

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 382  
Committee Substitute Favorable 4/15/93  
Committee Substitute #2 Favorable 5/4/93

Short Title: Engineers & Surveyors Amendments.

(Public)

Sponsors:

Referred to:

March 3, 1993

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

Section 1. G.S. 89C-3 is amended by adding a new subdivision in the  
appropriate alphabetical order to read:

"(1a) 'Business Firm'. – The term means a partnership, a firm, an  
association, or another organization or group that is not a corporation  
and is acting as a unit."

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

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

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

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

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

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

7 **"§ 89C-24. ~~Corporate or partnership~~ Registration of corporations and business firms**  
8 **that engage in the practice of engineering or land surveying.**

9 A corporation or ~~partnership~~ business firm may not engage in the practice of  
10 engineering or land surveying in this State; provided, however, the person or persons  
11 connected with such corporation or partnership in charge of the designing or supervision  
12 which constitutes such practice is or are registered as herein required of professional  
13 engineers and registered land surveyors. The same exemptions shall apply to  
14 corporations and partnerships as apply to individuals under this Chapter, provided  
15 further, that all corporations hereunder shall be subject to the provisions of Chapter 55B  
16 of the General Statutes of North Carolina. State unless it is registered with the Board  
17 and has paid the required registration fee. A corporation or business firm is subject to  
18 the same duties and responsibilities as an individual registrant. Registration of a  
19 corporation or business firm does not affect the requirement that all engineering or land  
20 surveying work done by the corporation or business firm be performed by or under the  
21 responsible charge of individual registrants, nor does it relieve the individual registrants  
22 within a corporation or business firm of their design and supervision responsibilities.

23 This section applies to every corporation that is engaged in the practice of  
24 engineering or land surveying, regardless of when it was incorporated. A corporation  
25 that is not exempt from Chapter 55B of the General Statutes by application of G.S. 55B-  
26 15 must be incorporated under that Chapter."

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

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

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

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

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

42 **"§ 89C-22. Disciplinary action – Charges; procedure.**

43 (a) Any person may prefer charges of fraud, deceit, gross negligence,  
44 incompetence, misconduct, or violation of the rules of professional conduct, against any

1 ~~individual registrant or against any corporation holding a certificate of authorization. Such~~  
2 Board registrant. The charges shall be in writing and shall be sworn to by the person or  
3 persons making them and shall be filed with the secretary of the Board.

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

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

11 (d) ~~An individual registrant having a certificate of registration, or corporation holding a~~  
12 ~~certificate of authorization.~~ A registrant who is aggrieved by a final decision of the Board,  
13 Board may appeal for judicial review as provided by Article 4 of Chapter 150B.

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

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

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

28 Sec. 9. Section 8 of this act and this section are effective upon ratification.  
29 The remaining sections of this act become effective October 1, 1993.