

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 932
Committee Substitute Favorable 5/9/89

Short Title: Penalty Up/Engineering Violations.

(Public)

Sponsors:

Referred to:

March 27, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE PENALTY FOR ENGINEERS AND LAND
3 SURVEYORS FOUND GUILTY OF CERTAIN MISCONDUCT IN
4 PROFESSIONAL PRACTICE.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 89C-21 reads as rewritten:

7 "**§ 89C-21. Disciplinary action – Reexamination, revocation, suspension,**
8 **reprimand, or fine-civil penalty.**

9 (a) The Board may suspend, refuse to renew, or revoke the certificate of
10 registration, or, as appropriate, require reexamination, ~~or levy a fine not in excess of five~~
11 ~~hundred dollars (\$500.00) for any engineer or land surveyor, who is found:~~

12 (1) Guilty of the practice of any fraud or deceit in obtaining a certificate of
13 registration or certificate of authorization.

14 (2) Guilty of any gross ~~negligence, incompetence, or misconduct,~~
15 negligence or misconduct in the practice of his profession. ~~In the event~~
16 ~~the Board finds that a certificate holder is incompetent the Board may,~~
17 ~~in its discretion, require oral or written examinations, or other~~
18 ~~indication of the certificate holder's fitness to practice his profession~~
19 ~~and to suspend his license during any such period.~~

20 (3) Guilty of any felony or any crime involving moral turpitude.

21 (4) Guilty of violation of the Rules of Professional Conduct, as adopted
22 by the Board.

1 (5) To have been declared insane or incompetent by a court of competent
2 jurisdiction and has not thereafter been lawfully declared sane or
3 competent.

4 (6) Guilty of professional incompetence. In the event the Board finds that
5 a certificate holder is incompetent the Board may, in its discretion,
6 require oral or written examinations, or other indication of the
7 certificate holder's fitness to practice his profession and suspend his
8 license during any such period.

9 (b) The Board shall have the power to (i) revoke a certificate of authorization, or
10 (ii) to suspend a certificate of authorization for a period of time not exceeding two
11 years, of any corporation where one or more of its officers or directors have committed
12 any act or have been guilty of any conduct which would authorize a revocation or
13 suspension of their certificates of registration under the provision of this section.

14 (c) The Board may levy a civil penalty not in excess of five thousand dollars (\$5,000)
15 for any engineer or land surveyor, who is found guilty of subdivisions (1) through (4) in
16 subsection (a) of this section. All civil penalties collected by the Board shall be
17 deposited in the General Fund of North Carolina."

18 Sec. 2. G.S. 89C-22 reads as rewritten:

19 "**§ 89C-22. Disciplinary action – Charges; procedure.**

20 (a) Any person may prefer charges of fraud, deceit, gross negligence,
21 incompetence, misconduct, or violation of the rules of professional conduct, against any
22 individual registrant or against any corporation holding a certificate of authorization.
23 Such charges shall be in writing and shall be sworn to by the person or persons making
24 them and shall be filed with the secretary of the Board.

25 (b) All charges, unless dismissed by the Board as unfounded or trivial, shall be
26 heard by the Board or hearing officer as provided under the requirements of Chapter
27 ~~150A-150B~~ of the General Statutes.

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

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

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

39 Sec. 3. This act shall become effective July 1, 1989, and shall apply to
40 proceedings filed on or after that date.