

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

Senate Commerce Committee Substitute Adopted 6/2/98

Senate Finance Committee Substitute #2 Adopted 7/21/98

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

1 right, based on the qualifications of the ~~individual person~~ as evidenced by ~~his~~ the person's
2 certificate of ~~registration, licensure,~~ which shall not be transferable."

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

4 **"§ 89C-3. Definitions.**

5 The following definitions apply in this Chapter:

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

8 (1a) Business firm. – A partnership, firm, association, or another
9 organization or group that is not a corporation and is acting as a unit.

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

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

19 (3a) Inactive licensee. – Licensees who are not engaged in the
20 practice of engineering or land surveying in this State.

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

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

26 (6) Practice of engineering. –

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

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

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

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

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

1 survey map, plan, report, description, or project. The practice of
2 land surveying includes the following:

3 1. Locating, relocating, establishing, laying out, or retracing
4 any property line, easement, or boundary of any tract of
5 land;

6 2. Locating, relocating, establishing, or laying out the
7 alignment or elevation of any of the fixed works embraced
8 within the practice of professional engineering;

9 3. Making any survey for the subdivision of any tract of
10 land, including the topography, alignment and grades of
11 streets and incidental drainage within the subdivision, and
12 the preparation and perpetuation of maps, record plats,
13 field note records, and property descriptions that represent
14 these surveys;

15 4. Determining, by the use of the principles of land
16 surveying, the position for any survey monument or
17 reference point, or setting, resetting, or replacing any
18 survey monument or reference point;

19 5. Determining the configuration or contour of the earth's
20 surface or the position of fixed objects on the earth's
21 surface by measuring lines and angles and applying the
22 principles of mathematics or photogrammetry;

23 6. Providing geodetic surveying which includes surveying
24 for determination of the size and shape of the earth both
25 horizontally and vertically and the precise positioning of
26 points on the earth utilizing angular and linear
27 measurements through spatially oriented spherical
28 geometry; and

29 7. Creating, preparing, or modifying electronic or
30 computerized data, including land information systems
31 and geographic information systems relative to the
32 performance of the practice of land surveying.

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

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

42 (8a) Professional engineer, retired. – A person who has been duly licensed as
43 a professional engineer by the Board and who chooses to relinquish or

1 not to renew a license and who applies to and is approved by the Board
2 to be granted the use of the honorific title 'Professional Engineer,
3 Retired'.

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

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

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

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

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

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

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

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

41 **"§ 89C-5. Board members; qualifications.**

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

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

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

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

9 **"§ 89C-6. Compensation and expenses of Board members.**

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

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

18 **"§ 89C-8. Organization of the Board; meetings; election of officers.**

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

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

26 **"§ 89C-9. Executive ~~secretary~~; director; duties and liabilities.**

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

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

36 **"§ 89C-10. Board powers.**

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

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

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

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

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

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

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

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

1 ~~adopt rules and regulations~~ as may be necessary for ~~such~~ the educational programs,
2 instruction, extension services, or for entering into plans or contracts with persons or
3 educational and industrial institutions.

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

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

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

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

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

31 **"§ 89C-12. Records and reports of Board; evidence.**

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

1 rules. On or before the first day of May of each year, the Board shall submit to the
2 Governor a report on its transactions for the preceding year, and shall file with the
3 Secretary of State a copy of ~~such~~the report, together with a complete statement of the
4 receipts and expenditures of the ~~Board,~~Board attested by the ~~affidavits of the~~chairman
5 chair and the ~~secretary,~~secretary and a copy of the ~~said~~the roster of ~~registered~~licensed
6 professional engineers and ~~registered~~professional land surveyors."

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

8 "**§ 89C-13. General requirements for ~~registration-~~licensure.**

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

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

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

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

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

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

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

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

20 d. Graduation, Experience, and Examination. – A graduate of an
21 engineering or related science curriculum of four years or more,
22 other than the ones approved by the Board as being of
23 satisfactory standing or with an equivalent education and
24 engineering experience satisfactory to the Board and with a
25 specific record of eight years or more of progressive experience
26 on engineering projects of a grade and character which indicates
27 to the Board that the applicant may be competent in the
28 fundamentals of engineering, shall be admitted to ~~an eight-hour~~
29 ~~written examination in~~ the fundamentals of ~~engineering.~~
30 engineering examination and ~~an eight-hour written examination in~~
31 the principles and practice of ~~engineering.~~ engineering
32 examination. Upon passing ~~such the~~ examinations, the applicant
33 shall be granted a certificate of ~~registration~~ licensure to practice
34 professional engineering in this State, provided ~~he the applicant~~
35 is otherwise qualified.

36 e. Long-Established Practice. — ~~An individual~~ A person with a
37 specific record of 20 years or more of progressive experience on
38 engineering projects of a grade and character which indicates to
39 the Board that the applicant may be competent to practice
40 engineering shall be admitted to ~~an eight-hour written examination~~
41 ~~in~~ the principles and practice of ~~engineering.~~ engineering
42 examination. Upon passing ~~such the~~ examination, the applicant
43 shall be granted a certificate of ~~registration~~ licensure to practice

1 professional engineering in this State, provided ~~he~~ the applicant
2 is otherwise 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~~ the
5 applicant 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~~ engineering intern (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, or a
12 student who has attained senior status in an accredited
13 engineering program, shall be admitted to an ~~eight-hour written~~
14 ~~examination in the fundamentals of engineering.~~ engineering
15 examination. The applicant shall be notified if the examination
16 was passed or not passed and if passed he shall be certified as an
17 ~~engineer-in-training,~~ engineering intern if ~~he~~ the applicant is
18 otherwise qualified.

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

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

41 The evaluation of a land surveyor applicant's qualifications shall involve a
42 consideration of ~~his~~ the applicant's education, technical and land surveying experience,
43 exhibits of land surveying projects with which ~~he~~ the applicant has been associated, and

1 recommendations by ~~references, and reviewing of these categories during an oral examination.~~
2 ~~references.~~ The land surveyor applicant's qualifications may be reviewed at an interview
3 if the Board ~~deems~~ determines it necessary. Educational credit for institute courses,
4 correspondence courses, ~~etc., or other courses~~ shall be determined by the Board.

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

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

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

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

1 the Board to take the second examination (~~Principles and Practice~~
2 of Land Surveying) prior to, during, or after completion of the
3 additional experience required by this subdivision. (~~Principles and~~
4 ~~Practice of Land Surveying~~). An applicant who passes both
5 examinations and successfully completes the educational and
6 experience requirements of this subdivision shall be granted
7 ~~registration-licensure~~ as a professional land surveyor.

8 e. ~~Land Surveyor in Training Certificate, Experience, and~~
9 ~~Examination.~~ A holder of a certificate of land surveyor in
10 training issued by the Board, and with a specific record of an
11 additional two years or more of progressive surveying
12 experience, one year of which shall have been under a practicing
13 registered land surveyor, of a grade and character which indicates
14 to the Board that the applicant may be competent to practice land
15 surveying, shall be admitted to two four hour examinations.
16 Upon passing such examinations, the applicant shall be granted a
17 certificate of registration to practice land surveying in this State,
18 provided he is otherwise qualified.

19 d. Graduation from a high school or the completion of a high school
20 equivalency certificate and a record satisfactory to the Board of
21 seven years of progressive practical experience, six years of
22 which shall have been under a practicing ~~registered-licensed~~ land
23 surveyor, and satisfactorily passing ~~such any~~ oral and written
24 examination ~~written in the presence of and examinations~~ required by
25 the Board, all of which shall determine and indicate that the
26 candidate is competent to practice land surveying. The applicant
27 may be qualified by the Board to take the first examination
28 (Surveying Fundamentals) upon graduation from high school or
29 the completion of a high school equivalency certificate and
30 successfully completing six years of progressive practice
31 experience, five of which shall have been under a practicing
32 licensed land surveyor. The applicant may apply to take the
33 second examination (Principles and Practice of Land Surveying)
34 upon passing the first examination and successfully completing
35 four years of progressive practical experience, two of which shall
36 have been under a practicing licensed land surveyor.

37 e. Repealed by Session Laws 1985 (Regular Session, 1986), c. 977,
38 s. 7.

39 f. ~~Registration-Licensure~~ by Comity or Endorsement. – A person
40 holding a certificate of ~~registration-licensure~~ to engage in the
41 practice of land surveying issued on comparable qualifications
42 from a state, territory, or possession of the United States will be
43 given comity considerations. However, ~~he~~ the applicant may be

1 asked to take ~~such any~~ examinations as the Board ~~deems necessary~~
2 requires to determine ~~his the~~ applicant's qualifications, but in any
3 event, ~~he the~~ applicant shall be required to pass a ~~written an~~
4 examination which shall include questions on laws, procedures,
5 and practices pertaining to the practice of land surveying in
6 North Carolina.

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

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

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

- 30 1. The applicant submit certified proof of graduation from
31 high school, high school equivalency, or higher degree;
- 32 2. The applicant submit proof of employment in responsible
33 charge as a photogrammetrist practicing within the State
34 of North Carolina to include itemized reports detailing
35 methods, procedures, amount of applicant's personal
36 involvement and the name, address, and telephone
37 numbers of the client for five projects completed by the
38 applicant with the State. A final map for one of the five
39 projects shall also be submitted;
- 40 3. Five references to the applicant's character and quality of
41 work, three of which shall be from professional land
42 surveyors, are submitted to the Board; and

- 1 4. The application is submitted to the Board by July 1, 1999.
2 After July 1, 1999, no photogrammetrist shall be licensed
3 without meeting the same requirements as to education,
4 length of experience, and testing required of all land
5 surveying applicants.

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

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

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

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

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

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

35 "**§ 89C-14. Application for ~~registration; registration-licensure; license fees.~~**

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

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

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

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

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

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

27 A candidate ~~failing an examination three times will not be permitted to take a~~
28 ~~reexamination until he has made a written appeal to the Board and his tentative~~
29 ~~qualifications for the examination are reviewed and reaffirmed by the Board, with a~~
30 combination of three failures or unexcused absences on an examination shall only be
31 eligible after submitting a new application with appropriate application fee, and be
32 considered by the Board for reexamination at the end of 12 months. After the end of the
33 12-month period, the applicant may take the examination no more than once every
34 calendar year."

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

36 "**§ 89C-15. Examinations.**

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

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

- 1 (1) Engineering Fundamentals. – Consists of an eight-hour examination on
2 the fundamentals of engineering. Passing this examination qualifies the
3 ~~examinee~~ applicant for an ~~engineer-in-training~~ engineering intern
4 certificate, provided ~~he~~ the applicant has met all other requirements for
5 ~~certification~~ licensure required by this Chapter.
- 6 (2) Principles and Practice of Engineering. – Consists of an eight-hour
7 examination on applied engineering. Passing this examination qualifies
8 the ~~examinee~~ applicant for ~~registration~~ licensure as a professional
9 engineer, provided ~~he~~ the applicant has met the other requirements for
10 registration required by this Chapter.
- 11 (3) Surveying Fundamentals. – Consists of ~~two four-hour examinations~~ an
12 ~~eight-hour examination~~ on the elementary disciplines of land surveying.
13 Passing ~~both of these examinations~~ this examination qualifies the ~~examinee~~
14 applicant for a land ~~surveyor-in-training~~ surveyor intern certificate
15 provided ~~he~~ the applicant has met all other requirements for certification
16 required by this Chapter.
- 17 (4) Principles and Practices of Land Surveying. – Consists of ~~two four-hour~~
18 ~~examinations~~ a six-hour examination on the basic and applied disciplines
19 of land surveying, ~~one examination on basic disciplines and the other~~
20 ~~examination covering applied disciplines.~~ surveying and a two-hour
21 ~~examination on requirements specific to the practice of land surveying~~
22 in North Carolina. Passing each of these examinations qualifies the
23 ~~examinee~~ applicant for a ~~registered~~ professional land surveyor certificate
24 provided ~~he~~ the applicant has met all other requirements for certification
25 required by this Chapter."

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

27 "**§ 89C-16. Certificates of ~~registration~~; licensure; effect; seals.**

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

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

40 (c) Each ~~registrant~~ hereunder licensee shall upon ~~registration~~ licensure obtain a seal
41 of a design authorized by the Board bearing the ~~registrant's~~ licensee's name, ~~serial~~ license
42 number, and the legend, 'professional engineer,' or '~~registered~~ professional land
43 surveyor.' Final drawings, specifications, plans and reports prepared by a ~~registrant~~

1 licensee shall, when issued, be certified and stamped with the said seal or facsimile thereof
2 of the seal unless the registrant-licensee is exempt under the provisions of G.S. 89C-25(7).
3 It shall be unlawful for a registrant-licensee to affix, or permit his-the licensee's seal and
4 signature or facsimile thereof of the seal and signature to be affixed to any drawings,
5 specifications, plans or reports after the expiration of a certificate or for the purpose of
6 aiding or abetting any other person to evade or attempt to evade any provision of this
7 Chapter. A professional engineer practicing land surveying shall use his-registered-the
8 licensee's land surveyor seal."

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

10 **"§ 89C-17. Expirations and renewals of certificates.**

11 Certificates for ~~registration-licensure~~ shall expire on the last day of the month of
12 December next following their issuance or renewal, and shall become invalid on that date
13 unless renewed. When necessary to protect the public health, safety, or welfare, the
14 Board shall require ~~such-any~~ evidence as it deems necessary to establish the continuing
15 competency of engineers and land surveyors as a condition of renewal of licenses. When
16 the Board is satisfied as to the continuing competency of an applicant, it shall issue a
17 renewal of the certificate upon payment by the applicant of a fee fixed by the Board but
18 not to exceed ~~fifty dollars (\$50.00)-seventy-five dollars (\$75.00)~~. The secretary of the
19 Board shall notify by mail every person ~~registered-licensed~~ under this Chapter of the date
20 of expiration of ~~his-the~~ certificate, the amount of the fee required for its renewal for one
21 year, and any requirement as to evidence of continued competency. The notice shall be
22 mailed at least one month in advance of the expiration date of the certificate. Renewal
23 shall be effected at any time during the month of January immediately following, by
24 payment to the secretary of the Board of a renewal fee, as determined by the Board,
25 which shall not exceed ~~fifty dollars (\$50.00)-seventy-five dollars (\$75.00)~~. Failure on the
26 part of any registrant to renew ~~his-the~~ certificate annually in the month of January, as
27 required above, shall deprive the registrant of the right to practice until renewal has been
28 effected. Renewal may be effected at any time during the first ~~36-12~~ months immediately
29 following its invalidation of ~~payment of the renewal fee increased ten percent (10%) for each~~
30 ~~month or fraction of a month that payment for renewal is delayed.~~ by payment of the
31 established renewal fee and a late penalty of one hundred dollars (\$100.00). Failure of a
32 ~~registrant-licensee~~ to renew ~~his-registration-the license~~ for a period of ~~36-12~~ months shall
33 require the individual, prior to resuming practice in North Carolina, to submit an
34 application ~~therefor~~ on the prescribed form, and to meet all other requirements for
35 ~~registration-licensure~~ as set forth in Chapter 89C. The secretary of the Board is instructed
36 to remove from the official roster of engineers and land surveyors the names of all
37 ~~registrants-licensees~~ who have not effected their renewal by the first day of February
38 immediately following the date of their expiration. The Board may ~~enact-adopt~~ rules to
39 provide for renewals in distress or hardship cases due to military service, prolonged
40 illness, or prolonged absence from the State, where the applicant for renewal
41 demonstrates to the Board that ~~he-the~~ applicant has maintained ~~his-~~active knowledge and
42 professional status as an engineer or land surveyor, as the case may be. It shall be the
43 responsibility of each ~~registrant-licensee~~ to inform the Board promptly concerning change

1 in address. A licensee may request and be granted inactive status. No inactive licensee
2 may practice in this State unless otherwise exempted in this Chapter. A licensee granted
3 inactive status shall pay annual renewal fees but shall not be subject to annual continuing
4 professional competency requirements. A licensee granted inactive status may return to
5 active status by meeting all requirements of the Board, including demonstration of
6 continuing professional competency as a condition of reinstatement."

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

8 **"§ 89C-18. Duplicate certificates.**

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

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

13 **"§ 89C-19. Public works; requirements where public safety involved.**

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

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

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

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

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

38 **"§ 89C-20. Rules of professional conduct.**

39 In the interest of protecting the safety, health, and welfare of the public, the Board
40 shall ~~promulgate and~~-adopt rules of professional conduct applicable to the practice of
41 engineering and land surveying. These rules, when adopted, shall be construed to be a
42 reasonable exercise of the police power vested in the Board of ~~Registration~~-Examiners for
43 ~~Professional~~-Engineers and Land Surveyors. Every person ~~registered~~-licensed by the Board

1 shall subscribe to and observe the adopted rules as the standard of professional conduct
2 for the practice of engineering and land ~~surveying~~ surveying and shall cooperate fully
3 with the Board in the course of any investigation. In the case of violation of the rules of
4 professional conduct, the Board shall ~~have the responsibility and duty to~~ proceed in
5 accordance with G.S. 89C-22."

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

7 "**§ 89C-21. Disciplinary action – Reexamination, revocation, suspension, reprimand,**
8 **or civil penalty.**

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

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

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

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

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

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

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

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

33 (c) The Board may levy a civil penalty not in excess of two thousand dollars
34 (\$2,000) for any engineer or land surveyor who violates any of the provisions of
35 subdivisions (1) through (4) of subsection (a) of this section. All civil penalties collected
36 by the Board shall be deposited in the General Fund of North Carolina.

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

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

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

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

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

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

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

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

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

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

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

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

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

22 **"§ 89C-23. Unlawful to practice engineering or land surveying without registration;**
23 **licensure; unlawful use of title or terms; penalties; Attorney General to be**
24 **legal adviser.**

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

1 subdivisions ~~thereof~~ of the State to enforce the provisions of this Chapter and to prosecute
2 any persons violating ~~same~~ them.

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

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

9 **"§ 89C-24. Registration-Licensure of corporations and business firms that engage in**
10 **the practice of engineering or land surveying.**

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

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

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

26 **"§ 89C-25. Limitations on application of Chapter.**

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

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

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

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

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

24 (6) Practice by members of the armed forces or employees of the
25 government of the United States while engaged in the practice of
26 engineering or land surveying solely for ~~said~~ the government on
27 government-owned works and projects; or practice by those employees
28 of the Natural Resources Conservation Service having federal
29 engineering job approval authority that involves the planning,
30 designing, or implementation of best management practices on
31 agricultural lands.

32 (7) The internal engineering or surveying activities of a person, firm or
33 corporation engaged in manufacturing, processing, or producing a
34 product, including the activities of public service corporations, public
35 utility companies, authorities, State agencies, railroads, or membership
36 cooperatives, or the installation and servicing of their product in the
37 field; or research and development in connection with the manufacture
38 of that product or their service; or of their research affiliates; or their
39 employees in the course of their employment in connection with the
40 manufacture, installation, or servicing of their product or service in the
41 field, or on-the-premises maintenance of machinery, equipment, or
42 apparatus incidental to the manufacture or installation of the product or
43 service of a firm by the employees of the firm upon property owned,

1 leased or used by the firm; inspection, maintenance and service work
2 done by employees of the State of North Carolina, any political
3 subdivision ~~thereof, of the State,~~ or any municipality ~~therein~~ including
4 construction, installation, servicing, maintenance by regular full-time
5 employees of streets, street lighting, traffic-control signals, police and
6 fire alarm systems, waterworks, steam, electric and sewage treatment
7 and disposal plants; the services of superintendents, inspectors or
8 foremen regularly employed by the State of North Carolina or any
9 political subdivision ~~thereof, of the State~~ or a municipal corporation
10 ~~therein; corporation;~~ provided, however, that the internal engineering or
11 surveying activity is not a holding out to or an offer to the public of
12 engineering or any service thereof as prohibited by this Chapter.
13 Engineering work, not related to the foregoing exemptions, where the
14 safety of the public is directly involved shall be under the responsible
15 charge of a ~~registered~~ licensed professional engineer, or in accordance
16 with standards prepared or approved by a ~~registered~~ licensed
17 professional engineer.

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

26 (9) The routine maintenance or servicing of machinery, equipment,
27 facilities or structures, the work of mechanics in the performance of
28 their established functions, or the inspection or supervision of
29 construction by a foreman, superintendent, or agent of the architect or
30 professional engineer, or services of an operational nature performed by
31 an employee of a laboratory, a manufacturing plant, a public service
32 corporation, or governmental operation.

33 (10) The design of land application irrigation systems for an animal waste
34 management plan, required by G.S. 143-215.10C, by a designer who
35 exhibits, by at least three years of relevant experience, proficiency in
36 soil science and basic hydraulics, and who is thereby listed as an
37 Irrigation Design Technical Specialist by the North Carolina Soil and
38 Water Conservation Commission.”

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

40 "**§ 89C-25.1. Supervision of ~~unregistered~~ unlicensed individuals by ~~registered~~ licensed**
41 **person.**

42 In all circumstances in which ~~unregistered~~ unlicensed individuals are permitted under
43 this Chapter to perform engineering or land surveying work, or both, under the

1 supervision of a ~~registered~~licensed engineer, land surveyor, or both, the Board may by
2 regulation establish a reasonable limit on the number of ~~unregistered~~unlicensed
3 individuals which a ~~registrant~~licensee of the Board may directly or personally supervise
4 at one time."

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

6 **"§ 89C-28. Existing ~~registration~~licensure not affected.**

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

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