

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

SESSION LAW 1998-118
HOUSE BILL 794

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

The General Assembly of North Carolina enacts:

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

"§ 89C-2. Declarations; prohibitions.

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

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

"§ 89C-3. Definitions.

The following definitions apply in this Chapter:

- (1) Board. – The North Carolina State Board of ~~Registration-Examiners~~ 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. – 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~~ Engineering intern. – 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.

- (3a) Inactive licensee. – Licensees who are not engaged in the practice of engineering or land surveying in this State.
- (4) ~~Land surveyor in training.~~ Land surveyor intern. – 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. – Any natural person, firm, partnership, corporation or other legal entity.
- (6) Practice of engineering. –
- a. 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~~ the person to be a professional engineer, or through the use of some other title implies that ~~he~~ the person is a professional engineer or that ~~he~~ the person is ~~registered~~ licensed under this Chapter; or who holds ~~himself~~ the person 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. The term does not include the assessment of an underground storage tank required by

applicable rules at closure or change in service unless there has been a discharge or release of the product from the tank.

- (7) ~~Practice of land surveying by registered land surveyors.~~surveying. –
- 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. Providing professional services such as consultation, investigation, testimony, evaluation, planning, mapping, assembling, and interpreting reliable scientific measurements and information relative to the location, size, shape, or physical features of the earth, improvements on the earth, the space above the earth, or any part of the earth, whether the gathering of information for the providing of these services is accomplished by conventional ground measurements, by aerial photography, by global positioning via satellites, or by a combination of any of these methods, and the utilization and development of these facts and interpretations into an orderly survey map, plan, report, description, or project. The practice of land surveying includes the following:~~
1. Locating, relocating, establishing, laying out, or retracing any property line, easement, or boundary of any tract of land;
 2. Locating, relocating, establishing, or laying out the alignment or elevation of any of the fixed works embraced within the practice of professional engineering;
 3. Making any survey for the subdivision of any tract of land, including the topography, alignment and grades of streets and incidental drainage within the subdivision, and the preparation and perpetuation of maps, record plats, field note records, and property descriptions that represent these surveys;

4. Determining, by the use of the principles of land surveying, the position for any survey monument or reference point, or setting, resetting, or replacing any survey monument or reference point;
 5. Determining the configuration or contour of the earth's surface or the position of fixed objects on the earth's surface by measuring lines and angles and applying the principles of mathematics or photogrammetry;
 6. Providing geodetic surveying which includes surveying for determination of the size and shape of the earth both horizontally and vertically and the precise positioning of points on the earth utilizing angular and linear measurements through spatially oriented spherical geometry; and
 7. Creating, preparing, or modifying electronic or computerized data, including land information systems and geographic information systems relative to the performance of the practice of land surveying.
- 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. – A person who has been duly ~~registered and~~ licensed as a professional engineer by the Board established by this Chapter.
- (8a) Professional engineer, retired. – A person who has been duly licensed as a professional engineer by the Board and who chooses to relinquish or not to renew a license and who applies to and is approved by the Board to be granted the use of the honorific title 'Professional Engineer, Retired'.
- (9) ~~Registered Professional~~ 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 the~~ person's licensure as a ~~registered professional~~ land surveyor by the Board.
- (9a) Professional land surveyor, retired. – A person who has been duly licensed as a professional land surveyor by the Board and who chooses to relinquish or not to renew a license and who applies to and is approved by the Board to be granted the use of the honorific title 'Professional Land Surveyor, Retired'.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"§ 89C-10. Board powers.

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

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

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

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

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

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

(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-licensee~~ is confidential until the Board issues a citation to the ~~registrant-licensee~~. 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~~ later sit in deciding on any matter which may directly involve punitive action ~~under such~~ for the testimony.

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

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

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

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

The secretary of the Board shall receive and account for all moneys derived from the operation of the Board as provided in this Chapter, and shall deposit them in one or more special funds in banks or other financial institutions carrying deposit insurance and authorized to do business in North Carolina. The fund or funds shall be designated

as 'Fund of the Board of ~~Registration-Examiners~~ for Professional-Engineers and Land Surveyors' and shall be drawn against only for the purpose of implementing provisions of this Chapter as herein provided. All expenses certified by the Board as properly and necessarily incurred in the discharge of its duties, including authorized compensation, shall be paid out of ~~said this fund~~ on the warrant signed by the secretary of the ~~Board~~; ~~provided, however, that at Board.~~ At no time shall the total of warrants issued exceed the total amount of funds accumulated under this Chapter. The secretary of the Board shall give a surety bond satisfactory to the State Board of ~~Registration-Examiners~~ for Professional-Engineers and Land-Surveyors, conditioned upon the faithful performance of ~~his duties.~~ the duties assigned. The premium on ~~said the~~ bond shall be regarded as is a proper and necessary expense of the Board. The secretary of the Board may delegate to the executive ~~secretary~~ director certain routine duties, such as receipt and disbursement of funds in stated amounts by a written authorization, which has the unanimous approval of the Board."

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

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

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

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

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

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

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

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

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

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

- b. ~~E.I.T.~~ E.I. Certificate, Experience, and Examination. – A holder of a certificate of ~~engineer-in-training-engineering intern~~ issued by the Board, and with a specific record of an additional four years or more of progressive experience on engineering projects of a grade and character which indicates to the Board that the applicant may be competent to practice engineering, shall be admitted to ~~an eight-hour examination in the principles and practice of engineering.~~ engineering examination. Upon passing ~~such the~~ examination, the applicant shall be granted a certificate of ~~registration-licensure~~ to practice professional engineering in this State, provided ~~he the applicant~~ is otherwise qualified.
- c. Graduation, Experience, and Examination. – A graduate of an engineering curriculum of four years or more approved by the Board as being of satisfactory standing, and with a specific record of an additional four years or more of progressive experience on engineering projects of a grade and character which indicates to the Board that the applicant may be competent to practice engineering, shall be admitted to ~~an eight-hour written examination in the fundamentals of engineering,~~ engineering examination, and ~~an eight-hour written examination in the principles and practice of engineering.~~ engineering examination. Upon passing ~~such the~~ examinations, the applicant

shall be granted a certificate of ~~registration~~ licensure to practice professional engineering in this State, provided ~~he~~ the applicant is otherwise qualified.

- d. Graduation, Experience, and Examination. – A graduate of an engineering or related science curriculum of four years or more, other than the ones approved by the Board as being of satisfactory standing or with an equivalent education and engineering experience satisfactory to the Board and with a specific record of eight years or more of progressive experience on engineering projects of a grade and character which indicates to the Board that the applicant may be competent in the fundamentals of engineering, shall be admitted to ~~an eight-hour written examination in the fundamentals of engineering,~~ engineering examination and ~~an eight-hour written examination in the principles and practice of engineering,~~ engineering examination. Upon passing ~~such~~ the examinations, the applicant shall be granted a certificate of ~~registration~~ licensure to practice professional engineering in this State, provided ~~he~~ the applicant is otherwise qualified.
- e. Long-Established Practice. — ~~An individual~~ A person with a specific record of 20 years or more of progressive experience on engineering projects of a grade and character which indicates to the Board that the applicant may be competent to practice engineering shall be admitted to ~~an eight-hour written examination in the principles and practice of engineering,~~ engineering examination. Upon passing ~~such~~ the examination, the applicant shall be granted a certificate of ~~registration~~ licensure to practice professional engineering in this State, provided ~~he~~ the applicant is otherwise qualified.

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

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

- (2) As an ~~engineer-in-training~~ engineering intern (shall meet one):
 - a. Graduation and Examination. – A graduate of an engineering curriculum or related science curriculum of four years or more, approved by the Board as being of satisfactory standing, or a student who has attained senior status in an accredited engineering program, shall be admitted to ~~an eight-hour written examination in the fundamentals of engineering,~~ engineering examination. The applicant shall be notified if the examination was passed or not passed and if passed he shall be certified as

~~an engineer in training, engineering intern if he the applicant is otherwise qualified.~~

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

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

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

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

- (1) As a ~~registered professional~~ land surveyor (shall meet one):
- a. Rightful possession of a ~~B.S. bachelor of science~~ degree in surveying or other equivalent curricula, all approved by the Board and a record satisfactory to the Board of ~~one year two~~ years or more of progressive practical ~~experience experience,~~ one year of which shall have been under a practicing ~~registered~~ professional land surveyor and satisfactorily passing ~~such any~~ oral and written ~~examination, taken in the presence of and~~ examination required by the Board, all of which shall determine

and indicate that the ~~candidate~~applicant is competent to practice land surveying. The applicant may ~~elect~~be qualified by the Board to take the first examination (Surveying Fundamentals) immediately after obtaining the ~~B.S.~~bachelor of science degree at the first regularly scheduled examination thereafter. Upon passing the first examination and successful completion of the experience required by this subdivision, the applicant may apply to take the second examination (Principles and Practice of Land Surveying). An applicant who passes both examinations and completes the educational and experience requirements of this subdivision shall be granted ~~registration~~licensure as a professional land surveyor.

- b. Rightful possession of an associate degree in surveying technology approved by the Board and a record satisfactory to the Board of ~~three~~four years of progressive practical experience, ~~two~~three years of which shall have been under a practicing ~~registered~~licensed land surveyor, and satisfactorily passing ~~such~~any written and oral examination ~~taken in the presence of and as required by the Board, all of which shall determine and indicate that the candidate~~applicant is competent to practice land surveying. The applicant may ~~elect~~apply to the Board to take the first examination (Surveying Fundamentals) immediately after obtaining the associate degree at the first regularly scheduled examination thereafter. Upon passing the first examination and successfully completing ~~years of progressive practical experience under a practicing registered land surveyor, the practical experience required under this subdivision,~~ the applicant may elect~~apply to the Board~~ to take the second examination (~~Principles and Practice of Land Surveying~~) ~~prior to, during, or after completion of the additional experience required by this subdivision. (Principles and Practice of Land Surveying).~~ An applicant who passes both examinations and successfully completes the educational and experience requirements of this subdivision shall be granted ~~registration~~licensure as a professional land surveyor.
- c. ~~Land Surveyor in Training Certificate, Experience, and Examination.~~ A holder of a ~~certificate of land surveyor in training~~ issued by the Board, and with a specific record of an additional ~~two years or more of progressive surveying experience, one year of which shall have been under a practicing registered land surveyor, of a grade and character which indicates to the Board that the applicant may be competent to practice land surveying, shall be admitted to two four hour examinations. Upon passing such examinations, the~~

- ~~applicant shall be granted a certificate of registration to practice land surveying in this State, provided he is otherwise qualified.~~
- d. Graduation from a high school or the completion of a high school equivalency certificate and a record satisfactory to the Board of seven years of progressive practical experience, six years of which shall have been under a practicing registered licensed land surveyor, and satisfactorily passing ~~such any~~ oral and written examination ~~written in the presence of and examinations~~ required by the Board, all of which shall determine and indicate that the candidate is competent to practice land surveying. The applicant may be qualified by the Board to take the first examination (Surveying Fundamentals) upon graduation from high school or the completion of a high school equivalency certificate and successfully completing six years of progressive practice experience, five of which shall have been under a practicing licensed land surveyor. The applicant may apply to take the second examination (Principles and Practice of Land Surveying) upon passing the first examination and successfully completing four years of progressive practical experience, two of which shall have been under a practicing licensed land surveyor.
- e. Repealed by Session Laws 1985 (Regular Session, 1986), c. 977, s. 7.
- f. Registration-Licensure by Comity or Endorsement. – A person holding a certificate of ~~registration-licensure~~ 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 the applicant~~ may be asked to take ~~such any~~ examinations as the Board ~~deems necessary—requires~~ to determine ~~his—the applicant's~~ qualifications, but in any event, ~~he—the applicant~~ shall be required to pass a ~~written an~~ examination which shall include questions on laws, procedures, and practices pertaining to the practice of land surveying in North Carolina.
- g. A licensed professional engineer who can satisfactorily demonstrate to the Board that ~~his—the professional engineer's~~ formal academic training in acquiring a degree and field experience in engineering includes land surveying, to the extent necessary to reasonably qualify the applicant in the practice of land surveying, may apply for and may be granted permission to take the ~~two four hour examinations on the principles and practice of land surveying examination and the two four hour examinations on the fundamentals of land surveying, surveying examination.~~ Upon satisfactorily passing the examinations, the

applicant ~~will~~ shall be granted a license to practice land surveying in the State of North Carolina.

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

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

1. The applicant submit certified proof of graduation from high school, high school equivalency, or higher degree;
2. The applicant submit proof of employment in responsible charge as a photogrammetrist practicing within the State of North Carolina to include itemized reports detailing methods, procedures, amount of applicant's personal involvement and the name, address, and telephone numbers of the client for five projects completed by the applicant with the State. A final map for one of the five projects shall also be submitted;
3. Five references to the applicant's character and quality of work, three of which shall be from professional land surveyors, are submitted to the Board; and
4. The application is submitted to the Board by July 1, 1999. After July 1, 1999, no photogrammetrist shall be licensed without meeting the same requirements as to education, length of experience, and testing required of all land surveying applicants.

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

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

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

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

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

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

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

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

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

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

(c) The certification fee for a corporation is the amount set by the Board ~~in accordance with G.S. 55B-10.~~ but shall not exceed one hundred dollars (\$100.00). The

fee shall accompany the application. 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 licensure of a corporation is the amount set by the Board ~~in accordance with G.S. 55B-41.~~ but shall not exceed seventy-five dollars (\$75.00). The fee for renewal of a certificate of registration licensure for a business firm is the same as the renewal fee for a corporation.

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

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

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

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

"§ 89C-15. Examinations.

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

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

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

surveyor intern certificate provided he-the applicant has met all other requirements for certification required by this Chapter.

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

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

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

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

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

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

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

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

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

When the Board is satisfied as to the continuing competency of an applicant, it shall issue a renewal of the certificate upon payment by the applicant of a fee fixed by the Board but not to exceed ~~fifty dollars (\$50.00)~~ seventy-five dollars (\$75.00). The secretary of the Board shall notify by mail every person ~~registered~~ licensed under this Chapter of the date of expiration of ~~his~~ the certificate, the amount of the fee required for its renewal for one year, and any requirement as to evidence of continued competency. The notice shall be mailed at least one month in advance of the expiration date of the certificate. Renewal shall be effected at any time during the month of January immediately following, by payment to the secretary of the Board of a renewal fee, as determined by the Board, which shall not exceed ~~fifty dollars (\$50.00)~~ seventy-five dollars (\$75.00). Failure on the part of any registrant to renew ~~his~~ the certificate annually in the month of January, as required above, shall deprive the registrant of the right to practice until renewal has been effected. Renewal may be effected at any time during the first ~~36-12~~ months immediately following its invalidation ~~of payment of the renewal fee increased ten percent (10%) for each month or fraction of a month that payment for renewal is delayed.~~ by payment of the established renewal fee and a late penalty of one hundred dollars (\$100.00). Failure of a ~~registrant~~ licensee to renew ~~his registration~~ the license for a period of ~~36-12~~ months shall require the individual, prior to resuming practice in North Carolina, to submit an application ~~therefor~~ on the prescribed form, and to meet all other requirements for ~~registration~~ licensure as set forth in Chapter 89C. The secretary of the Board is instructed to remove from the official roster of engineers and land surveyors the names of all ~~registrants~~ licensees who have not effected their renewal by the first day of February immediately following the date of their expiration. The Board may ~~enact~~ adopt rules to provide for renewals in distress or hardship cases due to military service, prolonged illness, or prolonged absence from the State, where the applicant for renewal demonstrates to the Board that ~~he~~ the applicant has maintained ~~his~~ active knowledge and professional status as an engineer or land surveyor, as the case may be. It shall be the responsibility of each ~~registrant~~ licensee to inform the Board promptly concerning change in address. A licensee may request and be granted inactive status. No inactive licensee may practice in this State unless otherwise exempted in this Chapter. A licensee granted inactive status shall pay annual renewal fees but shall not be subject to annual continuing professional competency requirements. A licensee granted inactive status may return to active status by meeting all requirements of the Board, including demonstration of continuing professional competency as a condition of reinstatement.

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

"§ 89C-18. Duplicate certificates.

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

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

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

This State and its political subdivisions such as counties, cities, towns, or other political entities or legally constituted boards, commissions, public utility companies, or

authorities, or officials, or employees ~~thereof~~ of these entities shall not engage in the practice of engineering or land surveying involving either public or private property where the safety of the public is directly involved without the project being under the supervision of a professional engineer for the preparations of plans and specifications for engineering projects, or a ~~registered professional~~ land surveyor for land surveying projects, as provided for the practice of the respective professions by this Chapter.

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

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

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

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

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

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

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

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

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

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

- (4) Guilty of violation of the Rules of Professional Conduct, as adopted by the Board.
- (5) To have been declared insane or incompetent by a court of competent jurisdiction and has not ~~thereafter~~ later been lawfully declared sane or competent.
- (6) Guilty of professional incompetence. In the event the Board finds that a certificate holder is incompetent the Board may, in its discretion, require oral or written examinations, or other indication of the certificate holder's fitness to practice ~~his profession~~ engineering or land surveying and suspend ~~his~~ the license during any such period.

(b) The Board ~~shall have the power to~~ may (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~~ licensure under the provision of this section.

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

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

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

Section 20. 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 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 as provided under the requirements of Chapter 150B of the General Statutes.

(c) If, after ~~such a~~ a 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 ~~registrant's certificate of registration.~~ licensee's certificate.

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

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

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

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

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

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

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

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

A corporation or business firm may not engage in the practice of engineering or land surveying in this State unless it is ~~registered-with-licensed by~~ the Board and has paid ~~the required registration fee-~~ an application fee established by the Board in an amount not to ~~exceed one hundred dollars (\$100.00).~~ A corporation or business firm is subject to the same duties and responsibilities as an individual ~~registrant-Registration-licensure.~~ ~~Licensure~~ 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."

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

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

This Chapter shall not be construed to prevent or affect:

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

- (5) The practice of professional engineering or land surveying by any person not a resident of, and having no established place of business in this State, as a consulting associate of a professional engineer or ~~registered professional~~ land surveyor ~~registered licensed~~ under the provisions of this Chapter; provided, the nonresident is qualified for ~~such performing the~~ professional service in ~~his the person's~~ own state or country.
- (6) Practice by members of the armed forces or employees of the government of the United States while engaged in the practice of engineering or land surveying solely for ~~said the~~ government on government-owned works and projects; or practice by those employees of the Natural Resources Conservation Service having federal engineering job approval authority that involves the planning, designing, or implementation of best management practices on agricultural lands.
- (7) The internal engineering or surveying activities of a person, firm or corporation engaged in manufacturing, processing, or producing a product, including the activities of public service corporations, public utility companies, authorities, State agencies, railroads, or membership cooperatives, or the installation and servicing of their product in the field; or research and development in connection with the manufacture of that product or their service; or of their research affiliates; or their employees in the course of their employment in connection with the manufacture, installation, or servicing of their product or service in the field, or on-the-premises maintenance of machinery, equipment, or apparatus incidental to the manufacture or installation of the product or service of a firm by the employees of the firm upon property owned, leased or used by the firm; inspection, maintenance and service work done by employees of the State of North Carolina, any political subdivision ~~thereof, of the State, or any municipality therein~~ including construction, installation, servicing, maintenance by regular full-time employees of streets, street lighting, traffic-control signals, police and fire alarm systems, waterworks, steam, electric and sewage treatment and disposal plants; the services of superintendents, inspectors or foremen regularly employed by the State of North Carolina or any political subdivision ~~thereof, of the State or a municipal corporation therein; corporation;~~ provided, however, that the internal engineering or surveying activity is not a holding out to or an offer to the public of engineering or any service thereof as prohibited by this Chapter. Engineering work, not related to the foregoing exemptions, where the safety of the public is directly involved shall be under the responsible charge of a ~~registered licensed~~ professional engineer, or in accordance with standards prepared or approved by a ~~registered licensed~~ professional engineer.

- (8) The (i) preparation of fire sprinkler planning and design drawings by a fire sprinkler contractor licensed under Article 2 of Chapter 87 of the General Statutes, or (ii) the performance of internal engineering or survey work by a manufacturing or communications common carrier company, or by a research and development company, or by employees of ~~such those~~ corporations provided that ~~such the~~ work is in connection with, or incidental to products of, or nonengineering services rendered by ~~such those~~ corporations or their affiliates.
- (9) The routine maintenance or servicing of machinery, equipment, facilities or structures, the work of mechanics in the performance of their established functions, or the inspection or supervision of construction by a foreman, superintendent, or agent of the architect or professional engineer, or services of an operational nature performed by an employee of a laboratory, a manufacturing plant, a public service corporation, or governmental operation.
- (10) The design of land application irrigation systems for an animal waste management plan, required by G.S. 143-215.10C, by a designer who exhibits, by at least three years of relevant experience, proficiency in soil science and basic hydraulics, and who is thereby listed as an Irrigation Design Technical Specialist by the North Carolina Soil and Water Conservation Commission."

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

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

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

Section 25. G.S. 89C-28 reads as rewritten:

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

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

Section 26. This act is effective when it becomes law and applies to persons applying for licenses on or after that date and to persons practicing engineering and land surveying on or after that date.

In the General Assembly read three times and ratified this the 18th day of August, 1998.

s/ Dennis A. Wicker
President of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 12:54 p.m. this 27th day of August, 1998