

entitled to a credit for the employee's 50 percent share of such fee against the award;

- (3) ~~two hundred dollars (\$200.00) for the processing of a I.C. Form MSC5, Report of Mediator, to be paid 50 percent by the employee and 50 percent by the employer(s) or the employer's carrier(s). The employer(s) or the employer's carrier(s) shall pay such fee in full upon receipt of an invoice from the Commission and, unless the parties agree otherwise, shall be reimbursed for the employee's share of such fees when the case is concluded from any compensation that may be determined to be due to the employee. The employer(s) or the employer's carrier(s) may withhold funds from any award for this purpose; and~~
- (4) ~~a fee equal to the filing fee required to file of a civil action in the Superior Court division of the General Court of Justice for the processing of a Form 33I Intervenor's Request that Claim be Assigned for Hearing, to be paid by the intervenor.~~

~~(a) (Effective July 1, 2015)~~ **(Effective until July 1, 2021)** In workers' compensation cases, the Commission sets the following fees:

- (1) ~~four hundred dollars (\$400.00)~~ four hundred thirty dollars (\$430.00) for the processing of a compromise settlement agreement to be paid 50 percent by the employee and 50 percent by the employer(s) or the employer's carrier(s). The employer(s) or the employer's carrier(s) shall pay such fee in full when submitting the agreement to the Commission and, unless the parties agree otherwise, shall be entitled to a credit for the employee's 50 percent share of such fee against settlement proceeds;
- (2) two hundred dollars (\$200.00) for the processing of a I.C. Form MSC5, Report of Mediator, to be paid 50 percent by the employee and 50 percent by the employer(s) or the employer's carrier(s). The employer(s) or the employer's carrier(s) shall pay such fee in full upon receipt of an invoice from the Commission and, unless the parties agree otherwise, shall be reimbursed for the employee's share of such fees when the case is concluded from any compensation that may be determined to be due to the employee. The employer(s) or the employer's carrier(s) may withhold funds from any award for this purpose; and
- (3) a fee equal to the filing fee required to file of a civil action in the Superior Court division of the General Court of Justice for the processing of a Form 33I Intervenor's Request that Claim be Assigned for Hearing, to be paid by the intervenor.

(a) (Effective July 1, 2021) In workers' compensation cases, the Commission sets the following fees:

- (1) four hundred dollars (\$400.00) for the processing of a compromise settlement agreement to be paid 50 percent by the employee and 50 percent by the employer(s) or the employer's carrier(s). The employer(s) or the employer's carrier(s) shall pay such fee in full when submitting the agreement to the Commission and, unless the parties agree otherwise, shall be entitled to a credit for the employee's 50 percent share of such fee against settlement proceeds;
- (2) two hundred dollars (\$200.00) for the processing of a I.C. Form MSC5, Report of Mediator, to be paid 50 percent by the employee and 50 percent by the employer(s) or the employer's carrier(s). The employer(s) or the employer's carrier(s) shall pay such fee in full upon receipt of an invoice from the Commission and, unless the parties agree otherwise, shall be reimbursed for the employee's share of such fees when the case is concluded from any compensation that may be determined to be due to the employee. The employer(s) or the employer's carrier(s) may withhold funds from any award for this purpose; and
- (3) a fee equal to the filing fee required to file of a civil action in the Superior Court division of the General Court of Justice for the processing of a Form 33I Intervenor's Request that Claim be Assigned for Hearing, to be paid by the intervenor.

(b) In tort claims cases, the filing fee is an amount equal to the filing fee required to file a civil action in the Superior Court division of the General Court of Justice.

Authority G.S. 7A-305; 97-17; 97-26(i); 97-73; 97-80; 143-291.2; 143-300; S.L 2014-77; S.L. 2017-57.

TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 06 – BOARD OF BARBER EXAMINERS

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Barber Examiners intends to amend the rules cited as 21 NCAC 06L .0103 and .0119.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncbarbers.com/news.html>

Proposed Effective Date: *March 1, 2018*

Public Hearing:

Date: *November 30, 2017*

Time: *10:00 a.m.*

Location: 5809 Departure Drive, Suite 102, Raleigh, NC 27616

Reason for Proposed Action: *The two amendments eliminate the requirement to have certain ceiling finishes in barbershops.*

Comments may be submitted to: *Dennis Seavers, North Carolina Board of Barber Examiners, 5809 Departure Drive, Suite 102, Raleigh, NC 27616; phone (919) 981-5210 x22; fax (919) 981-5068; email dseavers@ncbarbers.com*

Comment period ends: *January 16, 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

SUBCHAPTER 06L - BARBER SHOPS

21 NCAC 06L .0103 EQUIPMENT

- (a) Each barber shall have a cabinet for barbering equipment. The cabinets shall be constructed of material that may be cleaned.
- (b) Each shop shall have smooth finished ~~walls, ceilings,~~ walls and floors, with no exposed pipes.
- (c) Each barber chair shall be covered with a smooth, non-porous surface, such as vinyl or leather, which is easily cleaned as required by G.S. 86A-15(a)(2)(c).
- (d) Each shop shall have within the shop or building functioning toilet facilities for employees and patrons.
- (e) Each barber shop shall have a cabinet, or other method of storage, such that clean towels are stored separate from used towels.
- (f) In addition to the requirements of Paragraph (d) of this Rule, barber shops that are permitted on or after January 1, 1995 or undergo structural renovations after that date, shall have within the shop or building a hand-washing sink or lavatory for patrons with hot and cold water, soap, and disposable towels.

(g) Where a barber shop is located within a shop licensed by the North Carolina Board of Cosmetic Art Examiners, the toilet facility and sink may be shared with the cosmetology shop.

(h) Paragraphs (a), (d), and (f) of this Rule do not apply to barber shops operated by the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice.

(i) All equipment and tools used in the practice of barbering as set forth in G.S. 86A-2 shall be suitable for the safe cutting of hair and shall be maintained in a sanitary and good operating condition as required by ~~G.S. 86A-15(a)(2);~~ G.S. 86A-15(a)(2).

Authority G.S. 86A-2; 86A-15.

21 NCAC 06L .0119 SYSTEMS OF GRADING BARBER SHOPS AND BARBER SCHOOLS

The system of grading the sanitary rating of all barber shops and schools shall be as follows, setting forth areas to be inspected, and the maximum points given for compliance. In cases where barber shops or schools are exempt from specific rules cross-referenced below, the barber shop or school shall receive the maximum points for that listing:

- (1) whether the entrance and waiting area are sanitary 2;
- (2) whether there is a water system with hot and cold running water and plumbing or a septic system for removal of sewage 2;
- (3) whether the ~~walls, ceiling,~~ walls and floors:
 - (a) comply with 21 NCAC 06F .0101(b)(8) for barber schools or 21 NCAC 06L .0103(b) for barber shops 9;
 - (b) are sanitary 7;
- (4) whether the barber shop or school is well-lighted and well-ventilated, with sanitary windows, fixtures, and ventilation surfaces 3;
- (5) whether the public toilet or lavatories:
 - (a) are sanitary and well-ventilated 5;
 - (b) have soap and individual towels 5;
 - (c) have hot and cold running water 2;
- (6) whether each person working as a barber is sanitary in person and dress 1;
- (7) for towels and linens:
 - (a) whether there is a supply of sanitary towels 2;
 - (b) whether clean towels are stored separately as set forth in 21 NCAC 06F .0101(b)(12) for barber schools or 21 NCAC 06L .0103(e) for barber shops 3;
 - (c) whether barbers have a sanitary hair cloth or cape for clients 1;
- (8) whether there is a soiled towel receptacle that meets the requirements set forth in G.S. 86A-15(a)(2)(d) 4;
- (9) for tools and instruments:
 - (a) whether disinfectants used by the barber shop or school are selected from those approved by the federal Environmental Protection Agency 4;

PROPOSED RULES

- (b) whether disinfectants are used according to manufacturer instructions 4;
(c) whether all implements are cleaned and disinfected and, when not in use, stored in a tool cabinet as set forth in 21 NCAC 06F .0101(b)(11) for barber schools or 21 NCAC 06L .0103(a) for barber shops 8;
(10) for working areas:
(a) whether the work stand is sanitary 3;
(b) whether sinks are sanitary 2;
(c) whether jars and containers are sanitary and disinfected 1;
(d) whether the work area is free from equipment that is unnecessary to provide barbering services, and whether articles in the work area are sanitary 1;
(11) whether the license, permit, or certificate of registration is current and posted as set forth in G.S. 86A-16 10;
(12) whether the sanitary rules and regulations are posted in a conspicuous place as set forth in G.S. 86A-15(b) 1;
(13) whether there are sterilizing containers and solutions that are used according to manufacturer instructions 20.

21 NCAC 12 .0202 Update several specialty classifications
21 NCAC 12 .0204 Update internal code references and the manner in which audited financial statements are provided to the Board
21 NCAC 12 .0205 Update application process to comply with amended G.S. 87-10
21 NCAC 12 .0207 Update requirements of a licensed joint venturer
21 NCAC 12 .0208 Update formatting
21 NCAC 12 .0211 Clarify the definition of "multiunit buildings"
21 NCAC 12 .0301 Unnecessary
21 NCAC 12 .0302 Unnecessary
21 NCAC 12 .0303 Clarify the application process
21 NCAC 12 .0304 Clarify fees currently charged to applicants and licensees
21 NCAC 12 .0305 Unnecessary
21 NCAC 12 .0402 Unnecessary
21 NCAC 12 .0404 Clarify grade needed to pass exam for licensure
21 NCAC 12 .0408 Unnecessary (some information moved into another rule)
21 NCAC 12 .0410 Unnecessary (addressed in rule .0404)
21 NCAC 12 .0501 Clarify status of license if a corporate licensee dissolves corporation
21 NCAC 12 .0502 Update to conform with requirements of G.S. 93B
21 NCAC 12 .0503 Clarify the renewal process
21 NCAC 12 .0504 Clarify the process re: increasing license limitation
21 NCAC 12 .0505 Inform licensees & qualifiers of requirement to maintain current information with Board
21 NCAC 12 .0506 Update to comply with other statutes
21 NCAC 12 .0701 Update the complaint filing process (complaints against licensees)
21 NCAC 12 .0702 Update the complaint filing process (complaints against unlicensed contractors)
21 NCAC 12 .0703 Clarify the outcome of fees paid on an account with insufficient funds
21 NCAC 12 .0817 Unnecessary (process set out in G.S. 150B)
21 NCAC 12 .0818 Update the process for an aggrieved person to request a hearing before the Board
21 NCAC 12 .0820 Update the process when the Board issues a Notice of Hearing
21 NCAC 12 .0826 Clarify hearing process if a party fails to appear
21 NCAC 12 .0827 Update the subpoena rule to reference NC Rule Civ P 45
21 NCAC 12 .0829 Clarify the process for issuing final decisions after a board hearing
21 NCAC 12 .0830 Clarify the process for issuing final decisions after a hearing before an ALJ

Authority G.S. 86A-5(a)(1); 86A-15; 86A-16.

CHAPTER 12 – STATE LICENSING BOARD FOR GENERAL CONTRACTORS

Notice is hereby given in accordance with G.S. 150B-21.2 that the State Licensing Board for General Contractors intends to adopt the rules cited as 21 NCAC 12 .0304, .0404, amend the rules cited as 21 NCAC 12 .0101, .0103, .0202, .0204, .0205, .0207, .0208, .0211, .0303, .0501-.0506, .0701-.0703, .0818 .0820, .0826, .0827, .0829, .0830, and repeal the rules cited as 21 NCAC 12 .0301, .0302, .0305, .0402, .0408, .0410, and .0817.

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

Proposed Effective Date: April 1, 2018

Public Hearing:

Date: December 13, 2017

Time: 9:00 a.m.

Location: 5400 Creedmoor Rd, Raleigh, NC 27612

Reason for Proposed Action:

21 NCAC 12 .0101 Clarify the commonly-used name of the Board and update the mailing address

21 NCAC 12 .0103 Clarify the title of senior staff and the manner in which the Board conducts meetings

Comments may be submitted to: Frank Wiesner, North Carolina Licensing Board for General Contractors, 5400 Creedmoor Rd, Raleigh, NC 27612; phone (919) 571-4183; fax (919) 571-4703; email Frank.Wiesner@nclbgc.org