

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 382

Short Title: Professional Engineers Amendments.

(Public)

Sponsors: Representatives Colton; Bowman and Gottovi.

Referred to: Business and Labor.

March 3, 1993

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE STATUTES REGULATING PROFESSIONAL
3 ENGINEERS.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 89C-3 reads as rewritten:

6 **"§ 89C-3. Definitions.**

7 When used in this Chapter, unless the context otherwise requires:

- 8 (1) 'Board' shall mean the North Carolina State Board of Registration for
9 Professional Engineers and Land Surveyors provided for by this
10 Chapter.
- 11 (2) 'Engineer'. – The term 'engineer,' within the intent of this Chapter,
12 shall mean a person who, by reason of his special knowledge and use
13 of the mathematical, physical and engineering sciences and the
14 principles and methods of engineering analysis and design, acquired
15 by engineering education and engineering experience, is qualified to
16 practice engineering.
- 17 (3) 'Engineer-in-Training'. – The term 'engineer-in-training,' as used in this
18 Chapter, shall mean a person who complies with the requirements for
19 education, experience and character, and has passed an examination in
20 the fundamental engineering subjects, as provided in this Chapter.
- 21 (4) 'Land Surveyor-in-Training'. – The term 'land surveyor-in-training,' as
22 used in this Chapter, shall mean a person who has qualified for, taken,
23 and passed an examination on the basic disciplines of land surveying
24 as provided in this Chapter.

1 (5) 'Person' means any natural person, firm, partnership, corporation or
2 other legal entity.

3 (6) 'Practice of Engineering'. –

4 a. The term, 'practice of engineering,' within the intent of this
5 Chapter, shall mean any service or creative work, the adequate
6 performance of which requires engineering education, training,
7 and experience, in the application of special knowledge of the
8 mathematical, physical, and engineering sciences to such
9 services or creative work as consultation, investigation,
10 evaluation, planning, and design of engineering works and
11 systems, planning the use of land and water, engineering
12 surveys, and the observation of construction for the purposes of
13 assuring compliance with drawings and specifications,
14 including the consultation, investigation, evaluation, planning,
15 and design for either private or public use, in connection with
16 any utilities, structures, buildings, machines, equipment,
17 processes, work systems, projects, and industrial or consumer
18 products or equipment of a mechanical, electrical, hydraulic,
19 pneumatic or thermal nature, insofar as they involve
20 safeguarding life, health or property, and including such other
21 professional services as may be necessary to the planning,
22 progress and completion of any engineering services.

23 A person shall be construed to practice or offer to practice
24 engineering, within the meaning and intent of this Chapter, who
25 practices any branch of the profession of engineering; or who,
26 by verbal claim, sign, advertisement, letterhead, card, or in any
27 other way represents himself to be a professional engineer, or
28 through the use of some other title implies that he is a
29 professional engineer or that he is registered under this Chapter;
30 or who holds himself out as able to perform, or who does
31 perform any engineering service or work not exempted by this
32 Chapter, or any other service designated by the practitioner
33 which is recognized as engineering.

34 b. The term 'practice of engineering' shall not be construed to
35 permit the location, description, establishment or
36 reestablishment of property lines or descriptions of land
37 boundaries for conveyance.

38 (7) 'Practice of land surveying' by registered land surveyors shall mean
39 any service or work, the adequate performance of which involves the
40 application of special knowledge of the principles of mathematics, the
41 related physical and applied sciences, and the relevant requirements of
42 law for adequate evidence to the act of measuring and locating lines,
43 angles, elevations, natural and man-made features in the air, on the
44 surface of the earth, within underground workings, and on the beds of

1 bodies of water for the purpose of determining areas and volumes, for
2 the monumenting of property boundaries, and for the platting and
3 layout of lands and subdivisions thereof, including the topography,
4 alignment and grades of street and incidental drainage within the
5 subdivision, and for the preparation and perpetuation of maps, record
6 plats, field note records, and property descriptions that represent these
7 surveys.

8 a. The term 'practice of land surveying' shall not be construed to
9 permit the design or preparation of specifications for (i) major
10 highways; (ii) wastewater systems; (iii) wastewater or industrial
11 waste treatment works; (iv) pumping or lift stations; (v) water
12 supply, treatment, or distribution systems; (vi) streets or storm
13 sewer systems except as incidental to a subdivision.

14 (8) 'Professional Engineer'. – The term, 'professional engineer,' as used in
15 this Chapter, shall mean a person who has been duly registered and
16 licensed as a professional engineer by the Board established by this
17 Chapter.

18 (9) 'Registered land surveyor' shall mean a person who, by reason of his
19 special knowledge of mathematics, surveying principles and methods,
20 and legal requirements which are acquired by education and/or
21 practical experience, is qualified to engage in the practice of land
22 surveying, as herein defined, as attested by his registration as a
23 registered land surveyor by the Board.

24 (10) 'Responsible Charge'. – This term means direct control and personal
25 supervision, either of engineering work or of land surveying, as the
26 case may be.

27 (11) 'Business Firm'. – The term means any representation or activity in the
28 fields of engineering or land surveying, as defined in this Chapter,
29 performed by an organization which is not incorporated by a
30 governmental entity."

31 Sec. 2. G.S. 89C-13(b) reads as rewritten:

32 "(b) Land Surveyor Applicant. – To be eligible for admission to examination for
33 land surveyor-in-training, or registered land surveyor, an applicant must be of good
34 character and reputation and shall submit five references with his application for
35 registration as a land surveyor, two of which references shall be registered land
36 surveyors having personal knowledge of his land surveying experience, or in the case of
37 an application for certification as a land surveyor-in-training by three references, one of
38 which shall be a registered land surveyor having personal knowledge of the applicant's
39 land surveying experience.

40 The evaluation of a land surveyor applicant's qualifications shall involve a
41 consideration of his education, technical and land surveying experience, exhibits of land
42 surveying projects with which he has been associated, recommendations by references,
43 and reviewing of these categories during an oral examination. The land surveyor
44 applicant's qualifications may be reviewed at an interview if the Board deems it

1 necessary. Educational credit for institute courses, correspondence courses, etc., shall
2 be determined by the Board.

3 The following shall be considered a minimum evidence satisfactory to the Board that
4 the applicant is qualified for registration as a land surveyor or for certification as a land
5 surveyor-in-training, respectively:

6 (1) As a registered land surveyor (shall meet one):

7 a. Rightful possession of a B.S. degree in surveying or other
8 equivalent curricula, all approved by the Board and a record
9 satisfactory to the Board of one year or more of progressive
10 practical experience one year of which shall have been under a
11 practicing registered land surveyor and satisfactorily passing
12 such oral and written examination, taken in the presence of and
13 required by the Board, all of which shall determine and indicate
14 that the candidate is competent to practice land surveying. The
15 applicant may elect to take the first examination (Surveying
16 Fundamentals) immediately after obtaining the B.S. degree at
17 the first regularly scheduled examination thereafter. Upon
18 passing the first examination and successful completion of the
19 experience required by this subdivision, the applicant may take
20 the second examination (Principles and Practices of Land
21 Surveying). An applicant who passes both examinations and
22 completes the educational and experience requirements of this
23 subdivision shall be granted registration as a land surveyor.

24 b. Rightful possession of an associate degree in surveying
25 technology approved by the Board and a record satisfactory to
26 the Board of three years of progressive practical experience,
27 two years of which shall have been under a practicing registered
28 land surveyor, and satisfactorily passing such written and oral
29 examination taken in the presence of and as required by the
30 Board, all of which shall determine and indicate that the
31 candidate is competent to practice land surveying. The
32 applicant may elect to take the first examination (Surveying
33 Fundamentals) immediately after obtaining the associate degree
34 at the first regularly scheduled examination thereafter. Upon
35 passing the first examination and successfully completing two
36 years of progressive practical experience under a practicing
37 registered land surveyor, the applicant may elect to take the
38 second examination (Principles and Practices of Land
39 Surveying) prior to, during, or after completion of the additional
40 experience required by this subdivision. An applicant who
41 passes both examinations and successfully completes the
42 educational and experience requirements of this subdivision
43 shall be granted registration as a land surveyor.

- 1 c. Land Surveyor-in-Training Certificate, Experience, and
2 Examination. – A holder of a certificate of land surveyor-in-
3 training issued by the Board, and with a specific record of an
4 additional two years or more of progressive surveying
5 experience, one year of which shall have been under a
6 practicing registered land surveyor, of a grade and character
7 which indicates to the Board that the applicant may be
8 competent to practice land surveying, shall be admitted to two
9 four-hour examinations. Upon passing such examinations, the
10 applicant shall be granted a certificate of registration to practice
11 land surveying in this State, provided he is otherwise qualified.
- 12 d. Graduation from a high school or the completion of a high
13 school equivalency certificate and a record satisfactory to the
14 Board of seven years of progressive practical experience, six
15 years of which shall have been under a practicing registered
16 land surveyor, and satisfactorily passing such oral and written
17 examination written in the presence of and required by the
18 Board, all of which shall determine and indicate that the
19 candidate is competent to practice land surveying.
- 20 e. Repealed by Session Laws 1985 (Regular Session, 1986), c.
21 977, s. 7.
- 22 f. Registration by Comity or Endorsement. – A person holding a
23 certificate of registration to engage in the practice of land
24 surveying issued on comparable qualifications from a state,
25 territory, or possession of the United States will be given
26 comity considerations. However, he may be asked to take such
27 examinations as the Board deems necessary to determine his
28 qualifications, but in any event, he shall be required to pass a
29 written examination of ~~not less than four hours' duration,~~ which
30 shall include questions on laws, procedures, and practices
31 pertaining to the practice of land surveying in North Carolina.
- 32 g. A licensed professional engineer who can satisfactorily
33 demonstrate to the Board that his formal academic training in
34 acquiring a degree and field experience in engineering includes
35 land surveying, to the extent necessary to reasonably qualify the
36 applicant in the practice of land surveying, may apply for and
37 may be granted permission to take the two four-hour
38 examinations on the principles and practices of land surveying
39 and the two four-hour examinations on the fundamentals of land
40 surveying. Upon satisfactorily passing the examinations, the
41 applicant will be granted a license to practice land surveying in
42 the State of North Carolina.
- 43 h. Professional Engineers in Land Surveying. – Any person
44 presently licensed to practice professional engineering under

1 this Chapter shall upon his application be licensed to practice
2 land surveying, providing his written application is filed with
3 the Board within one year next after June 19, 1975.

4 The Board shall require an applicant to submit exhibits,
5 drawings, plats or other tangible evidence of land surveying work
6 executed by him under proper supervision and which he has personally
7 accomplished or supervised.

8 (2) As a land surveyor-in-training (shall meet one):

9 a. Rightful possession of an associate degree in surveying
10 technology approved by the Board and satisfactorily passing a
11 written or oral examination taken in the presence of and as
12 required by the Board.

13 b. Rightful possession of a B.S. degree in surveying or other
14 equivalent curricula in surveying all approved by the Board and
15 satisfactorily passing such oral and written examinations written
16 in the presence of and required by the Board.

17 c. Graduation from high school or the completion of a high school
18 equivalency certificate and a record satisfactory to the Board of
19 five years of progressive, practical experience, four years of
20 which shall have been under a practicing registered land
21 surveyor and satisfactorily passing oral and written
22 examinations taken in the presence of and as required by the
23 Board.

24 The Board shall require an applicant to submit exhibits,
25 drawings, plats, or other tangible evidence of land surveying work
26 executed by him under proper supervision and which he has personally
27 accomplished or supervised."

28 Sec 3. G.S. 89C-18 reads as rewritten:

29 **"§ 89C-18. Reissuance of certificates.**

30 A new certificate of registration, or certificate of authorization, to replace any
31 certificate lost, destroyed, or mutilated, may be issued, subject to the rules of the Board.
32 A charge of ~~five dollars (\$5.00)~~ not to exceed fifty dollars (\$50.00) shall be made for such
33 issuance."

34 Sec. 4. G.S. 89C-24 reads as rewritten:

35 **"§ 89C-24. ~~Corporate or partnership~~ Business firm or corporate practice of**
36 **engineering or and land surveying.**

37 A business firm or corporation or partnership may engage in the practice of
38 engineering or land surveying in this State; ~~provided, however, the person or persons~~
39 ~~connected with such corporation or partnership in charge of the designing or supervision~~
40 ~~which constitutes such practice is or are registered as herein required of professional~~
41 ~~engineers and registered land surveyors.~~ State. Provided, that all business was
42 organized as a business corporation under the provisions of Chapter 55 of the General
43 Statutes prior to June 5, 1969, or as a professional corporation organized under the
44 provisions of Chapter 55B of the General Statutes after June 5, 1969, shall be registered

1 with the Board and pay the appropriate fees provided for in either G.S. 89C-14 or G.S.
2 55B-11. Such registration, however, shall not affect the requirement that all
3 engineering or land surveying work shall be performed by or under the responsible
4 charge of Board registrants as defined in G.S. 89C-3(10) nor relieve the individual
5 registrants within a business firm or corporation of their design and supervision
6 responsibilities. The same exemptions shall apply to corporations and partnerships as
7 apply to individuals under this Chapter, provided further, that Business firms and
8 corporations shall be subject to the same duties and responsibilities as an individual
9 registrant; and unless incorporated prior to June 5, 1969, as provided in G.S. 55B-15, all
10 corporations hereunder shall be incorporated in accord with and subject to the
11 provisions of Chapter 55B of the General Statutes of North Carolina."
12 Sec. 5. This act becomes effective October 1, 1993.