

NORTH CAROLINA GENERAL ASSEMBLY  
1975 SESSION

CHAPTER 681  
SENATE BILL 504

AN ACT REWRITING CHAPTER 89 OF THE GENERAL STATUTES PERTAINING TO  
ENGINEERING AND LAND SURVEYING.

The General Assembly of North Carolina enacts:

**Section 1.** Chapter 89 of the General Statutes of North Carolina, as the same appears in Volume 2C of the General Statutes and in the 1974 Cumulative Supplement thereto, is hereby rewritten to read as follows:

**"CHAPTER 89.**

**"ENGINEERING AND LAND SURVEYING.**

"§ 89-1. **Short title.** — This Chapter shall be known and may be cited as 'The North Carolina Engineering and Land Surveying Act'.

"§ 89-2. **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 act, or to use in connection with his name or otherwise assume or advertise any title or description tending to convey the impression that he is either a professional engineer or a registered land surveyor, unless such person has been duly registered as such. The right to engage in the practice of engineering or land surveying shall be deemed a personal right, based on the qualifications of the individual as evidenced by his certificate of registration, which shall not be transferable.

"§ 89-3. **Definitions.** — When used in this Chapter, unless the context otherwise requires: (a) 'Board' shall mean the North Carolina State Board of Registration for Professional Engineers and Land Surveyors provided for by this Chapter.

(b) 'Person' means any natural person, firm, partnership, corporation or other legal entity.

(c) 'Responsible charge'. This term means direct control and personal supervision, either of engineering work or of land surveying, as the case may be.

(d) 'Engineer'. The term, 'engineer', within the intent of this act shall mean a person who, by reason of his special knowledge and use of the mathematical, physical and engineering sciences and the principles and methods of engineering analysis and design, acquired by engineering education and engineering experience, is qualified to practice engineering.

(e) 'Professional engineer'. The term, 'professional engineer', as used in this act shall mean a person who has been duly registered and licensed, as a professional engineer by the board established by this act.

(f) 'Engineer-in-training'. The term, 'engineer-in-training', as used in this act, shall mean a person who complies with the requirements for education, experience and character, and has passed an examination in the fundamental engineering subjects, as provided in this act.

(g) 'Practice of engineering'.

(1) The term, 'practice of engineering', within the intent of this act, shall mean any service or creative work, the adequate performance of which requires engineering education, training, and experience, in the application of special

knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning, and design of engineering works and systems, planning the use of land and water, engineering surveys, and the observation of construction for the purposes of assuring compliance with drawings and specifications; including the consultation, investigation, evaluation, planning, and design for either private or public use, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic or thermal nature, insofar as they involve safeguarding life, health or property, and including such other professional services as may be necessary to the planning, progress and completion of any engineering services.

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

(2) The term 'practice of engineering' shall not be construed to permit the location, description, establishment or reestablishment of property lines or descriptions of land boundaries for conveyance.

(h) 'Land surveyor- in-training'. The term 'land surveyor-in-training' as used in this act, shall mean a person who has qualified for, taken, and passed an examination on the basic disciplines of land surveying as provided in this act.

(i) 'Registered land surveyor' shall mean a person who, by reason of his special knowledge of mathematics, surveying principles and methods, and legal requirements which are acquired by education and/or practical experience, is qualified to engage in the practice of land surveying, as herein defined, as attested by his registration as a registered land surveyor by the board.

(j) 'Practice of land surveying' by registered land surveyors, shall mean any service or work, the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence to the act of measuring and locating lines, angles, elevations, natural and man- made features in the air, on the surface of the earth, within underground workings, and on the beds of bodies of water for the purpose of determining areas and volumes, for the monumenting of property boundaries, and for the platting and layout of lands and subdivisions thereof, including the topography, alignment and grades of street and incidental drainage within the subdivision, and for the preparation and perpetuation of maps, record plats, field note records, and property descriptions that represent these surveys.

(1) The term 'practice of land surveying' shall not be construed to permit the design or preparation of specifications for (A) major highways; (B) wastewater systems; (C) wastewater or industrial waste treatment works; (D) pumping or lift stations; (E) water supply, treatment, or distribution systems; (F) streets or storm sewer systems except as incidental to a subdivision.

**"§ 89-4. State Board of Registration; appointments; terms.** — A State Board of Registration for Professional Engineers and Land Surveyors, whose duty it shall be to administer the provisions of this act, is hereby created. The board shall consist of four professional engineers and three registered land surveyors who shall be appointed by the Governor. No more than one of the land surveyor members shall hold dual registration as a

registered land surveyor and a professional engineer. Appointments shall preferably, but not necessarily, be selected from a list of nominees submitted by the professional societies for engineers and land surveyors in this State. Each member of the board shall receive a certificate of appointment from the Governor and shall file with the Secretary of State his written oath or affirmation for the faithful discharge of his duties. Notwithstanding any provision of this act, the present members of the board shall continue in office as members of the board until their present terms expire. Appointments to the board shall be in such a manner that the terms of the several members will continue to expire at differing times. On the expiration of the term of any member, the Governor shall, in the manner provided herein, appoint for a term of five years a professional engineer or land surveyor having the qualifications required by G.S. 89-5. A member may be appointed for no more than two full terms. Each member shall hold office until the expiration of the term for which appointed or until his successor has been duly appointed and qualified. If a vacancy on the board, due to resignation, death or any other cause, results in an unexpired term, and such vacancy is not filled within 90 days, the board may appoint a provisional member to serve until the appointment by the Governor becomes effective. Provided, such provisional member shall have all the power and duties of a regularly appointed member of the board pending the appointment by the Governor.

**"§ 89-5. Board members; qualifications.** — Each engineer member of the board shall be a citizen of the United States, shall be a resident of North Carolina and shall be a registered professional engineer engaged in the lawful practice of engineering in North Carolina for at least two years.

Each land surveyor member of the board shall be a citizen of the United States, shall be a resident of North Carolina and shall be a registered land surveyor engaged in the lawful practice of land surveying in North Carolina for at least two years.

**"§ 89-6. Compensation and expenses of board members.** — Each member of the board, when attending to the work of the board or any of its committees, shall receive as compensation for his service the per diem and, in addition thereto, shall be reimbursed for travel expenses and incidentals not exceeding the maximum set forth by law. In addition to per diem allowances, travel and incidentals, the secretary may, with the approval of the board, receive such reasonable additional compensation as is compatible with the actual hours of work required by the duties of his office.

**"§ 89-7. Vacancies; removal of member.** — The Governor may remove any member of the board for misconduct, incompetency, neglect of duty, or any sufficient cause, in the manner prescribed by law for removal of State officials. Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the Governor as provided in G.S. 89-4.

**"§ 89-8. Organization of the board; meetings; election of officers.** — The board shall hold at least two regular meetings each year. Special meetings may be held at such times and upon such notice as the rules and regulations of the board may provide. The board shall elect annually from its members a chairman, a vice- chairman, and a secretary. A quorum of the board shall consist of not less than five members. The board shall operate under its rules and regulations supplemented by Robert's Rules of Order.

**"§ 89-9. Executive secretary, duties and liabilities.** — The board shall employ an executive secretary who is not a member of the board. The executive secretary shall be a full-time employee of the board and perform such duties assigned to him by the secretary subject to the approval of the board. The executive secretary shall receive a salary and compensation fixed by the board. The executive secretary shall give a surety bond satisfactory to the board conditioned upon the faithful performance of his duties. The premium on said bond shall be a necessary and proper expense of the board.

**"§ 89-10. Board powers.** — (a) The board shall have the power to adopt and amend all rules and regulations. Additionally, the board shall have the power to adopt such rules, rules of procedure, and regulations, as may be reasonably necessary for the proper performance of its

duties, the regulation of its procedures, meetings, records, the giving of examinations and the conduct thereof, and the power to enforce such rules of professional conduct as may, from time to time, be adopted by the board pursuant to G.S. 89-20.

The action by the board in carrying out any of the powers specified above shall be binding upon all persons registered under this act, including corporations holding Certificates of Authorization.

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

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

(d) The board may subject an applicant for registration to such examination as it deems necessary to determine his qualifications.

(e) The board shall have the power to issue an appropriate certificate of registration to any applicant who, in the opinion of the board, has met the requirements of this statute.

(f) It shall be the responsibility and duty of the board to conduct a regular program of investigation concerning all matters within its jurisdiction under the provisions of this Chapter. The board may expend its funds for salaries, fees, and per diem expenses, in connection with its investigations, provided that no such funds other than per diem expenses shall be paid to any member of the board in connection with its investigations, nor may any member of the board give testimony and thereafter sit in deciding on any matter which may directly involve punitive action under such testimony.

(g) The board is authorized and empowered to use its funds to establish and conduct instructional programs for persons who are currently registered to practice engineering or land surveying, as well as refresher courses for persons interested in obtaining adequate instruction or programs of study to qualify them for registration to practice engineering or land surveying. The board may expend its funds for these purposes and is authorized and empowered not only to conduct, sponsor, and arrange for instructional programs, but also to carry out such programs through extension courses or other media, and the board may enter into plans or agreements with community colleges, institutions of higher learning, both public and private, State and county boards of education, or with the governing authority of any industrial education center for the purpose of planning, scheduling or arranging such courses, instruction, extension courses, or in assisting in obtaining courses of study or programs in the field of engineering and land surveying. For the purpose of carrying out these objectives, the board is authorized to make and promulgate such rules and regulations as may be necessary for such educational programs, instruction, extension services, or for entering into plans or contracts with persons or educational and industrial institutions.

**"§ 89-11. Secretary, duties, and liabilities; expenditures.** — The secretary of the board shall receive and account for all monies derived from the operation of the board as provided in this Chapter, and shall deposit them in one or more special funds in banks or other financial institutions carrying deposit insurance and authorized to do business in North Carolina. The fund or funds shall be designated as 'Fund of the Board of Registration for Professional Engineers and Land Surveyors' and shall be drawn against only for the purpose of implementing provisions of this Chapter as herein provided. All expenses certified by the board as properly and necessarily incurred in the discharge of its duties, including authorized compensation, shall be paid out of said fund on the warrant signed by the secretary of the board; provided, however, that at no time shall the total of warrants issued exceed the total amount of funds accumulated under this Chapter. The secretary of the board shall give a surety

bond satisfactory to the State Board of Registration for Professional Engineers and Land Surveyors, conditioned upon the faithful performance of his duties. The premium on said bond shall be regarded as a proper and necessary expense of the board. The secretary of the board may delegate to the executive secretary certain routine duties, such as receipt and disbursement of funds in stated amounts by a written authorization, which has the unanimous approval of the board.

**"§ 89-12. Records and reports of board; evidence.** — The board shall keep a record of its proceedings and a register of all applicants for registration, showing for each the date of application, name, age, education, and other qualifications, place of business and place of residence, whether the applicant was rejected or a certificate of registration granted, and the date of such action. The books and register of the board shall be prima facie evidence of all matters recorded therein, and a copy duly certified by the secretary of the board under seal shall be admissible in evidence as if the original were produced. A roster showing the names and places of business and of residence of all registered professional engineers and all registered land surveyors shall be prepared by the secretary of the board current to the month of January of each year; such roster shall be printed by the board out of the fund of said board and distributed as set forth in the rules and regulations. On or before the first day of May of each year, the board shall submit to the Governor a report on its transactions for the preceding year, and shall file with the Secretary of State a copy of such report, together with a complete statement of the receipts and expenditures of the board, attested by the affidavits of the chairman and the secretary, and a copy of the said roster of registered professional engineers and registered land surveyors.

**"§ 89-13. General requirements for registration.** — (a) Engineer applicant. To be eligible for admission to examination for professional engineer an applicant must be of good character and reputation. An applicant desiring to take the examination in the fundamentals of engineering only must submit three character references. An applicant desiring to take the examination in the principles and practice of engineering must submit five references, two of whom shall be professional engineers having personal knowledge of his engineering experiences.

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

- (1) As a professional engineer.
  - (aa) Registration by comity or endorsement. A person holding a certificate of registration to engage in the practice of engineering, on the basis of comparable qualifications, issued to him by a proper authority of a state, territory, or possession of the United States, the District of Columbia, or of Canada, who in the opinion of the board, meets the requirements of this act, based on verified evidence may, upon application, be registered without further examination.

A person holding a Certificate of Qualification issued by the Committee on National Engineering Certification of the National Council of Engineering Examiners, whose qualifications meet the requirements of this act, may upon application, be registered without further examination.

- (bb) EIT certificate, experience, and examination. A holder of a certificate of engineer-in-training issued by the board, and with a specific record of an additional four years or more of progressive experience on engineering projects of a grade and character which indicates to the board that the applicant may be competent to practice engineering, shall be admitted to an eight-hour examination in the principles and practices of engineering. Upon passing such examination, the applicant shall be granted a certificate of

- registration to practice professional engineering in this State, provided he is otherwise qualified,
- (cc) Graduation, experience, and examination. A graduate of an engineering curriculum of four years or more approved by the board as being of satisfactory standing, and with a specific record of an additional four years or more of progressive experience on engineering projects of a grade and character which indicates to the board that the applicant may be competent to practice engineering, shall be admitted to an eight hour written examination in the fundamental, of engineering, and an eight-hour written examination in the principles and practices of engineering. Upon passing such examinations, the applicant shall be granted a certificate of registration to practice professional engineering in this State, provided he is otherwise qualified.
  - (dd) Graduation, experience, and examination. A graduate of an engineering or related science curriculum of four years or more, other than the ones approved by the board as being of satisfactory standing or with an equivalent education and engineering experience satisfactory to the board and with a specific record of eight years or more of progressive experience on engineering projects of a grade and character which indicates to the board that the applicant may be competent in the fundamentals of engineering, shall be admitted to an eight-hour written examination in the fundamentals of engineering, and an eight-hour written examination in the principles and practices of engineering. Upon passing such examinations, the applicant shall be granted a certificate of registration to practice professional engineering in this State, provided he is otherwise qualified.
  - (ee) Long established practice. An individual with a specific record of 20 years or more of progressive experience on engineering projects of a grade and character which indicates to the board that the , applicant may be competent to practice engineering shall be admitted to an eight-hour written examination in the principles and practice of engineering. Upon passing such examination, the applicant shall be granted a certificate of registration to practice professional engineering in this State, provided he is otherwise qualified.

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

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

- (2) As an engineer-in-training.
  - (aa) Graduation and examination. A graduate of an engineering curriculum or related science curriculum of four years or more, approved by the board as being of satisfactory standing shall be admitted to an eight-hour written examination in the fundamentals of engineering. The applicant shall be notified if the examination was paled or not passed and if passed he shall be certified as an engineer-in-training, if he is otherwise qualified.
  - (bb) Graduation, experience, and examination. A graduate of an engineering or related science curriculum of four years or more,

other than the ones approved by the board as being of satisfactory standing, or with equivalent education and engineering experience satisfactory to the board and with a specific record of four or more years of progressive experience on engineering projects of a grade and character satisfactory to the board, shall be admitted to an eight-hour written examination in the fundamentals of engineering. The applicant shall be notified if the examination was passed or not passed and if passed he shall be certified as an engineer-in-training if he is otherwise qualified,

(b) Land surveyor applicant. To be eligible for admission to examination for land surveyor-in-training, or registered land surveyor, an applicant must be of good character and reputation and shall submit five references with his application for registration as a land surveyor, two of which references shall be registered land surveyors having personal knowledge of his land surveying experience, or in the case of an application for certification as a land surveyor-in-training by three references, one of which shall be a registered land surveyor having personal knowledge of the applicant's land surveying experience.

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

The following shall be considered a minimum evidence satisfactory to the board that the applicant is qualified for registration as a land surveyor or for certification as a land surveyor-in-training, respectively.

- (1) As a registered land surveyor.
  - (aa) Rightful possession of a B.S. degree in surveying or other equivalent curricula, all approved by the board and a record satisfactory to the board of one year or more of progressive practical experience one year of which shall have been under a practicing registered land surveyor and satisfactorily passing such oral and written examination, taken in the presence of and required by the board, all of which shall determine and indicate that the candidate is competent to practice land surveying,
  - (bb) Rightful possession of an associate degree in surveying technology or civil engineering technology approved by the board or with equivalent education and surveying experience satisfactory to the board, and a record satisfactory to the board of three years of progressive practical experience, two years of which shall have been under a practicing registered land surveyor, and satisfactorily passing such written and oral examination taken in the presence of and as required by the board, all of which shall determine and indicate that the candidate is competent to practice land surveying. Anyone who, on or before September 1, 1976, possessed an associate degree in surveying technology, previously approved by the board, may be considered for examination with two years of experience which shall have been under a practicing registered land surveyor,
  - (cc) Land surveyor-in-training certificate, experience, and examination. A holder of a certificate of land surveyor-in-training issued by the board, and with a specific record of an additional two years or more of progressive surveying experience, one year of which shall have

- been under a practicing registered land surveyor, of a grade and character which indicates to the board that the applicant may be competent to practice land surveying, shall be admitted to two four-hour examinations. Upon passing such examinations, the applicant shall be granted a certificate of registration to practice land surveying in this State provided he is otherwise qualified.
- (dd) Graduation from a high school or the completion of a high school equivalency certificate and a record satisfactory to the board of six years of progressive practical experience, four years of which shall have been under a practicing registered land surveyor and satisfactorily passing such oral and written examination the presence of and required by the board, all of which shall determine "and indicate that the candidate is competent to practice
  - (ee) The board shall require an applicant to submit exhibits, drawings, plats or other tangible evidence of land surveying work executed by him under proper supervision and which he has personally accomplished or supervised.
  - (ff) Registration by comity or endorsement. A person holding a certificate of registration to engage in the practice of land surveying issued on comparable qualifications from a state, territory, or possession of the United States will be given comity consideration. However, he may be asked to take such examinations as the board deems necessary to determine his qualifications, but in any event he shall be required to pass a written examination of not less than four hours duration, which shall include questions on laws, procedures, and practices pertaining to the practice of land surveying in North Carolina.
  - (gg) A licensed professional engineer who can satisfactorily demonstrate to the board that his formal academic training in acquiring a degree and field experience in engineering includes land surveying, to the extent necessary to reasonably qualify the applicant in the practice of land surveying, may apply for and may be granted permission to take the two four-hour examinations on the principles and practices of land surveying. Upon satisfactorily passing the examinations, the applicant will be granted a license to practice land surveying in the State of North Carolina.
  - (hh) Professional engineers in land surveying. Any person presently licensed to practice professional engineering under this Chapter shall upon his application be licensed to practice land surveying, providing his written application is filed with the board within one year next after the effective date of this act.
- (2) As a land surveyor-in-training.
- (aa) Rightful possession of an associate degree in surveying technology approved by the board or with equivalent education and surveying experience satisfactory to the board, and a record satisfactory to the board of one year of progressive practical experience under a Practicing registered land surveyor, and satisfactorily passing such written and oral examination taken in the presence of and as required by the board.
  - (bb) Rightful possession of a B.S. degree in surveying or other equivalent curricula in surveying, all approved by the board and satisfactorily

passing such oral and written examination written in the presence of and required by the board.

- (cc) The board shall require an applicant to submit exhibits, drawings, plats, or other tangible evidence of land surveying work executed by him under proper supervision and which he has personally accomplished or supervised.

**"§ 89-14. Application for registration; registration fees.** — (a) Application for registration as a professional engineer, or registered land surveyor shall be on a form prescribed and furnished by the board. It shall contain statements made under oath, showing the applicant's education and a detailed summary of his technical and engineering or land surveying experience, and shall include the names and complete mailing addresses of the references, none of whom should be members of the board.

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

(b) The registration fee shall be established by the board in amounts not to exceed seventy dollars (\$70.00) for an engineer or seventy dollars (\$70.00) for registration as a land surveyor which shall accompany the applications. The fee for comity registration of engineers and land surveyors who hold unexpired certificates in another state or a territory of the United States or in Canada shall be the total current fee as fixed by the board.

(c) The certification fee for a corporation (see Section 89-24) shall be in accordance with G.S. 55B.

(d) Should the board deny the issuance of a certificate of registration to any applicant, the unobligated portion of fees paid shall be returned by the board to the applicant.

(e) A candidate failing an examination may apply, and be considered by the board, for reexamination at the end of six months. The board shall make such reexamination charge as is necessary to defray the cost of the examination provided the charge for any reexamination shall not exceed twenty dollars (\$20.00).

A candidate failing an examination three times will not be permitted to take a reexamination until he has made a written appeal to the board and his tentative qualifications for the examination are reviewed and reaffirmed by the board.

**"§ 89-15. Examinations.** — (a) The examinations will be held at such times and places as the board directs. The board shall determine the passing grade on examinations. All examinations shall be approved by the entire board.

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

- (1) Engineering fundamentals. Consists of an eight-hour examination on the fundamentals of engineering. Passing this examination qualifies the examinee for an engineer-in-training certificate, provided he has met all other requirements for certification required by this act.
- (2) Principles and practice of engineering. Consists of an eight-hour examination on applied engineering. Passing this examination qualifies the examinee for registration as a professional engineer, provided he has met the other requirements for registration required by this act.
- (3) Surveying fundamentals. Consists of two four-hour examinations on the elementary disciplines of land surveying. Passing both of these examinations qualifies the examinee for a land surveyor-in-training certificate provided he has met all other requirements for certification required by this act.

- (4) Principles and practices of land surveying. Consists of two four-hour examinations on the basic and applied disciplines of land surveying, one examination on basic disciplines and the other examination covering applied disciplines. Passing each of these examinations qualifies the examinee for a registered land surveyor certificate provided he has met all other requirements for certification required by this act.

**"§ 89-16. Certificates of registration; effect; seals.** — (a) The board shall issue to any applicant, who, in the opinion of the board, has met the requirements of this act, a certificate of registration giving the registrant proper authority to practice his profession in this State. The certificate of registration for a professional engineer shall carry the designation 'professional engineer', and for a land surveyor, 'registered land surveyor' shall give the full name of the registrant with his serial number and shall be signed by the chairman and the secretary under the seal of the board.

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

(c) Each registrant hereunder shall upon registration obtain a seal of a design authorized by the board bearing the registrant's name, serial number, and the legend, 'professional engineer', or 'registered land surveyor'. Final drawings, specifications, plans, and reports prepared by a registrant shall, when issued, be certified and stamped with the said seal or facsimile thereof unless the registrant is exempt under the provisions of G.S. 89-25(g). It shall be unlawful for a registrant to affix, or permit his seal and signature or facsimile thereof to be affixed to any drawings, specifications, plans, or reports after the expiration of a certificate or for the purpose of aiding or abetting any other person to evade or attempt to evade any provision of this act. A professional engineer practicing land surveying shall use his registered land surveyor seal.

**"§ 89-17. Expirations and renewals of certificates.** — Certificates for registration shall expire on the last day of the month of December next following their issuance or renewal, and shall become invalid on that date unless renewed. It shall be the duty of the secretary of the board to notify by mail every person, registered hereunder, of the date of the expiration of his certificate and the amount of the fee required for its renewal for one year; such notice shall be mailed at least one month in advance of the date of expiration of such certificate. Renewal shall be effected at any time during the month of January immediately following, by payment to the secretary of the board of a renewal fee, as determined by the board, which shall not exceed fifteen dollars (\$15.00). Failure on the part of any registrant to renew his certificate annually in the month of January, as required above, shall deprive the registrant of the right to practice until renewal has been effected. Renewal may be effected at any time during the first 36 months immediately following its invalidation of payment of the renewal fee increased ten percent (10%) for each month or fraction of a month that payment for renewal is delayed. Failure of a registrant to renew his registration for a period of 36 months shall require the individual, prior to resuming practice in North Carolina, to submit an application therefor on the prescribed form, and to meet all other requirements for registration as set forth in G.S. 89. The secretary of the board is instructed to remove from the official roster of engineers and land surveyors the names of all registrants who have not effected their renewal by the first day of February immediately following the date of their expiration. The board may enact rules to provide for renewals in distress or hardship cases due to military service, prolonged illness, or prolonged absence from the State, where the applicant for renewal demonstrates to the board that he has maintained his active knowledge and professional status as an engineer or land surveyor, as the case may be. It shall be the responsibility of each registrant to inform the board promptly concerning change in address.

"§ 89-18. **Reissuance of certificates.** — A new certificate of registration, or certificate of authorization, to replace any certificate lost, destroyed, or mutilated, may be issued, subject to the rules of the board. A charge of five dollars (\$5.00) shall be made for such issuance.

"§ 89-19. **Public works; requirements where public safety involved.** — This State and its political subdivisions such as counties, cities, towns, or other political entities or legally constituted boards, commissions, public utility companies, or authorities, or officials, or employees thereof shall not engage in the practice of engineering or land surveying involving either public or private property where the safety of the public is directly involved without the project being under the supervision of a professional engineer for the preparations of plans and specifications for engineering projects, or a registered land surveyor for land surveying projects, as provided for the practice of the respective professions by this act.

An official or employee of the State or any political subdivision specified in this section, holding the positions set out in this section as of the effective date of this act, shall be exempt from the provisions of this section so long as such official or employee is engaged in substantially the same type of work as is involved in his present position.

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

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

"§ 89-20. **Rules of professional conduct.** — In the interest of protecting the safety, health, and welfare of the public, the board shall promulgate and adopt rules of professional conduct applicable to practice of engineering and land surveying. These rules, when adopted, shall be construed to be a reasonable exercise of the police power vested in the Board of Registration for Professional Engineers and Land Surveyors. The currently effective rules shall be published in the Annual Register. Every person registered by the board shall subscribe to and observe the adopted rules as the standard of professional conduct for the practice of engineering and land surveying. In the case of violation of the rules of professional conduct, the board shall have the responsibility and duty to proceed in accordance with G.S. 89-22 and Article 3 of Chapter 150 of the General Statutes.

"§ 89-21. **Disciplinary action: reexamination, revocation, suspension, reprimand, or fine.** — (a) The board may suspend, refuse to renew, or revoke the certificate of registration, require reexamination, or levy a fine not in excess of five hundred dollars (\$500.00) for any engineer or land surveyor, who is found:

- (1) Guilty of the practice of any fraud or deceit in obtaining a certificate of registration or certificate of authorization.
- (2) Guilty of any gross negligence, incompetence, or misconduct, in the practice of his profession. In the event the board finds that a certificate holder is incompetent the board may, in its discretion, require oral or written examinations, or other indication of the certificate holder's fitness to practice his profession and to suspend his license during any such period.
- (3) Guilty of any felony or any crime involving moral turpitude.
- (4) Guilty of violation of the Rules of Professional Conduct, as adopted by the board.
- (5) To have been declared insane or incompetent by a court of competent jurisdiction and has not thereafter been lawfully declared sane or competent.

(b) The board shall have the power to (1) revoke a certificate of authorization, or (2) to suspend a certificate of authorization for a period of time not exceeding two years, of any corporation where one or more of its officers or directors have committed any act or have been guilty of any conduct which would authorize a revocation or suspension of their certificates of registration under the provision of this section.

**"§ 89-22. Disciplinary action; charges; procedure.** — (a) Any person may prefer charges of fraud, deceit, gross negligence, incompetence, misconduct, or violation of the rules of professional conduct, against any individual registrant or against any corporation holding a certificate of authorization. Such charges shall be in writing and shall be sworn to by the person or persons making them and shall be filed with the secretary of the board.

(b) All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within three months after the date on which they shall have been referred.

(c) If, after such hearing, a majority of the entire board votes in favor of sustaining the charges, the board shall reprimand, suspend, refuse to renew, or revoke the individual's certificate of registration, or a corporation's certificate of authorization.

(d) An individual registrant having a certificate of registration, or corporation holding a certificate of authorization, aggrieved by a final decision of the board, may appeal for judicial review as provided by Article 4 of Chapter 150A.

(e) The board may, upon petition of an individual or corporation, whose certificate has been revoked, for reasons it may deem sufficient, reissue a certificate of registration or authorization, provided that a majority of the members of the board vote in favor of such issuance.

**"§ 89-23. Unlawful to practice engineering or land surveying without registration; unlawful use of title or terms; penalties; Attorney General to be legal adviser.** — Any person who shall practice, or offer to practice, engineering or land surveying in this State without first being registered in accordance with the provisions of this act, or any person, firm, partnership, organization, association, corporation, or other entity using or employing the words 'engineer' or 'engineering' or professional engineer or professional engineering or 'land surveyor' or 'land surveying', or any modification or derivative thereof in its name or form of business or activity except as registered under this act or in pursuit of activities exempted by this act, or any person presenting or attempting to use the certificate of registration or the seal of another, or any person who shall give any false or forged evidence of any kind to the board or to any member thereof in obtaining or attempting to obtain a certificate of registration, or any person who shall falsely impersonate any other registrant of like or different name, or any person who shall attempt to use an expired or revoked or nonexistent certificate of registration, or who shall practice or offer to practice when not qualified, or any person who falsely claims that he is registered under this act, or any person who shall violate any of the provisions of this act, in addition to injunctive procedures set out hereinbefore, shall be guilty of a misdemeanor, and may, upon conviction, be sentenced to pay a fine not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000), or suffer imprisonment for a period not exceeding three months, or both in the discretion of the court. In no event shall there be representation of or holding out to the public of any engineering expertise by unregistered persons. It shall be the duty of all duly constituted officers of the State and all political subdivisions thereof to enforce the provisions of this act and to prosecute any persons violating same.

The Attorney General of the State or his assistant shall act as legal adviser to the board and render such legal assistance as may be necessary in carrying out the provisions of this act. The board may employ counsel and necessary assistance to aid in the enforcement of this act, and the compensation and expenses therefor shall be paid from funds of the board.

**"§ 89-24. Corporate or partnership practice of engineering or land surveying.** — A corporation or partnership may engage in the practice of engineering or land surveying in this

State; provided, however, the person or persons connected with such corporation or partnership in charge of the designing or supervision which constitutes such practice is or are registered as herein required of professional engineers and registered land surveyors. The same exemptions shall apply to corporations and partnerships as apply to individuals under this Chapter, provided further, that all corporations hereunder shall be subject to the provisions of Chapter 55B of the General Statutes of North Carolina.

**"§ 89-25. Limitations on application of Chapter.** — This Chapter shall not be construed to prevent or affect: (a) The practice of Architecture, Landscape Architecture, or Contracting or any other legally recognized profession or trade; or

(b) The practice of professional engineering or land surveying in this State or by any person not a resident of this State and having no established place of 904 business in this State when this practice does not aggregate more than 90 days in any calendar year, whether performed in this State or elsewhere, or involve more than one specific project; provided, however, that such person is legally qualified by registration to practice the said profession in his own state or country, in which the requirements and qualifications for obtaining a certificate of registration are satisfactory to the board; in which case the person shall apply for and the board will issue a temporary permit; or

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

(d) Engaging in engineering or land surveying as an employee or assistant under the responsible charge of a professional engineer or registered land surveyor or as an employee or assistant of a nonresident professional engineer or a nonresident registered land surveyor, provided for in paragraphs (b) and (c) of this section, provided that said work as an employee may not include responsible charge of design or supervision; or

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

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

(g) The internal engineering or surveying activities of a person, firm or corporation engaged in manufacturing, processing, or producing a product, including the activities of public service corporations, public utility companies, authorities, State Agencies, railroad, or membership cooperatives, or the installation and servicing of their product in the field; or research and development in connection with the manufacture of that product or their service; or of their research affiliates; or their employees in the course of their employment in connection with the manufacture, installation, or servicing of their product or service in the field, or on-the-premises maintenance of machinery, equipment, or apparatus incidental to the manufacture or installation of the product or service of a firm by the employees of the firm upon property owned, leased or used by the firm; inspection, maintenance and service work done by employees of the State of North Carolina, any political subdivision thereof, or any municipality therein including construction, installation, servicing, maintenance by regular full-

time employees of streets, street lighting, traffic control signals, police and fire alarm systems, waterworks, steam, electric and sewage treatment and disposal plants; the services of superintendents, inspectors or foremen regularly employed by the State of North Carolina or any political subdivision thereof, or municipal corporation therein; provided, however, that the internal engineering or surveying activity is not a holding out to or an offer to the public of engineering or any service thereof as prohibited by this act. Engineering work, not related to the foregoing exemptions, where the safety of the public is directly involved shall be under the responsible charge of a registered professional engineer, or in accordance with standards prepared or approved by a registered professional engineer.

(h) The performance of internal engineering or survey work by a manufacturing or communications common carrier company, or by a research and development company, or by employees of such corporations provided that such work is in connection with, or incidental to products of, or non-engineering services rendered by such corporations or their affiliates.

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

"§ 89-26. **Duties of register of deeds.** — It shall be unlawful for the recorder of deeds or the register of titles or any county or proper public authority, to file or record any map, plat, survey, or other documents, within the definition of land surveying, which do not have impressed thereon, and affixed thereto, the personal signature and seal of a registered land surveyor by whom, or under whose responsible charge the map, plat, survey, or other documents were prepared.

"§ 89-27. **Invalid sections; severability.** — If any of the provisions of this act, or if any rule, regulation or order thereunder, or if the application of such provision to any person or circumstance shall be held invalid, the remainder of this act and the application of such provision of this act or rule, regulation or order to persons or circumstances, other than those as to which it is held valid, shall not be affected thereby.

"§ 89-28. **Existing registration not affected.** — Nothing in this Chapter shall be construed as affecting the status of registration of any professional engineer or registered land surveyor who is rightfully in possession of a certificate of registration duly issued by the board and valid as of July 1, 1975."

**Sec. 2.** All laws and clauses of law in conflict with this act are repealed. Nothing herein, however, shall be construed to repeal any of the provisions of Chapters 150, 150A, or 93B of the General Statutes.

**Sec. 3.** This act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of June, 1975.