

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 794\*  
Committee Substitute Favorable 5/28/97  
Committee Substitute #2 Favorable 6/25/97

Short Title: Engineering and Land Surveying Changes.

(Public)

Sponsors:

Referred to:

April 3, 1997

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

**"§ 89C-2. Declarations; prohibitions.**

In order to safeguard life, health, and property, and to promote the public welfare, the practice of engineering and the practice of land surveying in this State are hereby declared to be subject to regulation in the public interest. It shall be unlawful for any person to practice or to offer to practice engineering or land surveying in this State, as defined in the provisions of this Chapter, or to use in connection with ~~his~~the person's name or otherwise assume or advertise any title or description tending to convey the impression that ~~he~~the person is either a professional engineer or a ~~registered professional~~ land surveyor, unless ~~such~~the person has been duly ~~registered as such~~licensed. The right to engage in the practice of engineering or land surveying ~~shall be deemed is~~ a personal 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:

1 **"§ 89C-3. Definitions.**

2 The following definitions apply in this Chapter:

- 3 (1) ~~Board.~~ – The North Carolina State Board of ~~Registration-Examiners~~ for  
4 ~~Professional-Engineers and Land-Surveyors~~ provided for by this Chapter.
- 5 (1a) Business firm. – A partnership, firm, association, or another  
6 organization or group that is not a corporation and is acting as a unit.
- 7 (2) Engineer. – A person who, by reason of his special knowledge and use  
8 of the mathematical, physical and engineering sciences and the  
9 principles and methods of engineering analysis and design, acquired by  
10 engineering education and engineering experience, is qualified to  
11 practice engineering.
- 12 (3) ~~Engineer-in-training-Engineering intern.~~ – A person who complies with  
13 the requirements for education, experience and character, and has  
14 passed an examination in the fundamental engineering subjects, as  
15 provided in this Chapter.
- 16 (3a) Inactive licensee. – Licensees who are not engaged in the  
17 practice of engineering or land surveying in this State.
- 18 (4) ~~Land-surveyor-in-training-Land surveyor intern.~~ – A person who has  
19 qualified for, taken, and passed an examination on the basic disciplines  
20 of land surveying as provided in this Chapter.
- 21 (5) Person. – Any natural person, firm, partnership, corporation or other  
22 legal entity.
- 23 (6) Practice of engineering. –
- 24 a. Any service or creative work, the adequate performance of which  
25 requires engineering education, training, and experience, in the  
26 application of special knowledge of the mathematical, physical,  
27 and engineering sciences to such services or creative work as  
28 consultation, investigation, evaluation, planning, and design of  
29 engineering works and systems, planning the use of land and  
30 water, engineering surveys, and the observation of construction  
31 for the purposes of assuring compliance with drawings and  
32 specifications, including the consultation, investigation,  
33 evaluation, planning, and design for either private or public use,  
34 in connection with any utilities, structures, buildings, machines,  
35 equipment, processes, work systems, projects, and industrial or  
36 consumer products or equipment of a mechanical, electrical,  
37 hydraulic, pneumatic or thermal nature, insofar as they involve  
38 safeguarding life, health or property, and including such other  
39 professional services as may be necessary to the planning,  
40 progress and completion of any engineering services.

41 A person shall be construed to practice or offer to practice  
42 engineering, within the meaning and intent of this Chapter, who  
43 practices any branch of the profession of engineering; or who, by

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

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

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

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

- 1           1.     Locating, relocating, establishing, laying out, or retracing
- 2           any property line, easement, or boundary of any tract of
- 3           land;
- 4           2.     Locating, relocating, establishing, or laying out the
- 5           alignment or elevation of any of the fixed works embraced
- 6           within the practice of professional engineering;
- 7           3.     Making any survey for the subdivision of any tract of
- 8           land, including the topography, alignment and grades of
- 9           streets and incidental drainage within the subdivision, and
- 10          the preparation and perpetuation of maps, record plats,
- 11          field note records, and property descriptions that represent
- 12          these surveys;
- 13          4.     Determining, by the use of the principles of land
- 14          surveying, the position for any survey monument or
- 15          reference point, or setting, resetting, or replacing any
- 16          survey monument or reference point;
- 17          5.     Determining the configuration or contour of the earth's
- 18          surface or the position of fixed objects on the earth's
- 19          surface by measuring lines and angles and applying the
- 20          principles of mathematics or photogrammetry;
- 21          6.     Providing geodetic surveying which includes surveying
- 22          for determination of the size and shape of the earth both
- 23          horizontally and vertically and the precise positioning of
- 24          points on the earth utilizing angular and linear
- 25          measurements through spatially oriented spherical
- 26          geometry; and
- 27          7.     Creating, preparing, or modifying electronic or
- 28          computerized data, including land information systems
- 29          and geographic information systems relative to the
- 30          performance of the practice of land surveying.
- 31          b.     The term 'practice of land surveying' shall not be construed to
- 32             permit the design or preparation of specifications for (i) major
- 33             highways; (ii) wastewater systems; (iii) wastewater or industrial
- 34             waste treatment works; (iv) pumping or lift stations; (v) water
- 35             supply, treatment, or distribution systems; (vi) streets or storm
- 36             sewer systems except as incidental to a subdivision.
- 37          (8)   Professional engineer. – A person who has been duly ~~registered and~~
- 38             licensed as a professional engineer by the Board established by this
- 39             Chapter.
- 40          (8a) Professional engineer, retired. – A person who has been duly licensed as
- 41             a professional engineer by the Board and who chooses to relinquish or
- 42             not to renew a license and who applies to and is approved by the Board

1 to be granted the use of the honorific title 'Professional Engineer,  
2 Retired'.

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

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

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

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

17 "**§ 89C-4. State Board of Registration; Examiners for Engineers and Surveyors;**  
18 **appointment; terms.**

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

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

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

40 "**§ 89C-5. Board members; qualifications.**

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

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

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

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

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

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

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

15 **"§ 89C-8. Organization of the Board; meetings; election of officers.**

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

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

23 **"§ 89C-9. Executive ~~secretary;~~ director; duties and liabilities.**

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

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

33 **"§ 89C-10. Board powers.**

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

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

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

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

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

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

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

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

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

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

8 **"§ 89C-11. Secretary; duties and liabilities; expenditures.**

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

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

28 **"§ 89C-12. Records and reports of Board; evidence.**

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



1 receipts and expenditures of the ~~Board, Board~~ attested by the ~~affidavits of the chairman~~  
2 ~~chair~~ and the ~~secretary, secretary~~ and a copy of the ~~said the~~ roster of ~~registered licensed~~  
3 professional engineers and ~~registered professional~~ land surveyors."

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

5 "**§ 89C-13. General requirements for ~~registration, licensure.~~**

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

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

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

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

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

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

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

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

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

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

7 a. Graduation and Examination. – A graduate of an engineering  
8 curriculum or related science curriculum of four years or more,  
9 approved by the Board as being of satisfactory standing, or a  
10 student who has attained senior status in an accredited  
11 engineering program, shall be admitted to ~~an eight-hour written~~  
12 ~~examination in the fundamentals of engineering-engineering~~  
13 examination. The applicant shall be notified if the examination  
14 was passed or not passed and if passed he shall be certified as an  
15 ~~engineer-in-training-engineering intern~~ if ~~he~~the applicant is  
16 otherwise qualified.

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

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

39 The evaluation of a land surveyor applicant's qualifications shall involve a  
40 consideration of ~~his~~the applicant's education, technical and land surveying experience,  
41 exhibits of land surveying projects with which ~~he~~the applicant has been associated, and  
42 recommendations by ~~references, and reviewing of these categories during an oral examination-~~  
43 references. The land surveyor applicant's qualifications may be reviewed at an interview

1 if the Board ~~deems~~ determines it necessary. Educational credit for institute courses,  
2 correspondence courses, ~~etc., or other courses~~ shall be determined by the Board.

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

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

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

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

- 1                   ~~additional experience required by this subdivision. (Principles and~~  
2                   ~~Practice of Land Surveying).~~ An applicant who passes both  
3                   examinations and successfully completes the educational and  
4                   experience requirements of this subdivision shall be granted  
5                   ~~registration licensure as a professional land surveyor.~~
- 6                   e. ~~Land Surveyor in Training Certificate, Experience, and~~  
7                   ~~Examination. — A holder of a certificate of land surveyor in~~  
8                   ~~training issued by the Board, and with a specific record of an~~  
9                   ~~additional two years or more of progressive surveying~~  
10                  ~~experience, one year of which shall have been under a practicing~~  
11                  ~~registered land surveyor, of a grade and character which indicates~~  
12                  ~~to the Board that the applicant may be competent to practice land~~  
13                  ~~surveying, shall be admitted to two four hour examinations.~~  
14                  ~~Upon passing such examinations, the applicant shall be granted a~~  
15                  ~~certificate of registration to practice land surveying in this State,~~  
16                  ~~provided he is otherwise qualified.~~
- 17                  d. Graduation from a high school or the completion of a high school  
18                  equivalency certificate and a record satisfactory to the Board of  
19                  seven years of progressive practical experience, ~~six~~ seven years  
20                  of which shall have been under a practicing ~~registered~~ licensed  
21                  land surveyor, and satisfactorily passing ~~such any~~ oral and written  
22                  ~~examination written in the presence of and examinations~~ required by  
23                  the Board, all of which shall determine and indicate that the  
24                  candidate is competent to practice land surveying. The applicant  
25                  may be qualified by the Board to take the first examination  
26                  (Surveying Fundamentals) upon graduation from high school or  
27                  the completion of a high school equivalency certificate and  
28                  successfully completing six years of progressive practice  
29                  experience, five of which shall have been under a practicing  
30                  licensed land surveyor. The applicant may apply to take the  
31                  second examination (Principles and Practice of Land Surveying)  
32                  upon passing the first examination and successfully completing  
33                  four years of progressive practical experience, two of which shall  
34                  have been under a practicing licensed land surveyor.
- 35                  e. Repealed by Session Laws 1985 (Regular Session, 1986), c. 977,  
36                  s. 7.
- 37                  f. ~~Registration Licensure~~ by Comity or Endorsement. — A person  
38                  holding a certificate of ~~registration licensure~~ to engage in the  
39                  practice of land surveying issued on comparable qualifications  
40                  from a state, territory, or possession of the United States will be  
41                  given comity considerations. However, ~~he~~ the applicant may be  
42                  asked to take ~~such any~~ examinations as the Board ~~deems necessary~~  
43                  requires to determine ~~his~~ the applicant's qualifications, but in any

1 event, ~~he~~ the applicant shall be required to pass a ~~written~~ an  
2 examination which shall include questions on laws, procedures,  
3 and practices pertaining to the practice of land surveying in  
4 North Carolina.

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

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

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

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

30 2. The applicant submit proof of employment in responsible  
31 charge as a photogrammetrist practicing within the State  
32 of North Carolina to include itemized reports detailing  
33 methods, procedures, amount of applicant's personal  
34 involvement and the name, address, and telephone  
35 numbers of the client for five projects completed by the  
36 applicant with the State. A final map for one of the five  
37 projects shall also be submitted;

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

41 4. The application is submitted to the Board by July 1, 1998.  
42 After July 1, 1998, no photogrammetrist shall be licensed  
43 without meeting the same requirements as to education,

1 length of experience, and testing required of all land  
2 surveying applicants.

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

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

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

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

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

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

32 "**§ 89C-14. Application for ~~registration; registration-licensure; license~~ fees.**

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

40 The Board may accept the certified information on the copy of a current formal  
41 certificate of qualifications issued by the National Council of ~~Engineering Examiners~~  
42 ~~Committee or National Engineering Certification for Professional Engineer applicants~~

1 Examiners for Engineering and Surveying in lieu of the same information that is required  
2 for the form prescribed and furnished by the Board.

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

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

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

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

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

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

33 "**§ 89C-15. Examinations.**

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

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

- 40 (1) Engineering Fundamentals. – Consists of an eight-hour examination on  
41 the fundamentals of engineering. Passing this examination qualifies the  
42 ~~examinee-applicant~~ for an engineer-in-training-engineering intern



1 certificate, provided ~~he~~ the applicant has met all other requirements for  
2 ~~certification-licensure~~ required by this Chapter.

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

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

14 (4) Principles and Practices of Land Surveying. – Consists of ~~two four-hour~~  
15 ~~examinations~~ a six-hour examination on the basic and applied disciplines  
16 of land surveying, ~~one examination on basic disciplines and the other~~  
17 ~~examination covering applied disciplines.~~ surveying and a two-hour  
18 examination on requirements specific to the practice of land surveying  
19 in North Carolina. Passing each of these examinations qualifies the  
20 ~~examinee~~ applicant for a ~~registered~~ professional land surveyor certificate  
21 provided ~~he~~ the applicant has met all other requirements for certification  
22 required by this Chapter."

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

24 **"§ 89C-16. Certificates of ~~registration; licensure; effect; seals.~~**

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

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

37 (c) Each ~~registrant~~ hereunder-licensee shall upon ~~registration-licensure~~ obtain a seal  
38 of a design authorized by the Board bearing the ~~registrant's-licensee's~~ name, ~~serial-license~~  
39 number, and the legend, 'professional engineer,' or '~~registered~~ professional land  
40 surveyor.' Final drawings, specifications, plans and reports prepared by a ~~registrant~~  
41 licensee shall, when issued, be certified and stamped with the ~~said~~ seal or facsimile ~~thereof~~  
42 of the seal unless the ~~registrant-licensee~~ is exempt under the provisions of G.S. 89C-25(7).  
43 It shall be unlawful for a ~~registrant-licensee~~ to affix, or permit ~~his~~ the licensee's seal and

1 signature or facsimile ~~thereof~~ of the seal and signature to be affixed to any drawings,  
2 specifications, plans or reports after the expiration of a certificate or for the purpose of  
3 aiding or abetting any other person to evade or attempt to evade any provision of this  
4 Chapter. A professional engineer practicing land surveying shall use ~~his registered~~ the  
5 licensee's land surveyor seal."

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

7 "**§ 89C-17. Expirations and renewals of certificates.**

8 Certificates for ~~registration~~ licensure shall expire on the last day of the month of  
9 December next following their issuance or renewal, and shall become invalid on that date  
10 unless renewed. When necessary to protect the public health, safety, or welfare, the  
11 Board shall require ~~such~~ any evidence as it deems necessary to establish the continuing  
12 competency of engineers and land surveyors as a condition of renewal of licenses. When  
13 the Board is satisfied as to the continuing competency of an applicant, it shall issue a  
14 renewal of the certificate upon payment by the applicant of a fee fixed by the Board but  
15 not to exceed ~~fifty dollars (\$50.00)~~ seventy-five dollars (\$75.00). The secretary of the  
16 Board shall notify by mail every person ~~registered~~ licensed under this Chapter of the date  
17 of expiration of ~~his~~ the certificate, the amount of the fee required for its renewal for one  
18 year, and any requirement as to evidence of continued competency. The notice shall be  
19 mailed at least one month in advance of the expiration date of the certificate. Renewal  
20 shall be effected at any time during the month of January immediately following, by  
21 payment to the secretary of the Board of a renewal fee, as determined by the Board,  
22 which shall not exceed ~~fifty dollars (\$50.00)~~ seventy-five dollars (\$75.00). Failure on the  
23 part of any registrant to renew ~~his~~ the certificate annually in the month of January, as  
24 required above, shall deprive the registrant of the right to practice until renewal has been  
25 effected. Renewal may be effected at any time during the first ~~36~~ 12 months immediately  
26 following its invalidation ~~of payment of the renewal fee increased ten percent (10%) for each~~  
27 ~~month or fraction of a month that payment for renewal is delayed~~ by payment of the  
28 established renewal fee and a late penalty of one hundred dollars (\$100.00). Failure of a  
29 ~~registrant~~ licensee to renew ~~his registration~~ the license for a period of ~~36~~ 12 months shall  
30 require the individual, prior to resuming practice in North Carolina, to submit an  
31 application ~~therefor~~ on the prescribed form, and to meet all other requirements for  
32 ~~registration~~ licensure as set forth in Chapter 89C. The secretary of the Board is instructed  
33 to remove from the official roster of engineers and land surveyors the names of all  
34 ~~registrants~~ licensees who have not effected their renewal by the first day of February  
35 immediately following the date of their expiration. The Board may ~~enact~~ adopt rules to  
36 provide for renewals in distress or hardship cases due to military service, prolonged  
37 illness, or prolonged absence from the State, where the applicant for renewal  
38 demonstrates to the Board that ~~he~~ the applicant has maintained ~~his~~ active knowledge and  
39 professional status as an engineer or land surveyor, as the case may be. It shall be the  
40 responsibility of each ~~registrant~~ licensee to inform the Board promptly concerning change  
41 in address. A licensee may request and be granted inactive status. No inactive licensee  
42 may practice in this State unless otherwise exempted in this Chapter. A licensee granted  
43 inactive status shall pay annual renewal fees but shall not be subject to annual continuing

1 professional competency requirements. A licensee granted inactive status may return to  
2 active status by meeting all requirements of the Board, including demonstration of  
3 continuing professional competency as a condition of reinstatement."

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

5 **"§ 89C-18. Duplicate certificates.**

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

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

10 **"§ 89C-19. Public works; requirements where public safety involved.**

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

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

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

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

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

35 **"§ 89C-20. Rules of professional conduct.**

36 In the interest of protecting the safety, health, and welfare of the public, the Board  
37 shall ~~promulgate and~~ adopt rules of professional conduct applicable to the practice of  
38 engineering and land surveying. These rules, when adopted, shall be construed to be a  
39 reasonable exercise of the police power vested in the Board of ~~Registration-Examiners for~~  
40 ~~Professional-Engineers and Land Surveyors.~~ Every person ~~registered-licensed~~ by the Board  
41 shall subscribe to and observe the adopted rules as the standard of professional conduct  
42 for the practice of engineering and land ~~surveying~~ surveying and shall cooperate fully  
43 with the Board in the course of any investigation. In the case of violation of the rules of

1 professional conduct, the Board shall ~~have the responsibility and duty to~~ proceed in  
2 accordance with G.S. 89C-22."

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

4 **"§ 89C-21. Disciplinary action – Reexamination, revocation, suspension, reprimand,  
5 or civil penalty.**

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

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

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

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

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

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

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

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

30 (c) The Board may levy a civil penalty not in excess of two thousand dollars  
31 (\$2,000) for any engineer or land surveyor who violates any of the provisions of  
32 subdivisions (1) through (4) of subsection (a) of this section. All civil penalties collected  
33 by the Board shall be deposited in the General Fund of North Carolina.

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

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

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

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

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

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

1 **"§ 89C-22. Disciplinary action – Charges; procedure.**

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

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

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

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

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

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

19 **"§ 89C-23. Unlawful to practice engineering or land surveying without ~~registration;~~**  
20 **licensure; unlawful use of title or terms; penalties; Attorney General to be**  
21 **legal adviser.**

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

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

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

7 **"§ 89C-24. Registration-Licensure of corporations and business firms that engage in**  
8 **the practice of engineering or land surveying.**

9 A corporation or business firm may not engage in the practice of engineering or land  
10 surveying in this State unless it is ~~registered with~~ licensed by the Board and has paid ~~the~~  
11 ~~required registration fee.~~ an application fee established by the Board in an amount not to  
12 exceed two hundred fifty dollars (\$250.00). A corporation or business firm is subject to  
13 the same duties and responsibilities as an individual ~~registrant.~~ Registration-licensure.  
14 Licensure of a corporation or business firm does not affect the requirement that all  
15 engineering or land surveying work done by the corporation or business firm be  
16 performed by or under the responsible charge of individual registrants, nor does it relieve  
17 the individual registrants within a corporation or business firm of their design and  
18 supervision responsibilities.

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

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

24 **"§ 89C-25. Limitations on application of Chapter.**

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

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

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

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

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

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

26 (7) The internal engineering or surveying activities of a person, firm or  
27 corporation engaged in manufacturing, processing, or producing a  
28 product, including the activities of public service corporations, public  
29 utility companies, authorities, State agencies, railroads, or membership  
30 cooperatives, or the installation and servicing of their product in the  
31 field; or research and development in connection with the manufacture  
32 of that product or their service; or of their research affiliates; or their  
33 employees in the course of their employment in connection with the  
34 manufacture, installation, or servicing of their product or service in the  
35 field, or on-the- premises maintenance of machinery, equipment, or  
36 apparatus incidental to the manufacture or installation of the product or  
37 service of a firm by the employees of the firm upon property owned,  
38 leased or used by the firm; inspection, maintenance and service work  
39 done by employees of the State of North Carolina, any political  
40 subdivision ~~thereof~~, of the State, or any municipality ~~therein~~ including  
41 construction, installation, servicing, maintenance by regular full-time  
42 employees of streets, street lighting, traffic-control signals, police and  
43 fire alarm systems, waterworks, steam, electric and sewage treatment

1 and disposal plants; the services of superintendents, inspectors or  
2 foremen regularly employed by the State of North Carolina or any  
3 political subdivision ~~thereof, of the State or a municipal corporation~~  
4 ~~therein; corporation;~~ provided, however, that the internal engineering or  
5 surveying activity is not a holding out to or an offer to the public of  
6 engineering or any service thereof as prohibited by this Chapter.  
7 Engineering work, not related to the foregoing exemptions, where the  
8 safety of the public is directly involved shall be under the responsible  
9 charge of a ~~registered~~ licensed professional engineer, or in accordance  
10 with standards prepared or approved by a ~~registered~~ licensed  
11 professional engineer.

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

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

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

28 "**§ 89C-25.1. Supervision of ~~unregistered-unlicensed~~ individuals by ~~registered-licensed~~**  
29 **person.**

30 In all circumstances in which ~~unregistered-unlicensed~~ individuals are permitted under  
31 this Chapter to perform engineering or land surveying work, or both, under the  
32 supervision of a ~~registered-licensed~~ engineer, land surveyor, or both, the Board may by  
33 regulation establish a reasonable limit on the number of ~~unregistered-unlicensed~~  
34 individuals which a ~~registrant-licensee~~ of the Board may directly or personally supervise  
35 at one time."

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

37 "**§ 89C-26. Duties of register of deeds.**

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



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

2 **"§ 89C-28. Existing ~~registration~~licensure not affected.**

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

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