

NORTH CAROLINA REGISTER

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December 1, 2017

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Contact List for Rulemaking Questions or Concerns

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

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

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NORTH CAROLINA REGISTER
Publication Schedule for January 2017 – December 2017

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	Earliest Eff. Date of Permanent Rule	Delayed Eff. Date of Permanent Rule 31st legislative day of the session beginning:	270 th day from publication in the Register
31:13	01/03/17	12/07/16	01/18/17	03/06/17	03/20/17	05/01/17	05/2018	09/30/17
31:14	01/17/17	12/20/16	02/01/17	03/20/17	04/20/17	06/01/17	05/2018	10/14/17
31:15	02/01/17	01/10/17	02/16/17	04/03/17	04/20/17	06/01/17	05/2018	10/29/17
31:16	02/15/17	01/25/17	03/02/17	04/17/17	04/20/17	06/01/17	05/2018	11/12/17
31:17	03/01/17	02/08/17	03/16/17	05/01/17	05/22/17	07/01/17	05/2018	11/26/17
31:18	03/15/17	02/22/17	03/30/17	05/15/17	05/22/17	07/01/17	05/2018	12/10/17
31:19	04/03/17	03/13/17	04/18/17	06/02/17	06/20/17	08/01/17	05/2018	12/29/17
31:20	04/17/17	03/24/17	05/02/17	06/16/17	06/20/17	08/01/17	05/2018	01/12/18
31:21	05/01/17	04/07/17	05/16/17	06/30/17	07/20/17	09/01/17	05/2018	01/26/18
31:22	05/15/17	04/24/17	05/30/17	07/14/17	07/20/17	09/01/17	05/2018	02/09/18
31:23	06/01/17	05/10/17	06/16/17	07/31/17	08/21/17	10/01/17	05/2018	02/26/18
31:24	06/15/17	05/24/17	06/30/17	08/14/17	08/21/17	10/01/17	05/2018	03/12/18
32:01	07/03/17	06/12/17	07/18/17	09/01/17	09/20/17	11/01/17	05/2018	03/30/18
32:02	07/17/17	06/23/17	08/01/17	09/15/17	09/20/17	11/01/17	05/2018	04/13/18
32:03	08/01/17	07/11/17	08/16/17	10/02/17	10/20/17	12/01/17	05/2018	04/28/18
32:04	08/15/17	07/25/17	08/30/17	10/16/17	10/20/17	12/01/17	05/2018	05/12/18
32:05	09/01/17	08/11/17	09/16/17	10/31/17	11/20/17	01/01/18	05/2018	05/29/18
32:06	09/15/17	08/24/17	09/30/17	11/14/17	11/20/17	01/01/18	05/2018	06/12/18
32:07	10/02/17	09/11/17	10/17/17	12/01/17	12/20/17	02/01/18	05/2018	06/29/18
32:08	10/16/17	09/25/17	10/31/17	12/15/17	12/20/17	02/01/18	05/2018	07/13/18
32:09	11/01/17	10/11/17	11/16/17	01/02/18	01/22/18	03/01/18	05/2018	07/29/18
32:10	11/15/17	10/24/17	11/30/17	01/16/18	01/22/18	03/01/18	05/2018	08/12/18
32:11	12/01/17	11/07/17	12/16/17	01/30/18	02/20/18	04/01/18	05/2018	08/28/18
32:12	12/15/17	11/22/17	12/30/17	02/13/18	02/20/18	04/01/18	05/2018	09/11/18

EXPLANATION OF THE PUBLICATION SCHEDULE

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

GENERAL

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

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

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

FILING DEADLINES

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

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

NOTICE OF TEXT

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

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

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

FIRST LEGISLATIVE DAY OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY: This date is the first legislative day of the next regular session of the General Assembly following approval of the rule by the Rules Review Commission. See G.S. 150B-21.3, Effective date.



State of North Carolina

ROY COOPER
GOVERNOR

November 2, 2017

EXECUTIVE ORDER NO. 25

Governor's Advisory Council on Historically Underutilized Businesses

WHEREAS, it is vital that all North Carolinians have an opportunity to contribute economically by participating in business opportunities existing in government; and

WHEREAS, the utilization of historically underutilized businesses ("HUBs") is critical to creating a vibrant, sustainable, and diverse business community in the State of North Carolina; and

WHEREAS, the state's commitment to HUBs is an important component of ongoing efforts to create jobs and expand economic opportunity; and

WHEREAS, the North Carolina Department of Administration's Office of Historically Underutilized Businesses ("HUB Office"), and the North Carolina Department of Transportation's Office of Civil Rights ("DOT Civil Rights Office" or "Civil Rights Office") strive to support the HUB program and HUBs; and

WHEREAS, pursuant to N.C. Gen. Stat. §§143-48, 128.4, state agencies are authorized to provide contracting opportunities to HUBs; and

WHEREAS, each executive branch agency should increase the total amount of goods and services it acquires from HUBs, whether the HUBs are prime contractors or more remote subcontractors; and

WHEREAS, it is expected that each agency will endeavor to obtain ten percent (10%) of the State's purchases of goods and services, as measured in dollars, from HUBs; and

WHEREAS, it is expected that this goal of obtaining ten percent (10%) of the State's purchases from HUBs shall be adjusted in line with any disparity study findings as recommended by the HUB Office and the Civil Rights Office; and

WHEREAS, a coordinated effort is necessary to eliminate any barriers impeding equal opportunity for HUBs doing business with the State.

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

Section I. Creation of the Governor's Advisory Council on Historically Underutilized Businesses

There is established an Advisory Council on HUBs ("the Governor's Advisory Council"), which shall provide support and guidance to the Secretary of the Department of Administration and to the HUB Office on matters specific to the furtherance of the objectives of this Executive Order.

Section II. Membership and Terms on the Governor's Advisory Council

1. The Governor's Advisory Council shall consist of the following members, all of whom will be appointed by the Governor:
 - a. Liaison from the Governor's Office;
 - b. The State Purchasing Officer;
 - c. The Director of the State Construction Office;
 - d. The Executive Director of the North Carolina Council for Women;
 - e. The Executive Director of the North Carolina State Commission of Indian Affairs;
 - f. A Member of the North Carolina Board of Transportation;
 - g. A Senior Level Administrator from the University of North Carolina or the North Carolina Community College System;
 - h. Nine HUB owners, all of whom shall be members of one or more of the groups identified in N.C. Gen. Stat. § 143-128.4(b);
 - i. Two representatives from a non-profit organization possessing knowledge of, and expertise in, HUBs; and
 - j. Two representatives, both of whom have one of the following positions at a large, non-HUB business entity (i) executive officer, (ii) financial officer, (iii) purchasing officer, or (iv) supplier diversity chief.
2. Each appointee selected under Section II.1.a, f - j shall serve for a two (2) year term. The remaining appointees shall serve at the pleasure of the Governor.
3. Vacancies shall be filled by the Governor for the remainder of the unexpired term.
4. Members appointed to fill unexpired terms shall serve for the remainder of that term.

Section III. Goods and Services

1. It is the State's priority to promote the recruitment and utilization of HUBs by providing them access to purchasing and contracting opportunities.
2. In an effort to improve HUB participation at the outset of the procurement process, I hereby direct all participating agencies under the jurisdiction of the Office of the Governor to work with the HUB Office as part of the Development Team of Solicitations prior to awarding bids on all statewide master contracts or procurements.
3. For HUBs interested in contracting with the State, the HUB Office website shall include forecasting reports on state contracts. These reports shall aid HUBs in identifying which agencies buy what the HUBs sell, and at what frequency. These reports shall also provide HUBs with enough time to effectively compete for state contracting opportunities.
4. The North Carolina Division of Purchase and Contracts ("State Purchase and Contracts") shall work with the HUB Office to create standard inclusion language that supports utilization of HUBs on all contracts as prime contractors or second tier contractors.
5. State Purchase and Contracts, along with cabinet agencies, shall work with the HUB Office as part of the Review and Selection Team to select vendors, including term contract vendors.
6. State Purchase and Contracts shall work with the HUB Office to track the spending of (i) agencies under the jurisdiction of the Office of the Governor and (ii) vendors in meeting the HUB utilization goal on state contracts.

Section IV. Construction and Design Services

1. The State Construction Office, along with cabinet agencies managing projects subject to State Building Commission approval, shall work with the HUB Office to review the agencies' "good faith efforts" of identifying HUBs that may provide proposals or qualifications in response to formal bid notices for services, including construction services and designer related services.
2. Cabinet agencies shall provide the HUB Office with the following information no later than thirty (30) days prior to solicitations:
 - a. Project description and location; and
 - b. The date, time, and location of the pre-bid conference; and
 - c. The date, time, and, where relevant, location of a bid date or proposal deadline.
3. If an agency under the jurisdiction of the Office of the Governor does not have a HUB coordinator, the HUB Office shall serve on the Review Team of all formal construction and designer selections.
 - a. If an agency lacks a HUB coordinator, the HUB Office shall review and approve the "good faith efforts" of a contractor.
 - b. The HUB Office shall provide compliance oversight for the duration of the formal project.

Section V. Additional Measures

1. Within the next thirty (30) days, each agency under the jurisdiction of the Office of the Governor shall develop a HUB Plan that will be used as a guide to help the agency to achieve the required HUB participation within its business activities, including construction, goods, and services.
2. The North Carolina Department of Public Safety Emergency Management and the North Carolina Department of Commerce shall work with the HUB Office as part of the Disaster Relief Recovery Efforts to provide opportunities to HUBs when awarding contracts for construction, goods, and services.

Section VI. Miscellaneous

1. This Executive Order does not conflict with or abrogate existing state law.
2. All other Executive Orders or portions of Executive Orders inconsistent with this Executive Order are hereby rescinded.
3. This Executive Order shall be effective immediately and shall remain in effect until 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 2nd day of November in the year of our Lord two thousand and seventeen.


Roy Cooper
Governor

ATTEST:


Elaine F. Marshall
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 Medical Care Commission intends to amend the rules cited as 10A NCAC 13P .0102, .0201, .0222, .0301, .0505, .0506, .0904, .1502, and .1505.

Link to agency website pursuant to G.S. 150B-19.1(c):
<http://www2.ncdhhs.gov/dhsr/ruleactions.html>

Proposed Effective Date: July 1, 2018

Public Hearing:

Date: December 19, 2017

Time: 10:00 a.m.

Location: Dorothea Dix Park, Wright Building, Room 131, 1201 Umstead Drive, Raleigh, NC 27603

Reason for Proposed Action: *The NC Medical Care Commission is proposing these rule amendments in the Emergency Services and Trauma rules in 10A NCAC 13P to define Community Paramedicine and its role within the respective EMS System. The rules will provide requirements for medical oversight and define the practice settings for credentialed EMS personnel. In addition, these proposed rules will clarify the definition of "hospital" to provide an exemption to hospitals owned and operated by the U.S. Government in response to the National Initiative for Military Hospitals to become designated Trauma Centers. The proposed rule amendments also provide clarity through technical changes that are being made. These rule amendments will benefit the quality of care and safety provided to the citizens of North Carolina.*

Comments may be submitted to: Nadine Pfeiffer, 809 Ruggles Drive, 2701 Mail Service Center, Raleigh, NC 27699-2701; email DHSR.RulesCoordinator@dhhs.nc.gov

Comment period ends: January 30, 2018

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

The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

- ☒ **State funds affected:** 10A NCAC 13P .0102, .0201, .0505, .0506
- ☐ **Environmental permitting of DOT affected Analysis submitted to Board of Transportation**
- ☒ **Local funds affected:** 10A NCAC 13P .0102, .0201, .0505, .0506
- ☒ **Substantial economic impact (≥\$1,000,000)** 10A NCAC 13P .0102, .0201, .0505, .0506
- ☒ **Approved by OSBM**
- ☒ **No fiscal note required by G.S. 150B-21.4:** 10A NCAC 13P .0222, .0301, .0904, .1502, .1505

CHAPTER 13 - NC MEDICAL CARE COMMISSION

SUBCHAPTER 13P – EMERGENCY MEDICAL SERVICES AND TRAUMA RULES

SECTION .0100 – DEFINITIONS

10A NCAC 13P .0102 DEFINITIONS

In addition to the definitions in G.S. 131E-155, the following definitions apply throughout this Subchapter:

- (1) "Affiliated EMS Provider" means the firm, corporation, agency, organization, or association identified ~~to~~ with a specific county EMS system as a condition for EMS Provider Licensing as required by Rule ~~.0204(b)(1)~~ .0204 of this Subchapter.
- (2) "Affiliated Hospital" means a non-trauma center hospital that is owned by the Trauma Center or there is a contract or other agreement to allow for the acceptance or transfer of the Trauma Center's patient population to the non-trauma center hospital.
- (3) "Affiliate" or "Affiliation" means a reciprocal agreement and association that includes active participation, collaboration, and involvement in a process or system between two or more parties.
- (4) "Alternative Practice Setting" means ~~a clinical environment~~ a practice setting that utilizes credentialed EMS personnel that may not be affiliated with or under the oversight of ~~the~~ an EMS System or EMS System Medical Director.

- (5) "Air Medical Ambulance" means an aircraft configured and medically equipped to transport patients by air. The patient care compartment of air medical ambulances shall be staffed by medical crew members approved for the mission by the Medical Director.
- (6) "Air Medical Program" means a SCTP or EMS System utilizing rotary-wing or fixed-wing aircraft configured and operated to transport patients.
- (7) "Assistant Medical Director" means a physician, EMS-PA, or EMS-NP who assists the Medical Director with the medical aspects of the management of an EMS System or SCTP.
- (8) "Bypass" means a decision made by the patient care technician to transport a patient from the scene of an accident or medical emergency past a receiving facility for the purposes of accessing a facility with a higher level of care, or a hospital of its own volition reroutes a patient from the scene of an accident or medical emergency or referring hospital to a facility with a higher level of care.
- (9) "Community Paramedicine" means an EMS System utilizing credentialed personnel who have received additional training as determined by the EMS system Medical Director to provide knowledge and skills for the community needs beyond the 911 emergency response and transport operating guidelines defined in the EMS system plan.
- ~~(9)~~(10) "Contingencies" mean conditions placed on a designation that, if unmet, may result in the loss or amendment of a designation.
- ~~(10)~~(11) "Convalescent Ambulance" means an ambulance used on a scheduled basis solely to transport patients having a known non-emergency medical condition. Convalescent ambulances shall not be used in place of any other category of ambulance defined in this Subchapter.
- ~~(11)~~(12) "Deficiency" means the failure to meet essential criteria for a designation that can serve as the basis for a focused review or denial of a designation.
- ~~(12)~~(13) "Department" means the North Carolina Department of Health and Human Services.
- ~~(13)~~(14) "Diversion" means the hospital is unable to accept a patient due to a lack of staffing or resources.
- ~~(14)~~(15) "Educational Medical Advisor" means the physician responsible for overseeing the medical aspects of approved EMS educational programs.
- ~~(15)~~(16) "EMS Care" means all services provided within each EMS System by its affiliated EMS agencies and personnel that relate to the dispatch, response, treatment, and disposition of any patient.
- ~~(16)~~(17) "EMS Educational Institution" means any agency credentialed by the OEMS to offer EMS educational programs.
- ~~(17)~~(18) "EMS Non-Transporting Vehicle" means a motor vehicle operated by a licensed EMS provider dedicated and equipped to move medical equipment and EMS personnel functioning within the scope of practice of an AEMT or Paramedic to the scene of a request for assistance. EMS nontransporting vehicles shall not be used for the transportation of patients on the streets, highways, waterways, or airways of the state.
- ~~(18)~~(19) "EMS Peer Review Committee" means a committee as defined in G.S. 131E-155(6b).
- ~~(19)~~(20) "EMS Performance Improvement Self-Tracking and Assessment of Targeted Statistics" means one or more reports generated from the State EMS data system analyzing the EMS service delivery, personnel performance, and patient care provided by an EMS system and its associated EMS agencies and personnel. Each EMS Performance Improvement Self-Tracking and Assessment of Targeted Statistics focuses on a topic of care such as trauma, cardiac arrest, EMS response times, stroke, STEMI (heart attack), and pediatric care.
- ~~(20)~~(21) "EMS Provider" means those entities defined in G.S. 131E-155(13a) that hold a current license issued by the Department pursuant to G.S. 131E-155.1.
- ~~(21)~~(22) "EMS System" means a coordinated arrangement of local resources under the authority of the county government (including all agencies, personnel, equipment, and facilities) organized to respond to medical emergencies and integrated with other health care providers and networks including public health, community health monitoring activities, and special needs populations.
- ~~(22)~~(23) "Essential Criteria" means those items that are the requirements for the respective level of trauma center designation (I, II, or III), as set forth in Rule .0901 of this Subchapter.
- ~~(23)~~(24) "Focused Review" means an evaluation by the OEMS of corrective actions to remove contingencies that are a result of deficiencies following a site visit.
- ~~(24)~~(25) "Ground Ambulance" means an ambulance used to transport patients with traumatic or medical conditions or patients for whom the need for specialty ~~care~~ care, ~~or emergency~~ emergency, or non-emergency medical care is anticipated either at the patient location or during transport.
- ~~(25)~~(26) "Hospital" means a licensed facility as defined in G.S. ~~131E-176~~ 131E-176 or an acute care in-

- patient diagnostic and treatment facility located within the State of North Carolina that is owned and operated by an agency of the United States government.
- ~~(26)~~(27) "Immediately Available" means the physical presence of the health professional or the hospital resource within the trauma center to evaluate and care for the trauma patient.
- ~~(27)~~(28) "Inclusive Trauma System" means an organized, multi-disciplinary, evidence-based approach to provide quality care and to improve measurable outcomes for all defined injured patients. EMS, hospitals, other health systems, and clinicians shall participate in a structured manner through leadership, advocacy, injury prevention, education, clinical care, performance improvement, and research resulting in integrated trauma care.
- ~~(28)~~(29) "Infectious Disease Control Policy" means a written policy describing how the EMS system will protect and prevent its patients and EMS professionals from exposure and illness associated with contagions and infectious disease.
- ~~(29)~~(30) "Lead RAC Agency" means the agency (comprised of one or more Level I or II trauma centers) that provides staff support and serves as the coordinating entity for trauma planning.
- ~~(30)~~(31) "Level I Trauma Center" means a hospital that has the capability of providing guidance, research, and total care for every aspect of injury from prevention to rehabilitation.
- ~~(31)~~(32) "Level II Trauma Center" means a hospital that provides trauma care regardless of the severity of the ~~injury~~ injury, but may lack the comprehensive care as a Level I trauma ~~center~~ center, and does not have trauma research as a primary objective.
- ~~(32)~~(33) "Level III Trauma Center" means a hospital that provides assessment, resuscitation, emergency operations, and stabilization, and arranges for hospital transfer as needed to a Level I or II trauma center.
- ~~(33)~~(34) "Licensed Health Care Facility" means any health care facility or hospital licensed by the Department of Health and Human Services, Division of Health Service Regulation.
- ~~(34)~~(35) "Medical Crew Member" means EMS personnel or other health care professionals who are licensed or registered in North Carolina and are affiliated with a SCTP.
- ~~(35)~~(36) "Medical Director" means the physician responsible for the medical aspects of the management of ~~an EMS System, Alternative Practice Setting, SCTP, a practice setting utilizing credentialed EMS personnel or medical crew members,~~ or a Trauma Center.
- ~~(36)~~(37) "Medical Oversight" means the responsibility for the management and accountability of the medical care aspects of ~~an EMS System, Alternative Practice Setting, or SCTP.~~ a practice setting utilizing credentialed EMS personnel or medical crew members. Medical Oversight includes physician direction of the initial education and continuing education of EMS personnel or medical crew members; development and monitoring of both operational and treatment protocols; evaluation of the medical care rendered by EMS personnel or medical crew members; participation in system or program evaluation; and directing, by two-way voice communications, the medical care rendered by the EMS personnel or medical crew members.
- (38) "Mobile Integrated Healthcare" means utilizing credentialed personnel who have received additional training as determined by the Alternative Practice Setting medical director to provide knowledge and skills for the healthcare provider program needs.
- ~~(37)~~(39) "Off-line Medical Control" means medical supervision provided through the EMS System Medical Director or SCTP Medical Director who is responsible for the day-to-day medical care provided by EMS personnel. This includes EMS personnel education, protocol development, quality management, peer review activities, and EMS administrative responsibilities related to assurance of quality medical care.
- ~~(38)~~(40) "Office of Emergency Medical Services" means a section of the Division of Health Service Regulation of the North Carolina Department of Health and Human Services located at 1201 Umstead Drive, Raleigh, North Carolina 27603.
- ~~(39)~~(41) "On-line Medical Control" means the medical supervision or oversight provided to EMS personnel through direct communication in-person, via radio, cellular phone, or other communication device during the time the patient is under the care of an EMS professional.
- ~~(40)~~(42) "Operational Protocols" means the administrative policies and procedures of an EMS System or that provide guidance for the day-to-day operation of the system.
- ~~(41)~~(43) "Participating Hospital" means a hospital that supplements care within a larger trauma system by the initial evaluation and assessment of injured patients for transfer to a designated trauma center if needed.
- ~~(42)~~(44) "Physician" means a medical or osteopathic doctor licensed by the North Carolina Medical Board to practice medicine in the state of North Carolina.
- ~~(43)~~(45) "Regional Advisory Committee" means a committee comprised of a lead RAC agency

- and a group representing trauma care providers and the community, for the purpose of regional ~~trauma~~ planning, establishing, and maintaining a coordinated trauma system.
- ~~(44)~~(46) "Request for Proposal" means a State document that must be completed by each hospital seeking initial or renewal trauma center designation.
- ~~(45)~~(47) "Significant Failure to Comply" means a degree of non-compliance determined by the OEMS during compliance monitoring to exceed the ability of the local EMS System to correct, warranting enforcement action pursuant to Section .1500 of this Subchapter.
- ~~(46)~~(48) "State Medical Asset and Resource Tracking Tool" means the Internet web-based program used by the OEMS both ~~daily~~ in its daily operations and during times of disaster to identify, ~~record~~ record, and monitor EMS, hospital, health ~~care~~ care, and sheltering resources statewide, including facilities, personnel, vehicles, equipment, and pharmaceutical and supply caches.
- ~~(47)~~(49) "Specialty Care Transport Program" means a program designed and operated for the transportation of a patient by ground or air requiring specialized interventions, ~~monitoring~~ monitoring, and staffing by a paramedic who has received additional training as determined by the program Medical Director beyond the minimum training prescribed by the OEMS, or by one or more other healthcare professional(s) qualified for the provision of specialized care based on the patient's condition.
- ~~(48)~~(50) "Specialty Care Transport Program Continuing Education Coordinator" means a Level I EMS Instructor within a SCTP who is responsible for the coordination of EMS continuing education programs for EMS personnel within the program.
- ~~(49)~~(51) "Stretcher" means any wheeled or portable device capable of transporting a person in a recumbent position and may only be used in an ambulance vehicle permitted by the Department.
- ~~(50)~~(52) "Stroke" means an acute cerebrovascular hemorrhage or occlusion resulting in a neurologic deficit.
- ~~(51)~~(53) "System Continuing Education Coordinator" means the Level I EMS Instructor designated by the local EMS System who is responsible for the coordination of EMS continuing education programs.
- ~~(52)~~(54) "System Data" means all information required for daily electronic submission to the OEMS by all EMS Systems using the EMS data set, data dictionary, and file format as specified in "North Carolina College of Emergency Physicians: Standards for Medical Oversight and Data Collection," incorporated herein by reference including subsequent amendments and editions. This document is available from the OEMS, 2707 Mail Service Center, Raleigh, North Carolina 27699-2707, at no cost and online at www.ncems.org at no cost.
- ~~(53)~~(55) "Trauma Center" means a hospital designated by the State of North Carolina and distinguished by its ability to manage, on a 24-hour basis, the severely injured patient or those at risk for severe injury.
- ~~(54)~~(56) "Trauma Center Criteria" means essential criteria to define Level I, II, or III trauma centers.
- ~~(55)~~(57) "Trauma Center Designation" means a process of approval in which a hospital voluntarily seeks to have its trauma care capabilities and performance evaluated by experienced on-site reviewers.
- ~~(56)~~(58) "Trauma Diversion" means a trauma center of its own volition declines to accept an acutely injured patient due to a lack of staffing or resources.
- ~~(57)~~(59) "Trauma Guidelines" mean standards for practice in a variety of situations within the trauma system.
- ~~(58)~~(60) "Trauma Minimum Data Set" means the basic data required of all hospitals for submission to the Trauma Registry.
- ~~(59)~~(61) "Trauma Patient" means any patient with an ICD-CM discharge diagnosis as defined in the "North Carolina Trauma Registry Data Dictionary," incorporated herein by reference in accordance with G.S.150B-21.6, including subsequent amendments and editions. This document is available from the OEMS, 2707 Mail Service Center, Raleigh, North Carolina 27699-2707, at no cost and online at <https://www.ncdhhs.gov/dhsr/EMS/trauma/traumaregistry.html> at no cost.
- ~~(60)~~(62) "Trauma Program" means an administrative entity that includes the trauma service and coordinates other trauma-related activities. It shall also include the trauma Medical Director, trauma program manager/trauma coordinator, and trauma registrar. This program's reporting structure shall give it the ability to interact with at least equal authority with other departments in the hospital providing patient care.
- ~~(61)~~(63) "Trauma Registry" means a disease-specific data collection composed of a file of uniform data elements that describe the injury event, demographics, pre-hospital information, diagnosis, care, outcomes, and costs of treatment for injured patients collected and electronically submitted as defined by the OEMS. The elements of the Trauma Registry can be accessed at

<https://www.ncdhhs.gov/dhsr/EMS/trauma/traumaregistry.html> at no cost.

~~(62)~~(64) "Treatment Protocols" means a document approved by the Medical Directors of the local EMS System, Specialty Care Transport Program, Alternative Practice Setting, or Trauma Center and the OEMS specifying the diagnostic procedures, treatment procedures, medication administration, and patient-care-related policies that shall be completed by EMS personnel or medical crew members based upon the assessment of a patient.

~~(63)~~(65) "Triage" means the assessment and categorization of a patient to determine the level of EMS and healthcare facility based care required.

~~(64)~~(66) "Water Ambulance" means a watercraft specifically configured and medically equipped to transport patients.

Authority G.S. 131E-155(6b); 131E-162; 143-508(b); 143-508(d)(1); 143-508(d)(2); 143-508(d)(3); 143-508(d)(4); 143-508(d)(5); 143-508(d)(6); 143-508(d)(7); 143-508(d)(8); 143-508(d)(13); 143-518(a)(5).

SECTION .0200 – EMS SYSTEMS

10A NCAC 13P .0201 EMS SYSTEM REQUIREMENTS

(a) County governments shall establish EMS Systems. Each EMS System shall have:

- (1) a defined geographical service area for the EMS System. The minimum service area for an EMS System shall be one county. There may be multiple EMS Provider service areas within an EMS System. The highest level of care offered within any EMS Provider service area shall be available to the citizens within that service area 24 hours a day, seven days a week;
- (2) a defined scope of practice for all EMS personnel functioning in the EMS System within the parameters set forth by the North Carolina Medical Board pursuant to G.S. 143-514;
- (3) written policies and procedures describing the dispatch, coordination, and oversight of all responders that provide EMS care, specialty patient care skills, and procedures as set forth in Rule ~~.0301(a)(4)~~ .0301 of this Subchapter, and ambulance transport within the system;
- (4) at least one licensed EMS Provider;
- (5) a listing of permitted ambulances to provide coverage to the service area 24 hours a day, seven days a week;
- (6) personnel credentialed to perform within the scope of practice of the system and to staff the ambulance vehicles as required by G.S. 131E-158. There shall be a written plan for the use of credentialed EMS personnel for all practice settings used within the system;

- (7) written policies and procedures specific to the utilization of the EMS System's EMS Care data for the daily and on-going management of all EMS System resources;
- (8) a written Infectious Disease Control Policy as defined in Rule ~~.0102(28)~~ .0102 of this Subchapter and written procedures that are approved by the EMS System Medical Director that address the cleansing and disinfecting of vehicles and equipment that are used to treat or transport patients;
- (9) a listing of resources that will provide online medical direction for all EMS Providers operating within the EMS System;
- (10) an EMS communication system that provides for:
 - (A) public access to emergency services by dialing 9-1-1 within the public dial telephone network as the primary method for the public to request emergency assistance. This number shall be connected to the PSAP with immediate assistance available such that no caller will be instructed to hang up the telephone and dial another telephone number. A person calling for emergency assistance shall not be required to speak with more than two persons to request emergency medical assistance;
 - (B) a PSAP operated by public safety telecommunications with training in the management of calls for medical assistance available 24 hours a day, seven days a week;
 - (C) dispatch of the most appropriate emergency medical response unit or units to any caller's request for assistance. The dispatch of all response vehicles shall be in accordance with a written EMS System plan for the management and deployment of response vehicles including requests for mutual aid; and
 - (D) two-way radio voice communications from within the defined service area to the PSAP and to facilities where patients are transported. The PSAP shall maintain all required FCC radio licenses or authorizations;
- (11) written policies and procedures for addressing the use of SCTP and Air Medical Programs resources utilized within the system;
- (12) a written continuing education program for all credentialed EMS personnel, under the direction of a System Continuing Education Coordinator, developed and modified based on feedback from EMS Care system data, review, and evaluation of patient outcomes and quality

management peer reviews, that follows the criteria set forth in Rule .0501 of this Subchapter;

- (13) written policies and procedures to address management of the EMS System that includes:
 - (A) triage and transport of all acutely ill and injured patients with time-dependent or other specialized care issues including trauma, stroke, STEMI, burn, and pediatric patients that may require the by-pass of other licensed health care facilities and that are based upon the expanded clinical capabilities of the selected healthcare facilities;
 - (B) triage and transport of patients to facilities outside of the system;
 - (C) arrangements for transporting patients to identified facilities when diversion or bypass plans are activated;
 - (D) reporting, monitoring, and establishing standards for system response times using system data;
 - (E) weekly updating of the SMARTT EMS Provider information;
 - (F) a disaster plan;
 - (G) a mass-gathering ~~plan~~; plan that includes how the provision of EMS standby coverage for the public-at-large will be provided;
 - (H) a mass-casualty plan;
 - (I) a weapons plan for any weapon as set forth in Rule .0216 of this Section;
 - (J) a plan on how EMS personnel shall report suspected child abuse pursuant to G.S. 7B-301;
 - (K) a plan on how EMS personnel shall report suspected abuse of the disabled pursuant to G.S. 108A-102; and
 - (L) a plan on how each responding agency is to maintain a current roster of its personnel providing EMS care within the county under the provider number issued pursuant to Paragraph (c) of this Rule, in the OEMS credentialing and information database;
 - (14) affiliation as defined in Rule ~~.0402(3)~~ .0102 of this Subchapter with a trauma RAC as required by Rule .1101(b) of this Subchapter; and
 - (15) medical oversight as required by Section .0400 of this Subchapter.
- (b) Each EMS System that utilizes emergency medical dispatching agencies applying the principles of EMD or offering EMD services, procedures, or programs to the public shall have:
- (1) a defined service area for each agency;
 - (2) appropriate personnel within each agency, credentialed in accordance with the requirements set forth in Section .0500 of this Subchapter, to ensure EMD services to the

citizens within that service area are available 24 hours per day, seven days a week; and

- (3) EMD responsibilities in special situations, such as disasters, mass-casualty incidents, or situations requiring referral to specialty hotlines.

- (c) The EMS System shall obtain provider numbers from the OEMS for each entity that provides EMS Care within the county.
- (d) An application to establish an EMS System shall be submitted by the county to the OEMS for review. When the system is comprised of more than one county, only one application shall be submitted. The proposal shall demonstrate that the system meets the requirements in Paragraph (a) of this Rule. System approval shall be granted for a period of six years. Systems shall apply to OEMS for reapproval no more than 90 days prior to expiration.

Authority G.S. 131E-155(1); 131E-155(6); 131E-155(7); 131E-155(8); 131E-155(9); 131E-155(13a); 131E-155(15); 143-508(b); 143-508(d)(1); 143-508(d)(2); 143-508(d)(3); 143-508(d)(5); 143-508(d)(8); 143-508(d)(9); 143-508(d)(10); 143-508(d)(13); 143-517; 143-518.

10A NCAC 13P .0222 TRANSPORT OF STRETCHER BOUND PATIENTS

- (a) Any person transported on a stretcher as defined in Rule ~~.0102(49)~~ .0102 of this Subchapter meets the definition of patient as defined in G.S. 131E-155(16).
- (b) Stretchers may only be utilized for patient transport in an ambulance permitted by the OEMS in accordance with G.S. 131E-156 and Rule .0211 of this Section.
- (c) The Medical Care Commission exempts wheeled chair devices used solely for the transportation of mobility impaired persons in non-permitted vehicles from the definition of stretcher.

Authority G.S. 131E-156; 131E-157; 143-508(d)(8).

SECTION .0300 – SPECIALTY CARE TRANSPORT PROGRAMS

10A NCAC 13P .0301 SPECIALTY CARE TRANSPORT PROGRAM CRITERIA

- (a) EMS Providers seeking designation to provide specialty care transports shall submit an application for program approval to the OEMS at least 60 days prior to field implementation. The application shall document that the program has:
 - (1) a defined service area that identifies the specific transferring and receiving facilities the program is intended to service;
 - (2) written policies and procedures implemented for medical oversight meeting the requirements of Section .0400 of this Subchapter;
 - (3) ~~Service~~ service available on a 24 hour a day, seven days a week basis;
 - (4) the capability to provide the patient care skills and procedures as specified in "North Carolina College of Emergency Physicians: Standards for Medical Oversight and Data Collection;"
 - (5) a written continuing education program for EMS personnel, under the direction of the

Specialty Care Transport Program Continuing Education Coordinator, developed and modified based upon feedback from program data, review and evaluation of patient outcomes, and quality management review that follows the criteria set forth in Rule .0501 of this Subchapter;

- (6) a communication system that provides two-way voice communications for transmission of patient information to medical crew members anywhere in the service area of the program. The SCTP Medical Director shall verify that the communications system is satisfactory for on-line medical direction;
- (7) medical crew members that have completed training conducted every six months regarding:
 - (A) operation of the EMS communications system used in the program; and
 - (B) the medical and patient safety equipment specific to the program;
- (8) written operational protocols for the management of equipment, supplies, and medications. These protocols shall include:
 - (A) a listing of all standard medical equipment, supplies, and medications, approved by the Medical Director as sufficient to manage the anticipated number and severity of injury or illness of the patients, for all vehicles used in the program based on the treatment protocols and approved by the OEMS; and
 - (B) a methodology to ensure that each ground vehicle and aircraft contains the required equipment, supplies, and medications on each response; and
- (9) written policies and procedures specifying how EMS Systems will dispatch and utilize the ground ambulances and aircraft operated by the program.

(b) When transporting patients, staffing for the ground ambulance and aircraft used in the SCTP shall be approved by the SCTP Medical Director as medical crew members, using any of the following as determined by the transferring physician who is responsible for the medical aspects of the mission to manage the anticipated severity of injury or illness of the patient:

- (1) paramedic;
- (2) nurse practitioner;
- (3) physician;
- (4) physician assistant;
- (5) registered nurse; or
- (6) respiratory therapist.

(c) SCTP as defined in Rule ~~.0102(47)~~ .0102 of this Subchapter are exempt from the staffing requirements defined in G.S. 131E-158(a).

(d) SCTP approval is valid for a period to coincide with the EMS Provider License that is issued by OEMS and is valid for six years. Programs shall apply to the OEMS for ~~reapproval~~ reapproval more than 90 days prior to expiration.

Authority G.S. 131E-155.1(b); 131E-158; 143-508.

SECTION .0500 – EMS PERSONNEL

10A NCAC 13P .0505 SCOPE OF PRACTICE FOR EMS PERSONNEL

EMS Personnel educated in approved programs, credentialed by the OEMS, and ~~affiliated with an approved EMS System functioning under physician medical oversight~~ may perform acts and administer intravenous fluids and medications as allowed by the North Carolina Medical Board pursuant to G.S. 143-514.

Authority G.S. 143-508(d)(6); 143-514.

10A NCAC 13P .0506 PRACTICE SETTINGS FOR EMS PERSONNEL

(a) Credentialed EMS Personnel may function in the following practice settings in accordance with the protocols approved by the OEMS and by the Medical Director of the EMS System or Specialty Care Transport Program with which they are affiliated:

- (1) at the location of a physiological or psychological illness or ~~injury, including transportation to a treatment facility if required;~~ injury;
- (2) at public or community health facilities in conjunction with public and community health initiatives;
- (3) in hospitals and clinics;
- (4) in residences, facilities, or other locations as part of wellness or injury prevention initiatives within the community and the public health system; ~~and~~
- (5) at mass gatherings or special ~~events~~; events; and
- (6) community paramedicine programs.

(b) Individuals functioning in an alternative practice setting as defined in Rule ~~.0102(4)~~ .0102 of this Subchapter consistent with the areas identified in Subparagraphs ~~(a)(2)(a)(1)~~ through ~~(a)(4)(a)(5)~~ of this Rule that are not affiliated with an EMS System shall:

- (1) be under the medical oversight of a physician licensed by the North Carolina Medical Board that is associated with the practice setting where the individual will function; and
- (2) be restricted to performing within the scope of practice as defined by the North Carolina Medical Board pursuant to G.S. 143-514 for the individual's level of EMS credential.

(c) Individuals holding a valid EMR or EMT credential that are not affiliated with an approved first responder program or EMS agency and that do not administer medications or utilize advanced airway devices are approved to function as a member of an industrial or corporate first aid safety team without medical oversight or EMS System affiliation.

Authority G.S. 143-508(d)(7).

SECTION .0900 - TRAUMA CENTER STANDARDS AND APPROVAL

10A NCAC 13P .0904 INITIAL DESIGNATION PROCESS

(a) For initial Trauma Center designation, the hospital shall request a consult visit by OEMS and the consult shall occur within one year prior to submission of the RFP.

(b) A hospital interested in pursuing Trauma Center designation shall submit a letter of intent 180 days prior to the submission of an RFP to the OEMS. The letter shall define the hospital's primary trauma catchment area. Simultaneously, Level I or II applicants shall also demonstrate the need for the Trauma Center designation by submitting one original and three copies of documents that include:

- (1) the population to be served and the extent that the population is underserved for trauma care with the methodology used to reach this conclusion;
- (2) geographic considerations, to include trauma primary and secondary catchment area and distance from other Trauma Centers; and
- (3) evidence the Trauma Center will admit at least 1200 trauma patients ~~yearly~~ annually or show that its trauma service will be taking care of at least 240 trauma patients with an ISS greater than or equal to 15 yearly. These criteria shall be met without compromising the quality of care or cost effectiveness of any other designated Level I or II Trauma Center sharing all or part of its catchment area or by jeopardizing the existing Trauma Center's ability to meet this same 240-patient minimum.

(c) The hospital shall be participating in the State Trauma Registry as defined in Rule ~~.0102(61)~~ .0102 of this Subchapter, and submit data to the OEMS weekly a minimum of 12 months prior to application that includes all the Trauma Center's trauma patients as defined in Rule ~~.0102(59)~~ .0102 of this Subchapter who are:

- (1) diverted to an affiliated hospital;
- (2) admitted to the Trauma Center for greater than 24 hours from an ED or hospital;
- (3) die in the ED;
- (4) are DOA; or
- (5) are transferred from the ED to the OR, ICU, or another hospital (including transfer to any affiliated hospital).

(d) OEMS shall review the regional Trauma Registry data from both the applicant and the existing trauma center(s), and ascertain the applicant's ability to satisfy the justification of need information required in ~~Subparagraphs (b)(1) through (3)~~ Paragraph (b) of this Rule. The OEMS shall notify the applicant's primary RAC of the application and provide the regional data submitted by the applicant in ~~Subparagraphs (b)(1) through (3)~~ Paragraph (b) of this Rule for review and comment. The RAC shall be given 30 days to submit written comments to the OEMS.

(e) OEMS shall notify the respective Board of County Commissioners in the applicant's primary catchment area of the request for initial designation to allow for comment during the same 30 day comment period.

(f) OEMS shall notify the hospital in writing of its decision to allow submission of an RFP. If approved, the RAC and Board of County Commissioners in the applicant's primary catchment area shall also be notified by the OEMS that an RFP will be submitted.

(g) Once the hospital is notified that an RFP will be accepted, the hospital shall complete and submit an electronic copy of the completed RFP with signatures to the OEMS at least 45 days prior to the proposed site visit date.

(h) The RFP shall demonstrate that the hospital meets the standards for the designation level applied for as found in Rule .0901 of this Section.

(i) If OEMS does not recommend a site visit based upon failure to comply with Rule .0901 of this Section, the OEMS shall send the written reasons to the hospital within 30 days of the decision. The hospital may reapply for designation within six months following the submission of an updated RFP. If the hospital fails to respond within six months, the hospital shall reapply following the process outlined in Paragraphs (a) through (h) of this Rule.

(j) If after review of the RFP, the OEMS recommends the hospital for a site visit, the OEMS shall notify the hospital within 30 days and the site visit shall be conducted within six months of the recommendation. The hospital and the OEMS shall agree on the date of the site visit.

(k) Except for OEMS representatives, any in-state reviewer for a Level I or II visit shall be from outside the local or adjacent RAC, unless mutually agreed upon by the OEMS and the trauma center seeking designation where the hospital is located. The composition of a Level I or II state site survey team shall be as follows:

- (1) one out-of-state trauma surgeon who is a Fellow of the ACS, experienced as a site surveyor, who shall be the primary reviewer;
- (2) one in-state emergency physician who currently works in a designated trauma center, is a member of the American College of Emergency Physicians or American Academy of Emergency Medicine, and is boarded in emergency medicine by the American Board of Emergency Medicine or the American Osteopathic Board of Emergency Medicine;
- (3) one in-state trauma surgeon who is a member of the North Carolina Committee on Trauma;
- (4) for Level I designation, one out-of-state trauma program manager with an equivalent license from another state;
- (5) for Level II designation, one in-state program manager who is licensed to practice ~~professional~~ nursing in North Carolina in accordance with the Nursing Practice Act, Article 9A, Chapter 90 of the North Carolina General Statutes; and
- (6) OEMS Staff.

(l) All site team members for a Level III visit shall be from in-state, and, except for the OEMS representatives, shall be from outside the local or adjacent RAC where the hospital is located. The composition of a Level III state site survey team shall be as follows:

- (1) one trauma surgeon who is a Fellow of the ACS, who is a member of the North Carolina

Committee on Trauma and shall be the primary reviewer;

- (2) one emergency physician who currently works in a designated trauma center, is a member of the North Carolina College of Emergency Physicians or American Academy of Emergency Medicine, and is boarded in emergency medicine by the American Board of Emergency Medicine or the American Osteopathic Board of Emergency Medicine;
- (3) one trauma program manager who is licensed to practice ~~professional~~ nursing in North Carolina in accordance with the Nursing Practice Act, Article 9A, Chapter 90 of the North Carolina General Statutes; and
- (4) OEMS Staff.

(m) On the day of the site visit, the hospital shall make available all requested patient medical charts.

(n) The primary reviewer of the site review team shall give a verbal post-conference report representing a consensus of the site review team. The primary reviewer shall complete and submit to the OEMS a written consensus report within 30 days of the site visit.

(o) The report of the site survey team and the staff recommendations shall be reviewed by the State Emergency Medical Services Advisory Council at its next regularly scheduled meeting following the site visit. Based upon the site visit report and the staff recommendation, the State Emergency Medical Services Advisory Council shall recommend to the OEMS that the request for Trauma Center designation be approved or denied.

(p) All criteria defined in Rule .0901 of this Section shall be met for initial designation at the level requested.

(q) Hospitals with a deficiency(ies) resulting from the site visit shall be given up to 12 months to demonstrate compliance. Satisfaction of deficiency(ies) may require an additional site visit. The need for an additional site visit is shall be determined on a case-by-case basis based on the type of deficiency. If compliance is not demonstrated within the time period set by OEMS, the hospital shall submit a new application and updated RFP and follow the process outlined in Paragraphs (a) through (h) of this Rule.

(r) The final decision regarding Trauma Center designation shall be rendered by the OEMS.

(s) The OEMS shall notify the hospital in writing of the State Emergency Medical Services Advisory Council's and OEMS' final recommendation within 30 days of the Advisory Council meeting.

(t) If a trauma center changes its trauma program administrative structure such that the trauma service, trauma Medical Director, trauma program manager, or trauma registrar are relocated on the hospital's organizational chart at any time, it shall notify OEMS of this change in writing within 30 days of the occurrence.

(u) Initial designation as a trauma center shall be valid for a period of three years.

Authority G.S. 131E-162; 143-508(d)(2).

SECTION .1500 - DENIAL, SUSPENSION, AMENDMENT, OR REVOCATION

10A NCAC 13P .1502 LICENSED EMS PROVIDERS

(a) The OEMS shall deny an initial or renewal EMS Provider license for any of the following reasons:

- (1) significant failure to comply, as defined in Rule ~~.0102(45)~~ .0102 of this Subchapter, with the applicable licensing requirements in Rule .0204 of this Subchapter;
- (2) making false statements or representations to the OEMS or willfully concealing information in connection with an application for licensing;
- (3) tampering with or falsifying any record used in the process of obtaining an initial license or in the renewal of a license; or
- (4) disclosing information as defined in Rule .0223 of this Subchapter that is determined by OEMS ~~staff~~ staff, based upon review of documentation, to disqualify the applicant from licensing.

(b) The Department shall amend any EMS Provider license by amending it to reduce the license from a full license to a provisional license whenever the Department finds that:

- (1) the licensee failed to comply with the provisions of G.S. 131E, Article 7, and the rules adopted under that Article;
- (2) there is a probability that the licensee can take corrective measures to resolve the issue of non-compliance with Rule .0204 of this Subchapter, and be able ~~thereafter~~ to remain in compliance within a reasonable length of time determined by OEMS staff on a case-by-case basis; and
- (3) there is a probability, determined by OEMS staff using their professional judgment, based upon analysis of the licensee's ability to take corrective measures to resolve the issue of non-compliance with the licensure rules, that the licensee will be able thereafter to remain in compliance with the licensure rules.

(c) The Department shall give the licensee written notice of the amendment of the EMS Provider license. This notice shall be given personally or by certified mail and shall set forth:

- (1) the duration of the provisional EMS Provider license;
- (2) the factual allegations;
- (3) the statutes or rules alleged to be violated; and
- (4) notice of the EMS provider's right to a contested case hearing, as set forth in Rule .1509 of this Subchapter, on the amendment of the EMS Provider license.

(d) The provisional EMS Provider license is effective upon its receipt by the licensee and shall be posted in a location at the primary business location of the EMS Provider, accessible to public view, in lieu of the full license. Pursuant to G.S. 131E-155.1(d), the provisional license remains in effect until the Department:

- (1) restores the licensee to full licensure status; or
- (2) revokes the licensee's license.

(e) The Department shall revoke or suspend an EMS Provider license whenever the Department finds that the licensee:

- (1) failed to comply with the provisions of G.S. 131E, Article 7, and the rules adopted under that Article and it is not probable that the licensee can remedy the licensure deficiencies within 12 months or less;
- (2) failed to comply with the provisions of G.S. 131E, Article 7, and the rules adopted under that Article and, although the licensee may be able to remedy the deficiencies, it is not probable that the licensee will be able to remain in compliance with licensure rules;
- (3) failed to comply with the provision of G.S. 131E, Article 7, and the rules adopted under that Article that endanger the health, safety, or welfare of the patients cared for or transported by the licensee;
- (4) obtained or attempted to obtain an ambulance permit, EMS nontransporting vehicle permit, or EMS Provider license through fraud or misrepresentation;
- (5) continues to repeat the same deficiencies placed on the licensee in previous compliance site visits;
- (6) has recurring failure to provide emergency medical care within the defined EMS service area in a manner as determined by the EMS System;
- (7) failed to disclose or report information in accordance with Rule .0223 of this Subchapter;
- (8) was deemed by OEMS to place the public at risk because the ~~owner~~ owner, or any ~~officer~~ officer, or agent was convicted in any court of a crime involving fiduciary misconduct or a conviction of a felony;
- (9) altered, destroyed, attempted to destroy, withheld, or delayed release of evidence, records, or documents needed for a complaint investigation being conducted by the OEMS; or
- (10) continues to operate within an EMS System after a Board of County Commissioners ~~has~~ terminated its affiliation with the licensee, resulting in a violation of the licensing requirement set forth in Rule ~~.0204(a)(1)~~ .0204 of this Subchapter.

(f) The Department shall give the EMS Provider written notice of revocation. This notice shall be given personally or by certified mail and shall set forth:

- (1) the factual allegations;
- (2) the statutes or rules alleged to be violated; and
- (3) notice of the EMS Provider's right to a contested case hearing, as set forth in Rule .1509 of this Section, on the revocation of the EMS Provider's license.

(g) The issuance of a provisional EMS Provider license is not a procedural prerequisite to the revocation or suspension of a license pursuant to Paragraph (e) of this Rule.

Authority G.S. 131E-155.1(d); 143-508(d)(10).

10A NCAC 13P .1505 EMS EDUCATIONAL INSTITUTIONS

(a) For the purpose of this Rule, "focused review" means an evaluation by the OEMS of an educational institution's corrective actions to remove contingencies that are a result of deficiencies identified in the initial or renewal application process.

(b) The Department shall deny the initial or renewal designation, without first allowing a focused review, of an EMS Educational Institution for any of the following reasons:

- (1) significant failure to comply with the provisions of Section .0600 of this Subchapter; or
- (2) attempting to obtain an EMS Educational Institution designation through fraud or misrepresentation.

(c) When an EMS Educational Institution is required to have a focused review, it shall demonstrate compliance with the provisions of Section .0600 of this Subchapter within 12 months or less.

(d) The Department shall revoke an EMS Educational Institution designation at any time whenever the Department finds that the EMS Educational Institution has significant failure to comply, as defined in Rule ~~.0102(45)~~ .0102 of this Subchapter, with the provisions of Section .0600 of this Subchapter, and:

- (1) it is not probable that the EMS Educational Institution can remedy the deficiencies within 12 months or less as determined by OEMS staff based upon analysis of the educational institution's ability to take corrective measures to resolve the issue of non-compliance with Section .0600 of this Subchapter;
- (2) although the EMS Educational Institution may be able to remedy the deficiencies, it is not probable that the EMS Educational Institution shall be able to remain in compliance with credentialing rules;
- (3) failure to produce records upon request as required in Rule .0601(b)(6) of this Subchapter;
- (4) the EMS Educational Institution failed to meet the requirements of a focused review within 12 months, as set forth in Paragraph (c) of this Rule;
- (5) the failure to comply endangered the health, safety, or welfare of patients cared for as part of an EMS educational program as determined by OEMS staff in their professional judgment based upon a complaint investigation, in consultation with the Department and Department of Justice, to verify the results of the investigations are sufficient to initiate enforcement action pursuant to G.S. 150B; or
- (6) the EMS Educational Institution altered, destroyed, or attempted to destroy evidence needed for a complaint investigation.

(e) The Department shall give the EMS Educational Institution written notice of revocation and denial. This notice shall be given personally or by certified mail and shall set forth:

- (1) the factual allegations;
- (2) the statutes or rules alleged to be violated; and

- (3) notice of the EMS Educational Institution's right to a contested case hearing, set forth in Rule .1509 of this Section, on the revocation of the designation.
- (f) Focused review is not a procedural prerequisite to the revocation of a designation as set forth in Rule .1509 of this Section.
- (g) If determined by the educational institution that suspending its approval to offer EMS educational programs is necessary, the EMS Educational Institution may voluntarily surrender its credential without explanation by submitting a written request to the OEMS stating its intention. The voluntary surrender shall not affect the original expiration date of the EMS Educational Institution's designation. To reactivate the designation:
- (1) the institution shall provide OEMS written documentation requesting reactivation; and
 - (2) the OEMS shall verify the educational institution is compliant with all credentialing requirements set forth in Section .0600 of this Subchapter prior to reactivation of the designation by the OEMS.
- (h) If the institution fails to resolve the issues that resulted in a voluntary surrender, the Department shall revoke the EMS Educational Institution designation.
- (i) In the event of a revocation or voluntary surrender, the Department shall provide written notification to all EMS Systems within the EMS Educational Institution's defined service area. The Department shall provide written notification to all EMS Systems within the EMS Educational Institution's defined service area when the voluntary surrender reactivates to full credential.
- (j) When an accredited EMS Educational Institution as defined in Rule .0605 of this Subchapter has administrative action taken against its accreditation, the OEMS shall determine if the cause of action is sufficient for revocation of the EMS Educational Institution designation or imposing a focused review pursuant to Paragraphs (b) and (c) of this Rule is warranted.

Authority G.S. 143-508(d)(4); 143-508(d)(10).

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Wildlife Resources Commission intends to adopt the rule cited as 15A NCAC 10B .0224 and amend the rules cited as 15A NCAC 10B .0123, .0202, .0203, .0207, .0211, .0212; 10C .0205, .0305, .0316, .0401, .0402; 10D .0103 and .0104.

Link to agency website pursuant to G.S. 150B-19.1(c):
www.ncwildlife.org

Proposed Effective Date: *August 1, 2018*

Public Hearing:

Date: *January 9, 2018*

Time: *7:00 p.m.*

Location: *Auditorium, Bladen Community College, 7418 NC Hwy 41W, Dublin, NC 28332*

Date: *January 10, 2018*

Time: *7:00 p.m.*

Location: *Old Alamance County CTHS, 1 SE Court Square, Graham, NC 27253*

Date: *January 11, 2018*

Time: *7:00 p.m.*

Location: *Stanly County Agri-Civic Center, 26032 Newt Rd, Albemarle, NC 28001*

Date: *January 16, 2018*

Time: *7:00 p.m.*

Location: *Haywood Community College, 185 Freeland Drive, Clyde, NC 28721*

Date: *January 17, 2018*

Time: *7:00 p.m.*

Location: *Western Piedmont Community College, 1001 Burkemont Ave, Morganton, NC 28655*

Date: *January 18, 2018*

Time: *7:00 p.m.*

Location: *Elkin High School, 334 Elk Spur Street, Elkin, NC 28621*

Date: *January 23, 2018*

Time: *7:00 p.m.*

Location: *Auditorium, John A. Holmes High School, 600 Woodard St, Edenton, NC 27932*

Date: *January 24, 2018*

Time: *7:00 p.m.*

Location: *Craven Community College, 800 College Court, New Bern, NC 28562*

Date: *January 25, 2018*

Time: *7:00 p.m.*

Location: *Nash Community College, 522 N Old Carriage Rd, Rocky Mount NC 27804*

Reason for Proposed Action: *Every year the NC Wildlife Resources Commission reviews the need to adjust seasons, bag limits, and the management of land in order to achieve conservation management goals, comply with statutory changes, and respond to constituent requests.*

Comments may be submitted to: *Carrie Ruhlman, Rule-making Coordinator, 1701 Mail Service Center, Raleigh, NC 27699-1701; email regulations@ncwildlife.org*

Comment period ends: *February 1, 2018*

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2)

from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

- ☒ State funds affected
- ☐ Environmental permitting of DOT affected
- ☐ Analysis submitted to Board of Transportation
- ☒ Local funds affected
- ☐ Substantial economic impact (≥\$1,000,000)
- ☒ Approved by OSBM
- ☐ No fiscal note required by G.S. 150B-21.4

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10B - HUNTING AND TRAPPING

SECTION .0100 - GENERAL REGULATIONS

15A NCAC 10B .0123 POSSESSION OF CERTAIN SPECIES OF WILDLIFE RESOURCES

(a) It is unlawful for ~~any individual~~ to import, transport, export, purchase, possess, or sell any species of Tongueless or African Clawed Frog (~~Xenopus spp.~~)(Xenopus spp.), Brown Anole (Anolis sagrei), Cuban Treefrog (Osteopilus septentrionalis), or any Asian Newts (genera Cynops, Pachytriton, Paramesotriton, Laotriton, Tylototriton); or to stock or release ~~them~~ any of the species identified in this Rule in the public or private waters or lands of North Carolina, except as authorized under permit issued to the ~~entities identified in Subparagraphs (1) and (2) of this Paragraph~~ by the ~~Executive Director~~ Commission, pursuant to G.S. ~~113-274(e)(4)~~ 113-274(c)(4), and subject to the following limitations: limitations as specified in this Rule:

- (1) Retail and Wholesale Establishments. Importation, possession, ~~sales, sale, transfer, transportation, and exportation of these species within North Carolina, will be allowed under permit~~ by retail and wholesale establishments whose primary business function is providing scientific supplies for ~~research; provided that they must be possessed in indoor facilities; and that all transportation of specimens provides adequate safeguards against accidental escape; and that sale or transfer is permitted only as listed in Item (2) of this Rule.~~ Written applications for permits shall include plans for holding, transportation, advertisement, and sale in such detail as to allow a determination of the ~~safeguards provided against accidental escape and sales to unauthorized individuals.~~ research,

shall be allowed by permit, provided the following conditions are met:

- (A) the application for a permit shall be in writing and include detailed plans for holding, transportation, advertisement, and sale to allow a determination of the safeguards employed to prevent accidental escape and sales to unauthorized individuals;
- (B) in-state sale or transfer is allowed only to agencies, entities, and institutions listed in Subparagraph (2) of this Paragraph; or to out-of-state persons;
- (C) exportation shall comply with all applicable rules and regulations of the importing state;
- (D) all specimens shall be possessed in indoor facilities; and
- (E) transportation of specimens employs safeguards that prevent accidental escape.

(2) Government Agencies and Research Institutions. ~~Purchase, importation, and possession~~ Importation, possession, transfer, transportation, and exportation of this these species within North Carolina shall be allowed ~~by permit~~ by permitted state and federal governmental agencies, corporate research entities, and research ~~institutions; provided that sales are permitted to lawful out of state consumers; and, provided that they must be possessed in indoor facilities and that all transportation of specimens provides adequate safeguards against accidental escape; and that the agency's or institution's Animal Use and Care Committee has approved the research protocol for this species; and, further provided that no specimens may be stocked or released in the public or private waters or lands of North Carolina and may not be transferred to any private individual; institutions, provided the following conditions are met:~~

- (A) The application for a permit shall be in writing and include detailed plans for holding, transportation, final disposition, and safeguards to prevent accidental escape;
- (B) exportation shall only be to out-of-state agencies, entities, and institutions identified in this Subparagraph;
- (C) all specimens shall be possessed in indoor facilities;
- (D) transportation of specimens shall employ safeguards that prevent accidental escape; and
- (E) the agency's, entity's, or institution's Animal Use and Care Committee has

approved the research protocol for this species.

(b) Except as provided in Paragraph (a) of this Rule, it is unlawful for private individuals to import, purchase, or sell live specimens of Red-eared Sliders (*Trachemys scripta elegans*); or to stock or release them in the public or private waters or lands of North Carolina.

Authority G.S. 113-134; 113-274; 113-292.

SECTION .0200 - HUNTING

15A NCAC 10B .0202 BEAR

(a) Open Seasons for hunting bear shall be from the:

- (1) First Monday in on or nearest October 15 to through the Saturday before Thanksgiving and the third Monday after Thanksgiving to through January 1 in and west of Surry, Wilkes, Caldwell, Burke, and Cleveland counties;
- (2) Second Monday in November to through January 1 in Bladen, Brunswick, Carteret, Columbus, Cumberland, Duplin, New Hanover, Onslow, Pamlico, Pender, Robeson, and Sampson counties;
- (3) First Monday in December to the third Saturday thereafter in Robeson County
- ~~(4)(3)~~ Second Monday Saturday in November to through the following Saturday second Sunday thereafter and the third Monday Saturday after Thanksgiving to through the fifth Saturday Sunday after Thanksgiving in Beaufort, Bertie, Camden, Chowan, Craven, Dare, Edgecombe, Greene, Halifax, Hyde, Hertford, Jones, Lenoir, Martin, Nash, Northampton, Pasquotank, Pitt, Tyrrell, Pamlico, and Washington Washington, Wayne, and Wilson counties;
- (4) Second Saturday in November through the first Sunday after Thanksgiving and the third Saturday after Thanksgiving through the fifth Sunday after Thanksgiving in Dare, Hyde, and Tyrrell counties;
- (5) Second Saturday preceding the second Monday in November to through the following second Sunday thereafter Saturday and the third Saturday Monday after Thanksgiving to through the fifth Saturday Sunday after Thanksgiving in Bertie, Currituck, Gates, Hertford, and Perquimans counties;
- (6) Second Sunday in November through the following Sunday and the third Saturday after Thanksgiving through the fifth Sunday after Thanksgiving in Camden, Chowan, and Pasquotank counties;
- (7) Third Saturday in November though the fifth Sunday thereafter in Edgecombe, Greene, Halifax, Lenoir, Nash, Northampton, Pitt, Wayne, and Wilson counties; and

~~(6)(8)~~ Concurrent with the open season for all lawful weapons for hunting deer as specified in 15A NCAC 10B .0203(a)(1) in Alamance, Alexander, Anson, Cabarrus, Caswell, Catawba, Chatham, Davie, Davidson, Durham, Franklin, Forsyth, Gaston, Granville, Guilford, Harnett, Hoke, Iredell, Johnston, Lee, Lincoln, Mecklenburg, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Scotland, Stanly, Stokes, Union, Vance, Wake, Warren, and Yadkin counties.

(b) Restrictions

- (1) For purposes of this Paragraph, "bait" means any natural, unprocessed food product that is a grain, fruit, nut, vegetable, or other material harvested from a plant crop that is not modified from its raw components.
 - (2) Bears shall not be taken with the use or aid of:
 - (A) any processed food product as defined in G.S. 113-294(r), any animal, animal part or product, salt, salt lick, honey, sugar, sugar-based material, syrups, candy, pastry, gum, candy block, oils, spices, peanut butter, or grease;
 - (B) any extracts of substances identified in Part (A) of this Subparagraph;
 - (C) any substances modified by substances identified in Part (A) of this Subparagraph, including any extracts of those substances; or
 - (D) any bear bait attractant, including sprays, aerosols, scent balls, and scent powders.
 - (3) Bears may be taken with the aid of bait from the Monday on or nearest October 15 to the Saturday before Thanksgiving in the counties in Subparagraph (a)(1) of this Rule.
 - (4) Bears may be taken with the aid of bait during the entire open season in the counties identified in Subparagraphs (a)(2) through (a)(6) of this Rule.
 - (5) Bears shall not be taken while in the act of consuming bait.
 - (6) Hunters shall not take bears using dogs in the following counties: Alamance south of Interstate 85, Anson west of N.C. Hwy 742, Cabarrus, Chatham, Davie, Davidson, Franklin, Forsyth, Gaston, Guilford, Lee, Lincoln, Mecklenburg, Montgomery, Orange south of Interstate 85, Randolph, Rockingham, Rowan, Stanly, Union, and Wake south of N.C. Hwy 98. In all other counties and parts of counties, hunters may take bears using dogs and may release dogs in the vicinity of bait.
- (c) No Open Season. There is no open season in those parts of counties included in the following posted bear sanctuaries:
 Avery, Burke, and Caldwell counties--Daniel Boone bear sanctuary except by permit only

Beaufort, Bertie, and Washington counties--Bachelor Bay bear sanctuary
 Bladen County--Suggs Mill Pond bear sanctuary
 Brunswick County--Green Swamp bear sanctuary
 Buncombe, Haywood, Henderson, and Transylvania counties--Pisgah bear sanctuary
 Carteret, Craven, and Jones counties--Croatan bear sanctuary
 Clay County--Fires Creek bear sanctuary
 Columbus County--Columbus County bear sanctuary
 Currituck County--North River bear sanctuary
 Dare County--Bombing Range bear sanctuary except by permit only
 Haywood County--Harmon Den bear sanctuary
 Haywood County--Sherwood bear sanctuary
 Hyde County--Gull Rock bear sanctuary
 Hyde County--Pungo River bear sanctuary
 Jackson County--Panthertown-Bonas Defeat bear sanctuary
 Macon County--Standing Indian bear sanctuary
 Macon County--Wayah bear sanctuary
 Madison County--Rich Mountain bear sanctuary
 McDowell and Yancey counties--Mt. Mitchell bear sanctuary except by permit only
 Mitchell and Yancey counties--Flat Top bear sanctuary
 Wilkes County--Thurmond Chatham bear sanctuary

(d) The daily bag limit for bear is one, the possession limit is one, and the season limit is one.

~~(e) Kill Reports. The carcass of each bear shall be reported as provided by 15A NCAC 10B .0113.~~

Authority G.S. 113-134; 113-291.1; 113-291.2; 113-291.7; 113-305.

15A NCAC 10B .0203 DEER (WHITE-TAILED)

(a) Open Seasons (All Lawful Weapons) for hunting deer:

(1) Deer With Visible Antlers. Except on Buffalo Cove, Nicholson Creek, Rockfish Creek, Sandhills, and South Mountains Game Lands, Deer deer with antlers or spikes protruding through the skin, as distinguished from knobs or buttons covered by skin or velvet, may be taken during the following seasons (Refer to 15A NCAC 10D .0103 for Deer With Visible Antlers seasons on these Game Lands):

(A) Saturday on or nearest October ~~15~~ 22 through the first Sunday in January ~~4~~ in all of Beaufort, ~~Bertie~~, Bladen, Brunswick, ~~Camden~~, Carteret, ~~Chowan~~, Columbus*, Cumberland, Craven, ~~Currituck~~, Dare, Duplin, Edgecombe, ~~Franklin~~, ~~Gates~~, ~~Greene~~, ~~Halifax~~, Harnett, ~~Hertford~~, Hoke, Hyde, ~~Johnston~~, Jones, Lenoir, ~~Martin~~, Moore, ~~Nash~~, New Hanover, ~~Northampton~~, Onslow, Pamlico, ~~Pasquotank~~, Pender, ~~Perquimans~~, ~~Pitt~~, ~~Richmond~~*, Richmond, Robeson, Sampson, ~~Scotland~~*, Scotland.

~~Tyrrell, and Vance, Wake, Warren, Washington, Wayne, and Wilson counties.~~

*Unlawful to hunt or kill deer in Lake Waccamaw or within 50 yards of its shoreline.

~~**Refer to 15A NCAC 10D .0103(h) for seasons on Nicholson Creek, Rockfish Creek, and Sandhills Game Lands.~~

(B) Saturday on or nearest October 29 through the first Sunday in January in all of Bertie, Camden, Chowan, Currituck, Edgecombe, Franklin, Gates, Greene, Halifax, Hertford, Johnston, Martin, Nash, Northampton, Pasquotank, Perquimans, Pitt, Vance, Wake, Warren, Wayne, and Wilson counties.

(C) Saturday before Thanksgiving Day through the first Sunday in January 4 in all of Alexander, Alleghany, Ashe, Catawba, Cleveland, Davie, Forsyth, Gaston, Iredell, Lincoln, Stokes, Surry, Watauga, ~~Wilkes~~* Wilkes, and Yadkin counties.

~~*Refer to 15A NCAC 10D .0103(h) for seasons on Buffalo Cove Game Land.~~

~~(C)(D)~~ Monday Saturday after of Thanksgiving week Day through the third Saturday after Thanksgiving Day first Sunday in January in all of Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Swain, Transylvania, and Yancey counties.

~~(D)(E)~~ Two Saturdays before Thanksgiving Day through the first Sunday in January 4 in all of Alamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Durham, Granville, Guilford, Lee, Mecklenburg, Montgomery, Orange, Person, Randolph, Rockingham, Rowan, Stanly, and Union counties.

~~(E)(F)~~ Saturday on or nearest September 10 through the first Sunday in January 4 in those parts of Camden, Gates, and Pasquotank counties known as the Dismal Swamp National Wildlife Refuge; in those parts of Hyde, Tyrrell, and Washington counties known as the Pocosin Lakes National Wildlife Refuge; in that part of Hyde county known as Lake Mattamuskeet National Wildlife Refuge; in those

- parts of Dare and Hyde counties known as Alligator River National Wildlife Refuge; in those parts of Anson and Richmond counties known as the Pee Dee National Wildlife Refuge; and in that part of Currituck County known as the Mackay Island National Wildlife Refuge.
- (F) ~~Monday of Thanksgiving week through January 1 in all of Cleveland, Polk, and Rutherford counties, except for South Mountain Game Land.~~
- (2) Deer of Either Sex. Except on Game Lands, deer of either sex may be taken during the open seasons and in the counties and portions of counties listed in Parts (A), (B), (C), (D), (E), (F), and (G) of this ~~Subparagraph~~ Subparagraph (Refer to 15A NCAC 10D .0103 for either-sex deer seasons on Game Lands). Deer of either sex may be taken during the open season identified in Part (H) of this Subparagraph.
- (A) The open either-sex deer hunting dates established by the U.S. Fish and Wildlife Service during the period from the Saturday on or nearest September 10 through the first Sunday in January ~~+~~ in those parts of Camden, Gates, and Pasquotank counties known as the Dismal Swamp National Wildlife Refuge; in those parts of Hyde, Tyrrell, and Washington counties known as the Pocosin Lakes National Wildlife Refuge; in those parts of Anson and Richmond counties known as the Pee Dee National Wildlife Refuge; and in those parts of Currituck County known as the Currituck National Wildlife Refuge and the Mackay Island National Wildlife Refuge.
- (B) The open either-sex deer hunting dates established by the appropriate military commands at each of the military installations listed in this Paragraph, during the period from Saturday on or nearest October ~~45~~ 22 through the first Sunday in January ~~+~~ in that part of Brunswick County known as the Sunny Point Military Ocean Terminal, in that part of Craven County known and marked as Cherry Point Marine Base, in that part of Onslow County known and marked as the Camp Lejeune Marine Base, on Fort Bragg Military Reservation, and on Camp Mackall Military Reservation.
- (C) Youth either-sex deer hunts. First Saturday in October for youth either-sex deer hunting by permit only on a portion of Belews Creek Steam Station in Stokes County designated by agents of the Commission; the third Saturday in October for youth either-sex deer hunting by permit only on Mountain Island State Forest in Lincoln and Gaston counties; and the second Saturday in November for youth either-sex deer hunting by permit only on apportion of Warrior Creek located on W. Kerr Scott Reservoir, Wilkes County designated by agents of the Commission. A youth is defined as a person under 18 years of age.
- (D) The ~~last~~ first open day of the Deer with Visible Antlers season described in Subparagraph (a)(1) of this Rule in all of Buncombe*, Haywood, Henderson, Madison, and Transylvania counties.
*Except for that part east of NC 191, south of the French Broad and Swannanoa Rivers, west of US 25, and north of NC 280
~~**Refer to 15A NCAC 10D .0103 for either sex deer seasons on game lands that differ from the days identified in this Subparagraph~~
- (E) The ~~last six~~ first open ~~days~~ day of the Deer With Visible Antlers season described in Subparagraph (a)(1) of this Rule through the first Friday thereafter in all of Avery, Burke, Caldwell, McDowell, Mitchell, and Yancey counties.
- (F) The first ~~six~~ open days ~~and the last seven open days~~ of the Deer with Visible Antlers season described in Subparagraph (a)(1) of this Rule through the second Friday thereafter in all of Cleveland, Polk, and Rutherford counties.
- (G) All the open days of the Deer With Visible Antlers season described in Subparagraph (a)(1) of this Rule in and east of Ashe, Watauga, Wilkes, Alexander, Catawba, Lincoln, and Gaston counties and in the following parts of counties: Buncombe: That part east of NC 191, south of the French Broad and Swannanoa Rivers, west of US 25, and north of NC 280; and Henderson; That part east of NC 191 and north and west of NC 280.
- (H) The fourth Saturday in September in all counties, subject to the following restriction: only persons under the age of 18 years may hunt.

(b) Open Seasons (~~Bow and Arrow~~ Archery) for hunting deer:

- (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph and the bag limits set out in Paragraph (e) of this Rule, deer may be taken with ~~bow and arrow~~ archery equipment ~~during the following seasons: from the Saturday on or nearest September 10 through the day immediately preceding the first open day of the Blackpowder Firearms and Archery Seasons described in Subparagraph (c)(1) of this Rule except on Buffalo Cove, Nicholson Creek, Rockfish Creek, Sandhills, and South Mountains Game Lands (Refer to 15A NCAC 10D .0103 for Archery seasons on these Game Lands).~~

(A) ~~Saturday on or nearest September 10 to the third Friday thereafter in the counties and parts of counties having the open season for Deer With Visible Antlers specified by Part (A) of Subparagraph (a)(1) of this Rule, except on Nicholson Creek, Rockfish Creek, and Sandhills Game Lands.~~

(B) ~~Saturday on or nearest September 10 to the third Friday before Thanksgiving in the counties and parts of counties having the open seasons for Deer with Visible Antlers specified by Part (B) of Subparagraph (a)(1) of this Rule except for that portion of Buffalo Cove Game Land in Wilkes County.~~

(C) ~~Saturday on or nearest September 10 to the Sunday prior to the opening of the blackpowder firearms and bow and arrow season identified in Part (e)(1)(C) of this Rule; and the Sunday immediately following the closing of blackpowder firearms and bow and arrow season identified in Part (e)(1)(C) of this Rule to the Sunday before Thanksgiving in the counties and parts of counties having the open seasons for Deer With Visible Antlers specified by Part (C) of Subparagraph (a)(1) of this Rule and in Cleveland, Polk, and Rutherford counties.~~

(D) ~~Saturday on or nearest September 10 to the fourth Friday before Thanksgiving in the counties and parts of counties having the open season for Deer With Visible Antlers specified by Part (D) of Subparagraph (a)(1) of this Rule, and on Nicholson Creek, Rockfish Creek, and Sandhills Game Lands.~~

(E) ~~Sunday immediately following the closing of the open season for Deer With Visible Antlers specified by Part~~

~~(a)(1)(C) of this Rule through January 1 in the counties and parts of counties having the open season for Deer With Visible Antlers specified by Part (a)(1)(C) of this Rule.~~

(2) Restrictions

(A) ~~In the areas of the State where the Commission is authorized to regulate the use of dogs as provided in G.S. 113-291.5, dogs~~ Dogs may not be used for hunting deer during the ~~bow and arrow~~ archery season, except a single dog on a leash may be used to retrieve a wounded deer in accordance with G.S. 113-291.1(k).

(B) Only archery equipment of the types authorized in 15A NCAC 10B .0116 for taking deer may be used during the ~~bow and arrow~~ archery deer hunting season.

(C) Deer of either sex may be taken during ~~bow and arrow~~ archery seasons specified by Parts Subparagraph (b)(1)(A), (B), (C), and (D) ~~(b)(1)~~ of this Rule.

(D) ~~Only deer with antlers or spikes protruding through the skin, as distinguished from knobs or buttons covered by skin or velvet, shall be taken during the bow and arrow season specified by Part (b)(1)(E) of this Rule.~~

(c) Open Seasons (Blackpowder Firearms and ~~Bow and Arrow~~ Archery) for hunting deer:

- (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph, deer may be taken only with blackpowder firearms and ~~bow and arrow~~ archery equipment on the Saturday preceding the Deer with Visible Antlers seasons described in Parts (a)(1)(A), (B), (C), (D), (E), and (F) of this Rule through the first Friday thereafter except on Buffalo Cove, Nicholson Creek, Rockfish Creek, Sandhills, and South Mountains Game Lands (Refer to 15A NCAC 10D .0103 for Blackpowder Firearms and Archery seasons on these Game Lands): during the following seasons:

(A) ~~The Saturday on or nearest October 1 to the Friday of the second week thereafter in the counties and parts of counties having the open seasons for Deer With Visible Antlers specified by Part (A) of Subparagraph (a)(1) of this Rule, except on Nicholson Creek, Rockfish Creek, and Sandhills Game Lands.~~

(B) ~~The third Saturday preceding Thanksgiving until the Friday of the~~

- ~~second week thereafter in the counties* and parts of counties having the open seasons for Deer With Visible Antlers specified by Part (B) of Subparagraph (a)(1) of this Rule.~~
~~*Refer to 15A NCAC 10D .0103(h) for seasons on Buffalo Cove game land.~~
- (C) ~~Monday on or nearest October 1 to the Saturday of the second week thereafter in Cleveland, Polk, and Rutherford counties and in the counties and parts of counties having the open seasons for Deer With Visible Antlers specified by Part (F) of Subparagraph (a)(1) of this Rule.~~
- (D) ~~The fourth Saturday preceding Thanksgiving until the Friday of the second week thereafter in the counties and parts of counties having the open season for Deer With Visible Antlers specified by Part (D) of Subparagraph (a)(1) of this Rule, and on Nicholson Creek, Rockfish Creek, and Sandhills Game Lands.~~
- (2) Restrictions
- (A) Deer of either sex may be taken during blackpowder firearms and ~~bow and arrow~~ archery season in and east of the following counties: Polk, Rutherford, McDowell, Burke, Caldwell, Watauga, and Ashe. Deer of either sex may be taken on the ~~last~~ first day of this season only in all other counties.
- (B) In the areas of the State where the Commission is authorized to regulate the use of dogs as provided in G.S. 113-291.5, dogs ~~Dogs~~ shall not be used for hunting deer during the blackpowder firearms and ~~bow and arrow~~ archery seasons, except a single dog on a leash may be used to retrieve a wounded deer in accordance with G.S. 113-291.1(k).
- (3) As used in this ~~Paragraph~~ Rule, blackpowder firearms means "Any firearm - including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system - manufactured in or before 1898, that cannot use fixed ammunition; any replica of this type of firearm if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; and any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading or cylinder-loading handgun that is designed to use blackpowder, blackpowder substitute, or any other propellant loaded through the muzzle or cylinder and that cannot use fixed ammunition."
- (d) Open Season (Urban Season) for hunting deer:
- (1) Authorization. Subject to the restrictions set out in Subparagraph (3) of this Paragraph and the bag limits set out in Paragraph (e) of this Rule, deer of either sex may be taken with bow and arrow in participating cities in the State, as defined in G.S. 160A-1(2), from the second Saturday following January 1 ~~to~~ through the ~~fifth~~ sixth Saturday Sunday thereafter. Deer shall not be taken on any game land or part thereof that occurs within a city boundary.
- (2) Participation. Cities that intend to participate in the urban season shall send a letter to that effect no later than April 1 of the year prior to the start of the urban season to the Executive Director or his designee at 1722 Mail Service Center, Raleigh, N.C. ~~27699-1722; 27699-1700.~~ Cities shall also submit a map of the city's boundaries within which the urban season shall apply.
- (3) Restrictions:
- (A) In the areas of the State where the Commission is authorized to regulate the use of dogs as provided in G.S. 113-291.5, dogs ~~Dogs~~ shall not be used for hunting deer during the urban season, except a single dog on a leash may be used to retrieve a wounded deer in accordance with G.S. 113-291.1(k).
- (B) Only archery equipment of the types authorized in 15A NCAC 10B .0116 for taking deer shall be used during the urban season.
- (e) Bag limits. ~~In and east of Vance, Franklin, Wake, Harnett, Moore, and Richmond counties, the possession limit is six deer, up to four of which may be deer with visible antlers. In all other counties of the state the~~ The possession and season limit is six deer, up to two of which may be deer with visible antlers, antlers and four of which may be antlerless deer. Antlerless deer include males with knobs or buttons covered by skin or velvet as distinguished from spikes protruding through the skin. The season limit in all counties of the State, is six deer. In addition to the bag limits described above, a hunter may obtain multiple bonus antlerless deer harvest report cards from the Wildlife Resources Commission or any Wildlife Service Agent to allow the harvest of two additional antlerless deer per card ~~on lands others than lands enrolled in the Commission's game land program during any open deer season in all counties and parts of counties of the State identified in Part (G) of Subparagraph (a)(2) of this Rule.~~ Antlerless deer harvested and reported on the bonus antlerless harvest report card shall not count as part of the possession and season limit. Hunters may also use the bonus antlerless harvest report cards for deer harvested during the season described in Paragraph (d) of this Rule within the boundaries of participating municipalities, except on State-owned game lands. Antlerless deer harvested and reported on the bonus antlerless harvest report card shall not count as part of the possession and season limit. Antlerless deer include males with knobs or buttons covered by skin or velvet as distinguished from spikes protruding through the

~~skin.~~ The bag limits described above do not apply to deer harvested in areas covered in the Deer Management Assistance Program (DMAP) as described in G.S. 113-291.2(e) for those individuals using Commission-issued DMAP tags and reporting harvest as described on the DMAP license. Season bag limits shall be set by the number of DMAP tags issued and in the hunters' possession. All deer harvested under this program, regardless of the date of harvest, shall be tagged with these DMAP tags and reported as instructed on the DMAP license. The hunter does not have to validate the Big Game Harvest Report Card provided with the hunting license for deer tagged with the DMAP tags. Any deer harvested on lands enrolled in the DMAP and not tagged with DMAP tags may only be harvested during the regularly established deer seasons subject to all the restrictions of those seasons, including bag limits, and reported using the big game harvest report card or the bonus antlerless harvest report card.

Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291.1; 113-291.2; 113-291.5.

15A NCAC 10B .0207 RABBITS

- (a) Open Season: The open season for taking rabbits ~~shall be~~ is the ~~first Saturday preceding before~~ Thanksgiving Day through the last day of February.
- (b) Bag Limits: The daily bag limit for rabbits is five and there are no season and no possession limits.
- (c) Box-traps: During the hunting season specified in Paragraph (a) of this Rule and subject to the bag limits set forth in Paragraph (b) of this Rule, rabbits may be taken with box-traps. A valid hunting license shall serve as a transportation permit for live rabbits taken pursuant to this Rule.

Authority G.S. 113-134; 113-274; 113-291.1; 113-291.2.

15A NCAC 10B .0211 PHEASANT (NONNATIVE VARIETIES)

- (a) Open Season: The Saturday next ~~next-preceding before~~ Thanksgiving Day to February 1 on male pheasant only.
- (b) Bag Limits: Daily, three; possession, six; season, 30.

Authority G.S. 113-134; 113-291.2.

15A NCAC 10B .0212 FOXES (GRAY AND RED)

- (a) ~~Seasons:~~ Fox Season:
 - (1) There shall be no closed season on taking foxes with dogs;
 - (2) Foxes may be taken with weapons or traps the first to fourth Saturday in January in the following counties:

Caswell	Henderson
Clay	Macon
Graham	Tyrrell
 - (3) Foxes may be taken the Saturday ~~next preceding before~~ Thanksgiving Day through January 1 using archery equipment ~~by bow and arrow~~ in all areas of the State east of Interstate Highway 77 and in Mitchell County.

(b) Bag Limit: ~~Limit for~~ Foxes:

- (1) Except in areas of open season for taking foxes with weapons or traps, foxes ~~may~~ shall not be intentionally killed by any method;
- (2) In areas of open season in all areas east of Interstate Highway 77 as set by the ~~Legislature~~ General Assembly and in Subparagraph (a)(2) and (a)(3) of this Rule, the following bag limit applies: Daily, two; season, 10.

(c) ~~Note:~~ Where local laws governing the taking of foxes conflict with this Rule, ~~these Regulations~~, the local laws shall prevail.

Authority G.S. 113-134; 113-291.2; 113-291.4; 113-291.4A.

15A NCAC 10B .0224 AMERICAN ALLIGATOR

- (a) The season for taking American alligators shall be September 1 to October 1.
- (b) Take shall be by permit only.
- (c) The bag limit shall be one per permit and the season limit is one.
- (d) American alligators shall be restrained before being killed. American alligators shall only be restrained using a hand-held restraining line or catch pole; a snatch hook attached to a hand-held restraining line or rod and reel; a harpoon or gig attached to a hand-held restraining line; a baited wooden peg less than two inches in length attached to a hand-held restraining line; or archery equipment with an arrow-attached restraining line.
- (e) American alligators restrained by any method specified in Paragraph (d) of this Rule shall be killed immediately upon capture.
- (f) Alligators may be taken day or night and with the use of artificial lights.
- (g) The use of baited hooks is prohibited.

Authority G.S. 113-134; 113-291.1; 113-291.2.

SUBCHAPTER 10C - INLAND FISHING REGULATIONS

SECTION .0200 - GENERAL REGULATIONS

15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS

- (a) For purposes of this Rule, the following definitions apply:
 - (1) "Natural bait" means any living or dead organism (plant or animal), or parts thereof, or prepared substances designed to attract fish by the sense of taste or smell.
 - (2) "Artificial lure" means a fishing lure that neither contains nor has been treated by any substance that attracts fish by the sense of taste or smell.
 - (3) "Youth anglers" are individuals under 18 years of age.
- (b) For purposes of this Rule, 15A NCAC 10C .0316, and 15A NCAC 10D .0104, the following classifications apply:
 - (1) "Public Mountain Trout Waters" are all waters included in this Rule and so designated in 15A NCAC 10D .0104.

- (2) "Catch and Release/Artificial Flies Only Trout Waters" are Public Mountain Trout Waters where only artificial flies having one single hook may be used. No trout may be possessed or harvested while fishing these streams. Waters designated as such include tributaries unless otherwise noted.
- (3) "Catch and Release/Artificial Lures Only Trout Waters" are Public Mountain Trout Waters where only artificial lures having one single hook may be used. No trout may be possessed or harvested while fishing these streams. Waters designated as such include tributaries unless otherwise noted.
- (4) "Delayed Harvest Trout Waters" are Public Mountain Trout Waters where between October 1 and one-half hour after sunset on the Friday before the first Saturday of the following June it is unlawful to possess natural bait, use more than one single hook on an artificial lure, or harvest or possess trout while fishing. From 6:00 a.m. on the first Saturday in June until noon that same day only youth anglers may fish and these waters have no bait or lure restrictions. From noon on the first Saturday in June until October 1 anglers of all ages may fish and these waters have no bait or lure restrictions. Waters designated as such do not include tributaries unless otherwise noted.
- (5) "Hatchery Supported Trout Waters" are Public Mountain Trout Waters that have no bait or lure restrictions. Waters designated as such do not include tributaries unless otherwise noted.
- (6) "Special Regulation Trout Waters" are Public Mountain Trout Waters where watercourse-specific regulations apply. Waters designated as such do not include tributaries unless otherwise noted.
- (7) "Wild Trout Waters" are Public Mountain Trout Waters which are identified as such in this Rule or 15A NCAC 10D .0104. Only artificial lures having only one single hook may be used. No person shall possess natural bait while fishing these waters. Waters designated as such do not include tributaries unless otherwise noted.
- (8) "Wild Trout Waters/Natural Bait" are Public Mountain Trout Waters where all artificial lures and natural baits, except live fish, may be used provided they are fished using only one single hook. Waters designated as such include tributaries unless otherwise noted.
- (9) "Undesignated Waters" are all other waters in the State. These waters have no bait or lure restrictions. Trout may not be possessed while fishing these waters from March 1 until 7:00 a.m. on the first Saturday in April.

(c) Seasons, creel and size limits. Seasons, creel and size limits for trout in all waters are listed in Rule .0316 of this Subchapter.

(d) Classifications. This Paragraph designates waters in each county that have a specific classification. Waters on game lands are so designated in 15A NCAC 10D .0104, unless otherwise indicated in this Paragraph. All other waters are classified as Undesignated Waters.

(1) Alleghany

- (A) Delayed Harvest Trout Waters are as follows:
Little River (S.R. 1133 bridge to 275 yards downstream of the intersection of S.R. 1128 and S.R. 1129 [marked by a sign on each bank])
- (B) Hatchery Supported Trout Waters are as follows:
Big Pine Creek
Bledsoe Creek
Brush Creek (N.C. 21 bridge to confluence with Little River, except where posted against trespassing)
Cranberry Creek
(Big) Glade Creek
Little River (275 yards downstream from the intersection of S.R. 1128 and S.R. 1129 [marked by a sign on each bank] to McCann Dam)
Meadow Fork
Pine Swamp Creek
Piney Fork
Prathers Creek
- (C) Wild Trout Waters are as follows:
All waters located on Stone Mountain State Park

(2) Ashe County

- (A) Catch and Release/Artificial Lures Only Trout Waters are as follows:
Big Horse Creek (Virginia state line to Mud Creek at S.R. 1363, excluding tributaries)
- (B) Delayed Harvest Trout Waters are as follows:
Big Horse Creek (S.R. 1324 bridge to North Fork New River)
Helton Creek (Virginia state line to New River)
South Fork New River (upstream end of Todd Island to the SR 1351 bridge)
Trout Lake
- (C) Hatchery Supported Trout Waters are as follows:
Beaver Creek (N.C. 221 to ~~South Fork New River~~ confluence of Beaver Creek and South Beaver Creek)
Big Horse Creek (Mud Creek at S.R. 1363 to S.R. 1324 bridge)
Big Laurel Creek (S.R. 1315 bridge to confluence with North Fork New River)
Buffalo Creek (S.R. 1133 bridge to N.C. 194-88 bridge)

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| | Cranberry Creek (Alleghany Co. line to South Fork New River) | (4) | Webb Prong |
| | Nathans Creek | | Buncombe County |
| | North Fork New River (Watauga Co. line to Sharp Dam) | (A) | Catch and Release/Artificial Lures Only Trout Waters are as follows: |
| | Old Fields Creek (N.C. 221 to South Fork New River) | (B) | Carter Creek (game land portion) |
| | Peak Creek (headwaters to Trout Lake, except Blue Ridge Parkway waters) | | Hatchery Supported Trout Waters are as follows: |
| | Roan Creek | | Bent Creek (headwaters to N.C. Arboretum boundary line) |
| | Three Top Creek | | Cane Creek (headwaters to S.R. 3138 bridge) |
| (3) | Avery County | | Corner Rock Creek (Little Andy Creek to confluence with Walker Branch) |
| (A) | Catch and Release/Artificial Flies Only Trout Waters are as follows: | | Dillingham Creek (Corner Rock Creek to Ivy Creek) |
| | Elk River (portion on Lees-McRae College property, excluding the millpond) | | Ivy Creek (Ivy River)(Dillingham Creek to U.S. 19-23 bridge) |
| | Lost Cove Creek (game land portion, excluding Gragg Prong and Rockhouse Creek) | | Lake Powhatan |
| (B) | Catch and Release/Artificial Lures Only Trout Waters are as follows: | | Reems Creek (Sugar Camp Fork to U.S. 19-23 bridge, except where posted against trespassing) |
| | Wilson Creek (game land portion) | | Rich Branch (downstream from the confluence with Rocky Branch) |
| (C) | Hatchery Supported Trout Waters are as follows: | | Stony Creek |
| | Boyde Coffey Lake | | Swannanoa (S.R. 2702 bridge near Ridgecrest to Wood Avenue bridge [intersection of N.C. 81 and U.S. 74A in Asheville], except where posted against trespassing) |
| | Elk River (S.R. 1305 crossing immediately upstream of Big Falls to the Tennessee state line) | (5) | Burke County |
| | Linville River (Land Harbor line [below dam] to the Blue Ridge Parkway boundary line, except where posted against trespassing) | (A) | Catch and Release/Artificial Lures Only Trout Waters are as follows: |
| | Milltimber Creek | | Henry Fork (portion on South Mountains State Park) |
| | North Toe River — upper (Watauga St. to Roby Shoemaker Wetlands and Family Recreational Park, except where posted against trespassing) | (B) | Delayed Harvest Trout Waters are as follows: |
| | North Toe River — lower (S.R. 1164 to Mitchell Co. line, except where posted against trespassing) | | Jacob Fork (Shinny Creek to lower South Mountains State Park boundary) |
| | Squirrel Creek | (C) | Hatchery Supported Trout Waters are as follows: |
| | Wildcat Lake | | Carroll Creek (game land portion above S.R. 1405) |
| (D) | Wild Trout Waters are as follows: | | Henry Fork (lower South Mountain State Park line downstream to S.R. 1919 at Ivy Creek) |
| | Birchfield Creek | | Linville River portion within Linville Gorge Wilderness area and portion below Lake James powerhouse from upstream bridge on S.R. 1223 to Muddy Creek) |
| | Cow Camp Creek | (D) | Special Regulation Trout Waters are as follows: |
| | Cranberry Creek (headwaters to U.S. 19E/N.C. 194 bridge) | | Catawba River (Muddy Creek to City of Morganton water intake dam) |
| | Gragg Prong | (E) | Wild Trout Waters are as follows: |
| | Horse Creek | | All waters located on South Mountains State Park, except those |
| | Kentucky Creek | | |
| | North Harper Creek | | |
| | Plumtree Creek | | |
| | Roaring Creek | | |
| | Rockhouse Creek | | |
| | Shawneehaw Creek (portion adjacent to Banner Elk Greenway) | | |
| | South Harper Creek | | |

- waters identified in parts A and B of this Subparagraph
- (6) Caldwell County
- (A) Delayed Harvest Trout Waters are as follows:
Wilson Creek (game land portion below Lost Cove Creek to Philips Branch)
- (B) Hatchery Supported Trout Waters are as follows:
Boone Fork Pond
Buffalo Creek (mouth of Joes Creek to McCloud Branch)
Joes Creek (first falls upstream of S.R. 1574 to confluence with Buffalo Creek)
Wilson Creek (Phillips Branch to Brown Mountain Beach Dam, except where posted against trespassing)
Yadkin River (Happy Valley Ruritan Community Park to S.R. 1515)
- (C) Wild Trout Waters are as follows:
Buffalo Creek (Watauga Co. line to Long Ridge Branch including game land tributaries)
Joes Creek (Watauga Co. line to first falls upstream of the end of S.R. 1574)
Rockhouse Creek
- (7) Cherokee County
- (A) Hatchery Supported Trout Waters are as follows:
Davis Creek (confluence of Bald and Dockery creeks to Hanging Dog Creek)
Hyatt Creek (Big Dam Branch to Valley River)
Junaluska Creek (Ashturn Creek to Valley River)
Shuler Creek (Joe Brown Hwy [S.R. 1325] bridge to Tennessee state line)
Valley River (S.R. 1359 to U.S. 19 Business bridge in Murphy)
- (B) Wild Trout Waters/Natural Bait are as follows:
Bald Creek (game land portion)
Dockery Creek (game land portion)
North Shoal Creek (game land portion)
- (8) Clay County
- (A) Delayed Harvest Trout Waters are as follows:
Fires Creek (USFS Rd. 340A to the foot bridge in the USFS Fires Creek Picnic Area)
- (B) Hatchery Supported Trout Waters are as follows:
Buck Creek (game land portion downstream of U.S. 64 bridge)
- Fires Creek (foot bridge in the USFS Fires Creek Picnic Area to S.R. 1300)
Tusquitee Creek (Compass Creek to lower S.R. 1300 bridge)
- (9) Graham County
- (A) Delayed Harvest Trout Waters are as follows:
(Big) Snowbird Creek (USFS footbridge at the old railroad junction to USFS Rd. 2579)
- (B) Hatchery Supported Trout Waters are as follows:
Calderwood Reservoir (Cheoah Dam to Tennessee state line)
Cheoah Reservoir
Panther Creek (confluence of Stand Creek and Rock Creek to Lake Fontana)
Santeetlah Creek (Johns Branch to Lake Santeetlah)
(Big) Snowbird Creek (USFS Road 2579 to S.R. 1127 bridge)
Stecoah Creek (upper game land boundary to Lake Fontana)
Tulula Creek (S.R. 1201 to lower bridge on S.R. 1275)
West Buffalo Creek
Yellow Creek (Lake Santeetlah hydropower pipeline to Cheoah River)
- (C) Wild Trout Waters are as follows:
Little Buffalo Creek
South Fork Squally Creek
Squally Creek
- (D) Wild Trout Waters/Natural Bait are as follows:
Deep Creek
Franks Creek
Long Creek (game land portion)
- (10) Haywood County
- (A) Delayed Harvest Trout Waters are as follows:
West Fork Pigeon River (Queen Creek to the first game land boundary upstream of Lake Logan)
- (B) Hatchery Supported Trout Waters are as follows:
Cold Springs Creek (Fall Branch to Pigeon River)
Jonathan Creek (upstream S.R. 1302 bridge to Pigeon River, except where posted against trespassing)
Pigeon River (Stamey Cove Branch to upstream U.S. 19-23 bridge)
Richland Creek (Russ Avenue [U.S. 276] bridge to U.S. 19 bridge)
West Fork Pigeon River (Tom Creek to Queen Creek, including portions on game lands, except Middle Prong)

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| <p>(C) Wild Trout Waters/Natural Bait are as follows:
Hemphill Creek
Hurricane Creek</p> <p>(11) Henderson County</p> <p>(A) Delayed Harvest Trout Waters are as follows:
North Fork Mills River (game land portion below the Hendersonville watershed dam)</p> <p>(B) Hatchery Supported Trout Waters are as follows:
(Rocky) Broad River (end of S.R. 1611 to Rutherford County line)
Cane Creek (railroad bridge upstream of S.R. 1551 bridge to U.S. 25 bridge)
Clear Creek (Laurel Fork to S.R. 1582)
Green River (Lake Summit powerhouse to game land boundary)
(Big) Hungry River</p> <p>(12) Jackson County</p> <p>(A) Catch and Release/Artificial Lures Only Trout Waters are as follows:
Flat Creek
Tuckasegee River (upstream from the Clark property)</p> <p>(B) Delayed Harvest Trout Waters are as follows:
Tuckasegee River (downstream N.C. 107 bridge to the falls located 275 yards upstream of the U.S. 23-441 bridge [marked by a sign on each bank])</p> <p>(C) Hatchery Supported Trout Waters are as follows:
Balsam Lake
Bear Creek Lake
Cedar Cliff Lake
Cullowhee Creek (Tilley Creek to Tuckasegee River)
Dark Ridge Creek (Jones Creek to Scott Creek)
Greens Creek (Greens Creek Baptist Church on S.R. 1370 to Savannah Creek)
Savannah Creek (Shell Branch to Cagle Branch)
Scott Creek (Dark Ridge Creek to Tuckasegee River, except where posted against trespassing)
Tanasee Creek Lake
Tuckasegee River — upper (John Brown Branch to the downstream N.C. 107 bridge)
Tuckasegee River — lower (falls located 275 yards upstream of U.S. 23-441 bridge [marked by a sign on</p> | <p>each bank] to S.R. 1534 bridge at Wilmot)
Wolf Creek Lake</p> <p>(D) Wild Trout Waters are as follows:
Gage Creek
North Fork Scott Creek
Tanasee Creek
Whitewater River (downstream from Silver Run Creek to South Carolina state line)
Wolf Creek (except Balsam Lake and Wolf Creek Lake)</p> <p>(E) Wild Trout Waters/Natural Bait are as follows:
Buff Creek
Chattooga River (S.R. 1100 bridge to the South Carolina state line)
Lower Fowler Creek (game land portion)
Scotsman Creek (game land portion)</p> <p>(13) Macon County</p> <p>(A) Delayed Harvest Trout Waters are as follows:
Nantahala River (Whiteoak Creek to Nantahala hydropower discharge canal)</p> <p>(B) Hatchery Supported Trout Waters are as follows:
Burningtown Creek (Left Prong to Little Tennessee River)
Cartoogechaye Creek (downstream U.S. 64 bridge to Little Tennessee River)
Cliffside Lake
Cullasaja River (Sequoyah Dam to U.S. 64 bridge near junction of S.R. 1672)
Nantahala River — upper (Dicks Creek to Whiteoak Creek)
Nantahala River — lower (Nantahala hydropower discharge canal to Swain Co. line)
Queens Creek Lake</p> <p>(C) Wild Trout Waters/Natural Bait are as follows:
Chattooga River (S.R. 1100 bridge to South Carolina state line)
Jarrett Creek (game land portion)
Kimsey Creek
Overflow Creek (game land portion)
Park Creek
Tellico Creek (game land portion)
Turtle Pond Creek (game land portion)</p> <p>(14) Madison County</p> <p>(A) Delayed Harvest Trout Waters are as follows:
Big Laurel Creek (N.C. 208 bridge to the U.S. 25-70 bridge)</p> |
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- Shelton Laurel Creek (N.C. 208 bridge at Belva to the confluence with Big Laurel Creek)
Spring Creek (N.C. 209 bridge at Hot Springs city limits to iron bridge at end of Andrews Ave.)
- (B) Hatchery Supported Trout Waters are as follows:
Big Laurel Creek (Mars Hill watershed boundary to the S.R. 1318 [Big Laurel Rd.] bridge downstream of Bearpen Branch)
Big Pine Creek (S.R. 1151 bridge to French Broad River)
Little Ivy Creek (confluence of Middle Fork and Paint Fork at Beech Glen to confluence with Ivy Creek at Forks of Ivy)
Max Patch Pond
Meadow Fork Creek (S.R. 1165 to Spring Creek)
Puncheon Fork (Hampton Creek to Big Laurel Creek)
Roaring Fork (Fall Branch to Meadow Fork)
Shelton Laurel Creek (confluence of Big Creek and Mill Creek to N.C. 208 bridge at Belva)
Shut-in Creek
Spillcorn Creek
Spring Creek (junction of N.C. 209 and N.C. 63 to USFS Rd. 223)
West Fork Shut-in Creek (lower game land boundary to confluence with East Fork Shut-in Creek)
- (C) Wild Trout Waters/Natural Bait are as follows:
Big Creek (headwaters to the lower game land boundary)
- (15) McDowell County
(A) Catch and Release/Artificial Lures Only Trout Waters are as follows:
Newberry Creek (game land portion)
(B) Delayed Harvest Trout Waters are as follows:
Catawba River (portion adjacent to Marion Greenway)
Curtis Creek (game land portion downstream of the USFS boundary at Deep Branch)
Mill Creek (U.S. 70 bridge to I-40 bridge)
(C) Hatchery Supported Trout Waters are as follows:
Armstrong Creek (Cato Holler line downstream to upper Greenlee line)
Catawba River (Catawba Falls Campground to Old Fort Recreation Park)
- Little Buck Creek (game land portion)
Mill Creek (upper railroad bridge to U.S. 70 bridge, except where posted against trespassing)
North Fork Catawba River (headwaters to North Cove School at S.R. 1569 bridge)
- (16) Mitchell County
(A) Delayed Harvest Trout Waters are as follows:
Cane Creek (N.C. 226 bridge to S.R. 1189 bridge)
North Toe River (U.S. 19E bridge to N.C. 226 bridge)
(B) Hatchery Supported Trout Waters are as follows:
Big Rock Creek (headwaters to N.C. 226 bridge at S.R. 1307 intersection)
Cane Creek (S.R. 1219 to N.C. 226 bridge)
East Fork Grassy Creek
Grassy Creek (East Fork Grassy Creek to mouth)
Little Rock Creek (Green Creek bridge to Big Rock Creek, except where posted against trespassing)
North Toe River (Avery Co. line to S.R. 1121 bridge)
(C) Wild Trout Waters are as follows:
Green Creek (headwaters to Green Creek bridge, except where posted against trespassing)
Little Rock Creek (above Green Creek bridge, including all tributaries, except where posted against trespassing)
Wiles Creek (game land boundary to mouth)
- (17) Polk County
(A) Delayed Harvest Trout Waters are as follows:
Green River (Fishtop Falls Access Area to the confluence with Cove Creek)
(B) Hatchery Supported Trout Waters are as follows:
Green River (Mouth of Cove Creek to the natural gas pipeline crossing)
North Pacolet River (Joels Creek to N.C. 108 bridge)
- (18) Rutherford County
(A) Hatchery Supported Trout Waters are as follows:
(Rocky) Broad River (Henderson Co. line to U.S. 64/74 bridge, except where posted against trespassing)
- (19) Stokes County

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| <p>(A) Hatchery Supported Trout Waters are as follows:
Dan River (Virginia state line downstream to a point 200 yards below the end of S.R. 1421)</p> <p>(20) Surry County</p> <p>(A) Delayed Harvest Trout Waters are as follows:
Ararat River (portion adjacent to the Ararat River Greenway)
Mitchell River (.6 mile upstream of the end of S.R. 1333 to the S.R. 1330 bridge below Kapps Mill Dam)</p> <p>(B) Hatchery Supported Trout Waters are as follows:
Ararat River (S.R. 1727 bridge downstream to the N.C. 103 bridge)
Big Elkin Creek (dam 440 yards upstream of N.C. 268 bridge to a point 265 yards downstream of N.C. 268 [marked by a sign on each bank])
Fisher River (Cooper Creek)(Virginia state line to I-77 bridge)
Little Fisher River (Virginia state line to N.C. 89 bridge)
Lovills Creek (U.S. 52 Business bridge to Ararat River)
Pauls Creek (Virginia state line to .3 miles below S.R. 1625 bridge)</p> <p>(21) Swain County</p> <p>(A) Delayed Harvest Waters Trout Waters are as follows:
Tuckasegee River (U.S. 19 bridge to Slope Street bridge)</p> <p>(B) Hatchery Supported Trout Waters are as follows:
Alarka Creek (game land boundary to Fontana Reservoir)
Calderwood Reservoir (Cheoah Dam to Tennessee state line)
Cheoah Reservoir
Connelly Creek (Camp Branch to Tuckasegee River)
Deep Creek (Great Smoky Mountains National Park Boundary line to Tuckasegee River)
Nantahala River (Macon Co. line to existing Fontana Lake water level)</p> <p>(22) Transylvania County</p> <p>(A) Catch and Release/Artificial Flies Only Trout Waters are as follows:
Davidson River (headwaters to Avery Creek, excluding Avery Creek, Looking Glass Creek and Grogan Creek)</p> <p>(B) Delayed Harvest Waters Trout Waters are as follows:</p> | <p>East Fork French Broad River (Gladys Fork East Fork Baptist Church to French Broad River)
Little River (confluence of Lake Dense to 100 yards downstream of Hooker Falls)</p> <p>(C) Hatchery Supported Trout Waters are as follows:
Davidson River (Avery Creek to lower USFS boundary)
French Broad River (confluence of North Fork French Broad River and West Fork) French Broad River to the Island Ford Rd. [S.R. 1110] Access Area
Middle Fork French Broad River (upstream U.S. 178 bridge to French Broad River)
West Fork French Broad River (Camp Cove Branch to confluence with North Fork French Broad River)</p> <p>(D) Wild Trout Waters are as follows:
All waters located on Gorges State Park
Whitewater River (downstream from Silver Run Creek to South Carolina state line)</p> <p>(E) Wild Trout Waters/Natural Bait are as follows:
North Fork French Broad River (game land portion downstream of S.R. 1326)
Thompson River (S.R. 1152 to South Carolina state line, except where posted against trespassing)</p> <p>(23) Watauga County</p> <p>(A) Catch and Release/Artificial Lures Only Trout Waters are as follows:
Laurel Creek (confluence of North and South Fork Laurel creeks to Elk Creek, excluding tributaries)
Pond Creek (headwaters to Locust Ridge Rd. bridge, excluding the pond adjacent to Coffee Lake)</p> <p>(B) Delayed Harvest Trout Waters are as follows:
Lake Coffey
Watauga River (adjacent to intersection of S.R. 1557 and S.R. 1558 to N.C. 105 bridge and S.R. 1114 bridge to N.C. 194 bridge at Valle Crucis)</p> <p>(C) Hatchery Supported Trout Waters are as follows:
Beaverdam Creek (confluence of Beaverdam Creek and Little Beaverdam Creek to an unnamed tributary adjacent to the intersection of S.R. 1201 and S.R. 1203)</p> |
|---|--|

- Beech Creek
 Buckeye Creek (Buckeye Creek Reservoir dam to Grassy Gap Creek)
 Buckeye Creek Reservoir
 Cove Creek (S.R. 1233 bridge at Zionville to S.R. 1214 bridge at Sherwood)
 Dutch Creek (second bridge on S.R. 1134 to mouth)
 Elk Creek (S.R. 1510 bridge at Triplett to Wilkes Co. line, except where posted against trespassing)
 Laurel Creek (S.R. 1123 bridge at S.R. 1157 intersection to Watauga River)
 Meat Camp Creek (S.R. 1340 bridge at S.R. 1384 intersection to N.C. 194)
 Middle Fork New River (adjacent to intersection of S.R. 1539 and U.S. 321 to South Fork New River)
 Norris Fork Creek
 South Fork New River (canoe launch 70 yards upstream of U.S. 421 bridge to lower boundary of Brookshire Park)
 Stony Fork (S.R. 1500 bridge at S.R. 1505 intersection to Wilkes Co. line)
- (D) Wild Trout Waters are as follows:
 Dutch Creek (headwaters to second bridge on S.R. 1134)
 Howard Creek
 Maine Branch (headwaters to North Fork New River)
 North Fork New River (from confluence with Maine and Mine branches to Ashe Co. line)
 Watauga River (Avery Co. line to S.R. 1580 bridge)
 Winkler Creek (lower bridge on S.R. 1549 to confluence with South Fork New River)
- (24) Wilkes County
 (A) Delayed Harvest Trout Waters are as follows:
 East Prong Roaring River (Bullhead Creek downstream to Stone Mountain State Park lower boundary)
 Elk Creek — upper (Watauga Co. line to lower boundary of the Blue Ridge Mountain Club)
 Elk Creek — lower (portion on Leatherwood Mountains development)
 Reddies River (Town of North Wilkesboro water intake dam to confluence with the Yadkin River)
 Stone Mountain Creek (from falls at Alleghany Co. line to confluence with
- East Prong Roaring River and Bullhead Creek)
 Hatchery Supported Trout Waters are as follows:
 Basin Creek (S.R. 1730 bridge to confluence with Lovelace Creek)
 Bell Branch Pond
 Cub Creek (.5 mile upstream of S.R. 2460 bridge to S.R. 1001 bridge)
 Darnell Creek (North Prong Reddies River)(downstream ford on S.R. 1569 to confluence with North Fork Reddies River)
 East Prong Roaring River (Stone Mountain State Park lower boundary to S.R. 1002 bridge)
 Fall Creek (S.R. 1300 bridge to confluence with South Prong Lewis Fork, except where posted against trespassing)
 Middle Fork Reddies River (Clear Prong)(headwaters to bridge on S.R. 1580)
 Middle Prong Roaring River (headwaters to bridge on S.R. 1736)
 North Fork Reddies River (Vannoy Creek)(headwaters to Union School bridge on S.R. 1559)
 Pike Creek
 Pike Creek Pond
 South Fork Reddies River (S.R. 1355 bridge to confluence with Middle Fork Reddies River)
 South Prong Lewis Fork (Fall Creek to S.R. 1155 bridge)
- (C) Wild Trout Waters are as follows:
 All waters located on Stone Mountain State Park, except East Prong Roaring River from Bullhead Creek downstream to the Stone Mountain State Park lower boundary where Delayed Harvest Trout Waters regulations apply, and Stone Mountain Creek from falls at Alleghany County line to confluence with East Prong Roaring River and Bullhead Creek in Stone Mountain State Park where Delayed Harvest Trout Waters regulations apply
- (25) Yancey County
 (A) Catch and Release/Artificial Flies Only Trout Waters are as follows:
 South Toe River (headwaters to Upper Creek)
 Upper Creek
 (B) Delayed Harvest Trout Waters are as follows:

- Cane River (Blackberry Ridge Rd. to downstream boundary of Cane River County Park)
- (C) Hatchery Supported Trout Waters are as follows:
 Bald Mountain Creek (except where posted against trespassing)
 Cane River (Bee Branch [S.R. 1110] to Bowlens Creek)
 Price Creek (junction of S.R. 1120 and S.R. 1121 to Indian Creek)
 South Toe River (Clear Creek to lower boundary line of Yancey Co. Recreation Park, except where posted against trespassing)
- (D) Wild Trout Waters are as follows:
 Cattail Creek (bridge at Mountain Farm Community Rd. to N.C. 197 bridge)
 Lickskillet Creek
 Middle Creek (game land boundary to mouth)

Authority G.S. 113-272; 113-292.

SECTION .0300 - GAME FISH

15A NCAC 10C .0305 BLACK BASS

- (a) The daily creel limit for Largemouth, Smallmouth, and Spotted Bass — collectively known as Black Bass - is five fish, except in waters identified in Paragraphs (b), (c), ~~and (d)~~, and (n) of this Rule. There is no minimum size limit for these fish, but only two of them may be less than 14 inches except in waters identified in Paragraphs (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), ~~and (m)~~, and (n) of this Rule. There is no closed season, except for waters identified in ~~Paragraph~~ Paragraphs (l) and (n) of this Rule.
- (b) In Lake Cammack in Alamance County, and Lake Holt in Granville County the daily creel limit for Largemouth Bass is 10 fish and no more than two fish greater than 14 inches may be possessed.
- (c) In Lake Santeetlah in Graham County, there is no daily creel limit for Black Bass less than 14 inches. The daily creel limit for Black Bass greater than 14 inches is five fish.
- (d) In Lake Chatuge in Clay County, the daily creel limit for Black Bass is 10 fish, the minimum size limit for Largemouth Bass is 12 inches, and there is no minimum size limit for Smallmouth Bass and Spotted Bass.
- (e) The minimum size limit for Black Bass is 14 inches in the following:
- (1) Lake Raleigh in Wake County;
 - (2) Pungo Lake in Washington and Hyde counties;
 - (3) New Lake in Hyde County; and
 - (4) Currituck, Roanoke, Croatan, Albemarle sounds, and all their tributaries including Roanoke River downstream of Roanoke Rapids Dam, Chowan River, Yeopim River, Pasquotank River, Perquimans River, North River, Northwest River, Scuppernon River,

and Alligator River (including the Alligator/Pungo Canal east of the NC Hwy 264/45 bridge).

- (f) In Cane Creek Lake in Union County, and Buckhorn Reservoir in Wilson and Nash counties, the minimum size limit for Largemouth Bass is 16 inches.
- (g) In Lake Phelps in Tyrrell and Washington counties, the minimum size limit is 14 inches, and no fish between 16 and 20 inches may be possessed.
- (h) In Shearon Harris Reservoir and Lake Hampton in Yadkin County, there is no minimum size limit for Black Bass, but only two Black Bass less than 14 inches and no Black Bass between 16 and 20 inches may be possessed.
- (i) In Randleman Reservoir, there is no minimum size limit for Largemouth Bass, but only two Largemouth Bass less than 14 inches and only one Largemouth Bass greater than 20 inches may be possessed.
- (j) In Lake Thom-A-Lex in Davidson County, the minimum size limit for Black Bass is 18 inches.
- (k) In the Alleghany County portion of New River downstream of Fields Dam (Grayson County, Virginia) there is no minimum size limit for Black Bass, but no fish between 14 and 22 inches in length may be possessed and only one Black Bass greater than 22 inches may be possessed.
- (l) In Sutton Lake, the minimum size limit for Black Bass is 14 inches and no Black Bass may be possessed from December 1 through March 31.
- (m) In Lake Mattamuskeet and associated canals in Hyde County, the minimum size limit for Largemouth Bass is 16 inches and only one Largemouth Bass greater than 20 inches may be possessed.
- (n) In Jean Guite Creek and associated canals within the Town of Southern Shores, Dare County, no Black Bass may be possessed.
- (o) For purposes of this Rule, creel limits apply to Largemouth, Smallmouth, and Spotted Bass in aggregate unless otherwise specified.

Authority G.S. 113-134; 113-292; 113-304; 113-305.

15A NCAC 10C .0316 TROUT

- (a) The daily creel limit for trout in Hatchery-Supported Trout Waters is seven fish. There is no minimum size limit for these fish. The open season is from 7 a.m. on the first Saturday in April until March 1, except for waters designated in Paragraphs (d) and (g) of this Rule.
- (b) The daily creel limit for trout in Wild Trout Waters and Wild Trout/Natural Bait Trout Waters is four fish. The minimum size limit for these fish is seven inches. There is no closed season.
- (c) No trout may be harvested from Catch and Release/Artificial Lures Only Trout Waters or Catch and Release/Artificial Flies Only Trout Waters. Trout may not be possessed while fishing these waters.
- (d) The daily creel limit for trout in Delayed Harvest Trout Waters is seven fish. There is no minimum size limit for these fish. The Youth-only Delayed Harvest Trout Water Season is from 6 a.m. on the first Saturday in June until 12 p.m. that same day. During this season only individuals under the age of 18 may fish. From 12 p.m. on the first Saturday in June until September 30, the Delayed Harvest Trout Waters Season is open for all anglers. From October 1 to one-half hour after sunset on the

Friday before the first Saturday in June, trout may not be harvested or possessed while fishing these waters. Delayed Harvest Trout Waters are closed to all fishing from one-half hour after sunset on the Friday before the first Saturday in June to 6 a.m. on the first Saturday in June.

(e) The daily creel limits, size limits, and seasons for trout in Special Regulation Trout Waters are as follows: in the Catawba River (Burke County) from Muddy Creek to the City of Morganton water intake dam the daily creel limit is ~~seven~~ two fish. ~~There is no minimum size limit for these fish, but only one may be greater than~~ The minimum size limit is 14 inches. There is no closed season.

(f) The daily creel limit for trout in undesignated trout waters is seven fish. There is no minimum size limit for these fish.

(g) There is no closed season on taking trout from Linville River within Linville Gorge Wilderness Area and the impounded waters of power reservoirs and municipally-owned water supply reservoirs open to the public for fishing.

(h) In designated Public Mountain Trout Waters the season for taking all species of fish is the same as the trout fishing season.

(i) All trout water designations and manners of take are set forth in 15A NCAC 10C .0205.

Authority G.S. 113-134; 113-292.

SECTION .0400 – JURISDICTION OF AGENCIES: CLASSIFICATION OF WATERS

15A NCAC 10C .0401 MANNER OF TAKING NONGAME FISHES: PURCHASE AND SALE

(a) Except as permitted by the rules in this Section, it is unlawful to take nongame fishes from the inland fishing waters of North Carolina in any manner other than with hook and ~~line~~ line or grabbling. Nongame fishes may be taken by hook and line or grabbling at any time without restriction as to size limits or creel limits, with the following exceptions:

- (1) Blue crabs shall have a minimum carapace width of five inches (point to point) and it is unlawful to possess more than 50 crabs per person per day or to exceed 100 crabs per vessel per day.
- (2) While boating on or fishing in the following inland fishing waters, no person shall take river herring (alewife and blueback) that are greater than six inches in length, or possess such herring regardless of origin in:
 - (A) Roanoke River downstream of Roanoke Rapids Dam;
 - (B) Tar River downstream of Rocky Mount Mill Dam;
 - (C) Neuse River downstream of Milburnie Dam;
 - (D) Cape Fear River downstream of Buckhorn Dam;
 - (E) Pee Dee River downstream of Blewett Falls Dam;
 - (F) Lumber River including Drowning Creek;

- (G) all the tributaries to the rivers listed above; and
- (H) all other inland fishing waters east of I-95.

- (3) Grass carp shall not be taken or possessed on Lake James, Lookout Shoals Lake, Lake Norman, Mountain Island Reservoir, Lake Wylie, and John H. Kerr Reservoir, except that one fish per day may be taken with archery equipment.
- (4) No trotlines or set-hooks shall be used in the impounded waters located on the Sandhills Game Land or in designated public mountain trout waters.
- (5) In Lake Waccamaw, trotlines or set-hooks may be used only from October 1 through April 30.
- (6) In inland fishing waters, gray trout (weakfish) recreational seasons, size limits, and creel limits are the same as those established by Marine Fisheries Commission rule or proclamations issued by the Fisheries Director in adjacent joint or coastal fishing waters.

(b) The season for taking nongame fishes by other hook and line methods in designated public mountain trout waters is the same as the trout fishing season. Trout seasons are designated in 15A NCAC 10C .0316.

(c) Nongame fishes taken by hook and line, grabbling, or by licensed special devices may be sold, with the following exceptions:

- (1) alewife and blueback herring, excluding those less than six inches in length collected from Kerr Reservoir (Granville, Vance, and Warren counties);
- (2) blue crab; and
- (3) bowfin.

(d) Freshwater mussels, including the Asiatic clam (*Corbicula fluminea*), may be taken only from impounded waters, except mussels shall not be taken in Lake Waccamaw in Columbus County, and in University Lake in Orange County. The daily possession limit for freshwater mussels is 200 in the aggregate, except there is no daily possession limit for the Asiatic clam (*Corbicula fluminea*).

(e) In waters that are stocked and managed for catfish and located on game lands, on Commission-owned property, or on the property of a cooperator, including waters within the Community Fishing Program, it is unlawful to take channel, white, or blue catfish by means other than hook and line; the daily creel limit is six catfish in aggregate. Waters where this creel limit applies shall be posted on-site with signs indicating the creel limit.

(f) The daily creel limit for blue catfish greater than 32 inches is one fish in the following reservoirs:

- (1) Lake Norman;
- (2) Mountain Island Lake;
- (3) Lake Wylie;
- (4) Badin Lake; ~~and~~
- (5) Lake ~~Tillery~~ Tillery;
- (6) John H. Kerr Reservoir (North Carolina portion);
- (7) Lake Gaston (North Carolina portion); and

(8) Roanoke Rapids Reservoir.

(g) The daily creel limit for American eels taken from or possessed, regardless of origin, while boating on or fishing in inland fishing waters is 25, and the minimum size limit is 9 inches.

(h) No person while fishing shall remove the head or tail or otherwise change the appearance of any nongame fish having a minimum size limit so as to render it impracticable to measure its total original length. No person while fishing shall change the appearance of any nongame fish having a daily creel limit so as to obscure its identification or render it impracticable to count the number of fish in possession.

Authority G.S. 113-134; 113-272; 113-292.

15A NCAC 10C .0402 TAKING NONGAME FISHES FOR BAIT OR PERSONAL CONSUMPTION

(a) It is unlawful to take nongame fish for bait or personal consumption in the inland waters of North Carolina using equipment other than:

- (1) a net of dip net design not greater than six feet across;
- (2) a seine of not greater than 12 feet in length (except in Lake Waccamaw in Columbus County where there is no length limitation) and with a bar mesh measure of not more than one-fourth inch;
- (3) a cast net;
- (4) a bow net for the seasons and waters in which the use of bow nets is authorized in 15A NCAC 10C .0407;
- (5) a dip net when used in conjunction with a licensed hand-crank electrofisher;
- (6) a gig (except in Public Mountain Trout Waters);
- (7) up to three traps for the seasons and waters in which the use of traps is authorized in 15A NCAC 10C .0407;
- (8) up to two eel pots;
- (9) a spear gun for the seasons and waters in which the use of a spear gun is authorized in 15A NCAC 10C .0407;
- (10) minnow traps not exceeding 12 inches in diameter and 24 inches in length, with funnel openings not exceeding one inch in diameter, ~~and that are under the immediate control and attendance of the individual operating them; from which all fish and animals are removed daily, and which are labeled with the user's Wildlife Resources Commission customer number or name and address;~~
- (11) a hand-held line with a single bait attached;
- (12) a single, multiple-bait line for taking crabs not to exceed 100 feet in length, marked on each end with a solid float no less than five inches in diameter, bearing legible and indelible identification of the user's name and address, and under the immediate control and attendance of the person using the device, with a limit of one line per person and no more than one line per vessel; or

- (13) a collapsible crab trap with the largest open dimension not greater than 18 inches and that by design is collapsed at all times when in the water, except when it is being retrieved or lowered to the bottom, with a limit of one trap per person.

(b) The use of equipment under this Rule only requires a valid license that provides basic inland fishing privileges.

(c) It is unlawful to sell nongame fishes or aquatic animals taken under this Rule.

(d) Game fishes taken while netting for bait shall be returned unharmed to the water, except white perch may be taken when captured in a cast net being used to collect nongame fishes for bait or personal consumption in all impounded waters west of I-95 and in the Tar River Reservoir (Nash County).

(e) No person shall take or possess during one day more than 200 nongame fish in aggregate for bait or personal consumption subject to the following restrictions:

- (1) No more than 25 eels, none of which may be less than 9 inches in length, shall be taken from or possessed, regardless of origin, while boating on or fishing in inland fishing waters;
- (2) While boating on or fishing in the following inland fishing waters, no river herring (alewife and blueback) that are greater than six inches in total length shall be taken, and no such river herring shall be possessed regardless of origin:
 - (A) Roanoke River downstream of Roanoke Rapids Dam;
 - (B) Tar River downstream of Rocky Mount Mill Dam;
 - (C) Neuse River downstream of Milburnie Dam;
 - (D) Cape Fear River downstream of Buckhorn Dam;
 - (E) Pee Dee River downstream of Blewett Falls Dam;
 - (F) Lumber River including Drowning Creek;
 - (G) the tributaries to the rivers listed above; and
 - (H) all other inland fishing waters east of Interstate 95.
- (3) No more than 50 crabs per person per day or 100 per vessel per day with a minimum carapace width of five inches (point to point) shall be taken.

(f) Any fishes taken for bait purposes are included within the daily possession limit for that species.

(g) It is unlawful to take nongame fish for bait or any other fish bait ~~from designated public mountain trout waters and from the bodies of water specified for the following counties: waters:~~

- (1) Public Mountain Trout Waters (except in impounded waters of power reservoirs and municipally-owned water supply reservoirs);
- (2) Bear Creek in Chatham County; County;
- (3) Deep River in Chatham, Lee, and Moore counties and downstream of Coleridge Dam in Randolph County;

- (4) Fork Creek in Randolph County; and
- (5) Rocky River in Chatham County.
- ~~Bear Creek~~
- (2) ~~Lee County;~~
- ~~Deep River~~
- (3) ~~Moore County;~~
- ~~Deep River~~
- (4) ~~Randolph County;~~
- ~~Deep River below the Coleridge Dam~~
- ~~Fork Creek~~

(h) In the waters of the Little Tennessee River, including all the tributaries and impoundments thereof, and on adjacent shorelines, docks, access ramps, and bridge crossings, it is unlawful to transport, possess, or release live river herring (alewife and blueblack).

(i) No person while fishing shall remove the head or tail or otherwise change the appearance of any nongame fish having a minimum size limit so as to render it impracticable to measure its total original length. No person while fishing shall change the appearance of any nongame fish having a daily creel limit so as to obscure its identification or render it impracticable to count the number of fish in possession.

Authority G.S. 113-134; 113-135; 113-135.1; 113-272; 113-272.3; 113-292.

SUBCHAPTER 10D - GAME LANDS REGULATIONS

SECTION .0100 - GAME LANDS REGULATIONS

15A NCAC 10D .0103 HUNTING ON GAME LANDS

(a) Safety Requirements. No person while hunting on any designated game land shall be under the influence of alcohol or any narcotic drug, or fail to comply with restrictions enacted by the National Park Service regarding the use of the Blue Ridge Parkway where it adjoins game lands listed in this Rule.

(b) Traffic Requirements. No person shall park a vehicle on game lands in such a manner as to block traffic or gates, or otherwise prevent vehicles from using any roadway.

(c) Tree Stands. It is unlawful to erect or to occupy, for the purpose of hunting, any tree stand or platform attached by nails, screws, bolts, or wire to a tree on any game land designated herein. This prohibition does not apply to lag-screw steps or portable stands that are removed after use with no metal remaining in or attached to the tree.

(d) Time and Manner of Taking. Hunting is allowed on game lands only during the open season for game animals and game birds, unless hunting is allowed by permit. Individual game lands or parts thereof may be closed to hunting or limited to specific dates by this Chapter. Persons shall hunt only with weapons lawful for the open game animal or game bird seasons. On managed waterfowl impoundments, persons shall:

- (1) not enter the posted impoundment areas earlier than 4:00 a.m. on the permitted hunting dates;
- (2) not hunt after 1:00 p.m. on such hunting dates;
- (3) not set decoys out prior to 4:00 a.m.;
- (4) remove decoys by 3:00 p.m. each day; and
- (5) not operate any vessel or vehicle powered by an internal combustion engine.

On designated youth waterfowl days occurring after the end of the regular waterfowl seasons only, youths may hunt on managed waterfowl impoundments from ½ hour before sunrise to sunset. Restrictions (1), (3), and (5) in this Paragraph shall apply. On waterfowl impoundments that have a posted "Scouting-only Zone," trapping during the trapping season and waterfowl hunting on designated waterfowl hunting days are the only activities allowed on the portion of the impoundment outside of the posted "Scouting-only Zone." No person shall attempt to obscure the sex or age of any bird or animal taken by severing the head or any other part thereof, or possess any bird or animal that has been so mutilated. No person shall place, or cause to be placed on any game land, salt, grain, fruit, or other foods without prior written authorization of the Commission or its agent. A decision to grant or deny authorization shall be made based on the best management practices for the wildlife species in question. No person shall take or attempt to take any game birds or game animals attracted to such foods.

(e) Definitions:

- (1) For purposes of this Section, "Dove Only Area" refers to a Game Land on which doves may be taken and dove hunting is limited to Mondays, Wednesdays, Saturdays, Thanksgiving Day, Christmas Day, and New Year's Days within the federally-announced season.
- (2) For purposes of this Section, "Three Days per Week Area" refers to a Game Land on which any game may be taken during the open seasons and hunting is limited to Mondays, Wednesdays, Saturdays, Thanksgiving Day, Christmas Day, and New Year's Days, except for game lands in this Rule that specifically allow hunting on Tuesdays, Thursday, and Fridays. Falconry may also be practiced on Sundays. These "open days" also apply to either-sex deer hunting seasons listed under each game land. Raccoon and opossum hunting may continue until 7:00 a.m. on Tuesdays, until 7:00 a.m. on Thursdays, and until midnight on Saturdays.
- (3) For purposes of this Section, "Six Days per Week Area" refers to a Game Land on which any game may be taken during the open seasons.

(f) Hunting with Dogs on Game Lands. Deer shall not be taken with the use of dogs on game lands in counties or parts of counties where taking deer with dogs is prohibited as described in 15A NCAC 10B .0109.

(g) Bear Sanctuaries. On Three Days per Week Areas and Six Days per Week Areas, bears shall not be taken on lands designated and posted as bear sanctuaries except when authorized by permit only pursuant to this Chapter. Feral Swine shall not be taken with the use of dogs on bear sanctuaries. Dogs shall not be trained or allowed to run unleashed between March 1 and the Monday on or nearest October 15 on bear sanctuaries in and west of the counties and parts of counties described in 15A NCAC 10B .0109.

(h) The listed seasons and restrictions apply in the following game lands:

- (1) Alcoa Game Land in Davidson, Davie, Montgomery, Rowan, and Stanly counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first ~~six~~ open day days and the last six open days of the applicable Deer With Visible Antlers Season through the second Friday thereafter in that portion in Montgomery county, and deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season in those portions in Davidson, Davie, Rowan, and Stanly counties.
 - (C) On the Lick Creek Tract, deer and bear hunting is archery only.
- (2) Alligator River Game Land in Tyrrell County
 - (A) Six Day per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) Bear may only be taken the first three hunting days during the November Bear Season and the first three hunting days during the second week of the December Bear Season.
- (3) Angola Bay Game Land in Duplin and Pender counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) Target shooting is prohibited.
- (4) Bachelor Bay Game Land in Bertie, Martin, and Washington counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (5) Bertie County Game Land in Bertie County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (6) Bladen Lakes State Forest Game Land in Bladen County
 - (A) Three Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) Except for blackpowder firearms, rifles larger than .22 caliber rimfire shall not be used.
 - (D) On the Singletary Lake Tract, the use of dogs for hunting deer and bear is prohibited.
 - (E) Wild turkey hunting on the Singletary Lake Tract is by permit only.
- (F) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.
- (G) The use of dogs for pursuing or taking foxes is prohibited March 15 through July 15.
- (7) Brinkleyville Game Land in Halifax County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first ~~six~~ open day days and the last six open days of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
 - (C) Horseback riding is prohibited.
- (8) Brunswick County Game Land in Brunswick County
 - (A) Hunting is by permit only.
 - (B) The use of dogs for hunting deer is prohibited.
- (9) Buckhorn Game Land in Orange County
 - (A) Hunting is by permit only.
 - (B) Horseback riding is prohibited.
- (10) Buckridge Game Land in Tyrrell County.
 - (A) Three Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) Bear may only be taken the first three hunting days during the November Bear Season and the first three hunting days of the second week of the December Bear Season. If any of these days falls on a Tuesday, Friday or Saturday, bear hunting is allowed on those days.
 - (D) Target shooting is prohibited.
- (11) Buffalo Cove Game Land in Caldwell and Wilkes Counties
 - (A) Six Days per Week Area
 - (B) The Deer With Visible Antlers season for deer consists of the open hunting days from the ~~Monday before Saturday after Thanksgiving Day~~ through the third first Saturday after Thanksgiving, in January. Deer may be taken with ~~bow and arrow~~ archery equipment on open days beginning the Saturday on or nearest September 10 to the ~~third Saturday thereafter~~ Friday before Thanksgiving Day, and Monday on or nearest October 15 to the Saturday before Thanksgiving and during the Deer With Visible Antlers Season. Deer may be taken with blackpowder firearms on open days beginning the ~~Monday on or nearest October 1~~ Saturday before

- Thanksgiving Day through the Saturday of the second week thereafter Friday after Thanksgiving Day, and during the Deer With Visible Antlers season.
- (C) Deer of either sex may be taken the ~~last~~ first open day of the applicable Deer With Visible Antlers Season.
- (D) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15.
- (12) Bullard and Branch Hunting Preserve Game Lands in Robeson County
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (13) Butner - Falls of Neuse Game Land in Durham, Granville, and Wake counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the ~~first six open day days and the last six open days~~ of the applicable Deer With Visible Antlers ~~Season~~. Season through the second Friday thereafter.
- (C) Waterfowl shall be taken only on:
- (i) the opening and closing days of the applicable waterfowl seasons;
- (ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
- (iii) Tuesdays, Thursdays, and Saturdays of the applicable waterfowl seasons.
- On the posted waterfowl impoundments a special permit is required for all waterfowl hunting after November 1.
- (D) Horseback riding is prohibited.
- (E) Target shooting is prohibited.
- (F) Wild turkey hunting is by permit only, except on those areas posted as an archery zone.
- (G) The use of dogs for hunting deer is prohibited on that portion west of NC 50 and south of Falls Lake.
- (H) The use of bicycles is restricted to designated areas, except that this restriction does not apply to hunters engaged in the act of hunting during the open days of the applicable seasons for game birds and game animals. On designated bicycle riding areas, the use of bicycles is allowed from May 15 through August 31, and on Sundays only from September 1 through May 14.
- (I) Camping and the presence of campers and tents in designated Hunter Camping Areas are limited to September 1 through the last day of February and March 31 through May 14.
- (J) Camping is allowed at any time in the designated Mountains-to-Sea Trail Camping Area and shall not exceed a maximum stay of two consecutive nights. Campfires are prohibited in this camping area.
- (14) Buxton Woods Game Land in Dare County:
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Target shooting is prohibited.
- (15) Cape Fear River Wetlands Game Land in Pender County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Turkey Hunting is by permit only on that portion known as the Roan Island Tract.
- (D) The use of dogs for hunting deer is prohibited on the portion of the game land that is west of the Black River, north of Roan Island, east of Lyon Swamp Canal to Canetuck Road, and south of NC 210 to the Black River.
- (E) Target shooting is prohibited.
- (16) Carteret County Game Land in Carteret County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the ~~first six open day of days and the last six open days of the~~ applicable Deer With Visible Antlers Season through the second Friday thereafter.
- (C) The use of dogs for hunting deer is prohibited.
- (17) R. Wayne Bailey-Caswell Game Land in Caswell County
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken the ~~last first six open day days~~ of the applicable Deer With Visible Antlers ~~Season~~. Season through the second Wednesday thereafter.
- (C) Horseback riding is allowed only during June, July, and August, and on Sundays during the remainder of the year except during open turkey and deer seasons. Horseback riding is allowed only on roads opened to

- vehicular traffic and on those gated roads and trails that are posted for equestrian use. People age 16 or older horseback riding on this game land shall possess a Game Lands license.
- (D) The area encompassed by the following roads is permit-only for all quail and woodcock hunting, and all bird dog training: From Yanceyville south on NC 62 to the intersection of SR 1746, west on SR 1746 to the intersection of SR 1156, south on SR 1156 to the intersection of SR 1783, east on SR 1783 to the intersection of NC 62, north on NC 62 to the intersection of SR 1736, east on SR 1736 to the intersection of SR 1730, east on SR 1730 to NC 86, north on NC 86 to NC 62.
- (E) On the posted waterfowl impoundment, waterfowl hunting is by permit only after November 1.
- (F) Camping and the presence of campers and tents in designated Hunter Camping Areas are limited to September 1 through the last day of February and March 31 through May 14.
- (G) Target shooting is prohibited, except at the R. Wayne Bailey-Caswell Shooting Range.
- (18) Chatham Game Land in Chatham County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first ~~six open day days and the last six open days~~ of the applicable Deer With Visible Antlers ~~Season. Season~~ through the second Friday thereafter.
- (C) Wild turkey hunting is by permit only.
- (D) Horseback riding is allowed only during June, July, and August; and on Sundays during the remainder of the year except during open turkey and deer seasons.
- (E) Target shooting is prohibited.
- (19) Chowan Game Land in Chowan County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the days of the applicable Deer With Visible Antlers Season.
- (20) Chowan Swamp Game Land in Bertie, Gates, and Hertford counties.
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Bear hunting is restricted to the first three hunting days during the November bear season and the first three hunting days during the second week of the December bear season except that portion of Chowan Swamp Game Land in Gates County that is east of Highway 158/13, south of Highway 158, west of Highway 32, and north of Catherine Creek and the Chowan River where the bear season is the same as the season dates for the Gates County bear season.
- (D) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.
- (E) Horseback riding is prohibited except during May 16 through August 31 and on Sundays only September 1 through May 15 on those roads that are open to vehicular traffic and on those gated roads and trails posted for equestrian use.
- (F) Target shooting is prohibited in the area west of Sand Banks Road, east of the Chowan River and north of US 13/158 to the NC-VA state line.
- (21) Cold Mountain Game Land in Haywood County
- (A) Six Days per Week Area
- (B) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15.
- (C) Deer of either sex may be taken the ~~last first~~ open day of the applicable Deer With Visible Antlers Season.
- (22) Columbus County Game Land in Columbus County.
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (23) Croatan Game Land in Carteret, Craven, and Jones counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Waterfowl shall be taken only on the following days:
- (i) the opening and closing days of the applicable waterfowl seasons;
- (ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and

- (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
 - (D) Beginning on the first open waterfowl day in October through the end of the waterfowl season, waterfowl hunting from designated Disabled Sportsmen blinds on the Catfish Lake Waterfowl Impoundment is by permit only.
 - (E) Dove hunting is by permit only for the first two open days of dove season on posted areas. During the rest of dove season, no permit is required to hunt doves.
- (24) Currituck Banks Game Land in Currituck County
- (A) Six Days per Week Area
 - (B) Permanent waterfowl blinds in Currituck Sound on these game lands shall be hunted by permit only from November 1 through the end of the waterfowl season.
 - (C) Licensed hunting guides may accompany the permitted individual or party provided the guides do not use a firearm.
 - (D) The boundary of the game land shall extend 5 yards from the edge of the marsh or shoreline.
 - (E) Dogs are allowed only for waterfowl hunting by permitted waterfowl hunters on the day of their hunt.
 - (F) No screws, nails, or other objects penetrating the bark shall be used to attach a tree stand or blind to a tree.
 - (G) Deer of either sex may be taken all the days of the applicable Deer With Visible Antlers season.
- (25) Dan River Game Land in Rockingham County
- (A) Hunting and trapping is by permit only.
 - (B) Horseback riding is prohibited except on those areas posted for equestrian use. People age 16 or older horseback riding on this game land must possess a Game Lands license.
 - (C) Target shooting is prohibited.
- (25)(26) Dare Game Land in Dare County
- (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the ~~last six~~ first open ~~day~~ days of the applicable Deer With Visible Antlers ~~Season.~~ Season through the first Friday thereafter.
 - (C) No hunting is allowed on posted parts of bombing range.
 - (D) The use and training of dogs is prohibited from March 1 through June 30.
- (26)(27) Dover Bay Game Land in Craven County
- (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the days of the applicable Deer With Visible Antlers season.
- (27)(28) DuPont State Forest Game Lands in Henderson and Transylvania counties
- (A) Hunting is by permit only.
 - (B) The training and use of dogs for hunting is prohibited except by special hunt permit holders during scheduled permit hunts.
- (28)(29) Elk Knob Game Land in Watauga County
- (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the ~~last six~~ first open ~~day~~ day of the applicable Deer With Visible Antlers Season through the first Friday thereafter.
- (29)(30) Embro Game Land in Halifax and Warren counties
- (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first ~~six~~ open day ~~and the last six open days~~ of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
 - (C) Horseback riding is prohibited.
- (30)(31) Goose Creek Game Land in Beaufort and Pamlico counties
- (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) Except as provided in Part (D) of this Subparagraph, waterfowl in posted waterfowl impoundments shall be taken only on the following days:
 - (i) the opening and closing days of the applicable waterfowl seasons;
 - (ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
 - (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
 - (D) Beginning on the first open waterfowl season day in October and through the end of the waterfowl season, waterfowl hunting is by permit only on the following waterfowl impoundments: Pamlico Point, Campbell Creek, Hunting Creek, Spring Creek, Smith Creek, and Hobucken.
 - (E) On Pamlico Point and Campbell Creek Waterfowl Impoundments all activities, except waterfowl hunting

- on designated waterfowl hunting days and trapping during the trapping season, are restricted to the posted Scouting-only Zone during the period November 1 through March 15.
- (F) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.
- (G) Hunting and vehicular access on the Parker Farm Tract is restricted from September 1 through January 1 and April 1 through May 15 to individuals that possess a valid hunting opportunity permit.
- ~~(31)~~(32) Green River Game Land in Henderson, and Polk counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the ~~last~~ first open day of the applicable Deer With Visible Antlers Season.
- (C) Horseback riding is prohibited.
- ~~(32)~~(33) Green Swamp Game Land in Brunswick County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) On that portion north of Big Macedonia Road, east of Makatoka Road, south of Little Macedonia Road, and west of Green Swamp Road, hunting for bear, deer, and turkey is by permit only.
- (D) Pursuing or chasing deer or bear with dogs for the purposes of training or hunting is prohibited on that portion of the game land that is north of Big Macedonia Road, east of Makatoka Road, south of Little Macedonia Road, and west of Green Swamp Road.
- ~~(33)~~(34) Gull Rock Game Land in Hyde County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Waterfowl on posted waterfowl impoundments shall be taken only on the following days:
- (i) the opening and closing days of the applicable waterfowl seasons; and
- (ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
- (iii) Tuesdays and Saturdays of the applicable waterfowl season.
- (D) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas designated and posted as camping areas.
- (E) Bear may only be taken the first three hunting days during the November Bear Season and the first three hunting days during the second week of the December Bear Season, except for that portion designated as bear sanctuary.
- ~~(34)~~(35) Harris Game Land in Chatham, Harnett, and Wake counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the ~~first six open day days and the last six open days~~ of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
- (C) Waterfowl shall be taken only on the following days:
- (i) Tuesdays, Fridays, and Saturdays of the applicable waterfowl seasons;
- (ii) Thanksgiving, Christmas, and New Year's Days; and
- (iii) the opening and closing days of the applicable waterfowl seasons.
- (D) The use or construction of permanent hunting blinds shall be prohibited.
- (E) Wild turkey hunting is by permit only, except on those areas posted as an archery zone.
- (F) Target shooting is prohibited.
- (G) Horseback riding is prohibited.
- ~~(36)~~ Headwaters State Forest Game Land in Transylvania County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season
- ~~(35)~~(37) Hill Farm Game Land in Stokes County-hunting and trapping is by permit only.
- ~~(36)~~(38) Holly Shelter Game Land in Pender County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Waterfowl may be taken only on the following days:
- (i) the opening and closing days of the applicable waterfowl seasons;
- (ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and

- (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
- (D) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas designated and posted as camping areas.
- (E) On that portion north of the Bear Garden Road, west of Shaw Road to Baby Branch, east of the Northeast Cape Fear River, south of NC 53 and west of NC 50, deer hunting and bear hunting are permit only.
- (F) The use of dogs for hunting deer and bear is prohibited:
 - (i) all open days on that portion of the game land that is south of Baby Branch extending west to Stag Park Road, west of Shaw Road, north of Meeks Road extending west to Stag Park Road and east of Stag Park Road; and
 - (ii) on Tuesdays, Thursdays, and Fridays, with the exception of Thanksgiving, Christmas, and New Year's days, and except for the area north of Bear Garden Road, west of Shaw Road to Baby Branch, east of the Northeast Cape Fear River, south of NC 53 and west of NC 50, where the use of dogs for deer and bear hunting is by permit only.
- (G) Hunting and vehicular access on the Pender 4 Tract is restricted from September 1 to the last day of February and April 1 to May 15 to individuals that possess valid hunting opportunity permits, unless otherwise authorized by the Wildlife Resources Commission.
- (H) Hunters who possess a Disabled Access Permit may operate an All Terrain Vehicle on and within 100 yards of trails designated for Disabled Sportsman Access.
- (I) Target shooting is prohibited, except on the Holly Shelter Shooting Range.
- (J) Geocaching is restricted to closed days for taking bear, deer, turkey, and waterfowl.
- ~~(37)~~(39) Hyco Game land in Person County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first six open day days and the last six open days of the applicable Deer With
- Visible Antlers Season through the second Friday thereafter.
- (C) Target shooting is prohibited.
- ~~(38)~~(40) J. Morgan Futch Game Land in Tyrrell County - Permit Only Area.
- ~~(39)~~(41) Johns River Game Land in Burke County
 - (A) Hunting is by permit only.
 - (B) During permitted deer hunts, deer of either sex may be taken by permit holders.
 - (C) Entry on posted waterfowl impoundments is prohibited October 1 through March 31, except by lawful waterfowl hunting permit holders and only on those days written on the permits.
 - (D) The use or construction of permanent hunting blinds is prohibited.
- ~~(40)~~(42) Jordan Game Land in Chatham, Durham, Orange, and Wake counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) Waterfowl may be taken only on:
 - (i) Mondays, Wednesdays, and Saturdays of the applicable waterfowl seasons;
 - (ii) Thanksgiving, Christmas, and New Year's Days; and
 - (iii) the opening and closing days of the applicable waterfowl seasons.
 - (D) Horseback riding is prohibited except on those areas posted as American Tobacco Trail and other areas posted for equestrian use. Unless otherwise posted, horseback riding is permitted on posted portions of the American Tobacco Trail anytime the trail is open for use. On all other trails posted for equestrian use, horseback riding is allowed only during June, July, and August, and on Sundays the remainder of the year except during open turkey and deer seasons. People age 16 or older who ride horseback on trails occurring entirely within the game land boundaries shall possess a Game Lands license.
 - (E) Target shooting is prohibited.
 - (F) Wild turkey hunting is by permit only, except on those areas posted as an Archery Zone.
 - (G) The use of bicycles is restricted to designated areas, except that this restriction does not apply to hunters engaged in the act of hunting during the open days of the applicable

- seasons for game birds and game animals.
- (41)(43) Juniper Creek Game Land in Brunswick and Columbus counties
- (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the Deer With Visible Antlers Season.
 - (C) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.
- (42)(44) Kerr Scott Game Land in Wilkes County
- (A) Six Days per Week Area
 - (B) Use of centerfire rifles is prohibited.
 - (C) Use of blackpowder firearms, shotguns, or rifles for hunting deer during the applicable Deer With Visible Antlers Season is prohibited.
 - (D) Tree stands shall not be left overnight; and no screws, nails, or other objects penetrating the bark shall be used to attach a tree stand or blind to a tree.
 - (E) Deer of either sex may be taken on all open days of the applicable Deer With Visible Antlers season.
 - (F) Hunting on posted waterfowl impoundments is by permit only.
 - (G) The use of firearms for hunting wild turkey is prohibited.
- (43)(45) Lantern Acres Game Land in Tyrrell and Washington counties
- (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) Wild turkey hunting is by permit only.
 - (D) The use of dogs for hunting deer on the Godley Tract is prohibited.
 - (E) Waterfowl hunting on posted waterfowl impoundments is by permit only.
- (44)(46) Lee Game Land in Lee County
- (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first ~~six open day days and the last six open days~~ of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
 - (C) Target shooting is prohibited.
- (45)(47) Light Ground Pocosin Game Land in Pamlico County
- (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer with Visible Antlers Season.
- (46)(48) Linwood Game Land in Davidson County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken on all of the open days of the applicable Deer With Visible Antlers Season.
- (47)(49) Lower Fishing Creek Game Land in Edgecombe and Halifax counties
- (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first ~~six open day days and the last six open days~~ of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
 - (C) Horseback riding is prohibited.
 - (D) The use of dogs for hunting deer is prohibited.
- (48)(50) Mayo Game Land in Person County
- (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first ~~six open day days and the last six open days~~ of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
 - (C) Waterfowl shall be taken only on:
 - (i) Tuesdays, Thursdays, and Saturdays applicable waterfowl seasons;
 - (ii) Christmas and New Year's Days; and
 - (iii) the opening and closing days of the applicable waterfowl seasons.
 - (D) Target shooting is prohibited.
- (49)(51) Mitchell River Game Land in Surry County
- (A) Three Days per Week Area
 - (B) Deer of either sex may be taken the ~~last first six open day days~~ of the applicable Deer ~~with~~ With Visible Antlers Season through the second Wednesday thereafter.
 - (C) Horseback riding is prohibited except on designated trails May 16 through August 31, and all horseback riding is prohibited from September 1 through May 15.
- (50)(52) Nantahala Game Land in Cherokee, Clay, Graham, Jackson, Macon, Swain, and Transylvania counties
- (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the ~~first last~~ open day of the applicable Deer With Visible Antlers Season in that portion located in Transylvania County.
- (51)(53) Needmore Game Land in Macon and Swain counties.
- (A) Six Days per Week Area
 - (B) Horseback riding is prohibited except on designated trails May 16 through August 31, and all horseback riding is

- prohibited from September 1 through May 15.
- (C) On posted dove fields, dove hunting on the opening day of dove season is by permit only.
- ~~(52)~~(54) Neuse River Game Land in Craven County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- ~~(53)~~(55) New Lake Game Land in Hyde and Tyrrell counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- ~~(54)~~(56) Nicholson Creek Game Land in Hoke County
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken with ~~bow and arrow~~ archery equipment on open hunting days from the Saturday on or nearest September 10 ~~through to~~ the third ~~fourth~~ Friday before ~~Thanksgiving~~ Thanksgiving Day.
- (C) Deer of either sex may be taken with blackpowder firearms on open hunting days beginning the ~~fourth~~ third Saturday before Thanksgiving Day through the first Wednesday ~~of the second week~~ thereafter.
- (D) The Deer With Visible Antlers season consists of the open hunting days from the second Saturday before Thanksgiving through the third Saturday after ~~Thanksgiving~~ Thanksgiving Day.
- (E) Deer of either sex may be taken the ~~last first~~ open day of the applicable Deer With Visible Antlers Season.
- (F) The use of dogs for hunting deer is prohibited.
- (G) Wild turkey hunting is by permit only.
- (H) On Lake Upchurch, the following activities are prohibited:
- (i) Operating any vessel or vehicle powered by an internal combustion engine; and
- (ii) Swimming.
- (I) Target shooting is prohibited.
- ~~(55)~~(57) North River Game Land in Camden and Currituck counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) The boundary of the Game Land shall extend five yards from the edge of the marsh or shoreline.
- (D) Hunting on the posted waterfowl impoundment is by permit only.
- ~~(56)~~(58) Northwest River Marsh Game Land in Currituck County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) The boundary of the Game Land shall extend five yards from the edge of the marsh or shoreline.
- ~~(57)~~(59) Pee Dee River Game Land in Anson, Montgomery, Richmond, and Stanly counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first ~~six~~ open ~~day~~ days and the last ~~six~~ ~~open days~~ of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
- (C) Use of centerfire rifles is prohibited in that portion in Anson and Richmond counties North of US-74.
- (D) Target shooting is prohibited.
- (E) Horseback riding is allowed only on roads opened to vehicular traffic and only during the following times:
- (i) during June, July, and August; and
- (ii) on Sundays during the other months or parts of months when deer and turkey seasons are closed.
- ~~(58)~~(60) Perkins Game Land in Davie County
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken the ~~last first~~ open day of the applicable Deer With Visible Antlers Season.
- (C) Horseback riding is prohibited from November 1 through January 1.
- ~~(59)~~(61) Pisgah Game Land in Avery, Buncombe, Burke, Caldwell, Haywood, Henderson, Madison, McDowell, Mitchell, Transylvania, Watauga, and Yancey counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the ~~last first~~ open day of the applicable Deer With Visible Antlers Season.
- (C) Horseback riding is prohibited on the Black Bear (McDowell County), Linville River (Burke County), and Little Tablerock Tracts (Avery, McDowell, and Mitchell counties).
- ~~(60)~~(62) Pond Mountain Game Land in Ashe County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the ~~last six first~~ open ~~day~~ days of the applicable Deer ~~with~~ With Visible Antlers Season through the first Friday thereafter.

- (C) Horseback riding is prohibited except on designated trails from May 16 through August 31 and Sundays from September 1 through October 31. All horseback riding is prohibited from November 1 through May 15.
- ~~(61)~~(63) Pungo River Game Land in Hyde County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- ~~(62)~~(64) Rendezvous Mountain State Forest Game Land in Wilkes County
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken the ~~last six~~ first open day ~~days~~ of the applicable Deer With Visible Antlers Season through the second Wednesday thereafter.
- (C) Bear hunting is prohibited.
- ~~(63)~~(65) Rhodes Pond Game Land in Cumberland and Harnett counties
- (A) Hunting is by permit only.
- (B) Swimming is prohibited on the area.
- ~~(64)~~(66) Roanoke River Wetlands in Bertie, Halifax, Martin, and Northampton counties
- (A) Hunting is by Permit only.
- (B) Vehicles are prohibited on roads or trails except those operated on Commission business or by permit holders.
- (C) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas, provided, however, that camping is allowed at any time within 100 yards of the Roanoke River on the state-owned portion of the game land.
- ~~(65)~~(67) Roanoke Island Marshes Game Land in Dare County-Hunting is by permit only.
- ~~(66)~~(68) Robeson Game Land in Robeson County
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- ~~(67)~~(69) Rockfish Creek Game Land in Hoke County
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken with ~~bow and arrow~~ archery equipment on open hunting days from the Saturday on or nearest September 10 ~~through to~~ the fourth third Friday before ~~Thanksgiving.~~ Thanksgiving Day.
- (C) Deer of either sex may be taken with blackpowder firearms on open hunting days beginning the ~~fourth~~ third Saturday before Thanksgiving Day
- through the first Wednesday ~~of the second week~~ thereafter.
- (D) The Deer With Visible Antlers season consists of the open hunting days from the second Saturday before Thanksgiving Day through the third Saturday after ~~Thanksgiving.~~ Thanksgiving Day.
- (E) Deer of either sex may be taken the first ~~last~~ open day of the applicable Deer With Visible Antlers Season.
- (F) The use of dogs for hunting deer is prohibited.
- (G) Wild turkey hunting is by permit only.
- (H) Taking fox squirrels is prohibited.
- (I) Target shooting is prohibited.
- ~~(68)~~(70) Rocky Run Game Land in Onslow County - Hunting is by permit only.
- ~~(69)~~(71) Sampson Game Land in Sampson County
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Target shooting is prohibited.
- ~~(70)~~(72) Sandhills Game Land in Hoke, Moore, Richmond, and Scotland counties
- (A) Three Days per Week Area
- (B) Hunting is prohibited on the J. Robert Gordon Field Trial Grounds from October 22 through March 31 except as follows:
- (i) deer may be taken with archery equipment on all the open days of the ~~bow and arrow~~ archery season through the ~~fourth~~ third Friday before ~~Thanksgiving.~~ Thanksgiving Day; with blackpowder firearms and archery equipment all the open days of the blackpowder firearms season through the third ~~Saturday~~ Wednesday before ~~Thanksgiving.~~ Thanksgiving Day; and with all legal weapons from the second ~~Monday~~ Saturday before Thanksgiving Day through the Saturday following ~~Thanksgiving.~~ Thanksgiving Day;
- (ii) dove may be taken all open days from the opening day of the dove season through the third Saturday thereafter;
- (iii) squirrel (gray and fox) may be taken all the open days from second Monday before ~~Thanksgiving.~~ Thanksgiving

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- (iv) rabbit may be taken all open days from the second Saturday preceding Thanksgiving Day through the Saturday following ~~Thanksgiving;~~ Thanksgiving Day;

(v) waterfowl may be taken on open days during any waterfowl season;

(vi) wild animals and wild birds may be taken as part of a Disabled Sportsmen Program Permit Hunt; and

(vii) raccoon and opossum may be taken on open days from sunrise Monday on or nearest October 15 through the last day of February.

(C) The Deer With Visible Antlers season is the open hunting days from the second Saturday before Thanksgiving Day through the third Saturday after ~~Thanksgiving;~~ Thanksgiving Day except on the J. Robert Gordon Field Trial Grounds.

(D) The ~~bow and arrow archery~~ season is all open days from the Saturday on or nearest to Sept. 10 to the ~~fourth~~ third Friday before Thanksgiving Day and, except on the J. Robert Gordon Field Trial Grounds, the third Monday after Thanksgiving Day through the first Saturday in January \pm . Deer may be taken with archery equipment on all open hunting days during the ~~bow and arrow archery~~ season, the Deer with Visible antlers season, and the blackpowder firearms season as stated in this Subparagraph.

(E) Blackpowder firearms season is all the open days from the ~~fourth~~ third Saturday preceding Thanksgiving Day through the first Wednesday ~~of the second week~~ thereafter and, except on the J. Robert Gordon Field Trial Grounds, the third Monday after Thanksgiving Day through the first Saturday in January \pm . Deer may be taken with blackpowder firearms on all open hunting days during the blackpowder firearms season and the Deer With Visible Antlers season.

(F) Either-sex deer hunting during the Deer With Visible Antlers Season is by permit only.

(G) In addition to the regular hunting days, waterfowl may be taken on the opening and closing days of the applicable waterfowl seasons.

(H) Wild turkey hunting is by permit only.

~~(I) The following areas are permit only for all quail and woodcock hunting, and dog training on birds:~~

~~(i) In Richmond County: that part east of US 1;~~

~~(ii) In Scotland County: that part west of SR 1328 and north of Gardner Farm Lane and that part east of SR 1328 and north of Scotland Lake Lane.~~

~~(J)(I)~~ Horseback riding on field trial grounds from October 22 through March 31 is prohibited unless participating in authorized field trials.

~~(K)(J)~~ Camping and the presence of campers and tents in designated Hunter Camping Areas are limited to September 1 through the last day of February and March 31 through May 14.

~~(L)(K)~~ Target shooting is prohibited, except at the John F. Lentz Hunter Education Complex.

~~(71)(73)~~ Sandy Creek Game Land in Nash and Franklin Counties

(A) Six Days per Week Area

(B) Deer of either sex may be taken the first ~~six~~ open ~~day~~ days and the last ~~six~~ open ~~days~~ of the applicable Deer With Visible Antlers ~~Season;~~ Season through the second Friday thereafter.

(C) Horseback riding is prohibited.

(D) The use of dogs for hunting deer is prohibited.

~~(72)(74)~~ Sandy Mush Game Land in Buncombe and Madison counties.

(A) Three Days per Week Area

(B) Deer of either sex may be taken the ~~last~~ first open day of the applicable Deer with Visible Antlers season.

(C) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15.

(D) Dogs shall only be trained on Mondays, Wednesdays, and Saturdays and only as allowed in 15A NCAC 10D .0102(f).

(E) Dove hunting is by permit only from the opening day through the second Saturday of dove season.

~~(73)(75)~~ Second Creek Game Land in Rowan County- hunting is by permit only.

- ~~(74)~~(76) Shocco Creek Game Land in Franklin, Halifax, Nash, and Warren counties
- (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first ~~six~~ open day days and the last six open days of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
 - (C) Horseback riding is prohibited.
 - (D) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.
- ~~(75)~~(77) South Mountains Game Land in Burke, Cleveland, McDowell, and Rutherford counties
- (A) Six Days per Week Area
 - (B) The Deer With Visible Antlers season consists of the open hunting days from the ~~Monday before Saturday after Thanksgiving Day through the third Saturday after Thanksgiving first Saturday in January.~~ Deer may be taken with ~~bow and arrow archery equipment~~ on open days beginning the Saturday on or nearest September 10 through to the third Saturday thereafter, and Monday on or nearest October 15 to the Saturday Friday before Thanksgiving Day and during the Deer With Visible Antlers season. Deer may be taken with blackpowder firearms on open days beginning the ~~Monday on or nearest October 1 Saturday before Thanksgiving Day through the Saturday of the second week through the Friday after Thanksgiving Day thereafter,~~ and during the Deer With Visible Antlers season.
 - (C) Deer of either sex may be taken the first last open day of the applicable Deer With Visible Antlers Season.
 - (D) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15.
 - ~~(E) That part of South Mountains Game Land in Cleveland, McDowell, and Rutherford counties is closed to all grouse hunting, quail hunting, woodcock hunting, and all bird dog training.~~
- ~~(76)~~(78) Stones Creek Game Land in Onslow County
- (A) Six-Day per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.

- (C) The use of dogs for hunting deer is prohibited on Mondays, Wednesdays, and Fridays.
 - (D) Swimming in all lakes is prohibited.
 - (E) Waterfowl on posted waterfowl impoundments may be taken only on the following days:
 - (i) the opening and closing days of the applicable waterfowl seasons;
 - (ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
 - (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
 - (F) Target shooting is prohibited.
 - (G) Geocaching is restricted to closed days for taking bear, deer, turkey, and waterfowl.
- ~~(77)~~(79) Suggs Mill Pond Game Land in Bladen and Cumberland counties
- (A) Hunting and trapping is by permit only.
 - (B) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.
 - (C) Entry is prohibited on scheduled hunt or trapping days except for:
 - (i) hunters or trappers holding special hunt or trapping permits; and
 - (ii) persons using Campground Road to access Suggs Mill Pond Lake at the dam.
 - (D) During the period of November 1 through January 31, except on Sundays, the use of vessels on Suggs Mill Pond Lake and Little Singletary Lake is limited to waterfowl hunting only by waterfowl hunters possessing a valid and current Hunting Opportunity Permit issued by the Wildlife Resources Commission pursuant to G.S. 113-264(d).
 - (E) During the period of November 1 through March 15, the use of vessels on managed waterfowl impoundments is limited to waterfowl hunting only by waterfowl hunters possessing a valid and current Hunting Opportunity Permit issued by the Wildlife Resources Commission pursuant to G.S. 113-264(d).
- ~~(78)~~(80) Sutton Lake Game Land in New Hanover and Brunswick counties
- (A) Six Days per Week Area

- (B) Deer of either sex may be taken the ~~last six~~ first open day ~~days~~ of the applicable Deer With Visible Antlers Season through the first Friday thereafter.
- (C) Target shooting is prohibited.
- (79)(81) Tar River Game Land in Edgecombe County – hunting is by permit only.
- (80)(82) Texas Plantation Game Land in Tyrrell County - hunting is by permit only.
- (81)(83) Three Top Mountain Game Land in Ashe County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the ~~last first six~~ open day ~~days~~ of the applicable Deer With Visible Antlers Season through the first Friday thereafter.
 - (C) Horseback riding is prohibited.
- (82)(84) Thurmond Chatham Game Land in Alleghany and Wilkes counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first ~~six~~ open day ~~days and the last six open days~~ of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
 - (C) Horseback riding is prohibited except on designated trails May 16 through August 31, and all horseback riding is prohibited from September 1 through May 15. People age 16 or older horseback riding on this game land shall possess a Game Lands license.
 - (D) The maximum period of consecutive overnight camping at any designated campground is 14 days within any 30 day period from May 1 through August 31. After 14 consecutive days of camping all personal belongings must be removed from the game land.
- (83)(85) Tillery game Land in Halifax County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first ~~six~~ open day ~~days and the last six open days~~ of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
 - (C) Horseback riding is prohibited.
 - (D) The use of dogs for hunting deer is prohibited.
 - (E) Wild turkey hunting is by permit only.
- (84)(86) Toxaway Game Land in Jackson and Transylvania counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the ~~last first~~ open day of the applicable Deer With Visible Antlers Season.
- (C) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15.
- (85)(87) Uwharrie Game Land in Davidson, Montgomery, and Randolph counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first ~~six~~ open day ~~days and the last open six days~~ of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
 - (C) On the posted waterfowl impoundment, waterfowl may be taken only on the following days:
 - (i) the opening and closing days of the applicable waterfowl seasons;
 - (ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
 - (iii) Mondays, Wednesdays and Saturdays of the applicable waterfowl seasons.
 - (D) Target shooting is prohibited, except at the Flintlock Valley Shooting Range.
- (86)(88) Vance Game Land in Vance County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) The use of dogs, centerfire rifles, and handguns for hunting deer is prohibited on the Nutbush Peninsula tract.
- (87)(89) Van Swamp Game Land in Beaufort and Washington counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) Bear may only be taken the first three hunting days during the November Bear Season and the first three hunting days during the second week of the December Bear Season.
- (88)(90) Voice of America Game Land in Beaufort County- hunting and trapping is by permit only.
- (89)(91) White Oak River Game Land in Onslow County
 - (A) Three Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) Except as provided in Part (D) of this Subparagraph, waterfowl in posted

- waterfowl impoundments shall be taken only on the following days:
- (i) the opening and closing days of the applicable waterfowl seasons;
 - (ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
 - (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
- (D) Beginning on the first open waterfowl season day in October and through the end of the waterfowl season, a permit is required for hunting posted waterfowl impoundments.
- (E) The Huggins Tract and Morton Tracts have the following restrictions:
- (i) access on Hargett Avenue and Sloan Farm Road requires a valid Hunting Opportunity Permit issued by the Wildlife Resources Commission pursuant to G.S. 113-264(d);
 - (ii) hunting is by permit only; and
 - (iii) the use of dogs for hunting deer is prohibited.
- (F) Wild turkey hunting is by permit only.
- ~~(90)~~(92) Whitehall Plantation Game Land in Bladen County
- (A) Hunting and trapping is by permit only.
 - (B) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.
- ~~(91)~~(93) William H. Silver Game Land in Haywood County
- (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the ~~last~~ first open day of the applicable Deer With Visible Antlers Season.
- (i) On permitted type hunts, deer of either sex may be taken on the hunt dates indicated on the permit. Completed applications shall be received by the Commission not later than the first day of September next preceding the dates of hunt. Permits shall be issued by random computer selection, shall be mailed to the permittees prior to the hunt, and are nontransferable. A hunter making a kill shall validate the kill and report the kill to a wildlife cooperator agent or by phone.
- (j) The following game lands and refuges are closed to all hunting except to those individuals who have obtained a valid and current permit from the Wildlife Resources Commission:
- (1) Bertie, Halifax and Martin counties—Roanoke River Wetlands;
 - (2) Bertie County—Roanoke River National Wildlife Refuge;
 - (3) Bladen County—Suggs Mill Pond Game Lands;
 - (4) Burke County—John's River Waterfowl Refuge;
 - (5) Dare County—Dare Game Lands (Those parts of bombing range posted against hunting);
 - (6) Dare County—Roanoke Sound Marshes Game Lands; and
 - (7) Henderson and Transylvania counties—DuPont State Forest Game Lands.
- (k) Access to Hunting Creek Swamp Waterfowl Refuge in Davie County requires written permission from the Commission. Written permission may be granted only when entry onto the Waterfowl Refuge will not compromise the primary purpose for establishing the Waterfowl Refuge and the person requesting entry can demonstrate a valid need or the person is a contractor or agent of the Commission conducting official business. "Valid need" includes issues of access to private property, scientific investigations, surveys, or other access to conduct activities in the public interest.
- (l) Feral swine may be taken by licensed hunters during the open season for any game animal or game bird using any legal manner of take allowed during those seasons. Dogs may not be used to hunt feral swine except on game lands that allow the use of dogs for hunting deer or bear, and during the applicable deer or bear season.
- (m) Youth Waterfowl Day. On the day declared by the Commission to be Youth Waterfowl Day, youths may hunt on any game land and on any impoundment without a special hunt permit, including permit-only areas, except where prohibited in Paragraph (h) of this Rule.
- (n) Permit Hunt Opportunities for Disabled Sportsmen. The Commission may designate special hunts for participants of the disabled sportsman program by permit. The Commission may schedule these permit hunts during the closed season. Hunt dates and species to be taken shall be identified on each permit. If the hunt has a limited weapon choice, the allowed weapons shall be stated on each permit.
- (o) As used in this Rule, horseback riding includes all equine species.
- (p) When waterfowl hunting is specifically permitted in this Rule on Christmas and New Years' Day and those days fall on Sundays, the open waterfowl hunting day shall be the following day.

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

15A NCAC 10D .0104 FISHING ON GAME LANDS

(a) Generally. Except as otherwise indicated herein, fishing on game lands that are open to fishing shall be in accordance with the North Carolina rules. All game lands are open to public fishing except restocked ponds when posted against fishing, Hunting Creek Swamp Waterfowl Refuge, Grogan Creek in Transylvania County, and in the case of private ponds where fishing may be prohibited by the owners thereof. No trotline or set-hook or any net, trap, gig, ~~bow and arrow~~, archery equipment, or other special fishing device of a type mentioned in 15A NCAC 10C

.0404(b),(c),(d), and (f) may be used in any impounded waters located entirely on game lands. ~~Bow and arrow~~ Archery equipment may be used to take nongame fishes in impounded waters located entirely on game lands with the exception of those waters mentioned in 15A NCAC 10C .0404(a). Blue crabs taken by hook and line (other than set-hooks) in designated waterfowl impoundments located on game lands shall have a minimum carapace width of five inches (point to point) and the daily possession limit is 50 per person and 100 per vessel.

(b) Designated Public Mountain Trout Waters

(1) ~~Fishing Hours. It is unlawful to fish in designated public mountain trout waters on any game land and in all waters on the Dupont State Forest Game Land from one half hour after sunset to one half hour before sunrise, except in Hatchery Supported Trout waters as stated in 15A NCAC 10C .0305(a), Delayed Harvest waters as stated in 15A NCAC 10C .0205(a)(5), game lands sections of the Nantahala River located downstream from the Swain County line, and in the sections of Green River in Polk County located on Green River Game Lands from Cove Creek downstream to the natural gas pipeline crossing.~~

(2)(1) Location. All waters located on the game lands listed in this Subparagraph are designated public mountain trout waters except as noted: Cherokee Lake, Grogan Creek, Big Laurel Creek downstream from the US 25-70 bridge to the French Broad River, Pigeon River downstream of Waterville Reservoir to the Tennessee state line, Nolichucky River, Mill Ridge Pond, Cheoah River downstream of Santeetlah Reservoir, Little River from 100 yards downstream of Hooker Falls downstream to the Dupont State Forest boundary, Lake Imaging, Lake Dense, Lake Alfred, Lake Julia, Fawn Lake, North Fork Catawba River downstream of the mouth of Armstrong Creek, Green River downstream of the natural gas pipeline crossing, and Spring Creek below US Forest Service road 223.

~~Dupont State Forest Game Lands in Henderson and Transylvania counties.~~

~~Three Top Mountain Game Land in Ashe County.~~

~~Nantahala National Forest Game Lands in Cherokee, Clay, Graham, Jackson, Macon, Swain, and Transylvania counties.~~

~~Pisgah National Forest Game Lands in Avery, Buncombe, Burke, Caldwell, Haywood, Henderson, Madison, McDowell, Mitchell, Transylvania, and Yancey counties.~~

~~Thurmond Chatham Game Land in Wilkes County.~~

~~Toxaway Game Land in Transylvania County.~~

~~South Mountains Game Land in Cleveland and Rutherford counties.~~

~~Cold Mountain Game Land in Haywood County.~~

~~Green River Game Land in Henderson and Polk counties.~~

~~Pond Mountain Game Land in Ashe County.~~

~~Rendezvous Mountain State Forest Game Land in Wilkes County.~~

(A) Cold Mountain Game Land in Haywood County;

(B) DuPont State Forest Game Lands in Henderson and Transylvania counties, except Little River from 100 yards downstream of Hooker Falls downstream to the DuPont State Forest boundary, Lake Imaging, Lake Dense, Lake Alfred, Lake Julia, and Fawn Lake;

(C) Green River Game Land in Henderson and Polk counties, except Green River downstream of the natural gas pipeline crossing;

(D) Headwaters Game Land in Transylvania County;

(E) Nantahala National Forest Game Lands in Cherokee, Clay, Graham, Jackson, Macon, Swain, and Transylvania counties, except Cheoah River downstream of Santeetlah Reservoir and Cherokee Lake;

(F) Pisgah National Forest Game Lands in Avery, Buncombe, Burke, Caldwell, Haywood, Henderson, Madison, McDowell, Mitchell, Transylvania, Watauga, and Yancey counties, except Grogan Creek, North Fork Catawba River downstream of the mouth of Armstrong Creek, Big Laurel Creek downstream from the US 25-70 bridge to the French Broad River, Mill Ridge Pond, Nolichucky River, Pigeon River downstream of Waterville Reservoir to the Tennessee state line, and Spring Creek below US Forest Service road 223;

(G) Pond Mountain Game Land in Ashe County;

(H) Rendezvous Mountain State Forest Game Land in Wilkes County;

(I) South Mountains Game Land in Cleveland and Rutherford counties;

(J) Three Top Mountain Game Land in Ashe County;

(K) Thurmond Chatham Game Land in Wilkes County;

(L) Toxaway Game Land in Transylvania County; and

(M) William H. Silvers Game Land in Haywood County.

~~(3)~~(2) All designated public mountain trout waters located on the game lands listed in Subparagraph (b)(1) of this Rule are Wild Trout Waters unless classified otherwise. [See 15A NCAC 10C .0205(d)]

(c) Ponds. In all game lands ponds, it is unlawful to take channel, white, or blue catfish (forked tail catfish) by means other than hook and line and the daily creel limit for forked tail catfish is six fish in aggregate.

Authority G.S. 113-134; 113-264; 113-272; 113-292; 113-305.

Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Wildlife Resources Commission intends to amend the rules cited as 15A NCAC 10F .0309-.0311, .0316, .0317, .0322, .0324, .0327, .0329, .0332, .0336, .0341, .0343-.0347, .0357, .0358, .0362, .0369, .0371, .0376, and readopt with substantive changes the rule cited as 15A NCAC 10F .0333.

Link to agency website pursuant to G.S. 150B-19.1(c):
www.ncwildlife.org

Proposed Effective Date: *October 1, 2018*

Public Hearing:

Date: *December 19, 2017*

Time: *10:00 a.m.*

Location: *WRC Headquarters, 1751 Varsity Drive, Raleigh, NC 27606*

Reason for Proposed Action: *All 10F Rules were reviewed as part of the 2016 Periodic Review process. The 25 rules currently proposed for readoption or amendment are being updated to incorporate the following changes:*

- *Updating language and terms for consistency;*
- *Clarifying no-wake zone boundaries by including coordinates;*
- *Name changes;*
- *Removing the maintenance of markers;*
- *Removing the word "motorboat", as the statutory definition of "vessel" includes motorboats; and*
- *Including appropriate federal approval for placement of markers.*

Comments may be submitted to: *Carrie Ruhlman, Rule-making Coordinator, 1701 Mail Service Center, Raleigh, NC 27699-1701; email regulations@ncwildlife.org*

Comment period ends: *January 30, 2018*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2)

from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

- ☒ **State funds affected**
- ☐ **Environmental permitting of DOT affected**
- ☐ **Analysis submitted to Board of Transportation**
- ☒ **Local funds affected**
- ☐ **Substantial economic impact (≥\$1,000,000)**
- ☒ **Approved by OSBM**
- ☐ **No fiscal note required by G.S. 150B-21.4**
- ☐ **No fiscal note required by G.S. 150B-21.3A(d)(2)**

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY

SECTION .0300 - LOCAL WATER SAFETY REGULATIONS

15A NCAC 10F .0309 COLUMBUS COUNTY

(a) ~~Regulated Areas~~ Area. This Rule applies to the waters of Lake Waccamaw.

~~(b)(4)~~ Restricted Area. The ~~portion waters~~ of Lake Waccamaw between the shoreline and the offshore marker poles ~~which were installed in the lake by the State Parks Division of the Department of Environment, Health, and Natural Resources is~~ are designated as a the restricted area.

~~(2)~~ Swimming Areas. ~~Areas at public beaches on Lake Waccamaw in which swimming is the principal use of the water, and which are so marked in accordance with the Uniform Waterway Marking System, are designated as public swimming areas.~~

(c) Swimming. Swimming shall not be allowed outside any marked public swimming areas.

~~(d) Boating Prohibited.~~ No person shall operate any vessel within a marked public swimming area.

~~(b) Skiing.~~ Except to leave or return to the shore, or a dock or pier, no skiing is permitted within the restricted area. In leaving or returning to the shore, or a dock or pier, all vessels pulling skiers must be operated on a course perpendicular to the shoreline. Upon dropping skiers, boat speed shall be reduced to a no-wake speed.

(e) Skiing. No skiing is permitted in the restricted area except to leave from within or return into that area. All vessels pulling skiers shall leave from within the restricted area on a course perpendicular to the nearest shoreline. Upon returning, all vessels

pulling skiers shall reduce to no-wake speed when the skiers have entered the restricted area.

~~(f)(e)~~ Speed Limit. Within the restricted area all vessels, except those engaged in skiing as regulated by Paragraph ~~(b)(e)~~ of this Rule, shall be operated at a no-wake speed. Operation of any vessel on a course parallel to the shoreline is prohibited in the restricted area.

~~(g)(e)~~ Placement and Maintenance of Markers. The Board of Commissioners of Columbus County, the Town of Lake Waccamaw, and ~~state parks division~~ State Parks Division are the designated as suitable agencies for placement and maintenance of adequate marking to implement the regulations listed above. of markers implementing this Rule.

Authority G.S. 75A-3; 75A-15.

15A NCAC 10F .0310 DARE COUNTY

(a) Regulated Areas. This Rule applies to the following waters and portions of ~~waters:~~ waters in Dare County:

- (1) Manteo. Doughts Creek ~~adjacent to off of Shallowbag Bay, Bay~~ and all canals ~~situated within the territorial limits of the Town of Manteo.~~ off of Shallowbag Bay.
- (2) Hatteras.
 - (A) ~~The the~~ waters of Pamlico Sound otherwise known as Hatteras Harbor and Muddy Creek bounded on the north and south by the high-water mark, on the west by a straight line between channel markers number 20 and 17 at the entrance to Hatteras Harbor, and on the east by the mouth of Muddy Creek at Sandy ~~Bay.~~ Bay at a point at 35.22801 N, 75.68050 W; and
 - (B) ~~The waters of Hatteras Inlet North Dock ferry Ferry Terminal and United States Coast Guard basin basins and the Hatteras Landing channel, including the vicinity of ending at Coast Guard Beacon Number One in the approach channel as delineated by appropriate markers.~~ Hatteras Channel.
- (3) Mann's Harbor. ~~The waters of Old Ferry Dock Road Canal.~~ Canal, beginning at a point at 35.90654 N, 75.76916 W.
- (4) Nags Head: Head.
 - (A) ~~Those waters contained within the canals of Old Nags Head Cove Development; where the canal entrance meets Roanoke Sound beginning at a point at 35.94192 N, 75.62571 W;~~
 - (B) ~~The the~~ Roanoke Sound inlets at Pond Island on either side of W. Marina Drive extending north from US U.S. Highway 64-264.
- (5) ~~Wanchese:~~ Wanchese.

- (A) ~~The waters of Wanchese Harbor; Harbor otherwise known as Mill Landing Creek, beginning at its entrance from Roanoke Sound at a point at 35.84006 N, 75.61726 W; and~~
- (B) ~~The Canal the canal~~ from its beginning where it connects with ~~the~~ Roanoke Sound south of the dead-end road SR 1141 otherwise known as Thicket Lump Drive, extending northwest roughly parallel to ~~SR 1141~~ SR 1141, and ~~SR 1142,~~ SR 1142 otherwise known as The Lane, and SR 1143 otherwise known as Tink Tillet Road, then westward roughly parallel to ~~NC 345,~~ N.C. Highway 345, and finally curving to the southwest roughly parallel to ~~the SR 1289 C.B. Daniels Road~~ otherwise known as C B Daniels SR Road to its end.
- (6) ~~Stumpy Point Canal. That portion of Stumpy Point Canal shore to shore, beginning at 50 yards west of the Wildlife Resources Commission boating access area and extending inland for a distance of 3,600 feet.~~ area.
- (7) ~~Stumpy Point Basin. That portion of the Stumpy Stumpy Point Basin, at the head of the Basin off of Stumpy Point Bay, which is next to east of Highway 264 in the dock area and designated by the appropriate markers.~~ U.S. Highway 264 where it intersects Stumpy Point Bay at a point at 35.69591 N, 75.77264 W.
- (8) Town of Southern Shores. ~~The waters contained in the canals and lagoons within the territorial limits of the Town of Southern Shores.~~ Shores north of U.S. Highway 158.
- (9) Colington Harbour. The waters ~~contained in the canals of Colington Harbour.~~ Harbour Subdivision on Albemarle Sound.
- (10) Kitty Hawk. ~~Those the~~ waters contained in the canals of Kitty Hawk Landing ~~Subdivision.~~ Subdivision.
- (11) Washington Baum Bridge. ~~Those waters of the Roanoke Sound from marker 24B north of the bridge to marker 24A south of the bridge, and 50 yards east of the navigation span west to the shore as designated by the appropriate markers.~~
- (12) Colington Island. ~~The waters contained in an area beginning at the bath house and recreation center on the western shore of Colington Island, running 600 feet in a northerly direction and extending 300 feet into Albemarle Sound as marked.~~
- (13)(12) Kill Devil Hills. ~~The waters of Baum Bay Harbor.~~ Harbor, beginning at a point at 36.00572 N, 75.68105 W.
- (14) ~~The waters of High Bridge Creek.~~
- (15)(13) Mill Creek Avon. ~~The waters of Pamlico Sound at Mill Creek near Avon beginning at its~~

entrance at Pamlico Sound at a point at 35.36434 N, 75.50603 W, as delineated by appropriate markers.

~~(16)(14)~~ Ginguite Jean Guite Creek. The waters of Ginguite Jean Guite Creek from Highway 158 north to where it meets Kitty Hawk Bay at 36.04887 N, 75.72754 W, north to Lot 15 in Martins Point Subdivision, a line from a point on the east shore in Southern Shores at 36.10460 N, 75.74192 W to a point on the west shore in Martin's Point Subdivision at 36.10452 N, 75.73948 W.

~~(17)(15)~~ Marina Canal B Frisco. The waters of Marina the marina Canal canal and boat basin at Palmetto Shores Subdivision, shore to shore beginning at the canal's entrance starting at the mouth of the canal from the at Pamlico Sound at a point at 35.25427 N, 75.60301 W, to the boat basin adjoining Palmetto Shores Subdivision.

(b) Speed Limit. No person shall operate any ~~motorboat or~~ vessel at greater than no-wake speed within any of the regulated areas described in Paragraph (a) of this Rule.

(c) Restricted Swimming Area. No person operating or responsible for the operation of any vessel, surfboard, water skis, or jet skis shall permit ~~the same~~ it to enter any the marked swimming area ~~described in Subparagraph (12) of Paragraph (a) of this Rule.~~ at Colington Island on the west shore, from a point where the canal enters the harbor at 36.01797 N, 75.72681 W, north 600 feet to a point at 36.01964 N, 75.72683 W and extending 300 feet west into Albemarle Sound.

(d) Placement ~~and Maintenance~~ of Markers. ~~Subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers, the~~ The following agencies are the designated ~~suitable~~ agencies for placement ~~and maintenance~~ of markers implementing this Rule ~~as to the regulated areas listed in the several Subparagraphs of Paragraph (a) of this Rule.~~ Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers:

- (1) the Board of Commissioners of the Town of Manteo ~~as to~~ for the areas indicated in Subparagraph ~~(14); (1) of Paragraph (a);~~
- (2) the Board of Commissioners of Dare County ~~as to~~ for the areas indicated in Subparagraphs (2) through (7), (9), ~~(11), (13), (15), (16) and (17).~~ and (11) through (15) of Paragraph (a);
- (3) the Board of Commissioners of the Town of Southern Shores ~~as to~~ for the areas indicated in Subparagraph ~~(8); (8) of Paragraph (a); and~~
- (4) the Board of Commissioners of the Town of Kitty Hawk ~~as to~~ for the ~~areas~~ area indicated in Subparagraph (10) ~~and (14).~~ of Paragraph (a).

Authority G.S. 75A-3; 75A-15.

15A NCAC 10F .0311 GRANVILLE, VANCE AND WARREN COUNTIES

(a) Regulated Areas. This Rule applies to the following waters of John H. Kerr Reservoir in Granville, Vance and Warren Counties:

- (1) Kimball Point, Warren County - Within 50 yards of the shoreline in the northernmost cove of the Kimball Point Recreation Area located at the western end of ~~SR 1204.~~ SR 1204, from the northern end of the cove at 36.54362 N, 78.31753 W, to the southern end of the cove at 36.53984 N, 78.31371 W;
- (2) Camp Kerr Lake, Vance County - Within the waters of the cove where the Camp Kerr Lake boat ramp is ~~located.~~ located, shore to shore beginning at a line from a point on the eastern shore at the mouth of the cove at 36.440345 N, 78.34970 W to a point on the northwest shore of the cove at 36.44167 N, 78.35129 N;
- (3) ~~Lower~~ Mill Creek, Vance County - ~~Beginning at a point on the eastern side~~ The waters of Lower Mill Creek shore to shore from its headwaters to where it intersects the North Carolina - Virginia state line boundary at a line from a point on the east side of the creek at 36.54311 N, 78.39514 W; to a point on the west side of the creek at 36.54309 N, 78.39626 W; running across the creek with said state line and then running in a southerly direction on both the east and west sides of the creek to the head waters headwaters, and including all waters of the creek south of the state line.
- (4) Flat Creek at ~~NC N.C.~~ Highway 39 ~~Bridge bridge,~~ Vance County - Within 50 yards ~~on either side~~ east and west of the ~~NC N.C.~~ Highway 39 ~~Bridge.~~ bridge; and
- (5) Satterwhite Point State Recreation Area, Vance ~~County.~~ County, including the waters in the vicinity of Satterwhite Point Marina docks at the end Satterwhite Point Marina Road, and the waters of the marked swimming area in the cove west of the end of SR 1319 otherwise known as Satterwhite Point Road, beginning at a line at the mouth of the cove from a point on the north shore at 36.44572 N, 78.37356 W, to a point on the south shore at 36.44442 N, 78.37359 W.

(b) Speed Limit Near Ramps. No person shall operate a vessel at greater than no-wake speed within 50 yards of any concrete boat launching ramp located on the reservoir.

(c) Speed Limit in Mooring Areas. No person shall operate a vessel at greater than no-wake speed while within a designated mooring area established by or with the approval of the US Army Corps of Engineers on the waters of the reservoir.

(d) Speed Limit. No person shall operate a vessel at greater than no-wake speed within any regulated area of the reservoir described in Paragraph (a) of this Rule.

(e) Restricted Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter a designated swimming area established by or with the approval of the US Army Corps of Engineers on the waters of the reservoir.

(f) Placement ~~and Maintenance~~ of Markers. Each of the Boards of Commissioners of the above-named counties is the designated ~~a suitable~~ agency for placement ~~and maintenance~~ of markers

implementing this Rule for regulated areas within their territorial ~~jurisdiction in accordance with the Uniform System, jurisdiction,~~ subject to the approval of the US Army Corps of Engineers.

Authority G.S. 75A-3; 75A-15.

15A NCAC 10F .0316 FORSYTH, ROCKINGHAM AND STOKES COUNTIES

- (a) Regulated Area. This Rule applies to Belews Lake in Forsyth, Rockingham and Stokes Counties.
- (b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within 50 yards of any public boat launching ramp on the waters of Belews Lake in any of the counties listed in (a) of this Rule, or within 50 yards of any bridge crossing any portion of Belews Lake in Forsyth ~~County, when such area has been marked as provided in (e) of this Rule. County.~~
- (c) Placement and Maintenance of Markers. ~~With regard to marking the restricted zones described in this Rule, markers may be placed and maintained by the~~ The Boards of Commissioners of Forsyth County, Rockingham County and Stokes County, or their ~~designees, within their respective counties, in accordance with the uniform system designees are the designated agencies for placement and maintenance of markers implementing this Rule, and the following additional requirements.~~ All markers warning of a no-wake speed zone must be buoys or floating signs ~~placed in the water at a distance of not greater than 50 yards from the protected facility. The markers must be sufficient in number and size as to give adequate warning of the restriction to the vessels approaching from various directions. signs.~~

Authority G.S. 75A-3; 75A-15.

15A NCAC 10F .0317 STANLY COUNTY

- (a) Regulated Areas. This Rule applies to the following waters and portions of waters described as follows:
- (1) Narrows ~~Reservoir (Badin Lake); Reservoir, otherwise known as Badin Lake; and~~
 - (2) Lake Tillery; ~~Tillery;~~
 - (A) Turner Beach Cove ~~as delineated by appropriate markers. shore to shore, south of a point at 35.22529 N, 80.09318 W.~~
 - (B) Mountain Creek Cove ~~as delineated by appropriate markers~~
- (b) Speed Limit Near Ramps. No person shall operate a vessel at greater than no-wake speed within 50 yards of any public boat launching ramp while on the waters of a regulated area described in Paragraph (a) of this Rule.
- (c) Restricted Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area ~~established with the approval of the Executive Director, or his representative,~~ on the waters of a regulated area described in Paragraph (a) of this Rule.
- (d) Speed Limit. No person shall operate a vessel at greater than no-wake speed within any of the regulated area described in Paragraph (a) of this Rule:
- (e) Placement ~~and Maintenance~~ of Markers. The Board of Commissioners of Stanly County is ~~hereby~~ the designated a ~~suitable~~ agency for placement ~~and maintenance~~ of the markers

implementing this ~~Rule in accordance with the Uniform System. Rule.~~

Authority G.S. 75A-3; 75A-15.

15A NCAC 10F .0322 UNION COUNTY

- (a) Regulated Area. This Rule applies to Cane Creek Lake ~~which lies within the territorial limits of in~~ Union County.
- (b) Speed Limit Near Ramps. No person shall operate a vessel at greater than no-wake speed within 50 yards of any public boat launching ramp or within 50 yards of the boat ramp at the ~~Family Camping Area located on the regulated area described in Paragraph (a) of this Rule. Cane Creek Campground, at a point at 34.83485 N, 80.68605 W.~~
- (c) Speed Limit in Congested Area. No person shall operate a vessel at greater than no-wake speed within 75 yards of the ~~narrow neck waters that connects the upper and lower portions of Cane Creek Lake. separate Cane Creek Park from Cane Creek Campground, shore to shore from at a point at 34.83838 N, 80.68174 W, northwest to a point at 34.83875 N, 80.68233 W.~~
- (d) Restricted Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area ~~established with the approval of the Executive Director, or his representative,~~ on the regulated area described in Paragraph (a) of this Rule.
- (e) Placement ~~and Maintenance~~ of Markers. The Board of Commissioners of Union County is ~~the~~ designated a ~~suitable~~ agency for placement ~~and maintenance~~ of the markers implementing this Rule. ~~With regard to marking Cane Creek Lake, supplementary standards as set forth in Rule .0301(g)(1) to (8) of this Section shall apply.~~

Authority G.S. 75A-3; 75A-15.

15A NCAC 10F .0324 DAVIDSON COUNTY

- (a) Regulated Areas. This Rule applies only to those portions of High Rock Lake, Tuckertown Lake, and Badin Lake which lie within the boundaries of Davidson County.
- (b) Speed Limit. No person shall operate a vessel at greater than no-wake speed:
- (1) within 50 yards of any marked public boat launching ramp, bridge, dock, marina, boat storage structure, boat service area or pier while on the waters of High Rock Lake, Tuckertown Lake, and Badin Lake in Davidson ~~County. County;~~
 - (2) ~~within 50 yards on either side of the buoy located between lots 19 and 39 Silver Hill Township in the middle of Hi-Roc Shores Cove on High Rock Lake. High Rock Shores Drive Cove on High Rock Lake in Hi-Roc Shores Subdivision in Silver Hill Township, shore to shore northeast of a line from a point on the east shore at 35.67720 N, 80.24526 W to a point on the west shore at 35.67663 N, 80.24437 W;~~
 - (3) ~~within the waters of Flat Swamp Creek on High Rock Lake shore to shore, beginning from a point 50 yards north of the docks at Camp Walter Johnson at 35.67130 N, 80.16592 W and~~

~~extending to a point 100 yards south of the docks as delineated by appropriate markers. at 35.66993 N, 80.16582 W;~~

- (4) the cove in Oakwood Acres on Abbotts Creek Cove on High Rock Lake shore to shore, west of a line from a point on the south shore at 35.64704 N, 80.24787 W to a point on the north shore at 35.64809 N, 80.24870 W; and
- (5) Beaverdam Creek Cove on Badin Lake, shore to shore north of a line from a point on the east shore at 35.50714 N, 80.09994 W to a point on the west shore at 35.50715 N, 80.10086 W.

(c) Speed Limit in Mooring Areas. No person shall operate a vessel at greater than no-wake speed while within a marked mooring area ~~established with the approval of the Executive Director, or his representative, on the waters of High Rock Lake, Tuckertown Lake, and Badin Lake in Davidson County.~~

~~(d) Speed Limit at Mouth of Cove. No person shall operate a vessel at greater than no-wake speed while within 50 yards on either side of the mouth of Beaver Dam Creek Cove located on Badin Lake or in Abbotts Creek Cove of High Rock Lake as delineated by appropriate markers.~~

~~(e)(d) Restricted Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area on the waters of High Rock Lake, Tuckertown Lake, and Badin Lake in Davidson County.~~

~~(f)(e) Placement and Maintenance of Markers. The Board of Commissioners of Davidson County is the designated a-suitable agency for placement and maintenance of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers, if applicable. With regard to marking the regulated areas described in Paragraph (a) of this Rule, all of the supplementary standards listed in Rule .0301(g) of this Section apply. Rule.~~

Authority G.S. 75A-3; 75A-15.

15A NCAC 10F .0327 MONTGOMERY COUNTY

(a) Regulated Areas. This Rule applies to the waters and portions of waters described as follows:

- (1) Badin Lake: Lake.
 - (A) Lakeshore Drive Cove as delineated by appropriate markers; the cove west of Lakeshore Drive and east of Strand Drive, southeast of a line at the mouth of the cove from a point on the east shore at 35.49242 N, 80.09241 W to a point on the west shore at 35.49242 N, 80.09241 W;
 - (B) Lake Forest Drive Cove shore to shore, west of a point 50 yards east of the fueling site at the marina at 35.48739 N, 80.10918 W; Entrance to fueling site and marina west of the main channel of Lake Forest Drive Cove;
 - (C) Gar Creek; and Garr Creek shore to shore, north of a line beginning at a

point on the east shore at 35.47952 N, 80.13633 W to a point on the west shore at 35.47946 N, 80.13932 W; and the channel between Beyer's Island waterfront channel facing and the mainland. mainland, shore to shore beginning at a line from a point on Beyer's Island at 35.49102 N, 80.10221 W to a point on the mainland at 35.49230 N, 80.10241 W, ending at a line westward, from a point on Beyer's Island at 35.48988 N, 80.10573 W to a point on the mainland at 35.49077 N, 80.10702 W.

(2) Lake Tillery: Tillery.

- (A) Woodrun Cove as delineated by appropriate markers; the waters within 50 yards of the boat ramp in the south end of Woodrun Cove at 35.33113 N, 80.06277 W;
- (B) Carolina Forest Cove shore to shore and the waters within 50 yards of the boat ramps and boat slips at the end of Arroyo Drive in Carolina Forest Community, from a point on the south shore at 35.36276 N, 80.05386 W, northeast to a point on the north shore at 35.36405 N, 80.05304 W; and as delineated by appropriate markers; and
- (C) the waters in the vicinity of the Lilly's Bridge Boating Access Area shore to shore, from line 25 feet north of the Route SR 1110 bridge otherwise known as Lillys Bridge Road at a point on the eastern east shore at 35.23223 N, 80.06166 W, to a point on the western west shore at 35.23289 N, 80.06318 W, to a line 200 feet southwest of the Lilly's Bridge Boating Access Area, from a point on the eastern east shore at 35.23067 N; 80.06262 W, to a point on the western west shore at 35.23156 N; 80.06437 W.

(3) Tuckertown Reservoir.

(b) Speed Limit Near Shore Facilities. No person shall operate a vessel at greater than no-wake speed within 50 yards of any marked boat launching area, dock, pier, bridge, marina, boat storage structure, or boat service area on the waters of the regulated areas described in Paragraph (a) of this Rule.

(c) Speed Limit. No person shall operate a vessel at greater than no-wake speed within any regulated area described in Paragraph (a) of this Rule.

(d) Restricted Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area ~~established with the approval of the Wildlife Resources Commission~~ on the waters of the regulated areas described in Paragraph (a) of this Rule.

(e) Placement of Markers. The Board of Commissioners of Montgomery County is the designated ~~a suitable~~ agency for placement of the markers implementing Parts (a)(1)(A), (B), (C), ~~(D)~~, (2)(A) and (B), and Subparagraph (a)(3) of this Rule in accordance with the Uniform System. The North Carolina Wildlife Resources Commission is the designated ~~a suitable~~ agency for placement and maintenance of the markers implementing Part (a)(2)(C) of this Rule.

Authority G.S. 75A-3; 75A-15.

15A NCAC 10F .0329 ROWAN COUNTY

(a) Regulated Areas. This Rule applies only to ~~those~~ the portions of High Rock Lake and Tuckertown Lake ~~which lie within the boundaries of in~~ Rowan County.

(b) Speed Limit Near Ramps. No person shall operate a vessel at greater than no-wake speed within 50 yards of any public boat launching ramp while on the waters of the regulated areas described in Paragraph (a) of this Rule.

(c) Speed Limit in Mooring Areas. No person shall operate a vessel at greater than no-wake speed while within a marked mooring area ~~established with the approval of the Executive Director, or his representative,~~ on the regulated areas described in Paragraph (a) of this Rule.

(d) Speed Limit in Specific Zones. No person shall operate a vessel at greater than no-wake speed ~~within 50 yards of in~~ the following locations on the regulated areas described in Paragraph (a) of this Rule:

- (1) within 50 yards of the Tamarac Marina on Dutch Second Creek; Creek on High Rock Lake, located at 35.61012 N, W 80.30795 W;
- (2) The Cove the cove on the west north side of Dutch Second Creek south of Tamarac Marina off east of SR 2138 otherwise known as Poole Road; Road on High Rock Lake, shore to shore, north of a line from a point on the east shore at 35.60800 N, 80.31985 W to a point on the west shore at 35.60741 N, 80.32106 W;
- (3) the waters within 50 yards southeast and 50 yards northwest of the I-85 bridge at Yadkin River; over High Rock Lake, from a point southeast of the bridge at 35.71930 N, 80.38873 W, to a point northwest of the bridge at 35.72012 N, 80.39903 W;
- (4) the waters within 50 yards southeast and 50 yards northwest of the SR 2168 bridge otherwise known as the Goodman Lake Road Bridge bridge at Crane Creek; Creek on High Rock Lake, from a point southeast of the bridge at 35.55354 N, 80.35344 W, to a point northwest of the bridge at 35.66406 N, 80.35435 W;
- (5) the waters within 50 yards northeast and 50 yards southwest of the SR 1002 bridge otherwise known as the Bringle Ferry Road Bridge bridge at Dutch Second Creek; Creek on High Rock Lake, from a point northeast of the bridge at 35.60916 N, 80.30626 W, to a point

southwest of the bridge at 35.60840 N, 80.30693 W;

(6) the waters within 50 yards north and 50 yards south of SR 1004 bridge otherwise known as the Stokes Ferry Road Bridge bridge at Riles Creek; Creek on Tuckertown Lake, from a point north of the bridge at 35.50535 N, 80.21680 W, to a point south of the bridge at 35.50452 N, 80.21720 W;

(7) the waters within 50 yards northwest and 50 yards southeast of the N.C. Highway 49 8-49 bridge at Tuckertown Lake; Lake from a point northwest of the bridge at 35.50642 N, 80.18430 W, to a point southeast of the bridge at 35.50538 N, 80.18372 W; and

(8) The the waters within 50 yards of the Rowan Shrine Club dock, dock located at 35.66776 N, 80.31425 W on High Rock Lake.

(e) Restricted Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area ~~established with the approval of the Executive Director, or his representative,~~ on the waters of the regulated areas described in Paragraph (a) of this Rule.

(f) Placement ~~and Maintenance~~ of Markers. The Board of Commissioners of Rowan County is the designated ~~a suitable~~ agency for placement ~~and maintenance~~ of the markers implementing this Rule, ~~subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers, if applicable. With regard to marking the regulated areas described in Paragraph (a) of this Rule, all of the supplementary standards listed in Rule .0301(g) of this Section shall apply.~~ Rule.

Authority G.S. 75A-3; 75A-15.

15A NCAC 10F .0332 ALEXANDER COUNTY

(a) Regulated Area. This Rule applies to ~~those~~ the waters of Lake Hickory ~~set out in this Rule which are located in Alexander County; County:~~

- (1) the waters beginning 50 yards from the southeast end of the Rink Dam Marina and ending at Rink Dam; shore to shore at a line 150 yards southeast of SR 1137 bridge otherwise known as the Rink Dam Road bridge in Taylorsville, from a point on the south shore at 35.82843 N, 81.26389 W to a point on the north shore at 35.82919 N, 81.26272 W, northwest to a point at the Rink Dam at 35.83035 N, 81.26669 W;
- (2) the waters within 50 yards of the Taylorsville Beach Marina; Marina and docks, located at 420 Taylorsville Beach Court in Taylorsville;
- (3) the waters within 50 yards of the R&N Marina; and Rivers Edge Marina and docks, located at 5803 Icard Ridge Road in Hickory; and
- (4) the waters within 50 yards of the Lakeside Marina; Marina and docks, located at 81 Marina Drive in Hickory.

(b) Speed Limit. No person shall operate any ~~motorboat or~~ vessel at greater than no-wake speed within 50 yards of any public boat launching ramp or while on the waters of any regulated areas designated in Paragraph (a) of this Rule.

(c) Placement ~~and Maintenance~~ of Markers. The Board of Commissioners of Alexander County is the designated ~~a suitable~~ agency for placement ~~and maintenance~~ of the markers implementing this Rule, ~~subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers, if applicable.~~ Rule.

Authority G.S. 75A-3; 75A-15.

15A NCAC 10F .0333 MECKLENBURG AND GASTON COUNTIES

(a) Regulated Areas. This Rule applies to the following waters of Lake Wylie in Mecklenburg and Gaston Counties:

- (1) ~~McDowell Park— Park.~~ The waters of the coves adjoining McDowell Park and the Southwest Nature Preserve in Mecklenburg ~~County,~~ including the entrances to the coves on either side of Copperhead Island; County shore to shore, east of the mouth of the cove at a line from a point on the south shore at 35.10272 N, 81.03026 W to a point on the north shore at 35.10556 N, 80.02964 W;
- (2) ~~Gaston County Wildlife Club Cove— Cove.~~ The waters of the cove ~~at west of~~ the Gaston County Wildlife Club on ~~South Point Peninsula South Point Road in Gaston County;~~ Belmont, north of a line at the mouth of the cove from a point on the east shore at 35.15628 N, 81.01427 W to a point on the west shore at 35.15628 N, 81.01615 W;
- (3) ~~Buster Boyd Bridge— Bridge.~~ The ~~areas waters from point 250 feet to the north east of the Buster Boyd Bridge on N.C. Highway 49 in Mecklenburg County at 35.10293 N, 81.03932 W, and to a point 150 feet to the south west of the Buster Boyd Bridge; Bridge at 35.10242 N, 81.04089 W;~~
- (4) ~~N.C. Highway 27 Bridge— bridge.~~ The ~~area waters shore to shore, beginning from a point 50 yards north of the NC N.C. Highway 27 Bridge bridge in Mecklenburg and Gaston counties at 35.29849 N, 81.00346 W and extending 50 yards south of the southernmost of two railroad trestles immediately downstream from to a point 190 yards south of the NC N.C. Highway 27 Bridge; bridge at 35.29635 N, 81.00424 W;~~
- (5) ~~Brown's Cove— Cove.~~ The area beginning at the ~~most narrow point of the entrance to mouth of~~ Brown's Cove in Mecklenburg County shore to shore, at a point at 35.16453 N, 81.00474 W, west to a point at 35.16480 N, 81.00309 W; and extending 250 feet in both directions;
- (6) ~~Paradise Point Cove— Cove.~~ The waters of ~~the~~ Paradise Point Cove in Gaston County between

- (7) ~~Paradise Circle and Lakeshore Lake Front Drive as delineated by appropriate markers; Drive, west of a line from a point on the south shore at 35.18853 N, 81.04036 W to a point on the north shore at 35.18991 N, 81.04136 W;~~ Withers Cove— The area 50 feet on either side of Withers Bridge; Cove. The waters from a point 50 feet southeast of the Withers Bridge on SR 1116, otherwise known as Shopton Road W. in Mecklenburg County at 35.14576 N, 81.00187 W, to a point 50 feet northwest of the bridge at 35.14599 N, 81.00222 W;
- (8) ~~Sadler Island west— Island.~~ The waters shore to ~~shore~~ beginning at a line ~~formed~~ from a point on the ~~western west~~ shore of Lake Wylie in Gaston County at 35.27481 N, 81.0138 W east to a point on the eastern shore the east shore of the Lake in Mecklenburg County at 35.27423 N, 81.01111W -81.01111 W, extending south on the Lake west of Sadler Island to a line formed from a point on the western shore of Lake Wylie at 35.2708N, 81.01525W on the west shore of the Lake in Gaston County at 35.27079 N, 81.01525 W, east to a point on the west side of Sadler Island in Mecklenburg County at 35.27051 N, 81.01396 W, to a point on the western side of Sadler Island at 35.27056N, 81.01393W; and the waters shore to shore east of Sadler Island in Mecklenburg County from a point at 35.27441 N, 81.01185 W, south-southwest to a line from a point on the south shore of Sadler Island at 35.26635 N, 81.01432 W, south to a point on the Lake shore at 35.26494 N, 81.01368 W; and
- (9) ~~Sadler Island east— beginning at a line formed from a point on the western shore of Lake Wylie at 35.27481N, 81.0138W to a point on the eastern shore at 35.27423N, 81.01111W extending south on the Lake to a line formed from a point on the eastern side of Sadler Island at 35.2663N, 81.0143W to a point on the eastern shore of Lake Wylie at 35.26501N, 81.01374W; and~~
- (10)(9) ~~other Other bridges— bridges. the~~ The areas ~~that~~ are within 50 feet of any bridge in North Carolina that crosses the waters of Lake Wylie that is not otherwise specifically mentioned in this Paragraph.

(b) Speed Limit Near Ramps. No person shall operate a vessel at greater than no-wake speed within 50 yards of any public boat-launching ramp, dock, pier, marina, boat storage structure, or boat service area.

(c) Speed Limit Near All Other Bridges. No person shall operate ~~a vessel at greater than no-wake speed within 50 feet of any bridge in North Carolina that crosses the waters of Lake Wylie that is not otherwise specifically mentioned in Paragraph (a) of this Rule.~~

(d)(c) Speed Limit in Marked Swimming or Mooring Areas. No person shall operate a vessel at greater than no-wake speed within 50 yards of any marked mooring area or marked swimming area.

~~(e)(d)~~ Placement and Maintenance of Markers. The Lake Wylie Marine Commission is the designated ~~a suitable~~ agency for placement and maintenance of markers implementing this Rule.

Authority G.S. 75A-3; 75A-15.

15A NCAC 10F .0336 NORTHAMPTON AND WARREN COUNTIES

(a) Regulated Area. This Rule applies ~~only to that portion the~~ waters of Lake Gaston ~~which lies within the boundaries of in~~ Northampton and Warren ~~Counties, counties.~~

(b) Speed Limit in Mooring Areas. No person shall operate a vessel at greater than no-wake speed while within a marked mooring area ~~established with the approval of the Executive Director, or his representative, on the waters of Gaston Lake Lake~~ Gaston in Northampton and Warren ~~Counties, counties.~~

(c) Speed Limit Near Shore Facilities. No person shall operate a vessel at greater than no-wake speed within 50 yards of any marked boat launching area, dock, pier, bridge, marina, boat storage structure, or boat service area on the waters of the regulated areas described in Paragraph (a) of this Rule.

(d) Speed Limit in specific waters. No person shall operate a vessel at greater than no-wake speed within the following bodies of ~~water, water:~~

- (1) ~~Northampton County, the waters of the cove on the north shore of Lake Gaston in Northampton County east of SR 1252 otherwise known as Vincent Drive Lane, shore to shore from a point on the north shore at 36.51652 N 36.51660 N, 77.82232 N 77.82226 W to a point on the south shore at 36.51580 N 36.51578 N, 77.82273 W 77.82269 W;~~
- (2) ~~Warren County, the waters of Big Stonehouse Stone House Creek in Warren County within 50 yards of the culvert under N.C. Highway 903 Highway 903; at 36.48789 N, 77.95009 W;~~
- (3) ~~Warren County, the waters of Songbird Creek in Warren County within 50 yards of the culvert under N.C. Highway 903 Highway 903; at 36.53260 N, 77.97330 W;~~
- (4) ~~Warren County, the waters of Six Pound Sixpound Creek in Warren County within 50 yards of the culvert under State Road 1707 SR 1701 otherwise known as Nocarva Road at 36.52950 N, 78.07283 W; and~~
- (5) ~~Warren County, the waters of Lizard Creek in Warren County within 50 yards of the culvert under Highway 903 SR 1362 otherwise known as Lizard Creek Road at 36.52501 N, 77.91187 W.~~

(e) Restricted Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area on the waters of ~~Gaston Lake Lake Gaston~~ in Northampton and Warren ~~Counties, counties.~~

(f) Placement and Maintenance of Markers. The ~~Board~~ Boards of Commissioners of Northampton County and Warren County are the designated ~~as suitable~~ agencies for placement ~~and maintenance~~ of the markers implementing this Rule, subject to the approval of the United States Coast Guard and United States

Army Corps of Engineers. ~~With regard to marking Gaston Lake, all of the supplementary standards listed in Rule .0301(g) of this Section shall apply.~~

Authority G.S. 75A-3; 75A-15.

15A NCAC 10F .0341 TOWN OF LAKE LURE

(a) Regulated Area. This Rule applies ~~only~~ to the waters of Lake Lure in the Town of Lake Lure, in Rutherford County.

(b) Speed Limit. No person shall operate a ~~motorboat or~~ vessel at greater than no-wake speed within 50 yards of any boat launching area, dock, pier, marina, boat storage structure, boat service area, swimming area, cove or dam in the regulated area described in Paragraph (a) of this ~~Rule which has been properly marked and approved by the Executive Director or his representative. Rule.~~

(c) Restricted Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked swimming area in the regulated area described by Paragraph (a) of this Rule.

(d) ~~Waterskiers, Water skiers.~~ On the regulated area described by Paragraph (a) of this Rule:

- (1) No more than two skiers may be towed at once by any boat;
- (2) Each skier is required to wear a ski belt or a personal flotation ~~device; device; and~~
- (3) The Board of Commissioners of the Town of Lake Lure may issue special permission for towing more than two skiers, with or without flotation devices, to persons or groups practicing for or participating in skiing exhibitions or shows.

(e) Placement and Maintenance of Markers. The Board of Commissioners of the Town of Lake Lure is the designated ~~a suitable~~ agency for placement and maintenance of markers implementing this Rule. ~~With regard to marking the regulated area described in Paragraph (a) of this Rule, all of the supplementary standards listed in Rule .0301(g) of this Section shall apply.~~

Authority G.S. 75A-3; 75A-15.

15A NCAC 10F .0343 CHATHAM COUNTY

~~(a) Definitions. In addition to the definitions set forth in Paragraph (b) of Rule .0301 of this Section, the following definitions apply in this Rule:~~

- ~~(1) Corps — Corps of engineers, United States Army;~~
- ~~(2) Regulated Area — That portion of the B. Everett Jordan Reservoir located within the boundaries of Chatham County.~~

(a) Regulated Area. This Rule applies to the portion of the B. Everett Jordan Reservoir otherwise known as Jordan Lake in Chatham County.

(b) Speed Limit. No person shall operate a vessel at greater than no-wake speed on the regulated area as follows:

- (1) within 50 yards of any public boat launching ramp;
- (2) within the restricted zone within 100 yards of the piers and boat slips adjacent to the Crosswinds Marina Boating Center located

~~north of US 64 and west of SR 1008 as indicated by markers; at 565 Farrington Road in Apex;~~

- (3) within 100 feet of all ~~bridges; bridges.~~
- (4) ~~the restricted zone at the Ebenezer Church Road access point.~~

(c) Restricted Swimming Areas. No person operating or responsible for the operation of any vessel, surfboard or water skis shall permit ~~the same~~ it to enter any marked swimming area located on the regulated area.

(d) Placement ~~and Maintenance~~ of Markers. The Board of Commissioners of Chatham County is the designated ~~a suitable~~ agency for placement ~~and maintenance~~ of the markers implementing this Rule, subject to the approval of the ~~corps.~~ With regard to marking the regulated area described in Paragraph (a) of this Rule, the supplementary standards listed in Subparagraphs (1) through (8) of Rule .0301(g) of this Section shall apply. United States Army Corps of Engineers.

Authority G.S. 75A-3; 75A-15.

15A NCAC 10F .0344 TOWN OF RIVER BEND

(a) Regulated Areas. This Rule applies to the following waters located in the Town of River Bend in Craven County:

- (1) the waters of Plantation Canal shore to shore, beginning at its entrance from the Trent River at a line from a point on the northeast shore at 35.07226 N, 77.13303 W, to a point on the south shore at 35.07187 N, 77.13335 W, and including the waters of the River Bend Yacht Club Marina Basin; Basin; and
- (2) the waters of Island Lake shore to shore, and its access waters extending inland from the Trent River; off of the Trent River beginning at points at 35.06508 N, 77.13600 W and at 35.06653 N, 77.13716 W.
- (3) ~~Plantation Canal from its entrance at Trent River to the River Bend Yacht Club Marina Basin.~~

(b) Speed limit. No person shall operate any ~~motorboat or~~ vessel at greater than no-wake speed within any of the regulated areas described in Paragraph (a) of this Rule.

(c) Placement ~~and Maintenance~~ of Markers. The Town Council of the Town of River Bend is the designated ~~a suitable~~ agency for placement ~~and maintenance~~ of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

Authority G.S. 75A-3; 75A-15.

15A NCAC 10F .0345 CHATHAM AND WAKE COUNTIES

(a) Regulated Areas. This Rule applies to the following waters of the Shearon Harris Nuclear Power Plant Reservoir, otherwise known as Harris Reservoir, ~~which is located in the counties of Chatham and Wake; in Chatham and Wake counties;~~

- (1) ~~All~~ all waters within 50 yards of any marked boat launching ramp, pier, dock, mooring area,

boat storage structure, bridge, or service ~~area.~~ area:

- (2) ~~In~~ in Chatham County, a portion of the waters of the cove at the Cross Point Landing Boating Access Area on SR 1914 otherwise known as Cross Point Road, shore to shore, shore beginning at a line west of a point on the north shore at 35.57351 N, 78.97411 W to a point on the south shore at 35.57187 N, 78.97384 W; and 35.57270 N, 78.97398 as delineated by appropriate markers placed and maintained by the Wildlife Resources Commission.

- (3) ~~In~~ in Wake County, the waters within 150 yards of the Holleman Holleman's Boating Access Area located at 4420 Bartley Holleman Road in Holly Springs at 35.60861 N, 78.93899 W, as indicated by appropriate markers placed and maintained by the Wildlife Resources Commission.

(b) ~~Restricted~~ Exclusionary Zones. Except for authorized personnel of the power company, no person shall operate a ~~motorboat or~~ vessel in any ~~restricted~~ exclusionary zone which is marked to prevent entry by boats.

(c) Mast Height. No person shall place or operate on the regulated area described in Paragraph (a) of this Rule any sailboat or other vessel having a mast or any superstructure extending vertically above water level a distance of 35 feet or more.

(d) Speed Limit. No person shall operate a vessel at greater than no-wake speed within any of the regulated areas described in Paragraph (a) of this Rule.

(e) Swimming Areas. No person shall operate any vessel or water skis within a marked public swimming area.

(f) Placement ~~and Maintenance~~ of Markers. The Board of Commissioners of Chatham County and the Board of Commissioners of Wake County are the designated ~~suitable~~ agencies for placement ~~and maintenance~~ of markers implementing this Rule within their respective counties. ~~Provided the said boards exercise their supervisory responsibilities, they may delegate the actual placement and maintenance to some other responsible agency, corporation, group or individual. With regard to marking the regulated areas described in Paragraph (a) of this Rule, the supplementary standards set forth in Rule .0301(g) of this Section shall apply.~~

Authority G.S. 75A-3; 75A-15.

15A NCAC 10F .0346 ARROWHEAD BEACH SUBDIVISION

(a) Regulated Areas. This Rule applies to the following waters or portions of waters in Chowan County:

- (1) ~~Chowan River: that portion adjoining the shoreline of the Arrowhead Beach Subdivision Park and having dimensions of approximately 350 by 600 feet, containing a marked swimming area and the area within 200 feet of the pier; River. the waters within 350 feet of the shoreline of the Arrowhead Beach Subdivision Park pier and swim area, from a point in the~~

water southwest of the pier at 36.22691 N, 76.70711 W, to a point in the water northeast at 36.22838 N, 76.70637 W;

- (2) ~~Indian Creek; that Creek.~~ the portion adjoining the Arrowhead Beach Subdivision shore to shore from a point at 36.23615 N, 76.69494 W to a point at 36.23084 N, 76.69231 W; and
- (3) ~~Chowan River; River.~~ the waters of an unnamed canal in Arrowhead Beach Subdivision, shore to shore at its intersection with the Chowan River at 36.22508 N, 76.70787 W.

(b) Swimming Area. No person operating or responsible for the operation of a vessel shall permit it to enter the swimming area described in Subparagraph (a)(1) of this Rule.

(c) Obstruction of Swimmers or Boats. No person shall place or maintain within the recreational area described in Subparagraph (a)(1) of this Rule any poles, cables, lines, nets, trotlines, fish traps or other obstructions or hazards to swimmers or boats, excepting those necessary to mark the area pursuant to this Rule.

(d) Speed Limit. No person shall operate a vessel at greater than no-wake speed in the area described in Subparagraphs (a)(2) and ~~(3)(a)(3)~~ of this Rule.

(e) ~~Placement and Maintenance~~ of Markers. The board of Commissioners of Chowan County is the designated ~~a suitable~~ agency for the placement ~~and maintenance~~ of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers. ~~On condition that the said board of commissioners exercise its supervisory responsibility, it may delegate the actual placement and maintenance of markers to some responsible person or organization.~~

Authority G.S. 75A-3; 75A-15.

15A NCAC 10F .0347 CRAVEN COUNTY

(a) Regulated Areas. This Rule applies to the following waters in Craven County:

- (1) ~~that the~~ portion of Northwest Creek ~~between from~~ the entrance buoys at Fairfield Harbour Northwest Creek Marina north of a line from a point on the east shore at 35.06357 N, 76.96934 W to a point on the west shore at 35.06343 N, 76.97106 W, to south of a line from a point on the east shore of Northwest Creek at 35.06903 N, 76.97030 W to a point on the west shore at 35.06779 N, 76.97225 W, northeast to include all waters, shore to shore, of the bulkheaded area of Fairfield Harbour otherwise known as Spring Creek; and the mouth of Spring Creek, and to all of Spring Creek, including the bulkheaded area of Fairfield Harbour, in Craven County;
- (2) ~~that area of water between the entrance buoys of the Olde Towne Lake, shore to shore from its intersection with the Trent River west of a point at 35.08098 N, 77.05833 W; and including all of Olde Towne Lake and the bulkhead area of Olde Towne Harbour itself;~~

- (3) ~~Matthews Point Marina. That the~~ triangular area in the waters at the end of the Matthews Point Marina main pier located at the confluence of Clubfoot and Mitchell Creeks off of the Neuse River, between a point 300 feet east of the pier at 34.90619 N, 76.76490 W, and a point 300 feet west of the pier at 34.90610 N, 76.76262 W, and a point 150 feet south of the pier at 34.90571 N, 76.76377 W; W, which is located at the confluence of Clubfoot and Mitchell Creeks off of the Neuse River;
- (4) ~~that area of water~~ the waters within 50 yards of the fuel dock at Eastern Carolina Yacht ~~Club;~~ Club on the Trent River in Trent Woods; and
- (5) ~~that the~~ portion of Southwest Prong Slocum Creek in the City of Havelock, shore to shore east of a line from a point on the ~~northern north~~ shore at 34.89122 N, 76.92302 W to a point on the ~~southern south~~ shore at 34.89102 N, 76.92304 W and extending northeast, shore to shore to a line from a point on the ~~northern north~~ shore at ~~34.8937 N, 34.89370 N,~~ 76.92109 W to a point on the southeast shore at 34.89358 N, 76.92089 W.

(b) Speed Limit. No person shall operate any vessel at greater than no-wake speed within the regulated areas described in Paragraph (a) of this Rule.

~~(c) Green Springs Boys Club Swimming Area. No person shall operate a vessel within the Green Springs Boys Club Swimming Area along the Neuse River as designated by marker buoys and float lines.~~ Swimming Areas. No person operating or responsible for the operation of any vessel shall permit it to enter any swimming area described in Paragraph (a) of this Rule.

~~(d) Placement and Maintenance of Markers. The Board of Commissioners of Craven County is hereby designated a suitable agency for placement and maintenance of the markers implementing Subparagraphs (a)(1), (2), (3), and (4) of this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.~~

~~(e) The City of Havelock is hereby designated a suitable agency for placement and maintenance of the markers implementing Subparagraph (a)(5) of this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.~~

(d) Placement of Markers. Subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers, the following agencies are the designated agencies for placement of markers implementing this Rule:

- (1) The Board of Commissioners of Craven County for areas indicated in Subparagraphs (a)(1), (2), (3), and (4) of this Rule; and
- (2) The City of Havelock for the area indicated in Subparagraph (a)(5) of this Rule.

Authority G.S. 75A-3; 75A-15.

15A NCAC 10F .0357 NASH COUNTY

(a) Regulated Area. This Rule applies to the following waters of the Tar River Reservoir near the City of Rocky Mount in Nash

County: That area of the Tar River Reservoir at the boat launching ramp and bridge located on State Road 1745 (bend of the River Road) and both bridges and ramps on State Road 1603, near the city of Rocky Mount in Nash County.

- (1) beginning 50 yards northwest of the bridge located on SR 1745, otherwise known as Bend of the River Road, from a line northwest of the bridge at a point on the south shore at 35.88347 N, 77.89666 W, northeast to a point in the water at 35.88395 N, 77.89576 W, and ending southeast of the bridge at a point within 50 yards of the Bend of the River boat ramp located at 35.88224 N, 77.89605 W.
- (2) beginning 185 yards northwest of the Sapony Creek bridge and boat ramp located on SR 1603, otherwise known as S. Old Carriage Road at 35.88545 N, 77.91154 W, shore to shore at a line from a point on the south shore at 35.88540 N, 77.91365 W to a point on the north shore at 35.88643 N, 77.91309 W, and ending at a line east of the bridge from a point on the south shore at 35.88479 N, 77.91148 W to a point on the northeast shore at 35.88565 N, 77.91085 W; and
- (3) the waters 50 yards southwest of the Low Bridge on SR 1603 otherwise known as S. Old Carriage Road from a point in the water at 35.85446 N, 77.90760 W to a line northeast of the bridge shore to shore, from a point on the southeast shore at 35.85590 N, 77.90545 W to a point on the northwest shore at 35.85718 N, 77.90757 W.

(b) Speed Limit. It is unlawful to operate any ~~motorboat or~~ vessel at greater than no-wake speed within any of the regulated areas described in Paragraph (a) of this Rule.

(c) Placement ~~and Maintenance~~ of Markers. The City of Rocky Mount is the designated ~~a suitable~~ agency for the placement ~~and maintenance~~ of markers implementing this Rule.

Authority G.S. 75A-3; 75A-15.

15A NCAC 10F .0358 JONES COUNTY

(a) Regulated Area. This Rule applies to ~~those~~ the waters of the Trent River shore to shore in Pollocksville, from a ~~point~~ line 25 yards west of the ~~US Hwy~~ U.S. Highway 17 bridge from a point on the north shore at 35.01023 N, 77.21938 W to a point on the south shore at 35.00979 N, 77.21942 W, ~~downstream~~ eastward to a ~~point~~ line 100 yards east of the ~~Seaboard Coastline Railroad bridge at Pollocksville, NC.~~ Pollocksville Public Fishing and Boating Access Area, from a point on the north shore at 35.00967 N, 77.21696 W to a point on the south shore at 35.00931 N, 77.21718 W.

(b) Speed Limit. No person shall operate any ~~motorboat or~~ vessel at greater than no-wake speed within ~~any~~ of the regulated area described in Paragraph (a) of this Rule.

(c) Placement ~~and Maintenance~~ of Markers. The Jones County Board of Commissioners is the designated ~~a suitable~~ agency for placement ~~and maintenance~~ of the markers implementing this Rule.

Authority G.S. 75A-3; 75A-15.

15A NCAC 10F .0362 HARNETT COUNTY

(a) Regulated Area. This Rule applies to the following ~~public~~ waters ~~of in~~ in Harnett County:

- (1) ~~All the~~ the waters of ~~the Carolina Lakes Lake~~ Carolina within 50 yards of any marked boat launching ramp, boat service area, boat pier, boat dock, boat mooring area, boat storage structure, or ~~bridge, bridge; and~~
- (2) ~~The marked~~ the canal ~~joining between Lake~~ between Lake Carolina and Ski Lake from its west end at Lake Carolina at a point at 35.28164 N, 79.03218 W to its east end where it enters ~~to~~ Ski Lake. Lake at a point at 35.28038 N, 79.02662 W.

(b) Restricted Zones. Except for authorized personnel of State, County, and Municipal governments and emergency response personnel, no person shall operate a vessel in any restricted zone marked to prevent entry by boats, including designated swimming areas and danger zones near dams and spillways.

(c) Speed Limit. No person shall operate a vessel at greater than no-wake speed within any of the regulated areas delineated in Paragraph (a) of this Rule.

(d) Placement ~~and Maintenance~~ of Markers. The Board of Commissioners of Harnett County is the designated ~~as the suitable~~ agency for placement and maintenance of markers implementing this Rule. ~~Provided the Board exercises its supervision responsibility, they may delegate the actual placement and maintenance to some other responsible agency, corporation, group, or individual. With regard to marking the regulated areas and restricted zones described in Paragraphs (a) and (b) of this Rule, the supplementary standards set forth in Rule .0301(e) of this Section shall apply.~~

Authority G.S. 75A-3; 75A-15.

15A NCAC 10F .0369 TOWN OF SWANSBORO

(a) Regulated Area. This Rule applies to the waters of the White Oak River within approximately 50 yards of the shoreline of the Swansboro Town Limits in Onslow County and outside the United States Army Corps of Engineers Swansboro Channel setback, as marked by no-wake buoys, from beginning at the Highway 24 N.C. Highway 24 bridge southward toward Casper's Marina, approximately 50 yards from the east shoreline of the Swansboro Town limits and marked by buoys, and ending at a point 50 yards southwest of the Casper's Marina pier at 34.68495 N, 77.12195 W.

(b) Speed Limit. No person shall operate any ~~motorboat or~~ vessel at greater than no-wake speed within any of the regulated area described in Paragraph (a) of this Rule.

(c) Placement ~~and Maintenance~~ of Markers. The Town of Swansboro is the designated ~~a suitable~~ agency for placement ~~and maintenance~~ of the markers implementing this ~~Rule.~~ Rule, subject to the approval of the United States Coast Guard and United States Army Corps of Engineers.

Authority G.S. 71A-15; 72A-3.

15A NCAC 10F .0371 BELEWS LAKE IN STOKES COUNTY

- (a) Regulated Area. This Rule applies ~~only~~ to the areas described in Paragraphs (b) and (c) in Belews Lake in Stokes County.
- (b) No swimming or boating in exclusionary zone. No swimming or other entry of a person in or upon a boat, raft or other floating object shall be permitted in the exclusionary zone in the cove containing the power station's plant intake on the western side of Belews Lake Lake, approximately 1,000 feet northeast of Belews Creek Steam Station, as marked by warning buoys and signs.
- (c) No swimming or boating in evacuation area in event of alarm. In the event of a siren or audible alarm generated by the Belews Creek Steam Station, all persons swimming, boating or occupying a raft or other floating object on the lake shall evacuate the area on the western side of Belews Lake approximately 4,000 feet northeast of Belews Creek Station as marked by warning buoys and signs.
- (d) Paragraphs (b) and (c) of this Rule shall not apply to persons who, with consent of Duke Energy Corporation, access the area for the purpose of responding to emergency or maintaining or repairing facilities of Duke Energy Corporation.
- (e) Placement and Maintenance of Markers. The Duke Energy Corporation is the designated as a suitable entity for placement and maintenance of buoys, barriers and other signs ~~indicating the areas in which boating or swimming are prohibited by implementing this Rule.~~

Authority G.S. 75A-3; 75A-15.

15A NCAC 10F .0376 TOWN OF EMERALD ISLE

- (a) Regulated Area. This Rule applies to the following waters within the territorial jurisdiction of located in the Town of Emerald Isle, as described in Paragraph (e) of this Rule. Isle in Carteret County:
- (1) ~~the entire length of the Bogue Sound Drive Channel, which is .6 miles in length, Channel shore to shore, located adjacent and roughly parallel to the shoreline in the vicinity of Kelly Lane and Bogue Sound Drive; Drive, from a point where the channel meets Bogue Sound in the west at 34.67471 N, 76.98684 W to a point where it meets Bogue Sound in the east at 34.67588 N, 76.97760 W;~~
 - (2) ~~the waters of the Coast Guard Channel shore to shore from at a point extending from the north entrance of the channel where it intersects Bogue Sound behind near 419 Channel Drive Drive, south from a point in the water at 34.65348 N, 77.09560 W, to the west entrance end of the channel where it intersects Bogue Sound, near 116 Bogue Court; Court, east-northeast from a point in the water at 34.64820 N, 77.09731 W; and~~
 - (3) ~~the waters within approximately 100 yards of the shoreline of Bogue Sound adjacent to Archer Point Point, south of and including that a portion of the Emerald Isle channel, bounded on the west side by a line running north from 34.67569 N 34.67553 N, 77.01537 W 77.01535~~

W to the far northern side of the channel, and on the east side by a line running northeast from 34.67519 N, 77.01279 W to the far northern side of the channel.

- (b) Speed Limit. No person shall operate any ~~motorboat or~~ vessel at greater than no-wake speed within any of the regulated area described in Paragraph ~~(e)(a)~~ of this Rule.
- ~~(c) Affected Areas are:~~
- ~~(d)(c) Placement and Maintenance of Markers. The Town of Emerald Isle is the designated a suitable agency for placement and maintenance of the markers or signs implementing this Rule. Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.~~

Authority G.S. 75A-3; 75A-15.

TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 25 – INTERPRETER AND TRANSLITERATOR LICENSING BOARD

Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Interpreter and Transliterotor Licensing Board intends to readopt with substantive changes the rule cited as 21 NCAC 25 .0501.

Link to agency website pursuant to G.S. 150B-19.1(c):
<http://www.ncitlb.org/>

Proposed Effective Date: June 1, 2018

Public Hearing:

Date: February 23, 2018

Time: 10:00 a.m.

Location: Paragon Bank, 3535 Glenwood Avenue, Raleigh, NC 27612

Reason for Proposed Action: N.C. Gen. Stat. 90D-11 (License Renewal) requires "written proof of satisfactory completion of continuing education requirements adopted by the Board." Rule 21 NCAC 25 .0501 requires licensees to earn two Continuing Education Units ("CEUs") per licensure year and paragraph (b) thereof currently prohibits carrying over extra CEUs earned to the next licensure year. To allow licensees to take longer, more detailed CEU courses and seminars, which tend to be more expensive, the Board has proposed amending the Rule (paragraph (b) only) to allow carryover of CEUs to the next licensure year. The extra expense of longer, more detailed CEU courses can be better justified by the licensees if the Rule allows them to use the CEUs earned for two licensure years. The Board notes that the North Carolina State Bar allows attorneys to carry over continuing education hours to the next year, so there is precedence for this allowance.

Comments may be submitted to: Ms. Caitlin Schwab, Board Administrator, P.O. Box 20963, Raleigh, NC 27619; phone (919) 779-5709; phone (919) 779-5642, email NCITLB@caphill.com

Comment period ends: *March 2, 2018*

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

- ☐ State funds affected
- ☐ Environmental permitting of DOT affected
Analysis submitted to Board of Transportation
- ☐ Local funds affected
- ☐ Substantial economic impact (≥\$1,000,000)
- ☐ Approved by OSBM
- ☐ No fiscal note required by G.S. 150B-21.4
- ☒ No fiscal note required by G.S. 150B-21.3A(d)(2)

SECTION .0500 – CONTINUING EDUCATION

21 NCAC 25 .0501 CONTINUING EDUCATION REQUIREMENTS

(a) A licensee shall earn at least two continuing education units ("CEUs") each licensure year. At least 1.0 of those CEUs shall be earned in professional studies and at least 1.0 of those CEUs shall be earned in a setting in which three or more persons come together at the same location at the same time as a group to listen to a lecture, to view a demonstration, to participate in group discussions, or to learn through any combination of these or similar activities.

(b) ~~Surplus CEUs shall not be carried forward from the licensure year in which they were earned to any subsequent licensure year.~~ A licensee may carry over up to two surplus CEUs earned in one licensure year to the next licensure year to meet the requirements of Paragraph (a) of this Rule. To lessen the Board's administrative review time and costs, the licensee shall provide sufficient proof of the CEU credits sought to be carried over in the licensee's license renewal application packet submitted for the carry over year in order to receive credit therefore. Except as specifically provided hereby, surplus CEUs shall only be carried forward from the licensure year in which they were earned to the next subsequent licensure year, and not beyond.

(c) A licensee may not earn CEUs while interpreting, whether or not the licensee is compensated for his or her services.

(d) The Board shall waive the continuing education requirements in this Section for any individual who is currently licensed by and in good standing with the Board if the individual is serving in the

armed forces of the United States and if G.S. 105-249.2 grants the individual an extension of time to file a tax return. The waiver shall be in effect for any period that is disregarded under Section 7508 of the Internal Revenue Code in determining the taxpayer's liability for a federal tax.

Authority G.S. 90D-6; 90D-8; 90D-11; 93B-15.

CHAPTER 50 – STATE BOARD OF EXAMINERS OF PLUMBING, HEATING AND FIRE SPRINKLER CONTRACTORS

Notice is hereby given in accordance with G.S. 150B-21.2 that the State Board of Examiners of Plumbing, Heating, and Fire Sprinkler Contractors intends to amend the rules cited as 21 NCAC 50 .0306 and .0312.

Link to agency website pursuant to G.S. 150B-19.1(c):
<http://www.nclicensing.org/>

Proposed Effective Date: *April 1, 2018*

Public Hearing:

Date: *February 13, 2018*

Time: *8:30 a.m.*

Location: *State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors, 1109 Dresser Court, Raleigh, NC*

Reason for Proposed Action: *The revision to 21 NCAC 50 .0306 is to include the full time requirement for employment for hours of experience that was accidentally removed during a previous amendment of the rule. This language is necessary to ensure the level and type of experience is clear.*

The revision to 21 NCAC 50 .0312 is to include the exam waiver for a technician who also wants a state and local technician license. This was accidentally removed on a previous revision and the language is necessary so as not to restrict licensees to one type of license. Such an applicant could have passed the examination previously and there is no need for the examination to be given to the Applicant twice.

Comments may be submitted to: *Dale Dawson, 1109 Dresser Court, Raleigh, NC 27609; email DDawson@nclicensing.org*

Comment period ends: *February 13, 2018*

Procedure for Subjecting a Proposed Rule to Legislative Review:

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

Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

- ☐ State funds affected
- ☐ Environmental permitting of DOT affected
- ☐ Analysis submitted to Board of Transportation
- ☐ Local funds affected
- ☐ Substantial economic impact (≥\$1,000,000)
- ☐ Approved by OSBM
- ☒ No fiscal note required by G.S. 150B-21.4
- ☐ No fiscal note required by G.S. 150B-21.3A(d)(2)

SECTION .0300 - EXAMINATIONS

21 NCAC 50 .0306 APPLICATIONS: ISSUANCE OF LICENSE

(a) All applicants for licensure or examination shall file an application in the Board office on a form available on the Board website or by contacting the Board office.

(b) Applicants for a plumbing or heating examination shall present evidence at the time of application to establish two years of full-time experience in the installation, maintenance, service or repair of plumbing or heating systems related to the category for which a license is sought, whether or not a license was required for the work performed. Applicants for a fuel piping examination shall present evidence at the time of application to establish one year of experience in the installation, maintenance, service or repair of fuel piping, whether or not a license was required for the work performed. Up to one-half of the experience may be in academic or technical training related to the field of endeavor for which examination is requested. The Board shall prorate part-time work of less than 40 hours per week or part-time academic work of less than 15 semester or quarter hours.

(c) The Board shall issue a license certificate bearing the license number assigned to the qualifying individual.

(d) Fire Sprinkler Installation Contractors shall meet experience requirements in accordance with NICET examination criteria.

(e) Applicants for examination or licensure in the Fire Sprinkler Inspection Technician classification shall submit evidence adequate to establish that the applicant has either:

- (1) 4000 hours of experience involved in inspection and testing of previously installed fire sprinkler systems, consistent with NFPA-25, Standard for the Inspection Testing as Maintenance of Water-Based Fire Protection Systems of the National Fire Protection Association, adopted by the North Carolina Building Code, which is hereby incorporated by reference including all subsequent editions and amendments to the document as a full-time employee of a Fire Sprinkler Inspection Contractor or fire insurance underwriting organization;
- (2) 4000 hours of experience as a full-time employee of a hospital, manufacturing government or university facility under direct supervision of Fire Sprinkler Inspection Contractor or a Fire Sprinkler Inspection Technician involved in inspection and testing of

previously installed fire sprinkler systems, consistent with NFPA 25: Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems, which is hereby incorporated by reference including all subsequent editions and amendments. The document can be accessed free of charge at <http://www.nfpa.org/codes-and-standards/>;

(3) 4000 hours of experience involved in installation of fire sprinkler systems as a full-time employee of a Fire Sprinkler Installation Contractor; or

(4) a combination of 4000 hours of experience in any of the categories listed in this Paragraph.

(f) Applicants for licensure in the Fire Sprinkler Inspection Contractor classification shall meet experience requirements in accordance with NICET certification criteria.

(g) Applicants for initial licensure in the Limited Fire Sprinkler Maintenance Technician classification must submit evidence of 2000 hours experience at the place for which license is sought as a full-time maintenance employee in facility maintenance with exposure to periodic maintenance of fire protection systems as described in Rule .0515 of this Chapter. Applicants who have held Limited Fire Sprinkler Maintenance Technician license previously are not required to demonstrate experience in addition to the experience at the time of initial licensure, but shall submit a new application if relocating to a new location.

(h) Applicants for licensure in the Residential Fire Sprinkler Installation Contractor classification must hold an active Plumbing Class I or Class II Contractor license issued by this Board for a minimum of two years and must document attendance at a 16 hour course approved by the Board pursuant to the Rules in this Chapter covering NFPA 13D: Standard for the Installation of Sprinkler Systems in One-and Two-Family Dwellings and Manufactured Homes, which is hereby incorporated by reference including all subsequent editions and amendments. The document can be accessed free of charge at <http://www.nfpa.org/codes-and-standards/>. Residential Fire Sprinkler Installation Contractors must maintain a Plumbing Contractor license as a condition of renewal of the Residential Fire sprinkler Installation Contractor license.

(i) Applicants for a license as a plumbing or heating technician shall present evidence adequate to establish 3000 hours of full-time experience in the installation, maintenance, service or repair of plumbing or heating systems related to the category for which a technician license is sought, whether or not a license was required for the work performed. Applicants for a license as a fuel piping technician shall present evidence adequate to establish 1500 hours of experience in the installation, maintenance, service or repair of fuel piping, whether or not a license was required for the work performed. Up to one-half of the experience may be in academic or technical training related to the field of endeavor for which the examination is requested.

(j) Applicants for a Restricted Limited Plumbing Contractor license shall present evidence at the time of application to establish 1500 hours of full-time experience in the installation, maintenance, service or repair of plumbing systems, whether or not a license was required for the work performed. Up to one-half of the experience may be in academic or technical training related

to the field of endeavor for which examination is requested. The Board shall prorate part-time work of fewer than 40 hours per week or part-time academic work of less than 15 semester or quarter hours.

(k) In lieu of the requirements of Paragraph (j) of this Rule, applicants for a Restricted Limited Plumbing Contractor License who present a current active License from the North Carolina Irrigation Contractor Licensing Board may take the examination, provided the applicant demonstrates that he or she holds certification as a Backflow Inspector from one of the municipalities in North Carolina, or demonstrates 500 hours of experience in the maintenance, service or repair of components of plumbing systems.

Authority G.S. 87-18; 87-21(b).

**21 NCAC 50 .0312 STATE AND LOCAL
GOVERNMENT PLUMBING OR HEATING
TECHNICIAN**

(a) In order to determine the qualifications of an applicant for a license as a State or local government plumbing or heating technician, the Board shall provide a written or computer-based examination in the following categories:

- (1) State and local government Plumbing Technician;
- (2) State and local government Heating Group No. 1 Technician;
- (3) State and local government Heating Group No. 2 Technician; or

- (4) State and local government Heating Group No. 3 Technician

(b) Applicants for a license as a State & Local Government Plumbing or Heating Technician shall obtain a license based on experience set forth in Paragraph (c) of this Rule and shall pass the Class I technical and Board laws and rules part of the Board-administered examination described in Rule .0301 of this Section related to the category for which a technician license is sought. The applicant need not pass the business part of the examination.

(c) Applicants for a license as a State & Local Government plumbing or heating technician shall present evidence to establish 3000 hours of full-time experience in the installation, maintenance, service, or repair of plumbing or heating systems related to the category for which a technician license is sought, whether or not a license was required for the work performed.

(d) Applicants for a license as a State & Local Government Technician who currently hold an active plumbing or heating contractor license issued by this Board may qualify for the corresponding State and local government technician license without examination.

(e) Applicants for a license as a State & local Government Technician who currently hold an active plumbing or heating technician license obtained by examination and issued by the Board may qualify for the corresponding State & Local Government technician license without examination.

Authority G.S. 87-18; 87-21(a); 87-21(b).

*This Section includes a listing of rules approved by the Rules Review Commission followed by the full text of those rules. The rules that have been approved by the RRC in a form different from that originally noticed in the Register or when no notice was required to be published in the Register are identified by an * in the listing of approved rules. Statutory Reference: G.S. 150B-21.17.*

Rules approved by the Rules Review Commission at its meeting on October 19, 2017 Meeting.

**REGISTER CITATION TO THE
NOTICE OF TEXT**

AGRICULTURE, BOARD OF

<u>Restriction on Dispensing Raw Milk</u>	02 NCAC 09G .2010*	31:23 NCR
<u>Nematode Advisory Service</u>	02 NCAC 37 .0203*	31:23 NCR
<u>Eligible Expenses</u>	02 NCAC 52J .0901*	31:23 NCR
<u>Application Guidelines</u>	02 NCAC 52J .0902*	31:23 NCR

SOIL AND WATER CONSERVATION COMMISSION

<u>Approvals to Exercise the Power of Eminent Domain</u>	02 NCAC 59C .0303*	31:05 NCR
<u>Purpose</u>	02 NCAC 59E .0101	31:23 NCR
<u>Definitions</u>	02 NCAC 59E .0102*	31:23 NCR
<u>Requirements for Certification of Waste Management Plans</u>	02 NCAC 59E .0103*	31:23 NCR
<u>Approved Best Management Practices (BMPS)</u>	02 NCAC 59E .0104*	31:23 NCR
<u>Technical Specialist Designation</u>	02 NCAC 59E .0105	31:23 NCR
<u>Noncompliance with CREP Agreement</u>	02 NCAC 59F .0106*	31:23 NCR
<u>Purpose</u>	02 NCAC 59G .0101*	31:23 NCR
<u>Definitions</u>	02 NCAC 59G .0102*	31:23 NCR
<u>Approval of Best Management Practices (BMPS)</u>	02 NCAC 59G .0103*	31:23 NCR
<u>Approval of Water Quality Technical Specialists</u>	02 NCAC 59G .0104*	31:23 NCR
<u>Application of BMP Approval and Technical Specialist Desi...</u>	02 NCAC 59G .0105*	31:23 NCR

BANKS, OFFICE OF THE COMMISSIONER OF

<u>Savings Institutions Division</u>	04 NCAC 16A .0101	31:23 NCR
<u>Supervisory Fee</u>	04 NCAC 16A .0104	31:23 NCR
<u>Restrictions: Payment of Dividends and Repurchase of Stock</u>	04 NCAC 16A .0105*	31:23 NCR
<u>Petition for Adoption, Amendment or Repeal of Rules</u>	04 NCAC 16A .0201	31:23 NCR
<u>Notice of Rule-Making Hearings</u>	04 NCAC 16A .0202	31:23 NCR
<u>Rule-Making Hearings: General Information</u>	04 NCAC 16A .0203	31:23 NCR
<u>Petition for Declaratory Ruling</u>	04 NCAC 16A .0301	31:23 NCR
<u>Response of Commissioner of Banks to Petition</u>	04 NCAC 16A .0302	31:23 NCR
<u>Right to Hearing</u>	04 NCAC 16A .0401	31:23 NCR
<u>Informal Settlement</u>	04 NCAC 16A .0402	31:23 NCR
<u>Request for Hearing</u>	04 NCAC 16A .0403	31:23 NCR
<u>Notice of Hearing</u>	04 NCAC 16A .0404	31:23 NCR
<u>Intervention in an Administrative Hearing</u>	04 NCAC 16A .0405	31:23 NCR
<u>Depositions</u>	04 NCAC 16A .0406	31:23 NCR
<u>Subpoenas</u>	04 NCAC 16A .0407	31:23 NCR
<u>Service of Subpoenas</u>	04 NCAC 16A .0408	31:23 NCR
<u>Objection to Subpoena</u>	04 NCAC 16A .0409	31:23 NCR
<u>Forms</u>	04 NCAC 16C .0101	31:23 NCR

<u>Charter Application Restrictions</u>	04 NCAC 16C .0102	31:23 NCR
<u>Corporate Name</u>	04 NCAC 16C .0103	31:23 NCR
<u>Interim Savings Institutions</u>	04 NCAC 16C .0104	31:23 NCR
<u>Conversion to Savings Bank</u>	04 NCAC 16C .0105	31:23 NCR
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<u>Branch Office Application Restrictions</u>	04 NCAC 16C .0202	31:23 NCR
<u>Forfeiture of Branch Office Final Approval</u>	04 NCAC 16C .0203	31:23 NCR
<u>Temporary Closing of Office</u>	04 NCAC 16C .0304*	31:23 NCR
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<u>Definitions</u>	04 NCAC 16C .0401	31:23 NCR
<u>Application: Guidelines for Approval by Administrator</u>	04 NCAC 16C .0402	31:23 NCR
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<u>Unmanned Remote Service Unit Access Techniques</u>	04 NCAC 16C .0404	31:23 NCR
<u>Privacy of Account Data</u>	04 NCAC 16C .0405	31:23 NCR
<u>Form</u>	04 NCAC 16C .0501	31:23 NCR
<u>Acquisition Restrictions</u>	04 NCAC 16C .0502	31:23 NCR
<u>Fees</u>	04 NCAC 16C .0503	31:23 NCR
<u>Composition of Board of Directors</u>	04 NCAC 16D .0101	31:23 NCR
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<u>Loans to One Borrower</u>	04 NCAC 16D .0407	31:23 NCR
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<u>Holding of Certificate or Passbook</u>	04 NCAC 16D .0502	31:23 NCR
<u>Negotiable Order or Withdrawal Accounts</u>	04 NCAC 16D .0504	31:23 NCR
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<u>Stock in Other Depository Institutions</u>	04 NCAC 16D .0902	31:23 NCR
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<u>Required Policies</u>	04 NCAC 16E .0303	31:23 NCR
<u>Servicing Loans</u>	04 NCAC 16E .0401	31:23 NCR
<u>Appraisals</u>	04 NCAC 16E .0402	31:23 NCR
<u>Records with Respect to Loan</u>	04 NCAC 16E .0403*	31:23 NCR

<u>Unsecured Loan Limit</u>	04 NCAC 16E .0404	31:23 NCR
<u>Loans to One Borrower</u>	04 NCAC 16E .0405	31:23 NCR
<u>Signature Cards</u>	04 NCAC 16E .0501	31:23 NCR
<u>Holding of Certificate or Passbook</u>	04 NCAC 16E .0502	31:23 NCR
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<u>Establishment of Finance of Subsidiaries</u>	04 NCAC 16F .0106	31:23 NCR
<u>Board Action Required</u>	04 NCAC 16F .0107	31:23 NCR
<u>Finance Subsidiary Transactions with Parent</u>	04 NCAC 16F .0108	31:23 NCR
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<u>Required Provisions in Plan of Conversion</u>	04 NCAC 16G .0311*	31:23 NCR
<u>Optional Provisions in Plan of Conversion</u>	04 NCAC 16G .0312*	31:23 NCR
<u>Record Dates for Qualifying Deposits</u>	04 NCAC 16G .0313	31:23 NCR
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<u>Merger of Converted Savings Banks</u>	04 NCAC 16G .0316	31:23 NCR
<u>Information Prior to Approval of Plan of Conversion</u>	04 NCAC 16G .0404	31:23 NCR
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<u>Requirements as to Proxy</u>	04 NCAC 16G .0512*	31:23 NCR
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<u>Elective Notice to Non-Voting Account Holders</u>	04 NCAC 16G .0608	31:23 NCR
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<u>Prohibited Representations</u>	04 NCAC 16G .0715*	31:23 NCR
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<u>Pricing Materials</u>	04 NCAC 16G .0717*	31:23 NCR
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<u>Definitions</u>	04 NCAC 16G .0908	31:23 NCR
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<u>Exceptions</u>	04 NCAC 16G .0911	31:23 NCR
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<u>Adoption of Plan</u>	04 NCAC 16H .0104*	31:23 NCR
<u>Approved by Commissioner of Banks</u>	04 NCAC 16H .0105*	31:23 NCR
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<u>Standards for Approval of Acquisition: Duties and Conduct</u>	04 NCAC 16I .0703*	31:23 NCR
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<u>Application Fees: Filings</u>	04 NCAC 16I .0802*	31:23 NCR
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<u>Required Application</u>	04 NCAC 16I .0901*	31:23 NCR
<u>Acquisition Procedure</u>	04 NCAC 16I .0902*	31:23 NCR
<u>Required Application</u>	04 NCAC 16I .1001	31:23 NCR
<u>Foreign Applicants</u>	04 NCAC 16I .1002*	31:23 NCR
<u>Acquisition Procedure</u>	04 NCAC 16I .1003*	31:23 NCR
<u>Registration</u>	04 NCAC 16I .1101	31:23 NCR
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<u>Filings and Approval: Amendments to Articles and Bylaws</u>	04 NCAC 16I .1104*	31:23 NCR
<u>Reports</u>	04 NCAC 16I .1105*	31:23 NCR

<u>Books and Records</u>	04 NCAC 16I .1106	31:23 NCR
<u>Required Acquisition Application</u>	04 NCAC 16I .1201	31:23 NCR
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<u>Merger of a Federal Institution into a State Institution</u>	04 NCAC 16J .0102	31:23 NCR
<u>Waiver</u>	04 NCAC 16J .0103	31:23 NCR
<u>Definitions</u>	04 NCAC 16K .0101*	31:23 NCR
<u>Applications</u>	04 NCAC 16K .0102*	31:23 NCR
<u>Consolidation or Merger of Two or More Savings Institutions</u>	04 NCAC 16K .0103*	31:23 NCR
<u>Administration of Trust Powers</u>	04 NCAC 16K .0104*	31:23 NCR
<u>Books and Accounts</u>	04 NCAC 16K .0105*	31:23 NCR
<u>Audit and Trust Department</u>	04 NCAC 16K .0106	31:23 NCR
<u>Funds Awaiting Investment or Distribution</u>	04 NCAC 16K .0107*	31:23 NCR
<u>Investment of Funds Held as Fiduciary</u>	04 NCAC 16K .0108*	31:23 NCR
<u>Self-Dealing</u>	04 NCAC 16K .0109*	31:23 NCR
<u>Custody of Investments</u>	04 NCAC 16K .0110*	31:23 NCR
<u>Compensation of Savings Institutions</u>	04 NCAC 16K .0111	31:23 NCR
<u>Collective Investment</u>	04 NCAC 16K .0112*	31:23 NCR
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<u>Eff. of Appt.: Conservator/Receiver: Voluntary Dissolution</u>	04 NCAC 16K .0114	31:23 NCR
<u>Revocation of Trust Powers</u>	04 NCAC 16K .0115	31:23 NCR
<u>Applicability of General Laws Regarding Trust Operations</u>	04 NCAC 16K .0116	31:23 NCR
<u>Reports and Fees</u>	04 NCAC 16K .0117*	31:23 NCR
<u>Plan of Liquidation</u>	04 NCAC 16L .0101	31:23 NCR
<u>Disposition of Assets</u>	04 NCAC 16L .0102*	31:23 NCR
<u>Rescission and Cancellation of Dissolution</u>	04 NCAC 16L .0103*	31:23 NCR
<u>Waiver</u>	04 NCAC 16L .0104	31:23 NCR

SOCIAL SERVICES COMMISSION

<u>General Provisions</u>	10A NCAC 97B .0401*	31:20 NCR
<u>Citizen Participation in the Application Process</u>	10A NCAC 97B .0402*	31:20 NCR
<u>Citizen Participation in the Program Amendment Process</u>	10A NCAC 97B .0403*	31:20 NCR
<u>Definitions</u>	10A NCAC 97C .0104*	31:20 NCR
<u>Eligible Grant Recipients</u>	10A NCAC 97C .0106*	31:20 NCR
<u>Allocation of CSBG Funds</u>	10A NCAC 97C .0108*	31:20 NCR
<u>Requirements/Governing Bodies of Private Grant Recipients</u>	10A NCAC 97C .0109*	31:20 NCR
<u>Citizen Participation</u>	10A NCAC 97C .0111*	31:20 NCR

INSURANCE, COMMISSIONER OF

<u>Licensee Requirements</u>	11 NCAC 06A .0802*	31:24 NCR
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SHERIFFS EDUCATION AND TRAINING STANDARDS COMMISSION

<u>Minimum Standards for Justice Officers</u>	12 NCAC 10B .0301*	32:02 NCR
<u>Medical Examination</u>	12 NCAC 10B .0304*	32:02 NCR
<u>Admission of Trainees</u>	12 NCAC 10B .0713*	32:02 NCR

<u>Minimum Training Requirements</u>	12 NCAC 10B .2005	32:02 NCR
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PRIVATE PROTECTIVE SERVICES BOARD

<u>Location</u>	14B NCAC 16 .0102	31:23 NCR
<u>Application for Licenses and Trainee Permits</u>	14B NCAC 16 .0201*	31:23 NCR
<u>Renewal or Re-issue of Licenses and Trainee Permit</u>	14B NCAC 16 .0203*	31:23 NCR
<u>Application for Unarmed Security Guard Registration</u>	14B NCAC 16 .0701*	31:23 NCR
<u>Renewal or Reissue of Unarmed Security Guard Registration</u>	14B NCAC 16 .0706*	31:23 NCR
<u>Application/Armed Security Guard Firearm Registration Permit</u>	14B NCAC 16 .0801*	31:23 NCR
<u>Renewal of Armed Security Guard Firearm Registration Permit</u>	14B NCAC 16 .0806*	31:23 NCR
<u>Application for Firearms Trainer Certificate</u>	14B NCAC 16 .0902*	31:23 NCR
<u>Renewal of a Firearms Trainer Certificate</u>	14B NCAC 16 .0904*	31:23 NCR
<u>Application for Unarmed Armored Car Service Guard Registr...</u>	14B NCAC 16 .1301*	31:23 NCR
<u>Renewal or Reissue of Unarmed Car Service Guard Registration</u>	14B NCAC 16 .1306*	31:23 NCR
<u>Application/Armed Armored Car Service Guard Firearm Regis...</u>	14B NCAC 16 .1401*	31:23 NCR
<u>Renewal of Armed Armored Car Service Guard Firearm Regist...</u>	14B NCAC 16 .1406*	31:23 NCR

WILDLIFE RESOURCES COMMISSION

<u>Beaufort County</u>	15A NCAC 10F .0303*	31:18 NCR
<u>Burke County</u>	15A NCAC 10F .0323*	31:18 NCR
<u>McDowell County</u>	15A NCAC 10F .0339*	31:18 NCR

REVENUE, DEPARTMENT OF

<u>Receipt or Invoice Requirements to Obtain Credit for Reta...</u>	17 NCAC 12A .0201*	G.S. 150B-1(d)(4)
<u>Withdrawals from Bulk Storage</u>	17 NCAC 12A .0202*	G.S. 150B-1(d)(4)
<u>Motor Carrier Bond Requirements</u>	17 NCAC 12A .0303*	G.S. 150B-1(d)(4)
<u>Dealer: Manufacturer: Driveway: Transporter</u>	17 NCAC 12A .0503*	G.S. 150B-1(d)(4)
<u>Motor Fuel Bond Requirements</u>	17 NCAC 12B .0106*	G.S. 150B-1(d)(4)
<u>Irrevocable Letter of Credit</u>	17 NCAC 12B .0107*	G.S. 150B-1(d)(4)
<u>Claim for Refund for Sales to Exempt Entities</u>	17 NCAC 12B .0402*	G.S. 150B-1(d)(4)
<u>Off-Highway Claim for Refund</u>	17 NCAC 12B .0403*	G.S. 150B-1(d)(4)
<u>Record Requirements for Off-Highway Refund Claims</u>	17 NCAC 12B .0404*	G.S. 150B-1(d)(4)
<u>Removal of License Plate</u>	17 NCAC 12B .0410*	G.S. 150B-1(d)(4)
<u>Proportional Refunds</u>	17 NCAC 12B .0412*	G.S. 150B-1(d)(4)
<u>Nonprofit Organization Claim for Refunds</u>	17 NCAC 12B .0413*	G.S. 150B-1(d)(4)
<u>Eligibility for Refunds</u>	17 NCAC 12B .0414*	G.S. 150B-1(d)(4)
<u>Record-Keeping Requirements of Bulk End-Users, Retailers,...</u>	17 NCAC 12B .0502*	G.S. 150B-1(d)(4)
<u>Fuel from Cargo Supply Tank</u>	17 NCAC 12C .0301*	G.S. 150B-1(d)(4)
<u>Odometer Readings</u>	17 NCAC 12C .0302*	G.S. 150B-1(d)(4)
<u>Alternative Fuels for Nonhighway Use Only</u>	17 NCAC 12C .0304*	G.S. 150B-1(d)(4)
<u>Amount of Bond Required</u>	17 NCAC 12D .0102*	G.S. 150B-1(d)(4)
<u>Acceptance of Bonds and Letters of Credit</u>	17 NCAC 12D .0103*	G.S. 150B-1(d)(4)

LOCAL GOVERNMENT COMMISSION

<u>Exemption from Preaudit Certificate Requirement for Elect...</u>	20 NCAC 03 .0409*	31:24 NCR
<u>Exemption from Disbursement Certificate Requirement for E...</u>	20 NCAC 03 .0410*	31:24 NCR

CAPITAL FACILITIES FINANCE AGENCY

APPROVED RULES

<u>Organization And Functions</u>	20 NCAC 09 .0101*	G.S. 150B-21.5(a)(2) and (a)(4)
<u>Definitions</u>	20 NCAC 09 .0102*	G.S. 150B-21.5(a)(2)

ARCHITECTURE, BOARD OF

<u>Fees</u>	21 NCAC 02 .0108*	31:23 NCR
<u>Requirement for and Use of Professional Seal</u>	21 NCAC 02 .0206*	31:23 NCR
<u>Unprofessional Conduct</u>	21 NCAC 02 .0209*	31:23 NCR
<u>Individual Licenses</u>	21 NCAC 02 .0213*	31:23 NCR
<u>Application for Registration by Exam</u>	21 NCAC 02 .0301	31:23 NCR
<u>Examination</u>	21 NCAC 02 .0302*	31:23 NCR

DENTAL EXAMINERS, BOARD OF

<u>Direction and Supervision</u>	21 NCAC 16Y .0104	31:22 NCR
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The following Rules are subject to the next Legislative Session. (see G.S. 150B-21.3(b1))

INDUSTRIAL COMMISSION

<u>Fees for Institutional Services</u>	04 NCAC 10J .0103	31:24 NCR
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**TITLE 02 - DEPARTMENT OF AGRICULTURE AND
CONSUMER SERVICES**

- (2) Nonresident nematode assay - \$10.00.
- (3) Research nematode assay - \$10.00.
- (4) Pinewood nematode assay - \$10.00.
- (5) Nematode species identification by molecular diagnosis - \$10.00.

**02 NCAC 09G .2010 RESTRICTIONS ON
DISPENSING RAW MILK**

- (a) Dairy farms shall dispense raw milk or raw milk products only to a permitted milk hauler or to a processing facility at which the processing of milk is permitted, graded, or regulated by a local, State, or federal agency.
- (b) The farmer or the owner of the raw milk or raw milk products may destroy the milk or dispense it for animal feed in accordance with any applicable state and federal regulations.

*History Note: Authority G.S. 106-266.31; 106-266.35;
Temporary Adoption Eff. April 2, 2001;
Temporary Adoption Expired January 11, 2002;
Temporary Adoption Eff. June 1, 2003;
Eff. February 1, 2004;
Transferred from 15A NCAC 18A .1210 Eff. May 1, 2012;
Readopted Eff. November 1, 2017.*

*History Note: Authority G.S. 106-22(17);
Eff. July 17, 1981;
Temporary Amendment Eff. July 7, 1989 for a Period of 180 Days
to Expire on January 2, 1990;
Amended Eff. June 1, 1990; January 2, 1990;
Agency did not readopt rule pursuant to G.S. 150B-21.3A by RRC
established deadline of March 31, 2017;
Readopted Eff. Pending Consultation pursuant to G.S. 12-3.1.*

02 NCAC 52J .0901 ELIGIBLE EXPENSES

Eligible expenses include:

- (1) Veterinary costs – Reimbursement may be requested for veterinary expenditures incurred for the assessment, diagnostic and triage evaluation, medical treatment, minor surgical treatment, medications, first aid and minor medical supplies, vaccinations, parasite control/treatment, or euthanasia of animals housed at the shelter at the time of the event or impounded during the interim or transition period.
- (2) Sanitation costs – Reimbursement may be requested for expenditures related to sanitation of the affected shelter, including detergent/disinfectant supplies, cleaning

**02 NCAC 37 .0203 NEMATODE ADVISORY
SERVICE**

- (a) Individuals desiring nematode analysis may obtain sample containers and instructions from the Agronomic Services Division, county extension office, farm supply dealers, Agronomic Division Regional Agronomists, or other local agricultural advisors. If plant-destructive nematodes are found, the best method of control will be recommended.
- (b) Fees for those services, to be paid at the time of submission, are as follows:

- (1) Routine nematode assay - \$3.00.

- supplies, labor costs for the sanitation of the shelter, and waste and carcass disposal costs.
- (3) Animal sustenance and supplies – Reimbursement may be requested for expenditures for animal food, provision of water to the shelter, and food and water bowls or buckets, as well as labor costs for the feeding and watering of the shelter animals.
 - (4) Temporary housing and sheltering of animals – Reimbursement may be requested for expenditures for animal cages and kennels, animal transport carriers, fencing panels for runs, tarps, fencing, dog or cat houses and other construction supplies, as well as labor costs or equipment or facility leasing expenses incurred during the construction or repair of temporary animal housing.

*History Note: Authority G.S. 19A-67; 19A-68;
Temporary Adoption Eff. November 29, 2016;
Temporary Adoption Expired Eff. September 11, 2017;
Eff. November 1, 2017.*

02 NCAC 52J .0902 APPLICATION GUIDELINES

- (a) A local government applying for reimbursement from the Fund shall submit the request for reimbursement to the Animal Welfare Section (AWS) of the North Carolina Department of Agriculture and Consumer Services.
- (b) The request shall:
 - (1) be received by AWS by mail, email, or fax within 60 days of the date the eligible expense was incurred;
 - (2) include a completed "Animal Shelter Support Fund Reimbursement Application" with the county name, tier of county, facility name, facility license number, and contact information. This application can be found on the AWS website (<http://www.ncagr.gov/vet/AWS/>);
 - (3) include an itemized listing of eligible expenses for which reimbursement is sought;
 - (4) include proof that matching funds have been provided; and
 - (5) include proof of payment of the eligible expense. If the payment of expense occurs after the application was submitted, proof of payment shall be submitted to AWS within 30 days of payment of the expense.

*History Note: Authority G.S. 19A-67; 19A-68;
Temporary Adoption Eff. November 29, 2016;
Temporary Adoption Expired Eff. September 11, 2017;
Eff. November 1, 2017.*

02 NCAC 59C .0303 APPROVALS TO EXERCISE THE POWER OF EMINENT DOMAIN

A county and a watershed district may apply to the commission for approvals to exercise the power of eminent domain. Before the commission will approve an applicant's request to condemn land for a proper purpose, that applicant shall provide the commission the following information at least 30 days prior to a commission hearing:

- (1) a written statement with copies to the division and to the landowners involved, stating the applicant's purpose;
- (2) a resolution adopted by the local Soil and Water Conservation District supporting the acquisition and identifying each parcel by landowner and by specific watershed development site;
- (3) a written statement describing efforts made to secure a property interest in each parcel and a copy of the appraisal;
- (4) a map of the land needed from each specific landowner that shows:
 - (a) the location of the needed land in relation to the specific project site;
 - (b) the location of the needed land in relation to the landowner's total tract;
 - (c) the location of that portion of the land devoted to:
 - (i) the permanent pool;
 - (ii) the flood pool;
 - (iii) other purposes of water storage; if applicable,
 - (iv) the borrow area;
 - (v) the construction work area; and
 - (vi) recreational facilities.

*History Note: Authority G.S. 106-840; 139-4(d);
Eff. September 1, 1982;
Transferred from 15A NCAC 06C .0303 Eff. May 1, 2012;
Readopted Eff. November 1, 2017.*

02 NCAC 59E .0101 PURPOSE

This Subchapter describes rules to implement the provisions of 15A NCAC 02T .1300 - Waste Not Discharged To Surface Waters: Animal Waste Management Systems, hereinafter called the Nondischarge Rule for Animal Waste Management Systems. The Soil and Water Conservation Commission sets forth these Rules for certification of animal waste management systems in accordance with 15A NCAC 02T .1300.

*History Note: Authority G.S. 106-840; 139-2; 139-4;
Temporary Adoption Eff. December 9, 1993 for a Period of 180 Days or Until the Permanent Rule Becomes Effective, Whichever is Sooner;
Eff. March 1, 1994;
Transferred from 15A NCAC 06F .0101 Eff. May 1, 2012;
Readopted Eff. November 1, 2017.*

02 NCAC 59E .0102 DEFINITIONS

The terms used in this Subchapter shall be as defined in G.S. 139-3; G.S. 106-840; G.S. 106-850; G.S. 143-15.10B; 15A NCAC 02T .0103; 02 NCAC 59D .0102; and as follows:

- (1) "Certification" means a statement from a technical specialist that an animal waste management plan complies with 15A NCAC 02T .1300 and G.S. 143-215.10C and that a technical specialist has approved the plan as required by G.S. 143-215.10C(d).
- (2) "Certified Crop Advisor" means an individual who has obtained and maintained the Certified Crop Advisor Credential from the American Society of Agronomy.
- (3) "DWR" means the Division of Water Resources of the Department of Environmental Quality.
- (4) "Interagency Nutrient Management Committee" means a committee represented by the Agronomics Division of the NC Department of Agriculture and Consumer Services, the Division of Water Resources of the NC Department of Environmental Quality, the North Carolina Cooperative Extension Service – Department of Soil and Crop Sciences, and the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture to provide uniform nutrient management recommendations based on scientific data and research.
- (5) "Technical Specialist" means an individual designated by the Commission to certify that the planning, design, and implementation of BMPs, including all or part of an animal waste management plan, meet the standards and specifications of the Commission or NRCS.

History Note: Authority G.S. 106-840; 106-850; 139-4; Temporary Adoption Eff. December 9, 1993 for a Period of 180 Days or Until the Permanent Rule Becomes Effective, Whichever is Sooner; Eff. March 1, 1994; Transferred from 15A NCAC 06F .0102 Eff. May 1, 2012; Readoption Eff. November 1, 2017.

02 NCAC 59E .0103 REQUIREMENTS FOR CERTIFICATION OF WASTE MANAGEMENT PLANS

- (a) An animal waste management plan shall not be deemed approved as required by G.S. 143-215.10C(d) unless a technical specialist certifies that the system is designed and installed to properly collect, treat, store, or apply animal waste as required by G.S. 143-215.10C and 15A NCAC 02T .1300.
- (b) The certification shall be made by a technical specialist and shall confirm that the best management practices (BMPs) contained in the animal waste management plan meet applicable standards and specifications pursuant to Rule .0104 of this Subchapter. BMPs in an existing system shall not be required to meet current standards and specifications as established by the Commission as long as the system is certified to be nondischarging as required in G.S. 143-215.10C.

(c) More than one technical specialist may be consulted for the design of BMPs and installation of BMPs. A technical specialist shall certify only parts of the animal waste management plan within their approved designated category pursuant to 02 NCAC 59G .0104 and for which they are technically competent. The technical specialist shall provide a copy of the certification to the owner or operator of the animal waste management system.

(d) Any modification of an animal waste management plan shall be certified by a technical specialist.

(e) A change in the cropping pattern as a result of weather-caused delays after application of animal waste shall not require the owner to obtain a new certification, as long as the owner followed the application rates set forth in the certified waste management plan and no discharge occurs to surface waters.

(f) The certifying technical specialist and the District shall not be required to spot check or otherwise assure proper maintenance and operation of an animal waste management system installed to meet the certification requirements pursuant to G.S. 143-215.10C.

History Note: Authority G.S. 106-840; 106-850; 139-4; Temporary Adoption Eff. December 9, 1993 for a Period of 180 Days or Until the Permanent Rule Becomes Effective, Whichever is Sooner; Eff. March 1, 1994; Transferred from 15A NCAC 06F .0103 Eff. May 1, 2012; Readoption Eff. November 1, 2017.

02 NCAC 59E .0104 APPROVED BEST MANAGEMENT PRACTICES (BMPs)

(a) The Commission will approve a list of BMPs that are acceptable as part of an approved animal waste management plan. The list of BMPs will be approved annually (by August 1) and revised as needed during the year by the Commission.

(b) Pursuant to 15A NCAC 02T .1300, incorporated by reference with subsequent amendments and additions, a BMP or system of BMPs designed and installed for an animal waste management plan at the time of certification shall either:

- (1) meet the standards and specifications of the US Department of Agriculture Natural Resources Conservation Service (NRCS) Technical Guide, Section IV, Raleigh, North Carolina, incorporated by reference with subsequent amendments and additions, or standards and specifications otherwise determined by the Commission; or
- (2) meet the Swine Waste System Performance Standards pursuant to 15A NCAC 02T .1307 and follow the approval process described in 15A NCAC 02T .1308.

A copy of the NRCS Technical Guide can be found at no cost at https://efotg.sc.egov.usda.gov/efotg_locator.aspx?map=US.

(c) BMPs approved for use in the Agriculture Cost Share Program for Nonpoint Source Pollution Control shall be deemed approved for the purpose of this Rule.

(d) Land application BMPs that follow the nutrient management standard contained in the Section IV of the NRCS Technical Guide or as recommended by the Agronomic Division of the North Carolina Department of Agriculture and Consumer Services (predictive Soil Test Report and predictive Waste

Analysis Report) shall be deemed approved. In cases where NC agronomic rates are not established for a specific crop or vegetative type, application rates may be determined by the NC Interagency Nutrient Management Committee. With concurrence from a NCDA&CS Regional Agronomist, a voting member of the NC Agricultural Consultants Association (NCACA), or a Certified Crop Advisor (CCA), a technical specialist may use plant and tissue analysis to justify additional nitrogen and extend the application period.

(e) Exemptions from the minimum buffer requirements for animal waste storage and treatment facilities and animal concentration areas shall be approved if no other siting options are available and the BMP installed as an equivalent control is designed to prevent the discharge of pollutants except during a storm event more severe than a 25-year, 24-hour storm event.

History Note: Authority G.S. 106-840; 106-850; 139-4; Temporary Adoption Eff. December 9, 1993 for a Period of 180 Days or Until the Permanent Rule Becomes Effective, Whichever is Sooner; Eff. March 1, 1994; Transferred from 15A NCAC 06F .0104 Eff. May 1, 2012; Readopted Eff. November 1, 2017.

02 NCAC 59E .0105 TECHNICAL SPECIALIST DESIGNATION

History Note: Authority G.S. 106-840; 106-850; 139-4; Temporary Adoption Eff. December 9, 1993 for a Period of 180 Days or Until the Permanent Rule Becomes Effective, Whichever is Sooner; Eff. March 1, 1994; Transferred from 15A NCAC 06F .0105 Eff. May 1, 2012; Repealed Eff. November 1, 2017.

02 NCAC 59F .0106 NONCOMPLIANCE WITH CREP AGREEMENT

(a) If noncompliance with any CREP agreement is determined, the landowner shall return the enrolled area to the condition that meets the guidelines of the CREP upon receiving written notification of noncompliance from the Division. The notice shall include:

- (1) a detailed description of the enrolled area;
- (2) a description of the area in noncompliance;
- (3) recommended measures to correct the noncompliance; and
- (4) a schedule for correcting the noncompliance.

The Division shall not reimburse any expense incurred to correct the noncompliance. If the noncompliance involves a cost-shared practice that is within the state cost share contract maintenance period, then the requirements in 02 NCAC 59D .0107 shall be followed.

(b) From the date of the notice of noncompliance, the landowner shall be given 30 days to reply in writing to the Division with a plan to correct the noncompliance. The Division shall work with the landowner to ensure that the plan meets the CREP objectives. After a plan is approved in writing by the Division, the landowner shall correct the noncompliance within 90 days after the date of approval. For vegetative practices, applicants shall re-establish

vegetation within one year after the date of approval. An extension may be granted by the Division if it is determined that compliance cannot be met due to circumstances beyond the landowner's control.

History Note: Authority G.S. 106-840; 106-850(a); 139-4; Temporary Adoption Eff. October 1, 2000; Eff. August 1, 2002; Transferred from 15A NCAC 06G .0106 Eff. May 1, 2012; Readopted Eff. November 1, 2017.

02 NCAC 59G .0101 PURPOSE

This Subchapter describes criteria and procedures for the Soil and Water Conservation Commission to approve water quality technical specialists and to approve Best Management Practices (BMPs) for use in water quality protection programs. These criteria and procedures are intended for use by the Commission if technical specialists or BMPs are needed in conjunction with actions by the Environmental Management Commission.

History Note: Authority G.S. 106-840; 139-4; Temporary Adoption Eff. October 22, 2001; Eff. April 1, 2003; Transferred from 15A NCAC 06H .0101 Eff. May 1, 2012; Readopted Eff. November 1, 2017.

02 NCAC 59G .0102 DEFINITIONS

When used in this Subchapter:

- (1) "Best Management Practice" (BMP) means a structural or nonstructural management practice used singularly or in combination to reduce nonpoint source inputs to receiving waters.
- (2) "Certified Animal Waste Management Plan" means the animal waste management plan certified by a technical specialist as required in 15A NCAC 02T .1300 Animal Waste Management Systems.
- (3) "Commission" means the Soil and Water Conservation Commission.
- (4) "EMC" means the Environmental Management Commission.
- (5) "Land application" means providing nutrients to a receiving crop by spraying, spreading, or injecting inorganic fertilizer or animal waste (including liquid, solid, or sludge) pursuant to a certified nutrient or animal waste management plan.
- (6) "NCCES" means the North Carolina Cooperative Extension Service.
- (7) "NRCS" means the Natural Resources Conservation Service of the United States Department of Agriculture.
- (8) "Nutrient management" means managing the amount, source, placement, form, and timing of nutrients to ensure adequate fertility for plant production and to minimize the potential for water quality impairment.

- (9) "Technical Specialist" means an individual designated by the Commission to certify that the planning, design and implementation of BMPs, including all or part of an animal waste management plan, meet the standards and specifications of the Commission or NRCS.
- (10) "Technical specialist designation category" means a category specified in 02 NCAC 59G .0104(a).
- (11) "Water management" means control of water levels in the soil profile, including the use of flashboard risers or other similar structures to meet crop water needs and reduce nutrient loss.

*History Note: Authority G.S. 106-840; 139-4;
Temporary Adoption Eff. October 22, 2001;
Eff. April 1, 2003;
Transferred from 15A NCAC 06H .0102 Eff. May 1, 2012;
Readopted Eff. November 1, 2017.*

02 NCAC 59G .0103 APPROVAL OF BEST MANAGEMENT PRACTICES (BMPs)

- (a) The Commission may approve individual BMPs or systems of BMPs in conjunction with water quality protection programs for agriculture and other nonpoint sources.
- (b) Approved BMPs shall meet the technical standards of the USDA Natural Resources Conservation Service Field Office Technical Guide, Section IV, Raleigh, North Carolina, incorporated by reference with subsequent amendments and additions, except as specified in Paragraph (c) of this Rule. A copy of the NRCS Technical Guide can be found at no cost at https://efotg.sc.egov.usda.gov/efotg_locator.aspx?map=US.
- (c) The Commission shall approve alternative BMPs Practices, Technical or Performance Specifications, and Operation and Maintenance requirements if any of the following criteria are met:
 - (1) If no existing USDA technical standard exists for water quality protection benefits equivalent to the benefits achieved by an approved BMP as established in Paragraph (a) of this Rule;
 - (2) If an existing USDA technical standard includes design or installation requirements for purposes other than those necessary for water quality protection; or
 - (3) If there is a need for additional operator flexibility to reduce the initial cost of installing or implementing the BMP while providing water quality protection benefits equivalent to the benefits achieved by an approved BMP as established in Paragraph (a) of this Rule.
- (d) In approving BMPs, the Commission shall consider technical input from persons engaged in agriculture or experienced in nonpoint source management.

*History Note: Authority G.S. 106-840; 139-4;
Temporary Adoption Eff. October 22, 2001;
Eff. April 1, 2003;
Transferred from 15A NCAC 06H .0103 Eff. May 1, 2012;
Readopted Eff. November 1, 2017.*

02 NCAC 59G .0104 APPROVAL OF WATER QUALITY TECHNICAL SPECIALISTS

(a) Technical specialists shall be designated in one or more of the following categories:

- (1) The Structural Animal Waste category provides for the approval of the design and installation of lagoons, storage ponds, dry stacks, and other similar structures. This category also includes the design and installation of a spillway in conjunction with the decommissioning of a lagoon or storage pond.
- (2) The Waste Utilization Plan/Nutrient Management category provides for:
 - (A) Development of land application plans, including crop acreages available to meet nutrient and hydraulic loading rates, application windows, determination of animal waste nutrient amounts, and other similar determinations such as evaluation of fields for phosphorous loss and field buffers;
 - (B) Confirmation of storage volumes, exterior lots, and cropping systems;
 - (C) Development and establishment of buffers and verification of land application setbacks;
 - (D) Certification of the land application component of a USDA Comprehensive Nutrient Management Plan;
 - (E) Authority to approve nutrient management plans to comply with Rule .0105 of this Subchapter; and
 - (F) Decommissioning of a lagoon or storage structure other than the design or installation of a spillway.
- (3) The Runoff Control category provides for the approval of the design and installation of erosion control BMPs.
- (4) The Irrigation Equipment category provides for the approval of the design and installation of irrigation systems to include pipe size, pump horsepower, nozzle size, and system layout including required land application setbacks.
- (5) The Wettable Acres category provides for the determination of irrigated acreage in accordance with a Certified Animal Waste Management Plan.
- (6) The Inorganic Fertilizer/Nutrient Management category provides for approval of river basin nutrient management plans in compliance with Rule .0105 of this Subchapter for inorganic fertilizer only.
- (7) The Water Management category provides for the approval of the design and installation of subsurface water management systems.

(b) The Commission shall designate the following individuals who meet the criteria and training requirements of this Rule as technical specialists:

- (1) Individuals to whom the NRCS has assigned approval authority to conduct the activities specified in a technical specialist category described in Paragraph (a) of this Rule;
- (2) Professional engineers subject to the "The NC Engineering and Land Surveying Act" for the categories of Structural Animal Waste, Waste Utilization Plan/Nutrient Management, Runoff Control, Irrigation Equipment and Water Management; or
- (3) Individuals not included in Subparagraph (b)(1) and (b)(2) who meet the criteria in Paragraph (c) of this Rule.

(c) Technical Specialists other than those described in Subparagraphs (b)(1) and (b)(2) of this Rule shall meet the following criteria and training requirements:

- (1) Criteria for each technical specialist designation category shall be the following:
 - (A) Irrigation Equipment category requires designation as an irrigation designer by the National Irrigation Association or three years experience in the design of irrigation systems for waste application.
 - (B) Wettable Acres category requires holding either the Waste Utilization Plan/Nutrient Management or Irrigation Equipment designation.
 - (C) Waste Utilization Plan/Nutrient Management and the Inorganic Fertilizer/Nutrient Management categories require either three years experience in nutrient management, a four year degree in agronomy or related field, or a combination of this education and experience totaling four years.
 - (D) Structural Animal Waste, Runoff Control, and Water Management categories are reserved only for those individuals who meet the requirements of Subparagraphs (b)(1) or (b)(2) of this Rule.
- (2) Training requirements shall be the following:
 - (A) For all categories except Inorganic Fertilizer/Nutrient Management category, NC Rules and Regulations Governing Animal Waste Management Systems taught by the Division or Department of Environmental Quality and advertised through the Division website.
 - (B) For the category of Waste Utilization Plan/Nutrient Management and Inorganic Fertilizer/Nutrient Management, North Carolina Nutrient

Management Course taught by the Division, NCCES, or the NRCS and the North Carolina Nutrient Management Software Course taught by the Division or the NCCES, and advertised through the Division website.

- (C) For the category of Wettable Acres, the North Carolina Wettable Acres Course taught by the NCCES and advertised through the Division website.

(d) All individuals requesting technical specialist designation shall provide to the Division an "Application for Designation for Technical Specialist" and evidence of expertise, skills, and training required for each designation category. A list of three references who can attest to the applicant's technical competence shall accompany the application.

(e) All individuals requesting technical specialist designation shall be determined by the Commission to meet the requirements of this Rule in order to be approved by the Commission for designation. Applicants shall be notified in writing of the Commission's actions.

(f) Professional Engineers included in Subparagraph (b)(2) of this Rule who are licensed after April 1, 2003, shall attend the North Carolina Nutrient Management Course, the North Carolina Nutrient Management Software Course, and the NC Rules and Regulations Governing Animal Waste Management Systems in order to use the Waste Utilization Plan/Nutrient Management designation.

(g) A technical specialist shall perform services only in areas of the technical specialist's designated category and technical competence.

(h) The Division shall maintain a database and make available the names of designated technical specialists and their designated categories on the Division's website.

(i) Technical Specialists shall complete six hours of training approved by the Commission during each three-year period following initial designation or each three-year period following the effective date of this Rule.

(j) Upon a finding by the Commission that the work of a technical specialist designated pursuant to this Rule fails to comply with the requirements of 15A NCAC 02T .1300, this Subchapter, or the NRCS Technical Guide, or that a technical specialist has submitted false data in the course of his or her work, the Commission may withdraw its designation of the technical specialist in any or all categories, taking into consideration the severity of non-compliance, the extent and significance of any false data submitted, and the specialist's history of non-compliance. In addition, technical specialist designation shall be rescinded by the Commission for failure to complete the approved additional training by the end of each three-year period.

(k) When the Commission makes findings regarding the work of a technical specialist designated under Subparagraph (b)(1) of this Rule, the Commission shall forward these findings to the respective agency with the request that the agency provide documentation that their technical specialist has received training to correct deficiencies in the area of concern to retain a designation. If the agency fails to provide such documentation,

the Commission may withdraw its designation of the technical specialist for any or all categories.

History Note: Authority G.S. 106-840; 139-4; Temporary Adoption Eff. October 22, 2001; Eff. April 1, 2003; Transferred from 15A NCAC 06H .0104 Eff. May 1, 2012; Readopted Eff. November 1, 2017.

02 NCAC 59G .0105 APPLICATION OF BMP APPROVAL AND TECHNICAL SPECIALIST DESIGNATION TO WATER QUALITY PROTECTION PROGRAMS

Approved BMPs or systems of BMPs and technical specialist designations by the Commission under this Subchapter shall satisfy the requirements of:

- (1) The Neuse Basin Rule in 15A NCAC 02B .0238(8)(b)(x) and (c)(i) and 15A NCAC 02B .0239(2)(a) and (b);
- (2) The Tar-Pamlico Rule in 15A NCAC 02B .0256 and 15A NCAC 02B .0257(f)(2); and
- (3) Other applicable water quality protection rules to address agricultural nonpoint source impacts, as adopted by the EMC or other commissions, that include agricultural BMP development or implementation of the technical specialist designation by the Commission.

History Note: Authority G.S. 106-840; 139-4; Temporary Adoption Eff. October 22, 2001; Eff. April 1, 2003; Transferred from 15A NCAC 06H .0105 Eff. May 1, 2012; Readopted Eff. November 1, 2017.

TITLE 04 - DEPARTMENT OF COMMERCE

04 NCAC 10J .0103 FEES FOR INSTITUTIONAL SERVICES

(a) Except where otherwise provided, maximum allowable amounts for inpatient and outpatient institutional services shall be based on the current federal fiscal year's facility-specific Medicare rate established for each institutional facility by the Centers for Medicare & Medicaid Services ("CMS"). "Facility-specific" rate means the all-inclusive amount eligible for payment by Medicare for a claim, excluding pass-through payments. An institutional facility may only be reimbursed for hospital outpatient institutional services pursuant to this Paragraph and Paragraphs (c), (d), and (f) of this Rule if it qualifies for payment by CMS as an outpatient hospital.

(b) The schedule of maximum reimbursement rates for hospital inpatient institutional services is as follows:

- (1) Beginning April 1, 2015, 190 percent of the hospital's Medicare facility-specific amount.
- (2) Beginning January 1, 2016, 180 percent of the hospital's Medicare facility-specific amount.
- (3) Beginning January 1, 2017, 160 percent of the hospital's Medicare facility-specific amount.

(c) The schedule of maximum reimbursement rates for hospital outpatient institutional services is as follows:

- (1) Beginning April 1, 2015, 220 percent of the hospital's Medicare facility-specific amount.
- (2) Beginning January 1, 2016, 210 percent of the hospital's Medicare facility-specific amount.
- (3) Beginning January 1, 2017, 200 percent of the hospital's Medicare facility-specific amount.

(d) Notwithstanding the Paragraphs (a) through (c) of this Rule, maximum allowable amounts for institutional services provided by critical access hospitals ("CAH"), as certified by CMS, are based on the Medicare inpatient per diem rates and outpatient claims payment amounts allowed by CMS for each CAH facility.

(e) The schedule of maximum reimbursement rates for inpatient institutional services provided by CAHs is as follows:

- (1) Beginning April 1, 2015, 200 percent of the hospital's Medicare CAH per diem amount.
- (2) Beginning January 1, 2016, 190 percent of the hospital's Medicare CAH per diem amount.
- (3) Beginning January 1, 2017, 170 percent of the hospital's Medicare CAH per diem amount.

(f) The schedule of maximum reimbursement rates for outpatient institutional services provided by CAHs is as follows:

- (1) Beginning April 1, 2015, 230 percent of the hospital's Medicare CAH claims payment amount.
- (2) Beginning January 1, 2016, 220 percent of the hospital's Medicare CAH claims payment amount.
- (3) Beginning January 1, 2017, 210 percent of the hospital's Medicare CAH claims payment amount.

(g) Notwithstanding Paragraphs (a) through (f) of this Rule, the maximum allowable amounts for institutional services provided by ambulatory surgical centers ("ASC") shall be based on the most recently adopted and effective Medicare Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment Systems reimbursement formula and factors, including all Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment Systems Addenda, as published annually in the Federal Register and on the CMS website at <https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/HospitalOutpatientPPS/index.html> ("the OPPTS/ASC Medicare rule"). An ASC's specific Medicare wage index value as set out in the OPPTS/ASC Medicare rule shall be applied in the calculation of the maximum allowable amount for any institutional service it provides.

(h) The schedule of maximum reimbursement rates for institutional services provided by ambulatory surgical centers is as follows:

- (1) A maximum reimbursement rate of 200 percent shall apply to institutional services that are eligible for payment by CMS when performed at an ASC.
- (2) A maximum reimbursement rate of 135 percent shall apply to institutional services performed at an ASC that are eligible for payment by CMS if performed at an outpatient hospital facility,

but would not be eligible for payment by CMS if performed at an ASC.

(i) If the facility-specific Medicare payment includes an outlier payment, the sum of the facility-specific reimbursement amount and the applicable outlier payment amount shall be multiplied by the applicable percentages set out in Paragraphs (b), (c), (e), (f), and (h) of this Rule.

(j) Charges for professional services provided at an institutional facility shall be paid pursuant to the applicable fee schedules in Rule .0102 of this Section.

(k) If the billed charges are less than the maximum allowable amount for a Diagnostic Related Grouping ("DRG") payment pursuant to the fee schedule provisions of this Rule, the insurer or managed care organization shall pay no more than the billed charges.

(l) For specialty facilities paid outside Medicare's inpatient and outpatient Prospective Payment System, the payment shall be determined using Medicare's payment methodology for those specialized facilities multiplied by the inpatient institutional acute care percentages set out in Paragraphs (b) and (c) of this Rule.

History Note: Authority G.S. 97-25; 97-26; 97-80(a); S.L. 2013-410;

Eff. April 1, 2015;

Amendmended Eff. Pending Legislative Review.

04 NCAC 16A .0101 SAVINGS INSTITUTIONS DIVISION

History Note: Authority G.S. 54B-4; 54B-55; 54C-4; 54C-53; *Eff. August 31, 1981;*

Amended Eff. December 1, 2011; December 6, 1991; January 1, 1990;

Repealed Eff. November 1, 2017.

04 NCAC 16A .0104 SUPERVISORY FEE

History Note: Filed as a Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;

Authority G.S. 54B-55; 54B-57; 54C-53; 54C-55;

Eff. August 31, 1981;

Amended Eff. February 15, 1992; July 1, 1990; September 1, 1986; October 1, 1982;

Repealed Eff. November 1, 2017.

04 NCAC 16C .0105 CONVERSION TO SAVINGS BANK

History Note: Filed as a Temporary Adoption Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;

Authority G.S. 54C-30; 54C-53;

Eff. February 15, 1992;

Repealed Eff. November 1, 2017.

04 NCAC 16A .0201 PETITION FOR ADOPTION: AMENDMENT OR REPEAL OF RULES

04 NCAC 16A .0202 NOTICE OF RULE-MAKING HEARINGS

04 NCAC 16A .0203 RULE-MAKING HEARINGS: GENERAL INFORMATION

History Note: Authority G.S. 53-93; 54B-55; 150B-12; 150B-20; 150B-21.2(d);

Eff. July 1, 1990;

Amended Eff. December 1, 2011;

Repealed Eff. November 1, 2017.

04 NCAC 16A .0301 PETITION FOR DECLARATORY RULING

04 NCAC 16A .0302 RESPONSE OF COMMISSIONER OF BANKS TO PETITION

History Note: Authority G.S. 53-93; 54B-2; 54B-52; 54B-55; 54C-2; 54C-3; 54C-52; 54C-53; 150B-2(5); 150B-4;

Eff. July 1, 1990;

Amended Eff. December 1, 2011;

Repealed Eff. November 1, 2017.

04 NCAC 16A .0401 RIGHT TO HEARING

04 NCAC 16A .0402 INFORMAL SETTLEMENT

04 NCAC 16A .0403 REQUEST FOR HEARING

04 NCAC 16A .0404 NOTICE OF HEARING

04 NCAC 16A .0405 INTERVENTION IN AN ADMINISTRATIVE HEARING

04 NCAC 16A .0406 DEPOSITIONS

04 NCAC 16A .0407 SUBPOENAS

04 NCAC 16A .0408 SERVICE OF SUBPOENAS

04 NCAC 16A .0409 OBJECTION TO A SUBPOENA

History Note: Authority G.S. 53-93; 53-104; 54B-55; 150B-38; 150B-39;

Eff. July 1, 1990;

Amended Eff. December 1, 2011;

Repealed Eff. November 1, 2017.

04 NCAC 16C .0101 FORMS

04 NCAC 16C .0102 CHARTER APPLICATION RESTRICTIONS

04 NCAC 16C .0103 CORPORATE NAME

History Note: Authority G.S. 54B-2; 54B-9; 54B-10; 54B-52; 54B-55; 54C-2; 54C-9; 54C-12; 54C-52; 54C-53;

Eff. August 31, 1981;

Temporary Amendment Eff. August 26, 1985 for a period of 93 days to expire on November 26, 1985;

Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;

Amended Eff. December 1, 2011; February 15, 1992; July 1, 1990; November 1, 1985;

Repealed Eff. November 1, 2017.

04 NCAC 16C .0104 INTERIM SAVINGS INSTITUTIONS

History Note: Filed as a Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992; Filed as a Temporary Rule Eff. August 26, 1985 for a period of 93 days to expire on November 26, 1985; Authority G.S. 54B-45; 54B-55; 54C-46; 54C-53; Eff. November 1, 1985; Amended Eff. February 15, 1992; Repealed Eff. November 1, 2017.

04 NCAC 16C .0105 CONVERSION TO SAVINGS BANK

History Note: Filed as a Temporary Adoption Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992; Authority G.S. 54C-30; 54C-53; Eff. February 15, 1992; Repealed Eff. November 1, 2017.

**04 NCAC 16C .0201 FORM
04 NCAC 16C .0202 BRANCH OFFICE
APPLICATION RESTRICTIONS
04 NCAC 16C .0203 FORFEITURE OF BRANCH
OFFICE FINAL APPROVAL**

History Note: Authority G.S. 54B-22; 54B-55; 54C-23; 54C-53; Eff. August 31, 1981; Amended Eff. November 1, 1982; Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992; Amended Eff. December 1, 2011; February 15, 1992; July 1, 1990; Repealed Eff. November 1, 2017.

04 NCAC 16C .0304 TEMPORARY CLOSING OF OFFICE

If a bank's office is closed temporarily, other than closures in observance of a holiday, the bank shall notify the Commissioner of Banks no later than 72 hours after such closure if the closure may interfere with the bank's operations or poses an existing or imminent threat to the safety or security of persons on property.

History Note: Authority G.S. 54B-55; Eff. July 1, 1990; Amended Eff. November 1, 2017; December 1, 2011.

04 NCAC 16C .0305 PURCHASE OF BRANCH

History Note: Authority G.S. 54B-22; 54B-55; 54C-24; 54C-53; Eff. July 1, 1990; Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992; Amended Eff. December 1, 2011; February 15, 1992;

Repealed Eff. November 1, 2017.

**04 NCAC 16C .0401 DEFINITIONS
04 NCAC 16C .0402 APPLICATION: GUIDELINES
FOR APPROVAL BY ADMINISTRATOR
04 NCAC 16C .0403 GENERAL POLICIES
04 NCAC 16C .0404 UNMANNED REMOTE
SERVICE UNIT ACCESS TECHNIQUES
04 NCAC 16C .0405 PRIVACY OF ACCOUNT DATA**

History Note: Filed as a Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992; Authority G.S. 54B-55; 54B-77; 54C-53; 54C-146; Eff. April 1, 1982; Amended Eff. February 15, 1992; July 1, 1990; Repealed Eff. November 1, 2017.

**04 NCAC 16C .0501 FORM
04 NCAC 16C .0502 ACQUISITION RESTRICTIONS
04 NCAC 16C .0503 FEES**

History Note: Filed as a Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992; Authority G.S. 54B-48.6; 54B-55; 54C-53; 54C-178; Eff. September 1, 1986; Amended Eff. February 15, 1992; July 1, 1990; Repealed Eff. November 1, 2017.

04 NCAC 16D .0101 COMPOSITION OF BOARD OF DIRECTORS

History Note: Authority G.S. 54B-55; Eff. August 31, 1981; Amended Eff. April 15, 1993; February 15, 1992; July 1, 1990; September 1, 1984; Repealed Eff. November 1, 2017.

04 NCAC 16D .0103 BYLAWS

History Note: Authority G.S. 54B-2; 54B-9; 54B-52; 54B-55; 54C-2; 54C-9; 54C-52; 54C-53; Eff. August 31, 1981; Amended Eff. December 1, 2011; Repealed Eff. November 1, 2017.

**04 NCAC 16D .0201 VOTING BY PROXY
04 NCAC 16D .0202 FORM OF PROXY
04 NCAC 16D .0203 HOLDERS OF PROXIES
04 NCAC 16D .0204 PROXY SOLICITATION**

History Note: Authority G.S. 54B-55; 54B-105; Eff. August 31, 1981; Amended Eff. December 6, 1991; July 1, 1990; Repealed Eff. November 1, 2017.

**04 NCAC 16D .0301 GENERAL POLICIES
04 NCAC 16D .0302 RETENTION: REPRODUCTION
AND DISPOSITION OF RECORDS**

History Note: Authority G.S. 54B-2; 54B-9; 54B-21; 54B-52; 54B-55; 54C-2; 54C-52; 54C-53;
Eff. August 31, 1981;
Amended Eff. December 1, 2011; February 15, 1992; July 1, 1990; April 1, 1987; January 1, 1984; July 1, 1983;
Repealed Eff. November 1, 2017.

04 NCAC 16D .0401 SERVICING LOANS
04 NCAC 16D .0402 APPRAISALS
04 NCAC 16D .0403 RECORDS WITH RESPECT TO LOAN

History Note: Authority G.S. 54B-55; 54B-161;
Eff. August 31, 1981;
Amended Eff. February 15, 1992; July 1, 1990; November 1, 1985;
Repealed Eff. November 1, 2017.

04 NCAC 16D .0405 UNSECURED LOANS LIMIT

History Note: Authority G.S. 54B-55; 54B-151;
Eff. August 31, 1981;
Amended Eff. July 1, 1990;
Repealed Eff. November 1, 2017.

04 NCAC 16D .0407 LOANS TO ONE BORROWER

History Note: Authority G.S. 54B-55; 54B-164;
Eff. July 1, 1983;
Amended Eff. December 1, 2011; February 15, 1992; July 1, 1990; November 1, 1985; January 1, 1985;
Repealed Eff. November 1, 2017.

04 NCAC 16D .0501 SIGNATURE CARDS
04 NCAC 16D .0502 HOLDING OF CERTIFICATE OR PASSBOOK

History Note: Authority G.S. 54B-55; 54B-121;
Eff. August 31, 1981;
Repealed Eff. November 1, 2017.

04 NCAC 16D .0504 NEGOTIABLE ORDER OF WITHDRAWAL ACCOUNTS

History Note: Authority G.S. 54B-55; 54B-127;
Eff. August 31, 1981;
Amended Eff. February 1, 1983;
Repealed Eff. November 1, 2017.

04 NCAC 16D .0901 SECURITIES

History Note: Authority G.S. 54B-55; 54B-193; 54C-53; 54C-141;
Eff. October 1, 1987;
Amended Eff. December 1, 2011; July 1, 1990;
Repealed Eff. November 1, 2017.

04 NCAC 16D .0902 STOCK IN OTHER DEPOSITORY INSTITUTIONS

History Note: Authority G.S. 54B-55; 54B-193; 54C-53; 54C-141;
Eff. July 1, 1990;
Amended Eff. December 1, 2011; February 15, 1992;
Repealed Eff. November 1, 2017.

04 NCAC 16E .0103 BOARD OF DIRECTORS

(a) A director shall not vote on any matter in which they have a personal or financial interest.
 (b) When a savings institution takes action establishing a new chief executive officer or director, the savings institution shall notify the Commissioner of Banks within 14 calendar days of such change, and shall provide the name of the new chief executive officer or director, the effective date of the appointment, and a statement of the person's past and current business and professional affiliations. The name of any departing chief executive officer or director shall also be provided to the Commissioner of Banks in writing.
 (c) Any of the following shall be deemed to be significant ownership interests for G.S. 54C-101(c):

- (1) For stock savings banks under fifty million dollars (\$50,000,000) in assets, stock ownership in the institution or its holding company of two thousand five hundred dollars (\$2,500.00) in market value at time of purchase;
- (2) For mutual savings banks under fifty million dollars (\$50,000,000) in assets, a two thousand five hundred dollar (\$2,500) deposit relationship;
- (3) For stock savings banks over fifty million dollars (\$50,000,000) in assets, stock ownership in the institution or its holding company of five thousand dollars (\$5,000) in market value at time of purchase; or
- (4) For mutual savings banks over fifty million dollars (\$50,000,000) in assets, a five thousand dollar (\$5,000.00) deposit relationship.

For savings institutions that cross the fifty million dollar (\$50,000,000) threshold, the Commissioner of Banks shall allow up to one year for the Directors to comply with the ownership interest requirement.

History Note: Authority G.S. 54B-55; 54C-53; 54C-101;
Temporary Adoption Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Eff. February 15, 1992;
Amended Eff. November 1, 2017.

04 NCAC 16E .0104 BYLAWS

The Commissioner of Banks shall be deemed to have approved any amendments to bylaws that the Commissioner has not objected within 25 days after the date that the bylaws are filed with the Commissioner of Banks.

History Note: Authority G.S. 54B-9; 54B-52; 54C-9; 54C-52; 54C-53; 54C-102;

*Temporary Adoption Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Eff. February 15, 1992;
Amended Eff. November 1, 2017; December 1, 2011.*

04 NCAC 16E .0201 VOTING BY PROXY
04 NCAC 16E .0202 FORM OF PROXY
04 NCAC 16E .0203 HOLDERS OF PROXIES
04 NCAC 16E .0204 PROXY SOLICITATION

*History Note: Filed as a Temporary Adoption Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Authority G.S. 54C-53; 54C-105;
Eff. February 15, 1992;
Repealed Eff. November 1, 2017.*

04 NCAC 16E .0301 GENERAL POLICIES

(a) Records to be Kept at Principal Office. Each savings institution, each affiliate, and the institution's parent company shall keep and make available for examination by the representatives of the Commissioner of Banks at the principal office, books and records of all the transactions of the institution in its true financial condition. Records shall be kept to permit and facilitate a speedy examination by the representatives of the Commissioner of Banks.

(b) Maintenance of Membership and Stockholder Records. Every savings institution shall maintain membership or stockholder records. When a savings institution has reason to believe 10 percent or more of the outstanding capital stock of the savings institution is controlled by one owner, the institution shall notify the Commissioner in writing and shall include the residential address and the number of shares held by the shareholder.

(c) Savings institutions shall keep the following books and records at the institution, or at its parent holding company, unless another storage site is approved by the Commissioner of Banks in writing:

- (1) Alphabetical direct and indirect liability ledgers. Each institution shall keep an alphabetical direct and indirect liability ledger. The alphabetical direct liability ledger shall show each customer's direct obligations owed to the institution by loan name or account number and the balance outstanding under each account. The alphabetical indirect liability ledger shall show each customer's indirect obligations owed to the institution by loan name or account number and the balance outstanding under each account. The alphabetical direct liability ledger shall be kept in balance with the general ledger control. The alphabetical indirect liability ledger shall be updated at least monthly. Where the aggregate total of a customer's direct and indirect obligations to the institution do not exceed twenty thousand dollars (\$20,000), the indirect obligations of that customer may be omitted from the alphabetical indirect liability ledger. In an institution whose automated record system is not able to produce an alphabetical liability

ledger, the institution shall produce an alphabetical listing of customers showing all of a customer's loan or account numbers and the amount outstanding under each account number when called upon by representatives of the Commissioner of Banks. Each institution shall produce both the direct and indirect liability ledgers in hard copy form upon request by representatives of the Commissioner of Banks.

- (2) Monthly reconciliation of accounts with correspondent banks. A record shall be kept, showing the monthly reconciliation of each account with correspondent banks. A signed review of such reconciliations shall be made by an officer or employee of the institution other than the person responsible for preparing the reconciliation.

- (3) Purchases and sales of securities. A record shall be kept of purchases and sales of securities. The record shall include the following:

- (A) dates of purchases and sales;
- (B) interest rates;
- (C) maturities;
- (D) par value;
- (E) cost value;
- (F) all write-ups or write-downs;
- (G) a full description of the security;
- (H) from whom purchased;
- (I) to whom sold;
- (J) purchase price;
- (K) selling price; and
- (L) when, where, and why pledged or deposited.

This record shall be maintained in balance with the general ledger control.

- (4) Charge-offs. A record shall be kept of all items charged-off and of all recoveries. All charge-offs shall be authorized or approved by the executive committee or by the board of directors, and the action shall be recorded in their minutes. The charge-off record shall show the date of the charge-off, a description of the asset, and the amount of the charge-off. The record shall be supported by the actual charged-off items or the final disposition of any charged-off item. The record of recoveries shall show the date and amount of each recovery.

- (5) Records of real estate. A record shall be kept of all parcels owned, including the banking house. The record shall show when the property was acquired, how the property was acquired, the cost of the property, the book value of the property, and detailed income and expense reports relating to the property. This record shall be supported by appraisals, title certificates showing assessed value, tax receipts, and hazard insurance policies relating to the property. Every savings institution shall appraise the value of each parcel of real estate

		RECORDS TO BE RETAINED	MINIMUM RETENTION PERIOD (YRS.)
	taken in satisfaction of debts previously contracted at the time of acquisition. The report of each appraisal shall be submitted in writing to the Board of Directors and shall be kept in the records of the savings institution.	ACCOUNTING - ASSOCIATION	
(6)	Meeting minutes. Minutes of all board of directors' meetings, board committee meetings, and members and stockholders meetings shall be kept showing any action resulting from the meeting. All minutes shall be signed by the chairman and the secretary of such meeting.	Bank Statements and Reconcilements	5
		Cancelled Checks	5
		Check Vouchers or Stubs	5
		Duplicate Deposit Slips	5
		Expense and Paid Bills File	3
		FHLB and State Reports	5
		General and Subsidiary Ledgers	15
(7)	Cash items held over. A daily record shall be kept of all cash items held over from the day's business, including all checks that would cause an overdraft if handled according to the institution's check-posting policy. This record shall be kept in balance with the general ledger control and shall identify the account on which the item is drawn or is obligated for payment, the reason the item is being held, the date the item was placed in the cash items account, and the amount of the item.	General and Other Journals	15
		Original Entry Records	5
		Pre-authorized Bank Forms	5
		Tellers' Cash Proof Sheets	2
		Trial Balances	3
(8)	Record of income and expenses. A detailed record of income and expenses shall be kept and balanced monthly. A report of this record shall be made to the executive committee or board of directors, and the receipt of same shall be noted in the meeting minutes.	CORPORATE	
		Annual Reports to Supervisors	5
		Attachments, Executions, and Releases	3
		Audit Reports	3
		Ballots and Proxy Votes of Members and Stockholders	3
		Blanket Bonds	T + 5
		Certificate of Insurance	P
		Charter, Bylaws, and Amendments	P
		Claims, Court Orders, and Restraining Orders	10
		Deeds, Leases, and Contracts; Titles to Vehicles	T + 5
		Examination Reports and Supervisory Letters	5
		FHLB Membership Certificate	P
		Minute Books (Members, Stockholder, Directors, and Committees)	P
		N.C. Corporate Tax Forms	15
		Pension Trust (IRS Ruling, Bylaws, and Trust Agreements)	T + 5
		Personal Property Tax Records	15
		Social Security and Unemployment Tax Records	15
		U.S. Corporate Income Tax Forms	15
		DEPOSIT ACCOUNTS	
		Affidavits for Lost Passbook or Certificate	P
		Cancelled Savings Certificates	5
		Deposit	5
		Deposit Account Assignment or Transfer Records	P
		Deposit Account Loan Disclosures After Note "Paid"	2
		Deposit Account Loan Notes	R
		Inheritance Tax Releases	10
		Lost Instrument Bonds for Passbooks or Certificates	P
		No-Mail Notice	T + 4
		Power of Attorney or Affidavits	P
		Returned 1099 Forms	6
		Savings Certificates Record of Issue	T + 5
		Signature Card Files	T + 5
		Withdrawal Slips or Checks	5
		INSURANCE	
		Directors and Officers Liability	10
		Fire and Extended Coverage, Auto Errors and Omissions	3
		Public Liability - Workers Compensation	10
		LOANS (Commercial, Consumer Credit, and Credit Cards)	
		Borrowers' Statement	T + 3

History Note: Authority G.S. 54B-2; 54B-9; 54B-52; 54B-55; 54C-2; 54C-22; 54C-52; 54C-53;

Temporary Adoption Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;

Eff. February 15, 1992;

Amended Eff. November 1, 2017; December 1, 2011.

04 NCAC 16E .0302 RETENTION, REPRODUCTION AND DISPOSITION OF RECORDS

(a) Each savings institution shall take precautions to protect records from damage by fire, flood, or other hazards and to safeguard records from unnecessary deterioration as a result of excess heat, humidity, dryness, or lack of proper ventilation. Safeguards shall be maintained to protect records from access or removal by unauthorized persons.

(b) Each savings institution or branch office shall retain all records set forth in this Paragraph for the periods specified.

APPROVED RULES

Charged-off Loan Records	10		
Collateral Records	10	OSHA Records and Reports	6
Customer Application	T + 1		
Disclosure Document	2	Personnel Records	
Interest Rebate Record	T + 3		
Liability Card or Ledger	T + 3	Employment Applications	
Loan Ledger Cards	T + 3	1. Hired	T + 3
Loans Made Record	T + 3	2. Not Hired	3
Loans Paid Record	T + 3	Group Insurance Records	T + 6
Loan Proceeds Disbursement Records	T + 3	Payroll Records	10
Merchant Agreement - Credit Card	T + 2	Time Cards	3
Note and/or Loan Register	P		
Posting or Transaction Journal	3	Purchases, Sales and Participation	
Resolutions	T + 3		
Sales Tickets or Drafts - Credit Card	3	Agreement	T + 3
Statement of Account - Credit Card	5	Remittance Report	T + 3
		Sale List	T + 3
MORTGAGE LOANS			
Additional Collateral Agreement	T + 3	Safe Deposit Boxes	
Affidavits	T + 3		
Applications	T + 3	History Cards	P
Appraisals	T + 3	Lease Contracts	T + 3
Collection Records	T + 3	Rent Receipts	3
Commitments	T + 3		
Construction Loan Agreement	T + 3	Savings Bonds	
Construction Loan Authorizations	T + 3		
Correspondence	T + 3	Applications	2
Cost Estimates	T + 3	Duplicate Stubs	2
Credit Reports	T + 3	Letter of Transmittal of Bonds Redeemed	2
Disclosure and Recision	T + 3	Monthly Report of Sales and Holdings	2
Escrow Agreements and Records	T + 3		
FHA Insurance Receipts	T + 3	Travelers Checks	
Flood Insurance Documentation	T + 3		
Inspection Reports	T + 3	Applications	2
Loan Register	P	Consignment Receipts	2
Modifications	T + 3		
Mortgage Loan Disclosure Statement (Form HMDA-1)	5	REAL ESTATE OWNED	
Paid Bills for Borrowers Construction	T + 3	Appraisal	T + 3
Settlement Statement	T + 3	Contracts for Sale	T + 3
Signature Cards	T + 3	Deeds	T + 3
Title Opinions	T + 3	Notice of Intent to Foreclose	T + 3
Waiver of Liens	T + 3	Leases	T + 3
		PMI Claims	T + 3
MISCELLANEOUS		Tax Records	T + 3
All Retirement Plan Accounts		Title Policies	T + 3
		Trustee's Report	T + 3
All Related Forms and Documents	T + 7		
		KEY TO SYMBOLS USED	
General Correspondence	3	P - Permanent	
		R - Return to Customer After Termination of Contractual Relationship	
Investments		T - Termination (Closed, Paid-off, or Settled)	
Purchase and Sale	T + 3		
Register	P	<i>History Note: Authority G.S. 54B-55; 54C-53;</i>	
Safe-Keeping Receipts	T + 3	<i>Temporary Adoption Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;</i>	
		<i>Eff. February 15, 1992;</i>	
Mail Register	3	<i>Amended Eff. November 1, 2017.</i>	
OSHA			

04 NCAC 16E .0303 REQUIRED POLICIES

History Note: *Filed as a Temporary Adoption Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;*
Authority G.S. 54C-53;
Eff. February 15, 1992;
Repealed Eff. November 1, 2017.

04 NCAC 16E .0401 SERVICING LOANS

A savings institution may service loans originated by the savings institution or by other lenders.

History Note: *Authority G.S. 54B-55; 54B-161; 54C-53;*
Temporary Adoption Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Eff. February 15, 1992;
Amended Eff. November 1, 2017.

04 NCAC 16E .0402 APPRAISALS

History Note: *Filed as a Temporary Adoption Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;*
Authority G.S. 54C-53; 54C-128;
Eff. February 15, 1992;
Repealed Eff. November 1, 2017.

04 NCAC 16E .0403 RECORDS WITH RESPECT TO LOANS

Each savings institution shall maintain the following loan documentation:

- (1) Financial Statements. Financial statements shall be required from any person who is a maker, co-maker, guarantor, endorser, or surety on any unsecured loans or other unsecured extensions of credit in an amount of fifty thousand dollars (\$50,000) or more in the aggregate. Financial statements required by this Item shall:
 - (a) be signed or acknowledged by the maker;
 - (b) be dated within 18 months preceding the origination date of the credit obligation;
 - (c) be renewed within 18 months after the date of the last financial statement on file;
 - (d) be addressed to or made for the lending savings institution; and
 - (e) include information reflecting the assets, liabilities, net worth, and income of the borrower.
- (2) Financial Statement Exceptions. A savings institution may waive the financial statement required by Item (1) of this Rule for credit granted under a credit card. For an individual whose unsecured obligations consist of consumer loans scheduled to be repaid in at least quarterly installments, a savings

institution may substitute a current credit bureau report for the financial statement required by Item (1) of this Rule. A credit bureau report shall be within 18 months from its date of issue.

- (3) Personal Property Appraisals. Appraisals on personal property used as collateral for a loan shall be obtained and shall be completed as follows:

- (a) Except as provided by Sub-item (3)(c) of this Rule, a written appraisal of personal property used to collateralize any loan shall be made or approved.
- (b) Requirements. The appraisal required by this Item shall include:
 - (i) the name of the borrower;
 - (ii) the date the appraisal was made;
 - (iii) the value of the collateral;
 - (iv) the signatures of two people making the appraisal;
 - (v) a brief description of the property;
 - (vi) the amount of any senior lien and the holder of the lien, if any; and
 - (vii) the original amount or outstanding balance of the loan that the property is used to secure.

- (c) Appraisal Exceptions. No appraisal shall be required under the following circumstances:

- (i) on collateral to notes of less than fifty thousand dollars (\$50,000);
- (ii) on loans fully secured by obligations of the United States or the State of North Carolina;
- (iii) on loans fully secured by deposits in the savings institution maintaining the loan account; or
- (iv) on loans fully secured by the cash surrender or loan value of life insurance policies.

- (d) Renewal Exceptions. Appraisals need not be renewed biennially where a motor vehicle or mobile home is the sole or partial collateral for a loan.

- (e) Single Signature Exception. An appraisal may be performed and signed by only one person where a motor vehicle or mobile home is the sole collateral for a loan.

- (4) Real Estate Appraisals. Unless otherwise provided, all real estate taken as security for loans shall be appraised in the form and manner

set forth in Sub-item (4)(a) through (4)(c) of this Rule. In addition, the appraisal shall be independent in that the appraiser shall not be involved in the loan transaction secured by the property being appraised and shall have no interest, financial or otherwise, in the property.

- (a) The savings institution may elect to waive the requirement for an appraisal of real estate given as security for loans of fifty thousand dollars (\$50,000) or less.
- (b) Appraisals of real estate given as security for loans over fifty thousand dollars (\$50,000), but not exceeding two hundred fifty thousand dollars (\$250,000), whether directly or indirectly pledged as collateral, shall be prepared by:
 - (i) two members of the board of directors who are familiar with real estate values in the community where the property is located;
 - (ii) two savings institution employees who are familiar with real estate values in the community where the property is located, provided that one of the two employees shall not be involved in the loan transaction secured by the property being appraised; or
 - (iii) a state-licensed real estate appraiser, state-certified real estate appraiser, or a person certified as a real estate appraiser by an appraisal trade organization approved by the savings institution to perform an appraisal.
- (c) Appraisals prepared pursuant to Sub-item (4)(b) of this Rule shall be in writing and shall be signed and dated by the person or persons making the appraisal. The appraisal shall identify the loan transaction for which it was made; identify the current balance of any senior lien and the identity of the holder of the lien, if any; segregate values of improvements from values of the land; and describe the property so as to make it identifiable. If a professional appraisal form is used that does not include this information, the savings institution shall complete and attach to the appraisal its own appraisal summary form disclosing the required information. The

appraisal shall state the basis or approach used to determine the value of the property. Acceptable approaches to determining the value of real property shall be the following:

- (i) the current cost of replacing a property, less depreciation relating to deterioration from functional or economic obsolescence;
 - (ii) the value indicated by recent sales of comparable properties in the market and other market factors such as listings and offers to sell; or
 - (iii) the value that the property's net earning power will support, based on a capitalization of net income.
- (d) All real estate given as security for loans in an amount over two hundred fifty thousand dollars (\$250,000), whether directly or indirectly pledged as collateral, shall be appraised, and such appraisal shall be subject to the provisions of 12 C.F.R. 323.1 through 12 C.F.R. 323.7, which are hereby incorporated by reference including subsequent amendments or additions. This information is available at the U.S. Printing Office website at <http://www.ecfr.gov/cgi-bin/text-idx?SID=cb59b820da3e668ebb333139d429ce0c&node=pt12.5.323&rgn=d iv5> at no cost.
- (5) Certificate of Title. A title opinion furnished by an attorney at law, a title report or title insurance policy issued by a company licensed by the Commissioner of Insurance, or other insurance coverage that provides the savings institution with similar protection against loss from title defects, errors, or omissions at closing or other loan-related risks shall be obtained in connection with each deed of trust or mortgage given as security on each real estate-secured loan when:
- (a) the loan is primarily secured by real property and only secondarily by the borrower's general credit-worthiness; and
 - (b) the amount of the loan secured by the real property is fifty thousand dollars (\$50,000) or more.
- (6) Stock Certificate and Stock Powers. Where stock certificates or similar negotiable securities are accepted as collateral for a loan, each certificate shall be either endorsed and witnessed or accompanied by a stock power signed and witnessed. Where such collateral is

in the name of someone other than the maker or endorser of the note, there shall be on file in the savings institution written authority from the collateral owner permitting the hypothecation of the collateral.

- (7) Corporate Resolutions. A loan made to a corporation shall be supported by a certified copy of a resolution of the board of directors of the corporation authorizing the loan transaction.
- (8) Partnership Declaration. A loan made to a partnership shall be supported by a declaration of the general partners showing the composition of the partnership, and unless all partners sign the note, the authority of the partner(s) executing the note to bind the partnership.
- (9) Limited Liability Company Certification. A loan made to a limited liability company shall be supported by a certification of a manager thereof that the loan has been duly authorized by the limited liability company.
- (10) Unlisted Securities. Full credit information on all unlisted securities, now owned or hereafter acquired, shall be kept on file in the savings institution.

History Note: Authority G.S. 54C-53; 54C-128;
Temporary Adoption Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Eff. February 15, 1992;
Amended Eff. November 1, 2017.

04 NCAC 16E .0404 UNSECURED LOANS LIMIT
04 NCAC 16E .0405 LOANS TO ONE BORROWER

History Note: Filed as a Temporary Adoption Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Authority G.S. 54C-53; 54C-121; 54C-128;
Eff. February 15, 1992;
Amended Eff. December 1, 2011;
Repealed Eff. November 1, 2017.

04 NCAC 16E .0501 SIGNATURE CARDS

History Note: Filed as a Temporary Adoption Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Authority G.S. 54C-53; 54C-164;
Eff. February 15, 1992;
Repealed Eff. November 1, 2017.

04 NCAC 16E .0502 HOLDING OF CERTIFICATE OR PASSBOOK

An unpledged savings certificate or passbook shall not be held by a savings institution for the convenience of an account holder.

History Note: Authority G.S. 54B-55; 54B-121; 54C-53; 54C-164;
Temporary Adoption Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;

Eff. February 15, 1992;
Amended Eff. November 1, 2017.

04 NCAC 16E .0601 LIQUIDITY
04 NCAC 16E .0602 NET WORTH

History Note: Filed as a Temporary Adoption Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Authority G.S. 54C-53; 54C-162; 54C-163;
Eff. February 15, 1992;
Repealed Eff. November 1, 2017.

04 NCAC 16E .0701 SECURITIES
04 NCAC 16E .0702 STOCK IN OTHER DEPOSITORY INSTITUTIONS

History Note: Authority G.S. 54C-53; 54C-141;
Temporary Adoption Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Eff. February 15, 1992;
Amended Eff. December 1, 2011;
Repealed Eff. November 1, 2017.

04 NCAC 16F .0101 PERMITTED ACTIVITIES

The service corporation of a savings institution may engage in activities that are approved by the federal regulatory authority pursuant to 12 C.F.R. 5.59(f) for service corporations owned by federal associations that have principal offices in this State and may engage in any other activity authorized for state-chartered savings institutions and approved in advance in writing by the Commissioner of Banks upon a showing by the savings institution that the activity enhances the safe and sound operation of the savings institution, is well managed, is subject to adequate controls, and is not otherwise violative of . North Carolina law. 12 C.F.R. 5.59(f) 1831o is hereby incorporated by reference, including subsequent amendments or editions, and may be found free of charge as follows: https://www.ecfr.gov/cgi-bin/text-idx?SID=b1cbb0d7d8194e47523927417a42a03&mc=true&node=se12.1.5_159&rgn=div8.

History Note: Authority G.S. 54B-55; 54B-194; 54C-53; 54C-144;
Eff. August 31, 1981;
Amended Eff. July 1, 1990; October 1, 1987;
Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Amended Eff. November 1, 2017; May 11, 1992.

04 NCAC 16F .0103 DEBT LIMITATION FOR WHOLLY-OWNED SERVICE CORPORATIONS

The aggregate amount of secured and unsecured debt that a wholly-owned service corporation may have outstanding at any one time to the savings institution and to non-stockholders shall not exceed:

- (1) ten times the total of the service corporation's net worth and unsecured debt to the savings institution; or

- (2) twenty times the total if the service corporation engages in originating, investing in, selling, purchasing, servicing, or otherwise dealing in (including brokerage or warehousing) loans and participations in loans, that are underwritten in accordance with the savings institution's lending policy and secured by real estate or liens on mobile homes.

History Note: Authority G.S. 54B-55; 54B-194; 54C-53; 54C-144;
Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Eff. August 31, 1981;
Amended Eff. November 1, 2017; May 11, 1992.

04 NCAC 16F .0105 AMENDMENTS TO ARTICLES OF INCORPORATION OR BYLAWS

- (a) Prior to filing with the Secretary of State of North Carolina, a service corporation shall file with the Commissioner of Banks copies of any proposed amendment to its articles of incorporation. The Commissioner of Banks must approve the form and content of the proposed amendment.
- (b) Before the bylaws or any amendments to the bylaws of a service corporation shall become effective, a certified copy of the bylaws or amendments shall be filed with and approved by the Commissioner of Banks. If the Commissioner of Banks fails to act upon the bylaws or amendment within 60 days of receipt, the bylaws or amendment shall be deemed approved.

History Note: Authority G.S. 54B-55; 54B-194; 54C-53; 54C-144;
Eff. August 31, 1981;
Amended Eff. November 1, 2017; December 1, 2011; July 1, 1990.

04 NCAC 16F .0106 ESTABLISHMENT OF FINANCE SUBSIDIARIES

04 NCAC 16F .0107 BOARD ACTION REQUIRED

04 NCAC 16F .0108 FINANCE SUBSIDIARY TRANSACTIONS WITH PARENT

04 NCAC 16F .0109 ISSUANCE OF SECURITIES BY FINANCE SUBSIDIARIES

04 NCAC 16F .0110 TRANSFER OF PROCEEDS

04 NCAC 16F .0111 HOLDING COMPANY SUBSIDIARIES AND FINANCE SUBSIDIARIES

04 NCAC 16F .0112 NOTIFICATION TO THE COMMISSIONER OF BANKS

04 NCAC 16F .0113 EXAMINATION OF FINANCE SUBSIDIARIES

History Note: Filed as a Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Authority G.S. 54B-55; 54B-77; 54B-195; 54C-53; 54C-144; 54C-146;
Eff. October 1, 1984;
Amended Eff. December 1, 2011; May 11, 1992;
Repealed Eff. November 1, 2017.

04 NCAC 16G .0103 DEFINITIONS

As used in this Subchapter the words and phrases defined by G.S. 54C-4 and the following definitions apply:

- (1) "An affiliate of," or "a person affiliated with" used in connection with another specified person shall mean a person that directly, or indirectly through one or more intermediaries, controls or is under common control with the person specified.
- (2) "Amount," when used in regard to securities, shall mean the principal amount if relating to evidences of indebtedness, the number of shares if relating to shares of stock, or the number of units if relating to any other kind of security.
- (3) "Applicant" shall mean a savings institution that has applied to convert to stock ownership pursuant to this Subchapter.
- (4) "Broker" shall mean any person engaged in the business of effecting transactions in securities for the account of others.
- (5) "Dealer" shall mean any person who engages either for all or part of their time, directly or indirectly, as agent, broker, or principal, in the business of offering, buying, selling, or otherwise dealing or trading in securities issued by another person.
- (6) "Deposit account" shall mean that part of the liability of the savings institution that is credited to the account of the holder including certificates of deposit.
- (7) "Eligibility record date" shall mean the record date for determining eligible account holders of a converting savings institution.
- (8) "Eligible account holder" shall mean any person holding a qualifying deposit as determined in accordance with Rule .0313 of this Subchapter.
- (9) "Employee" shall not mean a director or executive officer of a savings institution.
- (10) "Equity security" shall mean the following:
 - (a) any stock or similar security;
 - (b) any security convertible, with or without considerations, into a security, or carrying any warrant or right to subscribe to or purchase a security; or
 - (c) any warrant or right to subscribe to or purchase a security.
- (11) "Executive Officer" shall mean any person performing a policy-making function with respect to any organization, whether incorporated or unincorporated.
- (12) "Investment representative" shall mean a professional investment advisor acting as agent for the purchaser and independent of the seller and not acting on behalf of the seller in connection with the transaction.
- (13) "Market maker" shall mean a dealer who, with respect to a particular security:

- (a) regularly publishes bona fide, competitive bid, and offer quotation in a recognized inter-dealer quotation system or furnishes bona fide competitive bid and offer quotations on request; and
 - (b) is ready, willing, and able to effect transactions in reasonable quantities at the quoted prices with other brokers or dealers.

- (a) any request for a proxy whether or not accompanied by or included in a form of proxy;
 - (b) any request to execute, not execute, or revoke a proxy; or
 - (c) providing a form of proxy or other communication to savings institution members under circumstances calculated to result in the procurement, withholding, or revocation of a proxy. The terms shall not apply to the furnishing of a form of proxy to a savings institution member upon the unsolicited request of the member or to the performance by any person of ministerial acts on behalf of a person soliciting a proxy.
- (14) "Material," when used to qualify a requirement to provide information as to any subject, limits the information required to those matters as to which an average prudent investor ought reasonably to be informed before purchasing an equity security of the applicant, or matters as to which an average prudent savings institution member ought reasonably to be informed in voting upon the plan of conversion of the applicant.

(23) "Subscription offering" shall mean offering shares of capital stock, through nontransferable subscription rights, to:

 - (a) eligible account holders as required by Rule .0311(2) of this Subchapter;
 - (b) supplemental eligible account holders as required by Rule .0311(4) of this Subchapter;
 - (c) members entitled to vote at the meeting called to consider the conversion as required by Rule .0311(5) of this Subchapter;
 - (d) directors, executive officers, and employees, as permitted by Rule .0312(2) of this Subchapter; or
 - (e) eligible account holders, supplemental eligible account holders, and voting members as permitted by Rule .0312(3) of this Subchapter.
- (15) "Negotiated transactions" shall mean transactions in which the securities are offered and the terms and arrangements relating to any sale of the securities are arrived at through direct communications between the seller or any person acting in its behalf and the purchaser or his investment representative.
- (16) "Offer," "offer to sell," or "offer of sale" shall mean every attempt or offer to dispose of or solicitation of an offer to buy a security or interest in a security for value. These terms shall not include preliminary negotiations or agreements between an applicant and any underwriter or among underwriters who are or will be in privity of contract with an applicant.
- (17) "Person" is defined in G.S. 55-1-40.
- (18) "Proxy" shall mean every form of authorization by which a person is, or may be deemed to be, designated to act for a savings institution member in the exercise of his or her voting rights in the affairs of a savings institution. An authorization may take the form of failure to dissent or object.

(24) "Subsidiary" of a specified person shall mean a person controlled, directly or indirectly, through one or more intermediaries by the specified person.
- (19) "Purchase" and "buy" shall mean every contract to acquire a security or interest in a security for value.

(25) "Supplemental eligible account holder" shall mean any person holding a qualifying deposit, except executive officers, directors, and their associates, as of the supplemental eligibility record date required by Rule .0311 of this Subchapter.
- (20) "Sale" and "sell" shall mean every contract to dispose of a security or interest in a security for value.

(26) "Underwriter" shall mean any person who has purchased from an applicant with a view to, or any person who offers or sells for an applicant in connection with, the distribution of any security; or participates or has a direct or indirect participation in the direct or indirect underwriting of any undertaking. Underwriting shall not include a person whose interest is limited to a commission from an underwriter or dealer not in excess of the usual and customary distributors' or sellers' commission. The term "principal underwriter" shall mean an underwriter in privity of contract with the
- (21) "Security" shall mean any note, stock, treasury stock, bond, debenture, transferable share, investment contract, voting-trust certificate, or in general, any instrument commonly known as a "security." It shall also include any certificate of interest or participation in, temporary or interim certificate for, receipt for, or warrant or right to subscribe to or purchase, any of the foregoing.
- (22) "Solicitation" and "solicit" shall mean:

applicant or other issuer of securities as to which he or she is the underwriter.

Amended Eff. November 1, 2017.

*History Note: Authority G.S. 54C-33; 54C-53;
Eff. February 15, 1992;
Amended Eff. November 1, 2017.*

04 NCAC 16G .0104 GENERAL REQUIREMENTS

(a) No application for conversion shall be approved by the Commissioner of Banks unless:

- (1) The conversion shall be conducted in compliance with G.S. 54B or G.S. 54C, and this Subchapter and pursuant to a plan of conversion approved by the Commissioner of Banks; and
- (2) The conversion shall not result in a taxable reorganization under the Internal Revenue Code.

(b) The converted savings bank shall be deemed to be a continuation of the savings institution so converted.

*History Note: Authority G.S. 54C-33; 54C-53;
Eff. February 15, 1992;
Amended Eff. November 1, 2017.*

04 NCAC 16G .0105 APPLICATION FOR CONVERSION

*History Note: Authority G.S. 54C-33; 54C-53;
Eff. February 15, 1992.
Repealed Eff. November 1, 2017.*

04 NCAC 16G .0106 CONFIDENTIAL INFORMATION

An applicant that submits information as part of an application may request that the information be confidential by separately binding and labeling the information as "confidential," and a statement shall be submitted setting forth the grounds on which the information should be treated as confidential pursuant to G.S. 54C-60. Only general reference to the confidential information shall be made in that portion of the application that the applicant requests not to be confidential. The Commissioner of Banks shall review the request of the applicant and determine if the documents are confidential pursuant to G.S. 54C-60. Applications under this Subchapter shall be made available for inspection by the public, except for portions that are bound and labeled "confidential" and that the Commissioner of Banks determines to be confidential pursuant to G.S. 54C-60. Preliminary copies of proxy-soliciting materials shall be confidential regardless of whether they are bound and labeled as "confidential." The applicant shall be advised of any decision by the Commissioner of Banks to make public information designated as "confidential" by the applicant. Notwithstanding the provisions of this Rule and to the extent permitted by G.S. 54C-60, the Commissioner of Banks may comment on the confidential submissions in any public statement in connection with any decision regarding the application without prior notice to the applicant.

*History Note: Authority G.S. 53C-2-7; 54C-33; 54C-53;
Eff. January 15, 1992;*

04 NCAC 16G .0311 REQUIRED PROVISIONS IN PLAN OF CONVERSION

The plan of conversion shall:

- (1) Provide that the converting savings institution shall issue and sell its capital stock at a total price equal to the estimated pro forma market value of the stock in the converted savings institution, based on an independent valuation, as provided in Rule .0717 of this Subchapter.
- (2) Provide that each eligible account holder shall receive, without payment, nontransferable subscription rights to purchase capital stock. Subscription rights shall be allocated among the eligible account holders on an equitable basis in an amount not greater than the maximum purchase limitation established for the public offering or the direct community offering. The plan of conversion shall provide a comprehensive description of this allocation including a detailed description of the allocation in the event of an oversubscription of the capital stock. In the event of an oversubscription, shares shall be allocated on an equitable basis that is related to the amount of the subscriber's qualifying deposits.
- (3) Provide that nontransferable subscription rights to purchase capital stock received by executive officers and directors of the applicant and their associates, based on their increased deposits in the applicant savings institution in the one-year period preceding the eligibility record date, shall be subordinated to all other subscriptions involving the exercise of nontransferable subscription rights to purchase shares pursuant to Item (2) of this Rule.
- (4) In plans involving an eligibility record date that is more than 15 months prior to the date of the latest amendment to the application for conversion filed prior to the Commissioner of Banks' approval, provide that a supplemental eligibility record date shall be determined whereby each supplemental eligible account holder of the applicant shall receive, without payment, nontransferable subscription rights to purchase capital stock in an amount related to his or her respective qualifying deposits.
 - (a) Subscription rights received pursuant to Item (4) of this Rule shall be subordinated to all rights received by eligible account holders to purchase shares pursuant to Items (2) and (3) of this Rule.
 - (b) Any nontransferable subscription rights to purchase shares received by an eligible account holder in accordance with Item (2) of this Rule shall be applied in partial satisfaction

- of the subscription rights to be distributed pursuant to this Item.
 - (c) In the event of an oversubscription for supplemental shares pursuant to this Item, shares shall be allocated among the subscribing supplemental eligible account holders on an equitable basis, related to the amounts of their respective qualifying deposits, as may be provided in the plan of conversion.
- (5) Provide that voting members who are not either eligible account holders or supplemental eligible account holders shall receive, without payment, nontransferable subscription rights to purchase capital stock on an equitable basis defined in the plan of conversion. Subscription rights received pursuant to this Item shall be subordinated to all rights received by eligible account holders and supplemental eligible account holders to purchase shares pursuant to Items (2), (3), and (4) of this Rule. In the event of an oversubscription of capital stock pursuant to this Item, shares shall be allocated among the subscribing voting members on such equitable basis as may be provided in detail in the plan of conversion.
- (6) Provide that any shares of the applicant not sold to persons with subscription rights shall either be sold in a public offering through an underwriter or directly by the applicant in a direct community offering, subject to the applicant demonstrating to the Commissioner of Banks the feasibility of the method of sale and of conditions as may be provided in the plan of conversion. Conditions may include the following:
 - (a) limiting purchases in the public offering or the direct community offering by any person together with any associate or group of persons acting in concert to a percentage of the total offering of shares not exceeding five percent; except that:
 - (i) any one or more tax-qualified employee stock benefit plans of the applicant may purchase in the aggregate not more than ten percent of the total offering of shares and shall be entitled to purchase that amount regardless of the number of shares to be purchased by other parties; and
 - (ii) that shares held by one or more tax-qualified employee stock benefit plans and attributed to a person shall not be aggregated with other
- shares purchased directly by or otherwise attributable to that person.
 - (b) requiring that orders for stock in any public offering or direct community offering shall first be filled up to a maximum of two percent of the conversion stock per order and thereafter remaining shares shall be allocated on an equal number of shares basis per order until all orders have been filled;
 - (c) requiring that stock to be offered and sold in the public offering or the direct community offering shall be offered and sold in a manner requiring that will achieve the widest distribution of the stock; or
 - (d) any direct community offering by the applicant shall give a preference to a person residing in the counties in which the applicant has an office.
- (7) Provide that the number of shares that any person together with any associate or group of persons acting in concert may subscribe or purchase in the conversion shall not exceed five percent of the total offering of shares, except that any one or more tax-qualified employee stock benefit plans of the applicant may purchase in the aggregate not more than 10 percent of the total offering of shares. Shares held by one or more tax-qualified or non-tax-qualified employee stock benefit plans and attributed to a person shall not be aggregated with shares purchased directly by or otherwise attributable to that person. For purpose of this Item the members of the converting savings institution's board of directors shall not be deemed to be associates or a group of persons acting in concert solely as a result of their board membership.
- (8) Provide that for a period of three years following the conversion no executive officer or director or any associate of an executive officer or director shall purchase without the prior written approval of the Commissioner of Banks the capital stock of the converted savings institution except from a broker or dealer registered with the Secretary of State of North Carolina or the Securities and Exchange Commission. This provision shall not apply to negotiated transactions involving more than one percent of the outstanding capital stock of the converted savings institution or to purchases of stock made by and held by any one or more tax qualified or non-tax-qualified employee stock benefit plans of the applicant that may be attributable to executive officers or directors.

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| <p>(9) Provide that the sales price of the shares of capital stock to be sold in the conversion shall be a uniform price and specify the underwriting and other marketing arrangements to be made to assure the sale of any shares not sold in the subscription offering.</p> <p>(10) Provide that each deposit account holder of the converting savings institution shall receive, without payment, a deposit account or accounts in the converted savings institution equal in amount to the value of the account holder's deposit account or accounts in the converting savings institution.</p> <p>(11) Provide for the establishment and maintenance of a liquidation account for the benefit of eligible account holders and supplemental eligible account holders in the event of a subsequent complete liquidation of the converted savings institution.</p> <p>(12) Provide for an eligibility record date that shall be not less than 90 days prior to the date of adoption of the plan by the converting savings institution's board of directors.</p> <p>(13) Provide that the holders of the capital stock of the converted savings institution shall have exclusive voting rights.</p> <p>(14) Provide that the plan of conversion adopted by the applicant's board of directors may be amended by the board of directors prior to the solicitation of proxies from members to vote on the plan and at any time thereafter with the concurrence of the Commissioner of Banks, and that the conversion may be terminated by the board of directors at any time prior to the meeting of members called to consider the plan of conversion and at any time thereafter with the concurrence of the Commissioner of Banks.</p> <p>(15) Establish a time period within which the conversion shall be completed prior to termination. This time period shall not be more than 12 months from the date the members approve the plan of conversion. This time period may be extended an additional 12 months by a plan amendment.</p> <p>(16) Provide that all shares of capital stock purchased by directors and executive officers on original issue in the conversion either directly from the applicant (by subscription or otherwise) or from an underwriter of shares, shall be subject to the restriction that such shares shall not be sold for a period of not less than one year following the date of purchase, except in the event of death of the director or executive officer. The Commissioner of Banks may grant permission for the transfer of restricted stock upon a determination that the restriction imposes a substantial personal financial hardship on the individual due to</p> | <p>changed unforeseeable circumstances outside the control of the individual.</p> <p>(17) Provide that, in connection with shares of capital stock subject to restriction on sale under Item (16) of this Rule:</p> <p>(a) Each certificate for such stock shall bear a legend giving appropriate notice of the applicable restrictions;</p> <p>(b) Instructions shall be issued to the transfer agent for the converted savings institution's capital stock with respect to applicable restrictions on transfer of any restricted stock; and</p> <p>(c) Any shares issued as a stock dividend, stock split, or otherwise with respect to any restricted stock shall be subject to the same restrictions as may apply to the restricted stock.</p> <p>(18) Provide that the converting savings institution shall:</p> <p>(a) encourage a market maker to establish and maintain a market for the securities issued in connection with the conversion; and</p> <p>(b) list those shares issued in connection with the conversion on a national or regional securities exchange, or on the NASDAQ system.</p> <p>(19) Provide that the expenses incurred in the conversion shall be reasonable.</p> <p>(20) Contain no provision that the Commissioner of Banks finds to be inequitable or detrimental to the applicant, its account holders or other savings banks or to be contrary to the public interest.</p> <p>(21) Contain no provision that the Commissioner of Banks finds will harm the community and public served by the savings institution.</p> <p>(22) Provide that the converting savings bank shall not loan funds or otherwise extend credit on an unsecured basis or upon the security of the savings institution's capital stock to any person to purchase the capital stock of the converting savings institution.</p> <p>(23) Provide that the savings institution may make scheduled discretionary contributions to a tax-qualified employee stock benefit plan provided the contributions do not cause the savings institution to fail to meet its net worth requirements.</p> |
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*History Note: Authority G.S. 54C-33; 54C-53;
Eff. February 15, 1992;
Amended Eff. November 1, 2017; May 3, 1993.*

04 NCAC 16G .0312 OPTIONAL PROVISIONS IN PLAN OF CONVERSION

The plan of conversion may provide any of the following:

- (1) The applicant may commence the direct community offering or the public offering, or both, concurrently with or at any time during the subscription offering. The subscription offering may be commenced concurrently with or at any time after the mailing to members of the proxy statement authorized for use by the Commissioner of Banks. The subscription offering may be closed before the meeting of the members held to vote on the plan of conversion, provided that the offer and sale of capital stock shall be conditioned upon the approval of the plan of conversion by the members.
- (2) Directors, executive officers, and employees of the converting savings institution shall receive, without payment, nontransferable subscription rights to purchase shares of capital stock, to the extent that shares are available after satisfying the subscriptions of eligible account holders, supplemental eligible account holders, and voting members provided for under Items (2), (4) and (5) of Rule .0311 of this Section. The shares shall be allocated among directors, officers, and employees on an equitable basis such as by giving weight to length of service, compensation, and position, subject to the limitation in Item (7) of Rule .0311 of this Section on the amount of shares that may be purchased by any person, associate, or group of affiliated persons or group of persons otherwise acting in concert.
- (3) Any account holder receiving rights to purchase stock in the subscription offering shall also receive, without payment, nontransferable subscription rights to purchase up to one percent of the total offering of shares of capital stock, to the extent that the shares are available after satisfying the subscriptions provided for under Items (2), (4), and (5) of Rule .0311 of this Section, subject to conditions as may be provided in the plan of conversion. In the event of an oversubscription for the additional shares, the shares available shall be allocated among the subscribing eligible account holders, supplemental eligible account holders, and voting members on an equitable basis related to the amounts of their respective subscriptions, as may be provided in the plan of conversion.
- (4) The applicant may require members to return by a date certain a postage-paid written communication provided by the applicant, requesting receipt of a subscription offering circular or a preliminary or final offering circular in an offering pursuant to Item (10) of this Rule, in order to be entitled to receive an offering circular from the applicant; provided, that the subscription offering or the offering pursuant to Item (10) of this Rule shall not be closed until 30 days after the mailing by the applicant to members of the postage-paid written communication. If the subscription offering or the offering pursuant to Item (10) of this Rule is not commenced within 45 days after the meeting of members, any converting savings institution adopting this optional provision shall transmit, not more than 30 days prior to the commencement of the subscription offering or the offering pursuant to Item (10) of this Rule to each member who had been furnished with proxy solicitation materials, written notice of the commencement of the offering that shall state that the converting savings institution is not required to furnish an offering circular to a member unless the member returns by a date certain the postage-paid written communication provided by the converting savings institution requesting receipt of an offering circular.
- (5) The applicant may require eligible account holders and supplemental eligible account holders who are not voting members to return by a date certain a postage-paid written communication in accordance with the procedure established in Item (4) of this Rule.
- (6) Any residue of shares of the converting savings institution not sold in the subscription offering, in a public offering, or direct community offering may be sold as provided in the plan of conversion with the written consent of the Commissioner of Banks.
- (7) The number of shares that any person or group of persons affiliated with each other or otherwise acting in concert may subscribe for in the subscription offering may be made subject to a limit of not less than one percent of the total offering of the shares.
- (8) Any person exercising subscription rights to purchase capital stock shall be required to purchase a minimum number of shares, but the aggregate price for any minimum share purchase shall not exceed five hundred dollars (\$500.00).
- (9) The converted savings institution shall issue and sell, in lieu of shares of its capital stock, units of securities consisting of capital stock and long-term warrants or other equity securities, in which event any reference in the provisions of this Subchapter to capital stock shall apply to units of equity securities unless the context otherwise requires.
- (10) Instead of a separate subscription offering, all subscription rights issued in connection with the conversion shall be exercisable by delivery of completed and executed order forms to the underwriters or selling group for the public offering or pursuant to any other procedure, subject to the applicant demonstrating to the

- Commissioner of Banks the feasibility of the method of exercising such right and to such conditions as shall be provided in the plan of conversion.
- (11) The Commissioner of Banks may approve other equitable provisions as necessary to avert injury to the converting savings institution.
- (12) The proxy statement authorized by G.S. 54B-33 or G.S. 54C-33 may be in summary form, provided the proxy meets the requirements. The date on which the summary proxy statement is mailed to members shall be deemed the date on which notice is given. Without the prior written consent of the Commissioner of Banks, the meeting of members shall not be held less than 20 days after the date on which the supplemental information statement is mailed to requesting members.
- (13) In the event that the converting institution is establishing a tax-qualified employee stock ownership plan (ESOP) for the benefit of its employees, then notwithstanding the priorities established under Items (2), (4), and (5) of Rule .0311 of this Section, the plan of conversion may provide that the ESOP may purchase up to 10 percent of the aggregate shares offered in the conversion prior to offering shares to eligible account holders, supplemental eligible account holders, or other voting members.
- (14) Eligible account holders shall be divided into two subcategories for purposes of determining the aggregate number of shares of conversion stock allocated to be purchased by account holders in each subcategory: those whose permanent residence is within the market area of the converting institution and those whose permanent residence is outside the market area of the converting institution. A plan of conversion that divides account holders into subcategories shall provide:
- (a) That each eligible accountholder who resides within the applicant's market area shall receive nontransferable subscription rights to purchase a number of shares based on the accountholder's qualifying deposit balance up to the maximum purchase limitation established pursuant to Rule .0311(7) of this Section, provided that the aggregate number of shares of conversion stock to be allocated for purchase by eligible account holders within the converting institution's market area shall equal that number of shares (rounded to the nearest whole number) determined by multiplying the total number of shares of stock to be sold in the offering times a fraction
- the numerator of which is the sum of qualifying deposits held by eligible account holders residing inside the market area and the denominator of which is the sum of all qualifying deposits.
- (b) That each eligible account holder who resides outside the applicant's market area shall receive nontransferable subscription rights to purchase a number of shares based on the account holder's qualifying deposit balance up to the maximum purchase limitations established pursuant to Rule .0311(7) of this Section, provided that the aggregate number of shares of conversion stock to be allocated for purchase by eligible account holders outside the converting institution's market area shall equal that number of shares (rounded to the nearest whole number) determined by multiplying the total number of shares of stock to be sold in the offering times a fraction the numerator of which is the sum of qualifying deposits held by eligible account holders residing outside the converting institution's market area and the denominator of which is the sum of all qualifying deposits.
- (c) Within each subcategory, a formula to be used in the event of an oversubscription for the equitable allocation of shares of stock within the subcategory that relates to an eligible account holder's qualifying deposit balance.
- (d) For the purposes of this Item, a converting institution shall define its "market area" to include each county in which it has an office and may include additional counties contiguous to those counties in which it maintains an office, regardless of whether such counties are in the State of North Carolina.

History Note: Authority G.S. 54B-33; 54C-33; 54C-53; Eff. February 15, 1992; Amended Eff. November 1, 2017; September 1, 1993; April 15, 1993.

04 NCAC 16G .0313 RECORD DATES FOR QUALIFYING DEPOSITS

The amount of the qualifying deposit of an eligible account holder or supplemental eligible account holder shall be the total of the deposit balances in the eligible account holder's or supplemental eligible account holder's deposit accounts in the converting savings institution as of the close of business on the eligibility

record date or supplemental eligibility record date. The plan of conversion may provide that any deposit accounts with total deposit balances of less than fifty dollars (\$50.00) shall not constitute a qualifying deposit.

History Note: Authority G.S. 54C-33; 54C-53;
Eff. February 15, 1992;
Amended Eff. November 1, 2017.

04 NCAC 16G .0314 LIQUIDATION ACCOUNT

History Note: Authority G.S. 54C-33; 54C-53;
Eff. February 15, 1992;
Repealed Eff. November 1, 2017.

04 NCAC 16G .0315 MANIPULATIVE AND DECEPTIVE DEVICES

In the offer, sale, or purchase of securities issued incident to its conversion, no savings institution, director, executive officer, attorney, agent, or employee shall:

- (1) employ any device, scheme, or artifice to defraud;
- (2) obtain money or property by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in the light of the circumstances that they were made, not misleading; or
- (3) engage in any act, transaction, practice, or course of business that operates or would operate as a fraud or deceit upon a purchaser or seller.

History Note: Authority G.S. 54C-33; 54C-53;
Eff. February 15, 1992;
Amended Eff. November 1, 2017.

04 NCAC 16G .0316 MERGER OF CONVERTED SAVINGS BANKS

History Note: Authority G.S. 54C-33; 54C-53;
Eff. February 15, 1992;
Repealed Eff. November 1, 2017.

04 NCAC 16G .0404 INFORMATION PRIOR TO APPROVAL OF PLAN OF CONVERSION

History Note: Authority G.S. 54C-33; 54C-53;
Eff. February 15, 1992;
Repealed Eff. November 1, 2017.

04 NCAC 16G .0405 NOTICE OF FILING

(a) Upon determination that an application for conversion is complete, the Commissioner of Banks shall advise the applicant to publish a notice of the filing of the application. The applicant shall publish the notice in a newspaper having general circulation in the community that the home office of the applicant is located, and the notice shall state the following:

**NOTICE OF FILING OF AN APPLICATION FOR
 CONVERSION
 TO A STOCK SAVINGS BANK**

Notice is hereby given that, pursuant to General Statute 54C-33,

(fill in name of applicant)

has filed an application with the Office of the Commissioner of Banks for approval to convert to the stock form of organization. Copies of the application have been delivered to the North Carolina Office of the Commissioner of Banks, 316 W. Edenton Street, Raleigh, North Carolina 27603.

Written comments, including objections to the plan of conversion and materials supporting the objections, from any member of the applicant or aggrieved person shall be considered by the Commissioner of Banks if filed within 14 business days after the date of this notice. Comments or objections shall be sent to the Commissioner of Banks at the address noted above. A copy of the plan may be obtained from the applicant.

(b) After publication of the notice prescribed in Paragraph (a) of this Rule, the applicant shall file a copy of the notice with the Commissioner of Banks. The applicant shall also file a copy of an affidavit of publication from each newspaper publisher.

History Note: Authority G.S. 54B-33; 54C-33; 54C-53;
Eff. February 15, 1992;
Amended Eff. November 1, 2017.

04 NCAC 16G .0509 SOLICITATIONS TO WHICH RULES APPLY

This Section applies to every solicitation of a proxy from a member of a savings institution for the meeting that a plan of conversion will be voted upon, except the following:

- (1) any solicitation made otherwise than on behalf of the management of the savings institution where the total number of persons solicited is not more than 50; or
- (2) any solicitation through the medium of a newspaper advertisement that informs members, following approval of the plan of conversion, of a source from which they may obtain copies of a proxy statement, form of proxy, or any other solicitation material and shall contain no more than:
 - (a) name the savings institution;
 - (b) state the reason for the advertisement;
 - (c) identify the proposal or proposals to be acted upon by members; and
 - (d) urge members to vote at the meeting.

History Note: Authority G.S. 54B-33; 54C-33; 54C-53;
Eff. February 15, 1992;
Amended Eff. November 1, 2017.

04 NCAC 16G .0510 USE OF PROXY SOLICITING MATERIAL TO BE AUTHORIZED

Proxy solicitation material shall not be furnished to members or distributed until the material has been authorized, in writing by

the Commissioner of Banks. Proxy solicitation material authorized for use by the Commissioner of Banks shall be mailed to the members within 10 days of authorization or within 10 days of the date that the material is declared effective by the Securities and Exchange Commission, if applicable, whichever is later. The Commissioner of Banks may approve in writing to extend the date upon a showing that adherence to the 10-day rule would cause a hardship upon the savings institution and that the delay would not be disadvantageous to any interested party.

*History Note: Authority G.S. 54B-33; 54C-33; 54C-53;
Eff. February 15, 1992;
Amended Eff. November 1, 2017; April 15, 1993.*

04 NCAC 16G .0511 INFORMATION TO BE FURNISHED TO MEMBERS

No solicitation shall be made unless each person solicited is furnished, or has previously been furnished, a written proxy statement that has been authorized by the Commissioner of Banks.

*History Note: Authority G.S. 54C-33; 54C-53;
Eff. February 15, 1992;
Amended Eff. November 1, 2017.*

04 NCAC 16G .0512 REQUIREMENTS AS TO PROXY

(a) The form of proxy shall:

- (1) indicate in bold face type whether the proxy is solicited on behalf of management;
- (2) provide blank spaces for dating and signing the proxy;
- (3) identify each matter or group of related matters intended to be acted upon;
- (4) be labeled "Revocable Proxy" in bold face type;
- (5) describe any charter or state law restricting or conditioning voting by proxy;
- (6) contain an acknowledgement by the person giving the proxy that the person has received a proxy statement prior to signing the form of proxy;
- (7) contain the date, time, and place of meeting, if practicable;
- (8) provide, by a box or otherwise, a means whereby the person solicited is afforded an opportunity to specify by ballot a choice between approval or disapproval of each matter intended to be acted upon; and
- (9) indicate in bold face type how the proxy shall be voted on each matter if no choice is specified.

(b) No proxy obtained pursuant to the conversion shall confer authority to vote at any meeting other than the meeting, or any adjournment thereof, to vote on the plan of conversion. A proxy may be deemed to confer authority to vote with respect to matters incident to the conduct of the meeting. If the plan of conversion is considered at an annual meeting, existing proxies may be voted with respect to matters not related to the plan of conversion.

(c) The proxy statement or form of proxy shall provide that the votes represented by the proxy will be voted. Where the person solicited specifies by means of a ballot provided pursuant to

Subparagraph (a)(8) of this Rule a choice with respect to any matter to be acted upon, the votes shall be voted in accordance with the specifications. If no choice is specified, the votes shall be cast as indicated in bold face type on the form of proxy.

*History Note: Authority G.S. 54C-33; 54C-53;
Eff. February 15, 1992;
Amended Eff. November 1, 2017.*

04 NCAC 16G .0513 MATERIAL REQUIRED TO BE FILED

(a) An applicant shall file a preliminary copy of the proxy materials to be used by the applicant as a part of the application for conversion filed with the Commissioner of Banks.

(b) A copy of the proxy statement, a copy of the form of proxy, and all other solicitation material in the form that the material is furnished to members shall be filed with or mailed for filing to the Commissioner of Banks not later than the date the material is first sent or given to members. All materials filed pursuant to this Paragraph shall be accompanied by a statement of the date that copies of the materials are to be released to members.

(c) All preliminary copies of material filed pursuant to Paragraph (a) of this Rule shall be marked on the cover page "Preliminary Copy." Preliminary copies shall be for the information of the Commissioner of Banks only.

(d) Unless requested by the Commissioner of Banks, copies of replies to inquiries from members and copies of communications that do no more than request that forms of proxy solicited be signed and returned shall not be filed pursuant to this Rule.

(e) Where any proxy statement, form of proxy, or other material filed pursuant to this Rule is amended or revised, a copy of the amended or revised material filed with the Commissioner of Banks shall be marked to indicate all changes effected subsequent to the previous filing, prior to use of the amended or revised material.

*History Note: Authority G.S. 54C-33; 54C-53;
Eff. February 15, 1992;
Amended Eff. November 1, 2017; April 15, 1993.*

04 NCAC 16G .0514 MAILING COMMUNICATIONS FOR MEMBERS

*History Note: Authority G.S. 54C-33; 54C-53;
Eff. February 15, 1992;
Repealed Eff. November 1, 2017.*

04 NCAC 16G .0515 FALSE OR MISLEADING STATEMENTS

(a) Any solicitation of a proxy for the meeting to vote on the plan of conversion by the applicant, its management, or any other person shall not contain written or oral statements, including misleading statements by intentional omission or by misstatement, that when made is false or misleading with respect to any material fact of the conversion.

(b) The fact that a proxy statement, form of proxy, or other solicitation material has been filed with or examined by the Commissioner of Banks and authorized for use shall not be a finding by the Commissioner of Banks that the material is

accurate or complete, not false or misleading, or that the Commissioner of Banks has passed upon the merits of or approved any proposal contained therein. No representation to the contrary shall be made by any person.

(c) If a solicitation by management or the applicant violates any provision of this Rule, the Commissioner of Banks may require remedial measures, including:

- (1) correction of any such violation by means of a retraction and new solicitation;
- (2) rescheduling of the meeting for a vote on the plan of conversion; or
- (3) any other actions that are appropriate under the circumstances in order to ensure a fair vote.

History Note: Authority G.S. 54C-33; 54C-53;
Eff. February 15, 1992;
Amended Eff. November 1, 2017.

04 NCAC 16G .0516 PROHIBITION OF CERTAIN SOLICITATIONS

No person soliciting a proxy from a member for the meeting to vote on the plan of conversion shall solicit:

- (1) any undated or post-dated proxy;
- (2) any proxy that provides that it shall be deemed to be dated as of any date subsequent to the date that it is signed by the member;
- (3) any proxy that is not revocable at will by the member giving it; or
- (4) any proxy that is part of any other document or instrument, such as an account card.

History Note: Authority G.S. 54C-33; 54C-53;
Eff. February 15, 1992;
Amended Eff. November 1, 2017.

**04 NCAC 16G .0606 VOTE AT MEMBERS MEETING
04 NCAC 16G .0607 NOTICE TO MEMBERS
04 NCAC 16G .0608 ELECTIVE NOTICE TO NON-VOTING ACCOUNT HOLDERS**

History Note: Authority G.S. 54C-33; 54C-53;
Eff. February 15, 1992;
Repealed Eff. November 1, 2017.

04 NCAC 16G .0712 GENERAL

No offer to sell securities of an applicant pursuant to a plan of conversion may be made until the Commissioner of Banks has approved the plan of conversion and authorized the use of the proxy statement. No sale of securities may be made except by means of a final offering circular that meets the requirements of this Section and that has been approved by the Commissioner of Banks. This Rule shall not apply to preliminary negotiations or agreements between an applicant and any underwriter or among underwriters who are to be in privity of contract with the applicant.

History Note: Authority G.S. 54C-33; 54C-53;
Eff. February 15, 1992;
Amended Eff. November 1, 2017.

04 NCAC 16G .0713 DISTRIBUTION OF OFFERING MATERIALS

Any preliminary offering circular that has been filed with the Commissioner of Banks may be distributed in connection with the offering at the same time as or after the proxy statement is mailed to members. No final offering circular shall be distributed until it has been approved by the Commissioner of Banks. The approval of the final offering circular by the Commissioner of Banks shall not extend beyond the maximum time period specified for the completion of the sale of all the capital stock, pursuant to Rule .0720 of this Section, or beyond the period of time the Commissioner of Banks shall establish upon a subsequent declaration of effectiveness in the event of the granting of an extension of time pursuant to Rule .0722 of this Section.

History Note: Authority G.S. 54C-33; 54C-53;
Eff. February 15, 1992;
Amended Eff. November 1, 2017.

04 NCAC 16G .0714 ESTIMATED PRICE INFORMATION: PROXY STATEMENTS

History Note: Authority G.S. 54C-33; 54C-53;
Eff. February 15, 1992;
Repealed Eff. November 1, 2017.

04 NCAC 16G .0715 PROHIBITED REPRESENTATIONS

No representations shall be made in any manner that the price information has been approved by the Commissioner of Banks, that the shares of capital stock sold pursuant to the plan of conversion have been approved or disapproved by the Commissioner of Banks, or that the Commissioner of Banks has opined on the accuracy or adequacy of any offering circular covering the shares.

History Note: Authority G.S. 54C-33; 54C-53;
Eff. February 15, 1992;
Amended Eff. November 1, 2017.

04 NCAC 16G .0716 UNDERWRITING EXPENSES

History Note: Authority G.S. 54C-33; 54C-53;
Eff. February 15, 1992;
Repealed Eff. November 1, 2017.

04 NCAC 16G .0717 PRICING MATERIALS

(a) In considering the pricing information, the Commissioner of Banks shall apply the following guidelines:

- (1) the materials shall be prepared by persons independent of the applicant who are experienced and expert in the area of corporate appraisal;
- (2) the materials shall contain a brief summary of data that is sufficient to support the conclusions reached; and
- (3) to the extent that the appraisal is based on the capitalization of the pro forma income of the

converted savings bank, the materials shall indicate the basis for determination of the income to be derived from the proceeds of the sale of stock and demonstrate the appropriateness of the earnings multiple used, including assumptions made as to future earnings growth. To the extent that the appraisal is based on a comparison of the capital stock of the applicant with the outstanding capital stock of existing stock savings banks, the existing stock savings banks shall be comparable to the applicant in terms of such factors as size, market area, competitive conditions, profit history, and expected future earnings.

(b) In addition to the information required in Paragraph (a) of this Rule, the applicant shall submit information demonstrating to the Commissioner of Banks the independence and expertise of any person preparing materials under this Rule. A person shall not be considered as lacking independence for the reason that the person will participate in effecting a sale of capital stock under the plan of conversion or will receive a fee from the applicant for services rendered in connection with the appraisal.

*History Note: Authority G.S. 54C-33; 54C-53;
Eff. February 15, 1992;
Amended Eff. November 1, 2017.*

**04 NCAC 16G .0718 ORDER FORMS FOR
PURCHASE OF CAPITAL STOCK**

(a) After the Commissioner of Banks has authorized the offering circular for the subscription offering, the applicant shall distribute order forms for the purchase of shares of capital stock in the offering to all eligible account holders, supplemental eligible account holders (if applicable), voting members, and other persons who may subscribe for shares of capital stock under the plan of conversion. If the applicant has adopted in its plan of conversion the optional provisions set forth in Items (4), (5) or (10) of Rule .0312 of this Subchapter, the applicant shall deliver order forms to the eligible account holders, supplemental eligible account holders, and voting members who requested receipt of the offering circular.

(b) Each order form shall be accompanied or preceded by the final offering circular for the subscription offering or the public offering and a set of detailed instructions explaining how to complete the order forms. The offering circular and order form instructions may be included in the same document.

(c) The maximum subscription price stated on each order form shall be the amount to be paid when the order form is returned. The maximum subscription price and the actual subscription price shall be within the subscription price range stated in the offering circular approved by the Commissioner of Banks. If either the maximum subscription price or the actual subscription price is not within the approved subscription price range, the applicant shall obtain the written consent of the Commissioner of Banks for the change in price. Based on the magnitude of the difference the Commissioner of Banks may condition the amended approval by requiring a resolicitation of proxies, order forms, or both. If the actual public offering price is less than the maximum subscription price stated on the order form, the actual subscription price shall

be correspondingly reduced and the difference shall be refunded to those who have paid the maximum subscription price unless the subscribers affirmatively elect to have the difference applied to the purchase of additional shares of capital stock.

(d) Each order form shall be prepared so as to indicate to the person receiving it, in as simple, clear, and intelligible a manner as possible, the actions that are required or available to him or her with respect to the form and the capital stock offered for purchase thereby. Each order form shall:

- (1) indicate the maximum number of shares that may be purchased pursuant to the subscription offering;
- (2) indicate the period of time that the subscription rights must be exercised, which shall not be less than 20 days and no more than 45 days following the date of the mailing of the subscription offering order form;
- (3) state the maximum subscription price per share of capital stock;
- (4) indicate any requirements as to the minimum number of shares of capital stock that must be purchased;
- (5) provide a designated blank space or spaces for indicating the number of shares of capital stock that the eligible account holder or other person wishes to purchase;
- (6) indicate the manner of required payment and, if the payment may be made by withdrawal from a certificate of deposit, indicate that the withdrawal may be made without penalty. If payment is to be made by a withdrawal from a deposit account or certificate of deposit, a box to check shall be provided;
- (7) provide designated blank spaces for dating and signing the order form;
- (8) contain an acknowledgement by the account holder or other person signing the order form that the person has received the final offering circular for the subscription offering prior to signing the order form; and
- (9) indicate the consequences of failing to complete and return the order form, including a statement to which the subscription rights are nontransferable and shall become void at the end of the subscription period. The order form may, and the set of instructions shall, indicate the place or places that the order forms are to be returned and when the order forms shall be deemed to be received.

(e) The order form may provide that it shall not be modified without the applicant's consent after the order form has been returned to the applicant. If payment is to be made by withdrawal from a deposit account or certificate of deposit, the applicant may cause the withdrawal to be made upon receipt of the order form. If the withdrawal is made at any time prior to the closing date of the public offering, the applicant shall pay interest to the account holder on the amount withdrawn as if the amount had remained in the account from which it was withdrawn until the closing date.

History Note: Authority G.S. 54C-33; 54C-53;
Eff. February 15, 1992;
Amended Eff. November 1, 2017.

**04 NCAC 16G .0719 WITHDRAWAL FROM
 CERTIFICATE ACCOUNTS**

History Note: Authority G.S. 54C-33; 54C-53;
Eff. February 15, 1992;
Repealed Eff. November 1, 2017.

**04 NCAC 16G .0720 PERIOD FOR COMPLETION OF
 SALE**

The applicant shall complete all sales of stock within 45 days after the last day of the subscription period, unless the time period is extended as provided in Rule .0722 of this Section.

History Note: Authority G.S. 54C-33; 54C-53;
Eff. February 15, 1992;
Amended Eff. November 1, 2017.

**04 NCAC 16G .0722 EXTENSIONS OF TIME TO
 COMPLETE OFFERINGS**

(a) The applicant may request and the Commissioner of Banks may grant one or more extensions of time required to complete the sale of all shares of capital stock, pursuant to Rule .0720 of this Section, provided that no single extension of time shall exceed 90 days. No extension shall be granted unless the savings institution shows that the circumstances leading to the request for an extension were beyond the control of the savings institution and that the investors who purchased stock during the initial subscription period will not be disadvantaged by the extension.

(b) Upon granting an extension of time pursuant to Paragraph (a) of this Rule, the applicant shall distribute to each subscriber in the offering and, if applicable, to each person who has ordered stock in the direct community offering a post-effective amendment to the offering circular filed under an amendment to the application for conversion and approved by the Commissioner of Banks pursuant to Paragraph (d) of this Rule. The applicant shall notify each subscriber and each ordering person of the extension of time and of the right of each subscriber and each ordering person to increase, decrease, or rescind their subscription at any time prior to 20 days before the end of the extension period or at any time prior to the date of the commencement of the public offering or the direct community offering, provided that the public offering or the direct community offering is not completed within 20 days after its commencement. All instructions from subscribers and ordering persons to increase, decrease, or rescind their subscriptions or orders received during the 20-day offering period shall be honored by the applicant.

(c) For the purpose of this Rule, the public offering shall be deemed to commence upon the filing with the Commissioner of Banks of the preliminary offering circular for the public offering. The direct community offering shall be deemed to commence upon approval by the Commissioner of Banks of the final offering circular.

(d) After the expiration of the subscription rights, the converting savings institution shall file with and have approved by the Commissioner of Banks a post-effective amendment to the

offering circular upon the occurrence of any event, circumstance, or change of circumstance that would be material to the investment decision of a subscriber or, if applicable, a person who has ordered capital stock in the direct community offering.

(e) Any post-effective amendment to an offering circular shall be distributed by the converting savings institution within two business days after approval. It shall be distributed to each subscriber, and, if applicable, each person who has ordered stock in the direct community offering. The converting savings institution shall grant to each subscriber and ordering person the right to increase, decrease, or rescind their subscription or order for a period which shall be the greater of 10 days from the date of the mailing of the post-effective amendment or the period remaining in an extension of time granted by the Commissioner of Banks pursuant to the provisions of Paragraph (b) of this Rule.

History Note: Authority G.S. 54C-33; 54C-53;
Eff. February 15, 1992;
Amended Eff. November 1, 2017.

**04 NCAC 16G .0822 IMPROPERLY EXECUTED OR
 MATERIALLY INCOMPLETE FILINGS**

History Note: Authority G.S. 54C-33; 54C-53;
Eff. February 15, 1992;
Repealed Eff. November 1, 2017.

**04 NCAC 16G .0823 ADDITIONAL FILING
 REQUIREMENTS**

An applicant whose plan of conversion has been approved by the Commissioner of Banks shall fulfill the following requirements:

- (1) After the meeting of members called to consider the plan of conversion, the applicant shall file with the Commissioner of Banks a certified copy of each resolution adopted at the meeting relating to the plan of conversion, together with the following information:
 - (a) the total number of votes eligible to be cast;
 - (b) the total number of votes represented in person or by proxy at the meeting;
 - (c) the total number of votes cast in favor of and against each matter; and
 - (d) the percentage of votes necessary to approve each matter.

The compilation of the votes cast at the meeting may be prepared by an independent public accountant or by an independent transfer agent.

- (2) After the meeting of members called to consider the plan of conversion, the applicant shall file with the Commissioner of Banks an opinion of counsel to the effect that:
 - (a) the meeting of members was duly held in accordance with all requirements of applicable State and federal law and regulation;
 - (b) all requirements of State and federal law applicable to the conversion have been complied with; and

- (c) if the savings bank has used proxies executed prior to the proxy solicitation required by Rule .0511 of this Subchapter, the authority conferred by such proxies includes authority to vote on this plan of conversion.

History Note: Authority G.S. 54C-33; 54C-53;
Eff. February 15, 1992;
Amended Eff. November 1, 2017.

04 NCAC 16G .0824 APPLICATION SIGNATURES
04 NCAC 16G .0825 REQUIREMENTS AS TO PAPER AND PRINTING
04 NCAC 16G .0826 METHOD OF PREPARATION
04 NCAC 16G .0827 INFORMATION UNKNOWN OR NOT REASONABLY AVAILABLE
04 NCAC 16G .0828 INCORPORATION OF CERTAIN INFORMATION BY REFERENCE
04 NCAC 16G .0829 PRESENTATION OF INFORMATION

History Note: Authority G.S. 54C-33; 54C-53;
Eff. February 15, 1992;
Repealed Eff. November 1, 2017.

04 NCAC 16G .0830 CONSENT OF EXPERTS
04 NCAC 16G .0831 CONSENT OF PERSONS ABOUT TO BECOME DIRECTORS
04 NCAC 16G .0832 AMENDMENTS
04 NCAC 16G .0833 POST-CONVERSION REPORTS

History Note: Authority G.S. 54C-33; 54C-53;
Eff. February 15, 1992;
Repealed Eff. November 1, 2017.

04 NCAC 16G .0908 DEFINITIONS
04 NCAC 16G .0909 PROHIBITED TRANSFERS
04 NCAC 16G .0910 PROHIBITION OF OFFERS AND CERTAIN ACQUISITIONS
04 NCAC 16G .0911 EXCEPTIONS
04 NCAC 16G .0912 CRITERIA FOR DENIAL

History Note: Authority G.S. 54C-33; 54C-53;
Eff. February 15, 1992;
Repealed Eff. November 1, 2017.

04 NCAC 16G .1203 CONVERSION IN CONNECTION WITH ACQUISITION
04 NCAC 16G .1204 CONVERSION IN CONNECTION WITH MERGER

History Note: Authority G.S. 54C-33; 54C-53; 54C-195;
Eff. February 15, 1992;
Amended Eff. April 15, 1993;
Repealed Eff. November 1, 2017.

04 NCAC 16H .0101 DEFINITIONS

As used in this Subchapter, the words and phrases defined by G.S. 54C-4 and the following definitions apply:

- (1) "Savings institution" shall mean all savings institutions converting, merging, or consolidating pursuant to G.S. 54B-44 or G.S. 54C-45 and this Subchapter.
- (2) "Consolidation" shall mean a supervisory acquisition pursuant to G.S. 54B-44 or G.S. 54C-45 and this Subchapter.
- (3) "Merger" shall mean a supervisory merger pursuant to G.S. 54B-44 or G.S. 54C-45 and this Subchapter.
- (4) "Plan of merger" or "plan of consolidation" shall mean a detailed outline of the terms, conditions, and procedure of combining one savings institution, by merger or consolidation, with another savings institution.
- (5) "Short form conversion" shall mean a supervisory conversion of a savings institution from mutual to stock form of ownership, pursuant to G.S. 54B-44 or G.S. 54C-45 and this Subchapter.
- (6) "Combination merger and conversion" shall mean a supervisory conversion of a savings institution from mutual to stock form of ownership combined with a supervisory merger, pursuant to G.S. 54B-44 or G.S. 54C-45 and this Subchapter.
- (7) "Plan of combination merger and conversion" shall mean a detailed outline of the terms, conditions, and procedures of the short form conversion of a savings institution from mutual to stock form of ownership and combining the savings institution, by merger, with another savings institution.

History Note: Authority G.S. 54B-44; 54C-45;
Eff. December 1, 1981;
Amended Eff. July 1, 1990; October 1, 1982;
Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Amended Eff. November 1, 2017; February 15, 1992.

04 NCAC 16H .0103 NOTICE TO SAVINGS INSTITUTION

The Commissioner of Banks shall give written notice to the Board of Directors of a savings institution when a finding is made pursuant to G.S. 54B-44 or G.S. 54C-45. The notice shall set forth the basis for the finding and shall authorize or require the board of directors to adopt a plan of conversion, a plan of merger or consolidation, a plan of combination merger and conversion, or based upon the interest of the depositors, the institution, and the general public, any other action specified by the Commissioner of Banks. The Commissioner of Banks may specify provisions that shall be included in the plan.

History Note: Authority G.S. 54B-44; 54C-45;
Eff. December 1, 1981;

*Amended Eff. November 1, 1985; October 1, 1982;
Temporary Amendment Eff. October 2, 1991 for a period of 180
days to expire on March 31, 1992;
Amended Eff. November 1, 2017; February 15, 1992.*

04 NCAC 16H .0104 ADOPTION OF PLAN

The board of directors shall adopt a plan of conversion, merger, consolidation, combination merger and conversion, or any other action as authorized or required by the Commissioner of Banks. A plan of conversion, merger, consolidation, combination merger and conversion, or any other action adopted pursuant to this Rule shall be submitted to the Commissioner of Banks for approval.

*History Note: Authority G.S. 54B-44; 54C-45;
Eff. December 1, 1981;
Amended Eff. November 1, 2017; November 1, 1985; October 1, 1982.*

**04 NCAC 16H .0105 APPROVAL BY
COMMISSIONER OF BANKS**

The savings institution shall submit to the Commissioner of Banks for review an executed copy of the savings institution's proposed articles of incorporation, articles of merger or consolidation, or evidence of other action. Upon finding that all requirements of the short form conversion, merger, consolidation, combination merger and conversion, or other action have been satisfied, the Commissioner of Banks shall certify to the Secretary of State that the certificate of incorporation, articles of merger or consolidation, or evidence of other action has been approved for filing in the Office of the Secretary of State.

*History Note: Authority G.S. 54B-44; 54C-45;
Eff. December 1, 1981;
Amended Eff. November 1, 1985; October 1, 1982;
Temporary Amendment Eff. October 2, 1991 for a period of 180
days to expire on March 31, 1992;
Amended Eff. November 1, 2017; February 15, 1992.*

**04 NCAC 16H .0106 SHORT FORM MUTUAL TO
STOCK CONVERSION**

04 NCAC 16H .0107 LIQUIDATION ACCOUNT

*History Note: Temporary Amendment Eff. October 2, 1991
for a period of 180 days to expire on March 31, 1992;
Authority G.S. 54B-44; 54C-45;
Eff. December 1, 1981;
Amended Eff. February 15, 1992; July 1, 1990; November 1, 1985;
Repealed Eff. November 1, 2017.*

04 NCAC 16H .0108 WAIVER

The Commissioner of Banks may waive or alter any requirements set forth in this Subchapter to promote the best interests of the public or the savings institution by assuring the safe and sound operation of the savings institution or when the application of any rule would have an unintended negative impact upon the public or a savings institution.

History Note: Authority G.S. 54B-44; 54C-45;

*Eff. December 1, 1981;
Temporary Amendment Eff. October 2, 1991 for a period of 180
days to expire on March 31, 1992;
Amended Eff. November 1, 2017; February 15, 1992.*

**04 NCAC 16I .0702 DEFINITIONS AND OTHER
TERMS**

As used in this Subchapter, the words and phrases defined by G.S. 54C-4 and the following definitions apply:

- (1) "Acquisition" shall mean a transaction in which a person or holding company acquires control of a stock savings institution by means of an exchange of its capital stock for the capital stock of the stock savings institution or by means of a purchase of the capital stock of the stock savings institution.
- (2) "Applicant" shall mean a person or holding company that has filed with the Commissioner of Banks an application pursuant to this Subchapter.
- (3) "Holding Company" means any company that directly or indirectly controls a savings institution or controls any other company that is a holding company of a savings institution.
- (4) "Person" shall mean an individual or group acting in concert, a corporation, a partnership, an association, a joint stock company, a trust, an unincorporated organization similar company, or a syndicate.
- (5) "Plan of Reorganization" shall mean a plan duly adopted in accordance with the requirements of G.S. 54B-261 or 54C-195 and this Subchapter that sets out all relevant terms and conditions pertaining to a stock savings institution's reorganization of its ownership to provide for a holding company.
- (6) "Registrant" shall mean any holding company that has filed a registration statement with the Commissioner of Banks pursuant to this Subchapter.
- (7) "Tax Free Exchange" shall mean an exchange of stock that would result in no tax consequences to the holding company, the stock savings institution, and its stockholders under State or federal law.

*History Note: Authority G.S. 54B-55; 54B-261; 54B-262;
54C-53; 54C-195; 54C-196;
Eff. July 1, 1983;
Amended Eff. July 1, 1990; November 1, 1985;
Temporary Amendment Eff. October 2, 1991 for a period of 180
days to expire on March 31, 1992;
Amended Eff. November 1, 2017; February 15, 1992.*

**04 NCAC 16I .0703 STANDARDS FOR APPROVAL
OF ACQUISITION: DUTIES AND CONDUCT**

A savings institution may be controlled by a person or a holding company. In evaluating an application for control, the Commissioner of Banks shall consider:

- (1) whether the person or holding company is qualified by character, experience, and financial responsibility to control the savings institution in a legal and responsible manner;
- (2) the applicant's financial and managerial resources;
- (3) the organizational structure and future prospects and plans of both the applicant and the savings institution; and
- (4) whether the business and activities of the applicant, or its officers and directors, or any other person controlling, controlled by, or associated with the applicant by having a common controller, would create a material deterioration of confidence in the safety, soundness, and financial integrity of the institution to be controlled.

History Note: Authority G.S. 53-227.1; 54B-43; 54B-55; 54B-261; 54B-262; 54C-53; 54C-195; 54C-196;
Eff. July 1, 1983;
Amended Eff. July 1, 1990; November 1, 1985;
Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Amended Eff. November 1, 2017; February 15, 1992.

04 NCAC 16I .0704 INVESTMENT ACTIVITIES OF HOLDING COMPANIES

History Note: Filed as a Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
 Authority G.S. 54B-55; 54B-261; 54B-262; 54C-53; 54C-195; 54C-196;
Eff. July 1, 1990;
Amended Eff. February 15, 1992;
Repealed Eff. November 1, 2017.

04 NCAC 16I .0801 PRIOR WRITTEN APPROVAL REQUIRED

A person or holding company shall not acquire control of any savings institution without having filed with the Commissioner of Banks an application and without the written approval of the Commissioner of Banks after consideration of the application and any amendments. The application shall contain identifying information for the applicant and the information set forth in the Interagency Notice of Change in Bank Control. The Interagency Notice of Change in Bank Control is hereby incorporated by reference, including subsequent amendments or editions, and may be found free of charge as follows:
<https://www.fdic.gov/formsdocuments/interag2.pdf>.

History Note: Authority G.S. 54B-55; 54B-261; 54B-262; 54C-53; 54C-195; 54C-196;
Eff. July 1, 1983;
Amended Eff. July 1, 1990;
Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Amended Eff. November 1, 2017; February 15, 1992.

04 NCAC 16I .0802 APPLICATION FEES: FILINGS

An application may be obtained from the Office of the Commissioner of Banks at its mailing address specified in 04 NCAC 03A .0101. Applications shall be accompanied by an application fee in the amount prescribed by the fee schedule specified in 04 NCAC 03C .1601(a)(4). The fee shall be non-refundable.

History Note: Authority G.S. 54B-55; 54B-57; 54B-261; 54B-262; 54C-53; 54C-195; 54C-196;
Eff. July 1, 1983;
Amended Eff. November 1, 2017; July 1, 1990; August 1, 1984.

04 NCAC 16I .0803 CONFIDENTIAL INFORMATION

An applicant that submits information may request that the information be confidential regarding the answer to any item or a part of an exhibit included in any application for filing pursuant to this Subchapter, by separately binding and labeling the information as "confidential" and a statement shall be submitted setting forth the grounds on which the information should be treated confidential pursuant to G.S. 54B-63, G.S. 54B-63.1. or G.S. 54C-60. Filings pursuant to this Subchapter shall be made available for inspection by the public, except for portions that are bound and labeled "confidential" and that the Commissioner of Banks determines to be confidential pursuant to the provisions of G.S. 54B-63, G.S. 54B-63.1, or G.S. 54C-60.

History Note: Authority G.S. 54B-55; 54B-63; 54B-63.1; 54B-261; 54B-262; 54C-53; 54C-60; 54C-195; 54C-196;
Eff. July 1, 1983;
Amended Eff. July 1, 1990;
Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Amended Eff. November 1, 2017; February 15, 1992.

04 NCAC 16I .0901 REQUIRED APPLICATION

A stock savings institution may be controlled by a holding company by means of a plan of reorganization. An applicant shall file one executed copy of an application with the Commissioner of Banks. For the purposes of filing the application, the applicant shall be considered a holding company, even though it may not yet control a stock savings institution.

History Note: Authority G.S. 54B-55; 54B-261; 54B-262; 54C-53; 54C-195; 54C-196;
Eff. July 1, 1983;
Amended Eff. July 1, 1990;
Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Amended Eff. November 1, 2017; February 15, 1992.

04 NCAC 16I .0902 ACQUISITION PROCEDURE

(a) Upon determining that an application is executed and is not incomplete, the Commissioner of Banks shall process the application. The application shall include a Plan of Reorganization. If the Plan of Reorganization is not approved, the

Commissioner of Banks shall notify the applicant and state the reasons for its disapproval.

(b) If the Commissioner of Banks approves the Plan of Reorganization, the Commissioner shall notify the applicant. A regular or special meeting of the stockholders of the savings institution shall be called to approve reorganization of ownership of the savings institution to provide for ownership by a holding company after advance written notice to the stockholders of not less than 20 days specifying the time, place, and purpose for the meeting. Notice shall be published in at least one newspaper of general circulation in each county where the savings institution has an office. After publication of the notice, the applicant shall file a copy of the notice with the Commissioner of Banks. The applicant shall file the publisher's affidavits with the Commissioner of Banks to confirm the publication of notice.

(c) The results of the stockholder's meeting shall be confirmed to the Commissioner of Banks by filing attested minutes of the meeting. If the stockholders approve reorganization of ownership of the savings institution to provide for ownership by a holding company, the Commissioner of Banks shall enter a final order approving the reorganization.

(d) The Commissioner of Banks may waive or alter any requirements set forth in this Rule upon a finding that compliance would work an undue financial hardship on the applicant, would adversely affect the operation of the applicant, or would have an unintended negative impact upon the public or the applicant.

History Note: Authority G.S. 54B-55; 54B-261; 54B-262; 54C-53; 54C-195; 54C-196;
Eff. July 1, 1983;
Amended Eff. July 1, 1990;
Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Amended Eff. November 1, 2017; February 15, 1992.

04 NCAC 16I .1001 REQUIRED APPLICATION

A person seeking to acquire control of any stock savings institution shall file with the Commissioner of Banks one executed copy of an application.

History Note: Authority G.S. 54B-55; 54B-261; 54B-262; 54C-53; 54C-195; 54C-196;
Eff. July 1, 1983;
Amended Eff. July 1, 1990;
Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Amended Eff. November 1, 2017; February 15, 1992.

04 NCAC 16I .1002 FOREIGN APPLICANTS

If the applicant is a corporation for profit or having capital stock, but not created under any general or special act of the State of North Carolina, then that corporation shall procure a Certificate of Authority from the Secretary of State under the provisions of Article 15 of Chapter 55 of the North Carolina General Statutes before it shall be approved by the Commissioner of Banks to obtain control of a stock savings institution. The applicant shall file a copy of the Certificate of Authority from the Secretary of State as evidence of compliance.

History Note: Authority G.S. 54B-55; 54C-53; 54C-195; 54C-196;
Eff. July 1, 1983;
Amended Eff. September 1, 1983;
Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Amended Eff. November 1, 2017; February 15, 1992.

04 NCAC 16I .1003 ACQUISITION PROCEDURE

(a) Upon determining that an application is executed and complete, the Commissioner of Banks shall process the application. If the application is not approved, the Commissioner of Banks shall notify the applicant and state the reasons for its disapproval.

(b) If the Commissioner of Banks approves the application, the applicant shall be notified. The notice shall include any requirements or stipulations the Commissioner of Banks may require prior to the applicant's execution of the acquisition.

History Note: Authority G.S. 54B-55; 54B-261; 54B-262; 54C-53; 54C-195; 54C-196;
Eff. July 1, 1983;
Amended Eff. July 1, 1990; June 1, 1988;
Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Amended Eff. November 1, 2017; February 15, 1992.

04 NCAC 16I .1101 REGISTRATION

History Note: Filed as a Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Authority G.S. 54B-55; 54B-261; 54B-262; 54C-53; 54C-195; 54C-196;
Eff. July 1, 1983;
Amended Eff. February 15, 1992; July 1, 1990; November 1, 1985;
Repealed Eff. November 1, 2017.

04 NCAC 16I .1102 SUPERVISION

(a) Officers, directors, and employees of holding companies have the same duties and responsibilities, express or implied, as officers, directors, and employees of savings institutions.

(b) Each holding company shall be subject to examination by the Office of the Commissioner of Banks. The cost of examination shall be paid by the holding company.

History Note: Authority G.S. 54B-55; 54B-57; 54B-261; 54B-262; 54C-53; 54C-195; 54C-196;
Eff. July 1, 1983;
Amended Eff. July 1, 1990; November 1, 1985;
Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Amended Eff. November 1, 2017; February 15, 1992.

04 NCAC 16I .1103 ANNUAL REPORTS

Each registrant shall file an annual report with the Commissioner of Banks.

History Note: Authority G.S. 54B-55; 54B-261; 54B-262; 54C-53; 54C-195; 54C-196;
Eff. July 1, 1983;
Amended Eff. November 1, 2017.

**04 NCAC 16I .1104 FILING AND APPROVAL:
AMENDMENTS TO ARTICLES AND BYLAWS**

(a) Prior to any filing with the Secretary of State of the State of North Carolina, a holding company shall file with the Commissioner of Banks copies of any proposed amendment to its articles of incorporation. The Commissioner of Banks must give his or her approval to the content and form of the proposed amendments.

(b) Before any amendments to the bylaws of a holding company shall become effective, a copy of the amendments shall be filed with and approved by the Commissioner of Banks.

History Note: Authority G.S. 54B-55; 54B-261; 54B-262; 54C-53; 54C-195; 54C-196;
Eff. July 1, 1983;
Amended Eff. July 1, 1990;
Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Amended Eff. November 1, 2017; February 15, 1992.

04 NCAC 16I .1105 REPORTS

Each registrant shall file simultaneously with the Commissioner of Banks copies of any filings, documents, statements, or reports required to be filed with the federal regulatory authority.

History Note: Authority G.S. 54B-55; 54B-261; 54B-262; 54C-53; 54C-195; 54C-196;
Eff. July 1, 1983;
Amended Eff. July 1, 1990;
Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Amended Eff. November 1, 2017; February 15, 1992.

04 NCAC 16I .1106 BOOKS AND RECORDS

History Note: Filed as a Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Authority G.S. 54B-55; 54B-261; 54B-262; 54C-53; 54C-195; 54C-196;
Eff. July 1, 1983;
Amended Eff. February 15, 1992; July 1, 1990;
Repealed Eff. November 1, 2017.

**04 NCAC 16I .1201 REQUIRED ACQUISITION
APPLICATION**

**04 NCAC 16I .1202 CONVERSION PROCEDURE
04 NCAC 16I .1203 PLAN OF CONVERSION
REQUIREMENTS**

History Note: Filed as a Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Authority G.S. 54B-55; 54B-261; 54B-262; 54C-53; 54C-195; 54C-196;
Eff. July 1, 1990;

Amended Eff. February 15, 1992;
Repealed Eff. November 1, 2017.

04 NCAC 16I .1301 REQUIRED APPLICATION

A person seeking to acquire control of any holding company shall file with the Commissioner of Banks one executed copy of an application.

History Note: Authority G.S. 54B-55; 54B-262; 54C-53; 54C-195;
Eff. July 1, 1990;
Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Amended Eff. November 1, 2017; February 15, 1992.

04 NCAC 16I .1302 ACQUISITION PROCEDURE

(a) Upon determining that an application is executed and complete, the Commissioner of Banks shall process the application. If the application is not approved, the Commissioner of Banks shall notify the applicant and state the reasons for its disapproval.

(b) If the Commissioner of Banks approves the application, the applicant shall be notified. The notice shall include any requirements or stipulations the Commissioner of Banks may require prior to the applicant's execution of the acquisition.

(c) The Commissioner of Banks may waive or alter any requirements set forth in this Rule upon a finding that compliance would work as undue financial hardship on the applicant, would adversely affect the safe and sound operation of the applicant, or would have an unintended negative impact upon the public or the applicant.

History Note: Authority G.S. 54B-55; 54B-262; 54C-53; 54C-195;
Eff. July 1, 1990;
Amended Eff. November 1, 2017.

**04 NCAC 16J .0101 MERGER OF A STATE
INSTITUTION INTO A FEDERAL INSTITUTION**

**04 NCAC 16J .0102 MERGER OF A FEDERAL
INSTITUTION INTO A STATE INSTITUTION**

04 NCAC 16J .0103 WAIVER

History Note: Filed as a Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Filed as a Temporary Rule Eff. July 30, 1982, for a period of 120 days to expire on
November 26, 1982;
Authority G.S. 54B-39; 54C-39; 54C-53;
Eff. October 1, 1982;
Amended Eff. February 15, 1992; July 1, 1990;
Repealed Eff. November 1, 2017.

04 NCAC 16K .0101 DEFINITIONS

For purposes of this Section:

- (1) "Account" shall mean the trust, estate, or other fiduciary relationship that has been established with a savings institution.

- (2) "Custodian Under the Uniform Transfers to Minors Act" shall mean an account established pursuant to the North Carolina Uniform Transfers to Minors Act codified in Chapter 33A of the North Carolina General Statutes.
- (3) "Fiduciary" shall mean a savings institution undertaking to act alone or jointly with others for the benefit of another in all matters connected with its undertaking and includes acting as trustee, executor, administrator, guardian, receiver, managing agent, registrar of stocks and bonds, escrow, transfer or paying agent, trustee of employee pension, welfare and profit sharing trusts, and any other similar capacity.
- (4) "Fiduciary Records" shall mean all matters that are written, transcribed, recorded, received, or otherwise coming into the possession of a savings institution and are necessary to preserve information concerning the actions and events relevant to the fiduciary activities of the savings institution.
- (5) "Guardian" shall mean the conservator or committee of the estate of an infant, an incompetent individual, or a competent individual over whose estate a court has taken jurisdiction other than under bankruptcy or insolvency laws.
- (6) "Investment Authority" shall mean the responsibility conferred by action of law or a provision of an appropriate governing instrument to make, select, or change investments, review investment decisions made by others, or to provide investment advice or counsel to others.
- (7) "Managing Agent" shall mean the fiduciary relationship assumed by a savings institution upon the creation of an account that names the savings institution as agent and confers investment discretion upon the savings institution.
- (8) "Trust Department" shall mean that group or groups of officers and employees of a savings institution who perform fiduciary services by the savings institution.
- (9) "Trust Powers" shall mean the power to act in any fiduciary capacity authorized under this Section.

History Note: Authority G.S. 54B-55; 54B-77; 54C-53; 54C-146;
Eff. November 1, 1982;
Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Amended Eff. November 1, 2017; February 15, 1992.

04 NCAC 16K .0102 APPLICATIONS

(a) A savings institution desiring to exercise fiduciary powers shall submit to the Commissioner of Banks a letter indicating

which trust services it wishes to offer, together with the information required under Paragraph (b) of this Rule.

(b) The Commissioner of Banks, in determining whether to authorize the exercise of trust powers, shall consider the following:

- (1) the financial condition of the savings institution, provided that in no event shall trust powers be granted to a savings institution if its financial condition is such that the savings institution does not meet the requirements of the federal regulatory authority;
- (2) the general character and ability of the management of the savings institution;
- (3) the nature of the supervision to be given to the fiduciary activities, including the qualifications, experience, and character of the proposed officer or officers of the trust department; and
- (4) whether the savings institution has available legal counsel to advise and review fiduciary matters when necessary.

(c) Approval by the Commissioner of Banks of an application under this Section authorizes the applicant to exercise only those trust powers specified in the approval.

History Note: Authority G.S. 54B-55; 54B-77; 54C-53; 54C-146;
Eff. November 1, 1982;
Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Amended Eff. November 1, 2017; February 15, 1992.

04 NCAC 16K .0103 CONSOLIDATION OR MERGER OF TWO OR MORE SAVINGS INSTITUTIONS

When two or more savings institutions consolidate or merge, and any one of the savings institutions prior to the consolidation or merger, has a valid approval from the Commissioner of Banks to exercise trust powers, the rights existing under the approval shall pass to the resulting savings institution.

History Note: Authority G.S. 54B-55; 54B-77; 54C-53; 54C-146;
Eff. November 1, 1982;
Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Amended Eff. November 1, 2017; February 15, 1992.

04 NCAC 16K .0104 ADMINISTRATION OF TRUST POWERS

(a) The board of directors shall be responsible for the exercise of fiduciary powers by the savings institution. All matters pertinent including the determination of policies, the investment and disposition of property held in a fiduciary capacity, and the direction and review of the actions of all officers, employees, and committees utilized by the savings institution in the exercise of its fiduciary powers, shall be the responsibility of the board of directors. In discharging this responsibility, the board of directors may assign, by action duly entered in the minutes, the

administration of the savings institution's trust powers to directors, officers, employees, or committees.

(b) No fiduciary account shall be accepted without the prior approval of the board of directors, officers, or committees to whom the board of directors may have assigned the performance of that responsibility. A written record shall be made of the acceptances and of the relinquishment or closing out of all fiduciary accounts. Upon the acceptance of an account for which the savings institution has investment responsibilities, a review of the assets shall be made. The board of directors shall also ensure that at least once during every calendar year and within 15 months of the last review, all the assets in each fiduciary account over which the savings institution has investment responsibilities shall be reviewed to determine the advisability of retaining or disposing of such assets. The board of directors shall act to ensure that all investments have been made in accordance with the terms and purposes of the governing instrument.

(c) The trust department may use personnel and facilities of other departments of the savings institution, and other departments of the savings institution may use personnel and facilities of the trust department only to the extent not prohibited by North Carolina law.

(d) Every savings institution exercising trust powers shall adopt written policies and procedures to ensure that the federal securities laws are complied with in connection with any decision or recommendation to purchase or sell any security. The policies and procedures, shall ensure that the savings institution's trust department shall not use material inside information in connection with any decision or recommendation to purchase or sell any security.

(e) Every savings institution exercising fiduciary powers shall designate, employ, or retain legal counsel who shall be available to review fiduciary matters and to advise the savings institution and its trust department.

(f) The directors, officers, and employees of a savings institution engaged in the operation of a trust department shall acquire additional bond coverage as the Commissioner of Banks may require.

(g) The savings institution shall comply with rules applicable to State Trust Entities in 04 NCAC 03D and the FDIC Statement of Principles on Trust Department Management, which is hereby incorporated by reference and shall include any later amendments and editions of the referenced material available free of charge, at the time of publication, at: <https://www.fdic.gov/news/news/inactivefinancial/1998/fil98100b.html>.

History Note: Authority G.S. 54B-55; 54B-77; 54C-53; 54C-146;
Eff. November 1, 1982;
Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Amended Eff. December 1, 2017; February 15, 1992.

04 NCAC 16K .0105 BOOKS AND ACCOUNTS

(a) Every savings institution exercising trust powers shall keep its fiduciary records separate and distinct from other records of the savings institution. The fiduciary records shall contain full information relative to each account. The record retention

schedule set forth in 04 NCAC 03D .0303 shall apply to the fiduciary records of a savings institution exercising trust powers.

(b) Every savings institution shall keep a record of all pending litigation to which it is a party in connection with its exercise of trust powers.

History Note: Authority G.S. 54B-55; 54B-77; 54C-53; 54C-146;
Eff. November 1, 1982;
Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Amended Eff. November 1, 2017; February 15, 1992.

04 NCAC 16K .0106 AUDIT OF TRUST DEPARTMENT

At least once during each calendar year, the savings institution's trust department shall be audited by independent auditors. A copy of the report of the audit shall be filed with the Commissioner of Banks.

History Note: Authority G.S. 54B-55; 54B-77; 54C-53; 54C-146;
Eff. November 1, 1982;
Amended Eff. July 1, 1990;
Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Amended Eff. November 1, 2017; February 15, 1992.

04 NCAC 16K .0107 FUNDS AWAITING INVESTMENT OR DISTRIBUTION

(a) Unless prohibited by the instrument creating the trust, funds held in trust by a savings institution, including managing agency accounts, awaiting investment or distribution may be deposited in other departments of the savings institution. The savings institution shall first set aside under control of the trust department collateral security of a kind and in an amount as specified in G.S. 53-163.1(b) for funds held in trust by a bank, except that no collateral shall be required to the extent that the funds are insured by an agency of the United States government.

(b) Any funds held by a savings institution as fiduciary awaiting investment or distribution and deposited in other departments of the savings institution shall be placed in an interest-bearing account.

History Note: Authority G.S. 54B-55; 54B-77; 54C-53; 54C-146;
Eff. November 1, 1982;
Amended Eff. July 1, 1990;
Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Amended Eff. November 1, 2017; February 15, 1992.

04 NCAC 16K .0108 INVESTMENT OF FUNDS HELD AS FIDUCIARY

(a) Funds held by a savings institution in a fiduciary capacity shall be invested in accordance with the instrument establishing the fiduciary relationship. When the instrument does not specify the character or class of investments to be made and does not vest investment discretion in the matter in the savings institution, its

directors, or its officers, funds held pursuant to the instrument shall be invested in accordance with Article 7 of Chapter 32 of the North Carolina General Statutes.

(b) A savings institution appointed as a fiduciary by a court may invest funds of the account in any investment permitted to be made by fiduciaries by Article 7 of Chapter 32 of the North Carolina General Statutes unless the appointing court limits the investment authority of the fiduciary. If the investment authority of the fiduciary is limited by the court, the savings institution shall make all investments of funds in these accounts consistent with the terms of the order of that court. The orders in either case shall be preserved with the fiduciary records of the savings institution.

History Note: Authority G.S. 54B-55; 54B-77; 54C-53; 54C-146;

Eff. November 1, 1982;

Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;

Amended Eff. November 1, 2017; February 15, 1992.

04 NCAC 16K .0109 SELF-DEALING

(a) Unless authorized by the instrument creating the relationship or by court order, property held by a savings institution as fiduciary shall not be sold or transferred, by loan or otherwise, to the savings institution or its affiliates; or the directors, executive officers, or employees of either of them; or to individuals with whom there exists a connection or organizations in which there exists an interest as might affect the exercise of the best judgment of the savings institution in selling or transferring the property, except:

- (1) in cases in which the savings institution has been advised by its counsel in writing that it has incurred as fiduciary a contingent or potential liability, and it desires to relieve itself from the liability, a sale or transfer may be made with the approval of the board of directors and the Commissioner of Banks, provided that, in all such cases, the savings institution, upon the consummation of the sale or transfer, shall make reimbursement in cash at no loss to the account;
- (2) as provided G.S. 53-163.5, et seq. governing collective investment; or
- (3) when required by the Commissioner of Banks.

(b) If the purchase or retention of stock or obligations of the savings institution is authorized by the instrument creating the relationship or by court order, it may exercise rights to purchase its own stock, or securities convertible into its own stock, when offered pro rata to stockholders. When the exercise of rights or receipt of a stock dividend results in fractional share holdings, additional fractional shares may be purchased to complement the fractional shares so acquired. In elections of directors, a savings institution's share held by the savings institution as sole trustee, whether in its own name as trustee or in the name of its nominee, shall not be voted by the registered owner unless, under the terms of the trust, the manner in which such shares shall be voted may be determined by a donor or beneficiary of the trust and the donor or beneficiary directs how the shares will be voted.

History Note: Authority G.S. 54B-55; 54B-77; 54C-53; 54C-146;

Eff. November 1, 1982;

Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;

Amended Eff. November 1, 2017; February 15, 1992.

04 NCAC 16K .0110 CUSTODY OF INVESTMENTS

(a) The investments of each fiduciary account shall be kept separate from the assets of the savings institution and shall be placed in the joint custody or control of not fewer than two of the officers or employees of the savings institution designated for that purpose either by the board of directors of the savings institution or by one or more officers designated by the board of directors of the savings institution. All officers and employees designated as custodians of trust investments shall be bonded. To the extent permitted by G.S. 53-159.1, a savings institution may permit the investments of a fiduciary account to be deposited elsewhere.

(b) The investment of each fiduciary account shall be either:

- (1) kept separate from those of all other accounts, except as provided in Rule .0112 of this Section; or
- (2) identified as the property of the relevant account.

History Note: Authority G.S. 54B-55; 54B-77; 54C-53; 54C-146;

Eff. November 1, 1982;

Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;

Amended Eff. November 1, 2017; February 15, 1992.

04 NCAC 16K .0111 COMPENSATION OF SAVINGS INSTITUTION

(a) If the amount of the compensation for acting in a fiduciary capacity is not provided for in the instrument creating the fiduciary relationship, set forth in Chapter 32 of the General Statutes, or otherwise agreed to by the parties, a savings institution acting in such capacity may charge or deduct a reasonable compensation for its services. When the savings institution is acting in a fiduciary capacity under appointment by a court, it shall receive compensation as may be allowed or approved by the court.

(b) No savings institution shall, permit any of its officers or employees, while serving as such, to act as co-fiduciary with the savings institution in the administration of any account undertaken by it.

(c) No savings institution shall permit an officer or employee engaged in the operation of its trust department to accept a bequest or gift of trust assets unless the bequest or gift is directed or made by a relative of the officer or employee or is approved by the Board of Directors of the savings institution.

History Note: Authority G.S. 54B-55; 54B-77; 54C-53; 54C-146;

Eff. November 1, 1982;

Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;

Amended Eff. November 1, 2017; February 15, 1992.

04 NCAC 16K .0112 COLLECTIVE INVESTMENT

(a) Funds held as fiduciary may be held in:

- (1) a common trust fund maintained by the savings institution for the collective investment and reinvestment of moneys contributed thereto by the savings institution in its capacity as trustee, executor, administrator, guardian, or custodian under the North Carolina Uniform Transfers to Minors Act; or
- (2) a fund consisting solely of assets of retirement, pension, profit sharing, stock bonus, or other trusts that are exempt from Federal income taxation pursuant to the Internal Revenue Code.

(b) Collective investments of funds or other property by a savings institution under Paragraph (a) of this Rule shall be administered in accordance with Comptroller of the Currency Regulation 9.18, 12 C.F.R. 9.18, which is hereby incorporated by reference and shall include any later amendments and editions of the referenced material. This information is available at the U.S. Printing Office website at http://www.ecfr.gov/cgi-bin/text-idx?SID=10db9d6d7ecd62689d768e1b0c9a2199&node=se12.1.9_118&rgn=div8. Any documents filed with the Comptroller of the Currency pursuant to 12 C.F.R. 9.18 shall also be filed with the Commissioner of Banks.

History Note: Authority G.S. 54B-55; 54B-77; 54C-53; 54C-146;
Eff. November 1, 1982;
Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Amended Eff. November 1, 2017; February 15, 1992.

04 NCAC 16K .0113 SURRENDER OF TRUST POWERS

04 NCAC 16K .0114 EFF. OF APPT.: CONSERVATOR/RECEIVER: VOLUNTARY DISSOLUTION

04 NCAC 16K .0115 REVOCATION OF TRUST POWERS

04 NCAC 16K .0116 APPLICABILITY OF GENERAL LAWS REGARDING TRUST OPERATIONS

History Note: Filed as a Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Authority G.S. 54B-55; 54B-77; 54C-53; 54C-146;
Eff. November 1, 1982;
Amended Eff. February 15, 1992;
Repealed Eff. November 1, 2017.

04 NCAC 16K .0117 REPORTS AND FEES

Savings institutions engaging in trust operations shall make reports regarding those operations as the Commissioner of Banks requires to evaluate the integrity of the operations. In addition to any other fees, savings institutions acting as fiduciaries shall pay an examination fee for examination of its fiduciary activities, in an amount to be determined by the Commissioner of Banks in accordance with G.S. 54B-57 or 54C-55.

History Note: Authority G.S. 54B-55; 54B-57; 54B-77; 54C-53; 54C-55; 54C-146;
Eff. November 1, 1982;
Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Amended Eff. November 1, 2017; February 15, 1992.

04 NCAC 16L .0101 PLAN OF LIQUIDATION

History Note: Authority G.S. 54B-42; 54B-55; 54C-42; 54C-53;
Eff. October 1, 1987;
Repealed Eff. November 1, 2017.

04 NCAC 16L .0102 DISPOSITION OF ASSETS

(a) After approval of the plan of liquidation by the Commissioner of Banks, the savings institution shall, except in case of dissolution under G.S. 54B-40 or G.S. 54C-41, mail a notice of the dissolution to each known creditor of the savings institution and to the Secretary of Revenue, and the notice shall be published once a week for four successive weeks in a newspaper published in the county where the savings institution has its principal office, however, if there be no newspaper published in the county, then in some newspaper of general circulation in that county. After publication of the notice, the applicant shall file a copy of the notice with the Commissioner of Banks.

(b) After approval of the plan of liquidation by the Commissioner of Banks, the savings institution shall:

- (1) collect its assets;
- (2) convey and dispose of its properties that are not to be distributed in kind to its members or shareholders;
- (3) pay, satisfy, and discharge its liabilities and obligations; and
- (4) do all other acts required to liquidate its business and affairs, including the collection of unpaid subscriptions necessary to equalize the agreed payments by subscribers of its shares.

(c) After paying or providing for the payment of all its obligations, the savings institution shall distribute the remainder of its assets, either in cash or in kind, among its members or shareholders according to their respective rights and interests.

History Note: Authority G.S. 54B-42; 54B-55; 54C-42; 54C-53;
Eff. October 1, 1987;
Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Amended Eff. November 1, 2017; February 15, 1992.

04 NCAC 16L .0103 RESCISSION AND CANCELLATION OF DISSOLUTION

(a) At any time after the filing of the plan of liquidation and prior to the filing of a certificate of dissolution, a voluntary dissolution may be rescinded by filing a statement of revocation of dissolution. The contents of the statement and the proceedings taken to revoke a dissolution shall conform with the adaptations as are appropriate to revocation pursuant to either G.S. 54B-41 or G.S. 54C-42.

(b) Upon the filing of the statement of rescission of dissolution, the rescission of the voluntary dissolution proceedings shall become effective and the savings institution shall be authorized to carry on business.

History Note: Statutory Authority G.S. 54B-42; 54B-55; 54C-42; 54C-53;
Eff. October 1, 1987;
Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Amended Eff. November 1, 2017; February 15, 1992.

04 NCAC 16L .0104 WAIVER

The Commissioner of Banks may waive or alter any requirements set forth in this Section to promote the best interests of the public or the savings institution by assuring the safe and sound operation of the savings institution, or when the application of any rule would have an unintended negative impact upon the public or a savings institution.

History Note: Authority G.S. 54B-42; 54B-55; 54C-42; 54C-53;
Eff. October 1, 1987;
Temporary Amendment Eff. October 2, 1991 for a period of 180 days to expire on March 31, 1992;
Amended Eff. November 1, 2017; February 15, 1992.

TITLE 10A - DEPARTMENT OF HEALTH AND HUMAN SERVICES

10A NCAC 97B .0401 GENERAL PROVISIONS

Each applicant for programs funded under 10A NCAC 97C .0108(a)(1) shall provide citizens with opportunity for involvement and participation in the planning, implementation, evaluation, and assessment of the program. The applicant shall:

- (1) provide information to citizens;
- (2) hold a public hearing at the initial stage of a multi-year planning process meeting requirements of Rule .0402(3), (4), and (5) of this Section;
- (3) publish a notice of intent to file an application prior to the governing board's approval, as specified in Rule .0402 of this Section and subsequent submission of the application to the Division of Social Services;
- (4) allow citizen participation on substantive amendments made pursuant to 10A NCAC 97C .0209 in the program; and
- (5) provide an opportunity to comment on the applicant's performance.

History Note: Authority G.S. 143B-153(6);
Eff. December 1, 1983;
Amended Eff. June 1, 1985; February 1, 1985; October 1, 1984;
Readopted Eff. November 1, 2017.

10A NCAC 97B .0402 CITIZEN PARTICIPATION IN THE APPLICATION PROCESS

Each applicant for programs funded under 10A NCAC 97C .0108(a)(1) shall develop and maintain procedures that:

- (1) Solicit and respond to reviews and proposals of citizens, particularly poor persons, persons of ethnic or racial minority, persons with disabilities as defined by the Americans with Disabilities Act (ADA), and persons residing in the county or counties where activities are proposed. The ADA is hereby incorporated by reference, including subsequent amendments and editions, and may be accessed free of charge at <https://www.ada.gov>. Applicants shall respond in writing to written objections to an application. The applicant shall consider written objections made only on the following grounds:
 - (a) The applicant's description of the needs, goals, and objectives is inconsistent with data related to the needs in the county or counties where activities are proposed.
 - (b) The activities to be, or being, undertaken are inappropriate to meeting the needs, goals, and objectives identified by the applicant.
 - (c) The application does not comply with the requirements of this Chapter, State laws and rules, or federal laws and regulations.

The applicant shall respond to the party submitting the written objection within 10 calendar days of receipt.

- (2) Provide technical assistance to facilitate citizen participation, when requested by a citizen. The level and type shall be determined by the applicant.
- (3) Provide notices of public hearings to all citizens. A notice of the public hearing shall be given once a week for two successive calendar weeks in the non-legal section of a newspaper having general circulation in the county or counties where activities are proposed. All notices shall be prior to the public hearing and shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing.
- (4) Schedule public hearings at the initial stage of a multi-year planning process to obtain citizen views and to respond to citizen proposals at times and locations that permit participation, particularly by poor persons, persons of ethnic or racial minority, persons with disabilities as defined by the ADA, and persons residing in the county or counties where activities are proposed.
- (5) Publish a notice of intent to file an application no less than one time in the non-legal section of a newspaper having general circulation in the

county or counties where activities are proposed, no less than 10 calendar days prior to final approval by the recipient's governing board. The notice shall specify the time and place the governing board shall meet to consider adopting a resolution as required by Rule .0203(2)(b) of this Subchapter to approve the application. The notice shall contain a description of the activities to be undertaken and the amount of funds requested in the application.

(6) Persons wishing to object to the approval of an application by the Division of Social Services shall make such objection in writing. The Division of Social Services shall only consider objections made on the following grounds:

- (a) The applicant's description of the needs, goals, and objectives is inconsistent with data related to the needs in the county or counties where activities are proposed.
- (b) The activities to be undertaken are inappropriate to meeting the needs, goals, and objectives identified by the applicant.
- (c) The application does not comply with the requirements of this Chapter, State laws and rules, or federal laws and regulations.

(7) Objections made under Items (1) and (6) of this Rule shall include an identification of the requirements not met and, in the case of objections made on the grounds that the description of needs and objectives is inconsistent with data related to the needs in the county or counties where activities are proposed, the data supporting the objection shall be included.

*History Note: Authority G.S. 143B-153(6);
Eff. December 1, 1983;
Amended Eff. October 1, 1984;
Readopted Eff. November 1, 2017.*

10A NCAC 97B .0403 CITIZEN PARTICIPATION IN THE PROGRAM AMENDMENT PROCESS

(a) Each grant recipient funded under 10A NCAC 97C .0108(a)(1) seeking to amend its plan shall respond to citizen objections in the same manner set forth in Rule .0402 of this Section.

(b) All amendments require prior Division of Social Services approval.

(c) The Division of Social Services shall notify the grant recipient in writing as to whether or not the amendment request has been approved or disapproved. During review of the request, additional information may be required from the grant recipient to ensure compliance with 10A NCAC 97C .0204 through .0206.

(d) Grant recipients shall be required to complete a public hearing prior to the Division of Social Services approval of an amendment if:

- (1) The grant recipient proposes an objective or activities not included in the original work plan;
- (2) There is an increase or decrease of total funds requested in excess of an aggregate of 10 percent of the total amount of the grant agreement; or
- (3) There is a transfer of funds from the inception to the termination of the grant agreement between projects in excess of an aggregate of five percent of the total amount of the grant agreement.

Public hearings shall be held in accordance with Rule .0402(3) and (4) of this Section.

*History Note: Authority G.S. 143B-153(6);
Eff. December 1, 1983;
Readopted Eff. November 1, 2017.*

10A NCAC 97C .0104 DEFINITIONS

For the purpose of this Subchapter, the following definitions apply:

- (1) "Act" means the Omnibus Budget Reconciliation Act of 1981, which is incorporated by reference, including subsequent amendments and editions, and available for free at <https://www.congress.gov/bill/97th-congress/house-bill/3982>, under which the Community Services Block Grant Program was established.
- (2) "Community Action Agency (CAA)" means an agency designated and funded by the Community Services Administration in Federal Fiscal Year 1981 for the purpose of operating an anti-poverty project and that was funded by the North Carolina Office of Economic Opportunity in fiscal year 1985 to administer a Community Services Block Grant ("CSBG") anti-poverty project or any agency designated by the Governor or his or her designee and determined to be eligible by the Division of Social Services.
- (3) "Local Administering Agency" means entities carrying out activities that are referenced in 42 U.S.C 9907(b)(1) which is incorporated by reference, including subsequent amendments and editions and are available for free at <https://www.gpo.gov/fdsys/pkg/PLAW-105publ285/pdf/PLAW-105publ285.pdf>. Local Administering Agencies may include CAAs.
- (4) "The Office of Community Services (OCS)" means the agency established in the U.S. Department of Health and Human Services and is charged with the responsibility of administering CSBG.

- (5) "Persons in poverty" means:
- (a) For the purpose of the allocation of CSBG fund, persons in poverty is defined as the number of persons whose income is below the poverty threshold established by the U.S. Census Bureau. The number of persons in poverty will be based on the most recent Small Area Income Poverty Estimates produced for school districts, counties, and states and released electronically by the U.S. Census Bureau, and available at the time of allocation determination. The Small Area Income Poverty Estimates is incorporated by reference, including subsequent amendments and editions and available for free at www.census.gov.
 - (b) For the purpose of program eligibility, persons in poverty is defined as the persons who fall below the poverty guidelines updated periodically by the U.S. Department of Health and Human Services, which are incorporated by reference, including subsequent amendments and editions and available for free at www.hhs.gov and released by the Division for use.
 - (6) "Quarter" means each three months during the life of a grant agreement with a grant recipient.
 - (7) "State Plan" means the plan that sets forth how the State of North Carolina will use the funds allocated under CSBG.

History Note: Authority G.S. 143B-153(6); Eff. December 1, 1983; Temporary Amendment Eff. November 20, 1985, for a Period of 73 Days to Expire on February 1, 1986; Amended Eff. March 1, 1989; February 1, 1986; June 1, 1985; October 1, 1984; Readopted Eff. November 1, 2017.

10A NCAC 97C .0106 ELIGIBLE GRANT RECIPIENTS

Eligible grant recipients for CSBG funds include:

- (1) Community action agencies as defined in Rule .0104(2) of this Section. In any geographic area of the State not served by a CAA, the Governor may decide to serve the new area by:
 - (a) Requesting an existing CAA that is located and provides services in an area bordering the new area to serve the new area.
 - (b) If no existing CAA is located and provides services in an area bordering the new area, requesting the CAA located closest to the area to be served or an existing CAA serving an area within proximity of the new area that

- does not prevent the CAA from providing services in the new area.
- (c) Designating any existing CAA or any private non-profit organization that has a board meeting the requirements of 42 U.S.C. 9910 to serve the new area. The Governor's designation of an organization that has a board meeting the requirements of 42 U.S.C. 9910 or a political subdivision or public organization of the State to serve the new area shall qualify the organization as a CAA.
- (d) If no private nonprofit organization is identified or determined to be qualified to serve the unserved geographic area as an CAA, a political subdivision or public organization of the State may be designated to serve as an CAA for the area. In order to serve as the CAA for that area, the political subdivision or public organization shall have a board or other mechanism as required under U.S.C. 42 9910.
- (2) Local Administering Agencies as defined in Rule .0104 of this Section

History Note: Authority G.S. 143B-153(6); Eff. December 1, 1983; Amended Eff. March 1, 1989; October 1, 1984; Readopted Eff. November 1, 2017.

10A NCAC 97C .0108 ALLOCATION OF CSBG FUNDS

(a) Funds allocated to North Carolina under the CSBG Program shall be used as follows:

- (1) No less than 90 percent of the funds allocated for contracting with CAAs as defined in Rule .0104(2) of this Section that are re-certified as eligible agencies each fiscal year by the Division of Social Services. The amount of the funds allocated to each eligible grant recipient shall be based on the following method of distribution:
 - (A) Funds shall be allocated based on the ratio (percentage) of persons in poverty in the county (counties) served by the CAA compared to the number of persons in poverty in the total area (counties) served by all CAAs.
 - (B) No CAA shall receive less than whichever is higher:
 - (i) An allocation of one hundred twenty thousand dollars (\$120,000); or
 - (ii) An allocation totaling 80 percent of the CAAs Federal Fiscal Year 1982 allocation, if the CAA has maintained

designation for all counties it was designated in Federal Fiscal Year 1982.

- (2) Five percent or fifty five thousand dollars (\$55,000), whichever is greater, of the funds shall be used by the Division of Social Services for administration of the CSBG program.
- (3) The remaining five percent of the funds shall be allocated in accordance with the current State CSBG Plan strategy, which will be made publicly available for free at www.ncdhhs/DSS. The Division of Social Services shall award no more than 40 percent of the total CSBG funds available under this allotment to a single Local Administering Agency as defined in Rule .0104 of this Section for activities that are referenced in 42 USC 9907 (b)(1). Funds not awarded to Local Administering Agencies for these activities shall be distributed in accordance with Subparagraph (a)(1) of this Rule.

(b) All unobligated funds must be returned to the Division of Social Services within 60 days after the closing out or termination of the grant agreement.

(c) Paragraphs (a) and (b) of this Rule do not apply to the allocation of supplemental CSBG grants to North Carolina. Such allocations to eligible applicants for eligible activities shall be made by the Division of Social Services in a manner that is compliant with federal laws and regulations on supplemental appropriations.

(d) Subject to requirements of 42 U.S.C. 9907, any funds distributed to a CAA through grants made in accordance with Subparagraph (a)(1) of this Rule that remain unexpended for a fiscal year shall be available to that CAA for obligation during that fiscal year and the succeeding fiscal year.

(e) Any unexpended funds aligned with Subparagraphs (a)(2) and (a)(3) of this Rule shall be distributed in accordance with Subparagraph (a)(1) of this Rule for during that fiscal year or the succeeding fiscal year.

History Note: Authority G.S. 143B-153(6); Eff. December 1, 1983;

Amended Eff. June 1, 1985; February 1, 1985;

Temporary Amendment Eff. May 5, 1987 for a Period of 120 Days to Expire on September 1, 1987;

Temporary Amendment Eff. August 24, 1987 for a Period of 68 Days to Expire on November 1, 1987;

Amended Eff. November 1, 1987;

Temporary Amendment Eff. August 1, 1991 for a Period of 180 Days to Expire on January 28, 1992;

Amended Eff. March 1, 1989;

Readopted Eff. November 1, 2017.

10A NCAC 97C .0109 REQUIREMENTS/GOVERNING BODIES OF GRANT RECIPIENTS

(a) Each private non-profit grant recipient funded under Rule .0108(a)(1) of this Section shall have a board of directors consisting of at least 15 members and not more than 51 members.

(b) The board of directors of private non-profit grant recipients funded under Rule .0108(a)(1) of this Section shall be constituted

so as to assure compliance with 42 USC 9910(a)(2)(A) through (C), which is incorporated by reference, including subsequent amendments and editions and available for free at <https://www.gpo.gov/fdsys/pkg/PLAW-105publ285/pdf/PLAW-105publ285.pdf>.

(c) Each public grant recipient funded under Rule .0108(a)(1) of this Section shall administer the community services block grant in compliance with 42 USC 9910(b)(1) and (2), which is incorporated by reference, including subsequent amendments and editions and available for free at <https://www.gpo.gov/fdsys/pkg/PLAW-105publ285/pdf/PLAW-105publ285.pdf>.

(d) All committees of the board of directors of grant recipients funded under Rule .0108(a)(1) of this Section shall reflect the tripartite and geographical composition of the board.

(e) In addition to the general powers granted under its Articles of Incorporation, the board of directors of the private grant recipients shall possess the following specific powers:

- (1) to appoint the executive director of the agency;
- (2) to determine personnel, organization, fiscal, and program policies;
- (3) to determine overall program plans and priorities for the agency, including provisions for evaluating progress;
- (4) to make final approval of all program proposals and budgets;
- (5) to enforce compliance with all conditions of the Division of Social Services grants; and
- (6) to oversee the participation of the poor in the program of the agency.

History Note: Authority G.S. 143B-153(6);

Eff. December 1, 1983;

Amended Eff. February 1, 1985; October 1, 1984;

Readopted Eff. November 1, 2017.

10A NCAC 97C .0111 CITIZEN PARTICIPATION

(a) Each grant recipient funded under Rule .0108(a)(1) of this Section is required to establish citizen participation policy and procedures. Grant recipients shall hold public hearings to meet the requirements of Rule .0401(5) of Subchapter 97B only during the initial planning when a new multi-year plan is to be developed.

(b) CAAs funded under Rule .0108(a)(1) of this Section shall hold one public hearing for review and comment in each county it serves prior to submission of the Community Anti-Poverty Plan to the Division of Social Services.

(c) Each grant recipient shall be responsible for establishing procedures to ensure that the poor are able to participate in the decisions and activities of the grant recipient. These procedures shall include provisions for:

- (1) Notification for any board or committee meetings to include the agenda items. These shall be provided individually to all members of the board and committees in writing at least five days before the meeting. In addition, notices shall be given to the local public media and posted in all the grant recipient's neighborhood and community centers.

- (2) Information about standards of program effectiveness. This information shall be given to persons in poverty to permit them to plan for and evaluate agency programs and to set priorities for the use of funds and other resources. Evaluations of programs and their operation shall consider the views of the poor on the board, as well as the views of program participants and area residents.
- (3) Information and training for board members about their by-laws, functions, duties, and responsibilities and the issues that will come before them.
- (4) Developing involvement of the poor in programs administered by the grant recipient. This involvement may be in the form of a program advisory committee or neighborhood council made up of persons residing in the county or counties where the grant recipient administers programs. The committee and council may advise the grant recipient on program priorities, participate in the development of the grant application, review and comment on programs and policies, and participate in the evaluation of programs.
- (5) The grant recipient in the planning process of its Community Anti-Poverty Plan shall annually hold meetings to ascertain suggestions, recommendations, and priorities for eliminating poverty from the poor. The grant recipient shall provide information and training to the residents that are poor to ensure their involvement in this planning process. The recommendations, suggestions, and priorities of the residents that are poor shall be reviewed by the board of directors in its determination of programs to be implemented by the grant recipient, and will be maintained by the grant recipient for public inspection.

- (b) Each person holding one or more property, personal lines, or adjuster license shall complete a continuing education course or courses on flood insurance and the National Flood Insurance Program, or any successor programs, within the first biennial compliance period after January 1, 2008, and every other biennial compliance period thereafter. The course or courses shall comprise three ICECs.
- (c) Each licensee shall, before the end of that licensee's biennial compliance year, furnish evidence as set forth in this Section that the continuing education requirements have been satisfied.
- (d) An instructor shall receive the maximum ICECs awarded to a student for the course.
- (e) Licensees shall not receive ICECs for the same course more often than one time in any biennial compliance period.
- (f) Licensees shall receive ICECs for a course only for the biennial compliance period in which the course is completed. Any course requiring an examination shall not be considered completed until the licensee passes the examination.
- (g) Licensees shall maintain records of all ICECs for five years after obtaining those ICECs, which records shall be available for inspection by the Commissioner.
- (h) Nonresident licensees who meet continuing education requirements in their home states shall be deemed to meet the continuing education requirements of this Section. Nonresident adjusters who qualify for licensure by passing the North Carolina adjuster examination pursuant to G.S. 58-33-30(h)(2)a. shall meet the same continuing education requirements as a resident adjuster, including mandatory flood and ethics courses. Nonresident adjusters who qualify for licensure by passing an adjuster examination in another state pursuant to G.S. 58-33-30(h)(2)b. and are in good standing in that state shall be credited with having met the same continuing education requirements as resident adjusters, including mandatory flood and ethics courses.
- (i) Only a licensed insurance producer who is unable to comply with continuing education requirements due to military service or long-term medical disability may request a waiver for continuing education requirements. A long-term medical disability shall be certified on an annual basis by the producer's attending physician. The Commissioner shall grant an exemption from Continuing Education requirements for up to one year if the producer submits the following:
 - (1) deployment orders from the United States Department of Defense; or
 - (2) a notarized statement from a licensed physician stating the producer is unable to do the work he or she is licensed to do.
- (j) A producer who was granted an exemption from the requirements of this Section prior to October 1, 2010 continues to be exempt from continuing education requirements for as long as the producer certifies to the Commissioner that he or she:
 - (1) is age 65 or older;
 - (2) has been continuously licensed in the line of insurance for at least 25 years; and
 - (3) either:
 - (A) holds a professional designation specified in 11 NCAC 06A .0803; or
 - (B) certifies to the Commissioner annually that the producer is an inactive agent who neither solicits applications for

*History Note: Authority G.S. 143B-153(6);
Eff. December 1, 1983;
Amended Eff. October 1, 1984;
Readopted Eff. November 1, 2017.*

TITLE 11 - DEPARTMENT OF INSURANCE

11 NCAC 06A .0802 LICENSEE REQUIREMENTS

(a) Each person holding a life, accident and health or sickness, property, casualty, personal lines, or adjuster license shall obtain 24 ICECs during each biennial compliance period. Each person holding one or more life, accident and health or sickness, property, casualty, personal lines, variable life and variable annuity products, or adjuster license shall complete an ethics course or courses within two years after January 1, 2008, and every biennial compliance period thereafter as defined in this Section. The course or courses shall comprise three ICECs.

insurance nor takes part in the day to day operation of an insurance agency.

(k) Courses completed before the issue date of a new license shall not meet the requirements of this Section for that new license.

(l) No credit shall be given for courses taken before they have been approved by the Commissioner.

(m) Each person with an even numbered birth year shall meet continuing education requirements in an even numbered compliance year. Each person with an odd numbered birth year shall meet continuing education requirements in an odd numbered compliance year. Each licensee shall complete 24 hours of continuing education by the last day of the licensee's birth month in the compliance year.

(n) An existing licensee requiring continuing education means an individual who holds any of the following licenses on or before December 31, 2007: life and health, property and liability, personal lines, or adjuster. The licensee's birth year shall determine whether an individual must satisfy continuing education requirements in an even-numbered or odd-numbered

year. (Example: 1960 is an even-numbered year; 1961 is an odd-numbered year.) The licensee's birth month shall determine the month that continuing education is due. (Example: An individual born in October shall complete 24 hours of continuing education by the end of October in the licensee's compliance year.) The number of ICECs required by this Rule shall be prorated based on one ICEC per month, up to 24 months. This conversion shall be completed within four years. (Example: An individual with a birth date of February 16, 1960, shall have the following two compliance periods during the continuing education conversion: 1st – two ICECs by the end of February 2008; the 2nd – 24 ICECs by the end of February 2010. An individual with a birth date of April 4, 1957, shall have the following two compliance periods during the continuing education conversion: 1st – 16 ICECs by the end of April 2009; the 2nd – 24 ICECs by the end of April 2011.) The chart below reflects the number of hours an existing licensee requiring continuing education shall have during the four-year conversion.

Compliance Year	EXISTING LICENSEE MONTH OF BIRTH EVEN/ODD YEAR OF BIRTH																								
	JAN		FEB		MAR		APR		MAY		JUN		JUL		AUG		SEPT		OCT		NOV		DEC		
	even	odd	even	odd	even	odd	even	odd	even	odd	even	odd	even	odd	even	odd	even	odd	even	odd	even	odd	even	odd	
2008	1		2		3		4		5		6		7		8		9		10		11		12		
2009		13		14		15		16		17		18		19		20		21		22		23		24	
2010	24		24		24		24		24		24		24		24		24		24		24		24		
2011		24		24		24		24		24		24		24		24		24		24		24		24	

(o) A new licensee requiring continuing education means an individual who is issued any of the following licenses on or after January 1, 2008: life, accident and health or sickness, property, casualty, personal lines or adjuster. The licensee's birth year shall determine whether an individual must satisfy continuing education requirements in an even-numbered or odd-numbered year. (Example: 1960 is an even-numbered year; 1961 is an odd-numbered year.) The licensee's birth month shall determine the month that continuing education is due. (Examples: An individual

born in October shall complete 24 hours of continuing education by the end of October in the licensee's compliance year. An individual with a birth date of December 1, 1960, licensed in 2008, is required to meet 24 hours of continuing education by December 31, 2010. An individual with a birth date of October 1, 1957, licensed in 2008, shall complete 24 hours of continuing education by October 31, 2011.) The chart below shows the earliest deadline by which a new licensee shall be required to complete 24 hours of continuing education.

License Issue Year	NEW LICENSEE MONTH OF BIRTH EVEN/ODD YEAR OF BIRTH																							
	JAN		FEB		MAR		APR		MAY		JUN		JUL		AUG		SEPT		OCT		NOV		DEC	
	even	odd	even	odd	even	odd	even	odd	even	odd	even	odd	even	odd	even	odd	even	odd	even	odd	even	odd	even	odd
2008	2010	2011	2010	2011	2010	2011	2010	2011	2010	2011	2010	2011	2010	2011	2010	2011	2010	2011	2010	2011	2010	2011	2010	2011
2009	2012	2011	2012	2011	2012	2011	2012	2011	2012	2011	2012	2011	2012	2011	2012	2011	2012	2011	2012	2011	2012	2011	2012	2011
2010	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013
2011	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013

(p) A member of a professional insurance association shall receive no more than four ICECs during the biennial compliance period based solely on membership in the association, if the professional insurance association:

- (1) is approved as a continuing education provider;
- (2) has been in existence for at least five years;
- (3) was formed for purposes other than providing continuing education;
- (4) has provided the Commissioner or the Administrator with the association's Articles of Incorporation on file with the N.C. Secretary of State;
- (5) certifies to the Commissioner or Administrator that the licensee's membership is active during the biennial compliance period;
- (6) certifies to the Commissioner or Administrator that the licensee attended 50 percent of the regular meetings;
- (7) certifies to the Commissioner or Administrator that the licensee attended a statewide or intrastate regional educational meeting on an annual basis, where the regional meeting covered an area of at least 25 counties of the State;
- (8) certifies to the Commissioner or Administrator that the licensee attended a national meeting on an annual basis (i.e., National Convention, Legislative "Day on the Hill" in Washington, DC); and
- (9) pays one dollar (\$1.00) per ICEC to the Commissioner or Administrator.

History Note: Authority G.S. 58-2-40; 58-2-185; 58-2-195; 58-33-130; 58-33-133;

Temporary Adoption Eff. June 22, 1990, for a period of 180 days to expire on December 19, 1990;

ARRC Objection Lodged July 19, 1990;

Eff. December 1, 1990;

Temporary Amendment Eff. October 3, 1991 for a period of 180 days to expire on March 30, 1992;

Amended Eff. June 1, 2011; October 1, 2010; February 1, 2008; January 1, 2007; February 1, 1995; August 1, 1994; February 1, 1994; January 1, 1993;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 25, 2016;

Amended Eff. November 1, 2017.

TITLE 12 - DEPARTMENT OF JUSTICE

12 NCAC 10B .0301 MINIMUM STANDARDS FOR JUSTICE OFFICERS

(a) Every Justice Officer employed or certified in North Carolina shall:

- (1) be a citizen of the United States;
- (2) be 21 years of age for all deputies and detention officers and be at least 18 years of age for all telecommunications;
- (3) be a high school graduate, or the equivalent (GED);
- (4) have been fingerprinted by the employing agency;
- (5) have had a medical examination as required by 12 NCAC 10B .0304;
- (6) have produced a negative result on a drug screen administered according to the following specifications:
 - (A) the drug screen shall be a urine test consisting of an initial screening test using an immunoassay method and a confirmatory test on an initial positive result using a gas chromatography/mass spectrometry (GC/MS) or other initial and confirmatory tests as may be authorized or mandated by the Department of Health and Human

- Services for Federal Workplace Drug Testing Programs [http://workplace.samhsa.gov/];
- (B) a chain of custody shall be maintained on the specimen from collection to the eventual discarding of the specimen;
 - (C) the drugs whose use shall be tested for shall include cannabis, cocaine, phencyclidine (PCP), opiates, and amphetamines or their metabolites;
 - (D) the test threshold values established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs are incorporated by reference, including subsequent amendments and editions. Copies of this information may be obtained from the National Institute on Drug Abuse, 5600 Fisher Lane, Rockville, Maryland 20857 [http://www.drugabuse.gov/] at no cost;
 - (E) the test results shall be dated no more than 60 days before employment or appointment, whichever is earlier;
 - (F) the laboratory conducting the test shall be certified for federal workplace drug testing programs, and shall adhere to applicable federal rules, regulations, and guidelines pertaining to the handling, testing, storage, and preservation of samples; and
 - (G) each drug test laboratory report shall be reviewed by a medical review officer (MRO), who shall be a licensed physician;
- (7) make the following notifications:
- (A) within five business days, notify the Standards Division and the appointing department head in writing of all criminal offenses with which the officer is charged. This shall include all criminal offenses except minor traffic offenses. A minor traffic offense means any offense under G.S. 20 or similar laws of other jurisdictions; except those Chapter 20 offenses defined as either a Class A or B Misdemeanor in 12 NCAC 10B .0103(10). The initial notification required must specify the nature of the offense, the date of offense, and the arresting agency. Within five business days, notify the Standards Division of all Domestic Violence Orders (G.S. 50B) and Civil No Contact Orders (G.S. 50C) that are issued by a judicial official against the justice officer and
 - (B) that provide an opportunity for both parties to be present;
 - (B) within 20 days of the date the case was disposed, notify the appointing department head of the adjudication of these criminal charges, Domestic Violence Orders (G.S. 50B), and Civil No Contact Orders (G.S. 50C). The department head, provided he or she has knowledge of the officer's charges, Domestic Violence Orders (G.S. 50B), and Civil No Contact Orders (G.S. 50C), shall also notify the Division within 30 days of the date the case or order was disposed of in court.
 - (C) within 30 days of the date the case was disposed, notify the Standards Division of the adjudication of these criminal charges, Domestic Violence Orders (G.S. 50B), and Civil No Contact Orders (G.S. 50C);
 - (D) the required notifications of adjudication shall specify the nature of the offense, the court in which the case was handled, and the date of disposition and shall include a certified copy of the final disposition from the Clerk of Court in the county of adjudication;
 - (E) receipt by the Standards Division of timely notification of the initial offenses charged and of adjudication of those offenses, from either the officer or the department head, shall be sufficient notice for compliance with this Subparagraph;
 - (8) be of good moral character as defined in: In re Willis, 288 N.C. 1, 215 S.E.2d 771 (1975), 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;
 - (9) have a background investigation conducted by the employing agency, including a personal interview prior to employment as required by Rules .0305 and .0306 of this Section;
 - (10) not have committed or been convicted of a crime or crimes specified in 12 NCAC 10B .0307.
- (b) The requirements of this Rule shall apply to all applications for certification and shall also apply at all times during which the justice officer is certified by the Commission.

History Note: Authority G.S. 17E-7;

Eff. January 1, 1989;
Amended Eff. January 1, 2018; February 1, 2014; January 1, 2006; January 1, 2005; August 1, 2002; January 1, 1996; January 1, 1994; January 1, 1993; January 1, 1992; July 1, 1990; January 1, 1990.

12 NCAC 10B .0304 MEDICAL EXAMINATION

(a) Each applicant for certification or enrollee in a Commission-certified basic training course shall complete, sign, and date the Commission's Medical History Statement Form (F-1) and shall be examined by either a physician, surgeon, physician's assistant, nurse practitioner, or other licensed independent practitioner who is licensed in North Carolina or who is authorized to practice medicine in accordance with the rules and regulations of the United States Armed Forces to help determine his or her fitness to carry out the physical requirements of the position of justice officer. Effective January 1, 2018, Telecommunicators who have not previously held certification with this Commission, but who have been continuously employed by an entity other than a Sheriff's Office, and who have previously provided a valid Medical History Statement (F-1) and Medical Examination Report (F-2) for admission into a Commission accredited Telecommunicator Certification Course shall not be required to submit additional F-1 and F-2 forms for the purpose of obtaining certification.

(b) Prior to conducting the examination, the physician, surgeon, physician's assistant, nurse practitioner, or other licensed independent practitioner shall:

- (1) read the "Medical Screening Guidelines Implementation Manual for Certification of Justice Officers" in the State of North Carolina as published by the North Carolina Department of Justice. Copies of this publication may be obtained at no cost by contacting the North Carolina Department of Justice, Sheriffs' Standards Division, PO Box 629, Raleigh, North Carolina 27602;
- (2) read, sign, and date the Medical History Statement Form (F-1); and
- (3) read the F-2A Form attached to the Medical Examination Report Form (F-2).

(c) The examining physician, surgeon, physician's assistant, nurse practitioner, or other licensed independent 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) and the Medical History Statement Form (F-1) shall be valid one year after the date the examination was conducted and shall be completed prior to:

- (1) the applicant's beginning the Detention Officer Certification Course, the Basic Law Enforcement Training Course, or the Telecommunicator Certification Course; and
- (2) the applicant's applying to the Commission for Certification.

History Note: Authority G.S. 17E-7;
Eff. January 1, 1989;
Amended Eff. January 1, 1996; January 1, 1993; January 1, 1991; January 1, 1990;

Temporary Amendment Eff. March 1, 1998;
Amended Eff. January 1, 2018; January 1, 2009; August 1, 2002; April 1, 2001; August 1, 1998.

12 NCAC 10B .0713 ADMISSION OF TRAINEES

(a) The school director shall not admit any individual as a trainee in any commission-certified basic training course who is not a citizen of the United States.

(b) The school shall not admit any individual younger than 21 years of age as a trainee in the Detention Officer Certification Course and shall not admit any individual younger than 18 years of age as a trainee in the Telecommunicator Certification Course without the prior written approval of the Director of the Standards Division. The Director shall approve those individuals who will turn 21 years of age prior to the end of the Detention Officer Certification Course and, those individuals who will turn 18 years of age prior to the end of the Telecommunicator Certification Course.

(c) The school shall not admit any individual who has not provided documentation that he or she meets the educational requirement set out in 12 NCAC 10B .0302.

(d) The school shall give priority admission in commission-certified basic training courses to individuals holding full-time employment with criminal justice agencies.

(e) The school shall administer the reading component of a standardized test that reports a grade level for each trainee participating in either the Telecommunicator or Detention Officer Certification Course. The specific test instrument shall be determined by the school director and shall be administered within the first week of the Course. The grade level results for each trainee shall be submitted to the Commission on each trainee's Report of Student Course Completion.

(f) The school shall not admit any individual as a trainee in a presentation of the Detention Officer Certification Course or the Telecommunicator Certification Course unless the individual has provided to the School Director a Medical Examination Report Form (F-2) and the Medical History Statement Form (F-1) in compliance with 12 NCAC 10B .0304. The Medical Examination Report Form (F-2) and the Medical History Statement Form (F-1) required by the North Carolina Criminal Justice Education and Training Standards Commission shall be recognized by the Commission for the purpose of complying with this Rule.

(g) The school shall not admit any individual trainee in commission-certified basic training courses unless the individual has provided the School Director a certified criminal record check for local and state records where the trainee has resided within the past 10 years and where the trainee attended high school. An Administrative Office of the Courts criminal record check or a comparable out-of-state criminal record check shall satisfy this requirement. If an individual trainee has received a probationary certificate from the Commission at the time of enrollment, this records check requirement shall be waived.

(h) The school shall not admit any individual as a trainee in commission-certified basic training courses who has been convicted of the following:

- (1) a felony;
- (2) a crime for which the punishment could have been imprisonment for more than two years;

- (3) a crime or unlawful act defined as a "Class B Misdemeanor" within the five year period prior to the date of appointment;
- (4) four or more crimes or unlawful acts as defined as "Class B Misdemeanors" regardless of the date of conviction;
- (5) four or more crimes or unlawful acts defined as "Class A Misdemeanors" except the trainee may be enrolled if the last conviction occurred more than two years prior to the date of enrollment; or
- (6) a combination of four or more "Class A Misdemeanors" or "Class B Misdemeanors" regardless of the date of conviction.

(i) Individuals charged with crimes specified in this Paragraph that were dismissed or the person was found not guilty may be admitted into the commission-certified basic training courses, but completion will not ensure that certification as a justice officer through the Commission will be issued. Every individual who is admitted as a trainee in a presentation of the Commission-certified Basic Law Enforcement Training Course shall notify the School Director of all criminal offenses that the trainee is arrested for, charged with, pleads no contest to, pleads guilty to, or is found guilty of, and shall notify the School Director of all Domestic Violence Orders (G.S. 50B) and Civil No Contact Orders (50C) that are issued by a judicial official that provide an opportunity for both parties to be present, including all criminal offenses except minor traffic offenses. A minor traffic offense is defined for purposes of this Paragraph as any offense under G.S. 20 or similar laws of other jurisdictions except those Chapter 20 offenses published in the Class B Misdemeanor Manual. Other traffic offenses under laws of other jurisdictions that shall be reported to the School Director include driving while impaired if the maximum allowable punishment is for a term of more than six months but not more than two years and driving while license permanently revoked or permanently suspended. The notifications required under this Paragraph shall be in writing and shall specify the nature of the offense, the court in which the case was handled, the date of the arrest or criminal charge, the date of issuance of the Domestic Violence Order (G.S. 50B) or Civil No Contact Order (G.S. 50C), and the final disposition and the date thereof. The notifications required under this Paragraph shall be received by the School Director within 30 days of the date the case was disposed of in court. The requirements of this Paragraph shall apply at all times during which the trainee is enrolled in a Basic Law Enforcement Training Course. The requirements of this Paragraph shall be in addition to the notifications required under 12 NCAC 10B .0301 and 12 NCAC 09B .0101(8).

*History Note: Authority G.S. 17C-4; 17E-7;
Eff. April 1, 2001;
Amended Eff. January 1, 2018; January 1, 2013; January 1, 2007;
January 1, 2005.*

12 NCAC 10B .2005 MINIMUM TRAINING REQUIREMENTS

(a) A Sheriff or Department Head may use a lesson plan developed by the North Carolina Justice Academy or a lesson plan for any of the topic areas developed by another entity. The Sheriff

or Department Head may also use a lesson plan developed by a certified instructor, provided that the instructor develops the lesson plan in accordance with the Instructional Systems Development model as taught in Criminal Justice Instructor Training and as described in 12 NCAC 09B .0209. Lesson plans shall be designed to be delivered in hourly increments. A student who completes the training shall receive the number of credits that correspond to the number of hours assigned to the course, regardless of the amount of time the student spends completing the course, where each hour of instruction shall be worth one credit (e.g., "Legal Update" is designed to be delivered in four hours and will yield four credits). With the exception of Firearms Training and Requalification, successful completion of training shall be demonstrated by passing tests as developed by the delivering agency or as written by the North Carolina Justice Academy. A written test comprised of at least five questions per hour of training shall be developed by the delivering agency, or the agency may use the written test developed by the North Carolina Justice Academy, for each in-service training topic. A student shall pass each test by achieving 70 percent correct answers. Firearms Training and Requalification shall be demonstrated qualification with a firearm as set out in Section .2100 of this Subchapter.

(b) The 2017 Law Enforcement In-Service Training Program requires 24 credits of training and successful completion in the following topic areas:

- (1) Legal Update;
- (2) Positively Impacting Today's Youth;
- (3) Domestic Violence: Protecting Victims of Domestic Violence;
- (4) Improving Decision Making Skills;
- (5) Firearms Training and Requalification for deputy sheriffs as set out in Section .2100 of this Subchapter; and
- (6) Any topic areas of the Sheriff's choosing.

(c) The 2017 Detention Officer In-Service Training Program requires 16 credits of training and successful completion in the following topic areas:

- (1) Detention Legal Update;
- (2) Detention Intelligence Update;
- (3) Recognizing Substance Abuse and Withdrawal;
- (4) Improving Decision-Making Skills; and
- (5) Any topic areas of the Sheriff's or Department Head's choosing.

(d) The 2017 Telecommunicator In-Service Training Program requires 16 credits of training and successful completion in the following topic areas:

- (1) Post Critical Incident Stress Management;
- (2) Protecting Victims of Domestic Violence;
- (3) Improving Decision Making Skills;
- (4) Law Enforcement Intelligence Update; and
- (5) Any topic areas of the Sheriff's or Department Head's choosing.

(e) The 2018 Law Enforcement In-Service Training Program requires 24 credits of training and successful completion in the following topic areas:

- (1) Legal Update;

- (2) Strategies to Improve Law Enforcement Interactions and Relationships with Minority Youth;
 - (3) Equality in Policing;
 - (4) Communications Skills With Persons In Crisis – De-escalation Techniques;
 - (5) Firearms Training and Requalification for deputy sheriffs as set out in Section .2100 of this Subchapter; and
 - (6) Any topic areas of the Sheriff's choosing.
- (f) The 2018 Detention Officer In-Service Training Program requires 16 credits of training and successful completion in the following topic areas:
- (1) Recognizing Warning Signs and Strategies Associated with Mental Illness;
 - (2) Equality in Detention Practices;
 - (3) Communications Skills With Persons In Crisis – De-escalation Techniques;
 - (4) Career Survival; and
 - (5) Any topic areas of the Sheriff's or Department Head's choosing.
- (g) The 2018 Telecommunicator In-Service Training Program requires 16 credits of training and successful completion in the following topic areas:
- (1) Communications Center Trainer;
 - (2) Equality in Policing;
 - (3) Communications Skills With Persons In Crisis – De-escalation Techniques; and
 - (4) Any topic areas of the Sheriff's or Department Head's choosing.

History Note: Authority G.S. 17E-4; 17E-7;
Eff. January 1, 2007;
Amended Eff. January 1, 2018; January 1, 2017; January 1, 2016;
January 1, 2015; February 1, 2014; January 1, 2013; February
1, 2012; January 1, 2011; January 1, 2010; January 1, 2009;
January 1, 2008.

TITLE 14B - DEPARTMENT OF PUBLIC SAFETY

14B NCAC 16 .0102 LOCATION

The administrative offices of the Private Protective Services Board are located at 3101 Industrial Drive, Suite 104, Raleigh, North Carolina 27609, telephone (919) 788-5320.

History Note: Authority G.S. 74C-4; 74C-5;
Eff. June 1, 1984;
Amended Eff. July 1, 2012; March 1, 2001; December 1, 1993;
December 1, 1987;
Transferred and Recodified from 12 NCAC 07D .0102 Eff. July 1,
2015;
Amended Eff. November 1, 2017.

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

(a) Each applicant for a license or trainee permit shall submit an original and one copy of the application to the Board. The application shall be accompanied by:

- (1) one set of classifiable fingerprints on an applicant fingerprint card;
- (2) one head and shoulders digital photograph of the applicant in JPG format of acceptable quality for identification, taken within six months prior to submission and submitted by e-mail to PPSASL-Photos@ncdps.gov or by compact disc;
- (3) a certified statement of the results of a criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;
- (4) the applicant's non-refundable application fee;
- (5) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected by the Private Protective Services Board; and
- (6) an Equifax credit check run within 30 days of the license application submission date.

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

(c) Private investigator trainees applying for a license shall make available for inspection a log of experience on a form provided by the Board.

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

(e) Each applicant for a license shall meet personally with either a Board investigator, the Screening Committee, the Director, or a Board representative designated by the Director prior to being issued a license. The applicant shall discuss the provisions of G.S. 74C and the administrative rules in this Chapter during the personal meeting. The applicant shall sign a form provided by the Board indicating that he or she has reviewed G.S. 74C and the administrative rules in this Chapter with the board's representative.

History Note: Authority G.S. 74C-2; 74C-5; 74C-8; 74C-8.1;
 74C-12;
Eff. June 1, 1984;
Amended Eff. May 1, 2012; July 1, 2011; August 1, 1998;
December 1, 1995; July 1, 1987; December 1, 1985;
Transferred and Recodified from 12 NCAC 07D .0201 Eff. July 1,
2015;
Amended Eff. November 1, 2017.

14B NCAC 16 .0203 RENEWAL OR RE-ISSUE OF LICENSES AND TRAINEE PERMITS

(a) Each applicant for renewal of a license or trainee permit shall submit an original and one copy of the renewal form. This form shall be submitted to the Director not less than 30 days prior to expiration of the applicant's current license or trainee permit and shall be accompanied by:

- (1) a head and shoulders digital color photograph of the applicant in JPG format of a quality sufficient for identification, taken within six months of the application and submitted by e-mail to PPSASL-Photos@ncdps.gov or by compact disc;
- (2) statements of the result of a local criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 24 months;
- (3) the applicant's renewal fee; and
- (4) proof of liability insurance as set out in G.S. 74C-10(e).

(b) If a licensee has maintained a license at least two years and then allows the license to expire, the license may be re-issued if application is made within three years of the expiration date and the following documentation is submitted to the Board:

- (1) an Application For Reinstatement of an Expired License;
- (2) one set of classifiable fingerprints on an applicant fingerprint card;
- (3) one head and shoulders digital color photograph of the applicant in JPG format of a quality sufficient for identification, taken within six months of the application and submitted by e-mail to PPSASL-Photos@ncdps.gov or by compact disc;
- (4) statements of the result of a local criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;
- (5) the applicant's non-refundable application fee;
- (6) proof of liability insurance as set out in G.S. 74C-10(e); and
- (7) a separate check or money order made payable to the State Bureau of Investigations to cover criminal record checks performed by the State Bureau of Investigations.

(c) A member of the armed forces whose license is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the license renewal fee and complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

History Note: Authority G.S. 74C-5; 74C-8; 74C-8.1; 74C-9; Eff. June 1, 1984;
Amended Eff. October 1, 2013; May 1, 2012; October 1, 2010; November 1, 2007; January 4, 1994; July 1, 1987; December 1, 1985;
Transferred and Recodified from 12 NCAC 07D .0203 Eff. July 1, 2015;
Amended Eff. November 1, 2017.

14B NCAC 16 .0701 APPLICATION FOR UNARMED SECURITY GUARD REGISTRATION

(a) Each employer or his designee shall submit and sign an application form for the registration of each employee to the Board. This form shall be accompanied by:

- (1) one set of classifiable fingerprints on an applicant fingerprint card;
- (2) two head and shoulders color digital photographs of the applicant in JPG format of acceptable quality for identification, taken within six months prior to submission and submitted by e-mail to PPSASL-Photos@ncdps.gov or by compact disc;
- (3) a certified statement of the results of a criminal records search from the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;
- (4) the applicant's non-refundable registration fee; and
- (5) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected by the Private Protective Services Board.

(b) The employer of each applicant for registration shall give the applicant a copy of the application and shall retain a copy of the application in the individual's personnel file in the employer's office.

(c) The applicant's copy of the application shall serve as a temporary registration card that shall be carried by the applicant when he or she is working within the scope of his employment and that shall be exhibited upon the request of any law enforcement officer or authorized representative of the Board.

(d) A statement signed by a certified trainer that the applicant has successfully completed the training requirements of Rule .0707 of this Section shall be submitted to the Director with the application.

(e) A copy of the statement specified in Paragraph (d) of this Rule shall be retained by the licensee in the individual applicant's personnel file in the employer's office.

History Note: Authority G.S. 74C-5; 74C-8.1; 74C-11; Eff. June 1, 1984;
Amended Eff. May 1, 2012; July 1, 2011; August 1, 1998; December 1, 1995; June 1, 1994; February 1, 1990; May 1, 1988;
Transferred and Recodified from 12 NCAC 07D .0701 Eff. July 1, 2015;
Amended Eff. November 1, 2017.

14B NCAC 16 .0706 RENEWAL OR REISSUE OF UNARMED SECURITY GUARD REGISTRATION

(a) Each applicant for renewal of a registration identification card or his or her employer shall complete a form provided by the Board. This form shall be submitted not fewer than 30 days prior to the expiration of the applicant's current registration and shall be accompanied by:

- (1) two head and shoulders color digital photographs of the applicant in JPG format of acceptable quality for identification, taken within six months prior to submission and submitted by e-mail to PPSASL-Photos@ncdps.gov or by compact disc;
- (2) statements of any criminal record obtained from the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 12 months;
- (3) the applicant's renewal fee; and
- (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected by the Private Protective Services Board.

(b) Each applicant for reissue of a registration identification card shall complete, and his or her employer shall sign, a form provided by the Board. This form shall be submitted to the Board and accompanied by:

- (1) two head and shoulders color digital photographs of the applicant in JPG format of acceptable quality for identification, taken within six months prior to submission and submitted by e-mail to PPSASL-Photos@ncdps.gov or by compact disc; and
- (2) the applicant's reissue fee.

(c) The employer of each applicant for a registration renewal or reissue shall give the applicant a copy of the application that shall serve as a record of application for renewal or reissue and shall retain a copy of the application in the individual's personnel file in the employer's office.

(d) Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the registration renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

History Note: Authority G.S. 74C-5; 74C-11; Eff. June 1, 1984;

Amended Eff. May 1, 2012; October 1, 2010; December 1, 1995; February 1, 1990; July 1, 1987; December 1, 1985;

Transferred and Recodified from 12 NCAC 07D .0706 Eff. July 1, 2015;

Amended Eff. November 1, 2017.

14B NCAC 16 .0801 APPLICATION/ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT

(a) Each armed security guard employer or his or her designee shall submit and sign an application form for the registration of each armed security guard applicant to the Board. This form shall be accompanied by:

- (1) one set of classifiable fingerprints on an applicant fingerprint card;
- (2) two head and shoulders color digital photographs of the applicant in JPG format of sufficient quality for identification, taken within six months prior to submission and submitted by e-mail to PPSASL-Photos@ncdps.gov or by compact disc;
- (3) a certified statement of the results of a criminal records search from the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;
- (4) the applicant's non-refundable registration fee;
- (5) a statement signed by a certified trainer that the applicant has successfully completed the training requirements of Rule .0807 of this Section; and
- (6) a certification by the applicant that he or she is at least 21 years of age.

(b) The employer of each applicant for registration shall give the applicant a copy of the application and shall retain a copy of the application in the individual's personnel file in the employer's office.

(c) The applicant's copy of the application shall serve as a temporary registration card that shall be carried by the applicant when he or she is working within the scope of his employment and that shall be exhibited upon the request of any law enforcement officer or authorized representative of the Board.

(d) Applications submitted without proof of completion of a Board approved firearms training course shall not serve as temporary registration cards.

(e) The provisions of Paragraphs (a), (b), and (c) of this Rule also apply to any employee whose employment is terminated within 30 days of employment.

History Note: Authority G.S. 74C-5; 74 C-9; 74C-13; Eff. June 1, 1984;

Amended Eff. May 1, 2012; April 1, 2008; August 1, 1998; December 1, 1995; February 1, 1990; May 1, 1988; July 1, 1987; Transferred and Recodified from 12 NCAC 07D .0801 Eff. July 1, 2015;

Amended Eff. November 1, 2017.

14B NCAC 16 .0806 RENEWAL OF ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT

(a) Each applicant for renewal of an armed security guard firearm registration permit identification card or his or her employer shall complete a form provided by the Board. This form shall be submitted not more than 90 days nor fewer than 30 days prior to expiration of the applicant's current armed registration and shall be accompanied by:

- (1) two head and shoulders color digital photographs of the applicant in JPG format of acceptable quality for identification, taken within six months prior to submission and submitted by e-mail to PPSASL-Photos@ncdoj.gov or by compact disc;

- (2) statements of any criminal record obtained from the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 12 months;
- (3) the applicant's renewal fee; and
- (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected by the Private Protective Services Board.

(b) The employer of each applicant for a registration renewal shall give the applicant a copy of the application that shall serve as a record of application for renewal and shall retain a copy of the application in the individual's personnel file in the employer's office.

(c) Applications for renewal shall be accompanied by a statement signed by a certified trainer that the applicant has successfully completed the training requirements of Rule .0807 of this Section.

(d) Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the registration renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

History Note: Authority G.S. 74C-5; 74C-11; 74C-13; Eff. June 1, 1984; Amended Eff. May 1, 2012; October 1, 2010; December 1, 1995; February 1, 1990; December 1, 1985; Transferred and Recodified from 12 NCAC 07D .0806 Eff. July 1, 2015; Amended Eff. November 1, 2017.

14B NCAC 16 .0902 APPLICATION FOR FIREARMS TRAINER CERTIFICATE

Each applicant for a firearms trainer certificate shall submit an original and one copy of the application to the Board. The application shall be accompanied by:

- (1) one set of classifiable fingerprints on an applicant fingerprint card;
- (2) one head and shoulders color digital photograph of the applicant in JPG format of adequate quality for identification, taken within six months prior to submission and submitted by e-mail to PPSASL-Photos@ncdps.gov or by compact disc;
- (3) a certified statement of the result of a criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;
- (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of

Investigation, collected by the Private Protective Services Board;

- (5) the applicant's non-refundable registration fee;
- (6) a certificate of successful completion of the training required by Rule .0901(3) and (4) of this Section. This training shall have been completed within 60 days of the submission of the application; and
- (7) the actual cost charged to the Private Protective Services Board by the North Carolina Justice Academy to cover the cost of the firearms training course given by the N.C. Justice Academy and collected by the Private Protective Services Board.

History Note: Authority G.S. 74C-5; 74C-8.1(a); 74C-13; Eff. June 1, 1984; Amended Eff. August 1, 1998; December 1, 1995; July 1, 1987; December 1, 1985; Temporary Amendment Eff. July 17, 2001; Amended Eff. January 1, 2013; May 1, 2012; August 1, 2002; Transferred and Recodified from 12 NCAC 07D .0902 Eff. July 1, 2015; Amended Eff. November 1, 2017.

14B NCAC 16 .0904 RENEWAL OF A FIREARMS TRAINER CERTIFICATE

(a) Each applicant for renewal of a firearms trainer certificate shall complete a renewal form provided by the Board and available on its website at www.ncdps.gov/PPS. This form shall be submitted not less than 30 days prior to the expiration of the applicant's current certificate and shall be accompanied by:

- (1) certification of the successful completion of a firearms trainer refresher course approved by the Board and the Secretary of Public Safety consisting of a minimum of eight hours of classroom and practical range training in safety and maintenance of the applicable firearm (i.e. handgun, shotgun or rifle), range operations, control and safety procedures, and methods of firing. This training shall be completed within 180 days of the submission of the renewal application;
- (2) a certified statement of the result of a criminal records search from the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 48 months;
- (3) the applicant's renewal fee; and
- (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected by the Private Protective Services Board.

(b) Members of the armed forces whose certification is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the certification renewal fee and to complete any continuing

education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

History Note: Authority G.S. 74C-5; 74C-8.1(a); 74C-13;
Eff. June 1, 1984;
Amended Eff. January 1, 2013; October 1, 2010; June 1, 2009;
December 1, 1995; December 1, 1985;
Transferred and Recodified from 12 NCAC 07D .0904 Eff. July 1, 2015;
Amended Eff. February 1, 2016; October 1, 2015;
Amended Eff. November 1, 2017.

14B NCAC 16 .1301 APPLICATION FOR UNARMED ARMORED CAR SERVICE GUARD REGISTRATION

(a) Each armored car employer or his designee shall submit and sign an application form for the registration of each unarmed armored car service guard employee to the Board. This form shall be accompanied by:

- (1) one set of classifiable fingerprints on an applicant fingerprint card;
- (2) two head and shoulders color digital photographs of the applicant in JPG format of acceptable quality for identification, taken within six months prior to submission and submitted by e-mail to PPSASL-Photos@ncdps.gov or by compact disc;
- (3) a certified statement of the result of a criminal records search from the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;
- (4) the applicant's non-refundable registration fee; and
- (5) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected by the Private Protective Services Board.

(b) The employer of each applicant for registration shall give the applicant a copy of the application and shall retain a copy of the application in the individual's personnel file in the employer's office.

(c) The applicant's copy of the application shall serve as a temporary registration card that shall be carried by the applicant when he or she is working is within the scope of his employment and that shall be exhibited upon the request of any law enforcement officer or authorized representative of the Board.

(d) A statement signed by a certified trainer that the applicant has successfully completed the training requirements of Rule .1307 of this Section shall be submitted to the Director with the application.

(e) A copy of the statement specified in Paragraph (d) of this Rule shall be retained by the licensee in the individual applicant's personnel file in the employer's office.

History Note: Authority G.S. 74C-3; 74C-5; 74C-8.1(a);

Eff. January 1, 2013;

Transferred and Recodified from 12 NCAC 07D .1401 Eff. July 1, 2015;

Amended Eff. November 1, 2017.

14B NCAC 16 .1306 RENEWAL OR REISSUE OF UNARMED ARMORED CAR SERVICE GUARD REGISTRATION

(a) Each applicant for renewal of an unarmed armored car service guard registration identification card or his or her employer shall complete a form provided by the Board. This form shall be submitted not fewer than 30 days prior to the expiration of the applicant's current registration and shall be accompanied by:

- (1) statements of any criminal record obtained from the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 12 months; and
- (2) the applicant's renewal fee.

(b) Each applicant for reissue of a registration identification card shall complete, and his or her employer shall sign, a form provided by the Board. This form shall be submitted to the Board and accompanied by:

- (1) two head and shoulders color digital photographs of the applicant in JPG format of acceptable quality for identification, taken within six months prior to submission and submitted by e-mail to PPSASL-Photos@ncdps.gov or by compact disc; and
- (2) the applicant's reissue fee.

(c) The employer of each applicant for a registration renewal or reissue shall give the applicant a copy of the application that shall serve as a record of application for renewal or reissue and shall retain a copy of the application in the individual's personnel file in the employer's office.

(d) Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the registration renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

History Note: Authority G.S. 74C-3; 74C-5; 78C-8.1(a);

Eff. January 1, 2013;

Transferred and Recodified from 12 NCAC 07D .1406 Eff. July 1, 2015;

Amended Eff. November 1, 2017.

14B NCAC 16 .1401 APPLICATION/ARMED ARMORED CAR SERVICE GUARD FIREARM REGISTRATION PERMIT

(a) Each armored car employer or his or her designee shall submit and sign an application form for the registration of each armed armored car service guard applicant to the Board. This form shall be accompanied by:

- (1) one set of classifiable fingerprints on an applicant fingerprint card;

- (2) two head and shoulders color digital photographs of the applicant in JPG format of acceptable quality for identification, taken within six months prior to submission and submitted by e-mail to PPSASL-Photos@ncdps.gov or by compact disc;
- (3) a certified statement of the result of a criminal records search from the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;
- (4) the applicant's non-refundable registration fee;
- (5) a statement signed by a certified trainer that the applicant has successfully completed the training requirements of Rule .1407 of this Section; and
- (6) a certification by the applicant that he or she is at least 18 years of age.

(b) The employer of each applicant for registration shall give the applicant a copy of the application and shall retain a copy of the application in the individual's personnel file in the employer's office.

(c) The applicant's copy of the application shall serve as a temporary registration card that shall be carried by the applicant when he or she is working within the scope of his employment and that shall be exhibited upon the request of any law enforcement officer or authorized representative of the Board.

(d) Applications submitted without proof of completion of a Board approved firearms training course shall not serve as temporary registration cards unless the armored car employer has obtained prior approval from the Director. The Director shall grant prior approval if the armored car employer provides proof that the applicant has received prior firearms training.

(e) The provisions of Paragraphs (a), (b), and (c) of this Rule also apply to any employee whose employment is terminated within 30 days of employment.

History Note: Authority G.S. 74C-3; 74C-5; 74C-8.1(a); 74C-13;

Eff. January 1, 2013;

Transferred and Recodified from 12 NCAC 07D .1501 Eff. July 1, 2015;

Amended Eff. November 1, 2017.

14B NCAC 16 .1406 RENEWAL OF ARMED ARMORED CAR SERVICE GUARD FIREARM REGISTRATION PERMIT

(a) Each applicant for renewal of an armed armored car service guard firearm registration permit identification card or his or her employer shall complete a form provided by the Board. This form shall be submitted not more than 90 days nor fewer than 30 days prior to expiration of the applicant's current armed registration and shall be accompanied by:

- (1) two head and shoulders color digital photographs of the applicant in JPG format of acceptable quality for identification, taken within six months prior to submission and submitted by e-mail to PPSASL-Photos@ncdps.gov or by compact disc;

- (2) a certified statement of the result of a criminal records search from the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 12 months;
- (3) the applicant's renewal fee; and
- (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected by the Private Protective Services Board.

(b) The employer of each applicant for a registration renewal shall give the applicant a copy of the application that shall serve as a record of application for renewal and shall retain a copy of the application in the individual's personnel file in the employer's office.

(c) Applications for renewal shall be accompanied by a statement signed by a certified trainer that the applicant has successfully completed the training requirements of Rule .1407 of this Section.

(d) Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the registration renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

History Note: Authority G.S. 74C-3; 74C-5; 74C-8.1(a); 74C-13;

Eff. January 1, 2013;

Transferred and Recodified from 12 NCAC 07D .1506 Eff. July 1, 2015;

Amended Eff. November 1, 2017.

TITLE 15A - DEPARTMENT OF ENVIRONMENTAL QUALITY

15A NCAC 10F .0303 BEAUFORT COUNTY

(a) Regulated Areas. This Rule applies to the following waters in Beaufort County:

- (1) that portion of Broad Creek south of a line from a point on the east shore at 35.49472 N, 76.95693 W to a point on the west shore at 35.49476 N, 76.96028 W and north of a line from a point on the east shore at 35.48485 N, 76.95178 W to a point on the west shore at 35.48495 N, 76.95619 W;
- (2) that portion of Blounts Creek south of a line 100 yards north of the Blounts Creek Boating Access Area, from a point on the east shore at 35.40846 N, 76.96091 W to a point on the west shore at 35.40834 N, 76.96355 W, and north of a line 100 yards south of Cotton Patch Landing, from a point on the east shore at 35.40211 N, 76.96573 W to a point on the west shore at 35.40231 N, 76.96702 W;

- (3) the waters of Battalina Creek, within the territorial limits of the Town of Belhaven;
- (4) the navigable portion of Nevil Creek extending upstream from its mouth at the Pamlico River;
- (5) that portion of Blounts Creek north of a line 35 yards south-southeast of the Mouth of the Creek Bridge from a point on the east shore at 35.43333 N, 76.96985 W to a point on the west shore at 35.43267 N, 76.97196 W and south of a line 350 yards north-northeast of the Mouth of the Creek Bridge from a point on the east shore at 35.43553 N, 76.96962 W to a point on the west shore at 35.43645 N, 76.96998 W;
- (6) that portion of Tranter's Creek east of a line from a point on the north shore at 35.56961 N, 77.09159 W to a point on the south shore at 35.56888 N, 77.09118 W and north of a line from a point on the east shore at 35.56714 N, 77.08941 W to a point on the west shore at 35.56689 N, 77.09029 W; and
- (7) the waters of Little Creek beginning at a line near its mouth from a point on the east shore at 35.41917 N, 76.97102 W to a point on the west shore at 35.41900 N, 76.96940 W.

(b) **Speed Limit.** It is unlawful to operate a vessel at greater than no-wake speed in the regulated areas described in Paragraph (a) of this Rule.

(c) **Placement of Markers.** The Board of Commissioners of Beaufort County and the City Council of the City of Washington are the designated agencies for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

History Note: Authority G.S. 75A-3; 75A-15

Eff. February 1, 1976;

Amended Eff. September 1, 2013; September 1, 2010; June 1, 1998; April 1, 1997; June 1, 1989; March 1, 1987; April 1, 1986; March 4, 1979;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;

Amended Eff. November 1, 2017.

15A NCAC 10F .0323 BURKE COUNTY

(a) **Regulated Areas.** This Rule applies only to the following waters or portions of waters in Burke County:

- (1) Lake Hickory;
- (2) Lake James, delineated by markers consistent with Paragraph (e) of this Rule, at the following locations:
 - (A) Holiday Shores Subdivision;
 - (B) Lake James Campground;
 - (C) Laurel Pointe Subdivision;
 - (D) The waters of Boyd Moore Cove shore to shore, north of a line from a point on the northwest shore at 35.76667 N, 81.82337 W to a point on the southeast shore at 35.76558 N, 81.82245 W;
 - (E) East Shores development;

- (F) Eastern shore of Lake James at Mallard Cove;
- (G) That portion of Lake James shore to shore, beginning 50 yards northeast of the NC Highway 126 bridge at a line from a point on the north shore at 35.74398 N, 81.88426 W, to a point on the south shore at 35.74334 N, 81.88383 W, and ending at a line 215 yards southwest of the NC Highway 126 bridge, from a point on the northwest shore at 35.74257 N, 81.88679 W to a point on the southeast shore at 35.74160 N, 81.88516 W;
- (H) Within 50 yards of the Canal Bridge Boating Access area dock;
- (I) The waters within 50 yards of the end of the South Pointe Subdivision peninsula from a point east of the peninsula at 35.76399 N, 81.83768 W, and surrounding the peninsula from a point east of the peninsula at 35.76399 N, 81.83768 W, and surrounding the peninsula to a point west of the peninsula at 35.76307 N, 81.83648 W; and
- (J) The waters of Sherman's Hollow Cove shore to shore, and contiguous with those waters beginning at a point on the west shore of the mouth of Sherman's Hollow Cove at 35.76423 N, 81.82748 W, extending northeast within 50 yards of Linville Point to a point on the northeast shore of Linville Point at 35.76596 N, 81.82432 W.

(3) **Lake Rhodhiss.**

(b) **Speed Limit.** No person shall operate a vessel at greater than no-wake speed within 50 yards of any designated public boat launching ramp, bridge, marina, boat storage structure, boat service area, dock, or pier; or while on designated waters of the areas described in Paragraph (a) of this Rule.

(c) **Speed Limit in Mooring Areas.** No person shall operate a vessel at greater than no-wake speed while within a marked mooring area on the regulated areas described in Paragraph (a) of this Rule.

(d) **Restricted Swimming Areas.** No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area on the regulated areas described in Paragraph (a) of this Rule.

(e) **Placement of Markers.** The Board of Commissioners of Burke County is the designated agency for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

History Note: Authority G.S. 75A-3; 75A-15; 102-1.1;

Eff. July 1, 1976;

Amended Eff. December 1, 1995; December 1, 1994; December 1, 1992; March 1, 1992;

*Temporary Amendment Eff. April 1, 1999;
Amended Eff. July 1, 2000;
Temporary Amendment Eff. August 15, 2001;
Amended Eff. July 1, 2009; May 1, 2009; August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. December 6, 2016;
Amended Eff. November 1, 2017.*

15A NCAC 10F .0339 MCDOWELL COUNTY

(a) Regulated Areas. This Rule applies to the following waters located on Lake James in McDowell County:

- (1) the cove east of Old Wildlife Club Road, beginning at a line from a point on the northwest shore at 35.73649 N, 81.92296 W to a point on the southeast shore at 35.73595 N, 81.92194 W;
- (2) those waters including coves, shore to shore in the vicinity of the Marion Moose Club property, east of the line from a point on the north shore at 35.72026 N, 81.97292 W, to a point on the south shore at 35.71908 N, 81.97257 W, and south of the line from a point on the west shore at 35.72214 N, 81.96807 W to a point on the east shore at 35.72305 N, 81.96642 W;
- (3) Morgan Cove;
- (4) that area within 50 yards of the shoreline at the New Manna Baptist Youth Camp;
- (5) that area within 50 yards of the shoreline at Burnett's Landing;
- (6) the coves adjacent to Lake James State Park swimming area southeast of a line from a point on the northeast shore at 35.73402 N, 81.90450 W to a point on the southwest shore at 35.73268 N, 81.90614 W;
- (7) that area within 50 yards of camping areas in the Lake James State Park;
- (8) that area including the cove between Waterglyn Subdivision and Lakeview Shores Subdivision and extending within 50 yards of the shoreline of Lakeview Point Subdivision and within 50 yards of the boat launching ramp at the Marion Lake Club;
- (9) Plantation Point Cove southwest of a line from a point on the north shore at 35.71672 N, 81.98065 W to a point on the south shore at 35.71616 N, 81.98010 W;
- (10) Waterglyn Subdivision Cove;
- (11) that area within 50 yards of the boat ramp at Lake James Landing, near the mouth of the North Fork of the Catawba River;
- (12) that area within 50 yards of the Bear Creek Marina;
- (13) the waters within 50 yards of the peninsula at Waterglyn Subdivision, from the point on land east of the cove east of Old Wildlife Club Road at 35.73600 N, 81.92185 W to a point on land west of Waterglyn Subdivision cove at 35.73549 N, 81.91900 W; and

- (14) the waters within 50 yards of the boat ramp in Hidden Cove.

(b) Speed Limit. No person shall operate any motorboat or vessel at greater than no-wake speed within any of the regulated areas described in Paragraph (a) of this Rule.

(c) Restricted Swimming Areas. No person operating or responsible for the operation of any vessel, surfboard or waterskis shall permit the same to enter any marked swimming area located on the regulated area.

(d) Placement of Markers. The Board of Commissioners of McDowell County is the designated agency for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

*History Note: Authority G.S. 75A-3; 75A-15;
Eff. August 23, 1981;
Amended Eff. February 1, 1996; December 1, 1993; March 1, 1992; April 1, 1991;
Temporary Amendment Eff. February 1, 1998;
Amended Eff. July 1, 1998;
Temporary Amendment Eff. February 4, 2000; April 1, 1999;
Amended Eff. July 1, 2000;
Temporary Amendment Eff. May 1, 2001;
Amended Eff. May 1, 2010; July 1, 2008; July 18, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. December 6, 2016;
Amended Eff. November 1, 2017.*

TITLE 17 - DEPARTMENT OF REVENUE

**17 NCAC 12A .0201 RECEIPT OR INVOICE
REQUIREMENTS TO OBTAIN CREDIT FOR RETAIL
FUEL PURCHASES**

(a) To obtain credit for retail tax-paid purchases for a motor carrier licensed pursuant to G.S. 105-449.47, the motor carrier shall retain a receipt or invoice that establishes the purchases and payment of the tax. Examples of receipts or invoices include a credit card receipt, a microfilm or microfiche copy of the receipt or invoice, an automated vendor generated invoice or transaction list, or a computer image of the receipt or invoice. Prepaid receipts or invoices shall not be used to obtain credit for retail tax-paid purchases.

(b) North Carolina retail fuel purchase receipts or invoices used by a motor carrier to obtain credit for retail tax-paid purchases shall contain the following information:

- (1) the date of purchase;
- (2) the name and address of the seller;
- (3) the number of gallons purchased;
- (4) the type of fuel purchased;
- (5) the price per gallon or total sales amount;
- (6) a vehicle number, equipment number, or other identifier of the vehicle or equipment into which the fuel was placed;
- (7) the vehicle license plate number and the state that issued the plate for the vehicle into which the fuel was placed; and

- (8) the purchaser's name. In the case of a leased vehicle, either the lessee or the lessor may submit receipts or invoices as the purchaser if the person who submits the receipts or invoices can establish a current lease agreement exists with the person required to file a return.

(c) Separate retail fuel purchase receipts or invoices shall be maintained for motor fuel purchased for highway vehicle use, off-highway vehicle use, and equipment use.

(d) Receipts or invoices used to obtain credit for retail fuel purchases shall be maintained for a period of at least four years.

History Note: Authority G.S. 105-262; 105-449.39; 105-449.57;

Eff. January 1, 1983;

Amended Eff. October 1, 1991; February 1, 1990;

Recodified from 17 NCAC 09I .0201 Eff. November 1, 2002;

Amended Eff. August 1, 2003;

Readopted Eff. November 1, 2017.

17 NCAC 12A .0202 WITHDRAWALS FROM BULK STORAGE

(a) A motor carrier maintaining bulk storage of North Carolina tax-paid motor fuel shall be entitled to credit on the International Fuel Tax Agreement (IFTA) return based on the date the fuel is put into the qualified motor vehicle as defined in the International Fuel Tax Agreement and shall not be based on the date of purchase. The International Fuel Tax Agreement, through its Articles of Agreement, Procedures Manual, and Audit Manual (hereinafter "governing documents", including subsequent amendments and editions, are incorporated by reference. The International Fuel Tax Agreement governing documents are available at no cost at www.iftach.org.

(b) A motor carrier who withdraws fuel from bulk storage shall maintain withdrawal records containing the following information:

- (1) the date of withdrawal;
- (2) the number of gallons;
- (3) the fuel type;
- (4) a vehicle unit number or vehicle license plate number and state, equipment number, or other identifier for the vehicle or equipment into which the fuel was placed; and
- (5) the purchase and inventory records to substantiate that tax was paid on bulk purchases. Inventory records shall include:
 - (A) tank number, tank location, tank capacity;
 - (B) fuel type;
 - (C) monthly beginning and ending inventories;
 - (D) monthly totalizer readings;
 - (E) fuel purchase receipts, invoices or bills of lading, including withdrawal details, and whether the fuel was dispensed for highway or off-highway use.

History Note: Authority G.S. 105-262; 105-449.39; 105-449.57;

Eff. January 1, 1983;

Amended Eff. February 1, 1990; May 1, 1987; March 1, 1987;

Recodified from 17 NCAC 09I .0202 effective November 1, 2002;

Readopted Eff. November 1, 2017.

17 NCAC 12A .0303 MOTOR CARRIER BOND REQUIREMENTS

(a) The bond submitted to the Department pursuant to G.S. 105-449.40 shall be filed on Form GAS-1212, Motor Fuels Tax Liability Bond, and shall include the following information:

- (1) the bond number;
- (2) the Principal's legal name;
- (3) the surety company name;
- (4) the written value of bond amount;
- (5) the numeric value of bond amount;
- (6) the bond effective date;
- (7) the date the bond is executed;
- (8) the printed name, signature, and title of person authorized to legally bind the Principal in accordance with the following:
 - (A) if the Principal is a corporation, the printed name, signature, and title of the corporate President, Vice President, or Treasurer, the signature and title of the corporate Secretary or Assistant Secretary must attest to the bond, and the corporate seal shall be affixed. If a corporation does not have a corporate Secretary or corporate seal, the executed bond shall be accompanied by a letter indicating the same on corporate letterhead and signed by the corporate President;
 - (B) if the Principal is a limited liability company, the printed name, signature, and title of any member;
 - (C) if the Principal is a partnership, the printed name, signature, and title of one or more of the partners;
 - (D) if the Principal is a limited partnership, the printed name, signature, and title of a general partner; or
 - (E) if the Principal is an individual using a trade name, the printed name and signature of the individual followed by the trade name.
- (9) Printed name and signature of the Attorney-in-Fact on behalf of the surety company, and the surety's corporate seal shall be affixed; and
- (10) The bond shall be accompanied by a verified copy of the Power-of-Attorney or other authority of the person executing the same to do so on behalf of the surety.

(b) The Department shall calculate a motor carrier's average tax liability or refund for a reporting period and set the bond amount consistent with G.S. 105-449.40(b).

History Note: Authority G.S. 105-262; 105-449.40; 105-449.57;
Eff. January 1, 1983;
Amended Eff. August 1, 1998; January 1, 1992; October 1, 1991;
March 1, 1987;
Recodified from 17 NCAC 09I .0304 effective November 1, 2002;
Readopted Eff. November 1, 2017.

17 NCAC 12A .0503 DEALER: MANUFACTURER: DRIVEAWAY: TRANSPORTER

Motor carriers operating qualified motor vehicles as defined by the International Fuel Tax Agreement (IFTA) with a dealer, manufacturer, driveaway, or transporter license plate issued either in North Carolina or other jurisdictions shall have a current IFTA or intrastate license and set of decals at all times while operating in North Carolina.

History Note: Authority G.S. 105-262; 105-449.45; 105-449.47; 105-449.57;
Eff. March 1, 1987;
Amended Eff. January 1, 1994; January 1, 1992; October 1, 1991;
February 1, 1990;
Recodified from 17 NCAC 09I .0506 effective November 1, 2002;
Readopted Eff. November 1, 2017.

17 NCAC 12B .0106 MOTOR FUEL BOND REQUIREMENTS

(a) The bond submitted to the Department pursuant to G.S. 105-449.72 shall be filed on Form GAS-1212, Motor Fuels Tax Liability Bond, and shall include the following information:

- (1) the bond number;
- (2) the Principal's legal name;
- (3) the surety company name;
- (4) the written value of bond amount;
- (5) the numeric value of bond amount;
- (6) the bond effective date;
- (7) the date the bond is executed;
- (8) the printed name, signature, and title of person authorized to legally bind Principal as follows:
 - (A) if the Principal is a corporation, the printed name, signature, and title of the corporate President, Vice President, or Treasurer, the signature and title of the corporate Secretary or Assistant Secretary shall attest to the bond, and the corporate seal shall be affixed. If a corporation does not have a corporate Secretary or corporate seal, the executed bond shall be accompanied by a letter indicating the same on corporate letterhead and signed by the corporate President;
 - (B) if the Principal is a limited liability company, the printed name, signature, and title of any member;
 - (C) if the Principal is a partnership, the printed name, signature, and title of one or more of the partners;

- (D) if the Principal is a limited partnership, the printed name, signature, and title of a general partner; or
- (E) if the Principal is an individual using a trade name, the printed name and signature of the individual followed by the trade name.

- (9) the printed name and signature of the Attorney-in-Fact on behalf of the surety company, and the surety's corporate seal shall be affixed; and
- (10) the bond shall be accompanied by a verified copy of the Power-of-Attorney or other authority of the person executing the same to do so on behalf of the surety.

(b) The Department shall calculate a motor fuel licensee's average monthly tax liability and set the bond amount consistent with G.S. 105-449.72(a)(2), unless the bond amount is otherwise set by G.S. 105-449.72(a)(1).

History Note: Authority G.S. 105-262; 105-449.72;
Temporary Adoption Eff. January 1, 1996;
Eff. March 1, 1996;
Amended Eff. August 1, 1998;
Recodified from 17 NCAC 09K .0205 Eff. November 1, 2002;
Amended Eff. August 1, 2003;
Readopted Eff. November 1, 2017.

17 NCAC 12B .0107 IRREVOCABLE LETTER OF CREDIT

The irrevocable letter of credit submitted to the Department pursuant to G.S. 105-449.72 shall be issued on the bank's letterhead and include the following:

- (1) the irrevocable letter of credit number;
- (2) the North Carolina Department of Revenue designated as the beneficiary;
- (3) the Principal name and address;
- (4) the tax type for which the irrevocable letter of credit is issued;
- (5) the coverage period including effective and expiration dates;
- (6) the liability release date, which shall be three years after the expiration date;
- (7) the credit amount;
- (8) the issuing bank's name, address, telephone number, and fax number; and
- (9) the signature, printed name, and title of authorized person issuing the irrevocable letter of credit on behalf of the issuing bank.

History Note: Authority G.S. 105-262; 105-449.72;
Temporary Adoption Eff. January 1, 1996;
Eff. March 1, 1996;
Recodified from 17 NCAC 09K .0206 effective November 1, 2002;
Readopted Eff. November 1, 2017.

17 NCAC 12B .0402 CLAIM FOR REFUND FOR SALES TO EXEMPT ENTITIES

(a) A claim for refund for motor fuel purchased by or sold to an exempt entity listed in G.S. 105-449.88 shall be filed with the

Department on Form GAS-1206, Motor Fuel Claim for Refund Exempt Entities. A person who submits Form GAS-1206 shall identify the type of exempt entity for which the refund is sought and shall complete the applicable Part of the form as follows:

- (1) A distributor or other vendor that sells North Carolina tax-paid motor fuel to an exempt entity at a price that does not include the per gallon excise tax shall use Part 1 of Form GAS-1206 and report the following:
 - (A) the total gallons of motor fuel sold to the exempt entity;
 - (B) the total gallons on which tare allowance was received;
 - (C) the net gallons subject to refund; and
 - (D) the total refund due.
- (2) A credit card company that issues a credit card to an exempt entity allowing the entity to purchase North Carolina tax-paid motor fuel that does not include the per gallon excise tax shall use Part 2 of Form GAS-1206 and report the following:
 - (A) the total gallons of motor fuel purchased by the exempt entity; and
 - (B) the total refund due.
- (3) An exempt entity that purchases motor fuel in North Carolina at a price that includes the per gallon excise tax shall use Part 3 of Form GAS-1206 and report the following:
 - (A) the total gallons of motor fuel purchased; and
 - (B) the total refund due.

(b) Sales or purchase receipts or invoices for North Carolina tax-paid motor fuel purchased by or sold to an exempt entity shall be maintained to support a claim for refund for a period of at least three years.

(c) A separate Form GAS-1206 shall be used for each type of exempt entity for which a refund is requested.

(d) A refund on motor fuel purchased by or sold to an exempt entity shall only be claimed by one party to the transaction.

History Note: Authority G.S. 105-262; 105-449.105; 105-449.108;

Temporary Adoption Eff. January 1, 1996;

Eff. March 1, 1996;

Recodified from 17 NCAC 09K .0502 Eff. November 1, 2002;

Amended Eff. August 1, 2003;

Readopted Eff. November 1, 2017.

17 NCAC 12B .0403 OFF-HIGHWAY CLAIM FOR REFUND

(a) A claim for refund for North Carolina tax-paid motor fuel used for an off-highway purpose shall be filed with the Department on Form GAS-1201, Motor Fuels Claim for Refund Tax-Paid Motor Fuel Used Off-Highway. A person who submits Form GAS-1201 shall complete all lines and applicable parts of the form as follows:

- (1) a beginning inventory of North Carolina tax-paid motor fuel on hand at the first day of the year for which a refund is requested;

- (2) the total gallons of North Carolina tax-paid motor fuel that was:
 - (A) purchased during the refund period;
 - (B) used in off-highway equipment for which a refund is requested; and
 - (C) used in licensed vehicles for which no refund is requested;
- (3) an ending inventory of North Carolina tax-paid motor fuel on hand at the end of the refund period;
- (4) the total gallons of North Carolina tax-paid motor fuel accounted for;
- (5) the total refund amount requested;
- (6) a list of applicable off-highway machinery, equipment, and boats using North Carolina tax-paid motor fuel for which a refund is requested, including the type and number of machinery, equipment, or boat(s) and fuel tank capacity;
- (7) a list of applicable motor fuel bulk storage tanks, including tank number, fuel type, whether the fuel is for highway or off-highway use, and the gallon capacity of the tank;
- (8) a list of applicable motor vehicles owned or leased, including the make and type of vehicle, type of fuel used, and gross license weight for trucks; and
- (9) a list of applicable farm refund information, including the type of crop and number of acres cultivated.

(b) Receipts or invoices to support a claim for refund on North Carolina tax-paid motor fuel shall be maintained for a period of at least three years.

History Note: Authority G.S. 105-262; 105-449.107; 105-449.108;

Temporary Adoption Eff. January 1, 1996;

Eff. March 1, 1996;

Recodified from 17 NCAC 09K .0503 effective November 1, 2002;

Readopted Eff. November 1, 2017.

17 NCAC 12B .0404 RECORD REQUIREMENTS FOR OFF-HIGHWAY REFUND CLAIMS

(a) A receipt or invoice for each retail purchase of motor fuel made for off-highway use, shall be maintained to substantiate claims for refund, as follows:

- (1) Receipts or invoices shall contain the following information:
 - (A) the date of purchase;
 - (B) the name of both the purchaser and seller;
 - (C) the address of the seller;
 - (D) the number of gallons purchased;
 - (E) the type of fuel purchases;
 - (F) the price per gallon, the total amount paid, or both;
 - (G) a vehicle number, equipment number, or other identifier of the vehicle or equipment being fueled.

- (2) A daily, weekly, or monthly statement of retail motor fuel purchases shall be accepted provided it is prepared by the seller and shows all of the information on each purchase of motor fuel that is required on an individual receipt or invoice.
- (3) Receipts, invoices, or statements showing alterations or erasures, and prepaid receipts or invoices, shall not be accepted.
- (4) Receipts, invoices, or statements shall be maintained to substantiate inventory at the beginning of the refund period even if no claim for refund was filed in the preceding refund period.
- (5) Receipts, invoices, or statements shall be maintained for a period of at least three years.

(b) For withdrawals of motor fuel from bulk storage for off-highway use, the following records shall be maintained for claims for refunds:

- (1) Delivery receipts or invoices that shall contain the information listed in Parts (a)(1)(A) through (a)(1)(G) of this Rule;
- (2) A monthly inventory reconciliation for each bulk tank;
- (3) The capacity of each tank; and
- (4) Withdrawal records for each bulk tank. Bulk withdrawal records shall contain the following information:
 - (A) the location of the bulk storage from which the withdrawal was made;
 - (B) the date of the withdrawal;
 - (C) the quantity of fuel withdrawn;
 - (D) the type of fuel withdrawn; and
 - (E) the vehicle number, equipment number, or other identifier of the vehicle or equipment being fueled.

History Note: Authority G.S. 105-262; 105-449.107; 105-449.121;
 Temporary Adoption Eff. January 1, 1996;
 Eff. March 1, 1996;
 Recodified from 17 NCAC 09K .0504 Eff. November 1, 2002;
 Amended Eff. August 1, 2003;
 Readopted Eff. November 1, 2017.

17 NCAC 12B .0410 REMOVAL OF LICENSE PLATE

To obtain a refund on North Carolina tax-paid motor fuel used in vehicles that will not be operated on streets or highways, a person shall remove the vehicle license plates and surrender the plates to the Commissioner of Motor Vehicles or his agents for the period the vehicles will not be operating on the streets and highways.

History Note: Authority G.S. 105-262; 105-449.107;
 Temporary Adoption Eff. January 1, 1996;
 Eff. March 1, 1996;
 Recodified from 17 NCAC 09K .0510 effective November 1, 2002;
 Readopted Eff. November 1, 2017.

17 NCAC 12B .0412 PROPORTIONAL REFUNDS

(a) Operators of vehicles identified in G.S. 105-449.107(b) shall file Form GAS-1200C, Motor Fuels Claim for Refund Qualified Power Takeoff Vehicles to obtain a refund of North Carolina tax-paid motor fuel used in the operation of these vehicles. A separate Form GAS-1200C shall be submitted for each type of vehicle for which a refund is requested. Form GAS-1200C shall include the following information:

- (1) the type of vehicle for which the refund is requested;
- (2) a beginning inventory of North Carolina tax-paid motor fuel on hand at the first day of the year for which a refund is requested;
- (3) the total gallons of North Carolina tax-paid motor fuel that was:
 - (A) purchased during the refund period;
 - (B) used in licensed vehicles for which no refund is requested;
 - (C) used to operate nonhighway equipment for which a refund is requested; and
 - (D) used to operate power takeoff vehicles including the number of vehicles and gallons of fuel used;
- (4) an ending inventory of North Carolina tax-paid motor fuel on hand at the end of the refund period;
- (5) the total gallons of North Carolina tax-paid motor fuel accounted for;
- (6) the total miles operated by power takeoff vehicles during the refund period;
- (7) the total miles operated by power takeoff vehicles outside of North Carolina during the refund period;
- (8) the percentage of out-of-state power takeoff vehicle operations;
- (9) the total gallons of motor fuel used in power takeoff vehicles for all operations;
- (10) the total gallons of motor fuel used in power takeoff vehicles for operations outside of North Carolina;
- (11) a computation of the refund amount pursuant to the terms set out in G.S. 105-449.107, and including the total refund requested;
- (12) if applicable, a list of nonhighway equipment for which a refund is requested, including the type and number of machinery or equipment, the type of fuel used, and engine horsepower;
- (13) if applicable, a list of tank wagon vehicles for which a refund is requested, including the make and model of vehicle, the type of fuel used, and gross registered weight; and
- (14) if applicable, a list of motor fuel storage tanks, including the tank number, fuel type, whether the fuel is for highway or nonhighway use, and the gallon capacity of the tank.

(b) Receipts or invoices to support a claim for refund on North Carolina tax-paid motor fuel shall be maintained for a period of at least three years.

(c) The following records shall be maintained to support a claim for refund:

- (1) mileage records that shall include odometer or hubmeter readings;
- (2) fuel records, by vehicle;
- (3) the quantity of material delivered, hauled, removed or disposed of, by vehicle as follows:
 - (A) cubic yards of concrete mix delivered;
 - (B) tons of compacted waste hauled;
 - (C) tons of bulk feed, lime, or fertilizer hauled;
 - (D) tons of mulch or other similar materials hauled; or
 - (E) tons of septage removed or disposed of.
- (4) withdrawal records kept in accordance with 17 NCAC 12B .0405, if withdrawals of motor fuel from bulk storage are used to fuel vehicles for which a refund is requested; and
- (5) number of gallons of motor fuel used by vehicles identified in G.S. 105-449.107(b).

History Note: Authority G.S. 105-262; 105-449.107; 105-449.108;
Temporary Adoption Eff. January 1, 1996;
Eff. March 1, 1996;
Recodified from 17 NCAC 09K .0512 effective November 1, 2002;
Amended Eff. August 1, 2003;
Readopted Eff. November 1, 2017.

17 NCAC 12B .0413 NONPROFIT ORGANIZATION CLAIM FOR REFUNDS

(a) Nonprofit organizations identified in G.S. 105-449.106(a) shall file Form GAS-1200, Motor Fuels Claim for Refund Nonprofit Organizations, to obtain a refund of North Carolina tax-paid motor fuel. A nonprofit organization that submits Form GAS-1200 to request a refund shall complete all applicable lines of the form including the following:

- (1) the refund period of the claim;
- (2) the type of nonprofit organization claiming the refund;
- (3) a beginning inventory of North Carolina tax-paid motor fuel on hand at the first day of the refund period;
- (4) the total gallons of North Carolina tax-paid motor fuel that was:
 - (A) purchased by the nonprofit organization during the refund period;
 - (B) used by the nonprofit organization for which the refund is requested; and
 - (C) used by the nonprofit organization for which no refund is requested;
- (5) an ending inventory of North Carolina tax-paid motor fuel on hand at the end of the refund period; and
- (6) the total refund requested.

(b) Receipts or invoices to support a claim for refund on North Carolina tax-paid motor fuel shall be maintained for a period of at least three years.

History Note: Authority G.S. 105-262; 105-449.106; 105-449.107; 105-449.108;
Temporary Adoption Eff. January 1, 1996;
Eff. March 1, 1996;
Recodified from 17 NCAC 09K .0513 Eff. November 1, 2002;
Amended Eff. August 1, 2003;
Readopted Eff. November 1, 2017.

17 NCAC 12B .0414 ELIGIBILITY FOR REFUNDS

History Note: Authority G.S. 105-262; 105-449.121;
Temporary Adoption Eff. January 1, 1996;
Eff. March 1, 1996;
Recodified from 17 NCAC 09K .0514 Eff. November 1, 2002;
Amended Eff. August 1, 2003;
Repealed Eff. November 1, 2017.

17 NCAC 12B .0502 RECORD-KEEPING REQUIREMENTS OF BULK END-USERS, RETAILERS, AND USERS

A person who is subject to audit pursuant to G.S. 105-449.121(b) shall maintain the following records for a period of three years, as follows:

- (1) Users shall maintain:
 - (a) all fuel receipts and invoices, including fuel purchased for highway and off-highway use, tax-paid and non-tax-paid;
 - (b) quarterly odometer readings, regardless of weight classification;
 - (c) purchase and disposition dates of fleet vehicles with beginning and ending odometer readings;
 - (d) a list of current vehicles by registered gross weight; and
 - (e) a list of motor carrier decals received, indicating the decals applied to vehicles and those still on hand for all qualified motor vehicles, as defined in the International Fuel Tax Agreement, whether operating interstate or intrastate.
- (2) Bulk End-Users shall maintain:
 - (a) all fuel receipts, invoices, and bills of lading, including fuel purchased for highway and off-highway uses, tax paid and non-tax-paid;
 - (b) withdrawal records of highway and off-highway fuel from bulk storage;
 - (c) quarterly odometer readings, regardless of weight classification;
 - (d) purchase and disposition dates of fleet vehicles with beginning and ending odometer readings;
 - (e) a list of current vehicles by registered gross weight;

- (f) monthly beginning and ending inventory of highway and off-highway fuel;
- (g) a list of motor carrier decals received, indicating the decals applied to vehicles and those still on hand for all qualified motor vehicles, as defined by the International Fuel Tax Agreement, whether operating interstate or intrastate; and
- (h) monthly totalizer meter readings.
- (3) Retailers shall maintain:
- (a) all fuel receipts, invoices, and bills of lading;
- (b) monthly totalizer meter readings;
- (c) fuel availability schedules;
- (d) monthly beginning and ending inventory of highway and off-highway fuel; and
- (e) fuel sales records.

3,000 gallons and above

4 miles per gallon

(b) When a separate supply tank is connected to the engine of a motor vehicle, alternative fuel tax and inspection tax shall be due on the gas gallon or diesel gallon equivalents of fuel placed into the tank.

History Note: Authority G.S. 105-262; 105-449.137;
Temporary Adoption Eff. January 1, 1996;
Eff. March 1, 1996;
Recodified from 17 NCAC 09L .0401 effective November 1, 2002;
Readopted Eff. November 1, 2017.

17 NCAC 12C .0302 ODOMETER READINGS

- (a) Alternative fuel providers reporting and paying tax on alternative fuel vehicles on the mileage basis set forth in Rule .0301(a) of this Section shall keep records of the number of miles driven each month based on odometer readings.
- (b) Alternative fuel providers using alternative fuel from separate supply tanks shall keep odometer mileage records for each motor vehicle operated.

History Note: Authority G.S. 105-262; 105-449.137;
Temporary Adoption Eff. January 1, 1996;
Eff. March 1, 1996;
Recodified from 17 NCAC 09L .0402 effective November 1, 2002;
Readopted Eff. November 1, 2017.

History Note: Authority G.S. 105-262; 105-449.121;
Temporary Adoption Eff. January 1, 1996;
Eff. March 1, 1996;
Amended Eff. July 1, 2000;
Recodified from 17 NCAC 09K .0602 effective November 1, 2002;
Readopted Eff. November 1, 2017.

17 NCAC 12C .0301 FUEL FROM CARGO SUPPLY TANK

- (a) Alternative fuel providers using alternative fuel from their cargo supply tank to propel a motor vehicle for highway use shall report and pay alternative fuel tax and inspection tax using the miles per gallon based on the motor vehicle's cargo supply tank capacity, as follows:

<u>Tank Capacity</u>	<u>Miles Per Gallon</u>
1 thru 1,199 gallons	8 miles per gallon
1,200 thru 1,599 gallons	7 miles per gallon
1,600 thru 2,050 gallons	6 miles per gallon
2,051 thru 2,999 gallons	5 miles per gallon

17 NCAC 12C .0304 PURCHASES OF ALTERNATIVE FUELS FOR NONHIGHWAY USE ONLY

Persons who purchase or store alternative fuels only for nonhighway purposes shall not be required to keep inventories or report bulk purchases.

History Note: Authority G.S. 105-262; 105-449.138;
Temporary Adoption Eff. January 1, 1996;
Eff. March 1, 1996;
Recodified from 17 NCAC 09L .0404 effective November 1, 2002;
Readopted Eff. November 1, 2017.

17 NCAC 12D .0102 AMOUNT OF BOND REQUIRED

The amount of bond required of a licensed kerosene distributor or a kerosene supplier pursuant to G.S. 119-15.3 shall be based on the kerosene distributor's or supplier's average monthly taxable sales and use of kerosene in North Carolina, as follows:

From	1	to	60,000 gallons per month	\$ 500
From	60,001	to	100,000 gallons per month	1,000
From	100,001	to	300,000 gallons per month	2,500
From	300,001	to	600,000 gallons per month	5,000
From	600,001	to	900,000 gallons per month	7,500
From	900,001	to	1,200,000 gallons per month	10,000
From	1,200,001	to	1,500,000 gallons per month	12,500
From	1,500,001	to	1,800,000 gallons per month	15,000
From	1,800,001	to	2,000,000 gallons per month	17,500
From	2,000,001	and over	gallons per month	20,000

History Note: Authority G.S. 105-262; 119-15.1; 119-15.3;
Eff. January 1, 1983;

Recodified from 17 NCAC 09J .0202 effective November 1, 2002;
Amended Eff. August 1, 2003;

Readopted Eff. November 1, 2017.

17 NCAC 12D .0103 ACCEPTANCE OF BONDS AND LETTERS OF CREDIT

(a) The bond submitted to the Department pursuant to G.S. 119-15.3 shall be filed on Form GAS-1212, Motor Fuels Tax Liability Bond and shall include all information set out in 17 NCAC 12B .0106.

(b) The irrevocable letter of credit submitted to the Department pursuant to G.S. 119-15.3 shall be issued on the bank's letterhead and shall include all information set out in 17 NCAC 12B .0107.

History Note: Authority G.S. 105-262; 119-15.3;

Eff. January 1, 1983;

Amended Eff. August 1, 1998; January 1, 1992; October 1, 1992; March 1, 1987;

Recodified from 17 NCAC 09J .0203 effective November 1, 2002;

Amended Eff. August 1, 2003;

Readopted Eff. November 1, 2017.

TITLE 20 - DEPARTMENT OF STATE TREASURER

20 NCAC 03 .0409 EXEMPTION FROM PREAUDIT CERTIFICATE REQUIREMENT FOR ELECTRONIC PAYMENTS

(a) To qualify for an exemption from the preaudit certificate requirement in G.S. 159-28(a1) or G.S. 115C-441(a1) for electronic payments, a local government, public authority, or local school administrative unit, herein referred to as "the unit," shall do the following:

- (1) The unit's governing board shall adopt a resolution authorizing the unit to engage in electronic payments as defined by G.S. 159-28 or G.S. 115C-441;
- (2) The unit shall have an "encumbrance system." As used in this Rule, an "encumbrance system" means a system of written policies and procedures for tracking obligations. The system may be manual, maintained as part of the unit's accounting system, or a combination of the two;
- (3) The unit's governing board, or finance officer if authorized by the unit's governing board, shall adopt a written policy outlining procedures for preauditing obligations that will be incurred by electronic payments. The written policy and the procedures shall provide internal controls that shall ensure the following:
 - (A) there is a budget, project, or grant ordinance appropriation authorizing the expenditure;
 - (B) that sufficient budgeted monies remain within the appropriation to cover the amount that is expected to be paid out during the current fiscal year if accounted for in the budget ordinance, or to cover the entire amount if accounted for in a project or grant ordinance; and

(C) that the amount of the transaction is recorded in the unit's encumbrance system;

(4) The unit shall provide training to all personnel about the written policy and the procedures that shall be followed before undertaking an electronic payment; and

(5) Each quarter, the unit shall provide its governing board a budget-to-actual statement that includes the following:

- (A) budgeted accounts;
- (B) actual payments made;
- (C) amounts encumbered, including electronic obligations; and
- (D) the amount of the budget that is unobligated for all major funds.

(b) Units that comply with Subparagraphs (a)(1) through (5) of this Rule shall not be required to affix the preaudit language required in G.S. 159-28 (a1) or G.S. 115C-441 (a1) to electronic payments transacted with:

- (1) charge cards;
- (2) credit cards;
- (3) debit cards;
- (4) gas cards;
- (5) procurement cards; or
- (6) electronic funds transfers.

History Note: Authority G.S. 159-28(f)(3); 115C-441(f)(3);

Eff. November 1, 2017.

20 NCAC 03 .0410 EXEMPTION FROM DISBURSEMENT CERTIFICATE REQUIREMENT FOR ELECTRONIC PAYMENTS

(a) To qualify for an exemption from the disbursement certificate requirement in G.S. 159-28(d1) and G.S. 115C-441(d1) for electronic payments, a local government, public authority, or local school administrative unit, herein referred to as "the unit," shall do the following:

- (1) The unit's governing board shall adopt a resolution authorizing the unit to engage in electronic payments as defined by G.S. 159-28 or G.S. 115C-441; and
- (2) The unit's governing board, or finance officer if authorized by the governing board, shall adopt a written policy outlining procedures for disbursing public funds by electronic transaction. The written policy and the procedures shall provide internal controls that shall ensure the following:
 - (A) that the amount claimed is payable;
 - (B) that there is a budget, project, or grant ordinance appropriation authorizing the expenditure;
 - (C) that monies remain within the appropriation to cover the amount that is due during the current fiscal year if accounted for in the budget ordinance, or to cover the entire amount if

accounted for in a project or grant ordinance; and

- (D) that the unit has sufficient cash to cover the payment.

(b) Units that comply with Subparagraphs (a)(1) and (2) of this Rule shall not be required to affix the disbursement certificate required in G.S. 159-28 (d1) or G.S. 115C-441 (d1) to any electronic payments.

History Note: Authority G.S. 159-28(f)(3); 115C-441(f)(3); Eff. November 1, 2017.

20 NCAC 09 .0101 ORGANIZATION AND FUNCTIONS

(a) The North Carolina Capital Facilities Finance Agency operates within the Department of State Treasurer and is the State's agency charged with the duty of advising and assisting institutions of higher education in financing the construction and renovation of higher education facilities.

(b) The following is information about the North Carolina Capital Facilities Finance Agency:

- (1) the Administrative Officer is the Secretary-treasurer of the Agency;
- (2) the mailing address is 3200 Atlantic Avenue, Raleigh, North Carolina 27604; and
- (3) the office is located in the Longleaf Building, 3200 Atlantic Avenue, Raleigh, North Carolina 27604.

(c) The staff of the North Carolina Capital Facilities Finance Agency is provided by the State and Local Government Finance Division.

History Note: Authority G.S. 159D-38(e); 159D-39; Temporary Adoption Eff. September 30, 1987, for a Period of 153 Days to Expire on March 1, 1988; Eff. March 1, 1988; Amended Eff. November 1, 2017.

20 NCAC 09 .0102 DEFINITIONS

The words and phrases defined in this Rule will have the meanings indicated when used in this Chapter, unless the context requires another meaning:

- (1) "Agency" is the North Carolina Capital Facilities Finance Agency or the Board of Directors thereof.
- (2) "Secretary-treasurer" is the Secretary-treasurer of the North Carolina Capital Facilities Finance Agency.

History Note: Authority G.S. 159D-37; 159D-39; Temporary Adoption Eff. September 30, 1987, for a Period of 153 Days to Expire on March 1, 1988; Eff. March 1, 1988; Amended Eff. November 1, 2017.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 02 – BOARD OF ARCHITECTURE

21 NCAC 02 .0108 FEES

The fees required by the Board, are payable in advance and are set forth below:

Initial Registration Application by Exam	
Residents and Non-Residents	\$ 50.00
Firm Registration	\$ 75.00
Annual license renewal	
Individual	\$ 50.00
Firm	\$100.00
Late renewal Penalty	\$ 50.00
Reciprocal registration	\$150.00

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

All fees paid to the Board are non-refundable.

Other publications and services provided by the Board are available on the Board web site at www.ncbarch.org.

History Note: Authority G.S. 55B-10; 83A-4; 83A-11; Eff. February 1, 1976; Readopted Eff. September 29, 1977; Amended Eff. July 1, 2014; December 1, 2010; June 1, 1995; December 1, 1992; May 1, 1991; May 1, 1989; July 1, 1987; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. November 1, 2017.

21 NCAC 02 .0206 REQUIREMENT FOR AND USE OF PROFESSIONAL SEAL

(a) An architect shall seal his or her work whether or not the work is for an exempt project as defined in G.S. 83A-13. An architect shall not sign nor seal drawings, specifications, reports, or other professional work that were not prepared by the architect or under his or her responsible control. Documents shall be sealed as follows:

- (1) An architect may seal those portions of the professional work that:
 - (A) were prepared by or under the responsible control of persons who are registered architects in this State if the architect has reviewed in whole or in part such portions and has either coordinated their preparation or integrated them into his or her work; and
 - (B) are not required by law to be prepared by or under the responsible control of an architect if the architect has reviewed and adopted in whole or in part such portions and has integrated them into his or her work.
- (2) Individual Seal Design shall be as follows:
 - (A) The seal may be a rubber stamp, embossed seal, computer-generated seal, or other facsimile that becomes a

- permanent addition to original drawings or sets of specifications for use in this State. For the purposes of this Rule, the term "for use in this State" means drawings and sets of specifications prepared for bidding, procurement, permitting, or for construction. For purposes of this Rule, "original" means the version of drawings and sets of specifications from which all copies can be made.
- (B) The standard design of the seal shall be two concentric circles in which "North Carolina" and the name of the licensee are placed within the outermost circle and in which the license number of the licensee and "Registered Architect" placed within the innermost circle. The size shall be 1 ½ to 1 ¾ inches in diameter.
- (C) The original, handwritten signature of the individual named on the seal shall be considered part of an individual seal and shall appear across the face of each original seal imprint along with the date of affixation.
- (3) Firm Seal Design shall be as follows:
- (A) The seal may be a rubber stamp, embossed seal, computer-generated seal, or other facsimile that becomes a permanent addition to drawings or sets of specifications. The design of the seal shall be two concentric circles in which the Architectural Firm's approved name and "North Carolina" shall be between the inner and outer circles and the firm's license registration number is placed within the innermost circle. The size shall be 1 ½ to 1 ¾ inches in diameter.
- (B) For a Professional Corporation the words "Registered Architectural Corporation, North Carolina" shall be along the inside perimeter of the inner circle. For a Professional Limited Liability Company, the words "Registered Architectural Company" shall be along the inside perimeter of the inner circle.
- A sole proprietorship is not required to have firm seal and shall seal all work with the individual seal as set forth in Subparagraph (2) of this Paragraph.
- (4) The use of pre-printed documents bearing a pre-printed facsimile of the signed and dated seal is prohibited.
- (5) Architects shall affix their seal on one original of all their drawings and sets of specifications prepared by them for use in this State as follows:
- (A) on the cover sheet of each design and on each drawing prepared by the architect for the design;
- (B) on the index page identifying each set of specifications; and
- (C) on the index page of all other technical submissions. For the purposes of this Rule, "technical submissions" refer to plans, drawings, specifications, studies, addenda, and other technical reports prepared in the course of practicing architecture.
- (6) Presentation documents, such as renderings used to communicate conceptual information, shall not be sealed or signed.
- (7) Documents considered incomplete by the architect may be released for interim review without the architect's seal or signature affixed, but shall be dated, bear the architect's name, and be marked to indicate the documents are for interim review and not intended for bidding, procurement, permit, or construction purposes.
- (8) Those sheets or pages prepared by licensed professional consultants, such as structural, mechanical or electrical engineers, retained by the architect shall bear the seal and registration number of the consultant responsible therefore and shall not be sealed by the architect.
- (9) Original Signature. The use of signature reproductions such as rubber stamps, computer generated, or other facsimiles are not permitted in lieu of actual handwritten and hand dated signatures. However, a digital signature as defined in Paragraph (e) of this Rule may be used in lieu of a handwritten signature and handwritten date.
- (10) The use of the prescribed seal is an individual act whereby the architect must personally sign over the imprint of the seal. By sealing documents for use in this State, an architect is representing that he or she is in responsible control over the content of such documents and has applied the required professional standard of care. The architect is responsible for security of the seal when not in use.
- (11) Use of Firm Seal. The use of the firm seal does not replace the statutory requirement for an architect's individual seal as required in Paragraph (d). The firm seal must be affixed in addition to the individual seal on the cover sheet.
- (b) Prototypical Building design documents prepared by architects who are registered in this State or in their state of origin may be sealed by a succeeding licensed architect registered in North Carolina provided:
- (1) the seal of the original architect appears on the documents to authenticate authorship;

- (2) the words "Prototypical Design Documents/Not for Construction" appear on each sheet of the documents by the original architect;
- (3) the succeeding North Carolina architect identifies all modifications to the standard design documents;
- (4) the succeeding North Carolina architect assumes responsibility for the adequacy of the design for the specific application in North Carolina and for the design conforming with applicable building codes, local conditions, site condition; and
- (5) the succeeding North Carolina architect affixes his or her seal to the prototypical design documents with a statement as follows: "These documents have been examined by the undersigned. I have determined that they comply with existing local North Carolina codes, and I assume responsibility for the adequacy of the design for the specific application in North Carolina."

(c) Post Construction record drawings prepared by an architect, but based upon representations of contractors, are not plans that are for "bidding, procurement, permit, or construction purposes" and therefore shall not be sealed by the architect as long as the documents bear the name of the architect and include language stating "these drawings are based in part upon the representations of others and are not for bidding, procurement, permit, or construction purposes".

(d) Responsible Control. No architect shall affix his or her seal and signature to contract documents developed by others not under the architect's responsible control. "Responsible control" means that amount of control over and professional knowledge of the content of technical submissions during their preparation as is exercised by an architect applying the required professional standard of care, including:

- (1) Dissemination of programmatic requirements;
- (2) Ongoing coordination and correlation of services with other aspects of the total design of the project;
- (3) Verification with consultant that owner's requirements are being met;
- (4) Authority over the services of those who assisted in the preparation of the documents;
- (5) Assumption of responsibility for the services;
- (6) Incorporation of services and technical submissions into design documents to be issued for permitting purposes; and
- (7) Incorporation and integration of information from manufacturers, suppliers, installers, the architect's consultants, owners, contractors, or other sources the architect trusts that is incidental to and intended to be incorporated into the architect's technical submissions if the architect has coordinated and reviewed such information

(e) The procedure for digitally signing and electronically sealing electronically transmitted plans, specifications, reports, or other

documents prepared for use in this State in the course of practicing architecture is as follows:

- (1) Information stored in electronic files representing plans or specifications that must be sealed under the provisions of G.S. 83A-10 shall be signed, dated, and sealed by the architect in responsible control.
 - (A) A scanned image of an original signature shall not be used in lieu of a digital or electronic signature.
 - (B) The date that the electronic signature file was created or the digital signature was placed in to the document must appear on the document in the same manner as date is required to be applied when a licensee uses the manual sealing procedure set out in Subparagraph (a)(5) of this Rule.
- (2) An architect utilizing a digital signature to seal electronic documents for use in this State shall ensure that the digital signature is:
 - (A) Unique to the person using it;
 - (B) Capable of verification;
 - (C) Under the sole control of the person using it; and
 - (D) Linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed.
- (3) Each electronically signed file shall have an authentication code defined as a "message digest," as set forth in the Federal Information Processing Standards (FIPS)180-4, "Secure Hash Standard," amended August 2015. The standard is incorporated by reference, including subsequent amendments and editions, and may be accessed at no cost at <http://nvlpubs.nist.gov/nistpubs/FIPS/NIST.FIPS.180-4.pdf>.
- (4) The architect is responsible for the security of the digital seal.

History Note: Authority G.S. 83A-6; 83A-10; 83A-12; Eff. February 1, 1976; Readopted Eff. September 29, 1977; Amended Eff. December 1, 2010; July 1, 2006; October 1, 1995; July 1, 1993; May 1, 1989; October 1, 1985; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. November 1, 2017.

21 NCAC 02 .0209 UNPROFESSIONAL CONDUCT

In addition to the grounds stated in G.S. 83A-14 and G.S. 83A-15(3), the following acts or omissions may be deemed to be "unprofessional conduct" and to be cause for the levy of a civil penalty or for denial, suspension, or revocation of a license or certificate of registration to practice architecture:

- (1) Compliance With Laws. It is unprofessional conduct for an architect, in the conduct of his or

- her professional practice, to knowingly violate any state or federal criminal law. A criminal conviction shall be deemed prima facie evidence of knowingly violating the law.
- (2) Compliance With Foreign Registration. It is unprofessional conduct for an architect to knowingly violate the laws governing the practice of architecture or the rules promulgated by any other architectural licensing board in any United States jurisdiction. Discipline by a foreign architectural registration board that an architect has violated a law or rule governing the practice of architecture shall be deemed evidence of knowingly violating the law or rule.
- (3) Product Specification. It is unprofessional conduct for an architect to solicit or accept financial or other valuable consideration from material or equipment suppliers for specifying their products.
- (4) Advertising. It is unprofessional conduct for an architect to engage in any false, deceptive, fraudulent, or misleading advertising.
- (5) False Statements. It is unprofessional conduct for an architect to knowingly make false statements about the professional work of; or to injure the reputation, prospects, practice, or employment position of others in the design and construction of the physical environment.
- (6) Evasion.
- (a) It is unprofessional conduct for an architect, through employment by contractors (whether or not the contractors are licensed under G.S. 89), or by another individual or entity not holding an individual or firm registration from the Board, to enable the employer to offer or perform architectural services, except as provided in G.S. 83A-13. In design/build arrangements, the architect shall not be an employee of a person or firm not holding a registration to practice architecture in North Carolina.
- (b) It is unprofessional conduct for an architect to furnish limited services in such manner as to enable owners, draftsmen, or others to evade the public health and safety requirements of Chapter 83A, G.S. 133-2, G.S. 153A, G.S. 153A-357, G.S. 160A-412, or G.S. 160A-417.
- (c) When building plans are begun or contracted for by persons not licensed and qualified, it is unprofessional conduct for an architect to take over, review, revise, or sign or seal such drawings or revisions thereof for such persons, or do any act to enable either such persons or the project owners to evade the requirements of Chapter 83A, G.S. 133-2, G.S. 153A-357, or G.S. 160A-417.
- (7) Branch Office. It is unprofessional conduct for an individual architect or firm to maintain or represent by sign, listing, or other manner that he or she maintains an architectural office or branch office in North Carolina unless such office has a registered resident architect in North Carolina whose principle place of business is in that office. This Item does not apply to on-site project offices during construction of a project.
- (8) Misrepresentation Regarding Prior Experience. An architect shall represent to a prospective or existing client or employer his or her qualifications and the scope of his or her responsibility in connection with work for which he or she is claiming credit. Misrepresentation shall be found if the following is not complied with:
- (a) Each architect shall state his or her prior professional experience and the firm the architect is representing while presenting qualifications to all prospective clients. If an architect uses visual representations of prior projects or experience, all architects-of-record must be identified. "Architect-of-record" means persons or entities whose seals appear on plans, specifications, and contract documents.
- (b) An architect who has been an employee of another architectural practice may not claim credit for projects contracted for in the name of the previous employer. The architect shall indicate, next to the listing for each project, that individual experience gained in connection with the project was acquired as an employee, and identify the previous architectural firm. The architect shall also describe the nature and extent of his or her participation in the project.
- (c) An architect who presents a project that has received awards or public recognition shall comply with the requirements in this Item with regard to project presentation to the public and prospective clients.
- (d) Projects that remain unconstructed and are listed as credits in presentation items shall be listed as "unbuilt" or a similar designation, as determined by the architect.

- (9) Fee Bidding on Public Projects. An architect shall not knowingly cooperate in a violation of any provisions of G.S. 143-64.31.
- (10) An architect shall cooperate with the Board in connection with any inquiry it shall make. Cooperation includes responding to all inquiries from the Board or its representative.
- (11) Copyright Infringement. It is unprofessional conduct for an architect to be found by a court to have infringed upon the copyrighted works of other architects or design professionals.
- (12) It is unprofessional conduct for an individual to knowingly continue offering and rendering architectural services as set forth in G.S. 83A after his or her license expires, is placed on delinquent status, or revoked for failure to renew.

History Note: Authority G.S. 83A-6; 83A-14; 83A-15;
Eff. February 1, 1976;
Amended Eff. February 24, 1976;
Readopted September 29, 1977;
Amended Eff. November 1, 2010; July 1, 2006; June 1, 1995; July 1, 1992; October 1, 1989; May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Amended Eff. November 1, 2017.

21 NCAC 02 .0213 INDIVIDUAL LICENSES

- (a) Renewal. License registration must be renewed on or before the first day in July each year. No less than 30 days prior to the renewal date, the Board shall send a notice of renewal to each individual licensee via electronic mail. It shall be the professional responsibility of the licensee to renew the license on or before the 30th day of July each year. Continued practice after such date shall constitute unlawful practice as set forth in G.S. 83A-12 and may be grounds for disciplinary action. The licensee shall complete the current license renewal documentation required by the Board. The licensee shall submit to the Board the completed license renewal documentation, along with the annual license renewal fee. The Board shall not accept incomplete renewal documentation. If the accompanying payment in the amount of the renewal fee is dishonored by the architect's drawee bank for any reason, the Board shall suspend the license until the renewal fees and check charges are paid. When the annual renewal has been completed according to the provisions of G.S. 83A-11, as well as Section .0900 of this Chapter, the Executive Director shall approve renewal of the license for the current license year. Renewal fees are non-refundable.
- (b) Late Renewal. If the Board has not received the annual renewal fee and completed renewal documentation on or before the first day of July, each year the license shall expire and be placed on delinquent status. For the purpose of this Rule, "delinquent status" means an administrative revocation and is not considered discipline. The license may be renewed at any time within one year of being deemed delinquent, upon the return of the completed renewal documentation, the annual renewal fee, and the late renewal penalty and demonstration of compliance with Section .0900 of this Chapter.

- (c) Reinstatement. After one year from the date of expiration, the Board shall revoke the license for failure to renew. Reinstatement shall occur pursuant to G.S. 83A-11 and Sections .0300 and .0900 of this Chapter.
- (d) Any individual who is currently licensed by and in good standing with the Board who is serving in the armed forces of the United States shall not be subject to late fees, suspension or revocation for failure to renew licensure on or before the first day July each year, provided that the individual has been granted an extension of time to file a tax return as set forth in G.S. 105-249.2.

History Note: Authority G.S. 83A-6; 83A-11; 93B-15(b);
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. December 1, 2010; July 1, 2006; July 1, 1999; May 1, 1989; November 1, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Amended Eff. November 1, 2017.

21 NCAC 02 .0301 APPLICATION FOR REGISTRATION BY EXAM

History Note: Authority G.S. 83A-4; 83A-6; 83A-7;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. November 1, 2010; July 1, 1996; December 1, 1992; May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Repealed Eff. November 1, 2017.

21 NCAC 02 .0302 EXAMINATION

- (a) The Board became a Direct Registration State with the National Council of Architecture Registration Boards (NCARB) on July 25, 2016. Those individuals who wish to take the Architectural Registration Exam (ARE) must contact NCARB directly to obtain exam eligibility to take the ARE. Upon completion of all requirements set forth in the NCARB Architecture Experience Program (AXP), a candidate seeking license registration by exam in North Carolina must direct NCARB to transmit a completed AXP record to the North Carolina Board of Architecture.
- (b) Upon passing all sections of the ARE NCARB, fulfillment of all NCARB AXP requirements, and completion of the National Architectural Accrediting Board (NAAB) accredited degree, NCARB, as directed by the candidate, will transmit a completed AXP file to the Board for review. Upon notification of receipt of a completed AXP file from the Board, an individual may submit the application for Candidate Record Review to determine compliance with G.S. 83A-7(a)(1)a. G.S. 83A-7(a)(1)a. shall be deemed satisfied through completion of the requirements set forth in Subparagraphs (1) through (5) of this Paragraph. The Board shall grant licensure by exam to those individuals who:
 - (1) are of good moral character as defined in G.S. 83A-1(5);
 - (2) are at least 18 years of age;
 - (3) have completed a NAAB accredited professional degree in architecture or who have

completed a NAAB accredited degree program that is identified as an NCARB endorsed Integrated Path To Architectural Licensure Degree Program;

- (4) have completed the NCARB AXP; and
- (5) submits the Application for Licensure by Exam and fee.

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

- (1) Passing scores received after July 1, 2006 on any part of the ARE remain valid for a period of time established by the exam provider, NCARB.
- (2) Scores received on any part of the ARE prior to July 1, 2006 are invalid.

(d) Practical training pursuant to G.S. 83A-7(a)(2) means practical experience and diversified training as defined by the Architectural Experience Program through the NCARB.

(e) During the application process, Board members, in order to augment the evidence submitted in an application may interview the applicant regarding qualifications required in Paragraph (b) of this Rule. The Board shall determine whether an interview is needed on a case-by-case basis, based upon information in the application, including any academic or professional discipline.

(f) To complete the ARE, an exam candidate shall receive a passing grade in each division of the ARE. Information regarding NCARB grading methods and procedures can be found on their web site at www.ncarb.org.

(g) A person currently employed under the responsible control of an architect, who holds a Professional Degree from a NAAB accredited program, and who maintains an active NCARB AXP record or has completed the NCARB AXP may use the title "Architectural Intern" or "Intern Architect" in conjunction with his or her current employment.

(h) The fees for examination, or parts thereof, are set and collected by the NCARB. Fee information is available on the NCARB web site www.ncarb.org.

(i) The standards of the National Council of Architecture Registration Boards and its components are hereby incorporated by reference including subsequent amendments and editions, and can be accessed at no charge at www.ncarb.org.

History Note: Authority G.S. 83A-1; 83A-6; 83A-7; 83A-12; Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. March 1, 2016; July 1, 2014; November 1, 2010; July 1, 2006; July 1, 2000; July 1, 1996; June 1, 1995; December 1, 1992; July 1, 1991;

Amended Eff. November 1, 2017.

CHAPTER 16 – BOARD OF DENTAL EXAMINERS

21 NCAC 16Y .0104 DIRECTION AND SUPERVISION

(a) Holders of a valid intern permit who are currently licensed in Canada or a U.S. territory or state may practice under direction of one or more dentists with a current and valid North Carolina license. The directing dentist shall be responsible for all consequences or results arising from the permit holder's practice of dentistry.

(b) Holders of a valid intern permit who are not currently licensed in Canada or a U.S. territory or state may work only under supervision of one or more dentists with a current and valid North Carolina license. The supervising dentist shall be responsible for all consequences or results arising from the permit holder's practice of dentistry.

(c) Holders of any valid intern permit under this Rule who are required to be on-call, either in-person or by electronic means, in an emergency setting may practice under the direction or supervision of a dentist following the accrediting standard of the Commission on Dental Accreditation (CODA).

(d) For purposes of this Rule, the acts of a permit holder are deemed to be under the direction of a licensed dentist when performed in a locale where a licensed dentist is not always required to be physically present during the performance of the acts that are being performed pursuant to the dentist's order, control, and approval.

(e) For purposes of this Rule, the acts of a permit holder are deemed to be under the supervision of a licensed dentist when performed in a locale where a licensed dentist is physically present during the performance of the acts that are being performed pursuant to the dentist's order, control, and approval.

(f) The CODA accrediting standard and its subsequent amendments and editions, which are incorporated herein by reference, are published on the American Dental Association's website located at <http://www.ada.org/en/coda/policies-and-guidelines/policy-and-procedure-manual>, and are available at no cost.

History Note: Authority G.S. 90-28; 90-29.4;
Eff. August 1, 2002;
Amended Eff. November 1, 2017; July 1, 2015.

RULES REVIEW COMMISSION

This Section contains information for the meeting of the Rules Review Commission December 14, 2017 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 919-431-3000. 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

Jeff Hyde (1st Vice Chair)
Robert A. Bryan, Jr.
Margaret Currin
Jay Hemphill
Jeffrey A. Poley

Appointed by House

Garth Dunklin (Chair)
Andrew P. Atkins
Anna Baird Choi
Paul Powell
Jeanette Doran

COMMISSION COUNSEL

Abigail Hammond	(919)431-3076
Amber Cronk May	(919)431-3074
Amanda Reeder	(919)431-3079
Jason Thomas	(919)431-3081

RULES REVIEW COMMISSION MEETING DATES

December 14, 2017	January 18, 2018
February 15, 2018	March 15, 2018

AGENDA

RULES REVIEW COMMISSION

THURSDAY, DECEMBER 14, 2017 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
 - A. Commission for Mental Health, Developmental Disabilities and Substance Abuse Services - 10A NCAC 27H .0205, .0206 (May)
- IV. Review of Log of Filings (Permanent Rules) for rules filed October 23, 2017 through November 20, 2017
 - Pre-Reviewed Rules
 - Medical Care Commission (Hammond)
 - Alcoholic Beverage Control Commission (Reeder)
 - Environmental Management Commission (Thomas)
 - Department of Transportation (Hammond)
 - Board of Barber Examiners (Reeder)
 - Non Pre-Reviewed Rules
 - Social Services Commission (May)
 - Commission for Public Health (Reeder)
 - Department of Insurance (May)
 - Department of Insurance - Office of State Fire Marshal, 05A (Reeder)
 - Private Protective Services Board (Hammond)
 - Alarm Systems Licensing Board (Hammond)
 - Coastal Resources Commission (Hammond)
 - Well Contractors Certification Commission (May)
- V. Review of 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. 10A NCAC 41A – Commission for Public Health (Hammond)
 2. 10A NCAC 41B – Commission for Public Health (Hammond)
 3. 10A NCAC 41D – Commission for Public Health (Hammond)
 4. 10A NCAC 41F – Commission for Public Health (Hammond)
 5. 10A NCAC 41G – Commission for Public Health (Hammond)
 6. 10A NCAC 70M – Social Services Commission (May)
 7. 15A NCAC 03 – Marine Fisheries Commission (Reeder)
 8. 15A NCAC 03Q – Wildlife Resources Commission/Marine Fisheries Commission (Section .0100) (Reeder)
 9. 15A NCAC 10B – Wildlife Resources Commission (Reeder)
 10. 15A NCAC 10C – Wildlife Resources Commission (Reeder)
 11. 15A NCAC 10C – Wildlife Resources Commission/Marine Fisheries Commission (Section .0100) (Reeder)
 12. 15A NCAC 13B – Department of Environmental Quality (Section .1500) (Thomas)
 13. 20 NCAC 03 – Local Government Commission (Hammond)
 14. 20 NCAC 09 – Capital Facilities Finance Agency (Hammond)

VII. Commission Business

- B. Summary of the Readoption Process
 - Next meeting: Thursday, January 18, 2018
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Commission Review
Log of Permanent Rule Filings
October 23, 2017 through November 20, 2017

SOCIAL SERVICES COMMISSION

The rules in Chapter 10 concern subsidized child care and include identifying and general information (.0100); requirements for the purchase of child care (.0200); requirements for child care service funds (.0300); start-up funds (.0400); requirements for contracts with private agencies (.0500); requirements for child care centers (.0600); requirements for family child care homes (.0700); requirements for nonlicensed child care homes (.0800); general policies for provision of subsidized child care services (.0900); eligibility for services (.1000); and client fees for child care services (.1100).

<u>Correction of Overpayments and Underpayments</u>	10A	NCAC	10	.0309
Readopt with Changes*				
<u>Termination of Approval Based upon an Administrative Acti...</u>	10A	NCAC	10	.0313
Readopt with Changes*				
<u>Approval and Continued Participation in the Subsidized Ch...</u>	10A	NCAC	10	.0602
Readopt with Changes*				
<u>Approval and Continued Participation in the Subsidized Ch...</u>	10A	NCAC	10	.0702
Readopt with Changes*				

MEDICAL CARE COMMISSION

The rules in Chapter 13 are from the NC Medical Care Commission.

The rules in Subchapter 13B set standards for the licensing of hospitals including supplemental rules for the licensure of skilled intermediate, adult care home beds in a hospital (.1900); specialized rehabilitative and rehabilitative services (.2000); general information (.3000); procedure (.3100); general requirements (.3200); patients' bill of rights (.3300); supplemental rules for the licensure of critical care hospitals (.3400); grievance and management (.3500); management and administration of operations (.3600); medical staff (.3700); nursing services (.3800); medical record services (.3900); outpatient services (.4000); emergency services (.4100); special care units (.4200); maternal-neonatal services (.4300); respiratory care services (.4400); pharmacy services and medication administration (.4500); surgical and anesthesia services (.4600); nutrition and dietetic services (.4700); diagnostic imaging (.4800); laboratory services and pathology (.4900); physical rehabilitation services (.5000); infection control (.5100); psychiatric services (.5200); nursing

and adult care beds (.5300); comprehensive inpatient rehabilitation (.5400); supplemental rules for hospitals providing living organ donation transplant services (.5500); physical plant (.6000); general requirements (.6100); and construction requirements (.6200).

<u>Location</u>	10A	NCAC	13B	.6001
Repeal*				
<u>Roads and Parking</u>	10A	NCAC	13B	.6002
Repeal*				
<u>Access and Safety</u>	10A	NCAC	13B	.6104
Repeal*				
<u>Medical, Surgical and Post-Partum Care Unit</u>	10A	NCAC	13B	.6201
Repeal*				
<u>Special Care Unit</u>	10A	NCAC	13B	.6202
Repeal*				
<u>Neonatal Level I and Level II Nursery Unit</u>	10A	NCAC	13B	.6203
Repeal*				
<u>Neonatal Level III and Level IV Nursery</u>	10A	NCAC	13B	.6204
Repeal*				
<u>Psychiatric Unit</u>	10A	NCAC	13B	.6205
Repeal*				
<u>Surgical Department Requirements</u>	10A	NCAC	13B	.6206
Repeal*				
<u>Obstetrical Department Services</u>	10A	NCAC	13B	.6208
Repeal*				
<u>Emergency Services</u>	10A	NCAC	13B	.6209
Repeal*				
<u>Imaging Services</u>	10A	NCAC	13B	.6210
Repeal*				
<u>Laboratory Services</u>	10A	NCAC	13B	.6211
Repeal*				
<u>Morgue</u>	10A	NCAC	13B	.6212
Repeal*				
<u>Pharmacy Services</u>	10A	NCAC	13B	.6213
Repeal*				
<u>Dietary Services</u>	10A	NCAC	13B	.6214
Repeal*				
<u>Administration</u>	10A	NCAC	13B	.6215
Repeal*				
<u>Medical Records Services</u>	10A	NCAC	13B	.6216
Repeal*				
<u>Central Medical and Surgical Supply Services</u>	10A	NCAC	13B	.6217
Repeal*				
<u>General Storage</u>	10A	NCAC	13B	.6218
Repeal*				
<u>Laundry Services</u>	10A	NCAC	13B	.6219
Repeal*				
<u>Physical Rehabilitation Services</u>	10A	NCAC	13B	.6220
Repeal*				
<u>Engineering Services</u>	10A	NCAC	13B	.6221
Repeal*				
<u>Waste Processing</u>	10A	NCAC	13B	.6222
Repeal*				

<u>Details and Finishes</u> Repeal*	10A	NCAC	13B	.6223
<u>Elevator Requirements</u> Repeal*	10A	NCAC	13B	.6224
<u>Mechanical Requirements</u> Repeal*	10A	NCAC	13B	.6225
<u>Plumbing and Other Piping Systems Requirements</u> Repeal*	10A	NCAC	13B	.6226
<u>Electrical Requirements</u> Repeal*	10A	NCAC	13B	.6227

The rules in Subchapter 13D are rules for the licensing of nursing homes including general information (.2000); licensure (.2100); general standards of administration (.2200); patient and resident care and services (.2300); medical records (.2400); physician's services (.2500); pharmaceutical services (.2600); dietary services (.2700); activities, recreation and social services (.2800); special requirements (.2900); specially designated units (.3000); design and construction (.3100); functional requirements (.3200); fire and safety requirements (.3300); and mechanical, electrical, and plumbing requirements (.3400).

<u>Administrator</u> Amend*	10A	NCAC	13D	.2201
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The rules in Subchapter 13J deal with the licensing of home care agencies including general provisions (.0900); administration (.1000); scope of services (.1100), case review and plan of care (.1200); pharmaceuticals and medical treatment orders (.1300); service records (.1400); and companion, sitter and respite services (.1500).

<u>Definitions</u> Readopt with Changes*	10A	NCAC	13J	.0901
<u>Evaluation</u> Readopt with Changes*	10A	NCAC	13J	.1004
<u>Client Rights and Responsibilities</u> Readopt with Changes*	10A	NCAC	13J	.1007
<u>In-Home Aide Services</u> Readopt with Changes*	10A	NCAC	13J	.1107
<u>Supervision and Competency of In-Home Aides or Other In-H...</u> Readopt with Changes*	10A	NCAC	13J	.1110
<u>Case Review and Plan of Care</u> Readopt with Changes*	10A	NCAC	13J	.1202
<u>Content of Record</u> Readopt with Changes*	10A	NCAC	13J	.1402
<u>Scope of Services</u> Readopt with Changes*	10A	NCAC	13J	.1502

The rules in Subchapter 13P concern emergency medical services and trauma including definitions (.0100); EMS systems (.0200); specialty care transport programs (.0300); medical oversight and EMS personnel (.0400 - .0500); EMS educational institutions (.0600); enforcement (.0700); trauma system definitions (.0800); trauma center standards and approval (.0900); trauma center designation enforcement (.1000); trauma system design (.1100); and recovery and rehabilitation of chemically dependent ems personnel (.1400).

<u>Ground Ambulance Vehicle Manufacturing Standards</u> Adopt*	10A	NCAC	13P	.0224
<u>Components of Medical Oversight for Air Medical Programs</u> Adopt*	10A	NCAC	13P	.0410

PUBLIC HEALTH, COMMISSION FOR

The rules in Chapter 41 concern epidemiology health.

The rules in Subchapter 41A deal with communicable disease control and include reporting of communicable diseases (.0100); control measures for communicable diseases including special control measures (.0200-.0300); immunization (.0400); purchase and distribution of vaccine (.0500); special program/project funding (.0600); licensed nursing home services (.0700); communicable disease grants and contracts (.0800); and biological agent registry (.0900).

<u>Reportable Diseases and Conditions</u>	10A	NCAC	41A	.0101
Amend*				
<u>Control Measures HIV</u>	10A	NCAC	41A	.0202
Amend*				

The rules in Chapter 43 concern personal health.

The rules in Subchapter 43G deal with children's developmental service agencies and early intervention services including the early intervention program (.0100); agency management procedures (.0200); service provisions (.0300); record-keeping confidentiality of client information (.0400); and dec contract funds (.0500).

<u>Administration</u>	10A	NCAC	43G	.0108
Readopt without Changes*				
<u>Eligibility</u>	10A	NCAC	43G	.0110
Readopt without Changes*				
<u>Service Plan - Service Delivery</u>	10A	NCAC	43G	.0111
Readopt without Changes*				
<u>Vendor Violations and Sanctions</u>	10A	NCAC	43G	.0710
Amend*				

INSURANCE, DEPARTMENT OF

The rules in Chapter 1 are departmental rules including those covering general matters (.0100); departmental rules (.0200); declaratory rulings (.0300); administrative hearings (.0400); and departmental policies (.0600).

<u>Location and Mailing Address</u>	11	NCAC	01	.0103
Amend*				

The rules in Chapter 4 are from the Consumer Services Division including general provisions (.0100); market conduct examination section (.0200); life: accident and health (.0300); property and liability (.0400); and life insurance illustrations (.0500).

<u>Inquiries and Information</u>	11	NCAC	04	.0116
Amend*				

The rules in Chapter 5 deal with fire and rescue services division. The rules in Subchapter 5A include general provisions (.0100); state volunteer fire department (.0200); firemen's relief fund (.0300); administration of other funds (.0400); initial certification/re-inspection fire departments (.0500); volunteer fire department fund (.0600); volunteer rescue/EMS fund (.0700); cigarette fire-safety standards (.0800); public protection classifications for Fire Districts (.0900).

<u>Qualifications</u>	11	NCAC	05A	.0502
Repeal*				
<u>Establishment of Fire Department</u>	11	NCAC	05A	.0503
Repeal*				
<u>Primary Personnel</u>	11	NCAC	05A	.0504
Repeal*				
<u>Alarm and Communications</u>	11	NCAC	05A	.0506
Repeal*				
<u>Records and Documents</u>	11	NCAC	05A	.0507
Repeal*				

<u>Fire Station</u>	11	NCAC	05A	.0509
Repeal*				
<u>Standards and Policies</u>	11	NCAC	05A	.0512
Repeal*				
<u>Definitions</u>	11	NCAC	05A	.0901
Adopt*				
<u>Purpose</u>	11	NCAC	05A	.0902
Adopt*				
<u>Rating of Fire District</u>	11	NCAC	05A	.0903
Adopt*				
<u>Facilities</u>	11	NCAC	05A	.0904
Adopt*				
<u>Apparatus Specifications and Equipment</u>	11	NCAC	05A	.0905
Adopt*				
<u>Staffing Levels</u>	11	NCAC	05A	.0906
Adopt*				
<u>Training</u>	11	NCAC	05A	.0907
Adopt*				
<u>Communications and Alarms</u>	11	NCAC	05A	.0908
Adopt*				
<u>Response to Structure Fires</u>	11	NCAC	05A	.0909
Adopt*				
<u>Incident Reporting</u>	11	NCAC	05A	.0910
Adopt*				
<u>Records</u>	11	NCAC	05A	.0911
Adopt*				
<u>Non-Compliance</u>	11	NCAC	05A	.0912
Adopt*				

The rules in Chapter 8 are the engineering and building codes including the approval of school maintenance electricians (.0400); qualification board-limited certificate (.0500); qualification board-probationary certificate (.0600); qualification board-standard certificate (.0700); disciplinary actions and other contested matters (.0800); manufactured housing board (.0900); NC Home Inspector Licensure Board (.1000); home inspector standards of practice and code of ethics (.1100); disciplinary actions (.1200); home inspector continuing education (.1300); Manufactured Housing Board continuing education (.1400); and alternate designs and construction appeals (.1500).

<u>Rule-Making and Hearing Procedures</u>	11	NCAC	08	.0903
Amend*				

The rules in Chapter 10 are from the property and casualty division and include general provisions (.0100); interpretations (.0300); fire and casualty rating organizations (.0400); consent to rate (.0600); insurance in unlicensed foreign and alien companies (.0700); licensing of rating organizations (.0800); licensing of advisory organizations (.0900); licensing of joint underwriting organizations (.1000); rate filings (.1100); forms filings (.1200); NC Joint Underwriting Association (.1300); NC Insurance Underwriting Association (.1400); prospective loss costs filings (.1600); and licensing of statistical organizations (.1700).

<u>Transmittal Header</u>	11	NCAC	10	.1114
Amend*				
<u>Transmittal Header</u>	11	NCAC	10	.1209
Amend*				

The rules in Chapter 17 concern seniors' health insurance information program.

<u>Location, Mailing Address, and Telephone</u>	11	NCAC	17	.0103
Amend*				

ALCOHOLIC BEVERAGE CONTROL COMMISSION

The rules in Subchapter 15A concern organization rules: policies and procedures including general provisions (.0100); structure (.0200); publications, records, copies (.0300); rule-making (.0400); emergency rules (.0500); declaratory rulings (.0600); personnel policies: commission (.0700); adjudication: contested cases (.0800); fiscal rules for local boards (.0900); local abc board: personnel policies (.1000); local abc boards: relationship with state commission (.1100); openings and discontinuance of stores (.1200); storage and distribution of spirituous liquors: commercial transportation (.1300); purchase of alcoholic beverages by local boards (.1400); pricing of spirituous liquor (.1500); warehouse storage of spirituous liquors (.1600); retail sales of alcoholic beverages (.1700); purchase transportation permits for individuals and mixed beverages permittees (.1800); sales of liquor to mixed beverages permittees (.1900); local board training (.2000); and distillery permit holders' sale of spirituous liquor distilled on premises to visitors of the distillery for consumption off the premises (.2100).

<u>Transportation from State ABC Warehouse</u> Amend*	14B	NCAC	15A	.1303
<u>Direct Shipments</u> Amend*	14B	NCAC	15A	.1304
<u>Permit Required to Sell Alcoholic Beverages</u> Amend*	14B	NCAC	15A	.1402
<u>Special Orders</u> Adopt*	14B	NCAC	15A	.1403
<u>Mixed Beverages Tax Stamp</u> Amend*	14B	NCAC	15A	.1901
<u>Prior Approval from ABC Commission</u> Adopt*	14B	NCAC	15A	.2101
<u>Retail Sales at Distillery's Permitted Premises</u> Adopt*	14B	NCAC	15A	.2102
<u>Distillery Record-Keeping</u> Adopt*	14B	NCAC	15A	.2103

The rules in Chapter 15 are from the Alcoholic Beverage Control Commission. The rules in Subchapter 15B concern retail beer, wine, mixed beverages, brownbagging, advertising, and special permits. The rules include definitions and permit application procedures (.0100); general rules affecting retailers and brownbagging permittees (.0200); malt beverages and the wine retailer/wholesaler relationship (.0300); additional requirements for brownbagging permittees (.0400); additional requirements for mixed beverages permittees (.0500); special requirements for convention centers, community theatres, sports clubs, and nonprofit and political organizations (.0600); special occasions permits (.0700); culinary permits (.0800); wine and beer tastings (.0900); advertising (.1000); and effect of administrative action, fines, and offers in compromise (.1100).

<u>Antique Spirituous Liquor Regulated</u> Adopt*	14B	NCAC	15B	.0523
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PRIVATE PROTECTIVE SERVICES BOARD

The rules in Chapter 16 are from the Private Protective Services Board and cover organization and general provisions (.0100); licenses and trainee permits (.0200); security guard patrol and guard dog service (.0300); private investigator: electronic countermeasures (.0400); polygraph (.0500); psychological stress evaluator (PSE) (.0600); unarmed security guard registration (.0700); armed security guard firearm registration permit (.0800); trainer certificate (.0900); recovery fund (.1000); training and supervision for private investigator associates (.1100); continuing education (.1300); and armed armored car service guards firearm registration permit (.1400).

<u>Fees for Licenses and Trainee Permits</u> Amend*	14B	NCAC	16	.0202
<u>Fees for Unarmed Guard Security Registration</u> Amend*	14B	NCAC	16	.0702

<u>Fees for Armed Security Guard Firearm Registration</u> Amend*	14B	NCAC	16	.0802
<u>Renewal of Armed Security Guard Firearm Registration Permit</u> Amend*	14B	NCAC	16	.0806
<u>Training Requirements for Armed Security Guards</u> Amend*	14B	NCAC	16	.0807
<u>Fees for Trainer Certificate</u> Amend*	14B	NCAC	16	.0903
<u>Fees for Unarmed Armored Car Services Guard Registration</u> Amend*	14B	NCAC	16	.1302
<u>Fees for Armed Armored Car Service Guard Firearm Registra...</u> Amend*	14B	NCAC	16	.1402

ALARM SYSTEMS LICENSING BOARD

The rules in Chapter 11 are from the N.C. Alarm Systems Licensing Board and cover the organization and general provisions (.0100); provisions for licensees (.0200); provisions for registrants (.0300); the recovery fund (.0400); and continuing education for licensees (.0500).

<u>Fees For Licenses</u> Amend*	14B	NCAC	17	.0203
<u>Fees For Registration</u> Amend*	14B	NCAC	17	.0302

ENVIRONMENTAL MANAGEMENT COMMISSION

The rules in Subchapter 2D are air pollution control requirements including definitions and references (.0100); air pollution sources (.0200); air pollution emergencies (.0300); ambient air quality standards (.0400); emission control standards (.0500); air pollutants monitoring and reporting (.0600); complex sources (.0800); volatile organic compounds (.0900); motor vehicle emission control standards (.1000); control of toxic air pollutants (.1100); control of emissions from incinerators (.1200); oxygenated gasoline standard (.1300); nitrogen oxide standards (.1400); general conformity for federal actions (.1600); emissions at existing municipal solid waste landfills (.1700); control of odors (.1800); open burning (.1900); transportation conformity (.2000); risk management program (.2100); special orders (.2200); emission reduction credits (.2300); clean air interstate rules (.2400); mercury rules for electric generators (.2500); and source testing (.2600).

<u>Definitions</u> Readopt without Changes*	15A	NCAC	02D	.0101
<u>Copies of Referenced Federal Regulations</u> Amend*	15A	NCAC	02D	.0103
<u>Incorporation by Reference</u> Amend*	15A	NCAC	02D	.0104
<u>Mailing List</u> Amend*	15A	NCAC	02D	.0105
<u>Classification of Air Pollution Sources</u> Readopt without Changes*	15A	NCAC	02D	.0201
<u>Registration of Air Pollution Sources</u> Readopt without Changes*	15A	NCAC	02D	.0202
<u>Purpose</u> Readopt without Changes*	15A	NCAC	02D	.0301
<u>Episode Criteria</u> Readopt with Changes*	15A	NCAC	02D	.0302
<u>Emission Reduction Plans</u> Readopt without Changes*	15A	NCAC	02D	.0303

<u>Preplanned Abatement Program</u>	15A	NCAC	02D	.0304
Readopt without Changes*				
<u>Emission Reduction Plan: Alert Level</u>	15A	NCAC	02D	.0305
Readopt with Changes*				
<u>Emission Reduction Plan: Warning Level</u>	15A	NCAC	02D	.0306
Readopt with Changes*				
<u>Emission Reduction Plan: Emergency Level</u>	15A	NCAC	02D	.0307
Readopt with Changes*				
<u>Purpose</u>	15A	NCAC	02D	.0401
Readopt without Changes*				
<u>Sulfur Oxides</u>	15A	NCAC	02D	.0402
Readopt without Changes*				
<u>Carbon Monoxide</u>	15A	NCAC	02D	.0404
Readopt without Changes*				
<u>Ozone</u>	15A	NCAC	02D	.0405
Readopt with Changes*				
<u>Nitrogen Dioxide</u>	15A	NCAC	02D	.0407
Readopt without Changes*				
<u>Lead</u>	15A	NCAC	02D	.0408
Readopt without Changes*				
<u>PM10 Particulate Matter</u>	15A	NCAC	02D	.0409
Readopt without Changes*				
<u>PM2.5 Particulate Matter</u>	15A	NCAC	02D	.0410
Readopt without Changes*				
<u>Purpose</u>	15A	NCAC	02D	.1301
Readopt with Changes*				
<u>Applicability</u>	15A	NCAC	02D	.1302
Readopt with Changes*				
<u>Definitions</u>	15A	NCAC	02D	.1303
Readopt with Changes*				
<u>Oxygen Content Standard</u>	15A	NCAC	02D	.1304
Readopt with Changes*				
<u>Measurement and Enforcement</u>	15A	NCAC	02D	.1305
Readopt with Changes*				
<u>Purpose, Scope, and Applicability</u>	15A	NCAC	02D	.2001
Readopt with Changes*				
<u>Definitions</u>	15A	NCAC	02D	.2002
Readopt without Changes*				
<u>Transportation Conformity Determination</u>	15A	NCAC	02D	.2003
Readopt without Changes*				
<u>Determining Transportation-Related Emissions</u>	15A	NCAC	02D	.2004
Readopt without Changes*				
<u>Memorandum of Agreement</u>	15A	NCAC	02D	.2005
Readopt without Changes*				
<u>Purpose</u>	15A	NCAC	02D	.2201
Readopt without Changes*				
<u>Definitions</u>	15A	NCAC	02D	.2202
Readopt without Changes*				
<u>Public Notice</u>	15A	NCAC	02D	.2203
Readopt with Changes*				
<u>Final Action on Consent Orders</u>	15A	NCAC	02D	.2204
Readopt without Changes*				

<u>Notification of Rights to Contest Special Orders Issued W...</u> Readopt without Changes*	15A	NCAC	02D	.2205
The rules in Subchapter 2T set out the requirements for the issuance of permits for waste systems that do not discharge to the surface waters of the state and include general requirements (.0100); and requirements for various systems including: wastewater pump and haul systems (.0200); sewer extensions (.0300); system-wide collection system permitting (.0400); wastewater irrigation systems (.0500); single-family residence wastewater irrigation systems (.0600); high rate infiltration systems (.0700); other non-discharge wastewater systems (.0800); reclaimed water systems (.0900); closed-loop recycle systems (.1000); residuals management (.1100); coal combustion products management (.1200); animal waste management systems (.1300); manure hauler operations (.1400); soil remediation (.1500); and groundwater remediation systems (.1600).				
<u>Scope</u> Readopt without Changes*	15A	NCAC	02T	.1501
<u>Definitions</u> Readopt with Changes*	15A	NCAC	02T	.1502
<u>Permitting by Regulation</u> Readopt without Changes*	15A	NCAC	02T	.1503
<u>Application Submittal</u> Readopt without Changes*	15A	NCAC	02T	.1504
<u>Design Criteria</u> Readopt with Changes*	15A	NCAC	02T	.1505
<u>Setbacks</u> Readopt without Changes*	15A	NCAC	02T	.1506
<u>Closure Requirements</u> Readopt with Changes*	15A	NCAC	02T	.1507

COASTAL RESOURCES COMMISSION

The rules in Subchapter 7H are the state guidelines for areas of environmental concern (AECs) including introduction and general comments (.0100); the estuarine system (.0200); ocean hazard areas (.0300); public water supplies (.0400); natural and cultural resource areas (.0500); development standards (.0600); general permits for construction or maintenance of bulkheads and the placement of riprap for shoreline protection in estuarine and public trust waters (.1100); piers, docks and boat houses in estuarine and public trust waters (.1200); general permit to construct boat ramps along estuarine and public trust shorelines and into estuarine and public trust waters (.1300); groins in estuarine and public trust waters (.1400); excavation within or connecting to existing canals, channels, basins, or ditches in estuarine waters, public trust waters, and estuarine shoreline AECs (.1500); aerial and subaqueous utility lines with attendant structures in coastal wetlands, estuarine waters, public trust waters and estuarine shorelines (.1600); emergency work requiring a CAMA or a dredge and fill permit (.1700); beach bulldozing landward of the mean high-water mark in the ocean hazard AEC (.1800); temporary structures within the estuarine and ocean hazard AECs (.1900); authorizing minor modifications and repair to existing pier/mooring facilities in estuarine and public trust waters and ocean hazard areas (.2000); construction of sheetpile sill for shoreline protection in estuarine and public trust waters (.2100); construction of freestanding moorings in established waters and public trust areas (.2200); replacement of existing bridges and culverts in estuarine waters, estuarine shorelines, public trust areas and coastal wetlands (.2300); placement of riprap for wetland protection in estuarine and public trust waters (.2400); replacement of structures; the reconstruction of primary or frontal dune systems; and the maintenance excavation of existing canals, basins, channels, or ditches, damaged, destroyed, or filled in by hurricanes or tropical storms (.2500); construction of wetland, stream and buffer mitigation sites by the North Carolina Ecosystem Enhancement Program or the North Carolina Wetlands Restoration Program (.2600); and the construction of riprap sills for wetland enhancement in estuarine and public trust waters (.2700).

<u>Purpose</u> Amend*	15A	NCAC	07H	.2201
<u>Approval Procedures</u> Amend*	15A	NCAC	07H	.2202
<u>General Conditions</u> Amend*	15A	NCAC	07H	.2204

<u>Specific Conditions</u>	15A	NCAC	07H	.2205
Amend*				

WELL CONTRACTORS CERTIFICATION COMMISSION

The rules in Chapter 27 concern well contractor certification including duties and definitions (.0100); well contractor fees (.0200); certification of well contractors (.0300); certification by examination (.0400); certification without examination (.0500); certification renewal (.0600); types of certification (.0700); continuing education (.0800); and procedures for disciplinary actions (.0900).

<u>Definitions</u>	15A	NCAC	27	.0101
Adopt*				
<u>Types of Certification</u>	15A	NCAC	27	.0110
Readopt without Changes*				
<u>Application for Certification</u>	15A	NCAC	27	.0301
Readopt without Changes*				
<u>Well Contractor Examinations</u>	15A	NCAC	27	.0410
Readopt without Changes*				
<u>Time and Place of Examination</u>	15A	NCAC	27	.0420
Readopt without Changes*				
<u>Examination Results and Issuance of Certificates</u>	15A	NCAC	27	.0440
Readopt without Changes*				

TRANSPORTATION, DEPARTMENT OF

The rules in Chapter 6 concern transit, rail and aviation.

The rules in Subchapter 06C concern division aeronautics including facility development - financial assistance program: general provisions (.0100); facility development - technical assistance program (.0300); facility development - emergency state aviation aid program (.0400); air transportation development program (.0500); and state airports (.0700).

<u>Retroactive Reimbursement</u>	19A	NCAC	06C	.0107
Repeal*				
<u>State Financial Assistance Construction Standards</u>	19A	NCAC	06C	.0108
Repeal*				
<u>Project Application Procedures</u>	19A	NCAC	06C	.0109
Repeal*				
<u>Environmental Assessment</u>	19A	NCAC	06C	.0110
Repeal*				
<u>Project Approval Procedures</u>	19A	NCAC	06C	.0111
Repeal*				
<u>Allowable Project Costs</u>	19A	NCAC	06C	.0112
Repeal*				
<u>Sponsor Certification of Local Matching Funds</u>	19A	NCAC	06C	.0123
Repeal*				
<u>Limits on Use of Allocated Funds</u>	19A	NCAC	06C	.0124
Repeal*				
<u>Time Limits on Construction of the Project</u>	19A	NCAC	06C	.0125
Repeal*				
<u>Request for Extension of Time to Complete Project</u>	19A	NCAC	06C	.0126
Repeal*				
<u>Sanctions for Non-Performance on State Aid Projects</u>	19A	NCAC	06C	.0127
Repeal*				

<u>Department to Act As Agent for Federal Grant Programs</u> Repeal*	19A	NCAC	06C	.0129
<u>Hospital Heliports</u> Repeal*	19A	NCAC	06C	.0134
<u>Promotion of Aviation Facility Safety</u> Repeal*	19A	NCAC	06C	.0301
<u>Project Application and Approval Procedures</u> Repeal*	19A	NCAC	06C	.0304
<u>Correction of Aviation Safety Hazards</u> Repeal*	19A	NCAC	06C	.0401
<u>Project Application and Approval</u> Repeal*	19A	NCAC	06C	.0403
<u>Sponsor's Responsibilities</u> Repeal*	19A	NCAC	06C	.0408
<u>Recipients Eligibility Standards</u> Repeal*	19A	NCAC	06C	.0502
<u>Project Eligibility Standards</u> Repeal*	19A	NCAC	06C	.0503
<u>Trespass on State Airports</u> Repeal*	19A	NCAC	06C	.0703
<u>Prohibition Against Ground Vehicles on State Airports</u> Repeal*	19A	NCAC	06C	.0704
<u>Closure of State Airports During Hours of Darkness</u> Repeal*	19A	NCAC	06C	.0705
<u>Commercial Flight Operations Prohibited Without Approval</u> Repeal*	19A	NCAC	06C	.0706

BARBER EXAMINERS, BOARD OF

The rules in Subchapter 06F concern barber schools.

<u>Manager</u> Amend*	21	NCAC	06F	.0102
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The rules in Subchapter 06L concern barber shops.

<u>Additional Duties of Barber Shop Owners and Managers and ...</u> Amend*	21	NCAC	06L	.0116
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The rules in Subchapter 6N establish fees and provide for the use of various forms.

<u>Fees, Access to Forms, and Renewals</u> Amend*	21	NCAC	06N	.0101
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CONTESTED CASE DECISIONS

This Section contains a listing of recently issued Administrative Law Judge decisions for contested cases that are non-confidential. Published decisions are available for viewing on the OAH website at <http://www.ncoah.com/hearings/decisions/>. If you are having problems accessing the text of the decisions online or for other questions regarding contested cases or case decisions, please contact the Clerk's office by email: oah.clerks@oah.nc.gov or phone 919-431-3000.

OFFICE OF ADMINISTRATIVE HEARINGS

Chief Administrative Law Judge
JULIAN MANN, III

Senior Administrative Law Judge
FRED G. MORRISON JR.

ADMINISTRATIVE LAW JUDGES

Melissa Owens Lassiter
Don Overby
J. Randall May
David Sutton

A. B. Elkins II
Selina Malherbe
J. Randolph Ward
Stacey Bawtinheimer

Year	Code	Number	Date Decision Filed	Petitioner		Respondent	ALJ
				<u>PUBLISHED</u>			
17	DHR	00755	9/14/2017	Tonya Staton	v.	North Carolina Department of Health and Human Services Division of Child Development	Culpepper
17	DHR	01778	9/18/2017	Raintree Healthcare of Wilkesboro LLC DBA Wilkes County Adult Care	v.	Division of Health Service Regulation NC Department of Health and Human Services	Malherbe
17	DHR	02429	9/28/2017	Coby Crandall The Pro Se Reentry Recovery SVCS	v.	NC Department of Health and Human Services	Overby
17	DHR	04335	9/5/2017	Angela and Timothy Munson	v.	The Mecklenburg County Health Department and Health Director Anthony Trotman	Malherbe
17	DHR	04749	9/14/2017	Appletree Day Care, Inc. and Carolyn Driggers	v.	NC Department of Health and Human Services, Nutrition Services, Child & Adult Care Food Program	Overby
17	DOJ	02257	9/11/2017	Antoine Joseph Singleton	v.	NC Criminal Justice Education and Training Standards Commission	Bawtinheimer
17	DOJ	02976	9/12/2017	Kevin Robert Bray	v.	NC Private Protective Services Board	Malherbe
17	DOJ	05556	9/28/2017	Stanley Lewis Huffstetler IV	v.	North Carolina Alarm Systems Licensing Board	Overby
16	OSP	10621	9/26/2017	Dontravis Swain	v.	North Carolina Department of Public Safety	Ward
16	OSP	10948	9/22/2017	Sharon Renea Blackmon	v.	NC DHHS	May
17	OSP	01770	9/7/2017	Bernard Robinson	v.	NCDPS Lumberton Correctional	Overby

CONTESTED CASE DECISIONS

				<u>UNPUBLISHED</u>			
17	ABC	03322	9/7/2017	Reginald Hilton Belton, Owner Robbin Heights Mini Market	v.	NC Alcoholic Beverage Control Commission	Ward
17	CSE	02642	9/6/2017	Terry R Locklear	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	May
17	CSE	04856	9/20/2017	Ned Burgess Jr	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Sutton
17	CSE	04917	9/21/2017	Thomas Yu	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	May
16	DHR	09945	9/22/2017	Green Acres Family Care Home #2 Latrishia Green	v.	Adult Care Licensure Megan Lamphere MSW Chief	Ward
17	DHR	02847	9/12/2017	Adam E Smith	v.	NC Dept. of Health and Human Services	Bawtinheimer
17	DHR	04173	9/14/2017	A+ Williamson Care Network	v.	NC Department of Health and Human Services, Division of Medical Assistance	Mann
17	DHR	05044	9/19/2017	Barbara Stocks Barbara Stocks Daycare	v.	Division of Child Development and Early Education	May
17	DOJ	02731	9/5/2017	Terry Teray Arrington	v.	NC Criminal Justice Education and Training Standards Commission	Lassiter
17	DOJ	04249	9/22/2017	Eddricco Lishaun Brown-Bey	v.	The State of North Carolina Attorney General Office Et Al	May
17	DOT	03280	9/22/2017	Brandon Roshon McClendon	v.	State of North Carolina Department of Transportation	Mann
17	DOT	05492	9/29/2017	William Delmar Covington	v.	North Caorlina Highway Patrol Office and North Caorlina Department of Transportation	Overby
17	EDC	05343	9/28/2017	Teshia McLean	v.	NC Department of Public Instruction	Overby
17	INS	01662	9/1/2017	Cynthia Martin	v.	North Carolina State Health Plan	Ward
17	INS	02291	9/5/2017	Michelle Jernigan	v.	State Health Plan	Overby
17	INS	02679	9/13/2017	Kendra Matthews	v.	State Health Plan	May
16	OSP	05955	9/14/2017	Eric Rice	v.	NC State University	Culpepper
17	OSP	04383	9/8/2017	Walle Laniyan	v.	Durham Co Govt	Bawtinheimer