

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 794*
Committee Substitute Favorable 5/28/97
Committee Substitute #2 Favorable 6/25/97
Committee Substitute #3 Favorable 7/31/97

Short Title: Engineering and Land Surveying Changes.

(Public)

Sponsors:

Referred to:

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."

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

2 **"§ 89C-3. Definitions.**

3 The following definitions apply in this Chapter:

4 (1) Board. – The North Carolina State Board of ~~Registration-Examiners for~~
5 ~~Professional Engineers and Land Surveyors~~ provided for by this Chapter.

6 (1a) Business firm. – A partnership, firm, association, or another
7 organization or group that is not a corporation and is acting as a unit.

8 (2) Engineer. – A person who, by reason of his special knowledge and use
9 of the mathematical, physical and engineering sciences and the
10 principles and methods of engineering analysis and design, acquired by
11 engineering education and engineering experience, is qualified to
12 practice engineering.

13 (3) ~~Engineer-in-training-Engineering intern.~~ – A person who complies with
14 the requirements for education, experience and character, and has
15 passed an examination in the fundamental engineering subjects, as
16 provided in this Chapter.

17 (3a) Inactive licensee. – Licensees who are not engaged in the
18 practice of engineering or land surveying in this State.

19 (4) ~~Land surveyor-in-training-Land surveyor intern.~~ – A person who has
20 qualified for, taken, and passed an examination on the basic disciplines
21 of land surveying as provided in this Chapter.

22 (5) Person. – Any natural person, firm, partnership, corporation or other
23 legal entity.

24 (6) Practice of engineering. –

25 a. Any service or creative work, the adequate performance of which
26 requires engineering education, training, and experience, in the
27 application of special knowledge of the mathematical, physical,
28 and engineering sciences to such services or creative work as
29 consultation, investigation, evaluation, planning, and design of
30 engineering works and systems, planning the use of land and
31 water, engineering surveys, and the observation of construction
32 for the purposes of assuring compliance with drawings and
33 specifications, including the consultation, investigation,
34 evaluation, planning, and design for either private or public use,
35 in connection with any utilities, structures, buildings, machines,
36 equipment, processes, work systems, projects, and industrial or
37 consumer products or equipment of a mechanical, electrical,
38 hydraulic, pneumatic or thermal nature, insofar as they involve
39 safeguarding life, health or property, and including such other
40 professional services as may be necessary to the planning,
41 progress and completion of any engineering services.

42 A person shall be construed to practice or offer to practice
43 engineering, within the meaning and intent of this Chapter, who

1 practices any branch of the profession of engineering; or who, by
2 verbal claim, sign, advertisement, letterhead, card, or in any other
3 way represents ~~himself~~the person to be a professional engineer,
4 or through the use of some other title implies that ~~he~~the person is
5 a professional engineer or that ~~he~~the person is ~~registered~~licensed
6 under this Chapter; or who holds ~~himself~~the person out as able to
7 perform, or who does perform any engineering service or work
8 not exempted by this Chapter, or any other service designated by
9 the practitioner which is recognized as engineering.

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

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

18 a. ~~Any service or work, the adequate performance of which~~
19 ~~involves the application of special knowledge of the principles of~~
20 ~~mathematics, the related physical and applied sciences, and the~~
21 ~~relevant requirements of law for adequate evidence to the act of~~
22 ~~measuring and locating lines, angles, elevations, natural and~~
23 ~~man-made features in the air, on the surface of the earth, within~~
24 ~~underground workings, and on the beds of bodies of water for the~~
25 ~~purpose of determining areas and volumes, for the monumenting~~
26 ~~of property boundaries, and for the platting and layout of lands~~
27 ~~and subdivisions thereof, including the topography, alignment~~
28 ~~and grades of street and incidental drainage within the~~
29 ~~subdivision, and for the preparation and perpetuation of maps,~~
30 ~~record plats, field note records, and property descriptions that~~
31 ~~represent these surveys. Providing professional services such as~~
32 ~~consultation, investigation, testimony, evaluation, planning,~~
33 ~~mapping, assembling, and interpreting reliable scientific~~
34 ~~measurements and information relative to the location, size,~~
35 ~~shape, or physical features of the earth, improvements on the~~
36 ~~earth, the space above the earth, or any part of the earth, whether~~
37 ~~the gathering of information for the providing of these services is~~
38 ~~accomplished by conventional ground measurements, by aerial~~
39 ~~photography, by global positioning via satellites, or by a~~
40 ~~combination of any of these methods, and the utilization and~~
41 ~~development of these facts and interpretations into an orderly~~
42 ~~survey map, plan, report, description, or project. The practice of~~
43 ~~land surveying includes the following:~~

- 1 1. Locating, relocating, establishing, laying out, or retracing
- 2 any property line, easement, or boundary of any tract of
- 3 land;
- 4 2. Locating, relocating, establishing, or laying out the
- 5 alignment or elevation of any of the fixed works embraced
- 6 within the practice of professional engineering;
- 7 3. Making any survey for the subdivision of any tract of
- 8 land, including the topography, alignment and grades of
- 9 streets and incidental drainage within the subdivision, and
- 10 the preparation and perpetuation of maps, record plats,
- 11 field note records, and property descriptions that represent
- 12 these surveys;
- 13 4. Determining, by the use of the principles of land
- 14 surveying, the position for any survey monument or
- 15 reference point, or setting, resetting, or replacing any
- 16 survey monument or reference point;
- 17 5. Determining the configuration or contour of the earth's
- 18 surface or the position of fixed objects on the earth's
- 19 surface by measuring lines and angles and applying the
- 20 principles of mathematics or photogrammetry;
- 21 6. Providing geodetic surveying which includes surveying
- 22 for determination of the size and shape of the earth both
- 23 horizontally and vertically and the precise positioning of
- 24 points on the earth utilizing angular and linear
- 25 measurements through spatially oriented spherical
- 26 geometry; and
- 27 7. Creating, preparing, or modifying electronic or
- 28 computerized data, including land information systems
- 29 and geographic information systems relative to the
- 30 performance of the practice of land surveying.
- 31 b. The term 'practice of land surveying' shall not be construed to
- 32 permit the design or preparation of specifications for (i) major
- 33 highways; (ii) wastewater systems; (iii) wastewater or industrial
- 34 waste treatment works; (iv) pumping or lift stations; (v) water
- 35 supply, treatment, or distribution systems; (vi) streets or storm
- 36 sewer systems except as incidental to a subdivision.
- 37 (8) Professional engineer. – A person who has been duly ~~registered and~~
- 38 licensed as a professional engineer by the Board established by this
- 39 Chapter.
- 40 (8a) Professional engineer, retired. – A person who has been duly licensed as
- 41 a professional engineer by the Board and who chooses to relinquish or
- 42 not to renew a license and who applies to and is approved by the Board

1 to be granted the use of the honorific title 'Professional Engineer,
2 Retired'.

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

9 (9a) Professional land surveyor, retired. – A person who has been duly
10 licensed as a professional land surveyor by the Board and who chooses
11 to relinquish or not to renew a license and who applies to and is
12 approved by the Board to be granted the use of the honorific title
13 'Professional Land Surveyor, Retired'.

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

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

17 "**§ 89C-4. State Board of Registration; Examiners for Engineers and Surveyors;**
18 **appointment; terms.**

19 A State Board of ~~Registration~~ Examiners for ~~Professional~~ Engineers and Land
20 Surveyors, whose duty it is to administer the provisions of this Chapter, is created. The
21 Board shall consist of four ~~registered~~ licensed professional engineers, three ~~registered~~
22 licensed professional land surveyors and two public members, who are neither
23 professional engineers nor professional land surveyors. Of the land surveyor members,
24 one and only one may hold dual ~~registration~~ licenses as a professional land surveyor and
25 professional engineer. All of the members shall be appointed by the Governor.
26 Appointments of the engineer and land surveyor members shall preferably, but not
27 necessarily, be made from a list of nominees submitted by the professional societies for
28 engineers and land surveyors in this State. Each member of the Board shall receive a
29 certificate of appointment from the Governor and shall file with the Secretary of State ~~his~~
30 a written oath or affirmation for the faithful discharge of his ~~the~~ duties.

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

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

40 "**§ 89C-5. Board members; qualifications.**

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

1 Each land surveyor member of the Board shall be a resident of North Carolina and
2 shall be a ~~registered-licensed professional~~ land surveyor engaged in the lawful practice of
3 land surveying in North Carolina for at least six years.

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

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

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

7 Each member of the Board, when attending to the work of the Board or any of its
8 committees, shall receive as compensation for ~~his-service-services~~ the per diem and, in
9 ~~addition thereto,~~ addition, shall be reimbursed for travel expenses and incidentals not
10 exceeding the maximum set forth by law. In addition to per diem allowances, travel and
11 incidentals, the secretary of the Board may, with the approval of the Board, receive such
12 reasonable additional compensation as is compatible with the actual hours of work
13 required by the duties of ~~his-the~~ office."

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

15 **"§ 89C-8. Organization of the Board; meetings; election of officers.**

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

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

23 **"§ 89C-9. Executive ~~secretary;~~ director; duties and liabilities.**

24 The Board shall employ an executive ~~secretary~~ director who is not a member of the
25 Board. The executive ~~secretary~~ director shall be a full-time employee of the Board and
26 perform ~~such-the~~ duties assigned to ~~him-the~~ director by the secretary subject to the
27 approval of the Board. The executive ~~secretary~~ director shall receive a salary and
28 compensation fixed by the Board. The executive ~~secretary~~ director shall give a surety
29 bond satisfactory to the Board conditioned upon the faithful performance of ~~his-the~~
30 director's ~~duties-~~ duties assigned. The premium on ~~said-the~~ bond shall be a necessary and
31 proper expense of the Board."

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

33 **"§ 89C-10. Board powers.**

34 (a) The Board ~~shall have the power to~~ may adopt and amend all ~~rules and~~
35 ~~regulations.~~ Additionally, the Board shall have the power to adopt such rules, rules and
36 rules of procedure, and regulations, procedure as may be reasonably necessary for the
37 proper performance of its duties, the regulation of its procedures, meetings, records, the
38 ~~giving of administration of examinations and the conduct thereof,~~ examinations, and the
39 ~~power authority to enforce such-the~~ rules of professional conduct as ~~may, from time to~~
40 time, may be adopted by the Board pursuant to G.S. 89C-20.

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

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

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

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

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

16 (f) It shall be the responsibility and duty of the Board to conduct a regular
17 program of investigation concerning all matters within its jurisdiction under the
18 provisions of this Chapter. The investigation of a ~~registrant~~ licensee is confidential until
19 the Board issues a citation to the ~~registrant~~ licensee. The Board may expend its funds for
20 salaries, fees, and per diem expenses, in connection with its investigations, provided that
21 no ~~such~~ funds other than per diem expenses shall be paid to any member of the Board in
22 connection with its investigations, nor may any member of the Board give testimony and
23 ~~thereafter~~ later sit in deciding on any matter which may directly involve punitive action
24 ~~under such~~ for the testimony.

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

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

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

8 **"§ 89C-11. Secretary; duties and liabilities; expenditures.**

9 The secretary of the Board shall receive and account for all moneys derived from the
10 operation of the Board as provided in this Chapter, and shall deposit them in one or more
11 special funds in banks or other financial institutions carrying deposit insurance and
12 authorized to do business in North Carolina. The fund or funds shall be designated as
13 'Fund of the Board of ~~Registration—Examiners~~ for Professional—Engineers and Land
14 Surveyors' and shall be drawn against only for the purpose of implementing provisions of
15 this Chapter as herein provided. All expenses certified by the Board as properly and
16 necessarily incurred in the discharge of its duties, including authorized compensation,
17 shall be paid out of ~~said this fund~~ on the warrant signed by the secretary of the Board;
18 ~~provided, however, that at~~ Board. At no time shall the total of warrants issued exceed the
19 total amount of funds accumulated under this Chapter. The secretary of the Board shall
20 give a surety bond satisfactory to the State Board of ~~Registration—Examiners~~ for
21 Professional—Engineers and Land—Surveyors, conditioned upon the faithful performance of
22 ~~his duties—the duties assigned.~~ The premium on ~~said the~~ bond shall be regarded as ~~is~~ a
23 proper and necessary expense of the Board. The secretary of the Board may delegate to
24 the executive ~~secretary~~ director certain routine duties, such as receipt and disbursement of
25 funds in stated amounts by a written authorization, which has the unanimous approval of
26 the Board."

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

28 **"§ 89C-12. Records and reports of Board; evidence.**

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

1 receipts and expenditures of the ~~Board, Board~~ attested by the ~~affidavits of the chairman~~
2 ~~chair~~ and the ~~secretary, secretary~~ and a copy of the ~~said the~~ roster of ~~registered licensed~~
3 professional engineers and ~~registered professional~~ land surveyors."

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

5 "**§ 89C-13. General requirements for ~~registration, licensure.~~**

6 (a) Engineer Applicant. – To be eligible for ~~admission to examination for licensure~~
7 ~~as a professional engineer engineer,~~ an applicant must be of good character and
8 reputation. An applicant desiring to take the examination in the fundamentals of
9 engineering ~~only~~ must submit three character ~~references, references,~~ one of whom shall be
10 a professional engineer. An applicant desiring to take the examination in the principles
11 and practice of engineering must submit five references, two of whom shall be
12 professional engineers having personal knowledge of ~~his the~~ applicant's engineering
13 experiences.

14 The following shall be considered as minimum evidence satisfactory to the Board that
15 the applicant is qualified for ~~registration, licensure:~~

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

17 a. ~~Registration-Licensure~~ by Comity or Endorsement. – A person
18 holding a certificate of ~~registration licensure~~ to engage in the
19 practice of engineering, on the basis of comparable
20 qualifications, issued to ~~him the~~ person by a proper authority of a
21 state, territory, or possession of the United States, the District of
22 Columbia, or of Canada, who completes an application for
23 licensure and submits five references, two of which shall be from
24 professional engineers having personal knowledge of the
25 applicant's engineering experience, and who who, in the opinion
26 of the Board, meets the requirements of this Chapter, based on
27 verified evidence may, upon application, be ~~registered licensed~~
28 without further examination.

29 A person holding a certificate of qualification issued by the
30 Committee on National Engineering Certification of the National
31 Council of ~~Engineering Examiners, Examiners for Engineering and~~
32 Surveying whose qualifications meet the requirements of this
33 Chapter, may upon application, be ~~registered licensed~~ without
34 further examination.

35 b. ~~E.I.T.-E.I.~~ Certificate, Experience, and Examination. – A holder
36 of a certificate of ~~engineer in training engineering intern~~ issued by
37 the Board, and with a specific record of an additional four years
38 or more of progressive experience on engineering projects of a
39 grade and character which indicates to the Board that the
40 applicant may be competent to practice engineering, shall be
41 admitted to ~~an eight hour examination in the~~ principles and practice
42 of ~~engineering engineering~~ examination. Upon passing such the
43 examination, the applicant shall be granted a certificate of

- 1 ~~registration~~ licensure to practice professional engineering in this
2 State, provided ~~he~~ the applicant is otherwise qualified.
- 3 c. Graduation, Experience, and Examination. – A graduate of an
4 engineering curriculum of four years or more approved by the
5 Board as being of satisfactory standing, and with a specific
6 record of an additional four years or more of progressive
7 experience on engineering projects of a grade and character
8 which indicates to the Board that the applicant may be competent
9 to practice engineering, shall be admitted to ~~an eight-hour written~~
10 ~~examination in~~ the fundamentals of ~~engineering,~~ engineering
11 examination, and ~~an eight-hour written examination in~~ the
12 principles and practice of ~~engineering.~~ engineering
13 examination. Upon passing ~~such~~ the examinations, the applicant shall be
14 granted a certificate of ~~registration~~ licensure to practice
15 professional engineering in this State, provided ~~he~~ the applicant
16 is otherwise qualified.
- 17 d. Graduation, Experience, and Examination. – A graduate of an
18 engineering or related science curriculum of four years or more,
19 other than the ones approved by the Board as being of
20 satisfactory standing or with an equivalent education and
21 engineering experience satisfactory to the Board and with a
22 specific record of eight years or more of progressive experience
23 on engineering projects of a grade and character which indicates
24 to the Board that the applicant may be competent in the
25 fundamentals of engineering, shall be admitted to ~~an eight-hour~~
26 ~~written examination in~~ the fundamentals of ~~engineering,~~
27 engineering examination and ~~an eight-hour written examination in~~
28 the principles and practice of ~~engineering.~~ engineering
29 examination. Upon passing ~~such~~ the examinations, the applicant
30 shall be granted a certificate of ~~registration~~ licensure to practice
31 professional engineering in this State, provided ~~he~~ the applicant
32 is otherwise qualified.
- 33 e. Long-Established Practice. —~~An individual~~ A person with a
34 specific record of 20 years or more of progressive experience on
35 engineering projects of a grade and character which indicates to
36 the Board that the applicant may be competent to practice
37 engineering shall be admitted to ~~an eight-hour written examination~~
38 ~~in~~ the principles and practice of ~~engineering.~~ engineering
39 examination. Upon passing ~~such~~ the examination, the applicant
40 shall be granted a certificate of ~~registration~~ licensure to practice
41 professional engineering in this State, provided ~~he~~ the applicant
42 is otherwise qualified.

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

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

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

7 a. Graduation and Examination. – A graduate of an engineering
8 curriculum or related science curriculum of four years or more,
9 approved by the Board as being of satisfactory standing, or a
10 student who has attained senior status in an accredited
11 engineering program, shall be admitted to ~~an eight-hour written~~
12 ~~examination in the fundamentals of engineering.~~engineering
13 examination. The applicant shall be notified if the examination
14 was passed or not passed and if passed he shall be certified as an
15 ~~engineer in training,~~engineering intern if ~~he~~the applicant is
16 otherwise qualified.

17 b. Graduation, Experience, and Examination. – A graduate of an
18 engineering or related science curriculum of four years or more,
19 other than the ones approved by the Board as being of
20 satisfactory standing, or with equivalent education and
21 engineering experience satisfactory to the Board and with a
22 specific record of four or more years of progressive experience
23 on engineering projects of a grade and character satisfactory to
24 the Board, shall be admitted to ~~an eight-hour written examination in~~
25 ~~the fundamentals of engineering.~~engineering examination. The
26 applicant shall be notified if the examination was passed or not
27 passed and if ~~passed he~~passed, the applicant shall be certified as
28 an ~~engineer in training~~engineering intern if ~~he~~the applicant is
29 otherwise qualified.

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

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

1 if the Board ~~deems~~ determines it necessary. Educational credit for institute courses,
2 correspondence courses, ~~etc., or other courses~~ shall 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~~ licensure as a professional land surveyor or for
5 certification as a land ~~surveyor-in-training, surveyor intern~~ respectively:

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

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

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

- 1 ~~additional experience required by this subdivision. (Principles and~~
2 ~~Practice of Land Surveying).~~ An applicant who passes both
3 examinations and successfully completes the educational and
4 experience requirements of this subdivision shall be granted
5 ~~registration licensure as a professional land surveyor.~~
- 6 e. ~~Land Surveyor in Training Certificate, Experience, and~~
7 ~~Examination. — A holder of a certificate of land surveyor in~~
8 ~~training issued by the Board, and with a specific record of an~~
9 ~~additional two years or more of progressive surveying~~
10 ~~experience, one year of which shall have been under a practicing~~
11 ~~registered land surveyor, of a grade and character which indicates~~
12 ~~to the Board that the applicant may be competent to practice land~~
13 ~~surveying, shall be admitted to two four hour examinations.~~
14 ~~Upon passing such examinations, the applicant shall be granted a~~
15 ~~certificate of registration to practice land surveying in this State,~~
16 ~~provided he is otherwise qualified.~~
- 17 d. Graduation from a high school or the completion of a high school
18 equivalency certificate and a record satisfactory to the Board of
19 seven years of progressive practical experience, ~~six~~ seven years
20 of which shall have been under a practicing ~~registered~~ licensed
21 land surveyor, and satisfactorily passing ~~such any~~ oral and written
22 ~~examination written in the presence of and examinations~~ required by
23 the Board, all of which shall determine and indicate that the
24 candidate is competent to practice land surveying. The applicant
25 may be qualified by the Board to take the first examination
26 (Surveying Fundamentals) upon graduation from high school or
27 the completion of a high school equivalency certificate and
28 successfully completing six years of progressive practice
29 experience, five of which shall have been under a practicing
30 licensed land surveyor. The applicant may apply to take the
31 second examination (Principles and Practice of Land Surveying)
32 upon passing the first examination and successfully completing
33 four years of progressive practical experience, two of which shall
34 have been under a practicing licensed land surveyor.
- 35 e. Repealed by Session Laws 1985 (Regular Session, 1986), c. 977,
36 s. 7.
- 37 f. ~~Registration Licensure~~ by Comity or Endorsement. – A person
38 holding a certificate of ~~registration licensure~~ to engage in the
39 practice of land surveying issued on comparable qualifications
40 from a state, territory, or possession of the United States will be
41 given comity considerations. However, ~~he~~ the applicant may be
42 asked to take ~~such any~~ examinations as the Board ~~deems necessary~~
43 requires to determine ~~his~~ the applicant's qualifications, but in any

1 event, ~~he~~ the applicant shall be required to pass a ~~written~~ an
2 examination which shall include questions on laws, procedures,
3 and practices pertaining to the practice of land surveying in
4 North Carolina.

5 g. A licensed professional engineer who can satisfactorily
6 demonstrate to the Board that ~~his~~ the professional engineer's
7 formal academic training in acquiring a degree and field
8 experience in engineering includes land surveying, to the extent
9 necessary to reasonably qualify the applicant in the practice of
10 land surveying, may apply for and may be granted permission to
11 take the ~~two four-hour examinations on the principles and practice~~
12 ~~of land surveying examination and the two four-hour examinations~~
13 ~~on the fundamentals of land surveying~~ surveying examination.
14 Upon satisfactorily passing the examinations, the applicant ~~will~~
15 shall be granted a license to practice land surveying in the State
16 of North Carolina.

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

22 i. Photogrammetrists. – Any person presently practicing
23 photogrammetry with at least seven years of experience in the
24 profession, two or more of which shall have been in responsible
25 charge of photogrammetric mapping projects meeting National
26 Map Accuracy Standards shall, upon application, be licensed to
27 practice land surveying, provided:

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

30 2. The applicant submit proof of employment in responsible
31 charge as a photogrammetrist practicing within the State
32 of North Carolina to include itemized reports detailing
33 methods, procedures, amount of applicant's personal
34 involvement and the name, address, and telephone
35 numbers of the client for five projects completed by the
36 applicant with the State. A final map for one of the five
37 projects shall also be submitted;

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

41 4. The application is submitted to the Board by July 1, 1998.
42 After July 1, 1998, no photogrammetrist shall be licensed
43 without meeting the same requirements as to education,

1 length of experience, and testing required of all land
2 surveying applicants.

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

7 Land surveying encompasses a number of disciplines including
8 geodetic surveying, hydrographic surveying, cadastral surveying,
9 engineering surveying, route surveying, photogrammetric (aerial)
10 surveying, and topographic surveying. A professional land surveyor
11 shall practice only within the surveyor's area of expertise.

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

- 13 a. Rightful possession of an associate degree in surveying
14 technology approved by the Board and satisfactorily passing a
15 written ~~or~~ and oral examination ~~taken in the presence of and~~ as
16 required by the Board.
- 17 b. Rightful possession of a ~~B.S.-bachelors~~ degree in surveying or
18 other equivalent curricula in surveying all approved by the Board
19 and satisfactorily passing ~~such~~ any oral and written examinations
20 ~~written in the presence of and~~ required by the Board.
- 21 c. Graduation from high school or the completion of a high school
22 equivalency certificate and a record satisfactory to the Board of
23 ~~five~~ six years of progressive, practical experience, ~~four~~ five years
24 of which shall have been under a practicing ~~registered~~ licensed
25 land surveyor and satisfactorily passing any oral and written
26 examinations ~~taken in the presence of and~~ as required by the Board.

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

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

32 "**§ 89C-14. Application for ~~registration; registration-licensure; license fees.~~**

33 (a) Application for ~~registration-licensure~~ as a professional engineer or ~~registered~~
34 professional land surveyor shall be on a form prescribed and furnished by the Board. It
35 shall contain statements made under oath, showing the applicant's education and a
36 detailed summary of ~~his~~ the applicant's technical and engineering or land surveying
37 experience, and shall include the names and complete mailing addresses of the
38 references, none of whom ~~should~~ may be immediate members of the applicant's family or
39 members of the Board.

40 The Board may accept the certified information on the copy of a current formal
41 certificate of qualifications issued by the National Council of ~~Engineering Examiners~~
42 ~~Committee or National Engineering Certification for Professional Engineer applicants~~

1 Examiners for Engineering and Surveying in lieu of the same information that is required
2 for the form prescribed and furnished by the Board.

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

11 (c) The certification fee for a corporation is the amount set by the Board ~~in~~
12 ~~accordance with G.S. 55B-10, but shall not exceed one hundred dollars (\$100.00).~~ The fee
13 shall accompany the application. The certification fee for a business firm is the same as
14 the fee for a corporation. The fee for renewal of a certificate of ~~registration-licensure~~ of a
15 corporation is the amount set by the Board ~~in accordance with G.S. 55B-11, but shall not~~
16 ~~exceed seventy-five dollars (\$75.00).~~ The fee for renewal of a certificate of ~~registration~~
17 licensure for a business firm is the same as the renewal fee for a corporation.

18 (d) Should the Board deny the issuance of a certificate of ~~registration-licensure~~ to
19 any applicant, the unobligated portion of fees paid shall be returned by the Board to the
20 applicant.

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

24 A candidate ~~failing an examination three times will not be permitted to take a~~
25 ~~reexamination until he has made a written appeal to the Board and his tentative~~
26 ~~qualifications for the examination are reviewed and reaffirmed by the Board, with a~~
27 combination of three failures or unexcused absences on an examination shall only be
28 eligible after submitting a new application with appropriate application fee, and be
29 considered by the Board for reexamination at the end of 12 months. After the end of the
30 12-month period, the applicant may take the examination no more than once every
31 calendar year."

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

33 "**§ 89C-15. Examinations.**

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

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

- 40 (1) Engineering Fundamentals. – Consists of an eight-hour examination on
41 the fundamentals of engineering. Passing this examination qualifies the
42 ~~examinee-applicant~~ for an engineer-in-training-engineering intern

1 certificate, provided ~~he~~ the applicant has met all other requirements for
2 ~~certification-licensure~~ required by this Chapter.

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

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

14 (4) Principles and Practices of Land Surveying. – Consists of ~~two four-hour~~
15 ~~examinations~~ a six-hour examination on the basic and applied disciplines
16 of land surveying, ~~one examination on basic disciplines and the other~~
17 ~~examination covering applied disciplines.~~ surveying and a two-hour
18 examination on requirements specific to the practice of land surveying
19 in North Carolina. Passing each of these examinations qualifies the
20 ~~examinee~~ applicant for a ~~registered~~ professional land surveyor certificate
21 provided ~~he~~ the applicant has met all other requirements for certification
22 required by this Chapter."

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

24 **"§ 89C-16. Certificates of ~~registration; licensure; effect; seals.~~**

25 (a) The Board shall issue to any applicant, who, in the opinion of the Board, has
26 met the requirements of this Chapter, a certificate of ~~registration-licensure~~ giving the
27 ~~registrant-licensee~~ proper authority to practice ~~his~~ the profession in this State. The
28 certificate of ~~registration-licensure~~ for a professional engineer shall carry the designation
29 'professional engineer,' and for a land surveyor, '~~registered~~ professional land surveyor,'
30 shall give the full name of the ~~registrant-licensee~~ with ~~his serial~~ the Board designated
31 licensure number and shall be signed by the ~~chairman~~ chair and the secretary under the
32 seal of the Board.

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

37 (c) Each ~~registrant~~ hereunder-licensee shall upon ~~registration-licensure~~ obtain a seal
38 of a design authorized by the Board bearing the ~~registrant's-licensee's~~ name, ~~serial-license~~
39 number, and the legend, 'professional engineer,' or '~~registered~~ professional land
40 surveyor.' Final drawings, specifications, plans and reports prepared by a ~~registrant~~
41 licensee shall, when issued, be certified and stamped with the ~~said~~ seal or facsimile ~~thereof~~
42 of the seal unless the ~~registrant-licensee~~ is exempt under the provisions of G.S. 89C-25(7).
43 It shall be unlawful for a ~~registrant-licensee~~ to affix, or permit ~~his~~ the licensee's seal and

1 signature or facsimile ~~thereof~~ of the seal and signature to be affixed to any drawings,
2 specifications, plans or reports after the expiration of a certificate or for the purpose of
3 aiding or abetting any other person to evade or attempt to evade any provision of this
4 Chapter. A professional engineer practicing land surveying shall use ~~his registered~~ the
5 licensee's land surveyor seal."

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

7 "**§ 89C-17. Expirations and renewals of certificates.**

8 Certificates for ~~registration~~ licensure shall expire on the last day of the month of
9 December next following their issuance or renewal, and shall become invalid on that date
10 unless renewed. When necessary to protect the public health, safety, or welfare, the
11 Board shall require ~~such~~ any evidence as it deems necessary to establish the continuing
12 competency of engineers and land surveyors as a condition of renewal of licenses. When
13 the Board is satisfied as to the continuing competency of an applicant, it shall issue a
14 renewal of the certificate upon payment by the applicant of a fee fixed by the Board but
15 not to exceed ~~fifty dollars (\$50.00)~~ seventy-five dollars (\$75.00). The secretary of the
16 Board shall notify by mail every person ~~registered~~ licensed under this Chapter of the date
17 of expiration of ~~his~~ the certificate, the amount of the fee required for its renewal for one
18 year, and any requirement as to evidence of continued competency. The notice shall be
19 mailed at least one month in advance of the expiration date of the certificate. Renewal
20 shall be effected at any time during the month of January immediately following, by
21 payment to the secretary of the Board of a renewal fee, as determined by the Board,
22 which shall not exceed ~~fifty dollars (\$50.00)~~ seventy-five dollars (\$75.00). Failure on the
23 part of any registrant to renew ~~his~~ the certificate annually in the month of January, as
24 required above, shall deprive the registrant of the right to practice until renewal has been
25 effected. Renewal may be effected at any time during the first ~~36~~ 12 months immediately
26 following its invalidation ~~of payment of the renewal fee increased ten percent (10%) for each~~
27 ~~month or fraction of a month that payment for renewal is delayed~~ by payment of the
28 established renewal fee and a late penalty of one hundred dollars (\$100.00). Failure of a
29 ~~registrant~~ licensee to renew ~~his registration~~ the license for a period of ~~36~~ 12 months shall
30 require the individual, prior to resuming practice in North Carolina, to submit an
31 application ~~therefor~~ on the prescribed form, and to meet all other requirements for
32 ~~registration~~ licensure as set forth in Chapter 89C. The secretary of the Board is instructed
33 to remove from the official roster of engineers and land surveyors the names of all
34 ~~registrants~~ licensees who have not effected their renewal by the first day of February
35 immediately following the date of their expiration. The Board may ~~enact~~ adopt rules to
36 provide for renewals in distress or hardship cases due to military service, prolonged
37 illness, or prolonged absence from the State, where the applicant for renewal
38 demonstrates to the Board that ~~he~~ the applicant has maintained ~~his~~ active knowledge and
39 professional status as an engineer or land surveyor, as the case may be. It shall be the
40 responsibility of each ~~registrant~~ licensee to inform the Board promptly concerning change
41 in address. A licensee may request and be granted inactive status. No inactive licensee
42 may practice in this State unless otherwise exempted in this Chapter. A licensee granted
43 inactive status shall pay annual renewal fees but shall not be subject to annual continuing

1 professional competency requirements. A licensee granted inactive status may return to
2 active status by meeting all requirements of the Board, including demonstration of
3 continuing professional competency as a condition of reinstatement."

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

5 **"§ 89C-18. Duplicate certificates.**

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

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

10 **"§ 89C-19. Public works; requirements where public safety involved.**

11 This State and its political subdivisions such as counties, cities, towns, or other
12 political entities or legally constituted boards, commissions, public utility companies, or
13 authorities, or officials, or employees ~~thereof~~ of these entities shall not engage in the
14 practice of engineering or land surveying involving either public or private property
15 where the safety of the public is directly involved without the project being under the
16 supervision of a professional engineer for the preparations of plans and specifications for
17 engineering projects, or a ~~registered-professional~~ land surveyor for land surveying
18 projects, as provided for the practice of the respective professions by this Chapter.

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

23 Nothing in this section shall be construed to prohibit inspection, maintenance and
24 service work done by employees of the State of North Carolina, any political subdivision
25 ~~thereof, of the State, or any municipality therein~~ including construction, installation,
26 servicing, and maintenance by regular full-time employees of, secondary roads and
27 drawings incidental ~~thereto, to work on secondary roads,~~ streets, street lighting, traffic-
28 control signals, police and fire alarm systems, waterworks, steam, electric and sewage
29 treatment and disposal plants, the services of superintendents, inspectors or foremen
30 regularly employed by the State of North Carolina or any political subdivision ~~thereof, of~~
31 the State, or municipal corporation therein corporation.

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

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

35 **"§ 89C-20. Rules of professional conduct.**

36 In the interest of protecting the safety, health, and welfare of the public, the Board
37 shall ~~promulgate and~~ adopt rules of professional conduct applicable to the practice of
38 engineering and land surveying. These rules, when adopted, shall be construed to be a
39 reasonable exercise of the police power vested in the Board of ~~Registration-Examiners for~~
40 ~~Professional-Engineers and Land Surveyors.~~ Every person ~~registered-licensed~~ by the Board
41 shall subscribe to and observe the adopted rules as the standard of professional conduct
42 for the practice of engineering and land ~~surveying~~ surveying and shall cooperate fully
43 with the Board in the course of any investigation. In the case of violation of the rules of

1 professional conduct, the Board shall ~~have the responsibility and duty to~~ proceed in
2 accordance with G.S. 89C-22."

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

4 **"§ 89C-21. Disciplinary action – Reexamination, revocation, suspension, reprimand,
5 or civil penalty.**

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

9 (1) Guilty of the practice of any fraud or deceit in obtaining a certificate of
10 ~~registration~~ licensure or certificate of authorization.

11 (2) Guilty of any gross negligence or misconduct in the practice of ~~his~~ the
12 profession.

13 (3) Guilty of any felony or any crime involving moral turpitude.

14 (4) Guilty of violation of the Rules of Professional Conduct, as adopted by
15 the Board.

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

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

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

30 (c) The Board may levy a civil penalty not in excess of two thousand dollars
31 (\$2,000) for any engineer or land surveyor who violates any of the provisions of
32 subdivisions (1) through (4) of subsection (a) of this section. All civil penalties collected
33 by the Board shall be deposited in the General Fund of North Carolina.

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

37 (1) The nature, gravity, and persistence of the particular violations;

38 (2) The appropriateness of the imposition of a civil penalty when
39 considered alone or in combination with other punishment;

40 (3) Whether the violation(s) were done willfully and maliciously; and

41 (4) Any other factors which would tend to either mitigate or aggravate the
42 violation(s) found to exist."

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

1 **"§ 89C-22. Disciplinary action – Charges; procedure.**

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

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

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

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

14 (e) The Board may, upon petition of an individual or an entity whose certificate
15 has been revoked, for sufficient reasons it may deem sufficient, ~~reasons as it may~~
16 determine, reissue a certificate of ~~registration~~ licensure or authorization, provided that a
17 majority of the members of the Board vote in favor of such issuance.”

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

19 **"§ 89C-23. Unlawful to practice engineering or land surveying without registration;
20 licensure; unlawful use of title or terms; penalties; Attorney General to be
21 legal adviser.**

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

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

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

7 **"§ 89C-24. Registration-Licensure of corporations and business firms that engage in**
8 **the practice of engineering or land surveying.**

9 A corporation or business firm may not engage in the practice of engineering or land
10 surveying in this State unless it is ~~registered with~~ licensed by the Board and has paid ~~the~~
11 ~~required registration fee.~~ an application fee established by the Board in an amount not to
12 exceed one hundred dollars (\$100.00). A corporation or business firm is subject to the
13 same duties and responsibilities as an individual ~~registrant.~~ Registration-licensure.
14 Licensure of a corporation or business firm does not affect the requirement that all
15 engineering or land surveying work done by the corporation or business firm be
16 performed by or under the responsible charge of individual registrants, nor does it relieve
17 the individual registrants within a corporation or business firm of their design and
18 supervision responsibilities.

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

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

24 **"§ 89C-25. Limitations on application of Chapter.**

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

- 26 (1) The practice of architecture, landscape architecture, or contracting or
27 any other legally recognized profession or trade; or
- 28 (2) The practice of professional engineering or land surveying in this State
29 or by any person not a resident of this State and having no established
30 place of business in this State when this practice does not aggregate
31 more than 90 days in any calendar year, whether performed in this State
32 or elsewhere, or involve more than one specific project; provided,
33 however, that ~~such the~~ person is ~~legally qualified by registration~~ licensed
34 to practice the ~~said~~ profession in ~~his~~ the person's own state or country, in
35 which the requirements and qualifications for obtaining a certificate of
36 ~~registration-licensure~~ are satisfactory to the Board; in which case the
37 person shall apply for and the Board will issue a temporary permit; or
- 38 (3) The practice of professional engineering or land surveying in this State
39 not to aggregate more than 90 days by any person residing in this State,
40 but whose residence has not been of sufficient duration for the Board to
41 grant or deny ~~registration-licensure~~; provided, however, ~~such the~~ person
42 shall have filed an application for ~~registration-licensure~~ as a professional
43 engineer or ~~registered~~ professional land surveyor and shall have paid the

1 fee provided for in G.S. 89C-14, and provided that ~~such a~~ the person is
2 ~~legally qualified by registration~~ licensed to practice professional
3 engineering or professional land surveying in ~~his~~ the person's own state
4 or country in which the requirements and qualifications for obtaining a
5 certificate of ~~registration~~ licensure are satisfactory to the Board, in which
6 case the person shall apply for and the Board will issue a temporary
7 permit; or

8 (4) Engaging in engineering or land surveying as an employee or assistant
9 under the responsible charge of a professional engineer or ~~registered~~
10 professional land surveyor or as an employee or assistant of a
11 nonresident professional engineer or a nonresident ~~registered~~
12 professional land surveyor provided for in subdivisions (2) and (3) of
13 this section, provided that ~~said~~ the work as an employee may not include
14 responsible charge of design or supervision; or

15 (5) The practice of professional engineering or land surveying by any
16 person not a resident of, and having no established place of business in
17 this State, as a consulting associate of a professional engineer or
18 ~~registered~~ professional land surveyor ~~registered~~ licensed under the
19 provisions of this Chapter; provided, the nonresident is qualified for
20 ~~such~~ performing the professional service in ~~his~~ the person's own state or
21 country; or

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

26 (7) The internal engineering or surveying activities of a person, firm or
27 corporation engaged in manufacturing, processing, or producing a
28 product, including the activities of public service corporations, public
29 utility companies, authorities, State agencies, railroads, or membership
30 cooperatives, or the installation and servicing of their product in the
31 field; or research and development in connection with the manufacture
32 of that product or their service; or of their research affiliates; or their
33 employees in the course of their employment in connection with the
34 manufacture, installation, or servicing of their product or service in the
35 field, or on-the- premises maintenance of machinery, equipment, or
36 apparatus incidental to the manufacture or installation of the product or
37 service of a firm by the employees of the firm upon property owned,
38 leased or used by the firm; inspection, maintenance and service work
39 done by employees of the State of North Carolina, any political
40 subdivision ~~thereof~~ of the State, or any municipality ~~therein~~ including
41 construction, installation, servicing, maintenance by regular full-time
42 employees of streets, street lighting, traffic-control signals, police and
43 fire alarm systems, waterworks, steam, electric and sewage treatment

1 and disposal plants; the services of superintendents, inspectors or
2 foremen regularly employed by the State of North Carolina or any
3 political subdivision ~~thereof, of the State or a municipal corporation~~
4 ~~therein; corporation;~~ provided, however, that the internal engineering or
5 surveying activity is not a holding out to or an offer to the public of
6 engineering or any service thereof as prohibited by this Chapter.
7 Engineering work, not related to the foregoing exemptions, where the
8 safety of the public is directly involved shall be under the responsible
9 charge of a ~~registered~~ licensed professional engineer, or in accordance
10 with standards prepared or approved by a ~~registered~~ licensed
11 professional engineer.

12 (8) The (i) preparation of fire sprinkler planning and design drawings by a
13 fire sprinkler contractor licensed under Article 2 of Chapter 87 of the
14 General Statutes, or (ii) the performance of internal engineering or
15 survey work by a manufacturing or communications common carrier
16 company, or by a research and development company, or by employees
17 of ~~such those~~ corporations provided that ~~such the~~ work is in connection
18 with, or incidental to products of, or nonengineering services rendered
19 by ~~such those~~ corporations or their affiliates.

20 (9) The routine maintenance or servicing of machinery, equipment,
21 facilities or structures, the work of mechanics in the performance of
22 their established functions, or the inspection or supervision of
23 construction by a foreman, superintendent, or agent of the architect or
24 professional engineer, or services of an operational nature performed by
25 an employee of a laboratory, a manufacturing plant, a public service
26 corporation, or governmental operation."

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

28 **"§ 89C-25.1. Supervision of ~~unregistered~~ unlicensed individuals by ~~registered~~ licensed**
29 **person.**

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

36 Section 25. G.S. 89C-28 reads as rewritten:

37 **"§ 89C-28. Existing ~~registration~~ licensure not affected.**

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

1 Section 26. This act is effective when it becomes law and applies to persons
2 applying for licenses on or after that date and to persons practicing engineering and land
3 surveying on or after that date.