

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 787*

Short Title: Engineering and Land Surveying Changes.

(Public)

Sponsors: Senators Ledbetter; Allran, Carpenter, Carrington, Clark, Horton, Shaw of Cumberland, Shaw of Guilford, and Webster.

Referred to: Commerce.

April 10, 1997

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

"§ 89C-2. Declarations; prohibitions.

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

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

"§ 89C-3. Definitions.

1 The following definitions apply in this Chapter:

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

4 (1a) Business firm. – A partnership, firm, association, or another
5 organization or group that is not a corporation and is acting as a unit.

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

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

15 (3.1) Inactive licensee. – Licensees who are not engaged in
16 the practice of engineering.

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

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

22 (6) Practice of engineering. –

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

40 A person shall be construed to practice or offer to practice
41 engineering, within the meaning and intent of this Chapter, who
42 practices any branch of the profession of engineering; or who, by
43 verbal claim, sign, advertisement, letterhead, card, or in any other

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

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

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

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

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

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

39 (9) ~~Registered~~Professional land surveyor. – A person who, by reason of ~~his~~
40 special knowledge of mathematics, surveying principles and methods,
41 and legal requirements which are acquired by education and/or practical
42 experience, is qualified to engage in the practice of land surveying, as

1 ~~herein defined, as attested by his registration~~ the person's licensure as a
2 ~~registered professional~~ land surveyor by the Board.

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

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

6 **"§ 89C-4. State Board of ~~Registration~~; Examiners for Engineers and Surveyors;**
7 **appointment; terms.**

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

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

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

29 **"§ 89C-5. Board members; qualifications.**

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

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

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

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

38 **"§ 89C-6. Compensation and expenses of Board members.**

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

1 reasonable additional compensation as is compatible with the actual hours of work
2 required by the duties of ~~his~~the office."

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

4 **"§ 89C-8. Organization of the Board; meetings; election of officers.**

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

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

12 **"§ 89C-9. Executive ~~secretary;~~ director; duties and liabilities.**

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

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

22 **"§ 89C-10. Board powers.**

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

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

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

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

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

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

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

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

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

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

41 "**§ 89C-11. Secretary; duties and liabilities; expenditures.**

42 The secretary of the Board shall receive and account for all moneys derived from the
43 operation of the Board as provided in this Chapter, and shall deposit them in one or more

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

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

18 **"§ 89C-12. Records and reports of Board; evidence.**

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

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

38 **"§ 89C-13. General requirements for ~~registration-licensure.~~**

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

1 and practice of engineering must submit five references, two of whom shall be
2 professional engineers having personal knowledge of ~~his~~ the applicant's engineering
3 experiences.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 a. Rightful possession of an associate degree in surveying
2 technology approved by the Board and satisfactorily passing a
3 written ~~or~~ and oral examination ~~taken in the presence of and~~ as
4 required by the Board.
- 5 b. Rightful possession of a ~~B.S.~~ bachelors degree in surveying or
6 other equivalent curricula in surveying all approved by the Board
7 and satisfactorily passing ~~such~~ any oral and written examinations
8 ~~written in the presence of and~~ required by the Board.
- 9 c. Graduation from high school or the completion of a high school
10 equivalency certificate and a record satisfactory to the Board of
11 ~~five~~ six years of progressive, practical experience, ~~four~~ five years
12 of which shall have been under a practicing ~~registered~~ licensed
13 land surveyor and satisfactorily passing any oral and written
14 examinations ~~taken in the presence of and~~ as required by the Board.

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

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

20 "**§ 89C-14. Application for ~~registration; registration~~ licensure; license fees.**

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

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

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

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

1 ~~licensure~~ of a corporation is the amount set by the Board ~~in accordance with G.S. 55B-11.~~
2 ~~but shall not exceed one hundred dollars (\$100.00).~~ The fee for renewal of a certificate
3 of ~~registration-licensure~~ for a business firm is the same as the renewal fee for a
4 corporation.

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

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

11 ~~A candidate failing an examination three times will not be permitted to take a~~
12 ~~reexamination until he has made a written appeal to the Board and his tentative~~
13 ~~qualifications for the examination are reviewed and reaffirmed by the Board, with a~~
14 ~~combination of three failures or unexcused absences on an examination shall only be~~
15 ~~eligible after submitting a new application with appropriate application fee, and be~~
16 ~~considered by the Board for reexamination at the end of 12 months. After the end of the~~
17 ~~12-month period, the applicant may take the examination no more than once every~~
18 ~~calendar year."~~

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

20 "**§ 89C-15. Examinations.**

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

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

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

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

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

- 1 (4) Principles and Practices of Land Surveying. – Consists of ~~two four-hour~~
2 ~~examinations a six-hour examination~~ on the basic and applied disciplines
3 of land surveying, ~~one examination on basic disciplines and the other~~
4 ~~examination covering applied disciplines. surveying and a two-hour~~
5 ~~examination on requirements specific to the practice of land surveying~~
6 ~~in North Carolina.~~ Passing each of these examinations qualifies the
7 ~~examinee applicant~~ for a registered professional land surveyor certificate
8 provided ~~he the applicant~~ has met all other requirements for certification
9 required by this Chapter."

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

11 **"§ 89C-16. Certificates of ~~registration~~; licensure; effect; seals.**

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

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

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

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

37 **"§ 89C-17. Expirations and renewals of certificates.**

38 Certificates for ~~registration~~ licensure shall expire on the last day of the month of
39 December next following their issuance or renewal, and shall become invalid on that date
40 unless renewed. When necessary to protect the public health, safety, or welfare, the
41 Board shall require ~~such any evidence as it deems~~ necessary to establish the continuing
42 competency of engineers and land surveyors as a condition of renewal of licenses. When
43 the Board is satisfied as to the continuing competency of an applicant, it shall issue a

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

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

34 **"§ 89C-18. Duplicate certificates.**

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

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

39 **"§ 89C-19. Public works; requirements where public safety involved.**

40 This State and its political subdivisions such as counties, cities, towns, or other
41 political entities or legally constituted boards, commissions, public utility companies, or
42 authorities, or officials, or employees ~~thereof~~ of these entities shall not engage in the
43 practice of engineering or land surveying involving either public or private property

1 where the safety of the public is directly involved without the project being under the
2 supervision of a professional engineer for the preparations of plans and specifications for
3 engineering projects, or a ~~registered~~ professional land surveyor for land surveying
4 projects, as provided for the practice of the respective professions by this Chapter.

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

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

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

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

21 **"§ 89C-20. Rules of professional conduct.**

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

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

33 **"§ 89C-21. Disciplinary action – Reexamination, revocation, suspension, reprimand,**
34 **or civil penalty.**

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

- 38 (1) Guilty of the practice of any fraud or deceit in obtaining a certificate of
39 ~~registration-licensure~~ or certificate of authorization.
- 40 (2) Guilty of any gross negligence or misconduct in the practice of ~~his~~ the
41 profession.
- 42 (3) Guilty of any felony or any crime involving moral turpitude.

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

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

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

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

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

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

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

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

31 "**§ 89C-22. Disciplinary action – Charges; procedure.**

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

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

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

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

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

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

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

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

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

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

36 "**§ 89C-24. Registration-Licensure of corporations and business firms that engage in**
37 **the practice of engineering or land surveying.**

38 A corporation or business firm may not engage in the practice of engineering or land
39 surveying in this State unless it is ~~registered-with-licensed~~ by the Board and has paid ~~the~~
40 required registration fee-an application fee established by the Board in an amount not to
41 exceed two hundred fifty dollars (\$250.00). A corporation or business firm is subject to
42 the same duties and responsibilities as an individual ~~registrant-Registration-licensuree.~~
43 Licensure of a corporation or business firm does not affect the requirement that all

1 engineering or land surveying work done by the corporation or business firm be
2 performed by or under the responsible charge of individual registrants, nor does it relieve
3 the individual registrants within a corporation or business firm of their design and
4 supervision responsibilities.

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

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

10 **"§ 89C-25. Limitations on application of Chapter.**

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

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

- 1 (5) The practice of professional engineering or land surveying by any
2 person not a resident of, and having no established place of business in
3 this State, as a consulting associate of a professional engineer or
4 ~~registered professional land surveyor registered licensed~~ under the
5 provisions of this Chapter; provided, the nonresident is qualified for
6 ~~such performing the professional service in his~~ the person's own state or
7 country; or
- 8 (6) Practice by members of the armed forces or employees of the
9 government of the United States while engaged in the practice of
10 engineering or land surveying solely for ~~said~~ the government on
11 government-owned works and projects; or
- 12 (7) The internal engineering or surveying activities of a person, firm or
13 corporation engaged in manufacturing, processing, or producing a
14 product, including the activities of public service corporations, public
15 utility companies, authorities, State agencies, railroads, or membership
16 cooperatives, or the installation and servicing of their product in the
17 field; or research and development in connection with the manufacture
18 of that product or their service; or of their research affiliates; or their
19 employees in the course of their employment in connection with the
20 manufacture, installation, or servicing of their product or service in the
21 field, or on-the- premises maintenance of machinery, equipment, or
22 apparatus incidental to the manufacture or installation of the product or
23 service of a firm by the employees of the firm upon property owned,
24 leased or used by the firm; inspection, maintenance and service work
25 done by employees of the State of North Carolina, any political
26 subdivision ~~thereof, of the State,~~ or any municipality ~~therein~~ including
27 construction, installation, servicing, maintenance by regular full-time
28 employees of streets, street lighting, traffic-control signals, police and
29 fire alarm systems, waterworks, steam, electric and sewage treatment
30 and disposal plants; the services of superintendents, inspectors or
31 foremen regularly employed by the State of North Carolina or any
32 political subdivision ~~thereof, of the State~~ or a municipal corporation
33 ~~therein; corporation;~~ provided, however, that the internal engineering or
34 surveying activity is not a holding out to or an offer to the public of
35 engineering or any service thereof as prohibited by this Chapter.
36 Engineering work, not related to the foregoing exemptions, where the
37 safety of the public is directly involved shall be under the responsible
38 charge of a ~~registered licensed~~ professional engineer, or in accordance
39 with standards prepared or approved by a ~~registered licensed~~
40 professional engineer.
- 41 (8) The (i) preparation of fire sprinkler planning and design drawings by a
42 fire sprinkler contractor licensed under Article 2 of Chapter 87 of the
43 General Statutes, or (ii) the performance of internal engineering or

1 survey work by a manufacturing or communications common carrier
2 company, or by a research and development company, or by employees
3 of ~~such~~those corporations provided that ~~such~~the work is in connection
4 with, or incidental to products of, or nonengineering services rendered
5 by ~~such~~those corporations or their affiliates.

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

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

14 **"§ 89C-25.1. Supervision of ~~unregistered~~unlicensed individuals by ~~registered~~licensed**
15 **person.**

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

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

23 **"§ 89C-26. Duties of register of deeds.**

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

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

31 **"§ 89C-28. Existing ~~registration~~licensure not affected.**

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

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