

NORTH CAROLINA REGISTER

VOLUME 40 • ISSUE 06 • Pages 496 – 591

September 15, 2025

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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.

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NORTH CAROLINA REGISTER
Publication Schedule for January 2025 – December 2025

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
39:13	01/02/25	12/06/24	01/17/25	03/03/25	03/20/25	04/24/2025	05/01/25	09/29/25
39:14	01/15/25	12/19/24	01/30/25	03/17/25	03/20/25	04/24/2025	05/01/25	10/12/25
39:15	02/03/25	01/10/25	02/18/25	04/04/25	04/20/25	05/29/2025	06/01/25	10/31/25
39:16	02/17/25	01/27/25	03/04/25	04/21/25	05/20/25	06/26/2025	07/01/25	11/14/25
39:17	03/03/25	02/10/25	03/18/25	05/02/25	05/20/25	06/26/2025	07/01/25	11/28/25
39:18	03/17/25	02/24/25	04/01/25	05/16/25	05/20/25	06/26/2025	07/01/25	12/12/25
39:19	04/01/25	03/11/25	04/16/25	06/02/25	06/20/25	07/30/2025	08/01/25	12/27/25
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39:22	05/15/25	04/24/25	05/30/25	07/14/25	07/20/25	08/28/2025	09/01/25	02/09/26
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39:24	06/16/25	05/23/25	07/01/25	08/15/25	08/20/25	09/25/2025	10/01/25	03/13/26
40:01	07/01/25	06/10/25	07/16/25	09/02/25	09/20/25	10/30/2025	11/01/25	03/28/26
40:02	07/15/25	06/23/25	07/30/25	09/15/25	09/20/25	10/30/2025	11/01/25	04/11/26
40:03	08/01/25	07/11/25	08/16/25	09/30/25	10/20/25	11/20/2025	12/01/25	04/28/26
40:04	08/15/25	07/25/25	08/30/25	10/14/25	10/20/25	11/20/2025	12/01/25	05/12/26
40:05	09/02/25	08/11/25	09/17/25	11/03/25	11/20/25	12/18/2025	01/01/26	05/30/26
40:06	09/15/25	08/22/25	09/30/25	11/14/25	11/20/25	12/18/2025	01/01/26	06/12/26
40:07	10/01/25	09/10/25	10/16/25	12/01/25	12/20/25	01/29/2026	02/01/26	06/28/26
40:08	10/15/25	09/24/25	10/30/25	12/15/25	12/20/25	01/29/2026	02/01/26	07/12/26
40:09	11/03/25	10/13/25	11/18/25	01/02/26	01/20/26	02/26/2026	03/01/26	07/31/26
40:10	11/17/25	10/24/25	12/02/25	01/16/26	01/20/26	02/26/2026	03/01/26	08/14/26
40:11	12/01/25	11/05/25	12/16/25	01/30/26	02/20/26	03/26/2026	04/01/26	08/28/26
40:12	12/15/25	11/20/25	12/30/25	02/13/26	02/20/26	03/26/2026	04/01/26	09/11/26

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 Human Resources 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 but not later than 60 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.

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.



State of North Carolina

JOSH STEIN
GOVERNOR

August 19, 2025

EXECUTIVE ORDER NO. 20

DECLARATION OF A STATE OF EMERGENCY AND TEMPORARY WAIVER AND SUSPENSION OF MOTOR VEHICLE REGULATIONS

WHEREAS, it is anticipated that Hurricane Erin ("Erin") will cause significant impacts to the State of North Carolina; and

WHEREAS, Erin could have a significant impact on public and private property and could seriously disrupt essential utility services and systems; and

WHEREAS, the anticipated impacts from Erin constitute a state of emergency as defined in N.C. Gen. Stat. §§ 166A-19.3(6) and 166A-19.3(20); and

WHEREAS, certain measures are necessary to ensure the protection and safety of North Carolina residents and to coordinate the emergency response among state and local entities and officials; and

WHEREAS, N.C. Gen. Stat. § 166A-19.1(3) provides that it is the responsibility of the Governor, state agencies, and local governments to "[p]rovide for the rapid and orderly rehabilitation of persons and restoration of property"; and

WHEREAS, N.C. Gen. Stat. § 166A-19.1(4) provides that it is the responsibility of the Governor, state agencies, and local governments to "[p]rovide for cooperation and coordination of activities relating to emergency mitigation preparedness, response, and recovery among agencies and officials of this state and with similar agencies and officials of other states and with other private and quasi-official organizations"; and

WHEREAS, N.C. Gen. Stat. §§ 166A-19.10 and 166A-19.20 authorize the Governor to declare a state of emergency and exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

WHEREAS, Erin has created/will create a statewide emergency area, as that term is defined in the Emergency Management Act to mean an "emergency applicable to two-thirds or more of the counties in North Carolina," and

WHEREAS, the Governor has sought and obtained the Concurrence of the Council of State, as that term is defined in N.C. Gen. Stat. § 19.3(2d), in the declaration of the State of Emergency for the emergency area identified herein; and

WHEREAS, N.C. Gen. Stat. § 166A-19.10(3) authorizes the Governor to delegate any authority vested in him under the Emergency Management Act, and to provide for the subdelegation of that authority; and

WHEREAS, under N.C. Gen. Stat. § 166A-19.30(b)(3), the Governor, with the concurrence of the Council of State, may regulate and control the flow of vehicular traffic and the operation of transportation services; and

WHEREAS, under N.C. Gen. Stat. § 166A-19.30(b)(4), the Governor, with the concurrence of the Council of State, may waive a provision of any regulation or ordinance of a state agency which restricts the immediate relief of human suffering; and

WHEREAS, the anticipated impacts from Erin may result in extensive damage, including widespread power outages throughout the state that will require the vehicles bearing equipment and supplies for utility restoration and debris removal to be moved through North Carolina on the interstate and intrastate highways; and

WHEREAS, the uninterrupted supply of electricity, fuel oil, diesel oil, gasoline, kerosene, propane, liquid petroleum gas, food, water, and medical supplies to residential and commercial establishments is essential before, during, and after Erin, and any interruption in the delivery of those commodities threatens the public welfare; and

WHEREAS, the prompt restoration of utility services is essential to the safety and well-being of the State's residents; and

WHEREAS, the Governor has found that residents may suffer losses and further widespread damage within the meaning of N.C. Gen. Stat. §§ 166A-19.3 and 166A-19.21(b); and

WHEREAS, 49 C.F.R. § 390.23 allows the Governor of a State to suspend the rules and regulations under 49 C.F.R. Parts 390 if the Governor determines that an emergency condition exists; and

WHEREAS, nothing contained in this declaration shall be construed as an exemption from the controlled substances and alcohol use and testing requirements (49 C.F.R. Part 382), the commercial driver's license requirements (49 C.F.R. Part 383), the financial responsibility (insurance) requirements (49 C.F.R. Part 387), operating authority (49 C.F.R. Part 365), applicable size and weight requirements, ill or fatigued operator (49 C.F.R. § 392.3) or any other portion of the regulations not specifically identified; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.70(g), upon the recommendation of the North Carolina Commissioner of Agriculture and the existence of an imminent threat of severe economic loss of livestock, poultry or crops ready to be harvested, the Governor shall direct the North Carolina State Highway Patrol ("NCSHP") to temporarily suspend weighing vehicles used to transport livestock, poultry or crops ready to be harvested; and

WHEREAS, this suspension does not permit the gross weight of any vehicle or combination to exceed the safe load carrying capacity established by the North Carolina Department of Transportation ("DOT") on any bridge pursuant to N.C. Gen. Stat. § 136-72, or to permit the operation of a vehicle when a law enforcement officer has probable cause to believe the vehicle is creating an imminent hazard to public safety; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.70, the Governor may declare that the health, safety, or economic well-being of persons or property requires that the maximum hours of service for drivers prescribed by N.C. Gen. Stat. § 20-381 should be waived for (1) persons transporting essential fuels, food, water, non-alcoholic beverages, medical supplies, feed for livestock and poultry; (2) persons transporting livestock, poultry, and crops ready to be harvested; and (3) vehicles used in the restoration of utility and transportation services; and

WHEREAS, the Governor has sought and obtained Concurrence from the Council of State, as that term is defined in N.C. Gen. Stat. 19.3(2d) on the provisions of this Executive Order requiring concurrence; and

WHEREAS, the Governor has documented the contact and response of each Council of State member and has released the concurrence, non-concurrence, or non-response of each member by position on the website on which this Executive Order is published; and

NOW, THEREFORE, pursuant to the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED:**

Section 1.

I hereby declare that a state of emergency, as defined in N.C. Gen. Stat. §§ 166A-19.3(6) and 166A-19.3(20), exists in the State of North Carolina due to the anticipated impacts from Erin.

For purposes of this Executive Order, the emergency area is the entire State of North Carolina (“the Emergency Area”).

Section 2.

I order all state and local government entities and agencies to cooperate in the implementation of the provisions of this declaration and the provisions of the North Carolina Emergency Operations Plan (“the Plan”).

Section 3.

I delegate to the Secretary of the North Carolina Department of Public Safety (“DPS”), or his or her designee, all power and authority granted to and required of me by Article 1A of Chapter 166A of the North Carolina General Statutes to implement the Plan and deploy the State Emergency Response Team to take the appropriate actions necessary to promote and secure the safety and protection of the populace in North Carolina.

Section 4.

The Secretary of DPS (“Secretary”), as the Chief Coordinating Officer for the State of North Carolina, shall exercise the powers prescribed in N.C. Gen. Stat. § 143B-602.

Section 5.

I further direct the Secretary, or his or her designee, to seek assistance from any and all agencies of the United States Government as may be needed to meet the emergency and to seek reimbursement for costs incurred by the state in responding to this emergency.

Section 6.

The Commander of the NCSHP (“Commander”), in conjunction with the North Carolina Department of Transportation (“DOT”), shall waive the maximum hours of service for drivers prescribed by N.C. Gen. Stat. § 20-381. In addition, the Commander shall, pursuant to N.C. Gen. Stat. § 166A-19.70(g), temporarily suspend weighing pursuant to N.C. Gen. Stat. § 20-118.1 vehicles used to transport livestock, poultry, livestock or poultry feed, or crops ready to be harvested.

Section 7.

With the concurrence of the Council of State, and subject to Section 8 below, the Commander, in conjunction with DOT, shall waive enforcement of specific size and weight restrictions and penalties arising under N.C. Gen. Stat. §§ 20-116, 20-118, and 20-119, specific registration requirements and penalties arising under N.C. Gen. Stat. §§ 20-86.1 and 20-382, and certain registration and filing requirements and penalties arising under N.C. Gen. Stat. §§ 105-449.45, 105-449.47, and 105-449.49 for vehicles supporting emergency equipment, services, and supplies in the Emergency Area.

Section 8.

Notwithstanding the waivers set forth above, size and weight restrictions and penalties, the following conditions apply:

- a. Commercial vehicles operating outside the normal weight, height, and length restrictions under the authority of this State of Emergency shall be issued special permits by the DOT. Said vehicles shall be subject to any special conditions DOT and NCSHP may list on applicable permits. Nothing in this Executive Order shall be construed to allow any vehicle to exceed weight limits posted for bridges and like structures, nor shall anything in this Executive Order be construed to relieve compliance with restrictions other than those specified in this Executive Order or from any statute, rule, order, or other legal requirement not specifically waived herein.
- b. Oversize permits may be issued by the DOT, Oversize/Overweight Unit, during regular business hours, Monday through Friday, by calling 1-888-221-8166 or contacting them through the online portal at <https://connect.ncdot.gov/business/trucking/Pages/overpermits.aspx>.

Section 9.

With Council of State Concurrence, vehicles referenced under Sections 7 and 8 of this Executive Order shall be exempt from the following registration requirements, except where otherwise noted below:

- a. The requirement to obtain a temporary trip permit in N.C. Gen. Stat. § 105-449.49.
- b. The requirement of filing a quarterly fuel tax return.
- c. The registration requirements under N.C. Gen. Stat. §§ 20-382.1 and 20-382 concerning interstate for-hire authority; however, vehicles shall maintain the required limits of insurance as required.
- d. Non-participants in North Carolina's International Registration Plan and International Fuel Tax Agreement will be permitted to enter North Carolina in accordance with the exemptions identified by this Executive Order.

Section 10.

The size and weight exemption for vehicles will be allowed on all DOT-designated routes, except those routes designated as light traffic roads under N.C. Gen. Stat. § 20-118. Size and weight exemptions shall not be in effect on bridges posted pursuant to N.C. Gen. Stat. § 136-72.

Section 11.

Pursuant to 49 C.F.R. § 390.23, I hereby waive 49 C.F.R. § 395.3 for vehicles transporting that are for use in (1) providing direct assistance supporting emergency relief efforts, including transporting essential fuels, food, water, non-alcoholic beverages, medical supplies, feed for livestock and poultry; (2) transporting livestock, poultry, and crops ready to be harvested; or (3) the restoration of utility and transportation services in response to Erin in North Carolina and the affected states for fourteen (14) days.

Upon request by law enforcement officers, exempted vehicles must produce documentation sufficient to establish that their loads are for use in providing direct assistance supporting emergency relief efforts, including transporting (1) providing direct assistance supporting emergency relief efforts including transporting essential fuels, food, water, non-alcoholic beverages, medical supplies, feed for livestock and poultry, (2) transporting livestock, poultry, and crops ready to be harvested, or (3) the restoration of utility and transportation services in response to Erin.

Direct assistance terminates when a driver or commercial motor vehicle is used in intrastate/interstate commerce to transport cargo or provide services that are not in support of emergency relief efforts related to Erin in North Carolina, or when the motor carrier dispatches a driver or commercial motor vehicle to another location to begin operations in commerce. (49 C.F.R. § 390.23(b)).

Upon termination of direct assistance to emergency relief efforts related to transporting (1) providing direct assistance supporting emergency relief efforts including transporting essential fuels, food, water, non-alcoholic beverages, medical supplies, feed for livestock and poultry, (2) transporting livestock, poultry, and crops ready to be harvested, or (3) the restoration of utility and transportation services in response to Erin in North Carolina or affected states, the motor carrier and driver are subject to the requirements of 49 C.F.R. § 395.3, except that a driver may return empty to the motor carrier's terminal or the driver's normal work reporting location without complying with 49 C.F.R. § 395.3. When a driver is moving from emergency relief efforts to normal operations, a 10-hour break is required if the total time a driver operated, whether conducting emergency relief efforts or a combination of emergency relief efforts and normal operations, equals or exceeds fourteen (14) hours.

Section 12.

NCSHP shall enforce the conditions set forth in Sections 6 through 11 of this Executive Order in a manner that does not endanger North Carolina motorists.

Section 13.

This Executive Order does not prohibit or restrict lawfully possessed firearms or ammunition or impose any limitation on the consumption, transportation, sale, or purchase of alcoholic beverages.

Section 14.

Pursuant to N.C. Gen. Stat. § 166A-19.23, this declaration triggers the prohibition against excessive pricing as provided in N.C. Gen. Stat. §§ 75-37 and 75-38 in the Emergency Area.

Section 15.

This Executive Order is effective immediately. Section 11 of this Executive Order shall remain in effect for fourteen (14) days. The remainder of this Executive Order shall remain in effect for thirty (30) days, unless modified, superseded, or rescinded.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 19th day of August in the year of our Lord two thousand and twenty-five.



Josh Stein
Governor

ATTEST:



Timothy L. Crowley
Chief of Staff, Secretary of State





State of North Carolina

JOSH STEIN
GOVERNOR

August 19, 2025

EXECUTIVE ORDER NO. 21

**ADVANCING SAFETY IN NORTH CAROLINA
THROUGH THE OFFICE OF VIOLENCE PREVENTION AND
THE GANG PREVENTION AND INTERVENTION TASK FORCE**

WHEREAS, the safety of North Carolinians must be a top priority of all leaders, including leaders in state government; and

WHEREAS, all communities in our state should be free from harm and violence; and

WHEREAS, addressing violence is a matter of public safety and public health, as safe communities increase economic opportunity and lead to healthier people; and

WHEREAS, several state agencies and organizations, including, but not limited to, the North Carolina Department of Adult Correction ("DAC"), the North Carolina Department of Health and Human Services ("DHHS"), the North Carolina Department of Public Safety ("DPS"), the North Carolina State Bureau of Investigation ("SBI"), the North Carolina State Highway Patrol ("SHP"), and the Governor's Crime Commission ("GCC"), have initiatives and programs that advance safety across the state; and

WHEREAS, in Executive Order No. 279, Governor Cooper established within the DPS the North Carolina Office of Violence Prevention ("OVP"), which works to reduce violence and its associated harms and encourage safe storage of firearms; and

WHEREAS, Governor Cooper further established the Community Violence Advisory Board ("Advisory Board") to provide guidance to the OVP; and

WHEREAS, pursuant to Executive Order No. 279, the Advisory Board expired on March 31, 2025; and

WHEREAS, Governor Stein has determined that in order to best promote public safety for all North Carolinians, the OVP and the Advisory Board should continue; and

WHEREAS, North Carolina continues to be impacted by gang activity, including the presence of approximately 4,000 validated gang members across the state and an alarming rise in youth gang activity with suspected juvenile gang crime increasing nearly 50 percent in the past five years; and

WHEREAS, the 2025 Gang Prevention Legislative Report from the GCC, the SBI, and the SHP noted that gang-involved at-risk youth have more mental health problems than other at-risk youth, are twice as likely to have negative peer relationships than other at-risk youth, and are nearly twice as likely to have family with criminal behavior history; and

WHEREAS, the 2025 Gang Prevention Legislative Report recommended the creation of a task force focused on gang prevention to effectively combat gang activity in North Carolina; and

WHEREAS, Governor Stein has determined that in order to best promote public safety for all North Carolinians, a concerted, statewide effort focused on both gang prevention and intervention is required; and

WHEREAS, pursuant to Article III of the North Carolina Constitution and N.C. Gen. Stat. §§ 143A-4 and 143B-4, the Governor is the chief executive officer of the state and is responsible for formulating and administering the policies of the executive branch of state government; and

WHEREAS, pursuant to N.C. Gen. Stat. § 147-12, the Governor has the authority and the duty to supervise the official conduct of all executive and ministerial officers.

NOW, THEREFORE, pursuant to the authority vested in the undersigned as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

Section 1. Continuing the Work of the Office of Violence Prevention.

The DPS is hereby directed to continue operating the OVP. The mission of the OVP shall remain to reduce violence and its associated harms and encourage safe storage of firearms in North Carolina by coordinating efforts across state agencies and partnering with local communities to support and deploy evidence-based and promising programs and strategies.

The OVP shall work closely and coordinate with other state agencies, including the DHHS to ensure a whole-of-government and public health approach to reducing violence.

The OVP may engage in activities that align with its mission, such as offering training and technical assistance, issuing best practice guidance and model processes, facilitating cross-jurisdictional information sharing, conducting public awareness campaigns, sharing data and collaborating with research institutions, and identifying and applying for funding from federal and philanthropic sources.

The OVP shall implement its strategic plan and performance objectives in coordination with the DHHS and the Advisory Board reestablished herein.

The OVP shall submit a report describing its activities, establishing priorities, and making recommendations to the Office of the Governor annually in December.

Section 2. Reestablishing the Community Violence Advisory Board.

To facilitate the OVP's collaboration with a broad range of stakeholders, including public health professionals, law enforcement, community-based organizations, and survivors of violence, the DPS is hereby directed to reestablish the Advisory Board. In consultation with the Office of the Governor, the OVP shall manage the Advisory Board.

The Director shall ensure that the membership of the Advisory Board consists of individuals dedicated to the mission of the OVP. The Advisory Board will provide guidance to the Director, including on the implementation of the OVP's strategic plan.

Section 3. Establishing the Gang Prevention and Intervention Task Force.

The GCC is hereby directed, in collaboration with the DAC and the OVP to establish the North Carolina Gang Prevention and Intervention Task Force ("Task Force"). As an advisory body to the GCC, the Task Force shall be housed within the GCC with representatives of the DAC and OVP serving as co-chairs.

The mission of the Task Force shall be to make recommendations to reduce the presence and impact of gang activity in North Carolina and to report on and support the implementation of such efforts. It shall focus on, but not be limited to, education, prevention, and intervention efforts focused on youth and justice-involved individuals; support and training for law enforcement; and enhanced coordination among community, local, state, and federal partners.

The Executive Director of the GCC, in partnership with the Task Force co-chairs, shall name no more than twenty (20) members, in addition to the co-chairs, to the Task Force. Members shall include, but not be limited to, representatives from the SBI and the SHP; representatives from the education, law enforcement, and legal communities; representatives from community-based organizations and mental health and substance use organizations; and people who successfully left gangs.

The Task Force shall submit a report describing its activities, establishing priorities, and making recommendations to the Office of the Governor annually in March.

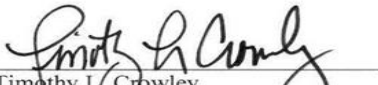
Section 4. Effective Date.

This Executive Order is effective immediately. Section 1 shall remain in effect until rescinded or superseded by another applicable Executive Order. Sections 2 and 3 shall remain in effect until August 31, 2027, pursuant to N.C. Gen. Stat. § 147-16.2, or until rescinded.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capital in the City of Raleigh, this 19th day of August in the year of our Lord two thousand and twenty-five.


Josh Stein
Governor

ATTEST:


Timothy L. Crowley
Chief of Staff, Secretary of State



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 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice is hereby given in accordance with G.S. 150B-21.2 that the Child Care Commission intends to amend the rule cited as 10A NCAC 09 .2102.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://ncchildcare.ncdhhs.gov/Home/Child-Care-Commission>

Proposed Effective Date: April 1, 2026

Public Hearing:

Date: November 3, 2025

Time: 11:30 a.m.

Location: 1915 Health Services Way, Training Room A/B Raleigh NC 27607 and By WebEx

Reason for Proposed Action: The NC Child Care Commission ("Commission") is proposing amendments to Rule 10A NCAC 09 .2102 to further define "corporal punishment" and clarify discipline policy requirements for religious-sponsored child care facilities as defined in G.S. 110-91(10). These amendments aim to provide clear regulations for such facilities that opt to administer corporal punishment. The proposed parameters are intended to ensure compliance with statutory allowances and protect children from maltreatment.

Although prohibited forms of discipline in child care centers and family child care homes are currently addressed in Rules 10A NCAC 09 .1803 and .1722, respectively, a specific definition for corporal punishment is not currently included in the rules applying to exempt religious-sponsored child care facilities. This lack of specificity regarding the allowable application of corporal punishment increases the risk of misapplication by a frustrated child care provider, thereby constituting physical discipline that meets the statutory definition of child maltreatment.

Since 10A NCAC 09 .2102(e) explicitly states that, "A discipline policy that meets the requirements of this Rule shall not preclude the investigation of a complaint alleging inappropriate discipline of a child or child maltreatment as specified in G.S. 110-105.3," the lack of additional clarification in the childcare rule specifically defining corporal punishment implies that any form of corporal punishment could be considered and investigated as child maltreatment.

Comments may be submitted to: Julie Peck, 2201 Mail Service Center, Raleigh, NC 27609; email julie.peck@dhhs.nc.gov

Comment period ends: November 14, 2025

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or 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 (\geq \$1,000,000)
- ☒ Approved by OSBM
- ☐ No fiscal note required

CHAPTER 09 - CHILD CARE RULES

SECTION .2100 - RELIGIOUS-SPONSORED CHILD CARE CENTER REQUIREMENTS

10A NCAC 09 .2102 USE OF CORPORAL PUNISHMENT

(a) Corporal punishment may be used in religious-sponsored child care facilities in accordance with G.S. 110-91(10), if:

- (1) the religious-sponsored child care facility files a notice with the Division stating that corporal punishment is part of the religious training of its program; and
- (2) the religious-sponsored child care facility states in its written policy of discipline that corporal punishment is part of the religious training of its program.

(b) The discipline policy shall state when corporal punishment is used, what type of punishment is used, and who will be administering the punishment. The discipline policy shall state that parents will be informed before and by the end of the day after their child has received corporal punishment and who will be administering the punishment. The facility shall comply with their written discipline policy. If administered by facility staff, corporal punishment shall be limited to one swat by the hand on the buttocks of a child over the child's normal mode of dress that does

not result in any mark that lasts more than two hours or bruising. A witness shall be present when corporal punishment is administered and shall be administered by the administrator or other designated staff member. A facility shall not administer corporal punishment more than once a day per child. The facility's administrator shall complete an incident report whenever corporal punishment is administered at the facility.

(c) The discipline policy shall be shared with all parents that have children enrolled at the facility and the facility shall provide parents a copy of the policy for their records.

(d) If the facility's discipline policy changes, the new policy shall be shared with parents 14 days prior to the change becoming effective. A copy of the revised discipline policy shall be submitted to the Division within 30 days of the effective date of the revised policy.

(e) A discipline policy that meets the requirements of this Rule shall not preclude the investigation of a complaint alleging inappropriate discipline of a child or child maltreatment as specified in G.S 110-105.3.

Authority G.S. 110-91(10); 110-106.

Notice is hereby given in accordance with G.S. 150B-21.2 that the Child Care Commission intends to repeal the rules cited as 10A NCAC 09 .2801, .2802, .2806, .2809, .2817-.2825, and .2827-.2831.

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://ncchildcare.ncdhhs.gov/Home/Child-Care-Commission>

Proposed Effective Date: April 1, 2026

Public Hearing:

Date: November 3, 2025

Time: 11:30 am

Location: 1915 Health Services Way, Training Room A/B Raleigh NC 27607 and by WebEx

Reason for Proposed Action: *This set of rules is being repealed by the NC Child Care Commission in response to the adoption of Child Care Rule 10A NCAC 09 Section .3200, following Session Laws 2023-40 and 2024-34 regarding the modernization of the state's quality rating improvement system (QRIS). QRIS is based on a star-rating licensing system that applies to child care centers and family child care homes that meet all minimum child care requirements which include but are not limited to health and safety standards and those who voluntarily choose to meet higher standards. The proposed repeal of 10A NCAC 09 Section .2800 removes former QRIS requirements which are no longer applicable to licensed child care facilities in North Carolina with the adoption of Section .3200 which became effective July 1, 2025.*

Comments may be submitted to: Julie Peck, 2201 Mail Service Center, Raleigh, NC 27609; email julie.peck@dhhs.nc.gov

Comment period ends: November 14, 2025

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or 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 (\geq \$1,000,000)
- ☒ Approved by OSBM
- ☐ No fiscal note required

CHAPTER 09 - CHILD CARE RULES

SECTION .2800 - TWO THROUGH FIVE STAR RATED LICENSES

10A NCAC 09 .2801 SCOPE

Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3.

10A NCAC 09 .2802 APPLICATION FOR A TWO THROUGH FIVE STAR RATED LICENSE

Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3; S.L. 2011-145, s.10.7(b).

10A NCAC 09 .2806 CAREGIVING ACTIVITIES FOR PRESCHOOL-AGED CHILDREN

Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3.

10A NCAC 09 .2809 ENHANCED SPACE REQUIREMENTS

Authority G.S. 110-88(7); 110-90(4); 143B-168.3.

10A NCAC 09 .2817 ENHANCED PROGRAM STANDARDS FOR CHILD CARE CENTERS

Authority G.S. 110-88(7); 110-90(4); 143B-168.3.

**10A NCAC 09 .2818 ENHANCED STAFF/CHILD
RATIOS FOR A RATED LICENSE FOR CHILD CARE
CENTERS**

Authority G.S. 110-88(7); 143B-168.3.

**10A NCAC 09 .2819 ENHANCED EDUCATION
STANDARDS FOR ON-SITE ADMINISTRATORS FOR A
RATED LICENSE FOR CHILD CARE CENTERS**

Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3.

**10A NCAC 09 .2820 ENHANCED EDUCATION
STANDARDS FOR LEAD TEACHERS FOR A RATED
LICENSE FOR CHILD CARE CENTERS**

Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3.

**10A NCAC 09 .2821 ENHANCED EDUCATION
STANDARDS FOR TEACHERS FOR A RATED LICENSE
FOR CHILD CARE CENTERS**

Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3.

**10A NCAC 09 .2822 ENHANCED EDUCATION
STANDARDS FOR PROGRAM COORDINATORS FOR A
RATED LICENSE FOR CHILD CARE CENTERS**

Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3.

**10A NCAC 09 .2823 ENHANCED EDUCATION
STANDARDS FOR GROUP LEADERS AND ASSISTANT
GROUP LEADERS FOR A RATED LICENSE FOR
CHILD CARE CENTERS AND FOR CENTERS THAT
PROVIDE CARE ONLY TO SCHOOL-AGE CHILDREN**

Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3.

**10A NCAC 09 .2824 ENHANCED EDUCATION
STANDARDS FOR A RATED LICENSE FOR
ADMINISTRATORS FOR CENTERS THAT PROVIDE
CARE ONLY TO SCHOOL-AGE CHILDREN**

Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3.

**10A NCAC 09 .2825 ENHANCED EDUCATION
STANDARDS FOR PROGRAM COORDINATORS FOR A
RATED LICENSE FOR CENTERS THAT PROVIDE
CARE ONLY TO SCHOOL-AGE CHILDREN**

Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3.

**10A NCAC 09 .2827 ENHANCED EDUCATION
STANDARDS FOR OPERATORS FOR A RATED
LICENSE FOR FAMILY CHILD CARE HOMES**

Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3.

**10A NCAC 09 .2828 ENHANCED PROGRAM
STANDARDS FOR A RATED LICENSE FOR FAMILY
CHILD CARE HOMES**

Authority G.S. 110-88(7); 110-90(4); 143B-168.3.

10A NCAC 09 .2829 QUALITY POINT OPTIONS

*Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3; S.L.
2011-145, s. 10.7(b).*

**10A NCAC 09 .2830 MAINTAINING THE STAR
RATING**

Authority G.S. 110-88(7); 110-90(4); 143B-168.3.

**10A NCAC 09 .2831 HOW AN OPERATOR MAY
REQUEST OR APPEAL A CHANGE IN RATING**

Authority G.S. 110-88(7); 110-90(4); 143B-168.3.

TITLE 11 – DEPARTMENT OF INSURANCE

*Notice is hereby given in accordance with G.S. 150B-21.2 that the
Code Officials Qualification Board intends to amend the rules
cited as 11 NCAC 08 .0706, and .0737-.0741.*

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://www.ncosfm.gov/about/rules-and-legislative-reports/rules#CodeOfficialsQualificationBoard-4075>

Proposed Effective Date: January 1, 2026

Public Hearing:

Date: October 13, 2025

Time: 10:00 a.m.

Location: Office of the State Fire Marshal, 1429 Rock Quarry
Road, Raleigh, NC 27610

Reason for Proposed Action: The Code Officials Qualification Board (COQB) recently adopted amendments to 11 NCAC 08 .0706 and adopted 11 NCAC 08 .0737 through .0741 as new rules to implement a "dual track" certification system for code officials beginning January 1, 2025. This system provides a "grandfathering" period under which a Level I or Level II code official certified before January 1, 2025, is authorized to inspect different types of structures and systems than a Level I or II code official certified on or after that date. After the adoption of these rules, the Office of the State Fire Marshal (OSFM) - which provides staff support to the COQB - learned that its current certification database cannot accommodate this dual track certification structure. Specifically, the system cannot assign different scopes of inspection authority to inspectors with the same level designation based on their certification date. As a result, OSFM has been forced to manually track the certification scopes of newly certified inspectors. To address this matter, the COQB seeks to amend Rules 11 NCAC 08 .0706, .0737, .0738, .0739, .0740, and .0741 delay the implementation of the dual track

certification structure to January 1, 2027, to provide time for OSFM to design or procure a new certification database.

Comments may be submitted to: Kyle Heuser, 1429 Rock Quarry Road, Raleigh, NC 27610; phone (919)196-4701; email OSFM.rulemaking@ncdoi.gov

Comment period ends: November 16, 2025

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or 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 (\geq \$1,000,000)
- ☐ Approved by OSBM
- ☒ No fiscal note required

CHAPTER 08 - ENGINEERING AND BUILDING CODES DIVISION

SECTION .0700 - QUALIFICATION BOARD-STANDARD CERTIFICATE

11 NCAC 08 .0706 REQUIRED QUALIFICATIONS: TYPES AND LEVELS

(a) Qualification Levels: With respect to all types of code-enforcement officials certified by the Board prior to January 1, ~~2025~~, 2027, those with Level I, Level II, or Level III certificates shall be qualified to inspect and approve only those buildings limited by the occupancy classification for Fire inspectors and by the occupancy classification, number of stories, and square feet (sf) per floor area of buildings for Building, Electrical, Mechanical, and Plumbing inspectors, as shown in Subparagraphs (a)(1) and (a)(2) of this Rule. Code-enforcement officials certified for Level I and II shall be authorized to inspect and approve these buildings until December 31, ~~2030~~, 2032. Any code-enforcement official with a probationary Level I or Level II certificate, who earns a Standard Level I or Level II certificate between January 1, ~~2025~~ 2027 and December 31, ~~2030~~, 2032, shall be qualified to inspect and approve only those buildings shown in Subparagraphs (a)(1) and (a)(2) of this Rule until December 31, ~~2030~~, 2032. As

of January 1, ~~2031~~, 2033, code-enforcement officials certified for Level I and Level II shall continue to be certified at those same levels but shall be qualified to inspect and approve only those types of buildings shown in Subparagraph (a)(3) of this Rule. Standard Level III certificates shall be authorized to inspect and approve the types of buildings shown in Subparagraph (a)(3) of this Rule indefinitely.

- (1) Fire inspectors shall be limited to occupancy classifications, Highrise, and plan review as follows, except all Levels include Business, Mercantile, Residential, and Utility and Miscellaneous:
 - (A) Level I. Assembly (limited to 1 story/20,000 sf), Factory Industrial F-2, and Storage S-2. No Highrise or plan review.
 - (B) Level II. Assembly, Educational, Factory Industrial F-1 and F-2, and Storage S-1 and S-2. Plan review.
 - (C) Level III. Assembly, Educational, Factory Industrial F-1 and F-2, Hazardous, Institutional, and Storage S-1 and S-2. Highrise and plan review.
- (2) Building, Mechanical, Electrical and Plumbing inspectors shall be limited to occupancy classifications, number of stories, and square feet (sf) per floor as follows, except for any Level, there shall be no number of stories or square footage limit for one and two family dwellings and townhouses or Utility and Miscellaneous.
 - (A) Level I. Single (1) story/7,500 sf, for Assembly, Education, Institutional, and Residential Multi-unit. Single (1) story/20,000 sf, for Business, Factory Industrial, Mercantile, and Storage. Single (1) story/3,000 sf, for Hazardous.
 - (B) Level II. Single (1) story/10,000 sf, for Institutional; 20,000 sf, for Assembly, Education, and Hazardous; and, 60,000 sf, for Business, Factory Industrial, and Mercantile. Multi-story: 2 stories, maximum 20,000 sf per floor for Education and Hazardous. Multi-story: 3 stories, maximum 10,000 sf per floor Institutional; and, unlimited sf Residential Multi-unit. Multi-story: 4 stories, maximum 20,000 sf per floor for Business, Factory Industrial, and Mercantile.
 - (C) Level III. Unlimited stories and sf per floor.
- (3) With respect to all types of code-enforcement ~~officials~~ officials, except fire inspectors, newly certified by the Board on or after January 1, ~~2025~~, 2027, those with Level I, Level II, or Level III certificates are qualified to inspect and

approve buildings as follows except for any Level there shall be no number of stories or square footage limit for one and two family dwellings and townhouses or Utility and Miscellaneous:

- (A) Level I inspectors shall be qualified to perform code-enforcement official duties for residential buildings up to three stories in height with no more than four dwelling units subject to the limitations for the type of inspector.
- (B) Level II inspectors shall be qualified to perform code-enforcement official duties for commercial buildings subject to the limitations for the type of inspector.
- (C) Level III inspectors shall be qualified to perform code-enforcement official duties for any residential or commercial building or structure subject to the limitations for the type of inspector.

(4) With respect to fire inspectors newly certified by the Board on or after January 1, 2027, those with Level I, Level II, or Level III certificates are qualified to inspect and approve buildings as provided in Rule .0741 of this Section.

(b) Whenever a provision of the rules in this Section requires a supporting letter (maximum of two per level) from a supervisor, the letter(s) shall be notarized, shall state the supervisor's qualifications (i.e., what type and level of certificate or license the supervisor holds), shall state that the applicant has worked under the supervisor's direct supervision for a specified period of time, and shall recommend certification of the applicant as a specified type and level of inspector upon satisfaction of other required qualifications. The supervisor shall describe the name, floor area, and number of stories of the buildings worked on by the applicant and shall describe the work performed by the applicant.

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

licensing requirements of North Carolina occupational licensing boards.

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

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

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

(g) Every applicant for a standard certificate shall:

- (1) provide documentation that the applicant possesses a minimum of a high school education or a high school equivalency certificate; and
- (2) provide notarized certification by a city or county manager, clerk, or director of inspection department that the applicant will be performing "code enforcement", as defined in G.S. 143-151.8(a)(3), as an employee of or under contract with that city or county jurisdiction; or provide certification by the head of the Engineering and Building Codes Division of the North Carolina Office of State Fire Marshal that the applicant will be performing "code enforcement", as defined in G.S. 143-151.8(a)(3), for a state department or agency; and
- (3) make a passing grade of at least 70 percent on a law and administration course administered and taught by a Board-approved sponsor; and
- (4) make a passing grade of at least 70 percent on courses for certification in building, electrical, fire prevention, mechanical, or plumbing inspection at Levels I, II, or III, unless exempted by 11 NCAC 08 .0707. For the purpose of entry into the state examination, courses must be completed within five years of the exam in Subparagraph (g)(5) of this Rule. These courses shall be administered and taught by the North Carolina Office of State Fire Marshal and the North Carolina Community College System or other educational agencies accredited by a regional accrediting association; for example, Southern Association of Colleges and Schools; and

- (5) make a passing grade of 70 percent on the state examination administered by the Board for each inspector type and level of certification, unless exempted by 11 NCAC 08.0707.

Authority G.S. 143-151.12(1); 143-151.12(9); 143-151.13.

11 NCAC 08 .0737 BUILDING INSPECTOR LEVEL I, II AND III

(a) A Building Inspector, Level ~~I, (Residential)~~ I (Residential), certified on or after January 1, 2027 shall be qualified to perform code-enforcement official duties for residential buildings up to three stories in height with no more than four dwelling units, in accordance with the provisions of the North Carolina Residential Code.

(b) A Building Inspector, Level ~~II, (Commercial)~~ II (Commercial), certified on or after January 1, 2027 shall be qualified to perform code-enforcement official duties for commercial buildings up to four stories in height, except for hazardous and institutional occupancy classifications.

(c) A Building Inspector, Level III, shall be qualified to perform code-enforcement official duties for any residential or commercial building or structure occupancy classification.

(d) Building Inspectors, Levels I, II, or III certified on or before December 31, 2026 shall be qualified to perform code-enforcement official duties for the types of structures described in Rule .0706(a)(2) of this Section until December 31, 2032.

~~(d)(e)~~ Building Inspector, Level I. A standard certificate, Building Inspector, Level I, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:

- (1) A license as a professional engineer, architect, residential or building contractor or a registered interior designer;
- (2) A one-year diploma in building construction from an accredited college or an equivalent apprenticeship or trade school program in building construction;
- (3) A two-year degree from an accredited college or university in building construction, electrical, mechanical, or plumbing contracting, construction management or engineering technology;
- (4) A four-year degree from an accredited college or university;
- (5) At least six months of residential inspection experience, with a probationary Level I building inspection certificate, on a minimum of two Level I buildings while working under the direct supervision of a standard certified building inspector I, II, or III, with a supporting letter from the applicant's supervisor which complies with of Rule .0706(b) of this Section;
- (6) At least one year of residential design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed professional engineer, architect, or

residential or building contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;

(7) At least two years of residential design, construction, or inspection experience while working under a licensed residential contractor;

(8) At least two years of experience as an owner, manager, supervisor, or qualifier, as that term is defined in G.S. 87-10(b), of a residential construction company, who has a license as a residential contractor, and who has construction experience on a minimum of two Level I buildings (this does not include a business partner providing monetary backing for the company);

(9) At least two years of construction experience as a subcontractor or employee of a residential contractor in the building trades, or work in building construction, on a minimum of two Level I buildings and under the direct supervision of a licensed residential contractor who at that time had at least three years of experience;

(10) At least one year of experience with a probationary Level I building inspection certificate inspecting residential construction on a minimum of two Level I buildings.

~~(e)(f)~~ Building Inspector, Level II. A standard certificate, building inspector, Level II, shall be issued to any applicant who complies with Rule .0706(b) through (g) and who provides documentation that the applicant possesses one of the following:

- (1) A license as a professional engineer, architect, building contractor or registered interior designer;
- (2) A one-year diploma in building construction from an accredited college or an equivalent apprenticeship or trade school program in building construction;
- (3) A two-year degree from an accredited college or university in architecture, civil or architectural engineering, building construction, or construction management and at least one year of building design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified building inspector II or III, licensed engineer, architect, or building contractor;
- (4) A four-year degree from an accredited college or university and at least one year of design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified building inspector II or III, licensed professional engineer, architect, or building contractor;
- (5) At least six months of commercial inspection experience with a probationary Level II

- building inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a standard certified building inspector II or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (6) At least one year of commercial design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed professional engineer, architect, or building contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (7) At least two years of commercial building inspection experience including one year of inspection experience with a probationary Level II building inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified building inspector II or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (8) At least two years of commercial building design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed engineer, registered architect, or licensed intermediate or unlimited building contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or
- (9) At least one year of experience with a probationary Level II building inspection certificate inspecting construction of a minimum of two Level II buildings.

~~(f)~~(g) Building Inspector, Level III. A standard certificate, building inspector, Level III, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following education and experience qualifications:

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

- charge of a minimum of two Level III buildings;
- (3) A two-year degree from an accredited college or university in architecture, civil or architectural engineering, building construction, or construction management and at least three years of building design, construction, or inspection experience while working under the direct supervision of a certified building inspector III, licensed professional engineer, architect, or unlimited building contractor with at least one year at the level of supervisor in responsible charge of a minimum of two Level III buildings;
- (4) At least four years of inspection experience including one year of building inspection experience with a probationary Level III building inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified building inspector III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (5) At least four years of building design, construction, or inspection experience while working under the direct supervision of a licensed engineer, architect, or unlimited building contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or
- (6) At least one year of experience with a probationary Level III building inspection certificate inspecting the construction of a minimum of two Level III buildings.

Authority G.S. 143-151.12(1); 143-151.12(3); 143-151.13.

11 NCAC 08 .0738 ELECTRICAL INSPECTOR LEVEL I, II AND III

- (a) An Electrical Inspector, Level ~~I, (Residential)~~ I (Residential), certified on or after January 1, 2027, shall be qualified to perform code-enforcement official duties for electrical systems that serve individual residential dwelling units and equipment including its accessory structures and equipment, except for those systems described in Paragraph (b) or (c) of this Rule.
- (b) An Electrical Inspector, Level ~~II, (Commercial)~~ II (Commercial), certified on or after January 1, 2027, shall be qualified to perform code-enforcement official duties for electrical systems that serve non-residential structures and equipment including common areas of multi-family residential structures, except for those systems described in Paragraph (a) or (c) of this Rule.
- (c) An Electrical Inspector, Level III, (Special Systems) shall be qualified to perform code-enforcement official duties for any residential or commercial building or structure and the following special systems:

- (1) Photovoltaic systems
- (2) Electrical power production facilities and equipment with a generating capacity of 5,000 kW or greater.

(d) Electrical Inspectors, Levels I, II, or III certified on or before December 31, 2026 shall be qualified to perform code-enforcement official duties for electrical systems that serve the types of structures described in Rule .0706(a)(2) of this Section until December 31, 2032.

~~(d)(e)~~ Electrical Inspector, Level I. A standard certificate, electrical inspector, Level I, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:

- (1) A one-year diploma in electrical construction from an accredited college or an equivalent apprenticeship or trade school program in electrical construction;
- (2) A four-year degree from an accredited college or university;
- (3) At least six months of electrical inspection experience with a probationary Level I electrical inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified electrical inspector I or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (4) At least one year of electrical design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed professional engineer or licensed electrical contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (5) A restricted (one family dwelling) license or license as an electrical contractor;
- (6) At least two years of electrical installation or inspection experience while working under a licensed electrical contractor; or
- (7) At least one year of experience with a probationary Level I electrical inspection certificate inspecting electrical installations on a minimum of two Level I buildings.

~~(e)(f)~~ Electrical Inspector, Level II. A standard certificate, electrical inspector, Level II, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:

- (1) A license as a professional engineer;
- (2) A four-year degree from an accredited college or university in electrical engineering or electrical construction;
- (3) A four-year degree from an accredited college or university and at least two years of electrical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a

certified electrical inspector II or III, licensed engineer, or intermediate or unlimited licensed electrical contractor;

- (4) A two-year degree from an accredited college or university in electrical engineering or electrical construction and at least two years of electrical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified electrical inspector II or III, licensed engineer, or intermediate or unlimited licensed electrical contractor;
- (5) An intermediate or unlimited license as an electrical contractor with experience on a minimum of two Level II buildings;
- (6) At least three years of electrical inspection experience including one year of inspection experience with a probationary Level II electrical inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified electrical inspector II or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section
- (7) At least three years of electrical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed professional engineer or licensed intermediate or unlimited electrical contractor, with a supporting letter from the applicant's supervisor which complies Rule .0706(b) of this Section; or
- (8) At least one year of experience with a probationary Level II electrical inspection certificate inspecting electrical installations on a minimum of two Level II buildings.

~~(f)(g)~~ Electrical Inspector, Level III. A standard certificate, electrical inspector, Level III, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:

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

- electrical design, installation, or inspection experience while working under the direct supervision of a certified electrical inspector III, licensed professional engineer, or licensed unlimited electrical contractor with at least one year at the level of supervisor in responsible charge of a minimum of two Level III buildings;
- (4) An unlimited license as an electrical contractor with experience on a minimum of two Level III buildings;
 - (5) At least four years of electrical inspection experience including one year of inspection experience with a probationary Level III electrical inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified electrical inspector III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
 - (6) At least four years of electrical design, construction, or inspection experience while working under the direct supervision of a licensed professional engineer or licensed unlimited electrical contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or
 - (7) At least one year of experience with a probationary Level III electrical inspection certificate inspecting the electrical installations of a minimum of two Level III buildings.

Authority G.S. 143-151.12(1); 143-151.12(3); 143-151.13.

**11 NCAC 08 .0739 MECHANICAL INSPECTOR
LEVEL I, II AND III**

- (a) A Mechanical Inspector, Level ~~I~~, I (Residential), certified on or after January 1, 2027, shall be qualified to perform code-enforcement official duties in accordance with the provisions of the North Carolina Residential Code.
- (b) A Mechanical Inspector, Level ~~II, (Commercial)~~ II (Commercial), certified on or after January 1, 2027, shall be qualified to perform code-enforcement official duties in accordance with the provisions of the North Carolina Mechanical Code, North Carolina Fuel Gas Code, and the North Carolina Energy Conservation Code.
- (c) A Mechanical Inspector, Level III, shall be qualified to perform code-enforcement official duties in accordance with the provisions of the North Carolina Residential Code, North Carolina Mechanical Code, North Carolina Fuel Gas Code, and the North Carolina Energy Conservation Code for any residential or commercial building or structure.
- (d) Mechanical Inspectors, Levels I, II, or III certified on or before December 31, 2026 shall be qualified to perform code-enforcement official duties for the types of structures described in Rule .0706(a)(2) of this Section until December 31, 2032.

~~(d)~~(e) Mechanical Inspector, Level I. A standard certificate, mechanical inspector, Level I, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:

- (1) A one-year diploma in mechanical construction from an accredited college or an equivalent apprenticeship or trade school program in mechanical construction;
- (2) A four-year degree from an accredited college or university;
- (3) At least six months of mechanical inspection experience with a probationary Level I mechanical inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified mechanical inspector I or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (4) At least one year of mechanical design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed professional engineer or licensed Class I mechanical contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (5) An H-1, H-2, or H-3 Class I license as a mechanical contractor;
- (6) At least two years of mechanical installation or inspection experience while working under a Class I H-1, H-2, or H-3 licensed mechanical contractor; or
- (7) At least one year of experience with a probationary Level I mechanical inspection certificate inspecting mechanical installations on a minimum of two Level I buildings.

~~(e)~~(f) Mechanical Inspector, Level II. A standard certificate, mechanical inspector, Level II, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:

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

inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified mechanical inspector II or III, licensed professional engineer, or licensed Class I mechanical contractor;

- (5) An H-1, H-2, or H-3 Class I license as a mechanical contractor with experience on a minimum of two Level II buildings;
- (6) At least three years of mechanical inspection experience including one year of inspection experience with a probationary Level II mechanical inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified mechanical inspector II or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (7) At least three years of mechanical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed professional engineer or licensed Class I H-1, H-2, or H-3 mechanical contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or
- (8) At least one year of experience with a probationary Level II mechanical inspection certificate inspecting mechanical installations on a minimum of two Level II buildings.

~~(f)~~(g) Mechanical Inspector, Level III. A standard certificate, mechanical inspector, Level III shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:

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

Class I H-1, H-2, and H-3 mechanical contractor with at least one year at the level of supervisor in responsible charge of a minimum of two Level III buildings;

- (4) H-1, H-2, and H-3 Class I licenses as a mechanical contractor with experience on a minimum of two Level III buildings;
- (5) At least four years of mechanical inspection experience including one year of inspection experience with a probationary Level III mechanical inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified mechanical inspector III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (6) At least four years of mechanical design, construction, or inspection experience while working under the direct supervision of a licensed professional engineer or licensed Class I H-1, H-2, and H-3 mechanical contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or
- (7) At least one year of experience with a probationary Level III mechanical inspection certificate inspecting the mechanical installations of a minimum of two Level III buildings.

Authority G.S. 143-151.12(1); 143-151.12(3); 143-151.13.

11 NCAC 08 .0740 PLUMBING INSPECTOR LEVEL I, II AND III

(a) A Plumbing Inspector, Level ~~I~~, I (Residential), certified on or after January 1, 2027 shall be qualified to perform code-enforcement official duties for residential buildings up to three stories in height with no more than four dwelling units in accordance with the provisions of the North Carolina Residential Code, including NFPA 13D residential sprinkler systems.

(b) A Plumbing Inspector, Level ~~H~~, II (Commercial), certified on or after January 1, 2027 shall be qualified to perform code-enforcement official duties for commercial buildings up to four stories in height.

(c) A Plumbing Inspector, Level III, shall be qualified to perform code-enforcement official duties for any residential or commercial building or structure.

(d) Plumbing Inspectors, Levels I, II, or III certified on or before December 31, 2026 shall be qualified to perform code-enforcement official duties for the types of structures described in Rule .0706(a)(2) of this Section until December 31, 2032.

~~(d)~~(e) Plumbing Inspector, Level I. A standard certificate, plumbing inspector, Level I, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who

provides documentation that the applicant possesses one of the following:

- (1) A one-year diploma in plumbing construction from an accredited college or an equivalent apprenticeship or trade school program in plumbing construction;
- (2) A four-year degree from an accredited college or university;
- (3) At least six months of plumbing inspection experience with a probationary Level I plumbing inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified plumbing inspector I or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (4) At least one year of plumbing design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed professional engineer or licensed Class I plumbing contractor with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (5) A Class I license as a plumbing contractor;
- (6) At least two years of plumbing installation or inspection experience while working under a licensed Class I plumbing contractor; or
- (7) At least one year of experience with a probationary Level I plumbing inspection certificate inspecting plumbing installations a minimum of two Level I buildings.

~~(e)~~(f) Plumbing Inspector, Level II. A standard certificate, plumbing inspector, Level II, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:

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

- (5) A Class I license as a plumbing contractor with experience on a minimum of two Level II buildings;
- (6) At least three years of plumbing inspection experience including one year of inspection experience with a probationary Level II plumbing inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified plumbing inspector II or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (7) At least three years of plumbing design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed professional engineer or licensed Class I plumbing contractor with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or
- (8) At least one year of experience with a probationary Level II plumbing inspection certificate inspecting plumbing installations on a minimum of two Level II buildings.

~~(f)~~(g) Plumbing Inspector, Level III. A standard certificate, plumbing inspector, Level III shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following:

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

experience with a probationary Level III plumbing inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified plumbing inspector III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;

- (6) At least four years of plumbing design, construction, or inspection experience while working under the direct supervision of a licensed professional engineer or licensed Class I plumbing contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or
- (7) At least one year of experience with a probationary Level III plumbing inspection certificate inspecting the plumbing installations of a minimum of two Level III buildings.

Authority G.S. 143-151.12(1); 143-151.12(3); 143-151.13.

11 NCAC 08 .0741 FIRE INSPECTOR LEVEL I, II AND III

(a) A Fire Inspector, Level I, certified on or after January 1, 2027 shall be qualified to perform code-enforcement official duties of operational permit issuance, field inspection, and related code enforcement activities for existing Assembly (limited to 1 story, 20,000 sf), Business, Mercantile, Residential, Utility and Miscellaneous occupancies, and other existing facilities, premises, and structures within those occupancies as required. A Fire Inspector Level I is not authorized to conduct inspections on high-rise buildings, inspections on new construction, or plan review for any occupancy.

(b) A Fire Inspector, Level II, certified on or after January 1, 2027 shall be qualified to perform code-enforcement official duties of plan review, permit issuance, field inspection, certificate of compliance and occupancy, change of occupancy and code-enforcement activities for existing building occupancies and new construction. A Fire Inspector, Level II, is limited to Assembly, Business, Educational, Factory-Industrial, Mercantile, Residential, Storage, Utility and Miscellaneous, and other facilities, premises, and structures within those occupancies as required. A Fire Inspector, Level II, is not authorized to conduct plan review or inspections of high-rise buildings, institutional, or hazardous occupancies.

(c) A Fire Inspector, Level III, shall be qualified to perform code-enforcement official duties of plan review, permit issuance, field inspection, certificate of compliance and occupancy, change of occupancy, and related code-enforcement activities for any existing or new occupancy classification and other facilities, premises, and structures within those occupancies as required.

(d) Fire Inspectors, Levels I, II, or III certified on or before December 31, 2026 shall be qualified to perform code-enforcement official duties for the types of structures described in Rule .0706(a)(1) of this Section until December 31, 2032.

~~(d)~~(e) The level of certification required for buildings with multiple occupancy classifications shall be assigned based on the highest level required as indicated in Paragraphs (a) through (c) of this Rule.

~~(e)~~(f) Fire Inspector, Level I. A standard certificate, fire inspector, Level I, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) A one-year diploma in fire science from an accredited college or an equivalent certificate of completion from an apprenticeship or trade school program in fire science;
- (2) A four-year degree from an accredited college or university;
- (3) At least six months of fire inspection experience with a probationary Level I fire inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified fire inspector Level I, II, or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (4) At least one year of fire protection design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed professional engineer, licensed architect, or licensed building, electrical, or fire sprinkler contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (5) A license as a fire sprinkler contractor;
- (6) At least two years of construction or inspection experience in fire protection systems while working under a licensed building, electrical, or fire sprinkler contractor;
- (7) At least one year of experience with a probationary Level I fire inspection certificate conducting fire inspections on a minimum of two Level I buildings;
- (8) At least four years of experience in fire suppression activities for a city, county, volunteer, or other governmental fire department; or
- (9) Firefighter Level II certification under the North Carolina State Fire and Rescue Commission with at least one year of fire inspection experience in Level I buildings.

~~(f)~~(g) Fire Inspector, Level II. A standard certificate, fire inspector, Level II, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) A license as a professional engineer or architect;
- (2) A four-year degree from an accredited college or university in architecture, civil or

architectural engineering, building construction, or fire science;

- (3) A four-year degree from an accredited college or university and at least two years of fire protection design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified fire inspector Level II or III, licensed professional engineer, architect, intermediate or unlimited licensed building contractor, or licensed fire sprinkler contractor;
- (4) A two-year degree from an accredited college or university in architecture, civil or architectural engineering, building construction, construction management or fire science and at least two years of fire protection design, construction, or inspection experience on a minimum of two Level II building fire protection systems while working under the direct supervision of a certified fire inspector Level II or III, licensed professional engineer, architect, intermediate or unlimited licensed building contractor, or licensed fire sprinkler contractor;
- (5) A license as a fire sprinkler contractor with experience on a minimum of two Level II buildings;
- (6) At least three years of fire inspection experience including at least one year of inspection experience with a probationary Level II fire inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified fire inspector II or III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (7) At least three years of fire protection system design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed professional engineer, architect, licensed intermediate or unlimited building contractor, or licensed fire sprinkler contractor, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (8) At least one year of experience with a probationary Level II fire inspection certificate conducting fire inspections on a minimum of two Level II buildings; or
- (9) Completion of the basic, intermediate, and advanced classes of the North Carolina Fire Prevention School with at least three years of fire inspection experience in Level II buildings.

~~(g)~~(h) Fire Inspector, Level III. A standard certificate, fire inspector, Level III, shall be issued to any applicant who complies with Rule .0706(b) through (g) of this Section and who provides

documentation that the applicant possesses one of the following education and experience qualifications:

- (1) A license as a professional engineer or architect with design, construction, or inspection experience on Level III buildings and specialization in architecture, civil or architectural engineering, or fire protection engineering;
- (2) A four-year degree from an accredited college or university in civil, architectural, construction management or fire protection engineering and at least one year of fire inspection experience while working under a certified fire inspector III, licensed professional engineer, architect, or licensed fire sprinkler contractor on a minimum of two Level III buildings;
- (3) A two-year degree from an accredited college or university in civil, architectural, or fire protection engineering and at least three years of fire protection design, installation, or inspection experience while working under the direct supervision of a certified fire inspector Level III, licensed professional engineer, architect, licensed unlimited building contractor, or licensed fire sprinkler contractor with at least one year in responsible charge of a minimum of two Level III buildings;
- (4) A license as a fire sprinkler contractor with experience on a minimum of two Level III buildings;
- (5) At least four years of fire inspection experience in fire protection systems including one year of inspection experience with a probationary Level III fire inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified fire inspector Level III, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section;
- (6) At least four years of fire protection system design, construction, or inspection experience while working under the direct supervision of a licensed professional engineer, architect, licensed intermediate or unlimited building contractor, or licensed fire sprinkler contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings, with a supporting letter from the applicant's supervisor which complies with Rule .0706(b) of this Section; or
- (7) At least one year of experience with a probationary Level III fire inspection certificate conducting fire inspections on a minimum of two Level III buildings.

Authority G.S. 143-151.12(1); 143-151.12(3); 143-151.13.

TITLE 12 – DEPARTMENT OF JUSTICE

Notice is hereby given in accordance with G.S. 150B-21.2 that the Criminal Justice Education and Training Standards Commission intends to amend the rules cited as 12 NCAC 09A .0204; 09B .0405; and 09E .0106.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications>

Proposed Effective Date: January 2, 2026

Public Hearing:

Date: November 14, 2025

Time: 10:00am

Location: Microsoft Teams. Meeting information will be published on agency's website. <https://www.ncdoj.gov/law-enforcement-training>

Reason for Proposed Action: Update requirements for completion of annual firearms qualification, clarify requirements for completion of the Basic Law Enforcement Training course, and update actions that could result in suspension, revocation, or denial of criminal justice certification.

Comments may be submitted to: Michelle S. Schilling, 1700 Tryon Park Drive, Raleigh, NC 27602; phone (919) 779-8205; email MSchilling@ncdoj.gov

Comment period ends: November 14, 2025

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or 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 (\geq \$1,000,000)
- ☐ Approved by OSBM
- ☒ No fiscal note required

CHAPTER 09 - CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS

SUBCHAPTER 09A - CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

SECTION .0200 - ENFORCEMENT OF RULES

12 NCAC 09A .0204 SUSPENSION: REVOCATION: OR DENIAL OF CERTIFICATION

(a) The Commission shall revoke the certification of a criminal justice officer when the Commission finds that the officer has committed or been convicted of:

- (1) a felony offense; or
- (2) a criminal offense for which the authorized punishment included imprisonment for more than two years.

(b) The Commission may suspend, revoke, or deny the certification of a criminal justice officer when the Commission finds that the applicant for certification or the certified officer:

- (1) has not enrolled in and satisfactorily completed the required basic training course in its entirety within prescribed time periods relevant or applicable to a specified position or job title;
- (2) fails to meet or maintain one or more of the minimum employment standards required by 12 NCAC 09B .0100 for the category of the officer's certification or fails to meet or maintain one or more of the minimum training standards required by 12 NCAC 09B .0200 or 12 NCAC 09B .0400 for the category of the officer's certification;
- (3) has committed or been convicted of:
 - (A) a criminal offense or unlawful act defined in 12 NCAC 09A .0103 as a Class B misdemeanor; or
 - (B) four or more criminal offenses or unlawful acts defined in 12 NCAC 09A .0103 as a Class A misdemeanor, each of which occurred after the date of initial certification;
- (4) has been discharged by a criminal justice agency for commission or conviction of:
 - (A) a motor vehicle offense requiring the revocation of the officer's driver's license; or
 - (B) any other offense involving moral turpitude;
- (5) has been discharged by a criminal justice agency because the officer lacks the mental or physical capabilities to properly fulfill the responsibilities of a criminal justice officer;
- (6) has knowingly made a material misrepresentation of any information required for certification or accreditation;
- (7) has knowingly and willfully, by any means of false pretense, deception, defraudation, misrepresentation or cheating whatsoever,

- obtained or attempted to obtain credit, training or certification from the Commission;
- (8) has knowingly and willfully, by any means of false pretense, deception, defraudation, misrepresentation or cheating whatsoever, aided another person in obtaining or attempting to obtain credit, training or certification from the Commission;
- (9) has failed to make either of the notifications as required by 12 NCAC 09B .0101(13);
- (10) has been removed from office by decree of the Superior Court in accord with the provisions of G.S. 128-16 or has been removed from office by sentence of the court in accord with the provisions of G.S. 14-230;
- (11) fails to satisfactorily complete the minimum in-service training requirements as prescribed in 12 NCAC 09E;
- (12) has refused to submit to an applicant or lateral transferee drug screen as required by the rules in this Chapter, or has refused to submit to an in-service drug screen pursuant to the guidelines set forth in the Drug Screening Implementation Guide as required by the agency through which the officer is certified;
- (13) has produced a positive result on a drug screen reported to the Commission as specified in 12 NCAC 09C .0310, where the positive result cannot be explained to the Commission's satisfaction;
- (14) has been denied certification or had certification suspended or revoked by the North Carolina Sheriffs' Education and Training Standards Commission, the North Carolina Criminal Justice Education and Training Standards Commission; the North Carolina Company/Campus Police Program; or a similar North Carolina, out of state or federal approving, certifying or licensing agency;
- (15) has performed activities or duties for which certification by the Commission is required without having first obtained the appropriate certification; or
- (16) has been convicted of any offense proscribed by 18 USC 922(g)(8) that would prohibit possession of a firearm or ~~ammunition~~ ammunition;
- (17) has engaged in sexual activity, whether in uniform of the employing agency or out of uniform.
 - (A) while on duty;
 - (B) while on or off duty in a motor vehicle owned or under the control of a law enforcement agency;
 - (C) while on or off duty on the premises operated by the employing criminal justice agency;
 - (D) while in uniform of the employing agency in a public place;

- (E) with an employee with whom the person had at the time supervisory responsibilities; or
- (F) with a student who at the time is enrolled in a Commission-approved course in which the officer is an instructor, qualified assistant, or school director.

For purposes of this subsection, sexual activity includes any act defined as a sexual act or sexual contact per G.S. 14 27.20 and includes vaginal intercourse; or

- (18) has been untruthful during a criminal or internal formal investigation conducted by a law enforcement agency or during an investigation for a rules violation conducted by the North Carolina Criminal Justice Standards Division, North Carolina Sheriffs' Standards Division or the North Carolina Company and Campus Police Administrator.

(c) Following suspension, revocation, or denial of the person's certification, the person may not remain employed or appointed as a criminal justice officer and the person may not exercise any authority of a criminal justice officer during a period for which the person's certification is suspended, revoked, or denied.

Authority G.S. 17C-6; 17C-10.

SUBCHAPTER 09B - STANDARDS FOR CRIMINAL JUSTICE EMPLOYMENT: EDUCATION: AND TRAINING

SECTION .0400 - MINIMUM STANDARDS FOR COMPLETION OF TRAINING

12 NCAC 09B .0405 COMPLETION OF BASIC LAW ENFORCEMENT TRAINING COURSE

(a) Each delivery of a Commission-accredited Basic Law Enforcement Training Course (BLET) includes all modules as specified in Rule .0205 of this Subchapter. Each trainee shall attend and satisfactorily complete the full course as specified in ~~Paragraph~~ Paragraphs (b) and (c) of this Rule during a scheduled delivery. The school director may develop supplemental requirements as set forth in Rule .0202(a)(5) of this Subchapter, but may not add substantive courses, or change or expand the substance of the courses as set forth in Rule .0205 of this Subchapter for purposes of Commission credit. This Rule does not prevent the instruction on local agency rules or standards; however, such instruction shall not be considered or endorsed by the Commission for purposes of certification. ~~The Director of the Standards Division shall issue prior written authorization for a specified trainee's limited enrollment in a subsequent delivery of the same course where the trainee provides evidence that:~~

- (1) ~~the trainee attended and satisfactorily completed specified class hours and topics of BLET but through extended absence occasioned by illness, accident, emergency, or other good cause was absent for more than five~~

- percent of the total class hours of the course offering;
- (2) ~~the trainee was granted excused absences by the school director that did not exceed five percent of the total class hours for the course offering and the school director has obtained approval from the Standards Division pursuant to Rule .0404 of this Section for make up work to be completed in a subsequent enrollment; or~~
 - (3) ~~the trainee participated in a BLET course but had an identified deficiency in topical area or skill areas in no more than two of the specific topic areas incorporated in course content as prescribed under Rule .0205 of this Subchapter;~~

For the purposes of this Rule, "limited enrollment" is defined as the requirement to complete the specific number of courses and course hours in which the trainee is deficient. The trainee who is deficient in more than two academic areas or motor skills shall be dismissed from the course delivery and shall be required to complete a subsequent training delivery in its entirety.

For the purposes of this Rule, "limited enrollment" shall mean the requirement that a trainee complete only those specific courses and course hours in which the trainee is deficient. A trainee found deficient in more than two cognitive topical areas or motor skills shall be dismissed from the current training delivery and shall be required to complete the entire training delivery in a subsequent session.

For the purposes of this Rule, "deficiency" shall mean the cognitive topical area or motor skills that the trainee did not complete and which must be remediated.

(b) The trainee shall demonstrate proficiency in the cognitive topical areas and motor skills ~~academic tests~~ by achieving a minimum score of 70 percent on ~~each~~ each academic test. If a trainee scores below 70 percent on a cognitive topical area or motor skills ~~each academic test~~, the trainee shall have one opportunity for reexamination. A trainee shall be allowed failure and reexamination in no more than seven cognitive topical areas and motor skills. Upon initial failure of an eighth cognitive topical area or motor skills test, the trainee shall not be allowed reexamination and shall be immediately dismissed from the course and shall be required to complete a subsequent delivery of BLET in its entirety. will focus on re-teaching the specific concepts and skills in the topical area(s) that a trainee fails to achieve a passing score, as follows:

- (1) ~~a trainee who fails to achieve a passing score of 70 percent on the first attempt shall have one opportunity for reexamination following remediation;~~
- (2) ~~a trainee shall be allowed failure, remediation, and reexamination in no more than four topical area tests;~~
- (3) ~~upon initial failure of a fifth topical area test, the trainee shall not be allowed remediation or reexamination and shall be immediately dismissed from the course and shall be required to complete a subsequent delivery of BLET in its entirety.~~

(c) A trainee who fails to achieve a minimum score of 70 percent on the reexamination of a cognitive topical area or motor skills

test shall be considered deficient in the cognitive topical area or motor skill. A trainee who is deficient in no more than two cognitive topical areas and/or motor skills shall be eligible to remediate his or her deficiencies. Prior to remediating a cognitive topical area or motor skill, the School Director shall submit to the Division a Request for Deficiency Remediation, Form F-13, pursuant to 12 NCAC 09I .0103. The trainee shall:

- (1) complete the current course delivery and then shall be required to remediate the deficiency as a limited enrollee in a subsequent training course; or
- (2) remediate up to two deficiencies within the current delivery with the approval of the Division Director.

(d) The Director of the Division shall issue prior written authorization for a specified trainee's limited enrollment in a subsequent delivery of the same course where the trainee provides evidence that:

- (1) the trainee attended and satisfactorily completed specified class hours and topics of BLET but through extended absence occasioned by illness, accident, emergency, or other good cause was absent for more than five percent of the total class hours of the course offering;
- (2) the trainee was granted excused absences by the school director that did not exceed five percent of the total class hours for the course offering and the school director has obtained approval from the Standards Division pursuant to Rule .0404 of this Section for make up work to be completed in a subsequent enrollment; or
- (3) the trainee participated in a BLET course but is deficient in not more than two cognitive topical areas or motor skill areas.

~~(e)~~(e) An authorization of limited enrollment in a subsequent delivery of the BLET shall not be issued by the Standards Division unless in addition to the evidence required by Paragraphs ~~Paragraph~~ (a) through (d) of this Rule:

- (1) The school director of the previous course offering submits to the Standards Division a certification of the particular topics and class hours attended and satisfactorily completed by the trainee during the original enrollment; and
- (2) The school director makes written application to the Standards Division for authorization of the trainee's limited enrollment.

~~(d)~~(f) An authorization of limited enrollment in a subsequent course delivery permits the trainee to attend an offering of BLET commencing within 120 calendar days from the date of administration of the state comprehensive examination in the trainee's prior course delivery.

- (1) The trainee shall attend and complete in its entirety each cognitive topical area and/or motor skill identified by the school director as an area of trainee deficiency in the prior course participation with the exception of the "Officer Health and Wellness" topical area.

- (2) The two options available for satisfying a deficiency in the "Officer Health and Wellness" topical area are:

- (A) the student shall be allowed to make up the deficiency at the original training site without enrolling in a subsequent delivery of BLET. Under this option, the student shall be given 120 calendar days from the date that the comprehensive state examination was administered to the original BLET course in order to satisfy this deficiency. Students who select this option shall be allowed two attempts to complete the entire Police Officer Physical Abilities Test (POPAT) Course with a minimum of 24 hours of rest between attempts during the 120-day period to satisfy the deficiency; or
- (B) the student shall be allowed to enroll in a subsequent delivery of BLET as a "limited enrollee." This delivery shall begin within 120 calendar days from the date that the comprehensive state examination was administered to the original BLET course in order to satisfy this deficiency. Students who select this option shall be allowed two attempts to complete the entire POPAT Course with a minimum of 24 hours of rest between attempts during the delivery period of the subsequent BLET course.

A certified ~~"Officer Health and Wellness" Specialized Physical Fitness Instructor~~ instructor is the only person qualified to administer and grade the fitness re-test. At the time of the re-test, the school director or the Qualified Assistant shall be present.

- (3) Following limited enrollment in the subsequent course offering, scheduled class attendance, and having received passing grades on all required topic and motor-skill tests, and having no deficiencies, the trainee shall be eligible for administration of the State comprehensive examination by the Commission, as set forth in Rule .0406 of this Section.

Authority G.S. 17C-6; 17C-10.

SUBCHAPTER 09E - IN-SERVICE TRAINING PROGRAMS

SECTION .0100 - LAW ENFORCEMENT OFFICER'S IN-SERVICE TRAINING PROGRAM

12 NCAC 09E .0106 ANNUAL IN-SERVICE FIREARMS QUALIFICATION SPECIFICATIONS

(a) All certified law enforcement officers shall qualify for both day and ~~night~~ low-light use with ~~their individual and each~~ department-approved service handguns handgun at least once each calendar year. For the purpose of this specification, service handgun shall include any semi-automatic pistol or revolver. ~~In addition to the requirements specified in Rule .0105 of this Subchapter, the course of fire shall not be less stringent than the "Basic Training Law Enforcement Officers" course requirements for firearms qualification.~~

(b) The Accuracy Qualification course of fire shall meet the following minimum requirements:

(1) Day Accuracy Qualification:

- (A) No fewer than thirty rounds
- (B) Firing from the three, five, seven, ten, fifteen, and twenty-five yard lines shall consist of no more than the following percentage of shots at each yard line:
- (i) three yard line: 10 percent
 - (ii) five yard line: 12 percent
 - (iii) seven yard line: 30 percent
 - (iv) ten yard line: 20 percent
 - (v) fifteen yard line: 25 percent
 - (vi) twenty-five yard line: 20 percent
- (C) Firing at least two rounds from each of the following positions:
- (i) Standing
 - (ii) Kneeling
 - (iii) Barricade
- (D) Firing at least two rounds dominant hand only
- (E) Firing at least two rounds support hand only
- (F) Fire after drawing from the holster
- (G) At least one stage that includes a mandatory magazine change

(2) Low-Light Accuracy Qualification:

- (A) No fewer than thirty rounds
- (B) Firing from the three, five, seven, ten, and fifteen yard lines shall consist of no more than the following percentage of shots at each yard line:
- (i) three yard line: 13 percent
 - (ii) five yard line: 26 percent
 - (iii) seven yard line: 24 percent
 - (iv) ten yard line: 24 percent
 - (v) fifteen yard line: 24 percent
- (C) Firing at least two rounds from the following positions:
- (i) Standing
 - (ii) Kneeling
- (D) Firing at least two rounds dominant hand only
- (E) Firing at least two rounds support hand only
- (F) Firing after drawing from the holster

- (G) At least one stage that includes a mandatory magazine change
- (H) At least one stage that includes the required use of a flashlight or weapon-mounted light
- (I) At least one stage that includes the use of blue lights
- (J) At least one stage that includes the use of low-beam headlights and blue lights.
- (K) At least one stage that includes the use of headlights, blue lights, and all available lighting.

(c) All certified law enforcement officers shall successfully complete a Decision Making Qualification course for both day and low-light at least once each calendar year.

(d) The Decision Making Qualification course shall meet the following minimum requirements:

- (1) Day Decision Making Qualification:
 - (A) No fewer than three decision points within the course
 - (B) Required target discrimination decision (shoot/no-shoot)
 - (C) Required articulation by the officer of a minimum of two decisions made during the course
 - (D) Shall contain a detailed diagram of the decision-making course, with a written explanation of the course, and a scoring matrix outlining what constitutes passing and failing performance, which shall be maintained in an Annual Qualification file by the agency and made available for audit.
- (2) Low-Light Decision Making Qualification:
 - (A) No fewer than three decision points within the course
 - (B) Required target discrimination decision (shoot/no-shoot)
 - (C) Required use of a flashlight, weapon mounted light, or other shooter-controlled light source
 - (D) Required articulation by the officer of a minimum of two decisions made during the course
 - (E) Shall contain a detailed diagram of the decision-making course, with a written explanation of the course, and a scoring matrix outlining what constitutes passing and failing performance, which shall be maintained in an Annual Qualification file by the agency, and made available for audit

(e) If an officer's duty service handgun is replaced with another service handgun of the same make and model, the officer shall successfully complete the Day Accuracy Qualification

both day and night with the new service handgun within 15 days of issuance.

~~(e)~~(f) All certified law enforcement officers who are issued or authorized to use a shotgun, rifle, or automatic weapon shall qualify with each weapon respectively for both day and ~~night~~ low-light use at least once each calendar year.

~~(d)~~(g) The accuracy qualifications courses required by Paragraphs (a) ~~through (e)~~ and (b) of this Rule shall be completed with duty equipment and duty ammunition or ballistic-equivalent ammunition, including lead-free ammunition that meets the same point of aim, point of impact, and felt recoil of the duty ammunition for all weapons.

~~(e)~~(h) All certified law enforcement officers who are issued or authorized to use a less-lethal weapon, that may also be classified as a firearm, shall qualify with each weapon respectively, in compliance with the manufacturers specifications or certification requirements.

(i) The accuracy qualifications and decision-making qualification courses required by Paragraphs (a) through (f) and (j) of this Rule, shall define low light for an outdoor range as beginning 30 minutes after sunset, based on the time provided by the U.S. Naval Observatory chart for the date of qualification, specific to the location of the outdoor range. For an indoor range, transition to a low-light environment occurs by cutting off the lighting and is not defined by a specific time.

(j) Pursuant to G.S. 14-269 and HR 218, all ~~all~~ certified law enforcement officers who are authorized to carry an off-duty or secondary ~~handguns~~ handgun shall qualify with each such handgun consistent with the specifications outlined in ~~Rules .0105(1) and .0106(a) and (h) of this Section.~~ Paragraphs (a) and (b) of this rule.

~~(f)~~(k) To satisfy the ~~training~~ requirements for all ~~in-service~~ firearms accuracy qualifications, an officer shall attain at least 70 80 percent accuracy with each weapon.

(l) To satisfy the requirements for all decision making qualification courses, an officer shall attain a passing score as outlined by the specific courses scoring matrix.

(m) Each Day Accuracy Qualification course and Low-Light Accuracy Qualification course:

- (1) Shall be completed successfully on a single day, once out of three attempts.
- (2) Failure to qualify within three attempts on a single day is deemed a failure.
- (3) Once qualification has begun, if an officer is unsuccessful at any qualification attempt and fails to complete three attempts in a single day, the officer is deemed to have failed to qualify.
- (4) No practice is allowed once qualification begins. Practice is not allowed until after the officer qualifies successfully or the third qualification attempt is completed.
- (5) Shall be completed with each weapon for which qualification is required
- (6) Each Qualification course may take place on different days; however, all three attempts to qualify for that course shall occur on that day.
- (7) Once an officer has failed to qualify in three attempts or failed to complete three attempts to qualify in a single day on any Qualification

course, Access to the weapon shall be restricted until such time the officer successfully qualifies with the weapon. The restriction is pursuant to Rule .0103 (4) and (5) of this Section.

(n) Each Day Decision Making Qualification course and Low-Light Decision Making Qualification course:

- (1) Shall be completed successfully on a single day, once out of three attempts.
- (2) Failure to qualify within three attempts on a single day is deemed a failure.
- (3) Once qualification has begun, if an officer is unsuccessful at any qualification attempt and fails to complete three attempts in a single day, the officer is deemed to have failed to qualify.
- (4) No practice is allowed once qualification begins. Practice is not allowed until after the officer qualifies successfully or the third qualification attempt is completed.
- (5) Each qualification course may take place on different days; however, all three attempts to qualify for that course shall occur on that day.
- (6) Once an officer has failed to qualify in three attempts or failed to complete three attempts to qualify in a single day on any qualification course, Access to the weapon shall be restricted until such time the officer successfully qualifies with the weapon. The restriction is pursuant to Rule .0103 (4) and (5) of this Section.

~~(g) The qualifications required by Paragraphs (a) and (e) of this Rule shall be achieved at least once in a single day in no more than three attempts in a single day for each course of fire and for each weapon for which qualification is required. Individuals not qualifying in a single day for each course of fire or for a certain weapon for which qualification is required shall be deemed as having failed and Rule .0103(4) and (5) of this Section shall apply.~~

~~(h) The In Service Firearms Qualification Manual as published by the North Carolina Justice Academy shall be applied as a guide for conducting the annual in-service firearms qualification. Copies of this publication may be inspected at the office of the agency:~~

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive

Raleigh, North Carolina 27610

and may be viewed and downloaded at no cost from the

Academy's website at the following address:

<http://www.jus.state.nc.us/NCJA>

Authority G.S. 17C-6; 17C-10.

Notice is hereby given in accordance with G.S. 150B-21.2 that the Criminal Justice Education and Training Standards Commission intends to repeal the rules cited as 12 NCAC 09B .0213, .0214, .0220-.0222, .0240, .0243-.0245, .0312; 09C .0212, .0608; 09D .0102, .0104-.0106, .0202, .0204-.0206; 09G .0602, and .0604-.0606.

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://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications>

Proposed Effective Date: February 1, 2026

Public Hearing:

Date: November 14, 2025

Time: 10:00am

Location: Microsoft Teams. Meeting information will be published on agency's website. <https://ncdoj.gov/commission-meeting-information/>

Reason for Proposed Action: Rules are either redundant to other rules or no longer needed due to termination of training program.

Comments may be submitted to: Michelle S. Schilling, 1700 Tryon Park Drive, Raleigh, NC 27603; phone (919) 779-8205; email MSchilling@ncdoj.gov

Comment period ends: November 14, 2025

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or 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 (\geq \$1,000,000)
- ☐ Approved by OSBM
- ☒ No fiscal note required

CHAPTER 09 - CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS

SUBCHAPTER 09B - STANDARDS FOR CRIMINAL JUSTICE EMPLOYMENT; EDUCATION; AND TRAINING

SECTION .0200 – MINIMUM STANDARDS FOR CRIMINAL JUSTICE SCHOOLS AND CRIMINAL JUSTICE TRAINING PROGRAMS OR COURSES OF INSTRUCTION

12 NCAC 09B .0213 CERTIFICATION TRAINING FOR RADAR/TIME DISTANCE OPERATORS

~~(a) The radar/time distance operator training course for law enforcement officers shall be designed to provide the trainee with the skills and knowledge to perform the function of a radar/time distance operator. This course shall be for a period not to exceed four consecutive weeks. If the Governor declares a State of Emergency pursuant to G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:~~

- ~~(1) Whether instruction has begun in the course or whether course initiation may be postponed;~~
- ~~(2) The risk of harm to students that may be caused by continuation of the course;~~
- ~~(3) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;~~
- ~~(4) The specific need for the waiver; and~~
- ~~(5) The degree of benefit to the public in allowing a break in instruction.~~

~~Notice of waivers granted pursuant to the Section shall be posted on the CJETS website <https://ncdoj.gov/law-enforcement-training/criminal-justice/>. The waivers granted pursuant to this Section shall only apply to courses that began during the effective period of the State of Emergency.~~

~~(b) Only employed or appointed personnel of a law enforcement agency may be enrolled in the radar and time distance speed measurement instrument operator training course. Such a trainee shall not be certified as a radar and time distance speed measurement instrument operator until the basic law enforcement training course has been completed and probationary or general law enforcement certification has been granted. Sheriffs, deputy sheriffs, and federal law enforcement personnel, including armed forces personnel, shall be allowed to participate in radar and time distance speed measurement instrument operator training courses on a space available basis at the discretion of the school director without having enrolled in or having completed the basic law enforcement training course and without being currently certified in a probationary status or holding general law enforcement certification. The radar/time distance operator training course required for radar/time distance operator certification shall include the topic areas and minimum number of hours as outlined in the Radar/Time Distance Operator Training Course. To qualify for radar/time distance operator certification, an applicant shall meet the minimum requirements as outlined in the Radar/Time Distance Operator Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.~~

~~(c) The "Radar/Time Distance Operator Training Course" as published by the North Carolina Justice Academy is to be applied as basic curriculum for the radar/time distance operator training course for radar/time distance instrument operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:~~

~~Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tyron Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27602~~

~~and may be obtained at cost from the Academy at the following address:~~

~~North Carolina Justice Academy
Post Office Box 99
Salemberg, North Carolina 28385~~

Authority G.S. 17C-6.

12 NCAC 09B .0214 CERTIFICATION TRAINING FOR TIME DISTANCE OPERATORS

~~(a) The time distance operator training course for law enforcement officers shall be designed to provide the trainee with the skills and knowledge to perform the function of a time distance operator. This course shall not exceed four consecutive weeks. If the Governor declares a State of Emergency pursuant to G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:~~

- ~~(1) Whether instruction has begun in the course or whether course initiation may be postponed;~~
- ~~(2) The risk of harm to students that may be caused by continuation of the course;~~
- ~~(3) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;~~
- ~~(4) The specific need for the waiver; and~~
- ~~(5) The degree of benefit to the public in allowing a break in instruction.~~

~~Notice of waivers granted pursuant to the Section shall be posted on the CJETS website <https://ncdoj.gov/law-enforcement-training/criminal-justice/>. The waivers granted pursuant to this Section shall only apply to courses that began during the effective period of the State of Emergency.~~

~~(b) Only employed or appointed personnel of a law enforcement agency may be enrolled in the time distance speed measurement operator training course. Such a trainee shall not be certified as a time distance speed measurement operator until the basic law enforcement training course has been completed and probationary or general law enforcement certification has been granted. Sheriffs, deputy sheriffs, and federal law enforcement personnel, including armed forces personnel, shall be allowed to participate in time distance speed measurement operator training courses on a space available basis at the discretion of the school director without having enrolled in or having completed the basic law enforcement training course and without being currently certified in a probationary status or holding general law enforcement certification. The time distance operator training course required~~

~~for time distance operator certification shall include the topic areas and minimum number of hours as outlined in the Time Distance Operator Training Course. To qualify for time distance operator certification, an applicant shall meet the minimum requirements as outlined in the Time Distance Operator Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.~~

~~(e) The "Time Distance Operator Training Course" as published by the North Carolina Justice Academy is to be applied as basic curriculum for the time distance operator training course for time distance operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:~~

~~Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27602~~

~~and may be obtained at cost from the Academy at the following address:~~

~~North Carolina Justice Academy
Post Office Box 99
Salemberg, North Carolina 28385~~

Authority G.S. 17C-6.

12 NCAC 09B .0220 RE-CERTIFICATION COURSE FOR RADAR OPERATORS

~~(a) The radar operator re-certification training course shall be designed to provide the law enforcement officer with the skills and knowledge to continue to proficiently perform the function of a radar operator. This course shall be presented within a period not to exceed one week.~~

~~(b) Each applicant for a radar operator re-certification course shall meet the requirements of 12 NCAC 09C .0308(e) and (d).~~

~~(c) Federal law enforcement personnel shall be allowed to participate in radar operator re-certification courses at the discretion of the school director without meeting the requirements specified in 12 NCAC 09B .0220(b), but such personnel must have successfully completed one introductory level speed measurement instrument course that included instruction on operation of radar instruments. Courses that meet this requirement are described in 09B .0212, .0213, .0242, and .0244.~~

~~(d) The radar operator re-certification training course required for radar operator re-certification shall include the topic areas and number of hours as outlined in the Radar Operator Training Course. To qualify for radar operator re-certification, an applicant shall meet the requirements as outlined in the Radar Operator Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.~~

~~(e) The "Radar Operator Training Course" as published by the North Carolina Justice Academy shall be applied as basic curriculum for the radar operator re-certification training course for radar operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:~~

~~Criminal Justice Standards Division
North Carolina Department of Justice
114 West Edenton Street
Post Office Drawer 149~~

Raleigh, North Carolina 27602

and may be obtained at cost from the Academy at the following address:

North Carolina Justice Academy
Post Office Box 99
Salemberg, North Carolina 28385

Authority G.S. 17C-6.

12 NCAC 09B .0221 RE-CERTIFICATION COURSE FOR RADAR/TIME DISTANCE OPERATORS

~~(a) The radar/time distance operator re-certification training course shall be designed to provide the law enforcement officer with the skills and knowledge to continue to proficiently perform the function of a radar/time distance operator. This course shall be presented within a period not to exceed one week.~~

~~(b) Each applicant for a radar and time distance operator re-certification course shall meet the requirements of 12 NCAC 09C .0308(e) and (d).~~

~~(c) Federal law enforcement personnel shall be allowed to participate in radar and time distance operator re-certification courses at the discretion of the school director without meeting the requirements specified in 12 NCAC 09B .0221(b), but such personnel must have successfully completed one or more introductory level speed measurement instrument courses that included instruction on operation of radar instruments and time distance instruments. Courses that meet this requirement are described in 12 NCAC 09B .0212, .0213, .0214, .0242, and .0244.~~

~~(d) The radar/time distance operator re-certification training course required for radar/time distance operator re-certification shall include the topic areas and number of hours as outlined in the Radar/Time Distance Operator Training Course. To qualify for radar/time distance operator re-certification, an applicant shall meet the requirements as outlined in the Radar/Time Distance Operator Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.~~

~~(e) The "Radar/Time Distance Operator Training Course" as published by the North Carolina Justice Academy shall be applied as basic curriculum for the radar/time distance operator re-certification training course for radar/time distance operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:~~

~~Criminal Justice Standards Division
North Carolina Department of Justice
114 West Edenton Street
Post Office Drawer 149
Raleigh, North Carolina 27602~~

~~and may be obtained at cost from the Academy at the following address:~~

~~North Carolina Justice Academy
Post Office Box 99
Salemberg, North Carolina 28385~~

Authority G.S. 17C-6.

12 NCAC 09B .0222 RE-CERTIFICATION COURSE FOR TIME-DISTANCE OPERATORS

(a) The time distance operator re-certification training course shall be designed to provide the trainee with the skills and knowledge to continue to proficiently perform the function of a time distance operator. This course shall be presented within a period not to exceed one week.

(b) Each applicant for a time distance operator re-certification course shall meet the requirements of 12 NCAC 09C .0308(e) and (d).

(c) Federal law enforcement personnel shall be allowed to participate in time distance operator re-certification courses at the discretion of the school director without meeting the requirements specified in 12 NCAC 09B .0222(b), but such personnel must have successfully completed one introductory level speed measurement instrument course that included instruction on operation of time distance instruments. Courses that meet this requirement are described in 12 NCAC 09B .0213, .0214, .0242, and .0244.

(d) The time distance operator re-certification training course required for time distance operator re-certification shall include the topic areas and number of hours as outlined in the Time-Distance Operator Training Course. To qualify for time distance operator re-certification, an applicant shall meet the requirements as outlined in the Time-Distance Operator Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.

(e) The "Time-Distance Operator Training Course" as published by the North Carolina Justice Academy shall be applied as basic curriculum for the time distance operator re-certification training course for time distance operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division
North Carolina Department of Justice
114 West Edenton Street
Post Office Drawer 149
Raleigh, North Carolina 27602

and may be obtained at cost from the Academy at the following address:

North Carolina Justice Academy
Post Office Box 99
Salemberg, North Carolina 28385

Authority G.S. 17C-6.

12 NCAC 09B .0240 RE-CERTIFICATION TRAINING COURSE FOR LIDAR OPERATORS

(a) The Lidar Operator Re-Certification Training Course shall be designed to provide the law enforcement officer with the skills and knowledge to continue to proficiently perform the function of a lidar operator. This course shall be presented within a period not to exceed one week.

(b) Each applicant for a Lidar Operator Re-Certification Training Course shall meet the requirements of 12 NCAC 09C .0308(e) and (d).

(c) Federal law enforcement personnel shall be allowed to participate in Lidar Operator Re-Certification Training Courses at the discretion of the school director without meeting the requirements specified in 12 NCAC 09B

.0238(b), but such personnel must have successfully completed one introductory level speed measurement instrument course that included instruction on operation of lidar instruments. Courses that meet this requirement are described in 09B.0238, .0242, and .0244.

(d) The Lidar Operator Re-Certification Training Course required for lidar operator re-certification shall include the topic areas and number of hours as outlined in the Lidar Operator Training Course. To qualify for lidar operator re-certification, an applicant shall meet the requirements as outlined in the Lidar Operator Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.

(e) The "Lidar Operator Training Course" as published by the North Carolina Justice Academy shall be applied as basic curriculum for the Lidar Operator Re-Certification Training Course for lidar operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division
North Carolina Department of Justice
114 West Edenton Street
Post Office Drawer 149
Raleigh, North Carolina 27602

and may be obtained at cost from the Academy at the following address:

North Carolina Justice Academy
Post Office Box 99
Salemberg, North Carolina 28385

Authority G.S. 17C-6.

12 NCAC 09B .0243 RE-CERTIFICATION TRAINING COURSE FOR RADAR/LIDAR OPERATORS

(a) The Radar/Lidar Operator Re-Certification Training Course shall be designed to provide the law enforcement officer with the skills and knowledge to continue to proficiently perform the function of a radar and lidar operator. This course shall be presented within a period not to exceed one week.

(b) Each applicant for a Radar/Lidar Operator Re-Certification Training Course shall meet the requirements of 12 NCAC 09C .0308(e) and (d).

(c) Federal law enforcement personnel shall be allowed to participate in Radar/Lidar Operator Re-Certification Training Courses at the discretion of the school director without meeting the requirements specified in 12 NCAC 09B .0242(b), but such personnel must have successfully completed one or more introductory level speed measurement instrument courses that included instruction on operation of radar instruments and lidar instruments. Courses that meet this requirement are described in 12 NCAC 09B .0212, .0213, .0237, .0242, and .0244.

(d) The Radar/Lidar Operator Re-Certification Training Course required for radar and lidar operator re-certification shall include the topic areas and number of hours as outlined in the Radar/Lidar Operator Training Course. To qualify for radar and lidar operator re-certification, an applicant shall meet the requirements as outlined in the Radar/Lidar Operator Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.

(e) The "Radar/Lidar Operator Training Course" as published by the North Carolina Justice Academy shall be applied as basic

~~curriculum for the Radar/Lidar Operator Re-Certification Training Course for radar and lidar operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:~~

~~Criminal Justice Standards Division
North Carolina Department of Justice
114 West Edenton Street
Post Office Drawer 149
Raleigh, North Carolina 27602~~

~~and may be obtained at cost from the Academy at the following address:~~

~~North Carolina Justice Academy
Post Office Box 99
Salemberg, North Carolina 28385~~

Authority G.S. 17C-6.

12 NCAC 09B .0244 CERTIFICATION TRAINING FOR RADAR/TIME DISTANCE/LIDAR OPERATORS

(a) ~~The radar/time distance/lidar operator training course for law enforcement officers shall be designed to provide the trainee with the skills and knowledge to perform the function of a radar, time distance, and lidar operator. This course shall be for a period not to exceed four consecutive weeks. If the Governor declares a State of Emergency pursuant to G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:~~

- ~~(1) Whether instruction has begun in the course or whether course initiation may be postponed;~~
- ~~(2) The risk of harm to students that may be caused by continuation of the course;~~
- ~~(3) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;~~
- ~~(4) The specific need for the waiver; and~~
- ~~(5) The degree of benefit to the public in allowing a break in instruction.~~

~~Notice of waivers granted pursuant to the Section shall be posted on the CJETS website <https://ncdoj.gov/law-enforcement-training/criminal-justice/>. The waivers granted pursuant to this Section shall only apply to courses that began during the effective period of the State of Emergency.~~

~~(b) Only employed or appointed personnel of a law enforcement agency may be enrolled in the radar/time distance/lidar speed measurement instrument operator training course. Such a trainee shall not be certified as a radar, time distance, and lidar speed measurement instrument operator until the basic law enforcement training course has been completed and probationary or general law enforcement certification has been granted. Sheriffs, deputy sheriffs, and federal law enforcement personnel, including armed forces personnel, shall be allowed to participate in radar, time distance, and lidar speed measurement instrument operator training courses on a space available basis at the discretion of the school director without having enrolled in or having completed the basic law enforcement training course and without being currently certified in a probationary status or holding general law enforcement certification. The radar/time distance/lidar operator~~

~~training course required for radar, time distance, and lidar operator certification shall include the topic areas and number of hours as outlined in The Radar/Time Distance/Lidar Operator Training Course. To qualify for radar, time distance, and lidar operator certification, an applicant shall meet the requirements as outlined in The Radar/Time Distance/Lidar Operator Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.~~

~~(c) The "Radar/Time Distance/Lidar Operator Training Course" as published by the North Carolina Justice Academy shall be applied as basic curriculum for the radar/time distance/lidar operator training course for radar, time distance, and lidar instrument operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:~~

~~Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Post Office Drawer 149~~

~~Raleigh, North Carolina 27602~~

~~and may be obtained at cost from the Academy at the following address:~~

~~North Carolina Justice Academy
Post Office Box 99
Salemberg, North Carolina 28385~~

Authority G.S. 17C-6.

12 NCAC 09B .0245 RE-CERTIFICATION TRAINING COURSE FOR RADAR/TIME DISTANCE/LIDAR OPERATORS

~~(a) The Radar/Time Distance/Lidar Operator Re-Certification Training Course shall be designed to provide the law enforcement officer with the skills and knowledge to continue to proficiently perform the function of a radar, time distance, and lidar operator. This course shall be presented within a period not to exceed one week.~~

~~(b) Each applicant for a Radar/Time Distance/Lidar Operator Re-Certification Training Course shall meet the requirements of 12 NCAC 09C .0308(c) and (d).~~

~~(c) Federal law enforcement personnel shall be allowed to participate in Radar/Time Distance/Lidar Operator Re-Certification Training Courses at the discretion of the school director without meeting the requirements specified in 12 NCAC 09B .0243(b), but such personnel must have successfully completed one or more introductory level speed measurement instrument courses that included instruction on operation of radar instruments, time distance instruments and lidar instruments. Courses that meet this requirement are described in 09B .0212, .0213, .0214, .0238, .0242, and .0244.~~

~~(d) The Radar/Time Distance/Lidar Operator Re-Certification Training Course required for radar, time distance, and lidar operator re-certification shall include the topic areas and number of hours as outlined in the Radar/Time Distance/Lidar Operator Training Course. To qualify for radar, time distance, and lidar operator re-certification, an applicant shall meet the requirements as outlined in the Radar/Time Distance/Lidar Operator Training~~

Course and meet the requirements of 12 NCAC 09B .0408 and .0409.

(e) The "Radar/Time Distance/Lidar Operator Training Course" as published by the North Carolina Justice Academy shall be applied as basic curriculum for the Radar/Time Distance/Lidar Operator Re-Certification Training Course for radar, time distance, and lidar operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division
North Carolina Department of Justice
114 West Edenton Street
Post Office Drawer 149
Raleigh, North Carolina 27602

and may be obtained at cost from the Academy at the following address:

North Carolina Justice Academy
Post Office Box 99
Salemberg, North Carolina 28385

Authority G.S. 17C-6.

SECTION .0300 - MINIMUM STANDARDS FOR CRIMINAL JUSTICE INSTRUCTORS

12 NCAC 09B .0312 INSTRUCTOR CERTIFICATION RENEWAL

(a) Individuals who hold Specialized Instructor certification may, for just cause, be granted an extension of the three year period to teach the 12 hour minimum requirement, pursuant to Rule .0305(d) of this Subchapter. The Director may grant such extensions on a one time basis only not to exceed 12 months. For purposes of this Rule, just cause means accident, illness, emergency, course cancellation, or other exceptional circumstances which precluded the instructor from fulfilling the teaching requirement.

(b) The Director may, for just cause, grant an extension of the 90-day period in which an instructor's renewal application must be submitted as specified in 12 NCAC 09B .0305(d). Such extension, however, shall not exceed 12 months and shall not extend the instructor's certification period beyond its specified expiration period.

Authority G.S. 17C-6.

SUBCHAPTER 09C - ADMINISTRATION OF CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS

PROGRAM COULD NOT FIND SECTION RULE DOCUMENT IN CODE

12 NCAC 09C .0212 POST DELIVERY REPORT OF TRAINING COURSE PRESENTATION

The Post Delivery Report of Training Course Presentation (Form F 10B) is a form on which the School Director notifies the Commission of the completion of the Commission accredited Basic Law Enforcement Training Course, together with the achievement and performance level attained by each enrolled

trainee. The information requested includes a listing of each instructor used in delivering the training with topics presented, and the trainees' scores on each written, oral or motor skill examination administered by the school.

Authority G.S. 17C-6.

SECTION .0600 - EQUIPMENT AND PROCEDURES

12 NCAC 09C .0608 SPEED MEASURING INSTRUMENT OPERATING PROCEDURES

The purpose of this Rule is to establish the requirements for operating speed measuring instruments used by law enforcement officers to measure the speed of vehicles for enforcement of speed laws and regulations. All operating procedures shall conform with G.S. 8-50.2. The operating procedures for each specific Radar, Time Distance, and Lidar speed measuring instrument, as outlined in Appendix "C" of the Supplement for Speed Measurement Instrument Training Courses published by the North Carolina Justice Academy, are hereby incorporated by reference, and shall automatically include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division
North Carolina Department of Justice
114 West Edenton Street
Old Education Building
Post Office Drawer 149
Raleigh, North Carolina 27602

and may be obtained at cost from the Academy at the following address:

North Carolina Justice Academy
Post Office Box 99
Salemberg, North Carolina 28385

Authority G.S. 8-50.2; 17C-6.

SUBCHAPTER 09D – PROFESSIONAL CERTIFICATE PROGRAMS

SECTION .0100 - LAW ENFORCEMENT OFFICERS' PROFESSIONAL CERTIFICATE PROGRAM

12 NCAC 09D .0102 GENERAL PROVISIONS

(a) In order to be eligible for one or more of the professional awards, an officer shall first meet the following preliminary qualifications:

- (1) The officer shall presently hold general law enforcement officer certification. A person serving under a probationary certification is not eligible for consideration. An officer subject to suspension or revocation proceedings or under investigation for possible decertification action by the Commission, the Company and Campus Police Program, or the North Carolina Sheriffs' Education and Training Standards Commission shall not be eligible for professional awards for the pendency of the proceeding;

- (2) The officer shall be familiar with and subscribe to the Law Enforcement Code of Ethics;
- (3) The officer shall be a full time, sworn, paid member of a law enforcement agency within the state;
- (4) Applicants shall be given credit for the satisfactory completion of all in service law enforcement training which is not mandated by the Commission pursuant to 12 NCAC 09E .0105;
- (5) Applicants shall not be given credit for the satisfactory completion of Commission mandated Basic Law Enforcement Training courses; and
- (6) Full time, paid employees of a law enforcement agency within the State who have successfully completed a Commission accredited law enforcement officer basic training program and have previously held general law enforcement officer certification as specified in Subparagraph (1) of this Paragraph, but are presently, by virtue of promotion or transfer, serving in non-sworn positions not subject to

certification are eligible to participate in the professional certificate program. Eligibility for this exception requires continuous employment with the law enforcement agency from the date of promotion or transfer from a sworn, certified position to the date of application for a professional certificate.

(b) Awards are based upon a formula which combines formal education, law enforcement training, and actual experience as a law enforcement officer. Points are computed in the following manner:

- (1) Each semester hour of college credit shall equal one point and each quarter hour shall equal two-thirds of a point;
- (2) Twenty classroom hours of Commission approved law enforcement training shall equal one point; and
- (3) Only experience as a full time, sworn, paid member of a law enforcement agency or equivalent experience shall be acceptable for consideration.

Authority G.S. 17C-6.

12 NCAC 09D .0104 INTERMEDIATE LAW ENFORCEMENT CERTIFICATE

(a) In addition to the qualifications set forth in Rule .0102(a) of this Subchapter, an applicant for the Intermediate Law Enforcement Certificate shall have acquired the following combination of educational points or degrees, law enforcement training points and years of full time law enforcement experience as set out in Rule .0102(b) of this Section:

Educational Degrees	AA/AS			AB/BS	
Years of Law Enforcement Experience	8	6	4	4	2
Minimum Law Enforcement Training Points				16	8
Minimum Total Education and Training Points	32	40	48	16	8

(b) Educational points claimed must be issued by institutions recognized by the United States Department of Education and the Council for Higher Education Accreditation.

Authority G.S. 17C-6.

12 NCAC 09D .0105 ADVANCED LAW ENFORCEMENT CERTIFICATE

(a) In addition to the qualifications set forth in Rule .0102(a) of this Subchapter, an applicant for the Advanced Law Enforcement Certificate shall possess or be eligible to possess the Intermediate Law Enforcement Certificate and shall have acquired the following combination of educational points or degrees, law enforcement training points and years of full time law enforcement experience as set out in Rule .0102(b) of this Section:

Educational Degrees	AA/AS		AB/BS	GRAD./PRO.
Years of Law Enforcement Experience	12	9	9	6
Minimum Law Enforcement Training				4

Points			36	24	16
Minimum Total Education and Training Points	48	60	36	24	16

(b) Educational points claimed must be issued by institutions recognized by the United States Department of Education and the Council for Higher Education Accreditation.

Authority G.S. 17C-6.

12 NCAC 09D .0106 METHOD OF APPLICATION

- (a) All applicants for an award of the intermediate and advanced certificates shall complete an "Application for Award of Law Enforcement Certificate."
- (b) Documentation of education and training shall be provided by certified copies of transcripts, diplomas, Report of Training Course Completion, agency training records, or other verifying documents attached to the application.
- (c) The applicant shall submit the Application for Award of Law Enforcement Certificate to the department head who shall attach a recommendation and forward the application to the Commission. Certificates will be issued to the department head for award to the applicant.
- (d) Certificates and awards remain the property of the Commission and the Commission shall have the power to cancel or recall any certificate or award.

Authority G.S. 17C-6.

SECTION .0200 - CRIMINAL JUSTICE OFFICERS' PROFESSIONAL CERTIFICATE PROGRAM

12 NCAC 09D .0202 GENERAL PROVISIONS

- (a) The officer shall presently hold general criminal justice officer certification. A person serving under a probationary certification is not eligible for consideration. An officer subject to suspension or revocation proceedings or under investigation for possible decertification action by the Commission, the Company and Campus Police Program, or the North Carolina Sheriffs' Education and Training Standards Commission shall not be

eligible for professional awards for the pendency of the proceeding.

- (b) The officer shall hold general certification with the Commission in the category of state youth services officer.
- (c) The officer shall be a permanent, paid member of a criminal justice agency within the State.
- (d) Permanent, paid employees of the Department of Public Safety, Division of Juvenile Justice, who have successfully completed a Commission accredited criminal justice officer basic training program and have previously held general certification as specified in 12 NCAC 09B .0116 and 12 NCAC 09B .0117, but are presently, by virtue of promotion or transfer, serving in positions not subject to certification are eligible to participate in the professional certificate program. Eligibility for this exception requires continuous employment with the Department of Public Safety, Division of Juvenile Justice from the date of promotion or transfer from a certified position to the date of application for a professional certificate.
- (e) Each semester hour of college credit shall equal one point and each quarter hour shall equal two thirds of a point;
- (f) Twenty classroom hours of Commission approved criminal justice training shall equal one point;
- (g) Only experience as a permanent, paid member of a criminal justice agency or the equivalent experience as determined by the Commission shall be acceptable of consideration.
- (c) Separate sub programs will be administered as follows: The Youth Services Certificate is appropriate for permanent, paid state youth services officers employed by the Department of Public Safety, Division of Juvenile Justice.

Authority G.S. 17C-6.

12 NCAC 09D .0204 INTERMEDIATE CRIMINAL JUSTICE CERTIFICATE

- (a) In addition to the qualifications set forth in Rule .0202(a) of this Subchapter, an applicant for the Intermediate Criminal Justice Certificate shall possess or be eligible to possess the Basic Criminal Justice Certificate and shall have acquired the following combination of educational points or degrees, criminal justice training points and years of criminal justice experience:

Educational Degrees				AA/AS	AB/BS
Years of Criminal Justice Experience	8	6	4	4	2
Minimum Criminal Justice Training Points				15	10
Minimum Total Education and Training					

Points	30	60	90	15	10
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(b) Educational points claimed must be issued by institutions recognized by the United States Department of Education and the Council of Higher Education Accreditation.

Authority G.S. 17C-6.

12 NCAC 09D .0205 ~~ADVANCED CRIMINAL JUSTICE CERTIFICATE~~

(a) ~~In addition to the qualifications set forth in Rule .0202(a) of this Subchapter, an applicant for the Advanced Criminal Justice Certificate shall possess or be eligible to possess the Intermediate Criminal Justice Certificate and shall have acquired the following combinations of educational points or degrees, criminal justice training points and years of criminal justice experience:~~

Educational Degrees			AA/AS	AB/BS	GRAD./PRO.
Years of Criminal Justice Experience	12	9	9	6	4
Minimum Criminal Justice Training Points			25	15	10
Minimum Total Education and Training Points	60	90	25	15	10

(b) Educational points claimed must be issued by institutions recognized by the United States Department of Education and the Council of Higher Education Accreditation.

Authority G.S. 17C-6.

12 NCAC 09D .0206 ~~METHOD OF APPLICATION~~

(a) ~~All applicants for an award of the basic, intermediate or advanced certificates in each sub program shall complete an "Application for Award of Criminal Justice Certificate."~~

(b) ~~Documentation of education and training shall be provided by certified copies of transcripts, diplomas, Report of Training Course Completion, agency training records, or other verifying documents attached to the application.~~

(c) ~~The applicant shall submit the "Application for Award of Criminal Justice Certificate" to his department head who shall attach his recommendation and forward the application to the Commission. Certificates will be issued to the Department head for award to the applicant.~~

(d) ~~Certificates and awards remain the property of the Commission and the Commission shall have the power to cancel or recall any certificate or award.~~

Authority G.S. 17C-6.

**SUBCHAPTER 09G - STANDARDS FOR CORRECTIONS
EMPLOYMENT, TRAINING, AND CERTIFICATION**

**SECTION .0600 - PROFESSIONAL CERTIFICATE
PROGRAM**

12 NCAC 09G .0602 ~~GENERAL PROVISIONS~~

(a) ~~In order to be eligible for one or more of the professional awards, an officer shall first meet the following preliminary qualifications:~~

- (1) ~~The officer shall hold a general correctional officer certification. A person serving under a probationary certification is not eligible for consideration. An officer subject to suspension or revocation proceedings or under investigation for possible decertification action by the Commission, the North Carolina Company Police Program, the North Carolina Campus Police Program, or the North Carolina Sheriffs' Education and Training Standards Commission shall not be eligible for professional awards for the pendency of the proceeding.~~
- (2) ~~The officer shall hold general certification with the Commission in one of the following categories:~~
 - (A) ~~correctional officer; or~~
 - (B) ~~probation/parole officer.~~
- (3) ~~The officer shall be a permanent, full time, paid employee of the Department of Public Safety, Division of Adult Correction and Juvenile Justice.~~
- (4) ~~Permanent, paid employees of the Department of Public Safety, Division of Adult Correction and Juvenile Justice who have completed a Commission certified corrections officer basic training program and have previously held general certification as specified in 12 NCAC 09G .0602(a)(1) and 12 NCAC 09G~~

~~.0602(a)(2), but are presently, by virtue of promotion or transfer, serving in positions not subject to certification are eligible to participate in the professional certificate program. Eligibility for this exception requires employment with the Department of Public Safety, Division of Adult Correction and Juvenile Justice from the date of promotion or transfer from a certified position to the date of application for a professional certificate.~~

- ~~(2) 20 classroom hours of Commission approved corrections training shall equal one point; and~~
- ~~(3) only experience as a permanent, paid employee of the Department of Public Safety, Division of Adult Correction and Juvenile Justice or the equivalent experience as determined by the Commission shall be acceptable of consideration.~~

~~(b) Awards are based upon a formula that combines formal education, corrections training, and actual experience as a corrections officer. Points are computed in the following manner:~~

- ~~(1) each semester hour of college credit shall equal one point and each quarter hour shall equal two-thirds of a point;~~

~~Point requirements for each award are described in 12 NCAC 09G .0604 and .0605.~~

~~(c) Certificates shall be awarded in an officer's area of expertise only. The State Corrections Certificate is appropriate for permanent, paid corrections employees employed by the Department of Public Safety, Division of Adult Correction and Juvenile Justice.~~

Authority G.S. 17C-6.

12 NCAC 09G .0604 INTERMEDIATE STATE CORRECTIONS CERTIFICATE

~~(a) In addition to the qualifications set forth in 12 NCAC 09G .0602(a) of this Section, an applicant for the Intermediate State Corrections Certificate shall possess or be eligible to possess the Basic State Corrections Certificate and shall have acquired the following combination of educational points or degrees, corrections training points and years of corrections experience:~~

Educational Degrees	AA/AS				AB/BS
Years of Corrections Experience	8	6	4	4	2
Minimum Corrections Training Points	15				10
Minimum Total Education and Training Points	30	60	90	15	10

~~(b) Educational points claimed shall have been earned at a technical institute, technical college, community college, junior college, college, or university accredited as such by the Department of Education of the state in which the institution is located, the appropriate regional accrediting body, or the state university of the state in which the institution is located.~~

Authority G.S. 17C-6.

12 NCAC 09G .0605 ADVANCED STATE CORRECTIONS CERTIFICATE

~~(a) In addition to the qualifications set forth in 12 NCAC 09G .0602(a) of this Section, an applicant for the Advanced State Corrections Certificate shall possess or be eligible to possess the Intermediate State Corrections Certificate and shall have acquired the following combinations of educational points or degrees, corrections training points and years of corrections experience:~~

Educational Degrees	AA/AS			AB/BS	GRAD./PRO.
Years of Corrections Experience	12	9	9	6	4
Minimum Corrections Training Points	-	-	25	15	10
Minimum Total Education and Training Points	60	90	25	15	10

~~(b) Educational points claimed shall have been earned at a technical institute, technical college, community college, junior college, college, or university accredited as such by the Department of Education of the state in which the institution is located, the regional national accrediting body, or the state university of the state in which the institution is located.~~

Authority G.S. 17C-6.

12 NCAC 09C .0606 METHOD OF APPLICATION

- (a) ~~All applicants for an award of the basic, intermediate, or advanced certificates in the professional certificate program shall complete an "Application for Award of State Corrections Certificate."~~
- (b) ~~Documentation of education and training shall be provided by certified copies of transcripts, diplomas, Report of Training Course Completion, agency training records, or other verifying documents attached to the application.~~
- (c) ~~The applicant shall submit the "Application for Award of State Corrections Certificate" to his department head who shall attach his recommendation and forward the application to the Commission. Certificates will be issued to the Department head for award to the applicant.~~
- (d) ~~Certificates and awards remain the property of the Commission, and the Commission shall have the power to cancel or recall any certificate or award.~~

Authority G.S. 17C-6.

Notice is hereby given in accordance with G.S. 150B-21.2 that the Criminal Justice Education and Training Standards Commission intends to adopt the rules cited as 12 NCAC 09I .0101-.0107, and amend the rules cited as 12 NCAC 09B .0104, .0212, .0215, .0232, .0238, .0242, .0301, .0305, .0408, .0409, .0414, .0501; 09C .0308, .0311, .0601, .0607; 09D .0101, .0201; 09G .0205, .0311, and .0601.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications>

Proposed Effective Date: February 1, 2026

Public Hearing:

Date: November 14, 2025

Time: 10:00am

Location: Microsoft Teams. Meeting information will be published on agency's website. <https://ncdoj.gov/law-enforcement-training>

Reason for Proposed Action: *Technical changes, updating certification requirements for SMI Operators, creating a forms section, updating certification requirements for Juvenile Justice Officers, updating curriculum topics and hours of instruction for Compliance and Control Tactics Instructors, updating certification requirements for General Instructors, establishing lateral transfer criteria for Corrections Officers, and updating requirements for comprehensive state examinations.*

Comments may be submitted to: Michelle S. Schilling, 1700 Tryon Park Drive, Raleigh, NC 27602; phone (919) 779-8205; email MSchilling@ncdoj.gov

Comment period ends: November 14, 2025

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or 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 (\geq \$1,000,000)
- ☐ Approved by OSBM
- ☒ No fiscal note required

CHAPTER 09 - CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS

SUBCHAPTER 09B - STANDARDS FOR CRIMINAL JUSTICE EMPLOYMENT: EDUCATION: AND TRAINING

SECTION .0100 - MINIMUM STANDARDS FOR CRIMINAL JUSTICE EMPLOYMENT

12 NCAC 09B .0104 MEDICAL EXAMINATION

(a) Each applicant for certification or enrollment in a ~~Commission approved~~ Commission-approved basic law enforcement training course pursuant to Rule 12 NCAC 09B .0205, shall complete, sign, and date the Commission's Medical History Statement Form (F-1) and shall be examined by either a physician, physician assistant, or nurse practitioner who holds a current license in the United States to practice medicine, as issued by a state medical board, to help determine his or her fitness to carry out the physical requirements of the position of law enforcement officer.

(b) Prior to being examined, the applicant shall provide the examining physician, physician or nurse practitioner with:

- (1) the Medical History Statement Form ~~(F-1)~~, (F-1), pursuant to 12 NCAC 09I .0105, which must be read, completed, and signed; and
- (2) the ~~Instructions to Agency and Examiner for Completion of Medical Examination Report (F-2A)~~ Form (F-2), the Tuberculosis Questionnaire, Form (F-2A), and the Medical Examination Report Addendum, Form (F-2B), pursuant to 12 NCAC 09I .0105.

(c) The examining physician, physician's assistant, nurse practitioner, shall record the results of the examination on the

Medical Examination Report Form (F-2) and shall sign and date the form. ~~The Medical Examination Report Form (F-2) shall contain the following information:~~

- (1) ~~Name, date of birth, employing agency, height, weight, and last 4 digits of the Social Security Number for the person being examined;~~
- (2) ~~Results of Vision Acuity;~~
- (3) ~~Results of Hearing Acuity;~~
- (4) ~~Results of Cardiovascular Examination;~~
- (5) ~~Abnormal Findings;~~
- (6) ~~Tuberculosis Risk Questionnaire;~~
- (7) ~~Tuberculosis Symptom Questionnaire; and~~
- (8) ~~Name, signature, and medical license number of examining medical professional.~~

(d) ~~The Medical Examination Report Form (F-2) and (F-2), the Tuberculosis Questionnaire Form (F-2A), and the Medical History Statement Form (F-1) shall be valid for one year after the date the examination was conducted and shall be completed prior to:~~

- (1) ~~the applicant's beginning the Commission approved basic law enforcement training course; and~~
- (2) ~~the employing agency submission of application for certification to the Commission.~~

Authority G.S. 17C-6; 17C-10.

SECTION .0200 – MINIMUM STANDARDS FOR CRIMINAL JUSTICE SCHOOLS AND CRIMINAL JUSTICE TRAINING PROGRAMS OR COURSES OF INSTRUCTION

12 NCAC 09B .0212 CERTIFICATION AND RE-CERTIFICATION TRAINING FOR RADAR OPERATORS

(a) The radar operator training course for law enforcement officers shall be designed to provide the trainee with the skills and knowledge to perform the function of a law enforcement radar operator. This course shall be for a period not to exceed four consecutive ~~weeks.~~ weeks and shall consist of a minimum of 30 hours of instruction, including the following topic areas and minimum hours for each:

(1)	<u>Course Orientation</u>	<u>0.5 hours</u>
(2)	<u>Introduction to Radar Training</u>	<u>0.5 Hours</u>
(3)	<u>Speed Offenses and Speed Enforcement</u>	<u>2 Hours</u>
(4)	<u>Basic Principles of Radar Speed Measurement</u>	<u>5 Hours</u>
(5)	<u>Legal and Operational Considerations</u>	<u>4 Hours</u>
(6)	<u>Familiarization and Operation of Specific Radar Instruments</u>	<u>10 Hours</u>
(7)	<u>Courtroom Preparation</u>	<u>3 Hours</u>
(8)	<u>Motor-Skill Performance Testing</u>	<u>4 Hours</u>
(9)	<u>Course Review</u>	<u>1 Hour</u>

~~The number of hours required to complete each of the topic areas (6) Familiarization and Operation of Specific Radar Instruments and (8) Motor-Skill Performance Testing shall be based on the number of students and number of instructors to ensure a minimum ratio of one instructor per six students. weeks. If the Governor declares a State of Emergency pursuant to G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:~~

- (1) ~~Whether instruction has begun in the course or whether course initiation may be postponed;~~
- (2) ~~The risk of harm to students that may be caused by continuation of the course;~~
- (3) ~~Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;~~
- (4) ~~The specific need for the waiver; and~~
- (5) ~~The degree of benefit to the public in allowing a break in instruction.~~

~~Notice of waivers granted pursuant to the Section shall be posted on the CJETS website <https://ncdoj.gov/law-enforcement-training/criminal-justice/>. The waivers granted pursuant to this Section shall only apply to courses that began during the effective period of the State of Emergency.~~

(b) ~~Only employed those individuals currently certified as a law enforcement officer employed or appointed personnel of a law enforcement agency shall be enrolled in the radar operator training course. Such a trainee shall not be certified as a radar operator until the basic law enforcement training course has been completed and probationary or general law enforcement certification has been granted. Sheriffs, deputy sheriffs, and federal law enforcement personnel, including armed forces personnel, shall be allowed to participate in the radar operator training courses on a space available basis at the discretion of the school director without having enrolled in or having successfully completed the basic law enforcement training course and without being currently certified in a probationary status or hold general law enforcement certification. The radar operator training course required for radar operator certification shall include the topic areas and minimum number of hours as outlined in the Radar Operator Training Course. To qualify for radar operator certification, an applicant shall meet the minimum requirements as outlined in the Radar Operator Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.~~

(c) ~~The "Radar Operator Training Course" as published by the North Carolina Justice Academy is to be applied as basic curriculum for the radar operator training course for radar operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:~~

Criminal Justice Standards Division

North Carolina Department of Justice
1700 Tryon Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27602

North Carolina Justice Academy
Post Office Box 99
Salemberg, North Carolina 28385

and may be obtained at cost from the Academy at the following address:

(c) The radar operator re-certification training course shall be designed to provide the law enforcement officer with the skills and knowledge to continue to proficiently perform the functions of a radar operator. This course shall be presented within a period not to exceed one week and shall consist of a minimum of six hours of instruction, including the following topic areas and minimum hours for each:

- | | | |
|-----|---|------------------|
| (1) | <u>Course Orientation</u> | <u>0.5 Hours</u> |
| (2) | <u>Legal and Operational Considerations</u> | <u>1.5 Hours</u> |
| (3) | <u>Motor-Skill Performance Testing</u> | <u>4 Hours</u> |

The number of hours required to complete the Motor-Skill Performance Testing topic area shall be based on the number of students and number of instructors to ensure a minimum ratio of one instructor per six students.

(d) Trainees enrolled in a radar operator re-certification training course shall, at the time of enrollment, hold active radar operator certification or have previously held active radar operator certification within 12 months prior to the scheduled end date of the course. Federal law enforcement personnel shall be eligible to participate in radar operator re-certification training courses at the discretion of the school director without previously having held radar operator certification, but such personnel must have completed one introductory level speed measurement instrument course that included instruction on operation of radar instruments. Courses that meet this requirement include those described in Paragraph (a) of this Rule and those described in 12 NCAC 09B .0242(a).

(e) If the Governor declares a State of Emergency pursuant to G.S. 166A- 19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:

- (1) Whether instruction has begun in the course or whether course initiation may be postponed;
- (2) The risk of harm to students that may be caused by the continuation of the course;
- (3) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;
- (4) The specific need for the waiver; and
- (5) The degree of benefit to the public in allowing a break in instruction.

Notice of waivers granted pursuant to the Section shall be posted on the CJETS website <https://ncdoj.gov/law-enforcement->

(c) ~~The supplemental SMI training course required for certification on the additional instrument(s) shall include the topic areas and number of hours as outlined in the Supplemental SMI Training Course. To qualify for certification on the additional instrument(s) an applicant shall meet the requirements as outlined in the Supplemental SMI Training Course and meet the requirements of 12 NCAC 09B .0409- consist of a minimum of 1.5 hours, including the following topic areas and minimum hours for each:~~

- | | | |
|-----|--|-----------------|
| (1) | <u>Course Orientation</u> | <u>0.5 hour</u> |
| (2) | <u>Familiarization & Operation of Specific SMI Instruments</u> | <u>0.5 hour</u> |
| (3) | <u>Motor Skills Testing (per instrument per student)</u> | <u>0.5 hour</u> |

training/criminal-justice/. The waivers granted pursuant to this Section shall only apply to courses that began or were in progress during the effective period of the State of Emergency.

Authority G.S. 17C-6.

12 NCAC 09B .0215 SUPPLEMENTAL SMI TRAINING

(a) The supplemental speed measuring instrument (SMI) training course for law enforcement officers shall be designed to allow officers an opportunity to be certified on additional speed measuring ~~measurement~~ instruments not included on the officers' initial speed ~~measuring measurement~~ instrument certification. The course shall be designed to provide the trainee with the skills and knowledge to ~~proficiently~~ perform those tasks essential to function as an instructor or operator using the additional speed measuring instrument(s).

(b) Each applicant for supplemental speed measuring instrument training shall:

- (1) possess a valid ~~radar radar, time-distance,~~ or lidar speed measuring instrument instructor or operator certification as a result of successful completion of 12 NCAC 09B .0210, ~~.0211, .0212, .0213, .0214, .0237, .0238, or .0242; .0242, or .0244;~~
- (2) present the endorsement of a ~~Commission-recognized~~ Commission – certified school director or in-service training coordinator, or agency head or his or her designee by submitting form SMI-16, pursuant to 12 NCAC 09I .0106(h), ~~executive officer or his designee.~~

(d) To qualify for certification on an additional instrument, an applicant shall:

- (1) present a copy of the individual's active SMI operator or instructor certification, which lists the instruments and modes that the officer is certified to operate;
- (2) Demonstrate proficiency in the motor-skill and performance subject areas with the instrument as evidenced by completion of the Commission's SMI-1 form, SMI-1A form, or SMI-13 form pursuant to 12 NCAC 09I .0106; and
- (3) for individuals seeking certification with additional modes than those currently certified with, complete 240 minutes of supervised field practice for each additional mode. For dual antenna instruments, 120 of the 240 minutes must be completed using each antenna.

~~(d)(e) Adding additional instruments and modes to an individual's SMI operator or instructor certification shall not extend the certification period as prescribed in 12 NCAC 09B .0310 and 09C .0308. Certification as instructor or operator of the additional speed measuring instruments shall expire on midnight of the date of expiration of the instructor or operator certification referred to in 12 NCAC 09B .0215(b) and .0310(a).~~

~~(e) The "Supplemental SMI Training Course" as published by the North Carolina Justice Academy shall be applied as basic curriculum for the supplemental SMI training course for SMI instructors or operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:~~

~~Criminal Justice Standards Division
North Carolina Department of Justice
114 West Edenton Street
Post Office Drawer 149
Raleigh, North Carolina 27602~~

~~and may be obtained at cost from the Academy at the following address:~~

~~North Carolina Justice Academy
Post Office Box 99
Salem, North Carolina 28385~~

~~(f) Commission certified schools that are certified to offer the "Supplemental SMI Training Course" for instructors are: The North Carolina Justice Academy.~~

Authority G.S. 17C-6.

12 NCAC 09B .0232 SPECIALIZED COMPLIANCE AND CONTROL TACTICS INSTRUCTOR TRAINING

(a) The instructor training course required for Specialized Compliance and Control Tactics Instructor Certification shall consist of a minimum of ~~29~~ 27 hours of classroom instruction plus time required to complete the tasks associated with Compliance and Control Tactics Instructional Methods and Demonstration, presented during a continuous period of not more than two weeks. If the Governor declares a State of Emergency pursuant to G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow breaks in a specific course delivery when the

Director determines that doing so is necessary based on consideration of the following factors:

- (1) Whether instruction has begun in the course or whether course initiation may be postponed;
- (2) The risk of harm to students that may be caused by continuation of the course;
- (3) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;
- (4) The specific need for the waiver; and
- (5) The degree of benefit to the public in allowing a break in instruction.

Notice of waivers granted pursuant to the Section shall be posted on the CJETS website <https://ncdoj.gov/law-enforcement-training/criminal-justice/>. The waivers granted pursuant to this Section shall only apply to courses that began during the effective period of the State of Emergency.

(b) Each Specialized Compliance and Control Tactics Instructor Training course shall provide the trainee with the skills and knowledge to perform the function of a criminal justice Specialized Compliance and Control Tactics Instructor in the Commission-accredited Basic Law Enforcement Training Course or a Law Enforcement Officers' Annual In-Service Training Program.

(c) Each applicant for Specialized Compliance and Control Tactics Instructor Training shall:

- (1) have completed the Instructor Training course, pursuant to 12 NCAC 09B .0209;
- (2) present a letter from a physician, physician assistant, or nurse practitioner, who holds a current license in the United States to practice medicine, as issued by a state medical board, stating the applicant's physical fitness to participate in the course;
- (3) present a written endorsement by either
 - (A) a certified School Director indicating the student is qualified to instruct Compliance and Control Tactics in the Commission-accredited Basic Law Enforcement Training Course; or
 - (B) a Department Head, certified School Director, or In-Service Training Coordinator indicating the student may be utilized to instruct Compliance and Control Tactics for the Law Enforcement Officers' Annual In-Service Training program; and
- (4) Within 365 days prior to enrollment in the Compliance and Control Tactics Instructor Training course the prospective student shall complete the following assessments administered by the North Carolina Justice Academy:
 - (A) a qualification requiring the individual to demonstrate 100 percent proficiency on the Basic Law Enforcement Training Compliance and Control Tactics; and

- (B) achieve at least the 60th percentile on a physical fitness assessment.

(d) Each Specialized Compliance and Control Tactics Instructor Training course shall include the following identified topic areas and minimum instructional hours for each area:

- | | | |
|------|--|----------------------------|
| (1) | Orientation | 1 Hour |
| (2) | Response to Injury | 4 Hours 2 Hours |
| (3) | Combat Conditioning | 4 Hours 8 Hours |
| (4) | Safety Guidelines/Rules | 2 Hours 1 Hour |
| (5) | Fundamentals of Professional Liability <u>Legal Considerations for Control Tactics Instructors</u> | 4 Hours 2 Hours |
| (6) | Practical Skills Enhancement | 4 Hours 6 Hours |
| (7) | <u>History of the Use of Force Training in NC</u> | 1 Hour |
| (8) | Student Instructional Practicum | 6 Hours 4 Hours |
| (9) | BLET Lesson Plan Review | 4 Hours 2 Hours |
| (10) | <u>The School Director shall determine the number of hours required to complete the practical skills associated with Compliance and Control Tactics, Instructional Methods, and Demonstrations and be based on the number of enrolled students and number of instructors, pursuant to Rule .0202(b)(5) of this Subchapter.</u> | |

Authority G.S. 17C-6.

12 NCAC 09B .0238 CERTIFICATION AND RE-CERTIFICATION TRAINING FOR LIDAR OPERATORS

(a) The Lidar Operator Training Course for law enforcement officers shall be designed to provide the trainee with the skills and knowledge to perform the function of a law enforcement lidar operator. This course shall be for a period not to exceed four consecutive ~~weeks~~ weeks, and shall consist of a minimum of 30 hours of instruction and shall include the following topic areas and minimum hours for each:

- | | | |
|-----|--|-----------|
| (1) | <u>Course Orientation</u> | 0.5 Hours |
| (2) | <u>Introduction to Lidar Training</u> | 0.5 Hours |
| (3) | <u>Basic Principles of Lidar Speed Measurement</u> | 1 Hour |
| (4) | <u>Legal and Operational Considerations</u> | 1 Hour |
| (5) | <u>Familiarization and Operation of Specific Lidar Instruments</u> | 2 Hours |
| (6) | <u>Courtroom Preparation</u> | 1 Hour |
| (7) | <u>Motor-Skill Performance Testing</u> | 3 Hours |
| (8) | <u>Course Review</u> | 1 Hour |

The number of hours required to complete each of the topic areas (5) Familiarization and Operation of Specific Lidar Instruments and (7) Motor-Skill Performance Testing shall be based on the number of students and number of instructors to ensure a minimum ratio of one instructor per six students. weeks. If the Governor declares a State of Emergency pursuant to G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:

- (1) Whether instruction has begun in the course or whether course initiation may be postponed;
- (2) The risk of harm to students that may be caused by continuation of the course;
- (3) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;
- (4) The specific need for the waiver; and
- (5) The degree of benefit to the public in allowing a break in instruction.

Notice of waivers granted pursuant to the Section shall be posted on the CJETS website <https://ncdoj.gov/law-enforcement-training/criminal-justice/>. The waivers granted pursuant to this

Section shall only apply to courses that began during the effective period of the State of Emergency.

(b) To be eligible for enrollment in the Lidar Operator Training Course, applicants shall meet the following requirements at the time of enrollment:

- (1) have completed a Commission-approved Basic Law Enforcement Training (BLET) Course;
- (2) hold active law enforcement certification; and
- (3) hold active radar operator certification or be enrolled in a radar operator training course or a radar operator re-certification training course as outlined in 12 NCAC 09B .0212; or
- (4) hold active radar instructor certification or be enrolled in a radar instructor training course or a radar instructor re-certification training course as outlined in 12 NCAC 09B .0210.

Sheriffs, deputy sheriffs, and federal law enforcement personnel, including armed forces personnel, who do not meet these requirements shall be allowed to participate in a lidar operator training course at the discretion of the school director.

(b) Only employed or appointed personnel of a law enforcement agency shall be enrolled in the Lidar Operator Training Course. Such a trainee shall not be certified as a lidar operator until the Basic Law Enforcement Training Course has been completed and

~~probationary or general law enforcement certification has been granted. Sheriffs, deputy sheriffs and federal law enforcement personnel, including armed forces personnel, shall be allowed to participate in the lidar operator training courses on a space available basis at the discretion of the school director without having enrolled in or having completed the Basic Law Enforcement Training Course and without being currently certified in a probationary status or holding general law enforcement certification. The Lidar Operator Training Course~~

~~required for lidar operator certification shall include the topic areas and number of hours as outlined in the Lidar Operator Training Course. To qualify for lidar operator certification, an applicant shall meet the requirements as outlined in the Lidar Operator Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.~~

(c) The Lidar Operator Re-Certification Training Course shall be designed to provide the law enforcement officer with the skills and knowledge to continue to perform the functions of a lidar operator. This course shall be presented within a period not to exceed one week and shall consist of a minimum of four hours of instruction, including the following topic areas and minimum hours for each:

- | | | |
|-----|---|------------------|
| (1) | <u>Course Orientation</u> | <u>0.5 Hours</u> |
| (2) | <u>Legal and Operational Considerations</u> | <u>1 Hour</u> |
| (3) | <u>Motor-Skill Performance Testing</u> | <u>2.5 Hours</u> |

The number of hours required to complete the Motor-Skill Performance Testing topic area shall be based on the number of students and the number of instructors to ensure a minimum ratio of one instructor per six students.

(d) To be eligible for enrollment in the Lidar Operator Re-Certification Training Course, applicants shall meet the following requirements at the time of enrollment:

- (1) hold active law enforcement certification;
- (2) hold active lidar operator certification or have previously held active lidar operator certification within the 12 months prior to the scheduled end date of the course; and
- (3) hold active radar operator certification or be enrolled in a radar operator training course or a radar operator re-certification training course as outlined in 12 NCAC 09B .0212.

Federal law enforcement personnel who do not meet these requirements shall be eligible to participate in a lidar operator re-certification course at the discretion of the school director, but such personnel must have completed one introductory-level speed measurement instrument course that included instruction on the operation of lidar instruments. Courses that meet this requirement include those described in Paragraph (a) of this Rule and those described in 12 NCAC 09B .0242(a).

(e) If the Governor declares a State of Emergency pursuant to G.S. 166A- 19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:

- (1) Whether instruction has begun in the course or whether course initiation may be postponed;

12 NCAC 09B .0242 CERTIFICATION AND RE-CERTIFICATION TRAINING FOR RADAR/LIDAR OPERATORS

(a) The radar/lidar operator training course for law enforcement officers shall be designed to provide the trainee with the skills and knowledge to perform the function of a radar and lidar operator. This course shall be for a period not to exceed four consecutive weeks, weeks, and shall consist of a minimum of 36 hours of instruction and shall include the following topic areas and minimum hours for each:

- | | | |
|-----|--|------------------|
| (1) | <u>Course Orientation</u> | <u>0.5 hours</u> |
| (2) | <u>Introduction to Radar/Lidar Training</u> | <u>0.5 Hours</u> |
| (3) | <u>Speed Offenses and Speed Enforcement</u> | <u>2 Hours</u> |
| (4) | <u>Basic Principles of Radar/Lidar Speed Measurement</u> | <u>6 Hours</u> |
| (5) | <u>Legal and Operational Considerations</u> | <u>5 Hours</u> |

- (2) The risk of harm to students that may be caused by continuation of the course;
- (3) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;
- (4) The specific need for the waiver; and
- (5) The degree of benefit to the public in allowing a break in instruction.

Notice of waivers granted pursuant to the Section shall be posted on the CJETS website <https://ncdoj.gov/law-enforcement-training/criminal-justice/>. The waivers granted pursuant to this Section shall only apply to courses that began or were in progress during the effective period of the State of Emergency.

(e) The "Lidar Operator Training Course" as published by the North Carolina Justice Academy shall be applied as basic curriculum for the Lidar Operator Training Course for lidar operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tyron Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27602

and may be obtained at cost from the Academy at the following address: North Carolina Justice Academy
Post Office Box 99
Salemberg, North Carolina 28385

Authority G.S. 17C-6.

(6)	<u>Familiarization and Operation of Specific Radar and Lidar Instruments</u>	<u>12 Hours</u>
(7)	<u>Courtroom Preparation</u>	<u>4 Hours</u>
(8)	<u>Motor-Skill Performance Testing</u>	<u>5 Hours</u>
(9)	<u>Course Review</u>	<u>1 Hour</u>

The number of hours required to complete each of the topic areas (6) Familiarization and Operation of Specific Radar and Lidar Instruments and (8) Motor-Skill Performance Testing shall be based on the number of students and number of instructors to ensure a minimum ratio of one instructor per six students.

weeks. If the Governor declares a State of Emergency pursuant to G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:

- (1) Whether instruction has begun in the course or whether course initiation may be postponed;
- (2) The risk of harm to students that may be caused by continuation of the course;
- (3) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;
- (4) The specific need for the waiver; and
- (5) The degree of benefit to the public in allowing a break in instruction.

Notice of waivers granted pursuant to the Section shall be posted on the CJETS website <https://ncdoj.gov/law-enforcement-training/criminal-justice/>. The waivers granted pursuant to this Section shall only apply to courses that began during the effective period of the State of Emergency.

(b) Only employed those individuals currently certified as a law enforcement officer or appointed personnel of a law enforcement agency may be enrolled in the radar/lidar speed measurement instrument operator training course. Such a trainee shall not be certified as a radar and lidar speed measurement instrument operator until the basic law enforcement training course has been completed and probationary or general law enforcement certification has been granted. Sheriffs, deputy sheriffs, and

federal law enforcement personnel, including armed forces personnel, shall be allowed to participate in a radar/lidar speed measurement instrument operator training course ~~courses on a space available basis~~ at the discretion of the school director without having enrolled in or having completed the basic law enforcement training course and without being currently certified in a probationary status or holding general law enforcement certification. The radar/lidar operator training course required for radar and lidar operator certification shall include the topic areas and number of hours as outlined in the Radar/Lidar Operator Training Course. To qualify for radar and lidar operator certification, an applicant shall meet the requirements as outlined in the Radar/Lidar Operator Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.

(c) The "Radar/Lidar Operator Training Course" as published by the North Carolina Justice Academy shall be applied as basic curriculum for the radar/lidar operator training course for radar and lidar instrument operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27602

and may be obtained at cost from the Academy at the following address:

North Carolina Justice Academy
Post Office Box 99
Salemberg, North Carolina 28385

(c) The Radar/Lidar Operator Re-Certification Training Course shall be designed to provide the law enforcement officer with the skills and knowledge to continue to proficiently perform the function of a radar and lidar operator. This course shall be presented within a period not to exceed one week and shall consist of a minimum of eight hours of instruction, including the following topic areas and minimum hours for each:

(1)	<u>Course Orientation</u>	<u>0.5 Hours</u>
(2)	<u>Legal and Operational Considerations</u>	<u>2.5 Hours</u>
(3)	<u>Motor-Skill Performance Testing</u>	<u>5 Hours</u>

The number of hours required to complete the Motor-Skill Performance Testing topic area shall be based on the number of students and number of instructors to ensure a minimum ratio of one instructor per six students.

(d) To be eligible for enrollment in the Radar/Lidar Operator Re-Certification Training Course, applicants shall meet the following requirements at the time of enrollment:

- (1) hold active radar operator certification or have previously held active radar operator certification within 12 months prior to the scheduled end date of the course; and

- (2) hold active lidar operator certification or have previously held active lidar operator certification within the 12 months prior to the scheduled end date of the course.

Federal law enforcement personnel who do not meet these requirements shall be eligible to participate in a radar/lidar operator re-certification course at the discretion of the school director, but such personnel must have completed one or more introductory level speed measurement instrument course that included instruction on operation of radar instruments and lidar instruments. Courses that meet this requirement include those

described in Paragraph (a) of this Rule, 12 NCAC 09B .0212(a), and 12 NCAC 09B .0238(a).

(e) If the Governor declares a State of Emergency pursuant to G.S. 166A- 19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:

- (1) Whether instruction has begun in the course or whether course initiation may be postponed;
- (2) The risk of harm to students that may be caused by continuation of the course;
- (3) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;
- (4) The specific need for the waiver; and
- (5) The degree of benefit to the public in allowing a break in instruction.

Notice of waivers granted pursuant to the Section shall be posted on the CJETS website <https://ncdoj.gov/law-enforcement-training/criminal-justice/>. The waivers granted pursuant to this Section shall only apply to courses that began during the effective period of the State of Emergency.

Authority G.S. 17C-6.

SECTION .0300 - MINIMUM STANDARDS FOR CRIMINAL JUSTICE INSTRUCTORS

12 NCAC 09B .0301 CERTIFICATION OF INSTRUCTORS

(a) A person participating in a ~~Commission-certified~~ Commission-approved criminal justice training course or program as an instructor, teacher, professor, lecturer, or other participant making presentations to the class shall first be certified by the Commission as an instructor.

(b) The Commission shall certify instructors under the following categories: General Instructor Certification, Specialized Instructor Certification, or Professional Lecturer Certification as outlined in Rules .0302, .0304 and .0306 of this Section. Instructor certification shall be granted on the basis of documented qualifications of experience, education, and training in accordance with the requirements of this Section and as stated on the applicant's Application for Instructor or Professional Lecturer Certification, ~~F-12~~, pursuant to 12 NCAC 09I .0101. ~~The Application for Instructor or Professional Lecturer F-12 shall contain:~~

- (1) ~~name of applicant/instructor;~~
- (2) ~~address, phone, email address, date of birth, age, last four of Social Security Number, and Acadis number;~~
- (3) ~~current agency/firm, status (Retired, Civilian, Sworn), agency address, and business phone number;~~
- (4) ~~type of instructor certification applying for;~~
- (5) ~~supporting documents for specific certification sought;~~
- (6) ~~highest education level, school attended, school location, and graduation date;~~
- (7) ~~criminal justice experience;~~

- (8) ~~signature of applicant/instructor;~~
- (9) ~~school, course title, hours taught, course date(s) and whether course was a requirement of Mandatory In Service Training; and~~
- (10) ~~signature of certifying School Director or In-Service Training Coordinator, school or agency, phone number, and email address.~~

(c) In addition to all other requirements of this Section, each instructor certified by the Commission to teach in a ~~Commission-certified~~ Commission-approved course shall remain competent in his or her specialized areas. Such competence shall include remaining current in the instructor's area of expertise, which shall be demonstrated by attending and completing all updated instructor training courses required by the Commission.

(d) If a person certified as an instructor by the Commission has knowingly and willfully violated any provision or requirement of the rules in this Subchapter, the Commission shall take action to correct the violation and to ensure that the violation does not recur. The following action shall be taken by the Commission:

- (1) issue an oral warning and request for compliance; or
- (2) issue a written warning and request for compliance; or
- (3) issue an official written reprimand; or
- (4) suspend the individual's certification for no more than three years; or
- (5) revoke the individual's certification.

(e) The Commission shall deny, suspend, or revoke an instructor's certification when the Commission finds that the person:

- (1) has failed to meet and maintain any of the requirements for qualification;
- (2) has failed to remain competent in the person's areas of expertise;
- (3) has failed to deliver training in a manner consistent with the instructor lesson plans outlined in the Rules .0209 and .0205 of this Subchapter;
- (4) has demonstrated "unprofessional personal" conduct in the delivery of Commission approved or mandated training. For the purposes of this Subparagraph, unprofessional personal conduct is identified as:
 - (A) job-related conduct that constitutes a violation of state or federal law;
 - (B) a conviction or commission of a criminal offense, as set out in 12 NCAC 09A .0204;
 - (C) the willful violation of rules of this Chapter;
 - (D) conduct that is detrimental to instruction in the Commission's mandated courses. Conduct is "detrimental to instruction" if the conduct is demeaning or disruptive to the learning environment;
 - (E) the physical or verbal abuse of a client or student who the instructor is teaching or supervising; or

- (F) falsification of an instructor application or other employment documentation;
- (5) is an instructor, School Director, or Qualified Assistant and is involved in the instruction of (for instructors) or oversight of (for School Directors and Qualified Assistants) a student with whom the instructor, School Director, or Qualified Assistant has a close personal relationship such as, familial, financial, dating, or sexual, even if consensual; and fails to take immediate and appropriate corrective action. Appropriate corrective action requires the instructor, School Director, or Qualified Assistant to notify his or her managing personnel in writing of the relationship and requires the instructor, School Director, or Qualified Assistant to stop instructing or overseeing the student with whom the relationship exists. The written notice to managing personnel shall be submitted to the Criminal Justice Standards Division within 10 days upon receipt and shall include:
- (A) school/agency name;
 - (B) name of course;
 - (C) name of instructor, School Director, or Qualified Assistant;
 - (D) name of student;
 - (E) name of managing personnel;
 - (F) nature of the relationship; and
 - (G) explanation of action taken to ensure the named instructor, School Director, or Qualified Assistant is not in violation of this Rule;
- (6) has knowingly and willfully obtained or attempted to obtain instructor certification by deceit, fraud, or misrepresentation;
- (7) has failed to meet or maintain good moral character as defined in: *In re Willis*, 288 N.C. 1, 215 S.E.2d 771, appeal dismissed, 423 U.S. 976 (1975); *State v. Harris*, 216 N.C. 746, 6 S.E.2d 854 (1940); *In re Legg*, 325 N.C. 658, 386 S.E. 2d 174 (1989); *In re Applicants for License*, 143 N.C. 1, 55 S.E. 635 (1906); *In re Dillingham*, 188 N.C. 162, 124 S.E. 130 (1924); *State v. Benbow*, 309 N.C. 538, 308 S.E.2d 647 (1983); and later court decisions that cite these cases as authority, and as required to discharge the duties of a criminal justice instructor;
- (8) has failed to deliver training in a manner consistent with the Qualified Retired Law Enforcement Officers Firearms Qualification Certification Program as found in 12 NCAC 09H .0102;
- (9) has knowingly and willfully aided or attempted to aid any person in obtaining qualification or certification under the Qualified Retired Law Enforcement Officers Firearms Qualification

- Certification Program by deceit, fraud, or misrepresentation;
- (10) has committed or been convicted of an offense that could result in the denial, suspension, or revocation of an officer's law enforcement certification, pursuant to 12 NCAC ~~09G .0504~~; 09A .0204; or
- (11) has knowingly made a material misrepresentation of any information required for certification or accreditation.
- (f) When a person certified as a criminal justice officer by the North Carolina Criminal Justice Education and Training Standards Commission (Commission), or the North Carolina Company/Campus Police Program, has been denied certification or had his or her certification suspended or revoked by a North Carolina, out of state or federal approving, certifying or licensing agency, the certified criminal justice officer shall report the suspension or revocation to the Criminal Justice Standards Division within five days.
- (g) Any instructor whose criminal justice officer certification or power to make arrests is suspended or revoked by the federal government, State of North Carolina or any subdivisions thereof, or by any other State or any subdivisions thereof, shall report the suspension or revocation to the Commission within five days of the officer's receipt of notice of the revocation or suspension.
- (h) Criminal justice officers certified as a General Instructor as outlined in this Rule shall have their general instructor certification automatically suspended or revoked for the same time period as his or her respective Commission criminal justice certification. The suspension or revocation of the general instructor certification shall also include suspension or revocation to any Commission recognized specialized or additional instructor certification, as outlined in Rule .0304 of this Section.
- (i) Any applicant for instructor certification whose criminal justice officer certification or power to make arrests has been denied, suspended, or revoked at any time by the federal government, State of North Carolina or any subdivisions thereof, or by any other State or any subdivisions thereof, shall report the suspension or revocation to the Commission at the time the application is submitted. This requirement is not withstanding any subsequent reinstatement of the certification or power to make arrests.

Authority G.S. 17C-6.

12 NCAC 09B .0305 TERMS AND CONDITIONS OF SPECIALIZED INSTRUCTOR CERTIFICATION

- (a) An applicant meeting the requirements for Specialized Instructor Certification as set forth in Rule .0304 of this Section shall be issued a certification to expire three years from the date of issuance. The applicant shall apply for certification as a Specialized Instructor within 60 days after the date the applicant achieved a passing score on the state comprehensive exam for the respective Specialized Instructor training course.
- (b) The instructor is required to instruct, within three years after Specialized Instructor Certification is issued, a minimum of 12 hours in each of the topics for which Specialized Instructor Certification was granted, and that instruction was provided in a ~~Commission-accredited~~ Commission-approved basic training,

Specialized Instructor Training, Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 10B .0601, .1302, or .2005.

(c) An application for renewal shall contain, in addition to the requirements listed in Rule .0304 of this Section, documentary evidence that the applicant has remained active in the instructional process during the previous three-year period. Such documentary evidence shall include the following:

- (1) proof that the applicant has, within the three-year period preceding application for renewal, instructed at least 12 hours in each of the topics for which Specialized Instructor Certification was granted, and that instruction was provided in a ~~Commission-accredited~~ Commission-approved basic training, Specialized Instructor Training, Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 10B .0601, .1302, or .2005. Acceptable documentary evidence shall include official Commission records submitted by School Directors or In-Service Training Coordinators and written attestation certification from a School Director or In-Service Training Coordinator;
- (2) proof that the applicant has, within the three-year period preceding application for renewal, attended and completed all instructor updates that have been issued by the Commission. Acceptable documentary evidence shall include official Commission records submitted by School Directors or In-Service Training Coordinators, or copies of certificates of completion issued by the institution which provided the instructor updates; and
 - (A) a favorable written recommendation from a School Director or In-Service Training Coordinator completed on an Application for Instructor and Professional Lecturer Certification Form ~~(Form F 12)~~ (Form F12), pursuant to 12 NCAC 09I .0102, stating the instructor taught at least 12 hours in each of the topics for which Specialized Instructor Certification was granted. The teaching shall have been provided in a ~~Commission-accredited~~ Commission-approved basic training, Specialized Instructor Training course, pursuant to Rule 12 NCAC 09C .0401, Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 09F .0101, 12 NCAC 09H, 12 NCAC 10B .0601, .1302, or .2005; ~~2005. The Application for Instructor and Professional Lecturer Certification (Form F 12) shall include the following: the applicant's name, address, phone, and email~~

~~address; the type of certification applying for; the applicant's education level; the applicant's signature; the Commission-accredited school or agency where the training was delivered; and the signature of the recommending school director or in-service training coordinator;~~

- (B) a favorable written evaluation by a School Director, Qualified Assistant, In-Service Training Coordinator, or another Specialized Instructor certified in the same specialized subject, based on an on-site classroom evaluation of a presentation by the instructor in a Commission-accredited basic training, Specialized Instructor Training, Commission-recognized in-service training course, or in-service training course delivered pursuant to 12 NCAC 10B .0601, .1302, or .2005 during the three-year period of Specialized Instructor Certification. Such evaluation shall be presented ~~certified~~ on a Criminal Justice Instructor Evaluation Form F-16, pursuant to Rule .0202 of this ~~Subchapter~~, Subchapter, and 12 NCAC 09I .0102;
- (C) proof that the individual applying for renewal as a Specialized Firearms Instructor has achieved a minimum score of 92 on the day and night Basic Law Enforcement Training firearms qualification courses, administered by a certified Specialized Firearms Instructor, within the three-year period preceding the application for renewal;
- (D) proof that the individual applying for renewal as a Specialized Physical Fitness Instructor has passed the Basic Law Enforcement Training Police Officer Physical Abilities Test, administered by a certified Specialized Physical Fitness Instructor, within the three-year period preceding the application for renewal.
- (E) proof that the individual applying for renewal as a Specialized Driver Instructor has achieved the following minimum scores ~~in accordance with the procedural and evaluative requirements listed in the "Course Description Packet (CDP) for Driver Instructor Certification Renewal" as published by the North Carolina Justice Academy~~ within the three-year period preceding the application for renewal. The individual applying for

renewal must achieve a minimum score of 85 on two out of three attempts for the "Off-Set Lane Maneuver" and "Serpentine" courses during the daytime, a minimum score of 85 on two out of three attempts for the "Precision" course during both day and night evaluation, a score of "Pass" on two out of three attempts for each command for the "Evasive Action/Maneuver" course during the daytime, and a score of Pass on two out of three attempts in each direction for the "Fixed Radius Curve" course during the daytime. Evaluations will be administered by a certified Specialized Driving Instructor.

- (F) proof that the individual applying for renewal as a Specialized ~~Subject Control Arrest Techniques Instructor~~ or Compliance and Control Techniques Instructor (CCT) has satisfactorily completed the technique evaluations skills of the Basic Law Enforcement Training ~~SCAT or CCT courses~~, course, administered by a certified Specialized ~~SCAT or CCT~~ Instructor, within the three-year period preceding the application for renewal.
- (3) Acceptable documentary evidence for proof of completion requirements as specified in Part (c)(2)(A)-(F) of this rule shall include the practical skill assessment submitted by School Directors or In-Service Training Coordinators and written attestation ~~certification~~ from a School Director or In-Service Training Coordinator;

(d) Certification as a Specialized Instructor in the Standard Field Sobriety Testing, First Responder, Physical Fitness, Explosive and Hazardous Materials, and Juvenile Justice Medical Emergencies topic areas as outlined in Rule .0304(e), (h), (k), and (l) of this Section shall remain in effect for 36 months from the date of issuance. During the 36 month term all non-Commission certificates required in Rule .0304(e), (h), (k), and (l) of this Section for Specialized Instructor certification in the Standard Field Sobriety Testing, First Responder, Physical Fitness, Explosive and Hazardous Materials, and Juvenile Justice Medical Emergencies topical areas shall be maintained.

(e) Individuals who hold Specialized Instructor certification may, for just cause, be granted an extension of the three-year period to teach the 12 hour minimum requirement, pursuant to Paragraph (b) of this Rule. The Director may grant such extensions on a one-time basis only not to exceed 12 months. For purposes of this Rule, just cause means accident, illness, emergency, course cancellation, or other exceptional circumstances which precluded the instructor from fulfilling the teaching requirement.

(f) Upon expiration of their Specialized Instructor certification, instructors have 90 days to submit renewal documentation to the Division for review and approval. During this 90-day period,

instructors are not permitted to teach any Commission-approved courses or blocks of instruction that require instruction by a Specialized Instructor. The Director may, for just cause, grant an extension of the 90-day period in which an instructor's renewal application must be submitted, however, such extension shall not exceed 12 months and shall not extend the instructor's certification period beyond its specified expiration period.

~~(e)(g)~~ Those individuals who have previously held Specialized Instructor Certification and have not exceeded a three year time period from when his or her Specialized Instructor Certification expired are eligible to apply ~~reapply~~ for re-issuance of the previously held Specialized Instructor Certification. An application for re-issuance shall contain documentation that the applicant:

- (1) holds a current General Instructor certification;
- (2) has completed the pre-qualification skills assessment for that specialty;
- (3) has passed the state examination for that specialty with a minimum score of 75; and
- (4) has maintained non-Commission certificates required in Rule .0304(e), (h), (k), and (l) of this Section for Specialized Instructor certification in the Standard Field Sobriety Testing, First Responder, Physical Fitness, Explosive and Hazardous Materials, and Juvenile Justice Medical Emergencies topical areas.

~~(f)(h)~~ Applicants for re-issuance of the Specialized Instructor Certification shall have one opportunity to pass the prequalification skills assessment and the state examination for that specialty. Should an applicant not achieve a passing score on either the prequalification skills assessment or the state examination for that specialty, the applicant shall complete the specific Specialized Instructor Course in its entirety.

~~(g)(i)~~ Applicants whose Specialized Instructor Certification is suspended or revoked shall not qualify for re-issuance. The applicant shall complete the specific Specialized Instructor Course in its entirety.

~~(h)(j)~~ After re-issuance of certification, the instructor shall complete eight hours of evaluated instruction in the specialty where re-issuance of certification is sought, as documented on an F-16 located on the agency's website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>. The eight hours of instruction shall be taught within 60 days of the Specialized Instructor Certification being reissued and evaluated by a Specialized Instructor certified in that specialty. Failure to complete the required eight hours of evaluated instruction will result in the reissued Specialized Instructor Certification being revoked.

Authority G.S. 17C-6.

SECTION .0400 - MINIMUM STANDARDS FOR COMPLETION OF TRAINING

12 NCAC 09B .0408 COMPREHENSIVE WRITTEN STATE EXAMINATION – ~~BASIC SMI OPERATOR~~ CERTIFICATION

(a) Within 60 days of the conclusion of the classroom instruction portion of a school's offering of any speed measuring

~~measurement~~ instrument (SMI) operator course or re-certification course, the Commission shall administer a comprehensive ~~state written~~ examination to each trainee who has completed all of the required course work. The examination shall be an objective test covering the topic areas contained in the certified course curriculum, pursuant to 12 NCAC 09B .0212, .0238, and .0242.

(b) A trainee of a radar, lidar, or radar/lidar operator training shall achieve a passing score on the comprehensive state examination upon answering a minimum of 70 percent of the questions correctly. A trainee who fails to achieve a passing score on a RADAR, LIDAR, or RADAR/LIDAR operator training comprehensive state examination shall be eligible to request re-examination with the following conditions:

- (1) The trainee must have achieved a minimum score of 60 percent on the initial examination;
- (2) The trainee's request for re-examination shall be made in writing on the Commission's Examination Request Form (F-23) pursuant to 12 NCAC 09B .0406(c), and shall be received by the Standards Division within 15 days of the initial examination;
- (3) The trainee shall have, within 30 days of the date of initial examination, only one opportunity for re-examination; and
- (4) The student must have completed each motor-skill and performance area of the course curriculum.

A trainee who fails to achieve the minimum passing score of 70 percent on the re-examination, or who fails to achieve a minimum score of 60 percent on the initial examination, shall not be eligible for SMI operator certification until a subsequent SMI operator training course offering and examination are completed.

(c) A trainee of a RADAR operator re-certification, LIDAR operator re-certification, or RADAR/LIDAR operator re-certification training course, pursuant to Paragraph (a) of this Rule, shall achieve a passing score on the comprehensive state examination upon answering a minimum of 75 percent of the questions correctly. At the time a trainee fails to achieve the minimum passing score, the trainee's SMI operator certifications shall be immediately revoked, and the trainee shall not be eligible for re-certification until a subsequent SMI operator training course offering and further examination is completed.

~~(b) The examination shall be an objective test covering the topic areas contained in the certified course curriculum.~~

~~(c) The Commission's representative shall submit to the school director within five business days of the administration of the examination a report of the results of the test for each candidate for certification.~~

~~(d) A trainee shall pass the operator training course as required in 12 NCAC 09B .0212, .0213, .0214, .0238, .0242, or .0244 by achieving 70 percent correct answers.~~

~~(e) An operator seeking recertification shall pass the operator training recertification course as specified in 12 NCAC 09B .0220, .0221, .0222 .0240, .0243, or .0245 by achieving 75 percent correct answers.~~

~~(f) A trainee who has participated in a scheduled delivery of a certified training course and has demonstrated 100 percent competence in each motor skill or performance area of the course curriculum, but has failed to achieve a passing score, as specified in Paragraph (d) of this Rule, on the Commission's comprehensive written examination, may request the Director of the Standards Division to authorize a re-examination of the trainee under the following requirements:~~

~~(1) The trainee's request for re-examination shall be made in writing on the Commission's Re-Examination Request form, located on the agency's website: <http://www.ncdoj.gov/getdoc/b38b7eee-e311-4ec3-8fd9-bd8fd58f6281/SMI-6-Reexam-6-11.aspx>. The Re-Examination Request form shall be received by the Standards Division within 30 days of the examination;~~

- ~~(2) The trainee's request for re-examination shall include the favorable recommendation of the school director who administered the course;~~
- ~~(3) A trainee shall have, within 60 days of the original examination, only one opportunity for re-examination and shall achieve a passing score on the subsequent examination; and~~
- ~~(4) The trainee shall be notified by the Standards Division staff of a place, time, and date for re-examination.~~

~~(g) If the trainee fails to achieve the minimum score as specified in Paragraph (d) of this Rule on the re-examination, the trainee may not be recommended for certification and shall enroll and complete a subsequent course offering before further examination may be permitted.~~

Authority G.S. 17C-6.

12 NCAC 09B .0409 SATISFACTION OF TRAINING - SMI OPERATORS

(a) To satisfy the training requirements for operator certification, a trainee shall complete all of the following:

- (1) achieve a minimum score of 70 percent correct answers on the comprehensive state examination as outlined in 12 NCAC 09B .0408; comprehensive written examination, provided for in 12 NCAC 09B .0408(d);
- (2) demonstrate successful completion of a Commission-approved of a certified offering of courses course as prescribed under 12 NCAC 09B .0212(a), .0238(a), or .0242(a) as evidenced by a completed Post Delivery Form (F-10B) pursuant to 12 NCAC 09I .0102; .0212, .0213, .0214, .0215, .0238, .0242, or .0244 as shown by the certification of the school director;
- (3) demonstrate 100 percent proficiency in the motor-skill and performance subject areas as demonstrated to a certified Speed Measurement Instrument (SMI) instructor and further as evidenced on through documentation on the Commission's SMI-1 form for radar instruments and SMI-13 form for lidar instruments, pursuant to 12 NCAC 09I .0106;

- (4) ~~SMI forms and by the subscribing instructor's certification of trainee competence;~~ present evidence showing prior North Carolina certification in a Commission certified operator training course as prescribed in 12 NCAC 09B .0212 .0213, .0214, .0238, .0242, .0244 or present evidence showing prior certification that meets or exceeds North Carolina certification, or present evidence showing completion of 12 hours of supervised field practice within 90 days after completing a Commission certified RADAR or RADAR/LIDAR operator training course as prescribed in 12 NCAC 09B .0212 and .0242. Evidence of completion shall consist of a completed SMI-15 form pursuant to 12 NCAC 09I .0106. Individuals applying for SMI operator certification may request an extension of up to 12 months for the 90-day requirement to complete the 12 hours of supervised field practice. The Director shall grant the extension request upon a showing of just cause which, for the purposes of this rule includes, accident, illness, emergency, course cancellation, or other exceptional circumstance that prevents the applicant from completing the required supervised field practice time; .0213, .0242, .0244; and
- (5) Individuals shall be exempt from some or all of the 12 hours of supervised field practice upon presenting evidence of having completed the required supervised field practice, pursuant to Subparagraph (b)(5) of this Rule, at a prior date. Evidence shall include a completed SMI-14 form, pursuant to 12 NCAC 09I .0106, and a copy of the individual's prior SMI operator or instructor certification which lists the instruments and modes which the officer is certified to operate.
- (5) ~~Individuals applying for SMI operator certification may request an extension of the 90 day requirement to complete the 12 hours of supervised field practice required pursuant to Subparagraph (a)(4) of this Rule. The requested extension shall not exceed 12 months. The Director shall grant the extension request upon a showing of just cause. For purposes of this Rule, "just cause" means an accident, illness, emergency, course cancellation, or other exceptional circumstance that prevents the applicant from completing the required supervised field practice time.~~
- (b) Any trainee failing to achieve 100 percent proficiency in the motor-skill area may request ~~written permission from the Director of the Standards Division for re-examination. The trainee's request for re-examination shall be made in writing and must be received by the Standards Division within 30 re-~~ examination within 15 days of the original examination. The trainee's request for re-examination shall consist of a completed
- F-23 Exam Admission Form, pursuant to 12 NCAC 09I .0102. include the favorable recommendation of the school director who administered the course. A trainee shall have, within 30 90 days of the original examination, only one opportunity for motor-skill re-examination and must satisfactorily complete each identified area of deficiency on the original motor-skill examination. The trainee shall be notified by the Standards Division staff of a place, time and date for re-examination. If the trainee fails to achieve the prescribed score on the examination, the trainee's active SMI operator certifications shall be immediately revoked, and the trainee shall not be eligible recommended for certification or re-certification until a subsequent SMI operator training course offering is completed, as prescribed under 12 NCAC 09B .0212(a), .0238(a), or .0242(a) and further examination is completed, and shall enroll and complete a subsequent course offering in its entirety before further examination may be permitted.
- (c) The 12 hours of supervised field practice shall be completed as follows:
- (1) Within 90 days after completing a RADAR training course as prescribed under 12 NCAC 09B .0212, .0215, and .0242;
 - (2) The trainee must conduct the 12 hours of field practice using the radar instrument with the most modes, pursuant to 12 NCAC 09C .0308(h), that the trainee is seeking certification to operate;
 - (3) The trainee shall operate the police vehicle and the radar instrument while being supervised by a currently certified radar instructor or operator who is certified to operate the radar instrument used by the trainee during the field practice;
 - (4) Speed measuring instruments shall not be used to enforce speed violations by the trainee or by the supervising radar operator or instructor during the 12 hours of field practice;
 - (5) The 12 hours of field practice shall be completed according to the following time requirements:
 - (A) for trainees seeking certification with a dual antenna unit and with stationary, moving-opposite direction, and moving-same direction modes: 120 minutes in each mode while using the front antenna and 120 minutes in each mode while using the rear antenna;
 - (B) for trainees seeking certification with a dual antenna unit and with stationary and moving-opposite modes only: 180 minutes in each mode while using the front antenna and 180 minutes in each mode while using the rear antenna;
 - (C) for trainees seeking certification with a dual antenna unit and with stationary mode only: 360 minutes in stationary mode while using the front

antenna and 360 minutes in stationary mode while using the rear antenna;
(D) for trainees seeking certification with a single antenna unit and with stationary, moving-opposite direction, and moving-same direction modes: 240 minutes in each mode while

using the front antenna;
(E) for trainees seeking certification with a single antenna unit and with stationary and moving-opposite modes only: 360 minutes in each mode while using the front antenna;
or

(F) for trainees seeking certification with a single antenna unit and with stationary mode only: 720 minutes in stationary mode while using the front antenna.

(d) To satisfy the training requirements for operator re-certification, an operator seeking re-certification shall:

- (1) Achieve a score of 75 percent correct answers on the comprehensive ~~written state~~ examination provided for in 12 NCAC 09B .0408(c); ~~.0408(e);~~
- (2) Complete a Commission-approved course. Demonstrate successful completion of a certified offering of courses prescribed under 12 NCAC 09B .0210(d), .0212(c), .0237(d), .0238(c), or .0242(c) .0218, .0219, .0220, .0221, .0222, .0239, .0240, .0243, or .0245 as shown by presentation of a form F-10B, pursuant to 12 NCAC 09I .0102; the ~~certification of the school director; and~~
- (3) Satisfy all motor-skill requirements as required in Subparagraph (a)(3) of this ~~Rule; and Rule.~~
- (4) For individuals seeking certification to operate instruments with additional modes than currently or previously certified to operate, complete 240 minutes of supervised field practice for each additional mode. For dual antenna instruments, 120 of the 240 minutes must be completed using each antenna.

~~(d) At the time a trainee seeking operator re-certification fails to achieve the prescribed requirements on the comprehensive written examination as specified in 12 NCAC 09B .0409(e)(1), certification of the officer automatically and immediately terminates and that officer shall not be re-certified until successful completion of a subsequent course offering as prescribed under either 12 NCAC 09B .0212, .0213, .0214, .0238, .0242, or .0244 before further examination is permitted.~~

~~(e) At the time a trainee seeking operator re-certification fails to achieve the prescribed motor skill requirements as specified in 12 NCAC 09B .0409(e)(3), certification of the officer automatically and immediately terminates and that officer shall not be re-certified until successful completion of the required motor skill testing. Provided, however, such an officer may request re-examination as prescribed in Paragraph (b) of this Rule.~~

Authority G.S. 17C-6.

12 NCAC 09B .0414 COMPREHENSIVE STATE EXAM – SPECIALIZED INSTRUCTOR TRAINING

(a) The Commission shall administer a comprehensive state examination within 60 days of the completed required course work for the following courses:

- (1) Specialized Firearms Instructor Training;
- (2) Specialized Driver Instructor Training;
- (3) Specialized Compliance and Control Tactics Instructor Training;
- (4) Specialized Physical Fitness Instructor Training;
- (5) Specialized Explosives and Hazardous Materials Emergencies Instructor Training;
- (6) Radar Instructor Training;
- (7) ~~Criminal Justice Time Distance/Speed Measurement Instrument (TD/SMI) Instructor Training;~~
- ~~(8)(7)~~ LIDAR Instructor Training;
- ~~(9)(8)~~ Re-Certification Training for Radar Instructors; and
- ~~(10)~~ Re-Certification Training for TD/SMI Instructors; and
- ~~(11)(9)~~ Re-Certification Training for LIDAR Instructors.

(b) The examination shall be an objective test covering the topic areas contained in the ~~certified~~ approved course curriculum.

~~(e) The Commission's representative shall submit to the school director within five business days of the administration of the examination a report of the results of the test for each trainee examined.~~

~~(d)(c)~~ A trainee shall achieve a passing score on the comprehensive state examination if he or she achieves ~~75~~ 80 percent correct answers.

~~(e)(d)~~ A trainee who has achieved a minimum score of 70 percent but below the passing score of 80 percent on the comprehensive state examination is eligible for a re-examination of the comprehensive state examination.

~~(e)~~ Trainees enrolled in a RADAR or LIDAR Instructor Re-Certification Course must achieve a minimum score of 80 percent on the comprehensive state examination. Those who do not meet this requirement are ineligible for a retest and must instead re-enroll and complete the next available Speed Measuring Instrument Operator and Instructor courses corresponding to the certification they are seeking.

~~(e)(f)~~ A trainee who fails to achieve a minimum score of ~~75~~ 70 percent on the Commission's comprehensive state examination shall enroll and complete a subsequent offering of the specialized instructor training course before further examination may be permitted.

Authority G.S. 17C-6; 17C-10.

SECTION .0500 - MINIMUM STANDARDS FOR CRIMINAL JUSTICE SCHOOL DIRECTORS

12 NCAC 09B .0501 CERTIFICATION OF SCHOOL DIRECTORS

(a) Any person designated to act as, or who performs the duties of, a School Director in the delivery or presentation of a ~~Commission-certified~~ Commission-approved criminal justice training course shall be and continuously remain certified by the Commission as a school director.

(b) To qualify for initial certification as a School Director, an applicant shall:

- (1) hold current General Instructor certification as issued by the North Carolina Criminal Justice Education and Training Standards Commission;
- (2) furnish documentary evidence to the Standards Division of high school, college, or university graduation as outlined in 12 NCAC 09B .0106.
- (3) attend or must have attended the most current offering of the School Director's orientation as developed and presented by the Commission staff, otherwise an individual orientation with a staff member shall be required; and
- (4) submit a Form F-10 School Director/Qualified Assistant ~~Application~~ Application, pursuant to 12 NCAC 09I.0104, to the Commission for the issuance of such certification. This application shall be executed by the executive officer of the institution or agency currently ~~certified, accredited,~~ or which may be seeking ~~certification,~~ accreditation by the Commission to make presentation of ~~certified~~ Commission-approved training programs and for whom the applicant will be the designated School Director. ~~The F-10 School Director/Qualified Assistant Application shall contain:~~

- (A) ~~the name of the appointing institution or agency;~~
- (B) ~~the name, date of birth, social security number (last 4 numbers), phone number, email, instructor certification number, location, and the date the applicant completed orientation training;~~
- (C) ~~the applicant's educational background, specifically, the dates of attendance, the institution attended, and the degree or diploma attained from each institution;~~
- (D) ~~the applicant's criminal justice experience, specifically, the agency for which the applicant worked, the applicant's duties in each position, and the dates of employment. The applicant shall have acquired four years of practical experience as a criminal justice officer or as an administrator or specialist in a field directly related to the criminal justice system. At least one year of the required four years experience must~~

~~have been while actively participating in criminal justice training as a Commission-certified instructor;~~

(E) ~~the signature of the applicant certifying the accuracy of the contents of the application, and~~

(F) ~~the signature of the appointing institution's executive officer signifying recommendation of an applicant to be a School Director; or~~

(G) ~~the signature of the School Director signifying recommendation of an applicant to be a Qualified Assistant.~~

(c) In addition to the requirements identified in Paragraph (b) of this Rule, to qualify for certification as a School Director in the presentation of the Criminal Justice Instructor Training Course, an applicant shall document completion of the Instructor Training Orientation presented by the North Carolina Justice Academy on delivery of instructor training course and student evaluations.

Authority G.S. 17C-6.

SUBCHAPTER 09C - ADMINISTRATION OF CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS

SECTION .0300 - CERTIFICATION OF CRIMINAL JUSTICE OFFICERS

12 NCAC 09C .0308 SPEED MEASURING MEASUREMENT INSTRUMENT (SMI) OPERATORS CERTIFICATION PROGRAM

(a) ~~Every person employed~~ Only those individuals currently certified as a law enforcement or appointed by the state or any political subdivision thereof as a law enforcement officer personnel of a law enforcement agency who uses a Speed Measuring Instrument for enforcement purposes shall hold certification from the Commission authorizing the officer to operate the speed measuring instrument. Certification in one or more categories reflects operational proficiency in the designated type(s) of approved equipment for which the trainee has been examined and tested.

(b) Standards Division staff shall issue SMI certification in ~~one~~ of the following categories:

- (1) RADAR operator speed ~~measurement~~ measuring instrument (SMI) certification or re-certification requiring ~~successful~~ completion of the training program as required in 12 NCAC 09B .0210, .0212, .0213, .0218, or .0242; .0220, .0221, .0242, .0243, .0244, or .0245;
- (2) ~~time distance speed measurement instrument operator certification or re certification~~ requiring ~~successful~~ completion of the training program as required in 12 NCAC 09B .0211, .0213, .0214, .0219, .0221, .0222, .0244, or .0245;
- (3)(2) LIDAR speed measurement instrument operator certification or re-certification requiring ~~successful~~ completion of the training program as required in 12 NCAC 09B .0237,

~~.0238, .0239, or .0242; .0240, .0242, .0243, .0244, or .0245.~~

(c) ~~Certification in one or more categories reflects operational proficiency in the designated type(s) of approved equipment for which the trainee has been examined and tested. Such certification is for a three year period from the date of issue and re-certifications is for a three year period from the date of issue, unless sooner terminated by the Commission. The applicant shall meet the following requirements for SMI operator certification or re-certification within 90 days of the course completion: completion and upon the presentation of documentary evidence showing that the applicant:~~

- (1) ~~have completed course requirements as outlined in 12 NCAC 09B .0212, .0238, or .0242;~~
- (2) ~~have passed the appropriate comprehensive state exam as prescribed in 12 NCAC 09B .0408;~~
- (3) ~~have completed the 12 hours of field practice training as outlined in 12 NCAC 09B .0409; and meet one of the following requirements:~~
 - (A) ~~hold active certification as a law enforcement officer; or~~
 - (B) ~~be employed as a sheriff, deputy sheriff, or other sworn appointee with arrest authority governed by the provisions of G.S. 17E and be in compliance with the employment and training standards as established by the North Carolina Sheriffs' Education and Training Standards Commission;~~
- (4) ~~has successfully completed the training program as required in 12 NCAC 09B .0210, .0211, .0212, .0213, .0214, .0218, .0219, .0220, .0221, .0222, .0237, .0238, .0239, .0240, .0242, .0243, .0244, or .0245; and~~
- (2) ~~has successfully completed a Commission-certified basic law enforcement training course as required in 12 NCAC 09B .0400 and is currently certified in a probationary status or holds general law enforcement certification; or~~
- (3) ~~if the applicant is a sheriff, deputy sheriff, or other sworn appointee with arrest authority governed by the provisions of G.S. 17E has met and is in compliance with the employment and training standards as established and made effective for such position by the North Carolina Sheriffs' Education and Training Standards Commission.~~

(d) Certified SMI operators shall be notified by email via the North Carolina Justice Training and Certification portal by the Commission not less than 90 days prior to the expiration of certification. All applicants for re-certification shall successfully complete a Commission-approved re-certification course within 12 months from the expiration of the previous certification. ~~If re-certification is not obtained within the 12-month period, successful completion of the appropriate operator training programs as required by 12 NCAC 09B .0409(a) shall be~~

~~required to obtain operator certification.~~ This prescribed 12 month period shall not extend the operator certification period beyond its specified expiration date. When a re-certification course is successfully completed prior to the expiration of the previous certification, the new certification shall be issued by the Criminal Justice Standards Division effective upon the receipt and review by Division staff of the required documentation outlined in 12 NCAC 09B .0409, ~~of the Post-Delivery Report of Training Course Presentation.~~ Operator re-certification shall be issued only to officers with active law enforcement certification. ~~(e) Operator re-certification shall be issued only to officers with current law enforcement certification.~~

(e) If re-certification is not obtained within the prescribed 12-month period, the officer is no longer eligible for re-certification and must meet the requirements of initial operator certification, including completion of a RADAR, LIDAR, or RADAR/LIDAR operator training course as outlined in 12 NCAC 09B .0212(a), 12 NCAC 09B .0238(a), and 12 NCAC 09B .0242(a).

(f) RADAR operator certification is valid for a three-year period from the date of issue. Re-certification is also valid for a three-year period from the date of issue, unless sooner terminated by the Commission.

(g) LIDAR operator certification and re-certification shall only be issued when the applicant holds active RADAR operator certification. The expiration date of LIDAR operator certification and re-certification shall match the expiration date of the applicant's radar operator certification.

(h) An individual's SMI operator certification shall apply only to the instruments and modes of operation with which the individual has proven proficiency in the motor-skill and performance subject areas, pursuant to 12 NCAC 09B .0409(a)(3), during an SMI operator course pursuant to 12 NCAC 09B .0212, .0215, .0238, and .0242. Modes of operation include: stationary, moving-same direction, and moving-opposite direction.

~~(f) All certifications issued pursuant to this Rule and the standards in effect between November 1, 1981 and July 1, 1982 shall continue with full force and effect; however, said certifications are subject to the provisions of 12 NCAC 09C .0308(d) and (e).~~

Authority G.S. 17C-6.

12 NCAC 09C .0311 RECERTIFICATION FOLLOWING SEPARATION

(a) Previously certified juvenile court counselors, Chief Court Counselors, and juvenile justice officers with who have completed a minimum of one year of service with the North Carolina Department of Public Safety/Division of Juvenile Justice prior to separation and who have been separated from the North Carolina Department of Public Safety ~~Safety/Division of Juvenile Justice~~ for less than three years may have their certification reinstated to a probationary status following a reverification of employment standards as outlined in 12 NCAC 09B .0116 and ~~.0117, but .0117.~~ These individuals shall be ~~are~~ exempt from the completion of job appropriate the basic training course as described in 12 NCAC 09B .0235 and ~~.0236. .0236,~~ provided the basic training was completed prior to separation.

(b) Previously certified juvenile court counselors, Chief Court Counselors, and juvenile justice officers ~~with who served~~ less than one year with the North Carolina Department of Public Safety/Division of Juvenile Justice prior to separation and of service who have been separated from the North Carolina Department of Public Safety for less than two years may have their certification reinstated following a reverification of employment standards as outlined in 12 NCAC 09B .0116 and .0117. These individuals ~~and~~ shall complete the job ~~appropriate~~ basic training course as described in 12 NCAC 09B .0235 and .0236. .0236 unless the basic training course was successfully completed prior to separation; and the training occurred within 12 months of reinstatement.

(c) Previously certified juvenile court counselors, Chief Court Counselors, and juvenile justice officers who have been separated from the North Carolina Department of Public Safety/Division of Juvenile Justice for more than three years, regardless of the length of prior service, ~~upon their return~~ shall complete the verification of employment standards as outlined in 12 NCAC 09B .0116 and .0117 and shall complete the job ~~appropriate~~ basic training course described in 12 NCAC 09B .0235 and .0236.

Authority G.S. 17C-2; 17C-6; 17C-10.

SECTION .0600 - EQUIPMENT AND PROCEDURES

12 NCAC 09C .0601 APPROVED SPEED-MEASURING INSTRUMENTS

(a) Prior to approval as a speed-measuring instrument, the manufacturer of said instrument shall certify in writing to the Criminal Justice Standards Division that said instrument meets or exceeds the applicable standards set out in the "Model Performance Specifications for Police Traffic Radar Devices" as published by the National Highway Traffic Safety Administration, United States Department of Transportation (as in effect July 1, 1982) which is hereby incorporated by reference, and shall automatically include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. Copies of this publication may be obtained from the Department of Justice website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>.

(b) All speed-measuring instruments shall be evaluated by representatives from the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Department of Public Safety. A summary of the findings shall be submitted in writing to the Criminal Justice Standards Division's Speed Measurement Instrument Program Administrator.

The following procedures shall be adhered to for approval of speed-measuring instruments:

- (1) Prior to the inclusion as an approved speed-measuring instrument, the manufacturer of said instrument shall certify in writing to the Criminal Justice Standards Division that said instrument meets or exceeds the applicable standards set out in the "Model Performance Specifications for Police Traffic Radar Devices" as published by the National Highway

~~Traffic Safety Administration, United States Department of Transportation (as in effect July 1, 1982) which is hereby incorporated by reference, and shall automatically include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. Copies of this publication may be inspected at the office of the agency:~~

~~Criminal Justice Standards Division
North Carolina Department of Justice
114 West Edenton Street
Old Education Building
Post Office Drawer 149
Raleigh, North Carolina 27602~~

~~and may be obtained at no cost from the National Highway Traffic Safety Administration at the following address:~~

~~National Highway Traffic Safety Administration
400 Seventh Street,
SW Washington, DC 20590~~

~~The manufacturer shall provide evidence that the instrument meets or exceeds the applicable standards published by the National Highway Traffic Safety Administration, United States Department of Transportation.~~

- (2) ~~All speed-measuring instruments shall be evaluated by representatives from the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Department of Crime Control and Public Safety. A summary of the findings shall be submitted in writing to the Criminal Justice Standards Division's Speed Measurement Instrument Program Administrator.~~

- (3) ~~A current list of all approved speed-measuring instruments shall be included in Appendix "A" of the Supplement for Speed Measurement Instrument Training Courses published by the North Carolina Justice Academy.~~

- (4) ~~The "Speed Measurement Instrument Operator Training Course Manuals" as published by the North Carolina Justice Academy shall be applied as the basic curriculum for the speed-measuring instrument operator training courses for speed-measuring instrument operators as administered by the North Carolina Criminal Justice Education and Training Standards Commission. Copies of these publications may be inspected at the office of the agency:~~

~~Criminal Justice Standards Division
North Carolina Department of Justice
114 West Edenton Street
Old Education Building
Post Office Drawer 149
Raleigh, North Carolina 27602~~

~~and may be obtained at cost from the Academy at the following address:~~

~~North Carolina Justice Academy
Post Office Box 99
Salem, North Carolina 28385~~

Authority G.S. 17C-6.

12 NCAC 09C .0607 SPEED-MEASURING INSTRUMENT ACCURACY TEST TESTS AND OPERATIONAL PROCEDURES

(a) The purpose of this Rule is to establish the minimum requirements for accuracy testing methods and operational procedures for ~~and test methods for determining the accuracy of~~ speed-measuring instruments used by law enforcement agencies to measure the speed of vehicles for enforcement of speed laws and regulations. All requirements and tests shall conform with G.S. 8-50.2 and G.S. 17C-6.

(b) ~~Each speed measuring instrument shall be tested for accuracy within a 12 month period prior to each use of the instrument for speed enforcement purposes. The results of the tests shall be recorded on Form SMI-9 for RADAR instruments and Form SMI-12 for LIDAR instruments, pursuant to 12 NCAC 09I .0106.~~

(c) On a daily basis, speed measuring instruments must be calibrated and tested for accuracy by the certified SMI operator prior to using the instrument for speed enforcement purposes. The tests shall be conducted according to the recommendations of the instrument's manufacturer, and include tuning fork tests for each of the instrument's modes of operation.

(d) The daily operating procedures by SMI operators of each speed measuring instrument shall be in accordance with the instrument's manufacturer recommendations and conform with G.S. 8-50.2.

(1) Accuracy test standard:

(a) ~~Annual tests of all speed measuring instruments shall be in conformance with G.S. 8-50.2(e). The results of these tests shall be recorded on forms provided by the Commission.~~

(b) ~~Daily tests of all speed measuring instruments shall be in conformance with G.S. 8-50.2(b)(4) and G.S. 17C-6(13).~~

(2) Accuracy requirements and test methods:

(a) Annual:

~~The annual tests for accuracy requirements for each specific Radar, Time Distance, and Lidar speed measuring instrument, as outlined in Appendix "B" of the Supplement for Speed Measurement Instrument Training Courses published by the North Carolina Justice Academy, are hereby incorporated by reference, and shall automatically include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. Copies of this publication may be inspected at the office of the agency:~~

Criminal Justice Standards Division
North Carolina Department of Justice
114 West Edenton Street
Old Education Building
Post Office Drawer 149
Raleigh, North Carolina 27602

~~and may be obtained at a cost of seven dollars and twelve cents (\$7.12) from the Academy at the following address:~~

North Carolina Justice Academy
Post Office Box 99
Salemberg, North Carolina 28385

(b) Daily:

~~The daily tests for accuracy requirements for each specific Radar, Time Distance, and Lidar speed measuring instrument, as outlined in Appendix "C" of the Supplement for Speed~~

~~Measurement Instrument Training Courses published by the North Carolina Justice Academy, are hereby incorporated by reference, and shall automatically include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. Copies of this publication may be inspected at the office of the agency:~~

Criminal Justice Standards Division
North Carolina Department of Justice
114 West Edenton Street
Old Education Building
Post Office Drawer 149
Raleigh, North Carolina 27602

~~and may be obtained at a cost of seven dollars and twelve cents (\$7.12) from the Academy at the following address:~~

North Carolina Justice Academy
Post Office Box 99
Salemberg, North Carolina 28385

Authority G.S. 8-50.2; 17C-6.

SUBCHAPTER 09D – PROFESSIONAL CERTIFICATE PROGRAMS

SECTION .0100 - LAW ENFORCEMENT OFFICERS' PROFESSIONAL CERTIFICATE PROGRAM

12 NCAC 09D .0101 LAW ENFORCEMENT PROFESSIONAL CERTIFICATE PROGRAM

(a) In order to recognize the level of competence of law enforcement officers serving the ~~governmental~~ criminal justice agencies within ~~the state~~ North Carolina, pursuant to G.S. 17C-2(2), to foster increased interest in college education and professional law enforcement training programs, and to ~~attract~~ retain highly qualified individuals into a law enforcement career, the North Carolina Criminal Justice Education and Training Standards Commission establishes the Law Enforcement Officers' Professional Certificate Program. This program is a method by which dedicated officers may receive statewide and nationwide recognition for education, professional training, and ~~on the job~~ experience. years of law enforcement service.

(b) Applicants who meet the qualifications set forth in this Rule are eligible to receive a Law Enforcement Officer's Professional Certificate. Based on the applicant's qualifications, this Professional Certificate is defined as either an Intermediate or Advanced Certificate. Advanced Certificates shall be approved by Commission vote at regularly scheduled meetings prior to being awarded.

(c) To be eligible for either Intermediate or Advanced Certificates, applicants shall meet the following qualifications:

- (1) The applicant shall be a full-time, sworn employee of a law enforcement agency within the State and hold general law enforcement certification pursuant to 12 NCAC 09C .0304; or
- (2) The applicant shall be a full-time employee of a law enforcement agency within the State, who has previously held general law enforcement officer certification pursuant to 12 NCAC 09C .0304 but is presently, by virtue of direct

promotion or transfer from the sworn law enforcement position, serving in a non-sworn position not subject to certification.

- (3) Applicants shall be in good standing with their employing agency at the date of application.

(d) An officer subject to suspension or revocation proceedings, probation subsequent to suspension or revocation proceedings, or is under investigation for possible decertification action by the Commission pursuant to 12 NCAC 09A .0206, the Company and Campus Police Program pursuant to either 12 NCAC 02I .0214 or 12 NCAC 09J .0211, or the North Carolina Sheriffs' Education and Training Standards Commission pursuant to 12 NCAC 10B .0206 shall not be eligible for professional certificates for the pendency of the proceeding or the period of probation.

(e) Eligibility for either Intermediate or Advanced Certificates is based upon a formula which combines formal education, law enforcement training, and service as a law enforcement employee pursuant to Subparagraph (e)(4) of this Rule. Eligibility is computed in the following manner:

- (1) The applicant's highest educational degree will be given a point value. Graduate degrees will be worth 15 points, Bachelor's degrees will be worth 12 points, and Associate's degrees will be worth 7 points;
- (2) Each semester hour of college or university credit earned in pursuit of an educational degree not yet completed by the applicant shall equal one-tenth of a point, and each quarter hour of college or university credit earned shall equal one-fifteenth of a point. The total points earned in this manner shall not equal or exceed the number of points that would be given for the degree upon completion;
- (3) Twenty classroom or practical skills assessment hours of Commission-approved law enforcement training shall equal one point. No points shall be awarded for completing Commission-approved courses that are required to obtain or maintain law enforcement certification, including basic law enforcement training and in-service training courses. Additionally, no points will be awarded for the maintenance of specialized law enforcement training;
- (4) Each full year of service as a full-time employee of a North Carolina criminal justice agency, or equivalent service as determined by the Commission, shall fulfill a requisite year of creditable service. For the purposes of this Rule, "equivalent service" includes full-time, sworn employment within the State, out-of-state, or with a federal law enforcement agency or the military police.

(f) Applicants for the Intermediate Law Enforcement Certificate shall have acquired a minimum of four years of full-time law enforcement service and a minimum of 30 total education and/or training points.

(g) Applicants for the Advanced Law Enforcement Certificate shall have acquired a minimum of nine years of full-time law

enforcement service and a minimum of 60 total education and/or training points.

(h) All applicants for either Intermediate or Advanced Certificates shall submit a completed "Application for Award of Professional Certificate" Form F-6 (LE), pursuant to 12 NCAC 09I .0107, to the employing agency in-service training coordinator or agency head of the applicant's employing agency.

(i) Documentary evidence of college or university graduation shall be submitted with the application pursuant to 12 NCAC 09B .0106.

(j) Documentation of training shall be provided to the Division by:

- (1) Training records signed by the employing agency in-service training coordinator or agency head; or
- (2) Providing certificates of completion indicating the number of training contact hours.

(k) Replacement certificates can be requested by a completed "Request for Replacement of Professional Certificate" Form F-7. An applicant shall have been previously awarded either an Intermediate or Advanced Certificate to be able to receive a replacement.

Authority G.S. 17C-6.

SECTION .0200 - CRIMINAL JUSTICE OFFICERS' PROFESSIONAL CERTIFICATE PROGRAM

SECTION .0200 - ~~CRIMINAL JUSTICE OFFICERS'~~ JUVENILE JUSTICE PROFESSIONAL CERTIFICATE PROGRAM

12 NCAC 09D .0201 JUVENILE JUSTICE PROFESSIONAL CERTIFICATE PROGRAM

(a) In order to recognize the level of competence of ~~criminal justice officers~~ Juvenile Justice officers, court counselors, and chief court counselors ~~serving the governmental agencies within the State~~ employed by the North Carolina Department of Public Safety, Division of Juvenile Justice, pursuant to G.S. 17C-2 (2), to foster increased interest in college education and professional criminal justice training programs, and to ~~attract~~ retain highly qualified individuals into a criminal justice career, the North Carolina Criminal Justice Education and Training Standards Commission establishes the Juvenile Justice Professional Certificate Program. ~~criminal justice officer's professional certificate program.~~ This program is a method by which dedicated officers may receive statewide and nationwide recognition for education, professional training, and ~~on the job experience~~ years of Juvenile Justice service.

(b) Applicants who meet the qualifications set forth in this Rule are eligible to receive a Juvenile Justice Professional Certificate. Based on the applicant's qualifications, this Professional Certificate is defined as either an Intermediate or Advanced Certificate. Advanced Certificates shall be approved by Commission vote at regularly scheduled meetings prior to being awarded.

(c) To be eligible for either Intermediate or Advanced Certificates, applicants shall meet the following qualifications:

- (1) The applicant shall be a full-time employee of the Division of Juvenile Justice and shall hold general Juvenile Justice Officer certification pursuant to 12 NCAC 09D .0117 or 09D .0116; or
- (2) The applicant shall have previously held the certification listed in Subparagraph (c)(1) of this Rule and, by virtue of direct promotion or transfer from a certified position, currently serve in a permanent, full-time position not subject to certification for the Division of Juvenile Justice; and
- (3) Applicants shall be in good standing with the Division of Juvenile Justice at the date of application.

(d) An applicant subject to suspension or revocation proceedings, probation subsequent to suspension or revocation proceedings, or is under investigation for possible decertification action by the Commission pursuant to 12 NCAC 09A .0206, the Company and Campus Police Program pursuant to either 12 NCAC 02I .0214 or 12 NCAC 09J .0211, or the North Carolina Sheriffs' Education and Training Standards Commission pursuant to 12 NCAC 10B .0206 shall not be eligible for professional certificates for the pendency of the proceeding or the period of probation.

(e) Eligibility for Intermediate or Advanced Certificates is based upon a formula which combines formal education, Juvenile Justice training, and service as a Juvenile Justice employee pursuant to Subsection (4) of this Rule. Eligibility is computed in the following manner:

- (1) The applicant's highest educational degree will be given a point value. Graduate degrees will be worth 15 points, Bachelor's degrees will be worth 12 points, and Associate's degrees will be worth 7 points;
- (2) Each semester hour of college or university credit earned in pursuit of an educational degree not yet completed by the applicant shall equal one-tenth of a point, and each quarter hour of college or university credit earned shall equal one-fifteenth of a point. The total points earned in this manner shall not equal or exceed the number of points that would be given for the degree upon completion;
- (3) Twenty classroom or practical skills assessment hours of Commission-approved Juvenile Justice training shall equal one point. No points will be awarded for the maintenance of specialized Juvenile Justice training;
- (4) Each full year of service as a full-time employee of the Division of Juvenile Justice, or equivalent service as determined by the Commission shall fulfill a requisite year of creditable service. For the purposes of this Rule, "equivalent service" includes service in a permanent, full-time, paid position in a federal or out-of-state Juvenile Justice institution.

(f) Applicants for the Intermediate Juvenile Justice Certificate shall have acquired a minimum of four years of full-time Juvenile

Justice service and a minimum of 30 total education and/or training points.

(g) Applicants for the Advanced Juvenile Justice Certificate shall have acquired a minimum of nine years of full-time criminal justice service and a minimum of 80 total education and/or training points.

(h) All applicants for either Intermediate or Advanced Certificates shall complete an "Application for Award of Professional Certificate" Form F-6 (DJJ), pursuant to 09I .0107, to the Division of Juvenile Justice agency head.

(i) Documentary evidence of college or university graduation shall be submitted with the application pursuant to 12 NCAC 09B .0106.

(j) Documentation of training shall be provided to the Division by:

- (1) Training records signed by the Division of Juvenile Justice agency head; or
- (2) Providing certificates of completion indicating the number of training contact hours.

(k) Replacement certificates can be requested by a completed "Request for Replacement of Professional Certificate" Form F-7, pursuant to 12 NCAC 09I .0107. An applicant shall have been previously awarded either an Intermediate or Advanced Certificate to be able to receive a replacement.

Authority G.S. 17C-6.

SUBCHAPTER 09G - STANDARDS FOR CORRECTIONS EMPLOYMENT, TRAINING, AND CERTIFICATION

SECTION .0200 - MINIMUM STANDARDS FOR CERTIFICATION OF CORRECTIONAL OFFICERS, PROBATION/PAROLE OFFICERS, AND PROBATION/PAROLE OFFICERS-SURVEILLANCE

12 NCAC 09G .0205 MEDICAL EXAMINATION

(a) Each applicant for certification or enrollment in a basic correctional officer or probation/parole officer training course shall complete, sign, and date the Commission's Medical History Statement Form (F-1) and shall be examined by either a physician, physician assistant, or nurse practitioner who holds a current license in the United States to practice medicine, as issued by a state medical board, to help determine his or her fitness to carry out the physical requirements of the position of correctional officer or probation/parole officer as listed in the current job description provided by the North Carolina Department of Adult Correction.

(b) Prior to being examined, the applicant shall provide the examining physician, physician's assistant, or nurse practitioner with:

- (1) the Medical History Statement Form (F-1) which must be read, completed, and signed by the applicant; and
- (2) ~~the Instructions to Agency and Examiner for Completion of~~ Medical Examination Report (F-2A) ~~Form (F-2), the Tuberculosis Questionnaire Form (F-2A) and attached to the~~ Medical Examination Report Addendum Form (F-2). ~~The Instructions to Agency and~~

~~Examiner for Completion of Medical Examination Report (F-2A)(F-2) Form shall notify the examining physician, physician's assistant, or nurse practitioner that the "Medical Screening Guidelines for the Certification of Criminal Justice Officers in North Carolina" "Minimum Medical Qualifications for Law Enforcement Officers, Corrections Officers, Juvenile Justice Officers, Court Counselors, Chief Court Counselors, Detention Officers and Telecommunicators" as published by the North Carolina Department of Justice Criminal Justice Educations and Training Standards Commission is available at no cost at <https://ncdoj.gov/law-enforcement-training/criminal-justice/>.~~

(c) The examining physician, physician's assistant, or nurse practitioner shall record the results of the examination on the Medical Examination Report Form (F-2) and shall sign and date the form.

(d) The Medical Examination Report Form ~~(F-2)~~(F-2), the Tuberculosis Questionnaire Form (F-2A), and the Medical History Statement Form (F-1) shall be valid for one year after the date of the examination was conducted and shall be completed prior to:

- (1) the applicant's beginning the basic correctional officer or basic probation/parole officer training course, and
- (2) an agency's submission of application for certification to the Commission.

Authority G.S. 17C-6; 17C-10.

SECTION .0300 - CERTIFICATION OF CORRECTIONAL OFFICERS, PROBATION/PAROLE OFFICERS, AND INSTRUCTORS

12 NCAC 09G .0311 TERMS AND CONDITIONS OF SPECIALIZED INSTRUCTOR CERTIFICATION

~~(a) An applicant meeting the requirements for Specialized Instructor Certification shall be issued a certification to expire three years from the date of issuance. The applicant shall apply for certification as a specialized instructor within 60 days from the date of completion of a specialized instructor course.~~

~~(b) Where certifications for both General Probationary Instructor and Specialized Instructor are issued on the same date, the instructor shall be required to instruct within three years after certification, a minimum of 12 hours in each of the topics for which Specialized Instructor Certification was granted in a Commission accredited basic training, Specialized Instructor Training, Commission recognized in service training course, or training course delivered pursuant to 12 NCAC 10B .0601, .1302, or .2005. The instructor may satisfy the teaching requirement for the General Probationary Instructor certification by teaching any specialized topic for which certification has been issued.~~

~~(c) When Specialized Instructor Certification is issued during an existing period of General Probationary Instructor Certification the specialized instructor may satisfy the teaching requirement for~~

~~the General Probationary Certification by teaching the specialized subject for which certification has been issued.~~

~~(d) The term of certification as a specialized instructor shall not exceed three years. An application for renewal shall contain, in addition to the requirements listed in Rule .0310 of this Section, documentary evidence that the applicant has remained active in the instructional process during the previous three year period. Such documentary evidence shall include the following:~~

- ~~(1) proof that the applicant has, within the three-year period preceding application for renewal, instructed at least 12 hours in each of the topics for which Specialized Instructor Certification was granted, and that instruction was provided in a Commission accredited basic training, Specialized Instructor Training, or Commission recognized in service training course. Acceptable documentary evidence shall include official Commission records submitted by School Directors or In Service Training Coordinators, and written certification from a School Director or In Service Training Coordinator;~~
- ~~(2) proof that the applicant has, within the three-year period preceding application for renewal, attended and completed all instructor updates that have been issued by the Commission. Acceptable documentary evidence shall include official Commission records submitted by School Directors or In Service Training Coordinators, or copies of certificates of completion issued by the institution which provided the instructor updates; and~~
 - ~~(A) a favorable written recommendation from a School Director or In Service Training Coordinator completed on a Commission Renewal of Instructor and Professional Lecturer Certification Form stating the instructor taught at least 12 hours in each of the topics for which Specialized Instructor Certification was granted. The teaching shall have been provided in a Commission accredited basic training, Specialized Instructor Training course, pursuant to Rule .0310 of this Section, or Commission recognized in service training course;~~
 - ~~(B) a favorable written evaluation by a School Director, Qualified Assistant, In Service Training Coordinator, or another instructor certified in the same specialized subject, based on an on-site classroom evaluation of a presentation by the instructor in a Commission accredited basic training, Specialized Instructor Training, or Commission recognized in service training course, during the three year~~

~~period of Specialized Instructor Certification. Such evaluation shall be certified on a Criminal Justice Instructor Evaluation Form F-16, located on the agency's website: <http://www.ncdoj.gov/getdoc/e2eba6a-a12bc-4303-bf4b-5fa0431ef5a1/F-16-6-11.aspx>.~~

(C) ~~has met the requirement set forth in Rule .0309(c) of this Section.~~

~~(e) The use of guest participants in a delivery of a Commission-mandated training course pursuant to this Section shall be permissible. However, such guest participants are subject to the on-site supervision of a Commission-certified instructor and shall be authorized by the School Director. A guest participant shall be used only to complement the primary certified instructor of the block of instruction and shall not replace the primary instructor.~~

~~(a) An applicant meeting the requirements for Specialized Instructor Certification as set forth in Rule .0310 of this Section shall be issued a certification to expire three years from the date of issuance. The applicant shall apply for certification as a Specialized Instructor within 60 days after the date the applicant achieved a passing score on the state comprehensive exam for the respective Specialized Instructor training course.~~

~~(b) The instructor is required to instruct, within three years after Specialized Instructor Certification is issued, a minimum of 12 hours in each of the topics for which Specialized Instructor Certification was granted, and that instruction was provided in a Commission-approved basic training, Specialized Instructor Training, Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 10B .0601, .1302, or .2005.~~

~~(c) An application for renewal shall contain, in addition to the requirements listed in Rule .0310 of this Section, documentary evidence that the applicant has remained active in the instructional process during the previous three-year period. Such documentary evidence shall include the following:~~

- ~~(1) proof that the applicant has, within the three-year period preceding application for renewal, instructed at least 12 hours in each of the topics for which Specialized Instructor Certification was granted, and that instruction was provided in a Commission-approved basic training, Specialized Instructor Training, Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 10B .0601, .1302, or .2005. Acceptable documentary evidence shall include official Commission records submitted by School Directors or In-Service Training Coordinators and written attestation from a School Director or In-Service Training Coordinator;~~
- ~~(2) proof that the applicant has, within the three-year period preceding application for renewal, attended and completed all instructor updates that have been issued by the Commission. Acceptable documentary evidence shall include official Commission records submitted by School Directors or In-Service Training~~

Coordinators, or copies of certificates of completion issued by the institution which provided the instructor updates; and

(A) a favorable written recommendation from a School Director or In-Service Training Coordinator completed on an Application for Instructor and Professional Lecturer Certification Form (Form F-12), pursuant to 12 NCAC 09I .0102 stating the instructor taught at least 12 hours in each of the topics for which Specialized Instructor Certification was granted. The teaching shall have been provided in a Commission-approved basic training, or Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 09G .0411 or 09G .0412;

(B) a favorable written evaluation by a School Director, Qualified Assistant, In-Service Training Coordinator, or another Specialized Instructor certified in the same specialized subject, based on an on-site classroom evaluation of a presentation by the instructor in a Commission-approved basic training, Specialized Instructor Training, Commission-recognized in-service training course, or training course delivered, pursuant to 12 NCAC 09G .0411 or 09G .0412, during the three-year period of Specialized Instructor Certification. Such evaluation shall be presented on a Criminal Justice Instructor Evaluation Form F-16, pursuant to Rule .0202 of this Subchapter and 12 NCAC 09I .0102;

(d) Upon expiration of their Specialized Instructor certification, instructors have 90 days to submit renewal documentation to the Division for review and approval. During this 90-day period, instructors are not permitted to teach any Commission-approved courses or blocks of instruction that require instruction by a Specialized Instructor. The Director may, for just cause, grant an extension of the 90-day period in which an instructor's renewal application must be submitted, however, such extension shall not exceed 12 months and shall not extend the instructor's certification period beyond its specified expiration period.

(e) Individuals who hold Specialized Instructor certification may, for just cause, be granted an extension of the three-year period to teach the 12 hour minimum requirement, pursuant to Paragraph (b) of this Rule. The Director may grant such extensions on a one-time basis only not to exceed 12 months. For purposes of this Rule, just cause means accident, illness, emergency, course cancellation, or other exceptional circumstances that precluded the instructor from fulfilling the teaching requirement.

(f) Those individuals who have previously held Specialized Instructor Certification and have not exceeded a three year time period from when his or her Specialized Instructor Certification expired are eligible to apply for re-issuance of the previously held Specialized Instructor Certification. An application for re-issuance shall contain documentation that the applicant:

- (1) holds a current General Instructor certification;
- (2) has completed the pre-qualification skills assessment for that specialty; and
- (3) has passed the state examination for that specialty with a minimum score of 75.

(g) Applicants for re-issuance of the Specialized Instructor Certification shall have one opportunity to pass the prequalification skills assessment and the state examination for that specialty. Should an applicant not achieve a passing score on either the prequalification skills assessment or the state examination for that specialty, the applicant shall complete the specific Specialized Instructor Course in its entirety.

(h) Applicants whose Specialized Instructor Certification is suspended or revoked shall not qualify for re-issuance. The applicant shall complete the specific Specialized Instructor Course in its entirety.

(i) After re-issuance of certification, the instructor shall complete eight hours of evaluated instruction in the specialty where re-issuance of certification is sought, as documented on an F-16 located on the agency's website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>. The eight hours of instruction shall be taught within 60 days of the Specialized Instructor Certification being reissued and evaluated by a Specialized Instructor certified in that specialty. Failure to complete the required eight hours of evaluated instruction will result in the reissued Specialized Instructor Certification being revoked.

Authority G.S. 17C-6.

SECTION .0600 - PROFESSIONAL CERTIFICATE PROGRAM

12 NCAC 09G .0601 PURPOSE STATE CORRECTIONS PROFESSIONAL CERTIFICATE PROGRAM

(a) In order to recognize the level of competence of corrections officers serving the within the State, pursuant to G.S. 17C-2 (2), to foster increased interest in college education and professional corrections training programs, and to retain highly qualified individuals into a corrections career, the North Carolina Criminal Justice Education and Training Standards Commission establishes the State Corrections Officer's Professional Certificate Program. This program is a method by which dedicated officers may receive statewide and nationwide recognition for education, professional training, and ~~on the job experience~~ years of corrections service.

(b) Applicants who meet the qualifications set forth in this Rule are eligible to receive a State Corrections Officer's Professional Certificate. Based on the applicant's qualifications, this Professional Certificate is defined as either an Intermediate or Advanced Certificate. Advanced Certificates shall be approved by

Commission vote at regularly scheduled meetings prior to being awarded.

(c) To be eligible for either Intermediate or Advanced Certificates, applicants shall meet the following qualifications:

- (1) The applicant shall be a full-time employee of the North Carolina Department of Adult Correction (DAC), and shall hold general correctional officer certification, pursuant to 12 NCAC 09G .0208, or probation/parole officer certification, pursuant to 12 NCAC 09G .0209; or
- (2) The applicant shall have previously held one of the certifications listed in Subparagraph (c)(1) of this Rule and, by virtue of direct promotion or transfer from a certified position, currently serve in a permanent, full-time position not subject to certification.
- (3) Applicants shall be in good standing with DAC at the date of application.

(d) An officer subject to suspension or revocation proceedings, probation subsequent to suspension or revocation proceedings, or is under investigation for possible decertification action by the Commission pursuant to 12 NCAC 09A .0206, the Company and Campus Police Program pursuant to either 12 NCAC 02I .0214 or 12 NCAC 09J .0211, or the North Carolina Sheriffs' Education and Training Standards Commission pursuant to 12 NCAC 10B .0206 shall not be eligible for professional certificates for the pendency of the proceeding or the period of probation.

(e) Eligibility for Intermediate or Advanced Certificates is based upon a formula which combines formal education, correctional training, and service as a corrections pursuant to subsection 4 of this subparagraph. Eligibility is computed in the following manner:

- (1) The applicant's highest educational degree will be given a point value. Graduate degrees will be worth 15 points, Bachelor's degrees will be worth 12 points, and Associate's degrees will be worth 7 points;
- (2) Each semester hour of college or university credit earned in pursuit of an educational degree not yet completed by the applicant shall equal one-tenth of a point, and each quarter hour of college or university credit earned shall equal one-fifteenth of a point. The total points earned in this manner shall not equal or exceed the number of points that would be given for the degree upon completion;
- (3) Twenty classroom or practical skills assessment hours of Commission-approved criminal justice training shall equal one point. No points will be awarded for the maintenance of specialized criminal justice training;
- (4) Each full year of service as a full-time employee of the North Carolina Department of Adult Correction, or equivalent service as determined by the Commission shall fulfill a requisite year of creditable service. For the purposes of this Rule, "equivalent service" includes service in a permanent, full-time, paid

position in a federal or out-of-state correctional or criminal justice institution.

(f) Applicants for the Intermediate State Corrections Officer Certificate shall have acquired a minimum of four years of full-time criminal justice service and a minimum of 30 total education and/or training points.

(g) Applicants for the Advanced State Corrections Officer Certificate shall have acquired a minimum of nine years of full-time criminal justice service and a minimum of 80 total education and/or training points.

(h) All applicants for either Intermediate or Advanced Certificates shall complete an "Application for Award of Professional Certificate" Form F-6 (DAC), pursuant to 09I.0107, to the DAC training coordinator or agency head.

(i) Documentary evidence of college or university graduation shall be submitted with the application pursuant to 12 NCAC 09B .0106.

(j) Documentation of training shall be provided to the Division by:

- (1) Training records signed by the employing agency in-service training coordinator or agency head; or
- (2) Providing certificates of completion indicating the number of training contact hours.

(j) Replacement certificates can be requested by a completed "Request for Replacement of Professional Certificate" Form F-7. An applicant shall have been previously awarded either an Intermediate or Advanced Certificate to be able to receive a replacement.

Authority G.S. 17C-6.

SUBCHAPTER 09I – FORMS FOR CRIMINAL JUSTICE EMPLOYMENT: EDUCATION: AND TRAINING

SECTION .0100 - FORMS FOR USE IN TRAINING PROGRAMS AND INSTRUCTOR CERTIFICATION

12 NCAC 09I .0101 INSTRUCTOR AND PROFESSIONAL LECTURER CERTIFICATION FORMS

(a) The following are Commission-approved forms to be used by individuals applying for the initial or renewal of certification as an instructor or professional lecturer:

- (1) Form F-12 Application for Instructor or Professional Lecturer Certification shall contain the following information:
 - (A) name of applicant/instructor;
 - (B) address, phone, email address, date of birth, age, last four of Social Security Number, and Acadis number;
 - (C) current agency/firm, status (Retired, Civilian, Sworn), agency address, and business phone number;
 - (D) type of instructor certification applying for;
 - (E) supporting documents for specific certification sought;

(F) highest education level, school attended, school location, and graduation date;

(G) criminal justice experience;

(H) signature of applicant/instructor;

(I) school, course title, hours taught, course date(s), and whether the course was a requirement of Mandatory In-Service Training), and

(J) signature of certifying School Director or In-Service Training Coordinator, school or agency, phone number, and email address.

(2) Form F-16 Criminal Justice Instructor Evaluation shall contain the following information:

(A) instructor's name, date of birth, and Acadis ID number;

(B) evaluator's name, and Acadis ID number;

(C) block of Instruction, date, location, and total hours of instruction;

(D) scores for Instructional Ability and Strategies; and

(E) Presentation Evaluation Criteria

Authority G.S. 17C-6.

12 NCAC 09I .0102 COURSE MANAGEMENT FORMS

(a) The following are Commission-approved forms to be used by certified School Directors instructors during the administration of Commission-approved courses:

(1) Form F-10A, Pre-Delivery Report of Training Course Presentation, shall include the following:

(A) Name of delivery site (academy);

(B) Proposed Commission course being requested to administer;

(C) Number of course hours;

(D) Location of course delivery;

(E) Commencement and completion dates;

(F) Anticipated class size;

(G) Names on all delivery site (academy) staff requiring Acadis access; and

(H) Name and signature of certified School Director.

(2) Form F-10B and Web Form F-10B, Post Delivery Report of Training Course Presentation, shall include the following:

(A) Name of delivery site (academy);

(B) Commission course administered;

(C) Number of course hours;

(D) Location of course delivery;

(E) Commencement and completion dates;

(F) Final class size; and

- (G) Name and signature of certified School Director.
- (3) Form F-23, Commission Exam Admission Form shall include the following:
 - (A) Course pre-delivery number, exam location and exam date;
 - (B) First-Time Exam Admission information;
 - (C) Re-Examination Admission information;
 - (D) Name and signature of certified School Director; and
 - (E) List of all trainees.
- (4) Web Form WF-6 CJ Standards Specialized Training Departure Report Courses, shall include the following:
 - (A) Course name, course dates, and training location;
 - (B) Departing student's name, date of birth, and academy ID #; and
 - (C) Departure information.

Authority G.S. 17C-6.

12 NCAC 09I .0103 BASIC LAW ENFORCEMENT TRAINING (BLET) COURSE FORMS

(a) The following are Commission-approved forms to be used by certified School Directors instructors during the administration of a Commission-approved Basic Law Enforcement Training (BLET) course:

- (1) Form F-13, Request for Deficiency Remediation, shall include the following:
 - (A) Name of certified School Director and delivery site (academy);
 - (B) Date of request, Pre-Delivery number, and state exam date;
 - (C) Student's name and academy ID number;
 - (D) Block of instruction and date(s) of deficiency;
 - (E) Instructor's name and academy ID number;
 - (F) Remediation location and date(s) of remediation;
 - (G) Details of remediation plan; and
 - (H) Signature of certified School Director.
- (2) Form F-14, Request for Limited Enrollment, shall include the following:
 - (A) Name of certified School Director and delivery site (academy);
 - (B) Date of request, Pre-Delivery number, and original BLET start date;
 - (C) Student's name and academy ID number;
 - (D) Block(s) of instruction for make-up training; and
 - (E) Delivery site (academy) where make-up training will be conducted.

- (3) Form F-17, Student Evaluation of Instructors, shall include the following:
 - (A) Name of delivery site (academy);
 - (B) Instructor's name;
 - (C) Block of instruction and date;
 - (D) Delivery of course material by instructor; and
 - (E) Organization and presentation of delivery of instruction.
- (4) Form F-25, Criminal Record Conviction History for BLET shall include the following:
 - (A) Agency name and address;
 - (B) Applicant's full name and former names;
 - (C) Applicant's address; and
 - (D) Name and signature of Agency head.
- (5) Form F-26, BLET Student Absence Report, shall include the following:
 - (A) School/academy name and class name;
 - (B) Student's name and Acadis ID number;
 - (C) Course topic and date;
 - (D) Hours missed and made up;
 - (E) Reason for missed time;
 - (F) Student's and certified School Director's signature and date; and
 - (G) Name of instructor conducting the make-up training.
- (6) Form F-32, BLET Request for Early Enrollment, shall include the following:
 - (A) Name and signature of certified School Director and delivery site (academy);
 - (B) Student's name and date of birth; and
 - (C) BLET state date and date of state exam.
- (7) Web Form WF-1, BLET Student Injury Report, shall include the following:
 - (A) Student's name, date of birth, and Acadis ID number;
 - (B) Date and details of injury
 - (C) Student's status (returned to training on same day or required hospital care; and
 - (D) Email of School Director.
- (8) Web Form WF-2, BLET Departure Report, shall include the following:
 - (A) Student's name and Acadis ID number;
 - (B) Date, reason, and details of departure; and
 - (C) Email of School Director.
- (9) Web Form WF-3, BLET Student Enrollment Questionnaire, shall include the following:
 - (A) Student's demographic information;
 - (B) Student's education information;
 - (C) Military service information; and
 - (D) Primary language.

- (10) Web Form WF-4, BLET Student Course Completion Record, shall include the following:
 - (A) Student's name, and Acadis #;
 - (B) Student's gender;
 - (C) Student's employment status on last day of class;
 - (D) Student's hiring status with a law enforcement agency; and
 - (E) Course completion information.
- (11) Web Form WF-13B, BLET Deficiency, Report of Completed Training, shall include the following:
 - (A) Student's name and Acadis #;
 - (B) Deficiency information;
 - (C) Deficiency make-up information;
 - (D) Date the deficiency remediation was completed; and
 - (E) School Director's name, signature, and email address.

Authority G.S. 17C-6.

12 NCAC 09I .0104 COMMISSION-ACCREDITED DELIVERY SITE ADMINISTRATION FORMS

(a) The following are Commission-approved forms to be used by Commission-accredited delivery sites to administer Commission-approved courses:

- (1) Form F-10, School Director/Qualified Assistant Application, shall include the following:
 - (A) the name of the appointing institution or agency;
 - (B) the name, date of birth, social security number (last 4 numbers), phone number, email, instructor certification number, location, and the date the applicant completed orientation training;
 - (C) the applicant's educational background, specifically, the dates of attendance, the institution attended, and the degree or diploma attained from each institution;
 - (D) the applicant's criminal justice experience, specifically, the agency for which the applicant worked, the applicant's duties in each position, and the dates of employment. The applicant shall have acquired four years of practical experience as a criminal justice officer or as an administrator or specialist in a field directly related to the criminal justice system. At least one year of the required four years experience must have been while actively participating in criminal justice training as a Commission certified instructor;

- (E) the signature of the applicant certifying the accuracy of the contents of the application;
 - (F) the signature of the appointing institution's executive officer signifying recommendation of an applicant to be a School Director; or
 - (G) the signature of the School Director signifying recommendation of an applicant to be a Qualified Assistant.
- (2) Form F-10 (SA), Accreditation of Criminal Justice Schools, shall include the following:
 - (A) the name of the requesting institution/agency;
 - (B) the mailing address, phone number, and name of the institution head or executive officer;
 - (C) the name, title or rank, address and phone number of the School Director
 - (D) the type of Commission approved training course in which accreditation is being sought;
 - (E) the type and location of all facilities to be used in administering the Commission-approved training course; and
 - (F) the signature of the institution head or executive officer.

Authority G.S. 17C-6.

12 NCAC 09I .0105 MEDICAL FORMS

(a) The following are Commission-approved forms to be used by agencies and Commission-accredited delivery sites during the application for criminal justice certification or Commission-approved training course enrollment:

- (1) Form F-1, Medical History Statement, shall include the following:
 - (A) Name, date of birth, address, telephone number;
 - (B) Current medications, allergies, and past medical history;
 - (C) Occupational history; and
 - (D) Name and signature of a physician, physician assistant, or nurse practitioner who holds a current license in the United States to practice medicine, as issued by a state medical board.
- (2) Form F-2, Medical Examination Report, shall include the following:
 - (A) Name, date of birth, employing agency, height, weight, and last 4 digits of the Social Security Number for the person being examined;
 - (B) Results of Vision Acuity;
 - (C) Results of Hearing Acuity;

- (D) Results of Cardiovascular Examination;
- (E) Certification that the individual being examined does or does not meet medical standards;
and
- (F) Name, signature, and medical license number of the examining medical professional.
- (3) Form F-2A, Tuberculosis Questionnaire, shall include the following:
 - (A) Name, date of birth, and employing agency of individual completing the form;
 - (B) Tuberculosis Risk Questions and individual's response; and
 - (C) Tuberculosis Symptoms Questions and individual's response.
- (4) Form F-2B, Medical Examination Report Addendum, shall include the following:
 - (A) Name, date of birth, and employing agency of individual being examined;
 - (B) Additional Exam Notes, if any;
 - (C) Certification that the individual being examined does or does not meet medical standards;
and
 - (D) Name, signature, and medical license number of examining medical professional.
- (5) Form F-31, Request for Accommodation, shall include the following:
 - (A) Name, signature, and date of birth of requesting student;
 - (B) Accredited delivery site, and name of certified school director;
 - (C) Reason for Accommodation; and
 - (D) Proposed Accommodation.
- (6) Web Form WF-5 CJ Standards Specialized Training Student Injury Report for SMI, Instructor Courses, shall include the following:
 - (A) Course name, course dates, and training location;
 - (B) Injured student's name, date of birth, and academy ID #; and
 - (C) Injury information.
- (B) Acadis ID number, email address, and phone number;
- (B) RADAR instrument being tested on and name of the instrument's manufacturer;
- (C) Modes being tested on;
- (D) Verification by the evaluating instructor that the trainee completed each step of the instrument sign-off, evidenced by the instructor's initials;
- (E) Timing and results of the trainee's motor skills testing; and
- (F) Name, Acadis ID number, and signature of each evaluating instructor verifying whether the trainee successfully completed the motor skill performance test.
- (2) Form SMI-1A, Moving/Stationary RADAR Motor Skill Performance Test Sign-Off, shall include the following:
 - (A) Trainee's full name, employing law enforcement agency, date of birth, Acadis ID number, email address, and phone number;
 - (B) RADAR instrument being tested on, and the name of the instrument's manufacturer;
 - (C) Modes being tested on;
 - (D) Verification by the evaluating instructor that the trainee completed each step of the instrument sign-off, evidenced by the instructor's initials; and
 - (E) Name, Acadis ID number, and signature of each evaluating instructor verifying whether the trainee successfully completed the motor skill performance test.
- (3) Form SMI-13, Lidar Motor Skill Performance Test, shall include the following:
 - (A) Trainee's full name, employing law enforcement agency, date of birth, Acadis ID number, email address, and phone number;
 - (B) Lidar instrument being tested on and name of the instrument's manufacturer;
 - (C) Verification by the evaluating instructor that the trainee completed each step of the instrument sign-off, evidenced by the instructor's initials; and
 - (D) Name, Acadis ID number, and signature of each evaluating instructor verifying whether the trainee successfully completed the motor skill performance test.

Authority G.S 17C-6.

12 NCAC 09I.0106 SPEED-MEASURING INSTRUMENT (SMI) FORMS

(a) The following are Commission-approved forms to be used by certified SMI instructors during the administration of speed measuring instrument courses:

- (1) Form SMI-1, Moving/Stationary RADAR Motor Skill Performance Test, shall include the following:
 - (A) Trainee's full name, employing law enforcement agency, date of birth,

(4) Form SMI-16, Written Endorsement to Attend Supplemental SMI Training, shall include the following:

- (A) Name, Acadis ID number, date of birth, email address, and employing law enforcement agency of each trainee enrolled in the course;
- (B) List of speed measuring instruments each trainee is currently certified to operate;
- (C) Dates and location of training;
- (D) Name, Acadis ID number, and signature of each instructor of the course; and
- (E) Name, employing agency, title, email address, phone number, and signature of School Director, agency head, agency head designee, or in-service training coordinator.

(b) The following are Commission-approved forms to be used by individuals applying for certification as a radar operator:

(1) Form SMI-14, Trainee's Statement of Prior Radar Training, is a form to be filled out by a trainee enrolled in a radar or radar/lidar operator training course, as prescribed by 12 NCAC 09B .0212(a) and .0242(a) who has previously been certified by the Commission as a radar operator. The trainee must sign and date the form prior to submission. The form shall also include the following:

- (A) Trainee's full name, Acadis ID number, date of birth, and employing law enforcement agency;
- (B) Name of the institution or agency at which the trainee received prior training;
- (C) Location where the prior radar training took place; and
- (D) End date and total hours of prior radar training.

(2) Form SMI-15, SMI Operator Supervised Field Instruction/Practice Log, is a form to be completed by a trainee completing Supervised Field Practice within the 90 days following the completion of a SMI operator course. The form shall include the following:

- (A) Trainee's full name, employing law enforcement agency, Acadis ID number, email address, and phone number;
- (B) Dates and times of supervised field practice;
- (C) Name, Acadis ID number, and signature of each evaluator providing supervision;
- (D) Location and end date of the trainee's SMI operator course;
- (E) Name and modes of instrument used during the supervised field practice;

(F) Total time of supervised field practice; and

(G) Trainee's signature and date of form completion.

(c) The following are Commission-approved forms to be used during annual accuracy tests of speed measuring instruments:

(1) Form SMI-9, Record of Radar Instrument Calibration and Accuracy Tests, shall include the following:

- (A) Agency or organization name;
- (B) Instrument model, manufacturer, serial number, modes, and features;
- (C) Accuracy and Standards tests results for the counter box, antennas, and tuning forks; and
- (D) Name, license or certification information, and signature of the testing technician verifying that the instrument passed the tests.

(2) Form SMI-12, Record of Lidar Instrument Calibration and Accuracy Tests, shall include the following:

- (A) Agency or organization name;
- (B) Instrument model, manufacturer, serial number, modes, and features;
- (C) Accuracy and Standards tests results as indicated by Pass or Fail; and
- (D) Name, license or certification information, and signature of the testing technician verifying that the instrument passed the tests.

Authority G.S. 8-50.2; 17C-6.

12 NCAC 09I.0107 PROFESSIONAL CERTIFICATES FORMS

(a) The following are Commission-approved forms to be used by individuals to apply for a new or replacement Professional Certificate:

(1) Form 6 (LE), Application for Award of Law Enforcement Certificate, shall include the following:

- (A) Applicant's name, date of birth, last four digits of Social Security Number;
- (B) Applicant's address, phone, and email address;
- (C) Employing agency and agency address;
- (D) Type of award applying for;
- (E) Law enforcement experience (agencies and years of law enforcement experience);
- (F) Completed law enforcement training courses;
- (G) Level of college education;
- (H) Name and signature of applicant; and
- (I) Name and signature of agency head or In-Service Training Coordinator.

- (2) Form 6 (DAC), Application for Award of Criminal Justice Certificate, shall include the following:
- (A) Applicant's name, date of birth, last four digits of Social Security Number;
 - (B) Applicant's address, phone, and email address;
 - (C) Employing agency and agency address;
 - (D) Type of award applying for;
 - (E) Criminal justice experience (agencies and years of criminal justice experience);
 - (F) Completed criminal justice training courses;
 - (G) Level of college education;
 - (H) Name and signature of applicant; and
 - (I) Name and signature of agency head or In-Service Training Coordinator.
- (3) Form 6 (DJJ), Application for Award of Juvenile Justice Certificate, shall include the following:
- (A) Applicant's name, date of birth, last four digits of Social Security Number;
 - (B) Applicant's address, phone, and email address;
 - (C) Employing agency and agency address;
 - (D) Type of award applying for;
 - (E) Juvenile justice experience (agencies and years of juvenile justice experience);
 - (F) Completed juvenile justice training courses;
 - (G) Level of college education;
 - (H) Name and signature of applicant; and
 - (I) Name and signature of agency head or In-Service Training Coordinator.
- (4) Form F-7, Request for Replacement of Professional Certificate, shall include the following:
- (A) Awardee's name, date of birth, and last four digits of Social Security Number;
 - (B) Awardee's address, phone, and email address;
 - (C) Type of replacement certificate;
 - (D) Printed name and signature of awardee; and
 - (E) Name and signature of agency head or In-Service Training Coordinator, if still employed at an agency.

Notice is hereby given in accordance with G.S. 150B-21.2 that the Environmental Management Commission intends to amend the rules cited as 15A NCAC 02B .0206; and 02H .0107.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://www.deq.nc.gov/about/divisions/water-resources/water-resources-commissions/environmental-management-commission/emc-proposed-rules>

Proposed Effective Date: March 1, 2026

Public Hearing:

Date: November 5, 2025

Time: 3:30 p.m.

Location: Archdale Building, Ground Floor Hearing Room - 512 North Salisbury Street, Raleigh, NC 27604

Speaker registration and sign-in will begin at 3:00 p.m.

Reason for Proposed Action: *The Environmental Management Commission (EMC) and Department of Environmental Quality (DEQ), Division of Water Resources (DWR), have the responsibility to implement and enforce provisions of the federal Clean Water Act and have delegated permitting authority to implement the National Pollutant Discharge Elimination System (NPDES) Program. The rule amendments are outlined in Session Law 2024-44 (s. 5.1) to allow domestic wastewater discharges to zero flow streams, which will align North Carolina with neighboring states. By providing an additional permitting option, this may provide additional opportunities for growth in these areas where the cost of piping to a higher flowing stream farther away was prohibitive. The Session Law also requires the EMC to adopt rules incorporating the amendments.*

Comments may be submitted to: Karen Higgins, DEQ-DWR Planning Section, 1611 Mail Service Center, Raleigh, NC 27699-1611; email publiccomments@deq.nc.gov

Comment period ends: November 14, 2025

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Authority G.S. 17C-6.

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

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 ($\geq \$1,000,000$)
☒ Approved by OSBM
☐ No fiscal note required

CHAPTER 02 - ENVIRONMENTAL MANAGEMENT

SUBCHAPTER 02B - SURFACE WATER AND WETLAND STANDARDS

SECTION .0200 - CLASSIFICATIONS AND WATER QUALITY STANDARDS APPLICABLE TO SURFACE WATERS AND WETLANDS OF NORTH CAROLINA

15A NCAC 02B .0206 FLOW DESIGN CRITERIA FOR EFFLUENT LIMITATIONS

(a) For purposes of this Rule, the following definitions shall apply:

- (1) "1Q10" means the minimum average flow for a period of one day that has an average recurrence of once in ten years;
- (2) "7Q10" means the minimum average flow for a period of seven consecutive days that has an average recurrence of once in ten years;
- (3) "30Q2" means the minimum average flow for a period of 30 consecutive days that has an average recurrence of once in two years;
- (4) "Mean annual flow" means the same as "annual mean flow" as defined in 40 CFR 125.83.
- (5) The "Rational Method" estimates peak flow for a storm of interest as a function of a composite runoff coefficient, rainfall intensity for the storm of interest, and drainage area.

(a)(b) Water quality based effluent limitations shall be developed to allow appropriate frequency and duration of deviations from water quality standards so that the designated uses of receiving streams and downstream waters are protected. There are water quality standards for a number of categories of pollutants and to protect a range of water uses. For this reason, the appropriate frequency and duration of deviations from water quality standards shall not be the same for all pollutants. A flow design criterion shall be used in the development of water quality based effluent limitations as a simplified means of estimating the acceptable frequency and duration of deviations. More complex modeling techniques that the Director has determined on a case-by-case basis will protect the designated uses of receiving streams and downstream waters may be used to set effluent limitations based on frequency and duration criteria published by the U.S. Environmental Protection Agency and incorporated by reference, including subsequent amendments and editions. Frequency and duration criteria published by the U.S. Environmental Protection Agency is available free of charge at: <http://water.epa.gov/scitech/swguidance/standards/criteria/current/index.cfm>.

(c) ~~Effluent~~ Water quality based effluent limitations shall be developed using the following flow design criteria:

- (1) ~~All standards except~~ Except for toxic substances and aesthetics aesthetics, all water quality standards shall be protected using the 7Q10 flow, minimum average flow for a period of seven consecutive days that has an average recurrence of once in ten years (7Q10 flow). Other governing flow strategies, such as varying discharges with the receiving stream's or downstream water's waters ability to assimilate wastes, may be designated by the ~~Commission or its designee~~ Director on a case-by-case basis if the discharger or permit applicant provides evidence that establishes that the alternative flow strategies will give equal or better protection for the of water quality standards standards. "Better protection for the water quality standards" means that such that deviations from the standard would be expected at the same or less frequently frequency than provided by using the 7Q10 flow.
- (2) Toxic substances shall be protected as follows:
 - (A) Toxic substance standards to protect aquatic life from chronic toxicity shall be protected using the 7Q10 flow; flow;
 - (3)(B) Toxic substance standards to protect aquatic life from acute toxicity shall be protected using the 1Q10 flow; flow;
 - (4) ~~Toxic substance standards to protect human health shall be the following:~~
 - (A)(C) ~~Toxic substance~~ The 7Q10 flow for standards to protect human health through the consumption of water, fish, and shellfish from noncarcinogens; noncarcinogens shall be protected using the 7Q10 flow; and
 - (B)(D) ~~The mean annual flow~~ Toxic substance standards to protect human health from carcinogens through the consumption of water, fish, and shellfish from carcinogens shall be protected using the mean annual flow, unless site specific fish contamination concerns necessitate the use of an alternative design flow; flow.
- (5)(3) Aesthetic quality shall be protected using the 30Q2 flow, minimum average flow for a period of 30 consecutive days that has an average recurrence of once in two years (30Q2 flow).

~~More complex modeling techniques may also be used to set effluent limitations directly based on frequency and duration criteria published by the U.S. Environmental Protection Agency, available free of charge at <http://water.epa.gov/scitech/swguidance/standards/criteria/current/index.cfm> and incorporated by reference, including subsequent amendments and editions, and the Commission or its designee has determined, on a case by case basis, that the techniques will protect the designated uses of receiving waters.~~

~~(b)~~(d) If the stream flow is regulated, a minimum daily low flow may be used as a substitute for the 7Q10 flow, except in cases where there are acute toxicity concerns for aquatic life. ~~In the cases~~ For streams where there are acute toxicity concerns, an alternative low flow, such as the instantaneous minimum release, shall be ~~approved~~ used if the Director determines, on a case-by-case basis, that the designated uses of receiving streams and downstream waters are protected.

~~(e)~~(e) Flow design criteria shall be used to develop water quality based effluent limitations and in the design of wastewater treatment facilities. Deviations from a specific water quality standard resulting from discharges that are demonstrated to be in compliance with water quality based effluent limitations for that water quality standard shall not be a violation pursuant to G.S. 143-215.6 143-215.6A when the actual stream flow is less than the design flow.

~~(d)~~(f) If the 7Q10 flow of the receiving stream is estimated to be zero, zero and the 30Q2 flow of the receiving stream is estimated to be greater than zero, then water quality based effluent limitations shall be assigned as follows:

- (1) ~~If the 30Q2 flow is estimated to be greater than zero, effluent limitations for new~~ New or expanded ~~(additional)~~ discharges of oxygen consuming waste shall be set at BOD₅ = 5 mg/l, NH₃-N = 2 mg/l and DO = 6 mg/l, unless it is determined by the Director through modeling or other analysis that these limitations will not protect water quality standards. ~~Requirements for existing discharges shall be determined on a case-by-case basis by the Director.~~ More stringent limits shall be applied if violations of water quality standards are predicted to occur for a new or expanded discharge with the limits set pursuant to this Rule or if existing limits are determined to be inadequate to protect water quality standards.
- (2) ~~If the 30Q2 and 7Q10 flows are both estimated to be zero, no new or expanded discharge of oxygen consuming waste shall be allowed. Requirements for existing discharges to streams where the 30Q2 and 7Q10 flows are both estimated to be zero shall be determined on a case-by-case basis.~~
- ~~(3)~~(2) Other water quality standards shall be protected by requiring the discharge to meet the water quality standards set forth in this Subchapter, unless the Director determines that alternative limitations protect the designated uses of receiving streams and downstream waters. elassified water uses.
- (3) Requirements for existing discharges shall be determined on a case-by-case basis by the Director.

(g) If the 7Q10 flow and the 30Q2 flow of the receiving streams are both estimated to be zero, then the following shall apply to new or expanded domestic wastewater discharges of oxygen consuming waste:

- (1) The proposed permitted flow for the wastewater discharge shall be lesser of:

- (A) No more than one-tenth of the flow generated by the one-year, 24-hour storm event based on the drainage area of the receiving stream at the discharge location and calculated using the Rational Method. The Rational Method shall be used to calculate the peak runoff for the one-year, 24-hour precipitation event in cubic feet per second. The peak runoff shall then be divided by 10 and multiplied by 646,272 to convert the result to gallons per day of allowable discharge at the point studied; or
- (B) No more than two million gallons per day.

(2) All wastewater discharges shall be directed to a system that utilizes low-energy methodologies prior to discharging to receiving streams at non-erosive velocities, such as:

- (A) An infiltration system, which may include engineered materials to achieve higher rates of infiltration. Engineered materials shall have an ASTM gradation of fine to coarse grain sand and shall be angular to maintain structural integrity of the slope;
- (B) Constructed free-surface wetland with a hydraulic residence time of at least 14 days; or
- (C) Other technologies that meet the standard of practice for NC Licensed Professional Engineers for such devices that provide a hydraulic residence time of at least 14 days.

(3) Wastewater discharges to the receiving stream shall not exceed one cubic foot per second based on the average daily flow of the discharge. Wastewater discharges from multiple outfalls shall be at least 50 linear feet apart along the receiving streams.

(4) No wastewater discharges shall be allowed to Class SA, SB, SC, WS-I, WS-II, WS-III, WS-IV, WS-V, ORW or HQW waters.

(5) For wastewater discharges to NSW waters, the Director may require additional modeling by the applicant. Additional allocation of flow shall be at the discretion of the Director.

(6) In addition to any other effluent limits for any other parameters to ensure the permit does not violate any EPA-approved NC water quality standards, the following effluent limits shall apply:

- (A) Biological oxygen demand (BOD5) shall not exceed 5.0 mg/l monthly average;
- (B) NH₃, 0.5 mg/l monthly average, 1.0 mg/l daily maximum;

- (C) Total nitrogen shall not exceed 4.0 mg/l monthly average;
- (D) Total phosphorus, 1.0 mg/l monthly average, 2.0 mg/l daily maximum;
- (E) Fecal coliforms, 14 colonies/100ml or less;
- (F) Dissolved oxygen, 7.0 mg/l or greater;
- (G) Total suspended solids, 5.0 mg/l monthly average, 8mg/l daily maximum; and
- (H) Nitrate, 1.0 mg/l monthly average, 2.0 mg/l daily maximum.

The Director may impose different effluent limits than those set forth in Parts (A) through (H) in Subparagraph (g)(6) of this Rule to ensure that the permit does not violate any EPA-approved NC water quality standards.

(7) The applicant shall demonstrate:

- (A) The proposed discharge meets the requirements in Subparagraphs (g)(1), (2), (3), and (4) of this Rule;
- (B) The proposed discharge is a domestic wastewater discharge as defined in Rule .0202 of this Subchapter;
- (C) When the receiving stream has naturally occurring low dissolved oxygen levels, the proposed discharge complies with G.S. 143-215.1(c7);
- (D) When the receiving stream does not have naturally occurring low dissolved oxygen levels, the proposed discharge does not reduce the dissolved oxygen levels of the receiving stream more than 0.1 mg/l below the approved modeled in-stream dissolved oxygen level for the receiving stream at total permitted capacity for all discharges to such receiving stream. The applicant shall use a model utilized elsewhere in USEPA Region 4, such as the Streeter-Phelps model used in the State of Alabama, and the selected model shall be approved by the Director as suitable for the particular discharge and receiving stream.

(8) If an applicant requests less stringent effluent limits than those set forth in Subparagraph (g)(6) of this Rule, then the applicant shall conduct more complex modeling. The applicant shall use a model accepted elsewhere in USEPA Region 4 that is approved by the Director as suitable for the particular discharge and receiving stream. The modeling must demonstrate the requirement in Part (g)(7)(B) or (g)(7)(C) of this Rule, whichever is applicable, is met, and all EPA-approved NC water quality standards are protected.

(9) Applicants shall provide either:

- (A) Mapping data from USGS; or
- (B) Mapping data prepared by an engineer of record licensed in the state of NC utilizing either USGS mapping data or other maps approved for use by the Director.

(h) If the 7Q10 flow and the 30Q2 flow of the receiving stream are both estimated to be zero, then new or expanded discharges of oxygen consuming waste that do not meet the criteria in Paragraph (g) of this Rule shall not be allowed.

(i) If the 7Q10 flow and the 30Q2 flow of the receiving stream are both estimated to be zero, then the requirements for existing discharges shall be determined on a case-by-case basis by the Director.

(e)(j) Receiving water flow statistics shall be estimated through consultation with the U.S. Geological Survey. Estimates for any given location may be based on actual flow data, modeling analyses, or other methods determined to be appropriate by the Commission or its designee, Director.

Authority G.S. 143-214.1; 143-215.1(c7); 143-215.3(a)(1); SL 2024-44 s. 5.1.

SUBCHAPTER 02H - PROCEDURES FOR PERMITS: APPROVALS

SECTION .0100 - POINT SOURCE DISCHARGES TO THE SURFACE WATERS

15A NCAC 02H .0107 STAFF REVIEW AND EVALUATION

(a) The Director is authorized to accept applications for the Commission and shall refer all applications to the staff for review and evaluation. Additionally, the Director shall refer NPDES Permit applications for the discharge of waste into waters classified as sources of public water supply (WS classification) and shellfish waters classified SA to the Public Water Supply Section, Division of Water Resources, and the Shellfish Sanitation Program, Division of Marine Fisheries, respectively, both of the Department of Environmental Quality, and shall not take final action on such applications until receiving written confirmation that the proposed discharge is acceptable.

(b) The Director shall acknowledge receipt of an NPDES or Authorization to Construct permit application upon verifying that the application is administratively complete, that is, includes the completed and signed application forms specified in Rule .0105(a) of this Section, any necessary supplemental information, and any associated fees, in accordance with Rules .0105 and .0106 of this Section.

- (1) If an application is not administratively complete, the Director shall either return the application to the applicant as incomplete or request the additional information required. If additional information is requested, the applicant shall be given up to 60 days to provide the information to make the application complete.
- (2) If technical review of the application reveals that additional information is necessary for staff

to evaluate the proposed discharge, the Director shall notify the applicant of the additional information required. The applicant may be given up to 60 days to provide the information to make the application complete.

- (3) If an application is submitted in accordance with 15A NCAC 02B .0206 (g), then the following shall also apply:

(A) Within 30 days of the filing of an application for a wastewater discharge subject to 15A NCAC 02B .0206 (g), the Director shall determine whether or not the application is complete and notify the applicant accordingly.

(B) If the Director determines an application is incomplete, the Director shall specify all such deficiencies in the notice to the applicant.

(C) The applicant may file an amended application or supplemental information within 60 days to cure the deficiencies identified by the Director for the Director's review.

(c) The staff shall review the application, supplemental information, and other pertinent information, such as monitoring data, compliance records, special studies, and water quality management plans, and shall make a tentative determination to issue, reissue, deny, modify, revoke, rescind, or deny the permit.

- (1) The staff shall conduct a site investigation of each facility prior to making its tentative determination regarding the NPDES permit. On-site investigations shall not be necessary for Authorization to Construct permits, activities covered under general permits, and renewal of individual permits when renewal does not require significant reevaluation of permit conditions such as to address expansion of treatment plant capacity, modification of the wastewater treatment process, or changes in the nature or source of wastewaters to be treated.
- (2) If the staff's tentative determination in Subparagraph (1) of this Paragraph is to issue the permit, it shall if necessary make the following additional determinations in writing:

- (A) proposed effluent limitations for those pollutants proposed to be limited;
- (B) a proposed schedule of compliance, including interim dates and requirements, for meeting the proposed effluent limitations; and
- (C) a description of any other special conditions proposed in the draft permit.

- (3) The staff shall organize the determinations made pursuant to Subparagraphs (1) and (2) of this Paragraph into a draft permit.

(d) In the case of permits for which Notice of Intent is given in accordance with Rules .0105 and .0127 of this Section, a Certificate of Coverage under a general permit may be issued

directly to the applicant in lieu of any other acknowledgment. If the discharge is not eligible for coverage under the general permit, or if the Notice of Intent is not complete and accompanied by the required application fee, the Notice of Intent shall be returned to the applicant with an explanation of the inadequacies.

Authority G.S. 130-161; 143-215.3(a)(1); 143-215.3(a)(4); 143-215.1(a).

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 14 - COSMETIC ART EXAMINERS

Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g. that the Board of Cosmetic Art Examiners intends to readopt without substantive changes the rules cited as 21 NCAC 14A .0101, .0104, .0401-.0404; 14B .0101, .0102, .0105, .0107, .0201, .0302, .0304-.0309, .0501-.0503, .0505, .0506, .0601, .0603, .0605, .0607, .0608; 14C .0101, .0103, .0201, .0203-.0205, .0503, .0601, .0801-.0805, .0807, .0808, .0903, .0904, .0906-.0908; 14D .0101, .0103-.0105, .0302, .0303, .0305-.0310; 14G .0103, .0116; 14H .0201, .0203, .0204, .0301-.0304, .0401-.0404, .0501-.0504; 14I .0401; 14N .0102, .0103, .0107, .0110, .0111, .0115; 14P .0101, .0102, .0104-.0111, .0113, .0115-.0117; 14R .0105; 14T .0101, .0102, .0201, .0301-.0305, .0401-.0404, .0501, .0502, .0601-.0617, .0701-.0703, .0705, .0706, .0802, .0803, and .0901.

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.nccosmeticarts.com/uploads/forms/Rules8-2025.pdf>

Proposed Effective Date: January 1, 2026

Public Hearing:

Date: September 30, 2025

Time: 9:00am

Location: https://teams.microsoft.com/l/meetup-join/19%3ameeting_MjQ1MzY0ZTMtYzUyNS00OGF/LWE2ZDYtMjJhNmQ4Njc3MDI2%40thread.v2/0?context=%7b%22Tid%22%3a%22787b7dd2-dc22-468e-824e-38787f4341d5%22%2c%22Oid%22%3a%221c33f68a-8572-4e9b-892c-17b15ac20ca0%22%7d

Reason for Proposed Action: *Readoption of rules without substantive changes.*

Comments may be submitted to: Stefanie Kuzdrall, 121 Edinburgh South Dr Suite 209, Cary, NC 27511

Comment period ends: November 14, 2025

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or 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 (\geq \$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

SUBCHAPTER 14A – DEPARTMENTAL RULES

SECTION .0100 – ORGANIZATION RULES

- 21 NCAC 14A .0101 DEFINITIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14A .0104 ADDRESS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0400 - LICENSE WAIVER FOR ARMED FORCES

- 21 NCAC 14A .0401 LICENSE WAIVER FOR ARMED FORCES (READOPTION WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14A .0402 DUPLICATE LICENSES (READOPTION WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14A .0403 ADDITIONAL SALON CHAIRS (READOPTION WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14A .0404 FEES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SUBCHAPTER 14B - RULE-MAKING PROCEDURES

SECTION .0100 - PETITIONS FOR RULE-MAKING

- 21 NCAC 14B .0101 PETITIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14B .0102 CONTENTS OF PETITIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14B .0105 GRANTING OR DENYING PETITIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

- 21 NCAC 14B .0107 FINAL DECISION (READOPTION WITHOUT SUBSTANTIVE CHANGES)
SECTION .0200 - NOTICE

- 21 NCAC 14B .0201 NOTICE TO PUBLIC (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0300 - HEARINGS

- 21 NCAC 14B .0302 PROCEDURE FOR MAKING ORAL PRESENTATION AT HEARING (READOPTION WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14B .0304 ACKNOWLEDGEMENT OF A REQUEST TO MAKE AN ORAL PRESENTATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14B .0305 WRITTEN STATEMENT (READOPTION WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14B .0306 ACKNOWLEDGEMENT (READOPTION WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14B .0307 CONTROL OF HEARINGS (READOPTION WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14B .0308 REQUEST FOR STATEMENT ON ADOPTED RULE (READOPTION WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14B .0309 RECORDS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0500 - DECLARATORY RULINGS

- 21 NCAC 14B .0501 REQUEST FOR DECLARATORY RULING (READOPTION WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14B .0502 CONTENTS OF REQUEST (READOPTION WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14B .0503 REFUSAL TO ISSUE DECLARATORY RULING (READOPTION WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14B .0505 PROCEDURE (READOPTION WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14B .0506 CIRCUMSTANCES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0600 - FEES

- 21 NCAC 14B .0601 COPYING CHARGES (READOPTION WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14B .0603 POSTAGE AND HANDLING (READOPTION WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14B .0605 COSMETOLOGIST LICENSE FEE AND STAGGERED LICENSE RENEWAL SCHEDULE (READOPTION WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14B .0607 WAIVERS (READOPTION WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14B .0608 COMPLAINTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SUBCHAPTER 14C - CONTESTED CASES

SECTION .0100 - GENERAL RULES

21 NCAC 14C .0101 ADMINISTRATIVE HEARINGS
(READOPTION WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14C .0103 PRESIDING OFFICER
(READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0200 - REQUEST FOR A HEARING

21 NCAC 14C .0201 REQUEST (READOPTION
WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14C .0203 WRITTEN REQUEST
(READOPTION WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14C .0204 CONTENTS OF REQUEST
(READOPTION WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14C .0205 ACKNOWLEDGEMENT
(READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0500 – NOTICE

21 NCAC 14C .0503 ADDITIONAL INFORMATION
ON NOTICES OF HEARINGS (READOPTION WITHOUT
SUBSTANTIVE CHANGES)

**SECTION .0600 - WHO SHALL HEAR CONTESTED
CASES**

21 NCAC 14C .0601 HEARING PANEL
(READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0800 - INTERVENTION

21 NCAC 14C .0801 INTERVENTION OF RIGHT
(READOPTION WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14C .0802 PERMISSIVE INTERVENTION
(READOPTION WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14C .0803 DISCRETIONARY
INTERVENTION (READOPTION WITHOUT
SUBSTANTIVE CHANGES)
21 NCAC 14C .0804 ADVISABILITY (READOPTION
WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14C .0805 WRITTEN MOTION
(READOPTION WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14C .0807 ALLOWANCE (READOPTION
WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14C .0808 DENIAL (READOPTION
WITHOUT SUBSTANTIVE CHANGES)

SECTION .0900 - HEARING OFFICERS

21 NCAC 14C .0903 BIAS OF BOARD MEMBER
(READOPTION WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14C .0904 BIAS CLAIMED BY PARTY
(READOPTION WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14C .0906 FILING AFFIDAVIT
(READOPTION WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14C .0907 DISQUALIFICATION
(READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 14C .0908 NEW HEARING (READOPTION
WITHOUT SUBSTANTIVE CHANGES)

**SUBCHAPTER 14D - CONDUCT OF THE CONTESTED
CASE****SECTION .0100 - FAILURE TO APPEAR**

21 NCAC 14D .0101 PROCEEDING WITHOUT
PARTY (READOPTION WITHOUT SUBSTANTIVE
CHANGES)
21 NCAC 14D .0103 CONTINUANCES
(READOPTION WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14D .0104 PETITION TO REOPEN
(READOPTION WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14D .0105 CRITERIA FOR REOPENING A
CASE (READOPTION WITHOUT SUBSTANTIVE
CHANGES)

SECTION .0300 - SUBPOENAS

21 NCAC 14D .0302 ISSUANCE (READOPTION
WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14D .0303 SERVICE OF SUBPOENAS
(READOPTION WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14D .0305 OBJECTIONS (READOPTION
WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14D .0306 STATEMENT OF REASONS
(READOPTION WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14D .0307 SERVICE OF OBJECTIONS
(READOPTION WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14D .0308 RESPONSES TO OBJECTIONS
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**21 NCAC 14P .0117 RULE COMPLIANCE AND
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21 NCAC 14T .0302 EQUIPMENT FOR
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EQUIPMENT (READOPTION WITHOUT SUBSTANTIVE
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21 NCAC 14T .0403 MANICURING STUDENT
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21 NCAC 14T .0607 COSMETOLOGY TEACHER
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SUBSTANTIVE CHANGES)
21 NCAC 14T .0610 NATURAL HAIR CARE
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21 NCAC 14T .0614 INTERNSHIPS (READOPTION
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21 NCAC 14T .0615 FIELD TRIPS (READOPTION
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(READOPTION WITHOUT SUBSTANTIVE CHANGES)
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21 NCAC 14T .0701 SCHOOL OPERATIONS/LICENSURE MAINTENANCE (READoption WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14T .0702 TRANSFER OF CREDIT (READoption WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14T .0703 EXPIRATION OF STUDENT CREDIT (READoption WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14T .0705 SCHOOL PERFORMANCE REQUIREMENTS (READoption WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14T .0706 SCHOOL APPROVAL CHANGES AND SCHOOL CLOSING (READoption WITHOUT SUBSTANTIVE CHANGES)

SECTION .0800 – SCHOOL INSPECTIONS

21 NCAC 14T .0802 SCHOOL INFECTION CONTROL GRADES (READoption WITHOUT SUBSTANTIVE CHANGES)
21 NCAC 14T .0803 SCHOOL INSPECTIONS (READoption WITHOUT SUBSTANTIVE CHANGES)

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21 NCAC 14T .0901 SCHOOL PROBATION (READoption WITHOUT SUBSTANTIVE CHANGES)

CHAPTER 34 - FUNERAL SERVICE

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Funeral Service intends to amend the rules cited as 21 NCAC 34A .0101, .0123, .0127; 34B .0104, .0110, .0126, .0202, .0401, .0414, .0507, .0508, .0510, .0605, .0613, .0615, .0703, .0706; 34D .0304, and repeal the rules cited as 21 NCAC 34B .0501; and 34C .0305.

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://ncbfs.org/>

Proposed Effective Date: February 1, 2026

Public Hearing:

Date: October 8, 2025

Time: 10:00 a.m.

Location: 1033 Wade Ave, Ste 108, Raleigh, NC 27605

Reason for Proposed Action: 21 NCAC 34A .0101 – To provide the website address for the Board
 21 NCAC 34A .0123 – To update the information that a member of the public must submit to the Board to initiate a consumer complaint

21 NCAC 34A .0127 – To update the manner in which documents may be submitted to the Board
 21 NCAC 34B .0104 – To clarify the manner in which trainees may notify the Board of a change of employment
 21 NCAC 34B .0110 – To update the information that trainees must submit on their monthly work reports to the Board
 21 NCAC 34B .0126 – To define the activities that must be performed during the course of a resident traineeship
 21 NCAC 34B .0202 – To update the information that applicants for exam eligibility and for individual licensure must submit to the Board
 21 NCAC 34B .0401 – To update the manner in which the public may receive notification of Board-approved CE courses.
 21 NCAC 34B .0414 – To eliminate references to continuing education offered by antiquated technology
 21 NCAC 34B .0501 – To repeal a separate application process for applicants residing outside of North Carolina.
 21 NCAC 34B .0507 – To clarify the annual renewal deadline for courtesy card holders
 21 NCAC 34B .0508 – To update the information that applicants for courtesy cards must submit to the Board
 21 NCAC 34B .0510 – To update the information that courtesy card holders must submit to the Board to renew a courtesy card
 21 NCAC 34B .0605 – To clarify the application process for a funeral establishment following a change of ownership
 21 NCAC 34B .0613 – To update the record retention schedule for disclosure statements held by funeral establishments
 21 NCAC 34B .0615 – To revise the requirements for corrections of violations following a funeral establishment inspection
 21 NCAC 34B .0703 – To clarify the requirements for disposal of refuse and ventilation in a preparation room within a funeral establishment.
 21 NCAC 34B .0706 – To update the information that must be submitted to the Board upon application for an embalming facility.
 21 NCAC 34C .0305 – To repeal duplicative language set forth in rule that now has been codified in statute, following enactment of S.L. 2025-76
 21 NCAC 34D .0304 – To clarify the information that must be provided to the Board following the transfer of preneed funeral funds from one financial institution to another

Comments may be submitted to: Amy Acord, 1033 Wade Ave, Ste 108, Raleigh, NC 27605; phone (919) 733-9380; email aacord@ncbfs.org

Comment period ends: November 14, 2025

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 a written objection to the Rules Review Commission. 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

letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or 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 ($\geq \$1,000,000$)
- ☐ Approved by OSBM
- ☒ No fiscal note required

SUBCHAPTER 34A - BOARD FUNCTIONS

SECTION .0100 - GENERAL PROVISIONS

21 NCAC 34A .0101 AGENCY NAME AND ADDRESS

The name of the agency promulgating the rules in this Chapter is the North Carolina Board of Funeral Service. As used in these Rules, the word "Board" shall refer to this agency. The office of the Board is located at 1033 Wade Avenue, Suite 108, Raleigh, North Carolina 27605. The Board's website address is ncbfs.org.

Authority G.S. 90-210.22; 90-210.23(a).

21 NCAC 34A .0123 CONSUMER COMPLAINT FORM

~~The Board may provide consumer complaint forms. The complainant shall furnish the names and addresses of all parties involved, a description of the complaint, the signature of the complainant, and other information that the Board deems necessary as required by law.~~

(a) Initiation. Any individual with personal knowledge that any person has violated statutes or rules governed by the Board (the "Complainant") may file a complaint by submitting a complaint form through the Board's website, by emailing a complaint form to complaints@ncbfs.org, or by mailing a copy of the complaint to the Board's office.

(b) Form. The complaint shall contain a narrative of the acts or omissions about which the Complainant is concerned and shall be signed by the Complainant. The complaint shall include:

- (1) the name, address, email address, and telephone number of the Complainant;
- (2) the name and address of the person or business against which the complaint is made (the "Respondent");
- (3) a statement of the facts that describe the allegations against the Respondent;
- (4) Complainant's attestation that:
 - (A) the information in the complaint is true and accurate to the best of the Complainant's recollection;
 - (B) the Complainant agrees to cooperate with the Board's investigation of the complaint by furnishing to the Board all pertinent or requested information

- (C) the Complainant shall testify as a witness if a hearing is held concerning the alleged misconduct of the Respondent;
- (D) the Complainant understands his or her identity will be disclosed to the Respondent;
- (E) the Complainant understands that anonymous complaints will not be processed by the Board;
- (F) the Complainant understands that the Board cannot provide him or her with legal advice, cannot represent the Complainant or intervene on his or her behalf in court proceedings, and cannot provide any opinions or make any determinations regarding civil liability;
- (G) the Complainant understands that he or she should not wait for the Board's disposition of the complaint before pursuing any legal claim or seeking legal advice, if he or she believes that damages have been incurred because of an alleged act or omission by Respondent.

(c) The Board shall process complaints in accordance with 21 NCAC 34A .0126.

Authority G.S. 90-210.23(a); 90-210.18(a); 90-210.25(e); 90-210.134(a).

21 NCAC 34A .0127 FILING SUBMISSION OF DOCUMENTS

~~Any document that does not require a fingerprint card or the payment of a fee, or that does not pertain to elections to the N.C. Crematory Authority or to a resident traineeship, may be filed with the Board by U.S. mail, private courier service, facsimile, or hand delivery. All other documents must be filed by U.S. mail, private courier service, or hand delivery. Documents shall be considered filed submitted to the Board on the date of receipt by the Board or, if sent by U.S. mail or private courier service, on the date of postmark or date stamp used by the private courier respectively.~~

Authority G.S. 90-210.23(a).

SUBCHAPTER 34B - FUNERAL SERVICE

SECTION .0100 - RESIDENT TRAINEES

21 NCAC 34B .0104 CHANGE IN EMPLOYMENT

Each resident trainee shall complete an application form prescribed by the Board prior to making any change in employment during the resident traineeship. The form shall be signed and dated by the resident trainee and shall require the

~~applicant~~ resident trainee to furnish the name of the trainee, the former funeral establishment and supervisor, the dates of services with the former funeral establishment, the proposed funeral establishment and supervisor, the proposed effective date of the change, and ~~any other information the Board deems necessary as determined by law.~~ the reason for the change in employment.

Authority G.S. 90-210.23(a); 90-210.25(a)(4)c..

21 NCAC 34B .0110 WORK REPORTS AND CHECKLISTS

(a) Active resident trainees shall submit a work report to the Board every month on a form provided by the Board no later than the 10th day of the calendar month that immediately follows the month during which the work was performed. On the work report, the resident trainee shall provide:

- (1) The trainee's ~~name and signature;~~ name, trainee number, and email address;
- (2) The month during which the work was performed;
- (3) The number of hours worked during that month;
- (4) The ~~name and address~~ name, address, and permit number of the funeral establishment where the resident trainee is working;
- (5) A description of the work performed in the practice of funeral service during that month;
- (6) The name, license number, and notarized signature of the trainee's supervisor; and
- (7) The name, license number, and notarized signature of the licensed manager of the funeral establishment where the resident trainee is working.

(b) By signing the work report, the trainee's supervisor shall certify that the data contained in the report is correct. Neither the trainee nor the trainee's supervisor shall be permitted to amend or revise the work report after it is submitted to the Board. The Board shall not accept incomplete work reports and a trainee who fails to submit a complete work report by the due date shall be subject to the provisions of Paragraph (c) of this Rule.

(c) A late fee of twenty-five dollars (\$25.00) shall be assessed against the trainee for each work report that is submitted to the Board after the due date. Following a trainee's first failure to timely submit a work report, the Board shall issue the trainee a letter that cautions against future non-compliance with this Rule. Following a trainee's second failure to timely submit a work report, the work set forth in the second untimely work report shall not be credited toward the certification of the trainee's resident traineeship. Following a trainee's third failure to timely submit a work report, the Board shall revoke the trainee's resident traineeship.

(d) Resident trainees shall maintain a checklist for each decedent for whom he or she performs funeral services on a form provided by the Board. The checklist shall contain the following information:

- (1) The name of the deceased person;
- (2) The date when the services were provided;
- (3) The trainee's name and signature;

- (4) A description of the funeral services provided; and
- (5) The supervisor's signature.

(e) Resident trainees shall maintain a list of the preneed funeral contracts with which the resident trainees participated.

(f) All documents and information set forth in this Rule shall be retained by the trainee until his or her traineeship requirement has been certified by the Board. During this time, the reports and information shall be subject to inspection by the Board or its authorized agent.

Authority G.S. 90-210.23(a); 90-210.23(d); 90-210.23(f); 90-210.25(a)(4)e.; 90-210.25(a)(4)g.; 90-210.67(a); 90-210.69(a).

21 NCAC 34B .0126 EMBALMING, FUNERAL DIRECTING AND FUNERAL SERVICE TRAINING

(a) To fulfill the requirements that funeral director and funeral service trainees shall substantially assist in directing at least 25 funerals during their resident traineeship, such trainees shall, under supervision, assist in all of the components of "funeral directing," as defined in G.S. 90-210.20(f), but as limited by 21 NCAC 34B .0103; and to G.S. 90-210.20(f). To achieve this end such trainees shall substantially assist ~~in~~, in at least 25 ~~eases, cases~~ involving activities of arranging (whether performed at time of need or by assisting in preneed funeral planning activities or a combination) ~~and, in and~~ at least 25 ~~eases, cases~~ involving activities pertaining to the funeral ceremony and disposition of the body. To fulfill the requirements that embalming and funeral service trainees shall substantially assist in embalming at least 25 bodies during their resident traineeship, such trainees shall, under supervision, substantially assist in all of the components of "embalming," as defined in G.S. 90-210.20(d).

(b) For purposes of this Rule, activities of arranging are defined as the following tasks:

- (1) At-need or preneed arranging, including all documents and records;
- (2) Imminent / pending death (hospice) arranging;
- (3) Observe sale of funeral service;
- (4) Prepare death notices / obituaries;
- (5) Ship-in / ship-out arrangements;
- (6) Prepare death certificates;
- (7) Secure permits, prepare VA or social security forms;
- (8) Witness / arrange cremation services;
- (9) Complete cremation authorization forms;
- (10) Identify authorizing agent or next-of-kin; and
- (11) Evaluate cases for medical examiner jurisdiction.

(c) For purposes of this Rule, activities of ceremony and disposition of the body are defined as the following task:

- (1) Assist with funeral or memorial or interment/committal ceremonies for casketed remains;
- (2) Assist with funeral or memorial or interment/committal ceremonies for cremated remains;
- (3) Receive visitors at viewing or funeral service;
- (4) Funeral procession and arrangement; and
- (5) Transport survivors and clergy.

(d) For purposes of this Rules, embalming components are defined as the following tasks:

- (1) Setting features;
- (2) Mixing fluids;
- (3) Raising vessels and inserting tubes;
- (4) Injecting fluids;
- (5) Suturing incisions;
- (6) Cavity treatment;
- (7) Removal and disinfecting of body;
- (8) Positioning of body;
- (9) Restorative art treatment including hypodermic treatment;
- (10) Preparation of autopsied body including treatment of viscera;
- (11) Treatment of remains following organ and/or tissue donation;
- (12) Application of cosmetics;
- (13) Dressing and casketing;
- (14) Cleaning and disinfection of preparation room;
and
- (15) Handling and/or disposing of biomedical waste.

Authority G.S. 90-210.20(f); 90-210.23(a), (d), (f); 90-210.25(a)(4); 90-210.67(a); 90-210.69(a).

SECTION .0200 - EXAMINATIONS

21 NCAC 34B .0202 APPLICATIONS

(a) Applicants to take the examination administered by the International Conference of Funeral Service Examining Boards, Inc. ("ICFSEB") for a license shall apply to the Board upon forms to be furnished by the Board. The application must be verified by the applicant and received by the Board at least 30 days prior to the date of the examination. Applicants are ineligible to take the examination before completing their educational requirements for examination registration through the ICFSEB website, available at <https://theconferenceonline.org/apply-now/>.

~~(b) If the applicant does not sit for all examinations within 12 months of the filing date, the applicant forfeits the pending application and fee, and the applicant shall submit a new application and fee. Applications that are not completed within ninety (90) days following submission to the Board shall be denied.~~

(c) Applicants must submit an Exam Eligibility Form to the Board contemporaneously with their application for examination registration as set forth in Paragraph (a) of this Rule. All Exam Eligibility Forms shall include:

Applications that are not completed within ninety (90) days following submission to the Board shall be denied.

(d) Applicants must submit an Exam Eligibility Form to the Board contemporaneously with their application for examination registration as set forth in Paragraph (a) of this Rule. All Exam Eligibility Forms shall include:

- (1) The applicant's full name, residential address, phone number, and email address;
- (2) The license type for which the applicant is seeking eligibility;
- (3) The name of each college or university attended by the applicant, the dates of attendance, and

the graduation date and degree(s) obtained, if any; and

- (4) Whether the applicant has requested that a certified transcript from each college or university attended by the applicant be sent to the Board and, if so, the date on which the applicant ordered the transcript.

(e) Applications for licensure as a funeral service licensee, embalmer, or funeral director shall be made on applications available on the Board's website at ncbfs.org. Applications not completed within ninety (90) days following submission to the Board shall be denied. All applications for such licensure shall contain the following:

- (1) The applicant's full name, date of birth, place of birth, sex, and social security number;
- (2) The applicant's email address, residential address, mailing address, and phone number(s);
- (3) The name and address of the applicant's current employer and past employers over the three years preceding the application, to include the dates of employment and nature of the work performed by the applicant;
- (4) Whether the applicant is applying for a funeral service license, a funeral director license, or embalmer license;
- (5) The name of each college or university attended by the applicant, the dates of attendance, and the graduation date and degree(s) obtained, if any;
- (6) A certified transcript from each college or university at which the applicant attended courses toward his or her attainment of the educational degree required for the type of license sought, as set forth in G.S. 90-210.25(a)(1), (2), (3);
- (7) Official score reports showing passage of the required examination for the type of licensure sought pursuant to G.S. 90-210.25(a)(1), (2), (3) that are provided to the Board by the examination testing provider;
- (8) Whether the applicant has ever been certified, licensed, or registered to practice funeral service by the Board or by another occupational licensing board and, if so, the type of credential, the jurisdiction of issuance, the issuance date, the expiration date, and any examinations taken to obtain the credential;
- (9) Whether the applicant ever has been denied a credential in another state and, if so, the jurisdiction and the reason for the denial of the credential;
- (10) Whether the applicant has been convicted of a felony or misdemeanor crime and, if so, a statement providing the jurisdiction, charge, date of disposition, and sentence imposed of each conviction;
- (11) Whether the applicant has any criminal charges currently pending and, if so, the nature of the

- charge and the jurisdiction in which the charge is pending;
- (12) Whether the applicant has had an occupational or business license suspended or revoked by any local, state, or federal agency and, if so, a statement providing the reason for the action and the date, location, and circumstances of any violation that led to action against the license;
- (13) Whether any court, board, agency, or professional organization has found applicant guilty of misconduct, unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal and the date of the finding;
- (14) Whether the applicant has any charges pending before any court, board, agency, or professional organization for unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal in which the charge is pending;
- (15) Whether, within the preceding two years, the applicant has been the subject of any investigation for employee misclassification and, if so, the results of the investigation;
- (16) The applicant's notarized signature to certify that:
- (A) he or she has prepared the application and has read the answers;
- (B) the information provided in the application is true;
- (C) the applicant has read and understands the public notice statement on employee misclassification that is set forth in the application and has disclosed any investigations for employee misclassification, and its results, over the preceding two year period, as prescribed by G.S. 143-789; and
- (D) he or she understands that any credential issued shall be governed by the provisions of Article 13A, Chapter 90 of the North Carolina General Statutes and the rules promulgated by the Board.
- (17) The application fee, as prescribed by G.S. 90-210.28 and 21 NCAC 34A .0201. If the application fee is dishonored by the licensee's drawee bank for any reason, the Board shall suspend the license until the renewal fees and non-sufficient fund charges are paid.

Authority G.S. 90-210.23(a); 90-210.25(a)(1),(2),(3).

SECTION .0400 – CONTINUING EDUCATION

Editor's Note: 21 NCAC 34B .0401 - .0405 was recodified from 21 NCAC 34 .0501 - .0505 Eff. February 7, 1991.

21 NCAC 34B .0401 ESTABLISHMENT AND APPROVAL OF COURSES

The Board shall cause at least eight hours of continuing education courses to be offered to the licensees annually, either directly or through other organizations or persons procured for such purpose. ~~The Board shall mail to each licensee for whose benefit the course is offered, at least 15 days prior to the date of enrollment, notice of the course and the amount of any registration fee to be charged. Information about Board-approved courses shall be posted on the Board's website at ncbfs.org.~~

Authority G.S. 90-210.23(a); 90-210.25(a)(5).

21 NCAC 34B .0414 ACCREDITATION OF COMPUTER-BASED CE

(a) ~~Effective for courses attended on or after January 1, 2009, a licensee may receive up to two hours of credit each year for participation in a course on CD ROM or on line. A CD ROM course is an educational seminar on a compact disk that is accessed through the CD ROM drive of the user's personal computer. An on-line course is an educational seminar available on a provider's website reached via the Internet.~~

(b) ~~A licensee may apply up to two credit hours of computer-based CE to a CE deficit from a preceding calendar year. A computer-based CE credit hour applied to a deficit from a preceding year will be included in calculating the maximum of two hours of computer-based CE allowed in the preceding calendar year. A licensee may carry over to the next calendar year no more than two credit hours of computer-based CE pursuant to 21 NCAC 34B .0408. A credit hour carried over pursuant to 21 NCAC 34B .0408 shall not be included in calculating the two hours of computer-based CE allowed in any one calendar year.~~

(e)(a) To be accredited, a computer-based CE course must meet all of the conditions imposed by the rules in this Subchapter, except where otherwise noted, and be interactive, permitting the participant to communicate, via telephone, electronic mail, or a website bulletin board, with the presenter or other participants.

(d)(b) The sponsor of an on-line course must have a reliable method for recording and verifying attendance. ~~The sponsor of a CD ROM course must demonstrate that there is a reliable method for the user or the sponsor to record and verify participation in the course.~~ A participant may log on and off of a computer-based CE course provided the total time spent participating in the course is equal to or exceeds the credit hours assigned to the program. A copy of the record of attendance must be forwarded to the Board within 30 days after a licensee completes his or her participation in the course.

(e)(c) After approval of a computer-based CE course, the sponsor may replay the computer-based CE course indefinitely until any change is made to the course content. Any modification to an approved computer-based CE course shall require the sponsor to submit a new application for approval but the sponsor may continue to show the previously approved version of the course.

Authority G.S. 90-210.23(a); 90-210.25(a)(5).

SECTION .0500 - OUT-OF-STATE LICENSEES

Editor's Note: 21 NCAC 34B .0501 - .0510 was recodified from 21 NCAC 34 .0601 - .0610 Eff. February 7, 1991.

21 NCAC 34B .0501 APPLICATION FOR LICENSE

Authority G.S. 90-210.23(a); 90-210.25(b)(1); 150B-11(1).

21 NCAC 34B .0507 COURTESY CARDS

Applications by out-of-state licensees for courtesy cards pursuant to G.S. 90-210.25(b)(3) shall be made upon forms to be furnished by the Board. Such cards shall be issued by license category corresponding to the license held by the applicant, shall be non-transferable, and shall be renewable from year to year. A courtesy card shall expire and terminate upon the suspension, revocation, forfeiture, expiration, or other termination of the holder's license issued by the licensing board of the other jurisdiction, or on the 31st day of ~~December~~, December of each year, whichever shall first occur. The holder of a courtesy card shall be subject to the provisions of G.S. 90-210.25(e). The application must be verified by the applicant and the licensing board of the other jurisdiction and filed with the Board.

Authority G.S. 90-210.23(a); 90-210.25(b)(3); 150B-11(1).

21 NCAC 34B .0508 APPLICATION FORM FOR COURTESY CARD

Applications for a courtesy card shall be made on forms ~~provided by the Board. The applicant shall furnish the applicant's photograph, name, address, and biographical data; courtesy card applied for, by license category; name and address of the licensing board where the applicant is licensed; the kind, license number, expiration date of licenses presently held; an agreement that the applicant will obey North Carolina statutes and rules governing funeral service; verification by the applicant; certification by the Secretary or other official of the licensing board of the other jurisdiction that the information concerning the applicant's licensure is correct; and any other information the Board deems necessary as required by law.~~ available on the Board's website at ncbfs.org. Applications not completed within thirty (30) days following submission to the Board shall be denied. All applications for a courtesy card shall contain the following:

- (1) The applicant's full name, date of birth, place of birth, sex, and social security number;
- (2) The applicant's email address, residential address, mailing address, and phone number(s);
- (3) The name and address of the applicant's current employer;
- (4) Whether the applicant is applying for a funeral service license, a funeral director license, or embalmer courtesy card;
- (5) Whether the applicant currently holds a funeral service license, funeral director license, or embalmer license in any jurisdiction outside of North Carolina and if so, the name of the jurisdiction, the date that the license was issued, the license number, and the expiration date of the license;
- (6) Whether the applicant ever has been denied a credential in another state and, if so, the

jurisdiction and the reason for the denial of the credential;

- (7) Whether the applicant has been convicted of a felony or misdemeanor crime and, if so, a statement providing the jurisdiction, charge, date of disposition, and sentence imposed of each conviction;
- (8) Whether the applicant has any criminal charges currently pending and, if so, the nature of the charge and the jurisdiction in which the charge is pending;
- (9) Whether the applicant has had an occupational or business license suspended or revoked by any local, state, or federal agency and, if so, a statement providing the reason for the action and the date, location, and circumstances of any violation that led to action against the license;
- (10) Whether any court, board, agency, or professional organization has found applicant guilty of misconduct, unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal and the date of the finding;
- (11) Whether the applicant has any charges pending before any court, board, agency, or professional organization for unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal in which the charge is pending;
- (12) Whether, within the preceding two years, the applicant has been the subject of any investigation for employee misclassification and, if so, the results of the investigation;
- (13) The applicant's notarized signature to certify that:
 - (a) he or she has prepared the application and has read the answers;
 - (b) the information provided in the application is true;
 - (c) the applicant has read and understands the public notice statement on employee misclassification that is set forth in the application and has disclosed any investigations for employee misclassification, and its results, over the preceding two year period, as prescribed by G.S. 143-789; and
 - (d) he or she understands that any credential issued shall be governed by the provisions of Article 13A, Chapter 90 of the North Carolina General Statutes and the rules promulgated by the Board.
- (14) The application fee, as prescribed by G.S. 90-210.28 and 21 NCAC 34A .0201. If the application fee is dishonored by the licensee's drawee bank for any reason, the Board shall

suspend the license until the renewal fees and non-sufficient fund charges are paid.

Authority G.S. 90-210.23(a); 90-210.25(b)(3).

21 NCAC 34B .0510 COURTESY CARD RENEWAL FORM

Applications for annual renewal of a courtesy card shall be made on forms ~~provided by the Board. The form shall require the applicant to furnish the type of license privileges sought, changes to the applicant's name, address, telephone, place of employment, license expiration date, the signature of the applicant, affirmation that the applicant will abide by North Carolina law, verification, and any other information the Board deems necessary as required by law.~~ available on the Board's website at ncbfs.org. All renewal applications for a courtesy card shall contain the following:

- (1) The applicant's full name, date of birth, place of birth, sex, and social security number;
- (2) The applicant's email address, residential address, mailing address, and phone number(s);
- (3) The name and address of the applicant's current employer;
- (4) Whether the applicant is applying for a funeral service license, a funeral director license, or embalmer courtesy card;
- (5) Whether the applicant currently holds a funeral service license, funeral director license, or embalmer license in any jurisdiction outside of North Carolina and if so, the name of the jurisdiction, the date that the license was issued, the license number, and the expiration date of the license;
- (6) Whether the applicant ever has been denied a credential in another state and, if so, the jurisdiction and the reason for the denial of the credential;
- (7) Whether the applicant has been convicted of a felony or misdemeanor crime since the last renewal and, if so, a statement providing the jurisdiction, charge, date of disposition, and sentence imposed of each conviction;
- (8) Whether the applicant has any criminal charges currently pending and, if so, the nature of the charge and the jurisdiction in which the charge is pending;
- (9) Whether the applicant has had an occupational or business license suspended or revoked by any local, state, or federal agency since the last renewal and, if so, a statement providing the reason for the action and the date, location, and circumstances of any violation that led to action against the license;
- (10) Whether any court, board, agency, or professional organization has found applicant guilty of misconduct, unprofessional conduct, dishonest or fraudulent practice, or incompetent practice since the last renewal and, if so, the tribunal and the date of the finding;

- (11) Whether the applicant has any charges pending before any court, board, agency, or professional organization for unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the tribunal in which the charge is pending;
- (12) Whether, since the last renewal, the applicant has been the subject of any investigation for employee misclassification and, if so, the results of the investigation;
- (13) The applicant's notarized signature to certify that:
 - (a) he or she has prepared the application and has read the answers;
 - (b) the information provided in the application is true;
 - (c) the applicant has read and understands the public notice statement on employee misclassification that is set forth in the application and has disclosed any investigations for employee misclassification, and its results, over the preceding two year period, as prescribed by G.S. 143-789; and
 - (d) he or she understands that any credential issued shall be governed by the provisions of Article 13A, Chapter 90 of the North Carolina General Statutes and the rules promulgated by the Board.
- (14) The application fee, as prescribed by G.S. 90-210.28 and 21 NCAC 34A .0201. If the application fee is dishonored by the licensee's drawee bank for any reason, the Board shall suspend the license until the renewal fees and non-sufficient fund charges are paid.

Authority G.S. 90-210.23(a); 90-210.25(b)(3).

PROGRAM COULD NOT FIND SECTION RULE DOCUMENT IN CODE

21 NCAC 34B .0605 PERMITS: TRANSFER OF OWNERSHIP OF ESTABLISHMENT

Funeral establishment permits shall not be transferable. When the ownership of a funeral establishment changes, ~~or when there has been a transfer of a majority of the common stock of the corporation owning a funeral establishment,~~ as defined by G.S. 90-210.25(d)(5), a new application for an establishment permit shall be made to the Board ~~within 30 days of said change of ownership or transfer.~~ The applicable fee shall accompany the said application, as in the case of initial applications, on forms provided by the Board that are made available on the Board's website, ncbfs.org, within the timeframe set forth in G.S. 90-210.25(d)(5). The application shall contain the information required by Paragraph (a) of 21 NCAC 34B .0608.

Authority G.S. 90-210.23(a),(e); 90-210.25(d)(5); 150B-11(1).

21 NCAC 34B .0613 DISCLOSURE STATEMENTS

One copy of each disclosure statement, as required by G.S. 90-210.25(e), shall be kept by the funeral establishment for a period of ~~two~~ three years and shall, during said period of time, be subject to inspection by the Board, its inspector or other duly authorized representative.

Authority G.S. 90-210.23(a),(d),(e); 90-210.25(e); 150B-11(1).

21 NCAC 34B .0615 FUNERAL ESTABLISHMENT INSPECTION FORM

The findings of all funeral establishment inspections shall be recorded and filed on report forms provided by the Board. The funeral establishment shall furnish the name and address of the establishment; names of the owner, manager, licensees and resident trainees; verification by the funeral establishment that any violations have been corrected, the date of the verification, and other information the Board deems necessary as required by law. ~~Verifications by an official of the funeral establishment that any violations have been corrected must be received by the Board no later than seven days after the date for compliance.~~

Authority G.S. 90-210.23(a),(d),(e); 90-210.24.

SECTION .0700 - PREPARATION OF DEAD BODIES

21 NCAC 34B .0703 DISPOSAL OF REFUSE: VENTILATION

Every preparation room shall be provided with ~~proper and convenient~~ receptacles for refuse, bandages, cotton and other waste materials and supplies, which shall be properly disposed of at the conclusion of each ~~case, to the end that the public health may thereby be protected.~~ embalming case. Every preparation room shall comply, with respect to ventilation, with state and local laws, ordinances and regulations. No obnoxious or deleterious odors shall be allowed to remain therein nor to enter into any other part of the premises of the funeral establishment or into any adjoining premises.

Authority G.S. 90-210.23(a),(d),(e); 90-210.27A.

21 NCAC 34B .0706 REGISTRATION OF EMBALMING FACILITY LOCATED OUTSIDE OF A FUNERAL ESTABLISHMENT

(a) An embalming facility located outside a funeral establishment shall comply with the requirements of G.S. 90-210.27A(a)(1) through (8) and all other applicable federal, state, or local laws and regulations.

(b) An embalming facility located outside a funeral establishment shall be registered either to a funeral establishment holding a permit from the Board or to a funeral service or embalmer licensee of the Board. Each embalming facility must be managed by an embalmer or funeral service licensee. A person managing an embalming facility ~~may~~ must also manage the funeral establishment location registering the facility.

(c) Applications to register an embalming facility located outside a funeral establishment shall be made on forms provided by the ~~Board.~~ Board that are available at the Board's website, ncbfs.org. The applicant shall furnish the address and telephone number of

the facility; a description of the preparation room; the names and license numbers of all part-time and full-time licensees employed by the facility; the person or business entity owning the facility; the person managing the facility; a certification that the facility will not be used for any other purpose other than embalming or used for activities requiring a funeral establishment permit; and ~~any other information the Board deems necessary as required by law.~~ The applicant shall verify the contents of the application before a notary public.

(d) Upon Board approval of the registration, the embalming facility may be used to embalm dead human bodies and shall not be used as a public accommodation. The owner of the facility must obtain a funeral establishment permit under G.S. 90-210.25(d) if the facility is to be held out to the public, used as a public accommodation, or used to engage in any other activity defined as the practice of funeral service under G.S. 90-210.20(k) other than embalming.

Authority G.S. 90-210.20(f),(h),(k); 90-210.23(a),(e); 90-210.25(d1); 90-210.27A.

SUBCHAPTER 34C - CREMATORIES

SECTION .0300 - AUTHORIZATIONS, REPORTS, RECORDS

21 NCAC 34C .0305 MONTHLY REPORTS

Authority G.S. 90-210.132; 90-210.134(a).

SUBCHAPTER 34D - PRENEED FUNERAL CONTRACTS

SECTION .0300 - OPERATIONS

21 NCAC 34D .0304 TRANSFER OF TRUST FUNDS

When, pursuant to G.S. 90-210.68(b), a preneed licensee directs a transfer of preneed funds to a substitute financial institution, the preneed license shall direct the financial institution which that is a party to the preneed funeral contract (the "original financial institution") to shall make the transfer directly and solely to the substitute financial institution and not mediately to the preneed licensee. The notification to the Board preneed licensee shall notify the Board within ten (10) days following said transfer as required by G.S. 90-210.68(b) and said notification shall be made on a form provided by the Board, which shall indicate the transfer of the funds by the financial institution and their acceptance by the substitute financial institution and the agreement of the substitute financial institution to be bound by the preneed funeral contract and, if the contract is revocable, certification that the licensee has notified the purchaser of the intended transfer. provide the following information:

- (1) The name, address, and license number of the preneed establishment serving as trustee for the preneed contract, along with the preneed contract identification number prescribed by the Board;
- (2) The name and address of the original financial institution, along with the account number in which the preneed funds are held;

- (3) The name and address of the successor financial institution, along with the account number into which the preneed funds will be transferred;
- (4) The name of the preneed contract beneficiary and of the preneed contract purchaser and whether the purchaser of the preneed contract has been notified of the intended transfer of preneed funds, if the preneed contract is revocable;
- (5) The dated signature of the preneed licensee attesting to the request to transfer the preneed funds to a substitute financial institution
- (6) The dated signature of the representative of the original financial institution attesting to its payment of the preneed funds to the successor financial institution and the amount of preneed funds so transferred; and
- (7) The dated signature of the representative of the successor financial institution attesting to the amount of preneed funds received from the original financial institution and its receipt of the underlying preneed funeral contract, as well as its agreement to adhere to the provisions of General State Chapter 90, Article 13D, as it pertains to financial institutions.

Authority G.S. 90-210.69(a); 90-210.68(b).

CHAPTER 53 - CLINICAL MENTAL HEALTH COUNSELORS

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Licensed Clinical Mental Health Counselors intends to adopt the rules cited as 21 NCAC 53 .1001-.1006.

Link to agency website pursuant to G.S. 150B-19.1(c):
www.ncblcmhc.org

Proposed Effective Date: January 1, 2026

Instructions on How to Demand a Public Hearing: *(must be requested in writing within 15 days of notice): A request for public hearing may be requested within 15 days of publication of these rules in the Register by submitting a request in writing to: Melonie Davis, PO Box 77819, Greensboro, NC 27417; ncfaq@ncblcmhc.org.*

Reason for Proposed Action: *All of these rules are proposed to establish requirements for an impaired professionals program.*

Comments may be submitted to: Melonie Davis, PO Box 77819, Greensboro, NC 27417; email ncfaq@ncblcmhc.org

Comment period ends: November 14, 2025

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or 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 (\geq \$1,000,000)
- ☐ Approved by OSBM
- ☒ No fiscal note required

**PROGRAM COULD NOT FIND SECTION RULE
DOCUMENT IN CODE**

SECTION .1000—IMPAIRED PROFESSIONALS PROGRAMS

21 NCAC 53 .1001 DEFINITIONS

(a) The following definitions apply to this Section:

- (1) "Applicant" means a person who has submitted an application to the Board, paid the application fee, and received confirmation of receipt of the application from the Board.
- (2) "Board" means the North Carolina Board of Licensed Mental Health Counselors as defined in G.S. 90-330(1a).
- (3) "Former Licensee" means a person who formerly held a license issued by the Board and whose license was not permanently surrendered, revoked, or suspended.
- (4) "Impairment" means a condition or disorder caused by substance use, burnout, compassion fatigue, or other mental health issue that hinders professional competence or the ability to provide or supervise clinical mental health counseling services, or may lead to conduct constituting grounds for discipline as set forth in G.S. 90-340.
- (5) "Imminent danger" means any condition, disorder, conduct, or practice that poses a risk of death or serious physical, mental, or emotional harm if not abated.
- (6) "Independent Provider" means a mental health or medical provider that the Program has recommended as a service provider to a

- Participant or a Potential Participant but is not employed by or affiliated with the Program.
- (7) "Licensee" means a person holding an active license issued by the Board.
- (8) "Monitoring" means oversight by Program staff, volunteers, and Independent Providers of Participant's compliance with a Recovery Plan, the purpose of which is to support the Participant's well-being, recovery from Impairment, and ability to practice clinical mental health counseling with reasonable skill and safety in accordance with G.S. 90-340.
- (9) "Participant" means a Licensee, Former Licensee, Potential Applicant, or an Applicant who has executed a Participation Agreement.
- (10) "Participation Agreement" means a written assessment, treatment, or monitoring contract or agreement between the Program and a Participant.
- (11) "Potential Applicant" means a person who has completed a qualifying graduate training program as defined in Rule .0701 of this Chapter and provides an attestation of their intention to apply for licensure by the Board within two years. The attestation form is available on the Board's website at <https://www.ncblcmhc.org/Licensure/Applyin> g.
- (12) "Potential Participant" means a Licensee, Former Licensee, Potential Applicant, or an Applicant about whom information concerning suspected impairment has been provided to the Board or the Program, including an individual the Board has referred to the Program, or an individual who has self-referred to the Program.
- (13) "Program" means an impaired professionals program established by the Board or with whom the Board has an agreement or otherwise made arrangements to provide Screening and Monitoring to Potential Participants or Participants who have or may have an Impairment.
- (14) "Recovery Plan" means a comprehensive strategy to address a Participant's Impairment, including Monitoring and Recovery Services.
- (15) "Recovery Services" mean services provided to Participants or Potential Participants from Independent Providers, including assessment, substance testing, referrals, treatment, and follow-up care.
- (16) "Screening" means to meet with a Potential Participant, conduct an investigation of a Potential Participant, gather pertinent personal, professional, physical, and mental health information, and interview collateral sources, when necessary, to determine if a potential Impairment exists and, if so, provide recommendations for a Recovery Plan.

Authority G.S. 90-334(l).

21 NCAC 53 .1002 BOARD AGREEMENTS WITH PROGRAMS

(a) The Board may enter into agreements with Programs pursuant to G.S. 90-334.

(b) To meet the Board's requirements to enter into an agreement, a Program shall have staff, volunteers, policies, procedures, and other resources to provide the following services:

- (1) Performing Screening of Potential Participants and Monitoring of Participants;
- (2) Formulating and Implementing Recovery Plans for Participants;
- (3) Conducting evaluations and recommendations of Independent Providers of Recovery Services;
- (4) Maintaining the confidentiality of information, documentation, and records received concerning Potential Participants and Participants in accordance with Rule .1005 of this Section;
- (5) Submitting reports and information to the Board consistent with Rules .1004 and .1005 of this Section; and
- (6) Providing a process by which Participants and Potential Participants may challenge or appeal a determination by the Program regarding the Participant or Potential Participant.

(c) The Board shall conduct an annual review of the operations of any Program under an agreement to receive referrals of Potential Participants and Participants to determine the Program's compliance with the requirements in Paragraph (b) of this Rule and the Program's agreement with the Board.

(d) In connection with the annual review, the Program shall provide the Board with a report of an annual financial audit for the preceding year.

Authority G.S. 90-334(l); 90-340.

21 NCAC 53 .1003 PROGRAM OPERATIONS AND PROCEDURES FOR ALL PARTICIPANTS

(a) The Program may receive information about suspected Impairment of a Potential Participant through any of the following sources:

- (1) Referral by the Board, including as part of the application or disciplinary process;
- (2) Self-referral by the Potential Participant; and
- (3) Referral from physicians, counselors, other mental health professionals, family members, colleagues, co-workers, or other individuals or sources with direct or personal knowledge concerning a Potential Participant.

(b) Regardless of the source of the referral, the Program may investigate and conduct a Screening.

(c) The Program may consult with Independent Providers and treating mental health or medical providers in conducting a Screening.

(d) If the Program finds from the investigation or Screening that an Impairment likely exists, it may refer the Potential Participant for an assessment or treatment by an Independent Provider.

(e) If Monitoring is recommended by the Program or an Independent Provider, the Program shall develop a Recovery Plan and request the Potential Participant to become a Participant.

(f) As part of the Program's Monitoring, Participants shall submit urine or other bodily specimens to the Program, as requested, to test for the presence of any substances that could indicate Impairment.

(g) Participants shall submit to periodic interviews with the Program staff or volunteers. The Program shall determine the frequency of personal interviews necessary to evaluate the Participant's Impairment and ability to practice clinical mental health counseling.

(h) Upon signing a Participation Agreement, Participant shall sign releases to authorize the disclosure or exchange of information or documentation about Participant's compliance with the Participation Agreement and Recovery Plan:

- (1) to the Board consistent with Rule .1005 of this Section;
- (2) between the Program, Independent Providers, and treating mental health or medical professionals; and
- (3) from employers or other individuals assigned to monitor Participant in the workplace.

(i) A Participant shall comply with the Participation Agreement. A Participant's failure to comply with the Participation Agreement shall be deemed a failure to cooperate with the Board and shall subject the Participant to disciplinary action or denial of licensure by the Board pursuant to G.S. 90-340(a)(7) and (15).

Authority G.S. 90-334(l); G.S. 90-340.

21 NCAC 53 .1004 PROGRAM OPERATIONS AND PROCEDURES FOR BOARD REFERRALS

The following shall apply to Board referrals to the Program of Potential Participants who consent to the referral:

- (1) The Board may refer a Potential Participant to the Program if it receives, or obtains through an investigation or review, evidence or information of potential Impairment. The decision to refer a Potential Participant to the Program shall be made on a case-by-case basis based on the evidence or information received, and within the discretion of the Board.
- (2) Potential Participants shall cooperate with the Program, including:
 - (a) executing all required releases or authorizations to exchange information about the Potential Participant between the Board, the Program, Independent Providers, and treating mental health or medical professionals; and
 - (b) submitting to a Screening to determine if evidence exists to substantiate the potential Impairment.
- (3) The Program shall advise the Potential Participant and Board of the findings and recommendations from the Screening and the

Potential Participant's cooperation with the Program or lack thereof.

(4) The Program shall advise the Board as to the results and recommendations from assessments or treatment, including a recommendation for Monitoring.

(5) In addition to Monitoring, the Board may require other conditions or stipulations from the Potential Participant to be included in the Participation Agreement.

(6) The Program shall report to the Board if the Potential Participant fails to cooperate with the Program, including failing to sign a Participation Agreement, if requested by the Program.

Authority G.S. 90-334(l); 90-340.

21 NCAC 53 .1005 CONFIDENTIALITY

(a) The Program shall maintain records on all Potential Participants and Participants, and the records, including those obtained from Independent Providers, treating professionals, and other third parties concerning Potential Participants or Participants, shall remain confidential in accordance with G.S. 90-340(f).

(b) Information and documentation received by the Program regarding a Potential Participant or Participant shall remain confidential and shall not be released to the Board, except as set forth in Rule .1004 of this Section, unless the Program determines that the Potential Participant or Participant:

- (1) constitutes an Imminent Danger to client care, the public, or himself or herself for any reason;
- (2) is unable to practice clinical mental health counseling with reasonable skill and safety consistent with G.S. 90-340(a)(11); or
- (3) refuses to cooperate with the Program, including failing to submit to assessment or treatment recommended by the Program or failing to comply with the terms of a Participation Agreement.

(c) Information and documentation about a Participant who meets any of the criteria of Subparagraphs (b)(1) through (b)(3) of this Rule shall be provided without delay to the Board along with evidence of the events leading to the report.

(d) Becoming a Participant or consenting to Screening by the Program shall not create a clinical or treatment relationship between the Program and Participants or Potential Participants.

Authority G.S. 90-334(l); G.S. 90-340.

21 NCAC 53. 1006 PERIODIC REPORTING OF ANONYMIZED INFORMATION TO THE BOARD

(a) On a quarterly and annual basis, and upon request by the Board, the Program shall provide to the Board reports of statistical, demographic, and other information collected through Program operations, which reports shall not identify Potential Participants or Participants.

PROPOSED RULES

(b) The Program shall meet with the Board or a representative of the Board on a quarterly basis to discuss the report and the Program's operations over the quarter reported upon.

Authority G.S. 90-334(l).

This Section contains information for the meeting of the Rules Review Commission on September 25, 2025 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)
John Hahn
Jeff Hyde
Wyatt Dixon, III
Bill Nelson

Appointed by House

Jake Parker (1st Vice-Chair)
Paul Powell (2nd Vice-Chair)
Wayne R. Boyles, III
Christopher Loutit
Randy Overton

COMMISSION COUNSEL

Seth M. Ascher 984-236-1934
Travis Wiggs 984-236-1929
Christopher S. Miller 984-236-1935

RULES REVIEW COMMISSION MEETING DATES

September 25, 2025 November 20, 2025
October 30, 2025 December 18, 2025

AGENDA**RULES REVIEW COMMISSION**

Thursday, September 25, 2025, 10:00 A.M.
1711 New Hope Church Rd., Raleigh, NC 27609

- I. Ethics reminder by the chair as set out in G.S. 138A-15(e)
- II. Approval of the minutes from the last meeting
- III. Follow-up matters
 - 1. Private Protective Services Board - 14B NCAC 16 .0701, .0801, .1301, .1401 (Ascher)
 - 2. Board of Dental Examiners - 21 NCAC 16A .0101; 16F .0111; 16V .0103 (Wiggs)
- IV. Review of Log of Filings (Permanent Rules) for rules filed July 21, 2025 through August 20, 2025
 - 1. Radiation Protection Commission (Wiggs)
 - 2. Commission for Public Health (Ascher)
 - 3. Criminal Justice Education and Training Standards Commission (Wiggs)
 - 4. Boxing and Combat Sports Commission (Wiggs)
 - 5. Occupational Safety and Health Review Commission (Ascher)
- V. Log of Filings (Temporary Rules) for any rule filed within 15 business days prior to the RRC Meeting
- VI. Existing Rules Review
 - Review of Reports
 - 1. 04 NCAC 15 – Commission of Navigation and Pilotage for the Cape Fear River and Bar (Ascher)
 - 2. 10A NCAC 63 – Commission for the Blind (Wiggs)
 - 3. 15A NCAC 18C – Commission for Public Health (Wiggs)
 - 4. 19A NCAC 02 – Department of Transportation (Ascher)
 - Readoptions
 - 1. 15A NCAC 08 - Water Pollution Control Systems Operators Certification Commission (Wiggs)
- VII. Commission Business
 - Election of Commission Officers
 - Closed session, to consult with attorneys regarding CRC v. RRC and CJETS v. RRC; and BRIAN LIEBMAN, in his official capacity as CODIFIER OF RULES
 - Next meeting: Thursday, October 30, 2025

Commission Review
Log of Permanent Rule Filings
July 21, 2025 through August 20, 2025

RADIATION PROTECTION COMMISSION

The rules in Chapter 15 are from the Radiation Protection Commission and include general provisions (.0100); registration of radiation machines, facilities and services (.0200); licensing of radioactive material (.0300); industrial radiography x-ray machines (.0500); x-rays in the healing arts (.0600); use of radioactive sources in the healing arts (.0700); requirements for analytical x-ray equipment (.0800); requirements for particle accelerators (.0900); notices, instructions, reports and inspections (.1000); fees (.1100); land disposal of radioactive waste (.1200); requirements for wire-line service operators and subsurface-tracer studies (.1300); tanning facilities (.1400); and standards for protection against radiation (.1600).

<u>Registration of Radiation Machines: Facilities and Services</u>	10A	NCAC	15	.0201
Amend*				
<u>Exemptions</u>	10A	NCAC	15	.0202
Readopt with Changes*				
<u>Application for Registration Process: General Requirement...</u>	10A	NCAC	15	.0203
Readopt with Changes*				
<u>Facility Responsibilities</u>	10A	NCAC	15	.0204
Readopt with Changes*				
<u>Service Provider Responsibilities</u>	10A	NCAC	15	.0205
Readopt with Changes*				
<u>Training and Educational Requirements to Provide Services</u>	10A	NCAC	15	.0206
Readopt with Changes*				
<u>Additional Requirements to Provide Services</u>	10A	NCAC	15	.0207
Readopt with Changes*				
<u>Out-of-State Radiation Machines and Radiation Generation ...</u>	10A	NCAC	15	.0208
Amend*				
<u>Issuance of Notice of Registration</u>	10A	NCAC	15	.0209
Readopt with Changes*				
<u>Modifications: Revocation: Termination of Registrations</u>	10A	NCAC	15	.0210
Readopt with Changes*				
<u>Individual Responsible for Radiation Protection Requirement...</u>	10A	NCAC	15	.0211
Amend*				
<u>Radiation Machines and Radiation Generating Devices That ...</u>	10A	NCAC	15	.0212
Amend*				
<u>Additional Requirements/Registered Services</u>	10A	NCAC	15	.0213
Readopt/Repeal*				
<u>Industrial Radiographic Operations of Electronic Radiation...</u>	10A	NCAC	15	.0501
Amend*				
<u>Therapeutic X-Ray Installations: Less Than One Mev</u>	10A	NCAC	15	.0608
Readopt/Repeal*				
<u>X-Ray and Electron Therapy Installations One Mev and Above</u>	10A	NCAC	15	.0609
Readopt/Repeal*				
<u>Definitions</u>	10A	NCAC	15	.0802
Amend*				
<u>Personnel Requirements</u>	10A	NCAC	15	.0803
Amend*				
<u>Purpose and Scope</u>	10A	NCAC	15	.0901
Readopt with Changes*				

<u>Licensing Requirements</u> Readopt with Changes*	10A	NCAC	15	.0902
<u>Requirements for Issuance of a License for Accelerators</u> Readopt with Changes*	10A	NCAC	15	.0903
<u>Limitations</u> Readopt with Changes*	10A	NCAC	15	.0904
<u>Shielding and Safety Design</u> Readopt with Changes*	10A	NCAC	15	.0905
<u>Controls and Interlock Systems</u> Readopt with Changes*	10A	NCAC	15	.0906
<u>Warning Devices</u> Readopt with Changes*	10A	NCAC	15	.0907
<u>Operating Procedures</u> Readopt with Changes*	10A	NCAC	15	.0908
<u>Radiation Monitoring Requirements</u> Readopt with Changes*	10A	NCAC	15	.0909
<u>Ventilation Systems</u> Readopt with Changes*	10A	NCAC	15	.0910
<u>Notices, Instructions, and Reports to Employees</u> Amend*	10A	NCAC	15	.1001
<u>Standards for Protection Against Radiation</u> Amend*	10A	NCAC	15	.1601
<u>Purpose and Scope</u> Adopt*	10A	NCAC	15	.1901
<u>Definitions</u> Adopt*	10A	NCAC	15	.1902
<u>General Administrative Requirements for Facilities Using ...</u> Adopt*	10A	NCAC	15	.1903
<u>General Technical Requirements for Facilities Using Therapeutic...</u> Adopt*	10A	NCAC	15	.1904
<u>Quality Management Program</u> Adopt*	10A	NCAC	15	.1905
<u>Therapeutic Radiation Machines Less Than 500 KEV</u> Adopt*	10A	NCAC	15	.1906
<u>Therapeutic Radiation Machines of 500 KEV and Above</u> Adopt*	10A	NCAC	15	.1907
<u>Calibration of Survey Instruments and Dosimetry Systems</u> Adopt*	10A	NCAC	15	.1908
<u>Shielding and Safety Design Requirements</u> Adopt*	10A	NCAC	15	.1909
<u>Other Use of Electronically-Produced Radiation to Deliver...</u> Adopt*	10A	NCAC	15	.1910
<u>Emerging Technologies</u> Adopt*	10A	NCAC	15	.1911
<u>Purpose and Scope</u> Adopt*	10A	NCAC	15	.2001
<u>Definitions</u> Adopt*	10A	NCAC	15	.2002
<u>General Administrative Requirements for Veterinary Facilities...</u> Adopt*	10A	NCAC	15	.2003
<u>General Technical Requirements for Veterinary Facilities ...</u> Adopt*	10A	NCAC	15	.2004

<u>Quality Management Program</u> Adopt*	10A	NCAC	15	.2005
<u>Veterinary Therapeutic Radiation Machines Less Than 500 KEV</u> Adopt*	10A	NCAC	15	.2006
<u>Veterinary Therapeutic Radiation Machines of 500 KEV and ...</u> Adopt*	10A	NCAC	15	.2007
<u>Calibration of Survey Instruments and Dosimetry Systems</u> Adopt*	10A	NCAC	15	.2008
<u>Shielding and Safety Design Requirements</u> Adopt*	10A	NCAC	15	.2009
<u>Other Use of Electronically-Produced Radiation to Deliver...</u> Adopt*	10A	NCAC	15	.2010
<u>Emerging Technologies</u> Adopt*	10A	NCAC	15	.2011

PUBLIC HEALTH, COMMISSION FOR

The rules in Chapter 43 are from the Department of Health and Human Services and the Commission for Public Health and concern personal health. The rules in Subchapter 43D concern WIC/Nutrition including definitions (.0100); WIC program general information (.0200); selection of local WIC agencies (.0300); eligibility for WIC program participation (.0400); WIC program food package (.0500); WIC program nutrition education (.0600); WIC program food delivery system (.0700); WIC program administrative appeals (.0800); WIC program participant fair hearings (.0900); consultation services (.1000); and maternal and child health block grant nutrition program (.1200).

<u>Description</u> Amend*	10A	NCAC	43D	.0201
<u>Definitions</u> Amend*	10A	NCAC	43D	.0202
<u>References</u> Amend*	10A	NCAC	43D	.0203
<u>Contract with FNS</u> Amend*	10A	NCAC	43D	.0204
<u>Policies: Guidelines And Manuals</u> Amend*	10A	NCAC	43D	.0205
<u>Local WIC Agency Agreement and Budget</u> Amend*	10A	NCAC	43D	.0207
<u>Expansion of Local Wic Programs</u> Amend*	10A	NCAC	43D	.0304
<u>Participant Violations and Sanctions</u> Amend*	10A	NCAC	43D	.0410
<u>Dual Participation</u> Amend*	10A	NCAC	43D	.0411
<u>Supplemental Foods</u> Amend*	10A	NCAC	43D	.0501
<u>Issuance of Food Benefits</u> Amend*	10A	NCAC	43D	.0702
<u>Vendor Applicants</u> Amend*	10A	NCAC	43D	.0707
<u>Authorized Vendors</u> Amend*	10A	NCAC	43D	.0708
<u>Local WIC Agency</u> Amend*	10A	NCAC	43D	.0709
<u>Continuation of Participation</u>	10A	NCAC	43D	.0804

Amend*				
<u>General Conditions</u>	10A	NCAC	43D	.0902
Amend*				
<u>Notification Of The Right To a Fair Hearing</u>	10A	NCAC	43D	.0904
Amend*				
<u>Request For a Fair Hearing</u>	10A	NCAC	43D	.0905
Amend*				
<u>Denial Or Dismissal of a Request</u>	10A	NCAC	43D	.0906
Amend*				
<u>Continuation Of Benefits</u>	10A	NCAC	43D	.0907
Amend*				
<u>Notice of Hearing</u>	10A	NCAC	43D	.0908
Amend*				
<u>Hearing Officer</u>	10A	NCAC	43D	.0909
Amend*				
<u>Decision</u>	10A	NCAC	43D	.0911
Amend*				

The rules in Chapter 48 establish the procedures and standards for local health department accreditation. The rules in Subchapter 48A establish the process for local health departments to become accredited including general provisions (.0100); and the accreditation process (.0200).

<u>Purpose</u>	10A	NCAC	48A	.0101
Repeal*				
<u>Definitions</u>	10A	NCAC	48A	.0102
Repeal*				
<u>Self-Assessment</u>	10A	NCAC	48A	.0201
Repeal*				
<u>Site Visit</u>	10A	NCAC	48A	.0202
Repeal*				
<u>Board Action</u>	10A	NCAC	48A	.0203
Repeal*				
<u>Informal Review Procedures</u>	10A	NCAC	48A	.0204
Repeal*				
<u>Re-Accreditation</u>	10A	NCAC	48A	.0205
Repeal*				

The rules in Subchapter 48B establish the accreditation standards for local health departments including general provisions (.0100); the standards or benchmarks to monitor health status (.0200); diagnose and investigate health problems and health hazards in the community (.0300); inform, educate and empower people about health issues (.0400); mobilize community partnerships to identify and solve health problems (.0500); develop policies and plans that support individual and community health efforts (.0600); enforce laws and regulations that protect health and ensure safety (.0700); link people to personal health services to assure the provision of health care when otherwise unavailable (.0800); assure a competent public health workforce and personal health workforce (.0900); evaluate effectiveness, accessibility and quality of personal and population based health services (.1000); research for new insights and innovative solutions to health problems (.1100); provide facilities and administrative services (.1200) and provide governance (.1300).

<u>Purpose</u>	10A	NCAC	48B	.0101
Repeal*				
<u>Definitions</u>	10A	NCAC	48B	.0102
Repeal*				
<u>Accreditation Requirements</u>	10A	NCAC	48B	.0103
Repeal*				
<u>Benchmark 1</u>	10A	NCAC	48B	.0201

Repeal*				
<u>Benchmark 2</u>	10A	NCAC	48B	.0202
Repeal*				
<u>Benchmark 3</u>	10A	NCAC	48B	.0203
Repeal*				
<u>Benchmark 4</u>	10A	NCAC	48B	.0301
Repeal*				
<u>Benchmark 5</u>	10A	NCAC	48B	.0302
Repeal*				
<u>Benchmark 6</u>	10A	NCAC	48B	.0303
Repeal*				
<u>Benchmark 7</u>	10A	NCAC	48B	.0304
Repeal*				
<u>Benchmark 8</u>	10A	NCAC	48B	.0305
Repeal*				
<u>Benchmark 9</u>	10A	NCAC	48B	.0401
Repeal*				
<u>Benchmark 10</u>	10A	NCAC	48B	.0402
Repeal*				
<u>Benchmark 11</u>	10A	NCAC	48B	.0501
Repeal*				
<u>Benchmark 12</u>	10A	NCAC	48B	.0502
Repeal*				
<u>Benchmark 13</u>	10A	NCAC	48B	.0503
Repeal*				
<u>Benchmark 14</u>	10A	NCAC	48B	.0601
Repeal*				
<u>Benchmark 15</u>	10A	NCAC	48B	.0602
Repeal*				
<u>Benchmark 16</u>	10A	NCAC	48B	.0701
Repeal*				
<u>Benchmark 17</u>	10A	NCAC	48B	.0702
Repeal*				
<u>Benchmark 18</u>	10A	NCAC	48B	.0703
Repeal*				
<u>Benchmark 19</u>	10A	NCAC	48B	.0801
Repeal*				
<u>Benchmark 20</u>	10A	NCAC	48B	.0802
Repeal*				
<u>Benchmark 21</u>	10A	NCAC	48B	.0803
Repeal*				
<u>Benchmark 22</u>	10A	NCAC	48B	.0804
Repeal*				
<u>Benchmark 23</u>	10A	NCAC	48B	.0901
Repeal*				
<u>Benchmark 24</u>	10A	NCAC	48B	.0902
Repeal*				
<u>Benchmark 25</u>	10A	NCAC	48B	.0903
Repeal*				
<u>Benchmark 26</u>	10A	NCAC	48B	.0904
Repeal*				
<u>Benchmark 27</u>	10A	NCAC	48B	.1001

Repeal*				
<u>Benchmark 28</u>	10A	NCAC	48B	.1101
Repeal*				
<u>Benchmark 29</u>	10A	NCAC	48B	.1102
Repeal*				
<u>Benchmark 30</u>	10A	NCAC	48B	.1201
Repeal*				
<u>Benchmark 31</u>	10A	NCAC	48B	.1202
Repeal*				
<u>Benchmark 32</u>	10A	NCAC	48B	.1203
Repeal*				
<u>Benchmark 33</u>	10A	NCAC	48B	.1204
Repeal*				
<u>Benchmark 34</u>	10A	NCAC	48B	.1301
Repeal*				
<u>Benchmark 35</u>	10A	NCAC	48B	.1302
Repeal*				
<u>Benchmark 36</u>	10A	NCAC	48B	.1303
Repeal*				
<u>Benchmark 37</u>	10A	NCAC	48B	.1304
Repeal*				
<u>Benchmark 38</u>	10A	NCAC	48B	.1305
Repeal*				
<u>Benchmark 39</u>	10A	NCAC	48B	.1306
Repeal*				
<u>Benchmark 40</u>	10A	NCAC	48B	.1307
Repeal*				
<u>Benchmark 41</u>	10A	NCAC	48B	.1308
Repeal*				

The rules in Subchapter 48C establish general provisions (.0100);

<u>Purpose</u>	10A	NCAC	48C	.0101
Adopt*				
<u>Definitions</u>	10A	NCAC	48C	.0102
Adopt*				
<u>Self-Assessment</u>	10A	NCAC	48C	.0201
Adopt*				
<u>Site Visit</u>	10A	NCAC	48C	.0202
Adopt*				
<u>Board Action</u>	10A	NCAC	48C	.0203
Adopt*				
<u>Informal Review Procedures</u>	10A	NCAC	48C	.0204
Adopt*				
<u>Applying for Accreditation</u>	10A	NCAC	48C	.0205
Adopt*				

The rules in Subchapter 48D establish general provisions (.0100); standards and activities (.0200).

<u>Accreditation Requirements</u>	10A	NCAC	48D	.0101
Adopt*				
<u>Standard A: Assessment and Surveillance</u>	10A	NCAC	48D	.0201
Adopt*				
<u>Standard B: Community Partnership Development</u>	10A	NCAC	48D	.0202

Adopt*				
<u>Standard C: Communications</u>	10A	NCAC	48D	.0203
Adopt*				
<u>Standard D: Emergency Preparedness and Response</u>	10A	NCAC	48D	.0204
Adopt*				
<u>Standard E: Structural and Social Determinants of Health</u>	10A	NCAC	48D	.0205
Adopt*				
<u>Standard F: Organizational Workforce Development</u>	10A	NCAC	48D	.0206
Adopt*				
<u>Standard G: Organizational Leadership, Governance, and Le...</u>	10A	NCAC	48D	.0207
Adopt*				
<u>Standard H: Organizational Facilities</u>	10A	NCAC	48D	.0208
Adopt*				
<u>Standard I: Organizational Finance and Informational Tech...</u>	10A	NCAC	48D	.0209
Adopt*				
<u>Standard J: Accountability and Performance Management</u>	10A	NCAC	48D	.0210
Adopt*				
<u>Standard K: Policy Development and Support</u>	10A	NCAC	48D	.0211
Adopt*				

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

The rules in Chapter 9 are from the Criminal Justice Education and Training Standards Commission. This Commission has primary responsibility for setting statewide education, training, employment, and retention standards for criminal justice personnel (not including sheriffs). The rules in Subchapter 9B cover minimum standards for: employment (.0100); schools and training programs (.0200); criminal justice instructors (.0300); completion of training (.0400); school directors (.0500); and certification of post-secondary criminal justice education programs (.0600).

<u>Admission of Trainees</u>	12	NCAC	09B	.0203
Amend*				
<u>Radar Instructor Training Course</u>	12	NCAC	09B	.0210
Amend*				
<u>Time-Distance Instructor Training Course</u>	12	NCAC	09B	.0211
Repeal*				
<u>Re-Certification Training for Radar Instructors</u>	12	NCAC	09B	.0218
Repeal*				
<u>Re-Certification Training for Time-Distance Instructors</u>	12	NCAC	09B	.0219
Repeal*				
<u>Basic-Training - County Confinement Facility</u>	12	NCAC	09B	.0224
Repeal*				
<u>LIDAR Instructor Training Course</u>	12	NCAC	09B	.0237
Amend*				
<u>Re-Certification Training for Lidar Instructors</u>	12	NCAC	09B	.0239
Repeal*				
<u>Terms and Conditions of General Instructor Certification</u>	12	NCAC	09B	.0303
Amend*				
<u>Radar Instructor</u>	12	NCAC	09B	.0308
Amend*				
<u>Time Distance Instructors</u>	12	NCAC	09B	.0309
Repeal*				
<u>Terms and Conditions - SMI Instructors</u>	12	NCAC	09B	.0310
Repeal*				
<u>Time Requirement for Completion of Training</u>	12	NCAC	09B	.0401

Repeal*				
<u>Waiver of Completion of Training</u>	12	NCAC	09B	.0402
Repeal*				
<u>Satisfaction of Minimum Training - SMI Instructor</u>	12	NCAC	09B	.0416
Repeal*				

The rules in Subchapter 9C concern the administration of criminal justice education and training standards including responsibilities of the criminal justice standards division (.0100); forms (.0200); certification of criminal justice officers (.0300); accreditation of criminal justice schools and training courses (.0400); minimum standards for accreditation of associate of applied science degree programs incorporating basic law enforcement training (.0500); and equipment and procedures (.0600).

<u>Agency Head Responsibilities: Critical Incident Reporting</u>	12	NCAC	09C	.0104
Amend*				

The rules in Chapter 9 are from the Criminal Justice Education and Training Standards Commission. The rules in Subchapter 9E relate to the law enforcement officers' in-service training program.

<u>Department Head Responsibilities: Annual In-Service Training</u>	12	NCAC	09E	.0103
Amend*				
<u>Completion of Annual In-Service Training</u>	12	NCAC	09E	.0111
Adopt*				

The rules in Subchapter 9G are the standards for correction including scope, applicability and definitions (.0100); minimum standards for certification of correctional officers, probation/parole officers, and probation/parole officers-intermediate (.0200); certification of correctional officers, probation/parole officers, probation/parole officers intermediate and instructors (.0300); minimum standards for training of correctional officers, probation/parole officers, and probation/parole officers-intermediate (.0400); enforcement of rules (.0500); professional certification program (.0600); and forms (.0700).

<u>Minimum Standards for Probation/Parole Officers</u>	12	NCAC	09G	.0209
Amend*				
<u>Recertification Following Separation</u>	12	NCAC	09G	.0305
Amend*				
<u>Lateral Transfers</u>	12	NCAC	09G	.0410
Amend*				

The rules in Subchapter 9H concern the firearms qualification certification program for qualified retired law enforcement officers.

<u>Minimum Training Specifications</u>	12	NCAC	09H	.0102
Amend*				
<u>Instructors</u>	12	NCAC	09H	.0103
Amend*				
<u>Sanctions</u>	12	NCAC	09H	.0104
Amend*				
<u>Filing and Fees</u>	12	NCAC	09H	.0105
Amend*				

BOXING AND COMBAT SPORTS COMMISSION

The rules in Chapter 10 concern the boxing authority including purpose (.0100); drugs and foreign substances (.0200); physical examinations (.0300); permits, licensing and contracts (.0400); boxing (.0500); kickboxing (.0600); toughman (.0700); and mixed martial arts (.0800).

<u>Amateurs - Kickboxing</u>	14B	NCAC	10	.0605
Amend*				

<u>Amateur - Mixed Martial Arts</u>	14B	NCAC	10	.0810
Amend*				

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

N/A

<u>Definitions</u>	24	NCAC	03	.0101
Amend*				
<u>Extensions of Time</u>	24	NCAC	03	.0105
Amend*				
<u>Record Address</u>	24	NCAC	03	.0106
Amend*				
<u>Service and Notice</u>	24	NCAC	03	.0107
Amend*				
<u>Citation</u>	24	NCAC	03	.0303
Amend*				