

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

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

RULE CITATION: 21 NCAC 56 .0901

**DEADLINE FOR RECEIPT: MARCH 6, 2025**

***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:

*Page 1, Line 5: Define "engineering services."*

*Page 1, Line 6: Define "responsible charge."*

*Page 1, Line 27: What constitutes avoidance?*

*Page 1, Line 29-30: Consider whether the language after "and" is of great enough import to constitute a separate paragraph.*

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: February 19, 2025

21 NCAC 56 .0901 is amended with changes as published in 39:08 NCR 506–09 as follows:

**21 NCAC 56 .0901            OFFICES**

(a) Professional Engineering Services. Every firm, partnership, ~~corporation~~ corporation, or limited liability company that performs or offers to perform engineering services in the State of North Carolina shall have a resident Professional Engineer in responsible charge in each separate office located in North Carolina where **professional** engineering services are performed or offered to be performed. Out-of-state office locations where engineering services are performed or offered to be performed for North Carolina projects shall have Professional Engineers in responsible charge of only **the those** specific projects in compliance with Rule ~~.0701(e)(3).~~**.0701(d)** of this Chapter.

(b) Land Surveying Services. Every firm, partnership, ~~corporation~~ corporation, or limited liability company that performs or offers to perform land surveying services in the State of North Carolina shall have a resident Professional Land Surveyor in responsible charge in each separate office located in North Carolina where land surveying services are performed or offered to be performed. Out-of-state office locations where surveying services are performed or offered to be performed for North Carolina projects ~~are only required to shall~~ have Professional Land Surveyors in responsible charge of **only the those** specific projects in compliance with Rule ~~.0701(e)(3).~~**.0701(d)** of this Chapter.

(c) Resident. The terms "resident Professional Engineer" ~~or and~~ "resident Professional Land Surveyor" **as used in this Rule, means are defined as** a licensee who spends a majority of the licensee's normal working time in that office. Such time shall not be less than a majority of the operating hours of the business. A Professional Engineer or Professional Land Surveyor shall be the resident **licensee professional** at only one place of business at one time unless each business is at least one-third owned by the resident professional. **This arrangement shall be specifically approved by the Board** **The Board shall specifically approve such arrangement** after a determination that the businesses are integrated in operation, ownership, and office location and that the ~~licensee~~ **resident professional** will be in responsible charge of the professional services.

(d) No firm, partnership, ~~corporation~~ corporation, or limited liability company shall practice, offer to practice, or market either ~~land surveying or engineering~~ **engineering or land surveying services** unless there is a licensed resident **professional** for that service in responsible charge at that office. Advertisements, signs, letterheads, business cards, directories, or any other form of representation shall avoid any reference to any service that cannot be provided under the responsible charge of a properly qualified resident professional. The licensed entity shall give notice to the Board of a change of resident professional within 30 days after the change and shall not practice, offer to practice, or market the **applicable** professional service during any period of time without a resident professional.

*History Note:     Authority G.S. ~~57D-2-02;~~55B-12(b); 89C-10; 89C-24;*

*Eff. February 1, 1976;*

*Readopted Eff. September 29, 1977;*

*Amended Eff. August 1, 2014; August 1, 2002; April 1, 2001; August 1, 1998; May 1, 1994; January 1, 1992; April 1, 1989;*

1                    *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*  
2                    *2019.*  
3                    *Amended Eff. [February 1, 2025.] April 1, 2025.*

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

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

RULE CITATION: 21 NCAC 56 .0502

**DEADLINE FOR RECEIPT: MARCH 6, 2025**

**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: The Rules Review Commission prefers “shall” to “must.”*

*Page 1, Line 22: Define “photographic quality.”*

*Page 2, Lines 13-14: It is unclear what the Board is requiring.*

*Page 3, Line 17: Change “may” to “shall” or define the criteria the members will use in exercising this discretion.*

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: February 19, 2025

21 NCAC 56 .0502 is amended with changes as published in 39:08 NCR 506–09 as follows:

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

(a) General. A person desiring to become certified as an Engineer Intern or licensed as a Professional Engineer must submit an application apply to the Board on a form prescribed and furnished by the Board.

(b) ~~Request. A request for an~~ Application. The appropriate application form may be made to the Board office or obtained from accessed on the Board's website. Applicants may obtain access the Engineer Intern certification forms at <https://www.ncbels.org/application/engineer-intern-certification/>. Applicants may obtain access the Professional Engineer licensure forms at <https://www.ncbels.org/applications/professional-engineers/>.

(c) Applicable Forms:

(1) Engineer Intern Certification Form. After passing the Fundamentals of Engineering Examination, examination, an applicant may submit an application apply to the Board to become certified as an "Engineer Intern." This form requires the applicant to set forth their personal history, educational background, engineering experience, and character references. The applicant must submit A a passport-type photographic quality portrait that is adequate for current identification purposes is also required. purposes.

(2) ~~Professional Engineer Form:~~ Professional Engineer Form. All persons, including comity applicants and certified Engineer Interns, shall apply for licensure using the Professional Engineer Form. The submission of this form signifies that the applicant seeks licensure as a Professional Engineer after the applicant has met the requirements set out in Rules .0501 and .0503 of this Section. This form requires the applicant to set forth their personal and educational background, engineering experience, and character references. The applicant must submit a passport-type photographic quality portrait adequate for current identification purposes.

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

~~(B) Persons who previously passed the Fundamentals of Engineering Examination by use of the Engineering Intern Certification Form [Certified Engineer Interns] shall submit the Professional Engineer Application Form to request licensure as a Professional Engineer when the applicant has met the requirements as set out in Rule .0501 of this Section.~~

(3) Supplemental Form. ~~Persons who initially applied for the Fundamentals of Engineering Exam using the Professional Engineer Form shall supplement the initial application with this Form upon~~

1 ~~applying for the Principles and Practice of Engineering Exam.~~ All persons applying for licensure as  
2 a Professional Engineer shall submit the Supplemental Form. ~~The Supplemental Form which~~  
3 requires ~~that the applicant to list~~ all engineering ~~experience from the date of the initial application~~  
4 ~~until the date of the supplemental application be listed.~~ ~~experience.~~ Five references shall be  
5 ~~submitted that are current to within one year of the examination date.~~

6 (4) Reference Forms:

7 (A) Persons applying for certification as an Engineer Intern shall submit to the Board the names  
8 of three individuals, one of whom is a professional engineer, who are familiar with the  
9 applicant's work, ~~character~~ character, and reputation. Persons applying ~~to take the~~  
10 ~~Principles and Practice of Engineering Examination for licensure as a Professional~~  
11 ~~Engineer~~ shall submit to the Board the names of five ~~individuals~~ individuals, three of whom  
12 ~~are professional engineers,~~ who are familiar with the applicant's work, ~~character~~ character,  
13 and reputation. ~~Three of these individuals shall be Professional Engineers.~~ All references  
14 ~~shall be current to within one year of the application.~~

15 (B) ~~In addition to the applicant submitting names to the Board of individuals familiar with the~~  
16 ~~applicant's work,~~ character ~~[character,]~~ and reputation, those individuals listed shall submit  
17 ~~to the Board their evaluations of the applicant on forms supplied to them by the applicant.~~  
18 Applicants may access Engineer Intern certification reference forms and Professional  
19 Engineer licensure reference forms at the websites listed above in subsection (b) of this  
20 Section. The applicant shall then distribute the reference forms to the persons listed on the  
21 application as references. After completing the reference forms, the persons listed as  
22 references shall submit the forms to the Board.

23 (C) The reference form requires the individual evaluating the applicant to state the evaluating  
24 individual's profession, knowledge of the ~~applicant~~ applicant, and information concerning  
25 the applicant's engineering experience, ~~character~~ character, and reputation.

26 (D) ~~The Board shall provide the reference forms to the applicant with the application. The~~  
27 ~~reference forms shall then be distributed by the applicant to the persons listed on the~~  
28 ~~application as references. The applicant shall ensure that the individuals listed as references~~  
29 ~~return the completed reference forms to the Board prior to the filing deadline for the~~  
30 ~~examination.~~ [Board.]

31 (d) Fees:

- 32 (1) Engineer Intern Certification Form. No application fee is required to become certified as an  
33 "Engineer Intern."  
34 (2) Professional Engineer Form. The application fee of one hundred dollars (\$100.00) is payable with  
35 the filing of the application.  
36 (3) Comity. The licensure fee of one hundred dollars (\$100.00) is payable with the filing of the  
37 application.

(4) Examination. The examination fee for any applicant is payable to the National Council of Examiners for Engineering and Surveying (NCEES) at the time of registering to take the exam in accordance with G.S. 89C-14.

(e) The Board shall accept the records maintained by the National Council of Examiners for Engineering and Surveying (NCEES) as evidence of licensure in another ~~state~~ jurisdiction. For comity licensure, the Board shall accept the NCEES record shall be accepted in lieu of the applicant completing the experience, ~~education~~ education, and references sections of the application. A comity application, with or without a NCEES record, shall be administratively approved by the Executive Director without waiting for the next regular meeting of the Board. The Executive Director's approval shall be based upon evidence of current licensure in another jurisdiction with comparable qualifications, the required references, and the comity applicant's disciplinary record in other jurisdictions. Each administrative approval shall be reported to the Board at its next regular meeting for final approval.

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

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

*History Note: Authority G.S. 89C-10; 89C-13; 89C-14; 89C-15;*

*Eff. February 1, 1976;*

*Readopted Eff. September 29, 1977;*

*Amended Eff. May 1, 1994; November 2, 1992; April 1, 1989; December 1, 1984;*

*RRC Objection due to lack of Statutory Authority Eff. November 17, 1994;*

*Amended Eff. August 1, 2014; May 1, 2009; August 1, 2002; August 1, 2000; August 1, 1998; January 1, 1995;*

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

*Amended Eff. ~~February 1, 2025;~~ April 1, 2025; May 1, 2024.*

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

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

RULE CITATION: 21 NCAC 56 .0902

**DEADLINE FOR RECEIPT: MARCH 6, 2025**

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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:

*Page 1, Line 4: What are “professional engineering or land surveying services?”*

*Page 1, Line 11: Define “objective.”*

*Page 1, Line 11: Define “pertinent.”*

*Page 1, Line 11: Define “relevant.”*

*Page 1, Line 32: Why include this permissive language? Is there any prohibition which would lead someone to believe they could not? Or should “may” be “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: February 19, 2025



21 NCAC 56 .0902 is amended with changes as published in 39:08 NCR 506-09 as follows:

**21 NCAC 56 .0902 BUSINESS TITLES**

(a) Companies, partnerships, corporations, limited liability companies, or any other business providing professional engineering or land surveying services in North Carolina shall not practice under a name that is misleading. ~~Except as provided in Paragraph (b), for purposes of this Rule, "misleading" means that the titles of engineering or land surveying companies, partnerships, corporations, limited liability companies, or any other business organized for the primary purpose of providing such professional services shall not contain the name of an individual:~~

(b) Business names are misleading when they:

- (1) who is not licensed to provide the professional services offered in North Carolina; are not truthful, objective, or do not include pertinent, relevant information;
- (2) who is not eligible for licensure by comity to provide the professional services offered in North Carolina under the provisions of G.S. 89C-13; or make exaggerated, deceptive, or false statements or claims about professional qualifications, experience, or performance;
- (3) who is licensed to provide the professional services, offered in North Carolina, in a state where the business (or of a successor to that business or business created to comply with G.S. 55B), is incorporated, organized, or is authorized to transact business. create an unjustified expectation or prediction of future success;
- (4) imply a connection with a government agency;
- (5) include obscene, indecent, or profane language; or
- (6) use a name which is deceptively similar to that of an existing firm name by not having at least one unique substantive word, not including articles, prepositions, suffixes, or words denoting organizational structure such as group, associate, or similar words or any derivative of those words.

~~(b) A business may include in its title the name or names of one or more deceased or retired former members of the business, or of a successor to that business or a business created to comply with G.S. 55B, provided that the business submits a letter of request and explanation with its application to the Board, and that the Board finds that the use of the name is not misleading.~~

(c) A business shall not change its title, or operate under an assumed name, without first applying to the Board for a determination that the proposed title meets the requirements of **Paragraph Paragraphs (a) or and** (b) of this Rule. Requests for name changes shall be made in writing on the change forms referenced in 21 NCAC 56 .0804(d). Requests to operate under an assumed name shall be made in writing.

(d) Prior to changing its name, a business may submit a letter of request and explanation to the Board for determination of whether a proposed new name complies with this Rule.

*History Note: Authority **G.S. 55B-5; 57D-2.01; G.S. 55B-12(b);** 89C-10; 89C-24;  
Eff. February 1, 1976;  
Readopted Eff. September 29, 1977;*

1           *Amended Eff. August 1, 2000; August 1, 1998; May 1, 1994; April 1, 1989; April 1, 1980;*  
2           *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*  
3           *2019;*  
4           *Amended Eff. ~~February 1, 2025.~~ April 1, 2025. July 1, 2020.*