



## NOTICE OF TEXT

[Authority G.S. 150B-21.2(c)]

**OAH USE ONLY**

VOLUME:

ISSUE:

CHECK APPROPRIATE BOX:

- Notice **with** a scheduled hearing  
 Notice without a scheduled hearing  
 Republication of text. Complete the following cite for the volume and issue of previous publication, as well as blocks 1 - 4 and 7 - 14. If a hearing is scheduled, complete block 5.  
Previous publication of text was published in Volume:            Issue:

1. Rule-Making Agency: The North Carolina Landscape Contractors' Licensing Board

2. Link to agency website pursuant to G.S. 150B-19.1(c): [www.nclclb.com](http://www.nclclb.com)

3. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:

- ADOPTION:
- AMENDMENT: 21 NCAC 28B .0402
- REPEAL:
- READOPTION with substantive changes:
- READOPTION without substantive changes:
- REPEAL through READOPTION:

4. Proposed effective date: April 1, 2023

5. Is a public hearing planned?  Yes  No

If yes: Public Hearing date: December 19, 2022  
Public Hearing time: 10:00 a.m.  
Public Hearing location: 3901 Barrett Drive, Suite 202, Raleigh, NC 27609

6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:

**7. Explain Reason For Proposed Rule(s):** To allow more time for the licensees and CE course providers to become aware of and understand future changes to the CE course requirements.

**8. 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. If the Rules Review Commission receives written and signed objections 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 email. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

**Rule(s) is automatically subject to legislative review. Cite statutory reference:**

**9. The person to whom written comments may be submitted on the proposed rule(s):**

**Name:** Calvin M. Kirven

**Address:** The North Carolina Landscape Contractors' Licensing Board

3901 Barrett Drive, Suite 202

Raleigh, NC 27609

**Phone (optional):**

**Fax (optional):**

**E-Mail (optional):**

**10. Comment Period Ends:** January 30, 2023

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

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

**12. Rule-making Coordinator:** Calvin M. Kirven

**Phone:** 919-266-8070

**E-Mail:** ckirven@nclclb.com

**Additional agency contact, if any:** Anna Baird Choi

**Phone:** 919-341-2658

**E-mail:** achoi@hedrickgardner.com

**13. The Agency formally proposed the text of this rule(s) on**  
**Date:** October 25, 2022

**14. Signature of Agency Head\* or Rule-making Coordinator:**

\_\_\_\_\_  
**Typed Name:** Calvin M. Kirven

**Title:** Executive Administrator

*\*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.*

1 21 NCAC 28B .0402 is proposed for amendment as follows:

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**21 NCAC 28B .0402 CONTINUING EDUCATION UNITS**

(a) A licensee shall complete in-person seven continuing education units (CEUs) during the year preceding renewal. At least three of the seven CEUs must be technical credits and at least two of the seven CEUs must be business credits. If the information provided to the Board as required by this Section is unclear, the Board may request additional information from a licensee in order to assure compliance with continuing education requirements.

(b) For the purposes of this Rule:

- (1) "technical credits" are defined as credits relating to the subject matter of landscape contracting as described in G.S. 89D-11(3) and Rules .0502 through .0511 in this Subchapter. The rules shall be grouped as follows:
  - (A) Group A: topics covered in Rules .0502, .0503, .0510, and .0511 in this Subchapter;
  - (B) Group B: topics covered in Rules .0504 and .0506 in this Subchapter;
  - (C) Group C: topics covered in Rules .0507 through .0509 in this Subchapter;
  - (D) Group D: topics covered in Rule .0505; and
- (2) "business credits" are defined as credits relating to general business practices, including business planning, contracts, liability exposure, human resources, basic accounting, financial statements, and safety.

~~(c) Beginning with renewals filed after August 1, 2022, a licensee shall obtain one technical credit in at least two groups described in Subparagraph (b)(1) of this Rule in each licensing year. A licensee shall obtain at least one technical credit in each of the distinct groups described in Subparagraph (b)(1) of this Rule during a consecutive three-year period.~~

~~(c)~~ CEUs shall be determined as follows:

Type of Qualifying Activity	Minimum time required for 1 CEU
Live course	50 minutes
Online course	50 minutes
Trade Shows, Field Days, and Tours	4 hours
Green Industry Board Member Service	5 hours maximum (3 technical and 2 business)
Teaching or instructing	1 hour
In-house or Green Industry training	1 hour
NC Landscape Contractors Licensing Board Service	5 hours maximum (3 technical and 2 business)

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~~(c)~~(d) No more than two CEU credits shall be given for qualifying teaching or instructing in one year.

1 ~~(e)~~ Credit shall not be given in increments of less than .5 CEUs. Breaks in courses shall not be counted towards  
2 CEU credit.

3 ~~(f)~~ Requests for pre-approval as set forth in Rule .0405 of this Subchapter shall be submitted at least 45 days prior  
4 to the first day of the course or event.

5 ~~(g)~~ All continuing education shall be taken in-person by the individual receiving credit.

6 ~~(h)~~ A licensee shall not take the same CEU course within two consecutive licensing years.

7 ~~(i)~~ A licensee licensed less than 12 months shall not be subject to continuing education requirements for the initial  
8 renewal date as set forth in this Rule.

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10 *History Note: Authority G.S. 89D-15(2); 89D-15(4); 89D-15(12); 89D-20(b);*

11 *Temporary Adoption Eff. January 1, 2016;*

12 *Eff. September 1, 2016;*

13 *Amended Eff. April 1, 2023; July 1, 2021; June 1, 2019.*