



NOTICE OF TEXT [Authority G.S. 150B-21.2(c)]

OAH USE ONLY

VOLUME:

ISSUE:

CHECK APPROPRIATE BOX:

Notice with a scheduled hearing

Notice without a scheduled hearing

Republication of text. Complete the following cite for the volume and issue of previous publication, as well as blocks 1 - 4 and 7 - 14. If a hearing is scheduled, complete block 5.

Previous publication of text was published in Volume: Issue:

1. Rule-Making Agency: [Board of Examiners for Engineers and Surveyors](#)

2. Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncbels.org>

3. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:

ADOPTION:

AMENDMENT: [21 NCAC 56 .0502, .0901-.0902](#)

REPEAL:

READOPTION with substantive changes:

READOPTION without substantive changes:

REPEAL through READOPTION:

4. Proposed effective date: [02/01/2025](#)

5. Is a public hearing planned? [Yes](#)

If yes:

Date

Time

Location

[11/13/2024](#)

[9:00 am](#)

[By conference call: \(919\) 791-2000, Extension 500](#)

6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:

7. Explain Reason For Proposed Rule(s):

The Board seeks to amend 21 NCAC 56 .0502 to make grammatical revisions and to update the rule to reflect that applicants for engineering licensure no longer apply to the Board to take the fundamentals of engineering examination.

The Board seeks to amend 21 NCAC 56. 0901 to make grammatical revisions and to update a citation to the Board's responsible charge rule found at 21 NCAC 56.0701(d).

The Board seeks to amend 21 NCAC 56 .0902 to further define when a business name is misleading and to streamline the process of changing business names.

8. Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or email. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

Rule(s) is automatically subject to legislative review. Cite statutory reference:

9. The person to whom written comments may be submitted on the proposed rule(s):

Name: S. Wesley Tripp III
Address: 4601 Six Forks Rd, Ste. 310
Raleigh, NC 27609
Phone (optional): 919-791-2000
Fax (optional):
EMail (optional) wtripp@ncbels.org

10. Comment Period Ends: 12/16/2024

11. Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

No fiscal note required

12. Rule-making Coordinator:

Name: S. Wesley Tripp III
919-791-2000
wtripp@ncbels.org

Agency contact, if any:

Name:
Phone:
Email:

13. The Agency formally proposed the text of this rule(s) on

Date: 09/11/2024

1 21 NCAC 56 .0502 is proposed for amendment as follows:

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

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

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

10 (c) Applicable Forms:

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

16 (2) Professional Engineer Form:

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

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

29 (3) Supplemental Form. ~~Persons who initially applied for the Fundamentals of Engineering Exam using~~
30 ~~the Professional Engineer Form shall supplement the initial application with this Form upon~~
31 ~~applying for the Principles and Practice of Engineering Exam. All persons applying for licensure as~~
32 a Professional Engineer shall submit the Supplemental Form. The Supplemental Form which
33 requires that all engineering experience ~~from the date of the initial application until the date of the~~
34 ~~supplemental application~~ be listed. Five references shall be submitted that are current to within one
35 year of the examination date.

36 (4) Reference Forms:

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

19 (d) Fees:

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

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

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

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

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

11 *Eff. February 1, 1976;*

12 *Readopted Eff. September 29, 1977;*

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

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

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

16 *January 1, 1995;*

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

19 *Amended Eff. February 1, 2025; May 1, 2024.*

1 21 NCAC 56 .0901 is proposed for amendment as follows:

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21 NCAC 56 .0901 OFFICES

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

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

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

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

*History Note: Authority G.S. ~~57D-2-02~~55B-12(b); 89C-10; 89C-24;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. August 1, 2014; August 1, 2002; April 1, 2001; August 1, 1998; May 1, 1994; January 1, 1992; April 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019.*

1 21 NCAC 56 .0902 is proposed for amendment as follows:

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3 **21 NCAC 56 .0902 BUSINESS TITLES**

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

9 (b) Business names are misleading when they:

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

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

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

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

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

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