsurface wastewater system application.

Note from the Codifier: The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept comments on the proposed rule(s) for at least 60 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days. Statutory reference: G.S. 150B-21.2.

TITLE 11 – DEPARTMENT OF INSURANCE

Notice is hereby given in accordance with G.S. 150B-21.2 that the Department of Insurance intends to amend the rules cited as 11 NCAC 04 .0418-.0421, .0425 and repeal the rule cited as 11 NCAC 06A .1002.

Pursuant to G.S. 150B-21.17, the Codifier has determined it impractical to publish the text of rules proposed for repeal unless the agency requests otherwise. The text of the rule(s) are available on the OAH website at <http://reports.oah.state.nc.us/ncac.asp>.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncdoi.gov/insurance-industry/rules-rules-review-and-legislative-reports>

Proposed Effective Date: September 1, 2023

Public Hearing:

Date: June 27, 2023

Time: 10:00 a.m.

Location: North Carolina Department of Insurance, Albermarle Building, Room 131, 325 N. Salisbury Street, Raleigh, NC 27603

Reason for Proposed Action: The proposed rule amendments and rule repeal are being proposed in response to a petition for rulemaking.

Comments may be submitted to: Loretta Peace-Bunch, 1201 Mail Service Center, Raleigh, NC 27699-1201; email ncdoirulescomments@ncdoi.gov

Comment period ends: July 14, 2023

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 04 - CONSUMER SERVICES DIVISION

SECTION .0400 - PROPERTY AND LIABILITY

11 NCAC 04 .0418 TOTAL LOSSES ON MOTOR VEHICLES

(a) The Commissioner shall consider as prima facie violative of G.S. 58-63-15(1) the failure by an insurance company to adhere to the procedures in this Rule concerning the settlement of covered "total loss" motor vehicle claims when the failure is so frequent as to indicate a general business practice.

(b) For the purposes of this Rule, the following terms shall mean:

- (1) "Licensed Motor Vehicle Dealer" means a person who is licensed by the North Carolina Department of Transportation Division of Motor Vehicles pursuant to Chapter 20, Article 12 of the N.C. General Statutes.
- (2) "Local Market Area" means an area within a 100-mile radius of the place where the motor vehicle is principally garaged. If a substantially similar motor vehicle is unavailable within a 100-mile radius, the insurance company may increase the radius in increments of 50 miles until a substantially similar motor vehicle can be found.
- (3) "~~Published Regional Average Values~~ Retail Value" means ~~values derived from printed or electronically published motor vehicle pricing guides recognized in the motor vehicle industry, including National Automobile Dealers Association Pricing Guide Book or Kelley Blue Book that analyze current and historical motor vehicle sales data taking into consideration the year, make, model and condition of the motor vehicle, motor vehicle market conditions, and geographic area to reach an average retail value of the motor vehicle. the retail value of the claimant's motor vehicle at the time of the loss derived from the printed or electronic version of the J.D. Power Valuation Services published pricing guide.~~
- (4) "Substantially Similar Motor Vehicle" means a motor vehicle of the same ~~make, model, and year of the damaged motor vehicle.~~ year, make,

model, and trim level of the damaged motor vehicle.

(c) When a motor vehicle is damaged in an amount which, inclusive of original and supplemental claims, equals or exceeds 75 percent of the pre-accident actual cash value as determined in accordance with Paragraph (d) of this Rule, an insurance company shall designate the motor vehicle as a "total loss" and pay the claimant the pre-accident value. In return, the insurance company shall receive possession of the legal title of the salvage of the total loss motor vehicle.

(d) If the insurance company and the claimant are unable to reach an agreement as to the actual cash value of the total loss motor vehicle, the settlement offer shall be based upon the following values:

- (1) The published ~~regional average values of substantially similar motor vehicles; and; retail value; and~~
- (2) The retail cost of two or more substantially similar motor vehicles in the local market area when substantially similar motor vehicles are available or were available within 90 days of the accident to consumers in the local market area.

If no substantially similar motor vehicle is able to be located in the local market area, the settlement offer may be based upon quotations obtained from two or more licensed motor vehicle dealers located within the local market area.

(e) If a settlement is not reached by the parties in accordance with Paragraph (d) of this Rule, then on the written demand of either the claimant or the insurer, each shall select a competent and disinterested appraiser. The claimant and insurer shall submit each appraiser's contact information within 10 business days after the demand. The total loss vehicle shall be made available for inspection for each appraiser to physically inspect the claimant's motor vehicle. No other person shall inspect the total loss motor vehicle for the appraisers appraising the vehicle. In the event the motor vehicle has been stolen and not recovered, a physical inspection is not required. When determining the total loss motor vehicle retail value, the appraisers shall consider the factors identified in Paragraphs (d), (f), (g), (h) this Rule. After completion of the appraisals, both appraisers shall submit the appraisal to the claimant or the insurer, and both appraisers after shall exchange appraisals within five business days. Should the appraisers fail to agree, they shall the select a disinterested appraiser to serve as an umpire. If the appraisers cannot agree upon an umpire within five business days, then either the claimant or the insurer may request that a magistrate resident where the insured motor vehicle is registered or principally garaged to select the umpire. The appraisers shall submit their differences to the umpire. The umpire is not registered to inspect the total loss motor vehicle. When the selected umpire received payment from both parties, the umpire shall have three business days to render their decision. The umpire shall prepare a report determining the retail value of the total loss motor vehicle. In preparing the report, the umpire shall not award appraised values that are higher or lower than the determination of the two appraisers. The agreement of the two appraisers or one appraiser agreeing to the report of the umpire shall be binding. Each appraiser shall be paid by the party selecting the appraiser and the expenses of appraisal and umpire

shall be paid by the parties equally. For purposes of the Section, "appraiser" and "umpire" shall mean a person licensed as a motor vehicle appraiser under G.S. 58-33-30(h)(1) and as defined in 11 NCAC 04 .0425.

~~(e)~~(f) The settlement offer may be adjusted for condition, options, equipment, and mileage, less the cost of unrepaired damage that pre-existed the accident.

~~(f)~~(g) Applicable sales tax and vehicle registration fees shall be included as part of the actual cash value settlement of the total loss motor vehicle, except where the claimant retains the salvage vehicle.

~~(g)~~(h) The insurance company shall give consideration to evidence presented by the claimant such as receipts, photographs, or other documentation that the total loss motor vehicle owned by him or her was in a better condition prior to the accident than suggested by the insurer's settlement offer.

~~(h)~~(i) When a motor vehicle's total loss is settled on a basis which deviates from this Rule, the deviation must be supported by documentation within the claim file detailing the total loss motor vehicle's condition and the reason for the deviation. Any deductions from the actual cash value of the total loss motor vehicle, including deduction for salvage or prior damage, shall be itemized and contain the amount of the deduction. The documentation that supports the basis for the settlement shall be shared with the claimant. The insurance company's record shall include documentation of the total loss settlement.

~~(i)~~(j) If requested by the claimant, a total loss payment by an insurance company shall be accompanied by a written statement listing the estimates, evaluations, and any deductions used in calculating the payment, and the source of these values.

~~(j)~~(k) No insurance company, adjuster, appraiser, agent, or any other person shall enter into any oral or written agreement(s), by and between themselves, to limit any original or supplemental claim(s) to keep the repair cost of a damaged motor vehicle below 75 percent of its pre-accident value.

~~(k)~~(l) At the election of the claimant, or in those circumstances where the insurance company will be unable to obtain an unencumbered title to the total loss motor vehicle, the insurance company shall have the right to deduct the value of the salvage of the total loss motor vehicle from the actual cash value calculation and leave the salvage motor vehicle with the claimant.

~~(l)~~(m) If the insurance company makes a deduction for the salvage value of a total loss motor vehicle retained by the claimant, the insurance company shall, upon request of the claimant, furnish the claimant with the name and address of a salvage dealer who will purchase the salvage for the amount deducted.

~~(m)~~(n) Where the insurance company has the right to elect to replace the total loss motor vehicle and does so, the replacement motor vehicle shall be substantially similar to the total loss motor vehicle and paid for by the insurance company, subject only to the deductible and to the value of any additional options and equipment chosen by the claimant.

~~(n)~~(o) The insurance company shall be responsible for all reasonable towing and storage charges until three days after the motor vehicle's owner and storage facility are notified in writing that the insurance company shall no longer reimburse the motor vehicle's owner or storage facility for storage charges. Notification to the motor vehicle's owner shall include the name,

address, and telephone number of the facility where the motor vehicle is being stored. Notification to the storage facility shall include the name, address, and, if available, telephone number of the motor vehicle's owner. Proof of mailing, as defined in Rule .0430 of this Section, shall serve as the proof that the notification required by this Rule occurred.

~~(p)~~ In instances where the towing and storage charges are paid to the owner, the check or draft for the amount of such service shall be payable jointly to the owner and the towing or storage service.

~~(q)~~ No insurance company shall abandon the salvage of a total loss motor vehicle to a towing or storage service without the consent of the towing or storage service involved.

Authority G.S. 20-279.2; 58-2-40; 58-63-65.

11 NCAC 04 .0419 MOTOR VEHICLE REPAIR ESTIMATES DAMAGE APPRAISALS

(a) The Commissioner shall consider as prima facie violative of G.S. 58-63-15(11) the failure by an insurance company to adhere to the procedures in this Rule concerning repair estimates on covered motor vehicle damage claims when the failure is so frequent as to indicate a general business practice.

(b) For the purposes of this Rule, the following terms shall mean:

- (1) "Digital Inspection" means ~~an inspection of a damaged motor vehicle conducted by using digital photographs, videos, or other digital evidence through an electronic processing system authorized by an insurer.~~ a review of a damaged motor vehicle by observing digital photographs, videos, or other digital evidence for the insurer to prepare for a "Physical Inspection" for appraising the cost of repairing the damaged motor vehicle.
- (2) "Licensed Motor Vehicle Damage Appraiser" means an individual who is ~~licensed as a motor vehicle damage appraiser pursuant to Article 33 of Chapter 58 of the N.C. General Statutes or is licensed in another state whose licensing requirements are substantially similar to or exceed those established under that Article.~~ a resident of North Carolina or a resident of a county of a bordering state, which county is contiguous with the state line of North Carolina, licensed as a motor vehicle damage appraiser pursuant to Article 33 of Chapter 58 of the N.C. General Statutes.
- (3) "Physical Inspection" means an inspection of a damaged motor vehicle conducted in person by an insurer's ~~representative.~~ representative or claimant's representative.

(c) When a motor vehicle is damaged, and the claim is either covered by an insurer for a first-party claim or liability is established for a third-party claim, the insurer shall adhere to the following procedures concerning repair estimates:

- (1) If the insurer requires the claimant to obtain more than two estimates of property damage, any cost of the additional estimate(s) shall be paid by the insurer.

- (2) An insurer shall perform a physical or digital inspection of the damaged vehicle within ~~40 business days~~ three business days of receipt of the claim. If the insurer cannot perform the inspection in the timeframe, ~~the insurer shall provide the claimant with a verbal or written explanation of the reason the inspection has not occurred~~ the insurer shall appoint an independent licensed motor vehicle damage appraiser to physically inspect and prepare a damage appraisal within three business days. The reason for the delay shall be documented in writing within the claim file.
- (3) ~~No insurer shall refuse to perform a physical inspection of the damaged vehicle if requested by the claimant.~~ When requested by the claimant or the claimant's chosen repair facility, no insurer shall refuse to perform a physical inspection of the damaged vehicle within two business days of the request.
- (4) The insurer ~~may~~ shall satisfy the inspection requirements of this Rule by having a licensed motor vehicle damage appraiser conduct the ~~inspection of the damaged vehicle.~~ physical inspection of the damaged vehicle within two business days of the request.
- (5) ~~An insurer shall provide a verbal or written explanation to the claimant if there is any delay in responding to a request for a supplemental inspection. The reason for the delay shall be documented in writing in the claim file.~~ Upon request by the claimant's chosen repair facility, the insurer or insurer's representative shall perform a supplemental inspection within two business days of the request.
- (6) An insurer ~~shall, upon request,~~ shall provide copies of the original estimate and all supplemental estimates to the claimant.
- (7) When the insurer elects to have the damaged vehicle repaired, the insurer ~~shall,~~ shall furnish the claimant with a copy of its damage appraisal and all supplemental appraisals. The damage appraisal and supplemental appraisal ~~This estimate~~ shall contain the name and address of the insurer and, if the ~~estimate~~ damage appraisal or supplemental appraisal was prepared by someone other than the insurer, the name and address of the person preparing ~~the estimate.~~ damage appraisal or the supplemental appraisal. If there is a dispute concerning pre-existing damage to the vehicle that the insurer does not intend to have repaired, the extent of such damage shall be stated in the ~~estimate.~~ appraisal.
- (8) No repair facility or repair facility employee shall appraise damages to a motor vehicle on behalf of the insurer unless the person performing the appraisal is a licensed motor vehicle damage appraiser.

- (9) All appraisals to a motor vehicle shall contain all known necessary repairs and repair procedures established within the estimating software. The estimating software shall not be manipulated in any manner to add or remove known necessary repairs established within the estimating software, and all known necessary repairs shall be properly listed in its respected category provided by the estimating software.
- (10) "Nonoriginal crash repair part," as that term is used in G.S. 58-36-95, are required to be at least equal in terms of fit, quality, performance and warranty to the original manufactured parts they replace. When the insurer elects to have the damaged vehicle repaired, the insurer may elect to replace the damaged parts not made by the original manufacturer.
- (A) When the insurer requires the use of nonoriginal crash repair parts, the insurer shall warranty the parts not made by the original manufacturer.
- (B) When a nonoriginal crash repair part is found not to be at least equal in terms of fit, quality, performance, and warranty to the original manufactured parts they replace, the insurer shall pay and take possession of, or pay all costs in returning the parts and replace the nonoriginal crash repair with the original vehicle manufacturer's parts. No insurer shall specify a specific supplier or non-original or original replacement parts.
- (11) No insurer shall require the use of an aftermarket part in the repair of a motor vehicle unless the aftermarket part is at least equal to the original part in terms of fit, quality, performance, and warranty to the original manufactured parts they replace. Insurers specifying the use of aftermarket parts shall include in the estimate the costs of any modifications made necessary by the use of aftermarket parts. When any modifications of the aftermarkets part fail to be at least equal to the original part in terms of fit, quality, performance, and warranty, the insurer shall pay for the aftermarket parts and take possession of, or pay all cost in returning the aftermarket parts, replacing the aftermarket parts with the original vehicle manufacturer's parts.
- (12) When an insurer elects to repair a third-party claimant's damaged vehicle, the insurer shall inform the third-party claimant in writing, that the claimant may have a right to assert a claim for "diminution in fair market value", pursuant to G.S. 20-279.21(d)(1). Pursuant to G.S. 20-279.21(o), an insurer that fails to comply with subsection (d1) shall be subject to civil penalty under G.S. 58-2-70.
- (13) Pursuant to G.S. 58-3-180, an insurer or an insurer's representative estimate shall include a verbatim copy of G.S. 58-3-180 on the second page of all repairs estimates.
- (14) When a first-party claimant and the insurer fail to agree to the amount necessary to repair or replace the property with other property of the like kind and quality, either the claimant or the insurer may demand an appraisal of the loss. The claimant and the insurer each shall select a competent and disinterested appraiser. The claimant and the insurer shall submit each selected appraiser's contact information within five business days and the selected appraisers shall contact each other within five business days after the contact information has been provided. In order to prepare an appraisal in repairing of the claimant's motor vehicle, both appraisers shall physically inspect the claimant's motor vehicle. The insurer's representative or claimant's representative damage appraisal shall contain all known necessary repairs and repair procedure established within the estimating software. The estimating software shall not be manipulated in any manner to add or remove known necessary repairs established within the estimating software, and all known necessary repairs shall be properly listed in its respected category provided by the estimating software. After completion of the appraisals, both appraisers shall submit the appraisal to the claimant or the insurer, and both appraisers after shall exchange appraisals within five business days. Should the appraisers fail to agree, they shall select a disinterested appraiser to serve as an umpire. If the appraisers cannot agree upon an umpire within five business days, then either the claimant or the insurer may request that a magistrate resident where the insured motor vehicle is registered or principally garaged to select the umpire. The appraisers shall submit their differences to the umpire. The umpire is not registered to inspect the total loss motor vehicle. When the selected umpire received payment from both parties, the umpire shall have three business days to render their decision. The umpire shall prepare a report determining the retail value of the total loss motor vehicle. In preparing the report, the umpire shall not award appraised values that are higher or lower than the determination of the two appraisers. The agreement of the two appraisers or one appraiser agreeing to the report of the umpire shall be binding. Each appraiser shall be paid by the party selecting the appraiser and the expenses of appraisal and

umpire shall be paid by the parties equally. For purposes of the Section, "appraiser" and "umpire" shall mean a person licensed as a motor vehicle damage appraiser pursuant to Article 33 of Chapter 58 of the N.C. General Statutes. No other person shall invoke this appraisal clause on behalf of the claimant or the insurer. An appraiser or umpire fails comply with subsection shall be subjected to a 30-day suspension of license. As proof of the appraiser's inspection, the appraiser shall take a digital image of their North Carolina Department of Insurance photo ID or driver's license by placing it near the motor vehicle's VIN plate at windshield, or VIN label or the driver's side of the motor vehicle, or beside the license tag of the motor vehicle.

Authority G.S. 58-2-40; 58-63-65.

11 NCAC 04 .0420 WRITTEN CONFIRMATION OF ORAL AGREEMENTS

(a) Once an insurer accepts liability or advises a claimant to have damaged property repaired with the understanding that the insurer will pay or reimburse the claimant, ~~the insurer shall, if requested by the claimant, the insurer shall~~ confirm the understanding in writing. Such writing shall clearly state the responsibility assumed by the insurer for payment of incurred ~~costs~~ costs, and shall include a verbatim copy of G.S. 58-3-180.

(b) ~~If so requested by the claimant, the~~ The insurer or its representative shall confirm in writing all other oral agreements between itself or its representative and the claimant.

Authority G.S. 58-2-40; 58-3-100; 58-63-15.

11 NCAC 04 .0421 HANDLING OF LOSS AND CLAIM PAYMENTS

(a) The Commissioner shall consider the failure by an insurer to adhere to the procedures in this Rule concerning loss and claim payments as prima facie evidence violation of G.S. 58-63-15(11) when such failure is so frequent as to indicate a general business practice.

(b) When a motor vehicle is damaged and the claim is covered by an insurer, the insurer shall adhere to the following procedures concerning loss and claim payments.

- (1) Loss and claim payments shall be mailed or delivered within 10 business days after the claim is settled.
- (2) Unless the insured consents, no insurer shall deduct premiums owed by the insured on a policy from a loss or claim payment made under another policy.
- (3) No insurer shall withhold the entire amount of a loss or claim payment because the insured owes premium or other monies in an amount less than the loss or claim payment.
- (4) If a release or full payment of claim is executed by a claimant involving a repair to a motor vehicle, it shall not bar the right of the claimant

to assert a claim for property damages unknown to either the claimant or to the insurance carrier prior to the repair of the motor vehicle if the damages were caused by the accident and could not be determined or known until after the repair or attempted repair of the motor vehicle. This claim shall be asserted within the statute of limitations set forth in G.S. 1-52(16).

- (5) If a release or full payment of claim is executed by a third-party claimant involving a repair to a motor vehicle, the insurer shall inform it shall not bar the right of the third-party claimant to assert a claim for diminution in fair market value pursuant to G.S. 20-279.21(d1) caused by the accident and could not be determined or known until after the repair or attempted repair of the motor vehicle. the third-party claimant of their right to assert a claim for diminution in fair market value pursuant to G.S. 20-279.21(d1) caused by the accident and could not be determined or known until after the repair or attempted repair of the motor vehicle. Pursuant to G.S. 20-279.21(o) an insurer that fails to comply with subsection (d1) is subject to civil penalty under G.S. 58-2-70. This claim shall be asserted within the statute of limitations set forth in G.S. 1-52(16).

(c) For purposes of this Rule, "diminution in fair market value" shall be as defined in 11 NCAC 04 .0425.

(d) If a claim for diminution in fair market value is asserted pursuant to this Rule and G.S. 20-279.21(d1), the written appraisal reports prepared by each appraiser shall be exchanged with the other party. When a claim for diminution in fair market value is asserted pursuant to this Rule and G.S. 20-279.21(d1), the insurer shall respond to the claimant's claim for diminution in fair market value within five business days. When the claimant and the insurer fail to agree as to the difference in fair market value of the vehicle immediately before the accident and immediately after the accident, either the claimant or the insurer may demand an appraisal of the loss. The claimant and the insurer each shall select a competent and disinterested appraiser. The claimant and the insurer shall submit each selected appraiser's contact information within five business days and the selected appraisers shall contact each other within five business days after the contact information has been provided. In other to prepare an appraisal in repairing of the claimant's motor vehicle, both appraisers shall physically inspect the claimant's motor vehicle. After completion of the appraisals, both appraisers shall submit the appraisal to the claimant or the insurer, and both appraisers after shall exchange appraisals within five business days. Should the appraisers fail to agree, they shall the select a disinterested appraiser to serve as an umpire. If the appraisers cannot agree upon an umpire within five business days, then either the claimant or the insurer may request that a magistrate resident where the insured motor vehicle in registered or principally garaged to select the umpire. The appraisers shall submit their differences to the umpire. The umpire is not registered to inspect the total loss motor vehicle. When the selected umpire received payment from both parties, the umpire shall have three business days to render their decision. The umpire

shall prepare a report determining the retail value of the total loss motor vehicle. In preparing the report, the umpire shall not award appraised values that are higher or lower than the determination of the two appraisers. The agreement of the two appraisers or one appraiser agreeing to the report of the umpire shall be binding. Each appraiser shall be paid by the party selecting the appraiser and the expenses of appraisal and umpire shall be paid by the parties equally. For purposes of the Section, "appraiser" and "umpire" shall mean a person licensed as a motor vehicle damage appraiser pursuant to Article 33 of Chapter 58 of the N.C. General Statutes. No other person shall invoke this appraisal clause on behalf of the claimant or the insurer. An appraiser or umpire that fails comply with subsection shall be subjected to a 30-day suspension of license. No person shall inspect the claimant's vehicle in the absence of the selected appraiser. A physical inspection shall not be required when such damage to the motor vehicle sustained was of bolt-on cosmetic parts, having non-structural panel damage. A physical inspection may not be required when value in the event of adverse weather travel conditions. As proof of the appraiser's inspection, the appraiser shall take a digital image of their North Carolina Department of Insurance photo ID or driver's license by placing it near the motor vehicle's VIN plate at windshield, or VIN label or the driver's side of the motor vehicle, or beside the license tag of the motor vehicle. An insurer that fails comply with subsection G.S. 20-279.21(d1) shall subjected to a civil penalty under G.S. 58-2-70.

(e) When the liability carrier's insured is under-insured or non-insured, it shall not bar the right of the third-party claimant to assert a claim for repairing the motor vehicle or to assert a claim for diminution in fair market value which the insured is legally entitled to recover from owner or operator of an uninsured-underinsured motor vehicle pursuant to G.S. 20-279.21.

Authority G.S. 20-279.2; 58-2-40; 58-63-65.

11 NCAC 04 .0425 DEFINITIONS

As used in this Section the following terms shall be construed as follows:

- (1) "After market part" means a part made by a nonoriginal manufacturer.
- (2) "Claimant" means a first-party or third-party claimant.
- (3) "Diminution in Fair Market Value," as that term is used in G.S. 20-279.21, means the difference in the fair market value of the vehicle immediately before the accident and after any repairs made to the vehicle as a result of the accident have been completed.
- (4) "Disinterested appraiser," ~~as that term is used in G.S. 20-279.21, means a motor vehicle damage appraiser who:~~ as that term is used in G.S. 20-279.21(d1), means an individual who is a resident of North Carolina, or a resident of another state that lives in a county contiguous with the North Carolina border, licensed as a motor vehicle damage appraiser pursuant to Article 33 of Chapter 58 of the N.C. General Statutes, who:

- (a) Is not employed by ~~either the claimant or the insurer; the claimant's or the insurer's repair facility;~~
 - (b) ~~Has no financial interest in the outcome of the appraisal; and~~
 - ~~(c) Did not participate in the original or supplemental appraisal;~~
 - (c) Appraisal service available to both the claimant and the insurer;
 - (d) Is not a third-party administrator for the insurer;
 - (e) Does not provide vehicle valuation software to the insurer;
 - (f) Has no financial interest in the outcome of the appraisal; and
 - (g) Has freedom from "bias and prejudice" by either the claimant or the insurer.
- (5) "First-Party Claimant" means a person that is making a claim on an insurance policy in which they are the insured party.
 - (6) "Insurer" means as defined in G.S. 58-1-5(3), and includes any person authorized by the insurer to represent the insurer with respect to a claim and who is acting within the scope of the person's authority.
 - (7) "Nonoriginal manufacturer" means any manufacturer other than the original manufacturer of a part.
 - (8) "Part" means a component of a motor vehicle.
 - (9) "Third-Party Claimant" means a person that is making a claim on an insurance policy in which they are not the insured party.
 - (10) "Uninsured – Underinsured Claimant" means a person that is making a claim on an insurance policy in which the insured is legally entitled of the repairing the motor vehicle and the right to recover the diminished value of the motor vehicle from the owner or the operator of an uninsured – underinsured motor vehicle pursuant to G.S. 20-279.21.
 - (11) "Nonoriginal crash repair part" as that term is used in G.S. 58-36-95, refers to sheet metal and/or plastics parts – generally components of the exterior of a motor vehicle – that are not manufactured by or for the original equipment manufacturer of the vehicle. The "non-original crash repair part" are required to be at least equal in terms of fit, quality, performance and warranty to the original manufactured parts they replace.
 - (12) "Like and Kind Quality" as that term is used in 11 NCAC 04.0426. No insurer shall require the use of an aftermarket part in the repair of a motor vehicle unless the aftermarket parts is at least equal to the original part terms of fit, quality, performance, and warranty. Insurers specifying the use of aftermarket parts shall include in the estimate the costs of any

modifications made necessary by the use of aftermarket parts.

Authority G.S. 20-279.2; 20-279.21; 58-2-40.

CHAPTER 06 - AGENT SERVICES DIVISION

SUBCHAPTER 06A - AGENT SERVICES DIVISION

SECTION .1000 - MOTOR VEHICLE DAMAGE APPRAISERS

11 NCAC 06A .1002 ETHICAL STANDARDS

Authority G.S. 58-2-40.

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g. that the Wildlife Resources Commission intends to readopt with substantive changes the rule cited as 15A NCAC 10A .1201, readopt without substantive changes the rules cited as 15A NCAC 10A .0401, .0402, and repeal through readoption the rule cited as 15A NCAC 10A .1101.

Pursuant to G.S. 150B-21.17, the Codifier has determined it impractical to publish the text of rules proposed for repeal unless the agency requests otherwise. The text of the rule(s) are available on the OAH website at <http://reports.oah.state.nc.us/ncac.asp>.

Pursuant to G.S. 150B-21.2(c)(1), the text of the rule(s) proposed for readoption without substantive changes are not required to be published. The text of the rules are available on the OAH website: <http://reports.oah.state.nc.us/ncac.asp>.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncwildlife.org/Proposed-Regulations>

Proposed Effective Date: September 1, 2023

Public Hearing:

Date: June 7, 2023

Time: 2:00 p.m.

Location:

Zoom meeting. Registration required: https://ncwildlife.org.zoomgov.com/webinar/register/WN_jCjVQv3NQCS78b6x7lCRvQ.

Join by phone toll free (833 568 8864) using Webinar ID: 160 366 9451

Reason for Proposed Action: Pursuant to 150B-21.3A, the agency is required to readopt 10A rules as part of the periodic review process.

Comments may be submitted to: Rulemaking Coordinator, 1701 Mail Service Center, Raleigh, NC 27699; email regulations@ncwildlife.org

Comment period ends: July 14, 2023

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10A - WILDLIFE RESOURCES COMMISSION

15A NCAC 10A .0401 FORM AND CONTENTS OF PETITION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

15A NCAC 10A .0402 ACTION ON PETITION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .1100 - WAIVER

15A NCAC 10A .1101 WAIVER

Authority G.S. 113-134; 113-274; 150B-19(6).

SECTION .1200 - EMERGENCY POWERS

15A NCAC 10A .1201 EMERGENCY POWERS

(a) Upon a finding by the Wildlife Resources Commission determining that a wildlife disease threatens irreparable injury to wildlife or to the public, the Executive Director shall develop an emergency response plan in consultation with the Governor's office and the State Veterinarian. The plan may prescribe Veterinarian prescribing one or more of the following actions:

- (1) shorten or lengthen harvest seasons;
- (2) prohibit transport of wildlife resources or parts thereof;
- (3) prohibit possession of wildlife resources;

- (4) confiscate wildlife resources;
- (5) revoke licenses or permits;
- (6) expand or restrict daily bag limits, daily creel limits, and possession limits;
- (7) establish mandatory wildlife check stations;
- (8) restrict public access to game lands;
- (9) require prepayment of outside testing costs by persons who desire disease testing of their harvested wildlife resource when such testing is not essential to the objectives of the plan;
- (10) prohibit supplemental feeding or baiting of wildlife;
- (11) prohibit any other activities that aid in the transmission or movement of the disease as determined by the best available science regarding the disease threat;
- (12) implement any other activities necessary to reduce infection opportunities; and
- (13) implement any other requirements necessary to assist in the detection and isolation of the disease.

(b) The Commission shall inform the public of the implementation of emergency powers and actions in the response plan through press releases, postings on the Wildlife Commission web site, website and social media, letters emails sent to representatives of sportsmen's groups or other constituents likely to be directly affected, and by employee outreach.

Authority G.S. 113-134; 113-306(f).

Notice is hereby given in accordance with G.S. 150B-21.2 that the Wildlife Resources Commission intends to amend the rule cited as 15A NCAC 10D .0220.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncwildlife.org/Proposed-Regulations>

Proposed Effective Date: September 1, 2023

Public Hearing:

Date: June 13, 2023

Time: 2:00 p.m.

Location:

Zoom meeting. Registration required: https://ncwildlife.org.zoomgov.com/webinar/register/WN_Gh-OE7qoQZG9o0Tciuw6CQ.

Join by phone toll free (833-568-8864) using Webinar ID: 161 574 0487

Reason for Proposed Action: The proposed amendment to this rule was initiated by a petition for rulemaking received by the Commission on February 14, 2023.

Comments may be submitted to: Rulemaking Coordinator, 1701 Mail Service Center, Raleigh, NC 27699; email regulations@ncwildlife.org

Comment period ends: July 14, 2023

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10D - GAME LANDS REGULATIONS

SECTION .0200 - USE OF GAME LANDS

15A NCAC 10D .0220 COLUMBUS COUNTY GAME LAND IN COLUMBUS COUNTY

Columbus County game land is a Four Days per Week Area, in which the following applies:

- (1) Deer of either sex may be taken on all the open days of the applicable Deer With Visible Antlers Season.
- (2) Deer hunting on the Campbell Tract shall be by permit only.
- (3) Pursuing or chasing deer with dogs for the purposes of training or hunting is prohibited on that portion of the Wannanish tract south of NC 214.

Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 42 –BOARD OF EXAMINERS IN OPTOMETRY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Examiners in Optometry intends to amend the rule cited as 21 NCAC 42D .0102.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncoptometry.org/proposed-rules>

Proposed Effective Date: September 1, 2023

Instructions on How to Demand a Public Hearing: (must be requested in writing within 15 days of notice): Contact the Board at (910) 285-3160 or email janice@ncoptometry.org.

Reason for Proposed Action: In certain environments where supervision is limited, requiring certified assistants or technicians is in the public's interest.

Comments may be submitted to: Janice K. Peterson, 521 Yopp Rd., Suite 214 #444, Jacksonville, NC 28540; phone (910) 285-3160; fax (910) 285-4546; email janice@ncoptometry.org

Comment period ends: July 14, 2023

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any

further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

SUBCHAPTER 42D - OPTOMETRIC ASSISTANT AND TECHNICIAN

21 NCAC 42D .0102 FUNCTION PARAOPTOMETRIC PERSONNEL

(a) For the purposes of this Rule, "paraoptometric personnel" means an optometric assistant, optometric technician, or similarly titled position who qualifies by training and experience to perform duties of an administrative, technical, or clinical nature and is directed and supervised by a licensed optometrist. Paraoptometric personnel who wish to become certified as optometric assistants or optometric technicians must be certified by the American Optometric Association and maintain such certification.

(b) Paraoptometric personnel shall perform his or her functions within the scope of his or her training, as directed by and assigned by an optometrist, so long as those functions are at the specific direction and under the supervision of the licensee. The Board may require that paraoptometric personnel be certified in environments where supervision is limited.

Authority G.S. 90-115.1(6); 90-117.5.

Note from the Codifier: The rules published in this Section of the NC Register are temporary rules reviewed and approved by the Rules Review Commission (RRC) and have been delivered to the Codifier of Rules for entry into the North Carolina Administrative Code. A temporary rule expires on the 270th day from publication in the Register unless the agency submits the permanent rule to the Rules Review Commission by the 270th day.
 This section of the Register may also include, from time to time, a listing of temporary rules that have expired. See G.S. 150B-21.1 and 26 NCAC 02C .0500 for adoption and filing requirements.

TITLE 14B – DEPARTMENT OF PUBLIC SAFETY

Rule-making Agency: *Private Protective Services Board*

Rule Citation: *14B NCAC 16 .0201, .0403, .0807, .1501-.1504, .1601, .1701-.1708*

Effective Date: *April 28, 2023*

Date Approved by the Rules Review Commission: *April 20, 2023*

Reason for Action: *Senate Bill 424 (S.L. 2022-66) created two new license categories for the Board: Close Personal Protection and Digital Forensics Examination. This necessitated the creation of three new Sections of Chapter 14B Subchapter 16 (Section .1500, Section .1600 and Section .1700) and conforming changes to three existing rules (.0201, .0403 and .0807.) These portions of S.L. 2022-66 were effective October 1, 2022.*

CHAPTER 16 - PRIVATE PROTECTIVE SERVICES BOARD

SECTION .0200 - LICENSES: TRAINEE PERMITS

14B NCAC 16 .0201 APPLICATION FOR LICENSE AND TRAINEE PERMITS

(a) Each applicant for a license or trainee permit shall submit an online application on the website provided by the Board. The online application shall be accompanied by:

- (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State Bureau of Investigations or one set of classifiable fingerprints on an applicant fingerprint card that shall be mailed separately to the Board's office;
- (2) one head and shoulders digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;
- (3) ~~upload online~~ a statement of the results of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;
- (4) the applicant's non-refundable application fee, along with a four dollar (\$4.00) convenience fee and credit card transaction fee;

- (5) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board;
- (6) an Equifax credit check run within 30 days of the license application submission date, which will be submitted to the Board's investigator during the application process; and
- (7) five letters attesting to the good character and reputation of the applicant using the online character letter submission process.

(b) Applications for trainee permits shall be accompanied by a notarized statement on a form provided by the Board and signed by the applicant and his or her prospective supervisor, stating that the trainee applicant shall at all times work with and under the direct supervision of that supervisor and the form shall be uploaded as part of the online application process.

(c) Private investigator and digital forensics examination trainees applying for a license shall make available for inspection a log of experience on a form provided by the ~~Board~~ Board as required by Rule .0403 of this Chapter.

(d) Each applicant must upload evidence of high school graduation either by diploma, G.E.D. certificate, or other proof.

(e) Each applicant for a license shall meet personally with a Board investigator, the Screening Committee, the Director, or another Board representative designated by the Director prior to being issued a license. The applicant shall discuss the provisions of G.S. 74C and the administrative rules in this Chapter during the personal meeting. The applicant shall sign a form provided by the Board indicating that he or she has reviewed G.S. 74C and the administrative rules in this Chapter with the Board's representative. During a national or State declared state of emergency that restricts or prohibits travel, the personal meeting requirement may be waived if requested by the applicant in favor of alternative means of communication.

History Note: Authority G.S. 74C-2; 74C-5; 74C-8; 74C-8.1; 74C-12;

Eff. June 1, 1984;

Amended Eff. May 1, 2012; July 1, 2011; August 1, 1998; December 1, 1995; July 1, 1987; December 1, 1985;

Transferred and Recodified from 12 NCAC 07D .0201 Eff. July 1, 2015;

Amended Eff. November 1, 2017;

Readopted Eff. March 1, 2020;

Emergency Amendment Eff. May 6, 2020;

Temporary Amendment Eff. July 24, 2020;

Temporary Amendment Expired Eff. May 14, 2021;

Amended Eff. July 1, 2022; January 1, 2022; July 1, 2021;

Temporary Amendment Eff. April 28, 2023.

**SECTION .0400 - PRIVATE INVESTIGATOR:
ELECTRONIC COUNTERMEASURES**

**14B NCAC 16 .0403 TRAINEE PERMIT
REQUIREMENTS**

(a) In addition to the requirements of Section .0200 of this Chapter, applicants for a trainee permit in private ~~investigation or countermeasures~~ investigation, electronic countermeasures, or digital forensics examination shall be directly supervised by a licensee approved by the Board and that supervisor shall be responsible for the training and ~~investigations~~ other professional activities of the trainee.

(b) Trainees who wish to apply for a license must submit an application to the Board in accordance with Rule .0201 of this Chapter.

(c) Private ~~investigator~~ investigator, electronic countermeasures, or digital forensics examination trainees shall maintain a log on a form provided by the Board on its website as evidence of experience. This log must be available for inspection by Board staff when applying for a license.

(d) Any request for renewal of a trainee permit or for issuance of a license shall be accompanied by an evaluation report of the trainee's performance on a form provided by the Board on its website and submitted by the trainee's supervisor.

*History Note: Authority G.S. 74C-2; 74C-5;
Eff. June 1, 1984;
Amended Eff. December 1, 1985;
Transferred and Recodified from 12 NCAC 07D .0403 Eff. July 1, 2015;
Readopted Eff. August 1, 2020;
Temporary Amendment Eff. April 28, 2023.*

**SECTION .0800 - ARMED SECURITY GUARD FIREARM
REGISTRATION PERMIT**

**14B NCAC 16 .0807 TRAINING REQUIREMENTS
FOR ARMED LICENSEES AND REGISTRANTS**

(a) Applicants for an armed security guard firearm registration permit shall first complete the basic unarmed security guard training course set forth in Rule .0707 of this Chapter.

(b) Private ~~investigator~~ investigator, close personal protection, or any other licensee licensees applying for an armed security guard ~~firearm registration~~ permit shall first complete a ~~five-hour~~ training course consisting of the courses set forth in Rule .0707(a)(1) and (2) of this Chapter and all additional training requirements set forth in that Rule.

(c) Applicants for an armed security guard firearm registration permit shall complete a basic training course for armed security guards which consists of at least 20 hours of classroom instruction including:

- (1) legal limitations on the use of handguns and on the powers and authority of an armed security guard, including familiarity with rules and regulations relating to armed security guards (minimum of four hours);

- (2) handgun safety, including range firing procedures (minimum of one hour);
- (3) handgun operation and maintenance (minimum of three hours);
- (4) handgun fundamentals (minimum of eight hours); and
- (5) night firing (minimum of four hours).

Subparagraph (c)(2), "operation" under Subparagraph (c)(3), and Subparagraph (c)(4) of this Rule shall be completed prior to the applicant's participation in range firing.

(d) Applicants for either an armed licensee permit or an armed security guard firearm registration permit shall attain a score of at least 80 percent accuracy on a firearms range qualification course established by the Board and the Secretary of Public Safety, a copy of which is on file in the Director's office, once in three consecutive attempts. Should a student fail to attain a score of 80 percent accuracy, the student may be given a second opportunity to qualify once in three consecutive attempts on the course of fire the student did not pass. Failure to qualify after the second series of attempts shall require the student to repeat the entire basic training course for armed security guards. All attempts must take place within 20 days of the completion of the initial 20 hour course. For rifle qualification all shots shall be located on the target.

(e) All initial ~~armed security guard~~ training required by this Chapter shall be administered by a certified trainer and shall be completed no more than 90 days prior to the date of ~~issuance of~~ application for the licensee permit or armed security guard firearm registration permit.

(f) All applicants for an armed security guard firearm registration permit shall obtain training under the provisions of this Section using their duty weapon and their duty ammunition or ballistic equivalent ammunition, to include lead-free ammunition that meets the same point of aim, point of impact, and felt recoil of the duty ammunition, for all ~~weapons, firearms.~~

(g) No more than six new or renewal licensee permit or armed security guard applicants per one instructor shall be placed on the firing line at any one time during firearms range ~~training for armed security guards, training.~~

(h) Applicants for re-certification of a licensee permit or an armed security guard firearm registration permit shall complete ~~a~~ the basic recertification training course for armed security guards that consists of at least four hours of classroom instruction and is a review of the requirements set forth in Subparagraphs (c)(1) through (c)(5) of this Rule. ~~Subparagraphs~~ Subparagraph (c)(2), operation under Subparagraph (c)(3), and Subparagraphs (c)(4) and (5) of this Rule shall be reviewed prior to range firing, and maintenance under Subparagraph (c)(3) may be reviewed after range firing. The recertification course is valid for 180 days after completion of the course. Applicants for recertification of a licensee permit or an armed security guard firearm registration permit shall also complete the requirements of Paragraph (d) of this Rule.

(i) An armed guard registered with one company may be registered with a second company. The registration shall be considered "dual." The registration with the second company shall expire at the same time that the registration expires with the first company. An updated application shall be required to be submitted by the applicant, along with the digital photograph,

updated criminal records checks, and a forty dollar (\$40.00) registration fee. If the guard will be carrying a firearm of the same make, model, and caliber, then no additional firearms training shall be required. The licensee shall submit a letter stating the guard will be carrying the same make and model firearm. If the guard will be carrying a firearm of a different make and model, the licensee shall submit a letter to the Board advising of the make, model, and caliber of the firearm the guard will be carrying and the guard shall be required to qualify at the firing range on both the day and night qualification course. The qualification score is valid for 180 days after completion of the course.

(j) To be authorized to carry a standard 12 gauge shotgun in the performance of his or her duties as an armed security guard, an applicant shall complete, in addition to the requirements of Paragraphs (a), (c), and (d) of this Rule, six hours of classroom training that shall include the following:

- (1) legal limitations on the use of shotgun (minimum of one hour);
- (2) shotgun safety, including range firing procedures (minimum of one hour);
- (3) shotgun operation and maintenance (minimum of one hour);
- (4) shotgun fundamentals (minimum of two hours); and
- (5) night firing (minimum of one hour).

Subparagraph (j)(2), "operation" under Subparagraph (j)(3), and Subparagraph (j)(4) of this Rule shall be completed prior to the applicant's participation in range firing.

(k) An armed security guard applicant may take the additional shotgun training at a time after the initial training in this Rule. If the shotgun training is completed at a later time, the shotgun certification shall run concurrent with the armed registration permit. In addition to the requirements set forth in Paragraph (j) of this Rule, applicants shall attain a score of at least 80 percent accuracy on a shotgun range qualification course established by the Board and the Secretary of Public Safety, a copy of which is on file in the Director's office.

(l) Applicants for shotgun recertification shall complete one hour of classroom training covering the topics set forth in Paragraph (j) of this Rule and shall also complete the requirements of Paragraph (d) of this Rule.

(m) To be authorized to carry a rifle in the performance of his or her duties as an armed security guard, an applicant shall complete, in addition to the requirements of Paragraphs (a), (c), and (d) of this Rule, 16 hours of classroom training which shall include the following:

- (1) legal limitations on the use of rifles (minimum of one hour);
- (2) rifle safety, including range firing procedures (minimum of one hour);
- (3) rifle operation and maintenance (minimum of two hours);
- (4) rifle fundamentals (minimum of ten hours); and
- (5) night firing (minimum two hours).

Subparagraph (m)(2), "operation" under Subparagraph (m)(3), and Subparagraph (m)(4) of this Rule shall be completed prior to the applicant's participation in range firing.

(n) The applicant shall pass a skills course that tests each basic rifle skill and the test of each skill shall be completed within three attempts.

(o) An applicant may take the additional rifle training at a time after the initial training in Subsection (c) of this Rule. If the rifle training is completed at a later time, the rifle certification shall run concurrent with the armed registration permit. In addition to the requirements set forth in Paragraphs (m) and (n) of this Rule, applicants shall attain a score of at least 80 percent accuracy on a rifle range qualification course established by the Board and the Secretary of Public Safety, a copy of which is on file in the Director's office.

(p) Applicants for rifle recertification shall complete an additional one hour of classroom training covering the topics set forth in Paragraph (m) of this Rule and shall also complete the requirements of Paragraph (d) of this Rule.

(q) Upon written request, an applicant for a licensee permit or an armed security guard firearm registration permit who possesses a current firearms trainer certificate shall be given a ~~firearms~~ licensee permit or registration permit that will run concurrent with the trainer certificate upon completion of an annual qualification with the applicant's duty firearms as set forth in Paragraph (d) of this Rule.

(r) An armed licensee or security guard is required to qualify annually both for day and night firing with his or her duty handgun, shotgun, and rifle, if applicable. If the licensee or security guard fails to qualify on any course of fire, the licensee or ~~the~~ security guard shall not carry the firearm until such time as he or she meets the qualification requirements. Upon failure to qualify, the firearm instructor shall notify the licensee or security guard that he or she is no longer authorized to carry the firearm and the firearm instructor shall notify the employer and the Private Protective Services Board staff on the next business day.

(s) A firearm training certificate of an armed security guard remains valid even if the guard leaves the employment of one company for the employment of another. The range qualifications shall remain valid if the guard will be carrying a firearm of the same make, model, and caliber and no additional firearms training shall be required. The licensee shall submit a letter stating the guard will be carrying the same make and model firearm. If the guard will be carrying a firearm of a different make and model, the licensee shall submit a letter to the Board advising of the make, model, and caliber of the firearm the guard will be carrying and the guard shall be required to qualify at the firing range on both the day and night qualification course. The qualification score is valid for 180 days after completion of the course. However, nothing herein shall extend the period of time the qualification is valid.

History Note: Authority G.S. 74C-5; 74C-9; 74C-13; Eff. June 1, 1984; Amended Eff. November 1, 1991; February 1, 1990; July 1, 1987; Temporary Amendment Eff. January 14, 2002; Amended Eff. October 1, 2013; October 1, 2010; June 1, 2009; February 1, 2006; August 1, 2002; Transferred and Recodified from 12 NCAC 07D .0807 Eff. July 1, 2015; Amended Eff. January 1, 2018; February 1, 2016; October 1, 2015;

Readopted Eff. November 1, 2019;
Amended Eff. January 1, 2023; February 1, 2022;
Temporary Amendment Eff. April 28, 2023.

SECTION .1500 - CLOSE PERSONAL PROTECTION

14B NCAC 16 .1501 EXPERIENCE REQUIREMENTS FOR A CLOSE PERSONAL PROTECTION LICENSE

(a) In addition to the requirements of G.S. 74C-8 and Section .0200 of this Chapter, applicants for a close personal protection license shall:

- (1) establish to the Board's satisfaction three years of verifiable experience while conducting close personal protection services as set forth in G.S. 74C-3(a)(3a) with a private person, firm, association, or corporation within the last 10 years;
- (2) establish to the Board's satisfaction three years of verifiable experience while conducting close personal protection services as set forth in G.S. 74C-3(a)(3a) with any federal, state, county or municipal law enforcement agency, or other governmental agency within the last 10 years;
- (3) establish to the Board's satisfaction a military occupational specialty and two years of verifiable experience within the past five years in the U.S. Armed Forces while conducting close personal protection services as set forth in G.S. 74C-3(a)(3a) while serving in an official capacity; or
- (4) have completed a course in close personal protection approved by the Board given by a school specializing in close personal protection (or "executive protection") that consists of a minimum of 40 hours of actual classroom and practical instruction within the last 2 ~~years~~ years as required by Rule .1502 of this Chapter.

(b) In addition to the requirements of Section .0200 of this Chapter, an applicant for a close personal protection license that is the spouse of an active duty member of the U.S. Armed Forces shall establish to the Board's satisfaction:

- (1) the spouse holds a current license, certification, or registration from another jurisdiction and the other jurisdiction's requirements are substantially equivalent to or exceed the Board's requirements; and
- (2) the spouse has two years verifiable experience within the past five years while conducting close personal protection as set forth in in G.S. 74C-3(a)(3a) while serving in an official capacity with any entity described in Paragraph (a) of this Rule.

History Note: Authority G.S. 74C-5(2); 93B-15.1;
Temporary Adoption Eff. April 28, 2023.

14B NCAC 16 .1502 TRAINING REQUIREMENTS FOR CLOSE PERSONAL PROTECTION LICENSE

(a) Applicants for a close personal protection license who do not have the experience set forth in Rule .1501(a)(1) through (3) or (b)(1) and (2) shall complete a basic close personal protection (or "executive protection") training course approved by the Board within the previous 24 months. The course shall consist of a minimum of 40 hours of classroom and practical instruction ~~including;~~ including as a minimum:

- (1) Fundamentals of personal protection, including as a minimum mission planning, performing site surveys, route selection (primary, secondary, etc.), medical evacuation, walking formations (single, multiple, etc.), communications with protectees, and transitional movements (arrivals, departures, plan changes, hasty movements, etc.) – (minimum of 26 hours);
- (2) Practical exercises – (minimum of 12 hours); and
- (3) Legal Issues, including the rules ~~set forth in 14B NCAC 16 .1500, of this Section, G.S. 74C-13 G.S. 74C-13,~~ and 14BNCAC 16 .0807, North Carolina's laws on use of force, and the federal and State firearms law– (minimum of 2 hours).

(b) In addition to the minimum classroom and practical instruction required by Paragraph (a) of this Rule, the applicant must possess a basic first aid certificate from the American Red Cross and a valid CPR and AED certification from the American Red Cross, American Heart Association, American Safety and Health Institute, or National Safety Council.

(c) Subparagraph (a)(3) of this Rule may be conducted remotely as provided for by 14B NCAC 16 .0707(c).

History Note: Authority G.S. 74C-5;
Temporary Adoption Eff. April 28, 2023.

14B NCAC 16 .1503 INVESTIGATIONS DIRECTLY RELATED TO PROVISION OF SERVICES

A close personal protection licensee may engage in activities otherwise defined by G.S. 74C-3(a)(8) as an investigation which are directly related to the provision of services including but not limited to advance planning, intelligence, and risk assessment.

History Note: Authority G.S. 74C-5;
Temporary Adoption Eff. April 28, 2023.

14B NCAC 16 .1504 DISTINGUISHING SECURITY SERVICES

(a) Prior to providing any service to a client, a close personal protection licensee shall enter into a written contract or agreement that lists by name the individual person or persons for whom service is to be provided, the specific function that constitutes the service, and the duration of the service.

(b) A close personal protection license does not entitle the licensee to provide services defined by G.S. 74C-3(a)(6) to any person or persons not listed in the contract or agreement.

History Note: Authority G.S. 74C-5; Temporary Adoption Eff. April 28, 2023.

SECTION .1600 – DIGITAL FORENSICS EXAMINER

14B NCAC 16 .1601 EXPERIENCE REQUIREMENTS FOR A DIGITAL FORENSICS EXAMINER LICENSE

(a) In addition to the requirements of Section .0200 of this Chapter, applicants for a Digital Forensic Examiner (D.F.E.) license shall:

- (1) establish to the Board's satisfaction three years of verifiable experience within the past five years conducting digital forensic examinations as defined by G.S. 74C-3(a)(5a) individually, or with any private company or federal, state, county or municipal agency;
- (2) hold a North Carolina private investigator license, or private investigator license from a state reciprocal with North Carolina, and have completed a course of instruction consisting of not less than 40 hours of live classroom and practical instruction in digital forensics, and obtained certification from a certifying entity approved by the Board within the previous two years;
- (3) establish to the Board's satisfaction that the applicant has been qualified as an expert witness in an area of digital forensics in a court of law using the standard set forth by the United States Supreme Court in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), and its progeny cases, within the previous three years; or
- (4) establish to the Board's satisfaction a military occupational specialty and two years of verifiable experience conducting digital forensics examinations within the past five years in the U.S. Armed Forces.

(b) In addition to the requirements of Section .0200 of this Chapter, an applicant for a D.F.E. license that is the spouse of an active duty member of the U.S. Armed Forces shall establish to the Board's satisfaction:

- (1) the spouse holds a current license, certification, or registration from another jurisdiction and the other jurisdiction's requirements are substantially equivalent to or exceed the Board's requirements; and
- (2) the spouse has two years of verifiable experience conducting digital forensics examinations within the past five years.

(c) ~~Using the formula in Rule .0204(d) of this Chapter, the Board shall give credit toward the experience requirements set forth in Paragraphs (a) and (b) of this Rule as follows:~~

- (1) An applicant shall receive 400 hours of experience credit for an associate's degree. The Board shall grant up to 100 additional hours if the applicant can demonstrate that further training or course-work related to digital

forensics examination was received while obtaining the associate's degree.

- (2) An applicant shall receive 800 hours of experience credit for a bachelor's degree. The Board shall grant up to 200 additional hours if the applicant can demonstrate that further training or course-work related to digital forensics examination was received while obtaining the bachelor's degree.
- (3) An applicant shall receive 1,200 hours of experience credit for a graduate degree. The Board shall grant an additional 300 additional hours if the applicant can demonstrate that further training or course-work related to digital forensics examination was received while obtaining the graduate degree.

History Note: Authority G.S. 74C-5; 93B-15.1; Temporary Adoption Eff. April 28, 2023.

SECTION .1700 – TRAINING AND SUPERVISION FOR DIGITAL FORENSICS EXAMINER (D.F.E.) ASSOCIATES

14B NCAC 16 .1701 DEFINITIONS

In addition to the definitions set forth in G.S. 74C, the following definitions shall apply to this Section:

- (1) "Digital Forensics Examiner Associate" ~~refers to~~ means an individual training to become a digital forensics examiner licensee. A Digital Forensics Examiner Associate may also be referred to as a "trainee" in these Rules. A Digital Forensics Examiner Associate must complete three training levels as set out in this Section.
- (2) "One-on-one Supervision" means person-to-person contact whereby the licensee is personally and directly supervising or training the Associate. The training licensee must be the sponsoring digital forensics examiner licensee. The Digital Forensics Examiner Associate may not subcontract his or her employment to another licensee. However, the sponsoring digital forensics examiner licensee may subcontract the Digital Forensics Examiner Associate if the sponsor obtains prior written approval from the Board's Director by showing that the Digital Forensics Examiner Associate will receive an educational benefit from the subcontract employment and the Associate will receive one-on-one supervision from another licensee.
- (3) "Training Checklist" ~~refers to~~ means the ~~document(s)~~ documents that shall state all areas of training and work that the Associate has performed. The ~~supervising licensee sponsor~~ supervising licensee is responsible for maintaining the training checklist and providing a copy of the checklist to the Associate. The Training Checklist must

reflect the date the Associate advances from one level to another. The training checklist must be signed by the Associate and the ~~sponsoring licensee sponsor~~ at the end of each reporting period. In the event the Associate transfers employment to another licensee, the Associate must provide the new ~~supervising licensee sponsor~~ with the training checklist and the new ~~sponsoring licensee sponsor~~ will then be responsible for the maintenance of the checklist. The Training Checklist must be updated on a quarterly basis for Level One Associates and on a yearly basis for Level Two and Level Three Associates. The training checklist must be maintained pursuant to Rule .0108 of this Chapter. When an Associate completes Level Three, the Training Checklist must be made a part of the Associate's application for a digital forensics examiner license. The Board shall have immediate access to the training ~~checklist~~ checklist upon request.

- (4) "Associate Log" ~~refers to~~ means the ~~document(s)~~ documents maintained by the Associate which shall list each case the Associate has worked, the number of hours spent on the case, and the type of work performed. Details of the one-on-one training must be documented within the Associate's log.

History Note: Authority G.S. 74C-2(c); 74C-5(2);
Temporary Adoption Eff. April 28, 2023.

14B NCAC 16 .1702 TRAINING AND SUPERVISION REQUIRED IN LEVEL ONE

- (a) If upon sponsorship, the Associate has less than one year or 1,000 hours of verifiable training or experience, the Associate shall ~~be classified as a Level One Associate and shall~~ undergo 160 hours of one-on-one supervision training.
- (b) The first 40 hours of employment shall be one-on-one supervision. The remaining 120 hours of one-on-one supervision shall be gathered over the first year of employment or the first 1,000 hours of work, whichever comes first.
- (c) A Level One Associate cannot, independently of the sponsor, accept or contract employment. The Associate shall have direct face-to-face, ~~telephone~~ telephone, or virtual contact with the sponsor before accepting employment or before accepting a new case.
- (d) The sponsor shall meet with the Level One Associate to review the Associate's activities. The ~~sponsor licensee's sponsor's~~ review may be by telephone, virtually, or face-to-face and shall occur at least four times per month. The ~~licensee sponsor~~ shall review each assignment the Associate is working or has worked since the last review. Review sessions may encompass more than one assignment.

History Note: Authority G.S. 74C-5(2);
Temporary Adoption Eff. April 28, 2023.

14B NCAC 16 .1703 TRAINING AND SUPERVISION REQUIRED IN LEVEL TWO

- (a) If upon initial application for an Associate permit, the applicant has at least one year or 1,000 hours of verifiable training or experience, the applicant will skip Level One and be classified as a Level Two Digital Forensics Examiner Associate. An applicant that skips Level One shall undergo 80 hours of one-on-one training. The first 40 hours of one-on-one supervision shall occur within the first 40 hours of employment. The remaining 40 hours shall be gathered over the first year of employment or the first 1,000 hours of work, whichever comes first.
- (b) A Level Two Associate cannot, independently of the sponsor, accept or contract employment. The Associate shall have direct face-to-face, virtual, or telephone contact with the sponsor.
- (c) The sponsor shall meet with the Level Two Associate to review the Associate's work product. The ~~licensee's sponsor's~~ review may be by telephone, virtually, or face-to-face and shall occur at least four times per month. The ~~licensee sponsor~~ shall review each assignment the Associate is working or has worked since the last review. Review sessions may encompass more than one assignment.

History Note: Authority G.S. 74C-5(2);
Temporary Adoption Eff. April 28, 2023.

14B NCAC 16 .1704 TRAINING AND SUPERVISION REQUIRED IN LEVEL THREE

- (a) If upon sponsorship the Associate has at least two years or 2,000 hours of verifiable training or experience, the Associate will be classified as a Level Three Associate and shall undergo 40 hours of one-on-one training.
- (b) The first 40 hours of employment for the Level Three Digital Forensics Examiner Associate shall be one-on-one supervision.
- (c) When the Level Three Associate completes the requirements of Level Three by fulfilling the licensing requirements set forth in Rules .0204 and .0401 of this Chapter, the Associate may apply for a digital forensics examiner license.
- (d) The sponsor shall meet with the Level Three Associate to review the Associate's activities. The ~~licensee sponsor~~ shall review each assignment the Associate is working or has worked since the last review. Review sessions may encompass more than one assignment.
- (e) The ~~sponsoring licensee sponsor~~ shall ~~have contact with the Level Three Associate sufficient to ensure~~ ensure the Level Three Associate remains in compliance with G.S. Chapter 74C.

History Note: Authority G.S. 74C-5(2);
Temporary Adoption Eff. April 28, 2023.

14B NCAC 16 .1705 EDUCATIONAL DEGREES AND NON-DEGREEED TRAINING

Using the formula in Rule .0204 of this Chapter, the Board shall give credit toward the educational and training requirements of this Section as follows:

- (1) An applicant shall receive a minimum of 400 hours of experience credit for an associate's degree. The Board shall grant up to 100 additional hours if the applicant can demonstrate that further training or course-

work related to digital forensics examination was received while obtaining the associate's degree.

(2) An applicant shall receive 800 hours of experience credit for a bachelor's degree. The Board shall grant up to 200 additional hours if the applicant can demonstrate that further training or course-work related to digital forensics examination was received while obtaining the bachelor's degree.

(3) An applicant shall receive 1,200 hours of experience credit for a graduate degree. The Board shall grant an additional 300 additional hours if the applicant can demonstrate that further training or course-work related to digital forensics examination was received while obtaining the graduate degree.

~~(a) An applicant shall receive a minimum of 400 hours of experience credit for an associate's degree. The Board shall grant up to 100 additional hours if the applicant can demonstrate that further training or course-work related to digital forensics examination was received while obtaining the associate's degree.~~

~~(b) An applicant shall receive 800 hours of experience credit for a bachelor's degree. The Board shall grant up to 200 additional hours if the applicant can demonstrate that further training or course-work related to digital forensics examination was received while obtaining the bachelor's degree.~~

~~(c) An applicant shall receive 1,200 hours of experience credit for a graduate degree. The Board shall grant an additional 300 additional hours if the applicant can demonstrate that further training or course-work related to digital forensics examination was received while obtaining the graduate degree.~~

History Note: Authority G.S. 74C-5(2); Temporary Adoption Eff. April 28, 2023.

14B NCAC 16 .1706 CONSIDERATION OF EXPERIENCE

(a) The Board shall consider any practical experience gained prior to the application date. The Board shall not consider experience claimed by the applicant if the experience was gained after December 1, 2022:

(1) by contracting private protective services to another person, firm, association, or corporation while not in possession of a valid private protective services license; or

(2) when employed by a company contracting private protective services to another person, firm, association, or corporation while the company is not in possession of a valid private protective services license.

(b) The Board shall consider any educational experience referred to in Rule .1705 of this Section.

History Note: Authority G.S. 74C-5(2); Temporary Adoption Eff. April 28, 2023.

14B NCAC 16 .1707 ENFORCEMENT

A violation by the Associate may be deemed by the Board to be a violation of by the sponsor if the violation is found to be the result of insufficient supervision and may subject the sponsor to any enforcement actions pursuant to G.S. 74C-17.

History Note: Authority G.S. 74C-2(c); 74C-5(2); 74C-12; Temporary Adoption Eff. April 28, 2023.

14B NCAC 16 .1708 TRANSFERABILITY OF TRAINING HOURS

If a Level One Associate transfers employment to another digital forensics examiner licensee sponsor, the one-on-one training shall not transfer and the Associate shall undergo new one-on-one supervised training hours with the new sponsoring licensee sponsor. If a Level Two or Level Three Associate transfers employment to another licensee, all training hours shall be transferred.

History Note: Authority G.S. 74C-5(2); Temporary Adoption Eff. April 28, 2023.

TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 06 – BOARD OF BARBER AND ELECTROLYSIS EXAMINERS

Rule-making Agency: *Board of Barber and Electrolysis Examiners*

Rule Citation: *21 NCAC 06C .0912; 06F .0104, .0120; 06G .0106; 06J .0110; 06K .0101, .0104, .0110-.0113; 06L .0104, .0106, .0107, .0109, .0111, .0113-.0115, .0117-.0120, .0201-.0203, .0205; 06N .0101, .0105-.0107, .0109, .0110, .0112, .0114; 06O .0102, .0104, .0106, .0108-.0110, .0113, .0116, .0117, .0121, .0123-.0125; 06P .0103; 06Q .0101*

Effective Date: *May 2, 2023*

Date Approved by the Rules Review Commission: *April 20, 2023*

Reason for Action:

Session Law 2022-72 merged the State Board of Barber Examiners and North Carolina Board of Electrolysis Examiners into a newly created agency, the North Carolina Board of Barber and Electrolysis Examiners. The legislation also created a new license type for mobile barber shops; included language to change references from "certified" instructors to "licensed" instructors; changed references to license types such as registered barber; changed the name of license types, with authority for the board to set fees for mobile barber shops; established sanitation requirements for businesses; updated the reference to license types; and reduced the requirements for out-of-state applicants.

SUBCHAPTER 06C – CONTESTED CASES

SECTION .0900 – HEARING OFFICERS

21 NCAC 06C .0912 COMPLAINTS

(a) An individual who wishes to make a complaint alleging a violation of ~~G.S. 86A~~ G.S. 86B or the Board's rules shall submit the complaint in writing to the address or through the website set forth in 21 NCAC 06A .0102.

(b) Upon receipt of a complaint, the Board's Executive Director shall review the complaint. The Executive Director shall investigate or assign a staff member to investigate the complaint, except for complaints that are dismissed as set forth in Paragraph (c) of this Rule.

(c) The Executive Director shall dismiss the complaint and notify the complainant if the complaint:

- (1) lacks information, such as ~~barbershop business~~ location or a description of the alleged conduct, necessary to investigate the complaint. Before dismissal, the Executive Director shall attempt to collect additional information from the complainant; or
- (2) alleges conduct that is not prohibited by ~~G.S. 86A~~ G.S. 86B or the Board's rules or is not within the Board's jurisdiction. The Executive Director shall refer the complaint to any other agency that may have jurisdiction.

(d) After conducting an investigation, the assigned staff member shall:

- (1) recommend to the Executive Director that the Board counsel issue a probable cause letter for violations of ~~G.S. 86A~~ G.S. 86B or the Board's rules; or
- (2) recommend that the Executive Director dismiss the complaint because there is insufficient evidence of a violation of ~~G.S. 86A~~ G.S. 86B or the Board's rules or the alleged conduct is not within the Board's jurisdiction.

(e) After receiving a recommendation required by Paragraph (d) of this Rule, the Executive Director shall:

- (1) conduct or request additional investigation by the assigned staff member on a case-by-case basis when the recommendation does not contain facts to support the actions set forth in Subparagraphs (2) or (3) of this Paragraph;

21 NCAC 06F .0120 BARBER SCHOOL CURRICULA CURRICULUM

(a) The following categories and courses shall comprise the minimum course work for all barber students at barber schools:

	Hours
Classroom Lecture and Study Periods:	
Hygiene and Good Grooming, Professional Ethics	25
Bacteriology, Sterilization, Sanitation	50
Implements, Honing, Stropping, and Shaving	30
Men's Haircutting	20
Cutting and Styling Curly Hair, Mustaches, and Beards	10
Shampooing and Rinsing, Scalp and Hair Treatments	10
Theory of Massage and Facial Treatments	5
Men's Razor Cutting, Women's Razor, and Shear Cutting	30
Finger Waving Men's Hair, Air Waving, and Curling Iron Techniques	5

- (2) recommend that the Board counsel issue a probable cause letter for violations of ~~G.S. 86A~~ G.S. 86B or the Board's rules; or
- (3) dismiss the complaint and notify the complainant, except that the Executive Director shall refer the complaint to any other agency that may have jurisdiction.

(f) At each regularly scheduled Board meeting, the Executive Director shall submit to the Board a report of dismissed complaints that he or she has not previously reported, with a summary of the allegations and a justification for the dismissal. If the complaint was dismissed within 30 days of the Board meeting, the Executive Director may instead include the dismissal in the report for the Board meeting following the next regularly scheduled meeting.

(g) By a majority vote, the Board may reopen any complaint that the Executive Director has dismissed, in which case the complaint shall be handled as if the Executive Director had not dismissed the complaint.

History Note: Authority G.S. 86A-5; 86B-2; Eff. April 1, 2017, 2017; Temporary Amendment Eff. May 2, 2023.

SUBCHAPTER 06F – BARBER SCHOOL

SECTION .0100 – BARBER SCHOOL

21 NCAC 06F .0104 INSTRUCTORS

(a) At least one barber instructor shall supervise barber students whenever they are engaged in barbering activities at all times, activities.

(b) Barber instructors shall barber only for the purpose of instruction or demonstration while on the premises of the barber school.

(c) All course work as outlined under 21 NCAC 06F .0120 shall be taught by a ~~certified~~ licensed barber instructor.

History Note: Authority G.S. 86A-22; 86A-23; 86B-38; 86B-39; Eff. February 1, 1976; Readopted Eff. February 8, 1978; Amended Eff. September 1, 2009; June 1, 2008; May 1, 1989; Readopted Eff. July 1, 2016, 2016; Temporary Amendment Eff. May 2, 2023.

TEMPORARY RULES

Permanent Waving For Men, Chemical Hair Relaxing, and Blow Drying	25
Hair Coloring	10
Men's Hair Pieces	5
The Skin, Scalp, and Hair	30
Disorders of the Skin, Scalp, and Hair	15
Anatomy and Physiology	10
Electricity Therapy, Light Therapy, and Chemistry	10
Barber Styling, <u>Barber Shop and Mobile Barber Shop Management</u> , and Product Knowledge	70
Licensing Laws and Rules and History of Barbering	20
Supervised Practice in Barbering:	
Shampooing and Scientific Hair and Scalp Treatments	55
Shaving	50
Tapered Hair Cutting	250
Hair Styling of Men and Women	400
Facials, Massages, and Packs	10
Bleaching, Frosting, Hair Coloring, and Body Permanents	90
Cutting and Fitting Hair Pieces	5
Hair Straightening	5
The Analyzing and Treatment of Hair and Skin Disorders	10
Lectures and Demonstrations on Practical Work:	
Shampooing and Scientific Hair and Scalp Treatments	15
Shaving	20
Tapered Hair Cutting	70
Hair Styling of Men and Women	100
Facials, Massages, and Packs	5
Bleaching, Frosting, Hair Coloring, and Permanent Waving	30
Cutting and Fitting Hair Pieces	5
Hair Straightening	3
The Analyzing and Treating of Hair and Skin Disorders	10
Men's and Women's Razor Cutting	15
Total Hours 4528 <u>1,528</u>	

(b) Barber schools shall offer no more than the following hours through online classes based on the curriculum set forth in Paragraph (a) of this Rule:

	Hours
Classroom Lecture and Study Periods:	380
Supervised Practice in Barbering:	
Tapered Hair Cutting	25
Hair Styling of Men and Women	34
Bleaching, Frosting, Hair Coloring, and Body Permanents	35
Lectures and Demonstrations on Practical Work:	
Shampooing and Scientific Hair and Scalp Treatments	8
Shaving	5
Tapered Hair Cutting	20
Hair Styling of Men and Women	50
Bleaching, Frosting, Hair Coloring, and Permanent Waving	5
The Analyzing and Treating of Hair and Skin Disorders	7
Men's and Women's Razor Cutting	7
Total Online Hours 576	

(c) All barber schools shall use course books and training materials ~~specifically created for the purpose of teaching barbering skills. Unless the course book or training material has separate and distinct sections covering the practice of barbering, cosmetology course books and training materials are not acceptable, that only cover topics related to barbering, unless the other topics are in sections separate from barbering topics.~~

~~(d) Through December 31, 2021, barber schools may offer all hours listed in Paragraph (a) of this Rule through online classes, Paragraph (b) of this Rule notwithstanding.~~

History Note: Authority G.S. 86A-22(1); 86A-22(4); 86B-38;
 Eff. March 1, 1983;
 Amended Eff. June 1, 2008; May 1, 1989;
 Readopted Eff. July 1, 2016;
 Amended Eff. April 1, ~~2021~~ 2021;
 Temporary Amendment Eff. May 2, 2023.

SUBCHAPTER 06G - BARBER SCHOOL INSTRUCTORS

21 NCAC 06G .0106 INSTRUCTOR APPLICATION

To become a ~~registered barber~~ licensed instructor an applicant shall furnish the Board with the Form BAR-6 as set forth in 21 NCAC 06N .0107 and pay the fee in ~~21 NCAC 06N .0101(a)(14)~~ 21 NCAC 06N .0101(a)(13).

History Note: Authority G.S. 86A-23(a); 86A-25; 86B-39; 86B-41;
 Eff. October 1, ~~2016~~ 2016;
 Temporary Amendment Eff. May 2, 2023.

SUBCHAPTER 06J - APPRENTICE BARBERS

21 NCAC 06J .0110 NOTIFICATION OF ADDRESS CHANGE

All ~~apprentice barbers~~ licensed apprentices and ~~student barbers~~ barber students with temporary permits shall notify the Board within ~~60~~ 30 days of any change in their ~~permanent~~ mailing address.

History Note: Authority G.S. 86A-11; 86A-24; 86B-27; 86B-40;
 Eff. September 1, 2009;
 Readopted Eff. July 1, ~~2016~~ 2016;
 Temporary Amendment Eff. May 2, 2023.

SUBCHAPTER 06K - REGISTERED LICENSED BARBER

SECTION.0100 – REGISTERED LICENSED BARBER

21 NCAC 06K .0101 REGISTERED LICENSED BARBER

To become a registered licensed barber, an applicant shall:

- (1) meet the qualifications in ~~G.S. 86A-3~~ G.S. 86B-23;
- (2) furnish the Board with Form BAR-5 as set forth in 21 NCAC 06N .0106 and pay the fee according to 21 NCAC 06N .0101; and
- (3) make a score of at least 70 percent on the clinical practical portion of the registered licensed barber examination.

History Note: Authority G.S. 86A-3; 86A-25; 86B-23; 86B-41;
 Eff. February 1, 1976;
 Readopted Eff. February 8, 1978;
 Amended Eff. March 1, 1983;
 Legislative Objection Lodged Eff. March 7, 1983;
 Curative Amended Eff. April 6, 1983;
 Amended Eff. June 1, 2008; May 1, 1989;
 Readopted Eff. July 1, ~~2016~~ 2016;

Temporary Amendment Eff. May 2, 2023.

21 NCAC 06K .0104 OUT-OF-STATE APPLICANTS

An applicant who is licensed as a barber in another state and who wants to apply to become ~~registered as a licensed~~ licensed barber in this State shall ~~establish his or her out-of-state license and experience and~~ provide:

- (1) the Form BAR-8 as set forth in 21 NCAC 06N .0109 and the required fee as set forth in ~~21 NCAC 06N .0101(a)(21)~~ 21 NCAC 06N .0101(a)(24); and
- (2) a certified statement letter from the applicant's state agency that issued the out-of-state Board license, with stating the following: following information:
 - (a) the applicant's length of licensure in that state;
 - (b) whether such licensure has been continuous or has been interrupted by periods when the applicant was not licensed in the state;
 - (c) the reasons for any such interruptions in licensure; and
 - (d) whether or not there have been any disciplinary actions against the applicant's license.

History Note: Authority G.S. 86A-12; 86A-25; 86B-28; 86B-41;
 Eff. February 1, 1976;
 Readopted Eff. February 8, 1978;
 Amended Eff. March 1, 1983;
 Legislative Objection Lodged Eff. March 7, 1983;
 Amended Eff. September 1, 2013; May 1, 1989;
 Readopted Eff. October 1, ~~2016~~ 2016;
 Temporary Amendment Eff. May 2, 2023.

21 NCAC 06K .0110 IDENTIFICATION

All registered licensed barbers shall maintain their permit license as defined in 21 NCAC 06P .0103(7) in their possession ~~at all times while~~ whenever they are performing barbering services. The individual conducting barbering services shall produce ~~the a~~ a current government-issued photo identification to the Board's Executive Director or inspector upon request.

History Note: Authority G.S. 86A-1; 86A-10; 86B-21; 86B-26;
 Eff. June 1, 2008;
 Readopted Eff. July 1, ~~2016~~ 2016;
 Temporary Amendment Eff. May 2, 2023.

21 NCAC 06K .0111 NOTIFICATION OF CHANGE OF ADDRESS

All ~~registered~~ licensed barbers shall notify the Board within ~~60~~ 30 days of any change in their ~~permanent~~ mailing address.

History Note: Authority G.S. 86A-5; 86A-10; 86A-21; 86B-2; 86B-5; 86B-26;
Eff. September 1, 2009;
Readopted Eff. July 1, 2016, 2016;
Temporary Amendment Eff. May 2, 2023.

21 NCAC 06K .0112 APPLICANTS WITH MILITARY TRAINING AND EXPERTISE

(a) Except for individuals who want to apply under ~~G.S. 86A-12~~ G.S. 86B-28 for licensure as to be a ~~registered~~ licensed barber, an individual who has military training and expertise and wants to apply to become a ~~registered~~ licensed barber in this State shall:

- (1) meet the requirements of G.S. 93B-15.1(a) or (a2); and
- (2) submit the Form BAR-11 as set forth in 21 NCAC 06N .0112.

(b) The applicant shall submit with the Form BAR-11 a ~~certification~~ letter from the ~~applicant's out-of-state~~ state agency ~~that issued the out-of-state license of certifying~~ the applicant's licensure in that state if the following apply:

- (1) the applicant has been licensed in another state;
- (2) the applicant wants to be licensed without examination;
- (3) the military service records do not show that the applicant received at least 1,500 hours of military training and that the applicant practiced at least two of the five years preceding the date of application; and
- (4) the combination of the certification letter and the military service records show that the applicant received at least 1,500 hours of training and practiced at least two of the five years preceding the date of application.

(c) If the applicant meets the requirements in Paragraph (a) of this Rule and G.S. 93B-15.1(a2), the applicant ~~shall~~ shall:

- (1) ~~submit the fee as set forth in 21 NCAC 06N .0101(a)(4); and~~
- (2) make a score of at least 70 percent on the ~~clinical practical examination; examination~~ required by G.S. 93B-15.1(a2)(2).

~~(d) After being approved under this Rule, the applicant shall submit the following fee:~~

- (1) ~~if the applicant meets the requirements of this Rule for licensure without examination, the fee as set forth in 21 NCAC 06N .0101(a)(21); or~~
- (2) ~~if the applicant meets the requirements of Paragraph (c) of this Rule, the fee as set forth in 21 NCAC 06N .0101(a)(1).~~

~~(e)(d)~~ The Board shall issue a temporary permit for the applicant to work as a ~~registered~~ licensed barber while he or she complies with the requirements of this Rule under the following circumstances:

- (1) if the applicant has submitted the Form BAR-11 and part of the documentation required by 21

NCAC 06N .0112(a)(2), and this partial documentation establishes that he or she served in the military and has certification or experience in barbering, the Board shall issue a temporary permit that lasts 90 days or until the Board denies the application, whichever is earlier; or

- (2) if the applicant is required to take the practical examination and has met the requirements in ~~Paragraph (a) and Subparagraph (c)(1) of this Rule, Paragraph (a) of this Rule,~~ the Board shall issue a temporary permit that last 90 days or until the Board denies the application, whichever is earlier. Upon written request by the applicant, this temporary permit shall be extended for 90 days no more than twice, unless the Board denies the application.

History Note: Authority G.S. 86A-1; 86A-11; 86A-12; 86A-25; 86B-21; 86B-27; 86B-28; 86B-41; 93B-15.1;
Eff. April 1, 2017, 2017;
Temporary Amendment Eff. May 2, 2023.

21 NCAC 06K .0113 MILITARY SPOUSES

(a) An individual who is currently licensed as a barber in another state, is the spouse of a person serving in the military, and wants to apply to become a ~~registered~~ licensed barber in this State shall provide the following, unless he or she wants to apply under ~~another provision in G.S. 86A~~ G.S. 86B-28 for licensure as a ~~registered~~ licensed barber:

- (1) the Form BAR-12 as set forth in 21 NCAC 06N .0113; and
- (2) a ~~certification~~ letter from the ~~applicant's out-of-state~~ state agency ~~that issued the out-of-state license of certifying~~ the applicant's licensure in that state.

(b) The applicant shall instead apply for out-of-state licensure under ~~G.S. 86A~~ G.S. 86B-28 and Rule .0104 of this Section if the certification letter required by Subparagraph (a)(2) of this Rule does not show that the ~~applicant; applicant~~

- (1) completed at least 1,500 hours of barber school ~~training; training; and~~
- (2) ~~has been licensed as a barber for at least one of the five years preceding the date of application.~~

~~(c) After being approved under this Rule, the applicant shall submit the fee set forth in 21 NCAC 06N .0101(a)(21).~~

~~(d)(c)~~ Upon request by the applicant, the Board shall issue one temporary permit for the applicant to work as a ~~registered~~ licensed barber for 90 days while the applicant gathers the documents required by this Rule.

History Note: Authority G.S. 86A-1; 86A-3; 86A-11; 86A-12; 86A-25; 86B-21; 86B-23; 86B-27; 86B-28; 86B-41; 93B-15.1;
Eff. April 1, 2017, 2017;
Temporary Amendment Eff. May 2, 2023.

SUBCHAPTER 06L - BARBER SHOPS

21 NCAC 06L .0104 BARBER SHOP AND MOBILE

BARBER SHOP PERMITS

(a) All applications for shop permits shall be on file in the office of the Board 15 days prior to the date when a shop will be complete and ready for inspection. Applications shall meet the requirements of 21 NCAC 06N .0102.

(b)(a) If the barber shop or mobile barber shop is will not be ready for inspection on a scheduled date, the owner or licensed barber manager shall notify the Board.

(c)(b) Failure If a barber shop or mobile barber shop fails to notify the Board of a change of address before the inspection, the barber shop or mobile barber shop shall result in forfeiture of forfeit the inspection fee.

History Note: Authority G.S. 86A-1; 86A-13; 86B-21; 86B-29;

Eff. February 1, 1976;

Readopted Eff. February 8, 1978;

Amended Eff. May 1, 1989; March 1, 1983;

Readopted Eff. July 1, 2016; 2016;

Temporary Amendment Eff. May 2, 2023.

21 NCAC 06L .0106 SEPARATION FROM OTHER BUSINESSES; RESIDENTIAL SHOPS; MOBILE HOMES BARBER SHOPS

(a) When a building or room is used for both a barber shop and for some other business and the building or room does not have air conditioning, ventilation, or heat outlets, or air circulation, the required requirement set forth in G.S. 86B-31(a)(1)(b) for a partition between the barber shop and the other business may shall be fulfilled if the partition extends completed from the floor up to a minimum of six feet with material from six feet to the ceiling that permits good air circulation.

(b) Notwithstanding Paragraph (a) of this Rule and 21 NCAC 06L .0102, Rule .0102 of this Section, when a barber shop is located within a shop salon licensed by the North Carolina Board of Cosmetic Art Examiners and was permitted on or after January 1, 1995, or undergoes modifications or structural renovations after that date, the area where the barber chair or chairs are located shall comply with the sanitary regulations in G.S. 86A-15(a) G.S. 86B-31 and this Subchapter not inconsistent with this Rule.

(c) A barber shop permitted on or after July 1, 2008 2008, that operates in a residential building shall maintain a separate entrance that shall not open off the living quarters, and shall not have any doors or openings leading to the living quarters that are unlocked during business hours. Entrance through garages or any other rooms is not permitted.

(d) The toilet facilities or any sink in the living quarters of any residence shall not be considered to comply with the toilet facility and sink requirements in 21 NCAC 06L .0103 or the sink distance requirement in 21 NCAC 06L .0107.

(e) For barber shops permitted on or after July 1, 2008, mobile homes, motor homes, trailers or any type of recreational vehicle shall be permanently affixed so they cannot be moved. Any such structure approved for a barber shop shall maintain a separate entrance that shall not open off the living quarters, and shall not have any doors or openings to the living quarters that are unlocked during business hours.

History Note: Authority G.S. 86A-15; 86B-31;

Eff. February 1, 1976;

Readopted Eff. February 8, 1978;

Amended Eff. April 1, 2010; June 1, 2008; January 1, 1995; May 1, 1989; March 1, 1983;

Readopted Eff. July 1, 2016; 2016;

Temporary Amendment Eff. May 2, 2023.

21 NCAC 06L .0107 LAVATORY

(a) Each barber shop permitted before January 1, 1995 1995, that is not modified or structurally renovated after that date shall have for each barber a functioning sink with hot and cold water, located at a convenient place as required by G.S. 86A-15(a)(1)(d) G.S. 86B-31.

(b) For barber shops permitted on or after January 1, 1995 1995, or that undergo modifications or structural renovation after that date, a sink shall be located within seven unobstructed linear feet of each barber chair.

(c) Each sink of a barber shop shall have a drainpipe connected to a sewer line to drain all wastewater out of the building.

History Note: Authority G.S. 86A-15; 86B-31;

Eff. February 1, 1976;

Readopted Eff. February 8, 1978;

Amended Eff. June 1, 2008; January 1, 1995; May 1, 1989;

Readopted Eff. July 1, 2016; 2016;

Temporary Amendment Eff. May 2, 2023.

21 NCAC 06L .0109 COMMERCIAL CHEMICALS DISINFECTANTS

(a) No person, barber shop, mobile barber shop, or school licensed or registered permitted under Chapter 86A G.S. 86B of the North Carolina General Statutes shall use any commercial chemical disinfectant in the practice of barbering unless the commercial chemical disinfectant is received with a list of all contents and instructions for its use.

(b) For the purposes of this Rule, "commercial chemical" is defined in G.S. 86A-5(b)(1). Disinfectants must be:

- (1) registered with the Environmental Protection Agency; and
- (2) effective against communicable pathogens, including:
 - (A) Human immunodeficiency virus;
 - (B) Hepatitis B and C;
 - (C) Herpes;
 - (D) Influenza;
 - (E) Human coronavirus, including severe acute respiratory syndrome coronavirus 2;
 - (F) Trichophyton;
 - (G) Microsporium;
 - (H) Epidermophyton; and
 - (I) Staphylococcus.

History Note: Authority G.S. 86A-5; 86B-2; 86B-31;

Eff. March 1, 1983;

Amended Eff. May 1, 1989;

Readopted Eff. July 1, 2016; 2016;

Temporary Amendment Eff. May 2, 2023.

21 NCAC 06L .0111 WHERE BARBER SERVICES MAY BE PERFORMED

(a) Except as provided in this Rule, all barber services as defined in ~~G.S. 86A-2~~ G.S. 86B-22 shall only be performed at a location ~~or vehicle permitted by the Board as a barber shop, shop or mobile barber shop.~~

(b) A ~~registered~~ licensed barber may perform barbering services in a client's home, and the home shall be exempt from the inspection requirements of ~~G.S. 86A-15(b), G.S. 86B-31(b)~~ under the following conditions:

- (1) The client upon whom barber services are being performed is unable, due to a medical necessity, to come to a ~~licensed barber shop or mobile barber shop;~~
- (2) The licensed barber maintains a log of each instance where this exemption is used, including the name of the client, address of the home where the services were performed, the date services were performed, and the medical necessity requiring that barber services be provided in the home. The log shall be made available to the Board and its inspectors ~~for review for review;~~ and
- (3) The licensed barber otherwise complies with ~~G.S. 86A-15(a), G.S. 86B-31(a).~~

(c) For purposes of this Rule, a "client's home" includes the client's residence, nursing homes, rest homes, retirement homes, mental health institutions, and similar institutions where the client has established permanent residency.

History Note: Authority ~~G.S. 86A-15(c); 86B-22; 86B-31;~~
 Eff. June 1, 2008;
 Amended Eff. April 1, 2010;
 Readopted Eff. July 1, ~~2016;~~ 2016;
Temporary Amendment Eff. May 2, 2023.

21 NCAC 06L .0113 DISEASES

(a) No holder of a ~~registered barber, barber license, apprentice, apprentice license, or barber student barber permit~~ shall knowingly serve a patron:

- (1) with an open sore or sores;
- (2) exhibiting symptoms of an infectious dermatologic disease or disorder;
- (3) with parasitic infestations of the skin or hair; or
- (4) with a communicable ~~disease, disease that can be spread by providing barber services.~~

(b) No holder of a ~~registered barber, barber license, apprentice, apprentice license, or student barber permit~~ who knows he or she has an infectious dermatologic disease that can be spread by providing barbering services, infectious disease with open sore or sores on the hand or hands, ~~or parasitic infestation of the skin or hair in a communicable stage stage,~~ or any other communicable disease shall provide barber service in a barber shop, mobile barber shop or, when authorized by Rule .0111 of this Section, ~~in~~ a client's home.

(c) ~~The Board shall have the right to require a physical examination of any barber employed in any barber shop or mobile barber shop who is suspected of having an infectious~~

~~dermatologic disease, infectious disease with open sore or sores on the hand or hands, or parasitic infestation of the skin or hair in a communicable stage.~~

History Note: Authority ~~G.S. 86A-15; 86B-31;~~
 Eff. June 1, 2008;
~~Readopted Eff. July 1, 2016;~~
Temporary Amendment Eff. May 2, 2023.

21 NCAC 06L .0114 PETS PROHIBITED

~~With the exception of trained guide or assistance animals, Except for service dogs, animals as defined in 28 CFR 36.104, no animals shall be permitted in a barber shop or mobile barber shop.~~

History Note: Authority ~~G.S. 86A-15; 86B-31;~~
 Eff. June 1, 2008;
 Amended Eff. September 1, 2013;
~~Readopted Eff. July 1, 2016;~~
Temporary Amendment Eff. May 2, 2023.

21 NCAC 06L .0115 INSPECTIONS OF SHOPS

(a) The Board's Executive Director and its inspectors may enter and make inspections of any barber shop or mobile barber shop during ~~its~~ the business hours of the barber shop or mobile barber shop for the purpose of determining whether ~~or not G.S. 86A G.S. 86B~~ and the Board's ~~administrative~~ rules are being followed. Persons authorized to ~~make an inspection of~~ inspect barber shops or mobile barber shops shall prepare a report according to Rule .0119 of this Section. The report shall be signed by the inspector and shall be available free of charge upon request by ~~the owner or manager or any member of the public.~~ The Board shall provide a copy of any violation notice ~~shall be left with to the barber shop or mobile barber shop, owner or registered barber manager, and retained within the barbering area until the violation is resolved with the Board.~~

(b) The Board's Executive Director and its inspectors ~~may~~ shall inspect all areas of the barber shop or mobile barber shop, including the ~~backstand and its backstand, drawers and drawers, cabinets, and any other drawers, closets closets, or other enclosures within the permitted shop, enclosures.~~

(c) The Board's Executive Director and its inspectors ~~may~~ shall determine and assign numerical and letter sanitary grades to a barber shop or mobile barber shop following inspections as set forth in Rules .0118 and .0119 of this Section. ~~The grade shall be displayed in a place visible to the public at the front of the shop.~~

History Note: Authority ~~G.S. 86A-15; 86B-31;~~
 Eff. June 1, 2008;
 Amended Eff. September 1, 2013;
~~Readopted Eff. July 1, 2016;~~ 2016;
Temporary Amendment Eff. May 2, 2023.

21 NCAC 06L .0117 GENERAL SANITATION

All barber shops and mobile barber shops shall remain free of ~~any signs of~~ rodents, rodent feces or urine, vermin, insects, insect frass, mold, mildew, or water damage.

History Note: Authority ~~G.S. 86A-15; G.S. 86B-31;~~
 Eff. June 1, 2008;

Readopted Eff. July 1, 2016- 2016;
Temporary Amendment Eff. May 2, 2023.

21 NCAC 06L .0118 SANITARY RATINGS AND POSTING OF RATINGS

(a) The sanitary rating of a barber shop or mobile barber shop shall be based on a system of grading outlined in ~~21 NCAC 06L .0119~~ Rule .0119 of this Section. Based on the grading, all establishments shall be rated in the following manner:

- (1) all establishments receiving a sanitary rating of at least 90 percent shall be awarded a grade A;
- (2) all establishments receiving a sanitary rating of at least 80 percent, and less than 90 percent, shall be awarded a grade B; and
- (3) a sanitary rating of less than 80 percent shall be awarded a failing grade.

(b) Every barber shop or mobile barber shop shall be given a sanitary rating.

(c) The sanitary rating of A, B, or failing given to a barber shop or mobile barber shop establishment shall be posted at all times in

a conspicuous place, defined as a place inside the barber shop or mobile barber shop easily seen by the ~~public at the front of the shop, at all times.~~ public.

(d) No ~~newly established~~ barber shop or mobile barber shop receiving an initial inspection shall be permitted to operate ~~without first having obtained a sanitary rating card~~ with a grade of ~~not~~ less than 80 percent.

(e) Barber inspectors shall give each barber shop and mobile barber shop a new sanitary rating ~~card.~~ card upon initial inspection.

History Note: Authority G.S. ~~86A-5; 86A-15;~~ G.S. 86B-2; 86B-31;

Eff. June 1, 2008;

Amended Eff. September 1, 2013;

Readopted Eff. October 1, 2016;

Amended Eff. April 1, ~~2022;~~ 2022;

Temporary Amendment Eff. May 2, 2023.

21 NCAC 06L .0119 SYSTEMS OF GRADING BARBER SHOPS SHOPS, MOBILE BARBER SHOPS, AND BARBER SCHOOLS

The system of grading the sanitary rating of all barber ~~shops~~ shops, mobile barber shops, and schools shall be as follows, setting forth areas to be ~~inspected,~~ inspected and the maximum points given for compliance. In cases where barber ~~shops~~ shops, mobile barber shops, or schools are exempt from specific rules cross-referenced below, the barber shop or school shall receive the maximum points for that listing:

- (1) whether the entrance and waiting area are sanitary 2;
- (2) whether ~~there is a water system~~ the business complies with the applicable requirements for hot and cold running water and water, plumbing or a septic system for removal of ~~sewage~~ sewage, and disposal of wastewater 2;
- (3) whether the walls and floors:
 - (a) comply with 21 NCAC 06F .0101(b)(8) for barber ~~schools or schools,~~ 21 NCAC 06L .0103(b) Rule .0103(b) of this Section for barber ~~shops~~ shops, or Rule .0202(4) of this Subchapter for mobile barber shops 9;
 - (b) are sanitary 7;
- (4) whether the barber ~~shop~~ shop, mobile barber shop, or school is well-lighted and well-ventilated, with sanitary windows, fixtures, and ventilation surfaces 3;
- (5) whether the ~~public toilet~~ toilets or lavatories:
 - (a) are sanitary and well-ventilated 5;
 - (b) have soap and ~~individual~~ disposable towels 5;
 - (c) have hot and cold running water 2;
- (6) whether each person working as a barber is sanitary in person and dress 1;
- (7) for towels and linens:
 - (a) whether there is a supply of sanitary towels 2;
 - (b) whether clean towels are stored separately as set forth in 21 NCAC 06F .0101(b)(12) for barber ~~schools~~ schools, or 21 NCAC 06L .0103(e) Rule .0103(e) of this Section for barber ~~shops~~ shops, or Rule .0202 of this Subchapter for mobile barber shops 3;
 - (c) whether barbers have a sanitary hair cloth or cape for clients 1;
- (8) whether there is a soiled towel receptacle that meets the requirements set forth in ~~G.S. 86A-15(a)(2)(d)~~ G.S. 86B-31(a)(2)(d) 4;
- (9) for tools and instruments:
 - (a) whether disinfectants used by the barber shop or school are ~~selected from those approved by~~ registered with the federal Environmental Protection Agency as identified in Pesticide Registration List N: Disinfectants for Coronavirus (COVID-19), as set forth in Title 29 CFR 1910.509(b)(2) 4;
 - (b) whether disinfectants are used according to manufacturer instructions 4;
 - (c) whether all implements are cleaned and disinfected and, when not in use, stored in a tool cabinet as set forth in 21 NCAC 06F .0101(b)(11) for barber ~~schools~~ schools, or 21 NCAC 06L .0103(a) Rule .0103(a) of this Section for barber ~~shops~~ shops, or Rule .0202(1) of this Subchapter 8;
- (10) for working areas:

- (a) whether the work stand is sanitary 3;
- (b) whether sinks are sanitary 2;
- (c) whether jars and containers are sanitary and disinfected 1;
- (d) whether the work area is free from equipment that is unnecessary to provide barbering services, and whether articles in the work area are sanitary 1;
- (11) whether the ~~license, permit, license or certificate of registration permit~~ is current and posted as set forth in ~~G.S. 86A-46~~ G.S. 86B-33 10;
- (12) whether the sanitary rules and regulations are posted in a conspicuous place as set forth in ~~G.S. 86A-15(b)~~ G.S. 86B-31(b) 1;
- (13) whether there are sterilizing containers and solutions that are used according to manufacturer instructions 20.

History Note: Authority ~~G.S. 86A-5(a)(1); 86A-15; 86A-16;~~ G.S. 86B-2; 86B-31; 86B-33;
 Eff. June 1, 2008;
 Amended Eff. September 1, 2013;
 Readopted Eff. October 1, 2016;
 Amended Eff. April 1, ~~2018;~~ 2018;
 Temporary Amendment Eff. May 2, 2023.

21 NCAC 06L .0120 NOTIFICATION OF CHANGE OF ADDRESS

The ~~owner or manager~~ of a barber shop or mobile barber shop ~~owner or manager~~ shall notify the Board of a change in the barber shop's or mobile barber shop's mailing address or, if changed by the United States Postal Service, the physical address, within five business days of the change.

History Note: Authority ~~G.S. 86A-1;~~ G.S. 86B-21;
 Eff. September 1, 2009;
 Readopted Eff. July 1, ~~2016;~~ 2016;
 Temporary Amendment Eff. May 2, 2023.

SECTION .0200 – MOBILE BARBER SHOPS

21 NCAC 06L .0201 VEHICLES

- (a) Only the following vehicle types shall qualify as mobile barber shops:
 - (1) a motor home as defined in G.S. 20-4.01(27)(k); or
 - (2) a self-contained, self-supporting, enclosed mobile vehicle that is at least 16 feet in length and that is not a towed unit or trailer.
- (b) The vehicle shall have ~~sufficient~~ capacity for the barber to be able to maneuver around the barber chair and safely provide barbering services.
- ~~(c) The vehicle shall comply with the statutes and rules of the North Carolina Division of Motor Vehicles.~~
- ~~(d)(c)~~ The vehicle shall have ventilation and air circulation through the use of fans or a heating, ventilation, and air conditioning system.
- ~~(e)(d)~~ Mobile homes, motor homes, trailers, or any type of recreational vehicle approved before January 1, 2023, as permanently affixed barber shops are not authorized to operate as mobile barber shops unless they meet the requirements of this Section and 21 NCAC 06N .0116.
- ~~(f)(e)~~ Mobile barber shops shall display the name of the mobile barber shop and permit number on the outside of the vehicle so that the name and permit number can be seen by the public from a distance of 50 yards.

History Note: Authority G.S. 86B-30;
 Temporary Adoption Eff. May 2, 2023.

21 NCAC 06L .0202 EQUIPMENT

Mobile barber shops shall:

- (1) have at least one cabinet ~~with~~ for barbering equipment that is constructed of material that may be ~~cleaned;~~ sanitized;
- (2) have safety catches for all storage cabinet doors and securely anchor to the mobile vehicle all equipment not stored in cabinets;
- (3) have at least one covered container made of noncorrosive metal or plastic, where all hair clippings, refuse, and other waste materials ~~must shall~~ be deposited;
- (4) have smooth finished walls and floors;
- (5) have at least one barber chair, with all barber chairs covered with a smooth, non-porous surface, such as vinyl or leather, that is easily cleaned as required by ~~S.L. 2022-72, s. 2;~~ G.S. 86B-31(a)(2)(c);
- (6) maintain a supply of clean towels sufficient to provide barbering services;
- (7) have a cabinet, or other method of storage, such that clean towels are stored separate from used towels; and
- (8) ensure that all equipment and tools used in the practice of barbering as set forth in ~~S.L. 2022-72, s. 2, is~~ G.S. 86B-22 are suitable for the safe cutting of hair and maintained in sanitary and good operating condition as required by ~~S.L. 2022-72, s. 2~~ G.S. 86B-31(a)(2).

History Note: Authority G.S. 86B-30;
 Temporary Adoption Eff. May 2, 2023.

21 NCAC 06L .0203 TOILETS, SINKS, SEWAGE, AND WASTEWATER

Mobile barber shops shall:

- (1) be equipped with at least one functional sink with potable, running hot and cold water, with

- the sink available for use by both mobile barber shop personnel and clients;
- (2) have hot water tanks with a minimum capacity of six gallons;
- (3) provide soap and disposable towels for all sinks;
- (4) be equipped with at least one self-contained, recirculating, flush chemical toilet with a holding tank, with the toilet available for use by both mobile barber shop personnel and clients;
- (5) comply with all applicable federal, state, and local commercial, transportation, and environmental statutes and rules related to the disposal of sewage and wastewater; and
- (6) immediately cease operation when:
 - (a) wastewater storage capacity has been reached;
 - (b) the toilets do not function;
 - (c) the sinks do not have potable, running hot and cold water;
 - (d) there is no longer an adequate supply of clean water to complete barbering services; or
 - (e) there is no longer adequate wastewater capacity to complete barbering services.

History Note: Authority G.S. 86B-30; Temporary Adoption Eff. May 2, 2023.

21 NCAC 06L .0205 MONTHLY REPORTS OF LOCATIONS

(a) Mobile barber shops shall submit a report at the website address in 21 NCAC 06A .0102(c) by the last day of each month showing where they will provide services for the upcoming month. This report shall include the following for each day of the month:

- (1) the address where the mobile barber shop will operate; and
- (2) the hours when the mobile barber shop will operate at each location.

(b) If a mobile barber shop wishes to operate at a new or different location than what was listed in the report required by Subparagraph (a)(1) of this Rule, it must submit a revised report at the website address in 21 NCAC 06A .0102(c):

- (1) at least one business day before a location change if the new location is more than 20 miles away from the originally reported location;
- (2) at least one business day in advance for a new location and time that was not on the original report; or
- (3) at least four hours before the start time reported in Subparagraph (a)(2) of this Rule if the new location is fewer than 20 miles away from the originally reported location.

(c) Mobile barber shops may operate up to half a mile away from the location reported in this Rule without having to submit a revised report.

(d) Mobile barber shops are prohibited from operating at a location except as listed in the report required by this Rule.

History Note: Authority G.S. 86B-30; Temporary Adoption Eff. May 2, 2023.

SUBCHAPTER 06N – FEES AND FORMS

21 NCAC 06N .0101 FEES, ACCESS TO FORMS, AND RENEWALS

(a) The Board charges the following amounts for the fees authorized by ~~G.S. 86A-25~~; G.S. 86B-41:

- (1) Certificate of registration or renewal as a licensed barber \$50.00
- (2) Certificate of registration or renewal as ~~an~~ a licensed apprentice barber \$50.00
- (3) ~~Barbershop~~ Barber shop permit or renewal \$50.00
- (4) Mobile barber shop permit or renewal \$50.00
- ~~(4)~~(5) Examination to become a ~~registered~~ licensed barber \$85.00
- ~~(5)~~(6) Examination to become a ~~registered~~ licensed apprentice barber \$85.00
- ~~(6)~~(7) Late fee for restoration of an expired barber ~~certificate~~ license within first year after expiration \$35.00
- ~~(7)~~(8) Late fee for restoration of an expired barber ~~certificate~~ license after first year after expiration but within five years after expiration \$70.00
- ~~(8)~~(9) Late fee for restoration of an expired apprentice ~~certificate~~ license within the first year after expiration \$35.00
- ~~(9)~~(10) Late fee for restoration of an expired apprentice ~~certificate~~ license after first year after expiration but within three years of first issuance of the ~~certificate~~ license \$45.00
- ~~(10)~~(11) Late fee for restoration of an expired barber shop ~~certificate~~ permit \$45.00
- (12) Late fee for restoration of an expired mobile barber shop permit \$45.00
- ~~(11)~~(13) Examination to become a barber school instructor \$165.00
- ~~(12)~~(14) ~~Student~~ Barber student permit \$25.00
- ~~(13)~~(15) Issuance of any duplicate copy of a ~~license, certificate, license or permit~~ \$10.00
- ~~(14)~~(16) Barber school permit or renewal \$130.00
- ~~(15)~~(17) Late fee for restoration of an expired barber school ~~certificate~~ permit \$85.00
- ~~(16)~~(18) Barber school instructor ~~certificate~~ license or renewal \$85.00
- ~~(17)~~(19) Late fee for restoration of an expired barber school instructor ~~certificate~~ license within first year after expiration \$45.00
- ~~(18)~~(20) Late fee for restoration of an expired barber school instructor ~~certificate~~ license after first year after expiration but within three years after expiration \$85.00

- ~~(19)~~(21) Inspection of newly established ~~barbershop~~ barber shop \$120.00
- (22) Inspection of newly established mobile barber shop \$120.00
- ~~(20)~~(23) Inspection of newly established barber school \$220.00
- ~~(21)~~(24) Issuance of a ~~registered barber or apprentice certificate~~ license by ~~certification reciprocity~~ \$120.00
- ~~(22)~~(25) Charge for certified copies of public documents \$10.00 for first page, \$0.25 per page thereafter
- ~~(23)~~(26) Charge for duplication services and material shall be as set forth in 26 NCAC 01 .0103(a), including any subsequent amendments and editions of the Rule
- (24) ~~Certificate of registration or renewal for barbers over 70 years of age~~ \$0.00
- (25) ~~Administrative fee under G.S. 86A-27(d) for paying any required fee for renewal or restoration, or a civil penalty and attorney fee, where the apprentice barber or registered barber is subject to a pick up order issued to an inspector.~~ \$70.00

(b) Except as set forth in Paragraph (c) of this Rule, if an applicant is unable to attend an examination, he or she may request a refund of the fee. To request the refund, the applicant shall submit a written request to the address listed in 21 NCAC 06A .0102 at least 10 days before the scheduled examination.

(c) If an applicant submits a request for a refund of examination fees later than 10 days before the scheduled examination, the Board shall consider the request on a case-by-case basis and only grant the request if the applicant demonstrates good cause for not complying with Paragraph (b) of this Rule. For the purpose of this Rule, "good cause" means that the applicant could not have submitted the written request as set forth in Paragraph (b) of this Rule due to circumstances such as illness, injury, or death in the family.

(d) In the event the Board's authority to expend funds is suspended pursuant to G.S. 93B-2, the Board shall continue to issue and renew licenses and all fees tendered shall be placed in the escrow account maintained by the Board for this purpose.

(e) The forms set forth in this Subchapter may be obtained on the website or at the address listed in 21 NCAC 06A .0102.

(f) All timely renewals of ~~licenses, permits, licenses or certificates of registration~~ permits shall be submitted online at the Board's ~~website~~, website listed in 21 NCAC 06A .0102, along with any fees required by this Rule.

(g) Barber school permits shall be exempt from the online renewal requirement in Paragraph (f) of this Rule.

(h) Registered Licensed barbers, apprentice barbers, licensed apprentices, barber instructors, or barber shops, shops, or mobile barber shops that are unable to comply with the online requirement of Paragraph (f) of this Rule may submit the renewal and payment by mail or in person after receiving a waiver from the Board. This waiver shall be effective only for one renewal period. The Board shall issue a waiver within five business days after receiving the following:

- (1) For ~~registered licensed~~ barbers, apprentice barbers, or barber instructors, a statement from

the holder of the ~~license, permit, license or certificate of registration~~ permit that the individual is not able to renew online; or

- (2) For barber ~~shops, shops or mobile barber shops~~ a statement from the manager or owner that neither the manager nor owner are able to renew online.

History Note: Authority G.S. ~~86A-5; 86A-25; 86A-27(d); 86B-2; 86B-10; 86B-41; 93B-2~~; Eff. February 1, 1976; Readopted Eff. February 8, 1978; Amended Eff. April 1, 2010; September 1, 2009; June 1, 2008; April 1, 2005; May 1, 1989; March 1, 1983; Readopted Eff. July 1, 2016; Amended Eff. April 1, 2022; February 1, 2019; January 1, 2018; April 1, ~~2017~~; 2017; Temporary Amendment Eff. May 2, 2023.

21 NCAC 06N .0105 FORM BAR-4

(a) The Form BAR-4 shall be filed by one applying to take the examination to receive a ~~registered an~~ apprentice ~~certificate~~ license. It requires the following:

- (1) the name, address, social security number, and ~~birthdate~~ birth date of the applicant; and
- (2) the name of any barber school attended and the date of enrollment and ~~graduation; and~~ graduation.
- ~~(3) the place of proposed employment as an apprentice barber.~~

(b) The fee in ~~Rule .0101(a)(5)~~ Rule .0101(a)(6) of this Section shall be submitted with the application.

(c) The Form BAR-4 shall include the applicant's attestation that the information in the form is correct.

History Note: Authority G.S. ~~86A-1; 86A-10; 86A-24; 86A-25; 86B-21; 86B-26; 86B-40; 86B-41; 93B-14~~; Eff. February 1, 1976; Readopted Eff. February 8, 1978; Amended Eff. March 1, 1983; Legislative Objection Lodged Eff. March 7, 1983; Curative Amended Eff. April 6, 1983; Amended Eff. September 1, 2013; May 1, 1989; Readopted Eff. July 1, 2016; Amended Eff. October 1, 2020; January 1, ~~2017~~; 2017; Temporary Amendment Eff. May 2, 2023.

21 NCAC 06N .0106 FORM BAR-5

(a) The Form BAR-5 shall be filed by one applying to take the examination to receive a ~~registered barber certificate~~ license. It requires the following:

- (1) the name, address, social security number, and ~~birthdate~~ birth date of the applicant;
- (2) the barber school training; attended and the date of graduation; and
- (3) the length affidavit of barbering experience. experience as an apprentice barber required by G.S. 86B-23(4).

- (b) The Form BAR-5 shall include the applicant's attestation that the information in the form is correct.
- (c) The fee in ~~21 NCAC 06N .0101(a)(4)~~ Rule .0101(a)(5) of this Section shall accompany this form.

History Note: Authority G.S. 86A-1; 86A-3; 86A-10; 86A-25; 86B-21; 86B-23; 86B-26; 86B-41; 93B-14;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. March 1, 1983;
Legislative Objection Lodged Eff. March 7, 1983;
Curative Amended Eff. April 6, 1983;
Amended Eff. September 1, 2013; May 1, 1989;
Readopted Eff. October 1, 2016;
Amended Eff. October 1, 2020, 2020;
Temporary Amendment Eff. May 2, 2023.

21 NCAC 06N .0107 FORM BAR-6

- (a) The Form BAR-6 shall be filed by one applying to take ~~an~~ the examination as a ~~barber school instructor~~ to receive an instructor license. It requires the following:
- (1) the name, address, social security number, and ~~birthdate~~ birth date of the applicant;
 - (2) the current ~~registered certificate~~ barber license number; and
 - (3) the name of the barber school ~~attended; and~~ attended.
 - (4) ~~the proposed place of employment, if any.~~
- (b) The fee in ~~Rule .0101(a)(14)~~ Rule .0101(a)(13) of this Section shall accompany this form.
- (c) The Form BAR-6 shall include the applicant's attestation that the information in the form is correct.

History Note: Authority G.S. 86A-23; 86A-25; 86B-39; 86B-41; 93B-14;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. March 1, 1983;
Legislative Objection Lodged Eff. March 7, 1983;
Curative Amended Eff. April 6, 1983;
Amended Eff. May 1, 1989;
Readopted Eff. July 1, 2016;
Amended Eff. October 1, 2020, 2020;
Temporary Amendment Eff. May 2, 2023.

21 NCAC 06N .0109 FORM BAR-8

- (a) The Form BAR-8 shall be filed by one who has practiced as a licensed barber in a state other than North Carolina for ~~three years or more~~ at least one year within the five years immediately preceding application and is applying to ~~obtain a certificate as be~~ a registered licensed barber in North Carolina. It requires the following:
- (1) the name, address, social security number, and ~~birthdate~~ birth date of the applicant;
 - (2) whether the applicant attended barber school and the name and address of any barber school attended in another state; and
 - (3) barbering experience and the status of each barber license in another state.

- (b) The fee in ~~Rule .0101(a)(24)~~ Rule .0101(a)(24) of this Section shall accompany this form.
- (c) The Form BAR-8 shall include the applicant's attestation that the information in the form is correct.
- (d) The Form BAR-8 shall be accompanied by verification from the applicant's out-of-state agency of the applicant's licensure in that state. This verification shall include:

- (1) The applicant's length of licensure;
- (2) Whether the applicant held the license continuously or had any breaks in licensure;
- (3) If there were any breaks in licensure, the reason for those interruptions; and
- (4) Whether there were any disciplinary actions or are any open complaints against the license.

History Note: Authority G.S. 86A-1; 86A-12; 86A-25; 86B-21; 86B-28; 86B-41;
Eff. March 1, 1983;
Legislative Objection Lodged Eff. March 7, 1983;
Curative Eff. April 6, 1983;
Amended Eff. September 1, 2013; May 1, 1989;
Readopted Eff. July 1, 2016;
Amended Eff. October 1, 2020; January 1, 2017, 2017;
Temporary Amendment Eff. May 2, 2023.

21 NCAC 06N .0110 FORM BAR-9

- (a) The Form BAR-9 shall be filed when one applies to open a new barber school. It requires the following:
- (1) the date the barber school will be ready for the Board inspection;
 - (2) the name and address of the barber school;
 - (3) the name and address of the owner;
 - (4) the name and address of the manager;
 - (5) the names, instructor ~~certificate~~ license numbers, and ~~address~~ addresses of the instructors;
 - (6) the physical dimensions of the barber school;
 - (7) the number of barber chairs, tool cabinets, towel cabinets, and lavatories; and
 - (8) a copy of the bond or alternative to a bond required by ~~G.S. 86A-22(7)(a)~~ G.S. 86B-38(7)(a) or a request for waiver under ~~G.S. 86A-22(7)(e)~~ G.S. 86B-38(7)(c).
- (b) The Form BAR-9 shall include the applicant's attestation that the information in the form is correct.
- (c) The Form BAR-9 shall be accompanied by the fee in ~~21 NCAC 06N .0101(a)(20)~~ Rule .0101(a)(23) of this Section.

History Note: Authority G.S. 86A-1; 86A-22; 86B-21; 86B-38;
Eff. March 1, 1983;
Amended Eff. May 1, 1989;
Readopted Eff. August 1, 2016;
Amended Eff. October 1, 2020, 2020;
Temporary Amendment Eff. May 2, 2023.

21 NCAC 06N .0112 FORM BAR-11

(a) The Form BAR-11 shall be filed by an individual who has military training and expertise and who wants to apply to become a ~~registered licensed~~ barber pursuant to 21 NCAC 06K .0112. It requires the following:

- (1) the name, address, social security number, and ~~birth date~~ birth date of the applicant; and
- (2) copies of the military service records showing the applicant's military certification and experience in barbering.

(b) The applicant shall submit with the Form BAR-11 a certification letter from the applicant's out-of-state agency of the applicant's licensure if the conditions set forth in 21 NCAC 06K .0112(b) apply.

(c) The Form BAR-11 shall include the applicant's attestation that the information in the form is correct.

History Note: Authority G.S. ~~86A-1; 86A-12; 86B-21; 86B-28; 93B-14; 93B-15.1;~~

Eff. May 1, 1989;

Amended Eff. September 1, 2013;

Readopted Eff. July 1, 2016;

Amended Eff. October 1, 2020; April 1, ~~2017~~, 2017;

Temporary Amendment Eff. May 2, 2023.

21 NCAC 06N .0114 EXTENSIONS FOR MEMBERS OF THE ARMED FORCES

(a) If an individual is licensed or owns a business licensed under ~~G.S. 86A, G.S. 86B~~, is serving in the Armed Forces of the United States, and has received an extension of time to file a tax return under G.S. 105-249.2, the Board shall waive the following fees for the same period that would apply if the license fee were a tax:

- (1) the late fee for restoration of an expired barber ~~certificate~~ license within the first year after expiration as set forth in ~~21 NCAC 06N .0101(a)(6); Rule .0101(a)(7) of this Section;~~
- (2) the late fee for restoration of an expired barber ~~certificate~~ license after the first year after expiration but within five years after expiration as set forth in ~~21 NCAC 06N .0101(a)(7); Rule .0101(a)(8) of this Section;~~
- (3) the late fee for restoration of an expired apprentice ~~certificate~~ license within the first year after expiration as set forth in ~~21 NCAC 06N .0101(a)(8); Rule .0101(a)(9) of this Section;~~
- (4) the late fee for restoration of an expired apprentice ~~certificate~~ license after the first year after expiration but within three years of first issuance of the ~~certificate~~ license as set forth in ~~21 NCAC 06N .0101(a)(9); Rule .0101(a)(10) of this Section;~~
- (5) if the individual serving in the Armed Forces is the ~~barbershop~~ licensed barber manager or barber shop owner, the late fee for restoration of an expired barber shop ~~certificate~~ permit as set forth in ~~21 NCAC 06N .0101(a)(10); Rule .0101(a)(11) of this Section;~~

~~(6)~~ if the individual serving in the Armed Forces is the license barber manager or barber shop owner, the late fee for restoration of an expired mobile barber shop permit as set forth in Rule .0101(a)(12) of this Section;

~~(6)(7)~~ if the individual serving in the Armed Forces is the barber school manager or owner, the late fee for restoration of an expired barber school certificate permit as set forth in ~~21 NCAC 06N .0101(a)(15); Rule .0101(a)(17) of this Section;~~

~~(7)(8)~~ the late fee for restoration of an expired barber school instructor certificate license within the first year after expiration as set forth in ~~21 NCAC 06N .0101(a)(17); Rule .0101(a)(19) of this Section;~~ and

~~(8)(9)~~ the late fee for restoration of an expired barber school instructor certificate license after the first year after expiration but within three years after expiration as set forth in ~~21 NCAC 06N .0101(a)(18); Rule .0101(a)(20) of this Section;~~

(b) To receive any extension as set forth in Paragraph (a) of this Rule, the individual shall submit the following to the Board at the address in 21 NCAC 06A .0102:

- (1) a written request that states what extension he or she is seeking; and
- (2) a copy of the documentation from the North Carolina Department of Revenue granting the extension under G.S. 105-249.2.

History Note: Authority G.S. 93B-15(a);

Eff. April 1, ~~2017~~, 2017;

Temporary Amendment Eff. May 2, 2023.

SUBCHAPTER 06O – CIVIL PENALTY

21 NCAC 06O .0102 LICENSING OF BARBER SHOPS

(a) The presumptive civil penalty for operating a barber shop without first filing an application for a barber shop ~~license, permit,~~ obtaining an inspection, and obtaining a barber shop permit; ~~permit, in violation of G.S. 86B-21;~~

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$200.00 |
| (2) | 2nd offense | \$300.00 |
| (3) | 3rd offense | \$500.00 |

(b) The presumptive civil penalty for operating a barber shop with an expired ~~permit;~~ permit, in violation of G.S. 86B-29(b);

- | | | |
|-----|-------------|----------|
| (1) | 1st offense | \$150.00 |
| (2) | 2nd offense | \$300.00 |
| (3) | 3rd offense | \$500.00 |

History Note: Authority G.S. ~~86A-1; 86A-5(a)(6); 86A-27; 86B-10; 86B-21; 86B-29;~~

Eff. April 1, 2005;

Readopted Eff. July 1, ~~2016~~, 2016;

Temporary Amendment Eff. May 2, 2023.

21 NCAC 06O .0104 UNSUPERVISED APPRENTICE

(a) The presumptive civil penalty for a ~~registered licensed~~ barber allowing an apprentice or barber student barber with a temporary

permit to engage in barbering without the supervision as required by ~~G.S. 86A-24(b);~~ G.S. 86B-40(b):

- (1) 1st offense \$300.00
- (2) 2nd offense \$400.00

(b) The presumptive civil penalty for an apprentice or barber student barber with a temporary permit engaging in barbering without the supervision as required by ~~G.S. 86A-24(b);~~ G.S. 86B-40(b):

- (1) 1st offense \$200.00
- (2) 2nd offense \$300.00
- (3) 3rd offense \$500.00

History Note: Authority G.S. ~~86A-5(a)(6); 86A-24; 86A-27; 86B-40; 86B-10;~~

Eff. April 1, 2005;

Amended Eff. September 1, 2009;

Readopted Eff. July 1, 2016- 2016;

Temporary Amendment Eff. May 2, 2023.

21 NCAC 060 .0106 DISPLAY OF CURRENT LICENSE

(a) The presumptive civil penalty for the failure of a barber ~~shop~~ shop, mobile barber shop, or barber school to display a current ~~barber shop or mobile barber shop or school license;~~ license, in violation of G.S. 86B-33:

- (1) 1st offense \$100.00
- (2) 2nd offense \$150.00
- (3) 3rd offense \$250.00

(b) The presumptive civil penalty for a barber ~~shop~~ shop, mobile barber shop, or barber school ~~to allow~~ allowing an individual to perform barbering without displaying a current license or ~~permit;~~ permit, in violation of G.S. 86B-33:

- (1) 1st offense \$100.00
- (2) 2nd offense \$150.00
- (3) 3rd offense \$250.00

(c) The presumptive civil penalty for an individual ~~to practice~~ practicing barbering without displaying a current license or ~~permit;~~ permit, in violation of G.S. 86B-33:

- (1) 1st offense \$100.00
- (2) 2nd offense \$150.00
- (3) 3rd offense \$250.00

History Note: Authority G.S. ~~86A-1; 86A-5(a)(6); 86A-16; 86A-27; 86B-10; 86B-21; 86B-33;~~

Eff. April 1, 2005;

Readopted Eff. July 1, 2016- 2016;

Temporary Amendment Eff. May 2, 2023.

21 NCAC 060 .0108 INSPECTIONS OF SHOPS BARBER SHOPS, MOBILE BARBER SHOPS, AND SCHOOLS

The presumptive civil penalty for refusing to permit or preventing the inspection of a barber ~~shop~~ shop, mobile barber shop, or barber ~~school;~~ school, in violation of G.S. 86B-31(b):

- (1) 1st offense \$150.00
- (2) 2nd offense \$300.00
- (3) 3rd offense \$500.00

History Note: Authority G.S. ~~86A-1; 86A-5(a)(6); 86A-15(b); 86A-27; 86B-10; 86B-21; 86B-31;~~

Eff. April 1, 2005;

Readopted Eff. July 1, 2016- 2016;

Temporary Amendment Eff. May 2, 2023.

21 NCAC 060 .0109 EXPIRED LICENSE

(a) The presumptive civil penalty for engaging in the practice of barbering with a ~~registered barber certificate~~ license that has expired for more than a six month ~~duration;~~ duration, in violation of G.S. 86B-34:

- (1) 1st offense \$100.00
- (2) 2nd offense \$150.00
- (3) 3rd offense \$200.00

(b) The presumptive civil penalty for a barber shop manager allowing an individual to engage in the practice of barbering with a ~~registered barber certificate~~ license that has expired for more than a six month ~~duration;~~ duration, in violation of G.S. 86B-34:

- (1) 1st offense \$100.00
- (2) 2nd offense \$150.00
- (3) 3rd offense \$200.00

History Note: Authority G.S. ~~86A-1; 86A-5(a)(6); 86A-17(b); 86A-27; 86B-10; 86B-21; 86B-34;~~

Eff. April 1, 2005;

Readopted Eff. July 1, 2016- 2016;

Temporary Amendment Eff. May 2, 2023.

21 NCAC 060 .0110 ADEQUATE PREMISES

(a) The presumptive civil penalty for a school ~~to fail~~ failing to maintain facilities as required by ~~G.S. 86A-15~~ G.S. 86B-31 and 21 NCAC 06F .0101, after two written warnings:

- (1) 1st offense \$250.00
- (2) 2nd offense \$400.00
- (3) 3rd offense \$500.00

(b) The presumptive civil penalty for a ~~barber shop~~ barber shop ~~to fail~~ failing to maintain facilities as required by ~~G.S. 86A-15~~ G.S. 86B-31 and the applicable rules in 21 NCAC 06L .0102 through .0109, after two written warnings:

- (1) 1st offense \$250.00
- (2) 2nd offense \$450.00
- (3) 3rd offense \$500.00

History Note: Authority G.S. ~~86A-5(a)(6); 86A-15; 86A-18(6); 86A-18(7); 86A-22(6); 86A-27; 86B-10; 86B-31; 86B-35; 86B-38;~~

Eff. April 1, 2005;

Readopted Eff. July 1, 2016- 2016;

Temporary Amendment Eff. May 2, 2023.

21 NCAC 060 .0113 BARBER SHOPS IN RESIDENCES AND MOBILE HOMES

~~(a)~~ The presumptive civil penalty for operating a barber shop in a residence in violation of 21 NCAC 06L .0106(c):

- (1) 1st offense \$150.00
- (2) 2nd offense \$250.00
- (3) 3rd offense \$500.00

~~(b)~~ The presumptive civil penalty for operating a barber shop in a mobile home in violation of 21 NCAC 06L .0106(c):

TEMPORARY RULES

(1)	1st offense	\$200.00
(2)	2nd offense	\$300.00
(3)	3rd offense	\$500.00

(3)	3rd offense	\$200.00 \$400.00
-----	-------------	------------------------------

History Note: Authority G.S. ~~86A-15; 86A-27; 86B-10; 86B-31~~;
Eff. June 1, 2008;
Readopted Eff. July 1, ~~2016~~; 2016;
Temporary Amendment Eff. May 2, 2023.

21 NCAC 060 .0116 UNLICENSED SCHOOL INSTRUCTORS

(a) The presumptive civil penalty for a barber school allowing an individual to instruct without an instructor's ~~certificate~~; license, in violation of 21 NCAC 06F .0104:

(1)	1st offense	\$200.00
(2)	2nd offense	\$300.00
(3)	3rd offense	\$500.00

(b) The presumptive civil penalty for an individual engaging in instructing without an instructor's ~~certificate~~; license, in violation of 21 NCAC 06F .0104:

(1)	1st offense	\$150.00
(2)	2nd offense	\$450.00
(3)	3rd offense	\$500.00

History Note: Authority G.S. ~~86A-22; 86A-23; 86A-27; 86B-10; 86B-38; 86B-39~~;
Eff. September 1, 2009;
Readopted Eff. July 1, ~~2016~~; 2016;
Temporary Amendment Eff. May 2, 2023.

21 NCAC 060 .0117 BARBER FAILING TO MAINTAIN OR PRODUCE EXEMPTION LOG

(a) The presumptive civil penalty for a licensed barber failing to maintain the exemption log required by 21 NCAC 06L .0111:

(1)	1st offense	\$100.00
(2)	2nd offense	\$150.00
(3)	3rd offense	\$250.00

(b) The presumptive civil penalty for a licensed barber failing to produce the exemption log required by 21 NCAC 06L .0111:

(1)	1st offense	\$100.00
(2)	2nd offense	\$150.00
(3)	3rd offense	\$250.00

History Note: Authority G.S. ~~86A-15(e); 86A-27; 86B-10; 86B-31~~;
Eff. April, 1, 2010;
Readopted Eff. July 1, ~~2016~~; 2016;
Temporary Amendment Eff. May 2, 2023.

21 NCAC 060 .0121 FAILURE TO DISPLAY SANITATION GRADE AND SHOP PERMIT

The presumptive civil penalty for the failure of a ~~shop~~ barber shop, mobile barber, or barber school to display its sanitation grade ~~and shop~~ or permit in a place visible to the public at the front of the shop; ~~public~~; public, as set forth in G.S. 86B-33 and 21 NCAC 06L .0115(c):

(1)	1st offense	\$50.00 \$150.00
(2)	2nd offense	\$100.00 \$350.00

History Note: Authority G.S. ~~86A-1; 86A-5(a)(6); 86A-16; 86A-27; 86B-2; 86B-10; 86B-33~~;
Eff. July 1, ~~2016~~; 2016;
Temporary Amendment Eff. May 2, 2023.

21 NCAC 060 .0123 LICENSING OF MOBILE BARBER SHOPS

(a) The presumptive civil penalty for operating a mobile barber shop without first filing an application for a mobile barber shop permit, obtaining an inspection, and obtaining a mobile barber shop ~~permit~~; permit in violation of G.S. 86B-21:

(1)	1st offense	\$400.00
(2)	2nd offense	\$450.00
(3)	3rd offense	\$500.00

(b) The presumptive civil penalty for operating a mobile barber shop with an expired ~~permit~~; permit in violation of G.S. 86B-29(b):

(1)	1st offense	\$200.00
(2)	2nd offense	\$300.00
(3)	3rd offense	\$500.00

History Note: Authority G.S. ~~86B-10; 86B-29; 86B-30~~;
Temporary Adoption Eff. May 2, 2023.

21 NCAC 060 .0124 TOILETS, SINK, SEWAGE, AND WASTEWATER IN MOBILE BARBER SHOPS

(a) The presumptive civil penalty for operating a mobile barber shop after wastewater storage capacity has been ~~reached~~; reached, in violation of 21 NCAC 06L .0203(6)(a):

(1)	1st offense	\$300.00
(2)	2nd offense	\$400.00
(3)	3rd offense	\$500.00

(b) The presumptive civil penalty for operating a mobile barber shop with toilets that do not ~~function~~; function, in violation of 21 NCAC 06L .0203(6)(b):

(1)	1st offense	\$300.00
(2)	2nd offense	\$400.00
(3)	3rd offense	\$500.00

(c) The presumptive civil penalty for operating a mobile barber shop without potable, running hot and cold ~~water~~; water, in violation of 21 NCAC 06L .0203(6)(c):

(1)	1st offense	\$300.00
(2)	2nd offense	\$400.00
(3)	3rd offense	\$500.00

(d) The presumptive civil penalty for operating a mobile barber shop without soap and disposable towels for all ~~sinks~~; sinks, in violation of 21 NCAC 06L .0203(3):

(1)	1st offense	\$200.00
(2)	2nd offense	\$300.00
(3)	3rd offense	\$400.00

History Note: Authority G.S. ~~86B-10; 86B-30~~;
Temporary Adoption Eff. May 2, 2023.

**21 NCAC 06O .0125 MOBILE BARBER SHOP
MONTHLY REPORTS**

(a) The presumptive civil penalty for a mobile barber shop failing to submit the monthly report required by 21 NCAC 06L .0205:

- | | | |
|-----|--------------------|-----------------|
| (1) | <u>1st offense</u> | <u>\$300.00</u> |
| (2) | <u>2nd offense</u> | <u>\$400.00</u> |
| (3) | <u>3rd offense</u> | <u>\$500.00</u> |

(b) The presumptive civil penalty for a mobile barber shop operating at a location on a particular date not included in the report required by 21 NCAC 06L .0205: \$500.00.

*History Note: Authority G.S. 86B-10; 86B-30;
Temporary Adoption Eff. May 2, 2023.*

SUBCHAPTER 06P - DEFINITIONS

21 NCAC 06P .0103 GENERAL DEFINITIONS

For purposes of the rules in this Chapter, the following definitions shall apply:

- (1) "Barber" means any person who engages in or attempts to engage in the practice of barbering or provide barbering services.
- (2) "Barber instructor" means any person who engages in or attempts to engage in the teaching of the practice of barbering.
- (3) "Barber pole" means an actual or representation of a cylinder or pole with alternating stripes of any combination including red and white, and red, white, and blue that run diagonally along the length of the cylinder or pole.
- (4) "Barber school" means any establishment that engages in teaches or attempts to engage in the teaching of teach the practice of barbering.
- (5) "Barber student" means any person who is enrolled in barber school, including those taking classes beyond the ~~4528~~ 1,528 hours required ~~hours.~~ by G.S. 86B-38.
- (6) "Board" means the State North Carolina Board of Barber and Electrolysis Examiners.
- (7) "License" or "permit" ~~or "certificate of registration"~~ means the actual license or permit issued by the Board and current government issued photo identification depicting the licensee's or permittee's photograph and legal name.
- (8) "Military service record" means veteran service records, such as the U.S. Department of Defense Form 214 (DD-214), or other military service records from the military or National Archives.
- (9) ~~"Pick up order" means an order issued by the Board and signed by the Executive Director authorizing an inspector to physically retrieve a permit or license.~~ "Offense," as used in 21 NCAC 06O, means each instance of a violation of the cited rule or statute that is memorialized in writing from the Board to the individual. If an individual requests a hearing before the Board or judicial review, the alleged violation

of rule or statute will not be deemed an offense until the Board issues a final agency decision or the judicial review is finalized, whichever occurs later.

- (10) "Practice of barbering" and "barber services" means all activities set forth in G.S. 86A-2, G.S. 86B-22 and the sanitary requirements of ~~Chapter 86A~~ G.S. 86B and the sanitary rules adopted by the Board.
- (11) "Sanitary" means free of infectious agents, diseases, or infestation by insects or vermin and free of soil, dust, or dirt.

*History Note: Authority G.S. 86A-2; 86A-5; 86A-13; 86A-15; 86A-22; 86A-23; 86B-2; 86B-22; 86B-29; 86B-31; 86B-38; 86B-39; 93B-15.1;
Eff. June 1, 2008;
Readopted Eff. July 1, 2016;
Amended Eff. April 1, 2017- 2017;
Temporary Amendment Eff. May 2, 2023.*

SUBCHAPTER 06Q - PROHIBITED PRACTICES

21 NCAC 06Q .0101 ADDITIONAL GROUNDS FOR DENIAL OR DISCIPLINE

Except as provided in ~~Chapter 86A of the General Statutes, G.S. 86B,~~ the Board:

- (1) shall find fraudulent misrepresentation in the following examples:
 - (a) An individual or entity operates or attempts to operate a barber ~~shop~~ shop, mobile barber shop, or barber school without a permit;
 - (b) An individual or entity advertises barbering services unless the establishment and personnel employed therein are licensed or permitted;
 - (c) An individual or entity uses or displays a barber pole only if the use of the barber pole is for the purpose of offering barber services to the public without a barber ~~shop~~ shop, mobile barber shop, or barber school permit. This Rule does not prohibit use of a barber pole for purposes other than offering services that require a ~~certificate of registration, license, license~~ or permit under ~~G.S. 86A; G.S. 86B;~~ and
 - (d) An individual or entity fails to produce a license or permit as defined by 21 NCAC 06P .0103(7) upon the request of the Board's Executive Director or a Board inspector during an inspection;
- (2) will determine whether grounds for denial or discipline exist when:

TEMPORARY RULES

- | | |
|--|--|
| (a) An individual violates a settlement agreement entered into with the Board; | <i>History Note: Authority G.S. 86A-1; 86A-2; 86A-5(a); 86A-10; 86A-11; 86A-13; 86A-15; 86A-16; 86A-17; 86A-18; 86A-20; 86A-22; 86A-23; 86A-24; 86B-2; 86B-21; 86B-22; 86B-26; 86B-27; 86B-29; 86B-31; 86B-33; 86B-34; 86B-35; 86B-37; 86B-38; 86B-39; 86B-40;
Eff. June 1, 2008;
Amended Eff. September 1, 2013;
Readopted Eff. October 1, 2016, 2016;
<u>Temporary Amendment Eff. May 2, 2023.</u></i> |
| (b) An individual or entity violates G.S. 86A <u>G.S. 86B</u> or any rule adopted by the Board for barbers, barber shops <u>shops, mobile barber shops</u> , or barber schools; or | |
| (c) An individual fails to disclose a felony criminal conviction in dealing with the Board. | |

RULES REVIEW COMMISSION

This Section contains information for the meeting of the Rules Review Commission April 20, 2023 and April 27, 2023 at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners. Specific instructions and addresses may be obtained from the Rules Review Commission at 984-236-1850. Anyone wishing to address the Commission should notify the RRC staff and the agency no later than 5:00 p.m. of the 2nd business day before the meeting. Please refer to RRC rules codified in 26 NCAC 05.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate

Jeanette Doran (Chair)
Robert A. Bryan, Jr. (2nd Vice Chair)
Jay R. Hemphill
Jeff Hyde
Robert A. Rucho

Appointed by House

Andrew P. Atkins (1st Vice Chair)
Wayne R. Boyles, III
Barbara A. Jackson
Randy Overton
Paul Powell

COMMISSION COUNSEL

Brian Liebman	984-236-1948
Lawrence Duke	984-236-1938
William W. Peaslee	984-236-1939
Seth M. Ascher	984-236-1934

RULES REVIEW COMMISSION MEETING DATES

May 18, 2023	July 20, 2023
June 15, 2023	August 17, 2023

**RULES REVIEW COMMISSION MEETING
MINUTES**

April 20, 2023

The Rules Review Commission met on Thursday, April 20, 2023, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and via WebEx.

Commissioners Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeanette Doran, Jeff Hyde, Paul Powell, and Bob Rucho were present in the Commission Room. Commissioners Jay Hemphill, Randy Overton, and Barbara Jackson were present via WebEx.

Staff member Alexander Burgos, Commission Counsel Seth Ascher, Lawrence Duke, Brian Liebman, and Bill Peaslee were present in the room.

The meeting was called to order at 9:00 a.m. with Chair Doran presiding.

The Chair read the notice required by G.S. 138A-15(e) and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearance of conflicts of interest.

APPROVAL OF MINUTES

The Chair asked for any discussion, comments, or corrections concerning the minutes of the March 16, 2023, meeting. There were none and the minutes were approved as distributed.

Upon the call of the Chair, the minutes approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

FOLLOW UP MATTERS

Medical Care Commission

10A NCAC 13B .3801, .3903, .4103, .4104, .4106, .4305, .4603, .4801, .4805, .5102, .5105, .5406, .5408, and .5411 – These Rules remain on the agenda pending the agency’s intention to seek a legislative fix to address the overarching objection for lack of statutory authority. No action was required by the Commission.

Department of Health and Human Services

10A NCAC 14J .1307 – The Rule was returned at the request of the agency. No action was required by the Commission.

Environmental Management Commission

15A NCAC 02H .1301, .1401, .1402, .1403, .1404, and .1405 - The Commission objected to these Rules at the May 2022 meeting. The agency has not responded to the Commission’s objection since August 2022. No action was required by the Commission.

Coastal Resources Commission

15A NCAC 07H .0501, .0502, .0503, .0505, .0506, .0507, .0508, .0509, .0510; 07I .0406, .0506, .0702; 07J .0203, .0204, .0206, .0207, .0208, and .0312 – At the February meeting, the Commission continued its objection to these Rules from the September 2022 meeting pursuant to G.S. 150B-21.12(c). The agency has not responded to the Commission’s continued objection. No action was required by the Commission.

Coastal Resources Commission

15A NCAC 07H .2305 – At the February meeting, the Commission continued its objection to this Rule from the September 2022 meeting pursuant to G.S. 150B-21.12(c). The agency has not responded to the Commission’s continued objection. No action was required by the Commission.

Coastal Resources Commission

15A NCAC 07M .0201, .0202, .0401, .0402, .0403, .0701, .0703, .0704, .1001, .1002, and .1101 – At the February meeting, the Commission continued its objection to these Rules from the September 2022 meeting pursuant to G.S. 150B-21.12(c). The agency has not responded to the Commission’s continued objection. No action was required by the Commission.

Commission for Public Health

15A NCAC 18A .2801, .2802, .2803, .2804, .2806, .2807, .2808, .2809, .2810, .2812, .2814, .2815, .2816, .2817, .2818, .2819, .2820, .2821, .2822, .2823, .2824, .2825, .2826, .2827, .2829, .2830, .2831, .2832, .2833, .2834, .2835, and .2836 - The Commission extended the period of review for these Rules at the March meeting. No action was required by the Commission.

Locksmith Licensing Board

21 NCAC 29 .0705 - The Rule was returned at the request of the agency. No action was required by the Commission.

LOG OF FILINGS (PERMANENT RULES)

Radiation Protection Commission

Upon the call of the Chair, 10A NCAC 15 .0113, .0323, .0349, .1201, .1202, .1203, .1204, .1205, .1206, .1207, .1208, .1209, .1210, .1211, .1212, .1213, .1214, .1215, .1216, .1217, .1218, .1219, .1220, .1221, .1222, .1223, .1224, .1225, .1226, .1227, .1228, .1229, .1230, .1231, .1233, .1234, .1235, .1236, .1237, .1238, .1239, .1240, .1241, .1242, .1501, .1502, .1503, .1504, .1505, .1506, .1507, .1508, .1509, .1510, .1511, .1512, .1513, .1514, .1515, .1516, .1517, .1650, .1651, .1652, and .1701 were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

Nadine Pfeiffer, the rulemaking coordinator with the agency, addressed the Commission.

James Albright with the agency, addressed the Commission.

Criminal Justice Education and Training Standards Commission

Upon the call of the Chair, 12 NCAC 09B .0305; 09C .0311; 09G .0102, .0204, .0205, .0206, .0207, .0208, .0209, .0210, .0211, .0302, .0304, .0305, .0504, and .0505 were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

Upon the call of the Chair, the Commission extended the period of review for 12 NCAC 09E .0107 by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

Environmental Management Commission

Upon the call of the Chair, the Commission extended the period of review for 15A NCAC 02B .0315; 02D .0516 by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

Marine Fisheries Commission 15A NCAC 03M, 18A

Upon the call of the Chair, the Commission extended the period of review for 15A NCAC 03M .0101 and 18A .0911 by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

Wildlife Resources Commission

Upon the call of the Chair, 15A NCAC 10B .0110, .0127, .0203, .0227, .0301, .0303, .0306; 10H .1506; 10J .0101, and .0102 were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

Board of Nursing

Upon the call of the Chair, the Commission extended the period of review for 21 NCAC 36 .0807 by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

Board of Examiners for Nursing Home Administrators

Upon the call of the Chair, 21 NCAC 37B .0104; 37D .0604, and .0605 were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors

Upon the call of the Chair, 21 NCAC 50 .0520 was approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

LOG OF FILINGS (TEMPORARY RULES)**Private Protective Services Board**

Upon the call of the Chair, 14B NCAC 16 .0201, .0403, .0807, .1501, .1502, .1503, .1504, .1601, .1701, .1702, .1703, .1704, .1705, .1706, .1707, and .1708 were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

14B NCAC 16 .1709 was withdrawn at the request of the agency. No action was required by the Commission.

State Board of Education

16 NCAC 06G .0601 – Upon the call of the Chair, the Commission denied the agency's request to waive the 210-day requirement pursuant to G.S. 150B-21.1(a2) by roll-call vote, ayes 4, noes 6 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Jay Hemphill, and Barbara Jackson - 4 Voting in the Negative: Wayne Boyles III, Jeanette Doran, Jeff Hyde, Randy Overton, Paul Powell, Bob Rucho, - 6. Upon the call of the Chair, the Commission objected to the rule in accordance with G.S. 150B-21.1(b1).

The Commission objected to the Rule finding that the need for the temporary rule was predicated on a recent act of the General Assembly that had been made effective more than 210 days prior to the submission of the rule to the Commission, contrary to the requirements of G.S. 150B-21.1(a2), by roll-call vote, ayes 9, noes 1 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeanette Doran, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: Jay Hemphill - 1.

Tom Ziko, the rulemaking coordinator with the agency, addressed the Commission.

Board of Barber and Electrolysis Examiners

Upon the call of the Chair, 21 NCAC 06C .0912; 06F .0104, .0120; 06G .0106; 06J .0110; 06K .0101, .0104, .0110, .0111, .0112, .0113; 06L .0104, .0106, .0107, .0109, .0111, .0113, .0114, .0115, .0117, .0118, .0119, .0120, .0201, .0202, .0203, .0205; 06N .0101, .0105, .0106, .0107, .0109, .0110, .0112, .0114; 06O .0102, .0104, .0106, .0108, .0109, .0110, .0113, .0116, .0117, .0121, .0123, .0124, .0125; 06P .0103; and 06Q .0101 were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

Commissioner Bryan moved to approve rules where staff's opinions recommending objection were based solely upon pre-existing language in the permanent rule. Second by Commissioner Powell. Those rules were: 21 NCAC 06F.0102; 06H .0101; 06I .0105; 06J .0101; 06N .0102, .0103, .0104; and 06R .0101. The motion failed by a roll-call vote, ayes 4, noes 6 as follows: Voting in the affirmative Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, and Paul Powell, Voting in the negative: Andrew Atkins, Jeff Hyde, Barbara Jackson, Randy Overton, Bob Rucho, and Jeanette Doran.

Commissioner Atkins moved to adopt staff's recommendation to object to 21 NCAC 06F .0102; 06H .0101; 06I .0105; 06J .0101; 06L .0112, .0116, .0204, 06N .0102, .0103, .0104, .0116; 06O .0105, .0112, .0114, .0119, .0122 .0126; and 06R .0101. The Motion was seconded by Commissioner Hyde. - The Commission objected to these rules in accordance with G.S. 150B-21.1(b1). The Commission voted to adopt the opinion of staff finding that the rules did not meet the standards of G.S. 150B-21.9 by roll-call vote, ayes 7, noes 2 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, and Bob Rucho – 7. Voting in the negative: Bobby Bryan and Paul Powell - 2.

During the meeting, staff modified the staff opinion for 21 NCAC 06L .0112 by removing the recommendation of objection regarding ambiguity only for the Rule.

Dennis Seavers, the Executive Director for the agency, addressed the Commission.

Catherine Lee with the Law firm of Hedrick Gardner Kincheloe & Garofalo, LLP, and representing the agency, addressed the Commission.

COMMISSION BUSINESS

The Commission tabled the review of amendments to the Periodic Review Report Schedule to the next regular scheduled meeting.

The Commission tabled the adoption of proposed changes to 26 NCAC 05 .0100 - .0200 to the next regularly scheduled meeting.

Bain Jones, the Chair of the North Carolina Bar Association, addressed the Commission.

At 10:30 a.m., upon a motion by the Chair Doran and a second by Commissioner Atkins, the Commission voted to call the public meeting of the Rules Review Commission into recess and enter into closed session pursuant to G.S. 143-318.11(a)(1) for the purpose of reviewing and approving the general account of the March 2023 closed session, which may be withheld from public inspection pursuant to G.S. 143-318.10(e), and also pursuant to G.S. 143-318.11(a)(3) for the purpose of consulting with counsel within the attorney client privilege by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jay Hemphill, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

Following the closed session, Commissioners Jay Hemphill and Randy Overton left the meeting via Webex.

At 10:49 a.m., upon a motion by Commissioner Atkins and a second by Commissioner Bryan, the Commission voted to come out of closed session and reconvene the public meeting of the Rules Review Commission by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, Paul Powell, and Bob Rucho – 7. Voting in the negative: None.

The meeting adjourned at 10:50 a.m.

The next regularly scheduled meeting of the Commission is Thursday, May 18, 2023, at 9:00 a.m.

April 20, 2023

Rules Review Commission
Meeting
Please **Print** Legibly

Name	Agency
Reed Cantan	young mobile
Martha Bell	NC Board of NHA
Brah Jones	NCBA
Catherine Lec	Hedrick Goodwin
Dennis Seavers	Bd of Barber & Electrolysis
	Exam.

Rules Review Commission Meeting April 20, 2022
Via WebEx

Name	Agency
E Wiley	Revenue
Anna Hayworth	Agriculture
Virginia Niehaus	DHHS
Phillip Reynolds	DOJ
Maria Pitre-Martin	DPI
David Palmer	docsedu.com
Nathan Vail	DHHS
Hope Ascher	
Christine Ryan	DOJ
David Gadd	satskysilverstein.com
Katherine Quinlan	DEQ
Ellen Roeber	PT Board
Janice Peterson	Optometry
Joelle Burleson	EMC
David Crowley	DHHS
Jill Cramer	Labor
Fred Moreno	NCREC
Louis Brsyboy	DHHS
Lou Martin	DPI
Kathy Arney	PT Board
Jonathan Puryear	Revenue
Chris Kreh	WRC
Emily Wiley	DOT
Hannah Jernigan	DOT
Laura Rowe	Treasurer
Michelle Schilling	DOJ
Anne Coan	NCFB
Catherine Blum	DEQ
Mary Lucasse	DOJ
Ross Smith	myncma.org
H Landi	hntb.com
Jennifer Everett	DEQ
Nadine Pfeiffer	DHHS
Melva Bonner	WRC
Dauna Bartley	Dental Examiners
James Albright	Radiation Protection

LIST OF APPROVED PERMANENT RULES

April 20, 2023 Meeting

RADIATION PROTECTION COMMISSION

<u>Classification of Radioactive Material</u>	10A NCAC 15 .0113
<u>Specific Licenses: Sealed Sources in Industrial Radiograp...</u>	10A NCAC 15 .0323
<u>Exemptions: Waste Management by Generators</u>	10A NCAC 15 .0349
<u>Purpose and Scope</u>	10A NCAC 15 .1201
<u>Definitions</u>	10A NCAC 15 .1202
<u>License Required: Land Disposal of Low-Level Radioactive ...</u>	10A NCAC 15 .1203
<u>Content of Application</u>	10A NCAC 15 .1204
<u>General Information</u>	10A NCAC 15 .1205
<u>Specific Technical Information</u>	10A NCAC 15 .1206
<u>Environmental Information</u>	10A NCAC 15 .1207
<u>Technical and Environmental Analyses</u>	10A NCAC 15 .1208
<u>Institutional Information</u>	10A NCAC 15 .1209
<u>Financial Information</u>	10A NCAC 15 .1210
<u>Filing and Distribution of Application</u>	10A NCAC 15 .1211
<u>Elimination of Repetition</u>	10A NCAC 15 .1212
<u>Updating of Application</u>	10A NCAC 15 .1213
<u>Standards for Issuance of a License</u>	10A NCAC 15 .1214
<u>Conditions of License</u>	10A NCAC 15 .1215
<u>Amendment of License</u>	10A NCAC 15 .1216
<u>Application for Renewal or Closure</u>	10A NCAC 15 .1217
<u>Contents of Application for Closure</u>	10A NCAC 15 .1218
<u>Postclosure Observation and Maintenance</u>	10A NCAC 15 .1219
<u>Transfer of License</u>	10A NCAC 15 .1220
<u>Termination of License</u>	10A NCAC 15 .1221
<u>Performance Objectives: General Requirement</u>	10A NCAC 15 .1222
<u>Protection of Population from Release of Radioactivity</u>	10A NCAC 15 .1223
<u>Protection of individuals from Inadvertent Intrusion</u>	10A NCAC 15 .1224
<u>Protection of Individuals During Operations</u>	10A NCAC 15 .1225
<u>Stability of the Disposal Site After Closure</u>	10A NCAC 15 .1226
<u>Technical Requirements for Land Disposal Facilities</u>	10A NCAC 15 .1227
<u>Disposal Site Suitability Requirements</u>	10A NCAC 15 .1228
<u>Site Design for Land Disposal</u>	10A NCAC 15 .1229
<u>Facility Operation and Disposal Site Closure</u>	10A NCAC 15 .1230
<u>Environmental Monitoring</u>	10A NCAC 15 .1231
<u>Waste Classification and Characteristics</u>	10A NCAC 15 .1233
<u>Institutional Requirements</u>	10A NCAC 15 .1234
<u>Applicant Qualifications and Assurances</u>	10A NCAC 15 .1235
<u>Funding of Closure: Stabilization: Institutional Controls</u>	10A NCAC 15 .1236
<u>Records: Reports: Tests: and Inspections</u>	10A NCAC 15 .1237
<u>Maintenance of Records: Reports and Transfers</u>	10A NCAC 15 .1238
<u>Tests at Land Disposal Facilities</u>	10A NCAC 15 .1239
<u>Agency Inspections of Land Disposal Facilities</u>	10A NCAC 15 .1240
<u>Inspection</u>	10A NCAC 15 .1241

RULES REVIEW COMMISSION

<u>Notifications and Reports</u>	10A NCAC 15 .1242
<u>Purpose and Scope</u>	10A NCAC 15 .1501
<u>Definitions</u>	10A NCAC 15 .1502
<u>License Required</u>	10A NCAC 15 .1503
<u>Application for Site Access License: General Requirements</u>	10A NCAC 15 .1504
<u>Application for Site Access License - Waste Generators</u>	10A NCAC 15 .1505
<u>Content of Application for Waste Collectors</u>	10A NCAC 15 .1506
<u>Content of Application for Waste Processors</u>	10A NCAC 15 .1507
<u>Certification of Compliance with Applicable Requirements</u>	10A NCAC 15 .1508
<u>Prior Notification for Waste Shipments</u>	10A NCAC 15 .1509
<u>Radioactive Shipment Manifest</u>	10A NCAC 15 .1510
<u>Financial Qualification and Requirements</u>	10A NCAC 15 .1511
<u>Waste Management and Reduction Requirements</u>	10A NCAC 15 .1512
<u>Issuance and Expiration of Site Access Licenses</u>	10A NCAC 15 .1513
<u>Site Access License Renewal</u>	10A NCAC 15 .1514
<u>Site Access License Amendment</u>	10A NCAC 15 .1515
<u>Modification, Revocation, and Termination of License</u>	10A NCAC 15 .1516
<u>Temporary or Emergency Access</u>	10A NCAC 15 .1517
<u>Classification/Radioactive Waste for Near-Surface Disposal</u>	10A NCAC 15 .1650
<u>Radioactive Waste Characteristics</u>	10A NCAC 15 .1651
<u>Labeling</u>	10A NCAC 15 .1652
<u>Additional Requirements for Licensees Possessing Category.</u>	10A NCAC 15 .1701

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

<u>Terms and Conditions of Specialized Instructor Certification</u>	12 NCAC 09B .0305
<u>Recertification Following Separation</u>	12 NCAC 09C .0311
<u>Definitions</u>	12 NCAC 09G .0102
<u>Documentation of Educational Requirements</u>	12 NCAC 09G .0204
<u>Medical Examination</u>	12 NCAC 09G .0205
<u>Moral Character</u>	12 NCAC 09G .0206
<u>Fingerprint Criminal History Record Check</u>	12 NCAC 09G .0207
<u>Minimum Standards for Correctional Officers</u>	12 NCAC 09G .0208
<u>Minimum Standards for Probation/Parole Officers</u>	12 NCAC 09G .0209
<u>Background Investigation</u>	12 NCAC 09G .0210
<u>Agency Reporting of Drug Screening Results</u>	12 NCAC 09G .0211
<u>Criminal History Record</u>	12 NCAC 09G .0302
<u>General Certification</u>	12 NCAC 09G .0304
<u>Recertification Following Separation</u>	12 NCAC 09G .0305
<u>Suspension: Revocation: or Denial of Certification</u>	12 NCAC 09G .0504
<u>Period of Suspension: Revocation: or Denial</u>	12 NCAC 09G .0505

WILDLIFE RESOURCES COMMISSION

<u>Attendance of Traps</u>	15A NCAC 10B .0110
<u>Possession of Wildlife Killed Accidentally or Found Dead</u>	15A NCAC 10B .0127
<u>Deer (White Tailed)</u>	15A NCAC 10B .0203
<u>Wild Quail Management Areas</u>	15A NCAC 10B .0227
<u>Definitions</u>	15A NCAC 10B .0301

RULES REVIEW COMMISSION

<u>Open Seasons</u>	15A NCAC	10B	.0303
<u>Attendance and Tagging of Traps</u>	15A NCAC	10B	.0306
<u>Alligator Control Agent Certification Eligibility and Req...</u>	15A NCAC	10H	.1506
<u>Designation of Wildlife Conservation Areas</u>	15A NCAC	10J	.0101
<u>General Regulations Regarding Use of Conservation Areas</u>	15A NCAC	10J	.0102

NURSING HOME ADMINISTRATORS, BOARD OF EXAMINERS FOR

<u>Fees</u>	21 NCAC	37B	.0104
<u>Grade Required</u>	21 NCAC	37D	.0604
<u>Subject Areas</u>	21 NCAC	37D	.0605

PLUMBING, HEATING AND FIRE SPRINKLER CONTRACTORS, BOARD OF EXAMINERS OF

<u>Onsite Supervision and Standard of Competence</u>	21 NCAC	50	.0520
--	---------	----	-------

LIST OF APPROVED TEMPORARY RULES

April 20, 2023 Meeting

PRIVATE PROTECTIVE SERVICES BOARD

<u>Application for License and Trainee Permits</u>	14B NCAC	16	.0201
<u>Trainee Permit Requirements</u>	14B NCAC	16	.0403
<u>Training Requirements for Armed Security Guards</u>	14B NCAC	16	.0807
<u>Experience Requirements for a Close Personal Protection L...</u>	14B NCAC	16	.1501
<u>Training Requirements for Close Personal Protection License</u>	14B NCAC	16	.1502
<u>Investigations Directly Related to Provision of Services</u>	14B NCAC	16	.1503
<u>Distinguishing Security Services</u>	14B NCAC	16	.1504
<u>Experience Requirements for a Digital Forensics Examiner ...</u>	14B NCAC	16	.1601
<u>Definitions</u>	14B NCAC	16	.1701
<u>Training and Supervision Required in Level One</u>	14B NCAC	16	.1702
<u>Training and Supervision in Level Two</u>	14B NCAC	16	.1703
<u>Training and Supervision Required in Level Three</u>	14B NCAC	16	.1704
<u>Educational Degrees and Non-degreed Training</u>	14B NCAC	16	.1705
<u>Consideration of Experience</u>	14B NCAC	16	.1706
<u>Enforcement</u>	14B NCAC	16	.1707
<u>Transferability of Training Hours</u>	14B NCAC	16	.1708

BARBER AND ELECTROLYSIS EXAMINERS, BOARD OF

<u>Complaints</u>	21 NCAC	06C	.0912
<u>Instructors</u>	21 NCAC	06F	.0104
<u>Barber School Curriculum</u>	21 NCAC	06F	.0120
<u>Instructor Application</u>	21 NCAC	06G	.0106
<u>Notification of Address Change</u>	21 NCAC	06J	.0110
<u>Licensed Barber</u>	21 NCAC	06K	.0101
<u>Out-of-State Applicants</u>	21 NCAC	06K	.0104
<u>Identification</u>	21 NCAC	06K	.0110
<u>Notification of Change of Address</u>	21 NCAC	06K	.0111
<u>Applicants with Military Training and Expertise</u>	21 NCAC	06K	.0112
<u>Military Spouses</u>	21 NCAC	06K	.0113

RULES REVIEW COMMISSION

<u>Barber Shop and Mobile Barber Shop Permits</u>	21 NCAC 06L .0104
<u>Separation from Other Businesses; Residential Barber Shops</u>	21 NCAC 06L .0106
<u>Lavatory</u>	21 NCAC 06L .0107
<u>Disinfectants</u>	21 NCAC 06L .0109
<u>Where Barber Services May Be Performed</u>	21 NCAC 06L .0111
<u>Diseases</u>	21 NCAC 06L .0113
<u>Pets Prohibited</u>	21 NCAC 06L .0114
<u>Inspections of Shops</u>	21 NCAC 06L .0115
<u>General Sanitation</u>	21 NCAC 06L .0117
<u>Sanitary Ratings and Posting of Ratings</u>	21 NCAC 06L .0118
<u>Systems of Grading Barber Shops, Mobile Barber Shops, and...</u>	21 NCAC 06L .0119
<u>Notification of Change of Address</u>	21 NCAC 06L .0120
<u>Vehicles</u>	21 NCAC 06L .0201
<u>Equipment</u>	21 NCAC 06L .0202
<u>Toilets, Sinks, Sewage, and Wastewater</u>	21 NCAC 06L .0203
<u>Monthly Reports of Locations</u>	21 NCAC 06L .0205
<u>Fees, Access to Forms, and Renewals</u>	21 NCAC 06N .0101
<u>Form Bar-4</u>	21 NCAC 06N .0105
<u>Form Bar-5</u>	21 NCAC 06N .0106
<u>Form Bar-6</u>	21 NCAC 06N .0107
<u>Form Bar-8</u>	21 NCAC 06N .0109
<u>Form Bar-9</u>	21 NCAC 06N .0110
<u>Form Bar-11</u>	21 NCAC 06N .0112
<u>Extensions for Members of the Armed Forces</u>	21 NCAC 06N .0114
<u>Licensing of Barber Shops</u>	21 NCAC 06O .0102
<u>Unsupervised Apprentice</u>	21 NCAC 06O .0104
<u>Display of Current License</u>	21 NCAC 06O .0106
<u>Inspections of Barber Shops, Mobile Barber Shops, and Sch...</u>	21 NCAC 06O .0108
<u>Expired License</u>	21 NCAC 06O .0109
<u>Adequate Premises</u>	21 NCAC 06O .0110
<u>Barber Shops in Residences</u>	21 NCAC 06O .0113
<u>Unlicensed School Instructors</u>	21 NCAC 06O .0116
<u>Barber Failing to Maintain or Produce Exemption Log</u>	21 NCAC 06O .0117
<u>Failure to Display Sanitation Grade and Shop Permit</u>	21 NCAC 06O .0121
<u>Licensing of Mobile Barber Shops</u>	21 NCAC 06O .0123
<u>Toilets, Sink, Sewage, and Wastewater in Mobile Barber Shops</u>	21 NCAC 06O .0124
<u>Mobile Barber Shop Monthly Report</u>	21 NCAC 06O .0125
<u>General Definitions</u>	21 NCAC 06P .0103
<u>Additional Grounds for Denial or Discipline</u>	21 NCAC 06Q .0101

**RULES REVIEW COMMISSION SPECIAL MEETING
MINUTES
April 27, 2023**

The Rules Review Commission met for a Special Meeting on Thursday, April 27, 2023, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and via WebEx. The special meeting was called pursuant to G.S. 150B-21.1(b1), to review temporary rules filed by the Board of Barber and Electrolysis Examiners.

Commissioner Jeanette Doran was present in the Commission Room. Commissioners Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, and Bob Rucho were present via WebEx.

Staff members present were Alexander Burgos, Commission Counsel Seth Ascher, Lawrence Duke, Brian Liebman, and Bill Peaslee.

The meeting was called to order at 11:10 a.m. with Chair Doran presiding.

The Chair read the notice required by G.S. 138A-15(e) and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearance of conflicts of interest.

Commissioner Bryan joined the meeting via WebEx at 11:22 a.m.

Review of Log of Filings Temporary Rules

Board of Barber and Electrolysis Examiners

Upon the call of the Chair, 21 NCAC 06L .0116; 06N .0102, .0104, .0116; 06O .0105, .0112, .0114, and .0119 were approved by roll-call vote, ayes 6, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, and Bob Rucho – 6. Voting in the negative: None.

21 NCAC 06F .0102; 06H .0101; 06I .0105; 06J .0101; 06L .0112, .0204; 06N .0103; 06O .0122, .0126; and 06R .0101 – These Rules were returned at the request of the agency.

Commissioner Atkins' moved that the Commission provide direction to the Codifier of Rules that an objection to a temporary rule or a return thereof should not result in the return or repeal of a permanent rule. The motion was seconded by Commissioner Bryan, upon the call of the Chair, the Commission voted by roll-call vote, ayes 6, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, Barbara Jackson, and Bob Rucho – 6. Voting in the negative: None.

Dennis Seavers, the Executive Director for the agency, addressed the Commission.

Ashley Snyder, Codifier, addressed the Commission.

COMMISSION BUSINESS

The Commission confirmed that the final versions of the temporary rules for the Private Protective Services Board reviewed at the April 20, 2023 meeting were approved by the Commission.

The meeting adjourned at 11:44 a.m.

The next regularly scheduled meeting of the Commission is Thursday, May 18, 2023, at 9:00 a.m.

Alexander Burgos, Paralegal

Minutes approved by the Rules Review Commission:
Jeanette Doran, Chair

Rules Review Commission Special Meeting April 27, 2023
Held Via WebEx

Name	Agency
Kathy Arney	PT Board
Nadine Pfeiffer	DHHS
Executive WebEx	sosnc.gov
Dennis Seavers	Barber Board
Catherine Lee	Barber Board
Ellen Roeber	
Johnson, Daniel H	DOT
Hannah Jernigan	DOT
Laura Rowe	Treasurer
Catherine Blum	Marine Fisheries
Helen Landi	
Emily Wiley	DOT

LIST OF APPROVED TEMPORARY RULES
April 27, 2023 Meeting

BARBER AND ELECTROLYSIS EXAMINERS, BOARD OF

<u>Barber Shop Managers</u>	21 NCAC	06L	.0116
<u>Form Bar-1</u>	21 NCAC	06N	.0102
<u>Form Bar-3</u>	21 NCAC	06N	.0104
<u>Form Bar-13</u>	21 NCAC	06N	.0116
<u>Unlicensed Barber or Apprentice</u>	21 NCAC	06O	.0105
<u>Identification</u>	21 NCAC	06O	.0112
<u>Animals in Barber Shops</u>	21 NCAC	06O	.0114
<u>Failure to Notify Board of Change of Address</u>	21 NCAC	06O	.0119