



NOTICE OF TEXT

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

OAH USE ONLY

VOLUME: 41

ISSUE: 10

CHECK APPROPRIATE BOX:

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☐

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: [Landscape Contractors' Licensing Board](#)

2. Link to agency website pursuant to G.S. 150B-19.1(c): <https://nclclb.com/>

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

☐ ADOPTION:

☐ AMENDMENT:

☒ REPEAL: [21 NCAC 28B .0406](#)

☒ READOPTION with substantive changes: [21 NCAC 28B .0101-.0104, .0202-.0204, .0301-.0303, .0402, .0404-.0405, .0501-.0502, .0504-.0508, .0511, .0601, .0701, .0801, .0901](#)

☒ READOPTION without substantive changes: [21 NCAC 28B .0401, .0403, .0503, .0509-.0510, .0802-.0804](#)

☐ REPEAL through READOPTION:

4. Proposed effective date: [04/01/2027](#)

5. Is a public hearing planned? [Yes](#)

If yes:

Date	Time	Location
12/07/2026	10:00 a.m.	2700 Wycliff Rd., Ste. 220, Raleigh, NC 27607

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

7. Explain Reason For Proposed Rule(s):

- .0101 – To provide name and location of Board
- .0102 – To establish process for setting meetings
- .0103 – To set requirements for supervision and display of license number
- .0104 – To establish escrow account procedures and reporting
- .0201 – To set forth the application process for initial licensure
- .0202 – To set forth the process for application for licensure by reciprocity
- .0203 – To set forth the process for application for licensure of military trained applicants and military spouses
- .0204 – To set forth the requirements to maintain current information with the Board
- .0301 – To set forth the process to renew a license
- .0302 – To set forth the process for application for reinstatement of licensure
- .0303 – To establish criteria for the qualifier associated with the license and use of assumed names
- .0401 – To set forth standards for continuing education
- .0402 – To establish continuing education requirements for licensure renewal
- .0403 – To establish standards for retention of continuing education records
- .0404 – To establish a process for requesting extension of time to complete continuing education as a result of an undue hardship
- .0405 – To establish application process for requesting approval as continuing education provider
- .0406 – To repeal rule promulgated for emergency extensions of continuing education requirements during the COVID pandemic
- .0501 – To establish minimum standards of ethics
- .0502 – To establish minimum standards of ethics related to planting
- .0503 - To establish minimum standards of ethics related to establishing natural turf
- .0504 - To establish minimum standards of ethics related to grading
- .0505 – To establish minimum standards of ethics related to design and consultation services
- .0506 – To establish minimum standards of ethics related to installing drainage systems and cisterns
- .0507 - To establish minimum standards of ethics related to installing low-voltage landscape lighting systems
- .0508 - To establish minimum standards of ethics related to installing retaining walls
- .0509 - To establish minimum standards of ethics related to paving
- .0510 - To establish minimum standards of ethics related to pruning
- .0511 - To establish minimum standards of ethics related to establishing wildflower, native grass, or no-mow seeding
- .0601 – To establish fees
- .0701 – To establish a complaint process
- .0801 – To establish a probable cause process following submission of complaint
- .0802 – To establish a process for conducting disciplinary hearings
- .0803 - To establish a process for issuance of subpoenas
- .0804 - To establish a process for issuance of summary suspensions
- .0901 - To establish a process for consideration of petitions for rulemaking

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: [A. Grant Simpkins](#)
Address: [2700 Wycliff Rd., Ste. 220, Raleigh, NC 27607](#)
[Raleigh, NC 27607](#)
Phone (optional): [984-459-8790](#)
Fax (optional):
EMail (optional) gsimpkins@hedrickgardner.com

10. Comment Period Ends: [01/20/2027](#)**11. Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

[No fiscal note required](#)

12. Rule-making Coordinator: Name: A. Grant Simpkins 919-341-2639 gsimpkins@hedrickgardner.com Agency contact, if any: Name: Phone: Email:	13. The Agency formally proposed the text of this rule(s) on Date: 10/21/2026
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21 NCAC 28B .0101 is proposed for readoption with substantive changes as follows:

SUBCHAPTER 28B – LICENSING BOARD RULES

SECTION .0100 – STATUTORY AND ADMINISTRATIVE PROVISIONS

21 NCAC 28B .0101 NAME AND LOCATION OF BOARD

(a) All communications shall be addressed to the North Carolina Landscape Contractors' Licensing Board ("Board") at 3901 Barrett Drive, Suite 202, Raleigh, North Carolina 27609. Applications and other information are available on the Board's website: www.ncclcb.com.

(b) The Board office is open from 9:00 a.m. until 5:00 p.m., Monday through Friday.

(c) The Board office is closed on State and Federal holidays.

*History Note: Authority G.S. ~~89D-14~~; 89D-15(1); 89D-15(2); 89D-15(13);
Temporary Adoption Eff. January 1, 2016;
Eff. September 1, ~~2016~~. 2016;
Readopted Eff. April 1, 2027.*

21 NCAC 28B .0102 is proposed for readoption with substantive changes as follows:

21 NCAC 28B .0102 MEETINGS

(a) Regular meetings of the Board ~~will~~ shall be held at the Board office or other location chosen by the Chairman. Additional meetings may be held at such other times and places as the Board deems necessary.

(b) The Board shall hold ~~an annual~~ a meeting every January. ~~in either January or February of each year~~. At that meeting, the Board shall elect a chairman, a vice chairman, a secretary-treasurer, and such other officers as may be deemed necessary by the Board.

*History Note: Authority G.S. 89D-14; 89D-15(2);
Temporary Adoption Eff. January 1, 2016;
Eff. September 1, 2016; 2016;
Readopted Eff. April 1, 2027.*

21 NCAC 28B .0103 is proposed for readoption with substantive changes as follows:

**21 NCAC 28B .0103 PRACTICE OF LANDSCAPE CONTRACTING; DISPLAY OF LICENSE
NUMBER**

(a) An individual who is "readily available to exercise supervision over the landscape construction and contracting work" as set forth in G.S. 89D-12(a) and G.S. 89D-17(f) is an individual who is physically located no more than 100 miles from where the construction or contract project is located or who is available electronically with the ability to view the construction or contract project.

(b) The contractor's license number, and corporate license number, if applicable, shall be displayed in accordance with G.S. 89D-12(e). License numbers displayed on vehicles used in the contractor's landscaping business shall be a minimum of one inch in height.

(c) A decal issued by the Board to the contractor shall be placed in a location visible to the public on all crew vehicles and supervisor vehicles used in the contractor's business. The decal is an adherable vehicle sticker bearing the Board's seal and the contractor's license expiration date.

~~(e)~~(d) In addition to the requirements of G.S. 89D-12(e), individual and corporate license numbers shall be included on all estimates and proposals.

~~(d)~~(e) All contracts, estimates, and proposals shall be signed by the contractor or his or her designee.

*History Note: Authority G.S. 89D-12(a) ~~and (e)~~; 89D-12(e); 89D-15(2); 89D-17(f);
Temporary Adoption Eff. January 1, 2016;
Eff. September 1, 2016;
Amended Eff. July 1, 2021; June 1, 2019, 2019;
Readopted Eff. April 1, 2027.*

21 NCAC 28B .0104 is proposed for readoption with substantive changes as follows:

21 NCAC 28B .0104 ANNUAL REPORTS

(a) On or before October 31 of each year, the Board shall prepare and file reports required pursuant to G.S. 93B-2.

The Board shall file reports in the manner requested by receiving agency or committee.

(b) The Board shall maintain an escrow account at ~~the~~ a financial institution used for deposits and checks. Fees tendered during a period of suspension under G.S. 93B-2(d) shall be deposited into this escrow account.

History Note: Authority G.S. 89D-15; 93B-2;

Eff. June 1, ~~2019~~. 2019;

Readopted Eff. April 1, 2027.

21 NCAC 28B .0202 is proposed for readoption with substantive changes as follows:

21 NCAC 28B .0202 RECIPROCITY

(a) All applicants for licensure by reciprocity shall submit an application to the Board. The application form shall be available on the Board website at <https://nclclb.com/licensing-2/reciprocity/> or may be obtained by contacting the Board ~~office located as described in Rule .0101 of this Subchapter.~~ office.

(b) All applications shall include the following:

- (1) The applicant's name, date of birth, residential address, phone number, and email address;
- (2) The name of the business under which licensee will be operating, if any, along with the business's address, phone number, website, and email address;
- ~~(1)(3)~~ The license by reciprocity application fee as set forth in Rule .0601 of this Subchapter;
- ~~(2)(4)~~ Documentation establishing that the qualifier for the applicant holds an active license, certification, or registration as a landscape contractor in another state or country;
- ~~(3)(5)~~ Information indicating whether the applicant or qualifier has any disciplinary history with any other occupational licensing, registration or certification ~~board~~ board, or agency;
- ~~(4)(6)~~ The surety bond or an irrevocable letter of credit as prescribed by G.S. 89D-16(a)(4);
- ~~(5)(7)~~ ~~Contact information for three personal references;~~ Three personal letters of reference;
- ~~(6)(8)~~ ~~Contact information for two professional references; and~~ Two professional letters of reference;
- ~~(7)(9)~~ Documentation regarding all crimes of which the applicant has been ~~convicted~~; convicted, if any;
- (10) The applicant's notarized signature to certify that:
 - (A) he or she has prepared and read the application;
 - (B) the information provided in the application is true;
 - (C) the applicant has read and understands the public notice statement on employee misclassification that is set forth in the application and has disclosed any investigations for employee misclassification, and its results, over the preceding two year period, as prescribed by G.S. 143-789; and
 - (D) he or she understands that false or fraudulent representation is grounds for denial, suspension, or revocation of a license certificate.

If there is any evidence to show that the applicant has committed any acts that would constitute a violation under G.S. 89D-22, the applicant shall not be licensed by reciprocity.

(c) Once an applicant has submitted a complete application and the Board has determined that the requirements for licensure, certification, or registration in the applicant's home jurisdiction are substantially equivalent to the requirements in G.S. 89D-16, the Board shall issue a license to the applicant.

(d) All applications shall be notarized. Incomplete applications shall not be processed. Application fees are non-refundable.

History Note: Authority G.S. 89D-15(2); 89D-15(3); 89D-15(4); 89D-16; 89D-19; 89D-22;

1 *Temporary Adoption Eff. January 1, 2016;*
2 *Eff. September 1, 2016;*
3 *Amended Eff. June 1, ~~2019~~ 2019;*
4 *Readopted Eff. April 1, 2027.*
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21 NCAC 28B .0203 is proposed for readoption with substantive changes as follows:

21 NCAC 28B .0203 MILITARY-TRAINED APPLICANT; MILITARY SPOUSE

(a) Licensure for a military-trained applicant. Upon receipt of a request for licensure pursuant to G.S. 93B-15.1 from a military-trained applicant, the Board shall issue a license to the applicant who satisfies the following conditions:

(1) submission of a complete application for licensure in accordance with Rule .0201 of this Section;
and

(2) ~~submission of an application fee in accordance with Rule .0601 of this Subchapter; and providing~~
documentation to satisfy conditions set out in G.S. 93B-15.1(a)(1), (2), and (3).

(3) ~~providing documentation to satisfy conditions set out in G.S. 93B-15.1(a)(1), (2) and (3).~~

(b) Licensure for a military spouse. Upon receipt of a request for licensure pursuant to G.S. 93B-15.1 from a military spouse, the Board shall issue a license to the applicant who satisfies the following conditions:

(1) submission of a complete application for licensure in accordance with Rule .0201 of this Section;

(2) ~~submission of an application fee in accordance with Rule .0601 of this Subchapter; submission of~~
written documentation demonstrating that the applicant is married to an active member of the U.S.
military; and

(3) submission of written documentation demonstrating that the applicant is married to an active member of the U.S. military; and providing documentation to satisfy conditions set out in G.S. 93B-
15.1(b)(1), (2), (3), and (4).

(4) ~~providing documentation to satisfy conditions set out in G.S. 93B-15.1(b)(1), (2), (3) and (4).~~

History Note: Authority G.S. 89D-15(2); 89D-15(4); ~~89D-21~~; 93B-15.1;

Temporary Adoption Eff. January 1, 2016;

Eff. September 1, 2016- 2016;

Readopted Eff. April 1, 2027.

21 NCAC 28B .0204 is proposed for readoption with substantive changes as follows:

21 NCAC 28B .0204 MAINTAIN CURRENT INFORMATION

(a) Every licensee shall keep the Board advised of the licensee's current mailing address, phone number, email address, and the name or names under which the licensee is practicing. If any change occurs, the licensee shall notify the Board in writing of the change within 30 days.

(b) Upon the dissolution of a professional relationship, the member or members thereof shall notify the Board in writing within 30 days concerning such ~~dissolution and~~ dissolution, of the succeeding business-~~status~~ status, and addresses of the individuals or firm.

(c) A licensee shall maintain a continuous surety bond coverage or an irrevocable letter of credit while the license is active. Within 5 days after the lapse of a surety bond or revocation of a letter of credit prescribed in G.S. 89D-16(a)(4), a licensee shall notify the Board in writing. If a licensee fails to renew the surety bond or obtain a new letter of credit within 30 days after the lapse or revocation, the license shall be revoked.

(d) Failure to notify the Board of the changes described in this Rule shall constitute a violation of G.S. 89D-22(a)(6).

History Note: Authority G.S. 89D-15(2), 89D-15(11); 89D-16(a)(4); 89D-17(h); 89D-22(a)(8);

Temporary Adoption Eff. January 1, 2016;

Eff. September 1, 2016;

Amended Eff. July 1, 2021. 2021;

Readopted Eff. April 1, 2027.

21 NCAC 28B .0301 is proposed for readoption with substantive changes as follows:

SECTION .0300 – LICENSE RENEWAL; REINSTATEMENT

21 NCAC 28B .0301 LICENSE RENEWAL; WAIVER

(a) All licensees seeking renewal shall submit annually to the Board a renewal ~~application~~ application that is available on the Board's website at <https://nclclb.com/licensing-2/license-renewal/individual-license-renewal-2/> or by contacting the Board office. The deadline for submission is August 1 ~~in~~ of the renewal year. Applications shall be postmarked or received by the Board no later than August 1. If August 1 falls on a Saturday or Sunday, the application shall be postmarked or received no later than the following Monday. The application form is available on the Board website or may be obtained by contacting the Board office.

(b) All renewal applications shall include the following:

- (1) The applicant's name, date of birth, residential address, phone number, and email address;
- (2) The name of the business under which licensee will be operating, if any, along with the business's address, phone number, website, and email address;
- ~~(1)(3)~~ (3) The license renewal fee set forth in Rule .0601 of this Subchapter;
- ~~(2)(4)~~ (4) Documentation showing that the licensee has met the Board's continuing education requirements as set forth in Section .0400 of this Subchapter. However, if the licensee was licensed by examination within the previous 12 months, the licensee is not required to submit evidence of continuing education; and
- ~~(3)(5)~~ (5) Documentation regarding all crimes of which the licensee has been convicted since the previous licensure or ~~renewal~~ renewal, if any; and
- (6) The applicant's signature to certify that:
 - (A) he or she has prepared and read the application;
 - (B) the information provided in the application is true;
 - (C) the applicant has read and understands the public notice statement on employee misclassification that is set forth in the application and has disclosed any investigations for employee misclassification, and its results, over the preceding two year period, as prescribed by G.S. 143-789; and
 - (D) he or she understands that false or fraudulent representation is grounds for denial, suspension, or revocation of a license certificate, if renewed.

(c) Incomplete applications shall not be processed. Renewal fees are non-refundable.

(d) An individual who is serving in the Armed Forces of the United States shall receive an extension of time to pay the license renewal fee upon submission of the following to the Board:

- (1) Written request for waiver; and
- (2) Documentation that the licensee is serving in the Armed Forces of the United States and is eligible for an extension of time to file a tax return pursuant to G.S. 105-249.2.

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History Note: Authority G.S. 89D-15(2); 89D-15(4); 89D-20; 93B-15; 105-249.2;
Temporary Adoption Eff. January 1, 2016;
Eff. September 1, 2016. 2016;
Readopted Eff. April 1, 2027.

21 NCAC 28B .0302 is proposed for readoption with substantive changes as follows:

21 NCAC 28B .0302 REINSTATEMENT

(a) All applicants for reinstatement under this Rule shall submit an application to the Board. The application form ~~shall~~ shall be available on the Board website at <https://nclclb.com/individual-license-reinstatement/> or may be obtained by contacting the Board office. The reinstatement application shall require the following:

- ~~(1)~~ The applicant's ~~home and business contact information including phone number and email address;~~
name, date of birth, residential address, phone number, and email address;
- ~~(2)~~ The name of the business under which licensee will be operating, if any, along with the business's address, phone number, website, and email address;
- ~~(2)(3)~~ Corporate surety bond or an irrevocable letter of credit as required by G.S. 89D-16(a)(4);
- ~~(3)(4)~~ Documentation showing that the licensee has met the Board's continuing education requirements as set forth in Section .0400 of this Subchapter;
- ~~(4)(5)~~ Documentation regarding all crimes of which the applicant has been convicted since the previous application or renewal was filed with the ~~Board;~~ Board, if any;
- ~~(5)(6)~~ Reinstatement, license renewal and renewal late fees in accordance with Rule .0601 of this Subchapter; and
- ~~(6)(7)~~ Attestation, by signature, that the licensee has not engaged in the practice of landscape construction or contracting after ~~revocation~~ revocation, and that all information supplied on the reinstatement application is true and accurate.

(b) Any licensee whose license is suspended for failure to obtain continuing education as required by G.S. 89D-20(b) and this Subchapter may request reinstatement pursuant to G.S. 89D-20(b).

History Note: Authority G.S. 89D-15(2); 89D-15(4); 89D-20;
Temporary Adoption Eff. January 1, 2016;
Eff. September 1, 2016- 2016;
Readopted Eff. April 1, 2027.

21 NCAC 28B .0303 is proposed for readoption with substantive changes as follows:

21 NCAC 28B .0303 QUALIFIER/QUALIFYING PARTY; USE OF ASSUMED NAME

(a) Each license shall have a person associated with the license who shall be deemed the "qualifier" or the "qualifying party." The qualifier shall be an individual who has passed the Board's examination in accordance with the Board's statutes and rules.

(b) If the license is an individual license, the qualifier shall be the same person as the person holding the individual ~~license name~~ license. If the licensee is a legal entity authorized under the Board's practice act, the qualifier shall be as follows:

(1) If a corporation, the qualifier shall be an officer or a full-time employee;

(2) If a limited liability company, the qualifier shall be a manager as defined in G.S. 57D-1-03 or a full-time employee;

(3) If a partnership, the qualifier shall be a general partner or full-time employee; and

(4) If the holder of an assumed or designated trade name, the qualifier shall be an owner of no less than 50 percent of the business or a full-time employee.

(c) If a qualifier ceases his or her relationship with ~~the licensee and a licensee~~, the qualifier and licensee shall notify the Board in writing within 30 days of the termination of the relationship. If pursuant to G.S. 89D-17(h) a license seeks additional time to acquire a qualifier, the licensee shall submit a written request to the Board. If more than 30 ~~120~~ days pass without a ~~qualifier~~ qualifier, and no written request for additional time is submitted, the license is automatically ~~suspended~~. suspended and the corporation, partnership, or person shall cease practicing landscape construction or contracting. If more than one year passes and the license is not renewed, the license shall be revoked pursuant to G.S. 89D-20.

(d) "Full-time employee" means a person who is paid a salary or wage and is engaged in the work of the licensee a minimum of 20 hours per week or a majority of the hours operated by the ~~applicant~~, licensee, whichever is less. A qualifier shall not be an independent contractor.

(e) Any applicant or licensee seeking to operate under an assumed name shall submit to the Board a Certificate of Assumed Name filed in accordance with Chapter 66, Article 14A of the General Statutes. Applications submitted to the Board on behalf of corporations, limited liability ~~companies~~ companies, and partnerships shall be accompanied by a copy of any documents required to be filed with the North Carolina Secretary of State's office, such as Articles of Incorporation or Certificate of Authority.

(f) All licensees shall comply with the requirements of G.S. 66-71.4 and shall notify the Board within 30 days of any change in the name in which the licensee is conducting business in the State of North Carolina.

(g) No applicant or licensee shall use or adopt an assumed name used by any other licensee, or any name so similar to an assumed name used by another licensee that could confuse or mislead the public.

History Note: Authority G.S. ~~66-71-4~~; 66-71.4; 89D-16; 89D-17; 89D-20;

Eff. June 1, 2019; 2019

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Readopted Eff. April 1, 2027.

21 NCAC 28B .0402 is proposed for readoption with substantive changes as follows:

21 NCAC 28B .0402 CONTINUING EDUCATION UNITS

(a) A licensee shall complete ~~in person~~ seven continuing education units (CEUs) in person 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 by the licensee or continuing education provider to the Board as required by this Section is unclear, the Board may request additional information from a licensee or continuing education provider 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) 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	1 hour
Teaching or instructing	1 hour
In-house or Green Industry training	1 hour
NC Landscape Contractors Licensing Board Service	1 hour

Green Industry Board members and NC Landscape Contractors Licensing Board members may earn no more than five hours per CE year (three technical credits and two business credits) for Green Industry or Landscape Licensing board service.

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

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

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

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

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

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

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

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

10 *Eff. September 1, 2016;*

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

12 *Readopted Eff. April 1, 2027.*

21 NCAC 28B .0404 is proposed for readoption with substantive changes as follows:

21 NCAC 28B .0404 EXTENSION OF TIME

(a) The Board shall grant a licensee an extension of time to complete CEU requirements during a period of service in the Armed Forces of the United States upon submission of the following to the Board:

- (1) Written request for an extension; and
- (2) Documentation that the licensee is serving in the Armed Forces of the United States and is eligible for an extension of time to file a tax return pursuant to G.S. 105-249.2.

(b) The Board shall grant a licensee an extension of time or waiver to obtain CEU requirements if he or she has a disability or illness that prevents him or her from complying with CEU requirements. In order to receive the waiver, a licensee shall provide the Board with the following:

- (1) Written request for waiver; and
- (2) Documentation that describes the disability or illness and explains how the disability or illness prevents the licensee from complying with the Board's CEU requirements. Documentation includes a letter from a licensed physician, nurse practitioner (NP), or physician assistant (PA).

(c) Where ~~on a case-by-case basis~~ the Board determines ~~that that~~, due to an undue hardship ~~(such as caused by active military service, natural disaster, or the illness of the licensee or the illness of family member) member~~, the licensee could not reasonably be expected to comply with the Board's CEU requirements, the licensee shall be granted an extension of time in which to obtain the required CEUs. To be considered for an extension of time, a licensee shall submit the following:

- (1) Written request for extension; and
- (2) Documentation that supports the reason for the extension.

(d) The Board shall grant a waiver of CEU requirements upon submission of documentation that a licensee is in active duty while serving in the Armed Forces and is or has been deployed for at least eight months during the twelve-month period during which CEUs were required.

(e) An extension granted under Paragraphs (b) or (c) of this Rule shall not exceed one year. Prior to the expiration of the ~~one year~~ one-year extension of time, a licensee may request an additional extension in accordance with this Rule.

History Note: Authority G.S. 89D-15(2); 89D-15(4); 89D-15(12); 89D-20(b); 93B-15; 105-249.2;

Temporary Adoption Eff. January 1, 2016;

Eff. September 1, 2016- 2016;

Readopted Eff. April 1, 2027.

21 NCAC 28B .0405 is proposed for readoption with substantive changes as follows:

21 NCAC 28B .0405 REQUESTS FOR APPROVAL

(a) ~~All requests for CEU approval shall include the following: All applicants for continuing education credit shall submit an application to the Board. The application form shall be available on the Board website at <https://nclclb.com/continuing-education/continuing-education-provider-information/> or may be obtained by contacting the Board office. The application shall be submitted at least 45 days prior to the date of the qualifying activity and shall require the following:~~

~~(1) — All applicants for continuing education credit shall submit an application to the Board. The application form shall be available on the Board website or may be obtained by contacting the Board office. The application shall require the following:~~

~~(i) — Applicant's contact information including phone number and email address;~~

~~(ii) — Name of business under which the applicant is operating;~~

~~(iii) — Type of qualifying activity in accordance with Rule .0402 of this Subchapter;~~

~~(iv) — Title of the qualifying activity;~~

~~(v) — Date(s) and time(s) of the qualifying activity;~~

~~(vi) — Complete address where the qualifying activity will be held;~~

~~(vii) — Qualifying activity registration information;~~

~~(viii) — Name of presenter(s) and credentials;~~

~~(ix) — Course agenda and supporting materials; and~~

~~(x) — Attestation, by signature, that the qualifying activity provider will maintain attendance records for this course for one year after the date of this course.~~

~~(2) — The number of Continuing Education Units (CEUs) requested; and~~

~~(3) — The Location, date(s), and time(s) of course, activity, or Landscape Contractor's Licensing Board meetings attended or to be attended.~~

(1) The applicant's name, mailing address, email address, and phone number, along with his or her license number, if any;

(2) Name of business under which the applicant is operating;

(3) Type of qualifying activity in accordance with Rule .0402 of this Subchapter;

(4) The course number previously assigned to the qualifying activity by the Board, if previously approved, and the title of the qualifying activity;

(5) Dates and times of the qualifying activity;

(6) The address where the qualifying activity will be held;

(7) Qualifying activity registration information and website address for the course;

(8) Name of presenters and credentials;

(9) Course agenda and supporting materials;

1 (10) Attestation, by signature, that the qualifying activity provider will maintain attendance records for
2 this course for one year after the date of this course;

3 (11) The number of CEUs requested and whether the applicant considers the course material to be
4 advanced, intermediate, or introductory;

5 (12) Whether the applicant is requested NCDA Pesticide License credit for the qualifying activity and,
6 if so, how many pesticide credit hours being requested; and

7 (13) A description of the course objectives and importance to a practitioner of landscape contracting,
8 along with any information covering the statutes and rules regulated by the Board.

9 (b) For live and online courses and teaching or instructing activity, in addition to the requirements of Paragraph (a)
10 of this Rule, all requests shall include the following:

11 (1) The course ~~title(s)~~ titles and a description of course content;

12 (2) The name and educational or professional credentials of the instructor;

13 (3) The duration of the course or activity; and

14 (4) An attestation that the course provider will maintain attendance records for one year after the date
15 of the course.

16 (c) For trade shows, field days, and tours, requests for approval shall, in addition to the requirements of Paragraph (a)
17 of this Rule, include materials or handouts promoting or obtained during the event.

18 (d) For in-house or Green Industry training, requests for approval shall include the following, in addition to the
19 requirements of Paragraph (a) of this Rule:

20 (1) A description of training provided; and

21 (2) The ~~name(s)~~ names of training instructors.

22 (e) For the purposes of this Rule, "Green Industry" is defined as greenhouse, nursery, floriculture, sod, Christmas tree
23 producers, and related industry trades.

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

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

27 *Eff. September 1, 2016- 2016;*

28 *Readopted April 1, 2027.*

21 NCAC 28B .0406 is proposed for repeal through readoption as follows:

**21 NCAC 28B .0406 EMERGENCY EXTENSIONS OF CONTINUING EDUCATION
REQUIREMENTS: LICENSED LANDSCAPE CONTRACTORS**

*History Note: Authority G.S. 89D-15(2); 89D-15(4); 89D-15(12); 89D-20(b);
Emergency Adoption Eff. April 16, 2020;
Temporary Adoption Eff. June 26, 2020;
Eff. April 1, ~~2021~~. 2021;
Repealed April 1, 2027.*

21 NCAC 28B .0501 is proposed for readoption with substantive changes as follows:

SECTION .0500 - MINIMUM STANDARDS

21 NCAC 28B .0501 GENERAL

(a) Prior to commencing work, services performed by a licensed landscape contractor (~~"licensed contractor"~~) that exceed five thousand dollars (\$5,000) in value shall be described in a written agreement. This agreement may be authored by either party and shall contain:

- (1) The business name, license number, business address, and telephone number of the licensed contractor;
- (2) The name and address of client or customer;
- (3) The address or location of work to be performed, if different from the client or customer's address;
- (4) The date of the proposal;
- (5) The description of the work to be performed;
- (6) The total value in lump sum, unit price, or time and material price;
- (7) The estimated time of completion unless already identified in an original prime contract, if applicable;
- (8) The terms of payment;
- (9) The terms of warranty, (~~if any~~); if any;
- (10) The terms of maintenance, including the party responsible for maintenance;
- (11) The signatures of all parties by individuals legally authorized to act on behalf of the parties;
- (12) Affixation of a seal described in G.S. 89D-12(d) or a statement that the licensed contractor is licensed by the Board and the current address and phone number of the Board; and
- (13) The date of signing.

Contracts that are lump sum and have no breakout of cost for services that are either covered or noncovered under G.S. 89D-11 through G.S. 89D-13 shall be inclusive of covered services under G.S. 89D-13(5).

(b) All work performed by a licensed contractor shall meet all applicable building codes, local ordinances, and project specifications. All work performed by a licensed contractor shall meet manufacturer's specifications.

(c) If project plans or specifications prepared by someone other than the licensed contractor do not meet pertinent codes and ordinances, the licensed contractor shall bring this to the attention of the client or customer.

(d) If the licensed contractor observes a condition while ~~the work is being performed~~ providing landscape contracting services that requires attention beyond the original scope of work, the contractor shall report the condition to a supervisor, the owner, or the person responsible for authorizing the work. If project plans or specifications change, the licensed contractor shall notify the client or customer in writing before implementing the change.

(e) The licensed contractor shall call for utility location services pursuant to the Underground Utility Safety and Damage Prevention Act, G.S. 87-115 et seq., also known as the N.C. 811 law.

(f) The licensed contractor shall maintain a worksite that meets state and local standards for a safe workplace.

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History Note: Authority G.S. 89D-13(5); 89D-15(2); 89D-15(16);
Temporary Adoption Eff. January 1, 2016;
Eff. September 1, 2016;
Amended Eff. June 1, ~~2019~~ 2019;
Readopted Eff. April 1, 2027.

21 NCAC 28B .0502 is proposed for readoption with substantive changes as follows:

21 NCAC 28B .0502 PLANTING

When planting, the licensed contractor shall:

- (1) Avoid potential planting conflicts with utilities and sight ~~lines~~. lines;
- (2) Protect plant material from physical damage and desiccation during ~~transport~~. transport;
- (3) Maintain plants during landscape ~~construction~~. construction;
- (4) Consider the cultural requirements of individual ~~plants~~. plants;
- (5) Excavate the plant hole sufficiently to ensure plant establishment and to promote long-term health, typically two times the width of the plant ball or container ~~size~~. size;
- (6) Scarify the sidewalls of the planting ~~pit~~. pit;
- (7) Set plants in an upright, plumb position, unless design intent dictates ~~otherwise~~. otherwise;
- (8) Set plants on a firm, solid ~~base~~. base;
- (9) Remove all strings, twine, and strapping from around the trunk of ~~trees~~. trees;
- (10) Remove the top third to top half of burlap or other wrapping material from the rootball of balled and burlapped ~~trees~~. trees;
- (11) Remove top third to top half of wire baskets on balled and burlapped trees or bend basket wire back to be flush with the side of the ~~ball~~. ball;
- (12) Set the plant so that the top of rootball is at or slightly above surrounding soil and does not exceed four inches above the surrounding ~~soil~~. soil;
- (13) Prior to planting, insure that the trunk flare of a tree is not covered with soil, is at or above the surrounding finished grade, and that no soil has been placed on top of the ~~rootball~~. rootball;
- (14) Prior to planting containerized plants, manage the rootball to mitigate problems such as circling roots. Acceptable mitigation methods shall include slicing the rootball, shaving the rootball, or redirecting ~~roots~~. roots;
- (15) Utilize backfill soil that is similar to the soil at the planting site or is amended to meet a specific landscaping ~~objective~~. objective;
- (16) Not firm backfill to a density that inhibits root ~~growth~~. growth;
- (17) Install backfill soil in such a manner that it is settled in layered sections to limit future ~~settling~~. settling;
- (18) Not utilize screened soil as the sole material for ~~backfill~~. backfill;
- (19) When mulching plants, maintain a mulch depth that is beneficial to the health of the ~~plants~~. plants;
- (20) When mulch is applied, apply mulch so that it does not touch a tree trunk or root ~~flare~~. flare;
- (21) Water plants thoroughly and immediately after planting in accordance with the needs of the ~~plant~~. plant;
- (22) Notify client of his or her responsibility to water plants following ~~installation~~. installation;
- (23) Stake trees only when required due to high winds, extreme slopes, or soft ~~soils~~; soils, as follows:

- 1 (a) If trees are staked, the guys shall not be installed so as to provide pressure on the ~~trunk~~.
2 trunk; and
3 (b) Guys in contact with the tree shall be of a material that will not damage the ~~tree~~. tree;
4 (24) Provide plants that are true to name and ~~species~~. species;
5 (25) Provide plants that are healthy and in good ~~condition~~. condition;
6 (26) Prune any broken ~~limbs~~. limbs;
7 (27) Prune co-dominant leaders in shade trees that typically have dominant ~~leaders~~. leaders; and
8 (28) If a condition is observed while the work is being performed that is detrimental to the long-term
9 health of the plant, the condition shall be reported to the customer or client, a supervisor, the owner,
10 or person responsible for authorizing the work.
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12 *History Note: Authority G.S. 89D-15(2); 89D-15(16);*
13 *Temporary Adoption Eff. January 1, 2016;*
14 *Eff. September 1, 2016; 2016;*
15 *Readopted Eff. April 1, 2027.*
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21 NCAC 28B .0504 is proposed for readoption with substantive changes as follows:

21 NCAC 28B .0504 FINISH GRADE

When grading, the licensed contractor shall:

- (1) Grade the surface such that the finish grade is smooth and free of depressions and debris;
- (2) ~~Insure~~ Ensure positive water flow through the site, away from structures, and in such a manner that there is no puddling or ponding; and
- (3) Comply with all applicable local and national building codes and ordinances regarding slopes and drainage.

*History Note: Authority G.S. 89D-15(2); 89D-15(16);
Temporary Adoption Eff. January 1, 2016;
Eff. September 1, 2016. 2016;
Readopted Eff. April 1, 2027.*

21 NCAC 28B .0505 is proposed for readoption with substantive changes as follows:

21 NCAC 28B .0505 DESIGN AND CONSULTATION

(a) The licensed contractor shall be permitted to perform ~~work~~ design and consultation services as defined in G.S. 89D-11(3) and G.S. 89D-12 on the following project sites:

- (1) A single family residential project of any size;
- (2) A non-single family project under one acre in total area;
- (3) A residential, institutional, or commercial project over one acre in total area that involves only planting and mulching; and
- (4) Any other project not prohibited by, or specifically exempted from, the provisions of G.S. 83A, G.S. 89A, or G.S. 89C.

(b) Additionally, the licensed contractor shall:

- (1) Obtain direct knowledge of site conditions by visiting the site;
- (2) ~~Insure~~ Ensure that designs meet all applicable state and local codes and standards; and
- (3) Consider the cultural requirements of individual plants.

*History Note: Authority G.S. 89D-11(3); ~~89D-12~~; 89D-15(2); 89D-15(16);
Temporary Adoption Eff. January 1, 2016;
Eff. September 1, ~~2016~~; 2016;
Readopted Eff. April 1, 2027.*

21 NCAC 28B .0506 is proposed for readoption with substantive changes as follows:

21 NCAC 28B .0506 DRAINAGE SYSTEMS AND CISTERNS

Licensed contractors shall:

- (1) Install drainage systems and cisterns in accordance with state and local codes and ordinances;
- (2) Install drainage conveyances in such a way that there is a positive flow;
- (3) Install drainage systems with measures that allow cleaning of the system;
- (4) Install drainage systems with adequate structural integrity so as to prevent crushing of the drainage system;
- (5) Install French drain systems to drain to daylight or into existing storm drainage; and
- (6) ~~Insure~~ Ensure that cisterns and closed drywells include an overflow outlet.

*History Note: Authority G.S. 89D-15(2); 89D-15(16);
Temporary Adoption Eff. January 1, 2016;
Eff. September 1, 2016- 2016;
Readopted Eff. April 1, 2027.*

21 NCAC 28B .0507 is proposed for readoption with substantive changes as follows:

21 NCAC 28B .0507 LOW-VOLTAGE LIGHTING; POOLS

(a) When installing low-voltage landscape lighting systems, the licensed contractor shall:

- (1) ~~Insure~~-Ensure that all wire connections are waterproof;
- (2) Only use weather-proof fixtures;
- (3) Supply lamps per the manufacturer's specifications with all fixtures;
- (4) Ensure that the total lamp wattage of each circuit does not exceed the National Electrical Code (NEC) standard for the size of wire being used;
- (5) Not load a wire to more than 80 percent of the wire's capacity;
- (6) Connect all exterior low-voltage wiring to a ground fault circuit interrupter (GFCI) circuit;
- (7) Mount transformers a minimum of 18 inches above grade;
- (8) Perform a post-installation inspection to verify that the lighting system is fully operational as intended per the manufacturer's recommendations; and
- (9) Provide literature to the client about the lighting components that lists lamps per the manufacturer's specifications for fixtures.

(b) All garden pools shall be installed in accordance with state and local codes. A garden pool is an ornamental water feature that is not defined as a swimming pool under any state or local code.

*History Note: Authority G.S. 89D-15(2); 89D-15(16);
Temporary Adoption Eff. January 1, 2016;
Eff. September 1, 2016;
Amended Eff. June 1, 2019, 2019;
Readopted Eff. April 1, 2027.*

21 NCAC 28B .0508 is proposed for readoption with substantive changes as follows:

21 NCAC 28B .0508 WALLS

(a) When installing retaining walls, the licensed contractor shall:

- (1) Adhere to all pertinent building codes;
- (2) Adhere to all NC Department of Insurance requirements regarding the construction of retaining walls which are hereby incorporated by reference and can be found at www.ncosfm.gov/codes free of charge;
- (3) Adhere to manufacturer's or design ~~professionals~~ professional's specifications;
- (4) Bury the first course of a retaining wall;
- (5) Not construct dry-laid stone walls of a height more than 3 feet above grade;
- (6) Include a subdrain system that is constructed and sized to release the subsurface water behind the wall and not allow hydrostatic pressure to build behind the wall;
- (7) Construct on a level, well-compacted base of granular material at least 6 inches deep;
- (8) Place backfill behind retaining walls in lifts no greater than 6 inches before compacted (~~each lift shall be well-compacted~~); and ensure that each lift well-compacted;
- (9) Prevent excessive runoff from passing over a retaining wall;
- (10) Construct vertically-set timber walls with above-ground heights equal to or less than the depth of timbers below grade;
- (11) Install deadmen every fourth course on 8 feet centers when constructing horizontally-set timber retaining walls with staggered joints;
- (12) Stagger the joints when constructing dry-laid stone walls. If successive vertical joints occur, the licensed contractor shall avoid running vertical joints more than two courses; and
- (13) Assure that segmental walls meet the manufacturer's specifications.

(b) When installing retaining walls of dry-laid stone or concrete rubble, the licensed contractor shall:

- (1) Construct the wall no higher than 3 feet above grade; and
- (2) Stagger the joints when constructing a dry-laid stone wall.

(c) When installing freestanding walls, the licensed contractor shall:

- (1) Install footings for masonry and cast-in-place concrete freestanding walls of reinforced concrete. The top of the footing shall be at least 1 foot below ~~grade~~. grade;
- (2) Reinforce freestanding walls as needed to prevent displacement from wind ~~loads~~. loads;
- (3) Ensure that moisture is prevented from entering a cavity wall during ~~construction~~. construction; and
- (4) Ensure that segmental wall construction meets segmental wall manufacturer's specifications.

*History Note: Authority G.S. 89D-15(2); 89D-15(16);
Temporary Adoption Eff. January 1, 2016;
Eff. September 1, 2016;*

- 1 *Amended Eff. July 1, ~~2021~~, 2021;*
- 2 *Readopted Eff. April 1, 2027.*

21 NCAC 28B .0511 is proposed for readoption with substantive changes as follows:

21 NCAC 28B .0511 WILDFLOWER, NATIVE GRASS, AND NO-MOW SEED ESTABLISHMENT

When establishing wildflower, native grass, or no-mow seeding, a licensed contractor shall:

- (1) Prior to construction, inform the owner or construction manager of the time required to establish native bunch grasses and forbs from seed and whether this time is compatible with the construction ~~schedule.~~ schedule;
- (2) Confirm the suitability of the specified seed for the project as determined by the land, soil type, and sun/shade ~~exposure.~~ exposure;
- (3) Select seed that is regionally appropriate and of the geographic ecotype for the location of the project by following the recommended seeding rate from the ~~supplier.~~ supplier;
- (4) Use pure live seed (PLS) rates for seeding. If bulk seed is utilized, adjust the rates ~~accordingly.~~ accordingly;
- (5) Use a temporary cover, nurse crop, or mulch that is non-allelopathic and seasonally appropriate when ~~seeding.~~ seeding;
- (6) Use highest seed rates on slopes greater than 30 degrees or when a dormant seeding schedule is ~~utilized.~~ utilized; and
- (7) Employ a seeding method that buries seed less than one-quarter inch in depth, and cultipack or roll after seed distribution.

*History Note: Authority G.S. 89D-15(2); 89D-15(16);
Temporary Adoption Eff. January 1, 2016;
Eff. September 1, 2016. 2016;
Readopted Eff. April 1, 2027.*

21 NCAC 28B .0601 is proposed for readoption with substantive changes as follows:

SECTION .0600 - FEES

21 NCAC 28B .0601 FEE SCHEDULE

(a) The Board shall charge the following fees:

- (1) Application: \$75.00;
- (2) Examination: \$150.00;
- (3) Individual license fee: \$100.00;
- (4) Corporate license fee: \$100.00;
- (5) License renewal: \$100.00;
- (6) Late renewal: \$25.00;
- (7) Individual license reinstatement: \$100.00;
- (8) Corporate license reinstatement: \$100.00;
- (9) License by reciprocity: \$100.00; and
- (10) Duplicate license: \$25.00.

(b) If the Board elects to use a testing service for the preparation, administration, or grading of examinations, the Board shall charge the applicant the actual cost of the examination services and a prorated portion of the examination fee.

(c) The late renewal and reinstatement fees shall be imposed for renewal applications submitted after August 1. All licenses shall expire on August 1 unless renewed.

(d) All fees charged by the Board are non-refundable. If an applicant fails to appear for a scheduled examination, his or her examination fee shall not be credited toward any subsequently scheduled examination.

History Note: Authority G.S. 89D-15(2); 89D-15(10); 89D-21;
Temporary Adoption Eff. January 1, 2016;
Eff. September 1, 2016;
Amended Eff. June 1, 2021, June 1, 2019: 2019;
Readopted Eff. April 1, 2027.

21 NCAC 28B .0701 is proposed for readoption with substantive changes as follows:

SECTION .0700 - COMPLAINTS; INVESTIGATIONS

21 NCAC 28B .0701 COMPLAINTS; INVESTIGATIONS

(a) All complaints filed with the Board shall be filed either on a form provided by the Board or via the Board's online complaint process at ~~www.ncelb.com~~. <https://ncclcb.com/statutes-and-rules/complaint-information/>. All complaints must contain the following information:

- (1) Date of alleged violation;
- (2) Contact information for licensee/unlicensed contractor;
- (3) Contractor license number, if known;
- (4) Complainant name and contact information;
- (5) Address where alleged ~~violation(s)~~ violations occurred;
- (6) Description of work performed;
- (7) Copy of written contract; and
- (8) Attestation, by signature, that information provided is true and accurate to the best of complainant's knowledge.

The Board will not investigate anonymous complaints. Incomplete complaints will not be investigated.

(b) Upon completion of the investigation, the investigator's report will be forwarded to ~~a designated Board member~~ the Board's Disciplinary Review Committee and Board staff, who will make a recommendation, based upon whether the investigation produces evidence of a violation of G.S. 89D-22 through 24 G.S. 89D-24 or the rules of this Subchapter, to the full Board as to whether the case should be dismissed or whether further action by the Board is warranted.

*History Note: Authority G.S. 89D-15(2); 89D-15(6); 89D-15(7);
Temporary Adoption Eff. January 1, 2016;
Eff. September 1, 2016- 2016;
Readopted Eff. April 1, 2027.*

21 NCAC 28B .0801 is proposed for readoption with substantive changes as follows:

SECTION .0800 - HEARINGS PROCESS; SUMMARY SUSPENSION

21 NCAC 28B .0801 PROBABLE CAUSE

Upon a determination by Board staff and the Board's Disciplinary Review Committee that there is probable cause to believe a ~~violation of~~ licensed contractor violated G.S. 89D or the rules of this Subchapter exists, the Board shall issue a Notice of Hearing pursuant to G.S. 150B-38(b) and (c). Any party served with a Notice of Hearing may file a written response pursuant to G.S. 150B-38(d).

History Note: Authority G.S. 89D-15(2); 89D-15(7); 89D-15(8); 150B-38;

Temporary Adoption Eff. January 1, 2016;

Eff. September 1, ~~2016~~. 2016;

Readopted Eff. April 1, 2027.

21 NCAC 28B .0901 is proposed for readoption with substantive changes as follows:

SECTION .0900 – RULEMAKING

21 NCAC 28B .0901 RULEMAKING PETITION

(a) Any person may petition the Board to adopt a rule by submitting to the Board a written request that shall include the following:

- (1) Petitioner's contact information including phone number and email address;
- (2) Proposed rule, proposed amendment, or rule to be repealed; and
- (3) An explanation of why the proposed adoption, amendment or repeal is being requested.

The request shall be submitted in writing to the Board ~~office as set out in 21 NCAC 28B .0101~~ office.

(b) The Board shall consider a petition at its next regularly scheduled meeting unless the petition is filed less than 15 days prior to such meeting. If a petition is filed less than 15 days prior to the next regularly scheduled Board meeting, the Board shall consider the petition at the next subsequent Board meeting. In all cases, the Board shall make its decision within the timeframe set out in G.S. 150B-20(b).

(c) If the Board denies a petition, a copy of the decision shall be served upon the petitioner by one of the methods for service of process under G.S. 1A-1, Rule 5(b). If service is by registered, certified, or first-class mail, by signature confirmation as provided by the United States Postal Service, or by designated delivery service authorized pursuant to 26 U.S.C. 7502(f)(2) with delivery receipt, the copy shall be addressed to the petitioner at the latest address given by the petitioner to the Board. Service by one of the additional methods provided in G.S. 1A-1, Rule 5(b), is effective as provided therein and shall be accompanied by a certificate of service as provided in G.S. 1A-1, Rule 5(b)(1).

History Note: Authority G.S. 150B-20;
Eff. June 1, 2019; 2019;
Readopted Eff. April 1, 2027.