

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 219
Commerce and Insurance Committee Substitute Adopted 4/28/21
Third Edition Engrossed 5/11/21

Short Title: Surveyor Licensure/Education Reqs.

(Public)

Sponsors:

Referred to:

March 10, 2021

A BILL TO BE ENTITLED
AN ACT TO REVISE THE EDUCATION REQUIREMENTS FOR LICENSURE OF A
PROFESSIONAL LAND SURVEYOR AND MAKE VARIOUS TECHNICAL
CHANGES.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 89C-13 reads as rewritten:

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

...

(b) Land Surveyor Applicant. – The evaluation of a land surveyor applicant's qualifications shall involve a consideration of the applicant's education, technical, and land surveying experience, exhibits of land surveying projects with which the applicant has been associated, and recommendations by references. The land surveyor applicant's qualifications may be reviewed at an interview if the Board determines it necessary. Educational credit for institute courses, correspondence courses, or other courses shall be determined by the Board.

The following shall be considered as minimum evidence satisfactory to the Board that the applicant is qualified for licensure as a professional land surveyor:

...

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

a. Rightful possession of a bachelor of science degree in surveying or other equivalent curricula, all approved by the Board and meets all of the following:

1. Has a record satisfactory to the Board of two years or more of progressive practical experience, one year of which shall have been under a practicing professional land surveyor ~~if the applicant has successfully passed the first examination (Fundamentals of Surveying) on or before January 1, 2013, or if the applicant has not successfully passed the first examination on or before January 1, 2013, two years of surveyor. which shall have been under a practicing~~ professional land surveyor, and



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2. ~~satisfactorily passing~~ Has successfully passed the Fundamentals of Surveying examination.

3. Has successfully passed any additional oral and written examination required by the Board, all of which shall determine and indicate that the applicant is competent to practice land surveying.

~~Upon passing the first examination and successful completion of the experience required by this subdivision, the~~ The applicant may then apply to take the second examination (Principles Principles and Practice Practices of Land Surveying). An applicant who passes both examinations Surveying examination and completes the educational and experience requirements of this subdivision upon passing this examination, shall be granted licensure as a professional land surveyor.

b. Rightful possession of an associate degree in surveying technology approved by the Board and meets all of the following:

1. Has a record satisfactory to the Board of four years or more of progressive practical experience, three years of which shall have been under a practicing licensed land surveyor if the applicant has successfully passed the first examination (Fundamentals of Surveying) on or before January 1, 2013, or if the applicant has not surveyor.

2. Has successfully passed the first examination on or before January 1, 2013, eight years of progressive practical experience, four years of which shall have been under a practicing professional land surveyor, and satisfactorily passing Fundamentals of Surveying examination.

3. Has successfully passed any additional written and oral examination required by the Board, all of which shall determine and indicate that the applicant is competent to practice land surveying.

~~If the~~ The applicant has not successfully completed the first examination on or before January 1, 2013, the applicant may then apply to the Board to take the first examination after obtaining the associate degree and completing four years of practical experience, two years of which shall have been under a practicing professional land surveyor at the first regularly scheduled examination thereafter. Upon passing the first examination and successfully completing the practical experience required under this subdivision, the applicant may apply to the Board to take the second examination (Principles Principles and Practice Practices of Land Surveying). An applicant who passes both examinations and successfully completes the educational and experience requirements of this subdivision Surveying examination and upon passing this examination, shall be granted licensure as a professional land surveyor.

...

d. Graduation from a high school or the completion of a high school equivalency certificate and meets all of the following:

1. Has a record satisfactory to the Board of seven years or more of progressive practical experience, six years of which shall

have been under a practicing ~~licensed~~ professional land surveyor ~~surveyor~~.

2. ~~if the applicant has~~ Has successfully passed the first examination ~~(Fundamentals~~ Fundamentals of Surveying) Surveying examination.

3. ~~on or before January 1, 2013, or if the applicant has not~~ Has successfully passed ~~the first examination on or before January 1, 2013, 16 years of progressive practical experience, nine years of which shall have been under a practicing professional land surveyor, and satisfactorily passing any~~ additional oral and written examinations required by the Board, all of which shall determine and indicate that the candidate is competent to practice land surveying.

~~If the~~ The applicant ~~has not successfully passed the first examination on or before January 1, 2013, the applicant may be qualified by the Board then apply to take the first~~ Principles and Practices of Land Surveying examination and upon graduation from high school or the completion of a high school equivalency certificate and successfully completing 10 years of progressive practice experience, six of which passing this examination, shall have been under be granted licensure as a practicing licensed professional land surveyor.

...."

SECTION 1.(b) G.S. 89C-10 reads as rewritten:

"§ 89C-10. Board powers.

...

(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 licensee is confidential until the Board issues a citation to the licensee. The investigation of a nonlicensee is confidential until the Board approves any action authorized under this Chapter against the nonlicensee. The Board may expend its funds for salaries, fees, and per diem expenses, in connection with its investigations, provided that no 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 later sit in deciding on any matter which may directly involve punitive action for the testimony.

...."

SECTION 1.(c) 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 Examiners for Engineers and 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 this ~~fund on the warrant signed by the secretary of the Board.~~ fund. At no time shall the total of ~~warrants such certified expenses~~ 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 Examiners for Engineers and Surveyors, conditioned upon the faithful performance of the duties assigned. The premium on the bond is a proper and necessary expense of the Board. The secretary of the Board may delegate to the executive director certain

1 routine duties, such as receipt and disbursement of funds in stated amounts by a written
2 authorization, which has the majority approval of the Board."

3 **SECTION 1.(d)** G.S. 89C-17 reads as rewritten:

4 **"§ 89C-17. Expirations and renewals of certificates.**

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

42 **SECTION 1.(e)** G.S. 89C-22 reads as rewritten:

43 **"§ 89C-22. Disciplinary action – Charges; procedure.**

44 (a) Any person may prefer charges of fraud, deceit, gross negligence, incompetence,
45 misconduct, or violations of this Chapter, the rules of professional conduct, or any rules adopted
46 by the Board against any Board licensee. The charges shall be in writing ~~and shall be sworn to~~
47 ~~by the person or persons making them and~~ or submitted electronically and shall be filed with the
48 Board.

49"

50 **SECTION 2.** This act becomes effective October 1, 2021, and applies to applications
51 for licensure on or after that date.