

NORTH CAROLINA REGISTER

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June 1, 2018

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PUBLISHED BY

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For questions or concerns regarding the Administrative Procedure Act or any of its components, consult with the agencies below. The bolded headings are typical issues which the given agency can address, but are not inclusive.

Rule Notices, Filings, Register, Deadlines, Copies of Proposed Rules, etc.

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NORTH CAROLINA REGISTER
Publication Schedule for January 2018 – December 2018

FILING DEADLINES			NOTICE OF TEXT		PERMANENT RULE				TEMPORARY RULES
Volume & issue number	Issue date	Last day for filing	Earliest date for public hearing	End of required comment Period	Deadline to submit to RRC for review at next meeting	RRC Meeting Date	Earliest Eff. Date of Permanent Rule	Delayed Eff. Date of Permanent Rule 31st legislative day of the session beginning:	270 th day from publication in the Register
32:13	01/02/18	12/06/17	01/17/18	03/05/18	03/20/18	04/19/18	05/01/18	05/2018	09/29/18
32:14	01/16/18	12/19/17	01/31/18	03/19/18	03/20/18	04/19/18	05/01/18	05/2018	10/13/18
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32:21	05/01/18	04/10/18	05/16/18	07/02/18	07/20/18	08/16/18	09/01/18	01/2019	01/26/19
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32:24	06/15/18	05/24/18	06/30/18	08/14/18	08/20/18	09/20/18	10/01/18	01/2019	03/12/19
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33:03	08/01/18	07/11/18	08/16/18	10/01/18	10/22/18	11/15/18	12/01/18	01/2019	04/28/19
33:04	08/15/18	07/25/18	08/30/18	10/15/18	10/22/18	11/15/18	12/01/18	01/2019	05/12/19
33:05	09/04/18	08/13/18	09/19/18	11/05/18	11/20/18	12/20/18	01/01/19	01/2019	06/01/19
33:06	09/17/18	08/24/18	10/02/18	11/16/18	11/20/18	12/20/18	01/01/19	01/2019	06/14/19
33:07	10/01/18	09/10/18	10/16/18	11/30/18	12/20/18	01/17/19	02/01/19	05/2020	06/28/19
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EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

GENERAL

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:

- (1) temporary rules;
- (2) text of proposed rules;
- (3) text of permanent rules approved by the Rules Review Commission;
- (4) emergency rules
- (5) Executive Orders of the Governor;
- (6) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H; and
- (7) other information the Codifier of Rules determines to be helpful to the public.

COMPUTING TIME: In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

FILING DEADLINES

ISSUE DATE: The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month after the first or fifteenth that is not a Saturday, Sunday, or holiday for State employees.

LAST DAY FOR FILING: The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

NOTICE OF TEXT

EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days after the date a notice of the hearing is published.

END OF REQUIRED COMMENT PERIOD
An agency shall accept comments on the text of a proposed rule for at least 60 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.

DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION: The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.

FIRST LEGISLATIVE DAY OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY: This date is the first legislative day of the next regular session of the General Assembly following approval of the rule by the Rules Review Commission. See G.S. 150B-21.3, Effective date.

**North Carolina Department of Labor
Division of Occupational Safety and Health
1101 Mail Service Center
Raleigh, NC 27699-1101**

(919) 807-2875

NOTICE OF VERBATIM ADOPTION OF FEDERAL STANDARDS

In consideration of G.S. 150B-21.5(c) the Occupational Safety and Health Division of the Department of Labor hereby gives notice that:

- Rule changes have been submitted to update the *North Carolina Administrative Code* at 13 NCAC 07F .0201, to incorporate by reference the occupational safety and health related provisions of Title 29 of the *Code of Federal Regulations* Parts 1926 promulgated as of November 9, 2017, except as specifically described, and
- The *North Carolina Administrative Code* at 13 NCAC 07A .0301 automatically includes amendments to certain parts of the *Code of Federal Regulations*, including Title 29, Part 1926—Construction Standards.

This update encompasses the following recent verbatim adoption:

- Occupational Safety and Health Standards, 29 CFR § 1926.1427k - Incorporation by reference – Amended (*82 FR 51986, November 9, 2017*)

The *Federal Register* (FR), as cited above, explains that the revisions and updates are to its Construction standards on Cranes and Derricks in Construction: Operator Certification Extension to delay its deadline for employers to ensure that crane operators are certified by one year until November 10, 2018. The final rule also extends its employer duty to ensure that crane operators are competent to operate a crane safely for the same one-year period. OSHA's final rule was effective November 9, 2017.

For additional information, please contact:

Bureau of Education, Training and Technical Assistance
Occupational Safety and Health Division
North Carolina Department of Labor
1101 Mail Service Center
Raleigh, North Carolina 27699-1101

For additional information regarding North Carolina's process of adopting federal OSHA Standards verbatim, please contact:

Jill F. Cramer, Agency Rulemaking Coordinator
North Carolina Department of Labor
Legal Affairs Division
1101 Mail Service Center
Raleigh, North Carolina 27699-1101

Note from the Codifier: The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept comments on the proposed rule(s) for at least 60 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days. Statutory reference: G.S. 150B-21.2.

TITLE 04 – DEPARTMENT OF COMMERCE

Notice is hereby given in accordance with G.S. 150B-21.2 that the Housing Finance Agency intends to repeal the rules cited as 04 NCAC 19S .0101-.0106, .0201, .0202, .0301, .0401-.0404, .0501-.0503, .0601-.0603, .0701-.0704, .1001-.1009 and .1101-.1110.

NOTE: Pursuant to G.S. 150B-21.17, the Codifier has determined that publication of the complete text of the rules proposed for repeal is impractical. The text of the repealed rules is accessible on the OAH Website: <http://www.ncoah.com>

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

Proposed Effective Date: October 1, 2018

Instructions on How to Demand a Public Hearing: *(must be requested in writing within 15 days of notice): Please send a written demand for a public hearing to the following address or email address by no later than June 16, 2018: North Carolina Housing Finance Agency, Attn: Casey Howard, 3508 Bush Street, Raleigh, NC 27609; chhoward@nchfa.com.*

Reason for Proposed Action: *The rules found in 04 NCAC 19S are either obsolete or merely recite federal regulation, and should be repealed.*

Comments may be submitted to: Casey Howard, 3508 Bush Street, Raleigh, NC 27609; (919) 875-3751; fax (919) 877-5701; email chhoward@nchfa.com

Comment period ends: July 31, 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

CHAPTER 19 - RURAL ECONOMIC DEVELOPMENT

SUBCHAPTER 19S - HOME REGULATIONS

SECTION .0100 - GENERAL PROVISIONS

- 04 NCAC 19S .0101 OVERVIEW AND PURPOSE**
- 04 NCAC 19S .0102 DEFINITIONS**
- 04 NCAC 19S .0103 WAIVER**

Authority G.S. 143B-10; 143B-431; 24 C.F.R. Part 9.

- 04 NCAC 19S .0104 ELIGIBLE APPLICANTS**
- 04 NCAC 19S .0105 AMENDMENTS ADOPTED BY REFERENCE**
- 04 NCAC 19S .0106 ACTS AND REGULATIONS ADOPTED BY REFERENCE**

Authority G.S. 143B-10; 143B-431; 24 C.F.R. Part 9.

SECTION .0200 - ELIGIBLE AND PROHIBITED ACTIVITIES

- 04 NCAC 19S .0201 ELIGIBLE ACTIVITIES AND COSTS**

Authority G.S. 143B-10; 143B-431; 24 C.F.R. Part 9.

- 04 NCAC 19S .0202 PROHIBITED COSTS**

Authority G.S. 143B-10; 143B-431; 24 C.F.R. Part 9.

SECTION .0300 - THRESHOLD FOR DIRECT HUD PARTICIPATION

- 04 NCAC 19S .0301 PARTICIPATION THRESHOLD AMOUNT**

Authority G.S. 143B-10; 143B-431; 24 C.F.R. Part 9.

SECTION .0400 - HOME PROGRAM FUNDING DISTRIBUTION

04 NCAC 19S .0401 DISTRIBUTION OF FUNDS

Authority G.S. 143B-10; 143B-431; 24 C.F.R. Part 9..

04 NCAC 19S .0402 SIZE AND USE OF HOME AWARDS MADE TO RECIPIENTS

04 NCAC 19S .0403 PROGRAM CATEGORY ALLOCATION

04 NCAC 19S .0404 GENERAL APPLICATION REQUIREMENTS

Authority G.S. 143B-10; 143B-431; 24 C.F.R. Part 9.

SECTION .0500 - COMMUNITY HOUSING DEVELOPMENT ORGANIZATION CATEGORY

04 NCAC 19S .0501 DEFINITION

04 NCAC 19S .0502 ELIGIBILITY REQUIREMENTS

04 NCAC 19S .0503 SELECTION CRITERIA

Authority G.S. 143B-10; 143B-431; 24 C.F.R. Part 9.

SECTION .0600 - HOME CONSORTIA CATEGORY

04 NCAC 19S .0601 DEFINITION

04 NCAC 19S .0602 ELIGIBILITY REQUIREMENT

04 NCAC 19S .0603 SELECTION CRITERIA

Authority G.S. 143B-10; 143B-431; 24 C.F.R. Part 9.

SECTION .0700 - HOUSING PROJECT CATEGORY

04 NCAC 19S .0701 DEFINITION

04 NCAC 19S .0702 ELIGIBILITY REQUIREMENTS

04 NCAC 19S .0703 SELECTION CRITERIA

04 NCAC 19S .0704 PRELIMINARY AWARDS

Authority G.S. 143B-10; 143B-431; 24 C.F.R. Part 9.

SECTION .1000 - COMPLIANCE REQUIREMENTS

04 NCAC 19S .1001 EQUAL OPPORTUNITY AND FAIR HOUSING

04 NCAC 19S .1002 AFFIRMATIVE MARKETING

04 NCAC 19S .1003 ENVIRONMENTAL REVIEW

04 NCAC 19S .1004 DISPLACEMENT, RELOCATION, AND ACQUISITION

04 NCAC 19S .1005 LABOR STANDARDS

04 NCAC 19S .1006 LEAD-BASED PAINT

04 NCAC 19S .1007 CONFLICT OF INTEREST

04 NCAC 19S .1008 NATIONAL FLOOD

INSURANCE PROGRAM

04 NCAC 19S .1009 CLEARINGHOUSE REVIEW

Authority G.S. 143B-10; 143B-431; 24 C.F.R. Part 9.

SECTION .1100 - GRANT ADMINISTRATION

04 NCAC 19S .1101 GRANT AGREEMENT

04 NCAC 19S .1102 METHOD OF

ADMINISTRATION

04 NCAC 19S .1103 AUDIT

04 NCAC 19S .1104 CLOSEOUT

04 NCAC 19S .1105 RECORDKEEPING

04 NCAC 19S .1106 PERFORMANCE REPORTS

04 NCAC 19S .1107 PERFORMANCE REVIEWS

04 NCAC 19S .1108 CORRECTIVE AND REMEDIAL

ACTIONS

04 NCAC 19S .1109 ADMINISTRATIVE HEARINGS

AND SANCTIONS

04 NCAC 19S .1110 PROGRAM AMENDMENTS

Authority G.S. 143B-10; 143B-431; 24 C.F.R. Part 9.

TITLE 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice is hereby given in accordance with G.S. 150B-21.2 that the Commission for Public Health intends to amend the rule cited as 10A NCAC 41A .0101.

Link to agency website pursuant to G.S. 150B-19.1(c):
<http://cph.publichealth.nc.gov/>

Proposed Effective Date: October 1, 2018

Public Hearing:

Date: June 26, 2018

Time: 10:00 a.m.

Location: Cardinal Room, 5605 Six Forks Road, NC

Reason for Proposed Action: An amendment to the NC Reportable Diseases and Conditions rule is needed to add two healthcare acquired infections as required to be reportable to the Division of Public Health and also to make a minor technical correction to recently codified amendment.

Comments may be submitted to: Chris Hoke, JD, 1931 Mail Service Center, Raleigh, NC 27699-1931; phone (919) 707-5006; email chris.hoke@dhhs.nc.gov

Comment period ends: July 31, 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**

CHAPTER 41 - EPIDEMIOLOGY HEALTH

SUBCHAPTER 41A - COMMUNICABLE DISEASE CONTROL

SECTION .0100 - COMMUNICABLE DISEASE CONTROL

10A NCAC 41A .0101 REPORTABLE DISEASES AND CONDITIONS

(a) The following named diseases and conditions are declared to be dangerous to the public health and are hereby made reportable within the time period specified after the disease or condition is reasonably suspected to exist:

- (1) acquired immune deficiency syndrome (AIDS) - 24 hours;
- (2) anthrax - immediately;
- (3) botulism - immediately;
- (4) brucellosis - 7 days;
- (5) campylobacter infection - 24 hours;
- (6) Candida auris - 24 hours;
- (6)(7) Carbapenem-Resistant Enterobacteriaceae – 24 hours (CRE);
- (6)(8) chancroid - 24 hours;
- (7)(9) chikungunya virus infection - 24 hours;
- (8)(10) chlamydial infection (laboratory confirmed) - 7 days;
- (9)(11) cholera - 24 hours;
- (10)(12) Creutzfeldt-Jakob disease – 7 days;
- (11)(13) cryptosporidiosis – 24 hours;
- (12)(14) cyclosporiasis – 24 hours;
- (13)(15) dengue - 7 days;
- (14)(16) diphtheria - 24 hours;
- (15)(17) Escherichia coli, shiga toxin-producing - 24 hours;
- (16)(18) ehrlichiosis – 7 days;
- (17)(19) encephalitis, arboviral - 7 days;
- (18)(20) foodborne disease, including Clostridium perfringens, staphylococcal, Bacillus cereus, and other and unknown causes - 24 hours;
- (19)(21) gonorrhea - 24 hours;
- (20)(22) granuloma inguinale - 24 hours;
- (21)(23) Haemophilus influenzae, invasive disease - 24 hours;
- (22)(24) Hantavirus infection – 7 days;
- (23)(25) Hemolytic-uremic syndrome – 24 hours;

- (24)(26) Hemorrhagic fever virus infection – immediately;
- (25)(27) hepatitis A - 24 hours;
- (26)(28) hepatitis B - 24 hours;
- (27)(29) hepatitis B carriage - 7 days;
- (28)(30) hepatitis C, acute – 7 days;
- (29)(31) human immunodeficiency virus (HIV) infection confirmed - 24 hours;
- (30)(32) influenza virus infection causing death – 24 hours;
- (31)(33) legionellosis - 7 days;
- (32)(34) leprosy – 7 days;
- (33)(35) leptospirosis - 7 days;
- (34)(36) listeriosis – 24 hours;
- (35)(37) Lyme disease - 7 days;
- (36)(38) Lymphogranuloma venereum - 7 days;
- (37)(39) malaria - 7 days;
- (38)(40) measles (rubeola) - 24 hours;
- (39)(41) meningitis, pneumococcal - 7 days;
- (40)(42) meningococcal disease - 24 hours;
- (41)(43) Middle East respiratory syndrome (MERS) - 24 hours;
- (42)(44) monkeypox – 24 hours;
- (43)(45) mumps - 7 days;
- (44)(46) nongonococcal urethritis - 7 days;
- (45)(47) novel influenza virus infection – immediately;
- (46)(48) plague - immediately;
- (47)(49) paralytic poliomyelitis - 24 hours;
- (48)(50) pelvic inflammatory disease – 7 days;
- (49)(51) psittacosis - 7 days;
- (50)(52) Q fever - 7 days;
- (51)(53) rabies, human - 24 hours;
- (52)(54) Rocky Mountain spotted fever - 7 days;
- (53)(55) rubella - 24 hours;
- (54)(56) rubella congenital syndrome - 7 days;
- (55)(57) salmonellosis - 24 hours;
- (56)(58) severe acute respiratory syndrome (SARS) – 24 hours;
- (57)(59) shigellosis - 24 hours;
- (58)(60) smallpox - immediately;
- (59)(61) Staphylococcus aureus with reduced susceptibility to vancomycin – 24 hours;
- (60)(62) streptococcal infection, Group A, invasive disease - 7 days;
- (61)(63) syphilis - 24 hours;
- (62)(64) tetanus - 7 days;
- (63)(65) toxic shock syndrome - 7 days;
- (64)(66) trichinosis - 7 days;
- (65)(67) tuberculosis - 24 hours;
- (66)(68) tularemia – immediately;
- (67)(69) typhoid - 24 hours;
- (68)(70) typhoid carriage (Salmonella typhi) - 7 days;
- (69)(71) typhus, epidemic (louse-borne) - 7 days;
- (70)(72) vaccinia – 24 hours;
- (71)(73) vibrio infection (other than cholera) – 24 hours;
- (72)(74) whooping cough – 24 hours; and
- (73)(75) yellow fever - 7 days.

(b) For purposes of reporting, "confirmed human immunodeficiency virus (HIV) infection" is defined as a positive

virus culture, repeatedly reactive EIA antibody test confirmed by western blot or indirect immunofluorescent antibody test, positive nucleic acid detection (NAT) test, or other confirmed testing method approved by the Director of the State Public Health Laboratory conducted on or after February 1, 1990. In selecting additional tests for approval, the Director of the State Public Health Laboratory shall consider whether such tests have been approved by the federal Food and Drug Administration, recommended by the federal Centers for Disease Control and Prevention, and endorsed by the Association of Public Health Laboratories.

(c) In addition to the laboratory reports for *Mycobacterium tuberculosis*, *Neisseria gonorrhoeae*, and syphilis specified in G.S. 130A-139, laboratories shall ~~report:~~ report using electronic laboratory reporting (ELR) secure telecommunication, or paper reports.

- (1) Isolation or other specific identification of the following organisms or their products from human clinical specimens:
 - (A) Any hantavirus or hemorrhagic fever virus.
 - (B) Arthropod-borne virus (any type).
 - (C) *Bacillus anthracis*, the cause of anthrax.
 - (D) *Bordetella pertussis*, the cause of whooping cough (pertussis).
 - (E) *Borrelia burgdorferi*, the cause of Lyme disease (confirmed tests).
 - (F) *Brucella* spp., the causes of brucellosis.
 - (G) *Campylobacter* spp., the causes of campylobacteriosis.
 - ~~(H)~~ (I) *Candida auris*.
 - ~~(I)~~ (J) *Carbapenem-Resistant Enterobacteriaceae (CRE)*.
 - ~~(H)~~ (J) *Chlamydia trachomatis*, the cause of genital chlamydial infection, conjunctivitis (adult and newborn) and pneumonia of newborns.
 - ~~(H)~~ (K) *Clostridium botulinum*, a cause of botulism.
 - ~~(H)~~ (L) *Clostridium tetani*, the cause of tetanus.
 - ~~(K)~~ (M) *Corynebacterium diphtheriae*, the cause of diphtheria.
 - ~~(L)~~ (N) *Coxiella burnetii*, the cause of Q fever.
 - ~~(M)~~ (O) *Cryptosporidium parvum*, the cause of human cryptosporidiosis.
 - ~~(N)~~ (P) *Cyclospora cayetanensis*, the cause of cyclosporiasis.
 - ~~(O)~~ (Q) *Ehrlichia* spp., the causes of ehrlichiosis.
 - ~~(P)~~ (R) Shiga toxin-producing *Escherichia coli*, a cause of hemorrhagic colitis, hemolytic uremic syndrome, and thrombotic thrombocytopenic purpura.
 - ~~(Q)~~ (S) *Francisella tularensis*, the cause of tularemia.

- ~~(R)~~ (T) Hepatitis B virus or any component thereof, such as hepatitis B surface antigen.
- ~~(S)~~ (U) Human Immunodeficiency Virus, the cause of AIDS.
- ~~(T)~~ (V) *Legionella* spp., the causes of legionellosis.
- ~~(U)~~ (W) *Leptospira* spp., the causes of leptospirosis.
- ~~(V)~~ (X) *Listeria monocytogenes*, the cause of listeriosis.
- ~~(W)~~ (Y) Middle East respiratory syndrome virus.
- ~~(X)~~ (Z) Monkeypox.
- ~~(Y)~~ (AA) *Mycobacterium leprae*, the cause of leprosy.
- ~~(Z)~~ (BB) *Plasmodium falciparum*, *P. malariae*, *P. ovale*, and *P. vivax*, the causes of malaria in humans.
- ~~(AA)~~ (CC) Poliovirus (any), the cause of poliomyelitis.
- ~~(BB)~~ (DD) Rabies virus.
- ~~(CC)~~ (EE) *Rickettsia rickettsii*, the cause of Rocky Mountain spotted fever.
- ~~(DD)~~ (FF) Rubella virus.
- ~~(EE)~~ (GG) *Salmonella* spp., the causes of salmonellosis.
- ~~(FF)~~ (HH) *Shigella* spp., the causes of shigellosis.
- ~~(GG)~~ (II) Smallpox virus, the cause of smallpox.
- ~~(HH)~~ (JJ) *Staphylococcus aureus* with reduced susceptibility to vanomycin.
- ~~(II)~~ (KK) *Trichinella spiralis*, the cause of trichinosis.
- ~~(JJ)~~ (LL) Vaccinia virus.
- ~~(KK)~~ (MM) *Vibrio* spp., the causes of cholera and other vibrioses.
- ~~(LL)~~ (NN) Yellow fever virus.
- ~~(MM)~~ (OO) *Yersinia pestis*, the cause of plague.
- (2) Isolation or other specific identification of the following organisms from normally sterile human body sites:
 - (A) Group A *Streptococcus pyogenes* (group A streptococci).
 - (B) *Haemophilus influenzae*, serotype b.
 - (C) *Neisseria meningitidis*, the cause of meningococcal disease.
- (3) Positive serologic test results, as specified, for the following infections:
 - (A) Fourfold or greater changes or equivalent changes in serum antibody titers to:
 - (i) Any arthropod-borne viruses associated with meningitis or encephalitis in a human.
 - (ii) Any hantavirus or hemorrhagic fever virus.
 - (iii) *Chlamydia psittaci*, the cause of psittacosis.

- (iv) *Coxiella burnetii*, the cause of Q fever.
- (v) Dengue virus.
- (vi) *Ehrlichia* spp., the causes of ehrlichiosis.
- (vii) Measles (rubeola) virus.
- (viii) Mumps virus.
- (ix) *Rickettsia rickettsii*, the cause of Rocky Mountain spotted fever.
- (x) Rubella virus.
- (xi) Yellow fever virus.
- (B) The presence of IgM serum antibodies to:
 - (i) *Chlamydia psittaci*.
 - (ii) Hepatitis A virus.
 - (iii) Hepatitis B virus core antigen.
 - (iv) Rubella virus.
 - (v) Rubeola (measles) virus.
 - (vi) Yellow fever virus.

(4) Laboratory results from tests to determine the absolute and relative counts for the T-helper (CD4) subset of lymphocytes and all results from tests to determine HIV viral load.

(5) Identification of CRE from a clinical specimen associated with either infection or colonization, including all susceptibility results and all phenotypic or molecular test results.

(d) Laboratories utilizing electronic laboratory reporting (ELR) shall ~~report~~ report in addition to those listed under Paragraph (c) of this Rule:

- (1) All positive laboratory results from tests used to diagnosis chronic Hepatitis C Infection, including the following:
 - (A) Hepatitis C virus antibody tests (including the test specific signal to cut-off (s/c) ratio);
 - (B) Hepatitis C nucleic acid tests;
 - (C) Hepatitis C antigen(s) tests; and
 - (D) Hepatitis C genotypic tests.
- (2) All HIV genotypic test results, including when available:
 - (A) The entire nucleotide sequence; ~~and~~ or
 - (B) The pol region sequence (including all regions: protease (PR)/reverse transcriptase (RT) and integrase (INI) genes, if available).

(e) For the purposes of reporting, Carbapenem-Resistant Enterobacteriaceae (CRE) are defined as:

- (1) Enterobacter spp, E.coli or Klebsiella spp positive for a known carbapenemase resistance mechanism or positive on a phenotypic test for carbapenemase production; or
- (2) Enterobacter spp, E.coli or Klebsiella spp resistant to any carbapenem in the absence of carbapenemase resistance mechanism testing or phenotypic testing for carbapenemase production.

Authority G.S. 130A-134; 130A-135; 130A-139; 130A-14.

TITLE 11 – DEPARTMENT OF INSURANCE

Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Department of Insurance intends to readopt with substantive changes the rules cited as 11 NCAC 16 .0103, .0105-.0108, .0201, .0202, .0205, .0207, .0208, .0401, .0402, .0502, .0503, .0602, .0603, .0604-.0606 and .0704 and readopt without substantive changes the rules cited as 11 NCAC 16 .0101, .0203, .0204, .0206, .0403, .0501, .0504, .0601, .0607, .0701-.0703, .0705 and .0801.

Pursuant to G.S. 150B-21.2(c)(1), the text of the rule(s) proposed for readoption without substantive changes are not required to be published. The text of the rules are available on the OAH website: <http://reports.oah.state.nc.us/ncac.asp>.

Link to agency website pursuant to G.S. 150B-19.1(c): <http://www.ncdoi.com/LS/Rules.asp>

Proposed Effective Date: *October 1, 2018*

Public Hearing:

Date: *July 23, 2018*

Time: *10:00 a.m.*

Location: *1st Floor Hearing Room, Room 131 (Albemarle Building) located at 325 N. Salisbury Street, Raleigh, NC 27603*

Reason for Proposed Action: *Pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g the Department of Insurance is initiating the re-adoption process for the rules Chapter 16 of the North Carolina Administrative Code.*

Comments may be submitted to: *Loretta Peace-Bunch, 1201 Mail Service Center, Raleigh, NC 27699-1201; phone (919) 807-6004; email NCDOIRulesComments@ncdoi.gov*

Comment period ends: *July 31, 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 ($\geq \$1,000,000$)
- ☐ Approved by OSBM
- ☐ No fiscal note required by G.S. 150B-21.4
- ☒ No fiscal note required by G.S. 150B-21.3A(d)(2)

CHAPTER 16 - ACTUARIAL SERVICES DIVISION

SECTION .0100 - FIRE AND CASUALTY STATISTICAL DATA

**11 NCAC 16 .0101 APPLICABILITY
(READOPTION WITHOUT SUBSTANTIVE CHANGES)**

11 NCAC 16 .0103 NONFLEET PRIVATE PASSENGER AUTOMOBILE INSURANCE

All companies writing North Carolina nonfleet private passenger automobile insurance shall collect the statistical data described in this Rule and shall report such data to their statistical agent in a timely fashion. The statistical agents shall thereupon provide the data on a combined basis to the Actuarial Services Division. ~~(Note: If any data required by this Rule are not being collected and reported, or are not readily available to an individual company prior to January 1, 1992, then the company shall commence as of that date to collect and report such data prospectively.)~~

- (1) Premium, Exposure, Loss, and Claim Experience. Provide written and earned exposures, written and earned premiums, number of paid and incurred claims, and paid and incurred total limit losses biannually for each of the latest six accident or calendar half-years in the following detail:
 - (a) by coverage (bodily injury, property damage, medical payments, uninsured motorist, underinsured motorist, comprehensive, or collision);
 - (b) by type of exposure (voluntary, ~~involuntary, standard, or substandard~~; or involuntary);
 - (c) by territory;
 - (d) by class;
 - (e) by basic or increased limit/deductible; and
 - (f) by cause or type of loss for comprehensive coverage.
- (2) Loss and Premium Experience by Zip Code. Provide data by zip code annually in the following detail:
 - (a) calendar year written premium for all coverages combined;
 - (b) accident year incurred losses and incurred claims valued at 15 months for bodily injury and property damage coverages;

- (c) calendar year incurred losses and incurred claims for comprehensive and collision coverages;
 - (d) calendar year voluntary written exposures separately for bodily injury and property damage, comprehensive, and collision;
 - (e) calendar year involuntary written exposures for bodily injury and property damage;
 - (f) calendar year substandard written exposures for comprehensive and collision; and
 - (g) calendar year written exposures for bodily and property damage by class.
- (3) Loss Trend Experience. Provide earned exposures, earned premiums, number of paid or incurred claims, paid or incurred losses, loss frequency, and loss severity for each of the latest 16 three-month and twelve-month calendar periods ending quarterly in the following detail:
- (a) For bodily injury coverage:
 - (i) basic limits and total limits paid trends including allocated loss adjustment expense;
 - (ii) basic limits and total limits paid trends excluding allocated loss adjustment expense;
 - (iii) basic limits and total limits incurred trends including allocated loss adjustment expense; and
 - (iv) basic limits and total limits incurred trends excluding allocated loss adjustment expense.
 - (b) For property damage coverage, the same trends provided for bodily injury.
 - (c) For medical payments coverage, total limits paid trend excluding allocated loss adjustment expense.
 - (d) For uninsured motorist bodily injury coverage:
 - (i) total limits paid trend excluding allocated loss adjustment expense; and
 - (ii) total limits incurred trend excluding allocated loss adjustment expense.
 - (e) For comprehensive coverage:
 - (i) paid trend excluding allocated loss adjustment expense for exposures with no deductible;

- (ii) paid trend excluding allocated loss adjustment expense separately for exposures with deductibles of fifty dollars (\$50.00), one hundred dollars (\$100.00), two hundred dollars (\$200.00), two hundred fifty dollars (\$250.00), five hundred dollars (\$500.00), and one thousand dollars (\$1000.00); and
 - (iii) paid trend excluding allocated loss adjustment expense for all exposures not otherwise included.
 - (f) For collision coverage:
 - (i) paid trend excluding allocated loss adjustment expense separately for exposures with deductibles of fifty dollars (\$50.00), one hundred dollars (\$100.00), two hundred dollars (\$200.00), two hundred fifty dollars (\$250.00), five hundred dollars (\$500.00), and one thousand dollars (\$1000.00); and
 - (ii) paid trend excluding allocated loss adjustment expense for all exposures not otherwise included.
- (4) Liability Loss Development Experience. Provide loss and earned exposure data for fiscal accident years ending June 30 and December 31 at annual evaluation dates from 15 to 63 months for at least ten years in the following detail:
 - (a) For bodily injury and property damage coverages (separately for voluntary business and for business ceded to the North Carolina Reinsurance Facility, and on a combined basis):
 - (i) basic limits paid losses;
 - (ii) basic limits incurred losses;
 - (iii) total limits paid losses;
 - (iv) total limits incurred losses;
 - (v) paid claims;
 - (vi) incurred claims;
 - (vii) estimated (actual if available) earned premium for the corresponding calendar year; and
 - (viii) estimated (actual if available) earned exposures for the corresponding calendar year.
 - (b) For medical payments coverage (separately for voluntary business and for ceded business, and on a combined basis):
 - (i) total limits paid losses;
 - (ii) total limits incurred losses;
 - (iii) paid claims;
 - (iv) incurred claims;
 - (v) estimated (actual if available) earned premium for the corresponding calendar year; and
 - (vi) estimated (actual if available) earned exposures for the corresponding calendar year.
- (5) Physical Damage Age and Symbol Trend Experience. Provide the average age and symbol value for each of the latest twenty half-year periods ending June 30 and December 31 for the following coverages:
 - (a) full coverage comprehensive;
 - (b) comprehensive coverage with a fifty dollar (\$50.00) deductible;
 - (c) comprehensive coverage with a one hundred dollar (\$100.00) deductible;
 - (d) collision coverage with a one hundred dollar (\$100.00) deductible;
 - (e) collision coverage with a two hundred fifty dollar (\$250.00) deductible; and
 - (f) collision coverage with a five hundred dollar (\$500.00) deductible.

Authority G.S. 58-2-40; 58-2-190.

11 NCAC 16 .0105 PHYSICIANS AND SURGEONS PROFESSIONAL LIABILITY INSURANCE

All companies that insure more than two percent of the insured physicians and surgeons in North Carolina shall ~~by April 1 of each year~~ submit the following data upon request on an annual basis evaluated as of December 31 to the Actuarial Services Division. ~~(Note: If a company does not currently collect any data required by this Rule, then that company shall commence as of the effective date of this Rule to collect such data prospectively.)~~

- (1) Number of insured doctors by ~~specialty (North Carolina only);~~ specialty;
- (2) Basic limits losses and ultimate claims for the most recent ten accident or report years ~~(North Carolina and countrywide);~~ years;

- (3) Class one frequency, basic limits severity, and basic limits pure premium for the most recent ten accident or report ~~years (North Carolina and countrywide);~~ years;
- (4) Exposure distributions separately by class, by maturity, and by increased limits factor for the most recent ten calendar ~~years (North Carolina only);~~ years; and
- (5) Percentage of claims closed with neither a loss payment nor an allocated loss adjustment payment and the percentage of claims closed with only an allocated loss adjustment payment for the most recent ten calendar and for the most recent ten accident or report ~~years (North Carolina only);~~ years.

Authority G.S. 58-2-40(1); 58-2-190; 58-41-50(e)(14).

11 NCAC 16 .0106 CREDIT PROPERTY INSURANCE

To fulfill the requirements of G.S. 58-57-90, each writer of North Carolina credit property insurance shall ~~by April 1 of each year submit the data described in this Rule upon request for each of the latest five calendar years on a direct basis to the Actuarial Services Division. (Note: If a company does not currently collect any data required by this Rule, that company shall commence as of December 1, 1990 to collect such data prospectively.)~~

- (1) North Carolina premium, loss, and expense:
 - (a) Written premium;
 - (b) Earned premium;
 - (c) Paid losses and claims;
 - (d) Incurred losses and claims;
 - (e) Paid loss adjustment expense;
 - (f) Incurred loss adjustment expense;
 - (g) Incurred commissions and brokerage expenses;
 - (h) Incurred other acquisition costs;
 - (i) Incurred premium taxes;
 - (j) Other incurred expenses;
 - (k) Incurred loss and loss adjustment expense ratio;
 - (l) Incurred loss, loss adjustment expense, and other underwriting expense ratio;
 - (m) Dividends paid;
 - (n) Retrospective rate credits paid; and
 - (o) Commissions paid.
- (2) Investment income on loss, loss expense, and unearned premium reserves:
 - (a) Loss reserve at the beginning of the year;
 - (b) Loss reserve at the end of the year;
 - (c) Loss expense reserve at the beginning of the year;
 - (d) Loss expense reserve at the end of the year;
 - (e) Unearned premium reserve at the beginning of the year;

- (f) Unearned premium reserve at the end of the year; and
- (g) Investment income earned on loss, loss expense, and unearned premium reserves.
- (3) Nonrefundable fees ~~collected;~~ collected.
 - (a) Total number of transactions;
 - (b) Transactions involving insured values less than two hundred fifty dollars (\$250.00);
 - (c) Transactions involving insured values of two hundred fifty dollars (\$250.00) or more but less than five hundred dollars (\$500.00); and
 - (d) Transactions involving insured values of five hundred dollars (\$500.00) or more.
- (4) Insured values:
 - (a) Insured values for single interest insurance at the beginning of the year;
 - (b) Insured values for single interest insurance at the end of the year;
 - (c) Insured values for dual interest insurance at the beginning of the year; and
 - (d) Insured values for dual interest insurance at the end of the year.
- (5) Supplementary information:
 - (a) Identification of the Page 14 Annual Statement line under which the experience is reported; and
 - (b) Explanations of any change in the amounts reported in Subparagraphs (1)(a), (1)(k) and (1)(l) of this Rule that is greater than 50 percent of the previous calendar year's value.

Authority G.S. 58-2-40; 58-57-90(b).

11 NCAC 16 .0107 NONFILING INSURANCE

So that the Commissioner may fulfill his duties under G.S. 53-177, all writers of North Carolina nonfiling insurance shall submit the following information upon request for the previous calendar year to the Actuarial Services Division: ~~Division by March 1 of each year:~~

- (1) ~~Written~~ written premium;
- (2) ~~Earned~~ earned premium;
- (3) ~~Earned~~ earned exposures;
- (4) ~~Incurred~~ incurred losses;
- (5) ~~Number~~ number of incurred claims; and
- (6) ~~Incurred~~ incurred expenses.

Authority G.S. 53-177; 58-2-40(1).

11 NCAC 16 .0108 SINGLE OR DUAL INTEREST AUTOMOBILE PHYSICAL DAMAGE INSURANCE

To fulfill the requirements of General Statute 58-57-100(b), all writers of North Carolina Single or Dual Interest Automobile Physical Damage Insurance shall ~~by April 1 of each year~~ submit

the following data described in this Rule ~~upon request for each of the latest five calendar years on a direct basis~~ to the Actuarial Services Division. ~~(Note: If a company does not currently collect any data required by this Rule, that company shall commence as of the effective date of this Rule to collect such data prospectively.)~~

- (1) North Carolina premium, loss, and expense:
 - (a) Written premium and car year exposures;
 - (b) Earned premium and car year exposures;
 - (c) Paid losses and claims;
 - (d) Incurred losses and claims;
 - (e) Paid loss adjustment expense;
 - (f) Incurred loss adjustment expense;
 - (g) Incurred commissions and brokerage expenses;
 - (h) Incurred other acquisition costs;
 - (i) Incurred premium taxes;
 - (j) Other incurred expenses;
 - (k) Incurred loss and loss adjustment expense ratio;
 - (l) Incurred loss, loss adjustment expense and other underwriting expense ratio; and
 - (m) Policyholder dividends paid.
- (2) Investment income on loss, loss expense, and unearned premium reserves:
 - (a) Loss reserve at the beginning of the year;
 - (b) Loss reserve at the end of the year;
 - (c) Loss expense reserve at the beginning of the year;
 - (d) Loss expense reserve at the end of the year;
 - (e) Unearned premium reserve at the beginning of the year;
 - (f) Unearned premium reserve at the end of the year; and
 - (g) Investment unearned income earned on loss, loss expense, and unearned premium reserves.
- (3) Insured values:
 - (a) Insured values for single interest insurance at the beginning of the year;
 - (b) Insured values for single interest insurance at the end of the year;
 - (c) Insured values for dual interest insurance at the beginning of the year; and
 - (d) Insured values for dual interest insurance at the end of the year.
- (4) Supplementary information: identification of the Page 14 Annual Statement line under which the experience is reported.
 - ~~(a) Identification of the Page 14 Annual Statement line under which the experience is reported;~~

- ~~(b) Explanations of any change in the amounts reported in Subparagraphs (1)(a), (1)(k) and (1)(l) of this Rule that is greater than 50 percent of the previous calendar year's value.~~

Authority G.S. 58-2-40; 58-57-100.

SECTION .0200 - INDIVIDUAL ACCIDENT AND HEALTH INSURANCE

11 NCAC 16 .0201 MINIMUM LOSS RATIO STANDARDS

(a) For individual accident and health insurance policies and riders delivered in this State, the standard minimum guideline loss ratio for conditionally renewable, guaranteed renewable, and ~~noncancelable~~ non-cancelable medical expense, loss of income, and other type coverages (but not including long-term care insurance policies issued in this State on or after February 1, 2003) shall be as promulgated by the National Association of Insurance Commissioners for such coverages as of the issue date of such policies and riders.

(b) If a company fails to satisfy NAIC minimum future or lifetime loss ratio standards for a particular type of coverage, then to comply with the loss ratio standards in Paragraph (a) of this Rule, the company shall:

- (1) Combine the experience of such policy form(s) with other forms with similar type of coverage for which the pooling of experience is actuarially justified;
- (2) Provide premium credits or refunds;
- (3) Decrease premium rates for one or more subsequent rating periods; or
- (4) Implement an actuarially justified alternative proposal.

Authority G.S. 58-2-40; 58-3-275; 58-51-95; 58-63-15(7)b.

11 NCAC 16 .0202 ACCIDENT AND HEALTH INSURANCE RENEWABILITY DEFINITIONS

With respect to all individual accident and health insurance in this state, the following renewability definitions, or substantively similar wording as the Commissioner approves, shall be used:

- (1) Conditionally Renewable - Renewal may be declined for stated reasons, except for the deterioration of health of an individual insured; provided that the declination applies to all insureds in this state insured under the same policy or rider.
- (2) Guaranteed Renewable - Renewal may not be declined by an insurance company for any reason; but the insurance company may revise rates on a class basis.
- (3) ~~Noncancelable~~ - Non-cancelable - Renewal may not be declined nor may rates be revised by an insurance company.

Authority G.S. 58-2-40; 58-51-95; 58-63-15(7)b.

**11 NCAC 16 .0203 CONDITIONALLY
RENEWABLE STATED REASON PROHIBITED
(READoption WITHOUT SUBSTANTIVE CHANGES)**

**11 NCAC 16 .0204 OPTIONALLY RENEWABLE
PROHIBITED (READoption WITHOUT
SUBSTANTIVE CHANGES)**

**11 NCAC 16 .0205 DATA REQUIREMENTS FOR
RATE REVISION SUBMISSION**

(a) With respect to any individual accident and health insurance policy governed by Articles 1 through 64 of Chapter 58 for which an adjustment of premium rate is allowed by law, the insurer shall submit an actuarial memorandum describing and demonstrating the development of any requested premium rate revision. The actuarial memorandum shall contain a subsection identified as "Additional Data Requirements." The initial rate revision filing shall be submitted to ~~and stamped received by~~ the Department's Life and Health Division. An insurer shall submit all data required by this Rule within 45 days after the date that the initial rate revision filing is stamped received. Subsequent data submissions on incomplete initial rate revision filings shall be made directly to the Department's Actuarial Services Division within the 45 day period. The following data is required in the "Additional Data Requirements" subsection:

- (1) Identification of the submitted data as North Carolina or countrywide and consistent use of this data identification throughout this Section.
- (2) Identification of all previously approved policy forms included in the rate revision submission, by North Carolina policy form number.
- (3) The month, year, and percentage amount of all previous rate revisions.
- (4) The month and year that the rate revision is scheduled to be implemented (hereinafter referred to as the "implementation date").
- (5) The type of renewability provision contained in each policy form; e.g., guaranteed renewable.
- (6) The type of coverage provided by each policy form; e.g., medical expense.
- (7) Identification of the type of rating methodology; e.g., issue age, attained age, community rate or other.
- (8) The National Association of Insurance Commissioners minimum guideline loss ratio and, if different, the insurer's minimum guideline loss ratio.
- (9) The average annual premium for North Carolina and countrywide before and after the implementation of the rate revision.
- (10) The number of North Carolina and countrywide policyholders affected by the rate revision.
- (11) The requested rate revision percentage attributable to experience.
- (12) The requested rate revision percentage attributable to changes in benefits promulgated by Medicare, if applicable, and the calculation used to develop this percentage.

- (13) Identification and actuarial justification of all groupings of policy forms.
- (14) The historical calendar year earned premium subdivided by duration and expressed on an actual and a current premium rate basis for the period of time from the earliest date that experience is recorded to the most recent date experience is recorded.
- (15) The "expected" incurred loss ratios by duration based upon original pricing assumptions for all policy durations considered in the original pricing.
- (16) The "expected" lapse rates by duration based upon original pricing assumptions for all policy durations considered in the original pricing, including assumptions for voluntary lapse rates and mortality rates.
- (17) The "actual" lapse rates for duration one through the duration coinciding with the calendar year for which the most recent experience is recorded.
- (18) The historical calendar year incurred claims, for other than Medicare supplement insurance, covering the period of time from the earliest date that experience is recorded to the most recent date experience is recorded.
- (19) The historical calendar year incurred claims, for Medicare supplement insurance, expressed on an actual and a current benefit level basis covering the period of time from the earliest date experience is recorded to the most recent date experience is recorded.
- (20) A count of the number of incurred claims for each calendar year of data provided; which means the total number of claims reported during the calendar year (whether paid or in the process of payment), plus the number of incurred but not reported claims at the end of the calendar year, minus the number of incurred but not reported claims at the beginning of the calendar year. For disability income insurance, only the initial claim payment for each period of disablement shall be counted. For each type of medical expense benefit, only the initial claim payment per cause shall be counted; for example, payments for continuation of a claim, such as refills on a prescription drug, are to be excluded from the incurred claim count.
- (21) An estimation of the amount of policy year exposure contributed by all policyholders within each calendar year of data provided.
- (22) A statement declaring whether this is an open block of business or a closed block of business.
- (23) An estimation of the annual earned premium on new issues stated at the current premium rate basis for the period of time from the date that the most recent experience is last recorded to a date not exceeding the fifth year following the implementation date.

- (24) The number of months that the rate will be guaranteed to an individual policyholder.
- (25) The rate revision implementation method, such as the next premium due date following a given date, the next policy anniversary date, or otherwise; if otherwise, an explanation must be included.
- (26) A statement declaring the month and year of the earliest anticipated date of the next rate revision.
- (27) An explanation and actuarial justification of the apportionment of the aggregate rate revision within each policy form or between policy forms that have been grouped; and a demonstration that the apportionment of the aggregate rate revision yields the same premium income as if the rate revision had been applied uniformly.
- (28) An explanation and actuarial justification, if applicable, for changing any factor that affects the premium.
- (29) An explanation of the effect that the rate revision will have on the incurred loss ratio on those policies in force for three years or more as exhibited in the Medicare Supplement Experience Exhibit of the Annual Statement.
- (30) The name, address, and telephone number of an insurance company representative who will be available to answer questions relating to the rate revision.

(b) For the following individual accident and health policies, except Medicare supplement and long-term care, data is not required to be subdivided by policy year duration; and the data in Subparagraphs (a)(15), (a)(16), and (a)(17) of this Rule may be omitted:

- (1) ~~short~~ Short term non-renewable; e.g., airline trip, student, or accident;
- (2) ~~annual~~ Annual renewable term that are repriced every year; and
- (3) ~~any~~ Any closed block of business for which all in force policies have exceeded the seventh year duration.

Authority G.S. 58-2-40(1); 58-51-95; 58-63-15(7)b.

**11 NCAC 16 .0206 CLASS DEFINITION
RESTRICTION (READOPTION WITHOUT
SUBSTANTIVE CHANGES)**

11 NCAC 16 .0207 COMMON BLOCK

(a) As used in this Rule, "Common Block" means a grouping of similar policy form types for which the pooling of experience is actuarially justified and for which the rate revisions are based upon the common experience. A Common Block may include both open and closed policy form types.

(b) If a company establishes a Common Block for compliance with G.S. 58-51-95(h), with respect to all future rate revision filings, the company shall request a common uniform rate revision to apply to all policy forms in the Common Block and not an

apportionment by form. Once policy forms are grouped into a Common Block, they must remain grouped for future rate filings. Actuarially justified apportionments of the common rate increase, due to differences in benefits between forms, shall be allowed.

(c) If a company establishes a Common Block for compliance with G.S. 58-51-95(h), then compliance with G.S. 58-3-275 is required for the Closed Block portion of policy forms that make up the Common Block.

~~(d) The requirements of 11 NCAC 16 .0201 with respect to a common block shall be satisfied for all policy forms within the common block if the first filing is made prior to July 1, 2007. In the event that a policy form is added to a common block, the next annual filing for the common block shall meet the requirements of this Rule for that policy form.~~

Authority G.S. 58-2-40; 58-3-275; 58-51-95; 58-63-15(7)b.

**11 NCAC 16 .0208 ANNUAL ACTUARIAL
CERTIFICATIONS FOR LONG-TERM CARE FORMS**

For actuarial certifications required by G.S. 58-51-95(i):

- (1) The actuarial certification shall be made by an individual who is either a Fellow or an Associate of the Society of Actuaries, a Fellow or an Associate of the Casualty Actuarial Society, or a member of the American Academy of Actuaries.
- (2) For a policy form which becomes closed, but for which no corrective action is currently required, or for other situations for which no corrective action is currently required, the actuary shall, in lieu of the plan of corrective action required by G.S. 58-51-95(i)(2), provide a certification that the actuary has reviewed the historical experience for the policy form and that in the actuary's opinion, a rate revision is not currently justified.

Authority G.S. 58-2-40; 58-2-171; 58-3-275; 58-51-95; 58-63-15(7)b.

**SECTION .0400 - CREDIT LIFE ACCIDENT AND
HEALTH RATE DEVIATION**

11 NCAC 16 .0401 DEFINITIONS

As used in this Section:

- (1) "Class of Business" means one of the following determined by the source of the business:
 - (a) Credit Unions;
 - (b) Commercial Banks and Savings and Loan Associations;
 - (c) Finance Companies;
 - (d) Motor Vehicle Dealers;
 - (e) Other Sales Finance;
 - (f) All Others.
- (2) "Account" means the aggregate credit life insurance, credit accident and health insurance or credit unemployment insurance coverage for a single plan of insurance and for a single class of business written through a single creditor

- whether coverage is written on a group or individual basis.
- (3) "Case" means either a "Single Account Case" or a "Multiple Account Case" as follows:
- (a) "Single Account Case" means an account that is at least 25% credible or, at the option of the insurer, any higher percentage as determined by the Credibility Formula as defined in Item (6) of this Rule; and
- (b) "Multiple Account Case" means two or more accounts of the same plan of insurance and class of business having similar underwriting characteristics, excluding single account cases defined in Sub-item (3)(a) of this Rule, and which, when combined, are at least as credible as the minimum level of credibility elected in Sub-item (3)(a) of this Rule.
- (4) "Plan of Insurance" means:
- (a) Decreasing term credit life insurance on single or joint lives;
- (b) Level term credit life insurance on single or joint lives;
- (c) Credit accident and health insurance on single or joint lives, with single premiums which vary by waiting period and retroactive or nonretroactive benefits; and
- (d) Credit Unemployment insurance on single or joint lives.
- (5) "Credibility Factor" means the degree to which the past experience of a case can be expected to occur in the future.
- (6) "Credibility Formula" means the following process used to calculate the credibility factor:
- (a) Determine the incurred claim count during the experience period;
- (b) Divide Sub-item (6)(a) of this Rule by 1082;
- (c) Take the square root of Sub-item (6)(b) of this Rule; and
- (d) The credibility factor is the lesser of the number one and the results of Sub-item (6)(c) of this Rule.
- (7) "Earned Premium at Current Approved Rate" means North Carolina earned premium, during the experience period, restated as though the current North Carolina approved rate had been charged.
- (8) "Incurred Claims" means North Carolina incurred claims during the experience period including the increase in provision for incurred (whether reported or not) claims from the beginning to the end of the period.
- (9) "Expense Ratio" means the ratio of the insurer's operating expenses for a class of business and plan of insurance to its earned premium for that class of business and plan of insurance.
- (10) "Operating Expenses" means any combination of the following expenses:
- (a) Commissions;
- (b) Other acquisition;
- (c) General Administration;
- (d) Taxes, licenses, and fees; and
- (e) Profit and contingency margin.
- (11) "Benchmark Loss Ratio" means the percentage of premium that is expected to be used to pay losses. It is calculated by subtracting the expense loss ratio from the number one.
- (12) "Rate Adjustment Factor" means the result of the calculations in 11 NCAC 16 .0403(15).
- (13) "Experience Period" means the period of time for which experience is reported, but not for a period longer than the most recent three years.
- (14) "Incurred Claim Count" means the number of North Carolina claims incurred for the case during the experience period. This means the total number of claims reported during the experience period (whether paid or in the process of payment) plus any incurred but not reported at the end of the experience period less the number of claims incurred but not reported at the beginning of the experience period. If a debtor has been issued more than one certificate for the same plan of insurance, then only one claim is counted. If a debtor receives credit disability or credit unemployment benefits, then only the initial claim payment for that period of disability or period of unemployment is counted.
- (15) "Incurred Loss Ratio at Current Approved Rate" means the ratio of incurred claims, as defined in Item (8) of this Rule, to earned premium at current North Carolina approved rate, as defined in Item (7) of this Rule, for the case.
- (16) "Class of Business Incurred Loss Ratio at Current Approved Rate" means the ratio of incurred claims, as defined in Item (8) of this Rule, to earned premium at current North Carolina approved rate, as defined in Item (7) of this Rule, for the class of business and plan of insurance associated with the case.
- (17) "Qualified Actuary" means an individual who is a member of the American Academy of Actuaries or an Associate or Fellow of the Society of Actuaries, Actuaries or an Associate or Fellow of the Casualty Actuarial Society.
- (18) "Maximum Approved Rate" means the current North Carolina approved rate for the case multiplied by the prima facie rate adjustment factor as defined in Item (12) of this Rule.

Authority G.S. 58-2-40; 58-57-35(a); 58-57-70.

11 NCAC 16 .0402 GENERAL SUBMISSION REQUIREMENTS

(a) All rate deviation requests, including the data required by Rule .0403 of this Section, shall be submitted to ~~and stamped received by~~ the Life and Health Division. All rate deviation requests shall be submitted no later than March 31, of each calendar year, to become effective during the calendar year of ~~submission, with the exception of rate deviations submitted for use in calendar year 1994.~~ submission.

(b) All experience used in the calculation of the rate deviation shall only be North Carolina experience.

(c) All deviated rates shall be submitted, in accordance with this Rule, to the Life and Health Division each succeeding year for reevaluation.

(d) All rate deviation calculations shall be performed by or under the supervision of a qualified actuary.

(e) The following information shall be submitted in regards to the qualified actuary:

- (1) Name of the qualified actuary;
- (2) Professional designations of the qualified actuary, e.g. A.S.A., F.S.A., ACAS, FCAS, or M.A.A.A.;
- (3) Name and address of the company or actuarial consulting firm employing the qualified actuary; and
- (4) Telephone number (including extension) of the qualified actuary.

(f) The qualified actuary shall include in the credit rate deviation request a written statement certifying the following:

- (1) That the qualified actuary ~~(Name~~ (name of qualified actuary) has reviewed Rules .0401 through .0403 of this Section;
- (2) That the qualified actuary certifies that all submitted calculations and data preparation are in conformity with Rules .0401 through .0403 of this Section; and
- (3) That all data submitted are accurate and in conformity with Rule .0401 of this Section.

Authority G.S. 58-2-40; 58-57-35(a); 58-57-70.

11 NCAC 16 .0403 CALCULATION PROCEDURE AND DATA REQUIREMENTS FOR RATE DEVIATIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 16 .0501 MINIMUM INCURRED LOSS RATIO (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 16 .0502 DEFINITIONS

As used in this Section:

- (1) "Earned Premium" means North Carolina credit unemployment earned premium, during the experience period, restated as though the current North Carolina credit unemployment rate had been charged.
- (2) "Incurred Claims" means North Carolina credit unemployment incurred ~~claims~~ losses during the experience period.

- (3) "Experience Period" means the period of time for which experience is reported, but not for a period longer than the most recent three years.
- (4) "Incurred Claim Count" means the number of North Carolina credit unemployment claims incurred during the experience period. This means the total number of claims reported during the experience period (whether paid or in the process of payment) plus any incurred but not reported at the end of the experience period less the number of claims incurred but not reported at the beginning of the experience period. Only the initial claim payment for that period of unemployment is counted.
- (5) "Credibility Factor" means the degree to which the past experience can be expected to occur in the future.
- (6) "Credibility Formula" means the following process used to calculate the credibility factor:
 - (a) Determine the incurred claim count during the experience period;
 - (b) Divide Sub-item (6)(a) of this Rule by 1082;
 - (c) Take the square root of Sub-item (6)(b) of this Rule; and
 - (d) The credibility factor is the lesser of the number one and the results of Sub-item (6)(c) of this Rule.
- (7) "Qualified Actuary" means an individual who is a member of the American Academy of Actuaries or an Associate or Fellow of the Society of ~~Actuaries.~~ Actuaries of an Associate or Fellow of the Causality Actuarial Society.
- (8) "Incurred Loss Ratio at Current Credit Unemployment Rate" means the ratio of incurred ~~claims~~ losses, as defined in Item (2) of this Rule, to earned premium, as defined in Item (1) of this Rule.

Authority G.S. 58-2-40; 58-57-70; 58-57-110(a).

11 NCAC 16 .0503 GENERAL SUBMISSION REQUIREMENTS

(a) All credit unemployment minimum incurred loss ratio compliance demonstrations shall be submitted to ~~and stamped received by~~ the Life and Health Division. ~~Division upon request. All submitted demonstrations shall be submitted no later than March 31 of each calendar year, to become effective during the calendar year of submission, with the exception of submitted demonstrations for use in calendar years 1994 through 1996.~~

(b) All experience used in the demonstration of compliance shall be only North Carolina experience.

(c) All compliance demonstrations shall be submitted, in accordance with this Rule, to the Life and Health Division each succeeding year for reevaluation.

(d) The following information shall be submitted in regards to the qualified actuary:

- (1) Name of the qualified actuary;

- (2) Professional designations of the qualified ~~actuary, e.g. A.S.A., F.S.A., or M.A.A.A.;~~ actuary;
- (3) Name and address of the company or actuarial consulting firm employing the qualified actuary; and
- (4) Telephone number (including extension) of the qualified actuary.

(e) The qualified actuary shall include in the credit unemployment rate request a written statement certifying the following:

- (1) That the qualified actuary ~~(name of qualified actuary)~~ has reviewed Rules .0501 through .0504 of this Section;
- (2) That the qualified actuary certifies that all submitted calculations and data preparation are in conformity with Rules .0501 through .0504 of this Section; and
- (3) All data submitted are accurate and in conformity with Rule .0502 of this Section.

Authority G.S. 58-2-40; 58-57-70; 58-57-110(a).

**11 NCAC 16 .0504 CALCULATION PROCEDURE
AND DEMONSTRATION OF COMPLIANCE
(READOPTION WITHOUT SUBSTANTIVE CHANGES)**

**SECTION .0600 - HEALTH MAINTENANCE
ORGANIZATION FILINGS AND STANDARDS**

**11 NCAC 16 .0601 DEFINITIONS (READOPTION
WITHOUT SUBSTANTIVE CHANGES)**

**11 NCAC 16 .0602 HMO GENERAL FILING
REQUIREMENTS**

(a) All schedules of premiums for enrollee coverage for health care services and amendments to schedules of premiums that are filed with the Department shall be submitted to and stamped received by the Life and Health Division and indicate whether the filing is an original or amended filing. All data requirements prescribed by this Section must be submitted within 30 days after the date that the filing is stamped received, or the filing will be deemed to be disapproved. Subsequent data submissions for rate filings deemed to be in non-compliance with this Section shall be made directly to the Department's Actuarial Services Division within the 30 day period.

(b) All filings shall be accompanied by:

- (1) A certification by a qualified actuary that the premiums applicable to an enrollee are not individually determined based on the status of his health and that such premiums are established in accordance with actuarial principles for various categories of enrollees and are not excessive, inadequate, or unfairly discriminatory.
- (2) Actuarial data supporting the schedule of premiums as prescribed by 11 NCAC 16 .0603, 11 NCAC 16 .0604, 11 NCAC 16 .0605, 11 NCAC 16 .0206 and 11 NCAC 16 .0207.

~~(c) All data and schedules that are required to be filed by this Section shall be filed in duplicate.~~

~~(d)~~(c) As used in Paragraph (b) of this Rule, "qualified actuary" means an individual who is an Associate or Fellow of the Society of Actuaries or a Member of the American Academy of Actuaries and has at least three years of substantive experience in the HMO or another managed health care field.

Authority G.S. 58-67-50(b); 58-67-150.

**11 NCAC 16 .0603 HMO RATE FILING DATA
REQUIREMENTS**

All HMO rate filings shall include the following data:

- (1) Identification and a brief description of the HMO model type;
- (2) Identification of the enrollee issue basis, whether individual or group;
- (3) Identification and a brief description of the type of rating methodology, such as community rating, community rating by class, adjusted community rating, credibility rating, or other;
- (4) Identification and listing of all rate classification factors, such as age, gender, geographic area, industry, group size, or effective date;
- (5) A brief, summary description and numerical demonstration of the development of the capitated rate, including a listing of sources used;
- (6) A brief, summary description and numerical demonstration of the development of any portion of the premium rate developed for fee-for-service claims, including a listing of sources used;
- (7) A brief, summary description of the claim reserving methodology and the incorporation of claim reserves into the premium rate;
- (8) A brief, summary description of the procedure and assumptions used to convert the total per member per month cost to the proposed premium rates; including assumptions for the distribution of community rated contracts by contract type, the ratios by tier to the single rate, and the average number of members in each contract type;
- (9) The projected monthly incurred loss ratios for the period of time equal to the number of months for which the rates will be in effect, plus the number of months the rates will be guaranteed;
- (10) The percentage of ~~the per~~ each member's ~~member per month~~ monthly premium for administrative expenses and for surplus.

Authority G.S. 58-67-50(b); 58-67-150.

**11 NCAC 16 .0604 INITIAL HMO RATE FILING
DATA REQUIREMENTS AND STANDARDS**

(a) All initial HMO rate filings shall include, in addition to the data required by 11 NCAC 16 .0603, the following data:

- (1) A comparison of the rates to other HMO rates with the same effective date in North Carolina for similar benefit plans.
- (2) ~~A completed diskette, provided by the Actuarial Services Division of the Department, containing a~~ A three-year financial projection projection, provided by the Department's Actuarial Services Division, that details total membership, revenues and expenses, and that includes a statement of cash flow, a balance sheet, and a statement of working capital and net worth.

(b) All initial HMO rate filings shall use in the rate development a total retention loading of:

- (1) no greater than 25.0% of the total premium rate for full-service HMO products issued on a group basis;
- (2) no greater than 35.0% of the total premium rate for single-service HMO products issued on a group basis;
- (3) no greater than 35.0% of the total premium rate for full-service HMO products issued on an individual basis;
- (4) no greater than 45.0% of the total premium rate for single-service HMO products issued on an individual basis.

(c) If an HMO uses a total retention loading which is less than the maximum limit cited in Paragraph (b) of this Rule minus 15.0%, then the following supporting documentation shall be included in the filing:

- (1) a listing of each of the specific components which make up the total retention loading expressed as a percentage of premium;
- (2) a brief description of the methodology employed to obtain each of the components which make up the total retention loading;
- (3) a brief explanation as to why any of the components which make up the total retention loading have changed and a statement of opinion from an officer of the HMO that these changes are permanent in nature;
- (4) a brief, summary description of the impact of any special fee negotiations or contract arrangements which affect the premium rates; identification of specific hospitals or physician groups is not required;
- (5) a comparison of the rates to other HMO rates with similar benefit plans.

(d) All HMO's must project a positive net income after taxes in each of the last 12 months of the three year financial projection.

Authority G.S. 58-67-10(d)(1); 58-67-50(b); 58-67-150.

**11 NCAC 16 .0605 HMO EXPANSION REQUEST
DATA REQUIREMENTS**

All HMO expansion requests shall include, in addition to the data required by 11 NCAC .0603, the following data:

- (1) ~~a~~ A comparison of the actual financial results, including total membership, revenues, and expenses, to the projected financial results for at least the most recent 12-month ~~period;~~ period.
- (2) ~~a completed diskette, provided by the Actuarial Services Division of the Department, containing a~~ A three-year financial projection projection, provided by the Department's Actuarial Services Division, that details total membership, revenues, and expenses, and that includes a statement of cash flow, a balance sheet, and a statement of working capital and net worth for both the existing service area and the proposed area of expansion.

Authority G.S. 58-67-10(d)(1); 58-67-50(b); 58-67-150.

**11 NCAC 16 .0606 HMO RATE REVISION FILING
DATA REQUIREMENTS**

All HMO rate revision filings shall include, in addition to the data required by 11 NCAC 16 .0603, the following data:

- (1) a brief, summary description of the scope and reason for any rate revision, including the methodology employed to determine the revised rates;
- (2) the number of months the rates will be in effect and the number of months the rates will be guaranteed;
- (3) the dates and average percentage amounts of:
 - (a) all prior rate revisions in North Carolina during the preceding three years, and
 - (b) the current rate revision request;

and quarterly rate increases shall be shown in comparison to both the immediately preceding quarter and the corresponding quarter of the previous 12-month period;

- (4) the North Carolina average annual per member per month premium revenue before and after the rate revision;
- (5) a brief, summary explanation of any deviations in actual versus expected utilization rates or medical costs that may be used to justify a premium rate revision;
- (6) identification and a brief, summary description of the derivation of any trend factor used to project medical expenses;
- (7) a comparison of the actual financial results, including total membership, revenues, and expenses, to the projected financial results for at least the most recent 12-month period;
- (8) ~~a completed diskette, provided by the Actuarial Services Division of the Department, that contains~~ a financial projection for the period of time equal to the number of months the rates

will be in effect plus the number of months the rates will be guaranteed, provided by the Department Actuarial Services Division, that details total membership, revenues, and expenses, and that includes a statement of cash flow, a balance sheet, and a statement of working capital and net worth.

Authority G.S. 58-67-50(b); 58-67-150.

11 NCAC 16 .0607 HMO INCURRED LOSS RATIO STANDARDS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0700 - HEALTH MAINTENANCE ORGANIZATION CLAIM RESERVE DATA REQUIREMENTS

11 NCAC 16 .0701 DEFINITIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 16 .0702 CLAIMS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 16 .0703 CLAIM RESERVE FILING REQUIREMENTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

11 NCAC 16 .0704 CLAIM RESERVE DATA AND FORMAT REQUIREMENTS

(a) The data requirements in Paragraph (b) of this Rule shall be recorded for the following types of claims:

- (1) Inpatient Claims;
- (2) Physician Claims;
- (3) Referral Claims; and
- (4) Other.

(b) For the most recent 24-month period immediately preceding and including the valuation date, the following "monthly" historical data shall be recorded by the month in which the claim or payment was incurred and by the following:

- (1) Cumulative number of claims reported through the 24-month period;
- (2) Cumulative number of claims paid through the 24-month period;
- (3) Cumulative dollar amount of claims paid through the 24-month period; and
- (4) Cumulative dollar amount of claims incurred through the 24-month period.

(c) The following monthly historical data shall be recorded for the most recent 24-month period immediately preceding and including the valuation date:

- (1) Earned premiums by calendar month;
- (2) Total number of enrollees at the beginning and end of each month; and
- (3) Data on claim amounts greater than or equal to one hundred thousand dollars (\$100,000).

(d) Schedule H, Section II - Analysis of Unpaid Claims, updated as of the current valuation date.

~~(e) All data in this Rule shall be recorded on a 3.5" diskette containing a LOTUS worksheet named CLM_RES.WK3 or CLM_RES.WK1; which can be obtained from the Actuarial Services Division.~~

~~(f) A hard copy of the LOTUS worksheet shall accompany the filing.~~

Authority G.S. 58-2-40; 58-67-135(b); 58-67-150.

11 NCAC 16 .0705 CLAIM RESERVE METHODOLOGY AND ACTUARIAL CERTIFICATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0800 - SMALL EMPLOYER GROUP HEALTH INSURANCE ACTUARIAL CERTIFICATION

11 NCAC 16 .0801 SMALL EMPLOYER GROUP HEALTH INSURANCE ACTUARIAL CERTIFICATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Wildlife Resources Commission intends to amend the rules cited as 15A NCAC 10F .0103-.0107, .0109, .0110, .0201, .0202 and .0325; and readopt with substantive changes the rules cited as 15A NCAC 10F .0102 and .0301.

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

Proposed Effective Date: *October 1, 2018*

Public Hearing:

Date: *June 20, 2018*

Time: *10:00 a.m.*

Location: *WRC Headquarters, Commissioner's room, 1751 Varsity Drive, Raleigh, NC 27606*

Reason for Proposed Action: *All 10F Rules were reviewed as part of the 2016 Periodic Review process. Rules 10F .0102 and .0301 were determined to be "necessary with substantive public interest", and therefore are required to be readopted. Rules 10F .0103-.0110 and 10F .0201, .0202 and .0325 were determined to be "necessary without substantive public interest", and therefore are not required to be readopted but are proposed for amendment to make minor updates to language and references.*

Comments may be submitted to: *Carrie Ruhlman, Rule-making Coordinator, 1701 Mail Service Center, Raleigh, NC 27699-1701; email regulations@ncwildlife.org*

Comment period ends: *July 31, 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
- ☒ No fiscal note required by G.S. 150B-21.3A(d)(2)

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY

SECTION .0100 - MOTORBOAT REGISTRATION

15A NCAC 10F .0102 APPLICATION FOR CERTIFICATE OF VESSEL NUMBER

(a) Definitions. The definitions in G.S. 75A-2 shall apply throughout this Subchapter and to all forms prescribed pursuant to this Subchapter. As used in this Subchapter, the following definitions shall also apply:

- (1) "Boating Accident" means a collision, accident, casualty, or occurrence involving a vessel or its equipment and resulting in:
 - (A) damage by or to the vessel, its equipment, or other property;
 - (B) injury or loss of life to any person; or
 - (C) the disappearance of any person from a vessel under circumstances that indicate the possibility of death or injury.

A "boating accident" includes, but is not limited to, capsizing, collision, foundering, flooding, fire, explosion, and the disappearance of a vessel other than by theft.
- (2) "Certificate of Title" means a document that serves as evidence of ownership of a vessel.
- (3) "Dealer" means a person, firm, or corporation engaged in the business of offering vessels for sale at retail or wholesale from an established location.

- (4) "Government Agency Vessel" means a vessel owned and operated by the United States or a federal agency, a state, or a subdivision of a state.
- (5) "Livery Vessel" means a vessel that is rented or leased by the owners to an individual for a defined period of time.
- (6) "Manufacturer" means a person, firm, or corporation engaged in the business of manufacturing vessels either upon prior commission or for the purpose of sale after manufacture.
- (7) "Nonprofit Rescue Squad Vessel" means a vessel owned and operated by a nonprofit rescue squad exclusively for rescue purposes, including rescue training.
- (8) "Proof of Ownership Document" means a document that provides evidence of ownership and shall include a Certificate of Number or a Certificate of Title issued by the Commission or any similar document issued by another state or country, an affidavit, a bill of sale, a manufacturer's statement of origin, or any other document that establishes ownership.
- (9) "Vessel Agent" means an individual or business authorized by the Commission to conduct vessel transactions.

(a)(b) General. The certificate of numbering and certificate of titling requirements of G.S. 75A-4, G.S. 75A-7, G.S. 75A-34, and G.S. 75A-35 shall apply to all vessels operated on the public waters of North Carolina, including livery vessels, commercial fishing vessels, and commercial passenger vessels. Vessels operated pursuant to a dealer's or manufacturer's certificate of number for demonstration or testing purposes, government agency vessels, and non-profit rescue squad vessels shall not be subject to the titling requirements of G.S. 75A-34 and G.S. 75A-35 but shall remain subject to the certificate of numbering requirements of G.S. 75A-4 and G.S. 75A-7. Every owner applying for a certificate of number ~~or~~ and certificate of title of a vessel, if applicable, ~~vessel required to be numbered, pursuant to G.S. 75A 4 and 75A 7 or required to be titled pursuant to G.S. 75A 34 and 75A 35~~ shall apply to the North Carolina Wildlife Resources Commission or to one of its Wildlife Service Agents vessel agents using an application ~~provided by the Wildlife Resources Commission.~~ available on the Commission website at www.ncwildlife.org. ~~The application shall contain the following information:~~ The application shall include the following information:

- (1) the name of owner(s); the owners;
- (2) the address, telephone number, date of birth, and North Carolina driver license number of owner(s); owners;
- (3) present the current or previous certificate of number number, if applicable; (if any);
- (4) desired the desired period of certificate of number (one or three years); number, either one or three years;
- (5) primary the primary use of vessel (pleasure, livery, demonstration, commercial passenger,

- commercial fishing, other commercial, other);
vessel:
- (A) pleasure;
(B) livery;
(C) demonstration;
(D) commercial fishing;
(E) commercial passenger;
(F) other commercial; or
(G) other;
- (6) ~~model of vessel (if known);~~ the model of the vessel, if known;
(7) ~~manufacturer (if known);~~ the manufacturer, if known;
(8) the year of manufacture or model year (if known); year, if known;
(9) the manufacturer's hull identification number (if any); number, if any;
(10) overall the length of the vessel in feet and inches;
(11) ~~the type of vessel (open, cabin, houseboat, personal watercraft, pontoon, other);~~ vessel:
(A) open;
(B) cabin;
(C) houseboat;
(D) personal watercraft;
(E) pontoon; or
(F) other;
- (12) ~~hull material (wood, metal, fiberglass, inflatable, plastic, other);~~ the hull material:
(A) wood;
(B) metal;
(C) fiberglass;
(D) plastic;
(E) inflatable; or
(F) other;
- (13) ~~type of propulsion (inboard; outboard; inboard-outdrive; jet drive; sail; auxiliary sail/inboard; auxiliary sail/outboard, other);~~ the type of propulsion:
(A) inboard;
(B) outboard;
(C) inboard outdrive;
(D) sail;
(E) auxiliary sail/inboard;
(F) auxiliary sail/outboard; or
(G) jet Drive;
- (14) ~~type of fuel (gasoline, diesel, electric, other);~~ the type of fuel:
(A) gasoline;
(B) diesel;
(C) electric; or
(D) other;
- (15) a proof of ownership document;
(16) the signature of the owner(s); owners;
(17) the make of motor (if if over 25 horsepower), horsepower, including serial number, number and purchase price of motor;
(18) the lien holder name, address, and telephone number;

- (19) the effective lien date;
(20) the county where vessel is taxed; and
(21) status proof of United States Coast Guard documentation; documentation, if applicable.
- (b)(c) Application for certificate of number and certificate of title. The owner(s) owners shall complete and submit an application for a certificate of number, ~~along with the proof of ownership document and proof of ownership document(s), and~~ applicable fees to the Wildlife Resources Commission or one of its authorized vessel agents for processing within 15 days of the date of sale. A new certificate of number shall be issued for new or ~~never before~~ never-before registered vessels. For a period of 60 days following the date of sale, the new owner owners may use a copy of the proof of ownership document, ~~provided it contains the date of sale, document~~ as a temporary certificate of number pending receipt of the original ~~certificate.~~ certificate, provided it contains the date of sale. If the vessel is 14 feet or longer or is a personal watercraft, then a Certificate of Title for Vessel shall be issued, including recordation of any liens listed on the application. If required, a certificate of title shall be issued and all reported liens shall be recorded.
- (e)(d) Livery Vessel Owners. A "livery vessel" is one that is rented or leased to an individual for a specific time period by the owners(s). The certificate of numbering and certificate of titling requirements of G.S. 75A 4, 75A 7, 75A 34, and 75A 35 apply to livery vessels. Upon receipt of a completed application, application and a copy of the lease or rental agreement form and fee, the Wildlife Resources Commission shall issue to the applicant a certificate of number and, if ~~applicable according to the standards in Paragraph (b) of this Rule,~~ applicable, a certificate of title.
- (d)(e) Dealers and Manufacturers of Vessels. A "manufacturer" as the term is used in this Rule is defined as a person, firm, or corporation engaged in the business of manufacturing vessels either upon prior commission or for the purpose of selling them after manufacture. A "dealer" as the term is used in this Rule is defined as a person, firm, or corporation engaged in the business of offering vessels for sale at retail or wholesale from an established location(s). The certificate of numbering requirements of G.S. 75A 4 and 75A 7 apply to vessels belonging to dealers and manufacturers. Upon receipt of a completed application and fee, the Wildlife Resources Commission shall issue to the applicant a certificate of number that may be used in connection with the operation of any vessel in the possession of the dealer or manufacturer when the vessel is being demonstrated. Dealer and manufacturer ~~certificate of numbers~~ certificates of number shall not be transferred. A new certificate of number shall be issued upon sale or transfer. Demonstration vessels shall not be titled so long as the vessel is owned by the dealer or manufacturer. Vessels owned or possessed by dealers or manufacturers for personal use or for any use other than for demonstration and testing purposes shall be individually registered in the name of the dealer or manufacturer in accordance with ~~Paragraph (a)~~ the certificate of number requirements of Paragraph (b) of this Rule. Additional ~~dealer's dealer or manufacturer's manufacturer~~ certificates of number may be obtained by making application in the same manner as prescribed for the initial certificate with payment of ~~an~~ additional a fee for each additional certificate. Dealers and

manufacturers may register individual vessels in accordance with Rule .0104(a) of this Section.

~~(e)(f)~~ Government Agency and Nonprofit Rescue Squad Vessels. ~~The certificate of numbering requirements of G.S. 75A-4 and 75A-7 apply to vessels belonging to state or local government agencies.~~ Upon receipt of a completed application and proof of ownership documents from a ~~state or local government agency,~~ government agency or non-profit rescue squad, the ~~Wildlife Resources~~ Commission shall issue to the applicant a permanent certificate of number. There is ~~shall be~~ no fee for a permanent ~~state or local government agency or non-profit rescue squad~~ certificate of number and the certificate is valid until the vessel is transferred to another government agency, an individual, a business, or a dealer. Government agency and nonprofit rescue squad registered vessels shall not be titled.

~~(f)(g)~~ Commercial Fishing Vessel. ~~The certificate of numbering and certificate of titling requirements of G.S. 75A-4, 75A-7, 75A-34, and 75A-35 apply to commercial fishing vessels.~~ The standard application for a certificate of number shall be used for commercial fishing vessels with the term "commercial fishing" marked in the section designated for "~~primary use.~~" "primary use". Upon receipt of a completed application, proof of ownership document, and fee, ~~as provided for in G.S. 75A-3 and 75A-5,~~ the ~~Wildlife Resources~~ Commission shall issue to the applicant a certificate of number and, if applicable according to the standards in Paragraph (b) of this Rule, and if applicable, a certificate of title.

~~(g)(h)~~ Commercial Passenger Vessel. ~~The certificate of numbering requirements of G.S. 75A-4, 75A-7, 75A-34, and 75A-35 apply to commercial passenger vessels.~~ Upon receipt of a completed application, proof of ownership document, and fee, the ~~Wildlife Resources~~ Commission shall issue to the applicant a certificate of number and, if applicable according to the standards in Paragraph (b) of this Rule, and, if applicable, a certificate of title.

Authority G.S. 75A-3; 75A-5; 75A-7; 75A-19; 75A-34; 75A-35; 33 C.F.R. 174.17.

15A NCAC 10F .0103 TRANSFER OF OWNERSHIP

(a) Transfer of previously registered and titled vessels.

(1) Transfer of previously registered and titled vessels from one individual ~~owner(s)~~ owners to another.

(A) When the ownership of a titled vessel is transferred, the ~~owner(s)~~ owners listed on the face of the ~~Certificate of Title for Vessel~~ certificate of title shall complete the Assignment of Title section on the reverse side of the ~~Certificate of Title~~ certificate of title and surrender the title to the new ~~owner(s).~~ owners. All outstanding liens shall be satisfied before the ~~Certificate of Title~~ title is ~~surrendered to the new owners(s).~~ surrendered. If the ownership of a titled vessel is transferred by court order, will, settlement agreement, separation

agreement, ~~judgment or judgment,~~ or other document and the original title is not available, the previous ~~owner(s)~~ owners or estate representative shall provide the new ~~owner(s)~~ owners with documents establishing ownership.

(B) The new ~~owner(s)~~ owners shall submit an application for a certificate of number and certificate of title, along with the properly assigned ~~Certificate of Title~~ certificate of title and applicable fees to the ~~Wildlife Resources~~ Commission or one of its ~~authorized vessel~~ agents for processing within 15 days of the date of sale. The new ~~owner(s)~~ owners shall indicate on the application whether or not any liens exist on the vessel. If applicable, a new ~~Certificate of Title for Vessel~~ certificate of title shall be ~~issued, including recordation of any new liens listed on the application.~~ issued and all reported liens shall be recorded. The original certificate of number shall be retained when a ~~vessel,~~ vessel that was previously registered in North Carolina, Carolina is transferred to a new owner. A new certificate of number shall be issued to ~~vessels previously registered in another state or to vessels never before registered.~~ a vessel that was previously registered in another state or never before registered.

(C) For 60 days following the transfer of ownership of a previously titled vessel, the new owner may use a copy of the properly assigned ~~Certificate of Title~~ certificate of title as a temporary certificate of number pending receipt of his or her own certificate provided the certificate is validated in accordance with Part (b)(1)(A) of this Rule.

(2) Transfer of previously registered and titled vessels through a dealer.

(A) When the ownership of a titled vessel is transferred to a dealer, the ~~owner(s)~~ owners listed on the face of the ~~Certificate of Title for Vessel~~ certificate of title shall complete the Assignment of Title section on the reverse side of the ~~Certificate of Title~~ certificate of title and surrender the title to the dealer. All outstanding liens shall be satisfied before the certificate of title is surrendered to the dealer.

- (B) When the vessel is subsequently sold, the dealer shall, on the day of the sale, provide the new ~~owner(s)~~ owners the original ~~Certificate of Title~~ certificate of title completed by the previous ~~owner(s)~~ owners and a ~~Dealer~~ dealer Bill of sale. The ~~Dealer's Bill of Sale~~ shall include the dealer's name, the name of the new owner(s), the date of sale, ~~certificate of number,~~ manufacturer's hull identification number, model, year, and length of the vessel. ~~dealer bill of sale shall include~~ the dealer's name; the name of the new owners; the date of sale; the certificate of number; the manufacturer's hull identification number; and the model, year, and length of the vessel. The ~~Dealer's Bill of Sale~~ dealer bill of sale shall be signed by both the dealer and the new ~~owner(s)~~ owners.
- (C) The new ~~owner(s)~~ owners shall complete and submit the ~~standard~~ application for a certificate of number and ~~Certificate of Title~~ certificate of title, along with the properly assigned certificate of title, Dealer Bill of Sale, and applicable fees to the ~~Wildlife Resources~~ Commission or one of its ~~authorized~~ vessel agents for processing within 15 days of the date of sale. If applicable, a new ~~Certificate of Title for Vessel~~ certificate of title shall be ~~issued, including recordation of any new liens listed on the application.~~ issued and all reported liens shall be recorded. The original certificate of number shall be retained when a ~~vessel,~~ vessel that was previously registered in North Carolina, Carolina is transferred to a new ~~owner(s)~~ owners. A new certificate of number shall be issued to ~~vessels previously registered in another state or vessels never before registered.~~ a vessel that was previously registered in another state or never before registered.
- (D) For a period of 60 days following the transfer of ownership of a previously registered vessel, the new owner may use a copy of the ~~Dealer's Bill of Sale~~ dealer bill of sale as a temporary certificate of number pending receipt of his or her own certificate provided the certificate is validated in accordance with Part (b)(1)(A) of this Rule.
- (b) Transfer of previously registered, non-titled vessels.
- (1) Transfer of a previously registered, non-titled vessel from one individual owner to another.
- (A) If the ownership of a previously registered vessel is ~~transferred,~~ transferred by sale or gift, the previous ~~owner(s)~~ owners shall complete a notarized bill of sale. The bill of sale shall be given to the new ~~owner~~ owners and shall include ~~the previous owner's name, the new owner's name, the date of sale or gift, certificate of number, manufacturer's hull identification number, model, year, and length of the vessel.~~ the previous owners' names; the new owners' names; the date of sale or gift; the certificate of number; the manufacturer's hull identification number; and the model, year, and length of the vessel. The previous owner's signature shall be notarized. If the ownership of a previously registered vessel is transferred by a court order, will, settlement agreement, separation agreement, judgment or other document, the previous ~~owner(s)~~ owners or representative of the estate shall provide the new ~~owner(s)~~ owners with documents establishing ownership.
- (B) The new owner shall complete and submit an application for a certificate of number and ~~Certificate of Title,~~ certificate of title, along with the proof of ownership document and applicable fees, to the ~~Wildlife Resources~~ Commission or one of its ~~authorized~~ vessel agents for processing within 15 days of the date of sale or gift. If applicable, a new ~~Certificate of Title for Vessel~~ certificate of title shall be ~~issued, including recordation of any new liens listed on the application.~~ be issued and all reported liens shall be recorded. The original certificate of number shall be retained when a vessel previously registered in North Carolina is transferred to a new owner. A new certificate of number shall be issued to vessels previously registered in another State or ~~to vessels never before registered.~~
- (C) For 60 days following the transfer of ownership of a previously registered vessel, the new owner may use a copy of the proof of ownership ~~document,~~ document as a temporary certificate of number pending receipt of his or her

- own certificate provided the certificate is validated in accordance with Part (b)(1)(A) of this Rule.
- (2) Transfer of a previously registered, non-titled vessel through a dealer.
- (A) The ~~owner(s)~~ owners selling or transferring a previously registered vessel to a dealer shall complete a notarized bill of sale naming the dealer as the new owner. The bill of sale shall be given to the dealer and shall include the previous ~~owner's name, date of sale, certificate of number, manufacturer's hull identification number, model, year, and length of the vessel.~~ owners' names; the dealers name; the date of sale; the certificate of number; the manufacturer's hull identification number; and the model, year, and length of the vessel. The signature of the previous ~~owner(s)~~ owners shall be notarized.
- (B) When the vessel is ~~subsequently sold, the dealer shall, on the day of the sale, provide the new owner(s) a dealer bill of sale.~~ sold, the dealer shall provide the new owners a dealer bill of sale on the day of the sale. The ~~dealer's dealer bill of sale shall include the dealer's name, the new owner(s) name, the date of sale, certificate of number, manufacturer's hull identification number, model year, and length of the vessel.~~ name; the new owners' names; the date of sale; the certificate of number; the manufacturer's hull identification number; and the model, year, and length of the vessel. The ~~dealer's dealer~~ dealer bill of sale shall be signed by both the dealer and the new ~~owner(s); owners.~~
- (C) The new ~~owner(s)~~ owners shall complete and submit the ~~standard~~ application for a certificate of number and Certificate of Title, along with the proof of ownership document and applicable fees to the Wildlife Resources Commission or one of its ~~authorized vessel~~ authorized agents for processing within 15 days of the date of sale. If applicable, a new ~~Certificate of Title for Vessel~~ certificate of title shall be issued, ~~including recordation of any new liens listed on the application.~~ issued and all reported liens shall be recorded. The original certificate of number shall be retained when a vessel, previously registered in North Carolina, is transferred to a new

~~owner(s); owners.~~ A new certificate of number shall be issued to vessels previously registered in another state or vessels never before registered.

- (D) For a period of 60 days following the transfer of ownership of a previously registered vessel, the new owner may use a copy of the ~~dealer's dealer~~ dealer bill of sale as a temporary certificate of number pending receipt of his ~~or her~~ own certificate provided the certificate is validated in accordance with Part (b)(1)(A) of this Rule.
- (3) Transfer of a vessel individually-registered to a dealer or manufacturer. Vessels that have been individually numbered by dealers or manufacturers shall upon transfer of ownership be governed by the provisions of Subparagraph (b)(1) of this Rule.

Authority G.S. 75A-3; 75A-5; 75A-19; 75A-37; 33 C.F.R. 174.21.

15A NCAC 10F .0104 CERTIFICATE OF NUMBER

(a) General. Upon receipt of a completed application, ~~a~~ a proof of ownership document, and ~~applicable fee(s), the applicable fees as provided in G.S. 75A-5(a1) and G.S. 75A-5.2(c), the Wildlife Resources~~ Commission shall issue to the applicant a certificate of number ~~which shall authorize~~ authorizing the operation of the vessel. The certificate of number shall be carried while operating the vessel and shall be presented for inspection to any law enforcement officer upon request. The certificate of number shall include the following information:

- (1) ~~the name of the owner(s); owners, dealer dealer,~~ the name of the owner(s); owners, dealer or manufacturer;
- (2) ~~address, the address~~ the address including zip code, of the primary ~~owner(s); owners,~~ owner(s); owners, dealer or manufacturers;
- (3) ~~the title indicator;~~ the title indicator;
- (4) ~~the certificate of number awarded to vessel;~~ the certificate of number awarded to vessel;
- (5) ~~the expiration date of the certificate of number;~~ the expiration date of the certificate of number;
- (6) ~~use of vessel (pleasure, livery, demonstration, commercial passenger, commercial fishing, other commercial; other);~~ vessel use type:
 - (A) pleasure;
 - (B) livery;
 - (C) demonstration;
 - (D) commercial fishing;
 - (E) commercial passenger;
 - (F) other commercial; or
 - (G) other;
- (7) ~~the model of vessel (if known);~~ the model of vessel (if known); ~~vessel, if known;~~
- (8) ~~manufacturer (if known);~~ the manufacturer, if known;
- (9) ~~the year of manufacture or model year (if known);~~ year, if known;
- (10) ~~the manufacturer's hull identification number (if any);~~ number, if any;

- (11) the overall length of vessel;
- (12) the type of vessel (open, cabin, houseboat, personal watercraft, pontoon, other); vessel:
 - (A) open;
 - (B) cabin;
 - (C) houseboat;
 - (D) personal watercraft;
 - (E) pontoon; or
 - (F) other;
- (13) hull material (wood, metal, fiberglass, plastic, inflatable, other); the hull material:
 - (A) wood;
 - (B) metal;
 - (C) fiberglass;
 - (D) plastic;
 - (E) inflatable; or
 - (F) other;
- (14) type of propulsion (inboard, outboard, inboard outdrive, sail, auxiliary sail/inboard, auxiliary sail/outboard, jet drive); the type of Propulsion:
 - (A) inboard;
 - (B) outboard;
 - (C) inboard outdrive;
 - (D) sail;
 - (E) auxiliary sail/inboard;
 - (F) auxiliary sail/outboard;
 - (G) jet drive;
- (15) type of fuel (gasoline, diesel, electric, other); the type of fuel:
 - (A) gasoline;
 - (B) diesel;
 - (C) electric;
 - (D) other;
- (16) a notice to owner that he shall report within 30 days changes of address or ownership, and destruction or abandonment of vessel;
- (17) the signature of the owner; owners; and
- (18) a notice to the owner that the operator shall:
 - (A) always carry this certificate on vessel when in use;
 - (B) report any accident involving injury or death to persons, persons or property damage more than in excess of two thousand dollars (\$2,000.00); and
 - (C) stop and render assistance if involved in boating accident.

~~(b) Livery Vessel Owners. The certificate of number awarded to a livery vessel shall be marked "livery vessel" and shall include the same information in Paragraph (a) of this Rule.~~

~~(e)(b) Dealers and Manufacturers. The certificate of number awarded to dealers and manufacturers shall be marked "dealer" or "manufacturer" in lieu of the description of the vessel, motor and type of fuel. Any dealer or manufacturer demonstrating or testing a vessel may utilize use a set of dealer's dealer numbers and the corresponding dealer's dealer certificate of number to operate any vessel held for sale, but only for demonstration or testing purposes. Vessels owned or possessed by dealers or manufacturers for personal use or for any use whatsoever other~~

than for demonstration and testing purposes ~~must~~ shall be individually registered in the name of the dealer in accordance with Paragraph (a) of this Rule.

~~(d)(c) Government agency. The certificate of number awarded to State or local government agencies shall be marked "permanent" and shall include the same information in Paragraph (a) of this Rule; however, there will~~ There shall be no title indicator or expiration date listed for permanent certificate of numbers.

~~(e) Commercial Fishing. The certificate of number awarded to a commercial fishing vessel shall be marked "commercial fishing" and shall include the same information in Paragraph (a) of this Rule.~~

~~(f) Commercial Passenger. The certificate of number awarded to a commercial passenger vessel shall be marked "commercial passenger" and shall include the same information in Paragraph (a) of this Rule.~~

~~(g)(d) Vessel Registration Agents. In order to make certificates of number readily available throughout the State, vessel dealers, manufacturers, and other related~~ Vessel dealers, manufacturers, and other businesses which that operate from locations within North Carolina may be appointed as ~~wildlife service~~ vessel agents of the ~~Wildlife Resources~~ Commission and be authorized to issue temporary certificates of number for new registrations, transfers of ownership, ~~renewal~~ renewals, and duplicate transactions. All official certificates of ~~numbers~~ number shall be processed and mailed from the ~~Wildlife Resources~~ Commission headquarters. Rules governing the appointment and operations of ~~wildlife service~~ vessel agents are contained in 15A NCAC 10G .0400 ~~Wildlife Service Agents.~~ WILDLIFE SERVICE AGENTS.

History Note: Authority G.S. 75A-3; 75A-5; 75A-5.2; 75A-7; 75A-19; 33 C.F.R. 174.19.

15A NCAC 10F .0105 NUMBERING PATTERN

(a) General. The certificate of number ~~assigned~~ shall consist of the ~~symbol~~ abbreviation "NC" identifying the state, followed by not more than four Arabic numerals and two capital letters, in sequence, separated by a hyphen or equivalent space, in accordance with the serials, numerically and alphabetically. ~~As examples: NC 1 A or NC 1234 AA.~~

~~(b) Individual. Prohibited Letters. Since the letters "I," "O," and "Q" may be mistaken for Arabic numerals, they shall not be used in the letter sequences.~~ The Letters "I," "O," and "Q" shall not be used in any certificate of number letter sequence. Letters, Letters or letters and numbers forming words or combinations shall not be used.

(c) Government Agency. The single letter "P" shall be ~~reserved for use~~ used following the numerals of vessels ~~numbered~~ owned by governmental entities.

(d) ~~Dealer/Manufacturer.~~ Dealers and Manufacturers. The single letter "X" shall be ~~reserved for use~~ used following the numerals of vessels numbered for demonstration purposes by dealers and manufacturers.

Authority G.S. 75A-3; 75A-5; 75A-7; 75A-19; 33 C.F.R. 174.23.

15A NCAC 10F .0106 DISPLAY OF VESSEL NUMBERS

- (a) The vessel numbers shall be painted on or attached to each side of the forward half of the vessel for which the number was issued in a position that is visible and legible for identification. The numbers shall read from left to right and shall be in block characters not less than three inches in height. The numbers shall be of a solid color that contrasts with the color of the background and maintained to be visible and ~~legible; i.e., dark numbers on a light background, or light numbers on a dark background.~~ legible.
- (b) No other number, except the year date of the validation decal described in Rule .0107 of this Section, shall be carried on the bow of ~~such a numbered~~ vessel.
- (c) Manufacturers or dealers may have the vessel number ~~awarded to them~~ printed upon or attached to a removable sign or signs to be temporarily ~~but firmly mounted upon or~~ attached to ~~the~~ a vessel being demonstrated, so long as the display meets the requirements of Paragraph (a) of ~~the Rules in this Section.~~ this Rule. Where a currently or previously-numbered vessel is being demonstrated with ~~a set of dealer's~~ dealer numbers, ~~the~~ all permanent numbers painted on or attached to the bow shall be covered.
- (d) A vessel registered to a governmental entity and bearing the letter "P" shall continue to display the assigned numbers for so long as the vessel belongs to a governmental entity. Upon transfer of ownership ~~of a vessel registered to a government entity~~ to a private ~~individual(s)~~ individual or business, the new owner shall apply to the ~~Wildlife Resources~~ Commission for a new certificate of number ~~and shall be assigned a new certificate of number.~~ as provided in 15A NCAC 10F .0104.
- (e) In accordance with federal law, a ~~A~~ United States Coast Guard documented vessel registered in North Carolina shall not display the state vessel numbers.

Authority G.S. 75A-3; 75A-5; 75A-19.

15A NCAC 10F .0107 VALIDATION DECAL

- (a) In addition to the certificate of number, the ~~Wildlife Resources~~ Commission shall supply to the owner of ~~each vessel that is numbered;~~ a numbered vessel two validation decals indicating the ~~certificate's~~ year of expiration. The owner shall affix one validation decal in a position that is visible and legible ~~on the starboard each side of the bow and one validation decal on the port side bow of the vessel~~ following and within six inches of the vessel number. ~~The owner of a~~
- (b) A United States Coast Guard documented vessel shall affix one validation decal in a position that is visible and legible on the forward half of the starboard bow and one validation decal on the forward half of the port side bow.
- (c) ~~Any~~ A validation ~~decals~~ decal issued for a numbered vessel ~~numbered on application~~ owned by a governmental entity shall contain no expiration date, ~~but~~ shall bear the letter "P" "P", and shall not be subject to renewal so long as the vessel remains the property of a governmental entity. When ~~any such~~ a vessel is transferred to private ownership, the decals shall be removed or ~~obliterated~~ destroyed by the transferring agency.

Authority G.S. 75A-3; 75A-5; 75A-7; 33 C.F.R. 174.15.

15A NCAC 10F .0109 TEMPORARY CERTIFICATE OF NUMBER

- (a) ~~Whenever~~ When a ~~wildlife service~~ vessel agent processes the final transaction to issue, renew, or transfer a certificate of number or to issue a duplicate certificate of ~~number~~ number, the new owner shall be issued a temporary certificate of number. For a period not exceeding 60 days following the date of the transaction, the vessel may be operated ~~on~~ with the temporary certificate of ~~number pending receipt of the regular certificate.~~ number.
- (b) ~~In order to be valid, the~~ The temporary certificate of number shall contain the following:
- (1) the name of issuing wildlife service agent;
 - (2) the name and address of ~~owner(s);~~ owners, dealer or manufacturer;
 - (3) the title indicator;
 - (4) the certificate of number;
 - (5) ~~use of vessel (pleasure, livery, demonstration, commercial passenger, commercial fishing, other commercial, other; vessel; the vessel use type:~~
 - (A) pleasure;
 - (B) livery;
 - (C) dealer or manufacturer;
 - (D) permanent;
 - (E) commercial fishing;
 - (F) commercial passenger;
 - (G) other commercial; or
 - (F) other;
 - (6) the model of vessel;
 - (7) the manufacturer;
 - (8) the year of manufacture or model year;
 - (9) the manufacturer's hull identification number;
 - (10) the length of vessel;
 - (11) ~~the type of vessel (open, cabin, houseboat, personal watercraft, pontoon, other);~~ vessel:
 - (A) open;
 - (B) cabin;
 - (C) houseboat;
 - (D) personal watercraft;
 - (E) pontoon; or
 - (F) other;
 - (12) ~~the hull material (wood, metal, fiberglass, plastic, inflatable, other);~~ material:
 - (A) wood;
 - (B) metal;
 - (C) fiberglass;
 - (D) plastic;
 - (E) inflatable; or
 - (F) other;
 - (13) ~~the type of propulsion; (inboard, outboard, inboard outdrive; sail, auxiliary sail/inboard, auxiliary sail/outboard, jet drive);~~ propulsion:
 - (A) inboard;
 - (B) outboard;
 - (C) inboard Outdrive;
 - (D) sail;
 - (E) auxiliary sail/inboard;
 - (F) auxiliary sail/outboard; or
 - (G) jet drive;

- (14) ~~the type of fuel (gasoline, diesel, electric, other); fuel:~~
 (A) gasoline;
 (B) diesel;
 (C) electric; or
 (D) other;
- (15) the date the temporary certificate of number is issued;
- (16) the date the temporary certificate of number expires;
- (17) the transaction status; and
- (18) the signature of owner(s); the owners.

Authority G.S. 75A-3; 75A-5; 33 C.F.R. 174.21.

15A NCAC 10F .0110 ABANDONED VESSELS

(a) General. An abandoned vessel is defined as a vessel that has been relinquished, left or given up by the lawful owner(s) without the intention to later resume any right or interest in such vessel. It does not include any vessel left by an owner(s) or agent of the owner(s) with any person or business for the purpose of storage, maintenance or repair which is not subsequently claimed.

(b)(a) Abandonment: ~~Any person finding an abandoned vessel can may apply to the Commission to become the registered and titled owner of an abandoned vessel, the vessel, provided the previous owner(s) cannot be located and that the vessel missing or stolen. The applicant shall: shall comply with the following procedures to seek ownership of such vessel:~~

- (1) ~~The Finder shall send a Certified Letter, certified letter with return receipt requested, requested to the last registered owner(s); owners. The Finder applicant shall demonstrate provide proof to the Wildlife Resources Commission that this letter was not deliverable or that the last registered owner(s) owners failed to acknowledge or respond; respond;~~
- (2) ~~The Finder shall provide to the Wildlife Resources Commission a written police report to the Commission stating that the abandoned vessel has not been reported missing or stolen in the area where it is listed as being moored; moored; and~~
- (3) ~~The Finder shall complete and submit to the Commission an application for a certificate of number and certificate of title, title and shall submit:~~
 - (A) ~~along with a notarized statement summarizing when and where the vessel was found; found;~~
 - (B) ~~the evidenced documentation of all attempts to locate the owner(s); owners;~~
 - (C) ~~any all available evidence that the vessel is abandoned; abandoned;~~
 - (D) ~~statements from any other persons knowledgeable about the history of the vessel vessel; and~~
 - (E) ~~all applicable fees to the Wildlife Resources Commission; fees.~~

(c)(b) The Wildlife Resources Commission shall consider the evidence and documentation ~~presented; presented when determining if a vessel has been abandoned.~~ If Wildlife Resources the Commission determines that the vessel has been abandoned, ~~it the Commission~~ shall issue a certificate of number and certificate of title to the applicant.

Authority G.S. ~~113-134;~~ 75A-5(i2).

SECTION .0200 - SAFETY EQUIPMENT AND ACCIDENT REPORTS

15A NCAC 10F .0201 SAFETY EQUIPMENT

(a) ~~Federal Regulations Adopted. As its regulations governing required equipment of vessels as defined in G.S. 75A-2(5), pursuant to G.S. 75A-6, the Wildlife Resources Commission incorporates by reference, including subsequent amendments and editions, the following federal regulations, to be applicable to vessels operated on all waters of this state as defined by G.S. 75A-2(6): Code of Federal Regulations, Title 46, Part 25, and Title 33, Part 175, as supplemented by the Federal Register. All vessels subject to the rules of this Section shall meet the vessel equipment requirements set forth in G.S. 75A-6(n), 46 CFR 25, and 33 CFR 175. 46 CFR 25 and 33 CFR 175 are incorporated by reference, including subsequent amendments and editions, and can be found free of charge online at www.ecfr.gov. Notwithstanding the federal regulations incorporated by this Paragraph, Paragraphs (b) through (g) apply to vessels operating in State waters. To the extent that the these vessel equipment requirements of G.S. 75A-6 conflict with these the incorporated federal regulations, federal regulations shall supersede any and all State laws or regulations. they are hereby modified to conform to the federal regulations as authorized by G.S. 75A-6(m) and 113-307. Without limitation to the adoption of the Federal regulations named herein, Paragraphs (b) through (g) apply to vessels operating in State waters.~~

(b) Personal flotation devices (hereinafter referred to as PFDs) ~~devices (PFDs) are shall be required as follows except as provided in Subparagraph (6) of this Paragraph: follows:~~

- (1) No person may operate a vessel unless at least one Type I, ~~H~~ II, or III PFD is on board and readily accessible for each person.
- (2) No person shall operate a vessel 16 feet or more in length unless one type IV PFD is on board and immediately available for use, in addition to the total number of PFDs required in Subparagraph (1) of this Paragraph.
- (3) No person shall operate a vessel while ~~such the~~ vessel is underway with any child under 13 years old aboard unless each ~~such~~ child is:
 - (A) wearing an appropriate PFD approved by the Coast Guard; ~~or~~
 - (B) below decks; or
 - (C) in an enclosed cabin.
 This Subparagraph ~~does shall~~ not apply to a vessel that is registered as a commercial vessel.
- (4) A Type V PFD may be carried in lieu of any PFD required under Subparagraph (1) of this Paragraph provided:

- (A) the approval label for the Type V PFD indicates that the device is approved for the activity for which the vessel is ~~used;~~ being used; or
 - (B) the Type V PFD is used in accordance with the requirements on the approval label and with the requirements in its owner's manual.
- (5) No person shall operate a vessel unless each required PFD is:
- (A) in serviceable condition;
 - (B) of appropriate size and fit for the intended wearer;
 - (C) USCG United States Coast Guard approved; and
 - (D) legibly marked with its approval number, as specified in CFR Title 46 Part 25 and CFR Title 33 Part 175 46 CFR 25 Uninspected Vessels, Requirements and 33 CFR 175 Personal Flotation Devices.
- (6) ~~Exemptions:~~ Exemptions shall apply as follows:
- (A) Canoes and kayaks 16 feet in length and over ~~are~~ shall be exempted from the requirements for carriage of the additional Type IV PFD as specified in Subparagraph (b)(2) of this Rule.
 - (B) Sailboards, surfboards, tubes, swimming rafts, inflatable ~~toys~~ toys, and similar devices routinely used as water toys or swimming aids ~~are~~ shall be exempted from the requirements for carriage of any ~~type~~ PFD required under this Paragraph.
 - (C) Manually propelled vessels such as racing shells, rowing sculls, racing ~~canoes~~ canoes, and racing kayaks that are recognized by national and international racing associations for use in competitive racing, that are not designed to carry any equipment not solely for competitive racing, and in which all occupants with the with exception of a coxswain, if one is ~~provided,~~ present, row, scull, or paddle, ~~are~~ shall be exempted from the requirements for carriage of any type PFD required under this Paragraph.
- (c) Fire Extinguishers are required as follows:
- (1) All motorboats shall carry at least the minimum number of ~~USCG approved~~ USCG-approved hand portable fire extinguishers specified in this Rule if the motorboat has any of the following: if any one of the following conditions exist:
 - (A) closed compartments under thwarts and seats wherein portable fuel tanks may be stored;
 - (B) double bottoms not sealed to the hull or which are not completely filled with flotation material;
 - (C) closed living spaces;
 - (D) closed stowage compartments in which combustible or flammable materials are stowed;
 - (E) permanently installed fuel tanks; or
 - (F) motorboats of Class 2 or longer.
 - (2) ~~Motorboats of Class A and 1 (less than 26 feet):~~ Class A and Class 1 Motorboats less than 26 feet in length shall carry ~~One one~~ Type B-I extinguisher.
 - (3) ~~Motorboats of Class 2~~ Class 2 Motorboats shall carry ~~Two two~~ Type B-I extinguishers.
 - (4) ~~Motorboats of Class 3~~ Class 3 Motorboats shall carry ~~Three three~~ Type B-I extinguishers.
 - (5) One Type B-II hand held fire extinguisher may be substituted for two B-I hand portable fire extinguishers. A fixed fire extinguishing system installed in the engine compartment ~~is~~ shall be deemed equal to one Type B-I hand portable fire extinguisher.
- ~~Exemption to fire extinguisher requirements:~~ Open Vessels. Vessels less than 26 feet in length, propelled by outboard motors and not carrying passengers for hire, ~~need not~~ shall not be required to carry such portable fire extinguishers if the construction of ~~such motorboats~~ the vessels will not permit the entrapment of explosive or flammable gases or vapors.
- (d) Every engine, except outboard motors, using gasoline as fuel and installed in a vessel ~~must~~ shall be equipped with an acceptable means of ~~backfire flame control.~~ An acceptable means of backfire flame control must meet that meets the requirements of CFR Title 46 Part 25 and CFR Title 33 Part 175. 46 CFR 25 and 33 CFR 175.
- (e) Every vessel, except ~~those open vessels~~ vessels, defined in Paragraph (e) of this Rule, using as fuel liquid of a volatile nature as fuel, shall ~~be provided with such means of properly and efficiently ventilating the bilges of the engine and fuel tank compartments so as~~ be equipped with proper and efficient ventilation, as required by 46 CFR 25.40-1, to remove any explosive or flammable gases, gases from the bilges of the engine and fuel tank compartments that Proper and efficient ventilation meets the requirements of CFR Title 46 Part 25 and CFR Title 33 Part 175. 46 CFR 25 and 33 CFR 175.
- (f) Sound Devices
- (1) Vessels ~~of less than 12 meters (39.4 feet)~~ less than 12 meters or 39.4 feet in length shall be equipped with some means of making an efficient sound signal; and
 - (2) Vessels equal to or greater than ~~12 meters (39.4 feet)~~ 12 meters or 39.4 feet in length shall be provided equipped with a whistle and a bell ~~which that complies~~ comply with 33 USC 2033.
- (g) Lights. The lights prescribed by this Paragraph shall be exhibited from sunset to sunrise and in fog, mist, falling snow, heavy rainstorms, sandstorms, or any other similar circumstances

of restricted visibility. They may be exhibited in all other circumstances when deemed necessary. During such times no other lights shall be exhibited, except ~~such lights as~~ those that cannot be mistaken for the lights specified in these ~~Rules or Rules,~~ do not impair their visibility or distinctive character, or do not interfere with keeping a proper lookout. ~~They may be exhibited in all other circumstances when deemed necessary:~~

- (1) Vessels equal to or greater than ~~12 meters (39.4 feet)~~ 12 meters or 39.4 feet but less than ~~20 meters (65.6 feet)~~ 20 meters or 65.6 feet in length shall exhibit:
 - (A) A masthead light forward visible for three miles;
 - (B) Sidelights, green to starboard and red to ~~port port,~~ visible for two miles; and
 - (C) A stern light visible for two ~~miles;~~ miles.
- (2) Vessels less than ~~12 meters (39.4 feet)~~ 12 meters or 39.4 feet in length shall exhibit:
 - (A) An all-round white light visible for two miles; and
 - (B) Sidelights, green to starboard and red to ~~port port,~~ visible for 1 ~~mile;~~ mile.
- (3) Sailing vessels underway that are ~~seven meters (23 feet)~~ seven meters or 23 feet in length or greater shall exhibit:
 - (A) A stern light visible for two miles; and
 - (B) Sidelights, green to starboard and red to ~~port port,~~ visible for two ~~miles;~~ miles.
- (4) In a sailing vessel less than ~~20 meters~~ 20 meters or 65.6 feet in ~~length~~ length, the lights prescribed in Subparagraph (3) of this Paragraph may be combined in one lantern carried at or near the top of the mast where it can be best ~~seen;~~ seen.
- (5) A sailing vessel of less than ~~seven meters (23 feet)~~ seven meters or 23 feet in length shall, if practicable, exhibit the lights prescribed in Subparagraph (3) or (4) of this Paragraph; if not practicable the vessel shall have ready at hand an electric torch or lighted lantern showing a white light ~~which that~~ shall be exhibited in sufficient time to prevent a ~~collision;~~ collision.
- (6) A vessel under oars ~~may~~ shall ~~either~~ either:
 - (A) exhibit the lights prescribed in Subparagraph (a)(5) of this Rule for sailing vessels; ~~but if not, it or~~
 - (B) shall have ready at hand an electric torch or lighted lantern showing a white light ~~which that~~ shall be exhibited in sufficient time to prevent a ~~collision;~~ collision.
- (7) ~~Vessels of 10 Horsepower or Less.~~ On public waters ~~of this State~~ not subject to the jurisdiction of the United States, vessels propelled by machinery of 10 horsepower or less, in lieu of the foregoing requirements, may carry from one-half hour after sunset to one-

half hour before sunrise a white light in the stern or have on board a hand flashlight in good working condition which shall be ready at hand and shall be temporarily displayed in sufficient time to prevent collision. ~~On waters of this State that are subject to the jurisdiction of the United States, this exception, though permissible under state law, is not sanctioned by any federal law or regulation.~~ The Subparagraph shall not apply to vessels in waters of this State that are subject to the jurisdiction of the United States.

Authority G.S. 75A-3; 75A-6; 113-307.

15A NCAC 10F .0202 ACCIDENT REPORTS

(a) ~~"Boating Accident" Defined. For the purpose of this Regulation a "boating accident" means a collision, accident, casualty or occurrence involving a vessel or its equipment and resulting in damage by or to the vessel, its equipment, or other property; in injury or loss of life to any person; or in the disappearance of any person from a vessel under circumstances which indicate the possibility of death or injury. A "boating accident" includes, but is not limited to, capsizing, collision, foundering, flooding, fire, explosion and the disappearance of a vessel other than by theft.~~

~~(b)(a) Federal Regulations Adopted. As its regulations governing the reporting of Reporting boating accidents and notification of death or disappearance of persons from vessels operating on the waters of this State, the Wildlife Resources Commission incorporates by reference Subpart C of Part 173 of Title 33 of the Code of Federal Regulations, and includes subsequent amendments which will be published in the Federal Register. State shall be governed by 33 CFR 173 Subpart C, which is incorporated by reference including subsequent amendments and editions. These federal regulations can be found free of charge online at www.ecfr.gov.~~

~~(c)(b) Use of Report. The accident reports required under Paragraph (b)(a) of this Rule shall be used in developing statistical data as to the causes and frequency of boating accidents; accidents and in transmittal of information as required by G.S. 75A-12. Pursuant to G.S. 75A-11, No no such report shall be admissible as evidence.~~

Authority G.S. 75A-3; 75A-11; 113-307; 33 C.F.R. 174.101 et seq.

SECTION .0300 - LOCAL WATER SAFETY REGULATIONS

15A NCAC 10F .0301 GENERAL PROVISIONS

(a) ~~Applicability. Except as limited by the subject matter, all of the provisions of this Rule apply to all public waters located within the territorial limits of the counties and municipalities in which special regulations are set forth for specific waters or regulated areas by the succeeding rules.~~

~~(b)(a) Definitions. Unless the context requires otherwise, the The definitions used in G.S. 75A shall apply within these regulations. in this Subchapter. In addition, the following definitions shall apply in these regulations: apply:~~

- (1) ~~Commission.~~ "Commission" means the North Carolina Wildlife Resources Commission;
- (2) ~~Executive Director. Executive Director of the Commission;~~ "Executive Director" means Executive Director of the Commission;
- (3) ~~No Wake Speed. Idle speed or a slow speed creating no appreciable wake;~~ "No wake speed" means idle speed or slow speed creating no appreciable wake;
- (4) ~~Uniform System. Uniform Waterway Marking the supplementary standards for such system promulgated by the Commission.~~ "USATONS" means the U. S. Aids to Navigation System, which prescribes regulatory markers and aids to navigation that mark navigable waters of the United States, and is hereby incorporated by reference including all subsequent amendments and editions;
- (5) "Designated agency" means a subdivision of the State that the Commission designates for placement of markers that conform to USATONS standards;
- (6) "Regulatory Marker" and "Information Marker" means a marker with an orange geometric shape against a white background, used to alert a mariner to warnings or regulatory matters, as defined in 33 CFR 62.33;
- (7) "Swimming area" means an enclosed area on the water for swimming, that is marked against entry by vessels;
- (8) "Mooring area" means an area on the water delineated by speed zone markers, where vessels may be tied to fixed objects anchored on the seabed;
- (9) "Restricted area" means an area on the water that is marked to limit recreational activity and vessel speed; and
- (10) "Safety Zone" means a water area or shore area where, for safety or environmental purposes, access is limited to authorized persons and vessels, as defined in 33 CFR 165.20.

~~(c) Marking of Regulated Areas. The Executive Director may designate agencies for placement and maintenance of markers for regulated areas established by rules promulgated pursuant to this Section. The agency designated by the Executive Director may delegate the actual placement and maintenance of such markers to some other agency, corporation, group or individual, so long as the designating agency exercises supervisory authority over such agency, corporation, group or individual. Prior to marking a restricted zone established pursuant to G.S. 75A-15, the designated agency for placement and maintenance of the markers must obtain written approval from the Executive Director by making a written request for permission to mark the area specifically described therein.~~

(b) Formal application for water safety rulemaking. Any subdivision of the State may, after public notice, apply to the Commission for rules on waters within the subdivision's territorial limits on an application provided by the Commission at www.ncwildlife.org. The completed application and supporting

documents shall be mailed to the No Wake Zone Coordinator at North Carolina Wildlife Resources Commission, 1701 Mail Service Center, Raleigh, North Carolina 27699-1701, or submitted via email to nowakezonecoordinator@ncwildlife.org. The application shall contain the following information:

- (1) the name of the subdivision of the State applying for water safety rulemaking;
- (2) the date of the application;
- (3) contact person's name, telephone number, and mailing address;
- (4) descriptive information for the body of water;
- (5) location of the proposed no wake zone, marked swimming area, or other regulated area;
- (6) a statement that the subdivision of the State has given public notice of its intention to apply for rulemaking on waters within its territorial limits;
- (7) a resolution from the subdivision of the State requesting water safety rulemaking; and
- (8) an affirmation that the subdivision of the State or its designee will bear the cost for purchase and placement of markers that conform to USATONS standards.

(c) Marking Regulated Areas. The Commission may designate agencies for the placement of markers in areas established by rules in this Section. The designated agency, or its designee, shall be responsible for the purchase and placement of markers conforming to USATONS required to implement a water safety rule.

(d) Placement of Markers. Except where done by supervening federal authority, it shall be unlawful for anyone to place or maintain regulatory markers or navigational aids without authorization from the Commission; or to place information markers without permission from the Executive Director or his or her designee.

(e) Mooring Areas. The boundaries of mooring areas shall be defined by the placement of speed zone markers. Upon the approval of the Executive Director or his designee, additional boundary floats or informational markers may be placed.

(f) Swimming Areas. No vessel entry is permitted in the waters of marked swimming areas. Marked swimming areas shall meet the following requirements:

- (1) the perimeter of the enclosed swimming area in the water shall not exceed 5,000 square feet;
- (2) the enclosed area shall be marked with float lines which, in conjunction with the shoreline, form an enclosed area;
- (3) the swimming area shall not extend into a navigational channel or interfere with navigation of vessels;
- (2) float lines shall have white, international orange, or alternating white and international orange floats along their length at intervals of not less than one every 10 feet;
- (3) floats shall be buoyant enough to float at the surface of the water while attached to the float line, and no float shall exceed a size of 18 inches in length or diameter;

- (4) buoys or floating signs bearing the USATONS "boat exclusion area" symbol shall be attached to float lines at points to give warning to vessels approaching the swimming area from all directions; and

- (5) float lines and warning markers shall be anchored to prevent them from shifting position.

(g) Safety Zones. Markers prohibiting entry or use by vessels and swimmers in waters surrounding impoundment structures and powerhouses associated with hydroelectric generating facilities shall be buoys or floating signs placed in the water no greater than 50 yards from the protected facility. Markers shall be sufficient in number and size to give warning of the restriction to vessels approaching from all directions.

Enforcement of the restrictions set forth in Rule .0302 et seq. of this Section is dependent upon placement and maintenance of adequate marking of the regulated areas by suitable agencies, as designated in those rules, in accordance with the requirements of the Uniform Waterway Marking System, which are hereby incorporated by reference, and automatically include any later amendments of the incorporated matter as authorized by G.S. 150B 21.6 and the supplementary standards for such system promulgated by the Commission in Paragraph (g) of this Rule. Unless a specific variance is granted, placement and maintenance of the markers must be and remain in accordance with the uniform system. The Executive Director or his representative is instructed to supervise and approve placement and maintenance of individual markers to insure full implementation of the objectives of the uniform system.

(d) Implementation of Uniform Waterway Marking System. Except where done by virtue of the supervening federal authority, it is unlawful for anyone to place, maintain, or to allow to remain in place, any regulatory markers or navigational aids of the sort included in the uniform system in any waters without authorization of the Commission. The Executive Director is authorized to approve placement of the navigational aids, informational markers, and regulatory markers warning of dangers and not requiring enforcement sanctions, in accordance with both public interest in recreational use and water safety and in accordance with the policies embodied in the uniform system.

(e) Removal of Unauthorized Markers. Markers or navigational aids which do not conform to the specifications of the uniform system or which are placed without lawful authority or permission where the person responsible for the actual placement cannot be feasibly determined, may be removed. Nonconforming markers as to which the person responsible for placement and maintenance is known, may nevertheless be removed by agents of the Commission if such markers are likely to mislead the public or cause a dangerous situation. Where agents of the Commission discover authorized markers which have been improperly placed or are defective through lack of maintenance, such agents may serve written notice upon the person responsible for such improper placement or for the maintenance of the marker concerned. If, within 10 days no action has been taken in accordance with the notice given, such default constitutes a violation of these regulations.

(h) Enforcement. When an agent of the Commission discovers markers and navigational aids that do not conform to USATONS

standards, that are placed without lawful authority or permission, or that fail to mark the defined regulated area, written notice shall be served upon the individual(s) responsible for improper placement of markers. Failure to take action to correct the deficiency within 10 days, in accordance with the written notice shall be a violation of this Rule.

(i) Miscellaneous Restrictions. Except for mooring buoys or markers as to which it is that are specifically permitted by State or federal law, it is shall be unlawful to tie a vessel to any waterway marker, marker, as specified in 33 CFR 70.05. It is shall be unlawful for any unauthorized person to move, remove, damage, obstruct, block, paint over, or in any way tamper with any marker lawfully placed in the waters of North Carolina in conformity with these regulations rules or the uniform system generally, and USATONS standards.

(g) Supplementary Standards. The standards listed in this Paragraph are supplementary to the Uniform Waterway Marking System and shall be applicable in the succeeding rules of this Section to the areas of water thereby regulated:

- (1) The perimeter of swimming areas in the water must be marked with float lines which, in conjunction with the shoreline, form a completely enclosed area. The total enclosed area may not exceed 5,000 square feet. Such area may not extend out into the water sufficiently as to restrict travel unduly on any regular navigational channel or otherwise to obstruct passage of vessels in reasonably using the waters.
- (2) Float lines must have attached floats along their length at intervals of not less than one every 10 feet.
- (3) Floats must be buoyant enough to float at the surface of the water while attached to the float line, but no float may exceed a size of 18 inches as measured across its largest dimension.
- (4) Floats may be solid or hollow and preferably should be of plastic or other light and resilient material not likely to cause injury should one strike a swimmer in the water.
- (5) Floats must be either solid white or solid international orange in color. Float lines may consist of all white floats or of alternating white and orange floats.
- (6) Buoys or floating signs indicating the "boats keep out" symbol of the uniform system and in conformity with its standards must be attached to the float lines at such points as necessary to give warning to the vessels approaching the swimming area from various directions.
- (7) Float lines and warning markers must be anchored securely to prevent them from shifting position to any appreciable extent under normal conditions.
- (8) All markers warning of a no wake speed zone around certain facilities must be buoys or floating signs placed in the water at a distance of not greater than 50 yards from the protected

facility. The markers must be sufficient in number and size as to give adequate warning of the restriction to the vessels approaching from various directions.

- (9) ~~The boundaries of mooring areas may be defined by the placement of the speed zone warning markers themselves or by such warning markers plus additional boundary floats or markers that may be approved by the Executive Director or his representative.~~

Authority G.S. 75A-3; 75A-15.

15A NCAC 10F .0325 CHOWAN COUNTY

(a) Regulated Areas. This Rule applies to the following waters in Chowan County:

- (1) the waters contained within the entrance canals and docking areas of Edenton Marina and Pembroke Marina;
- (2) the waters of Pembroke Creek in Edenton, within from a line 50 yards north of the W. Queen Street bridge on SR 1204 shore to shore, from a point on the east shore at 36.05861 N, 76.62584 W, to a point on the west shore at 36.051813 N, 76.62735 W, to a line 200 yards southeast of the bridge, shore to shore from a point on the east shore at 36.05739 N, 76.62382 W to a point on the west shore at 36.05626 N, 76.62569 W; crossing Pembroke Creek in Edenton;
- (3) the boat basin and all canals located within Cape Colony Subdivision in Edenton; and
- (4) the swimming area located in Albemarle Sound adjacent to the Cape Colony Subdivision Recreation Area.

(b) Speed Limit. No person shall operate any ~~motorboat or~~ vessel at greater than no-wake speed within the regulated areas described in Subparagraphs (1), (2) and (3) of Paragraph (a) ~~(a)(1), (2), and (3)~~ of this Rule.

(c) Swimming Area. No person operating or responsible for the operation of any vessel, surfboard or water skis shall permit ~~the same~~ it to enter the swimming area described in Subparagraph (4) of Paragraph (a) ~~(a)(4)~~ of this Rule.

(d) Placement ~~and Maintenance~~ of Markers. The Board of Commissioners of Chowan County is the designated ~~a suitable~~ agency for placement ~~and maintenance~~ of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers. ~~With regard to marking the regulated areas described in Paragraph (a) of this Rule, the supplementary standards listed in Subparagraphs (1) through (8) of Rule .0301 (g) of this Section shall apply.~~

Authority G.S. 75A-3; 75A-15.

CHAPTER 10- BOARD OF CHIROPRACTIC EXAMINERS

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Chiropractic Examiners intends to amend the rule cited as 21 NCAC 10 .0203.

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

Proposed Effective Date: *October 1, 2018*

Public Hearing:

Date: *June 21, 2018*

Time: *6:00 p.m.*

Location: *Office of NC Board of Chiropractic Examiners, 6070 Six Forks Road, Suite L, Raleigh, NC 27609*

Reason for Proposed Action: *The NC Board of Chiropractic Examiners requires applicants for chiropractic licensure to take and pass a four-part examination developed and administered by the National Board of Chiropractic Examiners. The passing score for Parts I, II and III is 375. The passing score recommended by the National Board for Part IV is also 375. However, when it first accepted Part IV in 1998, the North Carolina Board imposed a passing score of 475. North Carolina is believed to be one of the last, if not the very last, state to require a Part IV score higher than 375. The NC Board of Chiropractic Examiners has concluded that it can no longer successfully defend a Part IV passing score higher than the de facto national standard. Amending 21 NCAC 10 .0203 to lower the passing score on Part IV to 375 is necessary to avoid anti-trust litigation.*

Comments may be submitted to: *Tom Sullivan, Executive Director, NC Board of Chiropractic Examiners, 6070 Six Forks Road, Suite L, Raleigh, NC 27609*

Comment period ends: *July 31, 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

SECTION .0200 - PRACTICE OF CHIROPRACTIC

21 NCAC 10 .0203 NORTH CAROLINA EXAMINATION

(a) Eligibility. Only those applicants who meet the requirements of this Rule and G.S. 90-143 or, in the case of reciprocity applicants, G.S. 90-143.1 and who have submitted a timely and complete written application and paid the non-refundable application fee pursuant to Rule 21 NCAAC 10 .0202 shall be allowed to take the North Carolina examination.

(b) Dates of Examination. The North Carolina examination shall be given at least once each year, and additional examination dates may be scheduled based on the number of applications received. The Board shall announce an examination date not less than 90 days in advance, and the date, time, and location of upcoming examinations shall be published on the Board's website, www.ncchiroboard.com. The Board shall also individually notify an eligible applicant of the date, time, and location of the next examination as soon as possible after the applicant's non-refundable application fee has been paid and the written application completed.

(c) National Boards. Except as provided in Paragraph (e) of this Rule, in order to take the North Carolina examination, an applicant who has never been licensed in this state or who is not a reciprocity applicant shall first achieve a score of 375 or higher on each of the following examinations given by the National Board of Chiropractic Examiners: Part I, Part II, Part III (WCCE) (WCCE), and the elective examination (termed "Physiotherapy" by the National Board), and Part IV. ~~In addition, the applicant shall achieve a score of 475 or higher on Part IV of the National Board examination.~~

(d) Report of Scores. The applicant shall arrange for his or her test results from any National Board examination to be reported to the North Carolina Board. Failure to comply with this provision shall be a basis for delaying the issuance of a license.

(e) Waiver of National Boards. Notwithstanding the requirements of Paragraph (c) of this Rule, an applicant who submits National Board examinations in conformity with the following schedule shall not be disqualified from licensure in North Carolina;

- (1) An applicant who graduated from chiropractic college before July 1, 1966 shall not be required to submit a score from any National Board examination;
- (2) An applicant who graduated from chiropractic college between July 1, 1966 and June 30, 1986 shall be required to submit scores of 375 or higher on National Board Part I, Part II and the elective examination termed "Physiotherapy" but shall not be required to submit a score on Part III (WCCE) or Part IV.
- (3) An applicant who graduated from chiropractic college between July 1, 1986 and June 30, 1997 shall be required to submit scores of 375 or

higher on National Board Part I, Part II, the elective examination termed "Physiotherapy" and Part III (WCCE) but shall not be required to submit a score on Part IV.

In order to receive a license, an applicant who qualifies for a waiver of any National Board score shall take and pass the SPEC examination and the North Carolina Examination and satisfy all other requirements for licensure.

(f) SPEC Examination. In order to take the North Carolina examination, a reciprocity applicant, a waiver applicant pursuant to Paragraph (d) of this Rule, or an applicant previously licensed in this State whose license has been cancelled pursuant to G.S. 90-155 for more than 180 days shall first take and pass the Special Purpose Examination for Chiropractic ("SPEC").

(g) Nature of Examination. The North Carolina examination shall be a written test of an applicant's knowledge of North Carolina chiropractic jurisprudence. No part of the examination shall be open-book, and no reference material of any kind shall be allowed in the examination area. The passing grade shall be 75 percent.

(h) Review of Examination. An applicant who has failed the North Carolina examination may request a review of his or her examination if the request is made in writing and received by Board not later than 20 days after issuance of the examination results. Unless the applicant specifically requests to review his or her answers in person, the review shall be limited to a re-tabulation of the applicant's score to make certain no clerical errors were made in grading. If the applicant requests to review his or her answers in person, the applicant shall be permitted to do so at the Board office in the presence of a representative of the Board and for a period of not more than 30 minutes. The applicant shall not be permitted to discuss the examination with any member of the Board, grader, or test administrator.

Authority G.S. 90-142; 90-143; 90-143.1; 90-144; 90-145; 90-146.

TITLE 24 – HOUSING FINANCE AGENCY

Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Housing Finance Agency intends to readopt with substantive changes the rule cited as 24 NCAC 01N .0204.

Pursuant to G.S. 150B-21.17, the Codifier has determined it impractical to publish the text of rules proposed for repeal unless the agency requests otherwise. The text of the rule(s) are available on the OAH website at <http://reports.oah.state.nc.us/ncac.asp>.

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

Proposed Effective Date: October 1, 2018

Instructions on How to Demand a Public Hearing: *(must be requested in writing within 15 days of notice): Please send a written demand for a public hearing to the following address or email address by no later than June 16, 2018: North Carolina*

Housing Finance Agency, Attn: Casey Howard, 3508 Bush Street, Raleigh, NC 27609; chhoward@nchfa.com.

Reason for Proposed Action: *The rule found at 24 NCAC 01N .0204 is obsolete and not necessary to effectuate the Agency's corporate purposes so should be readopted as a repeal.*

Comments may be submitted to: *Casey Howard, 3508 Bush Street, Raleigh, NC 27609; phone (919) 875-3751; fax (919) 877-5701; email chhoward@nchfa.com*

Comment period ends: *July 31, 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
- ☒ No fiscal note required by G.S. 150B-21.3A(d)(2)

CHAPTER 01 - NC HOUSING FINANCE AGENCY

SUBCHAPTER 01N - HOUSING COUNSELING

SECTION .0200 - REQUIREMENTS

24 NCAC 01N .0204 FEES

Authority G.S. 53-269; 122A-5; 122A-5.

APPROVED RULES

*This Section includes a listing of rules approved by the Rules Review Commission followed by the full text of those rules. The rules that have been approved by the RRC in a form different from that originally noticed in the Register or when no notice was required to be published in the Register are identified by an * in the listing of approved rules. Statutory Reference: G.S. 150B-21.17.*

Rules approved by the Rules Review Commission at its meeting on April 19, 2018 Meeting.

**REGISTER CITATION TO THE
NOTICE OF TEXT****AGRICULTURE, BOARD OF**

<u>Adoptions by Reference</u>	02 NCAC 09B .0116*	32:08 NCR
<u>Defining Establishment</u>	02 NCAC 09B .0134	32:08 NCR

INDUSTRIAL COMMISSION

<u>Computation of Time and Notice by the Commission</u>	04 NCAC 10A .0107*	32:14 NCR
<u>Purpose and Applicability of the Rules</u>	04 NCAC 10M .0101*	32:14 NCR
<u>Definitions</u>	04 NCAC 10M .0102*	32:14 NCR
<u>Waiver of Rules</u>	04 NCAC 10M .0103	32:14 NCR
<u>First Prescription of Medication for Pain in an Acute Phase</u>	04 NCAC 10M .0201*	32:14 NCR
<u>Prescription of Medication for Pain in an Acute Phase Fol...</u>	04 NCAC 10M .0202*	32:14 NCR
<u>Prescription of Medication for Pain in a Chronic Phase</u>	04 NCAC 10M .0203*	32:14 NCR
<u>Co-Prescription of Opioid Antagonist</u>	04 NCAC 10M .0301	32:14 NCR
<u>Nonpharmacological Treatment for Pain</u>	04 NCAC 10M .0401*	32:14 NCR
<u>Treatment for Substance Use Disorder Involving a Targeted...</u>	04 NCAC 10M .0501	32:14 NCR

WILDLIFE RESOURCES COMMISSION

<u>Possession of Certain Species of Wildlife Resources</u>	15A NCAC 10B .0123*	32:11 NCR
<u>Bear</u>	15A NCAC 10B .0202*	32:11 NCR
<u>Deer (White Tailed)</u>	15A NCAC 10B .0203*	32:11 NCR
<u>Rabbits</u>	15A NCAC 10B .0207	32:11 NCR
<u>Pheasant (Nonnative Varieties)</u>	15A NCAC 10B .0211*	32:11 NCR
<u>Foxes (Gray and Red)</u>	15A NCAC 10B .0212*	32:11 NCR
<u>American Alligator</u>	15A NCAC 10B .0224	32:11 NCR
<u>Public Mountain Trout Waters</u>	15A NCAC 10C .0205	32:11 NCR
<u>Black Bass</u>	15A NCAC 10C .0305	32:11 NCR
<u>Trout</u>	15A NCAC 10C .0316	32:11 NCR
<u>Manner of Taking Nongame Fishes: Purchase and Sale</u>	15A NCAC 10C .0401*	32:11 NCR
<u>Taking Nongame Fishes for Bait or Personal Consumption</u>	15A NCAC 10C .0402*	32:11 NCR
<u>Hunting on Game Lands</u>	15A NCAC 10D .0103*	32:11 NCR
<u>Fishing on Game Lands</u>	15A NCAC 10D .0104	32:11 NCR

REVENUE, DEPARTMENT OF

<u>Investment In Subsidiary</u>	17 NCAC 05B .1105*	G.S. 150B-1(d)(4)
<u>Exclusion Provision Limited To Indebtedness Owed</u>	17 NCAC 05B .1108*	G.S. 150B-1(d)(4)
<u>Reciprocal Indebtedness Between Affiliates</u>	17 NCAC 05B .1110*	G.S. 150B-1(d)(4)
<u>Investment Base Property Included</u>	17 NCAC 05B .1406*	G.S. 150B-1(d)(4)
<u>Domestic And Foreign Corporations Required To File</u>	17 NCAC 05C .0101*	G.S. 150B-1(d)(4)
<u>US Obligations</u>	17 NCAC 05C .0403*	G.S. 150B-1(d)(4)

<u>In General</u>	17 NCAC 05C .0801*	G.S. 150B-1(d)(4)
<u>Numerator of Payroll Factor</u>	17 NCAC 05C .0907*	G.S. 150B-1(d)(4)
<u>Corporations Apportioning Their Net Income</u>	17 NCAC 05C .1506*	G.S. 150B-1(d)(4)
<u>Apportionable Income or Nonapportionable Income</u>	17 NCAC 05C .1702*	G.S. 150B-1(d)(4)
<u>Request for Alternative Apportionment Formula</u>	17 NCAC 05D .0109*	G.S. 150B-1(d)(4)
<u>Who Shall Attend the Conference</u>	17 NCAC 05D .0112*	G.S. 150B-1(d)(4)
<u>Completing a Return</u>	17 NCAC 06B .0104*	G.S. 150B-1(d)(4)
<u>General</u>	17 NCAC 06B .3501*	G.S. 150B-1(d)(4)
<u>Partnership Returns</u>	17 NCAC 06B .3503*	G.S. 150B-1(d)(4)
<u>NonResident Partners</u>	17 NCAC 06B .3513*	G.S. 150B-1(d)(4)
<u>Income Tax Return for Estates and Trusts</u>	17 NCAC 06B .3716*	G.S. 150B-1(d)(4)
<u>Additional Withholding Allowances</u>	17 NCAC 06C .0124*	G.S. 150B-1(d)(4)

LOCAL GOVERNMENT EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES

<u>Anti-Pension Spiking Contribution-Based Benefit Cap Facto...</u>	20 NCAC 02C .0405	32:13 NCR
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INTERPRETER AND TRANSLITERATOR LICENSING BOARD

<u>Renewal of a Provisional License</u>	21 NCAC 25 .0205*	32:07 NCR
<u>Continuing Education Requirements</u>	21 NCAC 25 .0501*	32:11 NCR

MEDICAL BOARD

<u>Reporting Criteria</u>	21 NCAC 32M .0117	32:12 NCR
<u>Definition of Consultation for Prescribing Targeted Contr...</u>	21 NCAC 32M .0118*	32:12 NCR
<u>Prescriptive Authority</u>	21 NCAC 32S .0212*	32:12 NCR
<u>Definition of Consultation for Prescribing Targeted Contr...</u>	21 NCAC 32S .0225*	32:12 NCR

NURSING, BOARD OF

<u>Reporting Criteria</u>	21 NCAC 36 .0815	32:12 NCR
<u>Definition of Consultation for Prescribing Controlled Sub...</u>	21 NCAC 36 .0816*	32:12 NCR

REAL ESTATE COMMISSION

<u>Advertising</u>	21 NCAC 58A .0105*	32:14 NCR
<u>Delivery of Instruments</u>	21 NCAC 58A .0106	32:14 NCR
<u>Retention of Records</u>	21 NCAC 58A .0108*	32:14 NCR
<u>Broker-In-Charge</u>	21 NCAC 58A .0110*	32:14 NCR
<u>Residential Property and Owners' Association Disclosure S...</u>	21 NCAC 58A .0114*	32:14 NCR
<u>License Renewal</u>	21 NCAC 58A .0503	32:14 NCR
<u>Reinstatement of a License</u>	21 NCAC 58A .0505	32:14 NCR
<u>Licensing of Persons Licensed in Another Jurisdiction</u>	21 NCAC 58A .0511*	32:14 NCR
<u>Continuing Education Requirement</u>	21 NCAC 58A .1702	32:14 NCR
<u>Continuing Education for License Activation</u>	21 NCAC 58A .1703	32:14 NCR
<u>Continuing Education Required of Nonresident Brokers</u>	21 NCAC 58A .1711	32:14 NCR
<u>Applicability</u>	21 NCAC 58A .2101	G.S. 150B-21.5(a)(5)
<u>Renewal of Time Share Project Registration</u>	21 NCAC 58B .0103	32:14 NCR
<u>Definitions</u>	21 NCAC 58G .0103*	32:14 NCR
<u>Prelicensing and Postlicensing Roster Reporting</u>	21 NCAC 58H .0211*	32:14 NCR
<u>Renewal of Sponsor Approval</u>	21 NCAC 58H .0404	32:14 NCR

The following Rules are subject to the next Legislative Session. (see G.S. 150B-21.3(b1))

TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES

Anti-Pension Spiking Contribution-Based Benefit Cap Facto...

20 NCAC 02B .0405

32:13 NCR

TITLE 02 - DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

02 NCAC 09B .0116 ADOPTIONS BY REFERENCE

(a) The Board incorporates by reference, including subsequent amendments and editions, "Official Methods of Analysis of AOAC," published by the Association of Official Analytical Chemists. Copies of this document may be obtained from the Association of Official Analytical Chemists International, Department 0742, 1970 Chain Bridge Road, McLean, VA 22109-0742, at a cost of six hundred thirty dollars (\$630.00).

(b) The Board incorporates by reference, including subsequent amendments and editions, "U.S. Pharmacopeia National Formulary USP XXXIII-NFXXVIII" and supplements, published by the U.S. Pharmacopeial Convention, Inc. Copies of this document may be obtained from The United States Pharmacopeial Convention, Inc., Attention: Customer Service, 12601 Twinbrook Parkway, Rockville, MD 20852, at a cost of eight-hundred fifty dollars (\$850.00).

(c) The Board incorporates by reference, including subsequent amendments and editions, "ASTM Standards on Engine Coolants," published by ASTM International. Copies of this document may be obtained from ASTM International, 100 Bar Harbor Drive, West Conshohocken, PA 19428-2959, at a cost of two hundred eleven dollars (\$211.00).

(d) The Board incorporates by reference, including subsequent amendments and editions, "EPA Manual of Chemical Methods for Pesticides and Devices" and supplements, published by AOAC. Copies of this document may be obtained online from the Environmental Protection Agency National Service Center for Environmental Publications at <http://nepis.epa.gov/EXE/ZyPURL.cgi?Dockey=2000YS3Y.txt>.

(e) The Board incorporates by reference, including subsequent amendments and editions, "Pesticide Analytical Manual," Volumes I and II, published by the United States Department of Health and Human Services, Food and Drug Administration. Copies of this document may be obtained online at <http://www.fda.gov/Food/ScienceResearch/LaboratoryMethods/PesticideAnalysisManualPAM/default.htm>.

(f) The Board incorporates by reference, including subsequent amendments and editions, "FDA Compliance Policy Guides," published by the United States Department of Health and Human Services, Food and Drug Administration. Copies of this document may be obtained online at <http://www.fda.gov/iceci/compliancemanuals/compliancepolicyguidancemanual/default.htm> or from the State Information Branch (HFC-151), Division of Federal-State Relations, US Food and Drug Administration, 5600 Fishers Lane, Room 12-07, Rockville, MD 20857.

(g) The Board incorporates by reference, including subsequent amendments and editions, "Bergey's Manual of Determinative

Bacteriology," Lippincott, Williams & Wilkins Company, Baltimore. Copies of this document may be obtained from the Lippincott, Williams & Wilkins Company, P.O. Box 1620, Hagerstown, MD 21741 at a cost of one hundred thirty-seven dollars and ninety-nine cents (\$137.99).

(h) The Board incorporates by reference, including subsequent amendments and editions, "Microbiology Laboratory Guidebook," published by the United States Department of Agriculture, Food Safety and Inspection Service, Washington, DC. Copies of this document may be obtained online from http://www.fsis.usda.gov/science/microbiological_Lab_Guidebook/ at no charge.

(i) The Board incorporates by reference, including subsequent amendments and editions, "FDA Bacteriological Analytical Manual," published by the United States Department of Health and Human Services, Food and Drug Administration. Copies of this document may be obtained online at <http://www.fda.gov/Food/FoodScienceResearch/LaboratoryMethods/ucm114664.htm> at no charge.

(j) The Board incorporates by reference, including subsequent amendments and editions, "Standard Methods for the Examination of Dairy Products," published by the American Public Health Association. Copies of this document may be obtained from the American Public Health Association Publication Sales, P.O. Box 933019, Atlanta, GA at a cost of eighty-five dollars (\$85.00).

(k) The Board incorporates by reference, including subsequent amendments and editions, "Compendium of Methods for the Microbiological Examination of Foods," published by the American Public Health Association. Copies of this document may be obtained from the American Public Health Association Publication Sales, P.O. Box 933019, Atlanta, GA at a cost of one hundred fifty dollars (\$150.00).

(l) The Board incorporates by reference, including subsequent amendments and editions, "Bergey's Manual of Systematic Bacteriology," Springer Publishing, New York, NY. Copies of this document may be obtained from Springer Publishing, 233 Spring Street, New York, NY, 10013 at a cost of one hundred fifty-nine dollars (\$159.00).

(m) The Board incorporates by reference, including subsequent amendments and editions, "Manual of Clinical Microbiology," published by the American Society for Microbiology. Copies of this document may be obtained from the American Society for Microbiology Press, PO Box 605, Herndon, VA 22070, at a cost of two hundred sixty-nine dollars and ninety-five cents (\$269.95).

(n) The Board incorporates by reference, including subsequent amendments and editions, "Standard Methods for the Examination of Water and Waste Water," published by American Public Health Association, American Water Works Association, and Water Pollution Control Federation. Copies of this document may be obtained from the American Public Health Association

Publication Sales, P.O. Box 933019, Atlanta, GA at a cost of two hundred ninety-five dollars (\$295.00).

(o) The Board incorporates by reference, including subsequent amendments and editions, the following parts or sections of the Code of Federal Regulations, Title 21, Chapter I, as promulgated by the Commissioner of the Food and Drug Administration under the authority of the Federal Food, Drug, and Cosmetic Act:

	Part or	Description of Part or Section
(1)	1.1	General
(2)	1.3	Labeling - Definitions
(3)	1.20	Presence of Mandatory Label Information
(4)	1.21	Failure to Reveal Material Facts
(5)	1.24	Exemptions from Required Label Statements
(6)	1.326	Who is Subject to this Subpart?
(7)	1.327	Who is Excluded from All or Part of the Regulations in this Subpart?
(8)	1.328	What Definitions Apply to this Subpart?
(9)	1.329	Do Other Statutory Provisions and Regulations Apply?
(10)	1.330	Can Existing Records Satisfy the Requirements of this Subpart?
(11)	1.337	What Information Must Non-transporters Establish and Maintain to Identify the Nontransporter and Transporter Immediate Previous Sources of Food?
(12)	1.345	What Information Must Non-transporters Establish and Maintain to Identify the Nontransporter and Transporter Immediate Subsequent Recipients of Food?
(13)	1.352	What Information Must Transporters Establish and Maintain?
(14)	1.360	What are the Record Retention Requirements?
(15)	1.361	What are the Record Availability Requirements?
(16)	1.362	What Records are Excluded from this Subpart?
(17)	1.363	What are the Consequences of Failing to Establish, or Maintain Records or Make Them Available to FDA as Required by this Subpart?
(18)	1.368	What are the Compliance Dates for this Subpart?
(19)	2.25	Grain Seed Treated with Poisonous Substances; Color Identification to Prevent Adulteration of Human and Animal Food
(20)	2.35	Use of Secondhand Containers for the Shipment or Storage of Food and Animal Feed
(21)	7.1	Scope
(22)	7.3	Definitions
(23)	7.12	Guaranty
(24)	7.13	Suggested Forms of Guaranty
(25)	7.40	Recall Policy
(26)	7.41	Health Hazard Evaluation and Recall Classification
(27)	7.42	Recall Strategy
(28)	7.45	Food and Drug Administration - Requested Recall
(29)	7.46	Firm-initiated Recall
(30)	7.49	Recall Communications
(31)	7.50	Public Notification of Recall
(32)	7.53	Recall Status Reports
(33)	7.55	Termination of a Recall
(34)	7.59	General Industry Guidance
(35)	70	Color Additives
(36)	73	Listing of Color Additives Exempt from Certification
(37)	74	Listing of Color Additives Subject to Certification
(38)	81	General Specifications and General Restrictions for Provisioned Color Additives for Use in Foods, Drugs and Cosmetics
(39)	82	Listing of Certified Provisionally Listed Colors and Specifications
(40)	100	General
(41)	101	Food Labeling
(42)	102	Common or Usual Name for Nonstandardized Foods
(43)	104	Nutritional Quality Guidelines for Foods
(44)	105	Foods for Special Dietary Use
(45)	106	Infant Formula Quality Control Procedures
(46)	107	Infant Formula

(47)	108	Emergency Permit Control
(48)	109	Unavoidable Contaminants in Food for Human Consumption and Food-Packaging Material
(49)	110	Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food
(50)	111	Current Good Manufacturing Practice in Manufacturing, Packaging, Labeling, or Holding Operations for Dietary Supplements
(51)	112	Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption
(52)	113	Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers
(53)	114	Acidified Foods
(54)	115	Shell Eggs
(55)	117	Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Human Food
(56)	118	Production, Storage, and Transportation of Shell Eggs
(57)	120	Hazard Analysis and Critical Control Point (HACCP) Systems
(58)	123	Fish and Fishery Products
(59)	129	Processing and Bottling of Bottled Drinking Water (Except as amended by 02 NCAC 09C .0700 - Bottled Water)
(60)	130	Food Standards: General
(61)	131	Milk and Cream
(62)	133	Cheeses and Related Cheese Products
(63)	135	Frozen Desserts
(64)	136	Bakery Products
(65)	137	Cereal Flours and Related Products
(66)	139	Macaroni and Noodle Products
(67)	145	Canned Fruits
(68)	146	Canned Fruit Juices
(69)	150	Fruit Butters, Jellies, Preserves, and Related Products
(70)	152	Fruit Pies
(71)	155	Canned Vegetables
(72)	156	Vegetable Juices
(73)	158	Frozen Vegetables
(74)	160	Eggs and Egg Products
(75)	161	Fish and Shellfish (Except Section 161.30 and 161.130 through 161.145)
(76)	163	Cacao Products
(77)	164	Tree Nut and Peanut Products
(78)	165	Beverages
(79)	166	Margarine
(80)	168	Sweeteners and Table Syrups
(81)	169	Food Dressings and Flavorings
(82)	170	Food Additives
(83)	172	Food Additives Permitted for Direct Addition to Food for Human Consumption
(84)	173	Secondary Direct Food Additives Permitted in Food for Human Consumption
(85)	174	Indirect Food Additives: General
(86)	175	Indirect Food Additives: Adhesives and Components of Coatings
(87)	176	Indirect Food Additives: Paper and Paperboard Components
(88)	177	Indirect Food Additives: Indirect Food Additives: Polymers
(89)	178	Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers
(90)	179	Irradiation in the Production, Processing and Handling of Food
(91)	180	Food Additives Permitted in Food or in Contact with Food on an Interim Basis Pending Additional Study
(92)	181	Prior-Sanctioned Food Ingredients
(93)	182	Substances Generally Recognized as Safe
(94)	184	Direct Food Substances Affirmed as Generally Recognized as Safe
(95)	186	Indirect Food Substances Affirmed as Generally Recognized as Safe
(96)	189	Substances Prohibited from Use in Human Food
(97)	190	Dietary Supplements
(98)	200	General
(99)	201	Labeling

(100)	202	Prescription Drug Advertising
(101)	210	Current Good Manufacturing Practice in Manufacturing, Processing, Packing or Holding of Drugs; General
(102)	211	Current Good Manufacturing Practice for Finished Pharmaceuticals
(103)	225	Current Good Manufacturing Practice for Medicated Feeds
(104)	226	Current Good Manufacturing Practice for Type A Medicated Articles
(105)	250	Special Requirements for Specific Human Drugs
(106)	290	Controlled Drugs
(107)	299	Drugs; Official Names and Established Names
(108)	300	General
(109)	310	New Drugs
(110)	312	Investigational New Drug Application
(111)	314	Applications for FDA Approval to Market New Drug
(112)	320	Bioavailability and Bioequivalence Requirements
(113)	330	Over-the-Counter (OTC) Human Drugs Which Are Generally Recognized as Safe and Effective and Not Misbranded
(114)	331	Antacid Products for Over-the-Counter (OTC) Human Use
(115)	332	Antiflatulent Products for Over-the-Counter Human Use
(116)	361	Prescription Drugs for Human Use Generally Recognized as Safe and Effective and Not Misbranded: Drugs Used in Research
(117)	369	Interpretive Statements Re: Warnings on Drugs and Devices for Over-the-Counter Sale
(118)	809	In Vitro Diagnostic Products for Human Use
(119)	812	Investigational Device Exemptions
(120)	820	Quality System Regulation
(121)	860	Medical Device Classification Procedures
(122)	861	Procedures for Performance Standards Development
(123)	870	Cardiovascular Devices
(124)	882	Neurological Devices
(125)	884	Obstetrical and Gynecological Devices
(126)	895	Banned Devices
(127)	500	General
(128)	501	Animal Food Labeling
(129)	502	Common or Usual Names for Nonstandardized Animal Foods
(130)	509	Unavoidable Contaminants in Animal Food and Food-Packaging Material
(131)	510	New Animal Drugs
(132)	511	New Animal Drugs for Investigational Use
(133)	514	New Animal Drug Applications
(134)	520	Oral Dosage Form New Animal Drugs
(135)	522	Implantation or Injectable Dosage Form New Animal Drugs
(136)	524	Ophthalmic and Topical Dosage Form New Animal Drugs
(137)	526	Intramammary Dosage Form New Animal Drugs
(138)	529	Certain Other Dosage Form New Animal Drugs
(139)	556	Tolerances for Residues of New Animal Drugs in Food
(140)	558	New Animal Drugs for Use in Animal Feeds
(141)	570	Food Additives
(142)	573	Food Additives Permitted in Feed and Drinking Water of Animals
(143)	582	Substances Generally Recognized as Safe
(144)	584	Food Substances Affirmed as Generally Recognized as Safe in Feed and Drinking Water of Animals
(145)	589	Substances Prohibited from Use in Animal Food or Feed
(146)	700	General
(147)	701	Cosmetic Labeling
(148)	720	Voluntary Filing of Cosmetic Product Ingredient Composition Statements
(149)	740	Cosmetic Product Warning Statements

Copies of the Code of Federal Regulations may be obtained at no cost by accessing the website of the U.S. Government Printing Office at <http://www.gpoaccess.gov/cfr/index.html>.

(p) The Board incorporates by reference, including subsequent amendments and editions, "Tolerances and Exemptions from	Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities," 40 C.F.R. Part 180. Copies of the Code of Federal
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Regulations may be obtained at no cost by accessing the website of the U.S. Government Printing Office at <http://www.gpoaccess.gov/cfr/index.html>.

(q) The Board incorporates by reference, including subsequent amendments and editions, "Definitions and Standards of Identity or Composition for Meats, Meat By-products, and Meat Food Products," 9 C.F.R. Part 319. Copies of the Code of Federal Regulations may be obtained at no cost by accessing the website of the U.S. Government Printing Office at <http://www.gpoaccess.gov/cfr/index.html>.

(r) The Board incorporates by reference, including subsequent amendments and editions, "Definitions and Standards of Identity or Composition for Poultry and Poultry Products," 9 C.F.R. Sections 381.155 through 381.170. Copies of the Code of Federal Regulations may be obtained at no cost by accessing the website of the U.S. Government Printing Office at <http://www.gpoaccess.gov/cfr/index.html>.

(s) The Board incorporates by reference, including subsequent amendments and editions, Title 9, Part 317.2(1) of the Code of Federal Regulations. Copies of Title 9 of the Code of Federal Regulations may be obtained from the Superintendent of Documents, Government Printing Office, Washington, DC 20402, at a cost of sixty-four dollars (\$64.00).

(t) The Board incorporates by reference, including subsequent amendments and editions, Title 9, Part 381.125(b) of the Code of Federal Regulations. Copies of the Code of Federal Regulations may be obtained at no cost by accessing the website of the U.S. Government Printing Office at <http://www.gpoaccess.gov/cfr/index.html>.

(u) The Board incorporates by reference, including subsequent amendments and editions, a document entitled, "Fresh Air '2000' - A Look At FDA's Medical Gas Requirements," published by the United States Department of Health and Human Services, Food and Drug Administration. A copy of this material may be obtained at no cost from the Food and Drug Protection Division of the North Carolina Department of Agriculture and Consumer Services.

(v) The Board incorporates by reference the definition of "dietary supplement" found at 21 USC 321(ff).

(w) The Board incorporates by reference the definition of "processed food" found at 21 USC 321(gg).

(x) The Board incorporates by reference the definition of "major food allergen" found at 21 USC 321(qq).

(y) The Board incorporates by reference the definition of "knowingly" or "knew" found at 21 USC 321(bb).

History Note: Authority G.S. 106-139; 106-245.16; 106-245.22; 106-245.32; 106-267;

Eff. December 14, 1981;

Amended Eff. May 1, 2013; January 1, 2011; June 1, 2004; April 1, 2003; June 1, 1995; April 1, 1992; June 1, 1988; October 1, 1987;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015;

Amended Eff. May 1, 2018.

02 NCAC 09B .0134 DEFINING ESTABLISHMENT

The term "establishment" under the North Carolina Food, Drugs and Cosmetics Act, G.S. 106-120 et seq. shall include farms as

defined under 21 CFR 112.3, which is hereby incorporated by reference including later amendments or editions and can be accessed free of cost at <http://www.gpoaccess.gov/cfr/index.html>.

History Note: Authority G.S. 106-139;

Eff. May 1, 2018.

TITLE 04 - DEPARTMENT OF COMMERCE

04 NCAC 10A .0107 COMPUTATION OF TIME AND NOTICE BY THE COMMISSION

(a) Except as otherwise provided by statute or rule, in computing any period of time prescribed or allowed by the Commission Rules, order of the Commission, or any applicable statute, the day of the act, event, or default after which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a holiday established by the State Human Resources Commission pursuant to 25 NCAC 01E .0901 and any subsequent amendments thereto, in which event the period runs until the end of the next State business day. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and holidays shall be excluded in the computation. Whenever a party has the right to do some act or take some proceedings within a prescribed period after the service of any document by mail, three days shall be added to the prescribed period.

(b) If service is provided by electronic mail, notice pursuant to G.S. 97-86 is complete one hour after it is sent by the Commission, provided that:

- (1) notice sent after 5:00 p.m. shall be complete at 8:00 a.m. the following State business day; and
- (2) notice sent by electronic mail that is not readable by the recipient is not complete. Within five State business days of receipt of an unreadable document, the receiving party shall notify the Commission of the unreadability of the document.

(c) If service is provided by U.S. Mail, notice pursuant to G.S. 97-86 shall be complete upon the Commission's placing the item to be served, enclosed in a wrapper addressed to the party to be served, in the custody of the Mail Service Center or an official depository of the United States Postal Service.

History Note: Authority G.S. 97-80; 97-81; 97-86;

Eff. November 1, 2014;

Amended Eff. May 1, 2018.

04 NCAC 10M .0101 PURPOSE AND APPLICABILITY OF THE RULES

(a) The rules in this Subchapter address the utilization of opioids, related prescriptions, and pain management treatment in all claims arising under the provisions of the Workers' Compensation Act. However, Section .0200 of this Subchapter shall not apply to claims in which the employee received treatment with a targeted controlled substance for more than 12 consecutive weeks immediately preceding the effective date of the rules.

(b) The rules in this Subchapter apply to the prescription of targeted controlled substances as defined in Rule .0102 of this Section and the prescription of other modalities of pain management treatment for the outpatient treatment of non-cancer pain in claims in which the employer is providing medical compensation pursuant to the Workers' Compensation Act. The rules in this Subchapter do not apply to prescriptions for medications to be administered in a health care setting.

(c) The rules do not constitute medical advice or a standard of medical care. Disputes regarding the treatment addressed by these Rules shall be governed by G.S. 97-25 and Rule 04 NCAC 10A .0609A.

History Note: Authority G.S. 97-25; 97-25.4; 97-80(a); S.L. 2017-203, s. 4; Eff. May 1, 2018.

04 NCAC 10M .0102 DEFINITIONS

As used in this Subchapter:

- (1) "Acute phase" means 12 weeks of treatment for pain following an injury by accident, occupational disease, surgery for an injury by accident or occupational disease, or subsequent aggravation of an injury by accident or occupational disease. There may be more than one acute phase during treatment for an injury or occupational disease.
- (2) "Chronic phase" means continued treatment for pain immediately following a 12-week period of treatment for pain using a targeted controlled substance.
- (3) "Confirmatory urine drug test" means a definitive urine drug test that verifies the results of a presumptive urine drug test. A confirmatory urine drug test identifies individual drugs and drug metabolites. Health care providers shall use a confirmatory drug test for the lowest number of drug classes necessary based on the results of the presumptive urine drug test, not to exceed 21 drug classes.
- (4) "CSRS" means the Controlled Substances Reporting System as established by the North Carolina Controlled Substances Reporting System Act, Article 5E of Chapter 90 of the North Carolina General Statutes.
- (5) "Long-acting opioid" or "extended-release opioid" means any targeted controlled substance that is formulated to release the drug gradually into the bloodstream or to have a long half-life for prolonged activity with an analgesic effect of 8 to 72 hours or longer.
- (6) "Lowest effective dosage" means the lowest dose necessary to achieve the clinical goal.
- (7) "Morphine equivalent dose" means conversion of various opioids to an equivalent morphine dose by using the most current conversion guidelines provided by the Centers for Disease Control and Prevention ("CDC"). The CDC Opioid Prescribing Guideline Mobile App and

the CDC's guidelines for Calculating Total Daily Dose of Opioids for Safer Dosage are hereby incorporated by reference, including any subsequent amendments or editions. These materials are available online at no cost at https://www.cdc.gov/drugoverdose/pdf/calculating_total_daily_dose-a.pdf and https://www.cdc.gov/drugoverdose/pdf/App_Opioid_Prescribing_Guideline-a.pdf.

- (8) "Opioid antagonist" means the term as defined in G.S. 90-12.7(a).
- (9) "Pain" means pain resulting from an injury by accident or occupational disease.
- (10) "Presumptive urine drug test" means an initial urine drug test that identifies negative specimens and presumptive positive specimens, and is interpreted through visual examination. Examples include dipstick tests and drug test cups. A health care provider who is providing pain management treatment in the chronic phase to an employee may administer a presumptive urine drug test that is qualitative and interpreted or analyzed with instrumental or chemical assistance if the health care provider believes, in his or her medical opinion, that a more sensitive presumptive urine drug test is appropriate and is likely to reduce the need for a confirmatory urine drug test.
- (11) "Short-acting opioid" means any targeted controlled substance with a quick onset of action and short duration of analgesic activity that is formulated for dosing at intervals of two to six hours.
- (12) "Targeted controlled substance" means any controlled substance included in G.S. 90-90(1) or (2) or G.S. 90-91(d).

History Note: Authority G.S. 97-25.4; 97-80(a); S.L. 2017-203, s. 4; Eff. May 1, 2018.

04 NCAC 10M .0103 WAIVER OF RULES

In the interests of justice or to promote judicial economy, the Commission may, except as otherwise provided by the rules in this Subchapter, waive or vary the requirements or provisions of any of the rules in this Subchapter in a case pending before the Commission upon written application of a party or upon its own initiative. Factors the Commission shall use in determining whether to grant the waiver are:

- (1) the necessity of a waiver;
- (2) the party's responsibility for the conditions creating the need for a waiver;
- (3) the party's prior requests for a waiver;
- (4) the precedential value of such a waiver;
- (5) notice to and opposition by the opposing parties; and
- (6) the harm to the party if the waiver is not granted.

History Note: Authority G.S. 97-25; 97-25.4; 97-80(a); S.L. 2017-203, s. 4; Eff. May 1, 2018.

04 NCAC 10M .0201 FIRST PRESCRIPTION OF MEDICATION FOR PAIN IN AN ACUTE PHASE

- (a) This Rule applies to the first prescription of any medication to an employee for pain in an acute phase.
- (b) Before prescribing a targeted controlled substance, a health care provider shall document his or her medical opinion in the medical record that non-pharmacological and non-opioid therapies are insufficient to treat the employee's pain.
- (c) A health care provider shall not prescribe more than one targeted controlled substance at the time of the first prescription. A health care provider shall not provide at the time of the first prescription any additional prescription for a targeted controlled substance to be dispensed at a later time.
- (d) A health care provider shall prescribe the lowest number of days' supply of a targeted controlled substance necessary in his or her medical opinion to treat an employee's pain, not to exceed a five-day supply. However, the first prescription of any targeted controlled substance for post-operative pain immediately following a surgical procedure may exceed five days but shall not exceed a seven-day supply.
- (e) A health care provider shall prescribe the lowest effective dosage of a targeted controlled substance, not to exceed a 50 mg morphine equivalent dose per day, using only short-acting opioids. However, a health care provider may prescribe more than a 50 mg morphine equivalent dose per day, if the employee was being prescribed a targeted controlled substance immediately prior to the first prescription. The dosage limits in this Paragraph apply only to an opioid prescription being prescribed pursuant to this Rule.
- (f) A health care provider shall not prescribe transcutaneous, transdermal, transmucosal, or buccal opioid preparations without documentation in the medical record that oral opioid dosing is medically contraindicated for the employee.
- (g) A health care provider shall not prescribe fentanyl for pain in an acute phase.
- (h) A health care provider shall not prescribe benzodiazepines for pain or as muscle relaxers in an acute phase.
- (i) A health care provider shall not prescribe carisoprodol and a targeted controlled substance in an acute phase.
- (j) If an employee is taking benzodiazepines or carisoprodol prescribed by another health care provider, the health care provider shall not prescribe a targeted controlled substance to the employee without advising the employee of the potential risks of combining a targeted controlled substance and benzodiazepines or carisoprodol. The health care provider shall also communicate with the health care provider prescribing the benzodiazepines or carisoprodol to inform that health care provider of the prescription of a targeted controlled substance.
- (k) A health care provider shall review the information in the CSRS pertaining to the employee for the 12-month period preceding the first prescription. The health care provider shall document in the medical record the review and any potential contraindications to prescribing a targeted controlled substance found in the CSRS. The effective date of this Paragraph is November 1, 2018, or shall coincide with the date of application

in S.L. 2017-74, s. 15.(e), and any amendments thereto, whichever is earlier.

History Note: Authority G.S. 90-106(a3); 90-113.74C(a); 97-25; 97-25.4; 97-80(a); S.L. 2017-203, s. 4; Eff. May 1, 2018.

04 NCAC 10M .0202 PRESCRIPTION OF MEDICATION FOR PAIN IN AN ACUTE PHASE FOLLOWING THE FIRST PRESCRIPTION

- (a) This Rule applies to prescriptions for medication to an employee for pain during an acute phase that are written after a first prescription as described in Rule .0201 of this Section.
- (b) Before prescribing a targeted controlled substance, a health care provider shall document his or her medical opinion in the medical record that non-pharmacological and non-opioid therapies are insufficient to treat the employee's pain.
- (c) A health care provider shall not prescribe more than one targeted controlled substance at a time in an acute phase.
- (d) A health care provider shall prescribe the lowest number of days' supply of a targeted controlled substance necessary in his or her medical opinion to treat an employee's pain.
- (e) A health care provider shall prescribe the lowest effective dosage of a targeted controlled substance, not to exceed 50 mg morphine equivalent dose per day, using only short-acting opioids. However, the health care provider may prescribe a morphine equivalent dose higher than 50 mg per day, but not higher than 90 mg per day, after documenting the medical justification for the prescription, including a comparison of the expected benefits to the employee versus any potential risks of increasing the employee's dosage. If the health care provider prescribes a morphine equivalent dose higher than 50 mg per day in an acute phase, the health care provider shall review at all subsequent evaluations whether the employee experienced the expected benefits and consider whether to continue the higher dosage and document the medical record accordingly. The dosage limits in this Paragraph apply only to an opioid prescription being prescribed pursuant to this Rule.
- (f) A health care provider shall not prescribe transcutaneous, transdermal, transmucosal, or buccal opioid preparations without documentation in the medical record that oral opioid dosing is medically contraindicated for the employee.
- (g) A health care provider shall not prescribe fentanyl for pain in an acute phase.
- (h) A health care provider shall not prescribe benzodiazepines for pain or as muscle relaxers in an acute phase.
- (i) A health care provider shall not prescribe carisoprodol and a targeted controlled substance in an acute phase.
- (j) If an employee is taking benzodiazepines or carisoprodol prescribed by another health care provider, the health care provider shall not prescribe a targeted controlled substance to the employee without advising the employee of the potential risks of combining a targeted controlled substance and benzodiazepines or carisoprodol. The health care provider shall also communicate with the health care provider prescribing the benzodiazepines or carisoprodol to inform that health care provider of the prescription of a targeted controlled substance.
- (k) A health care provider shall review the information in the CSRS pertaining to the employee for the preceding 12-month

period every time the health care provider prescribes a targeted controlled substance in an acute phase. The health care provider shall document in the medical record the review and any potential contraindications to prescribing a targeted controlled substance found in the CSRS. The effective date of this Paragraph is November 1, 2018, or shall coincide with the date of application in S.L. 2017-74, s. 15.(e), and any amendments thereto, whichever is earlier.

(l) After an employee has received the first prescription of a targeted controlled substance as described in Rule .0201 of this Section and an additional 30 days of treatment with a targeted controlled substance, the health care provider may only continue treatment with a targeted controlled substance after fulfilling the following requirements:

- (1) The health care provider shall administer and document in the medical record the results of a presumptive urine drug test as defined in Rule .0102 of this Subchapter. The health care provider may meet this requirement by requiring that the employee take a random, unannounced urine drug test. If the test results are positive for non-disclosed drugs or negative for prescribed controlled substances, the health care provider shall obtain confirmatory urine drug testing as defined in Rule .0102 of this Section. Nothing herein prevents a health care provider from ordering confirmatory urine drug testing for a medical reason other than the presumptive urine drug test results if the medical reason is documented in the medical record. The health care provider may obtain the confirmatory urine drug test results before prescribing a targeted controlled substance. Alternatively, the health care provider may order a limited supply of a targeted controlled substance pending the results of the confirmatory urine drug test. The results of any confirmatory urine drug test shall be documented in the medical record.

- (2) The health care provider shall administer and document in the medical record the results of a tool for screening and assessing opioid risk that has been validated by clinical studies. Examples of these tools include the following:

- (A) NIDA Quick Screen V1.0 and NIDA-Modified ASSIST V2.0 (National Institute on Drug Abuse), available at [https://www.drugabuse.gov/sites/default/files/files/QuickScreen_Updated_2013\(1\).pdf](https://www.drugabuse.gov/sites/default/files/files/QuickScreen_Updated_2013(1).pdf);
- (B) Screener and Opioid Assessment for Patients with Pain (SOAPP)® Version 1.0 (Inflexxion, Inc.), available at <http://nhms.org/sites/default/files/Pdfs/SOAPP-14.pdf>;
- (C) SOAPP-Revised (Inflexxion, Inc.), available at <https://www.painedu.org>; and

- (D) Opioid Risk Tool (ORT) (Lynn Webster, MD), available at <http://agencymeddirectors.wa.gov/Files/opioidrisktool.pdf>.

- (3) The health care provider shall review and document in the medical record whether the information obtained by complying with Paragraph (k) of this Rule or Subparagraphs (1) or (2) of this Paragraph, or any other aspects of the employee's medical records or examination, indicate an increased risk for opioid-related harm. If the health care provider continues the prescription of a targeted controlled substance despite any increased risks identified, the health care provider shall document in the medical record the reasons justifying the continued prescription.

History Note: Authority 97-25; 97-25.4; 97-80(a); S.L. 2017-203, s. 4;
Eff. May 1, 2018.

04 NCAC 10M .0203 PRESCRIPTION OF MEDICATION FOR PAIN IN A CHRONIC PHASE

(a) This Rule applies to prescriptions for medication to an employee for pain during a chronic phase.

(b) Before prescribing a targeted controlled substance, a health care provider shall document his or her medical opinion in the medical record that non-pharmacological and non-opioid therapies are insufficient to treat the employee's pain.

(c) A health care provider shall not prescribe more than one targeted controlled substance at a time in a chronic phase without documentation of justification in the medical record. A health care provider shall not prescribe more than two targeted controlled substances at a time in a chronic phase, to include no more than one short-acting opioid and one long-acting or extended-release opioid.

(d) A health care provider shall prescribe the lowest number of days' supply of a targeted controlled substance necessary in his or her medical opinion to treat an employee's pain.

(e) A health care provider shall prescribe the lowest effective dosage of a targeted controlled substance, not to exceed 50 mg morphine equivalent dose per day.

- (1) However, the health care provider may prescribe a morphine equivalent dose higher than 50 mg per day, but not higher than 90 mg per day, after documenting the medical justification for the prescription, including a comparison of the expected benefits to the employee versus any potential risks of increasing the employee's dosage. If the health care provider prescribes a morphine equivalent dose higher than 50 mg per day in the chronic phase, the health care provider shall review at all subsequent evaluations whether the employee experienced the expected benefits and consider whether to continue the higher dosage and document the medical record accordingly.

- (2) If a health care provider considers it necessary to prescribe a morphine equivalent dose higher than 90 mg per day to treat an employee's pain, the health care provider shall seek preauthorization from the employer or carrier. If the employer or carrier authorizes, or the Commission orders, authorization of a prescription of a morphine equivalent dose higher than 90 mg per day, the health care provider shall review at all subsequent evaluations whether the employee experienced the expected benefits of the increased dosage and consider whether to continue the higher dosage and document the medical record accordingly.

The dosage limits in this Paragraph apply only to an opioid prescription being prescribed pursuant to this Rule.

(f) A health care provider shall not prescribe transcutaneous, transdermal, transmucosal, or buccal opioid preparations included in G.S. 90-90(1) or (2) without documentation in the medical record that oral opioid dosing is medically contraindicated for the employee.

(g) A health care provider shall seek preauthorization from the employer or carrier before prescribing transdermal fentanyl. A health care provider shall seek preauthorization from the employer or carrier before prescribing methadone for pain in a chronic phase.

(h) A health care provider shall not prescribe benzodiazepines for pain or as muscle relaxers in a chronic phase.

(i) A health care provider shall seek preauthorization from the employer or carrier before prescribing carisoprodol and a targeted controlled substance in a chronic phase. A health care provider shall advise the employee of the potential risks of combining a targeted controlled substance and carisoprodol if both medications are prescribed.

(j) If an employee is taking benzodiazepines or carisoprodol prescribed by another health care provider, the health care provider shall not prescribe a targeted controlled substance to the employee without advising the employee of the potential risks of combining a targeted controlled substance and benzodiazepines or carisoprodol. The health care provider shall also communicate with the health care provider prescribing the benzodiazepines or carisoprodol to inform that health care provider of the prescription of a targeted controlled substance.

(k) A health care provider shall review the information in the CSRS pertaining to the employee for the preceding 12-month period at every appointment with the employee at which a targeted controlled substance is prescribed or every three months, whichever is more frequent. The health care provider shall document in the medical record the review and any potential contraindications to prescribing a targeted controlled substance found in the CSRS. The effective date of this Paragraph is November 1, 2018, or shall coincide with the date of application in S.L. 2017-74, s. 15.(e), and any amendments thereto, whichever is earlier.

(l) Before first prescribing a targeted controlled substance in a chronic phase, a health care provider shall administer and document in the medical record the results of a presumptive urine drug test as defined in Rule .0102 of this Subchapter.

(m) Following compliance with Paragraph (l) of this Rule, a health care provider shall administer a presumptive urine drug test as defined in Rule .0102 of this Subchapter and document the results in the medical record a minimum of two times per year and a maximum of four times per year during a chronic phase, unless additional urine drug tests are authorized by the employer or carrier at the request of the health care provider. The limitation on the number of urine drug tests to be conducted per year without authorization by the employer or carrier for additional urine drug tests shall not apply in those cases where a patient is being prescribed targeted controlled substances for the purpose of substance use disorder treatment in addition to pain management.

(n) The health care provider may meet the requirements of Paragraphs (l) and (m) by requiring that the employee take random, unannounced urine drug tests.

(o) If the result of a presumptive urine drug test administered pursuant to this Rule is positive for non-disclosed drugs or negative for prescribed medications, the health care provider shall obtain confirmatory urine drug testing as defined in Rule .0102 of this Subchapter. The health care provider may obtain the confirmatory urine drug test results before prescribing a targeted controlled substance. Alternatively, the health care provider may order a limited supply of a targeted controlled substance pending the results of the confirmatory urine drug test. The results of any confirmatory urine drug test shall be documented in the medical record. Nothing herein prevents a health care provider from ordering a confirmatory urine drug test for a medical reason other than the presumptive urine drug test results if the medical reason is documented in the medical record.

(p) If an employee's medical treatment involving the prescription of targeted controlled substances is transferred to a health care provider in a different health care practice from the one that administered the opioid risk screening and assessment tool required by Rule .0202(l)(2) of this Section, the new health care provider shall administer and document in the medical record the results of a tool for screening and assessing opioid risk that has been validated by clinical studies, including those in Rule .0202(l)(1)(A) through (D) of this Section.

(q) A health care provider shall document in the medical record whether the information obtained by complying with Paragraphs (k), (l), (m), (o) or (p) of this Rule indicates an increased risk for opioid-related harm. If the health care provider continues the prescription of a targeted controlled substance despite any increased risks identified, the health care provider shall document in the medical record the reasons justifying the continued prescription.

History Note: Authority 97-25; 97-25.4; 97-80(a); S.L. 2017-203, s. 4;

Eff. May 1, 2018.

04 NCAC 10M .0301 CO-PRESCRIPTION OF OPIOID ANTAGONIST

(a) A health care provider prescribing a targeted controlled substance shall consider co-prescribing an opioid antagonist to the following:

- (1) employees taking benzodiazepines and a targeted controlled substance;

- (2) employees whose dosage exceeds a 50 mg morphine equivalent dose per day;
- (3) employees with a history of drug overdose;
- (4) employees with a history of substance use disorder;
- (5) employees with a history of an underlying mental health condition that places them at an increased risk for overdose;
- (6) employees with a medical condition such as respiratory disease, sleep apnea, or other comorbidities that places them at an increased risk for opioid toxicity, respiratory distress, or opioid overdose.

(b) If a health care provider prescribes an opioid antagonist pursuant to one or more of the conditions listed in Paragraph (a) of this Rule, the health care provider shall write the prescription to allow for product selection by the employer or carrier, including an intranasal formulation approved by the United States Food and Drug Administration.

History Note: Authority 97-25; 97-25.4; 97-80(a); S.L. 2017-203, s. 4;
Eff. May 1, 2018.

04 NCAC 10M .0401 NON-PHARMACOLOGICAL TREATMENT FOR PAIN

- (a) A health care provider shall consider and may prescribe non-pharmacological treatments for pain. Examples of these treatments include the following: physical therapy, chiropractic services, acupuncture, massage, cognitive behavioral therapy, biofeedback, and functional restoration programs.
- (b) The employer or carrier may request additional information from the health care provider regarding the prescribed treatment by any method allowed pursuant to the Workers' Compensation Act.

History Note: Authority 97-25.4; 97-80(a); S.L. 2017-203, s. 4;
Eff. May 1, 2018.

04 NCAC 10M .0501 TREATMENT FOR SUBSTANCE USE DISORDER INVOLVING A TARGETED CONTROLLED SUBSTANCE

- (a) If a health care provider believes, in his or her medical opinion, that an employee may benefit from an evaluation for discontinuation or tapering of a targeted controlled substance or for treatment for substance use disorder involving a targeted controlled substance, the health care provider may refer the employee to a health care provider specializing in such treatment for evaluation. The employer or carrier may request additional information from the health care provider regarding the referral by any method allowed pursuant to the Workers' Compensation Act.
- (b) If treatment is recommended following the evaluation referenced in Paragraph (a) of this Rule, the employer or carrier may request additional information from the recommending health care provider regarding the treatment by any method allowed pursuant to the Workers' Compensation Act.

History Note: Authority 97-25.4; 97-80(a); S.L. 2017-203, s. 4;
Eff. May 1, 2018.

TITLE 15A - DEPARTMENT OF ENVIRONMENTAL QUALITY

15A NCAC 10B .0123 LIMITATIONS ON CERTAIN EXOTIC SPECIES

(a) Except as provided in this Rule, it shall be unlawful to import, transport, export, purchase, possess, sell, transfer, or release into public or private waters or lands of the State, any live specimen(s) of Tongueless or African Clawed Frog (*Xenopus* spp.), Brown Anole (*Anolis sagrei*), Cuban Treefrog (*Osteopilus septentrionalis*), any Asian Newts (genera *Cynops*, *Pachytriton*, *Paramesotriton*, *Laotriton*, *Tylotriton*), or Red-eared Slider (*Trachemys scripta elegans*).

(b) The North Carolina Wildlife Resources Commission may by permit authorize importation, transportation, exportation, purchase, possession, sale, or transfer of any species in this Rule by the following entities, subject to the specified limitations:

- (1) Retail and Wholesale Establishments. Importation, possession, sale, transfer, transportation, and exportation of these species within North Carolina, by retail and wholesale establishments whose primary business is providing scientific supplies for research, shall be allowed by permit, provided the following conditions are met:
 - (A) the application for a permit shall be in writing and include plans for holding, transportation, advertisement, and sale to allow a determination of the safeguards employed to prevent accidental escape and sales to unauthorized individuals;
 - (B) in-state sale or transfer is allowed only to agencies, entities, and institutions listed in Subparagraph (2) of this Paragraph;
 - (C) exportation shall comply with all applicable rules and regulations of the importing state;
 - (D) all specimens shall be possessed in indoor facilities; and
 - (E) transportation of specimens shall employ safeguards that prevent accidental escape.
- (2) Government Agencies and Research Institutions. Purchase, importation, possession, transfer, transportation, and exportation of these species within North Carolina shall be allowed by permitted state and federal governmental agencies, corporate research entities, and research institutions, provided the following conditions are met:
 - (A) the application for a permit shall be in writing and include plans for holding,

- (B) exportation shall comply with all applicable rules and regulations of the importing state;
- (C) all specimens shall be possessed in indoor facilities;
- (D) transportation of specimens shall employ safeguards that prevent accidental escape; and
- (E) the agency's, entity's, or institution's Animal Use and Care Committee has approved the research protocol for these species.

(c) Notwithstanding Paragraph (a) of this Rule, it shall be lawful for private individuals in possession of a live specimen(s) of Red-eared Slider(s) (*Trachemys scripta elegans*) prior to August 1, 2018, to retain, transport, transfer, or export the animal(s) in their possession.

(d) Notwithstanding Paragraph (a) of this Rule, facilities open to the public for education may apply for a permit to collect, receive, and possess Red-eared Slider(s).

History Note: Authority G.S. 113-134; 113-274; 113-292; Eff. February 1, 1994; Amended Eff. August 1, 2018; April 1, 1997.

15A NCAC 10B .0202 BEAR

(a) Open Seasons for hunting bear shall be from the:

- (1) Monday on or nearest October 15 through the Saturday before Thanksgiving and the third Monday after Thanksgiving through January 1 in and west of Surry, Wilkes, Caldwell, Burke, and Cleveland counties;
- (2) Second Monday in November through January 1 in Bladen, Brunswick, Carteret, Columbus, Cumberland, Duplin, New Hanover, Onslow, Pamlico, Pender, Robeson, and Sampson counties;
- (3) Second Saturday in November through the second Sunday thereafter and the third Saturday after Thanksgiving through the fifth Sunday after Thanksgiving in Beaufort, Bertie, Craven, Hertford, Jones, Martin, and Washington counties;
- (4) Second Saturday in November through the first Sunday after Thanksgiving and the third Saturday after Thanksgiving through the fifth Sunday after Thanksgiving in Dare, Hyde, and Tyrrell counties;
- (5) Second Saturday in November through the second Sunday thereafter and the third Saturday after Thanksgiving through the fifth Sunday after Thanksgiving in Currituck, Gates, and Perquimans counties;
- (6) Second Sunday in November through the following Sunday and the third Saturday after Thanksgiving through the fifth Sunday after

Thanksgiving in Camden, Chowan, and Pasquotank counties;

(7) Third Saturday in November through the fifth Sunday thereafter in Edgecombe, Greene, Halifax, Lenoir, Nash, Northampton, Pitt, Wayne, and Wilson counties; and

(8) Concurrent with the open season for all lawful weapons for hunting deer as specified in 15A NCAC 10B .0203(a)(1) in Alamance, Alexander, Anson, Cabarrus, Caswell, Catawba, Chatham, Davie, Davidson, Durham, Franklin, Forsyth, Gaston, Granville, Guilford, Harnett, Hoke, Iredell, Johnston, Lee, Lincoln, Mecklenburg, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Scotland, Stanly, Stokes, Union, Vance, Wake, Warren, and Yadkin counties.

(b) Restrictions

(1) For purposes of this Paragraph, "bait" means any natural, unprocessed food product that is a grain, fruit, nut, vegetable, or other material harvested from a plant crop that is not modified from its raw components.

(2) Bears shall not be taken with the use or aid of:

- (A) any processed food product as defined in G.S. 113-294(r), any animal, animal part or product, salt, salt lick, honey, sugar, sugar-based material, syrups, candy, pastry, gum, candy block, oils, spices, peanut butter, or grease;
- (B) any extracts of substances identified in Part (A) of this Subparagraph;
- (C) any substances modified by substances identified in Part (A) of this Subparagraph, including any extracts of those substances; or
- (D) any bear bait attractant, including sprays, aerosols, scent balls, and scent powders.

(3) Bears may be taken with the aid of bait from the Monday on or nearest October 15 to the Saturday before Thanksgiving in the counties in Subparagraph (a)(1) of this Rule.

(4) Bears may be taken with the aid of bait during the entire open season in the counties identified in Subparagraphs (a)(2) through (a)(6) of this Rule.

(5) Bears shall not be taken while in the act of consuming bait.

(6) Hunters shall not take bears using dogs in the following counties: Alamance south of Interstate 85, Anson west of N.C. Hwy 742, Cabarrus, Chatham, Davie, Davidson, Franklin, Forsyth, Gaston, Guilford, Lee, Lincoln, Mecklenburg, Montgomery, Orange south of Interstate 85, Randolph, Rockingham, Rowan, Stanly, Union, and Wake south of N.C. Hwy 98. In all other counties and parts of counties,

hunters may take bears using dogs and may release dogs in the vicinity of bait.

(c) No Open Season. There is no open season in those parts of counties included in the following posted bear sanctuaries:

Avery, Burke, and Caldwell counties--Daniel Boone bear sanctuary except by permit only
 Beaufort, Bertie, and Washington counties--Bachelor Bay bear sanctuary
 Bladen County--Suggs Mill Pond bear sanctuary
 Brunswick County--Green Swamp bear sanctuary
 Buncombe, Haywood, Henderson, and Transylvania counties--Pisgah bear sanctuary
 Carteret, Craven, and Jones counties--Croatan bear sanctuary
 Clay County--Fires Creek bear sanctuary
 Columbus County--Columbus County bear sanctuary
 Currituck County--North River bear sanctuary
 Dare County--Bombing Range bear sanctuary except by permit only
 Haywood County--Harmon Den bear sanctuary
 Haywood County--Sherwood bear sanctuary
 Hyde County--Gull Rock bear sanctuary
 Hyde County--Pungo River bear sanctuary
 Jackson County--Panthertown-Bonas Defeat bear sanctuary
 Macon County--Standing Indian bear sanctuary
 Macon County--Wayah bear sanctuary
 Madison County--Rich Mountain bear sanctuary
 McDowell and Yancey counties--Mt. Mitchell bear sanctuary except by permit only
 Mitchell and Yancey counties--Flat Top bear sanctuary
 Wilkes County--Thurmond Chatham bear sanctuary

(d) The daily bag limit for bear is one, the possession limit is one, and the season limit is one.

History Note: Authority G.S. 113-134; 113-291.1; 113-291.2; 113-291.7; 113-305;

Eff. February 1, 1976;

Amended Eff. July 1, 1998; September 1, 1995; July 1, 1995; July 1, 1994; April 14, 1992;

Temporary Amendment Eff. July 1, 1999;

Amended Eff. July 1, 2000;

Temporary Amendment Eff. July 1, 2002;

Amendment Eff. August 1, 2002;

Temporary Amendment Eff. September 1, 2003;

Temporary Amendment Expired Eff. December 27, 2003;

Amended Eff. August 1, 2015; August 1, 2014; August 1, 2012; August 1, 2010; May 1, 2009; May 1, 2008; May 1, 2007; May 1, 2006; June 1, 2005;

Temporary Amendment Eff. May 31, 2016;

Amended Eff. August 1, 2018; August 1, 2017; August 1, 2016.

15A NCAC 10B .0203 DEER (WHITE-TAILED)

(a) Open Seasons (All Lawful Weapons) for hunting deer:

(1) Deer With Visible Antlers. Deer with antlers or spikes protruding through the skin, as distinguished from knobs or buttons covered by skin or velvet, may be taken on all game lands except Buffalo Cove, Nicholson Creek,

Rockfish Creek, Sandhills, and South Mountains Game Lands (Refer to 15A NCAC 10D .0103 for Deer With Visible Antlers seasons on these Game Lands), during the following seasons:

(A) Saturday on or nearest October 15 through January 1 in all of Beaufort, Bladen, Brunswick, Carteret, Columbus*, Cumberland, Craven, Dare, Duplin, Harnett, Hoke, Hyde, Jones, Lenoir, Moore, New Hanover, Onslow, Pamlico, Pender, Richmond, Robeson, Sampson, Scotland, Tyrrell, and Washington counties.

*Unlawful to hunt or kill deer in Lake Waccamaw or within 50 yards of its shoreline.

(B) Saturday on or nearest October 15 through January 1 in all of Bertie, Camden, Chowan, Currituck, Edgecombe, Franklin, Gates, Greene, Halifax, Hertford, Johnston, Martin, Nash, Northampton, Pasquotank, Perquimans, Pitt, Vance, Wake, Warren, Wayne, and Wilson counties.

(C) Saturday before Thanksgiving Day through January 1 in all of Alexander, Alleghany, Ashe, Catawba, Cleveland, Davie, Forsyth, Gaston, Iredell, Lincoln, Polk, Rutherford, Stokes, Surry, Watauga, Wilkes, and Yadkin counties.

(D) Monday of Thanksgiving week through the third Saturday after Thanksgiving Day in all of Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Swain, Transylvania, and Yancey counties.

(E) Two Saturdays before Thanksgiving Day through January 1 in all of Alamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Durham, Granville, Guilford, Lee, Mecklenburg, Montgomery, Orange, Person, Randolph, Rockingham, Rowan, Stanly, and Union counties.

(F) Saturday on or nearest September 10 through January 1 in those parts of Camden, Gates, and Pasquotank counties known as the Dismal Swamp National Wildlife Refuge; in those parts of Hyde, Tyrrell, and Washington counties known as the Pocosin Lakes National Wildlife Refuge; in that part of Hyde county known as Lake Mattamuskeet National Wildlife Refuge; in those

- parts of Dare and Hyde counties known as Alligator River National Wildlife Refuge; in those parts of Anson and Richmond counties known as the Pee Dee National Wildlife Refuge; and in that part of Currituck County known as the Mackay Island National Wildlife Refuge.
- (2) Deer of Either Sex. Except on Game Lands, deer of either sex may be taken during the open seasons and in the counties and portions of counties listed in Parts (A), (B), (C), (D), (E), (F), and (G) of this Subparagraph (Refer to 15A NCAC 10D .0103 for either-sex deer seasons on Game Lands). Deer of either sex may be taken during the open season identified in Part (H) of this Subparagraph.
- (A) The open either-sex deer hunting dates established by the U.S. Fish and Wildlife Service during the period from the Saturday on or nearest September 10 through January 1 in those parts of Camden, Gates, and Pasquotank counties known as the Dismal Swamp National Wildlife Refuge; in those parts of Hyde, Tyrrell, and Washington counties known as the Pocosin Lakes National Wildlife Refuge; in those parts of Anson and Richmond counties known as the Pee Dee National Wildlife Refuge; and in those parts of Currituck County known as the Currituck National Wildlife Refuge and the Mackay Island National Wildlife Refuge.
- (B) The open either-sex deer hunting dates established by the appropriate military commands at each of the military installations listed in this Paragraph, during the period from Saturday on or nearest October 15 through January 1 in that part of Brunswick County known as the Sunny Point Military Ocean Terminal, in that part of Craven County known and marked as Cherry Point Marine Base, in that part of Onslow County known and marked as the Camp Lejeune Marine Base, on Fort Bragg Military Reservation, and on Camp Mackall Military Reservation.
- (C) Youth either-sex deer hunts. First Saturday in October for youth either-sex deer hunting by permit only on a portion of Belews Creek Steam Station in Stokes County designated by agents of the Commission; the third Saturday in October for youth either-sex deer hunting by permit only on Mountain Island State Forest in Lincoln and Gaston counties; and the second Saturday in November for youth either-sex deer hunting by permit only on apportion of Warrior Creek located on W. Kerr Scott Reservoir, Wilkes County designated by agents of the Commission. A youth is defined as a person under 18 years of age.
- (D) The first open Saturday of the Deer with Visible Antlers season described in Subparagraph (a)(1) of this Rule in all of Buncombe*, Haywood, Henderson, Madison, and Transylvania counties.
*Except for that part east of NC 191, south of the French Broad and Swannanoa Rivers, west of US 25, and north of NC 280
- (E) The first open day of the Deer With Visible Antlers season described in Subparagraph (a)(1) of this Rule through the first Saturday thereafter in all of Avery, Burke, Caldwell, McDowell, Mitchell, and Yancey counties.
- (F) The first open day of the Deer with Visible Antlers season described in Subparagraph (a)(1) of this Rule through the second Friday thereafter in all of Cleveland, Polk, and Rutherford counties.
- (G) All the open days of the Deer With Visible Antlers season described in Subparagraph (a)(1) of this Rule in and east of Ashe, Watauga, Wilkes, Alexander, Catawba, Lincoln, and Gaston counties and in the following parts of counties: Buncombe: That part east of NC 191, south of the French Broad and Swannanoa Rivers, west of US 25, and north of NC 280; and Henderson; That part east of NC 191 and north and west of NC 280.
- (H) The fourth Saturday in September in all counties, subject to the following restriction: only persons under the age of 18 years may hunt.
- (b) Open Seasons (Archery) for hunting deer:
- (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph and the bag limits set out in Paragraph (e) of this Rule, deer may be taken with archery equipment during the following seasons:
- (A) Saturday on or nearest September 10 through the day immediately preceding the first open day of the

Blackpowder Firearms and Archery Seasons described in Subparagraph (c)(1) of this Rule; and the Sunday immediately following the closing of blackpowder firearms and archery season identified in Part (c)(1)(B) of this Rule to the Sunday before Thanksgiving in the counties and parts of counties having the open seasons for Deer With Visible Antlers specified by Part (a)(1)(D) of this Rule except on Buffalo Cove, Nicholson Creek, Rockfish Creek, Sandhills, and South Mountains Game Lands (Refer to 15A NCAC 10D .0103 for Archery seasons on these Game Lands).

- (B) Sunday immediately following the closing of the open season for Deer With Visible Antlers through January 1 in the counties and parts of counties having the open season for Deer With Visible Antlers specified by Part (a)(1)(D) of this Rule.

(2) Restrictions

- (A) In the areas of the State where the Commission is authorized to regulate the use of dogs as provided in G.S. 113-291.5, dogs may not be used for hunting deer during the archery season, except a single dog on a leash may be used to retrieve a dead or wounded deer in accordance with G.S. 113-291.1(k).
- (B) Only archery equipment of the types authorized in 15A NCAC 10B .0116 for taking deer may be used during the archery deer hunting season.
- (C) Deer of either sex may be taken during archery seasons specified by Part (b)(1)(A) of this Rule.
Only deer with antlers or spikes protruding through the skin, as distinguished from knobs or buttons covered by skin or velvet, shall be taken during the archery season specified by Part (b)(1)(B) of this Rule.

(c) Open Seasons (Blackpowder Firearms and Archery) for hunting deer:

- (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph, deer may be taken only with blackpowder firearms and archery equipment during the following seasons:
 - (A) Two Saturdays preceding the first day of the Deer with Visible Antlers seasons described in Parts (a)(1)(A), (B), (C), (E), and (F) of this Rule through the second Friday thereafter

except on Buffalo Cove, Nicholson Creek, Rockfish Creek, Sandhills, and South Mountains Game Lands (Refer to 15A NCAC 10D .0103 for Blackpowder Firearms and Archery seasons on these Game Lands):

- (B) Monday on or nearest October 1 through the second Saturday thereafter in the counties and parts of counties having the open seasons for Deer With Visible Antlers specified by Part (a)(1)(D) of this Rule.

(2) Restrictions

- (A) Deer of either sex may be taken during blackpowder firearms and archery season in and east of the following counties: Polk, Rutherford, McDowell, Burke, Caldwell, Watauga, and Ashe. Deer of either sex may be taken on the first Saturday day of this season only in all other counties.
- (B) In the areas of the State where the Commission is authorized to regulate the use of dogs as provided in G.S. 113-291.5, dogs shall not be used for hunting deer during the blackpowder firearms and archery seasons, except a single dog on a leash may be used to retrieve a dead or wounded deer in accordance with G.S. 113-291.1(k).

- (3) As used in this Rule, blackpowder firearms means "Any firearm - including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system - manufactured in or before 1898, that cannot use fixed ammunition; any replica of this type of firearm if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; and any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading or cylinder-loading handgun that is designed to use blackpowder, blackpowder substitute, or any other propellant loaded through the muzzle or cylinder and that cannot use fixed ammunition."

(d) Open Season (Urban Season) for hunting deer:

- (1) Authorization. Subject to the restrictions set out in Subparagraph (3) of this Paragraph and the bag limits set out in Paragraph (e) of this Rule, deer of either sex may be taken with bow and arrow in participating cities in the State, as defined in G.S. 160A-1(2), from the second Saturday following January 1 through the sixth Sunday thereafter. Deer shall not be taken on any game land or part thereof that occurs within a city boundary.
- (2) Participation. Cities that intend to participate in the urban season shall send a letter to that effect

no later than April 1 of the year prior to the start of the urban season to the Executive Director or his designee at 1722 Mail Service Center, Raleigh, N.C. 27699-1700. Cities shall also submit a map of the city's boundaries within which the urban season shall apply.

(3) Restrictions:

(A) In the areas of the State where the Commission is authorized to regulate the use of dogs as provided in G.S. 113-291.5, dogs shall not be used for hunting deer during the urban season, except a single dog on a leash may be used to retrieve a dead or wounded deer in accordance with G.S. 113-291.1(k).

(B) Only archery equipment of the types authorized in 15A NCAC 10B .0116 for taking deer shall be used during the urban season.

(e) Bag limits. The possession and season limit is six deer, two of which may be deer with visible antlers and four of which may be antlerless deer. Antlerless deer include males with knobs or buttons covered by skin or velvet as distinguished from spikes protruding through the skin. In addition to the bag limits described above, a hunter may obtain multiple bonus antlerless deer harvest report cards from the Wildlife Resources Commission or any Wildlife Service Agent to allow the harvest of two additional antlerless deer per card for deer harvested during the season described in Paragraph (d) of this Rule within the boundaries of participating municipalities, except on State-owned game lands. Antlerless deer harvested and reported on the bonus antlerless harvest report card shall not count as part of the possession and season limit. The bag limits described above do not apply to deer harvested in areas covered in the Deer Management Assistance Program (DMAP) as described in G.S. 113-291.2(e) for those individuals using Commission-issued DMAP tags and reporting harvest as described on the DMAP license. Season bag limits shall be set by the number of DMAP tags issued and in the hunters' possession. All deer harvested under this program, regardless of the date of harvest, shall be tagged with these DMAP tags and reported as instructed on the DMAP license. The hunter does not have to validate the Big Game Harvest Report Card provided with the hunting license for deer tagged with the DMAP tags. Any deer harvested on lands enrolled in the DMAP and not tagged with DMAP tags may only be harvested during the regularly established deer seasons subject to all the restrictions of those seasons, including bag limits, and reported using the big game harvest report card or the bonus antlerless harvest report card.

History Note: Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291.1; 113-291.2; 113-291.5;

Eff. February 1, 1976;

Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996, July 1, 1995; December 1, 1994; July 1, 1994; July 1, 1993;

Temporary Amendment Eff. July 1, 1999;

Amended Eff. July 1, 2000;

Temporary Amendment Eff. July 1, 2002; July 1, 2001;

Amended Eff. August 1, 2002 (Approved by RRC on 06/21/01 and 04/18/02);

Temporary Amendment Eff. June 1, 2003;

Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17, 2003);

Amended Eff. August 1, 2018; August 1, 2017; August 1, 2016; August 1, 2015; August 1, 2014; August 1, 2013; August 1, 2012; August 1, 2011; July 10, 2010; June 1, 2008; May 1, 2007; May 1, 2006; June 1, 2005.

15A NCAC 10B .0207 RABBITS

(a) Open Season: The open season for taking rabbits shall be the Saturday before Thanksgiving Day through the last day of February.

(b) Bag Limits: The daily bag limit for rabbits is five and there are no season and no possession limits.

(c) Box-traps: During the hunting season specified in Paragraph (a) of this Rule and subject to the bag limits set forth in Paragraph (b) of this Rule, rabbits may be taken with box-traps. A valid hunting license shall serve as a transportation permit for live rabbits taken pursuant to this Rule.

History Note: Authority G.S. 113-134; 113-274; 113-291.1; 113-291.2;

Eff. February 1, 1976;

Amended Eff. July 1, 1987; July 1, 1986; July 1, 1985; July 1, 1984;

Temporary Amendment Eff. August 1, 1998;

Amended Eff. August 1, 2018; May 1, 2008; April 1, 1999.

15A NCAC 10B .0211 PHEASANT (NONNATIVE VARIETIES)

(a) Open Season: The open season for taking Pheasant (nonnative varieties) shall be the Saturday before Thanksgiving Day to February 1 on male pheasant only.

(b) Bag Limits: The daily bag limit for pheasants (nonnative varieties) is three; the possession limit is six; and the season limit is 30.

History Note: Authority G.S. 113-134; 113-291.2;

Eff. February 1, 1976;

Amended Eff. August 1, 2018; July 1, 1987; July 1, 1986; July 1, 1985; July 1, 1984.

15A NCAC 10B .0212 FOXES (GRAY AND RED)

(a) Fox Season:

- (1) There shall be no closed season on taking foxes with dogs, except on Bladen Lakes State Forest Game Land from March 15 through July 15;
- (2) Foxes may be taken with weapons or traps the first to fourth Saturday in January in the following counties:

Caswell	Henderson
Clay	Macon
Graham	Tyrrell

- (3) Foxes may be taken the Saturday before Thanksgiving Day through January 1 using

archery equipment in all areas of the State east of Interstate Highway 77 and in Mitchell County.

(b) Bag Limit for Foxes:

- (1) Except in areas of open season for taking foxes with weapons or traps, foxes shall not be intentionally killed by any method;
- (2) For areas of open season detailed in Subparagraph (a)(2) and (a)(3) of this Rule, the following bag limit applies: the daily limit is two; and the season limit is 10.

(c) Where local laws governing the taking of foxes conflict with this Rule, local laws shall prevail.

History Note: Authority G.S. 113-134; 113-291.2; 113-291.4; 113-291.4A;

Eff. February 1, 1976;

Amended Eff. July 1, 1987; December 1, 1985;

Temporary Amendment Eff. November 1, 1989;

Amended Eff. July 1, 1994; May 1, 1990;

Temporary Amendment Eff. July 1, 1999;

Amended Eff. August 1, 2018; May 1, 2009; July 1, 2000.

15A NCAC 10B .0224 AMERICAN ALLIGATOR

(a) The season for taking American alligators shall be September 1 to October 1.

(b) Take shall be by permit only.

(c) The bag limit shall be one per permit and the season limit is one.

(d) American alligators shall be restrained before being killed. American alligators shall only be restrained using a hand-held restraining line or catch pole; a snatch hook attached to a hand-held restraining line or rod and reel; a harpoon or gig attached to a hand-held restraining line; a baited wooden peg less than two inches in length attached to a hand-held restraining line; or archery equipment with an arrow-attached restraining line.

(e) American alligators restrained by any method specified in Paragraph (d) of this Rule shall be killed immediately upon capture.

(f) Alligators may be taken day or night and with the use of artificial lights.

(g) The use of baited hooks is prohibited.

History Note: Authority G.S. 113-134; 113-291.1; 113-291.2; Eff. August 1, 2018.

15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS

(a) For purposes of this Rule, the following definitions apply:

- (1) "Natural bait" means any living or dead organism (plant or animal), or parts thereof, or prepared substances designed to attract fish by the sense of taste or smell.
- (2) "Artificial lure" means a fishing lure that neither contains nor has been treated by any substance that attracts fish by the sense of taste or smell.
- (3) "Youth anglers" are individuals under 18 years of age.

(b) For purposes of this Rule, 15A NCAC 10C .0316, and 15A NCAC 10D .0104, the following classifications apply:

- (1) "Public Mountain Trout Waters" are all waters included in this Rule and so designated in 15A NCAC 10D .0104.
- (2) "Catch and Release/Artificial Flies Only Trout Waters" are Public Mountain Trout Waters where only artificial flies having one single hook may be used. No trout may be possessed or harvested while fishing these streams. Waters designated as such include tributaries unless otherwise noted.
- (3) "Catch and Release/Artificial Lures Only Trout Waters" are Public Mountain Trout Waters where only artificial lures having one single hook may be used. No trout may be possessed or harvested while fishing these streams. Waters designated as such include tributaries unless otherwise noted.
- (4) "Delayed Harvest Trout Waters" are Public Mountain Trout Waters where between October 1 and one-half hour after sunset on the Friday before the first Saturday of the following June it is unlawful to possess natural bait, use more than one single hook on an artificial lure, or harvest or possess trout while fishing. From 6:00 a.m. on the first Saturday in June until noon that same day only youth anglers may fish and these waters have no bait or lure restrictions. From noon on the first Saturday in June until October 1 anglers of all ages may fish and these waters have no bait or lure restrictions. Waters designated as such do not include tributaries unless otherwise noted.
- (5) "Hatchery Supported Trout Waters" are Public Mountain Trout Waters that have no bait or lure restrictions. Waters designated as such do not include tributaries unless otherwise noted.
- (6) "Special Regulation Trout Waters" are Public Mountain Trout Waters where watercourse-specific regulations apply. Waters designated as such do not include tributaries unless otherwise noted.
- (7) "Wild Trout Waters" are Public Mountain Trout Waters which are identified as such in this Rule or 15A NCAC 10D .0104. Only artificial lures having only one single hook may be used. No person shall possess natural bait while fishing these waters. Waters designated as such do not include tributaries unless otherwise noted.
- (8) "Wild Trout Waters/Natural Bait" are Public Mountain Trout Waters where all artificial lures and natural baits, except live fish, may be used provided they are fished using only one single hook. Waters designated as such include tributaries unless otherwise noted.
- (9) "Undesignated Waters" are all other waters in the State. These waters have no bait or lure restrictions. Trout may not be possessed while

fishing these waters from March 1 until 7:00 a.m. on the first Saturday in April.

(c) Seasons, creel and size limits. Seasons, creel and size limits for trout in all waters are listed in Rule .0316 of this Subchapter.

(d) Classifications. This Paragraph designates waters in each county that have a specific classification. Waters on game lands are so designated in 15A NCAC 10D .0104, unless otherwise indicated in this Paragraph. All other waters are classified as Undesignated Waters.

(1) Alleghany

(A) Delayed Harvest Trout Waters are as follows:

Little River (S.R. 1133 bridge to 275 yards downstream of the intersection of S.R. 1128 and S.R. 1129 [marked by a sign on each bank])

(B) Hatchery Supported Trout Waters are as follows:

Big Pine Creek
Bledsoe Creek
Brush Creek (N.C. 21 bridge to confluence with Little River, except where posted against trespassing)
Cranberry Creek
(Big) Glade Creek
Little River (275 yards downstream from the intersection of S.R. 1128 and S.R. 1129 [marked by a sign on each bank] to McCann Dam)
Meadow Fork
Pine Swamp Creek
Piney Fork
Prathers Creek

(C) Wild Trout Waters are as follows:
All waters located on Stone Mountain State Park

(2) Ashe County

(A) Catch and Release/Artificial Lures Only Trout Waters are as follows:

Big Horse Creek (Virginia state line to Mud Creek at S.R. 1363, excluding tributaries)

(B) Delayed Harvest Trout Waters are as follows:

Big Horse Creek (S.R. 1324 bridge to North Fork New River)
Helton Creek (Virginia state line to New River)
South Fork New River (upstream end of Todd Island to the SR 1351 bridge)
Trout Lake

(C) Hatchery Supported Trout Waters are as follows:

Beaver Creek (N.C. 221 to confluence of Beaver Creek and South Beaver Creek)
Big Horse Creek (Mud Creek at S.R. 1363 to S.R. 1324 bridge)

Big Laurel Creek (S.R. 1315 bridge to confluence with North Fork New River)

Buffalo Creek (S.R. 1133 bridge to N.C. 194-88 bridge)

Cranberry Creek (Alleghany Co. line to South Fork New River)

Nathans Creek

North Fork New River (Watauga Co. line to Sharp Dam)

Old Fields Creek (N.C. 221 to South Fork New River)

Peak Creek (headwaters to Trout Lake, except Blue Ridge Parkway waters)

Roan Creek

Three Top Creek

(3) Avery County

(A) Catch and Release/Artificial Flies Only Trout Waters are as follows:

Elk River (portion on Lees-McRae College property, excluding the millpond)
Lost Cove Creek (game land portion, excluding Gragg Prong and Rockhouse Creek)

(B) Catch and Release/Artificial Lures Only Trout Waters are as follows:

Wilson Creek (game land portion)

(C) Hatchery Supported Trout Waters are as follows:

Boyde Coffey Lake
Elk River (S.R. 1305 crossing immediately upstream of Big Falls to the Tennessee state line)
Linville River (Land Harbor line [below dam] to the Blue Ridge Parkway boundary line, except where posted against trespassing)
Milltimber Creek
North Toe River — upper (Watauga St. to Roby Shoemaker Wetlands and Family Recreational Park, except where posted against trespassing)
North Toe River — lower (S.R. 1164 to Mitchell Co. line, except where posted against trespassing)
Squirrel Creek
Wildcat Lake

(D) Wild Trout Waters are as follows:

Birchfield Creek
Cow Camp Creek
Cranberry Creek (headwaters to U.S. 19E/N.C. 194 bridge)
Gragg Prong
Horse Creek
Kentucky Creek
North Harper Creek
Plumtree Creek

- | | | | |
|-----|--|-----|---|
| | <p>Roaring Creek</p> <p>Rockhouse Creek</p> <p>Shawneehaw Creek (portion adjacent to Banner Elk Greenway)</p> <p>South Harper Creek</p> <p>Webb Prong</p> | | <p>Catawba River (Muddy Creek to City of Morganton water intake dam)</p> <p>(E) Wild Trout Waters are as follows:
All waters located on South Mountains State Park, except those waters identified in parts A and B of this Subparagraph</p> |
| (4) | <p>Buncombe County</p> <p>(A) Catch and Release/Artificial Lures Only Trout Waters are as follows:
Carter Creek (game land portion)</p> <p>(B) Hatchery Supported Trout Waters are as follows:
Bent Creek (headwaters to N.C. Arboretum boundary line)
Cane Creek (headwaters to S.R. 3138 bridge)
Corner Rock Creek (Little Andy Creek to confluence with Walker Branch)
Dillingham Creek (Corner Rock Creek to Ivy Creek)
Ivy Creek (Ivy River) (Dillingham Creek to U.S. 19-23 bridge)
Lake Powhatan
Reems Creek (Sugar Camp Fork to U.S. 19-23 bridge, except where posted against trespassing)
Rich Branch (downstream from the confluence with Rocky Branch)
Stony Creek
Swannanoa (S.R. 2702 bridge near Ridgecrest to Wood Avenue bridge [intersection of N.C. 81 and U.S. 74A in Asheville], except where posted against trespassing)</p> | (6) | <p>Caldwell County</p> <p>(A) Delayed Harvest Trout Waters are as follows:
Wilson Creek (game land portion below Lost Cove Creek to Philips Branch)</p> <p>(B) Hatchery Supported Trout Waters are as follows:
Boone Fork Pond
Buffalo Creek (mouth of Joes Creek to McCloud Branch)
Joes Creek (first falls upstream of S.R. 1574 to confluence with Buffalo Creek)
Wilson Creek (Phillips Branch to Brown Mountain Beach Dam, except where posted against trespassing)
Yadkin River (Happy Valley Ruritan Community Park to S.R. 1515)</p> <p>(C) Wild Trout Waters are as follows:
Buffalo Creek (Watauga Co. line to Long Ridge Branch including game land tributaries)
Joes Creek (Watauga Co. line to first falls upstream of the end of S.R. 1574)
Rockhouse Creek</p> |
| (5) | <p>Burke County</p> <p>(A) Catch and Release/Artificial Lures Only Trout Waters are as follows:
Henry Fork (portion on South Mountains State Park)</p> <p>(B) Delayed Harvest Trout Waters are as follows:
Jacob Fork (Shinny Creek to lower South Mountains State Park boundary)</p> <p>(C) Hatchery Supported Trout Waters are as follows:
Carroll Creek (game land portion above S.R. 1405)
Henry Fork (lower South Mountain State Park line downstream to S.R. 1919 at Ivy Creek)
Linville River portion within Linville Gorge Wilderness area and portion below Lake James powerhouse from upstream bridge on S.R. 1223 to Muddy Creek)</p> <p>(D) Special Regulation Trout Waters are as follows:</p> | (7) | <p>Cherokee County</p> <p>(A) Hatchery Supported Trout Waters are as follows:
Davis Creek (confluence of Bald and Dockery creeks to Hanging Dog Creek)
Hyatt Creek (Big Dam Branch to Valley River)
Junaluska Creek (Ashturn Creek to Valley River)
Shuler Creek (Joe Brown Hwy [S.R. 1325] bridge to Tennessee state line)
Valley River (S.R. 1359 to U.S. 19 Business bridge in Murphy)</p> <p>(B) Wild Trout Waters/Natural Bait are as follows:
Bald Creek (game land portion)
Dockery Creek (game land portion)
North Shoal Creek (game land portion)</p> |
| | | (8) | <p>Clay County</p> <p>(A) Delayed Harvest Trout Waters are as follows:
Fires Creek (USFS Rd. 340A to the foot bridge in the USFS Fires Creek Picnic Area)</p> |

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| <p>(B) Hatchery Supported Trout Waters are as follows:
 Buck Creek (game land portion downstream of U.S. 64 bridge)
 Fires Creek (foot bridge in the USFS Fires Creek Picnic Area to S.R. 1300)
 Tusquitee Creek (Compass Creek to lower S.R. 1300 bridge)</p> <p>(9) Graham County</p> <p>(A) Delayed Harvest Trout Waters are as follows:
 (Big) Snowbird Creek (USFS footbridge at the old railroad junction to USFS Rd. 2579)</p> <p>(B) Hatchery Supported Trout Waters are as follows:
 Calderwood Reservoir (Cheoah Dam to Tennessee state line)
 Cheoah Reservoir
 Panther Creek (confluence of Stand Creek and Rock Creek to Lake Fontana)
 Santeetlah Creek (Johns Branch to Lake Santeetlah)
 (Big) Snowbird Creek (USFS Road 2579 to S.R. 1127 bridge)
 Stecoah Creek (upper game land boundary to Lake Fontana)
 Tulula Creek (S.R. 1201 to lower bridge on S.R. 1275)
 West Buffalo Creek
 Yellow Creek (Lake Santeetlah hydropower pipeline to Cheoah River)</p> <p>(C) Wild Trout Waters are as follows:
 Little Buffalo Creek
 South Fork Squally Creek
 Squally Creek</p> <p>(D) Wild Trout Waters/Natural Bait are as follows:
 Deep Creek
 Franks Creek
 Long Creek (game land portion)</p> <p>(10) Haywood County</p> <p>(A) Delayed Harvest Trout Waters are as follows:
 West Fork Pigeon River (Queen Creek to the first game land boundary upstream of Lake Logan)</p> <p>(B) Hatchery Supported Trout Waters are as follows:
 Cold Springs Creek (Fall Branch to Pigeon River)
 Jonathan Creek (upstream S.R. 1302 bridge to Pigeon River, except where posted against trespassing)
 Pigeon River (Stamey Cove Branch to upstream U.S. 19-23 bridge)</p> | <p>Richland Creek (Russ Avenue [U.S. 276] bridge to U.S. 19 bridge)
 West Fork Pigeon River (Tom Creek to Queen Creek, including portions on game lands, except Middle Prong)</p> <p>(C) Wild Trout Waters/Natural Bait are as follows:
 Hemphill Creek
 Hurricane Creek</p> <p>(11) Henderson County</p> <p>(A) Delayed Harvest Trout Waters are as follows:
 North Fork Mills River (game land portion below the Hendersonville watershed dam)</p> <p>(B) Hatchery Supported Trout Waters are as follows:
 (Rocky) Broad River (end of S.R. 1611 to Rutherford County line)
 Cane Creek (railroad bridge upstream of S.R. 1551 bridge to U.S. 25 bridge)
 Clear Creek (Laurel Fork to S.R. 1582)
 Green River (Lake Summit powerhouse to game land boundary)
 (Big) Hungry River</p> <p>(12) Jackson County</p> <p>(A) Catch and Release/Artificial Lures Only Trout Waters are as follows:
 Flat Creek
 Tuckasegee River (upstream from the Clark property)</p> <p>(B) Delayed Harvest Trout Waters are as follows:
 Tuckasegee River (downstream N.C. 107 bridge to the falls located 275 yards upstream of the U.S. 23-441 bridge [marked by a sign on each bank])</p> <p>(C) Hatchery Supported Trout Waters are as follows:
 Balsam Lake
 Bear Creek Lake
 Cedar Cliff Lake
 Cullowhee Creek (Tilley Creek to Tuckasegee River)
 Dark Ridge Creek (Jones Creek to Scott Creek)
 Greens Creek (Greens Creek Baptist Church on S.R. 1370 to Savannah Creek)
 Savannah Creek (Shell Branch to Cagle Branch)
 Scott Creek (Dark Ridge Creek to Tuckasegee River, except where posted against trespassing)
 Tanasee Creek Lake</p> |
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| | Tuckasegee River — upper (John Brown Branch to the downstream N.C. 107 bridge) | (14) | Madison County | Turtle Pond Creek (game land portion) |
| | Tuckasegee River — lower (falls located 275 yards upstream of U.S. 23-441 bridge [marked by a sign on each bank] to S.R. 1534 bridge at Wilmot) | | (A) | Delayed Harvest Trout Waters are as follows:
Big Laurel Creek (N.C. 208 bridge to the U.S. 25-70 bridge)
Shelton Laurel Creek (N.C. 208 bridge at Belva to the confluence with Big Laurel Creek)
Spring Creek (N.C. 209 bridge at Hot Springs city limits to iron bridge at end of Andrews Ave.) |
| (D) | Wolf Creek Lake | | (B) | Hatchery Supported Trout Waters are as follows:
Big Laurel Creek (Mars Hill watershed boundary to the S.R. 1318 [Big Laurel Rd.] bridge downstream of Bearpen Branch)
Big Pine Creek (S.R. 1151 bridge to French Broad River)
Little Ivy Creek (confluence of Middle Fork and Paint Fork at Beech Glen to confluence with Ivy Creek at Forks of Ivy)
Max Patch Pond
Meadow Fork Creek (S.R. 1165 to Spring Creek)
Puncheon Fork (Hampton Creek to Big Laurel Creek)
Roaring Fork (Fall Branch to Meadow Fork)
Shelton Laurel Creek (confluence of Big Creek and Mill Creek to N.C. 208 bridge at Belva)
Shut-in Creek
Spillcorn Creek
Spring Creek (junction of N.C. 209 and N.C. 63 to USFS Rd. 223)
West Fork Shut-in Creek (lower game land boundary to confluence with East Fork Shut-in Creek) |
| | Wild Trout Waters are as follows:
Gage Creek
North Fork Scott Creek
Tanasee Creek
Whitewater River (downstream from Silver Run Creek to South Carolina state line)
Wolf Creek (except Balsam Lake and Wolf Creek Lake) | | | |
| (E) | Wild Trout Waters/Natural Bait are as follows:
Buff Creek
Chattooga River (S.R. 1100 bridge to the South Carolina state line)
Lower Fowler Creek (game land portion)
Scotsman Creek (game land portion) | | | |
| (13) | Macon County | | | |
| | (A) Delayed Harvest Trout Waters are as follows:
Nantahala River (Whiteoak Creek to Nantahala hydropower discharge canal) | | | |
| | (B) Hatchery Supported Trout Waters are as follows:
Burningtown Creek (Left Prong to Little Tennessee River)
Cartoogechaye Creek (downstream U.S. 64 bridge to Little Tennessee River)
Cliffside Lake
Cullasaja River (Sequoyah Dam to U.S. 64 bridge near junction of S.R. 1672)
Nantahala River — upper (Dicks Creek to Whiteoak Creek)
Nantahala River — lower (Nantahala hydropower discharge canal to Swain Co. line)
Queens Creek Lake | | | |
| (C) | Wild Trout Waters/Natural Bait are as follows:
Chattooga River (S.R. 1100 bridge to South Carolina state line)
Jarrett Creek (game land portion)
Kimsey Creek
Overflow Creek (game land portion)
Park Creek
Tellico Creek (game land portion) | (15) | McDowell County | Wild Trout Waters/Natural Bait are as follows:
Big Creek (headwaters to the lower game land boundary) |
| | | | (A) | Catch and Release/Artificial Lures Only Trout Waters are as follows:
Newberry Creek (game land portion) |
| | | | (B) | Delayed Harvest Trout Waters are as follows:
Catawba River (portion adjacent to Marion Greenway)
Curtis Creek (game land portion downstream of the USFS boundary at Deep Branch)
Mill Creek (U.S. 70 bridge to I-40 bridge) |

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| <p>(C) Hatchery Supported Trout Waters are as follows:
Armstrong Creek (Cato Holler line downstream to upper Greenlee line)
Catawba River (Catawba Falls Campground to Old Fort Recreation Park)
Little Buck Creek (game land portion)
Mill Creek (upper railroad bridge to U.S. 70 bridge, except where posted against trespassing)
North Fork Catawba River (headwaters to North Cove School at S.R. 1569 bridge)</p> <p>(16) Mitchell County</p> <p>(A) Delayed Harvest Trout Waters are as follows:
Cane Creek (N.C. 226 bridge to S.R. 1189 bridge)
North Toe River (U.S. 19E bridge to N.C. 226 bridge)</p> <p>(B) Hatchery Supported Trout Waters are as follows:
Big Rock Creek (headwaters to N.C. 226 bridge at S.R. 1307 intersection)
Cane Creek (S.R. 1219 to N.C. 226 bridge)
East Fork Grassy Creek
Grassy Creek (East Fork Grassy Creek to mouth)
Little Rock Creek (Green Creek bridge to Big Rock Creek, except where posted against trespassing)
North Toe River (Avery Co. line to S.R. 1121 bridge)</p> <p>(C) Wild Trout Waters are as follows:
Green Creek (headwaters to Green Creek bridge, except where posted against trespassing)
Little Rock Creek (above Green Creek bridge, including all tributaries, except where posted against trespassing)
Wiles Creek (game land boundary to mouth)</p> <p>(17) Polk County</p> <p>(A) Delayed Harvest Trout Waters are as follows:
Green River (Fishtop Falls Access Area to the confluence with Cove Creek)</p> <p>(B) Hatchery Supported Trout Waters are as follows:
Green River (Mouth of Cove Creek to the natural gas pipeline crossing)
North Pacolet River (Joels Creek to N.C. 108 bridge)</p> <p>(18) Rutherford County</p> | <p>(A) Hatchery Supported Trout Waters are as follows:
(Rocky) Broad River (Henderson Co. line to U.S. 64/74 bridge, except where posted against trespassing)</p> <p>(19) Stokes County</p> <p>(A) Hatchery Supported Trout Waters are as follows:
Dan River (Virginia state line downstream to a point 200 yards below the end of S.R. 1421)</p> <p>(20) Surry County</p> <p>(A) Delayed Harvest Trout Waters are as follows:
Ararat River (portion adjacent to the Ararat River Greenway)
Mitchell River (.6 mile upstream of the end of S.R. 1333 to the S.R. 1330 bridge below Kapps Mill Dam)</p> <p>(B) Hatchery Supported Trout Waters are as follows:
Ararat River (S.R. 1727 bridge downstream to the N.C. 103 bridge)
Big Elkin Creek (dam 440 yards upstream of N.C. 268 bridge to a point 265 yards downstream of N.C. 268 [marked by a sign on each bank])
Fisher River (Cooper Creek) (Virginia state line to I-77 bridge)
Little Fisher River (Virginia state line to N.C. 89 bridge)
Lovills Creek (U.S. 52 Business bridge to Ararat River)
Pauls Creek (Virginia state line to .3 miles below S.R. 1625 bridge)</p> <p>(21) Swain County</p> <p>(A) Delayed Harvest Waters Trout Waters are as follows:
Tuckasegee River (U.S. 19 bridge to Slope Street bridge)</p> <p>(B) Hatchery Supported Trout Waters are as follows:
Alarka Creek (game land boundary to Fontana Reservoir)
Calderwood Reservoir (Cheoah Dam to Tennessee state line)
Cheoah Reservoir
Connelly Creek (Camp Branch to Tuckasegee River)
Deep Creek (Great Smoky Mountains National Park Boundary line to Tuckasegee River)
Nantahala River (Macon Co. line to existing Fontana Lake water level)</p> <p>(22) Transylvania County</p> <p>(A) Catch and Release/Artificial Flies Only Trout Waters are as follows:
Davidson River (headwaters to Avery Creek, excluding Avery Creek,</p> |
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| | Looking Glass Creek and Grogan Creek) | | Beaverdam Creek (confluence of Beaverdam Creek and Little Beaverdam Creek to an unnamed tributary adjacent to the intersection of S.R. 1201 and S.R. 1203) Beech Creek |
| (B) | Delayed Harvest Waters Trout Waters are as follows:
East Fork French Broad River (East Fork Baptist Church to French Broad River)
Little River (confluence of Lake Dense to 100 yards downstream of Hooker Falls) | | Buckeye Creek (Buckeye Creek Reservoir dam to Grassy Gap Creek) Buckeye Creek Reservoir |
| (C) | Hatchery Supported Trout Waters are as follows:
Davidson River (Avery Creek to lower USFS boundary)
French Broad River (confluence of North Fork French Broad River and West Fork) French Broad River to the Island Ford Rd. [S.R. 1110] Access Area
Middle Fork French Broad River (upstream U.S. 178 bridge to French Broad River)
West Fork French Broad River (Camp Cove Branch to confluence with North Fork French Broad River) | | Cove Creek (S.R. 1233 bridge at Zionville to S.R. 1214 bridge at Sherwood)
Dutch Creek (second bridge on S.R. 1134 to mouth)
Elk Creek (S.R. 1510 bridge at Triplett to Wilkes Co. line, except where posted against trespassing)
Laurel Creek (S.R. 1123 bridge at S.R. 1157 intersection to Watauga River) |
| (D) | Wild Trout Waters are as follows:
All waters located on Gorges State Park
Whitewater River (downstream from Silver Run Creek to South Carolina state line) | | Meat Camp Creek (S.R. 1340 bridge at S.R. 1384 intersection to N.C. 194)
Middle Fork New River (adjacent to intersection of S.R. 1539 and U.S. 321 to South Fork New River)
Norris Fork Creek
South Fork New River (canoe launch 70 yards upstream of U.S. 421 bridge to lower boundary of Brookshire Park) |
| (E) | Wild Trout Waters/Natural Bait are as follows:
North Fork French Broad River (game land portion downstream of S.R. 1326)
Thompson River (S.R. 1152 to South Carolina state line, except where posted against trespassing) | (D) | Stony Fork (S.R. 1500 bridge at S.R. 1505 intersection to Wilkes Co. line)
Wild Trout Waters are as follows:
Dutch Creek (headwaters to second bridge on S.R. 1134)
Howard Creek
Maine Branch (headwaters to North Fork New River)
North Fork New River (from confluence with Maine and Mine branches to Ashe Co. line)
Watauga River (Avery Co. line to S.R. 1580 bridge)
Winkler Creek (lower bridge on S.R. 1549 to confluence with South Fork New River) |
| (23) | Watauga County | (24) | Wilkes County |
| (A) | Catch and Release/Artificial Lures Only Trout Waters are as follows:
Laurel Creek (confluence of North and South Fork Laurel creeks to Elk Creek, excluding tributaries)
Pond Creek (headwaters to Locust Ridge Rd. bridge, excluding the pond adjacent to Coffee Lake) | (A) | Delayed Harvest Trout Waters are as follows:
East Prong Roaring River (Bullhead Creek downstream to Stone Mountain State Park lower boundary)
Elk Creek — upper (Watauga Co. line to lower boundary of the Blue Ridge Mountain Club)
Elk Creek — lower (portion on Leatherwood Mountains development) |
| (B) | Delayed Harvest Trout Waters are as follows:
Lake Coffey
Watauga River (adjacent to intersection of S.R. 1557 and S.R. 1558 to N.C. 105 bridge and S.R. 1114 bridge to N.C. 194 bridge at Valle Crucis) | | |
| (C) | Hatchery Supported Trout Waters are as follows: | | |

- Reddies River (Town of North Wilkesboro water intake dam to confluence with the Yadkin River)
Stone Mountain Creek (from falls at Alleghany Co. line to confluence with East Prong Roaring River and Bullhead Creek)
- (B) Hatchery Supported Trout Waters are as follows:
Basin Creek (S.R. 1730 bridge to confluence with Lovelace Creek)
Bell Branch Pond
Cub Creek (.5 mile upstream of S.R. 2460 bridge to S.R. 1001 bridge)
Darnell Creek (North Prong Reddies River) (downstream ford on S.R. 1569 to confluence with North Fork Reddies River)
East Prong Roaring River (Stone Mountain State Park lower boundary to S.R. 1002 bridge)
Fall Creek (S.R. 1300 bridge to confluence with South Prong Lewis Fork, except where posted against trespassing)
Middle Fork Reddies River (Clear Prong) (headwaters to bridge on S.R. 1580)
Middle Prong Roaring River (headwaters to bridge on S.R. 1736)
North Fork Reddies River (Vannoy Creek) (headwaters to Union School bridge on S.R. 1559)
Pike Creek
Pike Creek Pond
South Fork Reddies River (S.R. 1355 bridge to confluence with Middle Fork Reddies River)
South Prong Lewis Fork (Fall Creek to S.R. 1155 bridge)
- (C) Wild Trout Waters are as follows:
All waters located on Stone Mountain State Park, except East Prong Roaring River from Bullhead Creek downstream to the Stone Mountain State Park lower boundary where Delayed Harvest Trout Waters regulations apply, and Stone Mountain Creek from falls at Alleghany County line to confluence with East Prong Roaring River and Bullhead Creek in Stone Mountain State Park where Delayed Harvest Trout Waters regulations apply
- (25) Yancey County
- (A) Catch and Release/Artificial Flies Only Trout Waters are as follows:
South Toe River (headwaters to Upper Creek
- (B) Delayed Harvest Trout Waters are as follows:
Cane River (Blackberry Ridge Rd. to downstream boundary of Cane River County Park)
- (C) Hatchery Supported Trout Waters are as follows:
Bald Mountain Creek (except where posted against trespassing)
Cane River (Bee Branch [S.R. 1110] to Bowlens Creek)
Price Creek (junction of S.R. 1120 and S.R. 1121 to Indian Creek)
South Toe River (Clear Creek to lower boundary line of Yancey Co. Recreation Park, except where posted against trespassing)
- (D) Wild Trout Waters are as follows:
Cattail Creek (bridge at Mountain Farm Community Rd. to N.C. 197 bridge)
Licksillet Creek
Middle Creek (game land boundary to mouth)

History Note: Authority G.S. 113-272; 113-292; Eff. February 1, 1976; Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; July 1, 1995; July 1, 1994; July 1, 1993; October 1, 1992; Temporary Amendment Eff. July 1, 1999; Amended Eff. July 1, 2000; Temporary Amendment Eff. July 1, 2001; Temporary Amendment Eff. July 1, 2002; Amended Eff. August 1, 2002 (approved by RRC on 6/21/01 and 04/18/02); Temporary Amendment Eff. June 1, 2003; Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17, 2003); Amended Eff. August 1, 2018; August 1, 2017; August 1, 2016; August 1, 2015; August 1, 2014; August 1, 2013; August 1, 2012; August 1, 2011; August 1, 2010; May 1, 2009; May 1, 2008; May 1, 2007; May 1, 2006; June 1, 2005.

15A NCAC 10C .0305 BLACK BASS

- (a) The daily creel limit for Largemouth, Smallmouth, and Spotted Bass — collectively known as Black Bass - is five fish, except in waters identified in Paragraphs (b), (c), (d), and (n) of this Rule. There is no minimum size limit for these fish, but only two of them may be less than 14 inches except in waters identified in Paragraphs (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), and (n) of this Rule. There is no closed season, except for waters identified in Paragraphs (l) and (n) of this Rule.
- (b) In Lake Cammack in Alamance County, and Lake Holt in Granville County the daily creel limit for Largemouth Bass is 10 fish and no more than two fish greater than 14 inches may be possessed.

(c) In Lake Santeetlah in Graham County, there is no daily creel limit for Black Bass less than 14 inches. The daily creel limit for Black Bass greater than 14 inches is five fish.

(d) In Lake Chatuge in Clay County, the daily creel limit for Black Bass is 10 fish, the minimum size limit for Largemouth Bass is 12 inches, and there is no minimum size limit for Smallmouth Bass and Spotted Bass.

(e) The minimum size limit for Black Bass is 14 inches in the following:

- (1) Lake Raleigh in Wake County;
- (2) Pungo Lake in Washington and Hyde counties;
- (3) New Lake in Hyde County; and
- (4) Currituck, Roanoke, Croatan, Albemarle sounds, and all their tributaries including Roanoke River downstream of Roanoke Rapids Dam, Chowan River, Yeopim River, Pasquotank River, Perquimans River, North River, Northwest River, Scuppernon River, and Alligator River (including the Alligator/Pungo Canal east of the NC Hwy 264/45 bridge).

(f) In Cane Creek Lake in Union County, and Buckhorn Reservoir in Wilson and Nash counties, the minimum size limit for Largemouth Bass is 16 inches.

(g) In Lake Phelps in Tyrrell and Washington counties, the minimum size limit is 14 inches, and no fish between 16 and 20 inches may be possessed.

(h) In Shearon Harris Reservoir and Lake Hampton in Yadkin County, there is no minimum size limit for Black Bass, but only two Black Bass less than 14 inches and no Black Bass between 16 and 20 inches may be possessed.

(i) In Randleman Reservoir, there is no minimum size limit for Largemouth Bass, but only two Largemouth Bass less than 14 inches and only one Largemouth Bass greater than 20 inches may be possessed.

(j) In Lake Thom-A-Lex in Davidson County, the minimum size limit for Black Bass is 18 inches.

(k) In the Alleghany County portion of New River downstream of Fields Dam (Grayson County, Virginia) there is no minimum size limit for Black Bass, but no fish between 14 and 22 inches in length may be possessed and only one Black Bass greater than 22 inches may be possessed.

(l) In Sutton Lake, the minimum size limit for Black Bass is 14 inches and no Black Bass may be possessed from December 1 through March 31.

(m) In Lake Mattamuskeet and associated canals in Hyde County, the minimum size limit for Largemouth Bass is 16 inches and only one Largemouth Bass greater than 20 inches may be possessed.

(n) In Jean Guite Creek and associated canals within the Town of Southern Shores, Dare County, no Black Bass may be possessed.

(o) For purposes of this Rule, creel limits apply to Largemouth, Smallmouth, and Spotted Bass in aggregate unless otherwise specified.

History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;

Eff. February 1, 1976;

Temporary Amendment Eff. May 10, 1990, for a period of 180 days to expire on November 1, 1990;

Temporary Amendment Eff. May 22, 1990, for a period of 168 days to expire on November 1, 1990;

Temporary Amendment Eff. May 1, 1991, for a period of 180 days to expire on November 1, 1991;

Amended Eff. July 1, 1994; July 1, 1993; October 1, 1992;

Temporary Amendment Eff. December 1, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; July 1, 1995;

Temporary Amendment Eff. November 1, 1998;

Amended Eff. April 1, 1999;

Temporary Amendment Eff. July 1, 1999;

Amended Eff. July 1, 2000;

Temporary Amendment Eff. July 1, 2001;

Temporary Amendment Eff. March 8, 2002 [This rule replaces the rule proposed for permanent amendment effective July 1, 2002 and approved by RRC in May 2001];

Amended Eff. August 1, 2002 (approved by RRC in April 2002);

Temporary Amendment Eff. June 1, 2003;

Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17, 2003);

Amended Eff. August 1, 2018; August 1, 2017; August 1, 2016; November 1, 2013; August 1, 2012; March 1, 2012; August 1, 2011; August 1, 2010; May 1, 2009; July 1, 2008; May 1, 2008; May 1, 2007; May 1, 2006; June 1, 2005.

15A NCAC 10C .0316 TROUT

(a) The daily creel limit for trout in Hatchery-Supported Trout Waters is seven fish. There is no minimum size limit for these fish. The open season is from 7 a.m. on the first Saturday in April until March 1, except for waters designated in Paragraphs (d) and (g) of this Rule.

(b) The daily creel limit for trout in Wild Trout Waters and Wild Trout/Natural Bait Trout Waters is four fish. The minimum size limit for these fish is seven inches. There is no closed season.

(c) No trout may be harvested from Catch and Release/Artificial Lures Only Trout Waters or Catch and Release/Artificial Flies Only Trout Waters. Trout may not be possessed while fishing these waters.

(d) The daily creel limit for trout in Delayed Harvest Trout Waters is seven fish. There is no minimum size limit for these fish. The Youth-only Delayed Harvest Trout Water Season is from 6 a.m. on the first Saturday in June until 12 p.m. that same day. During this season only individuals under the age of 18 may fish. From 12 p.m. on the first Saturday in June until September 30, the Delayed Harvest Trout Waters Season is open for all anglers. From October 1 to one-half hour after sunset on the Friday before the first Saturday in June, trout may not be harvested or possessed while fishing these waters. Delayed Harvest Trout Waters are closed to all fishing from one-half hour after sunset on the Friday before the first Saturday in June to 6 a.m. on the first Saturday in June.

(e) The daily creel limits, size limits, and seasons for trout in Special Regulation Trout Waters are as follows: in the Catawba River (Burke County) from Muddy Creek to the City of Morganton water intake dam the daily creel limit is two fish. The minimum size limit is 14 inches. There is no closed season.

- (f) The daily creel limit for trout in undesignated trout waters is seven fish. There is no minimum size limit for these fish.
- (g) There is no closed season on taking trout from Linville River within Linville Gorge Wilderness Area and the impounded waters of power reservoirs and municipally-owned water supply reservoirs open to the public for fishing.
- (h) In designated Public Mountain Trout Waters the season for taking all species of fish is the same as the trout fishing season.
- (i) All trout water designations and manners of take are set forth in 15A NCAC 10C .0205.

*History Note: Authority G.S. 113-134; 113-292;
Eff. November 1, 2013;
Amended Eff. August 1, 2018; August 1, 2017; August 1, 2015.*

**15A NCAC 10C .0401 MANNER OF TAKING
NONGAME FISHES: PURCHASE AND SALE**

(a) Except as permitted by the rules in this Section, it is unlawful to take nongame fishes from the inland fishing waters of North Carolina in any manner other than with hook and line or grabbling. Nongame fishes may be taken by hook and line or grabbling at any time without restriction as to size limits or creel limits, with the following exceptions:

- (1) Blue crabs shall have a minimum carapace width of five inches (point to point) and it is unlawful to possess more than 50 crabs per person per day or to exceed 100 crabs per vessel per day.
- (2) While boating on or fishing in the following inland fishing waters, no person shall take river herring (alewife and blueback) that are greater than six inches in length, or possess such herring regardless of origin in:
 - (A) Roanoke River downstream of Roanoke Rapids Dam;
 - (B) Tar River downstream of Rocky Mount Mill Dam;
 - (C) Neuse River downstream of Milburnie Dam;
 - (D) Cape Fear River downstream of Buckhorn Dam;
 - (E) Pee Dee River downstream of Blewett Falls Dam;
 - (F) Lumber River including Drowning Creek;
 - (G) all the tributaries to the rivers listed above; and
 - (H) all other inland fishing waters east of I-95.
- (3) Grass carp shall not be taken or possessed on Lake James, Lookout Shoals Lake, Lake Norman, Mountain Island Reservoir, Lake Wylie, and John H. Kerr Reservoir, except that one fish per day may be taken with archery equipment.
- (4) No trotlines or set-hooks shall be used in the impounded waters located on the Sandhills Game Land or in designated public mountain trout waters.

- (5) In Lake Waccamaw, trotlines or set-hooks may be used only from October 1 through April 30.
- (6) In inland fishing waters, gray trout (weakfish) recreational seasons, size limits, and creel limits are the same as those established by Marine Fisheries Commission rule or proclamations issued by the Fisheries Director in adjacent joint or coastal fishing waters.
- (b) The season for taking nongame fishes by other hook and line methods in designated public mountain trout waters is the same as the trout fishing season. Trout seasons are designated in 15A NCAC 10C .0316.
- (c) Nongame fishes taken by hook and line, grabbling, or by licensed special devices may be sold, with the following exceptions:
 - (1) alewife and blueback herring, excluding those less than six inches in length collected from Kerr Reservoir (Granville, Vance, and Warren counties);
 - (2) blue crab; and
 - (3) bowfin.
- (d) Freshwater mussels, including the Asiatic clam (*Corbicula fluminea*), may be taken only from impounded waters, except mussels shall not be taken in Lake Waccamaw in Columbus County, and in University Lake in Orange County. The daily possession limit for freshwater mussels is 200 in the aggregate, except there is no daily possession limit for the Asiatic clam (*Corbicula fluminea*).
- (e) In waters that are stocked and managed for catfish and located on game lands, on Commission-owned property, or on the property of a cooperator, including waters within the Community Fishing Program, it is unlawful to take channel, white, or blue catfish by means other than hook and line; the daily creel limit is six catfish in aggregate. Waters where this creel limit applies shall be posted on-site with signs indicating the creel limit.
- (f) The daily creel limit for blue catfish greater than 32 inches is one fish in the following reservoirs:
 - (1) Lake Norman;
 - (2) Mountain Island Lake;
 - (3) Lake Wylie;
 - (4) Badin Lake;
 - (5) Lake Tillery;
 - (6) John H. Kerr Reservoir (North Carolina portion);
 - (7) Lake Gaston (North Carolina portion); and
 - (8) Roanoke Rapids Reservoir.
- (g) The daily creel limit for American eels taken from or possessed, regardless of origin, while boating on or fishing in inland fishing waters is 25, and the minimum size limit is 9 inches.
- (h) No person while fishing shall remove the head or tail or otherwise change the appearance of any nongame fish having a size limit so as to render it impracticable to measure its total original length. No person while fishing shall change the appearance of any nongame fish having a daily creel limit so as to obscure its identification or render it impracticable to count the number of fish in possession.

*History Note: Authority G.S. 113-134; 113-272; 113-292;
Eff. February 1, 1976;*

*Amended Eff. July 1, 1994; July 1, 1993; May 1, 1992;
Temporary Amendment Eff. December 1, 1994;
Amended Eff. July 1, 1998; July 1, 1996; July 1, 1995;
Temporary Amendment Eff. July 1, 1999;
Amended Eff. July 1, 2000;
Temporary Amendment Eff. July 1, 2002; July 1, 2001;
Amended Eff. August 1, 2002 (approved by RRC on 06/21/01 and
04/18/02);
Temporary Amendment Eff. June 1, 2003;
Amended Eff. May 1, 2004 (this amendment replaces the
amendment approved by RRC on July 17, 2003);
Amended Eff. August 1, 2018; August 1, 2016; August 1, 2015;
August 1, 2014; August 1, 2013; August 1, 2012; August 1, 2011;
August 1, 2010; May 1, 2009; May 1, 2008; May 1, 2007; May 1,
2006; June 1, 2005*

**15A NCAC 10C .0402 TAKING NONGAME FISHES
FOR BAIT OR PERSONAL CONSUMPTION**

(a) It is unlawful to take nongame fish for bait or personal consumption in the inland waters of North Carolina using equipment other than:

- (1) a net of dip net design not greater than six feet across;
- (2) a seine of not greater than 12 feet in length (except in Lake Waccamaw in Columbus County where there is no length limitation) and with a bar mesh measure of not more than one-fourth inch;
- (3) a cast net;
- (4) a bow net for the seasons and waters in which the use of bow nets is authorized in 15A NCAC 10C .0407;
- (5) a dip net when used in conjunction with a licensed hand-crank electrofisher;
- (6) a gig (except in Public Mountain Trout Waters);
- (7) up to three traps for the seasons and waters in which the use of traps is authorized in 15A NCAC 10C .0407;
- (8) up to two eel pots;
- (9) a spear gun for the seasons and waters in which the use of a spear gun is authorized in 15A NCAC 10C .0407;
- (10) minnow traps not exceeding 12 inches in diameter and 24 inches in length, with funnel openings not exceeding one inch in diameter, from which all fish and animals are removed daily, and that are labeled with the user's Wildlife Resources Commission customer number or name and address;
- (11) a hand-held line with a single bait attached;
- (12) a single, multiple-bait line for taking crabs not to exceed 100 feet in length, marked on each end with a solid float no less than five inches in diameter, bearing legible and indelible identification of the user's name and address, and under the immediate control and attendance of the person using the device, with a limit of one line per person and no more than one line per vessel; or

- (13) a collapsible crab trap with the largest open dimension not greater than 18 inches and that by design is collapsed at all times when in the water, except when it is being retrieved or lowered to the bottom, with a limit of one trap per person.

(b) The use of equipment under this Rule requires a valid license that provides basic inland fishing privileges.

(c) It is unlawful to sell nongame fishes or aquatic animals taken under this Rule.

(d) Game fishes taken while netting for bait shall be returned unharmed to the water, except white perch may be taken when captured in a cast net being used to collect nongame fishes for bait or personal consumption in all impounded waters west of I-95 and in the Tar River Reservoir (Nash County).

(e) No person shall take or possess during one day more than 200 nongame fish in aggregate for bait or personal consumption subject to the following restrictions:

- (1) No more than 25 eels, none of which may be less than 9 inches in length, shall be taken from or possessed, regardless of origin, while boating on or fishing in inland fishing waters;
- (2) While boating on or fishing in the following inland fishing waters, no river herring (alewife and blueback) that are greater than six inches in total length shall be taken, and no such river herring shall be possessed regardless of origin:
 - (A) Roanoke River downstream of Roanoke Rapids Dam;
 - (B) Tar River downstream of Rocky Mount Mill Dam;
 - (C) Neuse River downstream of Milburnie Dam;
 - (D) Cape Fear River downstream of Buckhorn Dam;
 - (E) Pee Dee River downstream of Blewett Falls Dam;
 - (F) Lumber River including Drowning Creek;
 - (G) the tributaries to the rivers listed above; and
 - (H) all other inland fishing waters east of Interstate 95.
- (3) No more than 50 crabs per person per day or 100 per vessel per day with a minimum carapace width of five inches (point to point) shall be taken.

(f) Any fishes taken for bait purposes are included within the daily possession limit for that species.

(g) It is unlawful to take nongame fish for bait or any other fish bait from the following waters:

- (1) Public Mountain Trout Waters (except in impounded waters of power reservoirs and municipally-owned water supply reservoirs);
- (2) Bear Creek in Chatham County;
- (3) Deep River in Chatham, Lee, and Moore counties and downstream of Coleridge Dam in Randolph County;
- (4) Fork Creek in Randolph County; and

(5) Rocky River in Chatham County.

(h) In the waters of the Little Tennessee River, including all the tributaries and impoundments thereof, and on adjacent shorelines, docks, access ramps, and bridge crossings, it is unlawful to transport, possess, or release live river herring (alewife and blueblack).

(i) No person while fishing shall remove the head or tail or otherwise change the appearance of any nongame fish having a size limit so as to render it impracticable to measure its total original length. No person while fishing shall change the appearance of any nongame fish having a daily creel limit so as to obscure its identification or render it impracticable to count the number of fish in possession.

History Note: Authority G.S. 113-134; 113-135; 113-135.1; 113-272; 113-272.3; 113-292;

Eff. February 1, 1976;

Amended Eff. July 1, 2000; July 1, 1998; July 1, 1993; July 1, 1992; May 1, 1992; July 1, 1989;

Temporary Amendment Eff. July 1, 2001;

Amended Eff. July 18, 2002;

Temporary Amendment Eff. June 1, 2003;

Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17, 2003);

Amended Eff. August 1, 2018; August 1, 2017; August 1, 2016; August 1, 2015; August 1, 2014; August 1, 2013; August 1, 2010; May 1, 2008; May 1, 2007; May 1, 2006.

15A NCAC 10D .0103 HUNTING ON GAME LANDS

(a) Safety Requirements. No person while hunting on any designated game land shall be under the influence of alcohol or any narcotic drug, or fail to comply with restrictions enacted by the National Park Service regarding the use of the Blue Ridge Parkway where it adjoins game lands listed in this Rule.

(b) Traffic Requirements. No person shall park a vehicle on game lands in such a manner as to block traffic or gates, or otherwise prevent vehicles from using any roadway.

(c) Tree Stands. It is unlawful to erect or to occupy, for the purpose of hunting, any tree stand or platform attached by nails, screws, bolts, or wire to a tree on any game land designated herein. This prohibition does not apply to lag-screw steps or portable stands that are removed after use with no metal remaining in or attached to the tree.

(d) Time and Manner of Taking. Hunting is allowed on game lands only during the open season for game animals and game birds, unless hunting is allowed by permit. Individual game lands or parts thereof may be closed to hunting or limited to specific dates by this Chapter. Persons shall hunt only with weapons lawful for the open game animal or game bird seasons. On managed waterfowl impoundments, persons shall:

- (1) not enter the posted impoundment areas earlier than 4:00 a.m. on the permitted hunting dates;
- (2) not hunt after 1:00 p.m. on such hunting dates;
- (3) not set decoys out prior to 4:00 a.m.;
- (4) remove decoys by 3:00 p.m. each day; and
- (5) not operate any vessel or vehicle powered by an internal combustion engine.

On designated youth waterfowl days occurring after the end of the regular waterfowl seasons only, youths may hunt on managed

waterfowl impoundments from ½ hour before sunrise to sunset. Restrictions (1), (3), and (5) in this Paragraph shall apply. On waterfowl impoundments that have a posted "Scouting-only Zone," trapping during the trapping season and waterfowl hunting on designated waterfowl hunting days are the only activities allowed on the portion of the impoundment outside of the posted "Scouting-only Zone." No person shall attempt to obscure the sex or age of any bird or animal taken by severing the head or any other part thereof, or possess any bird or animal that has been so mutilated. No person shall place, or cause to be placed on any game land, salt, grain, fruit, or other foods without prior written authorization of the Commission or its agent. A decision to grant or deny authorization shall be made based on the best management practices for the wildlife species in question. No person shall take or attempt to take any game birds or game animals attracted to such foods.

(e) Definitions:

- (1) For purposes of this Section, "Dove Only Area" refers to a Game Land on which doves may be taken and dove hunting is limited to Mondays, Wednesdays, Saturdays, Thanksgiving Day, Christmas Day, and New Year's Days within the federally-announced season.
- (2) For purposes of this Section, "Three Days per Week Area" refers to a Game Land on which any game may be taken during the open seasons and hunting is limited to Mondays, Wednesdays, Saturdays, Thanksgiving Day, Christmas Day, and New Year's Days, except for game lands in this Rule that specifically allow hunting on Tuesdays, Thursday, and Fridays. Falconry may also be practiced on Sundays. These "open days" also apply to either-sex deer hunting seasons listed under each game land. Raccoon and opossum hunting may continue until 7:00 a.m. on Tuesdays, until 7:00 a.m. on Thursdays, and until midnight on Saturdays.
- (3) For purposes of this Section, "Six Days per Week Area" refers to a Game Land on which any game may be taken during the open seasons.

(f) Hunting with Dogs on Game Lands. Deer shall not be taken with the use of dogs on game lands in counties or parts of counties where taking deer with dogs is prohibited as described in 15A NCAC 10B .0109.

(g) Bear Sanctuaries. On Three Days per Week Areas and Six Days per Week Areas, bears shall not be taken on lands designated and posted as bear sanctuaries except when authorized by permit only pursuant to this Chapter. Feral Swine shall not be taken with the use of dogs on bear sanctuaries. Dogs shall not be trained or allowed to run unleashed between March 1 and the Monday on or nearest October 15 on bear sanctuaries in and west of the counties and parts of counties described in 15A NCAC 10B .0109.

(h) The listed seasons and restrictions apply in the following game lands:

- (1) Alcoa Game Land in Davidson, Davie, Montgomery, Rowan, and Stanly counties
- (A) Six Days per Week Area

- (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter in that portion in Montgomery county, and deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season in those portions in Davidson, Davie, Rowan, and Stanly counties.
- (C) On the Lick Creek Tract, deer and bear hunting is archery only.
- (2) Alligator River Game Land in Tyrrell County
 - (A) Six Day per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) Bear may only be taken the first three hunting days during the November Bear Season and the first three hunting days during the second week of the December Bear Season.
- (3) Angola Bay Game Land in Duplin and Pender counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) Target shooting is prohibited.
- (4) Bachelor Bay Game Land in Bertie, Martin, and Washington counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (5) Bertie County Game Land in Bertie County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (6) Bladen Lakes State Forest Game Land in Bladen County
 - (A) Three Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) Except for blackpowder firearms, rifles larger than .22 caliber rimfire shall not be used.
 - (D) On the Singletary Lake Tract, the use of dogs for hunting deer and bear is prohibited.
 - (E) Wild turkey hunting on the Singletary Lake Tract is by permit only.
 - (F) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.
- (G) The use of dogs for pursuing or taking foxes is prohibited March 15 through July 15.
- (7) Brinkleyville Game Land in Halifax County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
 - (C) Horseback riding is prohibited.
- (8) Brunswick County Game Land in Brunswick County
 - (A) Hunting is by permit only.
 - (B) The use of dogs for hunting deer is prohibited.
- (9) Buckhorn Game Land in Orange County
 - (A) Hunting is by permit only.
 - (B) Horseback riding is prohibited.
- (10) Buckridge Game Land in Tyrrell County.
 - (A) Three Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) Bear may only be taken the first three hunting days during the November Bear Season and the first three hunting days of the second week of the December Bear Season. If any of these days falls on a Tuesday, Friday or Saturday, bear hunting is allowed on those days.
 - (D) Target shooting is prohibited.
- (11) Buffalo Cove Game Land in Caldwell and Wilkes Counties
 - (A) Six Days per Week Area
 - (B) The Deer With Visible Antlers season for deer consists of the open hunting days from the Monday before Thanksgiving Day through the third Saturday after Thanksgiving. Deer may be taken with archery equipment on open days beginning the Saturday on or nearest September 10 to the third Saturday thereafter, and Monday on or nearest October 15 to the Saturday before Thanksgiving and during the Deer With Visible Antlers Season. Deer may be taken with blackpowder firearms on open days beginning the Monday on or nearest October 1 through the Saturday of the second week thereafter, and during the Deer With Visible Antlers season.
 - (C) Deer of either sex may be taken the first open Saturday day of the applicable Deer With Visible Antlers Season.
 - (D) Horseback riding is prohibited except on designated trails May 16 through

- August 31 and all horseback riding is prohibited from September 1 through May 15.
- (12) Bullard and Branch Hunting Preserve Game Lands in Robeson County
- (A) Three Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (13) Butner - Falls of Neuse Game Land in Durham, Granville, and Wake counties
- (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
 - (C) Waterfowl shall be taken only on:
 - (i) the opening and closing days of the applicable waterfowl seasons;
 - (ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
 - (iii) Tuesdays, Thursdays, and Saturdays of the applicable waterfowl seasons.

On the posted waterfowl impoundments a special permit is required for all waterfowl hunting after November 1.
 - (D) Horseback riding is prohibited.
 - (E) Target shooting is prohibited.
 - (F) Wild turkey hunting is by permit only, except on those areas posted as an archery zone.
 - (G) The use of dogs for hunting deer is prohibited on that portion west of NC 50 and south of Falls Lake.
 - (H) The use of bicycles is restricted to designated areas, except that this restriction does not apply to hunters engaged in the act of hunting during the open days of the applicable seasons for game birds and game animals. On designated bicycle riding areas, the use of bicycles is allowed from May 15 through August 31, and on Sundays only from September 1 through May 14.
 - (I) Camping and the presence of campers and tents in designated Hunter Camping Areas are limited to September 1 through the last day of February and March 31 through May 14.
 - (J) Camping is allowed at any time in the designated Mountains-to-Sea Trail Camping Area and shall not exceed a maximum stay of two consecutive
- nights. Campfires are prohibited in this camping area.
- (14) Buxton Woods Game Land in Dare County:
- (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) Target shooting is prohibited.
- (15) Cape Fear River Wetlands Game Land in Pender County
- (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) Turkey Hunting is by permit only on that portion known as the Roan Island Tract.
 - (D) The use of dogs for hunting deer is prohibited on the portion of the game land that is west of the Black River, north of Roan Island, east of Lyon Swamp Canal to Canetuck Road, and south of NC 210 to the Black River.
 - (E) Target shooting is prohibited.
- (16) Carteret County Game Land in Carteret County
- (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
 - (C) The use of dogs for hunting deer is prohibited.
- (17) R. Wayne Bailey-Caswell Game Land in Caswell County
- (A) Three Days per Week Area
 - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Wednesday thereafter.
 - (C) Horseback riding is allowed only during June, July, and August, and on Sundays during the remainder of the year except during open turkey and deer seasons. Horseback riding is allowed only on roads opened to vehicular traffic and on those gated roads and trails that are posted for equestrian use. People age 16 or older horseback riding on this game land shall possess a Game Lands license.
 - (D) The area encompassed by the following roads is permit-only for all quail and woodcock hunting, and all bird dog training: From Yanceyville south on NC 62 to the intersection of SR 1746, west on SR 1746 to the intersection of SR 1156, south on SR 1156 to the intersection of SR 1783, east on SR 1783 to the intersection of

- NC 62, north on NC 62 to the intersection of SR 1736, east on SR 1736 to the intersection of SR 1730, east on SR 1730 to NC 86, north on NC 86 to NC 62.
- (E) On the posted waterfowl impoundment, waterfowl hunting is by permit only after November 1.
- (F) Camping and the presence of campers and tents in designated Hunter Camping Areas are limited to September 1 through the last day of February and March 31 through May 14.
- (G) Target shooting is prohibited, except at the R. Wayne Bailey-Caswell Shooting Range.
- (18) Chatham Game Land in Chatham County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
- (C) Wild turkey hunting is by permit only.
- (D) Horseback riding is allowed only during June, July, and August; and on Sundays during the remainder of the year except during open turkey and deer seasons.
- (E) Target shooting is prohibited.
- (19) Chowan Game Land in Chowan County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the days of the applicable Deer With Visible Antlers Season.
- (20) Chowan Swamp Game Land in Bertie, Gates, and Hertford counties.
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Bear hunting is restricted to the first three hunting days during the November bear season and the first three hunting days during the second week of the December bear season except that portion of Chowan Swamp Game Land in Gates County that is east of Highway 158/13, south of Highway 158, west of Highway 32, and north of Catherine Creek and the Chowan River where the bear season is the same as the season dates for the Gates County bear season.
- (D) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.
- (E) Horseback riding is prohibited except during May 16 through August 31 and on Sundays only September 1 through May 15 on those roads that are open to vehicular traffic and on those gated roads and trails posted for equestrian use.
- (F) Target shooting is prohibited in the area west of Sand Banks Road, east of the Chowan River and north of US 13/158 to the NC-VA state line.
- (21) Cold Mountain Game Land in Haywood County
- (A) Six Days per Week Area
- (B) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15.
- (C) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season.
- (22) Columbus County Game Land in Columbus County.
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (23) Croatan Game Land in Carteret, Craven, and Jones counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Waterfowl shall be taken only on the following days:
- (i) the opening and closing days of the applicable waterfowl seasons;
- (ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
- (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
- (D) Beginning on the first open waterfowl day in October through the end of the waterfowl season, waterfowl hunting from designated Disabled Sportsmen blinds on the Catfish Lake Waterfowl Impoundment is by permit only.
- (E) Dove hunting is by permit only for the first two open days of dove season on posted areas. During the rest of dove season, no permit is required to hunt doves.
- (24) Currituck Banks Game Land in Currituck County
- (A) Six Days per Week Area

- (B) Permanent waterfowl blinds in Currituck Sound on these game lands shall be hunted by permit only from November 1 through the end of the waterfowl season.
- (C) Licensed hunting guides may accompany the permitted individual or party provided the guides do not use a firearm.
- (D) The boundary of the game land shall extend 5 yards from the edge of the marsh or shoreline.
- (E) Dogs are allowed only for waterfowl hunting by permitted waterfowl hunters on the day of their hunt.
- (F) No screws, nails, or other objects penetrating the bark shall be used to attach a tree stand or blind to a tree.
- (G) Deer of either sex may be taken all the days of the applicable Deer With Visible Antlers season.
- (25) Dan River Game Land in Rockingham County
 - (A) Hunting and trapping is by permit only.
 - (B) Horseback riding is prohibited except on those areas posted for equestrian use. People age 16 or older horseback riding on this game land must possess a Game Lands license.
 - (C) Target shooting is prohibited.
- (26) Dare Game Land in Dare County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the first Friday thereafter.
 - (C) No hunting is allowed on posted parts of bombing range.
 - (D) The use and training of dogs is prohibited from March 1 through June 30.
- (27) Dover Bay Game Land in Craven County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the days of the applicable Deer With Visible Antlers season.
- (28) DuPont State Forest Game Lands in Henderson and Transylvania counties
 - (A) Hunting is by permit only.
 - (B) The training and use of dogs for hunting is prohibited except by special hunt permit holders during scheduled permit hunts.
- (29) Elk Knob Game Land in Watauga County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the first Friday thereafter.
- (30) Embro Game Land in Halifax and Warren counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
 - (C) Horseback riding is prohibited.
- (31) Goose Creek Game Land in Beaufort and Pamlico counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) Except as provided in Part (D) of this Subparagraph, waterfowl in posted waterfowl impoundments shall be taken only on the following days:
 - (i) the opening and closing days of the applicable waterfowl seasons;
 - (ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
 - (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
 - (D) Beginning on the first open waterfowl season day in October and through the end of the waterfowl season, waterfowl hunting is by permit only on the following waterfowl impoundments: Pamlico Point, Campbell Creek, Hunting Creek, Spring Creek, Smith Creek, and Hobucken.
 - (E) On Pamlico Point and Campbell Creek Waterfowl Impoundments all activities, except waterfowl hunting on designated waterfowl hunting days and trapping during the trapping season, are restricted to the posted Scouting-only Zone during the period November 1 through March 15.
 - (F) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.
 - (G) Hunting and vehicular access on the Parker Farm Tract is restricted from September 1 through January 1 and April 1 through May 15 to individuals that possess a valid hunting opportunity permit.
- (32) Green River Game Land in Henderson, and Polk counties
 - (A) Six Days per Week Area

- (B) Deer of either sex may be taken the first open Saturday of the applicable Deer With Visible Antlers Season.
- (C) Horseback riding is prohibited.
- (33) Green Swamp Game Land in Brunswick County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) On that portion north of Big Macedonia Road, east of Makatoka Road, south of Little Macedonia Road, and west of Green Swamp Road, hunting for bear, deer, and turkey is by permit only.
 - (D) Pursuing or chasing deer or bear with dogs for the purposes of training or hunting is prohibited on that portion of the game land that is north of Big Macedonia Road, east of Makatoka Road, south of Little Macedonia Road, and west of Green Swamp Road.
- (34) Gull Rock Game Land in Hyde County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) Waterfowl on posted waterfowl impoundments shall be taken only on the following days:
 - (i) the opening and closing days of the applicable waterfowl seasons; and
 - (ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
 - (iii) Tuesdays and Saturdays of the applicable waterfowl season.
 - (D) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas designated and posted as camping areas.
 - (E) Bear may only be taken the first three hunting days during the November Bear Season and the first three hunting days during the second week of the December Bear Season, except for that portion designated as bear sanctuary.
- (35) Harris Game Land in Chatham, Harnett, and Wake counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
- (C) Waterfowl shall be taken only on the following days:
 - (i) Tuesdays, Fridays, and Saturdays of the applicable waterfowl seasons;
 - (ii) Thanksgiving, Christmas, and New Year's Days; and
 - (iii) the opening and closing days of the applicable waterfowl seasons.
- (D) The use or construction of permanent hunting blinds shall be prohibited.
- (E) Wild turkey hunting is by permit only, except on those areas posted as an archery zone.
- (F) Target shooting is prohibited.
- (G) Horseback riding is prohibited.
- (36) Headwaters State Forest Game Land in Transylvania County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season
- (37) Hill Farm Game Land in Stokes County-hunting and trapping is by permit only.
- (38) Holly Shelter Game Land in Pender County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Waterfowl may be taken only on the following days:
 - (i) the opening and closing days of the applicable waterfowl seasons;
 - (ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
 - (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
- (D) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas designated and posted as camping areas.
- (E) On that portion north of the Bear Garden Road, west of Shaw Road to Baby Branch, east of the Northeast Cape Fear River, south of NC 53 and west of NC 50, deer hunting and bear hunting are permit only.
- (F) The use of dogs for hunting deer and bear is prohibited:
 - (i) all open days on that portion of the game land that is south of Baby Branch extending west to Stag Park Road, west of Shaw Road, north of

- Meeks Road extending west to Stag Park Road and east of Stag Park Road; and
 - (ii) on Tuesdays, Thursdays, and Fridays, with the exception of Thanksgiving, Christmas, and New Year's days, and except for the area north of Bear Garden Road, west of Shaw Road to Baby Branch, east of the Northeast Cape Fear River, south of NC 53 and west of NC 50, where the use of dogs for deer and bear hunting is by permit only.
 - (G) Hunting and vehicular access on the Pender 4 Tract is restricted from September 1 to the last day of February and April 1 to May 15 to individuals that possess valid hunting opportunity permits, unless otherwise authorized by the Wildlife Resources Commission.
 - (H) Hunters who possess a Disabled Access Permit may operate an All Terrain Vehicle on and within 100 yards of trails designated for Disabled Sportsman Access.
 - (I) Target shooting is prohibited, except on the Holly Shelter Shooting Range.
 - (J) Geocaching is restricted to closed days for taking bear, deer, turkey, and waterfowl.
- (39) Hyco Game land in Person County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
 - (C) Target shooting is prohibited.
- (40) J. Morgan Futch Game Land in Tyrrell County - Permit Only Area.
- (41) Johns River Game Land in Burke County
 - (A) Hunting is by permit only.
 - (B) During permitted deer hunts, deer of either sex may be taken by permit holders.
 - (C) Entry on posted waterfowl impoundments is prohibited October 1 through March 31, except by lawful waterfowl hunting permit holders and only on those days written on the permits.
 - (D) The use or construction of permanent hunting blinds is prohibited.
- (42) Jordan Game Land in Chatham, Durham, Orange, and Wake counties
 - (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Waterfowl may be taken only on:
 - (i) Mondays, Wednesdays, and Saturdays of the applicable waterfowl seasons;
 - (ii) Thanksgiving, Christmas, and New Year's Days; and
 - (iii) the opening and closing days of the applicable waterfowl seasons.
- (D) Horseback riding is prohibited except on those areas posted as American Tobacco Trail and other areas posted for equestrian use. Unless otherwise posted, horseback riding is permitted on posted portions of the American Tobacco Trail anytime the trail is open for use. On all other trails posted for equestrian use, horseback riding is allowed only during June, July, and August, and on Sundays the remainder of the year except during open turkey and deer seasons. People age 16 or older who ride horseback on trails occurring entirely within the game land boundaries shall possess a Game Lands license.
- (E) Target shooting is prohibited.
- (F) Wild turkey hunting is by permit only, except on those areas posted as an Archery Zone.
- (G) The use of bicycles is restricted to designated areas, except that this restriction does not apply to hunters engaged in the act of hunting during the open days of the applicable seasons for game birds and game animals.
- (43) Juniper Creek Game Land in Brunswick and Columbus counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the Deer With Visible Antlers Season.
 - (C) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.
- (44) Kerr Scott Game Land in Wilkes County
 - (A) Six Days per Week Area
 - (B) Use of centerfire rifles is prohibited.
 - (C) Use of blackpowder firearms, shotguns, or rifles for hunting deer during the applicable Deer With Visible Antlers Season is prohibited.

- (D) Tree stands shall not be left overnight; and no screws, nails, or other objects penetrating the bark shall be used to attach a tree stand or blind to a tree.
- (E) Deer of either sex may be taken on all open days of the applicable Deer With Visible Antlers season.
- (F) Hunting on posted waterfowl impoundments is by permit only.
- (G) The use of firearms for hunting wild turkey is prohibited.
- (45) Lantern Acres Game Land in Tyrrell and Washington counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) Wild turkey hunting is by permit only.
 - (D) The use of dogs for hunting deer on the Godley Tract is prohibited.
 - (E) Waterfowl hunting on posted waterfowl impoundments is by permit only.
- (46) Lee Game Land in Lee County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
 - (C) Target shooting is prohibited.
- (47) Light Ground Pocosin Game Land in Pamlico County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer with Visible Antlers Season.
- (48) Linwood Game Land in Davidson County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken on all of the open days of the applicable Deer With Visible Antlers Season.
- (49) Lower Fishing Creek Game Land in Edgecombe and Halifax counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
 - (C) Horseback riding is prohibited.
 - (D) The use of dogs for hunting deer is prohibited.
- (50) Mayo Game Land in Person County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
 - (C) Waterfowl shall be taken only on:
 - (i) Tuesdays, Thursdays, and Saturdays applicable waterfowl seasons;
 - (ii) Christmas and New Year's Days; and
 - (iii) the opening and closing days of the applicable waterfowl seasons.
- (51) Mitchell River Game Land in Surry County
 - (A) Three Days per Week Area
 - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Wednesday thereafter.
 - (C) Horseback riding is prohibited except on designated trails May 16 through August 31, and all horseback riding is prohibited from September 1 through May 15.
- (52) Nantahala Game Land in Cherokee, Clay, Graham, Jackson, Macon, Swain, and Transylvania counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first open Saturday of the applicable Deer With Visible Antlers Season in that portion located in Transylvania County.
- (53) Needmore Game Land in Macon and Swain counties.
 - (A) Six Days per Week Area
 - (B) Horseback riding is prohibited except on designated trails May 16 through August 31, and all horseback riding is prohibited from September 1 through May 15.
 - (C) On posted dove fields, dove hunting on the opening day of dove season is by permit only.
- (54) Neuse River Game Land in Craven County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (55) New Lake Game Land in Hyde and Tyrrell counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (56) Nicholson Creek Game Land in Hoke County
 - (A) Three Days per Week Area
 - (B) Deer of either sex may be taken with archery equipment on open hunting days from the Saturday on or nearest September 10 through the Friday before Thanksgiving Day.

- (C) Deer of either sex may be taken with blackpowder firearms on open hunting days beginning the Saturday before Thanksgiving Day through the Wednesday thereafter.
- (D) The Deer With Visible Antlers season consists of the open hunting days from the second Saturday before Thanksgiving through the third Saturday after Thanksgiving Day.
- (E) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season.
- (F) The use of dogs for hunting deer is prohibited.
- (G) Wild turkey hunting is by permit only.
- (H) On Lake Upchurch, the following activities are prohibited:
 - (i) Operating any vessel or vehicle powered by an internal combustion engine; and
 - (ii) Swimming.
- (I) Target shooting is prohibited.
- (57) North River Game Land in Camden and Currituck counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) The boundary of the Game Land shall extend five yards from the edge of the marsh or shoreline.
 - (D) Hunting on the posted waterfowl impoundment is by permit only.
- (58) Northwest River Marsh Game Land in Currituck County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) The boundary of the Game Land shall extend five yards from the edge of the marsh or shoreline.
- (59) Pee Dee River Game Land in Anson, Montgomery, Richmond, and Stanly counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
 - (C) Use of centerfire rifles is prohibited in that portion in Anson and Richmond counties North of US-74.
 - (D) Target shooting is prohibited.
 - (E) Horseback riding is allowed only on roads opened to vehicular traffic and only during the following times:
 - (i) during June, July, and August; and
 - (ii) on Sundays during the other months or parts of months when deer and turkey seasons are closed.
- (60) Perkins Game Land in Davie County
 - (A) Three Days per Week Area
 - (B) Deer of either sex may be taken the first open Saturday of the applicable Deer With Visible Antlers Season.
 - (C) Horseback riding is prohibited from November 1 through January 1.
- (61) Pisgah Game Land in Avery, Buncombe, Burke, Caldwell, Haywood, Henderson, Madison, McDowell, Mitchell, Transylvania, Watauga, and Yancey counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first open Saturday of the applicable Deer With Visible Antlers Season.
 - (C) Horseback riding is prohibited on the Black Bear (McDowell County), Linville River (Burke County), and Little Tablerock Tracts (Avery, McDowell, and Mitchell counties).
- (62) Pond Mountain Game Land in Ashe County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the first Friday thereafter.
 - (C) Horseback riding is prohibited except on designated trails from May 16 through August 31 and Sundays from September 1 through October 31. All horseback riding is prohibited from November 1 through May 15.
- (63) Pungo River Game Land in Hyde County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (64) Rendezvous Mountain State Forest Game Land in Wilkes County
 - (A) Three Days per Week Area
 - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Wednesday thereafter.
 - (C) Bear hunting is prohibited.
- (65) Rhodes Pond Game Land in Cumberland and Harnett counties
 - (A) Hunting is by permit only.
 - (B) Swimming is prohibited on the area.
- (66) Roanoke River Wetlands in Bertie, Halifax, Martin, and Northampton counties
 - (A) Hunting is by Permit only.

- (B) Vehicles are prohibited on roads or trails except those operated on Commission business or by permit holders.
- (C) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas, provided, however, that camping is allowed at any time within 100 yards of the Roanoke River on the state-owned portion of the game land.
- (67) Roanoke Island Marshes Game Land in Dare County-Hunting is by permit only.
- (68) Robeson Game Land in Robeson County
 - (A) Three Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (69) Rockfish Creek Game Land in Hoke County
 - (A) Three Days per Week Area
 - (B) Deer of either sex may be taken with archery equipment on open hunting days from the Saturday on or nearest September 10 to the fourth Friday before Thanksgiving Day.
 - (C) Deer of either sex may be taken with blackpowder firearms on open hunting days beginning the fourth Saturday before Thanksgiving Day through the Wednesday of the second week thereafter.
 - (D) The Deer With Visible Antlers season consists of the open hunting days from the second Saturday before Thanksgiving Day through the third Saturday after Thanksgiving Day.
 - (E) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season.
 - (F) The use of dogs for hunting deer is prohibited.
 - (G) Wild turkey hunting is by permit only.
 - (H) Taking fox squirrels is prohibited.
 - (I) Target shooting is prohibited.
- (70) Rocky Run Game Land in Onslow County - Hunting is by permit only.
- (71) Sampson Game Land in Sampson County
 - (A) Three Days per Week Area
 - (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
 - (C) Target shooting is prohibited.
- (72) Sandhills Game Land in Hoke, Moore, Richmond, and Scotland counties
 - (A) Three Days per Week Area
 - (B) Hunting is prohibited on the J. Robert Gordon Field Trial Grounds from October 22 through March 31 except as follows:
 - (i) deer of either-sex may be taken with archery equipment on all the open days of the archery season through the fourth Friday before Thanksgiving Day; with blackpowder firearms and archery equipment all the open days of the blackpowder firearms season through the third Wednesday before Thanksgiving Day; and only deer with visible antlers may be taken with all legal weapons from the second Saturday before Thanksgiving Day through the Saturday following Thanksgiving Day;
 - (ii) dove may be taken all open days from the opening day of the dove season through the third Saturday thereafter;
 - (iii) squirrel (gray and fox) may be taken all the open days from second Monday before Thanksgiving Day through the Saturday following Thanksgiving Day;
 - (iv) rabbit may be taken all open days from the second Saturday preceding Thanksgiving Day through the Saturday following Thanksgiving Day;
 - (v) waterfowl may be taken on open days during any waterfowl season;
 - (vi) wild animals and wild birds may be taken as part of a Disabled Sportsmen Program Permit Hunt; and
 - (vii) raccoon and opossum may be taken on open days from sunrise Monday on or nearest October 15 through the last day of February.
 - (C) The Deer With Visible Antlers season is the open hunting days from the second Saturday before Thanksgiving Day through the third Saturday after Thanksgiving Day except on the J. Robert Gordon Field Trial Grounds.
 - (D) The archery season is all open days from the Saturday on or nearest to Sept. 10 to the fourth Friday before Thanksgiving Day and, except on the

- J. Robert Gordon Field Trial Grounds, the third Monday after Thanksgiving Day through January 1. Deer may be taken with archery equipment on all open hunting days during the archery season, the Deer with Visible antlers season, and the blackpowder firearms season as stated in this Subparagraph.
- (E) Blackpowder firearms season is all the open days from the fourth Saturday preceding Thanksgiving Day through the Wednesday of the second week thereafter and, except on the J. Robert Gordon Field Trial Grounds, the third Monday after Thanksgiving Day through January 1. Deer may be taken with blackpowder firearms on all open hunting days during the blackpowder firearms season and the Deer With Visible Antlers season.
- (F) Either-sex deer hunting during the Deer With Visible Antlers Season is by permit only.
- (G) In addition to the regular hunting days, waterfowl may be taken on the opening and closing days of the applicable waterfowl seasons.
- (H) Wild turkey hunting is by permit only.
- (I) Horseback riding on field trial grounds from October 22 through March 31 is prohibited unless participating in authorized field trials.
- (J) Camping and the presence of campers and tents in designated Hunter Camping Areas are limited to September 1 through the last day of February and March 31 through May 14.
- (K) Target shooting is prohibited, except at the John F. Lentz Hunter Education Complex.
- (73) Sandy Creek Game Land in Nash and Franklin Counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
- (C) Horseback riding is prohibited.
- (D) The use of dogs for hunting deer is prohibited.
- (74) Sandy Mush Game Land in Buncombe and Madison counties.
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken the first open Saturday of the applicable Deer with Visible Antlers season.
- (C) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15.
- (D) Dogs shall only be trained on Mondays, Wednesdays, and Saturdays and only as allowed in 15A NCAC 10D .0102(f).
- (E) Dove hunting is by permit only from the opening day through the second Saturday of dove season.
- (75) Second Creek Game Land in Rowan County-hunting is by permit only.
- (76) Shocco Creek Game Land in Franklin, Halifax, Nash, and Warren counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
- (C) Horseback riding is prohibited.
- (D) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.
- (77) South Mountains Game Land in Burke, Cleveland, McDowell, and Rutherford counties
- (A) Six Days per Week Area
- (B) The Deer With Visible Antlers season consists of the open hunting days from the Monday before Thanksgiving Day through the third Saturday after Thanksgiving. Deer may be taken with archery equipment on open days beginning the Saturday on or nearest September 10 to the third Saturday thereafter, and Monday on or nearest October 15 to the Saturday before Thanksgiving Day and during the Deer With Visible Antlers season. Deer may be taken with blackpowder firearms on open days beginning the Monday on or nearest October 1 through the Saturday of the second week thereafter, and during the Deer With Visible Antlers season.
- (C) Deer of either sex may be taken the first open Saturday day of the applicable Deer With Visible Antlers Season.
- (D) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15.
- (78) Stones Creek Game Land in Onslow County
- (A) Six-Day per Week Area

- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) The use of dogs for hunting deer is prohibited on Mondays, Wednesdays, and Fridays.
- (D) Swimming in all lakes is prohibited.
- (E) Waterfowl on posted waterfowl impoundments may be taken only on the following days:
 - (i) the opening and closing days of the applicable waterfowl seasons;
 - (ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
 - (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
- (F) Target shooting is prohibited.
- (G) Geocaching is restricted to closed days for taking bear, deer, turkey, and waterfowl.
- (79) Suggs Mill Pond Game Land in Bladen and Cumberland counties
 - (A) Hunting and trapping is by permit only.
 - (B) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.
 - (C) Entry is prohibited on scheduled hunt or trapping days except for:
 - (i) hunters or trappers holding special hunt or trapping permits; and
 - (ii) persons using Campground Road to access Suggs Mill Pond Lake at the dam.
 - (D) During the period of November 1 through January 31, except on Sundays, the use of vessels on Suggs Mill Pond Lake and Little Singletary Lake is limited to waterfowl hunting only by waterfowl hunters possessing a valid and current Hunting Opportunity Permit issued by the Wildlife Resources Commission pursuant to G.S. 113-264(d).
 - (E) During the period of November 1 through March 15, the use of vessels on managed waterfowl impoundments is limited to waterfowl hunting only by waterfowl hunters possessing a valid and current Hunting Opportunity Permit issued by the Wildlife Resources Commission pursuant to G.S. 113-264(d).
- (80) Sutton Lake Game Land in New Hanover and Brunswick counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the first Friday thereafter.
 - (C) Target shooting is prohibited.
- (81) Tar River Game Land in Edgecombe County – hunting is by permit only.
- (82) Texas Plantation Game Land in Tyrrell County - hunting is by permit only.
- (83) Three Top Mountain Game Land in Ashe County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the first Friday thereafter.
 - (C) Horseback riding is prohibited.
- (84) Thurmond Chatham Game Land in Alleghany and Wilkes counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
 - (C) Horseback riding is prohibited except on designated trails May 16 through August 31, and all horseback riding is prohibited from September 1 through May 15. People age 16 or older horseback riding on this game land shall possess a Game Lands license.
 - (D) The maximum period of consecutive overnight camping at any designated campground is 14 days within any 30 day period from May 1 through August 31. After 14 consecutive days of camping all personal belongings must be removed from the game land.
- (85) Tillery game Land in Halifax County
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
 - (C) Horseback riding is prohibited.
 - (D) The use of dogs for hunting deer is prohibited.
 - (E) Wild turkey hunting is by permit only.
- (86) Toxaway Game Land in Jackson and Transylvania counties
 - (A) Six Days per Week Area
 - (B) Deer of either sex may be taken the first open Saturday of the applicable Deer With Visible Antlers Season.
 - (C) Horseback riding is prohibited except on designated trails May 16 through

- August 31 and all horseback riding is prohibited from September 1 through May 15.
- (87) Uwharrie Game Land in Davidson, Montgomery, and Randolph counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
- (C) On the posted waterfowl impoundment, waterfowl may be taken only on the following days:
- (i) the opening and closing days of the applicable waterfowl seasons;
- (ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
- (iii) Mondays, Wednesdays and Saturdays of the applicable waterfowl seasons.
- (D) Target shooting is prohibited, except at the Flintlock Valley Shooting Range.
- (88) Vance Game Land in Vance County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) The use of dogs, centerfire rifles, and handguns for hunting deer is prohibited on the Nutbush Peninsula tract.
- (89) Van Swamp Game Land in Beaufort and Washington counties
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Bear may only be taken the first three hunting days during the November Bear Season and the first three hunting days during the second week of the December Bear Season.
- (90) Voice of America Game Land in Beaufort County- hunting and trapping is by permit only.
- (91) White Oak River Game Land in Onslow County
- (A) Three Days per Week Area
- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (C) Except as provided in Part (D) of this Subparagraph, waterfowl in posted waterfowl impoundments shall be taken only on the following days:
- (i) the opening and closing days of the applicable waterfowl seasons;
- (ii) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
- (iii) Tuesdays and Saturdays of the applicable waterfowl seasons.
- (D) Beginning on the first open waterfowl season day in October and through the end of the waterfowl season, a permit is required for hunting posted waterfowl impoundments.
- (E) The Huggins Tract and Morton Tracts have the following restrictions:
- (i) access on Hargett Avenue and Sloan Farm Road requires a valid Hunting Opportunity Permit issued by the Wildlife Resources Commission pursuant to G.S. 113-264(d);
- (ii) hunting is by permit only; and
- (iii) the use of dogs for hunting deer is prohibited.
- (F) Wild turkey hunting is by permit only.
- (92) Whitehall Plantation Game Land in Bladen County
- (A) Hunting and trapping is by permit only.
- (B) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.
- (93) William H. Silver Game Land in Haywood County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken the first open Saturday of the applicable Deer With Visible Antlers Season.
- (i) On permitted type hunts, deer of either sex may be taken on the hunt dates indicated on the permit. Completed applications shall be received by the Commission not later than the first day of September next preceding the dates of hunt. Permits shall be issued by random computer selection, shall be mailed to the permittees prior to the hunt, and are nontransferable. A hunter making a kill shall validate the kill and report the kill to a wildlife cooperator agent or by phone.
- (j) The following game lands and refuges are closed to all hunting except to those individuals who have obtained a valid and current permit from the Wildlife Resources Commission:
- (1) Bertie, Halifax and Martin counties—Roanoke River Wetlands;
- (2) Bertie County—Roanoke River National Wildlife Refuge;

- (3) Bladen County—Suggs Mill Pond Game Lands;
- (4) Burke County—John's River Waterfowl Refuge;
- (5) Dare County—Dare Game Lands (Those parts of bombing range posted against hunting);
- (6) Dare County—Roanoke Sound Marshes Game Lands; and
- (7) Henderson and Transylvania counties—DuPont State Forest Game Lands.

(k) Access to Hunting Creek Swamp Waterfowl Refuge in Davie County requires written permission from the Commission. Written permission may be granted only when entry onto the Waterfowl Refuge will not compromise the primary purpose for establishing the Waterfowl Refuge and the person requesting entry can demonstrate a valid need or the person is a contractor or agent of the Commission conducting official business. "Valid need" includes issues of access to private property, scientific investigations, surveys, or other access to conduct activities in the public interest.

(l) Feral swine may be taken by licensed hunters during the open season for any game animal or game bird using any legal manner of take allowed during those seasons. Dogs may not be used to hunt feral swine except on game lands that allow the use of dogs for hunting deer or bear, and during the applicable deer or bear season.

(m) Youth Waterfowl Day. On the day declared by the Commission to be Youth Waterfowl Day, youths may hunt on any game land and on any impoundment without a special hunt permit, including permit-only areas, except where prohibited in Paragraph (h) of this Rule.

(n) Permit Hunt Opportunities for Disabled Sportsmen. The Commission may designate special hunts for participants of the disabled sportsman program by permit. The Commission may schedule these permit hunts during the closed season. Hunt dates and species to be taken shall be identified on each permit. If the hunt has a limited weapon choice, the allowed weapons shall be stated on each permit.

(o) As used in this Rule, horseback riding includes all equine species.

(p) When waterfowl hunting is specifically permitted in this Rule on Christmas and New Years' Day and those days fall on Sundays, the open waterfowl hunting day shall be the following day.

History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305;

Eff. February 1, 1976;

Temporary Amendment Eff. October 3, 1991;

Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; September 1, 1995; July 1, 1995; September 1, 1994; July 1, 1994;

Temporary Amendment Eff. October 1, 1999; July 1, 1999;

Amended Eff. July 1, 2000;

Temporary Amendment Eff. July 1, 2002; July 1, 2001;

Amended Eff. August 1, 2002 (approved by RRC on 06/21/01 and 04/18/02);

Temporary Amendment Eff. June 1, 2003;

Amended Eff. June 1, 2004 (this replaces the amendment approved by RRC on July 17, 2003);

Amended Eff. August 1, 2018; August 1, 2017; August 1, 2016; May 1, 2015; August 1, 2014; January 1, 2013; August 1, 2012; August 1, 2011; August 1, 2010; May 1, 2009; May 1, 2008; May 1, 2007; October 1, 2006; August 1, 2006; May 1, 2006; February 1, 2006; June 1, 2005; October 1, 2004.

15A NCAC 10D .0104 FISHING ON GAME LANDS

(a) Generally. Except as otherwise indicated herein, fishing on game lands that are open to fishing shall be in accordance with the North Carolina rules. All game lands are open to public fishing except restocked ponds when posted against fishing, Hunting Creek Swamp Waterfowl Refuge, Grogan Creek in Transylvania County, and in the case of private ponds where fishing may be prohibited by the owners thereof. No trotline or set-hook or any net, trap, gig, archery equipment, or other special fishing device of a type mentioned in 15A NCAC 10C .0404(b),(c),(d), and (f) may be used in any impounded waters located entirely on game lands. Archery equipment may be used to take nongame fishes in impounded waters located entirely on game lands with the exception of those waters mentioned in 15A NCAC 10C .0404(a). Blue crabs taken by hook and line (other than set-hooks) in designated waterfowl impoundments located on game lands shall have a minimum carapace width of five inches (point to point) and the daily possession limit is 50 per person and 100 per vessel.

(b) Designated Public Mountain Trout Waters

(1) Location. All waters located on the game lands listed in this Subparagraph are designated public mountain trout waters except as noted:

- (A) Cold Mountain Game Land in Haywood County;
- (B) DuPont State Forest Game Lands in Henderson and Transylvania counties, except Little River from 100 yards downstream of Hooker Falls downstream to the DuPont State Forest boundary, Lake Imaging, Lake Dense, Lake Alfred, Lake Julia, and Fawn Lake;
- (C) Green River Game Land in Henderson and Polk counties, except Green River downstream of the natural gas pipeline crossing;
- (D) Headwaters Game Land in Transylvania County;
- (E) Nantahala National Forest Game Lands in Cherokee, Clay, Graham, Jackson, Macon, Swain, and Transylvania counties, except Cheoah River downstream of Santeetlah Reservoir and Cherokee Lake;
- (F) Pisgah National Forest Game Lands in Avery, Buncombe, Burke, Caldwell, Haywood, Henderson, Madison, McDowell, Mitchell, Transylvania, Watauga, and Yancey counties, except Grogan Creek, North Fork Catawba River downstream of the mouth of Armstrong Creek, Big Laurel Creek downstream from the US 25-70 bridge

to the French Broad River, Mill Ridge Pond, Nolichucky River, Pigeon River downstream of Waterville Reservoir to the Tennessee state line, and Spring Creek below US Forest Service road 223;

- (G) Pond Mountain Game Land in Ashe County;
 - (H) Rendezvous Mountain State Forest Game Land in Wilkes County;
 - (I) South Mountains Game Land in Cleveland and Rutherford counties;
 - (J) Three Top Mountain Game Land in Ashe County;
 - (K) Thurmond Chatham Game Land in Wilkes County;
 - (L) Toxaway Game Land in Transylvania County; and
 - (M) William H. Silvers Game Land in Haywood County.
- (2) All designated public mountain trout waters located on the game lands listed in Subparagraph (b)(1) of this Rule are Wild Trout Waters unless classified otherwise. [See 15A NCAC 10C .0205(d)]

(c) Ponds. In all game lands ponds, it is unlawful to take channel, white, or blue catfish (forked tail catfish) by means other than hook and line and the daily creel limit for forked tail catfish is six fish in aggregate.

History Note: Authority G.S. 113-134; 113-264; 113-272; 113-292; 113-305;
Eff. February 1, 1976;
Amended Eff. July 1, 2000; July 1, 1998; July 1, 1996; July 1, 1995; July 1, 1994; July 1, 1993; July 1, 1992;
Temporary Amendment Eff. July 1, 2002; July 1, 2001;
Amended Eff. August 1, 2002 (approved by RRC on 06/21/01 and 04/18/02);
Temporary Amendment Eff. June 1, 2003;
Amended Eff. August 1, 2018; August 1, 2017; August 1, 2015; August 1, 2014; August 1, 2010; May 1, 2009; August 1, 2004.

TITLE 17 - DEPARTMENT OF REVENUE

17 NCAC 05B .1105 INVESTMENT IN SUBSIDIARY

For purposes of G.S. 105-122, the net worth base shall not be reduced by the amount invested in a subsidiary.

History Note: Authority G.S. 105-122; 105-262;
Eff. February 1, 1976;
Amended Eff. July 1, 1999; January 1, 1994;
Readopted Eff. May 1, 2018.

17 NCAC 05B .1108 EXCLUSION PROVISION LIMITED TO INDEBTEDNESS OWED

The exclusion from the net worth base of indebtedness owed that is permitted the debtor corporation and the deduction permitted the creditor corporation in G.S. 105-122 are applicable only to

indebtedness owed to or due from a parent, subsidiary, or affiliated corporation. These provisions do not apply where the indebtedness is only endorsed or guaranteed.

History Note: Authority G.S. 105-122; 105-262;
Eff. February 1, 1976;
Amended Eff. January 1, 1994;
Readopted Eff. May 1, 2018.

17 NCAC 05B .1110 RECIPROCAL INDEBTEDNESS BETWEEN AFFILIATES

A corporation that owes indebtedness to a parent, subsidiary, or affiliated corporation and at the same time is owed indebtedness by the same parent, subsidiary, or affiliated corporation shall net the payable and receivable for purposes of the indebtedness computation in arriving at the net worth base under G.S. 105-122. If the indebtedness is owed to one corporation and the receivable is due from another corporation, each amount shall be treated separately.

History Note: Authority G.S. 105-122; 105-262;
Eff. February 1, 1976;
Amended Eff. January 1, 1994;
Readopted Eff. May 1, 2018.

17 NCAC 05B .1406 INVESTMENT BASE PROPERTY INCLUDED

A corporation including property in the investment in tangible property base shall also include the value of this property in the appraised valuation base, except for property acquired in the current tax year and not yet assessed for North Carolina property tax purposes.

History Note: Authority G.S. 105-122; 105-262;
Eff. February 1, 1976;
Readopted Eff. May 1, 2018.

17 NCAC 05C .0101 DOMESTIC AND FOREIGN CORPORATIONS REQUIRED TO FILE

(a) A foreign corporation operating in North Carolina may be liable for income tax even if it is not required to obtain a certificate of authority to do business in North Carolina.

(b) Even for a year in which a domestic corporation or a foreign corporation with a certificate of authority to do business in North Carolina conducted no business activity or did not earn any net income in the State, it must file an income tax return. Entities treated as corporations for federal income tax purposes are also subject to this requirement.

History Note: Authority G.S. 105-130.3; 105-130.4; 105-130.16; 105-262;
Eff. February 1, 1976;
Amended Eff. January 1, 1994;
Readopted Eff. May 1, 2018.

17 NCAC 05C .0403 U.S. OBLIGATIONS

(a) Net interest income earned on bonds, notes, or other obligations of the United States or its possessions is exempt from income taxation in this State so long as interest on obligations of

the State of North Carolina and its political subdivisions is exempt from income taxes imposed by the United States. For the interest income to be deductible, the obligation shall be in writing, bear interest, be a binding promise by the United States to pay specific amounts at specific dates, and be specifically authorized by Congress.

(b) Net interest from obligations that are backed, insured, or guaranteed by the United States, but are not direct obligations of the United States Government, shall not be deductible.

History Note: Authority G.S. 105-130.5; 105-262;
Eff. February 1, 1976;
Amended Eff. January 1, 1995; April 1, 1991; October 23, 1977;
Readopted Eff. May 1, 2018.

17 NCAC 05C .0801 IN GENERAL

(a) The property factor as provided in G.S. 105-130.4 shall include all real and tangible personal property owned or rented and used during the income year to produce apportionable income. The term "real and tangible personal property" includes land, buildings, machinery, stocks of goods, equipment, and other real and tangible personal property used in connection with the production of apportionable income but does not include coin or currency.

(b) Property used in connection with the production of nonapportionable income that is allocated in accordance with Subsection (c) to (h) of G.S. 105-130.4 shall be excluded from the factor.

(c) Property used in connection with the production of both apportionable and nonapportionable income shall be included in the factor only to the extent the property was used in connection with the production of apportionable income.

History Note: Authority G.S. 105-130.4; 105-262;
Eff. February 1, 1976;
Amended Eff. January 1, 2005; January 1, 1994;
Readopted Eff. May 1, 2018.

17 NCAC 05C .0907 NUMERATOR OF PAYROLL FACTOR

Except for compensation paid to general executive officers and compensation paid in connection with nonapportionable income, for purposes of G.S. 105-130.4, the numerator of the payroll factor is the total amount paid in this State during the tax period by the taxpayer for compensation. In determining the payroll factor, information used to file federal forms 941 and the North Carolina Tax and Wage Reports may be used if the amounts can be reconciled to the amounts used for the payroll factor. If compensation paid to employees is included in the payroll factor by use of the cash method of accounting or if the taxpayer is required to report such compensation under such method for unemployment compensation purposes, it shall be presumed that the total wages reported by the taxpayer to this State for unemployment compensation purposes constitutes compensation paid in this State except for compensation excluded under G.S. 105-130.4(k). The presumption may be overcome by satisfactory evidence that an employee's compensation is not reportable to this State for unemployment compensation purposes.

History Note: Authority G.S. 105-130.4; 105-262;
Eff. February 1, 1976;
Amended Eff. January 1, 2005; January 1, 1994; October 31, 1981;
Readopted Eff. May 1, 2018.

17 NCAC 05C .1506 CORPORATIONS APPORTIONING THEIR NET INCOME

A corporation required to apportion its net income or net loss under G.S. 105-130.4 may carry forward only a portion of its State net loss. For example, a corporation apportioning 50 percent of its net income or loss to North Carolina in a particular year in which it sustains a total State net loss of one thousand dollars (\$1,000.00) may carry forward only five hundred dollars (\$500.00) to a subsequent year.

History Note: Authority G.S. 105-130.8; 105-130.8A; 105-262;
Eff. February 1, 1976;
Amended Eff. January 1, 2005;
Readopted Eff. May 1, 2018.

17 NCAC 05C .1702 APPORTIONABLE INCOME OR NONAPPORTIONABLE INCOME

Income shall be classified as nonapportionable income where the corporate partner limits its connection to the partnership to the investment of funds or property and does not regularly or materially participate in the day-to-day operation of the partnership. Where the business of the partnership is directly or integrally related to the business of the corporate partner, the corporate partner's share of the partnership net income is classified as apportionable income. When classified as apportionable income, the corporate partner's apportionment factors shall include its proportionate share of the partnership's property, payroll, and sales. If the income is classified as nonapportionable income, it shall be included in the corporate partner's net taxable income and allocated in accordance with the allocation provisions of G.S. 105-130.4.

History Note: Authority G.S. 105-130.4; 105-262;
Eff. February 1, 1976;
Amended Eff. January 1, 2005; January 1, 1994; October 31, 1981;
Readopted Eff. May 1, 2018.

17 NCAC 05D .0109 REQUEST FOR ALTERNATIVE APPORTIONMENT FORMULA

The corporation shall file a request with the Secretary setting forth the facts upon which the corporation's belief is based and its argument with respect to the application of the allocation formula as set forth under G.S. 105-130.4(t1) or G.S. 105-122(c1)(2). The request:

- (1) shall be in a form generally used in legal drafting, setting forth sections containing the relevant facts, applicable statutory basis, and analysis supporting the request;
- (2) shall be subscribed to by an officer of the corporation having knowledge of the facts;

- (3) shall summarize the business operation of the corporation both within and without North Carolina;
- (4) shall state whether the request is for income tax purposes, for franchise tax purposes, or for both;
- (5) shall include the corporation's argument and contentions respecting the application of the formula prescribed by statute and the method of allocation requested referring to any legal references and other grounds upon which the corporation is basing its positions(s);
- (6) shall disclose the alternative apportionment method of allocation and apportionment being requested and indicate the effect of its application on the corporation's tax liability together with any supporting and supplementing information that will enable the Secretary to fully understand and consider the method of allocation and apportionment requested;
- (7) shall state the taxable periods to be reviewed;
- (8) shall, for income tax purposes, include statements of income and expenses, showing the net income of the corporation subject to apportionment for each taxable period to be reviewed;
- (9) shall, for franchise tax purposes, include statements showing the total net worth subject to apportionment for each taxable period to be reviewed;
- (10) shall include schedules for each taxable period showing the computation of the property, payroll, and sales factors as prescribed by statute in the determination of the apportionment factor as required by G.S. 105-130.4 and rules published by the Department of Revenue;
- (11) shall, for a separate accounting method of reporting the corporation's business operations in this State, submit as support operating statements showing the results of the corporation's operations within North Carolina computed on the separate accounting basis together with similar statements showing the results of the corporation's operations outside North Carolina for each taxable period to be reviewed. A full explanation and description of the separate accounting method employed in the computation must accompany the statements. If there are items of expense or income that are indirectly attributed to the separated operations, the basis for apportioning such items must be disclosed. General overhead expenses must be separately stated in documentation and explained when any portion of this expense is allocated to the separate net income attributed to this State under the requested method;

- (12) shall, for a separate accounting method, submit as support schedules reflecting the apportionment factors applicable to the operations that are conducted in whole or part in this State and the apportionment factor applicable to the business conducted outside of this State. The computations shall be made without regard to nexus requirements that would be considered if the operations were legal separate entities; and
- (13) shall contain any other information relevant to the apportionment formula or the requested method of allocation that the corporation deems appropriate under the circumstances.

*History Note: Authority G.S. 105-122(c1)(2); 105-130.4(t1); 105-262;
Eff. February 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;
Amended Eff. May 1, 2018.*

17 NCAC 05D .0112 WHO SHALL ATTEND THE CONFERENCE

The Secretary or their designee and the Director of the Corporate Tax Division or their designee, along with any other Department personnel the Secretary or Director shall deem appropriate, shall attend any conference pursuant to a request for an alternative apportionment formula. The taxpayer is not required to personally appear or be represented at the conference. Legal counsel or other tax practitioner may appear with or without the taxpayer on the taxpayer's behalf.

*History Note: Authority G.S. 105-122(c1)(2); 105-130.4(t1); 105-262;
Eff. February 1, 2008;
Readopted Eff. May 1, 2018.*

17 NCAC 06B .0104 COMPLETING A RETURN

- (a) A taxpayer shall use the North Carolina income tax return forms and schedules for the year that his or her taxable year begins.
- (b) A person who files an income tax return for an unmarried individual who died during the taxable year shall enter the date of the individual's death and the individual's name on the return.
- (c) On a return, a taxpayer shall furnish his or her social security number and the name and social security number of his or her spouse and shall indicate whether the return is filed jointly or separately.
- (d) The same filing status claimed on the federal income tax return shall be claimed on the North Carolina income tax return. If the taxpayer has not filed a federal income tax return, the taxpayer shall claim the filing status to which the taxpayer would be entitled under section 2 of the Internal Revenue Code. However, if the taxpayer filed the federal return as married filing jointly and either the taxpayer or the taxpayer's spouse is a nonresident and had no North Carolina taxable income, the

taxpayer may file the North Carolina tax return as either married filing jointly or married filing separately as explained in 17 NCAC 06B .3904.

(e) Each applicable line of the tax return shall be completed and the entering of words or phrases, such as "unconstitutional" or "object - self incrimination" shall not meet the requirement of completing each applicable line on the return.

(f) The tax shall be computed by multiplying North Carolina taxable income by the tax rate in G.S. 105-153.7. In the case of a delinquent return, the penalties prescribed by G.S. 105-236(a)(3) and G.S. 105-236(a)(4) and interest prescribed by G.S. 105-241.21 shall be added.

(g) If an individual has moved into or out of North Carolina during the tax year or is a nonresident with income from sources within North Carolina, Form D-400 Schedule PN Part-Year Resident and Nonresident Schedule shall be completed. Credit for tax paid to another state shall not be allowed to an individual moving into or out of this State unless the individual has income derived from and taxed by another state or country while a resident of this State.

(h) If a tax credit is claimed for tax paid to another state or country, there shall be attached to the return a true copy of the return filed with the other state or country and a canceled check, receipt, or other proof of payment of tax to the other state or country.

(i) Every return shall be signed by the taxpayer or his or her authorized agent, and joint returns shall be signed by both spouses.

(j) Where tax has been withheld, the State copy of the Wage and Tax Statement shall be attached to the return.

(k) Any additional information that the taxpayer believes will assist in the processing and auditing of a return shall be indicated on the return or a worksheet or schedule attached to the return.

(l) Anyone who is paid to prepare a return shall sign the return in the space provided.

History Note: Authority G.S. 105-153.3; 105-153.7; 105-153.8; 105-153.9; 105-154; 105-155; 105-163.5(e); 105-163.7; 105-163.10; 105-251; 105-252; 105-262;

Eff. February 1, 1976;

Amended Eff. September 1, 2008; February 1, 2005; August 1, 2002; July 1, 1999; August 1, 1998; November 1, 1994; June 1, 1993; October 1, 1991; June 1, 1990;

Readopted Eff. May 1, 2016;

Amended Eff. May 1, 2018.

17 NCAC 06B .3501 GENERAL

The starting point for preparing the North Carolina partnership income tax return (Form D-403) shall be the partnership's total income or loss. If the partnership provides a copy of its federal partnership income tax return (Form 1065) with its North Carolina partnership income tax return, the partnership can enter the sum of lines 1 through 11 of Schedule K, Form 1065 as total income or loss on Form D-403, Part 1, line 1 in lieu of completing Form D-403, Part 6. The adjustments required for individuals under G.S. 105-153.5 and 105-153.6 shall apply to partnerships.

History Note: Authority G.S. 105-154(b); 105-154(c); 105-262;

Eff. February 1, 1976;

Amended Eff. June 1, 1990; December 1, 1986;

Readopted Eff. May 1, 2016;

Amended Eff. May 1, 2018.

17 NCAC 06B .3503 PARTNERSHIP RETURNS

(a) When Required -- A North Carolina partnership return, Form D-403, shall be filed by every partnership doing business in North Carolina if a federal partnership return was required to be filed. The partnership return shall be filed on or before April 15 if on a calendar year basis, or on or before the 15th day of the fourth month following the end of the fiscal year if on a fiscal year basis. The term "doing business in North Carolina" has the same meaning as in 17 NCAC 05C .0102. Income from an intangible source, including gain realized from the sale of intangible property received in the course of "doing business in North Carolina" so as to have a taxable situs here (including income in the distributive share of partnership income, whether distributed or not) shall be included in the numerator of the fraction used in determining the portion of adjusted gross income that is taxable to North Carolina by a nonresident. The return shall include the names and addresses of the persons entitled to share in the net income of the partnership and shall be signed by one of the partners and the individual preparing the return.

(b) Schedule NC K-1 -- A partnership shall provide a completed Schedule NC K-1, or other document containing all of the information that would be reported on Schedule NC K-1, to each person who was a partner in the partnership at any time during the year reflecting that partner's distributive share of the partnership's income, adjustments, tax credits, and tax paid by the manager of the partnership. A partner's distributive share of partnership income includes any guaranteed payments made to the partner. The Schedule NC K-1 shall be provided to each partner on or before the day on which the partnership return is required to be filed. When reporting the distributive share of tax credits, a list of the amount and type of tax credits shall be provided to each partner.

(c) Investment Partnerships -- A partnership whose only activity is as an investment partnership shall not be considered to be doing business in North Carolina. An investment partnership means a partnership that is not a "dealer in securities," as defined in section 475(c)(1) of the Internal Revenue Code, and that derives income exclusively from buying, holding, and selling securities for its own account. If any of the partnership's income is from other activities, either within or outside this State, either received directly or flowing through from other pass-through entities, the partnership is not an investment partnership for North Carolina tax purposes. Other activities include providing services or products to customers and holding real property for appreciation and income. An investment partnership shall not be required to file an income tax return in North Carolina or pay income tax to North Carolina on behalf of its nonresident partners.

History Note: Authority G.S. 105-154(c); 105-154(d); 105-262;

Eff. February 1, 1976;

Amended Eff. February 1, 2005; August 1, 2003; July 1, 2000; August 1, 1998; May 1, 1994; June 1, 1993; July 1, 1991; June 1, 1990;

*Readopted Eff. May 1, 2016;
Amended Eff. May 1, 2018.*

17 NCAC 06B .3513 NONRESIDENT PARTNERS

(a) Although a partnership may treat guaranteed payments to a partner for services or for use of capital as if they were paid to a person who is not a partner, that treatment is only for purposes of determining the partnership's gross income and deductible business expenses. For other tax purposes, guaranteed payments are treated as a partner's distributive share of ordinary income.

(b) Deductions from adjusted gross income do not include a partner's salary, interest on a partner's capital account, partner relocation and mortgage interest differential payments, or payments to a retired partner regardless of whether they were determined without regard to current profits. The payments listed in this Paragraph shall be treated as part of the partnership income.

(c) A nonresident individual partner is not required to file a North Carolina individual income tax return when the only income from North Carolina sources is the nonresident's share of income from a partnership doing business in North Carolina, and the manager of the partnership has reported the income of the nonresident partner, including any guaranteed payments made to the partner, and paid the tax due. A nonresident individual partner may file an individual income tax return and claim credit for the tax paid by the manager of the partnership if the partner submits with the individual income tax return the Schedule NC K-1 or other document from the partnership verifying that the partnership paid tax on behalf of the partner.

*History Note: Authority G.S. 105-153.4 (d); 105-153.5(b); 105-154; 105-262;
Eff. February 1, 1976;
Amended Eff. May 1, 1994; June 1, 1993; February 3, 1992;
October 1, 1991;
Readopted Eff. May 1, 2016;
Amended Eff. May 1, 2018.*

17 NCAC 06B .3716 INCOME TAX RETURN FOR ESTATES AND TRUSTS

(a) The federal taxable income of the estate or trust shall be the starting point for preparing a North Carolina Income Tax Return for Estates and Trusts, Form D-407. The fiduciary shall determine the estate's or trust's federal taxable income before completing Form D-407.

(b) The fiduciary shall file an income tax return for the estate or trust for which he or she acts if he or she is required to file a U.S. Income Tax Return for Estates and Trusts and:

- (1) the estate or trust derives income from North Carolina sources; or
- (2) the estate or trust derives any income that is for the benefit of a resident of North Carolina.

(c) Fiduciaries shall be consistent in the use of the name and address of an estate or trust on a return. If a different name for an estate or trust is used in any year from that used in the prior year, the fiduciary shall note that fact on the first page of the return and state the name used in the prior year.

History Note: Authority G.S. 105-160.2; 105-160.5; 105-160.6; 105-262;

*Eff. February 1, 1976;
Amended Eff. July 1, 1996; June 1, 1993; October 1, 1991; June 1, 1990; April 12, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. May 1, 2018.*

17 NCAC 06C .0124 ADDITIONAL WITHHOLDING ALLOWANCES

(a) Deductions. -- Additional withholding allowances may be claimed by taxpayers expecting to have allowable itemized deductions exceeding the standard deduction or allowable adjustments to income. For most taxpayers, one additional allowance may be claimed for each two thousand five hundred dollars (\$2,500) that the itemized deductions allowed under G.S. 105-153.5(a)(2) are expected to exceed the standard deduction allowed under G.S. 105-153.5(a)(1) and for each two thousand five hundred dollars (\$2,500) of net adjustments reducing income.

(b) Tax Credits. -- A taxpayer expecting to have allowable tax credits may claim additional withholding allowances. The number of additional allowances shall be determined by dividing the amount of the tax credit by the product determined by multiplying the withholding tax rate by two thousand five hundred dollars (\$2,500) and then rounding that number down to the nearest whole number. The withholding tax rate is the individual income tax rate plus one tenth of one percent (0.1%).

*History Note: Authority G.S. 105-163.2(b); 105-163.2A; 105-163.5; 105-262;
Eff. June 1, 1990;
Amended Eff. April 1, 2001; July 1, 1999;
Readopted Eff. May 1, 2016;
Amended Eff. May 1, 2018.*

TITLE 20 - DEPARTMENT OF STATE TREASURER

20 NCAC 02B .0405 ANTI-PENSION SPIKING CONTRIBUTION-BASED BENEFIT CAP FACTOR (TSERS)

The contribution-based benefit cap factor for the Teachers' and State Employees' Retirement System is 4.5.

*History Note: Authority G.S. 135-4(jj); 135-5(a3); 135-6(f);
Eff. Pending Legislative Review.*

20 NCAC 02C .0405 ANTI-PENSION SPIKING CONTRIBUTION-BASED BENEFIT CAP FACTOR (LGERS)

The contribution-based benefit cap factor for the Local Governmental Employees' Retirement System is 4.7.

*History Note: Authority G.S. 128-26(y); 128-27(a3); 128-28(g);
Eff. May 1, 2018.*

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 25 - INTERPRETER AND TRANSLITERATOR LICENSING BOARD

21 NCAC 25 .0205 RENEWAL OF A PROVISIONAL LICENSE

(a) An application for the renewal of a provisional license shall be received by the Board on or before the expiration date of the license being renewed.

(b) If a licensee does not timely file an application for the renewal of a provisional license, the licensee shall not practice or offer to practice as an interpreter or transliterator for a fee or other consideration, represent himself or herself as a licensed interpreter or transliterator, or use the title "Licensed Interpreter for the Deaf," "Licensed Transliterator for the Deaf," or any other title or abbreviation to indicate that the person is a licensed interpreter or transliterator until he or she receives either a renewed provisional license, as described in Paragraph (c) of this Rule, or an initial full license.

(c) An application to renew an expired provisional license shall be approved by the Board if it is received by the Board within one year after the provisional license expired and if the application demonstrates that the applicant continues to qualify for a provisional license. A provisional license shall not be renewed after it has expired a second time.

(d) If the license being renewed has been suspended by the Board, any renewal license issued to the applicant shall also be suspended until the term of the suspension has expired.

(e) The Board shall renew a provisional license no more than three times upon receipt of timely applications that demonstrate that the applicant continues to qualify for a provisional license. The Board may extend a provisional license on an annual basis after the third renewal if the applicant timely files an application prior to the expiration of the third renewal, and on an annual basis thereafter if further extension is sought by the applicant, that demonstrates that the applicant's progress toward full licensure was delayed by:

- (1) a life-altering event, such as the birth or adoption of a child to the applicant or the applicant's spouse or an acute or chronic illness suffered by either the applicant or a member of the applicant's immediate family;
- (2) active military service;
- (3) a catastrophic natural event, such as a flood, hurricane, or tornado; or
- (4) the certifying organization identified in G.S. 90D-7 having imposed a moratorium on testing or certification that has prevented the applicant from sitting for the qualifying examination and obtaining the results thereof prior to the expiration of the provisional license or any annual extension thereof; provided, however, that a provisional license that has been extended because of a moratorium may be extended one additional time following the end of the moratorium to allow sufficient time for the applicant to take the qualifying examination

and to receive the results thereof, but it shall not be extended thereafter on the basis of the moratorium.

(f) The Board shall not issue an initial provisional license to anyone who has previously held a provisional license.

(g) The Board shall extend the deadline for filing a license renewal application for any individual who currently holds a provisional license and is in good standing with the Board, if the individual is serving in the armed forces of the United States and if G.S. 105-249.2 grants the individual an extension of time to file a tax return. The extension shall be in effect for any period that is disregarded under Section 7508 of the Internal Revenue Code in determining the taxpayer's liability for a federal tax.

History Note: Authority G.S. 90D-6; 90D-8; 90D-11; 90D-12; 93B-15;

Eff. March 21, 2005;

Amended Eff. July 1, 2016; May 1, 2011; August 1, 2007;

Readopted Eff. June 1, 2018.

21 NCAC 25 .0501 CONTINUING EDUCATION REQUIREMENTS

(a) A licensee shall earn at least two continuing education units ("CEUs") each licensure year. At least 1.0 of those CEUs shall be earned in professional studies and at least 1.0 of those CEUs shall be earned in a setting in which three or more persons come together at the same location at the same time as a group to listen to a lecture, to view a demonstration, to participate in group discussions, or to learn through any combination of these or similar activities.

(b) A licensee may carry over up to two surplus CEUs earned in one licensure year to the next licensure year to meet the requirements of Paragraph (a) of this Rule. The licensee shall demonstrate that he or she earned the CEU credits sought to be carried over in the licensee's license renewal application packet submitted for the carry over year in order to receive credit therefore. Except as specifically provided hereby, surplus CEUs shall only be carried forward from the licensure year in which they were earned to the next subsequent licensure year and not beyond.

(c) A licensee may not earn CEUs while interpreting, whether or not the licensee is compensated for his or her services.

(d) The Board shall waive the continuing education requirements in this Section for any individual who is currently licensed by and in good standing with the Board if the individual is serving in the armed forces of the United States and if G.S. 105-249.2 grants the individual an extension of time to file a tax return. The waiver shall be in effect for any period that is disregarded under Section 7508 of the Internal Revenue Code in determining the taxpayer's liability for a federal tax.

History Note: Authority G.S. 90D-6; 90D-8; 90D-11; 93B-15;

Eff. March 21, 2005;

Amended Eff. May 1, 2011; August 1, 2007;

Readopted Eff. June 1, 2018.

CHAPTER 32 - MEDICAL BOARD

21 NCAC 32M .0117 REPORTING CRITERIA

(a) The Department of Health and Human Services ("Department") may report to the North Carolina Board of Nursing ("Board of Nursing") information regarding the prescribing practices of those nurse practitioners ("prescribers") whose prescribing:

- (1) falls within the top two percent of those prescribing 100 morphine milligram equivalents ("MME") per patient per day; or
- (2) falls within the top two percent of those prescribing 100 MME's per patient per day in combination with any benzodiazepine and who are within the top one percent of all controlled substance prescribers by volume.

(b) In addition, the Department may report to the Board of Nursing information regarding prescribers who have had two or more patient deaths in the preceding 12 months due to opioid poisoning where the prescribers authorized more than 30 tablets of an opioid to the decedent and the prescriptions were written within 60 days of the patient deaths.

(c) The Department may submit these reports to the Board of Nursing upon request and may include the information described in G.S. 90-113.73(b).

(d) The reports and communications between the Department and the Board of Nursing shall remain confidential pursuant to G.S. 90-16 and G.S. 90-113.74.

*History Note: Authority G.S. 90-18.2; 90-113.74;
Eff. April 1, 2016;
Amended Eff. May 1, 2018.*

21 NCAC 32M .0118 DEFINITION OF CONSULTATION FOR PRESCRIBING CONTROLLED TARGETED SUBSTANCES

For purposes of G.S. 90-18.2(b), the term "consult" shall mean a meaningful communication, occurring either in person or electronically, between the nurse practitioner and a supervising physician that is documented in the patient medical record. For the purposes of this Rule, "meaningful communication" shall mean an exchange of information sufficient for the supervising physician to make a determination that the prescription for a targeted controlled substance is medically indicated.

*History Note: Authority G.S. 90-18.2;
Eff. May 1, 2018.*

21 NCAC 32S .0212 PRESCRIPTIVE AUTHORITY

A physician assistant may prescribe, order, procure, dispense, and administer drugs and medical devices subject to the following conditions:

- (1) The physician assistant complies with all State and federal laws regarding prescribing, including G.S. 90-18.1(b);
- (2) Each supervising physician and physician assistant incorporates within his or her written supervisory arrangements, as defined in Rule .0201(9) of this Section, instructions for prescribing, ordering, and administering drugs and medical devices and a policy for periodic

review by the physician of these instructions and policy;

- (3) In order to compound and dispense drugs, the physician assistant complies with G.S. 90-18.1(c);
- (4) In order to prescribe controlled substances,
 - (a) the physician assistant must have a valid Drug Enforcement Administration (DEA) registration and prescribe in accordance with DEA rules;
 - (b) refills shall be issued consistent with Controlled Substance Law and regulations; and
 - (c) the supervising physician shall possess at least the same schedule(s) of controlled substances as the physician assistant's DEA registration;
- (5) Each prescription issued by the physician assistant contains, in addition to other information required by law, the following:
 - (a) the physician assistant's name, practice address, and telephone number;
 - (b) the physician assistant's license number and, if applicable, the physician assistant's DEA number for controlled substances prescriptions; and
 - (c) the authorizing supervising physician's, either primary or back-up, name and telephone number;
- (6) The physician assistant documents prescriptions in writing on the patient's record, including the medication name and dosage, amount prescribed, directions for use, and number of refills;
- (7) A physician assistant who requests, receives, and dispenses medication samples to patients complies with all applicable State and federal regulations; and
- (8) A physician assistant shall not prescribe controlled substances, as defined by the State and federal controlled substances acts, for:
 - (a) the physician assistant's own use;
 - (b) the use of the physician assistant's supervising physician;
 - (c) the use of the physician assistant's immediate family;
 - (d) the use of any person living in the same residence as the physician assistant; or
 - (e) the use of any anyone with whom the physician assistant is having a sexual relationship.

As used in this Item, "immediate family" means a spouse, parent, child, sibling, parent-in-law, son-in-law or daughter-in-law, brother-in-law or sister-in-law, step-parent, step-child, or step-sibling.

History Note: Authority G.S. 90-18.1;
Eff. September 1, 2009;
Amended Eff. May 1, 2015; August 1, 2012;
Pursuant to G.S. 150B-21.3A rule is necessary without
substantive public interest Eff. March 1, 2016;
Amended Eff. May 1, 2018.

**21 NCAC 32S .0225 DEFINITION OF
CONSULTATION FOR PRESCRIBING TARGETED
CONTROLLED SUBSTANCES**

For purposes of G.S. 90-18.1(b), the term "consult" shall mean a meaningful communication, occurring either in person or electronically, between the physician assistant and a supervising physician that is documented in the patient medical record. For the purposes of this Rule, "meaningful communication" shall mean an exchange of information sufficient for the supervising physician to make a determination that the prescription for a targeted controlled substance is medically indicated.

History Note: Authority G.S. 90-18.1;
Eff. May 1, 2018.

CHAPTER 36 – BOARD OF NURSING

21 NCAC 36 .0815 REPORTING CRITERIA

(a) The Department of Health and Human Services ("Department") may report to the North Carolina Board of Nursing ("Board") information regarding the prescribing practices of those nurse practitioners ("prescribers") whose prescribing:

- (1) falls within the top two percent of those prescribing 100 morphine milligram equivalents ("MME") per patient per day; or
- (2) falls within the top two percent of those prescribing 100 MMEs per patient per day in combination with any benzodiazepine and who are within the top one percent of all controlled substance prescribers by volume.

(b) In addition, the Department may report to the Board information regarding prescribers who have had two or more patient deaths in the preceding 12 months due to opioid poisoning where the prescribers authorized more than 30 tablets of an opioid to the decedent and the prescriptions were written within 60 days of the patient deaths.

(c) The Department may submit these reports to the Board upon request and may include the information described in G.S. 90-113.73(b).

(d) The reports and communications between the Department and the Board shall remain confidential pursuant to G.S. 90-113.74.

History Note: Authority G.S. 90-113.74;
Eff. April 1, 2016;
Amended Eff. May 1, 2018.

**21 NCAC 36 .0816 DEFINITION OF
CONSULTATION FOR PRESCRIBING TARGETED
CONTROLLED SUBSTANCES**

For purposes of G.S. 90-18.2(b), the term "consult" shall mean a meaningful communication, occurring either in person or electronically, between the nurse practitioner and a supervising physician that is documented in the patient medical record. For purposes of this Rule, "meaningful communication" shall mean an exchange of information sufficient for the supervising physician to make a determination that the prescription for a targeted controlled substance is medically indicated.

History Note: Authority G.S. 90-18.2; 90-171.23(b)(3);
Eff. May 1, 2018.

CHAPTER 58 - REAL ESTATE COMMISSION

21 NCAC 58A .0105 ADVERTISING

(a) Authority to Advertise.

- (1) A broker shall not advertise any brokerage service or the sale, purchase, exchange, rent, or lease of real estate for another or others without the consent of his or her broker-in-charge and without including in the advertisement the name of the firm or sole proprietorship with which the broker is affiliated.
- (2) A broker shall not advertise or display a "for sale" or "for rent" sign on any real estate without the written consent of the owner or the owner's authorized agent.

(b) Blind Ads. A broker shall not advertise the sale, purchase, exchange, rent, or lease of real estate for others in a manner indicating the offer to sell, purchase, exchange, rent, or lease is being made by the broker's principal only. Every such advertisement shall indicate that it is the advertisement of a broker or firm and shall not be confined to publication of only contact information, such as a post office box number, telephone number, street address, internet web address, or e-mail address.

(c) A person licensed as a limited nonresident commercial broker shall comply with the provisions of Rule .1809 of this Subchapter in connection with all advertising concerning or relating to his or her status as a North Carolina broker.

History Note: Authority G.S. 93A-2(a1); 93A-3(c); 93A-9;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. July 1, 2018; July 1, 2015; April 1, 2013; July 1,
2009; January 1, 2008; April 1, 2006; July 1, 2004; October 1,
2000; August 1, 1998; April 1, 1997; July 1, 1989; February 1,
1989.

21 NCAC 58A .0106 DELIVERY OF INSTRUMENTS

(a) Except as provided in Paragraph (b) of this Rule, every broker shall deliver a copy of any written agency agreement, contract, offer, lease, rental agreement, option, or other related transaction document to their customer or client within three days of the broker's receipt of the executed document.

(b) A broker may be relieved of the duty to deliver copies of leases or rental agreements to a property owner pursuant to Paragraph (a) of this Rule if the broker:

- (1) obtains the prior written authority of the property owner to enter into and retain copies of leases or rental agreements on behalf of the property owner;
- (2) executes the lease or rental agreement on a pre-printed form, the material terms of which may not be changed by the broker without prior approval by the property owner, except as may be required by law; and
- (3) delivers to the property owner an accounting within 45 days following the date of execution of the lease or rental agreement that identifies:
 - (A) the leased property;
 - (B) the name, phone number, and home address of each tenant; and
 - (C) the rental rates and rents collected.

(c) Paragraph (b) of this Rule notwithstanding, upon the request of a property owner, a broker shall deliver a copy of any lease or rental agreement within five days.

History Note: Authority G.S. 93A-3(c);

Eff. February 1, 1976;

Readopted Eff. September 30, 1977;

Amended Eff. July 1, 2018; July 1, 2017; July 1, 2005; July 1, 2001; October 1, 2000; May 1, 1990; July 1, 1989; February 1, 1989.

21 NCAC 58A .0108 RETENTION OF RECORDS

(a) Brokers shall retain records of all sales, rental, and other transactions conducted in such capacity, whether the transaction is pending, completed, or terminated. The broker shall retain records for three years after all funds held by the broker in connection with the transaction have been disbursed to the proper party or parties or the conclusion of the transaction, whichever occurs later. If the broker's agency agreement is terminated prior to the conclusion of the transaction, the broker shall retain such records for three years after the termination of the agency agreement or the disbursement of all funds held by or paid to the broker in connection with the transaction, whichever occurs later.

(b) Records shall include copies of the following:

- (1) contracts of sale;
- (2) written leases;
- (3) agency contracts;
- (4) options;
- (5) offers to purchase;
- (6) trust or escrow records;
- (7) earnest money receipts;
- (8) disclosure documents;
- (9) closing statements;
- (10) brokerage cooperation agreements;
- (11) declarations of affiliation;
- (12) broker price opinions and comparative market analyses prepared pursuant to G.S. 93A, Article 6, including any notes and supporting documentation;

(13) sketches, calculations, photos, and other documentation used or relied upon to determine square footage;

(14) advertising used to market a property; and

(15) any other records pertaining to real estate transactions.

(c) All records shall be made available for inspection and reproduction by the Commission or its authorized representatives without prior notice.

(d) Brokers shall provide a copy of the written agency disclosure and acknowledgement thereof when applicable, written agency agreement, contract, offer, lease, rental agreement, option, or other related transaction document to the firm or sole proprietorship with which they are affiliated within three days of receipt.

History Note: Authority G.S. 93A-3(c);

Eff. February 1, 1976;

Readopted Eff. September 30, 1977;

Amended Eff. July 1, 2004; September 1, 2002; August 1, 1998; February 1, 1989; February 1, 1998;

Temporary Amendment Eff. October 1, 2012;

Amended Eff. July 1, 2018; July 1, 2016; April 1, 2013.

21 NCAC 58A .0110 BROKER-IN-CHARGE

(a) Every real estate firm shall designate one BIC for its principal office and one BIC for each of its branch offices. No office of a firm shall have more than one designated BIC. A BIC shall not serve as BIC for more than one office unless each of those offices share the same physical office space and delivery address.

(b) Every broker who is a sole proprietor shall designate himself or herself as a BIC if the broker:

- (1) engages in any transaction where the broker is required to deposit and maintain monies belonging to others in a trust account;
- (2) engages in advertising or promoting his or her services as a broker in any manner; or
- (3) has one or more other brokers affiliated with him or her in the real estate business.

(c) A licensed real estate firm shall not be required to have a BIC if it:

- (1) is organized for the sole purpose of receiving compensation for brokerage services furnished by its qualifying broker through another firm or broker;
- (2) is treated for tax purposes as a Subchapter S corporation by the United States Internal Revenue Service;
- (3) has no principal or branch office; and
- (4) has no licensed person associated with it other than its qualifying broker.

(d) A broker who maintains a trust or escrow account for the sole purpose of holding residential tenant security deposits received by the broker on properties owned by the broker in compliance with G.S. 42-50 shall not be required to be a BIC.

(e) In order for a broker to designate as a BIC for a sole proprietor, real estate firm, or branch office, a broker shall apply for BIC Eligible status by submitting an application on a form available

on the Commission's website. The BIC Eligible status form shall include the broker's:

- (1) name;
- (2) license number;
- (3) telephone number;
- (4) email address;
- (5) criminal history and history of occupational license disciplinary actions;
- (6) certification of compliance with G.S. 93A-4.2, including that:
 - (A) his or her broker license is on active status;
 - (B) the broker possesses at least two years of full-time or four years of part-time real estate brokerage experience within the previous five years or shall be a North Carolina licensed attorney with a practice that consisted primarily of handling real estate closings and related matters in North Carolina for three years immediately preceding application; and
 - (C) the broker completed the 12-hour Broker-in-Charge Course no earlier than one year prior to application and no later than 120 days after application; and
- (7) signature.

(f) A broker who holds BIC Eligible status shall submit a form to become the designated BIC for a sole proprietor, real estate firm, or branch office. The BIC designation form shall include:

- (1) the broker's:
 - (A) name;
 - (B) license number;
 - (C) telephone number;
 - (D) email address; and
 - (E) criminal history and history of occupational license disciplinary actions; and
- (2) the firm's:
 - (A) name; and
 - (B) license number, if applicable;

(g) A designated BIC shall:

- (1) assure that each broker employed at the office has complied with Rules .0503, .0504, and .0506 of this Subchapter;
- (2) notify the Commission of any change of firm's business address or trade name and the registration of any assumed business name adopted by the firm for its use;
- (3) be responsible for the conduct of advertising by or in the name of the firm at such office;
- (4) maintain the trust or escrow account of the firm and the records pertaining thereto;
- (5) retain and maintain records relating to transactions conducted by or on behalf of the

firm, including those required to be retained pursuant to Rule .0108 of this Section;

- (6) supervise provisional brokers associated with or engaged on behalf of the firm at such office in accordance with the requirements of Rule .0506 of this Subchapter;
- (7) supervise all brokers employed at the office with respect to adherence to agency agreement and disclosure requirements; and
- (8) notify the Commission in writing that he or she is no longer serving as BIC of a particular office within 10 days following any such change.

(h) A broker holding BIC Eligible status shall take the Broker-in-Charge Update Course during the license year of designation, unless the broker has satisfied the requirements of Rule .1702 of this Subchapter prior to designation.

(i) A broker's BIC Eligible status shall terminate if the broker:

- (1) made any false statements or presented any false, incomplete, or incorrect information in connection with an application;
- (2) fails to complete the 12-hour Broker-in-Charge Course pursuant to Paragraph (e) of this Rule;
- (3) fails to renew his or her broker license pursuant to Rule .0503 of this Subchapter, or the broker's license has been suspended, revoked, or surrendered; or
- (4) fails to complete the Broker-in-Charge Update Course and a four credit hour elective course pursuant to Rules .1702 and .1711 of this Subchapter, if applicable.

(j) In order to regain BIC Eligible status after a broker's BIC Eligible status terminates, the broker shall complete the 12-hour Broker-in-Charge Course prior to application and then submit a BIC Eligible status form pursuant to Paragraph (e) of this Rule.

(k) A nonresident commercial real estate broker licensed under the provisions of Section .1800 of this Subchapter shall not act as or serve in the capacity of a broker-in-charge of a firm or office in North Carolina.

History Note: Authority G.S. 93A-2; 93A-3(c); 93A-4; 93A-4.1; 93A-4.2; 93A-9;

Eff. September 1, 1983;

Amended Eff. July 1, 2018; July 1, 2014; May 1, 2013; July 1, 2010; July 1, 2009; January 1, 2008; April 1, 2006; July 1, 2005; July 1, 2004; April 1, 2004; September 1, 2002; July 1, 2001; October 1, 2000; August 1, 1998; April 1, 1997; July 1, 1995; July 1, 1994.

21 NCAC 58A .0114 RESIDENTIAL PROPERTY AND OWNERS' ASSOCIATION DISCLOSURE STATEMENT

(a) Every owner of real property subject to a transfer of the type governed by Chapter 47E of the General Statutes shall complete the following Residential Property and Owners' Association Disclosure Statement and furnish a copy of the complete statement to a buyer in accordance with the requirements of G.S. 47E-4. The form shall bear the seal of the North Carolina Real Estate Commission and shall read as follows:

[N.C. REAL ESTATE COMMISSION SEAL]

**STATE OF NORTH CAROLINA
RESIDENTIAL PROPERTY AND OWNERS' Association DISCLOSURE STATEMENT**

Instructions to Property Owners

1. The Residential Property Disclosure Act (G.S. 47E)("Disclosure Act") requires owners of residential real estate (single-family homes, individual condominiums, townhouses, and the like, and buildings with up to four dwelling units) to furnish buyers a Residential Property and Owners' Association Disclosure Statement ("Disclosure Statement"). This form is the only one approved for this purpose. A disclosure statement must be furnished in connection with the sale, exchange, option, and sale under a lease with option to purchase where the tenant does not occupy or intend to occupy the dwelling. A disclosure statement is not required for some transactions, including the first sale of a dwelling which has never been inhabited and transactions of residential property made pursuant to a lease with option to purchase where the lessee occupies or intends to occupy the dwelling. For a complete list of exemptions, see G.S. 47E-2.
2. You must respond to each of the questions on the following pages of this form by filling in the requested information or by placing a check (✓) in the appropriate box. In responding to questions, you are only obligated to disclose information about which you have actual knowledge.
 - a. If you check "Yes" for any question, you must explain your answer and either describe any problem or attach a report from an attorney, engineer, contractor, pest control operator or other expert or public agency describing it. If you attach a report, you will not be liable for any inaccurate or incomplete information contained in it so long as you were not grossly negligent in obtaining or transmitting the information.
 - b. If you check "No," you are stating that you have no actual knowledge of any problem. If you check "No" and you know there is a problem, you may be liable for making an intentional misstatement.
 - c. If you check "No Representation," you are choosing not to disclose the conditions or characteristics of the property, even if you have actual knowledge of them or should have known of them.
 - d. If you check "Yes" or "No" and something happens to the property to make your Disclosure Statement incorrect or inaccurate (for example, the roof begins to leak), you must promptly give the buyer a corrected Disclosure Statement or correct the problem.
3. If you are assisted in the sale of your property by a licensed real estate broker, you are still responsible for completing and delivering the Disclosure Statement to the buyers; and the broker must disclose any material facts about your property which he or she knows or reasonably should know, regardless of your responses on the Statement.
4. You must give the completed Disclosure Statement to the buyer no later than the time the buyer makes an offer to purchase your property. If you do not, the buyer can, under certain conditions, cancel any resulting contract (See "**Note to Buyers**" below). You should give the buyer a copy of the Disclosure Statement containing your signature and keep a copy signed by the buyer for your records.

Note to Buyers

If the owner does not give you a Residential Property and Owners' Association Disclosure Statement by the time you make your offer to purchase the property, you may under certain conditions cancel any resulting contract without penalty to you as the buyer. To cancel the contract, you must personally deliver or mail written notice of your decision to cancel to the owner or the owner's agent within three calendar days following your receipt of the Disclosure Statement, or three calendar days following the date of the contract, whichever occurs first. However, in no event does the Disclosure Act permit you to cancel a contract after settlement of the transaction or (in the case of a sale or exchange) after you have occupied the property, whichever occurs first.

5. In the space below, type or print in ink the address of the property (sufficient to identify it) and your name. Then sign and date.

Property Address: _____	
Owner's Name(s): _____	
<i>Owner(s) acknowledge(s) having examined this Disclosure Statement before signing and that all information is true and correct as of the date signed.</i>	
Owner Signature: _____	Date _____, ____
Owner Signature: _____	Date _____, ____
<i>Buyers acknowledge receipt of a copy of this Disclosure Statement; that they have examined it before signing; that they understand that this is not a warranty by owners or owners' agents; that it is not a substitute for any inspections they may wish to obtain; and that the representations are made by the owners and not the owners' agents or subagents. Buyers are strongly encouraged to obtain their own inspections from a licensed home inspector or other professional. As used herein, words in the plural include the singular, as appropriate.</i>	
Buyer Signature: _____	Date _____, ____
Buyer Signature: _____	Date _____, ____

Property Address/Description: _____

The following questions address the characteristics and condition of the property identified above about which the owner has actual knowledge. Where the question refers to "dwelling," it is intended to refer to the dwelling unit, or units if more than one, to be conveyed with the property. The term "dwelling unit" refers to any structure intended for human habitation.

- | | Yes | No | No Representation |
|---|--------------------------|--------------------------|--------------------------|
| 1. In what year was the dwelling constructed? _____
Explain if necessary: _____ | | | <input type="checkbox"/> |
| 2. Is there any problem, malfunction or defect with the dwelling's foundation, slab, fireplaces/chimneys, floors, windows (including storm windows and screens), doors, ceilings, interior and exterior walls, attached garage, patio, deck or other structural components including any modifications to them? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. The dwelling's exterior walls are made of what type of material? <input type="checkbox"/> Brick Veneer <input type="checkbox"/> Wood <input type="checkbox"/> Stone <input type="checkbox"/> Vinyl <input type="checkbox"/> Synthetic Stucco <input type="checkbox"/> Composition/Hardboard <input type="checkbox"/> Concrete <input type="checkbox"/> Fiber Cement <input type="checkbox"/> Aluminum <input type="checkbox"/> Asbestos <input type="checkbox"/> Other _____
(Check all that apply) | | | <input type="checkbox"/> |
| 4. In what year was the dwelling's roof covering installed? _____
(Approximate if no records are available.) Explain if necessary: _____ | | | <input type="checkbox"/> |
| 5. Is there any leakage or other problem with the dwelling's roof? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Is there any water seepage, leakage, dampness or standing water in the dwelling's basement, crawl space, or slab? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Is there any problem, malfunction or defect with the dwelling's electrical system (outlets, wiring, panel, switches, fixtures, generator, etc.)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Is there any problem, malfunction or defect with the dwelling's plumbing system (pipes, fixtures, water heater, etc.)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Is there any problem, malfunction or defect with the dwelling's heating and/or air conditioning? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. What is the dwelling's heat source? <input type="checkbox"/> Furnace <input type="checkbox"/> Heat Pump <input type="checkbox"/> Baseboard
<input type="checkbox"/> Other _____ (Check all that apply) | | | <input type="checkbox"/> |

Age of system: _____

11. What is the dwelling's cooling source? ☐ Central Forced Air ☐ Wall/Window Unit(s) ☐
☐ Other _____ (Check all that apply)
 Age of system: _____
12. What is the dwelling's fuel sources? ☐ Electricity ☐ Natural Gas ☐ Propane ☐ Oil ☐
☐ Other _____ (Check all that apply)
 If the fuel source is stored in a tank, identify whether the tank is ☐ above ground or ☐ below ground, and whether the tank is ☐ leased by seller or ☐ owned by seller.
 (Check all that apply)
13. What is the dwelling's water supply source? ☐ City/County ☐ Community System ☐
☐ Private Well ☐ Shared Well ☐ Other _____
 (Check all that apply)
14. The dwelling's water pipes are made of what type of material? ☐ Copper ☐ Galvanized ☐
☐ Plastic ☐ Polybutylene ☐ Other _____
 (Check all that apply)
15. Is there any problem, malfunction or defect with the dwelling's water supply (including water quality, quantity or water pressure)? ☐ ☐ ☐
16. What is the dwelling's sewage disposal system? ☐ Septic Tank ☐ Septic Tank with Pump ☐
☐ Community System ☐ Connected to City/County System ☐ City/County System available
☐ Straight pipe (wastewater does not go into a septic or other sewer system [note: use of this type of system violates State law])
☐ Other _____
 (Check all that apply)
17. If the dwelling is serviced by a septic system, do you know how many bedrooms are allowed by the septic system permit? If your answer is "Yes," how many bedrooms are allowed? ☐ ☐ ☐
 _____ ☐ No records available.
18. Is there any problem, malfunction or defect with the dwelling's sewer and/or septic system? ☐ ☐ ☐
19. Is there any problem, malfunction or defect with the dwelling's central vacuum, pool, hot tub, spa, attic fan, exhaust fan, ceiling fans, sump pump, irrigation system, TV cable wiring or satellite dish, garage door openers, gas logs, or other systems? ☐ ☐ ☐
20. Is there any problem, malfunction or defect with any appliances that may be included in the conveyance (range/oven, attached microwave, hood/fan, dishwasher, disposal, etc.)? ☐ ☐ ☐
21. Is there any problem with present infestation of the dwelling, or damage from past infestation of wood destroying insects or organisms which has not been repaired? ☐ ☐ ☐
22. Is there any problem, malfunction or defect with the drainage, grading or soil stability of the property? ☐ ☐ ☐
23. Are there any structural additions or other structural or mechanical changes to the dwelling(s) to be conveyed with the property? ☐ ☐ ☐
24. Is the property to be conveyed in violation of any local zoning ordinances, restrictive covenants, or other land-use restrictions, or building codes (including the failure to obtain proper permits for room additions or other changes/improvements)? ☐ ☐ ☐
25. Are there any hazardous or toxic substances, materials, or products (such as asbestos, formaldehyde, radon gas, methane gas, lead-based paint) which exceed government safety standards, any debris (whether buried or covered) or underground storage tanks, or any ☐

environmentally hazardous conditions (such as contaminated soil or water, or other environmental contamination) which affect the property?

26. Is there any noise, odor, smoke, etc. from commercial, industrial or military sources which affects the property? ☐ ☐ ☐
27. Is the property subject to any utility or other easements, shared driveways, party walls or encroachments from or on adjacent property? ☐ ☐ ☐
28. Is the property subject to any lawsuits, foreclosures, bankruptcy, leases or rental agreements, judgments, tax liens, proposed assessments, mechanics' liens, materialmen's liens, or notices from any governmental agency that could affect title to the property? ☐ ☐ ☐
29. Is the property subject to a flood hazard or is the property located in a federally-designated flood hazard area? ☐ ☐ ☐
30. Does the property abut or adjoin any private road(s) or street(s)? ☐ ☐ ☐
31. If there is a private road or street adjoining the property, is there in existence any owners' association or maintenance agreements dealing with the maintenance of the road or street? ☐ ☐ ☐

If you answered "yes" to any of the questions listed above (1-31) please explain (attach additional sheets if necessary):

In lieu of providing a written explanation, you may attach a written report to this Disclosure Statement by a public agency, or by an attorney, engineer, land surveyor, geologist, pest control operator, contractor, home inspector, or other expert, dealing with matters within the scope of that public agency's functions or the expert's license or expertise.

The following questions pertain to the property identified above, including the lot to be conveyed and any dwelling unit(s), sheds, detached garages, or other buildings located thereon.

- | | Yes | No | No Representation |
|---|--------------------------|--------------------------|--------------------------|
| 32. Is the property subject to governing documents which impose various mandatory covenants, conditions, and restrictions upon the lot or unit? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

If you answered "yes" to the question above, please explain (attach additional sheets if necessary):

- | | | | |
|--|--------------------------|--------------------------|--------------------------|
| 33. Is the property subject to regulation by one or more owners' association(s) including, but not limited to, obligations to pay regular assessments or dues and special assessments? If your answer is "yes," please provide the information requested below as to each owners' association to which the property is subject [insert N/A into any blank that does not apply]:
(specify name) _____ whose regular assessments ("dues") are \$ _____ per _____. The name, address and telephone number of the president of the owners' association or the association manager are _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|

(specify name) _____ whose regular assessments ("dues") are \$ _____ per _____. The name, address and telephone number of the president of the owners' association or the association manager are _____

*** If you answered "Yes" to question 33 above, you must complete the remainder of this Disclosure Statement. If you answered "No" or "No Representation" to question 33 above, you do not need to answer the remaining questions on this Disclosure Statement. Skip to the bottom of the last page and initial and date the page.**

	Yes	No	No Representation
34. Are any fees charged by the association or by the association's management company in connection with the conveyance or transfer of the lot or property to a new owner? If your answer is "yes," please state the amount of the fees:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

35. As of the date this Disclosure Statement is signed, are there any dues, fees or special assessment which have been duly approved as required by the applicable declaration or by-laws, and that are payable to an association to which the lot is subject? If your answer is "yes," please state the nature and amount of the dues, fees or special assessments to which the property is subject:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

36. As of the date this Disclosure Statement is signed, are there any unsatisfied judgments against or pending lawsuits involving the property or lot to be conveyed? If your answer is "yes," please state the nature of each pending lawsuit and the amount of each unsatisfied judgment:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

37. As of the date this Disclosure Statement is signed, are there any unsatisfied judgments against or pending lawsuits involving the planned community or the association to which the property and lot are subject, with the exception of any action filed by the association for the collection of delinquent assessments on lots other than the property and lot to be conveyed? If your answer is "yes," please state the nature of each pending lawsuit and the amount of each unsatisfied judgment:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

38. Which of the following services and amenities are paid for by the owners' association(s) identified above out of the association's regular assessments ("dues")? (Check all that apply.)			

	Yes	No	No Representation
Management Fees	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exterior Building Maintenance of Property to be Conveyed			
Master Insurance			
Exterior Yard/Landscaping Maintenance of Lot to be Conveyed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Common Areas Maintenance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trash Removal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Recreational Amenity Maintenance (specify amenities covered) _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Pest Treatment/Extermination	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Street Lights	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sewer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Storm Water Management/Drainage/Ponds	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Internet Service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Private Road Maintenance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parking Area Maintenance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gate and/or Security	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other: (specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Buyer Initials and Date _____ Owner Initials and Date _____
 Buyer Initials and Date _____ Owner Initials and Date _____

(b) The form described in Paragraph (a) of this Rule may be reproduced, but the text of the form shall not be altered or amended in any way.

(c) The form described in Paragraph (a) of this Rule as amended effective July 1, 2018, applies to all properties placed on the market on or after July 1, 2018. The form described in Paragraph (a) of this Rule as amended effective July 1, 2014, applies to all properties placed on the market prior to July 1, 2018. If a corrected disclosure statement required by G.S. 47E-7 is prepared on or after July 1, 2018, for a property placed on the market prior to July 1, 2018, the form described in Paragraph (a) of this Rule as amended effective July 1, 2018, shall be used.

History Note: Authority G.S. 47E-4(b); 47E-4(b1); 93A-3(c); 93A-6;

Eff. October 1, 1998;

Amended Eff. July 1, 2018; July 1, 2014; January 1, 2013; January 1, 2012; July 1, 2010; July 1, 2009; January 1, 2008; July 1, 2006; September 1, 2002; July 1, 2000.

21 NCAC 58A .0503 LICENSE RENEWAL

(a) All real estate licenses issued by the Commission under G.S. 93A, Article 1 shall expire on June 30 following issuance. Any broker desiring renewal of his or her license shall renew on the Commission's website within 45 days prior to license expiration and shall submit a renewal fee of forty-five dollars (\$45.00).

(b) During the renewal process, every individual broker shall provide an email address to be used by the Commission. The email address may be designated by the broker as private in order to be exempt from public records disclosures pursuant to G.S. 93A-4(b2). A broker who does not have an email address is not required to obtain an email address to comply with this Rule.

(c) During the renewal process, every designated broker-in-charge shall disclose:

- (1) each federally insured depository institution lawfully doing business in this State where the trust account(s) for the broker-in-charge or the entity for which the broker-in-charge is designated is held, if applicable; and
- (2) any criminal conviction or occupational license disciplinary action that occurred within the previous year.

History Note: Authority G.S. 93A-3(c); 93A-4; 93A-4.1; 93A-6;

Eff. February 1, 1976;

Readopted Eff. September 30, 1977;

Amended Eff. July 1, 1994; February 1, 1991; February 1, 1989; Temporary Amendment Eff. April 24, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Amended Eff. July 1, 2018; July 1, 2017; July 1, 2014; April 1, 2013; April 1, 2006; January 1, 2006; July 1, 2004; December 4, 2002; April 1, 1997; July 1, 1996; August 1, 1995.

21 NCAC 58A .0505 REINSTATEMENT OF A LICENSE

(a) The fee for reinstatement of a license that has been expired, revoked, or surrendered for less than two years shall be an amount equal to two times the current renewal license fee pursuant to Rule .0503 of this Section.

(b) The reinstatement application form is available on the Commission's website and shall include the applicant's:

- (1) legal name;
- (2) mailing, physical, and email address;
- (3) telephone number;
- (4) previous license number;
- (5) Secretary of State identification number, if applicable;
- (6) social security number and date of birth, if applicable;
- (7) qualifying broker and broker-in-charge's legal name and license number, if applicable;
- (8) criminal record report prepared within six months of application;
- (9) certification; and
- (10) signature.

(c) An individual seeking reinstatement of a license that has been expired for less than six months shall:

- (1) submit the reinstatement fee pursuant to Paragraph (a) of this Rule;
- (2) disclose any criminal conviction or disciplinary action pursuant to Rule .0113 of this Section, including any conviction or disciplinary action incurred while the individual's license was expired; and
- (3) satisfy the license activation requirements of Rule .1703 of this Subchapter, if applicable.

(d) An individual seeking reinstatement of a license that has been expired for six months but no more than two years or revoked or surrendered for no more than two years shall:

- (1) submit a complete reinstatement application pursuant to Paragraph (b) of this Rule;
- (2) submit the reinstatement fee pursuant to Paragraph (a) of this Rule; and
- (3) pass:
 - (A) one Postlicensing course within six months prior to submitting his or her reinstatement application;
 - (B) the "National" and "State" sections of the current license examination within 180 days after submitting his or her reinstatement application; or
 - (C) the "State" section of the current license examination within 180 days after submitting his or her reinstatement application if the individual possesses an active broker license in another state.

(e) An individual seeking reinstatement of a license that has been expired, revoked, or surrendered for more than two years shall submit an original license application and fee pursuant to G.S. 93A-4 and Rules .0301 and .0302 of this Subchapter.

(f) A license shall be reinstated with the same license number and status, either full or provisional, it held before expiration, revocation, or surrender if reinstated within three years from the expiration, revocation, or surrender and shall be effective as of the date of reinstatement, not the date of original licensure. If a license is reinstated after three years from the expiration, revocation, or surrender, the license shall be on provisional broker status pursuant to G.S. 93A-4(a1).

(g) A business entity seeking reinstatement of a license shall submit:

- (1) the reinstatement fee pursuant to Paragraph (a) of this Rule if the license has been expired for less than six months;
- (2) the reinstatement fee and a complete reinstatement application pursuant to Paragraphs (a) and (b) of this Rule if the license has been expired for six months but no more than two years or revoked or surrendered for no more than two years;
- (3) an original firm license application pursuant to G.S. 93A-4 and Rules .0301, .0302, and .0502 of this Subchapter if the license has been expired, revoked, or surrendered for more than two years.

(h) A broker seeking reinstatement of a license shall satisfy to the Commission that he or she possesses the character requisites pursuant to G.S. 93A-4(b).

History Note: Authority G.S. 93A-3(c); 93A-4; 93A-4.1; Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Temporary Amendment Eff. April 24, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Amended Eff. July 1, 2018; July 1, 2017; January 1, 2012; July 1, 2009; January 1, 2008; April 1, 2004; July 1, 2000; August 1, 1998; July 1, 1996; August 1, 1995; July 1, 1995.

**21 NCAC 58A .0511 LICENSING OF PERSONS
 LICENSED IN ANOTHER JURISDICTION (EFFECTIVE
 JULY 1, 2018)**

(a) For purposes of this Rule, "Jurisdiction" shall mean a state, territory, or possession of the United States or Canada.

(b) An individual seeking a real estate license who, at the time of application, holds a current real estate salesperson or broker license in another jurisdiction that has been on active status in good standing within the three years prior to application may satisfy the 75-hour prelicensing education program and examination requirements prescribed in G.S. 93A-4 by electing to either:

- (1) pass the "State" section of that examination. A person qualifying for licensure under this provision shall be issued a North Carolina broker license on a status comparable to the category of license held by the person in the jurisdiction where the qualifying license is held; or
- (2) be issued a North Carolina broker license on provisional status only and then comply with the provisions of G.S. 93A-4(a1).

(c) Brokers who were licensed in North Carolina by reciprocity shall be entitled to retain such license indefinitely, unless suspended, revoked, or surrendered pursuant to G.S. 93A-6, so long as the license is renewed or is reinstated pursuant to Rule .0505 of this Section.

(d) A military-trained or military spouse applicant seeking a temporary practice permit shall submit an application on a form available on the Commission's website. The military-trained or military spouse temporary permit application shall include applicant's:

- (1) legal name;
- (2) mailing, physical, and email address;
- (3) telephone number;
- (4) social security number;
- (5) date of birth;
- (6) criminal background report prepared within six months of application;
- (7) occupational licensing history, including any disciplinary actions;
- (8) pending liens or judgements;
- (9) certification of equivalent training or experience, by submission of either a:
 - (A) military occupational specialty certificate that is substantially equivalent to or exceeds the requirements for licensure;
 - (B) certification that the applicant has engaged in the active practice of brokerage for at least two of the five years preceding the date of the application; or
 - (C) certification, issued within six months of application, of a current real estate salesperson or broker license in another jurisdiction that has been on active status within 3 years of application;

- (10) certification; and
- (11) signature.

(e) An applicant who is issued a temporary practice permit pursuant to Paragraph (d) of this Rule shall remain a provisional broker for the duration of the permit.

History Note: Authority G.S. 93A-3(c); 93A-4; 93A-4.1; 93A-9(a); 93B-15.1;

Eff. January 1, 2012;

Amended Eff. July 1, 2018; April 1, 2013; February 1, 2012.

21 NCAC 58A .1702 CONTINUING EDUCATION REQUIREMENT

(a) Except as provided in Rules .1708 and .1711 of this Section, a broker shall complete eight credit hours of real estate continuing education courses approved pursuant to 21 NCAC 58H within one year prior to the expiration of the license as follows:

- (1) four credit hours of elective courses; and
- (2) four hours of either:
 - (A) the "General Update Course;" or
 - (B) for a broker with BIC Eligible status, the "Broker-In-Charge Update Course" in lieu of the "General Update Course."

(b) A BIC or broker who takes the General Update Course rather than the Broker-In-Charge Update Course shall receive continuing education credit for taking such course only for the purpose of retaining his or her license on active status and shall not be considered to have satisfied the requirement to take the Broker-In-Charge Update Course in order to retain his or her BIC Eligible status.

(c) Continuing education courses shall be completed upon the second renewal following the initial licensure and upon each subsequent annual renewal.

(d) The broker shall provide the course completion certificate upon request of the Commission.

(e) No continuing education shall be required to renew a broker license on inactive status. In order to change a license from inactive status to active status, the broker shall satisfy the continuing education requirement described in Rule .1703 of this Section.

(f) No continuing education shall be required for a broker who is a member of the U.S. Congress or the North Carolina General Assembly in order to renew his or her license on active status.

(g) For purposes of this Rule, the terms "active status" and "inactive status" shall have the same definition as those in Rule .0504 of this Subchapter.

(h) For continuing education purposes, the term "initial licensure" shall include the first time that a license of a particular type is issued to a person, the reinstatement of a canceled, revoked or surrendered license, and any license expired for more than six months.

History Note: Authority G.S. 93A-3(c); 93A-4.1;

Eff. July 1, 1994;

Amended Eff. July 1, 2018; July 1, 2017; July 1, 2014; April 1, 2006; July 1, 2005; April 1, 2004; October 1, 2000; August 1, 1998; July 1, 1996.

21 NCAC 58A .1703 CONTINUING EDUCATION FOR LICENSE ACTIVATION

(a) A broker requesting to change an inactive license to active status on or after the broker's second license renewal following his or her initial licensure shall have completed the continuing education as described in Paragraph (b) or (c) of this Rule, whichever is appropriate.

(b) If the inactive broker's license has not been on active status since the preceding July 1 and the broker has a deficiency in his or her continuing education record for the previous license period, the broker shall make up the deficiency and satisfy the continuing education requirement pursuant to Rule .1702 of this Section for the current license period in order to activate the license. Any deficiency may be made up by completing, during the current license period or previous license period, approved continuing education elective courses; however, such courses shall not be credited toward the continuing education requirement for the current license period. When crediting elective courses for purposes of making up a continuing education deficiency, the maximum number of credit hours that will be awarded for any course is four hours.

(c) If a broker's license has been on inactive status for more than two years and the broker has a deficiency in his or her continuing education record, the broker shall:

- (1) cure the continuing education deficiency for the current license year; and
- (2) complete two Postlicensing courses no more than six months prior to activation.

History Note: Authority G.S. 93A-3(c); 93A-4.1;

Eff. July 1, 1994;

Amended Eff. July 1, 2018; July 1, 2017; April 1, 2006; July 1, 2000; July 1, 1995.

21 NCAC 58A .1711 CONTINUING EDUCATION REQUIRED OF NONRESIDENT BROKERS

(a) To be considered a nonresident for continuing education purposes, a real estate broker licensed in North Carolina shall not have a North Carolina business address, mailing address, or residence address at the time he or she applies for license renewal if he or she seeks to renew his or her license on active status. A nonresident North Carolina broker who wishes to renew his or her license on active status may satisfy the continuing education requirement by any one of the following means:

- (1) A nonresident broker may, at the time of license renewal, hold a real estate license on active status in another state and certify on a form prescribed by the Commission that the broker holds such license. If at any time after renewal there is a change in the status of the out-of-state license, the nonresident broker shall notify the Commission within 10 days and request that his or her North Carolina license be placed on inactive status, or provide evidence to the Commission that he or she has satisfied either Subparagraph (a)(2) or (a)(3) of this Rule or the requirements of Rule .1702 of this Section.
- (2) A nonresident broker may, within one year preceding license expiration, complete the

Commission-prescribed Update course plus one Commission-approved continuing education elective course, or complete two Commission-approved continuing education elective courses.

- (3) A nonresident broker may, within one year preceding license expiration, complete eight classroom hours in courses approved for continuing education credit by the real estate licensing agency in the broker's state of residence or in the state where the course was taken. To obtain credit for a continuing education course completed in another state and not approved by the Commission, the broker must submit a written request for continuing education credit accompanied by a fee of fifty dollars (\$50.00) per request and evidence that the course was completed and that the course was approved for continuing education credit by the real estate licensing agency in the broker's state of residence or in the state where the course was taken.

- (4) A nonresident broker may obtain eight hours equivalent credit for a course or courses not approved by the Commission or for related educational activities as provided in Rule .1708 of this Section. The maximum amount of continuing education credit the Commission will award a nonresident broker for an unapproved course or educational activity shall be eight hours.

(b) When requesting to change an inactive license to active status, or when applying for reinstatement of a license expired for not more than six months, a nonresident broker may satisfy the continuing education requirements described in Rules .0505 and .1703 of this Subchapter by complying with any of the options described in Paragraph (a) of this Rule, except that the requirements in Subparagraphs (a)(2) and (a)(3) of this Rule restricting the taking of courses to one year preceding license expiration shall not be applicable.

(c) No carry-over credit to a subsequent license period shall be awarded for a course taken in another state that has not been approved by the North Carolina Real Estate Commission as an elective course pursuant to 21 NCAC 58H .0406.

History Note: Authority G.S. 93A-3(c); 93A-4.1; Eff. July 1, 1994;

Amended Eff. July 1, 2018; July 1, 2017; July 1, 2015; January 1, 2008; April 1, 2006; October 1, 2000; March 1, 1996; July 1, 1995.

21 NCAC 58A .2101 APPLICABILITY

This Section shall apply to every broker whose license is not revoked, suspended, or surrendered, or who is otherwise the subject of a disciplinary order, and who is eligible for an extension of time to file a tax return under the provisions of G.S. 105-249.2 and 26 U.S.C. 7508.

History Note: Authority G.S. 93B-15(b);

Eff. July 1, 2010;

Amended Eff. July 1, 2018.

21 NCAC 58B .0103 RENEWAL OF TIME SHARE PROJECT REGISTRATION

(a) A developer seeking a renewal of a time share project registration shall submit a complete renewal application form during the month of June. A renewal application form is available on the Commission's website at www.ncrec.gov. In the renewal application form, the developer shall set forth:

- (1) the time share's project name, registration number, and mailing address;
- (2) the developer's name, telephone number, and email address;
- (3) the full legal name of brokers that are associated with the time share project and their real estate license numbers;
- (4) the name of all exchange programs associated with the time share project along with a current copy of the Exchange Disclosure Report pursuant to G.S. 93A-48;
- (5) the name, address, email address, telephone number, real estate broker license number if applicable, and the assignment date for each of the following:
 - (A) the managing entity;
 - (B) the marketing entity;
 - (C) the registrar, pursuant to G.S. 93A-58(a);
 - (D) the independent escrow agent, pursuant to G.S. 93A-42(a); and
 - (E) the project broker, pursuant to 93A-58(c);
- (6) a certification that the information contained in the registration filed with the Commission is accurate and current on the date of the renewal application; and
- (7) the developer's attorney or project broker's signature.

(b) The developer shall submit a nonrefundable fee of eight hundred dollars (\$800.00) payable to the North Carolina Real Estate Commission by certified check, money order, debit card, or credit card.

(c) A complete renewal application shall be accompanied by the prescribed fee and shall be received at the Commission's office prior to the expiration of the certificate of registration as described in G.S. 93A-52(d).

(d) Making a false certification on a time share project registration renewal application shall be grounds for disciplinary action by the Commission.

History Note: Authority G.S. 93A-51; 93A-52(d);

Eff. March 1, 1984;

Temporary Amendment Eff. May 23, 1985;

Amended Eff. July 1, 2018; July 1, 2016; April 1, 2013; February 1, 1989; September 1, 1985.

21 NCAC 58G .0103 DEFINITIONS

The following definitions apply throughout this Chapter and to all forms prescribed pursuant to this Chapter:

- (1) "Branch Office" means any office in addition to the principal office of a broker that is operated in connection with the broker's real estate business.
- (2) "BIC" means a broker-in-charge pursuant to G.S. 93A-2(a1).
- (3) "BIC Eligible" means a broker's license status who has satisfied the broker-in-charge qualification requirements and filed application pursuant to G.S. 93A-4.2 and 21 NCAC 58A .0110.
- (4) "Commission" means the North Carolina Real Estate Commission.
- (5) "Commission's website" means www.ncrec.gov.
- (6) "Day" means calendar day unless the rule expressly states otherwise. The first day counted is the day following the act, event, or transaction that triggered the tolling of the designated time period.
- (7) "Fee" means a payment made to the Commission by a bank check, certified check, money order, debit card, credit card, or other electronic means and is nonrefundable once the payment has been processed.
- (8) "Firm" means a partnership, corporation, limited liability company, association, or other business entity, except for a sole proprietorship.
- (9) "Form" means an original form template provided by the Commission and completed by the submitting party.
- (10) "Office" means any place of business where acts are performed for which a real estate license is required or where monies received by a broker acting in a fiduciary capacity are handled or records for such trust monies are maintained.
- (11) "Principal Office" means the office so designated in the Commission's records by the qualifying broker of a licensed firm or the broker-in-charge of a sole proprietorship.

*History Note: Authority G.S. 93A-3(c);
Eff. July 1, 2017;
Amended Eff. July 1, 2018.*

21 NCAC 58H .0211 PRELICENSING AND POSTLICENSING ROSTER REPORTING

(a) A school shall provide a course completion certificate to each student who completes a Prelicensing or Postlicensing course under Rule .0210 of this Section. Each course completion certificate shall identify the course, date of completion, student, and instructor. The certificate shall be signed by the school director.

(b) For each Prelicensing or Postlicensing course taught, a school shall submit a Roster Report electronically within seven days following the course as follows:

- (1) The Prelicensing Roster Report shall include:
 - (A) each student's legal name;
 - (B) each student's email address and telephone number;
 - (C) each student's unique identification number;
 - (D) the course completion date pursuant to Rule .0210 of this Section;
 - (E) the school's name and number;
 - (F) the course's number; and
 - (G) the instructor's name and number.
- (2) The Postlicensing Roster Report shall include:
 - (A) each student's legal name;
 - (B) each broker's license number;
 - (C) the course completion date pursuant to Rule .0210 of this Section;
 - (D) the school's name and number;
 - (E) the course's name and number; and
 - (F) the instructor's name and number.

(c) Schools shall electronically submit with the Postlicensing Roster Reports the per student fee prescribed by G.S 93A-4(a2).

*History Note: Authority G.S. 93A-4; 93A-33;
Eff. July 1, 2017;
Amended Eff. July 1, 2018.*

21 NCAC 58H .0404 RENEWAL OF SPONSOR APPROVAL

(a) Commission approval of all continuing education sponsors shall expire annually on June 30 following issuance of approval.

(b) In order to ensure continuous sponsor approval, an approved sponsor shall file an electronic application for renewal of approval within the 45 days immediately preceding expiration of approval. The sponsor approval renewal application shall require the sponsor to set forth:

- (1) the legal name of sponsor and any assumed business name;
- (2) the sponsor number assigned by the Commission;
- (3) the sponsor's mailing address, telephone number, and email address;
- (4) the continuing education coordinator's legal name;
- (5) any criminal convictions or occupational licensure disciplinary action taken against any individual listed as owner(s) of the sponsor since last approval;
- (6) the name and course number of each continuing education elective course approved pursuant to Rule .0406 of this Section the applicant wishes to renew;
- (7) a certification that the continuing education coordinator has completed the Commission's video training pursuant to Rule .0403(b) of this Section;

- (8) a certification that its facilities and equipment are in compliance with all applicable local, state, and federal laws and regulations regarding health, safety, and welfare, including the Americans with Disabilities Act; and
- (9) the signature of the sponsor.

(c) A continuing education sponsor also licensed or approved as a school may renew its continuing education sponsor approval on its school renewal form pursuant to Rule .0214 of this Subchapter.

(d) Continuing education sponsors shall submit a fifty dollar (\$50.00) fee for each continuing education elective course the sponsor wishes to renew. No fee is required if the entity making

application is a public school or is an agency of federal, state or local government.

(e) Continuing education sponsors shall submit a one hundred dollar (\$100.00) materials fee if the sponsor wishes to renew approval to offer Update courses. No fee is required if the entity making application is a public real estate school or is an agency of federal, state, or local government.

History Note: Authority G.S. 93A-3; 93A-4.1;

Eff. July 1, 2017;

Amended Eff. July 1, 2018.

This Section contains information for the meeting of the Rules Review Commission June 14, 2018 at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners. Specific instructions and addresses may be obtained from the Rules Review Commission at 919-431-3000. Anyone wishing to address the Commission should notify the RRC staff and the agency no later than 5:00 p.m. of the 2nd business day before the meeting. Please refer to RRC rules codified in 26 NCAC 05.

RULES REVIEW COMMISSION MEMBERS**Appointed by Senate**

Jeff Hyde (1st Vice Chair)
Robert A. Bryan, Jr.
Margaret Currin
Jeffrey A. Poley

Appointed by House

Garth Dunklin (Chair)
Andrew P. Atkins
Anna Baird Choi
Paul Powell
Jeanette Doran (2nd Vice Chair)

COMMISSION COUNSEL

Amber Cronk May (919)431-3074
Amanda Reeder (919)431-3079
Jason Thomas (919)431-3081

RULES REVIEW COMMISSION MEETING DATES

June 14, 2018 July 19, 2018
August 16, 2018 September 20, 2018

AGENDA**RULES REVIEW COMMISSION**

THURSDAY, JUNE 14, 2018 10:00 A.M.

1711 New Hope Church Rd., Raleigh, NC 27609

- I. Ethics reminder by the chair as set out in G.S. 138A-15(e)
- II. Approval of the minutes from the last meeting
- III. Follow-up matters
 - A. Department of Agriculture and Consumer Services – 02 NCAC 52B .0213; 52C .0701 (Reeder)
 - B. Commission of Navigation and Pilotage for the Cape Fear River and Bar – 04 NCAC 15 .0119, .0121 .0123, .0124, .0127, .0128 (Thomas)
 - C. Child Care Commission - 10A NCAC 09 .0401, .1904, .2201, .2202, .2203, .2204, .2205, .2206, .2207, .2208, .2209, .2213, .2216, .2217 (May)
 - D. Alarm Systems Licensing Board - 14B NCAC 17 .0402, .0403 (Thomas)
- IV. Review of Log of Filings (Permanent Rules) for rules filed April 23, 2018 through May 21, 2018
 - Pre-Reviewed Rules
 - Department of Commerce - Division of Employment Security (Reeder)
 - Medical Care Commission (Reeder)
 - DHHS/Division of Medical Assistance (May)
 - Alcoholic Beverage Control Commission (Reeder)
 - Environmental Management Commission (Thomas)
 - Respiratory Care Board (Thomas)
 - Non Pre-Reviewed Rules
 - Commission for Public Health (Reeder)
 - Criminal Justice Education and Training Standards Commission (May)
 - Wildlife Resources Commission 10A, 10H (Reeder)
 - Wildlife Resources Commission 10F (Thomas)
 - Irrigation Contractors Licensing Board (May)
 - Medical Board (May)
 - Board of Occupational Therapy (May)

- Appraisal Board (Reeder)
 - V. Review of Log of Filings (Temporary Rules) for any rule filed within 15 business days prior to the RRC Meeting
 - VI. Existing Rules Review
 - Review of Reports
 - 1. 21 NCAC 07– Cemetery Commission (Reeder)
 - VII. Commission Business
 - E. Periodic Review and Expiration of Existing Rules Readoption Schedule
 - F. Legislative Update
 - Next meeting: Thursday, July 19, 2018
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Commission Review
Log of Permanent Rule Filings
April 23, 2018 through May 21, 2018

COMMERCE - EMPLOYMENT SECURITY, DIVISION OF

The rules in Chapter 24 concern the Division of Employment Security.

The rules in Subchapter 24A concern general information (.0100); requests for documents and public records unrelated to contested claim (.0200); and petitions for rulemaking (.0300).

<u>Office Location</u>	04	NCAC	24A	.0101
Amend*				
<u>Address Changes and Electronic Address Changes</u>	04	NCAC	24A	.0102
Amend*				
<u>Addresses for Filing Claims, Appeals, Exceptions, Request...</u>	04	NCAC	24A	.0104
Amend*				
<u>Filing/Mailing Dates and Use of Forms</u>	04	NCAC	24A	.0106
Amend*				
<u>Power of Attorney</u>	04	NCAC	24A	.0109
Amend*				
<u>Written Request Required</u>	04	NCAC	24A	.0201
Amend*				
<u>Clear Description of Records Required</u>	04	NCAC	24A	.0202
Amend*				
<u>Determination as to Disclosure</u>	04	NCAC	24A	.0203
Amend*				
<u>Release of Information to Third Party</u>	04	NCAC	24A	.0204
Amend*				
<u>Fees for Copies and Services</u>	04	NCAC	24A	.0205
Amend*				
<u>Method of Payment</u>	04	NCAC	24A	.0206
Amend*				
<u>Payment Required Before Information Release</u>	04	NCAC	24A	.0207
Amend*				

The rules in Subchapter 24B concern benefits including claims for unemployment insurance benefits (.0100); interstate claims (.0200); work search requirements (.0300); adjudication (.0400); labor disputes (.0500); unemployment insurance benefit overpayments (.0600); request for waiver of overpayment (.0700); interstate overpayment recovery (.0800); setoff debt collection act (.0900); treasury offset program (.1000); national directory of new hires (.1100).

<u>Filing a Claim</u>	04	NCAC	24B	.0101
Amend*				

<u>Weekly Certifications</u> Amend*	04	NCAC	24B	.0103
<u>Determination by Adjudicator</u> Amend*	04	NCAC	24B	.0401
<u>Determination of Labor Dispute and Referral for Hearing</u> Amend*	04	NCAC	24B	.0503
<u>Setoff Debt Collection Act Notice to Claimant</u> Adopt*	04	NCAC	24B	.0901
<u>Claimant Setoff Debt Collection Act Hearings</u> Amend*	04	NCAC	24B	.0902
<u>Notice to Claimant of Referral to Top</u> Amend*	04	NCAC	24B	.1001
<u>Claimant Reevaluation of Debt</u> Amend*	04	NCAC	24B	.1002

The rules in Subchapter 24C concern initial appeals from determination including general initial appeals information (.0100); initial appeals hearing (.0200); legal representation for initial appeals (.0300); subpoenas for initial appeals (.0400); higher authority review of appeals decision (.0500); and post-decision relief (.0600).

<u>Timeliness Exception</u> Amend*	04	NCAC	24C	.0102
<u>Base Period Employer Denied Noncharging</u> Amend*	04	NCAC	24C	.0103
<u>Appearance by Party</u> Amend*	04	NCAC	24C	.0201
<u>Presenting and Scheduling Appealed Claims</u> Amend*	04	NCAC	24C	.0202
<u>Contents of Appeal to Appeals Section</u> Amend*	04	NCAC	24C	.0203
<u>Disqualification of Appeals Referee</u> Amend*	04	NCAC	24C	.0208
<u>Controlled Substance Results</u> Amend*	04	NCAC	24C	.0211
<u>Combination Telephone and In-person Hearings</u> Adopt*	04	NCAC	24C	.0213
<u>Withdrawal of Appeal</u> Adopt*	04	NCAC	24C	.0214
<u>New Filing After Withdrawal of Appeal</u> Adopt*	04	NCAC	24C	.0215
<u>Notices, Service, and Legal Representation or Supervision...</u> Amend*	04	NCAC	24C	.0302
<u>Admission of Out-of-State Attorney to Appear Before Appea...</u> Adopt*	04	NCAC	24C	.0303
<u>Issuance of Subpoenas</u> Amend*	04	NCAC	24C	.0401

The rules in Subchapter 24D concern tax administration including account charge protests (.0100); request for noncharging of benefits payments (.0200); adequacy (.0300); voluntary election and payments (.0400); records (.0500); reports (.0600); transfer of experience rating to related entity successor account (.0700); agreements to compromise (.0800); special tax investigations (.0900); requests and hearings to review and redetermine tax rate (.1000); treasury offset program and employer setoff debt collection (.1100); seasonal pursuits (.1200); collection methods of employer debt (.1300); and records (.1400).

<u>Notice to Employer of Potential Charges</u> Amend*	04	NCAC	24D	.0102
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<u>Determination on Requests for Noncharging</u> Amend*	04	NCAC	24D	.0105
<u>Appealing Denial or Request for Noncharging</u> Amend*	04	NCAC	24D	.0106
<u>Determination on Grounds Contained in Protest</u> Amend*	04	NCAC	24D	.0205
<u>Voluntary Election by Employers</u> Amend*	04	NCAC	24D	.0401
<u>Election to Reimburse in Lieu of Contributions</u> Amend*	04	NCAC	24D	.0402
<u>Payment of Employer Taxes</u> Amend*	04	NCAC	24D	.0403
<u>Status Reports</u> Amend*	04	NCAC	24D	.0602
<u>Transfer of Experience</u> Repeal*	04	NCAC	24D	.0701
<u>Application for Compromise</u> Amend*	04	NCAC	24D	.0801
<u>Special Tax Investigations</u> Amend*	04	NCAC	24D	.0901
<u>Request for Redetermination of Tax Rate</u> Amend*	04	NCAC	24D	.1001
<u>Division's Obligations</u> Amend*	04	NCAC	24D	.1002
<u>Notice to Employer of Referral to Top</u> Adopt*	04	NCAC	24D	.1101
<u>Employer Reevaluation of Debt</u> Adopt*	04	NCAC	24D	.1102
<u>Setoff Debt Collection Act Notice to Employer</u> Adopt*	04	NCAC	24D	.1103
<u>Employer Setoff Debt Collection Act Hearing</u> Adopt*	04	NCAC	24D	.1104
<u>Request for Seasonal Determination</u> Amend*	04	NCAC	24D	.1201
<u>Written Determination</u> Amend*	04	NCAC	24D	.1202

The rules in Subchapter 24F concern the board of review including general provisions (.0100); higher authority review of appeals decisions (.0200); and tax liability hearings (.0300).

<u>Office Location</u> Adopt*	04	NCAC	24F	.0101
<u>Addresses for Notice and Electronic Notice</u> Adopt*	04	NCAC	24F	.0102
<u>Addresses for Filing Appeals, Exceptions, or Requests</u> Adopt*	04	NCAC	24F	.0103
<u>Filing/Mailing Dates and Use of Forms</u> Adopt*	04	NCAC	24F	.0104
<u>Signatures</u> Adopt*	04	NCAC	24F	.0105
<u>Appeal Date</u> Adopt*	04	NCAC	24F	.0106
<u>Timeliness Exception</u>	04	NCAC	24F	.0107

Adopt*				
<u>Requirements for Appeal Statement to Board of Review</u>	04	NCAC	24F	.0201
Amend*				
<u>Acknowledgment of Appeal</u>	04	NCAC	24F	.0202
Amend*				
<u>Oral Arguments</u>	04	NCAC	24F	.0203
Amend*				
<u>Legal Representation or Supervision by North Carolina Att...</u>	04	NCAC	24F	.0204
Amend*				
<u>Introduction of Evidence in Higher Authority Hearings</u>	04	NCAC	24F	.0205
Amend*				
<u>Appealing a Tax Matter</u>	04	NCAC	24F	.0301
Amend*				
<u>Scheduling Tax Hearings</u>	04	NCAC	24F	.0302
Amend*				
<u>Telephone Hearings Before the Board of Review</u>	04	NCAC	24F	.0303
Amend*				
<u>Combination Telephone and In-person Hearings before the B...</u>	04	NCAC	24F	.0305
Adopt*				
<u>Subpoenas</u>	04	NCAC	24F	.0307
Amend*				
<u>Conduct of Tax Hearings by the Board of Review</u>	04	NCAC	24F	.0309
Adopt*				
<u>Burden of Proof in Hearings Before the Board of Review</u>	04	NCAC	24F	.0310
Adopt*				
<u>Admission of Out-of-State Attorney to Appear Before Board...</u>	04	NCAC	24F	.0311
Adopt*				

MEDICAL CARE COMMISSION

The rules in Chapter 13 are from the Medical Care Commission.

The rules in Subchapter 13P concern emergency medical services and trauma including definitions (.0100); EMS systems (.0200); specialty care transport programs (.0300); medical oversight and EMS personnel (.0400 - .0500); EMS educational institutions (.0600); enforcement (.0700); trauma system definitions (.0800); trauma center standards and approval (.0900); trauma center designation enforcement (.1000); trauma system design (.1100); and recovery and rehabilitation of chemically dependent ems personnel (.1400).

<u>Definitions</u>	10A	NCAC	13P	.0102
Amend*				
<u>EMS System Requirements</u>	10A	NCAC	13P	.0201
Amend*				
<u>Transport of Stretcher Bound Patients</u>	10A	NCAC	13P	.0222
Amend*				
<u>Specialty Care Transport Program Criteria</u>	10A	NCAC	13P	.0301
Amend*				
<u>Scope of Practice for EMS Personnel</u>	10A	NCAC	13P	.0505
Amend*				
<u>Practice Settings for EMS Personnel</u>	10A	NCAC	13P	.0506
Amend*				
<u>Initial Designation Process</u>	10A	NCAC	13P	.0904
Amend*				
<u>Licensed EMS Providers</u>	10A	NCAC	13P	.1502

Amend*

EMS Educational Institutions

10A NCAC 13P .1505

Amend*

HHS - MEDICAL ASSISTANCE, DIVISION OF

The rules in Chapter 21 concern medical assistance administration.

The rules in Subchapter 21A concern appeals (.0300).

Notice

10A NCAC 21A .0301

Readopt without Changes*

Good Cause for Delayed Hearings

10A NCAC 21A .0302

Readopt without Changes*

Appeal Decision

10A NCAC 21A .0303

Readopt with Changes*

The rules in Subchapter 21B concern eligibility determination including coverage groups (.0100); application process (.0200); conditions for eligibility (.0300); budgeting principals (.0400); and redetermination (.0500).

Effective Date of Assistance

10A NCAC 21B .0204

Readopt with Changes*

Transfer or Resources

10A NCAC 21B .0311

Repeal*

The rules in Subchapter 21D concern estate recovery including recipients subject to estate recovery (.0100); reconsideration of review (.0200); medicaid payments subject to recovery (.0300); filing and collection of claims against estate (.0400); and waiver of recovery(.0500).

Notice of Estate Recovery

10A NCAC 21D .0101

Repeal*

Permanently institutionalized

10A NCAC 21D .0102

Repeal*

Age 55 and Over

10A NCAC 21D .0103

Repeal*

Reconsideration Review

10A NCAC 21D .0201

Repeal*

Permanently Institutionalized

10A NCAC 21D .0301

Repeal*

Age 55 and Over

10A NCAC 21D .0302

Repeal*

Filing Claim Against Estate

10A NCAC 21D .0401

Repeal*

Collection of Claims

10A NCAC 21D .0402

Repeal*

Recovery Not Cost Effective

10A NCAC 21D .0501

Repeal*

Undue Hardship

10A NCAC 21D .0502

Repeal*

Determination of Undue Hardship

10A NCAC 21D .0503

Repeal*

The rules in Chapter 22 concern medical assistance eligibility.

The rules in Subchapter 22B concern provider issues including general provisions (.0100); and manuals and forms (.0200).

<u>Institutional Health Services</u>	10A	NCAC	22B	.0101
Readopt without Changes*				
<u>Coordination with Title XVIII</u>	10A	NCAC	22B	.0102
Readopt without Changes*				
<u>Institutional Standards</u>	10A	NCAC	22B	.0103
Readopt with Changes*				
<u>Time Limitation</u>	10A	NCAC	22B	.0104
Readopt without Changes*				
<u>Overutilizer Identification</u>	10A	NCAC	22B	.0105
Repeal*				

The rules in Subchapter 22C concern the amount, duration, and scope of assistance.

<u>Cost Sharing</u>	10A	NCAC	22C	.0101
Repeal*				
<u>Medically Needy</u>	10A	NCAC	22C	.0102
Repeal*				
<u>Categorically Needy</u>	10A	NCAC	22C	.0103
Repeal*				

The rules in Subchapter 22D concern recipient issues.

<u>Co-Payment</u>	10A	NCAC	22D	.0101
Repeal*				

The rules in Subchapter 22F concern program integrity including general provisions (.0100); provider fraud and physical abuse of recipients (.0200); provider abuse (.0300); agency reconsideration review (.0400); administrative sanctions and recoupment (.0600); and recipient fraud and abuse (.0700).

<u>Prevention</u>	10A	NCAC	22F	.0104
Readopt with Changes*				
<u>Detection</u>	10A	NCAC	22F	.0105
Readopt without Changes*				
<u>Confidentiality</u>	10A	NCAC	22F	.0106
Readopt without Changes*				
<u>Record Retention</u>	10A	NCAC	22F	.0107
Readopt with Changes*				
<u>Definition of Provider Fraud</u>	10A	NCAC	22F	.0201
Readopt without Changes*				
<u>Investigation</u>	10A	NCAC	22F	.0202
Readopt with Changes*				
<u>Referral to Law Enforcement Agency</u>	10A	NCAC	22F	.0203
Readopt without Changes*				
<u>Definition of Provider Abuse</u>	10A	NCAC	22F	.0301
Readopt without Changes*				
<u>Investigation</u>	10A	NCAC	22F	.0302
Readopt without Changes*				
<u>Purpose</u>	10A	NCAC	22F	.0401
Repeal*				
<u>Reconsideration Review for Program Abuse</u>	10A	NCAC	22F	.0402
Readopt with Changes*				
<u>Recoupment</u>	10A	NCAC	22F	.0601

Readopt without Changes*				
<u>Administrative Sanctions and Remedial Measures</u>	10A	NCAC	22F	.0602
Readopt with Changes*				
<u>Provider Lock-Out</u>	10A	NCAC	22F	.0603
Readopt without Changes*				
<u>Withholding of Medicaid Payments</u>	10A	NCAC	22F	.0604
Readopt without Changes*				
<u>Termination</u>	10A	NCAC	22F	.0605
Repeal*				
<u>Technique for Protecting Medicaid Overpayments</u>	10A	NCAC	22F	.0606
Repeal*				
<u>Recipient Management Lock-In System</u>	10A	NCAC	22F	.0704
Readopt without Changes*				
<u>Recoupment of Overpayments</u>	10A	NCAC	22F	.0706
Readopt without Changes*				

The rules in Subchapter 22G cover reimbursement plans including reimbursement for nursing facility services (.0100); hospital inpatient reimbursement plan (.0200); ICF-MR prospective rate plan (.0300); provider fee schedules (.0400); reimbursement for services (.0500); and home health prospective reimbursement (.0600).

<u>Reimbursement Methods for State-Operated Facilities</u>	10A	NCAC	22G	.0108
Readopt with Changes*				
<u>Nursing Home Provider Assessment</u>	10A	NCAC	22G	.0109
Readopt without Changes*				
<u>Administrative Reconsideration Reviews</u>	10A	NCAC	22G	.0208
Repeal*				
<u>Mental Health Clinic Services</u>	10A	NCAC	22G	.0502
Repeal*				
<u>Health Maintenance Organizations and Prepaid Health Plans</u>	10A	NCAC	22G	.0504
Readopt without Changes*				
<u>Reimbursement Principles, Hearing Aids/Accessories/Batteries</u>	10A	NCAC	22G	.0509
Repeal*				

The rules in Subchapter 22H concern appeals procedures including beneficiary appeals for denial, termination, suspension, or reduction of a medicaid service or an authorization for a medicaid service (.0100);

<u>Appeals by Medicaid Beneficiaries</u>	10A	NCAC	22H	.0101
Readopt with Changes*				
<u>Requests for Formal and Informal Appeals</u>	10A	NCAC	22H	.0102
Repeal*				
<u>Time Limits on Requests for Recipient/Applicant Informal ...</u>	10A	NCAC	22H	.0103
Repeal*				
<u>Payment Pending Appeals</u>	10A	NCAC	22H	.0104
Readopt with Changes*				
<u>Dismissal of Appeal</u>	10A	NCAC	22H	.0105
Repeal*				
<u>Definitions</u>	10A	NCAC	22H	.0201
Amend*				
<u>Transfer and Discharge Requirements</u>	10A	NCAC	22H	.0202
Readopt with Changes*				
<u>Initiating a Hearing</u>	10A	NCAC	22H	.0203
Readopt without Changes*				
<u>Hearing Procedures</u>	10A	NCAC	22H	.0204
Readopt with Changes*				

<u>Hearing Officer's Final Decision</u> Readopt with Changes*	10A	NCAC	22H	.0205
<u>Definitions</u> Amend*	10A	NCAC	22H	.0301
<u>PASRR Requirements</u> Readopt without Changes*	10A	NCAC	22H	.0302
<u>Initiating a Hearing</u> Readopt without Changes*	10A	NCAC	22H	.0303
<u>Hearing Procedures</u> Readopt with Changes*	10A	NCAC	22H	.0304
<u>Hearing Officer's Final Decision</u> Readopt with Changes*	10A	NCAC	22H	.0305

The rules in Subchapter 22I concern the Title XIX reimbursement and administrative review process.

<u>Exit Conference</u> Readopt without Changes*	10A	NCAC	22I	.0102
<u>Reconsideration Review</u> Repeal*	10A	NCAC	22I	.0104

The rules in Subchapter 22J concern Title XIX appeals procedures.

<u>Petition for Reconsideration Review</u> Readopt without Changes*	10A	NCAC	22J	.0102
<u>Reconsideration Review Process</u> Readopt without Changes*	10A	NCAC	22J	.0103
<u>Petition for a Contested Case Hearing</u> Readopt without Changes*	10A	NCAC	22J	.0104
<u>Payment Status</u> Readopt without Changes*	10A	NCAC	22J	.0105
<u>Provider Billing of Patients who are Medicaid Recipients</u> Readopt without Changes*	10A	NCAC	22J	.0106

The rules in Subchapter 22K concern qualified providers.

<u>Definition</u> Readopt without Changes*	10A	NCAC	22K	.0101
<u>Agreement</u> Readopt with Changes*	10A	NCAC	22K	.0102
<u>Presumptive Determinations</u> Readopt without Changes*	10A	NCAC	22K	.0103

The rules in Subchapter 22L concern managed care and prepaid plans.

<u>Program Definition</u> Amend*	10A	NCAC	22L	.0101
<u>Coordination Fee</u> Readopt without Changes*	10A	NCAC	22L	.0102
<u>Access To Care</u> Readopt with Changes*	10A	NCAC	22L	.0103
<u>Enrollment</u> Readopt with Changes*	10A	NCAC	22L	.0104
<u>Program Definition</u> Repeal*	10A	NCAC	22L	.0201
<u>Access to Care</u> Repeal*	10A	NCAC	22L	.0203

The rules in Subchapter 22N concern provider enrollment including general provisions (.0100); entities licensed under NCGS 122C or NCGS 131D (.0200); and entities providing specified habilitative and rehabilitative services (.0300).

<u>Definitions</u>	10A	NCAC	22N	.0101
Amend*				
<u>Signed Agreements</u>	10A	NCAC	22N	.0102
Readopt without Changes*				
<u>Definitions</u>	10A	NCAC	22N	.0201
Repeal*				
<u>Disclosure of Ownership</u>	10A	NCAC	22N	.0202
Readopt with Changes*				
<u>Enrollment Restrictions</u>	10A	NCAC	22N	.0203
Readopt without Changes*				
<u>Definitions</u>	10A	NCAC	22N	.0301
Repeal*				
<u>Disclosure of Ownership</u>	10A	NCAC	22N	.0302
Readopt with Changes*				
<u>Enrollment Restrictions</u>	10A	NCAC	22N	.0303
Readopt with Changes*				

The rules in Subchapter 22O establish what medical assistance is provided including rules about general provisions (.0100); dental services (.0200); amount, duration and scope of assistance (.0300); and limitation of amount, duration, and scope of assistance (.0400).

<u>Psychiatric Admission Criteria/Medicaid Beneficiaries Und...</u>	10A	NCAC	22O	.0112
Readopt with Changes*				

PUBLIC HEALTH, COMMISSION FOR

The rules in Chapter 43 are from the Department of Health and Human Services and the Commission for Public Health and concern personal health.

The rules in Subchapter 43D concern WIC/Nutrition including definitions (.0100); WIC program general information (.0200); selection of local WIC agencies (.0300); eligibility for WIC program participation (.0400); WIC program food package (.0500); WIC program nutrition education (.0600); WIC program food delivery system (.0700); WIC program administrative appeals (.0800); WIC program participant fair hearings (.0900); consultation services (.1000); and maternal and child health block grant nutrition program (.1200).

<u>Authorized Vendors</u>	10A	NCAC	43D	.0708
Amend*				

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

The rules in Chapter 9 are from the Criminal Justice Education and Training Standards Commission. This Commission has primary responsibility for setting statewide education, training, employment, and retention standards for criminal justice personnel (not including sheriffs).

The rules in Subchapter 9B cover minimum standards for: employment (.0100); schools and training programs (.0200); criminal justice instructors (.0300); completion of training (.0400); school directors (.0500); and certification of post-secondary criminal justice education programs (.0600).

<u>Criminal Justice Instructor Training</u>	12	NCAC	09B	.0209
Amend*				
<u>Comprehensive Written Examination - Basic Law Enforcement...</u>	12	NCAC	09B	.0406
Amend*				

The rules in Subchapter 9G are the standards for correction including scope, applicability and definitions (.0100); minimum standards for certification of correctional officers, probation/parole officers, and probation/parole officers-intermediate (.0200); certification of correctional officers, probation/parole officers, probation/parole officers intermediate and instructors (.0300); minimum standards for training of correctional officers, probation/parole officers, and probation/parole officers-intermediate (.0400); enforcement of rules (.0500); professional certification program (.0600); and forms (.0700).

Instructor Training
Amend*

12 NCAC 09G .0414

ALCOHOLIC BEVERAGE CONTROL COMMISSION

The rules in Subchapter 15A concern organization rules: policies and procedures including general provisions (.0100); structure (.0200); publications, records, copies (.0300); rule-making (.0400); emergency rules (.0500); declaratory rulings (.0600); personnel policies: commission (.0700); adjudication: contested cases (.0800); fiscal rules for local boards (.0900); local abc board: personnel policies (.1000); local abc boards: relationship with state commission (.1100); openings and discontinuance of stores (.1200); storage and distribution of spirituous liquors: commercial transportation (.1300); purchase of alcoholic beverages by local boards (.1400); pricing of spirituous liquor (.1500); warehouse storage of spirituous liquors (.1600); retail sales of alcoholic beverages (.1700); purchase transportation permits for individuals and mixed beverages permittees (.1800); sales of liquor to mixed beverages permittees (.1900); local board training (.2000); distillery permit holders' sale of spirituous liquor distilled on premises to visitors of the distillery for consumption off the premises (.2100); and special one-time permits (.2200).

Payment of Fees and Fines
Adopt*

14B NCAC 15A .0104

The rules in Subchapter 15B concern retail beer, wine, mixed beverages, brownbagging, advertising, and special permits. The rules include definitions and permit application procedures (.0100); general rules affecting retailers and brownbagging permittees (.0200); malt beverages and the wine retailer/wholesaler relationship (.0300); additional requirements for brownbagging permittees (.0400); additional requirements for mixed beverages permittees (.0500); special requirements for convention centers, community theatres, sports clubs, and nonprofit and political organizations (.0600); special occasions permits (.0700); culinary permits (.0800); wine and beer tastings (.0900); advertising (.1000); and effect of administrative action, fines, and offers in compromise (.1100).

Applications for Permits: General Provisions
Readopt with Changes*

14B NCAC 15B .0102

Additional Permit Limitations and Requirements
Readopt with Changes*

14B NCAC 15B .0103

Alcohol Seller/Server Training
Adopt*

14B NCAC 15B .0113

Prohibited Statements in Advertising or on Labels
Readopt with Changes*

14B NCAC 15B .1003

Administrative Fines: Payment
Amend*

14B NCAC 15B .1104

ENVIRONMENTAL MANAGEMENT COMMISSION

The rules in Subchapter 2D are air pollution control requirements including definitions and references (.0100); air pollution sources (.0200); air pollution emergencies (.0300); ambient air quality standards (.0400); emission control standards (.0500); air pollutants monitoring and reporting (.0600); complex sources (.0800); volatile organic compounds (.0900); motor vehicle emission control standards (.1000); control of toxic air pollutants (.1100); control of emissions from incinerators (.1200); oxygenated gasoline standard (.1300); nitrogen oxide standards (.1400); general conformity for federal actions (.1600); emissions at existing municipal solid waste landfills (.1700); control of odors (.1800); open burning (.1900); transportation conformity (.2000); risk management program (.2100); special orders (.2200); emission reduction credits (.2300); clean air interstate rules (.2400); mercury rules for electric generators (.2500); and source testing (.2600).

<u>Purpose</u>	15A	NCAC	02D	.1001
Readopt without Changes*				
<u>Applicability</u>	15A	NCAC	02D	.1002
Readopt with Changes*				
<u>Definitions</u>	15A	NCAC	02D	.1003
Readopt without Changes*				
<u>On-Board Diagnostic Standards</u>	15A	NCAC	02D	.1005
Readopt without Changes*				
<u>Sale and Service of Analyzers</u>	15A	NCAC	02D	.1006
Readopt without Changes*				
<u>Heavy Duty Diesel Engine Requirements</u>	15A	NCAC	02D	.1008
Readopt without Changes*				
<u>Purpose</u>	15A	NCAC	02D	.1101
Readopt without Changes*				
<u>Applicability</u>	15A	NCAC	02D	.1102
Readopt without Changes*				
<u>Definitions</u>	15A	NCAC	02D	.1103
Readopt without Changes*				
<u>Toxic Air Pollutant Guidelines</u>	15A	NCAC	02D	.1104
Readopt with Changes*				
<u>Facility Reporting, Recordkeeping</u>	15A	NCAC	02D	.1105
Readopt without Changes*				
<u>Determination of Ambient Air Concentration</u>	15A	NCAC	02D	.1106
Readopt with Changes*				
<u>Multiple Facilities</u>	15A	NCAC	02D	.1107
Readopt without Changes*				
<u>Multiple Pollutants</u>	15A	NCAC	02D	.1108
Readopt without Changes*				
<u>112(J) Case by Case Maximum Achievable Control Technology</u>	15A	NCAC	02D	.1109
Readopt without Changes*				
<u>National Emission Standards for Hazardous Air Pollutants</u>	15A	NCAC	02D	.1110
Readopt with Changes*				
<u>Maximum Achievable Control Technology</u>	15A	NCAC	02D	.1111
Readopt with Changes*				
<u>112(g) Case by Case Maximum Achievable Control Technology</u>	15A	NCAC	02D	.1112
Readopt without Changes*				
<u>Purpose and Scope</u>	15A	NCAC	02D	.1201
Readopt with Changes*				
<u>Definitions</u>	15A	NCAC	02D	.1202
Readopt with Changes*				
<u>Hazardous Waste Incinerators</u>	15A	NCAC	02D	.1203
Readopt with Changes*				
<u>Large Municipal Waste Combustors</u>	15A	NCAC	02D	.1205
Readopt with Changes*				
<u>Hospital, Medical, and Infectious Waste Incinerators</u>	15A	NCAC	02D	.1206
Readopt with Changes*				
<u>Conical Incinerators</u>	15A	NCAC	02D	.1207
Readopt with Changes*				
<u>Other Incinerators</u>	15A	NCAC	02D	.1208
Readopt without Changes*				
<u>Commercial and Industrial Solid Waste Incineration Units</u>	15A	NCAC	02D	.1210
Readopt with Changes*				

RULES REVIEW COMMISSION

<u>Other Solid Waste Incineration Units</u>	15A	NCAC	02D	.1211
Readopt with Changes*				
<u>Small Municipal Waste Combustors</u>	15A	NCAC	02D	.1212
Readopt with Changes*				

The rules in Subchapter 2Q are from the EMC and relate to applying for and obtaining air quality permits and include general information (.0100); fees (.0200); application requirements (.0300); acid rain program requirements (.0400); establishment of an air quality permitting program (.0500); transportation facility requirements (.0600); toxic air pollutant procedures (.0700); exempt categories (.0800); and permit exemptions (.0900).

<u>Applicability</u>	15A	NCAC	02Q	.0701
Readopt without Changes*				
<u>Exemptions</u>	15A	NCAC	02Q	.0702
Readopt with Changes*				
<u>Definitions</u>	15A	NCAC	02Q	.0703
Readopt with Changes*				
<u>New Facilities</u>	15A	NCAC	02Q	.0704
Readopt with Changes*				
<u>Modifications</u>	15A	NCAC	02Q	.0706
Readopt with Changes*				
<u>Previously Permitted Facilities</u>	15A	NCAC	02Q	.0707
Readopt without Changes*				
<u>Compliance Schedule for Previously Unknown Toxic Air Poll...</u>	15A	NCAC	02Q	.0708
Readopt with Changes*				
<u>Demonstrations</u>	15A	NCAC	02Q	.0709
Readopt with Changes*				
<u>Public Notice and Opportunity for Public Hearing</u>	15A	NCAC	02Q	.0710
Readopt without Changes*				
<u>Emission Rates Requiring a Permit</u>	15A	NCAC	02Q	.0711
Readopt with Changes*				
<u>Calls by the Director</u>	15A	NCAC	02Q	.0712
Readopt without Changes*				
<u>Pollutants with Otherwise Applicable Federal Standards or...</u>	15A	NCAC	02Q	.0713
Readopt with Changes*				

WILDLIFE RESOURCES COMMISSION

The rules in Chapter 10 are promulgated by the Wildlife Resources Commission and concern wildlife resources and water safety.

The rules in Subchapter 10A cover general WRC practices and procedures including petitions for rulemaking (.0400); declaratory rulemaking (.0500); warning tickets (.1000); waivers (.1100); emergency powers (.1200); wildlife poacher reward fund (.1300); interstate wildlife violator compact (wcv).

<u>Form and Contents of Petition</u>	15A	NCAC	10A	.0401
Amend*				

The rules in Subchapter 10F cover motorboats and water safety including boat registration (.0100); safety equipment and accident reports (.0200); and local water safety regulations covering speed limits, no-wake restrictions, restrictions on swimming and other activities, and placement of markers for designated counties or municipalities (.0300).

<u>Beaufort County</u>	15A	NCAC	10F	.0303
Amend*				
<u>Bladen County</u>	15A	NCAC	10F	.0304
Amend*				

<u>Brunswick County</u> Amend*	15A	NCAC	10F	.0305
<u>Columbus County</u> Amend*	15A	NCAC	10F	.0309
<u>Dare County</u> Amend*	15A	NCAC	10F	.0310
<u>Granville, Vance and Warren Counties</u> Amend*	15A	NCAC	10F	.0311
<u>Hyde County</u> Amend*	15A	NCAC	10F	.0313
<u>New Hanover County</u> Amend*	15A	NCAC	10F	.0314
<u>Forsyth: Rockingham And Stokes Counties</u> Amend*	15A	NCAC	10F	.0316
<u>Stanly County</u> Amend*	15A	NCAC	10F	.0317
<u>Warren County</u> Amend*	15A	NCAC	10F	.0318
<u>Washington County</u> Amend*	15A	NCAC	10F	.0319
<u>Union County</u> Amend*	15A	NCAC	10F	.0322
<u>Davidson County</u> Amend*	15A	NCAC	10F	.0324
<u>Pamlico County</u> Amend*	15A	NCAC	10F	.0326
<u>Montgomery County</u> Amend*	15A	NCAC	10F	.0327
<u>Martin County</u> Amend*	15A	NCAC	10F	.0328
<u>Rowan County</u> Amend*	15A	NCAC	10F	.0329
<u>Carteret County</u> Readopt with Changes*	15A	NCAC	10F	.0330
<u>Wake County</u> Amend*	15A	NCAC	10F	.0331
<u>Alexander County</u> Amend*	15A	NCAC	10F	.0332
<u>Mecklenburg and Gaston Counties</u> Readopt with Changes*	15A	NCAC	10F	.0333
<u>Guilford County</u> Amend*	15A	NCAC	10F	.0334
<u>Northampton and Warren Counties</u> Amend*	15A	NCAC	10F	.0336
<u>Franklin County</u> Amend*	15A	NCAC	10F	.0337
<u>Caldwell County</u> Amend*	15A	NCAC	10F	.0338
<u>Town of Lake Lure</u> Amend*	15A	NCAC	10F	.0341
<u>Chatham County</u> Amend*	15A	NCAC	10F	.0343

<u>Town of River Bend</u> Amend*	15A	NCAC	10F	.0344
<u>Chatham and Wake Counties</u> Amend*	15A	NCAC	10F	.0345
<u>Arrowhead Beach Subdivision</u> Amend*	15A	NCAC	10F	.0346
<u>Craven County</u> Amend*	15A	NCAC	10F	.0347
<u>Person County</u> Amend*	15A	NCAC	10F	.0348
<u>Durham and Wake Counties</u> Amend*	15A	NCAC	10F	.0350
<u>New Bern</u> Amend*	15A	NCAC	10F	.0351
<u>Camden County</u> Amend*	15A	NCAC	10F	.0352
<u>Pitt County</u> Amend*	15A	NCAC	10F	.0354
<u>Perquimans County</u> Amend*	15A	NCAC	10F	.0355
<u>Pasquotank County</u> Amend*	15A	NCAC	10F	.0356
<u>Nash County</u> Amend*	15A	NCAC	10F	.0357
<u>Jones County</u> Amend*	15A	NCAC	10F	.0358
<u>Wilkes County</u> Amend*	15A	NCAC	10F	.0361
<u>Harnett County</u> Amend*	15A	NCAC	10F	.0362
<u>Caswell and Person Counties</u> Amend*	15A	NCAC	10F	.0363
<u>Greensboro</u> Amend*	15A	NCAC	10F	.0364
<u>Tyrell County</u> Amend*	15A	NCAC	10F	.0365
<u>Town of Nags Head</u> Amend*	15A	NCAC	10F	.0368
<u>Town of Swansboro</u> Amend*	15A	NCAC	10F	.0369
<u>City of Rocky Mount</u> Amend*	15A	NCAC	10F	.0370
<u>Belews Lake in Stokes County</u> Amend*	15A	NCAC	10F	.0371
<u>Cube Yadkin Generation Safety Zones</u> Amend*	15A	NCAC	10F	.0374
<u>Town of Emerald Isle</u> Amend*	15A	NCAC	10F	.0376

The rules in Subchapter 10H concern activities regulated by the Commission including controlled hunting preserves for domestically raised game birds (.0100), holding wildlife in captivity (.0300), commercial trout ponds (.0400), fish

propagation (.0700), falconry (.0800), game bird propagators (.0900), taxidermy (.1000), furbearer propagation (.1100), controlled fox hunting preserves (.1200), and reptiles and amphibians (.1300).

<u>General Requirements</u>	15A	NCAC	10H	.0301
Repeal*				
<u>Minimum Standards</u>	15A	NCAC	10H	.0302
Repeal*				
<u>Forfeiture</u>	15A	NCAC	10H	.0303
Repeal*				
<u>Captive Cervid Herd Certification Program</u>	15A	NCAC	10H	.0304
Repeal*				

IRRIGATION CONTRACTORS LICENSING BOARD

The rules in Chapter 23 are from the Irrigation Contractors' Licensing Board and concern licensing (.0100); hearing rules of the North Carolina Irrigation Contractors' Licensing Board (0200); irrigation record drawing minimum standards (.0300); irrigation design minimum standards (.0400); irrigation system installation minimum standards (.0500); irrigation system management for water efficiency minimum standards (.0600); and fees (.0700).

<u>Complaint Process</u>	21	NCAC	23	.0208
Amend*				
<u>Water Supply</u>	21	NCAC	23	.0503
Amend*				

MEDICAL BOARD

The rules in Subchapter 32R concern Continuing Medical Education (CME) Requirements.

<u>Exceptions</u>	21	NCAC	32R	.0103
Amend*				

OCCUPATIONAL THERAPY, BOARD OF

The rules in Chapter 38 cover organization and general provisions (.0100); application for license (.0200); licensing (.0300); business conduct (.0400); provisions concerning rulemaking (.0500); administrative hearing procedures (.0600); professional corporations (.0700); continuing competence activity (.0800); supervision, supervisory roles, and clinical responsibilities of occupational therapists and occupational therapy assistants (.0900); supervision of limited permittees (.1000); and supervision of unlicensed personnel (.1100).

<u>Definitions</u>	21	NCAC	38	.0103
Amend*				
<u>Approval of Activities for Maintaining Continuing Competence</u>	21	NCAC	38	.0803
Amend*				
<u>Types of Supervision</u>	21	NCAC	38	.0903
Amend*				
<u>Delineation of Clinical Responsibilities</u>	21	NCAC	38	.0905
Amend*				

APPRAISAL BOARD

The rules in Subchapter 57A cover licensing, certification and practice rules for appraisers including application procedures (.0100); licensing and certification (.0200); examination (.0300); general practice requirements (.0400); appraisal standards (.0500); and experience credit (.0600).

<u>Continuing Education</u>	21	NCAC	57A	.0204
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Amend*

The rules in Subchapter 57B cover real estate appraisal education including the courses required for licensure or certification (.0100); course sponsor standards for pre-licensing or pre-certification courses (.0200); pre-licensing and pre-certification course standards (.0300); course sponsor fees (.0400); fees for private real estate appraisal education schools (.0500); and continuing education course standards (.0600).

<u>Licensed Residential and Certified Residential Real Estat...</u>	21	NCAC	57B	.0102
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Amend*

<u>Certified General Real Estate Appraiser Course Requirements</u>	21	NCAC	57B	.0103
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Amend*

<u>Payment of Fee Required by G.S. 93e-1-7(c)</u>	21	NCAC	57B	.0613
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Amend*

The rules in Subchapter 57C concern administrative law procedures including appraisal board hearings (.0100); petitions for rules (.0200); rule-making (.0300); and declaratory rulings (.0400).

<u>Form of Complaints and Other Pleadings</u>	21	NCAC	57C	.0101
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Readopt without Changes*

The rules in Subchapter 57D concern appraisal management companies including application for appraisal management registration (.0100); appraisal management company registration (.0200); appraisal management company procedures (.0300); and appraisal management company general practices (.0400).

<u>Registration Renewal</u>	21	NCAC	57D	.0202
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Amend*

<u>Compliance Manager</u>	21	NCAC	57D	.0303
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Readopt with Changes*

<u>Removal of an Appraiser from an Appraiser Panel</u>	21	NCAC	57D	.0311
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Readopt with Changes*

RESPIRATORY CARE BOARD

The rules in Chapter 61 are from the Respiratory Care Board and concern organization and definitions (.0100); application for license (.0200); licensing (.0300); continuing education requirements for license holders (.0400); miscellaneous provisions (.0500); rulemaking and declaratory rulings (.0600); and administrative hearing procedures (.0700).

<u>Definitions</u>	21	NCAC	61	.0103
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Amend*

<u>Code of Ethics</u>	21	NCAC	61	.0104
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Adopt*

<u>License Number: Display of License</u>	21	NCAC	61	.0301
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Amend*

<u>Grounds for License Denial or Discipline</u>	21	NCAC	61	.0307
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Amend*

<u>Receiving Processing Complaints</u>	21	NCAC	61	.0801
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Adopt*

CONTESTED CASE DECISIONS

This Section contains a listing of recently issued Administrative Law Judge decisions for contested cases that are non-confidential. Published decisions are available for viewing on the OAH website at <http://www.ncoah.com/hearings/decisions/>. If you are having problems accessing the text of the decisions online or for other questions regarding contested cases or case decisions, please contact the Clerk's office by email: oah.clerks@oah.nc.gov or phone 919-431-3000.

OFFICE OF ADMINISTRATIVE HEARINGS

Chief Administrative Law Judge
JULIAN MANN, III

Senior Administrative Law Judge
FRED G. MORRISON JR.

ADMINISTRATIVE LAW JUDGES

Melissa Owens Lassiter
Don Overby
J. Randall May
David Sutton

A. B. Elkins II
Selina Malherbe
J. Randolph Ward
Stacey Bawtinheimer

Year	Code	Number	Date Decision Filed	Petitioner		Respondent	ALJ
				<u>PUBLISHED</u>			
18	CPS	00562	4/25/2018	Sonja Hall	v.	State of North Carolina Crime Victims Compensation Commission	Sutton
17	DHR	06738	4/4/2018	John E Sloan Jr ROJ Mental Health & Substance Abuse Services	v.	Sandhills Center	Overby
17	DOJ	03199	4/24/2018	Jason George Andrews	v.	NC Sheriffs Education and Training Standards Commission	Bawtinheimer
17	DOJ	06743	4/19/2018	Joshua Orion David	v.	NC Criminal Justice Education and Training Standards Commission	Bawtinheimer
17	DOJ	07217	4/24/2018	James Casey Locklear	v.	NC Sheriffs Education and Training Standards Commission	Overby
17	DOJ	07406	4/13/2018	Lashonda Owens	v.	NC Sheriffs Education and Training Standards Commission	Elkins
17	DOJ	07633	4/13/2018	Nicholas Chase Worsley	v.	NC Sheriffs Education and Training Standards Commission	Elkins
15	EDC	07248	4/24/2018	Kimarlo Ragland	v.	N C Department Of Public Instruction (licensure section) c/o June Atkinson (Supt of Public Instruction)	Ward
17	EHR	08455	4/12/2018	DAQ 2017-037 Dallas Norman	v.	Divison of Air Quality, NCDEQ	Malherbe

CONTESTED CASE DECISIONS

				UNPUBLISHED			
17	ABC	08562	4/26/2018	NC Alcoholic Beverage Control Commission	v.	Good Food Market and Grill Inc T/A Good Food Market and Grill	May
18	ABC	00506	4/16/2018	NC Alcoholic Beverage Control Commission	v.	K V E C, LLC T/A Press Box Bar and Grille	Sutton
18	ABC	00752	4/27/2018	Troy D Billups	v.	Fayetteville Police Dept. Gina Hawkins	May
18	ABC	01439	4/20/2018	ALE Gloria Johnson	v.	ALE	Lassiter
16	CSE	11560	4/25/2018	Michael C Uhlhorn	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Overby
17	CSE	05592	4/26/2018	Jeffery McKiver	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Elkins
17	CSE	06010	4/3/2018	Magdalen Ramos	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Overby
17	CSE	06849	4/3/2018	Timothy Beckman	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Bawtinheimer
17	CSE	06916	4/20/2018	William R Hinnant	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Overby
17	CSE	07064	4/10/2018	Katherine Hawks Davidson	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Lassiter
17	CSE	07152	4/27/2018	Criss W Wyenandt	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Overby
17	CSE	07234	4/3/2018	Luke D Beach	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Bawtinheimer
17	CSE	07451	4/24/2018	Alvin Clark	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Overby
17	CSE	07565	4/9/2018	Michael A Schwartz	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Overby
17	CSE	07572	4/25/2018	Andrew Egan Newton	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Overby
17	CSE	07605	4/26/2018	Michael J Swann	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Sutton
17	CSE	07733	4/9/2018	Kenneth J Welch	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Lassiter
17	CSE	07743	4/9/2018	Dominick Perez Jr	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Overby
17	CSE	07787	4/18/2018	Don W Oliveira	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Sutton

CONTESTED CASE DECISIONS

17	CSE	07957	4/9/2018	Abisai S Flores	v.	North Carolina Department of Health and Human Service Division of Social Services Child Support Enforcement Section	Lassiter
17	CSE	07959	4/27/2018	Solomon Oppong-Agyare	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Overby
17	CSE	08050	4/10/2018	Marcus A Pyle	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Lassiter
17	CSE	08106	4/24/2018	Michael R Dail	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Lassiter
17	CSE	08215	4/3/2018	Vicente J Hill	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Overby
17	CSE	08281	4/19/2018	Danita Manning	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Bawtinhimer
18	CSE	00059	4/30/2018	Joseph R Inman	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Ward
18	CSE	01161	4/27/2018	Antonio D Adams	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Sutton
18	CSE	01475	4/20/2018	Warren R Pettiford	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Overby
18	CSE	01611	4/27/2018	Junior L Powell	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Sutton
17	DHR	01779	4/27/2018	Raintree Healthcare of Forsyth LLC DBA Integrity Assisted Living	v.	Division of Health Service Regulation NC Department of Health and Human Services	May
17	DHR	06947	4/17/2018	Angela Aytche	v.	NC Department of Health and Human Services, Division of Health Service Regulation	Elkins
17	DHR	08125	4/17/2018	Rock Pillar, LLC	v.	Pamlico County Health Department North Carolina Department of Health and Human Services	Ward
17	DHR	08291	4/11/2018	Envisions of Life, LLC Genta Hughes	v.	NC Department of Health and Human Services, Division of Health Service Regulation	Malherbe
18	DHR	00470	4/11/2018	Bennett's Family Care Home FCL-041-002	v.	NC Department of Health and Human Services, Division of Health Service Regulation	Malherbe
18	DHR	00623	4/13/2018	Erica Fennell	v.	NC Department of Health and Human Services, Division of Health Service Regulation	Mann
18	DHR	00838	4/17/2018; 4/18/2018	Brenda Myree	v.	Division of Child Development and Early Education- Department of Health and Human Services	Sutton
18	DHR	01395	4/25/2018	Sara Mumpower	v.	Caldwell County DSS	Sutton

CONTESTED CASE DECISIONS

18	DHR	01473	4/24/2018	Patrick Herron	v.	Department of Health and Human Services, Division of Health Service Regulation	Malherbe
18	DHR	01550	4/25/2018	Holly Eades	v.	NC Department of Health and Human Services, Division of Health Service Regulation	Sutton
17	DOJ	08219	4/17/2018; 4/18/2018	Albert Lee Davis	v.	NC Sheriffs Education and Training Standards Commission	Overby
18	DOL	00677	4/12/2018	Brian Peele Space Walk of the Piedmont Triad	v.	NCDOL Mike Hopper	Mann
18	DST	01699	4/30/2018	Tracy Eugene Perry	v.	North Carolina Dept of State Treasurer Retirement Systems Division	Ward
18	EHR	01183	4/10/2018	Francis X Deluca	v.	Dept of Environmental Quality	Bawtinhimer
18	OSP	00749	4/9/2018	Francis Antonio Adkins	v.	Eastern North Carolina School for Deaf	Lassiter