

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 592
Finance Committee Substitute Adopted 4/10/03

Short Title: Engineers/Acquire Property/Raise Civ.Penalty.

(Public)

Sponsors:

Referred to:

March 31, 2003

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE NORTH CAROLINA STATE BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS TO ACQUIRE REAL PROPERTY, AND TO INCREASE THE CIVIL PENALTY FROM TWO THOUSAND DOLLARS TO FIVE THOUSAND DOLLARS FOR VIOLATIONS OF THE NORTH CAROLINA ENGINEERING AND LAND SURVEYING ACT AND CLARIFYING THE REINSTATEMENT REQUIREMENTS UNDER THE ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 89C-10 is amended by adding the following new subsection to read:

"(i) The Board shall have the power to acquire, hold, rent, encumber, alienate, and otherwise deal with real property in the same manner as a private person or corporation, subject only to approval of the Governor and the Council of State. Collateral pledged by the Board for an encumbrance is limited to the assets, income, and revenues of the Board."

SECTION 2. G.S. 89C-21(c) reads as rewritten:

"(c) The Board may levy a civil penalty not in excess of ~~two thousand dollars (\$2,000)~~ five thousand dollars (\$5,000) for any engineer or land surveyor who violates any of the provisions of subdivisions (1) through (4) of subsection (a) of this section. The clear proceeds of all civil penalties collected by the Board, including civil penalties collected pursuant to G.S. 89C-22(c), shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2."

SECTION 3. G.S. 89C-17 reads as rewritten:

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

Certificates for licensure of corporations and business firms that engage in the practice of engineering or land surveying shall expire on the last day of the month of June following their issuance or renewal and shall become invalid on that date unless renewed. All other certificates for licensure shall expire on the last day of the month of

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

41 **SECTION 4.** This act is effective when it becomes law.