

Burgos, Alexander N

Subject: FW: [External] RE: Bd of Examiners Engineers and surveyors
Attachments: image001.gif; image002.png; image001.gif; image002.png; image001.gif; image002.png; 21 NCAC 56 .0303.docx; 21 NCAC 56 .0601.docx

From: David S. Tuttle <DSTuttle@ncbels.org>
Sent: Friday, February 3, 2023 5:06 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Cora Houston <chouston@ncbels.org>
Subject: Re: [External] RE: Bd of Examiners Engineers and surveyors

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Bill,

I forgot to convert the two rules from the red tracked changes. We will send you the converted ones on Monday morning.

Hope your weekend is good.

David

On Feb 3, 2023, at 3:41 PM, David S. Tuttle <DSTuttle@ncbels.org> wrote:

Bill,

The two rules are attached with the revisions noted below.

21 NCAC 56 .0303

Line 4: Add the complete statute citation G.S. 89C-10(g)
[Revised to complete the citation.](#)

21 NCAC 56 .0601

Line 33 (a)(3)(C)(ii): If the Board can reject the semester hours because they were not taught by “qualified” faculty, then the Board must set a standard by which faculty is qualified. If the Board is not going to reject semester hours because they were not taught by “qualified” faculty, then the language is meaningless and should be removed.

[Revised to add “qualified by education, training or experience to teach the subject matter.”](#)

Line 3, (a)(3)(D): In the absence of a rule addressing the approval process, there needs to be some criteria upon which the Board will base its approval of the program.

[Revised by moving “approved by the Board” to connect with the criteria for approval being the inclusion of elements equivalent to the other program specifications in the rule.](#)

Line 6-9, (c)(2): If the “exhibit” in (c)(2) is referencing (1), should not (c)(2) be (c)(1)(C)? In the alternative, clarify that “the exhibit” is part of (c)(1).

Good catch. Revised by moving (c)(2) be (c)(1)(C)

Let me know if anything else is needed. We look forward to the February 16 Commission meeting.

Thanks,
David

David S. Tuttle
Board Counsel
NC Board of Examiners for Engineers and Surveyors
4601 Six Forks Rd., Suite 310, Raleigh, NC 27609
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(919) 791-2000 x 111
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21 NCAC 56 .0303 is amended with changes as published in 37:04 NCR 342-348 as follows:

21 NCAC 56 .0303 DISBURSEMENT OF FUNDS

The Board ~~shall may~~ dispense funds for educational ~~programs programs~~. Entities described in G.S. 89C-10(g) may in the following manner:

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

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

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

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

~~(a)(1)~~ The amount needed;

~~(b)(2)~~ The intended use of the funds;

~~(c)(3)~~ Subject material to be presented and qualifications of instructors to be employed;

~~(d)(4)~~ Itemized breakdown of the amount needed and the total expected costs; and

~~(e)(5)~~ Source and amount of assistance being given by any other person or organization.

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

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. ~~January 1, 2023~~ March 1, 2023; July 1, 2020.

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

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. Bachelor of Science degree in surveying or other equivalent curriculum." These degrees shall contain a minimum of 45 semester hours, or their quarter-hour equivalents. 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 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. Courses~~Courses, completed with a passing grade,~~ shall be in surveying fundamentals, applied surveying practice and advanced or theoretical surveying courses, including courses in surveying practices, subdivision design and planning, surface drainage, and ~~photogrammetry~~ photogrammetry, which must be completed with a passing grade.
- (3) "Land Surveyor Apprenticeship." The applicant shall have completed one of the following programs:following:
 - (A) Certified Survey Technician Program (CST) of the National Society of Surveyors (NSPS) levels I through IV.
 - (B) "Technologist" Certification Program of the American Society for Photogrammetry and Remote Sensing (ASPRS).
 - (C) Based upon the~~The~~ Surveying Education Standard of the National Council of Examiners for Engineering and Surveying (NCEES) by obtaining college semester credit hours, as modified to require the following 39 college semester hours:
 - (i) 12-Twelve college semester hours in mathematics beyond basic mathematics, but the credits include college algebra or higher mathematics. These courses must emphasize mathematical concepts and principles rather than computation. Mathematics courses may~~Course examples~~ include college algebra, trigonometry, analytic geometry, differential and integral calculus, linear algebra, numerical analysis, probability and statistics, and advanced ~~calculus~~ calculus; and
 - (ii) 27-Twenty-seven college semester hours of surveying science and surveying practice. Courses shall be taught by qualified~~surveying faculty~~ faculty qualified by education, training or experience to teach the subject matter. Examples of ~~surveying~~ courses are basic surveying, route surveying, geodesy, geographic information systems, land development design and planning, global positioning systems, photogrammetry, mapping, legal principles of land surveying, boundary

1 law, professional surveying and mapping, and remote sensing. Graduate-level
2 surveying courses can be included to fulfill curricular requirements in this area.

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

Formatted: Highlight

6 (b) Experience:

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

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

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

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

31 (c) Exhibits, Drawings, Maps:

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

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

in Section .1600 of this Chapter; and that shows that the applicant is able to apply this knowledge by preparing a 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.

(C) Specific Requirements. The 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, and mapping were performed by the applicant under the supervision of a Professional Land Surveyor, attested to by that Professional Land Surveyor.

~~(2) Specific Requirements. The 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, 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 representative map of an actual survey of a project or work performed in the state of licensure that is modified to meet the requirements in Subparagraph (c)(2) of this Rule and shall be evaluated in accordance with 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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019;
Amended Eff. July 1, 2020;
Temporary Amendment Eff. July 1, 2022;
Amended Eff. ~~January 1, 2023;~~ March 1, 2023.

Burgos, Alexander N

Subject: FW: [External] RE: Bd of Examiners Engineers and surveyors

From: Peaslee, William W <bill.peaslee@oah.nc.gov>

Sent: Monday, January 30, 2023 4:51 PM

To: David S. Tuttle <DSTuttle@ncbels.org>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Cora Houston <chouston@ncbels.org>

Subject: RE: [External] RE: Bd of Examiners Engineers and surveyors

Good afternoon David,

Please see my comments on the following rule.

21 NCAC 56 .0303

Line 4: Add the complete statute citation G.S. 89C-10(g)

21 NCAC 56 .0601

Line 33 (a)(3)(C)(ii): If the Board can reject the semester hours because they were not taught by “qualified” faculty, then the Board must set a standard by which faculty is qualified. If the Board is not going to reject semester hours because they were not taught by “qualified” faculty, then the language is meaningless and should be removed.

Line 3, (a)(3)(D): In the absence of a rule addressing the approval process, there needs to be some criteria upon which the Board will base its approval of the program.

Line 6-9, (c)(2): If the “exhibit” in (c)(2) is referencing (1), should not (c)(2) be (c)(1)(C)? In the alternative, clarify that “the exhibit” is part of (c)(1).

William W. Peaslee

Rules Review Commission Counsel / Legislative Liaison

Office of Administrative Hearings

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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.

Burgos, Alexander N

Subject: FW: [External] RE: Bd of Examiners Engineers and surveyors
Attachments: 12.2022 Engineers and Surveyors Request for Changes RESPONSE To RRC.docx; 21 NCAC 56 .0303.docx; 21 NCAC 56 .0601.docx; 21 NCAC 56 .0608.docx; 21 NCAC 56 .1702.docx; 21 NCAC 56 .1703.docx; 21 NCAC 56 .1704.docx; 21 NCAC 56 .1705.docx; 21 NCAC 56 .1707.docx; 21 NCAC 56 .1713.docx

From: David S. Tuttle <DSTuttle@ncbels.org>
Sent: Friday, January 27, 2023 11:46 AM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Cora Houston <chouston@ncbels.org>
Subject: RE: [External] RE: Bd of Examiners Engineers and surveyors

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Bill,

Please accept, with my pleasure, comments and revisions to the rules in response to your review.

Thank you for your continued assistance, as we look forward to the upcoming Rules Review Commission meeting for approval.

Thanks,
David

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

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

RULE CITATION: 21 NCAC 56 .0303

DEADLINE FOR RECEIPT: December 9, 2022

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

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

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

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

Response:

1. It is the intention of the Board that funds only be dispensed after approval of the Board Committee recommendation.
2. The assigned committee/committees make recommendations to the Board for action by the Board.
3. The Board Committees receive the assignment from the Executive Director in consultation with the Committee Chair.

Revisions:

1. Line 4 revised to: "The Board ~~shall~~may dispense funds for educational programs. Entities described in G.S. 89C may ...
2. Deleted Subparagraph (1), as it is covered by G.S. 89C-10(g) for disbursing funds and by Rule .0103(a) for committee operations.

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

Revised to delete Subparagraph (1), as it is covered in G.S. 89C-10(g) and rulemaking is not reasonably necessary to interpret pursuant to G.S. 150B-21.9.

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

Entities described in G.S. 89C-10(g) can make a request. The Board reviews the completeness and responsiveness of the request and whether to grant the funding under the Statute and the rule.

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

William W. Peaslee
Commission Counsel

Date submitted to agency: November 29, 2022

No, it is available for them to do so. Revised from “shall” to “may.”

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

No, it is the published address from the website and any other source available to the public and there is no particular method of delivery. In the future we will look further at the suggestion for a contact rule.

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

Yes, the regulated public making requests for funding would know that “itemized” requires a listing of expenses to be incurred.

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

William W. Peaslee
Commission Counsel

Date submitted to agency: November 29, 2022

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

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

RULE CITATION: 21 NCAC 56 .0601

DEADLINE FOR RECEIPT: December 9, 2022

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

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

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

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

"Land Surveyor Apprenticeship" was added by Session Law 2022-1 in G.S. 89C-13(b)(1a)(d1) as another path of licensure education and experience. This adds a definition by listing requirements, just as is done for Bachelor and Associate Degrees.

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

Done.

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

Revised:

hours, or quarter-hour equivalents. ~~Courses~~Courses, completed with a passing grade, shall be in surveying fundamentals, applied surveying practice and advanced or theoretical surveying courses, including courses in surveying practices, subdivision design and planning, surface drainage, and ~~photogrammetry~~photogrammetry which must be completed with a passing grade.

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

Revised:

Deleted the word "programs" and the words "Based upon" as unnecessary:

"Land Surveyor Apprenticeship." The applicant shall have completed one of the following
~~programs:following:~~

William W. Peaslee
Commission Counsel

Date submitted to agency: November 29, 2022

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

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

This is from the referenced "Surveying Education Standard of the National Council of Examiners for Engineering and Surveying (NCEES)" and is recognized nationally in the field of surveying for preparation for the NCEES licensing exams used by all jurisdictions, including North Carolina. The language is well-tested, and we have not experienced any questions about interpretation.

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

Done.

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

Revised:

~~Mathematics courses may~~Course examples include college algebra, trigonometry, analytic geometry, differential and integral calculus, linear algebra, numerical analysis, probability and statistics, and advanced ~~calculus~~calculus; and

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

Done.

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

This is straight from the referenced "Surveying Education Standard of the National Council of Examiners for Engineering and Surveying (NCEES) and is recognized nationally in the field of surveying for preparation for the NCEES licensing exams used by all jurisdictions, including North Carolina. We rely upon the common definition of "qualified" in the Merriam-Webster Dictionary: "fitted (as by training or experience) for a given purpose : COMPETENT." There are no specific requirements for the instructor other than those of the institution.

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

Clarified by deleting "surveying":

~~practice. Courses shall be taught by qualified surveying faculty. Examples of surveying~~courses are basic surveying, route surveying, geodesy, geographic

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

William W. Peaslee
Commission Counsel

Date submitted to agency: November 29, 2022

Response:

1. It is part of the expected process for approving programs in accordance with the operation of the Board and its committees.
2. There is not a rule that directly addresses.

Revised, after ApprenticeshipNC, "or equivalent" to say "or an equivalent administrator."

Line 8, (b)(1): If it meets the Board's intention, strike "such that" and replace with "a".
Done.

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

The guidance language in the rule for evaluation of the experience Includes "the Board shall consider the total experience and the progressive nature of the record; that not less than half be of a professional grade and character performed under the responsible charge of a Professional Land Surveyor. The subject language was added in 2009 to address situations when an applicant does not meet the requirement for experience under a Professional Land Surveyor. Consideration of military experience was added, also, to broaden the opportunity to meet the experience requirements.

It is the same language for engineers in .0501 and has been well accepted and understood by applicants and Board members, without controversy.

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

The due importance of the military-described qualifications of experience in G.S. 93B-15.1 are evaluated under the criteria for progressive engineering experience and the examination requirements of the Board.

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

On the map is correct.

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

Correct.

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

Done.

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

William W. Peaslee
Commission Counsel

Date submitted to agency: November 29, 2022

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

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

RULE CITATION: 21 NCAC 56 .0608

DEADLINE FOR RECEIPT: December 9, 2022

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

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

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

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

It is not a license. It allows the certificate holder to use the title "Surveyor Intern" and typically place "SI" after their name and to signify that they are successfully on the track for licensure as a PLS. It is often encouraged and recognized by employers.

Other than the proposed revision to now add the general public protection charge to the Board from 89C-2, "In order to safeguard life, health, and property, and to promote the public welfare, ..." the Board relies upon language in 89C-10(g1) that was added concurrent with *the addition of the apprenticeship program to "... encourage the workforce development of the profession."* These changes were in response to the dwindling surveyor population that could not match the current demand and the projections for the future. The Intern Certificate program has been a well-established part of the professions for both surveying and engineering. Ending, or even a disruption in the Surveyor Intern program if the temporary rule, for which the concern over authority was overcome, expires, will negatively impact the profession to include those who are pursuing licensure, employers who appreciate the credential and its part in encouraging recognition to the surveying profession. This, in turn, is an element that adds to the visibility and respect for the profession to be considered by students. Surveying companies can better represent to clients, as part of the general public, an understanding of the qualifications of their employees. In general, it is a way of publicly displaying a title that brings attention and respect to the profession, short of licensure. It encourages individuals to pursue licensure and adds to the availability of surveyors for the future.

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

Yes, it is the same form.

William W. Peaslee
Commission Counsel

Date submitted to agency: November 29, 2022

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

Revised to clarify:

In addition to the applicant submitting names to the Board of such individuals, those individuals ~~shall submit~~in submitting to the Board their evaluations of the applicant ~~on-shall use the~~ reference forms supplied them by the applicant.

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

Revised to clarify responsibility of applicant to have a complete application:

as references. The applicant ~~shall ensure that~~is responsible to have the individuals listed as references return the forms to the Board prior to the filing deadline for the examination applied for by the applicant.

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

The interview is not a requirement, but is used, if needed to resolve questions about the information in the application. "May" allows for the interviews and it is requested that the language be allowed to remain.

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

William W. Peaslee
Commission Counsel

Date submitted to agency: November 29, 2022

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

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

RULE CITATION: 21 NCAC 56 .1702

DEADLINE FOR RECEIPT: December 9, 2022

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

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

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

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

Done.

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

Done.

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

Done, picked "or."

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

Revised to delete "qualifying," since course or activity is defined in (4).

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

Done.

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

In (7)(b) revised to delete "the" to avoid it being specifically the Rules of Professional Conduct of the Board or any specific code of conduct. The codes of conduct can go beyond the specific rules of professional conduct adopted by the board and include those of professional societies, other boards or general codes of conduct.

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

Revised to "skill sets."

William W. Peaslee
Commission Counsel

Date submitted to agency: November 29, 2022

Line 27, (7)(e): Add a comma after “safety”.
[Done.](#)

Line 31, History Note: Add G.S. 89C-20 to the authority section of the history note.
[Done.](#)

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

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

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

RULE CITATION: 21 NCAC 56 .1703

DEADLINE FOR RECEIPT: December 9, 2022

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

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

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

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

Defined by Statute G.S. 89C-17: "... certificates for licensure shall expire on the last day of the month of December next following their issuance or renewal, ..."

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

Done.

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

Done.

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

No, there is no requirement that a licensee take only sponsor courses.

Sentence deleted.

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

The process for evaluation of courses is the random audit process in .1706 to review the log for compliance with the Board rules for acceptable courses and correct hours per the criteria in .1702, .1703, .1704 and .1705.

Line 10: How many units may be earned by accomplishing which activity?

For example, if an applicant is deemed to have actively participated in outreach activities pursuant to subparagraph (11), how will the number of units earned be determined?

In .1704 the number of units earned for each activity are listed. The example would be "(11) Active participation in educational outreach activities pertaining to professional

William W. Peaslee
Commission Counsel

Date submitted to agency: November 29, 2022

licensure or the surveying/engineering professions that involve K–12 or higher education students. (Each hour) 1 PDH (not to exceed 3 PDHs)"

:

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

The Board verifies completion of PDHs by the random audit process in .1706 to review the log and attendance certificates for compliance with the Board rules for acceptable courses and correct hours per .1702, .1703, .1704 and .1705.

Line 21: Revised for clarification in (7) by adding "or accrediting organizations." to make consistent with the lists in the other rules in .1700.

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

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

William W. Peaslee
Commission Counsel

Date submitted to agency: November 29, 2022

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

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

RULE CITATION: 21 NCAC 56 .1704

DEADLINE FOR RECEIPT: December 9, 2022

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

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

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

Lines 21, 28, and 31: Either define or strike "active".
Revised to define "Active" referenced to .1705 for each of the three items.

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

William W. Peaslee
Commission Counsel
Date submitted to agency: November 29, 2022

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

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

RULE CITATION: 21 NCAC 56 .1705

DEADLINE FOR RECEIPT: December 9, 2022

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

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

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

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

This language from the original adoption of the rule in 1994 is revised:

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

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

Revised:

such hours ~~are a reasonably estimated time for an average~~reflect the course material and content required of the professional to complete the course.

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

Revised:

(e) Credit determination for published papers, articles and books and obtaining patents is the responsibility of the licensee to support and document the hours reported in compliance with the Rules of this section.

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

Revised:

PDH per society or organization), requires that a licensee serve as an officer or ~~actively~~participate ~~as a member-in~~and contribute to the work of a committee of the society. ~~society-society~~, or for accrediting organizations serve as an

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

Done.

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

It is a visit for the purpose of recommending accreditation of a program of higher education, so that it enables applicants for licensure to meet the education requirements

William W. Peaslee
Commission Counsel

Date submitted to agency: November 29, 2022

to be licensed, much like accrediting organizations for universities in general. Applicants and licensees understand what it is.

Line 19 and 21, (g): Either define or strike “active”.

Revised to delete “active”:

applicable) in the ~~active~~-participation. PDH credits are not earned until the end of each year of service is completed.

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

It is the application of the definition of engineering and surveying in G.S. 89C-3(6) and (7) that is well known to the Board members and licensees.

On line 25 .1705(h) to define “actively) as referenced from .1704(11)

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

William W. Peaslee
Commission Counsel

Date submitted to agency: November 29, 2022

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

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

RULE CITATION: 21 NCAC 56 .1713

DEADLINE FOR RECEIPT: December 9, 2022

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

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

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

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

The Board, through its committees, reviews and approves the application for completeness and responsiveness in the quality of the education for the licensees. Along with, but not the sole criteria, the required sponsor agreement, the sponsor is approved to be added to the list of approved sponsors. Licensees do not have to obtain continuing education from approved sponsors.

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

Revised by adding (1) through (9) for the contents of the form

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

Revised to state: "the sponsor shall agree to the following terms as the sole terms of the agreement:"

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

Revised to state: "qualified by education, training or experience to teach the subject matter."

William W. Peaslee
Commission Counsel

Date submitted to agency: November 29, 2022

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

William W. Peaslee
Commission Counsel

Date submitted to agency: November 29, 2022

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

21 NCAC 56 .0303 DISBURSEMENT OF FUNDS

The Board ~~shall may~~ dispense funds for educational ~~programs programs~~. Entities described in G.S. 89C may in the following manner:

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

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

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

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

~~(a)(1)~~ The amount needed;

~~(b)(2)~~ The intended use of the funds;

~~(c)(3)~~ Subject material to be presented and qualifications of instructors to be employed;

~~(d)(4)~~ Itemized breakdown of the amount needed and the total expected costs; and

~~(e)(5)~~ Source and amount of assistance being given by any other person or organization.

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

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. ~~January 1, 2023~~ March 1, 2023; July 1, 2020.

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

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. Bachelor of Science degree in surveying or other equivalent curriculum." These degrees shall contain a minimum of 45 semester hours, or their quarter-hour equivalents. 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 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. Courses~~Courses, completed with a passing grade,~~ shall be in surveying fundamentals, applied surveying practice and advanced or theoretical surveying courses, including courses in surveying practices, subdivision design and planning, surface drainage, and ~~photogrammetry~~ photogrammetry, which must be completed with a passing grade.
- (3) "Land Surveyor Apprenticeship." The applicant shall have completed one of the following programs: following:
 - (A) Certified Survey Technician Program (CST) of the National Society of Surveyors (NSPS) levels I through IV.
 - (B) "Technologist" Certification Program of the American Society for Photogrammetry and Remote Sensing (ASPRS).
 - (C) ~~Based upon the~~ The Surveying Education Standard of the National Council of Examiners for Engineering and Surveying (NCEES) by obtaining college semester credit hours, as modified to require the following 39 college semester hours:
 - (i) ~~12-Twelve~~ college semester hours in mathematics beyond basic mathematics, but the credits include college algebra or higher mathematics. These courses must emphasize mathematical concepts and principles rather than computation. ~~Mathematics courses may~~Course examples include college algebra, trigonometry, analytic geometry, differential and integral calculus, linear algebra, numerical analysis, probability and statistics, and advanced ~~calculus.~~calculus; and
 - (ii) ~~27-Twenty-seven~~ college semester hours of surveying science and surveying practice. Courses shall be taught by qualified surveying faculty. Examples of ~~surveying~~ courses are basic surveying, route surveying, geodesy, geographic information systems, land development design and planning, global positioning systems, photogrammetry, mapping, legal principles of land surveying, boundary

1 law, professional surveying and mapping, and remote sensing. Graduate-level
2 surveying courses can be included to fulfill curricular requirements in this area.

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

6 (b) Experience:

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

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

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

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

31 (c) Exhibits, Drawings, Maps:

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

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

1 in Section .1600 of this Chapter; and that shows that the applicant is able to apply this
2 knowledge by preparing a map in accordance with the various legal and professional
3 requirements of land surveying.

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

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

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

17
18 *History Note:* Authority ~~G.S. 47-30;~~ 89C-10; 89C-13;
19 Eff. February 1, 1976;
20 Readopted Eff. September 29, 1977;
21 Amended Eff. August 1, 2014; July 1, 2009; August 1, 2000; August 1, 1998; November 2, 1992;
22 April 1, 1989; December 1, 1984; January 1, 1982;
23 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,
24 2019;
25 Amended Eff. July 1, 2020;
26 Temporary Amendment Eff. July 1, 2022;
27 Amended Eff. ~~January 1, 2023;~~ March 1, 2023.
28

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

21 NCAC 56 .0608 SURVEYOR INTERN

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

- (1) pass the fundamentals of land surveying examination and make application to the Board on a form prescribed and furnished by the Board,
- (2) be of good character and reputation,
- (3) submit three character references to the Board, one of whom is a professional land surveyor,
- (4) comply with the requirements of this rule, and
- (5) satisfy one of the following requirements related to education and experience:
 - (A) Have a bachelor of science degree in surveying or other equivalent curricula, approved by the Board and a record satisfactory to the Board of one year of progressive practical experience under a practicing professional land surveyor.
 - (B) Have an associate degree in surveying technology approved by the Board and a record satisfactory to the Board of two years of progressive practical experience under a practicing professional land surveyor.
 - (C) Have graduated from high school or completed a high school equivalency certificate and a record satisfactory to the Board of five years of progressive practical experience, under a practicing professional land surveyor.
 - (D) Graduation from a high school or the completion of a high school equivalency certificate, completion of a Land Surveyor Apprenticeship, and a record satisfactory to the Board of three years of progressive practical experience under a practicing professional land surveyor.

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

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

(d) Reference Forms:

- (1) Persons applying to be certified as a Surveyor Intern shall submit to the Board names of individuals who are familiar with the applicant's work, character and reputation. The names shall be submitted by the applicant on the application form.
- (2) Persons applying for certification as a Surveyor Intern must submit three references, one of whom shall be a Professional Land Surveyor.

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

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

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

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

15
16 History Note: Authority G.S. 89C-2; 89C-10; 89C-13; 89C-14; 89C-15;

17 Temporary Adoption Eff. July 1, 2022;

18 Eff. ~~January 1, 2023~~ March 1, 2023.

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

21 NCAC 56 .1702 DEFINITIONS

Terms used in this Section are defined as follows:

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

*History Note: Authority G.S. 89C-10(a); 89C-17; 89C-20
Eff. December 1, 1994;
Amended Eff. May 1, 2009; August 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019;
Amended Eff. January 1, 2023-March 1, 2023.*

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

21 NCAC 56 .1703 REQUIREMENTS

Every licensee shall obtain 15 PDH units during the renewal period. Effective as of the 2024 license renewal, for all licensees at least 1 PDH of which shall be in Ethics and/or Rules of Professional Conduct, and in addition addition, for Professional Land Surveyors 1 PDH shall be in the Standards of Practice for Land Surveying. If a licensee exceeds the annual requirement in any renewal period, a maximum of 15 PDH units may be carried forward into the subsequent renewal period. Selection of courses and activities that meet the requirements of Rule .1702(4) of this Section is the responsibility of the licensee. ~~Licensees may select courses other than those offered by sponsors.~~ Post evaluation of the courses that are documented as required by .1706 for compliance with .1702, .1703, .1704, and .1705 may result in non-acceptance by the Board. PDH units may be earned as follows:

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

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

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

21 NCAC 56 .1704 UNITS

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

(1) 1 College or unit semester hour.

45 PDH

(2) 1 College or unit quarter hour.

30 PDH

(3) 1 Continuing Education Unit.

10 PDH

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

1 PDH

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

(6) Each published paper, article or book.

10 PDH

(7) Active participation in professional ~~and or technical society~~, societies or in accrediting organizations-organizations as defined in Rule .1705(f) of this Section. (Each society or organization)

2 PDH

(8) Each patent.

10 PDH

(9) Each question used.

2 PDH

(10) Active participation on boards, commissions, committees or councils of private, local, state or federal government ~~entities~~, entities as defined in Rule .1705(g) of this Section. (Each entity)

2 PDH

(11) Active participation in educational outreach activities pertaining to professional licensure or the surveying/engineering professions that involve K-12 or higher education ~~students~~-students as defined in Rule .1705(h) of this Section. (Each hour)

1 PDH

(not to exceed 3 PDHs)

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

Eff. December 1, 1994;

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

1 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*
2 *2019;*
3 *Amended Eff. ~~January 1, 2023~~ March 1, 2023.*
4

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

21 NCAC 56 .1705 DETERMINATION OF CREDIT

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

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

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

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

(e) Credit determination for published papers, articles and books and obtaining patents is the responsibility of the ~~licensee~~licensee to support and document the hours reported in compliance with the Rules of this section.

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

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

(h) Credit for active participation in educational outreach activities by providing education about professional licensure or the surveying and engineering professions that involve K-12 or higher education students (limited to 3 PDH).

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

Eff. December 1, 1994;

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

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

Amended Eff. January 1, 2023-March 1, 2023.

21 NCAC 56 .1707 is amended as published in 37:04 NCR 342-348 as follows:

21 NCAC 56 .1707 EXEMPTIONS

A licensee is exempt from the professional development educational requirements for the following reasons:

- (1) New licensees by way of examination or comity are exempt for their first renewal period.
- (2) If currently licensed by and in good standing (license is not suspended or revoked) with the Board a licensee who is serving in the armed forces of the United States and who is eligible for an extension of time to file a tax return pursuant to G.S. 105-249.2 is granted a waiver of the mandatory continuing education requirements for the time period disregarded pursuant to the Internal Revenue Code 26 U.S.C. 7508.

The licensee shall request the waiver as follows:

- (a) The licensee shall notify the Board of eligibility before the current license expires. Upon such notification, the Board shall maintain the license in active status through the extension period.
- (b) If the licensee fails to notify the Board of eligibility for the extension period before the current license expires, upon receipt and acceptance of a renewal application within the extension period and presentation of proof that the licensee was eligible on the date that is the deadline for renewal, the expired license or registration shall be deemed retroactively to have not expired.
- (c) The licensee who submits a renewal application within the extension period shall not be deemed to hold a lapsed license subject to reinstatement fees.
- (d) The licensee may renew the license within the extension period despite failing to complete the specified continuing education requirements.
- (e) A licensee shall provide proof of eligibility for the extension period when the licensee or registrant submits the renewal application.

A request shall be administratively approved by the Executive Director, without waiting for the next regular meeting of the Board at which time the action shall be reported to the Board for final approval.

- (3) The Board shall exempt a licensee if the Board determines that the licensee is experiencing physical disability, illness, or other extenuating circumstances that prevent the licensee from obtaining professional development hours. Supporting documentation must be furnished to the Board. A request shall be administratively approved by the Executive Director, without waiting for the next regular meeting of the Board at which time the action shall be reported to the Board for final approval.
- (4) Licensees who list their occupation as "Inactive" on the Board approved renewal form and who are no longer providing professional engineering or land surveying services are exempt from the professional development hours required. In the event such a person elects to return to active

1 practice of professional engineering or land surveying, professional development hours must be
2 earned in accordance with the requirements of Rule .1708 in this Section before returning to active
3 practice for each year exempted not to exceed the annual requirement for two years.
4

5 *History Note: Authority G.S. 89C-10(a); 89C-17; 93B-15;*

6 *Eff. December 1, 1994;*

7 *Amended Eff. August 1, 2011; May 1, 2009; August 1, 2000; February 1, 1996;*

8 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*
9 *2019;*

10 *Amended Eff. January 1, 2023.*

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

21 NCAC 56 .1713 SPONSORS

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

- (1) Name of applicant, contact name, mailing and physical address, phone number, and email address;
- (2) Type of organization;
- (3) Delivery of course type(s), program offerings (to public or in-house);
- (4) Offered to Professional Engineers or Professional Land Surveyors, or both;
- (5) Example of certificate of completion that attests to attendance;
- (6) Summary of qualifications of organization;
- (7) Types (subjects) of courses offered;
- (8) Sample course outline(s); and
- (9) Qualifications of course instructor(s)

(b) By entering into an agreement with the Board to be designated as an "Approved Sponsor," the sponsor shall agree to the following terms as the sole terms of the agreement:

- (1) Allow persons designated by this Board to attend any or all courses, without fee or charge, for the purpose of determining that said course meets the standards of the Board;
- (2) Allow persons designated by this Board to review course material for the purpose of determining that the course meets the standards of the Board;
- (3) State in every brochure, publication or announcement concerning the course, the general content of the course and the specific knowledge or skill to be taught or addressed, as well as the credit to be earned in Professional Development Hours (PDH);
- (4) Ensure that the instructors or presenters of the course or program are qualified by education, training or experience to teach the subject matter;
- (5) Provide persons completing the course with written documentation attesting to that person's attendance to the course, as well as the name of the course, the date and location held, the instructor's name and the number of PDHs earned;
- (6) Provide attendees an evaluation form as provided by the Board that is to be collected and retained for audit by the Board;
- (7) Have a visible, continuous and identifiable contact person who is charged with the administration of the sponsor's CPC program and who has the responsibility for assuring and demonstrating to the

Board compliance with this Rule, as well as for any other organization working with the sponsor for the development, distribution or presentation of CPC courses or activities; and

(8) Retain for a period of three years a copy of the documentation required by this Paragraph.

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

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

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

History Note: Authority G.S. 89C-10; 89C-17;

Eff. February 1, 1996;

Amended Eff. August 1, 2011; July 1, 2009; August 1, 2002;

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

Amended Eff. January 1, 2023-March 1, 2023.

Burgos, Alexander N

From: Peaslee, William W
Sent: Friday, January 20, 2023 2:53 PM
To: David S. Tuttle
Cc: Burgos, Alexander N
Subject: RE: [External] RE: Bd of Examiners Engineers and surveyors

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you for your email. It is the policy of the OAH that all communication between the agencies and RRC counsel are to be posted on the OAH website. Any substantive telephone conversations are to be memorialized in writing by staff and posted on the OAH website. This is done to promote transparency. As you can image, staff prefers email because of the additional work of drafting a memo memorializing the conversation.

However, if you feel a telephone conversation is absolutely necessary, please let me know.

Thank you.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

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.

From: David S. Tuttle <DSTuttle@ncbels.org>
Sent: Friday, January 20, 2023 2:47 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Subject: [External] RE: Bd of Examiners Engineers and surveyors

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Bill,

Thanks. I am working on submitting comments and the revisions to rules based on your technical requests. I had the questions that I just left in your voicemail about the process of what is posted as to my comments about your comments, understanding that the rule revisions are posted.

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



From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Friday, January 20, 2023 2:33 PM
To: David S. Tuttle <DSTuttle@ncbels.org>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Bd of Examiners Engineers and surveyors

[EXTERNAL]

Good afternoon David:

I received your voicemail. The best way for me to review what you have is to email the rules to me. Anything you send will be posted on the OAH website. If you send them to me soon enough, I will have time to make a second round of technical requests if necessary.

Thank you and have a good weekend.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
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Burgos, Alexander N

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Sent: Friday, January 20, 2023 2:53 PM
To: David S. Tuttle
Cc: Burgos, Alexander N
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To: Peaslee, William W <bill.peaslee@oah.nc.gov>
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David

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Sent: Friday, January 20, 2023 2:33 PM
To: David S. Tuttle <DSTuttle@ncbels.org>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Bd of Examiners Engineers and surveyors

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(984) 236-1939
Bill.Peaslee@oah.nc.gov

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Burgos, Alexander N

Subject: FW: [External] RE: 21 NCAC 56 .0303, .0601, .0608, .1702 - .1705, .1707, .1713.

From: David S. Tuttle <DSTuttle@ncbels.org>
Sent: Friday, December 16, 2022 12:53 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Cora Houston <chouston@ncbels.org>
Subject: [External] RE: 21 NCAC 56 .0303, .0601, .0608, .1702 - .1705, .1707, .1713.

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Bill,

I know that we both had busy weeks and Monday is what I was aiming for. I will look for your call. I will be taking vacation (so ignore the out-of-office response), but will finalize the response after I speak with you and I will then follow up, so that I can resolve all items soon after the new year.

Thanks,
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



From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Friday, December 16, 2022 10:59 AM
To: David S. Tuttle <DSTuttle@ncbels.org>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: 21 NCAC 56 .0303, .0601, .0608, .1702 - .1705, .1707, .1713.

[EXTERNAL]
Good morning David,

Attached please find a letter of extension on the above captioned rules.

I know I owe you a phone call and intend to respond on Monday.

Have a great weekend.

William W. Peaslee

Rules Review Commission Counsel / Legislative Liaison

Office of Administrative Hearings

1711 New Hope Church Road

Raleigh NC, 27609

(984) 236-1939

Bill.Peaslee@oah.nc.gov

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Burgos, Alexander N

From: Peaslee, William W
Sent: Friday, December 16, 2022 10:59 AM
To: David S. Tuttle
Cc: Burgos, Alexander N
Subject: 21 NCAC 56 .0303, .0601, .0608, .1702 - .1705, .1707, .1713.
Attachments: 12.2022 Bd of Exam Engineers and Surveyors.pdf

Good morning David,

Attached please find a letter of extension on the above captioned rules.

I know I owe you a phone call and intend to respond on Monday.

Have a great weekend.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
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(984) 236-1939
Bill.Peaslee@oah.nc.gov

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Burgos, Alexander N

From: Peaslee, William W
Sent: Tuesday, December 6, 2022 3:31 PM
To: David S. Tuttle
Cc: Burgos, Alexander N; Andrew Ritter; Cora Houston
Subject: RE: [External] RE: 21 NCAC Request for changes

Thank you for your email.

I will recommend the extension to the RRC and I do not anticipate that the RRC will do otherwise.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

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From: David S. Tuttle <DStuttle@ncbels.org>
Sent: Tuesday, December 6, 2022 3:29 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Andrew Ritter <ARitter@ncbels.org>; Cora Houston <chouston@ncbels.org>
Subject: RE: [External] RE: 21 NCAC Request for changes

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Bill,

We are requesting the extension to the February 16, 2023 Rules Review Commission meeting to allow us more time to respond to the comments and resolve in advance of the meeting. I thank the Commission for this opportunity.

Thanks,
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

Burgos, Alexander N

From: David S. Tuttle <DSTuttle@ncbels.org>
Sent: Friday, December 2, 2022 3:44 PM
To: Peaslee, William W
Cc: Burgos, Alexander N
Subject: RE: [External] RE: 21 NCAC Request for changes

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Bill,

I appreciated your time and the information that you provided. I will get email you next week on which way we go.

Enjoy the weekend.

Thanks,
David

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Friday, December 2, 2022 3:41 PM
To: David S. Tuttle <DSTuttle@ncbels.org>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: 21 NCAC Request for changes

[EXTERNAL]
David,

It was good speaking with you on the phone today.

To memorialize our conversation, we discussed the timelines for replying to the request for changes and discussed the procedure for extension.

If I have missed anything of substance, please let me know by email reply.

Thank you and have a good weekend.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
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1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

From: David S. Tuttle <[DSTuttle@ncbels.org](mailto: DSTuttle@ncbels.org)>
Sent: Friday, December 2, 2022 3:15 PM
To: Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto: bill.peaslee@oah.nc.gov)>
Subject: [External] RE: 21 NCAC Request for changes

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Bill,

I just left you a voicemail, if you could at your convenience give me a call.

In addition to my office number, below, that will ring over to my cell phone, you can dial my cell phone direct at 919-896-5543.

Thanks,
David

David S. Tuttle
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[dstuttle@ncbels.org](mailto: dstuttle@ncbels.org)
(919) 791-2000 x 111
[www.ncbels.org](http: // www.ncbels.org)



From: David S. Tuttle
Sent: Tuesday, November 29, 2022 2:08 PM
To: Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto: bill.peaslee@oah.nc.gov)>
Cc: Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto: alexander.burgos@oah.nc.gov)>; Cora Houston <[chouston@ncbels.org](mailto: chouston@ncbels.org)>
Subject: RE: 21 NCAC Request for changes

Mr. Peaslee,

I am acknowledging receipt, will begin reviewing and will contact you with any questions.

Thanks,
David

David S. Tuttle
Board Counsel
NC Board of Examiners for Engineers and Surveyors
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[dstuttle@ncbels.org](mailto: dstuttle@ncbels.org)
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[www.ncbels.org](http: // www.ncbels.org)



From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Tuesday, November 29, 2022 12:03 PM
To: David S. Tuttle <DSTuttle@ncbels.org>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: 21 NCAC Request for changes

[EXTERNAL]

Good afternoon,

I'm the attorney who reviewed the Rules submitted by the North Carolina Board of Examiners for Engineers and Surveyors for the December 2022 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, December 15, 2022, at 9:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get closer to the meeting. If there are any other representatives from your agency who will want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.

Please submit the revised Rules and forms to me via email, no later than 5 p.m. on December 9, 2022.

In the meantime, please let me know if you have any questions or concerns.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
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