

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2003**

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**SENATE DRS75146-LU-35 (3/11)**

Short Title: Engineers/Acquire Property/Raise Civ.Penalty. (Public)

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Sponsors: Senator Jenkins.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE NORTH CAROLINA STATE BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS TO ACQUIRE REAL PROPERTY, TO PURCHASE EQUIPMENT AND LIABILITY INSURANCE, 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 subsections 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 as to the acquisition, rental, encumbering, leasing, and sale of real property. Collateral pledged by the Board for an encumbrance is limited to the assets, income, and revenues of the Board.

(j) The Board may purchase, rent, or lease equipment and supplies and purchase liability insurance or other insurance to cover the activities of the Board, its operations, or its employees."

**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."

1           **SECTION 3.** G.S. 89C-17 reads as rewritten:2       **"§ 89C-17. Expirations and renewals of certificates.**

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

- 1 may return to active status by meeting all requirements of the Board, including  
2 demonstration of continuing professional competency as a condition of reinstatement."  
3           **SECTION 4.** This act is effective when it becomes law.