

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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HOUSE BILL 1119

Short Title: Engineering/Land Surveying Act.

(Public)

Sponsors: Representatives Nye; and Morris.

Referred to: Ways and Means.

April 12, 2001

A BILL TO BE ENTITLED

1
2 AN ACT AMENDING THE NORTH CAROLINA ENGINEERING AND LAND
3 SURVEYING ACT AND AUTHORIZING THE STATE BOARD OF
4 EXAMINERS OF ENGINEERS AND SURVEYORS TO ACQUIRE REAL
5 PROPERTY, TO PURCHASE EQUIPMENT AND LIABILITY INSURANCE,
6 AND TO INCREASE THE CIVIL PENALTY FROM TWO THOUSAND
7 DOLLARS TO FIVE THOUSAND DOLLARS FOR VIOLATIONS OF THE ACT.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** G.S. 89C-10(g) reads as rewritten:

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

27 **SECTION 2.** G.S. 89C-10 is amended by adding the following new
28 subsections to read:

1 "(i) The Board shall have the power to acquire, hold, rent, encumber, alienate,
2 and otherwise deal with real property in the same manner as a private person or
3 corporation, subject only to approval of the Governor and the Council of State as to the
4 acquisition, rental, encumbering, leasing, and sale of real property. Collateral pledged
5 by the Board for an encumbrance is limited to the assets, income, and revenues of the
6 Board.

7 "(j) The Board may purchase, rent, or lease equipment and supplies and purchase
8 liability insurance or other insurance to cover the activities of the Board, its operations,
9 or its employees."

10 **SECTION 3.** G.S. 89C-19.1 reads as rewritten:

11 "**§ 89C-19.1. Engineer or surveyor who volunteers during an emergency or**
12 **disaster; qualified immunity.**

13 (a) A professional engineer or professional land surveyor who voluntarily,
14 without compensation, provides ~~structural, electrical, mechanical, or other~~ engineering
15 or surveying services at the scene of a declared disaster or emergency, declared under
16 federal law or in accordance with the provisions of Article 1 of Chapter 166A of the
17 General Statutes or Article 36A of Chapter 14 of the General Statutes, at the request of a
18 public official, law enforcement official, public safety official, or building inspection
19 official, acting in an official capacity, shall not be liable for any personal injury,
20 wrongful death, property damage, or other loss caused by the professional engineer's or
21 professional land surveyor's acts or omissions in the performance of the engineering or
22 surveying services.

23 (b) The immunity provided in subsection (a) of this section applies only ~~to an~~
24 ~~engineering service to:~~

25 (1) ~~For any structure, building, piping, or other engineered system, either~~
26 ~~publicly or privately owned.~~ Engineering or surveying services as
27 defined in G.S. 89C-3(6) and 89C-3(7) performed by the licensee or an
28 employee performing work under the supervision of the licensee.

29 (2) ~~That occurs.~~ Services that occur within 45 days after the declaration of
30 the emergency or disaster, unless the 45-day immunity period is
31 extended by an executive order issued by the Governor under the
32 Governor's emergency executive powers.

33 (c) The immunity provided in subsection (a) of this section does not apply if it is
34 determined that the personal injury, wrongful death, property damage, or other loss was
35 caused by the gross negligence, wanton conduct, or intentional wrongdoing of the
36 professional ~~engineer, engineer or professional land surveyor~~ or arose out of the
37 operation of a motor vehicle.

38 (d) As used in this section:

39 (1) "Building inspection official" means any appointed or elected federal,
40 State, or local official with overall executive responsibility to
41 coordinate building inspection in the jurisdiction in which the
42 emergency or disaster is declared.

1 (2) "Law enforcement official" means any appointed or elected federal,
2 State, or local official with overall executive responsibility to
3 coordinate law enforcement in the jurisdiction in which the emergency
4 or disaster is declared.

5 (3) "Public official" means any federal, State, or locally elected official
6 with overall executive responsibility in the jurisdiction in which the
7 emergency or disaster is declared.

8 (4) "Public safety official" means any appointed or elected federal, State,
9 or local official with overall executive responsibility to coordinate
10 public safety in the jurisdiction in which the emergency or disaster is
11 declared."

12 **SECTION 4.** G.S. 89C-21(c) reads as rewritten:

13 "(c) The Board may levy a civil penalty not in excess of ~~two thousand dollars~~
14 ~~(\$2,000)~~ five thousand dollars (\$5,000) for any engineer or land surveyor who violates
15 any of the provisions of subdivisions (1) through (4) of subsection (a) of this section.
16 The clear proceeds of all civil penalties collected by the Board, including civil penalties
17 collected pursuant to G.S. 89C-22(c), shall be remitted to the Civil Penalty and
18 Forfeiture Fund in accordance with G.S. 115C-457.2."

19 **SECTION 5.** This act is effective when it becomes law.