

21 NCAC 56 .0303 is amended as published in 34:12 NCR 1147 – 1158 **with changes** as follows:

SECTION .0300 - INSTRUCTIONAL PROGRAMS

21 NCAC 56 .0303 DISBURSEMENT OF FUNDS

The Board shall ~~disburse Funds funds~~ for educational programs ~~will be allocated and dispensed~~ in the following manner:

- (1) ~~Funds will be dispensed by vote of the~~ The Board shall dispense funds after Board Committees, as organized, study each specific **committee-related** request and recommendation ~~recommend funding. of each specific request by the appropriate committee of the Board.~~
- (2) The Board ~~will~~ shall consider requests for funds only from ~~the following entities: approved schools or professional organizations.~~ community colleges, public or private institutions of higher learning, State and county boards of education, or governing authorities for any industrial education center.
- (3) ~~Requests will be considered for any use that will directly further engineering or surveying education and competence.~~
- (3) The Board shall consider educational programs to establish instructional programs for individuals currently licensed and those seeking to become licensed.
- (4) ~~Requests~~ Approved entities ~~for money~~ shall ~~be~~ request funds in writing and provide the following information:
 - (a) The amount ~~needed; needed, or appropriate limits thereof;~~
 - (b) ~~Intended uses to be made of the requested monies;~~ The intended use of the funds;
 - (c) Subject material to be presented ~~with~~ and qualifications of instructors to be employed;
 - (d) Itemized ~~estimate~~ breakdown of the amount needed and the total expected costs;
 - (e) Source and amount of assistance being given by any other person or organization.

History Note: Authority G.S. 89C-10(g); ~~89C-11;~~

Eff. February 1, 1976;

Readopted Eff. September 29, 1977;

Amended Eff. April 1, 1989; January 1, 1982;

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

Amended Eff. July 1, 2020.

1 21 NCAC 56 .0304 is adopted as published in 34:12 NCR 1147 – 1158 as follows:

2
3 **21 NCAC 56 .0304 SUSPENSION OF AUTHORITY TO EXPEND FUNDS**

4 In the event that the Board's authority to expend funds is suspended pursuant to G.S. 93B-2(d), the Board shall continue
5 to issue and renew licenses and collect all fees set forth in G.S. 89C-14, 89C-17, and 89C-24. The Board shall maintain
6 an escrow account into which any fees tendered during the Board's period of suspension shall be deposited. Once the
7 Board's authority is restored, the funds shall be moved from the escrow account into the general operating account.

8
9 *History Note: Authority G.S. 89C-10; 89C-11; 93B-2;*

10 *Eff. July 1, 2020.*

21 NCAC 56 .0501 is amended as published in 34:12 NCR 1147 – 1158 **with changes** as follows:

SECTION .0500 - PROFESSIONAL ENGINEER

21 NCAC 56 .0501 REQUIREMENTS FOR LICENSING

(a) Education. The Board shall consider the education of an applicant ~~shall be considered~~ in determining eligibility for licensing as a Professional Engineer. The terms used by the Board for the ~~specific~~ educational requirements in G.S. 89C-13(a1) to be eligible to be licensed as a Professional Engineer are defined as follows:

- (1) "Engineering curriculum of four or more years approved by the Board" is defined as a program that has been accredited by the Engineering Accreditation Commission (EAC) of the Accreditation Board for Engineering and Technology (ABET). This program is incorporated by reference including subsequent amendments and editions. This material is available at www.abet.org/accreditation-criteria-policies-documents/ **at no cost**, or for inspection at the office of the North Carolina Board of Examiners for Engineers and Surveyors. Copies may be obtained at the Board office at a cost of five dollars (\$5.00) per copy.
- (2) "Engineering or related science curriculum of four or more years other than ones approved by the Board" is defined as a curriculum, although not accredited by ABET, of technical courses ~~which~~ that contains engineering or scientific principles.
- (3) "Equivalent education satisfactory to the board" is defined as:
 - (A) A graduate degree in Engineering from an institution ~~in which~~ where the same discipline undergraduate engineering program has been accredited by ABET (EAC) shall be considered equivalent to an engineering curriculum of four or more years approved by the Board.
 - (B) A bachelor's degree in Engineering Technology, whether or not accredited by the Technology Accreditation Commission (TAC) of ABET, shall be considered equivalent to an engineering or related science curriculum of four or more years other than one approved by the Board.
 - (C) ~~Until June 30, 2016, an associate degree in an engineering related curriculum with an additional two years of progressive engineering experience shall be considered equivalent to an engineering or related science curriculum of four or more years other than one approved by the Board and may be used until that date as a basis for admission to the principles and practice of engineering examination. Once admitted to the examination, an applicant may continue to re take the examination until required to submit a new application as set out in Rule .0503 of this Section.~~ **After June 30, 2016 an associate degree shall no longer be used as a basis for admission to that examination, unless the individual has passed the fundamentals of engineering examination prior to June 30, 2016, in which case the individual may continue the process to take the principles and practices exam**

1 based upon the associate degree and it will not be necessary to qualify for admission to the
2 principles and practice of engineering examination prior to June 30, 2016.

3
4 (D)(C) Foreign degrees ~~are~~ shall be considered equivalent only after receipt of an evaluation report
5 that the degree is substantially equivalent to an EAC/ABET accredited engineering
6 curriculum from the Center for Professional Engineering Education Services, an affiliate
7 of the National Council of Examiners for Engineering and Surveying (NCEES), or from
8 the American Association of Collegiate Registrars and Admissions Officers (AACRAO).
9 The Board shall equate the degree to an EAC/ABET accredited engineering curriculum of
10 four or more years approved by the Board in Subparagraph (a)(1) of this Rule if it receives
11 a substantially equivalent evaluation.

12 (b) Experience. The experience of an applicant shall be considered in determining whether an applicant is eligible to
13 be licensed as a Professional Engineer.

14 (1) Required Experience. In evaluating the work experience required, the Board shall consider the total
15 experience record and the progressive nature of the record. Experience shall be of a progressive
16 engineering nature obtained after graduation from a program that meets the criteria set forth in
17 Paragraph (a) of this Rule. Not less than half of required engineering experience shall be of a
18 professional grade and character, and shall be performed under the responsible charge of a licensed
19 Professional Engineer, or if not, the applicant shall submit a written explanation to the Board
20 explaining why the experience should be considered acceptable. The Board shall approve the
21 experience on a case-by-case basis if it is satisfied of the grade and character of the progressive
22 [experience on a case by case basis.] ~~experience. a written explanation shall be submitted showing~~
23 ~~why the experience should be considered acceptable and the Board shall approve if satisfied of the~~
24 ~~grade and character of the progressive experience.~~ Experience gained under the technical
25 supervision of an unlicensed individual shall be considered ~~if the appropriate~~ based upon the
26 engineering education and experience credentials of the unlicensed ~~supervisors~~ supervisor. ~~are~~
27 ~~submitted to the Board.~~ Experience gained in the armed services, usually typically while serving in
28 an engineering or engineering related group, shall be ~~considered if of a character~~ accepted only if
29 substantially equivalent to that which would have been gained in the civilian sector doing similar to
30 civilian work.

31 (2) Definition. The word "progressive" in the terms "progressive nature of the record," "progressive
32 engineering experience" experience," "progressive land surveying," "progressive engineering
33 nature," or "progressive experience on engineering projects" mean means that during the period of
34 time that an applicant ~~has~~ made a practical utilization of acquired knowledge, knowledge and
35 growth growth, and development have been shown in the utilization of
36 that knowledge as revealed in the complexity and technical detail of the work product or work
37 record. The applicant shall show continuous assumption of greater individual responsibility for the

work product over that period of time. The progressive experience on engineering projects shall be of a grade and a character that ~~indicates~~ shows to the Board that the applicant is competent to practice engineering.

(3) ~~Specific~~ Credit for Experience. In evaluating progressive engineering experience, the Board shall give credit for experience in the following areas of work:

- (A) Graduate schooling or research in an engineering program resulting in award of a master's degree from an institution that offers EAC/ABET-accredited programs – one year;
- (B) Graduate schooling or research in an engineering program resulting in award of an earned doctoral degree in engineering from an institution that offers EAC/ABET-accredited programs – two years, with or without a master's degree, but this includes the one year for the master's degree, if obtained;
- (C) Progressive land surveying - maximum two years; and
- (D) Teaching of engineering subjects at the university level in an engineering program offering a ~~four-year~~ four-year or more degree approved by the Board.

The Board shall not accept combinations of the categories in this Subparagraph as fulfilling all the necessary statutory experience requirements. Every applicant for licensure as a Professional Engineer, as part of the total experience requirement, shall show a minimum of one year experience of a progressive engineering nature in industry, government, or under a licensed Professional Engineer offering service to the public.

Full-time engineering faculty members who teach in an engineering program offering a ~~four-year~~ four-year or more degree approved by the ~~Board~~, Board may request and shall be granted waiver of the minimum one year experience in industry, government, or private practice if they demonstrate consulting or research work of at least one year's duration, which was pursued to ~~fruition~~, completion of the project, and ~~which~~ that is of a progressive engineering nature. The faculty applicant shall document the work ~~and demonstrate to evidence~~ that the work meets the Board's requirement.

(4) An exception to the requirement in Subparagraph (b)(1) of this Rule that experience be obtained after graduation is for long-established practice of 20 years or more, as provided for in G.S. 89C-13(a3).

(5) Other experience is considered if it is: ~~is~~ shall be ~~is~~.

- (A) Experience obtained prior to graduation as part of an ABET accredited engineering program shown on the transcript, with a maximum credit of one year; or
- (B) Experience obtained in a foreign country that is performed under direct supervision of a Professional Engineer licensed with a member Board of the National Council of Examiners for Engineering and Surveying (NCEES).

*History Note: Authority G.S. 89C-10; 89C-13;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;*

1 *Amended Eff. August 1, 2014; August 1, 2011; May 1, 2009; August 1, 2002; August 1, 2000; August*
2 *1, 1998; November 2, 1992; April 1, 1989; January 1, 1982;*
3 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*
4 *2019;*
5 *Amended Eff. July 1, 2020.*

21 NCAC 56 .0503 is amended as published in 34:12 NCR 1147 – 1158 with changes as follows:

21 NCAC 56 .0503 EXAMINATIONS

(a) The Board offers the following examinations that are the national examinations of the National Council of Examiners for Engineering and Surveying (NCEES) with application made directly to NCEES to take the exam:

~~(a)(1)~~ Fundamentals of Engineering- Engineering (FE): This examination is designed to test the applicant's proficiency and knowledge of the fundamentals of ~~engineering, engineering; and~~

~~(b)(2)~~ Principles and Practice of Engineering Engineering (PE): This examination is designed to test the applicant's proficiency and knowledge of engineering principles and practices.

~~(c)(b)~~ Examination Aids. Examinees may utilize examination aids as specified and published by the exam preparer. NCEES.

~~(d) Preparation of Examination. The examinations in the fundamentals of engineering and in the principles and practice of engineering are national examinations provided by the National Council of Examiners for Engineering and Surveying (NCEES), of which the Board is a member.~~

~~(e)(c)~~ Examination Sequence. Before the applicant shall be permitted to be examined on the principles and practice of engineering, the applicant shall pass the examination on the fundamentals of engineering, unless the applicant can provide evidence of 20 years of progressive engineering experience, or as is a full-time engineering faculty member, or possesses an earned doctoral degree in ~~engineering to be exempt from taking the fundamentals of engineering exam.~~ engineering. NCEES administers the fundamentals of engineering examination as a computer-based exam. Application shall be made directly to NCEES to take the exam.

~~(f) Examination Filing Deadline. Only those applicants who have met the education requirements as set forth in Rule [0501(b)], 0501(a) of this Section, and have passed the FE exam may sit for the PE exam prior to gaining the required experience. Upon gaining the required experience, as set forth in Rule .0501(b) of this Section, an applicant may apply for the PE license. The applicant who wishes to take the principles and practice of engineering examination shall deliver the completed application, including all necessary references, transcripts, and verifications, to the Board office prior to August 1 for Fall examinations and January 2 for Spring examinations.~~

~~(g) Seating Notice. After approval of an application the applicant shall be sent a seating notice. This notice shall inform the applicant of the date, time and location of the examination and the seat number assigned.~~

~~(h) Unexcused Absences. After a seating notice has been issued for a scheduled examination by the Board, if the applicant fails to appear, that applicant's record shall reflect "unexcused absence," unless the absence was for jury duty or the applicant was not physically able to be present, as indicated by a doctor's certificate. The examination fee shall be forfeited.~~

~~(i)[(d)]~~ Re Examination. A person who failed an examination may apply to take the examination again at the next regularly scheduled examination period after a six month waiting period by making written request and submitting the required exam fee. A person having a combined record of three failures or unexcused absences shall be eligible only after submitting a new application with appropriate application fee, and shall be considered by the Board for reexamination at the end of 12 months. After the end of the 12 month period, the applicant may take the examination

1 no more than once every calendar year. The applicant shall demonstrate to the Board that actions, such as additional
2 courses of study, have been taken to improve the applicant's chances for passing the exam.

3 (j)(e) Reasonable Accommodation. An applicant may make a written request to NCEES, before the application
4 deadline, for reasonable accommodation for the exam. Reasonable accommodation shall be granted based upon
5 meeting the Guidelines for Requesting Religious and ADA Accommodations published by the National Council of
6 Examiners for Engineering and Surveying (NCEES), (NCEES), which are hereby incorporated by reference, including
7 subsequent amendments and editions. Copies are available at no cost at www.ncees.org.

8 (k)(f) Exam Results. Exam results shall be supplied in writing as pass or fail. No results will be given in any other
9 manner.

10 (h)(g) Review of Failed Exams. An applicant who fails to make a passing score on an exam shall receive an exam
11 analysis by NCEES.

12
13 *History Note: Authority G.S. 89C-10; 89C-13; 89C-14; 89C-15;*

14 *Eff. February 1, 1976;*

15 *Readopted Eff. September 29, 1977;*

16 *Amended Eff. August 1, 2014; September 1, 2009; May 1, 2009; April 1, 2001; August 1, 1998;*

17 *November 2, 1992; April 1, 1989; January 1, 1982;*

18 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*
19 *2019;*

20 *Amended Eff. July 1, 2020.*
21

21 NCAC 56 .0601 is amended as published in 34:12 NCR 1147 – 1158 with changes as follows:

SECTION .0600 - PROFESSIONAL LAND SURVEYOR

21 NCAC 56 .0601 REQUIREMENTS FOR LICENSING

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

- (1) "B.S. in surveying or other equivalent curriculum." These degrees shall contain a minimum of 45 semester hours, or their quarter-hour equivalents. ~~equivalents, of subjects directly related to the practice of surveying.~~ Of the 45 semester hours, a minimum of 12 semester hours of surveying fundamentals, 12 semester hours of applied surveying practice, and 12 semester hours of advanced or theoretical surveying courses are required. The remainder of the required surveying courses may be elective-type courses ~~directly related to surveying; in any of the categories;~~ and
- (2) "Associate degree in surveying technology." This degree shall contain a minimum of 20 semester hours, or quarter-hour equivalents. ~~equivalents, of subjects directly related to the practice of surveying.~~ Courses shall be in surveying fundamentals, applied surveying practice and advanced or theoretical surveying courses, [to include, at a minimum,]including courses in surveying practices, subdivision design and planning, surface ~~drainage~~ drainage, and photogrammetry which must be completed with a passing grade.

(b) Experience:

- (1) Definition. As used in the North Carolina Engineering and Land Surveying Act, the term "progressive practical ~~surveying~~ experience" means that during the period of time in which an applicant has made a practical utilization of the knowledge of the principles of geometry and trigonometry in determining the shape, boundaries, ~~position~~ position, and extent of the earth's surface, ~~such that~~ continuous improvement, growth, and development in the utilization of that knowledge have been shown. In addition, the applicant shall show the continuous assumption of greater individual responsibility for the work product over that period of time.
- (2) Required Experience. ~~Experience Accepted.~~ In evaluating the work experience required, the Board shall consider the total experience record and the progressive nature of the record. ~~Half or more~~ Not less than half of the required land surveying experience shall be of a professional grade and character, and shall be performed under the responsible charge of a Professional Land Surveyor. If the work was not under the responsible charge of a Professional Land Surveyor, the applicant shall submit a written explanation to the Board explaining why the experience should be considered. ~~acceptable and the [The] Board shall approve if it is satisfied of the grade and character of the progressive experience. [experience on a case by case basis.]The Board shall approve the experience on a case-by-case basis if it is satisfied of the grade and character of the progressive experience.~~ Experience gained under the technical supervision of an unlicensed

individual shall be considered based upon the engineering education and experience credential of the unlicensed supervisor. Experience gained in the armed services, usually typically while serving in an engineering or surveying related group, shall be accepted only if substantially equivalent to that which would have been gained in civilian work.

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

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

(c) Exhibits, Drawings, ~~Plats:~~ Maps:

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

- (A) General. The applicant shall submit, along with the application, an actual ~~plat~~ map of a boundary survey of an actual project prepared ~~by, or~~ under the direct supervision and responsible charge of a Professional Land Surveyor who states that of, the applicant did the preparatory work of the survey; that shows shows, by its conformance, that the applicant is knowledgeable of the contents of the Standards of Practice for Land Surveying in North Carolina as set forth in Section .1600 of this Chapter, Chapter; and that shows that the applicant is able to apply this knowledge by preparing a plat map in accordance with the various legal and professional requirements of land surveying.
- (B) Physical Requirement. The map submitted shall be a clean, clear, legible print of an original map in the file of a Professional Land Surveyor.

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

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

*History Note: Authority G.S. 47-30; 89C-10; 89C-13;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;*

1 *Amended Eff. August 1, 2014; July 1, 2009; August 1, 2000; August 1, 1998; November 2, 1992;*
2 *April 1, 1989; December 1, 1984; January 1, 1982;*
3 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*
4 *2019;*
5 *Amended Eff. July 1, 2020.*
6

21 NCAC 56 .0603 is amended as published in 34:12 NCR 1147 – 1158 with changes as follows:

21 NCAC 56 .0603 EXAMINATIONS

(a) The Board offers the following examinations that are the national examinations of the National Council of Examiners for Engineering and Surveying (NCEES) with application made directly to NCEES to take the exam:

~~(a)(1)~~ (1) Fundamentals of ~~Surveying~~. Surveying (FS): This examination is designed to test the applicant's proficiency and knowledge of the fundamentals of surveying. ~~Reference~~ (Reference to Fundamentals of Surveying is the revised name of the national exam that is the Fundamentals of Land Surveying in G.S. ~~89C~~, 89C); and

~~(b)(2)~~ (2) Principles and Practice of Surveying. This examination is designed to test the applicant's proficiency and knowledge of land surveying practices and procedures generally and specifically within North Carolina. (Reference to Principles and Practice of Surveying is the revised name of the national exam that is the Principles and Practice of Land Surveying in G.S. 89C.)

(b) State-Specific Exam. The ~~[state specific]~~ State-specific portion of the principles and practice of surveying examination shall be provided by the Board.

(1) Examination Filing Deadline. The applicant who wishes to take the ~~[state specific]~~ State-specific portion of the principles and practice of surveying examination shall deliver the completed application, including all necessary references, transcripts, and verifications, to the Board office at least 60 days prior to the date for taking the exam.

(2) Unexcused Absences. For the ~~[state specific]~~ State-specific portion of the principles and practices of surveying examination, after a seating notice for a scheduled examination has been issued, if applicant fails to appear, the applicant's record shall reflect "unexcused absence," unless the absence was for jury duty or the applicant was not physically able to be present, as indicated by a doctor's certificate. The examination fee shall be forfeited if the applicant's record reflects an unexcused absence.

(3) Re-Examination. A person who failed the ~~[state specific]~~ State-specific portion of the principles and practices of surveying examination may apply to take the examination again at the after a six-month waiting period by making written request and submitting the required exam fee. A person having a combined record of three failures shall be eligible only after submitting a new application with appropriate application fee, and shall be considered by the Board for re-examination at the end of 12 months after the last failure.

(c) Examination Aids. Examinees may utilize examination aids as specified and published by ~~the national exam preparer~~. NCEES or the Board.

(d) Preparation of Examination. ~~The examination in the fundamentals of surveying and of the examination in the principles and practice of surveying are national examinations provided by the National Council of Examiners for Engineering and Surveying (NCEES), of which the Board is a member, or other examinations as adopted by the Board. The North Carolina portion of the principles and practice of surveying examination shall be provided by the Board.~~

NCEES administers the fundamentals of surveying examination and the examination in the principles and practice of surveying as a computer-based exam. Application is [shall be] made directly to NCEES to take the exam.

~~(e) Examination Filing Deadline. The applicant who wishes to take the principles and practice of surveying examination shall deliver the completed application, including all necessary references, transcripts, and verifications, to the Board office prior to August 1 for Fall examinations and January 2 for Spring examinations.~~

~~(f) Seating Notice. After approval of an application, the applicant shall be sent a seating notice by NCEES. This notice shall inform the applicant of the date, time and location of the examination and the seat number assigned.~~

~~(g) Unexcused Absences. After a seating notice for a scheduled examination has been issued, if applicant fails to appear, the applicant's record shall reflect "unexcused absence," unless the absence was for jury duty or the applicant was not physically able to be present, as indicated by a doctor's certificate. The examination fee shall be forfeited.~~

~~(h) Re Examination. A person who failed an examination may apply to take the examination again at the next regularly scheduled examination period by making written request and submitting the required exam fee. A person having a combined record of three failures or unexcused absences shall be eligible only after submitting a new application with appropriate application fee, and shall be considered by the Board for re-examination at the end of 12 months. After the end of the 12-month period, the applicant may take the examination no more than once every calendar year. The applicant shall demonstrate to the Board that actions, such as additional courses of study, have been taken to improve the applicant's chances for passing the exam.~~

~~(i)~~(e) Reasonable Accommodation. An applicant may make a written request, request to NCEES, before the application deadline, for reasonable accommodation for the exam. Reasonable accommodation shall be granted based upon meeting the Guidelines for Requesting Religious and ADA Accommodations published by the National Council of Examiners for Engineering and Surveying (NCEES).

~~(j)~~(f) Exam Results. Exam results shall be supplied in writing as pass or fail. No results shall be given in any other manner.

~~(k)~~(g) Review of Failed Exams. An applicant who fails to make a passing score on an NCEES exam shall receive an exam ~~analysis.~~ analysis by NCEES. An applicant who fails to make a passing score on the two-hour ~~North Carolina state-specific~~ portion of the exam may request in writing within thirty30 days of receiving the result to have an opportunity to review that portion of the exam. The review shall be done in the Board Officeoffice under supervision of staff and is limited to one hour.

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

Eff. February 1, 1976;

Readopted Eff. September 29, 1977;

Amended Eff. August 1, 2014; May 1, 2009; April 1, 2001; August 1, 1998; November 2, 1992; April 1, 1989; January 1, 1982;

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

Amended Eff. July 1, 2020.

21 NCAC 56 .0804 is amended as published in 34:12 NCR 1147 – 1158 **with changes** as follows:

SECTION .0800 - FIRM REGISTRATION

21 NCAC 56 .0804 ANNUAL RENEWAL AND 30-DAY REPORTING OF VIOLATIONS AND CHANGE OF ADDRESS

(a) Renewal. The certificate of licensure for a business ~~entity, including a professional corporation, limited liability company, Chapter 87 corporation, or business firm~~ shall be renewed annually.

(b) Expiration. The certificate of licensure expires on the last day of June following its issuance by the Board and becomes invalid on that date unless renewed.

(c) Written Application. ~~Upon~~ The applicant shall submit a written application on a renewal form **provided by the Board** that requires the physical place of business address and report of disciplinary ~~actions~~ actions, accompanied by a fee of seventy-five dollars ~~(\$75.00)~~ (\$75.00). ~~the~~ The Board shall renew the certificate of ~~licensure~~ licensure, providing that the ~~firm~~ business has complied with all **Rules**~~rules~~ of the Board and applicable General Statutes of North Carolina. The form shall be provided to all licensees in good standing no later than June 1st.

(d) Reporting. The ~~licensed entity~~ business shall give notice to the Board **on a change form within 30 days** of ~~a~~ any change ~~of~~ of:

(1) business address and branch locations;

(2) resident professional ~~or~~ or licensee in responsible charge;

(3) ~~company~~ business name;

(4) officers, ~~directors~~ directors, or owners; or

(5) the services being ~~offered~~ offered, **within 30 days of the [any] change**.

The ~~firm~~ business shall give notice to the Board of any disciplinary actions or conviction of any crime, in any jurisdiction on any license within 30 days of the disciplinary ~~action~~ action or conviction.

~~(d)(e)~~ (e) If a ~~firm~~ business fails to renew its certificate of licensure within one year of the expiration date, the ~~firm~~ business shall submit a new application for a new certificate of licensure in accordance with all requirements of 21 NCAC 56 .0802.

~~(e)(f)~~ (f) If any business ~~entity~~ that holds a current certificate of licensure ceases business because the professional licensee receives a waiver from paying the individual renewal fee under 21 NCAC 56 .0506 or 21 NCAC 56 ~~.0607~~ .0607, the annual renewal fee for the business shall be waived for the same time period.

History Note: Authority G.S. 55B-11; ~~57C-2-01~~; 57D-2-01; 89C-10; 89C-14; 89C-17; 89C-24;

Eff. February 1, 1976;

Readopted Eff. September 29, 1977;

Amended Eff. August 1, 2011; July 1, 2010; July 1, 2009; December 4, 2002; April 1, 2001;

February 1, 1996; May 1, 1994;

Amended Eff. July 1, 2020.

21 NCAC 56 .0902 is amended as published in 34:12 NCR 1147 – 1158 with changes as follows:

SECTION .0900 - BUSINESS ENTITIES: GENERAL

21 NCAC 56 .0902 BUSINESS TITLES OF BUSINESS ENTITIES

(a) Companies, partnerships, corporations, limited liability ~~companies~~ companies, or any other business ~~organization~~ providing professional engineering or land surveying services in North Carolina shall not practice under a name that is misleading. Except as provided ~~below~~, 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 organization organized primarily to provide for the primary purpose of providing such professional services shall not contain the name of an individual individual:

- (1) who is not licensed to provide the professional services ~~offered~~ offered in North Carolina; or
- (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, G.S. 89C-13; or
- (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.

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

(c) A business ~~organization~~ 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 (a) or (b) of this Rule. Requests for name changes shall be made in writing on the change forms referenced in 21 NCAC 56 .0804(d), provided by the Board for this purpose. Requests to operate under an assumed name shall be made in writing.

History Note: Authority G.S. 55B-5; ~~57C-2.01~~; 57D-2.01; 89C-10; 89C-24;

Eff. February 1, 1976;

Readopted Eff. September 29, 1977;

Amended Eff. August 1, 2000; August 1, 1998; May 1, 1994; April 1, 1989; April 1, 1980;

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

Amended Eff. July 1, 2020.

21 NCAC 56 .1301 is amended as published in 34:12 NCR 1147 – 1158 with changes as follows:

SECTION .1300 – BOARD DISCIPLINARY PROCEDURES

21 NCAC 56 .1301 IMPROPER PRACTICE BY A LICENSEE

(a) General. ~~Alleged practice~~ [Practice] Licensee practice that may violate the rules ~~in~~ of this Chapter or G.S. 89C ~~by a licensee~~ is subject to Board investigation and disciplinary action by the Board.

(b) Preferring Charges. Any person who believes that any licensed Professional Engineer, Professional Land Surveyor ~~Surveyor~~, or ~~firm~~ business holding a certificate of ~~authorization~~ licensure is in violation of the provisions of G.S. 89C or the rules in this Chapter may prefer charges against that person or ~~firm~~ by setting forth in writing those charges and swearing to their authenticity, business, in the form of a complaint, completed to the best of that individual's knowledge and belief, along with providing corroborative ~~evidence, evidence that helps support the charges.~~ [A.] An optional complaint form is provided by the Board to aid in filing the complaint. The charges shall be filed with the Board's office in Raleigh, North Carolina.

(c) Preliminary Review:

- (1) Upon receipt of a ~~properly filed charge,~~ charge that meets requirements of G.S. 89C and the rules of the Board a case shall be opened. Other information indicating that a licensee is in violation of the provisions of G.S. 89C or the rules [in this Chapter] of the Board may be a basis for opening a case by the Board.
- (2) A field investigation may be performed if determined necessary by the Executive ~~Director.~~ Director in order to obtain additional information and evidence.
- (3) If the Executive Director determines that the charges are corroborated by evidence, a written notice and explanation of the charge shall be forwarded to the person or firm/business against whom the charge is made and a response ~~is requested,~~ requested, within 15 days, of the person or firm so charged to show [show, within 15 days,] show compliance with ~~all lawful requirements~~ G.S. 89C and the rules [in this Chapter] of the Board for retention of the license. Notice of the charge and of the alleged facts or alleged conduct shall be given personally or by certified mail, return receipt request.
- (4) After preliminary evidence has been obtained, the matter shall be referred to the Board's review ~~committee~~ committee, which is made up of the following individuals:
 - (A) one member of the Board who is licensed in the respective ~~profession,~~ profession;
 - (B) the legal counsel of the ~~Board,~~ Board; and
 - (C) the Executive Director of the Board or Assistant Executive Director if designated by the Executive Director.
- (5) Upon review of the ~~available~~ evidence, the review committee ~~shall present to the Board a written recommendation that:~~ shall:
 - (A) recommend that the Board dismiss the charge ~~be dismissed~~ as unfounded or trivial;

(B) when the charge is admitted as true, recommend that the Board accept the admission of guilt by the person charged and order that person not to commit in the future the specific act or acts admitted and also not to violate any of the provisions of the Board ~~Rules~~ rules or the statutes at any time in the future;

(C) present the charge, whether admitted or denied, ~~be presented~~ to the full Board for a hearing and determination by the Board on the merits of the charge in accordance with the substantive and procedural requirements of the provisions of Section .1400 of this Chapter and the provisions of G.S. 150B; or

(D) whether the charge is admitted or denied, ~~the Board~~ give written notice to the licensee ~~of a contemplated action as set out in Rule .1403(b) of this Chapter. that:~~

(i) sufficient evidence exists which, if not rebutted or explained, would justify the Board in taking an action set out in Rule .1402(4) through (12);

(ii) stating the nature of the evidence; and

(iii) that unless the licensee, within 20 days after service of said notice, deposits in the mail a certified letter addressed to the Board and containing a request for a hearing or settlement conference, that it will recommend that the Board take the action(s) specified in the notice, set out in Rule .1402(4) through (12).

(d) Consultant. A consultant to the review committee shall be designated by the Board Chair if a board member is a complainant, ~~witness~~ witness, or respondent in a case. The consultant shall be a licensed professional engineer or professional land surveyor, depending on the nature of the ~~case, case, and selected from a list provided by the Executive Director of former Board members or other licensed professionals who are knowledgeable with the Board's processes.~~ The consultant shall review all case materials and make a recommendation for consideration by the review committee as to the merits of the case. The consultant shall review any new information presented in the event of a settlement conference and make a recommendation to the settlement conference committee.

(e) Board Decision. ~~Notice of the decision by the Board on recommendations of the review committee~~ When the review committee proceeds pursuant to [any Part]Parts (c)(5)(A) or (B) of [Subparagraph (c)(5)] of this [Rule]Rule, upon approval of the Board, notice shall be given to the party against whom the charges have been brought and the party submitting the charge. ~~Though it is not forbidden to do so, the~~ The Board is not required to notify the parties of the reasons of the Board in making its determination, decision.

(f) Settlement Conference. ~~When the Board issues a citation for hearing or notice of a contemplated action, review committee proceeds pursuant to Parts (c)(5)(C) or (D) of this Rule,~~ the licensee may request in writing a settlement conference to pursue resolution of the issue(s) through informal procedures. If, after the completion of a settlement conference, the licensee and Board's settlement committee do not agree to a resolution of the dispute for the full Board's consideration, the original administrative proceeding shall commence. During the course of the settlement conference, no sworn testimony shall be ~~taken~~ taken, nor shall any witnesses be cross-examined.

(1) The Board's settlement committee shall be made up of the following individuals:

- 1 (A) the member of the Board who served on the review committee or ~~the replacement a~~
2 replacement member if the member is not ~~available~~, available;
- 3 (B) one public member from the ~~Board~~, Board;
- 4 (C) the legal counsel of the ~~Board~~, Board; and
- 5 (D) the Executive Director of the Board or Assistant Executive Director if designated by the
6 Executive Director.
- 7 (2) Upon review of the ~~available~~ evidence, the settlement committee ~~shall present to the Board a written~~
8 ~~recommendation that:~~ shall:
- 9 (A) recommend that the Board dismiss the charge ~~be dismissed~~ as unfounded or trivial;
- 10 (B) when the charge is admitted as true, recommend the Board accept the admission of guilt
11 by the person charged and order the person not to commit in the future the specific act or
12 acts admitted and, also, not to violate any provisions of the Board Rules or the statutes at
13 any time in the future;
- 14 (C) direct that the charge, whether admitted or denied, be presented to the full Board for a
15 hearing and determination by the Board on the merits of the charge in accordance with the
16 substantive and procedural requirements of the provisions of Section .1400 of this Chapter
17 and the provisions of G.S. 150B; or
- 18 (D) ~~whether the charge is admitted or denied, the Board give notice to the licensee of a~~
19 ~~contemplated action as set out in Rule .1403(b) of this Chapter.~~ recommend that the Board
20 approve a settlement agreed to by the licensee and proposed by the settlement conference
21 committee.

22

23 *History Note: Authority G.S. 89C-10; 89C-21; 89C-22;*
24 *Eff. February 1, 1976;*
25 *Readopted Eff. September 29, 1977;*
26 *Amended Eff. August 1, 2011; July 1, 2009; May 1, 2009; August 1, 2000; August 1, 1998; March*
27 *1, 1996; April 1, 1989; December 1, 1984; January 1, 1982;*
28 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*
29 *2019;*
30 *Amended Eff. July 1, 2020.*
31

21 NCAC 56 .1302 is amended as published in 34:12 NCR 1147 – 1158 with changes as follows:

21 NCAC 56 .1302 UNLAWFUL PRACTICE BY AN UNLICENSED PERSON

(a) General. Alleged unlawful practice by an unlicensed person shall be subject to Board investigation and enforcement, to include applying for relief by injunction or referral to an agency of the stateState for appropriate legal action.

(b) Preferring Charges. Any person who believes that any person or firmbusiness (party) is in violation of the acts specified in G.S. 89C may prefer charges against that person or firm by setting forth in writing those charges and swearing to their authenticity. business, in the form of a complaint, completed to the best of that individual's knowledge and belief, in the form of a complaint, along with providing corroborative evidence. evidence that helps support the charges. An optional complaint form is provided by the Board to aid in filing the complaint. The charges shall be filed at [with] the Board's office in Raleigh, North Carolina.

(c) Preliminary or Threshold Determination:

(1) Upon receipt of a properly filed charge, charge that meets requirements of G.S. 89C and the rules of the Board a case an investigation shall be initiated, opened. Other information indicating that a party is in violation of the provisions of G.S. 89C or the rules [in this Chapter] of the Board may be a basis for opening a case by the Board.

(2) At the discretion of the executive director, a field investigation may be performed without notifying any of the parties involved, if determined necessary by the Executive Director in order to obtain additional information and evidence.

(3) If the Executive Director determines that charges are corroborated by evidence, a written notice and explanation of the charge shall be forwarded to the person or firmbusiness against whom the charge is made and a response is [requested] requested, within 15 days. [of the person or firm so charged] to show compliance with [all lawful requirements.] G.S. 89C. Notice of the charge and of the alleged facts or alleged conduct shall be given personally or by certified mail, return receipt requested.

~~(3)~~(4) After preliminary evidence has been obtained, the matter shall be referred to the Board's review committeecommittee, which is made up of the following individuals:

(A) one member of the Board;

(B) the legal counsel of the Board; and

(C) the Executive Director of the Board or Assistant Executive Director if designated by the Executive Director.

(4) The review committee shall recommend to the Board whether there is probable cause to believe that a party against whom a charge has been brought in fact has violated the provisions of G.S. 89C.

(5) Upon review of the available evidence, the review committee shall make a threshold determination of the charges brought. The review committee shall then present recommend to the Board written recommendations that:

- 1 (A) ~~The the~~ investigation be ~~continued~~; continued and the party be notified with an explanation
2 of the charge(s) and given an opportunity to provide a response to show compliance with
3 [all lawful requirements;]G.S. 89C;
4 (B) ~~The the~~ charge be dismissed as unfounded or trivial; ~~or~~
5 (C) a letter be issued informing of the possible violation of G.S. 89C and that further action
6 may be pursued under G.S. 89C-23; or
7 (C)(D) ~~The the~~ matter be referred to an appropriate agency for necessary legal action.

8 (d) Board Decision. Notice of decision by the Board on recommendations of the review committee shall be given to
9 the party submitting the charge.

10
11 *History Note: Authority G.S. 89C-10; 89C-23;*

12 *Eff. February 1, 1976;*

13 *Readopted Eff. September 29, 1977;*

14 *Amended Eff. August 1, 2011; August 1, 2000; August 1, 1998; May 1, 1994; April 1, 1989; January*
15 *1, 1982;*

16 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*
17 *2019;*

18 *Amended Eff. July 1, 2020.*
19

21 NCAC 56 .1403 is amended as published in 34:12 NCR 1147 – 1158 as follows:

SECTION .1400 - CONTESTED CASES

21 NCAC 56 .1403 NOTICE OF CONTEMPLATED BOARD ACTION: ACTION TO APPLICANT: REQUEST FOR HEARING

(a) When the Board takes an action of a type specified in Subparagraphs (1), (2) or (3) of Rule .1402 of this Section, it shall give to the applicant a written ~~notice containing a~~ statement:

- (1) that the applicant ~~has failed to satisfy the Board of~~ meet the qualifications to be examined or to be issued a ~~license, as the case may be;~~ license;
- (2) ~~indicating stating in what respects the applicant has so failed to satisfy the Board;~~ specific deficiencies as to why the applicant failed; and
- (3) that unless the applicant, within 20 days after service of ~~said~~ the notice, deposits in the mail a certified letter addressed to the Board and containing a request for a hearing, the Board's action will become final.

In any Board proceeding involving the denial of a ~~duly made~~ an application to take an examination, or refusal to issue a license after an applicant has taken and passed an examination, the burden of satisfying the Board of the applicant's qualifications shall be upon the applicant.

~~(b) When the Board contemplates taking any action of a type specified in Subparagraphs (4), (5), (6), (7), (8), or (9) of Rule .1402 of this Section, it shall give to the licensee a written notice containing a statement:~~

- ~~(1) that the Board has sufficient evidence which, if not rebutted or explained, will justify the Board in taking the contemplated action;~~
- ~~(2) indicating the general nature of the evidence; and~~
- ~~(3) that unless the licensee, within 20 days after service of said notice, deposits in the mail a certified letter addressed to the Board and containing a request for a hearing or settlement conference, the Board will take the contemplated action.~~

*History Note: Authority G.S. 89C-10; 89C-21; 89C-22; 150B-38;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. August 1, 1998; December 1, 1984; January 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019;
Amended Eff. July 1, 2020.*

21 NCAC 56 .1603 is amended as published in 34:12 NCR 1147 – 1158 as follows:

SECTION .1600 – STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA

21 NCAC 56 .1603 CLASSIFICATION OF BOUNDARY SURVEYS

General. "Boundary surveys" are defined as surveys made to establish or to retrace a boundary line on the ground, or to obtain data for constructing a map, plat, or report showing a boundary line. For the purpose of this Rule, the term refers to all surveys, including "loan" or "physical" surveys, that involve the determination or depiction of property lines. For the purpose of specifying minimum allowable surveying standards for boundary surveys, the following four general classifications of lands in North Carolina are established from the standpoint of their real value, tax value, or location. Each map shall contain a statement of the calculated ratio of precision before adjustments or a statement of positional accuracy.

- (1) Local Control Network Surveys (Class AA). Local control network surveys are traverse networks utilizing permanent points for the purpose of establishing local horizontal control networks for future use by local surveyors. For Class AA boundary surveys in North Carolina, the angular error of closure shall not exceed ten seconds times the square root of the number of angles turned. The ratio of precision shall not exceed an error of closure of one foot per 20,000 feet of perimeter of the parcel of land (1:20,000). When using positional accuracy standards for Class AA control and boundary surveys, neither axis of the 95 percent confidence level error ellipse for any control point or property corner shall exceed 0.05 feet or 0.015 meters plus 30 ppm measured relative to the position(s) of the horizontal control points used and referenced on the survey.
- (2) Urban Land Surveys (Class A). Urban surveys include lands that normally lie within a town or city. For Class A boundary surveys in North Carolina, the angular error of closure shall not exceed 20 seconds times the square root of the number of angles turned. The ratio of precision shall not exceed an error of closure of one foot per 10,000 feet of perimeter of the parcel of land (1:10,000). When using positional accuracy standards for Class A control and boundary surveys, neither axis of the 95 percent confidence level error ellipse for any control point or property corner shall exceed 0.10 feet or 0.030 meters plus 50 ppm measured relative to the position(s) of the horizontal control points or property corners used and referenced on the survey.
- (3) Suburban Land Surveys (Class B). Suburban surveys include lands in or surrounding the urban properties of a town or city. For Class B boundary surveys in North Carolina, the angular error of closure shall not exceed 25 seconds times the square root of the number of angles turned. The ratio of precision shall not exceed an error of closure of one foot per 7,500 feet of perimeter of the parcel of land (1:7,500). When using positional accuracy standards for Class B control and boundary surveys, neither axis of the 95 percent confidence level error ellipse for any control point or property corner shall exceed 0.12 feet or 0.037 meters plus 90 ppm measured relative to the position(s) of the horizontal control points or property corners used and referenced on the survey.

1 (4) Rural and Farmland Surveys (Class C). Rural and farmland surveys include lands located in rural
2 areas of North Carolina and generally outside the suburban properties. For Class C boundary surveys
3 in North Carolina, the angular error of closure shall not exceed 30 seconds times the square root of
4 the number of angles turned. The ratio of precision shall not exceed an error of closure of one foot
5 per 5,000 feet of perimeter of the parcel of land (1:5,000). When using positional accuracy standards
6 for Class C control and boundary surveys, neither axis of the 95 percent confidence level error
7 ellipse for any control point or property corner shall exceed 0.15 feet or 0.046 meters plus 150 ppm
8 measured relative to the position(s) of the horizontal control points or property corners used and
9 referenced on the survey.

10
11 *History Note:* *Authority G.S. 89C-10; 89C-20;*
12 *Eff. July 1, 1989;*
13 *Amended Eff. August 1, 2014; May 1, 2009; August 1, 2000; August 1, 1998; November 2, 1992;*
14 *January 1, 1992;*
15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*
16 *2019;*
17 *Amended Eff. July 1, 2020.*
18

21 NCAC 56 .1604 is amended as published in 34:12 NCR 1147 – 1158 **with changes** as follows:

21 NCAC 56 .1604 MAPPING REQUIREMENTS FOR BOUNDARY SURVEYS

(a) The size of a map shall be such that all details are legible on a copy.

(b) Any lines that are not actually surveyed shall be indicated on the map and a statement included revealing the source of information from which the line is derived.

(c) All surveys based on the North Carolina grid system shall contain a statement identifying the coordinate system referenced datum used.

(d) All plats (maps), unless marked as "Preliminary Plat - Not for recordation, conveyances, or sales" shall be sealed, ~~signed~~ signed, and dated by the Professional Land Surveyor and shall contain the following:

(1) An accurately positioned north arrow coordinated with any bearings shown on the plat. Indication shall be made as to whether the north index is true, magnetic, North Carolina grid ('NAD 83' and realization (date of adjustment of coordinate system) or 'NAD27'), or is referenced to old recorded deed or recorded plat bearings. If the north index is magnetic or referenced to old recorded deed or recorded plat bearings, the date and the source ~~(note if determined)~~ (note if not determined) shall be indicated.

(2) The azimuth or courses and distances of every property line surveyed shall be shown. Distances shall be in feet or meters and decimals thereof. The number of decimal places shall be appropriate to the class of survey required in Rule .1603 of this Section.

(3) All plat lines shall be horizontal or grid measurements. All lines shown on the plat shall be correctly plotted to the scale shown. Enlargements of portions of a plat ~~are acceptable in the interest of clarity, where shown as inserts, are not required to be to scale.~~ Where the North Carolina grid system is used, the combined grid factor shall be shown on the face of the plat. If grid distances are used, they shall be shown on the plat.

(4) Where a boundary is formed by a curved line, the following data ~~must~~ shall be given: actual survey ~~data, data~~ data or as a series of subchords with bearings and distances around the curve. If standard curve data is used, the bearing and distance of the long chord (from point of curvature to point of tangency) ~~must~~ shall be shown on the face of the plat.

(5) Where a subdivision of land is set out on the plat, all streets and lots shall be accurately plotted with dimension lines indicating widths and all other information pertinent to retracing all lines in the field. This shall include bearings and distances ~~sufficient~~ to form a continuous closure of the entire perimeter.

(6) ~~Where control corners have been established in compliance with G.S. 39-32.1, 39-32.2, 39-32.3, and 39-32.4, as amended, the location and information as required in the referenced statute shall be shown on the plat. All Control corners, and all other corners that are marked by monument or natural object shall be so identified on all plats, and where practical, all corners of adjacent owners along the boundary lines of the subject tract that are marked by monument or natural object shall be shown.~~

(7) The surveyor shall show one of the following ~~where they (or note if could not be determined:~~
determined):

(A) The names of adjacent land owners;

(B) The lot, block, ~~parcel~~ and subdivision designations; or

(C) Other legal ~~reference where applicable.~~ reference.

(8) All visible and apparent rights-of-way, easements, watercourses, utilities, roadways, and other such improvements shall be accurately located where crossing or forming any boundary line of the property shown.

(9) Tie lines as required and defined in Rule .1602(g) of this Section shall be accurately shown on the face of the plat, whether or not the plat is to be recorded.

(10) A vicinity map (location map) shall appear on the face of the plat.

(11) Each map shall contain:

(A) the property designation;

(B) the name of owner or prospective owner;

(C) the location (including township, county, and ~~state~~); State);

(D) the date or dates the survey was conducted;

(E) a scale of the drawing listed in words or figures;

(F) a bargraph;

(G) the title source; and

(H) a legend depicting nomenclature or symbols not otherwise labeled.

(12) Any map not certified for recording under G.S. 47-30, and all reports of survey, shall contain this certificate signed by the Professional Land Surveyor in substantially the following form:

"I certify that this map was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____, page _____ or other reference source _____); that the boundaries not surveyed are indicated as drawn from information in Book _____, page _____ or other reference source _____; that the ratio of precision or positional accuracy is _____; and that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1600)."

This _____ day of _____, 2_____.

Seal _____

Professional Land Surveyor

History Note: Authority G.S. 89C-10; 89C-16; 89C-20;

Eff. July 1, 1989;

Amended Eff. August 1, 2014; May 1, 2009; August 1, 2000; August 1, 1998; February 1, 1996;

November 2, 1992; January 1, 1992;

1 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*
2 *2019;*
3 *Amended Eff. July 1, 2020.*
4

21 NCAC 56 .1607 is amended as published in 34:12 NCR 1147 – 1158 as follows:

21 NCAC 56 .1607 GLOBAL POSITIONING SYSTEMS SURVEYS

(a) General. ~~Global Positioning Systems (GPS) are defined as the~~ Navigation Satellite Systems (GNSS) is the generic name of navigation and positioning systems with global coverage that is comprised of the Global Navigation Satellite System (GNSS), which includes GPS (Global Positioning System, United States, originally NAVSTAR, Navstar), GLONASS, GLONASS (Global Navigation Satellite System, Russia), GALILEO, Galileo (Europe), COMPASS, BDS (BeiDou Navigation Satellite System, China, also known as COMPASS), and any other satellite-based navigation and positioning systems. ~~systems that provide global coverage.~~

(b) The Professional Land Surveyor in responsible charge of the GPS survey shall certify all prepared documents. When a map or document consists of more than one sheet, only one sheet must contain the certificate and all others must be certified. The certificate or metadata notes shall contain the following information:

- (1) Class of GPS survey as defined in the Standards of Practice (or list the sections);
- (2) Type of GPS field procedure, such as Static, Kinematic, Pseudo-Kinematic, Real-time Kinematic, Real-time Kinematic networks, and Online Position User Service;
- (3) Positional accuracy;
- (4) Dates of survey;
- (5) What datum and epoch coordinates or geographic positions are based on;
- (6) Designation of fixed-control stations and their positional data;
- (7) Geoid model used;
- (8) Combined grid factor(s); and
- (9) Units.

The certificate shall be substantially in the following form:

"I, _____, certify that this map was drawn under my supervision from an actual GPS survey made under my supervision and the following information was used to perform the survey:

- (1) Class of survey: _____
- (2) Positional accuracy: _____
- (3) Type of GPS field procedure: _____
- (4) Dates of survey: _____
- (5) Datum/Epoch: _____
- (6) Published/Fixed-control use: _____
- (7) Geoid model: _____
- (8) Combined grid factor(s): _____
- (9) Units: _____"

(c) GPS surveys ~~performed~~ to provide control networks shall be performed in such a manner that it meets a 95 percent confidence level of the positional accuracy of each point relative to the published positions of the control points used and shall meet the accuracy standards of a Class AA survey as set out in Rule .1603.

1 (d) GPS surveys performed to provide local horizontal or vertical Grid control on a parcel of land where the boundary
2 or topography of that parcel will be shown relative to NC Grid horizontal or vertical datum shall be performed using
3 techniques that will provide the standards of accuracy for the class of survey being performed while determining the
4 horizontal or vertical positions of objects as set out in Rule .1603 or Rule .1606 as applicable.

5 (e) Fixed station(s) used for the project shall appear on the map, plat, or report. The minimum data shown for each
6 fixed station shall be station name, horizontal position (northing and easting) or latitude, longitude, elevation (ellipsoid
7 or orthometric), and datum and epoch.

8
9 *History Note: Authority G.S. 89C-10; 89C-20;*

10 *Eff. November 2, 1992;*

11 *Amended Eff. August 1, 2011; May 1, 2009; August 1, 2002; August 1, 2000;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*
13 *2019;*

14 *Amended Eff. July 1, 2020.*
15



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

Mailing address:
6714 Mail Service Center
Raleigh, NC 27699-6700

Street address:
1711 New Hope Church Rd
Raleigh, NC 27609-6285

April 16, 2020

David Tuttle
Board of Examiners for Engineers and Surveyors
Sent via email only to: dstuttle@ncbels.org

Re: Extension of the Period of Review for Rules 21 NCAC 56 .0303, .0304, .0501, .0503, .0601, .0603, .0804, .0902, .1301, .1302, .1403, .1603, .1604, and .1607.

Dear Mr. Tuttle:

At its meeting this morning, the Rules Review Commission extended the period of review for the above-captioned rules in accordance with G.S. 150B-21.10. They did so in response to a request from the agency to extend the period in order to allow the agency to address the requested technical changes and submit the revised rules at a later meeting.

Pursuant to G.S. 150B-21.13, when the Commission extends the period of review, it is required to approve or object to rules or call a public hearing on the same within 70 days.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

Amanda J. Reeder
Commission Counsel

Administration
919/431-3000
fax: 919/431-3100

Rules Division
919/431-3000
fax: 919/431-3104

Judges and
Assistants
919/431-3000
fax: 919/431-3100

Clerk's Office
919/431-3000
fax: 919/431-3100

Rules Review
Commission
919/431-3000
fax: 919/431-3104

Civil Rights
Division
919/431-3036
fax: 919/431-3103

Burgos, Alexander N

Subject: FW: [External] RE: RRC Request for Technical Changes in 21 NCAC 53

From: David S. Tuttle <DSuttle@ncbels.org>
Sent: Wednesday, April 8, 2020 3:54 PM
To: Reeder, Amanda J <amanda.reeder@oah.nc.gov>
Cc: Cora Houston <chouston@ncbels.org>; Andrew Ritter <ARitter@ncbels.org>
Subject: RE: [External] RE: RRC Request for Technical Changes in 21 NCAC 53

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to report.spam@nc.gov

Amanda,

I am confirming our request for an extension of the period of review for the Board of Examiners for Engineers and Surveyors Rules in Title 21 NCAC Chapter 56 *to adopt the rule cited as 21 NCAC 56 .0304 and amend the rules cited as 21 NCAC 56 .0303, .0501, .0503, .0601, .0603, .0804, .0902, .1301, .1302, .1403, .1603, .1604, and .1607.*

We need additional time, particularly in light of the pandemic, to adequately address the technical changes for these rules. We request that the rules be considered by the Rules Review Commission at its June meeting.

Thank you for your help and the consideration of this request by the Commission.

Sincerely,
David

David S. Tuttle
Board Counsel
NC Board of Examiners for Engineers and Surveyors
4601 Six Forks Rd., Suite 310, Raleigh, NC 27609
dstuttle@ncbels.org
(919) 791-2000 x 111
www.ncbels.org [ncbels.org]

 [facebook.com]

 [twitter.com]

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners for Engineers and Surveyors

RULE CITATION: All Rules Submitted

DEADLINE FOR RECEIPT: Friday, April 10, 2020

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 call our office to inquire concerning the staff recommendation.

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

On the Submission for Permanent Rule form, Box 9B, please provide an explanation for the Rule change. You may want to use the explanations provided in the Register.

In the History Note for all amended rules, please be sure to insert an Amended Eff. date, such as May 1, 2020.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: March 30, 2020

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners for Engineers and Surveyors

RULE CITATION: 21 NCAC 56 .0303

DEADLINE FOR RECEIPT: Friday, April 10, 2020

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 call our office to inquire concerning the staff recommendation.

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

In (1), lines 8-9, "as organized" how? What do you mean?

On line 9, what is a "specific committee related request"?

Assuming this is known to your regulated public, I believe "committee-related" should be hyphenated.

Do you need the language in (2), as this recites statute? Do you not want to just state 'the Board shall consider requests for funds only from the entities listed in G.S. 89C-10(g).'?"

If you prefer to retain the language, I take it that on line 12, the term "public or private institutions are known" to your regulated public because the term is used in G.S. 89C-10(g)?

In (4)(c), line 22, what is "Subject material"? Does your regulated public know?

Consider beginning (4)(d) and (e) with articles, such as "An" and "The"

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: March 30, 2020

21 NCAC 56 .0303 is amended as published in 34:12 NCR 1147 – 1158 as follows:

SECTION .0300 - INSTRUCTIONAL PROGRAMS

21 NCAC 56 .0303 DISBURSEMENT OF FUNDS

The Board shall ~~dispense Funds funds~~ for educational programs ~~will be allocated and dispensed~~ in the following manner:

- (1) ~~Funds will be dispensed by vote of the~~ The Board shall dispense funds after Board Committees, as organized, study each specific committee related request and recommendation recommend funding. of each specific request by the appropriate committee of the Board.
- (2) The Board ~~will~~ shall consider requests for funds only from the following entities: approved schools or professional organizations, community colleges, public or private institutions of higher learning, State and county boards of education, or governing authorities for any industrial education center.
- (3) ~~Requests will be considered for any use that will directly further engineering or surveying education and competence.~~
- (3) The Board shall consider educational programs to establish instructional programs for individuals currently licensed and those seeking to become licensed.
- (4) ~~Requests~~ Approved entities ~~for money~~ shall ~~be~~ request funds in writing and provide the following information:
 - (a) The amount ~~needed; needed, or appropriate limits thereof;~~
 - (b) ~~Intended uses to be made of the requested monies;~~ The intended use of the funds;
 - (c) Subject material to be presented ~~with~~ and qualifications of instructors to be employed;
 - (d) Itemized ~~estimate~~ breakdown of the amount needed and the total expected costs;
 - (e) Source and amount of assistance being given by any other person or organization.

History Note: Authority G.S. 89C-10(g); ~~89C-11;~~
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. April 1, 1989; January 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019;
Amended Eff. _____.

1 21 NCAC 56 .0304 is adopted as published in 34:12 NCR 1147 – 1158 as follows:

2
3 **21 NCAC 56 .0304 SUSPENSION OF AUTHORITY TO EXPEND FUNDS**

4 In the event that the Board's authority to expend funds is suspended pursuant to G.S. 93B-2(d), the Board shall continue
5 to issue and renew licenses and collect all fees set forth in G.S. 89C-14, 89C-17, and 89C-24. The Board shall maintain
6 an escrow account into which any fees tendered during the Board's period of suspension shall be deposited. Once the
7 Board's authority is restored, the funds shall be moved from the escrow account into the general operating account.

8
9 *History Note: Authority G.S. 89C-10; 89C-11; 93B-2;*

10 *Eff. May 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners for Engineers and Surveyors

RULE CITATION: 21 NCAC 56 .0501

DEADLINE FOR RECEIPT: Friday, April 10, 2020

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 call our office to inquire concerning the staff recommendation.

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

On the Submission for Permanent Rule form, Box 2, the name on the form does not match the name of the Rule. Assuming you did not intend to rename the rule, please insert the correct name in the form. If you intend to rename the rule, please amend the rule to show the name change.

On line 1 of the Rule, please put "with changes" immediately in front of "as follows:"

In (a)(1), line 13, you are adding "at no cost" to what is currently in the Code. Please underline this addition.

What is your authority for (a)(3)(C)? Does an associate degree take four years? As I read 89C-13(1a), all of the education must take four years.

If you have authority to retain this, please rewrite the language on lines 34-37 to state "If an individual with an associate's degree has passed the fundamentals of engineering examination prior to June 30, 2016, the individual may continue the process to take the principles and practices exam ..."

In (a)(3)(D), Page 2, line 3, who conducts this evaluation?

On lines 4 and 10, what is "substantially equivalent"? How is this determined?

In (b)(1) lines 19, I suggest rewriting this to simplify the language. "The Board shall approve the experience on a case-by-case basis if it is satisfied of the grade and character of the progressive experience."

On line 25, insert a period after "supervisor."

On line 25, what is "usually" here?

On line 27, are you using "substantially" due to G.S. 93B-15.1?

In (b)(2), line 32, what is "acquired knowledge" and "continuous improvement, growth and development"?

Amanda J. Reeder
Commission Counsel
Date submitted to agency: March 30, 2020

As I understand the sentence on lines 32-33, you mean “acquired knowledge and continuous improvement, continuous growth, and continuous growth...” If so, please insert an “and” after “knowledge” and a comma after “growth”

In (b)(3), Page 3, line 16, please hyphenate “four-year” to match the statute.

In (b)(5), line 25, please state “Other experience shall be considered if it is:”

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: March 30, 2020

21 NCAC 56 .0501 is amended **with changes** as published 34:12 NCR 1147 – 1158 as follows:

SECTION .0500 - PROFESSIONAL ENGINEER

21 NCAC 56 .0501 REQUIREMENTS FOR LICENSING

(a) Education. The Board shall consider the education of an applicant ~~shall be considered~~ in determining eligibility for licensing as a Professional Engineer. The terms used by the Board for the ~~specific~~ educational requirements in G.S. 89C-13(a1) to be eligible to be licensed as a Professional Engineer are defined as follows:

- (1) "Engineering curriculum of four or more years approved by the Board" is defined as a program that has been accredited by the Engineering Accreditation Commission (EAC) of the Accreditation Board for Engineering and Technology (ABET). This program is incorporated by reference including subsequent amendments and editions. This material is available at www.abet.org/accreditation-criteria-policies-documents/ at no cost, or for inspection at the office of the North Carolina Board of Examiners for Engineers and Surveyors. Copies may be obtained at the Board office at a cost of five dollars (\$5.00) per copy.
- (2) "Engineering or related science curriculum of four or more years other than ones approved by the Board" is defined as a curriculum, although not accredited by ABET, of technical courses ~~which~~ that contains engineering or scientific principles.
- (3) "Equivalent education satisfactory to the board" is defined as:
 - (A) A graduate degree in Engineering from an institution ~~in which~~ where the same discipline undergraduate engineering program has been accredited by ABET (EAC) shall be considered equivalent to an engineering curriculum of four or more years approved by the Board.
 - (B) A bachelor's degree in Engineering Technology, whether or not accredited by the Technology Accreditation Commission (TAC) of ABET, shall be considered equivalent to an engineering or related science curriculum of four or more years other than one approved by the Board.
 - (C) ~~Until June 30, 2016, an associate degree in an engineering related curriculum with an additional two years of progressive engineering experience shall be considered equivalent to an engineering or related science curriculum of four or more years other than one approved by the Board and may be used until that date as a basis for admission to the principles and practice of engineering examination. Once admitted to the examination, an applicant may continue to re take the examination until required to submit a new application as set out in Rule .0503 of this Section. After June 30, 2016 an associate degree shall no longer be used as a basis for admission to that examination, unless the individual has passed the fundamentals of engineering examination prior to June 30, 2016, in which case the individual may continue the process to take the principles and practices exam~~

1 based upon the associate degree and it will not be necessary to qualify for admission to the
2 principles and practice of engineering examination prior to June 30, 2016.

3 (D) Foreign degrees ~~are~~ shall be considered equivalent only after receipt of an evaluation report
4 that the degree is substantially equivalent to an EAC/ABET accredited engineering
5 curriculum from the Center for Professional Engineering Education Services, an affiliate
6 of the National Council of Examiners for Engineering and Surveying (NCEES), or from
7 the American Association of Collegiate Registrars and Admissions Officers (AACRAO).
8 The Board shall equate the degree to an EAC/ABET accredited engineering curriculum of
9 four or more years approved by the Board in Subparagraph (a)(1) of this Rule if it receives
10 a substantially equivalent evaluation.

11 (b) Experience. The experience of an applicant shall be considered in determining whether an applicant is eligible to
12 be licensed as a Professional Engineer.

13 (1) Required Experience. In evaluating the work experience required, the Board shall consider the total
14 experience record and the progressive nature of the record. Experience shall be of a progressive
15 engineering nature obtained after graduation from a program that meets the criteria set forth in
16 Paragraph (a) of this Rule. Not less than half of required engineering experience shall be of a
17 professional grade and character, and shall be performed under the responsible charge of a licensed
18 Professional Engineer, or if not, the applicant shall submit a written explanation to the Board
19 explaining why the experience should be considered acceptable. The Board shall approve if it is
20 satisfied of the grade and character of the progressive experience on a case-by-case basis." ~~a written~~
21 ~~explanation shall be submitted showing why the experience should be considered acceptable and~~
22 ~~the Board shall approve if satisfied of the grade and character of the progressive experience.~~
23 Experience gained under the technical supervision of an unlicensed individual shall be considered
24 ~~if the appropriate~~ based upon the engineering education and experience credentials of the unlicensed
25 supervisor ~~are submitted to the Board.~~ Experience gained in the armed services, usually while
26 serving in an engineering or engineering related group, shall be ~~considered if of a character~~ accepted
27 only if substantially equivalent ~~to that which would have been gained in the civilian sector doing~~
28 ~~similar~~ to civilian work.

29 (2) Definition. The word "progressive" in the terms "progressive nature of the record," "progressive
30 engineering ~~experience"~~ experience," "progressive land surveying," "progressive engineering
31 nature," or "progressive experience on engineering projects" ~~mean~~ means that during the period of
32 time that an applicant ~~has~~ made a practical utilization of acquired knowledge, continuous
33 improvement, growth and development have been shown in the utilization of that knowledge as
34 revealed in the complexity and technical detail of the work product or work record. The applicant
35 shall show continuous assumption of greater individual responsibility for the work product over that
36 period of time. The progressive experience on engineering projects shall be of a grade and a
37 character that ~~indicates~~ shows ~~to~~ the Board that the applicant is competent to practice engineering.

(3) ~~Specific~~ Credit for Experience. In evaluating progressive engineering experience, the Board shall give credit for experience in the following areas of work:

- (A) Graduate schooling or research in an engineering program resulting in award of a master's degree from an institution that offers EAC/ABET-accredited programs – one year;
- (B) Graduate schooling or research in an engineering program resulting in award of an earned doctoral degree in engineering from an institution that offers EAC/ABET-accredited programs – two years, with or without a master's degree, but this includes the one year for the master's degree, if obtained;
- (C) Progressive land surveying - maximum two years; and
- (D) Teaching of engineering subjects at the university level in an engineering program offering a four year or more degree approved by the Board.

The Board shall not accept combinations of the categories in this Subparagraph as fulfilling all the necessary statutory experience requirements. Every applicant for licensure as a Professional Engineer, as part of the total experience requirement, shall show a minimum of one year experience of a progressive engineering nature in industry, government, or under a licensed Professional Engineer offering service to the public.

Full-time engineering faculty members who teach in an engineering program offering a four year or more degree approved by the ~~Board~~, Board may request and shall be granted waiver of the minimum one year experience in industry, government, or private practice if they demonstrate consulting or research work of at least one year's duration, which was pursued to ~~fruition~~, completion of the project, and ~~which that~~ is of a progressive engineering nature. The faculty applicant shall document the work ~~and demonstrate to evidence~~ that the work meets the Board's requirement.

(4) An exception to the requirement in Subparagraph (b)(1) of this Rule that experience be obtained after graduation is for long-established practice of 20 years or more, as provided for in G.S. 89C-13(a3).

(5) Other experience is considered if it ~~is~~ shall be:

- (A) Experience obtained prior to graduation as part of an ABET accredited engineering program shown on the transcript, with a maximum credit of one year; or
- (B) Experience obtained in a foreign country that is performed under direct supervision of a Professional Engineer licensed with a member Board of the National Council of Examiners for Engineering and Surveying (NCEES).

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

Eff. February 1, 1976;

Readopted Eff. September 29, 1977;

Amended Eff. August 1, 2014; August 1, 2011; May 1, 2009; August 1, 2002; August 1, 2000; August 1, 1998; November 2, 1992; April 1, 1989; January 1, 1982;

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

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners for Engineers and Surveyors

RULE CITATION: 21 NCAC 56 .0503

DEADLINE FOR RECEIPT: Friday, April 10, 2020

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 call our office to inquire concerning the staff recommendation.

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

On line 1 of the Rule, please put "with changes" immediately in front of "as follows:"

In (c), line 20, I suggest you delete this language as it duplicates (a), line 5.

On line 22, I believe you meant to cross-reference Rule .0501(a), as that sets the education standards.

In (d), line 34, this is not the proper way to insert a hyphen in "six-month" Please entirely strike the two words and then add the underlined hyphenated term.

On line 36, what is "appropriate" here? Does your regulated public know?

I am only asking – do you need (e), as NCEES is the entity offering the test and thus, offering the reasonable accommodations? If you do, why do you need more than the first sentence on lines 3-4? Is the Board dictating the way the NCEES will find merit for reasonable accommodations?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: March 30, 2020

21 NCAC 56 .0503 is amended **with changes** as published in 34:12 NCR 1147 – 1158 as follows:

21 NCAC 56 .0503 EXAMINATIONS

(a) The Board offers the following examinations that are the national examinations of the National Council of Examiners for Engineering and Surveying (NCEES) with application made directly to NCEES to take the exam:

~~(a)(1)~~ Fundamentals of Engineering- Engineering (FE): This examination is designed to test the applicant's proficiency and knowledge of the fundamentals of ~~engineering, engineering; and~~

~~(b)(2)~~ Principles and Practice of Engineering Engineering (PE): This examination is designed to test the applicant's proficiency and knowledge of engineering principles and practices.

~~(c)(b)~~ Examination Aids. Examinees may utilize examination aids as specified and published by the exam preparer.
NCEES.

~~(d) Preparation of Examination. The examinations in the fundamentals of engineering and in the principles and practice of engineering are national examinations provided by the National Council of Examiners for Engineering and Surveying (NCEES), of which the Board is a member.~~

~~(e)(c)~~ Examination Sequence. Before the applicant shall be permitted to be examined on the principles and practice of engineering, the applicant shall pass the examination on the fundamentals of engineering, unless the applicant can provide evidence of 20 years of progressive engineering experience, or as is a full-time engineering faculty member, or possesses an earned doctoral degree in ~~engineering to be exempt from taking the fundamentals of engineering exam.~~
engineering. NCEES administers the fundamentals of engineering examination as a computer-based exam. Application shall be made directly to NCEES to take the exam.

~~(f) Examination Filing Deadline. Only those applicants who have met the education requirements as set forth in Rule .0501(b) of this Section, and have passed the FE exam may sit for the PE exam prior to gaining the required experience. Upon gaining the required experience, as set forth in Rule .0501(b) of this Section, an applicant may apply for the PE license. The applicant who wishes to take the principles and practice of engineering examination shall deliver the completed application, including all necessary references, transcripts, and verifications, to the Board office prior to August 1 for Fall examinations and January 2 for Spring examinations.~~

~~(g) Seating Notice. After approval of an application the applicant shall be sent a seating notice. This notice shall inform the applicant of the date, time and location of the examination and the seat number assigned.~~

~~(h) Unexcused Absences. After a seating notice has been issued for a scheduled examination by the Board, if the applicant fails to appear, that applicant's record shall reflect "unexcused absence," unless the absence was for jury duty or the applicant was not physically able to be present, as indicated by a doctor's certificate. The examination fee shall be forfeited.~~

~~(i)(d)~~ Re-Examination. A person who failed an examination may apply to take the examination again ~~at the next regularly scheduled examination period~~ after a six-month waiting period by making written request and submitting the required exam fee. A person having a combined record of three failures or unexcused absences shall be eligible only after submitting a new application with appropriate application fee, and shall be considered by the Board for reexamination at the end of 12 months. After the end of the 12-month period, the applicant may take the examination

no more than once every calendar year. The applicant shall demonstrate to the Board that actions, such as additional courses of study, have been taken to improve the applicant's chances for passing the exam.

~~(j)~~(e) Reasonable Accommodation. An applicant may make a written request to NCEES, before the application deadline, for reasonable accommodation for the exam. Reasonable accommodation shall be granted based upon meeting the Guidelines for Requesting Religious and ADA Accommodations published by the National Council of Examiners for Engineering and Surveying (NCEES), which are hereby incorporated by reference, including subsequent amendments and editions. Copies are available at no cost at www.ncees.org.

~~(k)~~(f) Exam Results. Exam results shall be supplied in writing as pass or fail. No results will be given in any other manner.

~~(h)~~(g) Review of Failed Exams. An applicant who fails to make a passing score on an exam shall receive an exam analysis by NCEES.

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

Eff. February 1, 1976;

Readopted Eff. September 29, 1977;

Amended Eff. August 1, 2014; September 1, 2009; May 1, 2009; April 1, 2001; August 1, 1998;

November 2, 1992; April 1, 1989; January 1, 1982;

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

Amended Eff._____.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners for Engineers and Surveyors

RULE CITATION: 21 NCAC 56 .0601

DEADLINE FOR RECEIPT: Friday, April 10, 2020

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 call our office to inquire concerning the staff recommendation.

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

On the Submission for Permanent Rule form, Box 2, the name on the form does not match the name of the Rule. Assuming you did not intend to rename the rule, please insert the correct name in the form. If you intend to rename the rule, please amend the rule to show the name change.

On line 1 of the Rule, please put "with changes" immediately in front of "as follows:"

In (a)(1), line 11, please insert a comma after "practice"

In (a)(2), line 17, please replace "to include, at a minimum" with "including"

In (b)(1), line 23, please delete "has" before "made"

On line 25, what is "continuous improvement, growth and development"?

Please insert a comma after "growth" on line 25.

In (b)(2), line 33, please properly insert the period after "considered."

On line 35, I suggest rewriting this to clarify the language. "The Board shall approve the experience on a case-by-case basis if it is satisfied of the grade and character of the progressive experience."

On Page 2, line 1, what is "usually" here?

On line 2, are you using "substantially" due to G.S. 93B-15.1?

In (c)(1)(B), line 18, what is "clean" and "clear" And legible to whom?

In (c)(3), line 29, it appears you deleted too much language. I believe you should retain "in accordance with"

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

Amanda J. Reeder
Commission Counsel

Date submitted to agency: March 30, 2020

21 NCAC 56 .0601 is amended **with changes** as published in 34:12 NCR 1147 – 1158 as follows:

SECTION .0600 - PROFESSIONAL LAND SURVEYOR

21 NCAC 56 .0601 REQUIREMENTS FOR LICENSING

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

- (1) "B.S. in surveying or other equivalent curriculum." These degrees shall contain a minimum of 45 semester hours, or their quarter-hour equivalents. ~~equivalents, of subjects directly related to the practice of surveying.~~ Of the 45 semester hours, a minimum of 12 semester hours of surveying fundamentals, 12 semester hours of applied surveying practice and 12 semester hours of advanced or theoretical surveying courses are required. The remainder of the required surveying courses may be elective-type courses ~~directly related to surveying; in any of the categories;~~ and
- (2) "Associate degree in surveying technology." This degree shall contain a minimum of 20 semester hours, or quarter-hour equivalents. ~~equivalents, of subjects directly related to the practice of surveying.~~ Courses shall be in surveying fundamentals, applied surveying practice and advanced or theoretical surveying courses, to include, at a minimum, courses in surveying practices, subdivision design and planning, surface ~~drainage~~ drainage, and photogrammetry which must be completed with a passing grade.

(b) Experience:

- (1) Definition. As used in the North Carolina Engineering and Land Surveying Act, the term "progressive practical ~~surveying~~ experience" means that during the period of time in which an applicant has made a practical utilization of the knowledge of the principles of geometry and trigonometry in determining the shape, boundaries, ~~position~~ position, and extent of the earth's surface, such that continuous improvement, growth and development in the utilization of that knowledge have been shown. In addition, the applicant shall show the continuous assumption of greater individual responsibility for the work product over that period of time.
- (2) Required Experience. ~~Experience Accepted.~~ In evaluating the work experience required, the Board shall consider the total experience record and the progressive nature of the record. ~~Half or more~~ Not less than half of the required land surveying experience shall be of a professional grade and character, and shall be performed under the responsible charge of a Professional Land Surveyor. If the work was not under the responsible charge of a Professional Land Surveyor, the applicant shall submit a written explanation to the Board explaining why the experience should be considered acceptable ~~and the~~ The Board shall approve if it is satisfied of the grade and character of the progressive ~~experience.~~ experience on a case by case basis. Experience gained under the technical supervision of an unlicensed individual shall be considered based upon the engineering education and experience credential of the unlicensed supervisor. Experience gained in the armed services,

usually while serving in an engineering or surveying related group, shall be accepted only if substantially equivalent to that which would have been gained in civilian work.

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

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

(c) Exhibits, Drawings, ~~Plats:~~ Maps:

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

(A) General. The applicant shall submit, along with the application, an actual ~~plat map~~ of a boundary survey of an actual project prepared ~~by, or~~ under the direct supervision and responsible charge of a Professional Land Surveyor who states that ~~of~~, the applicant ~~did the preparatory work of the survey;~~ that ~~shows~~ shows, by its conformance, that the applicant is knowledgeable of the contents of the Standards of Practice for Land Surveying in North Carolina as set forth in Section .1600 of this Chapter, ~~Chapter~~; and that shows that the applicant is able to apply this knowledge by preparing a plat map in accordance with the various legal and professional requirements of land surveying.

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

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

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

History Note: Authority G.S. 47-30; 89C-10; 89C-13;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. August 1, 2014; July 1, 2009; August 1, 2000; August 1, 1998; November 2, 1992;
April 1, 1989; December 1, 1984; January 1, 1982;

1 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*
2 *2019;*
3 *Amended Eff._____.*
4

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners for Engineers and Surveyors

RULE CITATION: 21 NCAC 56 .0603

DEADLINE FOR RECEIPT: Friday, April 10, 2020

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 call our office to inquire concerning the staff recommendation.

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

In (a)(1) and (a)(2), G.S. 89C-15(b)(3) and (4) state that the exams are the “Fundamentals of Land Surveying” and “Principles and Practices of Land Surveying” Why are the terms different here? If the parenthetical on lines 7-9 are to address (a)(1), what addresses the difference in (a)(2)?

In (b), line 13, and everywhere the term is used, is “state-specific” referring to NC? If so, the “State” should be capitalized.

In (b)(1), line 17, what are “necessary” references? Those required by statute?

In (b)(2), besides forfeiting the fee, is there a consequence to unexcused absences? In Rule .0503(d), there is, but there does not appear to be one here. I take it this difference is intentional?

In (b)(3), line 27, what is “appropriate” here? Does your regulated public know?

In (c), line 30, should this mirror the language in Rule .0503, and state “specified and published”?

And will NCEES offer the examination aids for the State-specific portion?

Why do you need the language in (d), line 36? Isn't this addressed by (a), line 5? If you need to retain it, why not state “Application shall be made directly to the NCEES to take these exams.”?

I am only asking – do you need Paragraph (e) on Page 2, as NCEES is the entity offering the test and thus, offering the reasonable accommodations? If you do, why do you need more than the first sentence on lines 16-17?

On line 16, to whom is this request sent? Rule .0503 says it is to NCEES.

In (g), line 34, please replace “thirty” with “30” (See Rule 26 NCAC 02C .0108(9)(b))

On line 25, why is “office” capitalized?

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

Amanda J. Reeder
Commission Counsel

Date submitted to agency: March 30, 2020

21 NCAC 56 .0603 is amended as published in 34:12 NCR 1147 – 1158 as follows:

21 NCAC 56 .0603 EXAMINATIONS

(a) The Board offers the following examinations that are the national examinations of the National Council of Examiners for Engineering and Surveying (NCEES) with application made directly to NCEES to take the exam:

~~(a)(1)~~ (1) Fundamentals of Surveying- Surveying (FS): This examination is designed to test the applicant's proficiency and knowledge of the fundamentals of surveying. ~~Reference~~ (Reference to Fundamentals of Surveying is the revised name of the national exam that is the Fundamentals of Land Surveying in G.S. 89C- 89C); and

~~(b)(2)~~ (2) Principles and Practice of Surveying. This examination is designed to test the applicant's proficiency and knowledge of land surveying practices and procedures generally and specifically within North Carolina.

(b) State-Specific Exam. The state-specific portion of the principles and practice of surveying examination shall be provided by the Board.

(1) Examination Filing Deadline. The applicant who wishes to take the state-specific portion of the principles and practice of surveying examination shall deliver the completed application, including all necessary references, transcripts, and verifications, to the Board office at least 60 days prior to the date for taking the exam.

(2) Unexcused Absences. For the state-specific portion of the principles and practices of surveying examination, after a seating notice for a scheduled examination has been issued, if applicant fails to appear, the applicant's record shall reflect "unexcused absence," unless the absence was for jury duty or the applicant was not physically able to be present, as indicated by a doctor's certificate. The examination fee shall be forfeited if the applicant's record reflects an unexcused absence.

(3) Re-Examination. A person who failed the state-specific portion of the principles and practices of surveying examination may apply to take the examination again at the after a six-month waiting period by making written request and submitting the required exam fee. A person having a combined record of three failures shall be eligible only after submitting a new application with appropriate application fee, and shall be considered by the Board for re-examination at the end of 12 months after the last failure.

(c) Examination Aids. Examinees may utilize examination aids as specified by the national exam preparer.

(d) Preparation of Examination. ~~The examination in the fundamentals of surveying and of the examination in the principles and practice of surveying are national examinations provided by the National Council of Examiners for Engineering and Surveying (NCEES), of which the Board is a member, or other examinations as adopted by the Board. The North Carolina portion of the principles and practice of surveying examination shall be provided by the Board. NCEES administers the fundamentals of surveying examination and the examination in the principles and practice of surveying as a computer-based exam. exams. Application is shall be made directly to NCEES to take the exam.~~

~~(e) Examination Filing Deadline. The applicant who wishes to take the principles and practice of surveying examination shall deliver the completed application, including all necessary references, transcripts, and verifications, to the Board office prior to August 1 for Fall examinations and January 2 for Spring examinations.~~

~~(f) Seating Notice. After approval of an application, the applicant shall be sent a seating notice by NCEES. This notice shall inform the applicant of the date, time and location of the examination and the seat number assigned.~~

~~(g) Unexcused Absences. After a seating notice for a scheduled examination has been issued, if applicant fails to appear, the applicant's record shall reflect "unexcused absence," unless the absence was for jury duty or the applicant was not physically able to be present, as indicated by a doctor's certificate. The examination fee shall be forfeited.~~

~~(h) Re Examination. A person who failed an examination may apply to take the examination again at the next regularly scheduled examination period by making written request and submitting the required exam fee. A person having a combined record of three failures or unexcused absences shall be eligible only after submitting a new application with appropriate application fee, and shall be considered by the Board for re-examination at the end of 12 months. After the end of the 12-month period, the applicant may take the examination no more than once every calendar year. The applicant shall demonstrate to the Board that actions, such as additional courses of study, have been taken to improve the applicant's chances for passing the exam.~~

~~(i)(c)~~ Reasonable Accommodation. An applicant may make a written request, before the application deadline, for reasonable accommodation for the exam. Reasonable accommodation shall be granted based upon meeting the Guidelines for Requesting Religious and ADA Accommodations published by the National Council of Examiners for Engineering and Surveying (NCEES).

~~(j)(f)~~ Exam Results. Exam results shall be supplied in writing as pass or fail. No results shall be given in any other manner.

~~(k)(g)~~ Review of Failed Exams. An applicant who fails to make a passing score on an NCEES exam shall receive an exam analysis. analysis by NCEES. An applicant who fails to make a passing score on the two-hour North Carolina state-specific portion of the exam may request in writing within thirty days of receiving the result to have an opportunity to review that portion of the exam. The review shall be done in the Board Office under supervision of staff and is limited to one hour.

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

Eff. February 1, 1976;

Readopted Eff. September 29, 1977;

Amended Eff. August 1, 2014; May 1, 2009; April 1, 2001; August 1, 1998; November 2, 1992; April 1, 1989; January 1, 1982;

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

Amended Eff._____.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners for Engineers and Surveyors

RULE CITATION: 21 NCAC 56 .0804

DEADLINE FOR RECEIPT: Friday, April 10, 2020

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 call our office to inquire concerning the staff recommendation.

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

On line 1 of the Rule, please put "with changes" immediately in front of "as follows:"

In (c), line 14, I take it you wish to use "all Rules of the Board" rather than "the rules in this Chapter" (which is the term you used throughout Rule .1301)? If so, please either state "all Board rules" or "all rules of the Board" (making "rules" lowercase).

On line 14, what are the "applicable" statutes here? Does your regulated public know?

line 15, who provides the form? Did you intend to not delete "provided by the Board" on lines 11 and 12? Please either retain the language there or insert who will provide the form on line 15.

In (d), does the Board wish to receive notification for (d)(1) through (5) within 30 days, or just notification of (d)(5), which is how it is currently written? If the 30-day deadline applies to everything, I suggest stating on line 16, "The business shall give notice to the Board within 30 days of any change of:" and deleting the timeline from line 21.

In (d)(2), line 18, this is not the proper way to delete the parenthesis before "or" Please delete the entire word "(or" and insert a new "or" Since you are deleting language proposed to be added, you will bracket the struck "(or" and highlight the change.

In (d)(4), line 20, please insert a comma after "directors"

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: March 30, 2020

21 NCAC 56 .0804 is amended **with changes** as published in 34:12 NCR 1147 – 1158 as follows:

SECTION .0800 - FIRM REGISTRATION

21 NCAC 56 .0804 ANNUAL RENEWAL AND 30-DAY REPORTING OF VIOLATIONS AND CHANGE OF ADDRESS

(a) Renewal. The certificate of licensure for a business ~~entity, including a professional corporation, limited liability company, Chapter 87 corporation, or business firm~~ shall be renewed annually.

(b) Expiration. The certificate of licensure expires on the last day of June following its issuance by the Board and becomes invalid on that date unless renewed.

(c) Written Application. ~~Upon~~ The applicant shall submit a written application on a renewal form ~~provided by the Board~~ that requires the physical place of business address and report of disciplinary ~~actions~~ actions, accompanied by a fee of seventy-five dollars ~~(\$75.00)~~ (\$75.00). ~~the~~ The Board shall renew the certificate of ~~licensure~~ licensure, providing that the ~~firm~~ business has complied with all Rules of the Board and applicable General Statutes of North Carolina. The form shall be provided to all licensees in good standing no later than June 1st.

(d) Reporting. The ~~licensed entity~~ business shall give notice to the Board of a change ~~of~~ of:

- (1) business address and branch locations;
- (2) resident professional **for** licensee in responsible charge;
- (3) company name;
- (4) officers, directors or owners; or
- (5) the services being offered within 30 days of ~~the~~ any change.

The ~~firm~~ business shall give notice to the Board of any disciplinary actions or conviction of any crime, in any jurisdiction on any license within 30 days of the disciplinary ~~action~~ action or conviction.

~~(d)(e)~~ (e) If a ~~firm~~ business fails to renew its certificate of licensure within one year of the expiration date, the ~~firm~~ business shall submit a new application for a new certificate of licensure in accordance with all requirements of 21 NCAC 56 .0802.

~~(e)(f)~~ (f) If any business ~~entity~~ that holds a current certificate of licensure ceases business because the professional licensee receives a waiver from paying the individual renewal fee under 21 NCAC 56 .0506 or 21 NCAC 56 ~~.0607~~ .0607, the annual renewal fee for the business shall be waived for the same time period.

History Note: *Authority G.S. 55B-11; ~~57C-2-01~~; 57D-2-01; 89C-10; 89C-14; 89C-17; 89C-24;*

Eff. February 1, 1976;

Readopted Eff. September 29, 1977;

Amended Eff. August 1, 2011; July 1, 2010; July 1, 2009; December 4, 2002; April 1, 2001;

February 1, 1996; May 1, 1994;

Amended Eff. _____.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners for Engineers and Surveyors

RULE CITATION: 21 NCAC 56 .0902

DEADLINE FOR RECEIPT: Friday, April 10, 2020

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 call our office to inquire concerning the staff recommendation.

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

In (a)(1) line 12, consider beginning the statement with "who is"

In (a)(3), line 15, please state "who is licensed..."

What does (a)(3) address? Is this to address those who may be licensed as Pes in other states but not NC? If so, isn't this addressed by (a)(1)?

In (b), lines 20-21, how will the Board find this "as fact"? Is this in the context of a hearing? If not, then why do you need "as fact" in this Rule? Isn't "finds" sufficient?

In (c), line 24, what are the contents of these forms? Are they addressed by rule or law? If not, G.S. 150B-2(8)(a) holds that the contents need to be set forth in this Rule.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: March 30, 2020

21 NCAC 56 .0902 is amended as published in 34:12 NCR 1147 – 1158 as follows:

SECTION .0900 - BUSINESS ENTITIES: GENERAL

21 NCAC 56 .0902 BUSINESS TITLES OF BUSINESS ENTITIES

(a) Companies, partnerships, corporations, limited liability ~~companies~~ companies, or any other business ~~organization~~ providing professional engineering or land surveying services in North Carolina shall not practice under a name that is misleading. Except as provided ~~below~~, 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 organization organized primarily to provide for the primary purpose of providing such professional services shall not contain the name of an individual individual:

- (1) not licensed to provide the professional services ~~offered~~ offered in North Carolina; or
- (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, G.S. 89C-13; or
- (3) 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.

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

(c) A business ~~organization~~ 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 (a) or (b) of this Rule. Requests for name changes shall be made in writing on forms provided by the Board for this purpose.

History Note: Authority G.S. 55B-5; ~~57C-2.01~~; 57D-2.01; 89C-10; 89C-24;

Eff. February 1, 1976;

Readopted Eff. September 29, 1977;

Amended Eff. August 1, 2000; August 1, 1998; May 1, 1994; April 1, 1989; April 1, 1980;

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

Amended Eff. _____.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners for Engineers and Surveyors

RULE CITATION: 21 NCAC 56 .1301

DEADLINE FOR RECEIPT: Friday, April 10, 2020

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 call our office to inquire concerning the staff recommendation.

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

In (a), line 6, consider rewriting this sentence to simplify it. "Licensee practice that may violate the rules of this Chapter or G.S. 89C is subject to..."

In (b), line 12, what are the contents of the form and how is it obtained? Is this form required to file a complaint?

In (c)(1), line 15, what is "properly" filed?

On lines 15-17, what are you saying here? If the intent is to state that the Board can open an investigation on its own, then isn't this addressed by Paragraph (a)?

In (c)(3), lines 21 and 22, you use the term "firm" but in (b), line 9, you changed "firm" to "business" Should the term be changed here, as well?

On line 22, consider deleting "of the person or firm so charged"

I also suggest moving "within 15 days" to after "requested"

In (c)(5)(C), Page 2, line 3, start this with a verb. Should it read, "present the charge..." and then delete "be presented"

In (e), line 24, insert a comma after "Rule" and add a missing word – should it be "notice"? So it reads, "When the review committee proceeds to any Part of Subparagraph (c)(5) of this Rule, notice shall be given..."

On lines 25-26, what Board decision are you referring to here? If it's the results of the hearing, G.S. 150B, Article 3A requires the Board to write a decision that will include the reasons for the decision.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: March 30, 2020

21 NCAC 56 .1301 is amended as published in 34:12 NCR 1147 – 1158 as follows:

SECTION .1300 – BOARD DISCIPLINARY PROCEDURES

21 NCAC 56 .1301 IMPROPER PRACTICE BY A LICENSEE

(a) General. ~~Alleged practice~~ Practice that may violate the rules in this Chapter or G.S. 89C by a licensee is subject to Board investigation and disciplinary action by the Board.

(b) Preferring Charges. Any person who believes that any licensed Professional Engineer, Professional Land Surveyor ~~Surveyor~~, or ~~firm~~ business holding a certificate of ~~authorization~~ licensure is in violation of the provisions of G.S. 89C or the rules in this Chapter may prefer charges against that person or ~~firm~~ business by ~~setting forth in writing those charges and swearing to their authenticity,~~ evidence that helps support the charges. ~~A complaint form is provided by the Board to aid in filing the complaint. The charges shall be filed with the Board's office in Raleigh, North Carolina.~~

(c) Preliminary Review:

(1) Upon receipt of a properly filed charge, a case shall be opened. Other information indicating that a licensee is in violation of the provisions of G.S. 89C or the rules in this Chapter may be a basis for opening a case by the Board.

(2) A field investigation may be performed if determined necessary by the Executive ~~Director~~, Director in order to obtain additional information and evidence.

(3) If the Executive Director determines that the charges are corroborated by evidence, a written notice and explanation of the charge shall be forwarded to the person or firm against whom the charge is made and a response is requested of the person or firm so charged to ~~show~~ show, within 15 days, compliance with ~~all lawful requirements~~ G.S. 89C and the rules in this Chapter for retention of the license. Notice of the charge and of the alleged facts or alleged conduct shall be given personally or by certified mail, return receipt request.

(4) After preliminary evidence has been obtained, the matter shall be referred to the Board's review ~~committee~~ committee, which is made up of the following individuals:

(A) one member of the Board who is licensed in the respective ~~profession,~~ profession;

(B) the legal counsel of the ~~Board,~~ Board; and

(C) the Executive Director of the Board or Assistant Executive Director if designated by the Executive Director.

(5) Upon review of the ~~available~~ available evidence, the review committee ~~shall present to the Board a written recommendation that:~~ shall:

(A) recommend that the Board dismiss the charge ~~be dismissed~~ as unfounded or trivial;

(B) when the charge is admitted as true, recommend that the Board accept the admission of guilt by the person charged and order that person not to commit in the future the specific

act or acts admitted and also not to violate any of the provisions of the Board ~~Rules~~ rules or the statutes at any time in the future;

(C) the charge, whether admitted or denied, be presented to the full Board for a hearing and determination by the Board on the merits of the charge in accordance with the substantive and procedural requirements of the provisions of Section .1400 of this Chapter and the provisions of G.S. 150B; or

(D) whether the charge is admitted or denied, ~~the Board~~ give written notice to the licensee ~~of a contemplated action as set out in Rule .1403(b) of this Chapter. that:~~

(i) sufficient evidence exists which, if not rebutted or explained, would justify the Board in taking an action set out in Rule .1402(4) through (12);

(ii) stating the nature of the evidence; and

(iii) that unless the licensee, within 20 days after service of said notice, deposits in the mail a certified letter addressed to the Board and containing a request for a hearing or settlement conference, that it will recommend that the Board take the action(s) specified in the notice, set out in Rule .1402(4) through (12).

(d) Consultant. A consultant to the review committee shall be designated by the Board Chair if a board member is a complainant, ~~witness~~ witness, or respondent in a case. The consultant shall be a licensed professional engineer or professional land surveyor, depending on the nature of the ~~case, case, and selected from a list provided by the Executive Director of former Board members or other licensed professionals who are knowledgeable with the Board's processes.~~ The consultant shall review all case materials and make a recommendation for consideration by the review committee as to the merits of the case. The consultant shall review any new information presented in the event of a settlement conference and make a recommendation to the settlement conference committee.

(e) Board Decision. ~~Notice of the decision by the Board on recommendations of the review committee~~ When the review committee proceeds to any Part of Subparagraph (c)(5) of this Rule shall be given to the party against whom the charges have been brought and the party submitting the charge. ~~Though it is not forbidden to do so, the~~ The Board is not required to notify the parties of the reasons of the Board in making its determination.

(f) Settlement Conference. ~~When the Board issues a citation for hearing or notice of a contemplated action, review committee proceeds pursuant to Parts (c)(5)(C) or (D) of this Rule,~~ the licensee may request in writing a settlement conference to pursue resolution of the issue(s) through informal procedures. If, after the completion of a settlement conference, the licensee and Board's settlement committee do not agree to a resolution of the dispute for the full Board's consideration, the original administrative proceeding shall commence. During the course of the settlement conference, no sworn testimony shall be ~~taken~~ taken, nor shall any witnesses be cross-examined.

(1) The Board's settlement committee shall be made up of the following individuals:

(A) the member of the Board who served on the review committee or ~~the replacement a~~ replacement member if the member is not ~~available~~, available;

(B) one public member from the ~~Board~~, Board;

(C) the legal counsel of the ~~Board~~, Board; and

- 1 (D) the Executive Director of the Board or Assistant Executive Director if designated by the
2 Executive Director.
- 3 (2) Upon review of the available evidence, the settlement committee ~~shall present to the Board a written~~
4 ~~recommendation that:~~ shall:
- 5 (A) recommend that the Board dismiss the charge ~~be dismissed~~ as unfounded or trivial;
- 6 (B) when the charge is admitted as true, recommend the Board accept the admission of guilt
7 by the person charged and order the person not to commit in the future the specific act or
8 acts admitted and, also, not to violate any provisions of the Board Rules or the statutes at
9 any time in the future;
- 10 (C) direct that the charge, whether admitted or denied, be presented to the full Board for a
11 hearing and determination by the Board on the merits of the charge in accordance with the
12 substantive and procedural requirements of the provisions of Section .1400 of this Chapter
13 and the provisions of G.S. 150B; or
- 14 (D) ~~whether the charge is admitted or denied, the Board give notice to the licensee of a~~
15 ~~contemplated action as set out in Rule .1403(b) of this Chapter.~~ recommend that the Board
16 approve a settlement agreed to by the licensee and proposed by the settlement conference
17 committee.

18

19 *History Note: Authority G.S. 89C-10; 89C-21; 89C-22;*
20 *Eff. February 1, 1976;*
21 *Readopted Eff. September 29, 1977;*
22 *Amended Eff. August 1, 2011; July 1, 2009; May 1, 2009; August 1, 2000; August 1, 1998; March*
23 *1, 1996; April 1, 1989; December 1, 1984; January 1, 1982;*
24 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*
25 *2019;*
26 *Amended Eff._____.*
27

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners for Engineers and Surveyors

RULE CITATION: 21 NCAC 56 .1302

DEADLINE FOR RECEIPT: Friday, April 10, 2020

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 call our office to inquire concerning the staff recommendation.

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

In (a), line 5, please capitalize "State"

On line 5, what is "appropriate" legal action? Will this be determined by the enforcing authority?

In (b), line 9, what is required in this complaint? Will the form be entirely up to them?

In (c), line 11, is this terminology different from Rule .1301(c) ("Preliminary Review") on purpose? Or should this be the same here?

In (c)(1), line 12, what is "properly" here?

On lines 12-14, what are you saying here? If the intent is to state that the Board can open an investigation on its own, then isn't this addressed by Paragraph (a)?

In (c)(2), line 15, delete "At the discretion of" You may want to use the language in Rule .1301(c)(2) here.

Also, should "executive director" be capitalized to be consistent with the rest of the Rule?

In (c)(3), lines 19 and 20, what are "lawful requirements"?

In (c)(4), line 23, insert a comma after "committee" and delete "which is"

In (c)(5), line 30, what is a "threshold determination"?

In (c)(5)(B), line 36, what are "all lawful requirements"?

In (c)(5)(D), Page 2, line 3, who determines what is "necessary" legal action? Is this determined by the enforcing agency?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: March 30, 2020

21 NCAC 56 .1302 is amended as published in 34:12 NCR 1147 – 1158 as follows:

21 NCAC 56 .1302 UNLAWFUL PRACTICE BY AN UNLICENSED PERSON

(a) General. Alleged unlawful practice by an unlicensed person shall be subject to Board investigation and enforcement, to include applying for relief by injunction or referral to an agency of the state for appropriate legal action.

(b) Preferring Charges. Any person who believes that any person or firm (party) is in violation of the acts specified in G.S. 89C may prefer charges against that person or firm by setting forth in writing those charges ~~and swearing to their authenticity.~~ to the best knowledge and belief, in the form of a complaint, along with providing corroborative evidence. The charges shall be filed ~~at~~ with the Board's office in Raleigh, North Carolina.

(c) Preliminary or Threshold Determination:

(1) Upon receipt of a properly filed charge, ~~a case an investigation~~ shall be ~~initiated, opened.~~ Other information indicating that a party is in violation of the provisions of G.S. 89C or the rules in this Chapter may be a basis for opening a case by the Board.

(2) At the discretion of the executive director, a field investigation may be performed without notifying any of the parties involved,

(3) If the Executive Director determines that charges are corroborated by evidence, a written notice and explanation of the charge shall be forwarded to the person or firm against whom the charge is made and a response is requested of the person or firm so charged to show compliance with all lawful requirements. Notice of the charge and of the alleged facts or alleged conduct shall be given personally or by certified mail, return receipt requested.

~~(3)(4)~~ (4) After preliminary evidence has been obtained, the matter shall be referred to the Board's review committee which is made up of the following individuals:

(A) one member of the Board;

(B) the legal counsel of the Board; and

(C) the Executive Director of the Board or Assistant Executive Director if designated by the Executive Director.

~~(4) The review committee shall recommend to the Board whether there is probable cause to believe that a party against whom a charge has been brought in fact has violated the provisions of G.S. 89C.~~

(5) Upon review of the available evidence, the review committee shall make a threshold determination of the charges brought. The review committee shall ~~then present~~ recommend to the Board ~~written recommendations~~ that:

(A) ~~The the investigation be continued; continued and the party be notified with an explanation of the charge(s) and given an opportunity to provide a response to show compliance with all lawful requirements;~~

(B) ~~The the~~ charge be dismissed as unfounded or trivial; ~~or~~

1 (C) a letter be issued informing of the possible violation of G.S. 89C and that further action
2 may be pursued under G.S. 89C-23; or

3 ~~(C)~~(D) The the matter be referred to an appropriate agency for necessary legal action.

4 (d) Board Decision. Notice of decision by the Board on recommendations of the review committee shall be given to
5 the party submitting the charge.

6
7 *History Note: Authority G.S. 89C-10; 89C-23;*

8 *Eff. February 1, 1976;*

9 *Readopted Eff. September 29, 1977;*

10 *Amended Eff. August 1, 2011; August 1, 2000; August 1, 1998; May 1, 1994; April 1, 1989; January*
11 *1, 1982;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*
13 *2019;*

14 *Amended Eff._____.*
15

21 NCAC 56 .1403 is amended as published in 34:12 NCR 1147 – 1158 as follows:

SECTION .1400 - CONTESTED CASES

21 NCAC 56 .1403 NOTICE OF CONTEMPLATED BOARD ACTION: ACTION TO APPLICANT: REQUEST FOR HEARING

(a) When the Board takes an action of a type specified in Subparagraphs (1), (2) or (3) of Rule .1402 of this Section, it shall give to the applicant a written ~~notice containing a~~ statement:

- (1) that the applicant ~~has failed to satisfy the Board of~~ meet the qualifications to be examined or to be issued a ~~license, as the case may be;~~ license;
- (2) ~~indicating stating in what respects the applicant has so failed to satisfy the Board;~~ specific deficiencies as to why the applicant failed; and
- (3) that unless the applicant, within 20 days after service of ~~said~~ the notice, deposits in the mail a certified letter addressed to the Board and containing a request for a hearing, the Board's action will become final.

In any Board proceeding involving the denial of a ~~duly made~~ an application to take an examination, or refusal to issue a license after an applicant has taken and passed an examination, the burden of satisfying the Board of the applicant's qualifications shall be upon the applicant.

~~(b) When the Board contemplates taking any action of a type specified in Subparagraphs (4), (5), (6), (7), (8), or (9) of Rule .1402 of this Section, it shall give to the licensee a written notice containing a statement:~~

- ~~(1) that the Board has sufficient evidence which, if not rebutted or explained, will justify the Board in taking the contemplated action;~~
- ~~(2) indicating the general nature of the evidence; and~~
- ~~(3) that unless the licensee, within 20 days after service of said notice, deposits in the mail a certified letter addressed to the Board and containing a request for a hearing or settlement conference, the Board will take the contemplated action.~~

*History Note: Authority G.S. 89C-10; 89C-21; 89C-22; 150B-38;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. August 1, 1998; December 1, 1984; January 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019;
Amended Eff. _____.*

21 NCAC 56 .1603 is amended as published in 34:12 NCR 1147 – 1158 as follows:

SECTION .1600 – STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA

21 NCAC 56 .1603 CLASSIFICATION OF BOUNDARY SURVEYS

General. "Boundary surveys" are defined as surveys made to establish or to retrace a boundary line on the ground, or to obtain data for constructing a map, plat, or report showing a boundary line. For the purpose of this Rule, the term refers to all surveys, including "loan" or "physical" surveys, that involve the determination or depiction of property lines. For the purpose of specifying minimum allowable surveying standards for boundary surveys, the following four general classifications of lands in North Carolina are established from the standpoint of their real value, tax value, or location. Each map shall contain a statement of the calculated ratio of precision before adjustments or a statement of positional accuracy.

- (1) Local Control Network Surveys (Class AA). Local control network surveys are traverse networks utilizing permanent points for the purpose of establishing local horizontal control networks for future use by local surveyors. For Class AA boundary surveys in North Carolina, the angular error of closure shall not exceed ten seconds times the square root of the number of angles turned. The ratio of precision shall not exceed an error of closure of one foot per 20,000 feet of perimeter of the parcel of land (1:20,000). When using positional accuracy standards for Class AA control and boundary surveys, neither axis of the 95 percent confidence level error ellipse for any control point or property corner shall exceed 0.05 feet or 0.015 meters plus 30 ppm measured relative to the position(s) of the horizontal control points used and referenced on the survey.
- (2) Urban Land Surveys (Class A). Urban surveys include lands that normally lie within a town or city. For Class A boundary surveys in North Carolina, the angular error of closure shall not exceed 20 seconds times the square root of the number of angles turned. The ratio of precision shall not exceed an error of closure of one foot per 10,000 feet of perimeter of the parcel of land (1:10,000). When using positional accuracy standards for Class A control and boundary surveys, neither axis of the 95 percent confidence level error ellipse for any control point or property corner shall exceed 0.10 feet or 0.030 meters plus 50 ppm measured relative to the position(s) of the horizontal control points or property corners used and referenced on the survey.
- (3) Suburban Land Surveys (Class B). Suburban surveys include lands in or surrounding the urban properties of a town or city. For Class B boundary surveys in North Carolina, the angular error of closure shall not exceed 25 seconds times the square root of the number of angles turned. The ratio of precision shall not exceed an error of closure of one foot per 7,500 feet of perimeter of the parcel of land (1:7,500). When using positional accuracy standards for Class B control and boundary surveys, neither axis of the 95 percent confidence level error ellipse for any control point or property corner shall exceed 0.12 feet or 0.037 meters plus 90 ppm measured relative to the position(s) of the horizontal control points or property corners used and referenced on the survey.

(4) Rural and Farmland Surveys (Class C). Rural and farmland surveys include lands located in rural areas of North Carolina and generally outside the suburban properties. For Class C boundary surveys in North Carolina, the angular error of closure shall not exceed 30 seconds times the square root of the number of angles turned. The ratio of precision shall not exceed an error of closure of one foot per 5,000 feet of perimeter of the parcel of land (1:5,000). When using positional accuracy standards for Class C control and boundary surveys, neither axis of the 95 percent confidence level error ellipse for any control point or property corner shall exceed 0.15 feet or 0.046 meters plus 150 ppm measured relative to the position(s) of the horizontal control points or property corners used and referenced on the survey.

History Note: Authority G.S. 89C-10; 89C-20;

Eff. July 1, 1989;

Amended Eff. August 1, 2014; May 1, 2009; August 1, 2000; August 1, 1998; November 2, 1992;

January 1, 1992;

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

Amended Eff._____.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners for Engineers and Surveyors

RULE CITATION: 21 NCAC 56 .1604

DEADLINE FOR RECEIPT: Friday, April 10, 2020

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 call our office to inquire concerning the staff recommendation.

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

In (a), line 4, what is "legible" here? Is it the term as it is used in G.S. 47-30, such that it must be legible to the public?

Throughout this Rule, you use the terms "accurately" and "correctly"? Are these terms understood by your regulated public?

In (d)(4), line 26, please delete the comma after "data"

In (d)(7)(B), Page 2, line 4, I believe there should be a comma after "parcel"

In (d)(8), line 6, what is "visible and apparent" here? To whom?

In (d)(12), line 22, I take it you are using "substantially" to mirror the language in G.S. 47-30?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: March 30, 2020

21 NCAC 56 .1604 is amended as published in 34:12 NCR 1147 – 1158 as follows:

21 NCAC 56 .1604 MAPPING REQUIREMENTS FOR BOUNDARY SURVEYS

(a) The size of a map shall be such that all details are legible on a copy.

(b) Any lines that are not actually surveyed shall be indicated on the map and a statement included revealing the source of information from which the line is derived.

(c) All surveys based on the North Carolina grid system shall contain a statement identifying the coordinate system referenced datum used.

(d) All plats (maps), unless marked as "Preliminary Plat - Not for recordation, conveyances, or sales" shall be sealed, ~~signed~~ signed, and dated by the Professional Land Surveyor and shall contain the following:

(1) An accurately positioned north arrow coordinated with any bearings shown on the plat. Indication shall be made as to whether the north index is true, magnetic, North Carolina grid ('NAD 83' and realization (date of adjustment of coordinate system) or 'NAD27'), or is referenced to old recorded deed or recorded plat bearings. If the north index is magnetic or referenced to old recorded deed or recorded plat bearings, the date and the source ~~(note if determined)~~ (note if not determined) shall be indicated.

(2) The azimuth or courses and distances of every property line surveyed shall be shown. Distances shall be in feet or meters and decimals thereof. The number of decimal places shall be appropriate to the class of survey required in Rule .1603 of this Section.

(3) All plat lines shall be horizontal or grid measurements. All lines shown on the plat shall be correctly plotted to the scale shown. Enlargements of portions of a plat ~~are acceptable in the interest of clarity, where shown as inserts. are not required to be to scale.~~ Where the North Carolina grid system is used, the combined grid factor shall be shown on the face of the plat. If grid distances are used, they shall be shown on the plat.

(4) Where a boundary is formed by a curved line, the following data ~~must~~ shall be given: actual survey data, or ~~as~~ a series of subchords with bearings and distances around the curve. If standard curve data is used, the bearing and distance of the long chord (from point of curvature to point of tangency) ~~must~~ shall be shown on the face of the plat.

(5) Where a subdivision of land is set out on the plat, all streets and lots shall be accurately plotted with dimension lines indicating widths and all other information pertinent to retracing all lines in the field. This shall include bearings and distances ~~sufficient~~ to form a continuous closure of the entire perimeter.

(6) ~~Where control corners have been established in compliance with G.S. 39-32.1, 39-32.2, 39-32.3, and 39-32.4, as amended, the location and information as required in the referenced statute shall be shown on the plat. All~~ Control corners, and all other corners that are marked by monument or natural object shall be ~~so~~ identified on all plats, and ~~where practical,~~ all corners of adjacent owners along the boundary lines of the subject tract that are marked by monument or natural object shall be shown.

(7) The surveyor shall show one of the following ~~where they (or note if could not be determined:~~
determined):

(A) The names of adjacent land owners;

(B) The lot, block, parcel and subdivision designations; or

(C) Other legal ~~reference where applicable.~~ reference.

(8) All visible and apparent rights-of-way, easements, watercourses, utilities, roadways, and other such improvements shall be accurately located where crossing or forming any boundary line of the property shown.

(9) Tie lines as required and defined in Rule .1602(g) of this Section shall be accurately shown on the face of the plat, whether or not the plat is to be recorded.

(10) A vicinity map (location map) shall appear on the face of the plat.

(11) Each map shall contain:

(A) the property designation;

(B) the name of owner or prospective owner;

(C) the location (including township, county, and ~~state~~); State);

(D) the date or dates the survey was conducted;

(E) a scale of the drawing listed in words or figures;

(F) a bargraph;

(G) the title source; and

(H) a legend depicting nomenclature or symbols not otherwise labeled.

(12) Any map not certified for recording under G.S. 47-30, and all reports of survey, shall contain this certificate signed by the Professional Land Surveyor in substantially the following form:

"I certify that this map was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____, page _____ or other reference source _____); that the boundaries not surveyed are indicated as drawn from information in Book _____, page _____ or other reference source _____; that the ratio of precision or positional accuracy is _____; and that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1600)."

This _____ day of _____, 2_____.

Seal _____

Professional Land Surveyor

History Note: Authority G.S. 89C-10; 89C-16; 89C-20;

Eff. July 1, 1989;

Amended Eff. August 1, 2014; May 1, 2009; August 1, 2000; August 1, 1998; February 1, 1996;

November 2, 1992; January 1, 1992;

1 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*
2 *2019;*
3 *Amended Eff._____.*
4

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners for Engineers and Surveyors

RULE CITATION: 21 NCAC 56 .1607

DEADLINE FOR RECEIPT: Friday, April 10, 2020

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 call our office to inquire concerning the staff recommendation.

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

In (a), do you need that it provides global coverage on both lines 5 and 8?

In (b), line 10, how is this certification done? Is it in accordance with Rule .1103?

I am only asking – the certificate language inverts the order of (b)(2) and (b)(3) on lines 14 and 16 (see lines 27 and 28). Is this intentional?

In (d), Page 2, line 1, why is “Grid” capitalized? The term is not capitalized in (b)(8). I see that it is capitalized on Page 2, line 2, but that is with “NC” so it appears there, it is a formal name.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: March 30, 2020

21 NCAC 56 .1607 is amended as published in 34:12 NCR 1147 – 1158 as follows:

21 NCAC 56 .1607 GLOBAL POSITIONING SYSTEMS SURVEYS

(a) General. ~~Global Positioning Systems (GPS) are defined as the~~ Navigation Satellite Systems (GNSS) is the generic name of navigation and positioning systems with global coverage that is comprised of the Global Navigation Satellite System (GNSS), which includes GPS (Global Positioning System, United States, originally NAVSTAR, Navstar), GLONASS, GLONASS (Global Navigation Satellite System, Russia), GALILEO, Galileo (Europe), COMPASS, BDS (BeiDou Navigation Satellite System, China, also known as COMPASS), and any other satellite-based navigation and positioning systems. ~~systems that provide global coverage.~~

(b) The Professional Land Surveyor in responsible charge of the GPS survey shall certify all prepared documents. When a map or document consists of more than one sheet, only one sheet must contain the certificate and all others must be certified. The certificate or metadata notes shall contain the following information:

- (1) Class of GPS survey as defined in the Standards of Practice (or list the sections);
- (2) Type of GPS field procedure, such as Static, Kinematic, Pseudo-Kinematic, Real-time Kinematic, Real-time Kinematic networks, and Online Position User Service;
- (3) Positional accuracy;
- (4) Dates of survey;
- (5) What datum and epoch coordinates or geographic positions are based on;
- (6) Designation of fixed-control stations and their positional data;
- (7) Geoid model used;
- (8) Combined grid factor(s); and
- (9) Units.

The certificate shall be substantially in the following form:

"I, _____, certify that this map was drawn under my supervision from an actual GPS survey made under my supervision and the following information was used to perform the survey:

- (1) Class of survey: _____
- (2) Positional accuracy: _____
- (3) Type of GPS field procedure: _____
- (4) Dates of survey: _____
- (5) Datum/Epoch: _____
- (6) Published/Fixed-control use: _____
- (7) Geoid model: _____
- (8) Combined grid factor(s): _____
- (9) Units: _____"

(c) GPS surveys ~~performed~~ to provide control networks shall be performed in such a manner that it meets a 95 percent confidence level of the positional accuracy of each point relative to the published positions of the control points used and shall meet the accuracy standards of a Class AA survey as set out in Rule .1603.

1 (d) GPS surveys performed to provide local horizontal or vertical Grid control on a parcel of land where the boundary
2 or topography of that parcel will be shown relative to NC Grid horizontal or vertical datum shall be performed using
3 techniques that will provide the standards of accuracy for the class of survey being performed while determining the
4 horizontal or vertical positions of objects as set out in Rule .1603 or Rule .1606 as applicable.

5 (e) Fixed station(s) used for the project shall appear on the map, plat, or report. The minimum data shown for each
6 fixed station shall be station name, horizontal position (northing and easting) or latitude, longitude, elevation (ellipsoid
7 or orthometric), and datum and epoch.

8
9 *History Note: Authority G.S. 89C-10; 89C-20;*

10 *Eff. November 2, 1992;*

11 *Amended Eff. August 1, 2011; May 1, 2009; August 1, 2002; August 1, 2000;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*
13 *2019;*

14 *Amended Eff. _____.*
15