

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 671
HOUSE BILL 382

AN ACT TO AMEND THE STATUTES REGULATING PROFESSIONAL
ENGINEERS AND LAND SURVEYORS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 89C-3 reads as rewritten:

"§ 89C-3. Definitions.

~~When used in this Chapter, unless the context otherwise requires:—~~The following definitions apply in this Chapter:

- (1) 'State Board of Registration for Professional Engineers and Land Surveyors provided for by this Chapter.
- (1a) Business firm. — A partnership, firm, association, or another organization or group that is not a corporation and is acting as a unit.
- (2) ~~'Engineer'.— The term 'engineer,' within the intent of this Chapter, shall mean a~~ Engineer. — A person who, by reason of his special knowledge and use of the mathematical, physical and engineering sciences and the principles and methods of engineering analysis and design, acquired by engineering education and engineering experience, is qualified to practice engineering.
- (3) ~~'Engineer in Training'.— The term 'engineer in training,' as used in this Chapter, shall mean a~~ Engineer-in-training. — A person who complies with the requirements for education, experience and character, and has passed an examination in the fundamental engineering subjects, as provided in this Chapter.
- (4) ~~'Land Surveyor in Training'.— The term 'land surveyor in training,' as used in this Chapter, shall mean a~~ Land surveyor-in-training. — A person who has qualified for, taken, and passed an examination on the basic disciplines of land surveying as provided in this Chapter.
- (5) ~~'Person' means any~~ Person. — Any natural person, firm, partnership, corporation or other legal entity.
- (6) ~~'Practice of Engineering'.— Practice of engineering. —~~
 - a. ~~The term, 'practice of engineering,' within the intent of this Chapter, shall mean any~~ Any service or creative work, the adequate performance of which requires engineering education, training, and experience, in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation,

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

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

- b. The term 'practice of engineering' shall not be construed to permit the location, description, establishment or reestablishment of property lines or descriptions of land boundaries for conveyance.
- (7) ~~'Practice of land surveying' by registered land surveyors shall mean any~~ Practice of land surveying by registered land surveyors. –
- a. Any service or work, the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence to the act of measuring and locating lines, angles, elevations, natural and man-made features in the air, on the surface of the earth, within underground workings, and on the beds of bodies of water for the purpose of determining areas and volumes, for the monumenting of property boundaries, and for the platting and layout of lands and subdivisions thereof, including the topography, alignment and grades of street and incidental drainage within the subdivision, and for the preparation and perpetuation of maps, record plats, field note records, and property descriptions that represent these surveys.

- a.b. The term 'practice of land surveying' shall not be construed to permit the design or preparation of specifications for (i) major highways; (ii) wastewater systems; (iii) wastewater or industrial waste treatment works; (iv) pumping or lift stations; (v) water supply, treatment, or distribution systems; (vi) streets or storm sewer systems except as incidental to a subdivision.
- (8) ~~'Professional Engineer'.—The term, 'professional engineer,' as used in this Chapter, shall mean a~~ Professional engineer. — A person who has been duly registered and licensed as a professional engineer by the Board established by this Chapter.
- (9) ~~'Registered land surveyor' shall mean a~~ Registered land surveyor. — A person who, by reason of his special knowledge of mathematics, surveying principles and methods, and legal requirements which are acquired by education and/or practical experience, is qualified to engage in the practice of land surveying, as herein defined, as attested by his registration as a registered land surveyor by the Board.
- (10) ~~'Responsible Charge'.—This term means direct~~ Responsible charge. — Direct control and personal supervision, either of engineering work or of land surveying, as the case may be."

Sec. 2. G.S. 89C-13(b)(1)f. reads as rewritten:

"f. Registration by Comity or Endorsement. — A person holding a certificate of registration to engage in the practice of land surveying issued on comparable qualifications from a state, territory, or possession of the United States will be given comity considerations. However, he may be asked to take such examinations as the Board deems necessary to determine his qualifications, but in any event, he shall be required to pass a written examination ~~of not less than four hours' duration,~~ which shall include questions on laws, procedures, and practices pertaining to the practice of land surveying in North Carolina."

Sec. 3. G.S. 89C-18 reads as rewritten:

"§ 89C-18. Reissuance of Duplicate certificates.

~~A new—The Board may issue a duplicate certificate of registration, registration or certificate of authorization, authorization to replace any certificate that has been lost, destroyed, or mutilated, may be issued, subject to the rules of the Board. A mutilated and may charge of five dollars (\$5.00) shall be made for such issuance. a fee of up to twenty-five dollars (\$25.00) for issuing the certificate."~~

Sec. 4. G.S. 89C-24 reads as rewritten:

"§ 89C-24. Corporate or partnership Registration of corporations and business firms that engage in the practice of engineering or land surveying.

~~A corporation or partnership business firm may not engage in the practice of engineering or land surveying in this State; provided, however, the person or persons connected with such corporation or partnership in charge of the designing or supervision which constitutes such practice is or are registered as herein required of professional~~

~~engineers and registered land surveyors. The same exemptions shall apply to corporations and partnerships as apply to individuals under this Chapter, provided further, that all corporations hereunder shall be subject to the provisions of Chapter 55B of the General Statutes of North Carolina. State unless it is registered with the Board and has paid the required registration fee. A corporation or business firm is subject to the same duties and responsibilities as an individual registrant. Registration of a corporation or business firm does not affect the requirement that all engineering or land surveying work done by the corporation or business firm be performed by or under the responsible charge of individual registrants, nor does it relieve the individual registrants within a corporation or business firm of their design and supervision responsibilities.~~

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

Sec. 5. G.S. 89C-14(c) reads as rewritten:

"(c) The certification fee for a corporation (see G.S. 89C-24) shall be is the amount set by the Board in accordance with Chapter 55B. G.S. 55B-10. The certification fee for a business firm is the same as the fee for a corporation. The fee for renewal of a certificate of registration of a corporation is the amount set by the Board in accordance with G.S. 55B-11. The fee for renewal of a certificate of registration for a business firm is the same as the renewal fee for a corporation."

Sec. 6. G.S. 89C-21(b) reads as rewritten:

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

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

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

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

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

(c) If, after such hearing, a majority of the Board votes in favor of sustaining the charges, the Board shall reprimand, levy a civil penalty, suspend, refuse to renew, or revoke the ~~individual's registrant's certificate of registration, or a corporation's certificate of authorization pursuant to G.S. 89C-21.~~ registration.

(d) ~~An individual registrant having a certificate of registration, or corporation holding a certificate of authorization,~~ A registrant who is aggrieved by a final decision

of the ~~Board~~, Board may appeal for judicial review as provided by Article 4 of Chapter 150B.

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

Sec. 8. G.S. 89C-10(f) reads as rewritten:

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

Sec. 9. Section 8 of this act and this section are effective upon ratification. The remaining sections of this act become effective October 1, 1994.

In the General Assembly read three times and ratified this the 5th day of July, 1994.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives