



# HOUSE BILL 435: Mod. Bd. of Eng'ers & Surveyors.

2025-2026 General Assembly

<b>Committee:</b>	House Finance. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	June 10, 2025
<b>Introduced by:</b>	Reps. Arp, Setzer, Riddell, Campbell	<b>Prepared by:</b>	Greg Roney
<b>Analysis of:</b>	Second Edition		Staff Attorney

## OVERVIEW: House Bill 435 would do the following:

- *Reenact land surveyor intern provisions that were previously repealed.*
- *Modernize the North Carolina Engineering and Land Surveying Act.*
- *Repeal the professional land surveyors limited right of entry statute and establish a limited right of entry for professional land surveyors under Chapter 14 (Criminal Law).*
- *Grant the North Carolina State Board of Examiners for Engineers and Surveyors (Board) rulemaking authority to implement the bill.*

## Compared to the second edition, the bill makes the following changes:

- *Remove the Board's fee increases.*
- *Clarify that an unlicensed person shall not represent themselves as a professional land surveyor or hold out to the public any land surveying expertise with the intent of practicing land surveying.*
- *Establish a limited right of entry for professional land surveyors under Chapter 14 (Criminal Law).*
- *Make a technical change to the effective date.*

## CURRENT LAW & BILL ANALYSIS: House Bill 435 would do the following:

### Reenact Land Surveyor Intern Provisions

Section 1(a) of 2022-1 repealed the definition of "land surveyor intern."

Section 1(b) of 2022-1 repealed the land surveyor intern certification qualifications.

**Section 1** would reenact land surveyor intern provisions that were previously repealed. This section would become effective retroactive to July 1, 2022, and would apply to certificates or licenses issued on or after that date.

### Modernize the North Carolina Engineering and Land Surveying Act

Chapter 89C is known as the North Carolina Engineering and Land Surveying Act (Act). The Act (i) regulates the practice of engineering and the practice of land surveying in North Carolina and (ii)

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establishes the North Carolina State Board of Examiners for Engineers and Surveyors (Board) and directs the Board to administer the provisions of the Act.

**Section 2** would do the following:

- Make clarifying and technical changes to the Act.
- Eliminate the engineer intern and land surveyor intern certification requirements to submit character references to the Board.
- Remove outdated options to satisfy the professional land surveyor licensing requirements.
- Require a court to award the Board (i) reasonable attorneys' fees not to exceed \$5,000 and (ii) the costs associated with obtaining the relief, if the Board prevails in enforcement actions for certain violations related to unlawful practice and the court finds that the violation was committed with fraudulent intent or intentional deceit.
- Allow the Board to expend its funds to support nonprofit engineering and surveying professional societies, as well as nonprofit foundations dedicated to advancing the engineering and surveying professions, for the purpose of encouraging licensure and providing continuing education to licensees.
- Require that a roster showing the names and places of business and of residence of all licensed professional engineers and all licensed professional land surveyors be published on the Board's website.
- Remove the procedures for reexamination or reapplication for a candidate that fails an examination required for licensure as a professional engineer or professional land surveyor.
- Allow the Board to enact a multiyear license renewal cycle.
- Make various changes to the expiration and renewal of licenses.
- Provide that any person who unlawfully practices engineering or land surveying or unlawfully uses certain titles or terms shall be guilty of a Class 2 misdemeanor.
- Clarify that an unlicensed person shall not represent themselves as a professional engineer or a professional land surveyor or hold out to the public any engineering or land surveying expertise with the intent of practicing engineering or land surveying.
- Clarify that Chapter 89C does not prevent an individual from testifying as a lay or expert witness at a deposition or trial as well as the preparation and drafting of an expert report in preparation for testifying as an expert at a deposition or trial.
- Repeal an outdated reporting requirement on programs of licensure by discipline.

## **Repeal the Limited Right of Entry by Professional Land Surveyors Statute**

G.S. 89C-19.2 (Limited right of entry by professional land surveyors) does the following:

- Grants a licensed professional land surveyor, and the surveyor's agents, employees, or personnel under the surveyor's supervision, the right to enter upon the lands of others with the surveyor's customary equipment and vehicles, if necessary to perform surveys for the practice of land surveying, including the location of property corners, boundary lines, rights-of-way, and easements.

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- Clarifies that an entry by a professional land surveyor as authorized by the statute does not constitute trespass under Articles 22A or 22B of Chapter 14 of the General Statutes, and the surveyor making an authorized entry is not subject to arrest or a civil action by reason of the entry.

**Section 3** would repeal G.S. 89C-19.2 and establish a limited right of entry by professional land surveyors under Chapter 14 (Criminal Law).

## **Grant Rulemaking Authority to the Board**

**Section 4** would grant the Board rulemaking authority to implement provisions in the bill.

**EFFECTIVE DATE:** Section 1 of the bill would become effective July 1, 2022. Sections 2 and 4 of the bill would become effective October 1, 2025. Section 3 of the bill would apply to acts on or after its effective date.