

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Examiners for Engineers and Surveyors

RULE CITATION: 21 NCAC 56 .0303

**DEADLINE FOR RECEIPT: December 9, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Lines 5-6,(a) (1): As written, the rule requires the Board to dispense funds after Board Committees recommend funding. Is that the Board's intention? Does it need to pass each committee or only the committee(s) assigned? How are requests assigned to committees?*

*Lines 5-6,(a) (1): Is Subparagraph (1) necessary pursuant to G.S. 150B-21.9?*

*Line 12, (2): What is an approved entity? What is the process for approval?*

*Line 12, (2): As written, the "approved entities" required to request funds? Please explain the Board's authority to require an entity to request funds.*

*Line 12, (2): As the Board does not have "contact rule" (See Chapter 4 of the Administrative Rule Style Guide), is the entity required to send the written documents to a particular address or by a particular method?*

*Line 16, (2)(d): does your regulated public know what "itemized" is from the Board's perspective? This appears to be ambiguous as to what the Board is requiring.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: November 29, 2022

1 21 NCAC 56 .0303 is amended as published in 37:04 NCR 342-348 as follows:

2

3 **21 NCAC 56 .0303 DISBURSEMENT OF FUNDS**

4 The Board shall dispense funds for educational programs in the following manner:

5 (1) The Board shall dispense funds after Board Committees, as organized, study each specific  
6 committee-related request and recommend funding.

7 ~~(2) The Board shall consider requests for funds only from the following entities: community colleges,  
8 public or private institutions of higher learning, State and county boards of education, or governing  
9 authorities for any industrial education center.~~

10 ~~(3) The Board shall consider educational programs to establish instructional programs for individuals  
11 currently licensed and those seeking to become licensed.~~

12 ~~(4)~~(2) Approved entities shall request funds in writing and provide the following information:

- 13 (a) The amount needed;
- 14 (b) The intended use of the funds;
- 15 (c) Subject material to be presented and qualifications of instructors to be employed;
- 16 (d) Itemized breakdown of the amount needed and the total expected costs; and
- 17 (e) Source and amount of assistance being given by any other person or organization.

18

19 *History Note: Authority G.S. 89C-10(g);*  
 20 *Eff. February 1, 1976;*  
 21 *Readopted Eff. September 29, 1977;*  
 22 *Amended Eff. April 1, 1989; January 1, 1982;*  
 23 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*  
 24 *2019;*  
 25 *Amended Eff. January 1, 2023; July 1, 2020.*

26

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Examiners for Engineers and Surveyors

RULE CITATION: 21 NCAC 56 .0601

**DEADLINE FOR RECEIPT: December 9, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Generally, to the rule: This rule is poorly written. Lines 4-5 lead the reader to believe that definitions will follow; however, they appear to be requirements for each level of licensure.*

*Line 6, (a)(1): Replace "B.S." with "Bachelor of Science degree" for consistency with statute (G.S. 89C-13(b)(1a)a.)*

*Line 14-15, (a)(2): As written, "which must be completed with a passing grade" applies only to the courses after "including". Is that the Board's intention?*

*Lines 22-24, (3)(C): While line 17 addresses "programs", Part (C) does not appear to be program of study but rather 39 college semester hours. "Based upon" is ambiguous. Part (C) needs to be re-written in clear and concise terms.*

*Lines 25-30, (3)(C)(i): This Subpart is facially ambiguous. "Basic mathematics" and "higher mathematics" are undefined terms. How will the Board determine whether a course has "emphasized" "concepts and principals"?*

*Lines 25 and 31: Spell out the numbers beginning the Subparts.*

*Line 28, (3)(C)(i): Change "may" to "shall" or cite these as examples of "higher mathematics". In short, the Board needs to be clear and unambiguous about that which it is requiring. If an applicant needs to ask for clarification, there is ambiguity.*

*Line 30, (C)(i): Strike the "." and replace with "; and".*

*Line 32, (3) (C)(ii): How will an applicant know whether the Board considers the faculty "qualified"?*

William W. Peaslee  
Commission Counsel

Date submitted to agency: November 29, 2022

*Line 32, (3)(C)(ii): Are these examples of “surveying courses” or “surveying science and surveying practice”? Either? Both?*

*Line 1, (3)(D): What is the process by which the Board will approve an apprenticeship program or determine that it is equivalent to Parts (A), (B), or (C)? Is there a rule which addresses this?*

*Line 8, (b)(1): If it meets the Board’s intention, strike “such that” and replace with “a”.*

*Lines 12-23, (b)(2): This subparagraph is facially ambiguous, and no objective standard is listed. Line 17 and 18 state that the approve the experience on a case-by-case basis “if it is satisfied”. There is no explanation as to when the Board’s satisfaction will be met.*

*Lines 21-23, (b)(2): Please see G.S. 93B-15.1.*

*Lines 31-36, (c)(1)(A): As written the Professional Land Surveyor is required to make the listed statements on the map. Is that the Board’s intention? Or does the Board want an affidavit?*

*Line 7, (c)(2): Is the “exhibit” the same as the statements required by the PLS in (c)(1)(A)?*

*Line 17, History Note: It appears that G.S. 47-30 is a cross reference and not a source of authority. As such, it should not be in the history note.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: November 29, 2022

1 21 NCAC 56 .0601 is amended as published in 37:04 NCR 342-348 as follows:

2  
3 **21 NCAC 56 .0601 REQUIREMENTS FOR LICENSING**

4 (a) Education. The terms used by the Board for the specific education requirements to be eligible to be licensed as a  
5 Professional Land Surveyor are defined as follows:

6 (1) "B.S. in surveying or other equivalent curriculum." These degrees shall contain a minimum of 45  
7 semester hours, or their quarter-hour equivalents. Of the 45 semester hours, a minimum of 12  
8 semester hours of surveying fundamentals, 12 semester hours of applied surveying practice, and 12  
9 semester hours of advanced or theoretical surveying courses are required. The remainder of the  
10 required surveying courses may be elective-type courses in any of the categories; and

11 (2) "Associate degree in surveying technology." This degree shall contain a minimum of 20 semester  
12 hours, or quarter-hour equivalents. Courses shall be in surveying fundamentals, applied surveying  
13 practice and advanced or theoretical surveying courses, including courses in surveying practices,  
14 subdivision design and planning, surface drainage, and photogrammetry which must be completed  
15 with a passing grade.

16 (3) "Land Surveyor Apprenticeship." The applicant shall have completed one of the following  
17 programs:

18 (A) Certified Survey Technician Program (CST) of the National Society of Surveyors (NSPS)  
19 levels I through IV.

20 (B) "Technologist" Certification Program of the American Society for Photogrammetry and  
21 Remote Sensing (ASPRS).

22 (C) Based upon the Surveying Education Standard of the National Council of Examiners for  
23 Engineering and Surveying (NCEES) by obtaining college semester credit hours, as  
24 modified to require the following 39 college semester hours:

25 (i) 12 college semester hours in mathematics beyond basic mathematics, but the  
26 credits include college algebra or higher mathematics. These courses must  
27 emphasize mathematical concepts and principles rather than computation.  
28 Mathematics courses may include college algebra, trigonometry, analytic  
29 geometry, differential and integral calculus, linear algebra, numerical analysis,  
30 probability and statistics, and advanced calculus.

31 (ii) 27 college semester hours of surveying science and surveying practice. Courses  
32 shall be taught by qualified surveying faculty. Examples of surveying courses are  
33 basic surveying, route surveying, geodesy, geographic information systems, land  
34 development design and planning, global positioning systems, photogrammetry,  
35 mapping, legal principles of land surveying, boundary law, professional surveying  
36 and mapping, and remote sensing. Graduate-level surveying courses can be  
37 included to fulfill curricular requirements in this area.

1 (D) Apprenticeship program, approved by the Board, and administered through  
2 ApprenticeshipNC, or equivalent, including elements equivalent to Parts (A), (B), or (C)  
3 of this Subparagraph.

4 (b) Experience:

5 (1) Definition. As used in the North Carolina Engineering and Land Surveying Act, the term  
6 "progressive practical experience" means that during the period of time in which an applicant made  
7 a practical utilization of the knowledge of the principles of geometry and trigonometry in  
8 determining the shape, boundaries, position, and extent of the earth's surface, such that continuous  
9 improvement, growth, and development in the utilization of that knowledge have been shown. In  
10 addition, the applicant shall show the continuous assumption of greater individual responsibility for  
11 the work product over that period of time.

12 (2) Required Experience. In evaluating the work experience required, the Board shall consider the total  
13 experience record and the progressive nature of the record. Not less than half of the required land  
14 surveying experience shall be of a professional grade and character, and shall be performed under  
15 the responsible charge of a Professional Land Surveyor. If the work was not under the responsible  
16 charge of a Professional Land Surveyor, the applicant shall submit a written explanation to the Board  
17 explaining why the experience should be considered. The Board shall approve the experience on a  
18 case-by-case basis if it is satisfied of the grade and character of the progressive experience.  
19 Experience gained under the technical supervision of an unlicensed individual shall be considered  
20 based upon the engineering education and experience credential of the unlicensed supervisor.  
21 Experience gained in the armed services, typically while serving in an engineering or surveying  
22 related group, shall be accepted only if substantially equivalent to that which would have been  
23 gained in civilian work.

24 (3) Other Experience. The applicant shall document the nature and details of the work done in the  
25 following areas to evidence to the Board its equivalency to land surveying:

- 26 (A) construction layout;  
27 (B) engineering surveying; or  
28 (C) part-time surveying work.

29 (c) Exhibits, Drawings, Maps:

30 (1) Required Exhibit Before Principles and Practice of Surveying Examination:

31 (A) General. The applicant shall submit, along with the application, an actual map of a  
32 boundary survey of an actual project prepared under the direct supervision and responsible  
33 charge of a Professional Land Surveyor who states that the applicant did the preparatory  
34 work of the survey; that shows, by its conformance, that the applicant is knowledgeable of  
35 the contents of the Standards of Practice for Land Surveying in North Carolina as set forth  
36 in Section .1600 of this Chapter; and that shows that the applicant is able to apply this

1 knowledge by preparing a map in accordance with the various legal and professional  
2 requirements of land surveying.

3 (B) Physical Requirement. The map submitted shall be a clean, clear, legible print of an original  
4 map in the file of a Professional Land Surveyor.

5 (2) Specific Requirements. The details that shall be evaluated are those applicable to the particular  
6 project as described in the Standards of Practice for Land Surveying in North Carolina as set forth  
7 in Section .1600 of this Chapter, and as described in G.S. 47-30. In addition, the exhibit shall contain  
8 a statement that the field work, calculation, and mapping were performed by the applicant under the  
9 supervision of a Professional Land Surveyor, attested to by that Professional Land Surveyor.

10 (3) Requirements for Comity Applicant. The map submitted by an applicant under comity may be a  
11 representative map of an actual survey of a project or work performed in the state of licensure that  
12 is modified to meet the requirements in Subparagraph (c)(2) of this Rule and shall be evaluated in  
13 accordance with the requirements applicable to the particular project as described in the Standards  
14 of Practice for Land Surveying in North Carolina as set forth in Section .1600 of this Chapter, and  
15 as described in G.S. 47-30.

16  
17 *History Note: Authority G.S. 47-30; 89C-10; 89C-13;*  
18 *Eff. February 1, 1976;*  
19 *Readopted Eff. September 29, 1977;*  
20 *Amended Eff. August 1, 2014; July 1, 2009; August 1, 2000; August 1, 1998; November 2, 1992;*  
21 *April 1, 1989; December 1, 1984; January 1, 1982;*  
22 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*  
23 *2019;*  
24 *Amended Eff. July 1, 2020;*  
25 *Temporary Amendment Eff. July 1, 2022;*  
26 *Amended Eff. January 1, 2023.*  
27

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Examiners for Engineers and Surveyors

RULE CITATION: 21 NCAC 56 .0608

**DEADLINE FOR RECEIPT: December 9, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Generally, to the Rule: Whereas Chapter 89C of the North Carolina General Statutes addresses licensees and apprenticeships but not interns, please cite the Board's authority to establish licensed internships.*

*Lines 5-6, (a)(1): Reference is made to "a form prescribed and furnished by the Board." Is this the forms described in paragraph (c) and (d)? Or an additional form that is contemplated elsewhere in rule or statute?*

*Line 2, (d)(3): Explain the Board's authority to require "individuals" to submit a form.*

*Line 9, (d)(5): Explain the Board's authority to empower an applicant to "ensure" that the "individuals" return the reference forms.*

*Line 11, (e): Change "may" to "shall".*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: November 29, 2022

1 21 NCAC 56 .0608 is adopted as published in 37:04 NCR 342-348 as follows:

2  
3 **21 NCAC 56 .0608 SURVEYOR INTERN**

4 (a) General. To obtain the optional certification as a Surveyor Intern, an applicant shall:

5 (1) pass the fundamentals of land surveying examination and make application to the Board on a form  
6 prescribed and furnished by the Board,

7 (2) be of good character and reputation,

8 (3) submit three character references to the Board, one of whom is a professional land surveyor,

9 (4) comply with the requirements of this rule, and

10 (5) satisfy one of the following requirements related to education and experience:

11 (A) Have a bachelor of science degree in surveying or other equivalent curricula, approved by  
12 the Board and a record satisfactory to the Board of one year of progressive practical  
13 experience under a practicing professional land surveyor.

14 (B) Have an associate degree in surveying technology approved by the Board and a record  
15 satisfactory to the Board of two years of progressive practical experience under a practicing  
16 professional land surveyor.

17 (C) Have graduated from high school or completed a high school equivalency certificate and a  
18 record satisfactory to the Board of five years of progressive practical experience, under a  
19 practicing professional land surveyor.

20 (D) Graduation from a high school or the completion of a high school equivalency certificate,  
21 completion of a Land Surveyor Apprenticeship, and a record satisfactory to the Board of  
22 three years of progressive practical experience under a practicing professional land  
23 surveyor.

24 (b) Request. The application form may be requested from the Board office or obtained from the website.

25 (c) Application Form. Surveyor Intern Certificate Application form. After passing the Fundamentals of Land  
26 Surveying examination an applicant may make application to the Board to become certified as a "Surveyor Intern."  
27 This form requires the applicant to set forth personal history, educational background, surveying experience, character  
28 references and exhibit. A passport-type photographic quality portrait that is adequate for current identification  
29 purposes is required.

30 (d) Reference Forms:

31 (1) Persons applying to be certified as a Surveyor Intern shall submit to the Board names of individuals  
32 who are familiar with the applicant's work, character and reputation. The names shall be submitted  
33 by the applicant on the application form.

34 (2) Persons applying for certification as a Surveyor Intern must submit three references, one of whom  
35 shall be a Professional Land Surveyor.

1           (3) In addition to the applicant submitting names to the Board of such individuals, those individuals  
2           shall submit to the Board their evaluations of the applicant on reference forms supplied them by the  
3           applicant.

4           (4) The reference form requires the individual evaluating the applicant to state the evaluating  
5           individual's profession, knowledge of the applicant, and information concerning the applicant's land  
6           surveying experience, character, and reputation.

7           (5) The Board shall provide the reference forms to the applicant along with the application for licensure.  
8           The reference forms shall then be distributed by the applicant to the persons listed on the application  
9           as references. The applicant shall ensure that the individuals listed as references return the forms to  
10          the Board prior to the filing deadline for the examination applied for by the applicant.

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

14  
15 *History Note: Authority G.S. 89C-10; 89C-13; 89C-14; 89C-15;*  
16 *Temporary Adoption Eff. July 1, 2022;*  
17 *Eff. January 1, 2023.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Examiners for Engineers and Surveyors

RULE CITATION: 21 NCAC 56 .1702

**DEADLINE FOR RECEIPT: December 9, 2022**

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Line 9, (3): Avoid using slashes. One way to rewrite: "College or Unit Hour – Credit for Accreditation Board for Engineering and Technology approved course or other related college course, measured in semester or quarter hours."*

*Line 11, (4): Replace "Course/Activity" with "Course or Activity".*

*Line 19, (7): Strike "and/or". Pick one.*

*Line 19, (7) and Line 28, (8): How does a course or activity become "qualifying" course or activity?*

*Line 19, (7) and Line 28, (8): Consider changing "related to" to concerning.*

*Line 22, (7)(a): Are "the codes of conduct" just the rules of professional conduct adopted by the board? If so, "rules of professional conduct" would be clearer. If not, please clarify what this refers to.*

*Line 25, (7)(e): "Skills set" is incorrect. It should either be "skill set" for singular, or "skill sets" for plural.*

*Line 27, (7)(e): Add a comma after "safety".*

*Line 31, History Note: Add G.S. 89C-20 to the authority section of the history note.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: November 29, 2022

1 21 NCAC 56 .1702 is amended as published in 37:04 NCR 342-348 as follows:

2  
3 **21 NCAC 56 .1702 DEFINITIONS**

4 Terms used in this Section are defined as follows:

- 5 (1) Professional Development Hour (PDH) - A contact hour (nominal) of instruction or presentation.  
6 The common denominator for other units of credit.
- 7 (2) Continuing Education Unit (CEU) - Unit of credit customarily used for continuing education  
8 courses. One continuing education unit equals 10 contact hours of instruction or presentation.
- 9 (3) College/Unit Semester/Quarter Hour - Credit for Accreditation Board for Engineering and  
10 Technology approved course or other related college course.
- 11 (4) Course/Activity - Any course or activity with a purpose and objective which will maintain, improve,  
12 or expand the skills and knowledge relevant to the licensee's field of practice.
- 13 (5) Dual Licensee - A person who is licensed as both an engineer and a land surveyor.
- 14 (6) Sponsor - Organization or individual that has supplied information on a form prescribed and  
15 furnished by the Board with respect to the organization or individual's ability to provide instruction  
16 in "for credit" courses. Courses offered by those designated as "Sponsor" must contain a purpose  
17 and objective, and result in the maintenance, improvement, or expansion of skills and knowledge  
18 relevant to a licensee's field of practice.
- 19 (7) Ethics and/or Rules of Professional Conduct - A qualifying course or activity with content areas  
20 related to:  
21 (a) the awareness of ethical concerns and conflicts;  
22 (b) an enhanced familiarity with the codes of conduct;  
23 (c) an understanding of standards of practice or care;  
24 (d) project management and risk-assessment management; or  
25 (e) other similar topics aimed at maintaining, improving, or expanding the skills set and  
26 knowledge relevant to conducting the practice of the profession so as to protect the health,  
27 safety and welfare of the public.
- 28 (8) Standards of Practice for Land Surveying - A qualifying course or activity with content areas related  
29 to Standards of Practice for Land Surveying in Section .1600 of this Chapter.

30  
31 *History Note: Authority G.S. 89C-10(a); 89C-17;*  
32 *Eff. December 1, 1994;*  
33 *Amended Eff. May 1, 2009; August 1, 2000;*  
34 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*  
35 *2019;*  
36 *Amended Eff. January 1, 2023.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Examiners for Engineers and Surveyors

RULE CITATION: 21 NCAC 56 .1703

**DEADLINE FOR RECEIPT: December 9, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Lines 4 and 7: What is the renewal period? This does not appear to be defined.*

*Lines 4-6: The new sentence on lines 4 through 6 would be clearer as two sentences. Consider something like "For all licensees at least 1 PDH shall be in Ethics or Rules of Professional Conduct. In addition, for Professional Land Surveyors at least 1 PDH shall be in the Standard of Practice for Land Surveying."*

*Line 5: Replace "and/or" per change in .1702.*

*Line 9: Is there any requirement that a licensee take only sponsor courses? If not, this sentence is unnecessary.*

*Lines 9 and 10: What is the process for evaluation of the courses? What criteria is being used?*

*Line 10: How many units may be earned by accomplishing which activity? For example, if an applicant is deemed to have actively participated in outreach activities pursuant to subparagraph (11), how will the number of units earned be determined?*

*Lines 11-26: How is the Board verifying completion of subparagraphs (1) through (11)?*

*If the answers to any of these questions are addressed in another rule, the rule should be cited here.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: November 29, 2022

1 21 NCAC 56 .1703 is amended as published in 37:04 NCR 342-348 as follows:

2  
3 **21 NCAC 56 .1703 REQUIREMENTS**

4 Every licensee shall obtain 15 PDH units during the renewal period. Effective as of the 2024 license renewal, 1 PDH  
5 of which shall be in Ethics and/or Rules of Professional Conduct, and in addition for Professional Land Surveyors 1  
6 PDH shall be in the Standards of Practice for Land Surveying. If a licensee exceeds the annual requirement in any  
7 renewal period, a maximum of 15 PDH units may be carried forward into the subsequent renewal period. Selection of  
8 courses and activities that meet the requirements of Rule .1702(4) of this Section is the responsibility of the licensee.  
9 Licensees may select courses other than those offered by sponsors. Post evaluation of the courses may result in non-  
10 acceptance by the Board. PDH units may be earned as follows:

- 11 (1) Completion of college courses;
- 12 (2) Completion of continuing education courses, seminars, or workshops;
- 13 (3) Completion of correspondence, televised, Internet, videotaped, audiotaped, and other courses or  
14 tutorials, provided an exam is required for completion. No exam is required for attendance at a  
15 webinar presentation if attendance is documented;
- 16 (4) Presenting or attending seminars, in-house courses, workshops, or professional or technical  
17 presentations made at meetings, conventions or conferences;
- 18 (5) Teaching or instructing in Items (1) through (4) of this Rule;
- 19 (6) Authoring published papers, articles, or books;
- 20 (7) Active participation in professional or technical societies as defined in Rule .1705(f) of this Section;
- 21 (8) Patents;
- 22 (9) Authoring exam questions accepted for use in the engineering or land surveying exams; or
- 23 (10) Active participation on boards, commissions, committees or councils of private, local, state or  
24 federal government entities as defined in Rule .1705(g) of this ~~Section~~ Section; or
- 25 (11) Active participation in educational outreach activities pertaining to professional licensure or the  
26 surveying/engineering professions that involve K–12 or higher education students.

27  
28 *History Note: Authority G.S. 89C-10(a); 89C-17;*  
29 *Eff. December 1, 1994;*  
30 *Amended Eff. August 1, 2014; August 1, 2011; May 1, 2009; August 1, 2000; August 1, 1998;*  
31 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*  
32 *2019;*  
33 *Amended Eff. January 1, 2023.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Examiners for Engineers and Surveyors

RULE CITATION: 21 NCAC 56 .1704

**DEADLINE FOR RECEIPT: December 9, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

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In reviewing this Rule, the staff recommends the following changes be made:

*Lines 21, 28, and 31: Either define or strike "active".*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: November 29, 2022

1 21 NCAC 56 .1704 is amended as published in 37:04 NCR 342-348 as follows:

2

3 **21 NCAC 56 .1704 UNITS**

4 The conversion of units of credit set forth in Rule .1703 of this Section to PDH units is as follows:

5 (1) 1 College or unit semester hour.

6 45 PDH

7 (2) 1 College or unit quarter hour.

8 30 PDH

9 (3) 1 Continuing Education Unit.

10 10 PDH

11 (4) 1 Contact hour of professional development in course work, seminars, or professional or technical  
12 presentations made at meetings, conventions or conferences, and for correspondence, televised,  
13 Internet, videotaped, audiotaped, and other courses or tutorials. Contact hours equal the actual time  
14 of instruction and shall be credited to the nearest one-third of an hour.

15 1 PDH

16 (5) For teaching in Items (1) – (4) of this Rule, PDH credits are doubled. Teaching credit is valid for  
17 teaching a course or seminar for the first time only. Teaching credit does not apply to full-time  
18 faculty, as defined by the institution where a licensee is teaching.

19 (6) Each published paper, article or book.

20 10 PDH

21 (7) Active participation in professional ~~and~~ or technical ~~society~~, societies or in accrediting  
22 organizations. (Each society or organization)

23 2 PDH

24 (8) Each patent.

25 10 PDH

26 (9) Each question used.

27 2 PDH

28 (10) Active participation on boards, commissions, committees or councils of private, local, state or  
29 federal government entities. (Each entity)

30 2 PDH

31 (11) Active participation in educational outreach activities pertaining to professional licensure or the  
32 surveying/engineering professions that involve K-12 or higher education students. (Each hour)

33 1 PDH

34 (not to exceed 3 PDHs)

35 *History Note: Authority G.S. 89C-10(a); 89C-17;*

36 *Eff. December 1, 1994;*

37 *Amended Eff. August 1, 2014; May 1, 2009; August 1, 2000; August 1, 1998;*

1                    *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*  
2                    *2019;*  
3                    *Amended Eff January 1, 2023.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Examiners for Engineers and Surveyors

RULE CITATION: 21 NCAC 56 .1705

**DEADLINE FOR RECEIPT: December 9, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Line 4, (a): Identify the Board's authority to name itself the "final authority"? Are the Board's decisions not subject to appeal to the Office of Administrative Hearings pursuant to Article 3 of Chapter 150B of the North Carolina General Statutes?*

*Line 12: The standard of a "reasonably estimated time" is unclear and ambiguous.*

*Lines 13 and 14 (e): As written, the licensee can determine in his/her discretion what credit is received. Was that the agency's intention?*

*Line 16, (f): Define "actively".*

*Line 17, (f): Add a comma after "society".*

*Line 17 and 18: What is an "accreditation visit"?*

*Line 19 and 21, (g): Either define or strike "active".*

*Line 20, (g): What is the process for determining whether "participation" "requires utilizing engineering or land surveying knowledge"? Upon what criteria is the decision being based?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: November 29, 2022

1 21 NCAC 56 .1705 is amended as published in 37:04 NCR 342-348 as follows:

2  
3 **21 NCAC 56 .1705 DETERMINATION OF CREDIT**

4 (a) The Board of Examiners has final authority with respect to approval of courses, sponsors, credit, PDH value for  
5 courses, and other methods of earning credit. Such determination shall meet Rule .1702(4) of this Section.

6 (b) Credit for college or community college courses shall be based upon course credit established by the college.

7 (c) Credit for continuing education courses, seminars and workshops shall be based on one PDH unit for each hour  
8 of attendance. Attendance at programs presented at professional and technical society meetings shall earn PDH units  
9 for the actual time of each program.

10 (d) Credit for correspondence, televised, Internet, videotaped, audiotaped, and other courses or tutorials, provided an  
11 exam is required for completion, shall be based upon one PDH unit for each hour assigned to the course, provided  
12 such hours are a reasonably estimated time for an average professional to complete the course.

13 (e) Credit determination for published papers, articles and books and obtaining patents is the responsibility of the  
14 licensee.

15 (f) Credit for active participation in professional ~~and~~ or technical societies or accrediting organizations (limited to 2  
16 PDH per society or organization), requires that a licensee serve as an officer or actively participate in a committee of  
17 the ~~society~~ society or for accrediting organizations serve as an officer or participate in a committee or accreditation  
18 visits. PDH credits are not earned until the end of each year of service is completed.

19 (g) Credit for active participation on boards, commissions, committees or councils of private, local, state or federal  
20 government entities (limited to 2 PDH per entity) requires utilizing engineering or land surveying knowledge (as  
21 applicable) in the active participation. PDH credits are not earned until the end of each year of service is completed.

22  
23 *History Note: Authority G.S. 89C-10(a); 89C-17;*

24 *Eff. December 1, 1994;*

25 *Amended Eff. August 1, 2014; August 1, 2011; May 1, 2009; August 1, 2000; August 1, 1998;*

26 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*  
27 *2019;*

28 *Amended Eff. January 1, 2023.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Board of Examiners for Engineers and Surveyors

RULE CITATION: 21 NCAC 56 .1713

**DEADLINE FOR RECEIPT: December 9, 2022**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Generally, to the rule: What is the process by which the Board will approve sponsors? By what criteria is the Board making its decision to approve or disapprove? Is the sole criteria whether a proposed sponsor enters into the Approved Sponsor agreement?*

*Line 7, (a), line 24, (6) and line 31, (c): If the Board is requiring the use of one of its forms, the required contents of which must be adopted pursuant to the Administrative Procedures Act (APA). Please identify the rule. If the information required by the form has not been adopted, it should be included here.*

*Lines 10-30, (b): There needs to be additional language that Subparagraphs (1) through (8) are the sole terms of the agreement. Absent such limiting language, the Board could add terms to the agreement which would effectively be a standard not adopted pursuant to the APA.*

*Line 19, (4): What standard will the Board employ to determine whether an instructor is "qualified"?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: November 29, 2022

1 21 NCAC 56 .1713 is amended as published in 37:04 NCR 342-348 as follows:

2  
3 **21 NCAC 56 .1713 SPONSORS**

4 (a) The Board ~~shall~~ may approve sponsors of Continuing Professional Competency (CPC) activities. The Board ~~shall~~  
5 may maintain a list of sponsors which have agreed to conduct programs in accordance with the standards of CPC  
6 activities set forth in 21 NCAC 56. 1700. Such sponsors shall indicate their agreement with the requirements by  
7 executing a Sponsor Agreement on a form provided by the Board. These sponsors shall be designated as "Approved  
8 Sponsors" based upon approval by the Board of the sponsor application and payment of a one hundred fifty dollar  
9 (\$150.00) application fee.

10 (b) By entering into an agreement with the Board to be designated as an "Approved Sponsor," the sponsor shall agree  
11 to:

- 12 (1) Allow persons designated by this Board to attend any or all courses, without fee or charge, for the  
13 purpose of determining that said course meets the standards of the Board;
- 14 (2) Allow persons designated by this Board to review course material for the purpose of determining  
15 that the course meets the standards of the Board;
- 16 (3) State in every brochure, publication or announcement concerning the course, the general content of  
17 the course and the specific knowledge or skill to be taught or addressed, as well as the credit to be  
18 earned in Professional Development Hours (PDH);
- 19 (4) Ensure that the instructors or presenters of the course or program are qualified to teach the subject  
20 matter;
- 21 (5) Provide persons completing the course with written documentation attesting to that person's  
22 attendance to the course, as well as the name of the course, the date and location held, the instructor's  
23 name and the number of PDHs earned;
- 24 (6) Provide attendees an evaluation form as provided by the Board that is to be collected and retained  
25 for audit by the Board;
- 26 (7) Have a visible, continuous and identifiable contact person who is charged with the administration  
27 of the sponsor's CPC program and who has the responsibility for assuring and demonstrating to the  
28 Board compliance with this Rule, as well as for any other organization working with the sponsor for  
29 the development, distribution or presentation of CPC courses or activities; and
- 30 (8) Retain for a period of three years a copy of the documentation required by this Paragraph.

31 (c) Sponsors shall renew annually on a form provided by the Board.

32 (d) Failure of an approved sponsor to comply with the terms of the CPC sponsor agreement is grounds for the Board  
33 to revoke, suspend or terminate the agreement, to remove the sponsor's name from the list of approved sponsors and  
34 to notify the public of such action. A sponsor that is given notice of revocation, suspension or termination may request  
35 an administrative hearing to be conducted as provided in 21 NCAC 56 .1400 Contested Cases.

36 (e) Approval of a sponsor is equivalent to the language of licensing a sponsor in G.S. 89C-10(h).

37

1 *History Note: Authority G.S. 89C-10; 89C-17;*  
2 *Eff. February 1, 1996;*  
3 *Amended Eff. August 1, 2011; July 1, 2009; August 1, 2002;*  
4 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*  
5 *2019;*  
6 *Amended Eff. January 1, 2023.*