



**NORTH CAROLINA LICENSING BOARD
FOR GENERAL CONTRACTORS**

NCCLiC
NC Contractors Licensing Central
Get started at NCCLiC.org

North Carolina Licensing Board for General Contractors

NCLBGC 101: What Licensed General Contractors Need to Know 2022

Student Guide

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Module 1: Welcome and Introduction

Instructor's Name: _____

Course Goal

Upon completion of today's mandatory course, you will:

- Understand how NCLBGC laws and rules impact the licensee's ability to maintain an active license.
- Understand the laws and rules for which the licensee and qualifier must apply.

My Housekeeping Notes



Terminology and Definitions

Fill in the blanks as your instructor provides the terminology and definitions.

General Contractor

A person or legal entity is defined as a general contractor if they wish to engage in any of the following:

for a fixed price, commission, fee, or wage,
 undertakes to _____ or
 undertakes to _____
 on his own behalf or for any person, firm, or corporation that is not licensed as a general
 contractor
 the construction of any _____
 or any improvement or structure where the cost of the undertaking is _____ or
 undertakes to erect a North Carolina labeled manufactured _____
 building.

Reference: General Statute 87-1(1).

Licensee

The person, firm, corporation, limited liability company, or partnership named on the

Qualifier

The individual with the qualifying _____
 which allows the license to exist for the person, firm, corporation, limited liability company, or
 partnership.



Module 2: Regulatory Changes

Upon completion of this module, students will be able to describe changes to North Carolina regulations or rules around general contracting for 2022.

General Contractors, Plumbing, and Electrical Contractors Exception

5 **SECTION 1.** G.S. 87-1.1 reads as rewritten:
 6 "§ 87-1.1. **Exception for licensees under Article 2 or 4.**
 7 G.S. 87-1 shall not apply to a licensee under Article 2 or 4 of this Chapter of the General
 8 Statutes, G.S. 87-43 shall not apply to a licensee under Article 2 of this Chapter of the General
 9 Statutes, and G.S. 87-21(a)(5) shall not apply to a licensee under Article 4 of this Chapter of the
 10 General Statutes when the licensee is bidding and contracting directly with the owner of a public
 11 building project ~~if~~ if all of the following apply:
 12 (i)(1) ~~a~~ A licensed general contractor performs all work that falls within the
 13 classifications in G.S. 87-10(b) and the State Licensing Board of General
 14 Contractor's ~~rules; and~~ rules.
 15 (ii)(2) ~~the~~ The total amount of the general contracting work so classified does not
 16 exceed a percentage of the total bid price pursuant to rules established by ~~the~~
 17 Board; ~~and~~ the Board.
 18 (iii)(3) ~~a~~ A licensee with the appropriate license under Article 2 or Article 4 of this
 19 Chapter performs all work that falls within the classifications in Article 2 and
 20 Article 4 of this Chapter."
 21 **SECTION 2.** The State Licensing Board for General Contractors; State Board of
 22 Examiners of Plumbing, Heating, and Fire Sprinkler Contractors; and State Board of Examiners
 23 of Electrical Contractors may adopt rules to implement the provisions of this act.
 24 **SECTION 3.** This act becomes effective October 1, 2021.



Notes



Application for License, Examination, Certificate or Renewal

SECTION 1.(a) G.S. 87-10 reads as rewritten:

"§ 87-10. Application for license; examination; certificate; renewal.

(a) Anyone seeking to be licensed as a general contractor in this State shall submit an application. Before being entitled to an examination, an applicant shall:

- (1) Be at least 18 years of age.
- (2) Possess good moral character as determined by the Board.
- (3) Provide evidence of financial responsibility as determined by the Board.
- (4) Submit the appropriate application fee.
- (5) Consent to a criminal background check if required by the Board.

(a1) The Board shall require an applicant to pay the Board or a provider contracted by the Board an examination fee not to exceed one hundred dollars (\$100.00). In addition, addition to the costs of any criminal background check, the Board shall also require an applicant to pay the Board a fee not to exceed one hundred twenty-five dollars (\$125.00) if the application is for an unlimited license, one hundred dollars (\$100.00) if the application is for an intermediate license, or seventy-five dollars (\$75.00) if the application is for a limited license. The fees accompanying any application or examination shall be nonrefundable. The holder of an unlimited license shall be entitled to act as general contractor without restriction as to value of any single project; the holder of an intermediate license shall be entitled to act as general contractor for any single project with a value of up to one million dollars (\$1,000,000), excluding the cost of land and any ancillary costs to improve the land; the holder of a limited license shall be entitled to act as general contractor for any single project with a value of up to five hundred thousand dollars (\$500,000), excluding the cost of land and any ancillary costs to improve the land. The license certificate shall be classified in accordance with this section.

(a2) In determining an applicant's qualifications for licensure, the Board may utilize a criminal background check. If the Board uses a criminal background check, the provisions of G.S. 93B-8.1 shall apply. The Board shall keep all information obtained from criminal background checks privileged in accordance with applicable State law and federal guidelines, and the information shall be confidential and not a public record under Chapter 132 of the General Statutes.

(a3) Records, papers, and other documentation containing personal information collected or compiled by the Board in connection with an application for examination, licensure, certification, or renewal or reinstatement, or the subsequent update of information shall not be considered public records within the meaning of Chapter 132 of the General Statutes.



Notes



Continuing Education

SECTION 1.(b) G.S. 87-10.2 reads as rewritten:

"§ 87-10.2. Continuing education.

(b) Of the eight hours of annual continuing education required by this section, two hours shall be a mandatory course approved by the Board and the remaining six hours shall be elective courses approved by the Board. Each qualifier or qualifying party shall complete the mandatory course each year. Each qualifier or qualifying party may accumulate and carry forward up to four hours of elective course credit to the next calendar year. The Board shall evaluate and approve:

- (1) The content of continuing education courses.
- (2) Accreditation of continuing education sponsors and programs.
- (3) Computation of credit.
- (4) General compliance procedures.
- (5) Providers and instructors of continuing education courses.

(c) All ~~prospective~~ Board-approved providers of the mandatory course shall register Board-approved instructors affiliated with the provider to attend a training program established, approved, and administered by the Board to ensure the quality and consistency of mandatory course information. All prospective providers of elective courses shall submit course materials and instructor qualifications for Board evaluation, approval, and accreditation.

(d) Continuing education credit hours may only be given for courses that are taught live by an instructor approved by the Board. To receive credit, a qualifier or qualifying party shall attend and view the live teaching of the course and shall certify this requirement in the manner required by the Board. Only the period of live instruction shall apply to the satisfaction of the continuing education requirement established by this section. Continuing education providers shall certify the attendance of course attendees and shall transmit the qualifier or qualifying party's certification to the Board. For the purposes of this subsection, "live instruction" includes credit hours presented by video or by Internet transmission of a live or previously recorded and approved presentation by an approved instructor or instructors provided the presentation is either proctored by the approved ~~sponsor-provider~~ or contains safeguards as approved by the Board that allow the approved ~~sponsor-provider~~ to certify that the qualifier or qualifying party has viewed the presentation. The Board shall implement procedures to ensure that qualifiers and qualifying parties may satisfy all of the continuing education requirements of this section through approved Internet-based e-learning courses offered by approved providers by Internet transmission.

(e) False certification of attendance shall be grounds for the suspension or revocation of the course provider's privilege to provide courses in this State. The Board may take disciplinary action against any licensee ~~on account of a licensee, qualifier, or qualifying party~~ for false certification of attendance by that licensee's qualifier or qualifying party at any continuing education course.

(f) The Board shall maintain and distribute to licensees and qualifiers, as appropriate, records of the required educational coursework successfully completed by each qualifier or qualifying party, including the subject matter and the number of hours of each course.



Definitions

21 NCAC 12A .0201 DEFINITIONS

The following definitions shall apply to the Rules in this Chapter:

(1) Completion: As used in G.S. 87-1(b), "completion" occurs upon issuance of a certificate of occupancy by the permitting authority with jurisdiction over the project.

(2) Cost of the undertaking: As used in G.S. 87-1(a), "cost of the undertaking" means the final price of a project, excluding the cost of land, as evidenced by the ~~contract~~; contract and any subsequent amendments, or in the absence of a contract, permit records, invoices, and cancelled checks.

(3) Misconduct: As used in G.S. 87-11, "misconduct" includes allowing an unlicensed person or entity to use a license or examination credential on an undertaking where a license is required. Misconduct also includes allowing a licensed person or entity to use a license or examination credential on an undertaking for which the user does not hold proper classification or limitation. Misconduct also includes dishonest or fraudulent conduct by a qualifier related to the attendance of a continuing education class described in G.S. 87-10.2.

~~(3)~~(4) Personally: As used in G.S. 87-14(a)(1), "personally" means the physical presence of the owner of the property and excludes the use of a power of attorney.

~~(4)~~(5) Solely for occupancy: As used in G.S. 87-1(b), "solely for occupancy" is restricted to the family of a person, the officers and shareholders of a firm or corporation, and guests and social invitees where no consideration is received. For purposes of G.S. 87-1(b)(2), "family" is defined as a spouse or other family member living in the same household.

~~(5)~~(6) Value: As used in G.S. 87-10(a1), "value" means the same as "cost of the undertaking."



Notes



Classification

21 NCAC 12A .0202 CLASSIFICATION

[No changes to sections (1) – (4)]

(5) Specialty Contractor. This classification covers all construction operation and performance of contract work outlined as follows:

[No changes to sections (A) – (J)]

(K) S(Marine and Freshwater Construction). This classification covers all marine and freshwater construction and repair activities and all types of marine and freshwater construction and demolition in deep-water installations and in harbors, inlets, sounds, bays, and channels; channels, canals, rivers, lakes, ponds, or any navigable waterway; it covers dredging, construction, and installation of pilings, piers, decks, slips, docks, and bulkheads. It does not include other structures required that may be constructed on docks, slips, and piers.

[No changes to sections (L) – (R) and (b)]



Notes

Permits and Inspections

21 NCAC 12A .0212 PERMITS AND INSPECTIONS

(a) A licensee shall obtain all necessary building permits from the local Code Enforcement Agency before commencing any work for which a building permit is required. After obtaining the necessary building permits, a licensee shall obtain all required inspections and assure that all inspections required by codes adopted by the N.C. Building Code Council are passed by the local Code Enforcement Official or a designee. Absent a written acknowledgement by a local Code Enforcement Official, a licensee shall not be relieved of his, her, or its responsibility to complete all required inspections until a certificate of compliance or the equivalent is obtained from the local Code Enforcement Agency.

(b) A licensee shall not allow a building permit to be obtained or allow his, her, or its license number to appear on a building permit application unless:

(1) the licensee is the owner of the property; or

(2) the licensee has an agreement with the property owner or his or her designee to perform work described in the building permit.

(c) Failure to comply with this Rule shall constitute misconduct as described in G.S. 87-11.



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Notes

License Granted

21 NCAC 12A .0501 LICENSE GRANTED

- (a) License numbers shall be included on all contracts and bids.
- (b) If a licensee files Articles of Dissolution or the N.C. Department of the Secretary of State withdraws the licensee's Certificate of Authority, the Board shall archive the license.
- (c) A licensee shall notify the Board within 30 days of a change in ownership or a filing with the N.C. Department of the Secretary of State that amends or changes the corporate structure of the licensed entity.



Notes

Renewal of License

21 NCAC 12A .0503 RENEWAL OF LICENSE

[No change to sections a-e]

- (f) If a licensee's status is invalid for reasons other than those set forth in G.S. 87-10.2(h) and the licensee requests to renew his, her, or its license, the licensee must submit proof of completion of six elective hours of continuing education for each year not previously renewed and for the current license year and two mandatory hours for the current year.



Notes

Waiver

21 NCAC 12A .0607 WAIVER

The Board may waive any rule in this Chapter that is not statutorily required if a licensee, qualifier, continuing education course provider, or continuing education course instructor submits a written request. Factors the Board shall use in determining whether to grant the waiver are:

- (1) degree of disruption to the Board;
- (2) cost to the Board;
- (3) degree of benefit to the public;
- (4) whether the requesting party had control over the circumstances that required the requested waiver;
- (5) notice to and opposition by the public;
- (6) need for the waiver; and
- (7) previous requests for waivers submitted from the requesting party.



Notes



Denial or Withdrawal of Provider Approval

21 NCAC 12B .0203 DENIAL OR WITHDRAWAL OF PROVIDER APPROVAL

- (a) The Board may deny or withdraw approval of any continuing education provider upon finding that the provider or the continuing education coordinator in the employ of the provider:
- (1) made any false statements or presented any false, incomplete, or incorrect information in connection with an application for course or provider approval or renewal;
 - (2) made any false statements in course advertisement or promotional materials;
 - (3) provided false, incomplete, or incorrect information in connection with any reports the continuing education provider is required to submit to the Board;
 - (4) ~~(4)~~ delivered CE course content that infringed upon copyright or any intellectual property right of another;
 - ~~(4)~~(5) provided the Board a check or credit card for required fees that was not honored by a financial institution or bank or returned for insufficient funds;
 - ~~(5)~~(6) collected money from licensees and qualifiers for a continuing education course but refused or failed to provide the promised instruction;
 - ~~(6)~~(7) intentionally provided false, incomplete, or misleading information relating to general contractors licensing, education matters, or the qualifier's education requirements or license status;
 - ~~(7)~~(8) failed to submit the CE Roster Reports as required by Rule .0206 of this Subchapter;
 - ~~(8)~~(9) failed to submit the per student fee as required by 21 NCAC 12A .0304; or
 - ~~(9)~~(10) failed to comply with any other provision of this Chapter.

[No change to sections (b) and (c)]



Notes



Attendance, Roster Reports, and Certificates

21 NCAC 12B .0204 ATTENDANCE; ROSTER REPORTS AND CERTIFICATES

(a) Qualifiers shall provide proof of identity upon arrival at a class session.
(b) At the conclusion of any continuing education course, the provider shall submit to the Board a CE Roster Report verifying each qualifier's completion of the course. The CE Roster Report shall be submitted to the Board and shall contain the following:

- (1) provider's name;
- (2) provider's ID number assigned by the Board;
- (3) course instructor's name and ID number;
- (4) course's name and ID number;
- (5) course completion date;
- (6) name and qualifier ID number of each student who completed the course; and
- (7) name, qualifier ID number, and reason given for each student who requested but was denied credit by the provider.

[No changes to sections (c) – (f)]



Notes



Course Requirements

21 NCAC 12B .0301 COURSE REQUIREMENTS

[No changes to sections (a) – (c)]

(d) Elective courses shall be related to the practice of general contracting as set forth in Article 1 of Chapter 87 in the North Carolina General Statutes. Instructional time and materials shall be utilized for instructional purposes only.

(e) All elective courses shall include the following disclaimer within the first three pages or slides of the course materials: THE NORTH CAROLINA LICENSING BOARD FOR GENERAL CONTRACTORS HAS APPROVED THIS COURSE ONLY AS TO ITS RELEVANCE TO THE PRACTICE OF GENERAL CONTRACTING IN NORTH CAROLINA. THE COURSE PROVIDER AND INSTRUCTOR ARE RESPONSIBLE FOR THE ACCURACY OF THE CONTENT AND COMPLIANCE WITH ALL STATE AND FEDERAL LAWS DURING THE ADMINISTRATION OF THE COURSE.

(d)(f) Providers shall obtain approval from the Board before making any changes in the content of a prior approved elective course. Requests for approval of changes shall be made in writing.



Notes



Approval and Renewal of Elective Courses

21 NCAC 12B .0302 APPROVAL AND RENEWAL OF ELECTIVE COURSE

[No change to section (a)]

(b) A provider seeking initial approval of a proposed elective course shall complete an application on a form available on the Board's website that requires the applicant to set forth the following:

- (1) title of the proposed elective course;
- (2) provider's legal name, address, and telephone number;
- (3) continuing education coordinator's name;
- (4) provider's ID number, if previously approved;
- (5) credit hours awarded for completing the course;
- (6) subject matter of the course as evidenced by course outlines, PowerPoint slides, videos, or other similar materials;
- (7) identity of the course content owner;
- (8) written permission of the course content owner, if other than the applicant;
- (9) certification that the course content does not infringe upon any copyright or any intellectual property right of another;
- ~~(9)~~(10) identity of prospective instructors; and
- ~~(10)~~(11) signature of the provider or its legal designee.

(c) The application for initial approval shall be accompanied by a copy of the elective course guide, which shall include course objectives, learning objectives for each topic, a timed outline, instructional methods and aids to be employed, and all materials that will be provided to students.

(d) A provider seeking approval to offer an already approved elective course shall complete an application on a form available on the Board's website that requires the applicant to submit the following:

- (1) title of the elective course;
- (2) applicant's legal name, address, and telephone number;
- (3) applicant's continuing education coordinator's name;
- (4) applicant's continuing education provider code, if previously approved;
- (5) identity of the course content owner;
- (6) written permission of the course content owner, if other than the applicant;
- (7) certification that the course content does not infringe upon any copyright or any intellectual property right of another;
- ~~(7)~~(8) identity of prospective instructors;
- ~~(8)~~(9) signature of the provider or its legal designee; and
- ~~(9)~~(10) certification that there have been no changes to the course materials since the course was last approved.

[No changes to sections (e) – (i)]



Notes



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Application and Criteria for Initial Instructor Approval

21 NCAC 12B .0401 APPLICATION AND CRITERIA FOR INITIAL INSTRUCTOR APPROVAL

[No changes to sections (a) – (b)]

- (c) Approved instructors who are also qualifiers shall receive one hour of CE credit for each one hour of class instruction. Approved instructors shall only receive instruction credit once per course. Course providers shall be responsible for payment of all CE fees for instructors seeking CE credit.



Notes



Module 3: How Filings with the Secretary of State Affect General Contractor Licensing

Upon completion of this module, students will be able to understand how filings and other actions by the Secretary of State can impact a general contractor's license.

North Carolina Secretary of State
Corporations Division
2 South Salisbury Street
Raleigh, NC 27601-2903
Telephone: 919-807-2225
Fax: 919-807-2039

<https://www.sosnc.gov>



Business Structures

	Ownership	Liability	Formation Documents	Taxation	Management
Sole Proprietorship	One Owner	Unlimited personal liability	Doing Business As (DBA) Filing	Entity not taxed; profits and losses claimed on personal taxes	Owner
General Partnership	Unlimited number of general partners	Unlimited personal liability	General Partnership Agreement	Entity not taxed; profits and losses claimed on personal taxes of general partners	General partners
Limited Partnership	Unlimited number of general and limited partners	Unlimited personal liability of the general partners; limited partners generally have no personal liability	Limited Partnership Certificate Limited Partnership Agreement	Entity not taxed; profits and losses claimed on personal taxes of general and limited partners	General partners
Limited Liability Company (LLC)	Unlimited number of members	Generally no personal liability of the members for obligations of the business	Articles of Organization Operating Agreement	Entity not taxed (unless chosen to be taxed); profits and losses are passed through to the members	Manager or members designated in Operating Agreement
CCorporation	Unlimited number of shareholders	Generally no personal liability of the shareholders	Articles of Incorporation Bylaws Organizational Board Resolutions Stock Certificates Stock Ledger IRS and State S Corporation Election	Corporation taxed on its earnings at the corporate level and the shareholders may have a further tax on any dividends distributed ("double taxation")	Board of Directors
S Corporation	Up to 75 shareholders allowed	Generally no personal liability of the shareholders	Articles of Incorporation Bylaws Organizational Board Resolutions Stock Certificates Stock Ledger IRS and State S Corporation Election	Entity generally not taxed, as profits and losses are passed through to the shareholders ("pass-through" taxation)	Board of Directors



Common Licensing Issues

NCLBGC 2022 Mandatory Course

Common Licensing Issues

26



Business Name Issues



Your Turn to
Fill-in-the-
Blanks

Any project that a licensed general contractor bids or performs as to be bid or contracted in the _____

that is reflected on the license certificate and the Board's records.

General Contractor's licenses _____

by different legal entities at any time. A legal business entity cannot use an individual's license to conduct business and an individual who is licensed cannot operate in the name of a legal entity that has been filed with the Secretary of State.

The name that appears on the license certificate _____

used for bidding, entering into contracts, and obtaining building permits in North Carolina.

Setting: _____

Characters: _____

Issue: _____

Notes:



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What can Kevin do to change his company name and prevent his general contractor's license from being affected?



Assumed Names



Your Turn to
Fill-in-the-
Blanks

_____ is required to be filed at the Register of Deeds in any county where you want to do business.

The _____ is required to file all Certificates of Assumed Name with the Secretary of State.

It is important to contact _____ before filing a Certificate of Assumed Name to be sure that the name is not being used by another contractor.

Setting: _____

Characters: _____

Issue: _____

Notes:



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What steps should Joe Smith have taken before bidding, contracting, or advertising as JZ Smith Construction, a licensed contractor?



What did Joe Smith do wrong?



What are the potential consequences of Joe's actions?



Withdrawals, Mergers, or Conversions to a Different Business Structure



Your Turn to
Fill-in-the-
Blanks

If a legal entity amends its structure, merges with another, consolidates with another, dissolves or is willfully ended; the appropriate documentation must

be filed with the _____

When a licensee files for a name change or other amendment unrelated to a conversion or merger that results in _____,

the licensee is required to notify the NCLBGC within 30 days of the filing and submit the NC Secretary of State documents to the NCLBGC.

Setting: _____

Characters: _____

Issue: _____

Notes:



Did Fred provide good advice to Bob?



Why would a change from a foreign to a domestic corporation affect a contractor's license status?



What could happen if Bob doesn't contact the NCLBGC but his lawyer files the documents to change the corporation to North Carolina?



Businesses That Are “Administratively Dissolved”



Your Turn to Fill-in-the- Blanks

All corporations and LLCs must file _____
 with the Secretary of State. If the corporation or LLC fails to file the annual
 report, the Secretary of State may _____
 the business. If the business is an out-of-state entity, the Secretary of State
 may “revoke” the Certificate of Authority to end the business’s ability to
 conduct business in _____

Setting: _____

Characters: _____

Issue: _____

Notes:



What does Carter Construction Company need to do to have the general contractor's license reinstated?



What could Carter Construction Company have done to prevent the issue?



What does Carter Construction Company need to do in the future to avoid being administratively dissolved by the NC Secretary of State?



Revenue Suspension



Your Turn to
Fill-in-the-
Blanks

The North Carolina _____
can, in conjunction with the _____
place a corporation in “Revenue Suspension” primarily for non-payment of
taxes.

Setting: _____

Characters: _____

Issue: _____

Notes:



NORTH CAROLINA LICENSING BOARD FOR GENERAL CONTRACTORS



Can a tax issue result in the general contractor’s license being invalid?



What does Charter School Construction, LLC need to do to have the license restored to valid status so that they can obtain a permit?



Joint Ventures



Your Turn to
Fill-in-the-
Blanks

A joint venture is a special arrangement when two or more legal entities

A joint venture can practice general contracting without being licensed in the name of the joint venture if every

is licensed with the appropriate classification and at least one principal member having the proper license limitation or if the joint venture obtains a general contracting license in its own name.

Setting: _____

Characters: _____

Issue: _____

Notes:



Why couldn't Blue Heaven Custom Homes obtain permits?

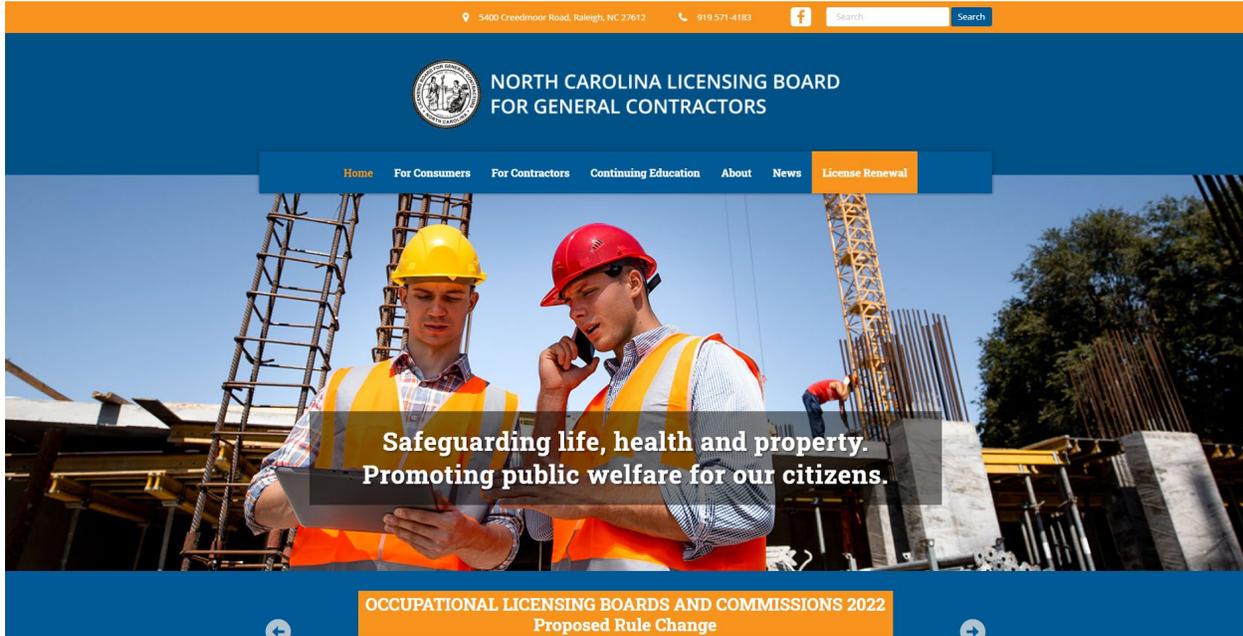


What does Blue Heaven Custom Homes need to do to correct the situation?



Module 4: Overview of NCCLiC the NCLBGC’s Licensing Portal Tools

Upon completion of this module, students will be able to understand how to find, access, and use the licensee and qualifier portals and the resources contained in them.



<http://nclbgc.org>



Where can you find license classifications, license limitations, and surety bond requirement information on the NCLBGC website?



How can you find your licensee or qualifier ID number?



Where on the NCLBGC website can you renew your general contractor's license?



How do you get into the license portal if you don't already have an account?



What activities can you do in the licensee portal?



What forms can you download from the licensee portal?



How can you get from the qualifier portal to the home page of the NCLBGC website?



How can you get into the qualifier portal if you have forgotten your password?



What activities can you do in the qualifier portal?



What forms can you download from the qualifier portal?
