

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 616

Short Title: Amend Engineers and Surveyors Laws. (Public)

Sponsors: Representative Gillespie (Primary Sponsor).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Judiciary Subcommittee C.

April 5, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAWS RELATING TO THE REGULATION OF
3 ENGINEERING AND LAND SURVEYING.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 89C-3 reads as rewritten:

6 "**§ 89C-3. Definitions.**

7 The following definitions apply in this Chapter:

8 ...

9 (8a) Professional engineer, retired. – A person who has been duly licensed as a
10 professional engineer by the Board and who chooses to relinquish or not to
11 renew a license and who applies to and is approved by the Board after
12 review of record, including any disciplinary action, to be granted the use of
13 the honorific title "Professional Engineer, Retired".

14 ...

15 (9a) Professional land surveyor, retired. – A person who has been duly licensed
16 as a professional land surveyor by the Board and who chooses to relinquish
17 or not to renew a license and who applies to and is approved by the Board
18 after review of record, including any disciplinary action, to be granted the
19 use of the honorific title "Professional Land Surveyor, Retired".

20"

21 **SECTION 2.** G.S. 89C-11 reads as rewritten:

22 "**§ 89C-11. Secretary; duties and liabilities; expenditures.**

23 The secretary of the Board shall receive and account for all moneys derived from the
24 operation of the Board as provided in this Chapter, and shall deposit them in one or more
25 special funds in banks or other financial institutions carrying deposit insurance and authorized
26 to do business in North Carolina. The fund or funds shall be designated as "Fund of the Board
27 of Examiners for Engineers and Surveyors" and shall be drawn against only for the purpose of
28 implementing provisions of this Chapter as herein provided. All expenses certified by the
29 Board as properly and necessarily incurred in the discharge of its duties, including authorized
30 compensation, shall be paid out of this fund on the warrant signed by the secretary of the
31 Board. At no time shall the total of warrants issued exceed the total amount of funds
32 accumulated under this Chapter. The secretary of the Board shall give a surety bond
33 satisfactory to the State Board of Examiners for Engineers and Surveyors, conditioned upon the
34 faithful performance of the duties assigned. The premium on the bond is a proper and necessary
35 expense of the Board. The secretary of the Board may delegate to the executive director certain



1 routine duties, such as receipt and disbursement of funds in stated amounts by a written
2 authorization, which has the ~~unanimous-majority~~ approval of the Board."

3 **SECTION 3.** G.S. 89C-12 read as rewritten:

4 "**§ 89C-12. Records and reports of Board; evidence.**

5 The Board shall keep a record of its proceedings and a register of all applicants for
6 licensure, showing for each the date of application, name, age, education, and other
7 qualifications, place of business and place of residence, whether the applicant was rejected or a
8 certificate of licensure granted, and the date licensure was rejected or granted. The books and
9 register of the Board shall be prima facie evidence of all matters recorded by the Board, and a
10 copy duly certified by the secretary of the Board under seal shall be admissible in evidence as if
11 the original were produced. A roster showing the names and places of business and of residence
12 of all licensed professional engineers and all licensed professional land surveyors shall be
13 prepared by the secretary of the Board current to the month of January of each year. ~~The roster~~
14 ~~shall be printed by the Board out of the Board's fund and distributed as described in the Board's~~
15 ~~rules.~~ On or before the first day of May of each year, the Board shall submit to the Governor a
16 report on its transactions for the preceding year, and shall file with the Secretary of State a copy
17 of the report, together with a complete statement of the receipts and expenditures of the Board
18 attested by the chair and the secretary and a copy of the roster of licensed professional
19 engineers and professional land surveyors."

20 **SECTION 4.** G.S. 89C-13 reads as rewritten:

21 "**§ 89C-13. General requirements for licensure.**

22 (a) Engineer Applicant. – To be eligible for licensure as a professional engineer, an
23 applicant must be of good character and reputation. An applicant desiring to take the
24 examination in the fundamentals of engineering must submit three character references, one of
25 whom shall be a professional engineer. An applicant desiring to take the examination in the
26 principles and practice of engineering must submit five references, two of whom shall be
27 professional engineers having personal knowledge of the applicant's engineering experiences.

28 The following shall be considered as minimum evidence satisfactory to the Board that the
29 applicant is qualified for licensure:

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

- 31 a. Licensure by Comity or Endorsement. – A person holding a
32 certificate of licensure to engage in the practice of engineering, on
33 the basis of comparable qualifications, issued to the person by a
34 proper authority of a state, territory, or possession of the United
35 States, the District of Columbia, or of ~~Canada, who completes an~~
36 ~~application for licensure and submits five references, two of which~~
37 ~~shall be from professional engineers having personal knowledge of~~
38 ~~the applicant's engineering experience, and who, in the opinion of the~~
39 ~~Board, meets the requirements of this Chapter, based on verified~~
40 ~~evidence may, upon application, be licensed without further~~
41 ~~examination.~~ any foreign country possessing credentials that, based
42 on verifiable evidence, in the opinion of the Board, of a standard not
43 lower than that in effect in this State at the time the certificate was
44 issued, may upon application, be licensed without further
45 examination, except as required to examine the applicant's
46 knowledge of laws, rules, and requirements unique to North
47 Carolina.

48 ~~A person holding a certificate of qualification issued by the~~
49 ~~Committee on National Engineering Certification of the National~~
50 ~~Council of Examiners for Engineering and Surveying whose~~

- 1 qualifications meet the requirements of this Chapter, may upon
2 application, be licensed without further examination.
- 3 b. E.I. Certificate, Experience, and Examination. – A holder of a
4 certificate of engineering intern issued by the Board, and with a
5 specific record of an additional four years or more of progressive
6 experience on engineering projects of a grade and character which
7 indicates to the Board that the applicant may be competent to
8 practice engineering, shall be admitted to the principles and practice
9 of engineering examination. Upon passing the examination, the
10 applicant shall be granted a certificate of licensure to practice
11 professional engineering in this State, provided the applicant is
12 otherwise qualified.
- 13 c. Graduation, Experience, and Examination. – A graduate of an
14 engineering curriculum of four years or more approved by the Board
15 as being of satisfactory standing, ~~and with a specific record of an~~
16 ~~additional four years or more of progressive experience on~~
17 ~~engineering projects of a grade and character which indicates to the~~
18 ~~Board that the applicant may be competent to practice~~
19 ~~engineering,~~ shall be admitted to the fundamentals of engineering
20 examination, and with a specific record of an additional four years or
21 more of progressive experience on engineering projects of a grade
22 and character that indicates to the Board that the applicant may be
23 competent to practice engineering, the principles and practice of
24 engineering examination. Upon passing the examinations, the
25 applicant shall be granted a certificate of licensure to practice
26 professional engineering in this State, provided the applicant is
27 otherwise qualified.
- 28 d. Graduation, Experience, and Examination. – A graduate of an
29 engineering or related science curriculum of four years or more,
30 other than the ones approved by the Board as being of satisfactory
31 standing or with an equivalent education and engineering experience
32 satisfactory to the Board ~~and with a specific record of eight years or~~
33 ~~more of progressive experience on engineering projects of a grade~~
34 ~~and character which indicates to the Board that the applicant may be~~
35 ~~competent in the fundamentals of engineering,~~ shall be admitted to
36 the fundamentals of engineering examination and with a specific
37 record of an additional eight years or more of progressive experience
38 on engineering projects of a grade and character that indicates to the
39 Board that the applicant may be competent to practice engineering,
40 the principles and practice of engineering examination. Upon passing
41 the examinations, the applicant shall be granted a certificate of
42 licensure to practice professional engineering in this State, provided
43 the applicant is otherwise qualified.
- 44 e. Long-Established Practice. – A person with a specific record of 20
45 years or more of progressive experience on engineering projects of a
46 grade and character which indicates to the Board that the applicant
47 may be competent to practice engineering shall be admitted to the
48 principles and practice of engineering examination. Upon passing the
49 examination, the applicant shall be granted a certificate of licensure
50 to practice professional engineering in this State, provided the
51 applicant is otherwise qualified.

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

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

6 (2) As an 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 student
10 who ~~has attained senior status in an accredited engineering~~
11 ~~program, is graduating within two semesters, or the equivalent, of the~~
12 semester in which the fundamentals of engineering examination is
13 administered, shall be admitted to the fundamentals of engineering
14 examination. The applicant shall be notified if the examination was
15 passed or not passed and if passed he shall be certified as an
16 engineering intern if the applicant is 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 satisfactory
20 standing, or with equivalent education and engineering experience
21 satisfactory to the Board and with a specific record of four or more
22 years of progressive experience on engineering projects of a grade
23 and character satisfactory to the Board, shall be admitted to the
24 fundamentals of engineering examination. The applicant shall be
25 notified if the examination was passed or not passed and if passed,
26 the applicant shall be certified as an engineering intern if the
27 applicant is otherwise qualified.

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

35 The evaluation of a land surveyor applicant's qualifications shall involve a consideration of
36 the applicant's education, technical and land surveying experience, exhibits of land surveying
37 projects with which the applicant has been associated, and recommendations by references. The
38 land surveyor applicant's qualifications may be reviewed at an interview if the Board
39 determines it necessary. Educational credit for institute courses, correspondence courses, or
40 other courses shall be determined by the Board.

41 The following shall be considered a minimum evidence satisfactory to the Board that the
42 applicant is qualified for licensure as a professional land surveyor or for certification as a land
43 surveyor intern respectively:

44 (1) As a professional land surveyor (shall meet one):

45 a. Rightful possession of a bachelor of science degree in surveying or
46 other equivalent curricula, all approved by the Board and a record
47 satisfactory to the Board of two years or more of progressive
48 practical experience, one year of which shall have been under a
49 practicing professional land surveyor if the applicant has successfully
50 passed the first examination (Fundamentals of Surveying) on or
51 before January 1, 2013, or if the applicant has not successfully

1 passed the first examination on or before January 1, 2013, two years
2 of which shall have been under a practicing professional land
3 surveyor, and satisfactorily passing any oral and written examination
4 required by the Board, all of which shall determine and indicate that
5 the applicant is competent to practice land surveying. Upon passing
6 the first examination and successful completion of the experience
7 required by this subdivision, the applicant may apply to take the
8 second examination (Principles and Practice of Land Surveying). An
9 applicant who passes both examinations and completes the
10 educational and experience requirements of this subdivision shall be
11 granted licensure as a professional land surveyor.

12 b. Rightful possession of an associate degree in surveying technology
13 approved by the Board and a record satisfactory to the Board of four
14 years of progressive practical experience, three years of which shall
15 have been under a practicing licensed land surveyor if the applicant
16 has successfully passed the first examination (Fundamentals of
17 Surveying) on or before January 1, 2013, or if the applicant has not
18 successfully passed the first examination on or before January 1,
19 2013, eight years of progressive practical experience, four years of
20 which shall have been under a practicing professional land surveyor,
21 and satisfactorily passing any written and oral examination required
22 by the Board, all of which shall determine and indicate that the
23 applicant is competent to practice land surveying. If the applicant has
24 not successfully completed the first examination on or before January
25 1, 2013, the applicant may apply to the Board to take the first
26 examination after obtaining the associate degree and completing four
27 years of practical experience, two years of which shall have been
28 under a practicing professional land surveyor at the first regularly
29 scheduled examination thereafter. Upon passing the first examination
30 and successfully completing the practical experience required under
31 this subdivision, the applicant may apply to the Board to take the
32 second examination (Principles and Practice of Land Surveying). An
33 applicant who passes both examinations and successfully completes
34 the educational and experience requirements of this subdivision shall
35 be granted licensure as a professional land surveyor.

36 c. Repealed by Session Laws 1998-118, s. 11.

37 d. Graduation from a high school or the completion of a high school
38 equivalency certificate and a record satisfactory to the Board of
39 seven years of progressive practical experience, six years of which
40 shall have been under a practicing licensed land surveyor if the
41 applicant has successfully passed the first examination
42 (Fundamentals of Surveying) on or before January 1, 2013, or if the
43 applicant has not successfully passed the first examination on or
44 before January 1, 2013, 16 years of progressive practical experience,
45 nine years of which shall have been under a practicing professional
46 land surveyor, and satisfactorily passing any oral and written
47 examinations required by the Board, all of which shall determine and
48 indicate that the candidate is competent to practice land surveying. If
49 the applicant has not successfully passed the first examination on or
50 before January 1, 2013, the applicant may be qualified by the Board
51 to take the first examination upon graduation from high school or the

- 1 completion of a high school equivalency certificate and successfully
2 completing 10 years of progressive practice experience, six of which
3 shall have been under a practicing licensed land surveyor.
- 4 e. Repealed by Session Laws 1985 (Regular Session, 1986), c. 977, s.
5 7.
- 6 f. Licensure by Comity or Endorsement. – A person holding a
7 certificate of licensure to engage in the practice of land surveying
8 issued on comparable qualifications from a state, territory, or
9 possession of the United States ~~will be given comity considerations.~~
10 ~~However, the applicant may be asked~~ States or the District of
11 Columbia, possessing credentials that, based on verifiable evidence,
12 in the opinion of the Board, of a standard not lower than that in effect
13 in this State at the time the certificate was issued, may upon
14 application, be licensed without further examination, except to take
15 any examinations as the Board requires to determine the applicant's
16 qualifications, but in any event, the applicant shall be required to
17 pass an examination which shall include questions on laws,
18 procedures, and practices pertaining to the practice of land surveying
19 in North Carolina.
- 20 g. A licensed professional engineer who can satisfactorily demonstrate
21 to the Board that the professional engineer's formal academic training
22 in acquiring a degree and field experience in engineering includes
23 land surveying, to the extent necessary to reasonably qualify the
24 applicant in the practice of land surveying, may apply for and may be
25 granted permission to take the principles and practice of land
26 surveying examination and the fundamentals of land surveying
27 examination. Upon satisfactorily passing the examinations, the
28 applicant shall be granted a license to practice land surveying in the
29 State of North Carolina.
- 30 h. Professional Engineers in Land Surveying. – Any person presently
31 licensed to practice professional engineering under this Chapter shall
32 upon application be licensed to practice land surveying, providing a
33 written application is filed with the Board within one year next after
34 June 19, 1975.
- 35 i. Photogrammetrists. – Any person presently practicing
36 photogrammetry with at least seven years of experience in the
37 profession, two or more of which shall have been in responsible
38 charge of photogrammetric mapping projects meeting National Map
39 Accuracy Standards shall, upon application, be licensed to practice
40 land surveying, provided:
- 41 1. The applicant submit certified proof of graduation from high
42 school, high school equivalency, or higher degree;
 - 43 2. The applicant submit proof of employment in responsible
44 charge as a photogrammetrist practicing within the State of
45 North Carolina to include itemized reports detailing methods,
46 procedures, amount of applicant's personal involvement and
47 the name, address, and telephone numbers of the client for
48 five projects completed by the applicant with the State. A
49 final map for one of the five projects shall also be submitted;

- 1 3. Five references to the applicant's character and quality of
 2 work, three of which shall be from professional land
 3 surveyors, are submitted to the Board; and
 4 4. The application is submitted to the Board by July 1, 1999.
 5 After July 1, 1999, no photogrammetrist shall be licensed
 6 without meeting the same requirements as to education,
 7 length of experience, and testing required of all land
 8 surveying applicants.

9 The Board shall require an applicant to submit exhibits, drawings, plats
 10 or other tangible evidence of land surveying work executed by the applicant
 11 under proper supervision and which the applicant has personally
 12 accomplished or supervised.

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

18 (2) As a land surveyor intern (shall meet one):

- 19 a. Rightful possession of an associate degree in surveying technology
 20 approved by the Board, a record satisfactory to the Board of four
 21 years of progressive practical experience, two years of which shall
 22 have been under a practicing professional land surveyor, and
 23 satisfactorily passing a written and oral examination as required by
 24 the Board.
 25 b. Repealed by Session Laws 2005-296, s. 1.
 26 c. Graduation from high school or the completion of a high school
 27 equivalency certificate and a record satisfactory to the Board of 10
 28 years of progressive, practical experience, six years of which shall
 29 have been under a practicing licensed land surveyor and satisfactorily
 30 passing any oral and written examinations required by the Board.
 31 d. Graduation and examination. – A graduate of a surveying curriculum
 32 or other equivalent curriculum in surveying approved by the Board or
 33 a student who ~~has attained senior status~~ is graduating within two
 34 semesters, or the equivalent, of the semester in which the
 35 fundamentals of surveying examination is administered, in an
 36 accredited surveying program of four years or more shall be admitted
 37 to the fundamentals of surveying examination. The applicant shall be
 38 notified if the examination was passed or not passed, and if passed
 39 the applicant shall be certified as a surveying intern if the applicant is
 40 otherwise qualified.

41 The Board shall require an applicant to submit exhibits, drawings, plats, or other tangible
 42 evidence of land surveying work executed by the applicant under proper supervision and which
 43 the applicant has personally accomplished or supervised."

44 **SECTION 5.** G.S. 89C-21(a) reads as rewritten:

45 "(a) The Board may reprimand the licensee, suspend, refuse to renew, refuse to reinstate,
 46 or revoke the certificate of licensure, require additional education or, as appropriate, require
 47 reexamination, for any engineer or land surveyor, who is ~~found~~ found guilty of any of the
 48 following:

- 49 (1) ~~Guilty of the practice of any fraud~~ Fraud or deceit in obtaining or renewing a
 50 certificate of licensure or certificate of authorization.

- 1 (2) ~~Guilty of any gross negligence~~Gross negligence, incompetence, or
2 misconduct in the practice of the profession.
- 3 (3) ~~Guilty of any felony or~~Conviction of, or entry of a plea of guilty or nolo
4 contendere to, any crime that is a felony, whether or not related to the
5 practice of engineering or surveying; conviction of, or entry of a plea of
6 guilty or nolo contendere to, any crime, whether a felony, misdemeanor, or
7 otherwise, where an essential element of the crime is dishonesty or when the
8 crime is directly related to the practice of engineering or surveying; or
9 conviction of, or entry of a plea of guilty or nolo contendere, of any crime
10 involving moral turpitude.
- 11 (4) ~~Guilty of violation~~Violation of any provisions of this Chapter, the Rules of
12 Professional Conduct, or any rules as adopted by the Board.
- 13 (5) ~~To have been~~Being declared insane or incompetent by a court of competent
14 jurisdiction and ~~has~~having not later been lawfully declared sane or
15 competent.
- 16 (6) ~~Guilty of professional~~Professional incompetence. In the event the Board
17 finds that a certificate holder is incompetent the Board may, in its discretion,
18 require oral or written examinations, or other indication of the certificate
19 holder's fitness to practice engineering or land surveying and suspend the
20 license during any such period."

21 **SECTION 6.** G.S.89C-22 reads as rewritten:

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

23 (a) Any person may prefer charges of fraud, deceit, gross negligence, incompetence,
24 misconduct, or ~~violation~~violations of this Chapter, the rules of professional conduct, or any
25 rules adopted by the Board against any Board registrant-licensee. The charges shall be in
26 writing and shall be sworn to by the person or persons making them and shall be filed with the
27 Board.

28 (b) All charges, unless dismissed by the Board as unfounded or ~~trivial~~,trivial or unless
29 settled informally, shall be heard by the Board as provided under the requirements of Chapter
30 150B of the General Statutes.

31 (c) If, after a hearing, a majority of the Board votes in favor of sustaining the charges,
32 the Board shall reprimand, levy a civil penalty, suspend, refuse to renew, refuse to reinstate, or
33 revoke the licensee's ~~certificate~~certificate, require additional education or, as appropriate,
34 require reexamination.

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

37 (e) The Board may, upon petition of an individual or an entity whose certificate has
38 been revoked, for sufficient reasons as it may determine, reissue a certificate of licensure or
39 authorization, provided that a majority of the members of the Board vote in favor of such
40 issuance."

41 **SECTION 7.** G.S. 89C-25 reads as rewritten:

42 "**§ 89C-25. Limitations on application of Chapter.**

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

44 ...

- 45 (2) ~~The practice of professional engineering or land surveying in this State or by~~
46 ~~any person not a resident of this State and having no established place of~~
47 ~~business in this State when this practice does not aggregate more than 90~~
48 ~~days in any calendar year, whether performed in this State or elsewhere, or~~
49 ~~involve more than one specific project; provided, however, that the person is~~
50 ~~licensed to practice the profession in the person's own state or country, in~~
51 ~~which the requirements and qualifications for obtaining a certificate of~~

1 licensure are satisfactory to the Board; in which case the person shall apply
2 for and the Board will issue a temporary permit.
3 (3) ~~The practice of professional engineering or land surveying in this State not~~
4 ~~to aggregate more than 90 days by any person residing in this State, but~~
5 ~~whose residence has not been of sufficient duration for the Board to grant or~~
6 ~~deny licensure; provided, however, the person shall have filed an application~~
7 ~~for licensure as a professional engineer or professional land surveyor and~~
8 ~~shall have paid the fee provided for in G.S. 89C 14, and provided that the~~
9 ~~person is licensed to practice professional engineering or professional land~~
10 ~~surveying in the person's own state or country in which the requirements and~~
11 ~~qualifications for obtaining a certificate of licensure are satisfactory to the~~
12 ~~Board, in which case the person shall apply for and the Board will issue a~~
13 ~~temporary permit.~~

14"

15 **SECTION 8.** This act is effective when it becomes law.