

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 742
Senate Finance Committee Substitute Adopted 6/30/16

Short Title: PE Licensure/Allow School Maint. Plumbers.

(Public)

Sponsors:

Referred to:

April 15, 2015

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE REQUIREMENTS FOR INITIAL LICENSURE AS A
PROFESSIONAL ENGINEER AND TO ALLOW NORTH CAROLINA PUBLIC
SCHOOLS TO REDUCE COSTS BY ALLOWING THE EMPLOYMENT OF LICENSED
SCHOOL MAINTENANCE PLUMBERS.

The General Assembly of North Carolina enacts:

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

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

(a) ~~Engineer Applicant.~~—~~The following shall be considered as minimum evidence satisfactory to the Board that the applicant is qualified for licensure as a professional engineer:~~

~~(1) To be certified as an engineer intern, an applicant shall (i) pass the fundamentals of engineering examination and make application to the Board, (ii) be of good character and reputation, (iii) submit three character references to the Board, one of whom is a professional engineer, (iv) comply with the requirements of this Chapter, and (v) meet one of the following requirements:~~

~~a. Education.— Be a graduate of an engineering curriculum or related science curriculum of four years or more, approved by the Board as being of satisfactory standing.~~

~~b. Education and experience.— Be a graduate of an engineering curriculum or related science curriculum of four years or more, other than curriculums approved by the Board as being of satisfactory standing, or possess equivalent education and engineering experience satisfactory to the Board with a specific record of four or more years of progressive experience on engineering projects of a grade and character satisfactory to the Board.~~

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

~~a. Licensure by Comity or Endorsement.— A person holding a certificate of licensure to engage in the practice of engineering, on the basis of comparable qualifications, issued to the person by a proper authority of a state, territory, or possession of the United States, the District of Columbia, or of any foreign country possessing credentials that, based~~



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- 1 on verifiable evidence, in the opinion of the Board, of a standard not
2 lower than that in effect in this State at the time the certificate was
3 issued, may upon application, be licensed without further examination,
4 except as required to examine the applicant's knowledge of laws, rules,
5 and requirements unique to North Carolina.
- 6 b. ~~E.I. Certificate, Experience, and Examination. — A holder of a certificate
7 of engineer intern and with a specific record of an additional four years
8 or more of progressive experience on engineering projects of a grade
9 and character which indicates to the Board that the applicant may be
10 competent to practice engineering, shall be admitted to the principles
11 and practice of engineering examination. Upon passing the examination,
12 the applicant shall be granted a certificate of licensure to practice
13 professional engineering in this State, provided the applicant is
14 otherwise qualified.~~
- 15 e. ~~Graduation, Experience, and Examination. — A graduate of an
16 engineering curriculum of four years or more approved by the Board as
17 being of satisfactory standing, shall be admitted to the fundamentals of
18 engineering examination, and with a specific record of an additional
19 four years or more of progressive experience on engineering projects of
20 a grade and character that indicates to the Board that the applicant may
21 be competent to practice engineering, the principles and practice of
22 engineering examination. Upon passing the examinations, the applicant
23 shall be granted a certificate of licensure to practice professional
24 engineering in this State, provided the applicant is otherwise qualified.~~
- 25 d. ~~Graduation, Experience, and Examination. — A graduate of an
26 engineering or related science curriculum of four years or more, other
27 than the ones approved by the Board as being of satisfactory standing or
28 with an equivalent education and engineering experience satisfactory to
29 the Board shall be admitted to the fundamentals of engineering
30 examination and with a specific record of an additional eight years or
31 more of progressive experience on engineering projects of a grade and
32 character that indicates to the Board that the applicant may be
33 competent to practice engineering, the principles and practice of
34 engineering examination. Upon passing the examinations, the applicant
35 shall be granted a certificate of licensure to practice professional
36 engineering in this State, provided the applicant is otherwise qualified.~~
- 37 e. ~~Long-Established Practice. — A person with a specific record of 20 years
38 or more of progressive experience on engineering projects of a grade
39 and character which indicates to the Board that the applicant may be
40 competent to practice engineering shall be admitted to the principles and
41 practice of engineering examination. Upon passing the examination, the
42 applicant shall be granted a certificate of licensure to practice
43 professional engineering in this State, provided the applicant is
44 otherwise qualified.~~
- 45 f. ~~Full time faculty. — Full time engineering faculty members who teach in
46 an approved engineering program offering a four year or more degree
47 approved by the Board, may request and be granted waiver of the
48 fundamentals of engineering examination. The faculty applicant shall
49 document that the degree meets the Board's requirement. The faculty
50 applicant shall then be admitted to the principles and practice of
51 engineering examination.~~

~~g. Doctoral degree. — A person possessing an earned doctoral degree in engineering from an institution in which the same discipline undergraduate engineering program has been accredited by ABET (EAC) may request and be granted waiver of the fundamentals of engineering examination. The doctoral degree applicant shall document that the degree meets the Board's requirement. The doctoral degree applicant shall then be admitted to the principles and practice of engineering examination.~~

~~At its discretion the Board may require an applicant to submit exhibits, drawings, designs, or other tangible evidence of engineering work which the applicant personally accomplished or supervised.~~Engineer Intern. — To be certified as an engineer intern, an applicant shall (i) pass the fundamentals of engineering examination and make application to the Board, (ii) be of good character and reputation, (iii) submit three character references to the Board, one of whom is a professional engineer, (iv) comply with the requirements of this Chapter, and (v) meet one of the following requirements:

(1) Education. — Be a graduate of an EAC/ABET accredited engineering curriculum or of a related science curriculum which has been approved by the Board as being of satisfactory standing.

(2) Education and experience. — Be a graduate of an engineering curriculum or related science curriculum of four years or more, other than curriculums approved by the Board as being of satisfactory standing in subdivision (1) of this subsection, and possess engineering experience satisfactory to the Board with a specific record of four or more years of progressive experience on engineering projects of a grade and character satisfactory to the Board.

(a1) Engineer Applicant. — To be licensed as a professional engineer, an applicant (i) shall be of good character and reputation, (ii) submit five character references to the Board, three of whom are professional engineers or individuals acceptable to the Board with personal knowledge of the applicant's engineering experience, (iii) comply with the requirements of this Chapter, and (iv) meet the requirements related to education, examination, and experience set forth in this subsection. An applicant seeking licensure as a professional engineer shall meet the following requirements:

(1) Education requirement. — Possess one or more of the following educational qualifications:

a. A bachelor's degree in engineering from an EAC/ABET accredited program or in a related science curriculum which has been approved by the Board as being of satisfactory standing.

b. A bachelor's degree in an engineering curriculum or related science curriculum of four years or more, other than curriculums approved by the Board as being of satisfactory standing in sub-subdivision a. of this subdivision.

c. A master's degree in engineering from an institution that offers EAC/ABET accredited programs.

d. An earned doctoral degree in engineering from an institution that offers EAC/ABET accredited programs and in which the degree requirements are approved by the Board.

(2) Examination requirements. — Take and pass the Fundamentals of Engineering (FE) examination. Take and pass the Principles and Practice of Engineering (PE) examination as provided by G.S. 89C-15, after having met the education requirement set forth in subdivision (1) of this subsection.

(3) Experience requirement. — Present evidence satisfactory to the Board of a specific record of progressive engineering experience that is of a grade and

1 character that indicates to the Board that the applicant is competent to practice
 2 engineering. The Board may adopt rules to specify the years of experience
 3 required based on educational attainment, provided the experience requirement
 4 for an applicant who qualifies under sub-subdivision (1)a. of this subsection
 5 shall be no less than four years and for an applicant who qualifies under
 6 sub-subdivision (1)b. of this subsection, no less than eight years.

7 For purposes of this subsection, the term "EAC/ABET" means the Engineering Accreditation
 8 Commission of the Accreditation Board for Engineering and Technology.

9 (a2) Licensure by Comity or Endorsement. – A person holding a certificate of licensure to
 10 engage in the practice of engineering, on the basis of comparable qualifications, issued to the
 11 person by a proper authority of a state, territory, or possession of the United States, the District of
 12 Columbia, or of any foreign country possessing credentials that, based on verifiable evidence, in
 13 the opinion of the Board, of a standard not lower than that in effect in this State at the time the
 14 certificate was issued, may upon application, be licensed without further examination, except as
 15 required to examine the applicant's knowledge of laws, rules, and requirements unique to North
 16 Carolina.

17 (a3) Long-Established Practice. – A person with a specific record of 20 years or more of
 18 progressive experience on engineering projects of a grade and character which indicates to the
 19 Board that the applicant may be competent to practice engineering shall be admitted to the
 20 Principles and Practice of Engineering examination. Upon passing the examination, the person
 21 shall be granted a certificate of licensure to practice professional engineering in this State,
 22 provided the person is otherwise qualified.

23 (a4) Exceptions. – The following persons may apply for and be granted waiver of the
 24 fundamentals of engineering examination and admission to the principles and practice of
 25 engineering examination:

26 (1) A full-time engineering faculty member who teaches in an approved
 27 engineering program offering a four-year or more degree approved by the
 28 Board. The faculty member applicant shall document that the degree meets the
 29 Board's requirements.

30 (2) A person possessing an earned doctoral degree in engineering from an
 31 institution in which the same discipline undergraduate engineering program has
 32 been accredited by EAC/ABET. The doctoral degree applicant shall document
 33 that the degree meets the Board's requirements.

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

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41 **SECTION 2.** G.S. 87-21(b) reads as rewritten:

42 **"§ 87-21. Definitions; contractors licensed by Board; examination; posting license, etc.**

43 ...

44 (b) Classes of Licenses; Eligibility and Examination of Applicant; Necessity for License. –

45 (1) In order to protect the public health, comfort and safety, the Board shall
 46 establish two classes of licenses: Class I covering all plumbing, heating, and
 47 fire sprinkler systems for all structures, and Class II covering plumbing and
 48 heating systems in single-family detached residential dwellings.

49 (2) Restricted licenses or classifications. –

50 a. The Board shall establish and issue a fuel piping license for use by
 51 persons who do not possess the required Class I or Class II plumbing or

- 1 heating license, but desire to engage in the contracting or installing of
2 fuel piping extending from an approved fuel source at or near the
3 premises, which piping is used or may be used to supply fuel to any
4 systems, equipment, or appliances located inside the premises.
- 5 b. The Board shall establish and issue a limited plumbing contractor
6 license for use by persons who do not possess the required Class I or
7 Class II plumbing license but desire to engage in the contracting or
8 installation, repair, or replacement of either of the following:
- 9 1. Exterior potable water service lines or backflow preventers
10 serving irrigation systems or domestic water service systems of
11 two inch diameter or smaller.
- 12 2. Exterior building sewer or water service piping of two inch
13 diameter or smaller.
- 14 c. ~~The Board may also establish additional restricted classifications to~~
15 ~~provide for: (i) the licensing of any person, partnership, firm, or~~
16 ~~corporation desiring to engage in a specific phase of heating, plumbing,~~
17 ~~or fire sprinkling contracting; (ii) the licensing of any person,~~
18 ~~partnership, firm, or corporation desiring to engage in a specific phase~~
19 ~~of heating, plumbing, or fire sprinkling contracting that is an incidental~~
20 ~~part of their primary business, which is a lawful business other than~~
21 ~~heating, plumbing, or fire sprinkling contracting; or (iii) the licensing of~~
22 ~~persons desiring to engage in contracting and installing fuel piping from~~
23 ~~an approved fuel source on the premises to a point inside the~~
24 ~~residence; shall establish and issue:~~
- 25 1. A State and local government plumbing, heating group number
26 one, heating group number two, or heating group number three
27 technician license for use by persons who do not possess the
28 required plumbing, heating group number one, heating group
29 number two, or heating group number three contractor license
30 but desire to engage in the installation, repair, or replacement of
31 plumbing, heating group number one, heating group number
32 two, or heating group number three solely as an employee of a
33 State or local government agency.
- 34 2. A State and local government plumbing, heating group number
35 one, heating group number two, or heating group number three
36 technician license for use by persons who do possess the
37 required plumbing, heating group number one, heating group
38 number two, or heating group number three contractor license
39 but also desire to engage in the installation, repair, or
40 replacement of plumbing, heating group number one, heating
41 group number two, or heating group number three as an
42 employee of a State or local government agency without listing
43 their contractor license in the name of the State or local
44 government agency. Licensed contractors who obtain the State
45 and local government technician license shall be allowed to
46 contract and perform work under their contractor license only
47 during hours such contractor is not actively employed with the
48 State or local government as a technician, and is on-site carrying
49 out the contracting activity personally. No work can be
50 performed by the State or local government agency in reliance
51 upon the technician license when the licensee is not present.

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SECTION 3. G.S. 87-26 is amended by adding a new subsection to read:

"§ 87-26. Corporations; partnerships; persons doing business under trade name.

(a) A license may be issued in the name of a corporation, provided, one or more officers, or full time employee or employees, or both, empowered to act for the corporation, are licensed in accordance with the provisions of this Article; and provided such officers or employee or employees shall execute contracts to the extent of their license qualifications in the name of the said corporation and exercise general supervision over the work done thereunder.

(b) A license may be issued in the name of a partnership provided one or more general partners, or full time employee or employees empowered to act for the partnership, are licensed in accordance with the provisions of this Article, and provided such general partners or employee or employees shall execute contracts to the extent of their license qualifications in the name of the said partnership, and exercise general supervision over the work done thereunder.

(c) A license may be issued in an assumed or designated trade name, provided the owner of the business conducted thereunder, or full time employee or employees empowered to act for the owner, are licensed in accordance with the provisions of this Article; and such owner or employee or employees shall execute contracts to the extent of their license qualifications, in the said trade name, and exercise general supervision over the work done thereunder.

(d) A certificate of license may be issued in accordance with the provisions of this Article upon payment of the annual license fee by such corporation, partnership, or owner of the business conducted under an assumed or designated trade name, as the case may be, and the names and qualifications of individual licensee or licensees connected therewith shall be indicated on the aforesaid license.

(e) It shall be necessary that persons licensed in accordance with the provisions of this section shall exercise general supervision over contracts to completion.

(f) Nothing in this section shall be deemed to limit the ability of a licensee under this Article who is regularly employed by a local board of education to maintain an individual license or to contract or perform work during the hours the licensee is off-duty from the regular employer."

SECTION 4. G.S. 115C-524 is amended by adding a new subsection to read:

"§ 115C-524. Repair of school property; use of buildings for other than school purposes.

(a) Repair of school buildings is subject to the provisions of G.S. 115C-521(c) and (d).

(a1) Local boards of education may employ personnel who are licensed to perform maintenance and repairs on school property for plumbing, heating, and fire sprinklers pursuant to Article 2 of Chapter 87 of the General Statutes.

(b) It shall be the duty of local boards of education and tax-levying authorities, in order to safeguard the investment made in public schools, to keep all school buildings in good repair to the end that all public school property shall be taken care of and be at all times in proper condition for use. It shall be the duty of all principals, teachers, and janitors to report to their respective boards of education immediately any unsanitary condition, damage to school property, or needed repair. All principals, teachers, and janitors shall be held responsible for the safekeeping of the buildings during the school session and all breakage and damage shall be repaired by those responsible for same, and where any principal or teacher shall permit damage to the public school buildings by lack of proper discipline of pupils, such principal or teacher shall be held responsible for such damage: Provided, principals and teachers shall not be held responsible for damage that they could not have prevented by reasonable supervision in the performance of their duties.

...."

SECTION 5. This act becomes effective October 1, 2016.