

NORTH CAROLINA REGISTER

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- (D) No individual who has passed their fifth birthday shall be required to be vaccinated against pneumococcal disease;
- (E) An individual born prior to April 1, 2014 shall not be required to receive pneumococcal conjugate vaccine.
- (10) Meningococcal conjugate vaccine – Two doses: one dose is required for individuals entering the sixth grade or by 12 years of age (whichever comes first) on or after August 1, 2014. A booster dose is required by 16 years of age or by entering the 11th grade. However:
 - (A) The first dose does not apply to individuals who enrolled in sixth grade before August 1, 2014;
 - (B) The booster dose does not apply to individuals who enrolled in the 11th grade before August 1, 2014;
 - (C) If the first dose is administered on or after the 16th birthday, a booster dose is not required;
 - (D) An individual born prior to January 1, 2003 shall not be required to receive meningococcal conjugate vaccine.

(b) The healthcare provider shall administer immunizations in accordance with this Rule. However, if a healthcare provider administers vaccine up to and including the fourth day prior to the required minimum age, the individual dose is not required to be repeated. Doses administered more than 4 days prior to the requirements are considered invalid doses and shall be repeated.

(c) The State Health Director may suspend temporarily any portion of the requirements of this Rule due to emergency conditions, such as the unavailability of vaccine. The Department shall give notice in writing to all local health departments and other providers currently receiving vaccine from the Department when the suspension takes effect and when the suspension is lifted. When any vaccine series is disrupted by such a suspension, the next dose shall be administered within 90 days of the lifting of the suspension and the series resumed in accordance with intervals determined by the most recent recommendations of the Advisory Committee on Immunization Practices.

Authority G.S. 130A-152(c); 130A-155.1.

TITLE 11 – DEPARTMENT OF INSURANCE

Notice is hereby given in accordance with G.S. 150B-21.2 that the Home Inspectors Licensure Board intends to amend the rules cited as 11 NCAC 08 .1011, .1020, .1103, .1201, .1301, .1302 and .1318.

- Agency obtained G.S. 150B-19.1 certification:
- OSBM certified on:
 - RRC certified on: November 21, 2013
 - Not Required

Link to agency website pursuant to G.S. 150B-19.1(c): http://www.ncdoi.com/LS/LS_Rules.aspx

Proposed Effective Date: October 1, 2014

Public Hearing:

Date: April 11, 2014

Time: 9:00 a.m.

Location: 322 Chapanoke Road, Raleigh, NC 27603

Reason for Proposed Action:

11 NCAC 08 .1011, .1020, .1103, .1201, .1301 – Per S.L. 2009-509, Effective October 1, 2013, no statutory authority for licensing of an Associate Home Inspector

11 NCAC 08 .1302, .1318 – S.L. 2009-509 required a 3-year, 48-hour educational program for all home inspectors licensed prior to September 30, 2011. Each year's 16-hour segment of education satisfied the continuing education (CE) requirement for the license periods ending September 2012, September 2013, September 2014. Upon completion of the 48-hour program, this change reduces CE requirements back to 12 hours per year, reducing costs of licensure for licensees. Effective October 1, 2014, newly licensed home inspectors, who did not complete a 200 hour prelicensing program, must complete an additional four hours of CE for the first three years of licensure.

Comments may be submitted to: Karen Waddell, NC Department of Insurance, 1201 Mail Service Center, Raleigh, NC 27699-1201

Comment period ends: April 11, 2014

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)
- No fiscal note required by G.S. 150B-21.4

CHAPTER 08 – ENGINEERING AND BUILDING CODES DIVISION

SECTION .1000 – N.C. HOME INSPECTOR LICENSURE BOARD

11 NCAC 08 .1011 FEE SCHEDULE

(a) The following fees apply to the licensure of home inspectors:

Application for Home Inspector License	\$ 35.00
Application for Associate Home Inspector License	\$ 20.00
Home Inspector Examination	\$ 80.00
Initial Issuance or Annual Renewal of Home Inspector License	\$160.00
Initial Issuance or Annual Renewal of Associate Home Inspector License	\$110.00
Late Renewal Penalty Fee - Home Inspector License	\$ 30.00
Late Renewal Penalty Fee - Associate Home Inspector License	\$ 20.00
Copies of Board Rules and License Standards	\$ 5.00
Unapproved Course Fee	\$ 50.00
<i>Cost of printing and mailing</i>	

(b) The home inspector and the associate home inspector initial issuance license fees are due after successful completion of the examination. The Board shall not issue a license until it receives the appropriate fee. The license is valid from the date of issuance until the following September 30.

Authority G.S. 143-151.49; 143-151.55; 143-151.57.

11 NCAC 08 .1020 DEFINITIONS

(a) As used in Rules .1020 through .1028 of this Section:

- (1) "Course Sponsor" means a person approved by the Board to conduct home inspection preclicensing courses.
- (2) "Credit hour" means one continuing education course hour, comprising at least 50 minutes of instruction.
- (3) "License period" means October 1 through the following September 30.
- (4) "Licensee" means a home inspector or associate home inspector licensed by the Board under G.S. 143, Article 9F.
- (5) "Person" means an individual, partnership, firm, association, corporation, joint-stock company, trust, any similar entity, or any combination of the foregoing acting in concert.

(b) The definitions contained in G.S. 143-151.45 apply to this Section.

Authority G.S. 143-151.45; 143-151.49; 143-151.51.

SECTION .1100 – N.C. HOME INSPECTOR STANDARDS OF PRACTICE AND CODE OF ETHICS

11 NCAC 08 .1103 PURPOSE AND SCOPE

(a) Home inspections performed according to this Section shall provide the client with an understanding of the property conditions, as inspected at the time of the home inspection.

(b) Home inspectors shall:

- (1) Provide a written contract, signed by the client, before the home inspection is performed that shall:
 - (A) State that the home inspection is in accordance with the Standards of Practice of the North Carolina Home Inspector Licensure Board;
 - (B) Describe what services shall be provided and their the cost; and
 - (C) State, when an inspection is for only one or a limited number of systems or components, that the inspection is limited to only those systems or components;
- (2) Inspect readily visible and readily accessible installed systems and components listed in this Section; and
- (3) Submit a written report to the client that shall:
 - (A) Describe those systems and components required to be described in Rules .1106 through .1115 of this Section;
 - (B) State which systems and components present at the home and designated for inspection in this Section were not inspected, and the reason for not inspecting;
 - (C) State any systems or components so inspected that do not function as intended, allowing for normal wear and tear, or adversely affect the habitability of the dwelling;
 - (D) State whether the condition reported requires repair or subsequent observation, or warrants further investigation by a specialist. The statements shall describe the component or system and how the condition is defective, explain the consequences of the condition, and direct the recipient to a course of action with regard to the condition or refer the recipient to a specialist; and
 - (E) State the name, license number, and signature of the person supervising the inspection and the name, license number, and signature of the person conducting the inspection.

(c) This Section does not limit home inspectors from:

- (1) Reporting observations and conditions or rendering opinions of items in addition to those required in Paragraph (b) of this Rule; or

- (2) Excluding systems and components from the inspection if requested by the client, and so stated in the written contract.

Authority G.S. 143-151.49; 143-151.58.

**SECTION .1200 – N.C. HOME INSPECTOR
DISCIPLINARY ACTIONS**

11 NCAC 08 .1201 DEFINITIONS

The following definitions are used in this Section:

- (1) The definitions in G.S. 143-151.45 are incorporated into this Section by reference. "~~Associate home inspector~~" is included where reference is made to "home inspector" or "licensee".
- (2) "~~File or filing~~" means to place the paper or item to be filed into the care and custody of the presiding officer, and acceptance thereof by him, except that the Board may permit the papers to be filed with the Board, in which event the Board shall note thereon the filing date. All documents filed with the presiding officer or the Board, except exhibits, shall be duplicate in letter size 8 1/2" by 11".
- (3)(2) "Party" means the Board, the licensee, or an intervenor who qualifies under G.S. 150B-38(f). "Party" does not include a complainant unless the complainant is allowed to intervene under G.S. 150B-38(f).
- (4)(3) "Service or serve" means personal delivery or, unless otherwise provided by law or rule, delivery by first class United States Postal Service mail or a licensed overnight express mail service, addressed to the person to be served at his or her last known address. A Certificate of Service by the person making the service shall be appended to every document requiring service under these Rules. Service by mail or licensed overnight express mail is complete upon addressing, enveloping, and placing the item to be served, in an official depository of the United States Postal Service or delivering the item to an agent of an overnight express mail service.

Authority G.S. 143-151.49; 150B-38(h).

**SECTION .1300 - HOME INSPECTOR CONTINUING
EDUCATION**

11 NCAC 08 .1301 DEFINITIONS

(a) As used in this Section:

- (1) "Credit hour" means one continuing education course hour, comprising at least 50 minutes of instruction.
- (2) "License period" means October 1 through the following September 30.

- (3) "Licensee" means a home inspector or ~~associate home inspector~~ licensed by the Board under G.S. 143, Article 9F and Section .1000 of this Chapter.

- (4) "Person" means an individual, partnership, firm, association, corporation, joint-stock company, trust, any similar entity, or any combination of the foregoing acting in concert.

- (b) The definitions contained in G.S. 143-151.45 apply to this Section.

Authority G.S. 143-151.49; 143-151.55.

**11 NCAC 08 .1302 CONTINUING EDUCATION
REQUIRED FOR RENEWAL OF ACTIVE LICENSE**

(a) In order to renew an active home inspector or ~~associate home inspector~~ license for license renewal periods beginning on or after October 1, ~~2011~~, 2014, the licensee shall have completed, during the license renewal period, ~~16~~ 12 credit hours, except as described in Paragraph (b) of this Rule.

(b) In order to renew an active home inspector license for license renewal periods beginning on or after October 1, ~~2011~~, 2014, home inspectors who are newly licensed on or after October 1, ~~2011~~, 2014, who have not completed the pre-licensing education program established pursuant to G.S. ~~143-151.51(1)(5)(a)~~, 143-151.51(a)(5)a or its equivalent pursuant to ~~11 NCAC 08 .1004(e)~~, Rule .1004(c) of this Chapter, must complete ~~20~~ 16 hours of continuing education per year for the first three years of licensure that include the following:

- (1) Four hours of a Board approved ~~mandatory course~~; course consisting of the following:
- (A) for the first year, a Board approved course on the Standards of Practice and Report Writing; and
- (B) for each of the second and third years, a Board approved course of the home inspector's choosing.
- (2) Four hours of the update course component described in ~~11 NCAC 08 .1309~~; Rule .1309 of this Chapter; and
- (3) ~~12~~ Eight hours of Board approved elective courses.

(c) A licensee who is newly licensed on or after June 1 is exempt from this Section for the initial license period.

Authority G.S. 143-151.49; 143-151.51; 143-151.55; 143-151.64.

**11 NCAC 08 .1318 ELECTIVE COURSE
COMPONENT**

(a) Licensee Requirements: To renew a license on active status, a licensee shall complete ~~12~~ eight classroom hours of instruction in ~~three~~ two or more Board approved elective courses within the licensure period one year preceding license expiration in addition to satisfying the continuing education mandatory update course requirement described in Rule .1309 of this Section.

(b) Sponsor Requirements: Approval of an elective course requires approval of the sponsor and instructor(s) as well as the course itself. Such approval authorizes the sponsor to conduct

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the approved course using the instructor(s) who have been found by the Board to satisfy the instructor requirements set forth in Rule .1322 of this Section. The sponsor may conduct the course at any location as frequently as is desired during the approval period. However, the sponsor may not conduct any session of an approved course for home inspector continuing education purposes between September 10, and September 30, inclusive, of any approval period.

Authority G.S. 143-151.49(13); 143-151.64.

TITLE 12 – DEPARTMENT OF JUSTICE

Notice is hereby given in accordance with G.S. 150B-21.2 that the Private Protective Services Board intends to amend the rule cited as 12 NCAC 07D .0901.

Agency obtained G.S. 150B-19.1 certification:

- OSBM certified on:
- RRC certified on: December 19, 2013
- Not Required

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

Proposed Effective Date: June 1, 2014

Public Hearing:

Date: February 25, 2014

Time: 2:00 p.m.

Location: 4901 Glenwood Avenue, Suite 200, Raleigh, NC 27612

Reason for Proposed Action: The intent of the rule originally was to lessen the burden on those persons not required to attend the entire course; however, since the North Carolina Justice Academy charges the Board for all five (5) days regardless of the number of days a person attends, the Board is absorbing the additional amount. This rule amendment will now require all applicants to pay the same course fee amount.

Comments may be submitted to: Anthony Bonapart, PPSB Deputy Director, 4901 Glenwood Avenue, Suite 200, Raleigh, NC 27612

Comment period ends: April 4, 2014

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)
- No fiscal note required by G.S. 150B-21.4

CHAPTER 07 – PRIVATE PROTECTIVE SERVICES

SUBCHAPTER 07D – PRIVATE PROTECTIVE SERVICES BOARD

SECTION 0900 – TRAINER CERTIFICATE

12 NCAC 07D .0901 – REQUIREMENTS FOR A FIREARMS TRAINER CERTIFICATE

(a) Firearms trainer applicants shall:

- (1) meet the minimum standards established by Rule .0703 of this Subchapter;
- (2) have a minimum of one year of supervisory experience in security with a contract security company or proprietary security organization, or one year of experience with any federal, state, county or municipal law enforcement agency;
- (3) attain a 90 percent score on a firearm's prequalification course approved by the Board and the Attorney General, with a copy of the firearm's course certificate to be kept on file in the administrator's office;
- (4) complete a training course approved by the Board and the Attorney General which shall consist of a minimum of 40 hours of classroom and practical range training in handgun and shotgun safety and maintenance, range operations, night firearm training, control and safety procedures, and methods of handgun and shotgun firing;
- (5) pay the certified trainer application fee established in 12 NCAC 07D .0903(a)(1); and
- (6) successfully complete the requirements of the Unarmed Trainer Certificate set forth in Rule .0909 of this Subchapter.

(b) The applicant's score on the prequalification course set forth in Subparagraph (a)(3) of this Rule is valid for 180 days after completion of the course.

(c) In lieu of completing the training course set forth in Subparagraph (a)(4) of this Rule, an applicant may submit to the Board a current Criminal Justice Specialized Law Enforcement Firearms Instructor Certificate from the North Carolina Criminal Justice Education and Training Standards Commission.