

1 21 NCAC 56 .0502 is amended with changes as published in 38:08 NCR 500-505 as follows:

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3 **21 NCAC 56 .0502 APPLICATION PROCEDURE: INDIVIDUAL**

4 (a) General. A person desiring to become licensed as a Professional Engineer must make submit an application to the
5 Board on a form prescribed and furnished by the Board.

6 (b) Request. A request for an appropriate application form may be made to the Board office or obtained from the
7 website. Applicants may obtain Engineer Intern certification forms at [https://www.ncbels.org/application/engineer-](https://www.ncbels.org/application/engineer-intern-certification/)
8 intern-certification/. Applicants may obtain Professional Engineer licensure forms at
9 [https://www.ncbels.org/applications/professional-engineers/.](https://www.ncbels.org/applications/professional-engineers/)

10 (c) Applicable Forms:

11 (1) Engineer Intern Certification Form. After passing the fundamentals of engineering examination
12 Fundamentals of Engineering Examination, an applicant may make submit an application to the
13 Board to become certified as an “Engineer Intern.” This form requires the applicant to set forth their
14 personal history, educational background, engineering experience, and character references. A
15 passport-type photographic quality portrait that is adequate for current identification purposes is
16 also required.

17 (2) Professional Engineer Form:

18 (A) All persons, including comity applicants and certified Engineer Interns, shall apply for
19 licensure using the Professional Engineer form Form. The submission of this form shall
20 signify that the applicant has passed the Fundamentals of [engineering examination]
21 Engineering Examination, and seeks licensure as a Professional Engineer, seeks licensure,
22 and shall result in seating for the principles and practice of engineering examination, when
23 the applicant has met the requirements as set out in Rule .0501 of this Section. This form
24 The Professional Engineering Form requires the applicant to set forth their personal and
25 educational background, engineering experience and character references. A passport-type
26 photographic quality portrait that is adequate for current identification purposes is required.

27 (B) Persons who previously completed the fundamentals examination passed the Fundamentals
28 of Engineering Examination by use of the Engineer Intern Certification Form shall
29 submit the Professional Engineer Certification Application Form to request licensure when
30 qualified to take the examination as a Professional [Engineer,] Engineer when the applicant
31 has met the requirements as set out in Rule .0501 of this Section.

32 (3) Supplemental Form. Persons who initially applied for the fundamentals of engineering exam
33 Fundamentals of Engineering Exam using the Professional Engineer form Form shall supplement
34 the initial application with this form Form upon applying for the principles and practice examination
35 Principles and Practice of Engineering Exam. The supplemental form Supplemental Form requires
36 that all engineering experience from the date of the initial application until the date of the

1 supplemental application be listed. Five references shall be submitted that are current to within one
2 year of the examination date.

3 (4) Reference Forms:

- 4 (A) Persons applying for certification as an Engineer Intern shall submit to the Board ~~the~~ names
5 of three ~~individuals~~ individuals, one of whom is a professional engineer, who are familiar
6 with the applicant's work, character and ~~reputation, one of whom is a professional~~
7 ~~engineer.~~ reputation. Persons applying to take the ~~examination for principles and practice~~
8 ~~of engineering~~ Principles and Practice of Engineering Examination shall submit to the
9 Board ~~the~~ names of five individuals who are familiar with the applicant's work, character
10 and reputation. Three of these individuals shall be Professional Engineers.
- 11 (B) In addition to the applicant submitting names to the Board of individuals familiar with the
12 applicant's work, character and reputation, those individuals listed shall submit to the
13 Board their evaluations of the applicant on forms supplied to them by the applicant.
- 14 (C) The reference form requires the individual evaluating the applicant to state the evaluating
15 individual's profession, knowledge of the applicant and information concerning the
16 applicant's engineering experience, character and reputation.
- 17 (D) The Board shall provide the reference forms to the applicant with the application. The
18 reference forms shall then be distributed by the applicant to the persons listed on the
19 application as references. The applicant shall ensure that the individuals listed as references
20 return the completed reference forms to the Board prior to the filing deadline for the
21 examination.

22 (d) Fees:

- 23 (1) Engineer Intern Certification Form. ~~Once the applicant passes the examination on the fundamentals~~
24 ~~of engineering and makes application to the Board~~ No application fee is required to become certified
25 as an ~~"Engineer Intern"~~ "Engineer Intern." ~~the application fee of one hundred dollars (\$100.00) is payable.~~
26 Intern."
- 27 (2) Professional Engineer Form. The application fee of one hundred dollars (\$100.00) is payable with
28 the filing of the application.
- 29 (3) Comity. The licensure fee of one hundred dollars (\$100.00) is payable with the filing of the
30 application.
- 31 (4) Examination. The examination fee for any applicant is payable to the National Council of Examiners
32 for Engineering and Surveying (NCEES) at the time of registering to take the exam in accordance
33 with G.S. 89C-14.

34 (e) The Board shall accept the records maintained by the National Council of Examiners for Engineering and
35 Surveying (NCEES) as evidence of licensure in another state. For comity licensure, the NCEES record shall be
36 accepted in lieu of completing the experience, education and references sections of the application. A comity
37 application, with or without a NCEES record, shall be administratively approved by the Executive ~~Director~~ Director

1 ~~without waiting for the next regular meeting of the Board.~~ The Executive Director's approval shall be based upon
2 evidence of current licensure in another jurisdiction ~~based on~~ with comparable qualifications, ~~the~~ required ~~references~~
3 ~~references,~~ and ~~no record of disciplinary action,~~ the comity applicant's disciplinary record in other jurisdictions.
4 ~~without waiting for the next regular meeting of the Board at which time the action~~ Each administrative approval shall
5 be reported to the Board ~~at its next regular meeting~~ for final approval.

6 (f) Model Law Engineer. The term "Model Law Engineer" refers to a person who meets the requirements of this
7 Section by meeting the requirements of ~~NCEES and NCEES,~~ has a current NCEES record on ~~file~~ file, and is designated
8 as a "Model Law Engineer." A "Model Law Engineer" application shall be administratively approved by the Executive
9 Director based upon the designation, without waiting for the next regular meeting of the ~~Board~~ Board, at which time
10 the action shall be reported to the Board for final approval.

11 (g) Personal interview. During the application process, the applicant may be interviewed by the Board members if
12 the members have questions regarding the applicant's education, experience or character, based upon the information
13 submitted in the application.

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15 *History Note: Authority G.S. 89C-10; 89C-13; 89C-14; 89C-15;*
16 *Eff. February 1, 1976;*
17 *Readopted Eff. September 29, 1977;*
18 *Amended Eff. May 1, 1994; November 2, 1992; April 1, 1989; December 1, 1984;*
19 *RRC Objection due to lack of Statutory Authority Eff. November 17, 1994;*
20 *Amended Eff. ~~May 1, 2024~~; August 1, 2014; May 1, 2009; August 1, 2002; August 1, 2000; August*
21 *1, 1998; January 1, 1995;*
22 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*
23 *2019.*
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1 21 NCAC 56 .0701 is amended with changes as published in 38:08 NCAC 500-505 as follows:

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3 **SECTION .0700 – RULES OF PROFESSIONAL CONDUCT**

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5 **21 NCAC 56 .0701 RULES OF PROFESSIONAL CONDUCT**

6 (a) In order to safeguard the life, health, property and welfare of the public and to establish and maintain a high
7 standard of integrity, skills, and practice in the professions of engineering and land surveying, the Rules of Professional
8 Conduct in this Rule are adopted in accordance with G.S. 89C-20 and are binding upon every person holding a
9 certificate of licensure as a Professional Engineer or Professional Land Surveyor (licensee), and on all business entities
10 authorized to offer or perform engineering or land surveying services in this state. All persons licensed under the
11 provisions of Chapter 89C of the General Statutes are charged with having knowledge of the Board Rules, including
12 the Rules of Professional Conduct, and are deemed to be familiar with their provisions and to understand them.

13 (b) A licensee shall conduct the practice in order to protect the public health, safety and welfare. A licensee's practice
14 shall not violate the rules of this Chapter or G.S. 89C and shall be conducted in a manner to protect the public health,
15 safety, and welfare. The licensee shall at all times recognize the primary obligation to protect the public in the
16 performance of ~~the~~ their professional duties. If the licensee's engineering or land surveying judgment is overruled
17 under circumstances where the safety, health and welfare of the public are endangered, the licensee shall inform the
18 employer, the client, the contractor, other affected parties and any appropriate regulatory agency of the possible
19 consequences of the situation.

20 (c) A licensee shall perform services only in areas of the licensee's competence and:

- 21 (1) Shall undertake to perform engineering and land surveying assignments only when qualified by
22 education or experience in the specific technical field of professional engineering or land surveying
23 involved;
- 24 (2) May accept an assignment or project requiring education or experience outside of the licensee's own
25 ~~field~~ areas of competence, but only to the extent that the services are restricted to those portions or
26 disciplines of the ~~project assignment~~ in which the licensee is qualified. All other portions or
27 disciplines of such ~~project assignment~~ shall be performed by associates, consultants, or employees
28 who are licensed and competent in those portions or ~~disciplines;~~ disciplines.
- 29 ~~(3) Shall not affix the signature or seal to any engineering or land surveying plan or document dealing~~
30 ~~with subject matter for which the licensee lacks competence by virtue of education or experience,~~
31 ~~nor to any such plan or document not prepared under the licensee's direct supervisory control. Direct~~
32 ~~supervisory control (responsible charge) requires a licensee or employee to carry out all client~~
33 ~~contacts, provide internal and external financial control, oversee employee training, and exercise~~
34 ~~control and supervision over all job requirements to include research, planning, design, field~~
35 ~~supervision and work product review. Direct supervisory control may be accomplished face to face~~
36 ~~or by other means of communication. A licensee shall not contract with a non licensed individual~~
37 ~~to provide these professional services. Research, such as title searches and soil testing, may be~~

1 contracted to a non-licensed individual, provided that individual is qualified or licensed to provide
2 such service and provided the licensee reviews the work. The licensee may affix the seal and
3 signature to drawings and documents depicting the work of two or more professionals provided it is
4 designated by a note under the seal the specific subject matter for which each is responsible; and

5 (4) ~~In circumstances where a licensee in responsible charge of the work is unavailable to complete the
6 work, or the work is a design plan signed and sealed by an out of jurisdiction licensee (not a site
7 adaptation of a standard design plan under Rule 21 NCAC 56 .1106) a successor licensee may take
8 responsible charge by performing and documenting all professional services to include developing
9 a design file including work or design criteria, calculations, code research, and any necessary and
10 appropriate changes to the work. The non-professional services, such as drafting, need not be redone
11 by the successor licensee but must distinguish in a clean and obvious manner and accurately reflect
12 the successor licensee's work. The burden is on the successor licensee to show such compliance.
13 The successor licensee shall have control of and responsibility for the work product and the signed
14 and sealed originals of all documents.~~

15 (d) A licensee shall not affix his or her signature or seal to any engineering or land surveying plan or document for
16 which the licensee was not in responsible charge of the work through direct control and personal supervision. In order
17 to exercise responsible charge of engineering or surveying work, either (a) when delegating tasks to others, (b) in
18 circumstances where a licensee in responsible charge of the work is unavailable to [completed] complete the work, or
19 (c) the work is a design plan signed and sealed by an out-of-jurisdiction licensee (not a site adaptation of a standard
20 design plan under Rule 21 NCAC 56 .1106), the licensee must possess full professional knowledge of and control
21 over the work and shall:

22 (1) Have and exercise the authority to review and to change, reject or approve both the work in progress
23 and the final work product, through examination, evaluation, communication and direction
24 throughout the development of the work;

25 (2) Be personally aware of the scope of the work, its needs, parameters, limitations and special
26 requirements;

27 (3) Be capable of answering questions relevant to the surveying or engineering decisions made as part
28 of the services provided, in sufficient detail to demonstrate knowledge of the proficiency in the
29 work; and

30 (4) Accept full responsibility for the work.

31 (A) The [Burden] burden for demonstrating responsible charge lies with the licensee, including
32 maintaining records, calculations, drawings, surveys, specifications, and other documents
33 associated with the work.

34 (B) A licensee may affix his or her seal and signature to drawings and documents depicting the
35 work of two or more professionals, provided it is designated by a note under the seal stating
36 the specific subject matter for which each is responsible.

37 ~~(d)(c)~~ A licensee shall issue public statements only in an objective and truthful manner and:

- 1 (1) Shall be objective and truthful in all professional reports, statements or testimony. The licensee shall
2 include all relevant and pertinent information in such reports, statements or testimony;
- 3 (2) When serving as an expert or technical witness before any court, commission, or other tribunal, shall
4 express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a
5 background of technical competence in the subject matter, and upon honest conviction of the
6 accuracy and propriety of the licensee's testimony;
- 7 (3) Shall issue no statements, criticisms, or arguments on engineering or land surveying matters
8 connected with public policy which are inspired or paid for by an interested party, or parties, unless
9 the licensee has prefaced the comment by explicitly identifying the licensee's name, by disclosing
10 the identities of the party or parties on whose behalf the licensee is speaking, and by revealing the
11 existence of any pecuniary interest the licensee may have in the matters; and
- 12 (4) Shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation,
13 prospects, practice or employment of another engineer or land surveyor, nor indiscriminately
14 criticize another engineer or land surveyor's work in public. Indiscriminate criticism includes
15 statements without valid basis or ~~cause cause, or~~ that are not objective and ~~truthful~~ truthful, or that
16 fail to include all relevant and pertinent information. If the licensee believes that another engineer
17 or land surveyor is guilty of misconduct or illegal practice, such information shall be presented to
18 the North Carolina Board of Examiners in the form of a complaint.

19 ~~(e)~~(f) A licensee shall avoid conflicts of interest and:

- 20 (1) Shall inform the employer or client, and any reviewing agency, of any business association,
21 interests, or circumstances which could influence judgment or the quality of services;
- 22 (2) Shall not accept compensation, financial or otherwise, from more than one party for services on the
23 same project, or for services pertaining to the same project, unless the circumstances are disclosed
24 to, and agreed to, in writing, by all interested parties;
- 25 (3) Shall not solicit or accept financial or other valuable considerations from material or equipment
26 suppliers for specifying their products;
- 27 (4) Shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other
28 parties dealing with the client or employer in connection with work for which the licensee is
29 responsible;
- 30 (5) When in public service as a member, advisor, or employee of a governmental body or department,
31 shall not participate in considerations or actions with respect to services provided by the licensee or
32 the licensee's firm in private engineering and land surveying practices;
- 33 (6) Shall not solicit or accept an engineering or land surveying contract from a governmental body on
34 which a principal or officer of the licensee's firm serves as a member; and
- 35 (7) Shall not attempt to supplant another engineer or land surveyor in a particular employment after
36 becoming aware that the other has been selected for the employment.

37 ~~(f)~~(g) A licensee shall solicit or accept work only on the basis of qualifications and:

- 1 (1) Shall not offer to pay, either directly or indirectly, any commission, political contribution, gift, or
2 other consideration in order to secure work, exclusive of securing salaried positions through
3 employment agencies;
- 4 (2) Shall compete for employment on the basis of professional qualification and competence to perform
5 the work. The licensee shall not solicit or submit proposals for professional services containing a
6 false, fraudulent, misleading, deceptive or unfair statement or claim regarding the cost, quality or
7 extent of services to be rendered;
- 8 (3) Shall, with regard to fee bidding on public projects, comply with the provisions of G.S. 143-64.31
9 et seq., (or for federal projects, the Brooks Act, 40 U.S. Code 541 et seq.) and shall not knowingly
10 cooperate in a violation of any provision of G.S. 143-64.31 et seq. (or of 40 U.S. Code 541 et seq.);
11 and
- 12 (4) Shall not falsify or permit misrepresentation of academic or professional qualifications and shall
13 only report educational qualifications when a degree or certificate was awarded, unless it is stated
14 that no degree or certificate was awarded. The licensee shall not misrepresent degree of
15 responsibility in or for the subject matter of prior assignments. Brochures or other presentations
16 incident to the solicitation of employment shall not misrepresent pertinent facts concerning
17 employers, employees, associates, joint ventures, or past accomplishments with the intent and
18 purpose of enhancing qualifications and work.

19 ~~(g)~~(h) A licensee shall perform services in an ethical manner, as required by the Rules of Professional Conduct (21
20 NCAC 56 .0701), and in a lawful manner and:

- 21 (1) Shall not knowingly associate with or permit the use of the licensee's name or firm name in a
22 business venture by any person or firm which the licensee knows, or has reason to believe, is
23 engaging in business or professional practices of a fraudulent or dishonest nature or is not properly
24 licensed; and
- 25 (2) If the licensee has knowledge or reason to believe that another person or firm may be in violation
26 of the Board Rules (21 NCAC 56) or of the North Carolina Engineering and Land Surveying Act
27 (G.S. 89C), shall present such information to the Board in writing in the form of a complaint and
28 shall cooperate with the Board in furnishing such further information or assistance as may be
29 required by the Board. The licensee shall timely respond to all inquiries and correspondence from
30 the Board and shall timely claim correspondence from the U. S. Postal Service, or other delivery
31 service, sent to the licensee from the Board. Timely is defined as within the time specified in the
32 correspondence, or if no time is specified, within 30 days of receipt. Certified mail is timely claimed
33 if prior to being returned by the Post Office to the Board office.

34 ~~(h)~~(i) A Professional Engineer or Professional Land Surveyor who has received a reprimand or civil penalty or whose
35 professional license is revoked, suspended, denied, refused renewal, refused reinstatement, put on probation,
36 restricted, or surrendered as a result of disciplinary action by another jurisdiction is subject to discipline by the Board
37 if the licensee's action constitutes a violation of G.S. 89C or the rules adopted by the Board.

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History Note: Authority G.S. 89C-17; 89C-20;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
*Amended Eff. **May 1, 2024**; September 1, 2011; May 1, 2009; August 1, 2002; August 1, 2000;*
August 1, 1998; November 2, 1992; April 1, 1989; January 1, 1982; March 1, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,
2019.