

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

H

4

HOUSE BILL 382

Committee Substitute Favorable 4/15/93

Committee Substitute #2 Favorable 5/4/93

Senate Judiciary II Committee Substitute Adopted 6/14/94

Short Title: Engineers & Surveyors Amendments.

(Public)

Sponsors:

Referred to: Finance.

March 3, 1993

A BILL TO BE ENTITLED

AN ACT TO AMEND THE STATUTES REGULATING PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

The General Assembly of North Carolina enacts:

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

"§ 89C-3. Definitions.

~~When used in this Chapter, unless the context otherwise requires:—The following definitions apply in this Chapter:~~

(1) 'State Board of Registration for Professional Engineers and Land Surveyors provided for by this Chapter.

(1a) Business firm. — A partnership, firm, association, or another organization or group that is not a corporation and is acting as a unit.

(2) 'Engineer'. ~~The term 'engineer,' within the intent of this Chapter, shall mean a~~ Engineer. — A person who, by reason of his special knowledge and use of the mathematical, physical and engineering sciences and the principles and methods of engineering analysis and design, acquired by engineering education and engineering experience, is qualified to practice engineering.

(3) 'Engineer in Training'. ~~The term 'engineer in training,' as used in this Chapter, shall mean a~~ Engineer-in-training. — A person who complies with the requirements for education, experience and character, and has

1 passed an examination in the fundamental engineering subjects, as
2 provided in this Chapter.

3 (4) ~~'Land Surveyor in Training'.~~ The term 'land surveyor in training,' as used
4 ~~in this Chapter, shall mean a~~ Land surveyor-in-training. – A person who
5 has qualified for, taken, and passed an examination on the basic
6 disciplines of land surveying as provided in this Chapter.

7 (5) ~~'Person' means any~~ Person. – Any natural person, firm, partnership,
8 corporation or other legal entity.

9 (6) ~~'Practice of Engineering'.~~ Practice of engineering. –

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

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

40 b. The term 'practice of engineering' shall not be construed to
41 permit the location, description, establishment or
42 reestablishment of property lines or descriptions of land
43 boundaries for conveyance.

- 1 (7) ~~'Practice of land surveying' by registered land surveyors shall mean~~
 2 ~~any Practice of land surveying by registered land surveyors. –~~
 3 a. Any service or work, the adequate performance of
 4 which involves the application of special knowledge of the
 5 principles of mathematics, the related physical and applied
 6 sciences, and the relevant requirements of law for adequate
 7 evidence to the act of measuring and locating lines, angles,
 8 elevations, natural and man-made features in the air, on the
 9 surface of the earth, within underground workings, and on the
 10 beds of bodies of water for the purpose of determining areas
 11 and volumes, for the monumenting of property boundaries,
 12 and for the platting and layout of lands and subdivisions
 13 thereof, including the topography, alignment and grades of
 14 street and incidental drainage within the subdivision, and for
 15 the preparation and perpetuation of maps, record plats, field
 16 note records, and property descriptions that represent these
 17 surveys.
- 18 a-b. The term 'practice of land surveying' shall not be
 19 construed to permit the design or preparation of
 20 specifications for (i) major highways; (ii) wastewater
 21 systems; (iii) wastewater or industrial waste treatment
 22 works; (iv) pumping or lift stations; (v) water supply,
 23 treatment, or distribution systems; (vi) streets or storm
 24 sewer systems except as incidental to a subdivision.
- 25 (8) ~~'Professional Engineer'. — The term, 'professional engineer,' as used in this~~
 26 ~~Chapter, shall mean a Professional engineer. – A person who has been~~
 27 ~~duly registered and licensed as a professional engineer by the Board~~
 28 ~~established by this Chapter.~~
- 29 (9) ~~'Registered land surveyor' shall mean a Registered land surveyor. – A~~
 30 ~~person who, by reason of his special knowledge of mathematics,~~
 31 ~~surveying principles and methods, and legal requirements which are~~
 32 ~~acquired by education and/or practical experience, is qualified to~~
 33 ~~engage in the practice of land surveying, as herein defined, as attested~~
 34 ~~by his registration as a registered land surveyor by the Board.~~
- 35 (10) ~~'Responsible Charge'. — This term means direct Responsible charge. –~~
 36 ~~Direct control and personal supervision, either of engineering work or~~
 37 ~~of land surveying, as the case may be."~~

38 Sec. 2. G.S. 89C-13(b)(1)f. reads as rewritten:

- 39 "f. Registration by Comity or Endorsement. – A person holding a
 40 certificate of registration to engage in the practice of land
 41 surveying issued on comparable qualifications from a state,
 42 territory, or possession of the United States will be given
 43 comity considerations. However, he may be asked to take such
 44 examinations as the Board deems necessary to determine his

1 qualifications, but in any event, he shall be required to pass a
2 written examination of ~~not less than four hours' duration,~~ which
3 shall include questions on laws, procedures, and practices
4 pertaining to the practice of land surveying in North Carolina."

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

6 **"§ 89C-18. Reissuance of Duplicate certificates.**

7 ~~A new~~ The Board may issue a duplicate certificate of registration, registration or
8 certificate of authorization, authorization to replace any certificate that has been lost,
9 destroyed, or mutilated, may be issued, subject to the rules of the Board. A mutilated and
10 may charge of five dollars (\$5.00) shall be made for such issuance. a fee of up to twenty-
11 five dollars (\$25.00) for issuing the certificate."

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

13 **"§ 89C-24. Corporate or partnership Registration of corporations and business firms**
14 **that engage in the practice of engineering or land surveying.**

15 A corporation or ~~partnership~~ business firm may not engage in the practice of
16 engineering or land surveying in this State; ~~provided, however, the person or persons~~
17 ~~connected with such corporation or partnership in charge of the designing or supervision~~
18 ~~which constitutes such practice is or are registered as herein required of professional~~
19 ~~engineers and registered land surveyors. The same exemptions shall apply to~~
20 ~~corporations and partnerships as apply to individuals under this Chapter, provided~~
21 ~~further, that all corporations hereunder shall be subject to the provisions of Chapter 55B~~
22 ~~of the General Statutes of North Carolina. State unless it is registered with the Board~~
23 ~~and has paid the required registration fee. A corporation or business firm is subject to~~
24 ~~the same duties and responsibilities as an individual registrant. Registration of a~~
25 ~~corporation or business firm does not affect the requirement that all engineering or land~~
26 ~~surveying work done by the corporation or business firm be performed by or under the~~
27 ~~responsible charge of individual registrants, nor does it relieve the individual registrants~~
28 ~~within a corporation or business firm of their design and supervision responsibilities.~~

29 This section applies to every corporation that is engaged in the practice of
30 engineering or land surveying, regardless of when it was incorporated. A corporation
31 that is not exempt from Chapter 55B of the General Statutes by application of G.S. 55B-
32 15 must be incorporated under that Chapter."

33 Sec. 5. G.S. 89C-14(c) reads as rewritten:

34 "(c) The certification fee for a corporation (~~see G.S. 89C-24~~) ~~shall be~~ is the amount
35 set by the Board in accordance with Chapter 55B, G.S. 55B-10. The certification fee for
36 a business firm is the same as the fee for a corporation. The fee for renewal of a
37 certificate of registration of a corporation is the amount set by the Board in accordance
38 with G.S. 55B-11. The fee for renewal of a certificate of registration for a business firm
39 is the same as the renewal fee for a corporation."

40 Sec. 6. G.S. 89C-21(b) reads as rewritten:

41 "(b) The Board shall have the power to (i) revoke a certificate of authorization, or
42 (ii) to suspend a certificate of authorization for a period of time not exceeding two
43 years, of any corporation or business firm where one or more of its officers or directors
44 have committed any act or have been guilty of any conduct which would authorize a

1 revocation or suspension of their certificates of registration under the provision of this
2 section."

3 Sec. 7. G.S. 89C-22 reads as rewritten:

4 **"§ 89C-22. Disciplinary action – Charges; procedure.**

5 (a) Any person may prefer charges of fraud, deceit, gross negligence,
6 incompetence, misconduct, or violation of the rules of professional conduct, against any
7 ~~individual registrant or against any corporation holding a certificate of authorization. Such~~
8 Board registrant. The charges shall be in writing and shall be sworn to by the person or
9 persons making them and shall be filed with the secretary of the Board.

10 (b) All charges, unless dismissed by the Board as unfounded or trivial, shall be
11 heard by the ~~Board or hearing officer~~ Board as provided under the requirements of
12 Chapter 150B of the General Statutes.

13 (c) If, after such hearing, a majority of the Board votes in favor of sustaining the
14 charges, the Board shall reprimand, levy a civil penalty, suspend, refuse to renew, or
15 revoke the ~~individual's registrant's certificate of registration, or a corporation's certificate of~~
16 authorization pursuant to G.S. 89C-21. registration.

17 (d) ~~An individual registrant having a certificate of registration, or corporation holding a~~
18 ~~certificate of authorization.~~ A registrant who is aggrieved by a final decision of the Board,
19 Board may appeal for judicial review as provided by Article 4 of Chapter 150B.

20 (e) The Board may, upon petition of an individual or ~~corporation,~~ an entity whose
21 certificate has been revoked, for reasons it may deem sufficient, reissue a certificate of
22 registration or authorization, provided that a majority of the members of the Board vote
23 in favor of such issuance."

24 Sec. 8. G.S. 89C-10(f) reads as rewritten:

25 "(f) It shall be the responsibility and duty of the Board to conduct a regular
26 program of investigation concerning all matters within its jurisdiction under the
27 provisions of this Chapter. The investigation of a registrant is confidential until the
28 Board issues a citation to the registrant. The Board may expend its funds for salaries,
29 fees, and per diem expenses, in connection with its investigations, provided that no such
30 funds other than per diem expenses shall be paid to any member of the Board in
31 connection with its investigations, nor may any member of the Board give testimony
32 and thereafter sit in deciding on any matter which may directly involve punitive action
33 under such testimony."

34 Sec. 9. Section 8 of this act and this section are effective upon ratification.
35 The remaining sections of this act become effective October 1, 1994.