

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 794\*

Short Title: Engineering and Land Surveying Changes.

(Public)

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Sponsors: Representatives Ives and Sherrill.

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Referred to: Rules, Calendar and Operations of the House.

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April 3, 1997

A BILL TO BE ENTITLED

AN ACT TO MAKE SUBSTANTIVE CHANGES TO THE NORTH CAROLINA  
ENGINEERING AND LAND SURVEYING ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 89C-2 reads as rewritten:

"§ 89C-2. **Declarations; prohibitions.**

In order to safeguard life, health, and property, and to promote the public welfare, the practice of engineering and the practice of land surveying in this State are hereby declared to be subject to regulation in the public interest. It shall be unlawful for any person to practice or to offer to practice engineering or land surveying in this State, as defined in the provisions of this Chapter, or to use in connection with ~~his~~the person's name or otherwise assume or advertise any title or description tending to convey the impression that ~~he~~the person is either a professional engineer or a ~~registered professional~~ land surveyor, unless ~~such~~the person has been duly ~~registered as such~~licensed. The right to engage in the practice of engineering or land surveying ~~shall be deemed is~~ a personal right, based on the qualifications of the ~~individual person~~ as evidenced by ~~his~~the person's certificate of ~~registration, licensure,~~ which shall not be transferable."

Section 2. G.S. 89C-3 reads as rewritten:

"§ 89C-3. **Definitions.**

The following definitions apply in this Chapter:

- 1           (1) Board. – The North Carolina State Board of ~~Registration~~Examiners for  
2           ~~Professional~~Engineers and ~~Land~~Surveyors provided for by this Chapter.
- 3           (1a) Business firm. – A partnership, firm, association, or another  
4           organization or group that is not a corporation and is acting as a unit.
- 5           (2) Engineer. – A person who, by reason of ~~his~~special knowledge and use  
6           of the mathematical, physical and engineering sciences and the  
7           principles and methods of engineering analysis and design, acquired by  
8           engineering education and engineering experience, is qualified to  
9           practice engineering.
- 10          (3) ~~Engineer-in-training~~Engineering intern. – A person who complies with  
11          the requirements for education, experience and character, and has  
12          passed an examination in the fundamental engineering subjects, as  
13          provided in this Chapter.
- 14                 (3.1) Inactive licensee. – Licensees who are not engaged in  
15                 the practice of engineering.
- 16          (4) ~~Land surveyor-in-training~~Land surveyor intern. – A person who has  
17          qualified for, taken, and passed an examination on the basic disciplines  
18          of land surveying as provided in this Chapter.
- 19          (5) Person. – Any natural person, firm, partnership, corporation or other  
20          legal entity.
- 21          (6) Practice of engineering. –
- 22                 a. Any service or creative work, the adequate performance of which  
23                 requires engineering education, training, and experience, in the  
24                 application of special knowledge of the mathematical, physical,  
25                 and engineering sciences to such services or creative work as  
26                 consultation, investigation, evaluation, planning, and design of  
27                 engineering works and systems, planning the use of land and  
28                 water, engineering surveys, and the observation of construction  
29                 for the purposes of assuring compliance with drawings and  
30                 specifications, including the consultation, investigation,  
31                 evaluation, planning, and design for either private or public use,  
32                 in connection with any utilities, structures, buildings, machines,  
33                 equipment, processes, work systems, projects, and industrial or  
34                 consumer products or equipment of a mechanical, electrical,  
35                 hydraulic, pneumatic or thermal nature, insofar as they involve  
36                 safeguarding life, health or property, and including such other  
37                 professional services as may be necessary to the planning,  
38                 progress and completion of any engineering services.
- 39                 A person shall be construed to practice or offer to practice  
40                 engineering, within the meaning and intent of this Chapter, who  
41                 practices any branch of the profession of engineering; or who, by  
42                 verbal claim, sign, advertisement, letterhead, card, or in any other  
43                 way represents ~~himself~~the person to be a professional engineer,

1 or through the use of some other title implies that ~~he~~ the person is  
2 a professional engineer or that ~~he~~ the person is registered under  
3 this Chapter; or who holds ~~himself~~ the person out as able to  
4 perform, or who does perform any engineering service or work  
5 not exempted by this Chapter, or any other service designated by  
6 the practitioner which is recognized as engineering.

7 b. The term 'practice of engineering' shall not be construed to  
8 permit the location, description, establishment or reestablishment  
9 of property lines or descriptions of land boundaries for  
10 conveyance. The term does not include the assessment of an  
11 underground storage tank required by applicable rules at closure  
12 or change in service unless there has been a discharge or release  
13 of the product from the tank.

14 (7) Practice of land surveying by ~~registered~~ professional land surveyors. –

15 a. Any service or work, the adequate performance of which  
16 involves the application of special knowledge of the principles of  
17 mathematics, the related physical and applied sciences, and the  
18 relevant requirements of law for adequate evidence to the act of  
19 measuring and locating lines, angles, elevations, natural and  
20 man-made features in the air, on the surface of the earth, within  
21 underground workings, and on the beds of bodies of water for the  
22 purpose of determining areas and volumes, for the monumenting  
23 of property boundaries, and for the platting and layout of lands  
24 and subdivisions thereof, including the topography, alignment  
25 and grades of street and incidental drainage within the  
26 subdivision, and for the preparation and perpetuation of maps,  
27 record plats, field note records, and property descriptions that  
28 represent these surveys.

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

35 (8) Professional engineer. – A person who has been duly ~~registered and~~  
36 licensed as a professional engineer by the Board established by this  
37 Chapter.

38 (9) ~~Registered~~ Professional land surveyor. – A person who, by reason of his  
39 special knowledge of mathematics, surveying principles and methods,  
40 and legal requirements which are acquired by education and/or practical  
41 experience, is qualified to engage in the practice of land surveying, as  
42 ~~herein defined,~~ as attested by ~~his registration~~ the person's licensure as a  
43 ~~registered~~ professional land surveyor by the Board.

1 (10) Responsible charge. – Direct control and personal supervision, either of  
2 engineering work or of land surveying, as the case may be."

3 Section 3. G.S. 89C-4 reads as rewritten:

4 **"§ 89C-4. State Board of ~~Registration~~; Examiners for Engineers and Surveyors;**  
5 **appointment; terms.**

6 A State Board of ~~Registration~~–Examiners for ~~Professional~~–Engineers and ~~Land~~  
7 Surveyors, whose duty it is to administer the provisions of this Chapter, is created. The  
8 Board shall consist of four ~~registered~~–licensed professional engineers, three ~~registered~~  
9 licensed professional land surveyors and two public members, who are neither  
10 professional engineers nor professional land surveyors. Of the land surveyor members,  
11 one and only one may hold dual ~~registration~~–licenses as a professional land surveyor and  
12 professional engineer. All of the members shall be appointed by the Governor.  
13 Appointments of the engineer and land surveyor members shall preferably, but not  
14 necessarily, be made from a list of nominees submitted by the professional societies for  
15 engineers and land surveyors in this State. Each member of the Board shall receive a  
16 certificate of appointment from the Governor and shall file with the Secretary of State ~~his~~  
17 a written oath or affirmation for the faithful discharge of ~~his~~–the duties.

18 Members of the Board serve for staggered five-year terms, and no member may be  
19 appointed for more than two full terms. Members serve until the expiration of their  
20 respective terms and until their respective successors are appointed. If a vacancy occurs  
21 during a term, the Governor shall appoint a successor from the same classification as the  
22 person causing the vacancy to serve for the remainder of the unexpired term. If the  
23 vacancy is not filled within 90 days after it occurs, the Board may appoint a provisional  
24 member to serve until the appointment by the Governor becomes effective. The  
25 provisional member during his tenure has all the powers and duties of a regular member."

26 Section 4. G.S. 89C-5 reads as rewritten:

27 **"§ 89C-5. Board members; qualifications.**

28 Each engineer member of the Board shall be a resident of North Carolina and shall be  
29 a ~~registered~~–licensed professional engineer engaged in the lawful practice of engineering  
30 in North Carolina for at least six years.

31 Each land surveyor member of the Board shall be a resident of North Carolina and  
32 shall be a ~~registered~~–licensed professional land surveyor engaged in the lawful practice of  
33 land surveying in North Carolina for at least six years.

34 Each public member of the Board shall be a resident of North Carolina."

35 Section 5. G.S. 89C-6 reads as rewritten:

36 **"§ 89C-6. Compensation and expenses of Board members.**

37 Each member of the Board, when attending to the work of the Board or any of its  
38 committees, shall receive as compensation for ~~his~~–service–services the per diem and, in  
39 ~~addition thereto~~–addition, shall be reimbursed for travel expenses and incidentals not  
40 exceeding the maximum set forth by law. In addition to per diem allowances, travel and  
41 incidentals, the secretary of the Board may, with the approval of the Board, receive such  
42 reasonable additional compensation as is compatible with the actual hours of work  
43 required by the duties of ~~his~~–the office."

1 Section 6. G.S. 89C-8 reads as rewritten:

2 **"§ 89C-8. Organization of the Board; meetings; election of officers.**

3 The Board shall hold at least two regular meetings each year. Special meetings may  
4 be held at such times and upon such notice as the rules and regulations of the Board may  
5 provide. The Board shall elect annually from its members a ~~chairman, chair, a vice-~~  
6 ~~chairman, vice-chair,~~ and a secretary. A quorum of the Board shall consist of not less than  
7 five members. The Board shall operate under its rules and regulations supplemented by  
8 Robert's Rules of Order."

9 Section 7. G.S. 89C-9 reads as rewritten:

10 **"§ 89C-9. Executive ~~secretary; director; duties and liabilities.~~**

11 The Board shall employ an executive ~~secretary~~ director who is not a member of the  
12 Board. The executive ~~secretary~~ director shall be a full-time employee of the Board and  
13 perform ~~such the~~ duties assigned to ~~him~~ the director by the secretary subject to the  
14 approval of the Board. The executive ~~secretary~~ director shall receive a salary and  
15 compensation fixed by the Board. The executive ~~secretary~~ director shall give a surety  
16 bond satisfactory to the Board conditioned upon the faithful performance of ~~his~~ the  
17 director's duties. ~~duties assigned.~~ The premium on ~~said~~ the bond shall be a necessary and  
18 proper expense of the Board."

19 Section 8. G.S. 89C-10 reads as rewritten:

20 **"§ 89C-10. Board powers.**

21 (a) The Board ~~shall have the power to~~ may adopt and amend all ~~rules and~~  
22 ~~regulations.~~ rules and ~~regulations.~~ rules and ~~regulations,~~ regulations and  
23 ~~rules of procedure, and regulations,~~ procedure as may be reasonably necessary for the  
24 proper performance of its duties, the regulation of its procedures, meetings, records, the  
25 ~~giving of administration of examinations and the conduct thereof,~~ examinations, and the  
26 ~~power authority to enforce such the~~ rules of professional conduct as ~~may, from time to~~  
27 ~~time,~~ may be adopted by the Board pursuant to G.S. 89C-20.

28 The action by the Board in carrying out any of the powers specified ~~above~~ in this  
29 section shall be binding upon all persons ~~registered~~ licensed under this Chapter, including  
30 corporations and business firms holding certificates of authorization.

31 (b) The Board shall adopt and have an official seal, which shall be affixed to each  
32 certificate issued.

33 (c) The Board ~~is hereby authorized~~ may in the name of the State ~~to~~ apply for relief,  
34 by injunction, in the established manner provided in cases of civil procedure, without  
35 bond, to enforce the provisions of this Chapter, or to restrain any violation ~~thereof~~ of the  
36 provisions of this Chapter. ~~In such proceedings,~~ proceedings for injunctive relief, it shall  
37 not be necessary to allege or prove either that an adequate remedy at law does not exist,  
38 or that substantial or irreparable damage would result from the continued violation  
39 ~~thereof~~ of the provisions of this Chapter. The members of the Board shall not be  
40 personally liable under this proceeding.

41 (d) The Board may subject an applicant for ~~registration~~ licensure to ~~such any~~  
42 examination as ~~it deems~~ necessary to determine ~~his~~ the applicant's qualifications.

1 (e) The Board ~~shall have the power to~~ may issue an appropriate certificate of  
2 ~~registration-licensure~~ to any applicant who, in the opinion of the Board, has met the  
3 requirements of this Chapter.

4 (f) It shall be the responsibility and duty of the Board to conduct a regular  
5 program of investigation concerning all matters within its jurisdiction under the  
6 provisions of this Chapter. The investigation of a ~~registrant-licensee~~ is confidential until  
7 the Board issues a citation to the ~~registrant-licensee~~. The Board may expend its funds for  
8 salaries, fees, and per diem expenses, in connection with its investigations, provided that  
9 no ~~such~~ funds other than per diem expenses shall be paid to any member of the Board in  
10 connection with its investigations, nor may any member of the Board give testimony and  
11 ~~thereafter-later~~ sit in deciding on any matter which may directly involve punitive action  
12 ~~under such~~ for the testimony.

13 (g) The Board ~~is authorized and empowered to~~ may use its funds to establish and  
14 conduct instructional programs for persons who are currently ~~registered-licensed~~ to  
15 practice engineering or land surveying, as well as refresher courses for persons interested  
16 in obtaining adequate instruction or programs of study to qualify them for ~~registration~~  
17 licensure to practice engineering or land surveying. The Board may expend its funds for  
18 these purposes and ~~is authorized and empowered~~ may not only ~~to~~ conduct, sponsor, and  
19 arrange for instructional programs, but also ~~to~~ may carry out ~~such~~ instructional programs  
20 through extension courses or other ~~media, and the media~~. The Board may enter into plans  
21 or agreements with community colleges, public or private institutions of higher learning,  
22 ~~both public and private~~, State and county boards of education, or with the governing  
23 authority of any industrial education center for the purpose of planning, scheduling or  
24 arranging ~~such~~ courses, instruction, extension courses, or in assisting in obtaining courses  
25 of study or programs in the field of engineering and land surveying. The Board shall ~~make~~  
26 ~~every effort practical to~~ encourage the educational institutions in this State to offer courses  
27 necessary to complete the educational requirements of this Chapter. For the purpose of  
28 carrying out these objectives, the Board ~~is authorized to make and promulgate such~~ may  
29 adopt rules and regulations as may be necessary for ~~such~~ the educational programs,  
30 instruction, extension services, or for entering into plans or contracts with persons or  
31 educational and industrial institutions.

32 (h) The Board may license sponsors of continuing professional competency  
33 activities who agree to conduct programs in accordance with standards adopted by the  
34 Board. Sponsors shall pay a license fee established by the Board, not to exceed two  
35 hundred fifty dollars (\$250.00) for licensure under this subsection. The license fee shall  
36 accompany the application. Sponsors shall renew their licenses annually on a form  
37 provided by the Board."

38 Section 9. G.S. 89C-11 reads as rewritten:

39 "**§ 89C-11. Secretary; duties and liabilities; expenditures.**

40 The secretary of the Board shall receive and account for all moneys derived from the  
41 operation of the Board as provided in this Chapter, and shall deposit them in one or more  
42 special funds in banks or other financial institutions carrying deposit insurance and  
43 authorized to do business in North Carolina. The fund or funds shall be designated as

1 'Fund of the Board of ~~Registration—Examiners~~ for ~~Professional—Engineers and Land~~  
2 Surveyors' and shall be drawn against only for the purpose of implementing provisions of  
3 this Chapter as herein provided. All expenses certified by the Board as properly and  
4 necessarily incurred in the discharge of its duties, including authorized compensation,  
5 shall be paid out of ~~said—this fund~~ on the warrant signed by the secretary of the ~~Board;~~  
6 ~~provided, however, that at~~ Board. At no time shall the total of warrants issued exceed the  
7 total amount of funds accumulated under this Chapter. The secretary of the Board shall  
8 give a surety bond satisfactory to the State Board of ~~Registration—Examiners~~ for  
9 ~~Professional—Engineers and Land—Surveyors~~, conditioned upon the faithful performance of  
10 ~~his—duties—~~the duties assigned. The premium on ~~said—the~~ bond shall be ~~regarded as is~~ a  
11 proper and necessary expense of the Board. The secretary of the Board may delegate to  
12 the executive ~~secretary—~~director certain routine duties, such as receipt and disbursement of  
13 funds in stated amounts by a written authorization, which has the unanimous approval of  
14 the Board."

15 Section 10. G.S. 89C-12 reads as rewritten:

16 "**§ 89C-12. Records and reports of Board; evidence.**

17 The Board shall keep a record of its proceedings and a register of all applicants for  
18 ~~registration, licensure,~~ showing for each the date of application, name, age, education, and  
19 other qualifications, place of business and place of residence, whether the applicant was  
20 rejected or a certificate of ~~registration—licensure~~ granted, and the date of ~~such action.~~  
21 licensure was rejected or granted. The books and register of the Board shall be prima  
22 facie evidence of all matters recorded ~~therein, by the Board,~~ and a copy duly certified by  
23 the secretary of the Board under seal shall be admissible in evidence as if the original  
24 were produced. A roster showing the names and places of business and of residence of all  
25 ~~registered—licensed~~ professional engineers and all ~~registered—licensed~~ professional land  
26 surveyors shall be prepared by the secretary of the Board current to the month of January  
27 of each ~~year, such year.~~ The roster shall be printed by the Board out of the Board's fund  
28 ~~of said Board—~~ and distributed as ~~set forth—described~~ in the Board's rules and regulations.  
29 rules. On or before the first day of May of each year, the Board shall submit to the  
30 Governor a report on its transactions for the preceding year, and shall file with the  
31 Secretary of State a copy of ~~such—the~~ report, together with a complete statement of the  
32 receipts and expenditures of the ~~Board, Board~~ attested by the ~~affidavits of the—chairman~~  
33 chair and the ~~secretary, secretary~~ and a copy of the ~~said—the~~ roster of ~~registered—licensed~~  
34 professional engineers and ~~registered—professional~~ land surveyors."

35 Section 11. G.S. 89C-13 reads as rewritten:

36 "**§ 89C-13. General requirements for ~~registration—licensure.~~**

37 (a) Engineer Applicant. – To be eligible for ~~admission to examination for licensure~~  
38 as a professional engineer—engineer, an applicant must be of good character and  
39 reputation. An applicant desiring to take the examination in the fundamentals of  
40 engineering ~~only—~~ must submit three character ~~references—references,~~ one of whom shall be  
41 a professional engineer. An applicant desiring to take the examination in the principles  
42 and practice of engineering must submit five references, two of whom shall be

1 professional engineers having personal knowledge of ~~his~~ the applicant's engineering  
2 experiences.

3 The following shall be considered as minimum evidence satisfactory to the Board that  
4 the applicant is qualified for ~~registration-~~ licensure:

5 (1) As a professional engineer (shall meet one):

6 a. ~~Registration-~~ Licensure by Comity or Endorsement. – A person  
7 holding a certificate of ~~registration-~~ licensure to engage in the  
8 practice of engineering, on the basis of comparable  
9 qualifications, issued to ~~him~~ the person by a proper authority of a  
10 state, territory, or possession of the United States, the District of  
11 Columbia, or of Canada, who completes an application for  
12 licensure and submits five references, two of which shall be from  
13 professional engineers having personal knowledge of the  
14 applicant's engineering experience, and ~~who~~ who, in the opinion  
15 of the Board, meets the requirements of this Chapter, based on  
16 verified evidence may, upon application, be ~~registered-~~ licensed  
17 without further examination.

18 A person holding a certificate of qualification issued by the  
19 Committee on National Engineering Certification of the National  
20 Council of ~~Engineering Examiners,~~ Examiners for Engineering and  
21 Surveying whose qualifications meet the requirements of this  
22 Chapter, may upon application, be ~~registered-~~ licensed without  
23 further examination.

24 b. ~~E.I.T.-E.I.~~ Certificate, Experience, and Examination. – A holder  
25 of a certificate of ~~engineer-in-training-engineering intern~~ issued by  
26 the Board, and with a specific record of an additional four years  
27 or more of progressive experience on engineering projects of a  
28 grade and character which indicates to the Board that the  
29 applicant may be competent to practice engineering, shall be  
30 admitted to ~~an eight-hour examination in the principles and practice~~  
31 ~~of engineering-engineering examination.~~ Upon passing such the  
32 examination, the applicant shall be granted a certificate of  
33 ~~registration-~~ licensure to practice professional engineering in this  
34 State, provided ~~he~~ the applicant is otherwise qualified.

35 c. Graduation, Experience, and Examination. – A graduate of an  
36 engineering curriculum of four years or more approved by the  
37 Board as being of satisfactory standing, and with a specific  
38 record of an additional four years or more of progressive  
39 experience on engineering projects of a grade and character  
40 which indicates to the Board that the applicant may be competent  
41 to practice engineering, shall be admitted to ~~an eight-hour written~~  
42 ~~examination in the fundamentals of engineering-engineering~~  
43 examination, and an eight-hour written examination in the



1 principles and practice of ~~engineering~~ engineering examination.  
2 Upon passing ~~such~~ the examinations, the applicant shall be  
3 granted a certificate of ~~registration~~ licensure to practice  
4 professional engineering in this State, provided ~~he~~ the applicant  
5 is otherwise qualified.

6 d. Graduation, Experience, and Examination. – A graduate of an  
7 engineering or related science curriculum of four years or more,  
8 other than the ones approved by the Board as being of  
9 satisfactory standing or with an equivalent education and  
10 engineering experience satisfactory to the Board and with a  
11 specific record of eight years or more of progressive experience  
12 on engineering projects of a grade and character which indicates  
13 to the Board that the applicant may be competent in the  
14 fundamentals of engineering, shall be admitted to ~~an eight-hour~~  
15 ~~written examination in~~ the fundamentals of engineering,  
16 engineering examination and ~~an eight-hour written examination in~~  
17 ~~the principles and practice of engineering.~~ engineering  
18 examination. Upon passing ~~such~~ the examinations, the applicant  
19 shall be granted a certificate of ~~registration~~ licensure to practice  
20 professional engineering in this State, provided ~~he~~ the applicant  
21 is otherwise qualified.

22 e. Long-Established Practice. ~~—An individual—~~ A person with a  
23 specific record of 20 years or more of progressive experience on  
24 engineering projects of a grade and character which indicates to  
25 the Board that the applicant may be competent to practice  
26 engineering shall be admitted to ~~an eight-hour written examination~~  
27 ~~in~~ the principles and practice of engineering. engineering  
28 examination. Upon passing ~~such~~ the examination, the applicant  
29 shall be granted a certificate of ~~registration~~ licensure to practice  
30 professional engineering in this State, provided ~~he~~ the applicant  
31 is otherwise qualified.

32 At its discretion the Board may require an applicant to submit exhibits, drawings,  
33 designs, or other tangible evidence of engineering work ~~executed by him and~~ which he the  
34 applicant personally accomplished or supervised.

35 The following shall be considered as minimum evidence that the applicant is qualified  
36 for certification:

37 (2) As an ~~engineer-in-training~~ engineering intern (shall meet one):

38 a. Graduation and Examination. – A graduate of an engineering  
39 curriculum or related science curriculum of four years or more,  
40 approved by the Board as being of satisfactory standing, or a  
41 student who has attained senior status in an engineering program,  
42 shall be admitted to ~~an eight-hour written examination in~~ the  
43 fundamentals of engineering. engineering examination. The

1 applicant shall be notified if the examination was passed or not  
2 passed and if passed he shall be certified as an ~~engineer-in-~~  
3 ~~training, engineering intern~~ if ~~he~~ the applicant is otherwise  
4 qualified.

- 5 b. Graduation, Experience, and Examination. – A graduate of an  
6 engineering or related science curriculum of four years or more,  
7 other than the ones approved by the Board as being of  
8 satisfactory standing, or with equivalent education and  
9 engineering experience satisfactory to the Board and with a  
10 specific record of four or more years of progressive experience  
11 on engineering projects of a grade and character satisfactory to  
12 the Board, shall be admitted to ~~an eight-hour written examination in~~  
13 ~~the fundamentals of engineering, engineering examination.~~ The  
14 applicant shall be notified if the examination was passed or not  
15 passed and if passed he passed, the applicant shall be certified as  
16 an ~~engineer-in-training~~ ~~engineering intern~~ if ~~he~~ the applicant is  
17 otherwise qualified.

18 (b) Land Surveyor Applicant. – To be eligible for admission to examination for  
19 ~~land surveyor-in-training, surveyor intern or registered professional~~ land surveyor, an  
20 applicant must be of good character and reputation and shall submit five references with  
21 ~~his~~ the application for registration-licensure as a land surveyor, two of which references  
22 shall be ~~registered professional~~ land surveyors having personal knowledge of ~~his~~ the  
23 applicant's land surveying experience, or in the case of an application for certification as  
24 a ~~land surveyor-in-training~~ ~~surveyor intern~~ by three references, one of which shall be a  
25 ~~registered licensed~~ land surveyor having personal knowledge of the applicant's land  
26 surveying experience.

27 The evaluation of a land surveyor applicant's qualifications shall involve a  
28 consideration of ~~his~~ the applicant's education, technical and land surveying experience,  
29 exhibits of land surveying projects with which ~~he~~ the applicant has been associated, and  
30 recommendations by references, and reviewing of these categories during an oral examination-  
31 references. The land surveyor applicant's qualifications may be reviewed at an interview  
32 if the Board ~~deems~~ determines it necessary. Educational credit for institute courses,  
33 correspondence courses, ~~etc., or other~~ courses shall be determined by the Board.

34 The following shall be considered a minimum evidence satisfactory to the Board that  
35 the applicant is qualified for ~~registration-licensure~~ as a professional land surveyor or for  
36 certification as a ~~land surveyor-in-training, surveyor intern~~ respectively:

- 37 (1) As a ~~registered professional~~ land surveyor (shall meet one):

- 38 a. Rightful possession of a ~~B.S.~~ bachelors degree in surveying or  
39 other equivalent curricula, all approved by the Board and a  
40 record satisfactory to the Board of ~~one year~~ two years or more of  
41 progressive practical ~~experience~~ experience, one year of which  
42 shall have been under a practicing ~~registered professional~~ land  
43 surveyor and satisfactorily passing ~~such~~ any oral and written

1 ~~examination, taken in the presence of and examination~~ required by  
2 the Board, all of which shall determine and indicate that the  
3 ~~candidate applicant~~ is competent to practice land surveying. The  
4 applicant may ~~elect~~ may be qualified by the Board to take the first  
5 examination (Surveying Fundamentals) immediately after  
6 obtaining the ~~B.S.—bachelors~~ degree at the first regularly  
7 scheduled examination thereafter. Upon passing the first  
8 examination and successful completion of the experience  
9 required by this subdivision, the applicant may apply to take the  
10 second examination (Principles and Practice of Land Surveying).  
11 An applicant who passes both examinations and completes the  
12 educational and experience requirements of this subdivision shall  
13 be granted ~~registration-licensure~~ as a professional land surveyor.

14 b. Rightful possession of an associate degree in surveying  
15 technology approved by the Board and a record satisfactory to  
16 the Board of ~~three-four~~ years of progressive practical experience,  
17 ~~two-three~~ years of which shall have been under a practicing  
18 ~~registered-licensed~~ land surveyor, and satisfactorily passing ~~such~~  
19 any written and oral examination ~~taken in the presence of and as~~  
20 required by the Board, all of which shall determine and indicate  
21 that the ~~candidate applicant~~ is competent to practice land  
22 surveying. The applicant may ~~elect~~ apply to the Board to take the  
23 first examination (Surveying Fundamentals) immediately after  
24 obtaining the associate degree at the first regularly scheduled  
25 examination thereafter. Upon passing the first examination and  
26 successfully completing ~~years of progressive practical experience~~  
27 ~~under a practicing registered land surveyor, the practical experience~~  
28 required under this subdivision, the applicant may ~~elect~~ apply to  
29 the Board to take the second examination (~~Principles and Practice~~  
30 ~~of Land Surveying~~) prior to, during, or after completion of the  
31 ~~additional experience required by this subdivision. (Principles and~~  
32 Practice of Land Surveying). An applicant who passes both  
33 examinations and successfully completes the educational and  
34 experience requirements of this subdivision shall be granted  
35 ~~registration-licensure~~ as a professional land surveyor.

36 e. ~~Land Surveyor in Training Certificate, Experience, and~~  
37 ~~Examination.—~~ A holder of a certificate of land surveyor in  
38 training issued by the Board, and with a specific record of an  
39 additional two years or more of progressive surveying  
40 experience, one year of which shall have been under a practicing  
41 registered land surveyor, of a grade and character which indicates  
42 to the Board that the applicant may be competent to practice land  
43 surveying, shall be admitted to two four-hour examinations.

1           ~~Upon passing such examinations, the applicant shall be granted a~~  
2           ~~certificate of registration to practice land surveying in this State,~~  
3           ~~provided he is otherwise qualified.~~

- 4           d.    Graduation from a high school or the completion of a high school  
5           equivalency certificate and a record satisfactory to the Board of  
6           ~~seven~~ 10 years of progressive practical experience, ~~six~~ seven  
7           years of which shall have been under a practicing ~~registered~~  
8           licensed land surveyor, and satisfactorily passing ~~such any oral~~  
9           and written ~~examination written in the presence of and~~ examinations  
10          required by the Board, all of which shall determine and indicate  
11          that the candidate is competent to practice land surveying. The  
12          applicant may be qualified by the Board to take the first  
13          examination (Surveying Fundamentals) upon graduation from  
14          high school or the completion of a high school equivalency  
15          certificate and successfully completing six years of progressive  
16          practice experience, five of which shall have been under a  
17          practicing licensed land surveyor. The applicant may apply to  
18          take the second examination (Principles and Practice of Land  
19          Surveying) upon passing the first examination and successfully  
20          completing four years of progressive practical experience, two of  
21          which shall have been under a practicing licensed land surveyor.

- 22          e.    Repealed by Session Laws 1985 (Regular Session, 1986), c. 977,  
23          s. 7.

- 24          f.    ~~Registration-Licensure~~ by Comity or Endorsement. – A person  
25          holding a certificate of ~~registration-licensure~~ to engage in the  
26          practice of land surveying issued on comparable qualifications  
27          from a state, territory, or possession of the United States will be  
28          given comity considerations. However, ~~he~~ the applicant may be  
29          asked to take ~~such any~~ examinations as the Board ~~deems necessary~~  
30          requires to determine his the applicant's qualifications, but in any  
31          event, ~~he~~ the applicant shall be required to pass a ~~written an~~  
32          examination which shall include questions on laws, procedures,  
33          and practices pertaining to the practice of land surveying in  
34          North Carolina.

- 35          g.    A licensed professional engineer who can satisfactorily  
36          demonstrate to the Board that ~~his~~ the professional engineer's  
37          formal academic training in acquiring a degree and field  
38          experience in engineering includes land surveying, to the extent  
39          necessary to reasonably qualify the applicant in the practice of  
40          land surveying, may apply for and may be granted permission to  
41          take the ~~two four-hour examinations on the~~ principles and practice  
42          of land surveying examination and the ~~two four-hour examinations~~  
43          ~~on the fundamentals of land surveying- surveying examination.~~

1 Upon satisfactorily passing the examinations, the applicant ~~will~~  
2 shall be granted a license to practice land surveying in the State  
3 of North Carolina.

4 h. Professional Engineers in Land Surveying. – Any person  
5 presently licensed to practice professional engineering under this  
6 Chapter shall upon ~~his~~-application be licensed to practice land  
7 surveying, providing ~~his~~-a written application is filed with the  
8 Board within one year next after June 19, 1975.

9 i. Photogrammetrists. – Any person presently practicing  
10 photogrammetry with at least seven years of experience in the  
11 profession, two or more of which shall have been in responsible  
12 charge of photogrammetric mapping projects meeting National  
13 Map Accuracy Standards shall, upon application be licensed to  
14 practice land surveying, provided:

15 1. The applicant submit certified proof of graduation from  
16 high school, high school equivalency or higher degree;

17 2. The applicant submit proof of employment in responsible  
18 charge as a photogrammetrist practicing within the State  
19 of North Carolina to include itemized reports detailing  
20 methods, procedures, amount of applicant's personal  
21 involvement and the name, address, and telephone  
22 numbers of the client for five projects completed by the  
23 applicant with the State. A final map for one of the five  
24 projects shall also be submitted;

25 3. Five references to the applicant's character and quality of  
26 work, three of which shall be from professional land  
27 surveyors, are submitted to the Board; and

28 4. The application is submitted to the Board by July 1, 1998.  
29 After July 1, 1998, no photogrammetrist shall be licensed  
30 without meeting the same requirements as to education,  
31 length of experience, and testing required of all land  
32 surveying applicants.

33 The Board shall require an applicant to submit exhibits, drawings,  
34 plats or other tangible evidence of land surveying work executed by ~~him~~  
35 the applicant under proper supervision and which ~~he~~-the applicant has  
36 personally accomplished or supervised.

37 Land surveying encompasses a number of disciplines including geodetic surveying,  
38 hydrographic surveying, cadastral surveying, engineering surveying, route surveying,  
39 photogrammetric (aerial) surveying, and topographic surveying. A professional land  
40 surveyor shall practice only with the surveyor's area of expertise.

41 (2) As a land ~~surveyor-in-training~~-surveyor intern (shall meet one):

42 a. Rightful possession of an associate degree in surveying  
43 technology approved by the Board and satisfactorily passing a

1 written ~~or~~ and oral examination ~~taken in the presence of and as~~  
2 required by the Board.

3 b. Rightful possession of a ~~B.S.~~ bachelors degree in surveying or  
4 other equivalent curricula in surveying all approved by the Board  
5 and satisfactorily passing ~~such any~~ oral and written examinations  
6 ~~written in the presence of and~~ required by the Board.

7 c. Graduation from high school or the completion of a high school  
8 equivalency certificate and a record satisfactory to the Board of  
9 ~~five~~ six years of progressive, practical experience, ~~four~~ five years  
10 of which shall have been under a practicing ~~registered~~ licensed  
11 land surveyor and satisfactorily passing any oral and written  
12 examinations ~~taken in the presence of and as~~ required by the Board.

13 The Board shall require an applicant to submit exhibits, drawings,  
14 plats, or other tangible evidence of land surveying work ~~executed by him~~  
15 ~~under proper supervision and which he~~ the applicant has personally  
16 accomplished or supervised."

17 Section 12. G.S. 89C-14 reads as rewritten:

18 **"§ 89C-14. Application for ~~registration; registration~~ licensure; license fees.**

19 (a) Application for ~~registration~~ licensure as a professional engineer or ~~registered~~  
20 professional land surveyor shall be on a form prescribed and furnished by the Board. It  
21 shall contain statements made under oath, showing the applicant's education and a  
22 detailed summary of ~~his~~ the applicant's technical and engineering or land surveying  
23 experience, and shall include the names and complete mailing addresses of the  
24 references, none of whom ~~should~~ may be immediate members of the applicant's family or  
25 members of the Board.

26 The Board may accept the certified information on the copy of a current formal  
27 certificate of qualifications issued by the National Council of ~~Engineering Examiners~~  
28 ~~Committee or National Engineering Certification for Professional Engineer applicants~~  
29 Examiners for Engineering and Surveying in lieu of the same information that is required  
30 for the form prescribed and furnished by the Board.

31 (b) An applicant for ~~registration~~ licensure who is required to take the written  
32 examination shall pay a fee equal to the cost of the examination to the Board plus an  
33 additional amount not to exceed one hundred dollars (\$100.00). The Board may charge  
34 any fee necessary to defray the cost of any required examinations. The fee shall  
35 accompany the application. The fee for comity ~~registration~~ licensure of engineers and land  
36 surveyors who hold unexpired certificates in another state or a territory of the United  
37 States or in Canada shall be the total current fee as fixed by the Board.

38 (c) The certification fee for a corporation is the amount set by the Board ~~in~~  
39 ~~accordance with G.S. 55B-10.~~ but shall not exceed two hundred fifty dollars (\$250.00).  
40 The fee shall accompany the application. The certification fee for a business firm is the  
41 same as the fee for a corporation. The fee for renewal of a certificate of ~~registration~~  
42 licensure of a corporation is the amount set by the Board ~~in accordance with G.S. 55B-11.~~  
43 but shall not exceed one hundred dollars (\$100.00). The fee for renewal of a certificate

1 of ~~registration~~ licensure for a business firm is the same as the renewal fee for a  
2 corporation.

3 (d) Should the Board deny the issuance of a certificate of ~~registration~~ licensure to  
4 any applicant, the unobligated portion of fees paid shall be returned by the Board to the  
5 applicant.

6 (e) A candidate failing an examination may apply, and be considered by the  
7 Board, for reexamination at the end of six months. The Board shall make such  
8 reexamination charge as is necessary to defray the cost of the examination.

9 A candidate ~~failing an examination three times will not be permitted to take a~~  
10 ~~reexamination until he has made a written appeal to the Board and his tentative~~  
11 ~~qualifications for the examination are reviewed and reaffirmed by the Board.~~ with a  
12 combination of three failures or unexcused absences on an examination shall only be  
13 eligible after submitting a new application with appropriate application fee, and be  
14 considered by the Board for reexamination at the end of 12 months. After the end of the  
15 12-month period, the applicant may take the examination no more than once every  
16 calendar year."

17 Section 13. G.S. 89C-15 reads as rewritten:

18 "**§ 89C-15. Examinations.**

19 (a) The examinations will be held at ~~such~~ the times and places as the Board directs.  
20 The Board shall determine the passing grade on examinations. All examinations shall be  
21 approved by the entire Board.

22 (b) Written examinations will be given in sections and may be taken only after the  
23 applicant has met the other minimum requirements as given in ~~G.S. 89C-13,~~ G.S. 89C-13  
24 and has been approved by the Board for admission to the examination as follows:

25 (1) Engineering Fundamentals. – Consists of an eight-hour examination on  
26 the fundamentals of engineering. Passing this examination qualifies the  
27 ~~examinee~~ applicant for an ~~engineer-in-training~~ engineering intern  
28 ~~certificate, provided he~~ the applicant has met all other requirements for  
29 ~~certification~~ licensure required by this Chapter.

30 (2) Principles and Practice of Engineering. – Consists of an eight-hour  
31 examination on applied engineering. Passing this examination qualifies  
32 the ~~examinee~~ applicant for ~~registration~~ licensure as a professional  
33 engineer, provided ~~he~~ the applicant has met the other requirements for  
34 registration required by this Chapter.

35 (3) Surveying Fundamentals. – Consists of ~~two four hour examinations~~ an  
36 eight-hour examination on the elementary disciplines of land surveying.  
37 ~~Passing both of these examinations~~ this examination qualifies the ~~examinee~~  
38 applicant for a land ~~surveyor-in-training~~ surveyor intern certificate  
39 provided ~~he~~ the applicant has met all other requirements for certification  
40 required by this Chapter.

41 (4) Principles and Practices of Land Surveying. – Consists of ~~two four hour~~  
42 ~~examinations~~ a six-hour examination on the basic and applied disciplines  
43 of land surveying, ~~one examination on basic disciplines and the other~~

1 ~~examination covering applied disciplines. surveying and a two-hour~~  
2 examination on requirements specific to the practice of land surveying  
3 in North Carolina. Passing each of these examinations qualifies the  
4 ~~examinee applicant~~ for a ~~registered professional~~ land surveyor certificate  
5 provided ~~he the applicant~~ has met all other requirements for certification  
6 required by this Chapter."

7 Section 14. G.S. 89C-16 reads as rewritten:

8 "**§ 89C-16. Certificates of ~~registration; licensure; effect; seals.~~**

9 (a) The Board shall issue to any applicant, who, in the opinion of the Board, has  
10 met the requirements of this Chapter, a certificate of ~~registration-licensure~~ giving the  
11 ~~registrant-licensure~~ proper authority to practice ~~his the~~ profession in this State. The  
12 certificate of ~~registration-licensure~~ for a professional engineer shall carry the designation  
13 'professional engineer,' and for a land surveyor, '~~registered~~-'professional land surveyor,'  
14 shall give the full name of the ~~registrant-licensure~~ with ~~his serial the~~ Board designated  
15 licensure number and shall be signed by the ~~chairman-chair~~ and the secretary under the  
16 seal of the Board.

17 (b) This certificate shall be prima facie evidence that the person named ~~thereon on~~  
18 the certificate is entitled to all rights, privileges and responsibilities of a professional  
19 engineer or a ~~registered professional~~ land surveyor, while the ~~said~~ certificate of ~~registration~~  
20 licensure remains unrevoked or unexpired.

21 (c) Each ~~registrant hereunder-licensure~~ shall upon ~~registration-licensure~~ obtain a seal  
22 of a design authorized by the Board bearing the ~~registrant's-licensure's~~ name, ~~serial-license~~  
23 number, and the legend, 'professional engineer,' or '~~registered~~-'professional land  
24 surveyor.' Final drawings, specifications, plans and reports prepared by a ~~registrant~~  
25 licensure shall, when issued, be certified and stamped with the ~~said~~ seal or facsimile ~~thereof~~  
26 of the seal unless the ~~registrant-licensure~~ is exempt under the provisions of G.S. 89C-25(7).  
27 It shall be unlawful for a ~~registrant-licensure~~ to affix, or permit ~~his the~~ licensure's seal and  
28 signature or facsimile ~~thereof of the seal and signature~~ to be affixed to any drawings,  
29 specifications, plans or reports after the expiration of a certificate or for the purpose of  
30 aiding or abetting any other person to evade or attempt to evade any provision of this  
31 Chapter. A professional engineer practicing land surveying shall use ~~his registered the~~  
32 licensure's land surveyor seal."

33 Section 15. G.S. 89C-17 reads as rewritten:

34 "**§ 89C-17. Expirations and renewals of certificates.**

35 Certificates for ~~registration-licensure~~ shall expire on the last day of the month of  
36 December next following their issuance or renewal, and shall become invalid on that date  
37 unless renewed. When necessary to protect the public health, safety, or welfare, the  
38 Board shall require ~~such any~~ evidence as it ~~deems~~ necessary to establish the continuing  
39 competency of engineers and land surveyors as a condition of renewal of licenses. When  
40 the Board is satisfied as to the continuing competency of an applicant, it shall issue a  
41 renewal of the certificate upon payment by the applicant of a fee fixed by the Board but  
42 not to exceed ~~fifty dollars (\$50.00). one hundred dollars (\$100.00).~~ The secretary of the  
43 Board shall notify by mail every person ~~registered-licensed~~ under this Chapter of the date



1 of expiration of ~~his~~the certificate, the amount of the fee required for its renewal for one  
2 year, and any requirement as to evidence of continued competency. The notice shall be  
3 mailed at least one month in advance of the expiration date of the certificate. Renewal  
4 shall be effected at any time during the month of January immediately following, by  
5 payment to the secretary of the Board of a renewal fee, as determined by the Board,  
6 which shall not exceed ~~fifty dollars (\$50.00)~~one hundred dollars (\$100.00). Failure on the  
7 part of any registrant to renew ~~his~~the certificate annually in the month of January, as  
8 required above, shall deprive the registrant of the right to practice until renewal has been  
9 effected. Renewal may be effected at any time during the first ~~36~~12 months immediately  
10 following its invalidation ~~of payment of the renewal fee increased ten percent (10%) for each~~  
11 ~~month or fraction of a month that payment for renewal is delayed.~~by payment of the  
12 established renewal fee and a late penalty of one hundred dollars (\$100.00). Failure of a  
13 ~~registrant-licensee~~registrant to renew ~~his registration~~the license for a period of ~~36~~12 months shall  
14 require the individual, prior to resuming practice in North Carolina, to submit an  
15 application ~~therefor~~on the prescribed form, and to meet all other requirements for  
16 ~~registration-licensure~~registration-licensure as set forth in Chapter 89C. The secretary of the Board is instructed  
17 to remove from the official roster of engineers and land surveyors the names of all  
18 ~~registrants-licensees~~registrants who have not effected their renewal by the first day of February  
19 immediately following the date of their expiration. The Board may ~~enact~~adopt rules to  
20 provide for renewals in distress or hardship cases due to military service, prolonged  
21 illness, or prolonged absence from the State, where the applicant for renewal  
22 demonstrates to the Board that ~~he~~the applicant has maintained ~~his~~active knowledge and  
23 professional status as an engineer or land surveyor, as the case may be. It shall be the  
24 responsibility of each ~~registrant-licensee~~registrant to inform the Board promptly concerning change  
25 in address. A licensee may request and be granted inactive status. A licensee granted  
26 inactive status shall pay annual renewal fees but shall not be subject to annual continuing  
27 professional competency requirements. A licensee granted inactive status may return to  
28 active status by meeting all requirements of the Board, including demonstration of  
29 continuing professional competency as a condition of reinstatement."

30 Section 16. G.S. 89C-18 reads as rewritten:

31 "**§ 89C-18. Duplicate certificates.**

32 The Board may issue a duplicate certificate of ~~registration-licensure~~registration-licensure or certificate of  
33 authorization to replace any certificate that has been lost, destroyed, or mutilated and may  
34 charge a fee of up to twenty-five dollars (\$25.00) for issuing the certificate."

35 Section 17. G.S. 89C-19 reads as rewritten:

36 "**§ 89C-19. Public works; requirements where public safety involved.**

37 This State and its political subdivisions such as counties, cities, towns, or other  
38 political entities or legally constituted boards, commissions, public utility companies, or  
39 authorities, or officials, or employees ~~thereof~~of these entities shall not engage in the  
40 practice of engineering or land surveying involving either public or private property  
41 where the safety of the public is directly involved without the project being under the  
42 supervision of a professional engineer for the preparations of plans and specifications for

1 engineering projects, or a ~~registered~~ professional land surveyor for land surveying  
2 projects, as provided for the practice of the respective professions by this Chapter.

3 An official or employee of the State or any political subdivision specified in this  
4 section, holding the positions set out in this section as of June 19, 1975, shall be exempt  
5 from the provisions of this section so long as such official or employee is engaged in  
6 substantially the same type of work as is involved in ~~his~~ the present position.

7 Nothing in this section shall be construed to prohibit inspection, maintenance and  
8 service work done by employees of the State of North Carolina, any political subdivision  
9 ~~thereof, of the State, or any municipality therein~~ including construction, installation,  
10 servicing, and maintenance by regular full-time employees of, secondary roads and  
11 drawings incidental ~~thereto, to work on secondary roads,~~ streets, street lighting, traffic-  
12 control signals, police and fire alarm systems, waterworks, steam, electric and sewage  
13 treatment and disposal plants, the services of superintendents, inspectors or foremen  
14 regularly employed by the State of North Carolina or any political subdivision ~~thereof, of~~  
15 the State, or municipal corporation therein.

16 The provisions in this section shall not be construed to alter or modify the  
17 requirements of Article 1 of Chapter 133 of the General Statutes."

18 Section 18. G.S. 89C-20 reads as rewritten:

19 "**§ 89C-20. Rules of professional conduct.**

20 In the interest of protecting the safety, health, and welfare of the public, the Board  
21 shall ~~promulgate and~~ adopt rules of professional conduct applicable to the practice of  
22 engineering and land surveying. These rules, when adopted, shall be construed to be a  
23 reasonable exercise of the police power vested in the Board of ~~Registration-Examiners~~ for  
24 ~~Professional-Engineers and Land Surveyors.~~ Every person ~~registered-licensed~~ by the Board  
25 shall subscribe to and observe the adopted rules as the standard of professional conduct  
26 for the practice of engineering and land ~~surveying~~ surveying and shall cooperate fully  
27 with the Board in the course of any investigation. In the case of violation of the rules of  
28 professional conduct, the Board shall ~~have the responsibility and duty to~~ proceed in  
29 accordance with G.S. 89C-22."

30 Section 19. G.S. 89C-21 reads as rewritten:

31 "**§ 89C-21. Disciplinary action – Reexamination, revocation, suspension, reprimand,**  
32 **or civil penalty.**

33 (a) The Board may reprimand the licensee, suspend, refuse to renew, or revoke the  
34 certificate of ~~registration, licensure,~~ or, as appropriate, require reexamination, for any  
35 engineer or land surveyor, who is found:

- 36 (1) Guilty of the practice of any fraud or deceit in obtaining a certificate of  
37 ~~registration-licensure~~ or certificate of authorization.  
38 (2) Guilty of any gross negligence or misconduct in the practice of ~~his~~ the  
39 profession.  
40 (3) Guilty of any felony or any crime involving moral turpitude.  
41 (4) Guilty of violation of the Rules of Professional Conduct, as adopted by  
42 the Board.

1 (5) To have been declared insane or incompetent by a court of competent  
2 jurisdiction and has not ~~thereafter~~ later been lawfully declared sane or  
3 competent.

4 (6) Guilty of professional incompetence. In the event the Board finds that a  
5 certificate holder is incompetent the Board may, in its discretion, require  
6 oral or written examinations, or other indication of the certificate  
7 holder's fitness to practice ~~his profession~~ engineering or land surveying  
8 and suspend ~~his~~ the license during any such period.

9 (b) The Board ~~shall have the power to~~ may (i) revoke a certificate of authorization,  
10 or (ii) to suspend a certificate of authorization for a period of time not exceeding two  
11 years, of any corporation or business firm where one or more of its officers or directors  
12 have committed any act or have been guilty of any conduct which would authorize a  
13 revocation or suspension of their certificates of ~~registration~~ licensure under the provision  
14 of this section.

15 (c) The Board may levy a civil penalty not in excess of two thousand dollars  
16 (\$2,000) for any engineer or land surveyor who violates any of the provisions of  
17 subdivisions (1) through (4) of subsection (a) of this section. All civil penalties collected  
18 by the Board shall be deposited in the General Fund of North Carolina.

19 (d) Before imposing and assessing a civil penalty and fixing the ~~amount thereof,~~  
20 amount, the Board shall, as a part of its deliberation, take into consideration the following  
21 factors:

- 22 (1) The nature, gravity, and persistence of the particular violations;  
23 (2) The appropriateness of the imposition of a civil penalty when  
24 considered alone or in combination with other punishment;  
25 (3) Whether the violation(s) were done willfully and maliciously; and  
26 (4) Any other factors which would tend to either mitigate or aggravate the  
27 violation(s) found to exist."

28 Section 20. G.S. 89C-22 reads as rewritten:

29 **"§ 89C-22. Disciplinary action – Charges; procedure.**

30 (a) Any person may prefer charges of fraud, deceit, gross negligence,  
31 incompetence, misconduct, or violation of the rules of professional conduct, against any  
32 Board registrant. The charges shall be in writing and shall be sworn to by the person or  
33 persons making them and shall be filed with ~~the secretary of~~ the Board.

34 (b) All charges, unless dismissed by the Board as unfounded or trivial, shall be  
35 heard by the Board as provided under the requirements of Chapter 150B of the General  
36 Statutes.

37 (c) If, after ~~such a~~ a hearing, a majority of the Board votes in favor of sustaining the  
38 charges, the Board shall reprimand, levy a civil penalty, suspend, refuse to renew, or  
39 revoke the ~~registrant's certificate of registration.~~ licensee's certificate.

40 (d) A ~~registrant~~ licensee who is aggrieved by a final decision of the Board may  
41 appeal for judicial review as provided by Article 4 of Chapter 150B.

42 (e) The Board may, upon petition of an individual or an entity whose certificate  
43 has been revoked, for sufficient ~~reasons it may deem sufficient,~~ reasons as it may

1 ~~determine, reissue~~ a certificate of ~~registration-licensure~~ or authorization, provided that a  
2 majority of the members of the Board vote in favor of such issuance.”

3 Section 21. G.S. 89C-23 reads as rewritten:

4 **"§ 89C-23. Unlawful to practice engineering or land surveying without registration;**  
5 **licensure; unlawful use of title or terms; penalties; Attorney General to be**  
6 **legal adviser.**

7 Any person who shall practice, or offer to practice, engineering or land surveying in  
8 this State without first being ~~registered-licensed~~ in accordance with the provisions of this  
9 Chapter, or any person, firm, partnership, organization, association, corporation, or other  
10 entity using or employing the words 'engineer' or 'engineering' or 'professional engineer'  
11 or 'professional engineering' or 'land surveyor' or 'land surveying,' or any modification  
12 or derivative ~~thereof-of those words~~ in its name or form of business or activity except as  
13 ~~registered-licensed~~ under this Chapter or in pursuit of activities exempted by this Chapter,  
14 or any person presenting or attempting to use the certificate of ~~registration-licensure~~ or the  
15 seal of another, or any person who shall give any false or forged evidence of any kind to  
16 the Board or to any member ~~thereof-of the Board~~ in obtaining or attempting to obtain a  
17 certificate of ~~registration-licensure~~, or any person who shall falsely impersonate any other  
18 ~~registrant-licensuree~~ of like or different name, or any person who shall attempt to use an  
19 expired or revoked or nonexistent certificate of ~~registration-licensure~~, or who shall  
20 practice or offer to practice when not qualified, or any person who falsely claims that ~~he~~  
21 the person is registered under this Chapter, or any person who shall violate any of the  
22 provisions of this Chapter, in addition to injunctive procedures set out hereinbefore, shall  
23 be guilty of a Class 2 misdemeanor. In no event shall there be representation of or  
24 holding out to the public of any engineering expertise by ~~unregistered-unlicensed~~ persons.  
25 It shall be the duty of all duly constituted officers of the State and all political  
26 subdivisions ~~thereof-of the State~~ to enforce the provisions of this Chapter and to prosecute  
27 any persons violating ~~same-them~~.

28 The Attorney General of the State or ~~his-an~~ assistant shall act as legal adviser to the  
29 Board and render ~~such-any~~ legal assistance ~~as may be necessary in carrying to carry~~ out the  
30 provisions of this Chapter. The Board may employ counsel and necessary assistance to  
31 aid in the enforcement of this Chapter, and the compensation and expenses ~~therefor-for the~~  
32 assistance shall be paid from funds of the Board.”

33 Section 22. G.S. 89C-24 reads as rewritten:

34 **"§ 89C-24. Registration-Licensure of corporations and business firms that engage in**  
35 **the practice of engineering or land surveying.**

36 A corporation or business firm may not engage in the practice of engineering or land  
37 surveying in this State unless it is ~~registered-with-licensed~~ by the Board and has paid ~~the~~  
38 required registration fee-an application fee established by the Board in an amount not to  
39 exceed two hundred fifty dollars (\$250.00). A corporation or business firm is subject to  
40 the same duties and responsibilities as an individual ~~registrant-Registration-licensuree~~.  
41 Licensure of a corporation or business firm does not affect the requirement that all  
42 engineering or land surveying work done by the corporation or business firm be  
43 performed by or under the responsible charge of individual registrants, nor does it relieve

1 the individual registrants within a corporation or business firm of their design and  
2 supervision responsibilities.

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

7 Section 23. G.S. 89C-25 reads as rewritten:

8 **"§ 89C-25. Limitations on application of Chapter.**

9 This Chapter shall not be construed to prevent or affect:

- 10 (1) The practice of architecture, landscape architecture, or contracting or  
11 any other legally recognized profession or trade; or
- 12 (2) The practice of professional engineering or land surveying in this State  
13 or by any person not a resident of this State and having no established  
14 place of business in this State when this practice does not aggregate  
15 more than 90 days in any calendar year, whether performed in this State  
16 or elsewhere, or involve more than one specific project; provided,  
17 however, that ~~such the person is legally qualified by registration licensed~~  
18 to practice the ~~said~~ profession in ~~his the person's~~ own state or country, in  
19 which the requirements and qualifications for obtaining a certificate of  
20 ~~registration licensure~~ are satisfactory to the Board; in which case the  
21 person shall apply for and the Board will issue a temporary permit; or
- 22 (3) The practice of professional engineering or land surveying in this State  
23 not to aggregate more than 90 days by any person residing in this State,  
24 but whose residence has not been of sufficient duration for the Board to  
25 grant or deny ~~registration licensure~~; provided, however, ~~such the person~~  
26 shall have filed an application for ~~registration licensure~~ as a professional  
27 engineer or ~~registered professional~~ land surveyor and shall have paid the  
28 fee provided for in G.S. 89C-14, and provided that ~~such a the person is~~  
29 ~~legally qualified by registration licensed~~ to practice professional  
30 engineering or professional land surveying in ~~his the person's~~ own state  
31 or country in which the requirements and qualifications for obtaining a  
32 certificate of ~~registration licensure~~ are satisfactory to the Board, in which  
33 case the person shall apply for and the Board will issue a temporary  
34 permit; or
- 35 (4) Engaging in engineering or land surveying as an employee or assistant  
36 under the responsible charge of a professional engineer or ~~registered~~  
37 professional land surveyor or as an employee or assistant of a  
38 nonresident professional engineer or a nonresident ~~registered~~  
39 professional land surveyor provided for in subdivisions (2) and (3) of  
40 this section, provided that ~~said the~~ work as an employee may not include  
41 responsible charge of design or supervision; or
- 42 (5) The practice of professional engineering or land surveying by any  
43 person not a resident of, and having no established place of business in

1 this State, as a consulting associate of a professional engineer or  
2 ~~registered~~ professional land surveyor ~~registered~~ licensed under the  
3 provisions of this Chapter; provided, the nonresident is qualified for  
4 ~~such~~ performing the professional service in ~~his~~ the person's own state or  
5 country; or

6 (6) Practice by members of the armed forces or employees of the  
7 government of the United States while engaged in the practice of  
8 engineering or land surveying solely for ~~said~~ the government on  
9 government-owned works and projects; or

10 (7) The internal engineering or surveying activities of a person, firm or  
11 corporation engaged in manufacturing, processing, or producing a  
12 product, including the activities of public service corporations, public  
13 utility companies, authorities, State agencies, railroads, or membership  
14 cooperatives, or the installation and servicing of their product in the  
15 field; or research and development in connection with the manufacture  
16 of that product or their service; or of their research affiliates; or their  
17 employees in the course of their employment in connection with the  
18 manufacture, installation, or servicing of their product or service in the  
19 field, or on-the- premises maintenance of machinery, equipment, or  
20 apparatus incidental to the manufacture or installation of the product or  
21 service of a firm by the employees of the firm upon property owned,  
22 leased or used by the firm; inspection, maintenance and service work  
23 done by employees of the State of North Carolina, any political  
24 subdivision ~~thereof~~, of the State, or any municipality ~~therein~~ including  
25 construction, installation, servicing, maintenance by regular full-time  
26 employees of streets, street lighting, traffic-control signals, police and  
27 fire alarm systems, waterworks, steam, electric and sewage treatment  
28 and disposal plants; the services of superintendents, inspectors or  
29 foremen regularly employed by the State of North Carolina or any  
30 political subdivision ~~thereof~~, of the State or a municipal corporation  
31 ~~therein~~; corporation; provided, however, that the internal engineering or  
32 surveying activity is not a holding out to or an offer to the public of  
33 engineering or any service thereof as prohibited by this Chapter.  
34 Engineering work, not related to the foregoing exemptions, where the  
35 safety of the public is directly involved shall be under the responsible  
36 charge of a ~~registered~~ licensed professional engineer, or in accordance  
37 with standards prepared or approved by a ~~registered~~ licensed  
38 professional engineer.

39 (8) The (i) preparation of fire sprinkler planning and design drawings by a  
40 fire sprinkler contractor licensed under Article 2 of Chapter 87 of the  
41 General Statutes, or (ii) the performance of internal engineering or  
42 survey work by a manufacturing or communications common carrier  
43 company, or by a research and development company, or by employees

1 of ~~such those~~ corporations provided that ~~such the~~ work is in connection  
2 with, or incidental to products of, or nonengineering services rendered  
3 by ~~such those~~ corporations or their affiliates.

- 4 (9) The routine maintenance or servicing of machinery, equipment,  
5 facilities or structures, the work of mechanics in the performance of  
6 their established functions, or the inspection or supervision of  
7 construction by a foreman, superintendent, or agent of the architect or  
8 professional engineer, or services of an operational nature performed by  
9 an employee of a laboratory, a manufacturing plant, a public service  
10 corporation, or governmental operation."

11 Section 24. G.S. 89C-25.1 reads as rewritten:

12 **"§ 89C-25.1. Supervision of ~~unregistered~~ unlicensed individuals by ~~registered~~ licensed**  
13 **person.**

14 In all circumstances in which ~~unregistered~~ unlicensed individuals are permitted under  
15 this Chapter to perform engineering or land surveying work, or both, under the  
16 supervision of a ~~registered~~ licensed engineer, land surveyor, or both, the Board may by  
17 regulation establish a reasonable limit on the number of ~~unregistered~~ unlicensed  
18 individuals which a ~~registrant~~ licensee of the Board may directly or personally supervise  
19 at one time."

20 Section 25. G.S. 89C-26 reads as rewritten:

21 **"§ 89C-26. Duties of register of deeds.**

22 The register of deeds or any other county or proper public authority may not file or  
23 record any map, plat, survey, or other documents, within the definition of land surveying,  
24 which do not contain an original personal signature and original seal of a ~~registered~~  
25 licensed land surveyor by whom, or under whose responsible charge, the map, plat,  
26 survey, or other documents were prepared, except as provided in G.S. 47-30(m) and  
27 (n)."

28 Section 26. G.S. 89C-28 reads as rewritten:

29 **"§ 89C-28. Existing ~~registration~~ licensure not affected.**

30 Nothing in this Chapter shall be construed as affecting the status of ~~registration~~  
31 licensure of any professional engineer or ~~registered~~ land surveyor who is rightfully in  
32 possession of a certificate of ~~registration~~ licensure duly issued by the Board and valid as  
33 of July 1, 1975."

34 Section 27. This act becomes effective July 1, 1997, and applies to persons  
35 applying for licenses on or after that date and to persons practicing engineering and land  
36 surveying on or after that date.