

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025**

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**HOUSE BILL 435
Committee Substitute Favorable 4/2/25**

Short Title: Mod. Bd. of Eng'ers & Surveyors.

(Public)

Sponsors:

Referred to:

March 19, 2025

A BILL TO BE ENTITLED

AN ACT TO UPDATE AND CLARIFY THE NORTH CAROLINA ENGINEERING AND LAND SURVEYING ACT, MODIFYING LICENSURE REQUIREMENTS, BOARD POWERS, DISCIPLINARY PROCEDURES, AND OTHER PROVISIONS TO ENHANCE PROFESSIONAL REGULATION AND PRACTICE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Land Surveyor Intern Reenactment. – G.S. 89C-3(4) is reenacted as it existed immediately before its repeal under Section 1(a) of S.L. 2022-1 and shall be recodified as subdivision (4b) of that section to ensure the subdivisions of G.S. 89C-3 are listed in alphabetical order and make any conforming changes in the General Statutes to reflect this recodification.

SECTION 1.(b) G.S. 89C-13(b)(1) is reenacted as it existed immediately before its repeal under Section 1(b) of S.L. 2022-1.

SECTION 1.(c) Applicability. – This section is effective retroactively to July 1, 2022, and applies to certificates or licenses issued on or after that date.

SECTION 2.(a) G.S. 89C-3 reads as rewritten:

"§ 89C-3. Definitions.

The following definitions apply in this Chapter:

...

(7) Practice of land surveying. –

a. 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;



1 The following shall be considered as minimum evidence satisfactory to the Board that the
2 applicant is qualified for licensure as a professional land ~~surveyor~~surveyor or land surveyor
3 intern:

- 4 (1) To be certified as a land surveyor intern, an applicant shall (i) pass the
5 fundamentals of land surveying examination and make application to the
6 Board, (ii) be of good character and reputation, (iii) ~~submit three character~~
7 ~~references to the Board, one of whom is a professional land surveyor,~~ (iv)
8 comply with the requirements of this Chapter, and ~~(v)~~(iv) satisfy one of the
9 following requirements related to education and experience:
10 a. Be a graduate of a surveying curriculum of four years or more or other
11 equivalent curriculum in surveying approved by the Board.
12 b. Have rightful possession of an associate degree in surveying
13 technology approved by the Board, a record satisfactory to the Board
14 of four years of progressive practical experience, two years of which
15 shall have been under a practicing professional land surveyor, and
16 have satisfactorily passed a written and oral examination as required
17 by the Board.
18 c. Have graduated from high school or completed a high school
19 equivalency certificate with a record satisfactory to the Board of 10
20 years of progressive, practical experience, six years of which shall
21 have been under a practicing licensed land surveyor, and have
22 satisfactorily passed any oral and written examinations required by the
23 Board.

- 24 (1a) To be licensed as a professional land surveyor, an applicant shall (i) be of good
25 character and reputation, (ii) submit five character references to the Board,
26 three of whom are professional land surveyors or individuals acceptable to the
27 Board, with personal knowledge of the applicant's land surveying experience,
28 (iii) comply with the requirements of this Chapter, and (iv) meet one of the
29 following requirements:

30 ...

- 31 ~~h. Professional Engineers in Land Surveying.—Any person presently~~
32 ~~licensed to practice professional engineering under this Chapter shall~~
33 ~~upon application be licensed to practice land surveying, providing a~~
34 ~~written application is filed with the Board within one year next after~~
35 ~~June 19, 1975.~~
36 ~~i. Photogrammetrists.—Any person presently practicing~~
37 ~~photogrammetry with at least seven years of experience in the~~
38 ~~profession, two or more of which shall have been in responsible charge~~
39 ~~of photogrammetric mapping projects meeting National Map~~
40 ~~Accuracy Standards shall, upon application, be licensed to practice~~
41 ~~land surveying, provided:~~
42 ~~1. The applicant submit certified proof of graduation from high~~
43 ~~school, high school equivalency, or higher degree;~~
44 ~~2. The applicant submit proof of employment in responsible~~
45 ~~charge as a photogrammetrist practicing within the State of~~
46 ~~North Carolina to include itemized reports detailing methods,~~
47 ~~procedures, amount of applicant's personal involvement and~~
48 ~~the name, address, and telephone numbers of the client for five~~
49 ~~projects completed by the applicant with the State. A final map~~
50 ~~for one of the five projects shall also be submitted;~~

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

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

6 (c) Enforcement Through Injunctions. – The Board may in the name of the State apply
7 for relief, by injunction, in the established manner provided in cases of civil procedure, without
8 bond, to enforce the provisions of this Chapter, or to restrain any violation of the provisions of
9 this Chapter. In proceedings for injunctive relief, it shall not be necessary to allege or prove either
10 that an adequate remedy at law does not exist, or that substantial or irreparable damage would
11 result from the continued violation of the provisions of this Chapter. The members of the Board
12 shall not be personally liable under this proceeding. When the Board prevails in actions brought
13 under this subsection to enforce violations of G.S. 89C-23(a)(3), (4), (5), (6), or (8), and the court
14 finds that the violation was committed with fraudulent intent or intentional deceit, the court shall
15 award the Board (i) reasonable attorneys' fees not to exceed five thousand dollars (\$5,000) and
16 (ii) the costs associated with obtaining the relief, including costs associated with the investigation
17 and prosecution of the violation.

18 (d) Examinations. – The Board may subject an applicant for licensure to any examination
19 necessary to determine the applicant's qualifications.

20 (e) Issuance of Licenses. – The Board may issue an appropriate certificate of licensure to
21 any applicant who, in the opinion of the Board, has met the requirements of this Chapter.

22 (f) Investigations. – It shall be the responsibility and duty of the Board to conduct a
23 regular program of investigation concerning all matters within its jurisdiction under the
24 provisions of this Chapter. The investigation of a licensee is confidential until the Board issues a
25 citation to the licensee. The investigation of a nonlicensee is confidential until the Board approves
26 any action authorized under this Chapter against the nonlicensee. The Board may expend its
27 funds for salaries, fees, and per diem expenses, in connection with its investigations, provided
28 that no funds other than per diem expenses shall be paid to any member of the Board in
29 connection with its investigations, nor may any member of the Board give testimony and later sit
30 in deciding on any matter which may directly involve punitive action for the testimony.

31 (g) Instructional Programs. – The Board may use its funds to establish and conduct
32 instructional programs for persons who are currently licensed to practice engineering or land
33 surveying, as well as refresher courses for persons interested in obtaining adequate instruction or
34 programs of study to qualify them for licensure to practice engineering or land surveying. The
35 Board may expend its funds for these purposes and may not only conduct, sponsor, and arrange
36 for instructional programs, but also may carry out instructional programs through extension
37 courses or other media. The Board may enter into plans or agreements with community colleges,
38 public or private institutions of higher learning, State and county boards of education, or with the
39 governing authority of any industrial education center for the purpose of planning, scheduling or
40 arranging courses, instruction, extension courses, or in assisting in obtaining courses of study or
41 programs in the field of engineering and land surveying. The Board shall encourage the
42 educational institutions in this State to offer courses necessary to complete the educational
43 requirements of this Chapter. The Board may expend its funds to support nonprofit engineering
44 and surveying professional societies, as well as nonprofit foundations dedicated to advancing the
45 engineering and surveying professions, for the purposes of encouraging licensure and providing
46 continuing education to licensees. For the purpose of carrying out these objectives, the Board
47 may adopt rules as may be necessary for the educational programs, instruction, extension
48 services, or for entering into plans or contracts with persons or educational and industrial
49 institutions.

1 (g1) Continuing Education for Surveying Apprenticeships. – The Board shall review and
2 promulgate rules establishing continuing education requirements for surveying apprenticeships
3 and encourage the workforce development of the profession.

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

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

15 **SECTION 2.(d)** G.S. 89C-12 reads as rewritten:

16 "**§ 89C-12. Records and reports of Board; evidence.**

17 The Board shall keep a record of its proceedings and a register of all applicants for licensure,
18 showing for each the date of application, name, age, education, and other qualifications, place of
19 business and place of residence, whether the applicant was rejected or a certificate of licensure
20 granted, and the date licensure was rejected or granted. The books and register of the Board shall
21 be prima facie evidence of all matters recorded by the Board, and a copy duly certified by the
22 secretary of the Board under seal shall be admissible in evidence as if the original were produced.
23 A roster showing the names and places of business and of residence of all licensed professional
24 engineers and all licensed professional land surveyors shall be ~~prepared by the secretary of the~~
25 ~~Board current to the month of January of each year. published on the Board's website.~~ On or
26 before the first day of May of each year, the Board shall submit to the Governor a report on its
27 transactions for the preceding year, and shall file with the Secretary of State a copy of the report,
28 together with a complete statement of the receipts and expenditures of the Board attested by the
29 chair and the secretary and a copy of the roster of licensed professional engineers and
30 professional land surveyors."

31 **SECTION 2.(e)** G.S. 89C-14 reads as rewritten:

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

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

39 The Board may accept the certified information on the copy of a current formal certificate of
40 qualifications issued by the National Council of Examiners for Engineering and Surveying in
41 lieu of the same information that is required for the form prescribed and furnished by the Board.

42 (b) Examination and Licensure Fees. – An applicant for licensure who is required to take
43 the written examination shall pay to the Board an application fee not to exceed one hundred
44 dollars (\$100.00). The Board may charge any fee necessary to defray the cost of any required
45 examinations. The fee shall accompany the application. The fee for comity licensure of engineers
46 and land surveyors who hold unexpired certificates in another state or a territory of the United
47 States or in Canada shall be the total current fee as fixed by the Board.

48 (c) Certification Fees for Corporations and Firms. – The certification fee for a corporation
49 is the amount set by the Board but shall not exceed one hundred dollars (\$100.00). The fee shall
50 accompany the application. The certification fee for a business firm is the same as the fee for a
51 corporation. ~~The fee for renewal of a certificate of licensure of a corporation is the amount set by~~

1 the Board but shall not exceed seventy five dollars (\$75.00). The fee for renewal of a certificate
2 of licensure for a business firm is the same as the renewal fee for a corporation.

3 (d) Refunds for Denied Licensure. – Should the Board deny the issuance of a certificate
4 of licensure to any applicant, the unobligated portion of fees paid shall be returned by the Board
5 to the applicant.

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

9 ~~A candidate with a combination of three failures or unexcused absences on an examination~~
10 ~~shall only be eligible after submitting a new application with appropriate application fee and~~
11 ~~documented evidence of actions taken by the candidate to enhance the candidate's prospects for~~
12 ~~passing the exam. A candidate with a combination of three failures or unexcused absences may~~
13 ~~only be considered by the Board for reexamination at the end of 12 months following the third~~
14 ~~failure or unexcused absence. After the end of the 12-month period, the applicant may take the~~
15 ~~examination no more than once every calendar year."~~

16 **SECTION 2.(f)** G.S. 89C-16 reads as rewritten:

17 **"§ 89C-16. Certificates of licensure; effect; seals.**

18 (a) Certificate Issuance and Designation. – The Board shall issue to any applicant, who,
19 in the opinion of the Board, has met the requirements of this Chapter, a certificate of licensure
20 giving the licensee proper authority to practice the profession in this State. The certificate of
21 licensure for a professional engineer shall carry the designation "professional engineer," and for
22 a land surveyor, "professional land surveyor," shall give the full name of the licensee with the
23 Board designated licensure number and shall be signed by the chair and the secretary under the
24 seal of the Board.

25 (b) Certificate as Evidence of Authority. – This certificate shall be prima facie evidence
26 that the person named on the certificate is entitled to all rights, privileges and responsibilities of
27 a professional engineer or a professional land surveyor, while the certificate of licensure remains
28 unrevoked or unexpired.

29 (c) Seal Requirements and Prohibited Uses. – Each licensee shall upon licensure obtain
30 a seal of a design authorized by the Board bearing the licensee's name, license number, and the
31 legend, "professional engineer," or "professional land surveyor." Final drawings, specifications,
32 plans and reports prepared by a licensee shall, when issued, be certified and stamped with the
33 seal or facsimile of the seal ~~unless the licensee is exempt under the provisions of G.S. 89C-25(7)-~~
34 ~~seal.~~ It shall be unlawful for a licensee to affix, or permit the licensee's seal and signature or
35 facsimile of the seal and signature to be affixed to any drawings, specifications, plans or reports
36 after the expiration of a certificate or for the purpose of aiding or abetting any other person to
37 evade or attempt to evade any provision of this Chapter. A professional engineer practicing land
38 surveying shall use the licensee's land surveyor seal."

39 **SECTION 2.(g)** G.S. 89C-17 reads as rewritten:

40 **"§ 89C-17. Expirations and renewals of certificates, licenses.**

41 (a) ~~Certificates for licensure of corporations and~~ Expiration of Licenses. – Licenses of
42 individuals, corporations, or business firms that engage engaged in the practice of engineering or
43 land surveying shall expire on the last day of the month of June following their issuance or
44 ~~renewal date chosen by the Board~~ and shall become invalid on that date unless renewed. ~~All other~~
45 ~~certificates for licensure shall expire on the last day of the month of December next following~~
46 ~~their issuance or renewal, and shall become invalid on that date unless renewed. When necessary~~
47 ~~to protect the public health, safety, or welfare, the Board shall require any evidence necessary to~~
48 ~~establish the continuing competency of engineers and land surveyors as a condition of renewal~~
49 ~~of licenses. When the Board is satisfied as to the continuing competency of an applicant, it shall~~
50 ~~issue a renewal of the certificate upon payment by the applicant of a fee fixed by the Board but~~
51 ~~not to exceed seventy five dollars (\$75.00). The Board, by rule, may enact a multiyear renewal~~

1 cycle. ~~The secretary of the Board shall notify by mail or email every person or entity licensed~~
2 ~~under this Chapter of the date of expiration~~ expiration date of the certificate, license, the amount
3 of the fee required for its renewal for one year, renewal, and any requirement as to evidence of
4 continued professional competency. The notice shall be sent by email or mailed at least one
5 month in advance of the expiration date of the certificate, license.

6 (b) Renewal Process. – Renewal shall be effected may be accomplished at any time
7 during the month immediately following the month of expiration, by payment to the secretary of
8 the Board of a renewal fee, as determined by the Board, which shall not exceed seventy five
9 dollars (\$75.00) after issuance of the notice required under subsection (a) of this section and
10 through the end of the calendar month following the expiration date by complying with the
11 Board's requirements, including any professional competency requirements, as a condition of
12 renewal. The renewal fee shall be set by the Board but shall not exceed one hundred dollars
13 (\$100.00) per calendar year of the renewal period.

14 (c) Consequences of Failure to Renew. – Failure on the part of any licensee to renew the
15 certificate annually in a license by the end of the calendar month immediately following the
16 month date of expiration, as required above, shall deprive the licensee of the right to practice
17 until reinstatement of the license. The license may be reinstated at anytime during the first 12
18 months immediately following the date the license became invalid by payment of of: (i) a
19 reinstatement fee of one hundred dollars (\$100.00) in addition to that shall be set by the Board
20 but shall not exceed two hundred dollars (\$200.00) and (ii) the established renewal fee. Failure
21 of a licensee to reinstate the license during the first 12 months immediately following the date
22 the license became invalid shall require the individual, person or entity, prior to resuming practice
23 in North Carolina, to submit an application on the prescribed form, and to meet all other
24 requirements for licensure as set forth in Chapter 89C, this Chapter. The secretary of the Board
25 is instructed to shall remove from the official roster of engineers and land surveyors the names
26 of all licensees who have not effected their renewal by the first day of the month immediately
27 following the renewal period.

28 (d) Renewals in Hardship Cases. – The Board may adopt rules to provide for renewals in
29 distress or hardship cases due to military service, prolonged illness, or prolonged absence from
30 the State, where the applicant for renewal demonstrates to the Board that the applicant has
31 maintained active knowledge and professional status as an engineer or land surveyor, as the case
32 may be.

33 (e) Notification of Address Changes. – It shall be the responsibility of each licensee to
34 inform the Board promptly concerning change in any changes to their business or residential
35 address.

36 (f) Notification of Business Changes. – It shall be the responsibility of each licensed
37 business firm and corporation to inform the Board promptly concerning any changes to their
38 business name, address, locations, ownership, officers, or services being offered.

39 (g) Inactive License Status. – A licensee may request and be granted inactive status. No
40 inactive licensee may practice in this State unless otherwise exempted in this Chapter. A licensee
41 granted inactive status shall pay annual the required renewal fees fee but shall not be subject to
42 annual continuing professional competency requirements. A licensee granted inactive status may
43 return to active status by meeting all requirements of the Board, including demonstration of
44 continuing professional competency as a condition of reinstatement."

45 **SECTION 2.(h)** G.S. 89C-23 reads as rewritten:

46 **"§ 89C-23. Unlawful to practice engineering or land surveying without licensure; unlawful**
47 **use of title or terms; penalties; Attorney General to be legal adviser.**

48 (a) Any person who shall practice, who commits any of the following acts, in addition to
49 being subject to the injunctive procedures in G.S. 89C-10(c), shall be guilty of a Class 2
50 misdemeanor:

- 1 (1) ~~Practicing or offer-offering to practice, engineering or land surveying in this~~
 2 State without first being licensed in accordance with the provisions of this
 3 Chapter, ~~or any person, firm, partnership, organization, association,~~
 4 ~~corporation, or other entity using Chapter.~~
- 5 (2) ~~Using or employing the words "engineer" or "engineering" or "professional~~
 6 engineer" or "professional engineering" or "land surveyor" or "land
 7 surveying," or any modification or derivative of those words in its name or
 8 form of business or activity by any person, firm, partnership, organization,
 9 association, corporation, or other entity except as licensed under this Chapter
 10 or in pursuit of activities exempted by this Chapter, ~~or any person presenting~~
 11 Chapter.
- 12 (3) ~~Presenting or attempting to use the certificate of licensure or the seal of~~
 13 another, ~~or any person who shall give any another.~~
- 14 (4) ~~Providing false or forged evidence of any kind to the Board or to any member~~
 15 of the Board in obtaining or attempting to obtain a certificate of licensure, ~~or~~
 16 ~~any person who shall falsely impersonate licensure.~~
- 17 (5) ~~Falsely impersonating any other licensee of like or different name, or any~~
 18 person who shall attempt name.
- 19 (6) ~~Attempting to use an expired or revoked or nonexistent certificate of licensure,~~
 20 ~~or who shall practice licensure.~~
- 21 (7) ~~Practicing or offer-offering to practice when not qualified, or any person who~~
 22 falsely claims qualified.
- 23 (8) ~~Falsely claiming that the person is registered under this Chapter, or any person~~
 24 who shall violate Chapter.
- 25 (9) ~~Violating any of the provisions of this Chapter, in addition to injunctive~~
 26 procedures set out hereinbefore, shall be guilty of a Class 2 misdemeanor. In
 27 no event shall there be representation of or holding out to the public of any
 28 engineering expertise by unlicensed persons. Chapter.

29 (b) In no event shall any unlicensed person represent themselves as a professional
 30 engineer or hold out to the public any engineering expertise with the intent to practice
 31 engineering. This prohibition shall not apply to activities described in G.S. 89C-25.

32 (c) It shall be the duty of all duly constituted officers of the State and all political
 33 subdivisions of the State to enforce the provisions of this Chapter and to prosecute any persons
 34 violating them.

35 (d) The Attorney General of the State or an assistant shall act as legal adviser to the Board
 36 and render any legal assistance necessary to carry out the provisions of this Chapter. The Board
 37 may employ counsel and necessary assistance to aid in the enforcement of this Chapter, and the
 38 compensation and expenses for the assistance shall be paid from funds of the Board."

39 **SECTION 2.(i)** G.S. 89C-25 reads as rewritten:

40 "**§ 89C-25. Limitations of Application of Chapter.**

41 This Chapter shall not prevent the following activities:

42 ...

- 43 (12) Testifying as a lay or expert witness at a deposition or trial as well as the
 44 preparation and drafting of an expert report pursuant to G.S. 1A-1, Rule
 45 26(b)(4)a.2. in preparation for testifying as an expert at a deposition or trial."

46 **SECTION 2.(j)** G.S. 89C-25.2 is repealed.

47 **SECTION 3.(a)** G.S. 89C-19.2 is repealed.

48 **SECTION 3.(b)** This section is effective when it becomes law.

49 **SECTION 4.** Rulemaking. – The Board of Examiners for Engineers and Surveyors
 50 may adopt rules to implement the provisions of this act.

1 **SECTION 5.** Effective Date. – Sections 2 and 4 of this act become effective October
2 1, 2025. Except as otherwise provided, this act is effective when it becomes law.