

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1133

Short Title: Engineering & Land Surveying.

(Public)

Sponsors: Representative Wood (By Request).

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

April 21, 1997

A BILL TO BE ENTITLED

AN ACT AMENDING THE NORTH CAROLINA ENGINEERING AND LAND SURVEYING ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 89C-3(6) reads as rewritten:

"(6) Practice of engineering. –

- a. Any service or creative work, the adequate performance of which requires engineering education, training, and experience, in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning, and design of engineering works and systems, planning the use of land and water, engineering surveys, and the observation of construction for the purposes of assuring compliance with drawings and specifications, including the consultation, investigation, evaluation, planning, and design for either private or public use, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic or thermal nature, insofar as they involve

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1 safeguarding life, health or property, and including such other
2 professional services as may be necessary to the planning,
3 progress and completion of any engineering services.

4 A person shall be construed to practice or offer to practice
5 engineering, within the meaning and intent of this Chapter, who
6 practices any branch of the profession of engineering; or who, by
7 verbal claim, sign, advertisement, letterhead, card, or in any other
8 way represents himself to be a professional engineer, or through
9 the use of some other title implies that he is a professional
10 engineer or that he is registered under this Chapter; or who holds
11 himself out as able to perform, or who does perform any
12 engineering service or work not exempted by this Chapter, or any
13 other service designated by the practitioner which is recognized
14 as engineering.

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

22 1. To permit the location, description, establishment or
23 reestablishment of property lines or descriptions of land
24 boundaries for conveyance.

25 2. To be the practice of meteorology, chemistry, biology,
26 physics, ecology, geology, or any other natural, physical,
27 and biological sciences.

28 3. To include the assessment of an underground storage tank
29 required by applicable rules at closure or change in service
30 unless there has been a discharge or release of the product
31 from the tank."

32 Section 2. G.S. 89C-4 reads as rewritten:

33 **"§ 89C-4. State Board of Registration; appointment; terms.**

34 A State Board of Registration for Professional Engineers and Land Surveyors, whose
35 duty it is to administer the provisions of this Chapter, is created. The Board shall consist
36 of ~~four~~nine registered professional engineers, three registered land surveyors and two
37 public members, who are neither professional engineers nor land surveyors. Of the
38 engineer members, five shall be from the manufacturing sector. One of these five may be
39 from the public utility sector, unless that person is employed by a firm that is registered
40 as a professional corporation under Chapter 55B of the General Statutes. Of the land
41 surveyor members, one and only one may hold dual registration as a land surveyor and
42 professional engineer. All of the members shall be appointed by the Governor.
43 Appointments of the engineer and land surveyor members shall preferably, but not

1 necessarily, be made from a list of nominees submitted by the professional societies for
2 engineers and land surveyors in this State. Each member of the Board shall receive a
3 certificate of appointment from the Governor and shall file with the Secretary of State his
4 written oath or affirmation for the faithful discharge of his duties.

5 Members of the Board serve for staggered five-year terms, and no member may be
6 appointed for more than two full terms. Members serve until the expiration of their
7 respective terms and until their respective successors are appointed. If a vacancy occurs
8 during a term, the Governor shall appoint a successor from the same classification as the
9 person causing the vacancy to serve for the remainder of the unexpired term. If the
10 vacancy is not filled within 90 days after it occurs, the Board may appoint a provisional
11 member to serve until the appointment by the Governor becomes effective. The
12 provisional member during his tenure has all the powers and duties of a regular member.”

13 Section 3. G.S. 89C-8 reads as rewritten:

14 **"§ 89C-8. Organization of the Board; meetings; election of officers.**

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

21 Section 4. G.S. 89C-13(a) reads as rewritten:

22 "(a) Engineer Applicant. – To be eligible for admission to examination for
23 professional engineer an applicant must be of good character and reputation. An applicant
24 desiring to take the examination in the fundamentals of engineering only must submit
25 three character references. An applicant desiring to take the examination in the principles
26 and practice of engineering must submit ~~five references, two of whom shall be professional~~
27 ~~engineers having personal knowledge of his engineering experiences.~~ references.

28 The following shall be considered as minimum evidence satisfactory to the Board that
29 the applicant is qualified for registration:

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

- 31 a. Registration by Comity or Endorsement. – A person holding a
32 certificate of registration to engage in the practice of engineering,
33 on the basis of comparable qualifications, issued to him by a
34 proper authority of a state, territory, or possession of the United
35 States, the District of Columbia, or of Canada, who in the
36 opinion of the Board, meets the requirements of this Chapter,
37 based on verified evidence may, upon application, be registered
38 without further examination.

39 A person holding a certificate of qualification issued by the
40 Committee on National Engineering Certification of the National
41 Council of Engineering Examiners, whose qualifications meet
42 the requirements of this Chapter, may upon application, be
43 registered without further examination.

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

1 professional engineering in this State, provided he is otherwise
2 qualified.

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

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

8 (2) As an engineer-in-training (shall meet one):

9 a. Graduation and Examination. – A graduate of an engineering
10 curriculum or related science curriculum of four years or more,
11 approved by the Board as being of satisfactory standing, shall be
12 admitted to an eight-hour written examination in the
13 fundamentals of engineering. The applicant shall be notified if
14 the examination was passed or not passed and if passed he shall
15 be certified as an engineer-in-training, if he is otherwise
16 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
25 in the fundamentals of engineering. The applicant shall be
26 notified if the examination was passed or not passed and if
27 passed he shall be certified as an engineer-in-training if he is
28 otherwise qualified."

29 Section 5. G.S. 89C-24 reads as rewritten:

30 **"§ 89C-24. Registration of corporations and business firms that ~~engage in the~~
31 ~~practice of engineering or offer engineering services to the public or engage~~
32 in the practice of land surveying.**

33 A corporation or business firm may not ~~engage in the practice of engineering or offer~~
34 engineering services to the public or engage in the practice of land surveying in this State
35 unless it is registered with the Board and has paid the required registration fee. A
36 corporation or business firm is subject to the same duties and responsibilities as an
37 individual registrant. Registration of a corporation or business firm does not affect the
38 requirement that all engineering or land surveying work done by the corporation or
39 business firm be performed by or under the responsible charge of individual registrants,
40 nor does it relieve the individual registrants within a corporation or business firm of their
41 design and supervision responsibilities.

42 This section applies to every corporation that ~~is engaged in the practice of engineering or~~
43 offers engineering services to the public or is engaged in the practice of land surveying,

1 regardless of when it was incorporated. A corporation that is not exempt from Chapter
2 55B of the General Statutes by application of G.S. 55B-15 must be incorporated under
3 that Chapter."

4 Section 6. G.S. 89C-25 reads as rewritten:

5 **"§ 89C-25. Limitations on application of Chapter.**

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

7 (1) The practice of architecture, landscape architecture, or contracting or
8 any other legally recognized profession or trade; or

9 (2) The practice of professional engineering or land surveying in this State
10 or by any person not a resident of this State and having no established
11 place of business in this State when this practice does not aggregate
12 more than 90 days in any calendar year, whether performed in this State
13 or elsewhere, or involve more than one specific project; provided,
14 however, that such person is legally qualified by registration to practice
15 the said profession in his own state or country, in which the
16 requirements and qualifications for obtaining a certificate of registration
17 are satisfactory to the Board; in which case the person shall apply for
18 and the Board will issue a temporary permit; or

19 (3) The practice of professional engineering or land surveying in this State
20 not to aggregate more than 90 days by any person residing in this State,
21 but whose residence has not been of sufficient duration for the Board to
22 grant or deny registration; provided, however, such person shall have
23 filed an application for registration as a professional engineer or
24 registered land surveyor and shall have paid the fee provided for in G.S.
25 89C-14, and provided that such a person is legally qualified by
26 registration to practice professional engineering or land surveying in his
27 own state or country in which the requirements and qualifications for
28 obtaining a certificate of registration are satisfactory to the Board, in
29 which case the person shall apply for and the Board will issue a
30 temporary permit; or

31 (4) Engaging in engineering or land surveying as an employee or assistant
32 under the responsible charge of a professional engineer or registered
33 land surveyor or as an employee or assistant of a nonresident
34 professional engineer or a nonresident registered land surveyor provided
35 for in subdivisions (2) and (3) of this section, provided that said work as
36 an employee may not include responsible charge of design or
37 supervision; or

38 (5) The practice of professional engineering or land surveying by any
39 person not a resident of, and having no established place of business in
40 this State, as a consulting associate of a professional engineer or
41 registered land surveyor registered under the provisions of this Chapter;
42 provided, the nonresident is qualified for such professional service in his
43 own state or country; or

- 1 (6) Practice by members of the armed forces or employees of the
2 government of the United States while engaged in the practice of
3 engineering or land surveying solely for said government on
4 government-owned works and projects; or
- 5 (7) The internal engineering or surveying activities of a person, firm or
6 corporation engaged in manufacturing, processing, or producing a
7 product, including the activities of public service corporations, public
8 utility companies, authorities, State agencies, railroads, or membership
9 cooperatives, or the installation and servicing of their product in the
10 field; or research and development in connection with the manufacture
11 of that product or their service; or of their research affiliates; or their
12 employees in the course of their employment in connection with the
13 manufacture, installation, or servicing of their product or service in the
14 field, or on-the- premises maintenance of machinery, equipment, or
15 apparatus incidental to the manufacture or installation of the product or
16 service of a firm by the employees of the firm upon property owned,
17 leased or used by the firm; inspection, maintenance and service work
18 done by employees of the State of North Carolina, any political
19 subdivision thereof, or any municipality therein including construction,
20 installation, servicing, maintenance by regular full-time employees of
21 streets, street lighting, traffic-control signals, police and fire alarm
22 systems, waterworks, steam, electric and sewage treatment and disposal
23 plants; the services of superintendents, inspectors or foremen regularly
24 employed by the State of North Carolina or any political subdivision
25 thereof, or municipal corporation therein; provided, however, that the
26 internal engineering or surveying activity is not a holding out to or an
27 offer to the public of engineering or any service thereof as prohibited by
28 this Chapter. ~~Engineering work, not related to the foregoing exemptions,
29 where the safety of the public is directly involved shall be under the
30 responsible charge of a registered professional engineer, or in accordance with
31 standards prepared or approved by a registered professional engineer.~~
- 32 (8) The (i) preparation of fire sprinkler planning and design drawings by a
33 fire sprinkler contractor licensed under Article 2 of Chapter 87 of the
34 General Statutes, or (ii) the performance of internal engineering or
35 survey work by a manufacturing or communications common carrier
36 company, or by a research and development company, or by employees
37 of such corporations provided that such work is in connection with, or
38 incidental to products of, or nonengineering services rendered by such
39 corporations or their affiliates.
- 40 (9) The routine maintenance or servicing of machinery, equipment,
41 facilities or structures, the work of mechanics in the performance of
42 their established functions, or the inspection or supervision of
43 construction by a foreman, superintendent, or agent of the architect or

1 professional engineer, or services of an operational nature performed by
2 an employee of a laboratory, a manufacturing plant, a public service
3 corporation, or governmental operation.

4 (10) The preparation of environmental permit applications, environmental
5 reports, and assessment reports that concern (i) health hazard substances
6 in air, soil, and water; (ii) chemical and emissions inventories; (iii)
7 contingency plans; (iv) environmental audits and related field
8 investigations; and (v) emissions testing that is submitted to federal,
9 state, and local governments."

10 Section 7. This act is effective when it becomes law.