

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL DRS45290-NB-104

Short Title: Right of Entry/Limited Lic/Surveyors. (Public)

Sponsors: Senators Jarvis and McInnis (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW A LIMITED RIGHT OF ENTRY FOR PROFESSIONAL LAND
3 SURVEYORS IN CERTAIN CIRCUMSTANCES AND TO CREATE A LIMITED
4 LICENSE FOR PROFESSIONAL LAND SURVEYORS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1.(a) Chapter 89C of the General Statutes is amended by adding a new
7 section to read:

8 "**§ 89C-19.2. Limited right of entry by professional land surveyors.**

9 (a) A professional land surveyor licensed under this Chapter shall have the right to enter
10 upon the lands of others, if necessary to perform surveys for the practice of land surveying,
11 including the location of property corners, boundary lines, rights-of-way, and easements, and
12 may carry with them their customary equipment and vehicles. An entry by a professional land
13 surveyor to perform the practice of land surveying under this section shall not constitute trespass
14 under Article 22A or 22B of Chapter 14 of the General Statutes or shall cause the professional
15 land surveyor to be subject to arrest or a civil action by reason of the entry.

16 (b) Nothing in this section shall be construed as giving authority to a professional land
17 surveyor to destroy, injure, damage, or move anything on the lands of another without the written
18 permission of the landowner or any civil liability incurred from those actions.

19 (c) A professional land surveyor shall make reasonable efforts to notify adjoining
20 landowners upon whose land it is necessary to enter.

21 (d) No landowner whose land a professional land surveyor enters under this section shall
22 be liable for any injury or damage sustained by that professional land surveyor entering upon the
23 landowner's land under this section.

24 (e) Nothing in this section shall be construed as to give authority to a professional land
25 surveyor to enter lands traversed by an operating railroad or properties owned, held, used, or
26 operated by a railroad or their subsidiaries.

27 (f) Nothing in this section shall be construed as to give authority to a professional land
28 surveyor to enter lands containing critical infrastructure or critical infrastructure facilities.

29 (g) For the purposes of this section, the following terms are defined as follows:

30 (1) Critical infrastructure. – As defined in 42 U.S.C. § 5195c.

31 (2) Critical infrastructure facilities. – Critical infrastructure that is completely
32 enclosed by a fence or other physical barriers that is obviously designed to
33 exclude intruders or clearly marked with a sign or signs posted on the property
34 that are reasonably likely to come to the attention of a person and indicate that
35 entry is forbidden without site authorization.



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1 (3) Professional land surveyor. – As defined in G.S. 89C-3, including any agents,
2 employees, or personnel under their supervision."

3 **SECTION 1.(b)** This section becomes effective October 1, 2023, and applies to acts
4 on or after that date.

5 **SECTION 2.(a)** G.S. 89C-13(b) reads as rewritten:

6 "(b) Land Surveyor Applicant. – The evaluation of a land surveyor applicant's
7 qualifications shall involve a consideration of the applicant's education, technical, and land
8 surveying experience, exhibits of land surveying projects with which the applicant has been
9 associated, and recommendations by references. The land surveyor applicant's qualifications may
10 be reviewed at an interview if the Board determines it necessary. Educational credit for institute
11 courses, correspondence courses, or other courses shall be determined by the Board.

12 The following shall be considered as minimum evidence satisfactory to the Board that the
13 applicant is qualified for licensure as a professional land surveyor:

14 (1) Repealed by Session Laws 2022-1, s. 1(b), effective July 1, 2022, and
15 applicable to applications for licensure on or after that date.

16 (1a) To be licensed as a professional land surveyor, an applicant shall (i) be of good
17 character and reputation, (ii) submit five character references to the Board,
18 three of whom are professional land surveyors or individuals acceptable to the
19 Board, with personal knowledge of the applicant's land surveying experience,
20 (iii) comply with the requirements of this Chapter, and (iv) meet one of the
21 following requirements:

22 a. Rightful possession of a bachelor of science degree in surveying or
23 other equivalent curricula, all approved by the Board and a record
24 satisfactory to the Board of two years or more of progressive practical
25 experience under a practicing professional land surveyor. Upon
26 passing the first examination (Fundamentals of Land Surveying) and
27 the second examination (Principles and Practice of Land Surveying)
28 and satisfactorily passing any oral and written examination required
29 by the Board, all of which shall determine and indicate that the
30 applicant is competent to practice land surveying, an applicant who
31 successfully completes the educational and experience requirements
32 of this subdivision shall be granted licensure as a professional land
33 surveyor.

34 b. Rightful possession of an associate degree in surveying technology
35 approved by the Board and a record satisfactory to the Board of five
36 years or more of progressive practical experience under a practicing
37 professional land surveyor. Upon passing the first examination
38 (Fundamentals of Land Surveying) and the second examination
39 (Principles and Practice of Land Surveying) and satisfactorily passing
40 any oral and written examination required by the Board, all of which
41 shall determine and indicate that the applicant is competent to practice
42 land surveying, an applicant who successfully completes the
43 educational and experience requirements of this subdivision shall be
44 granted licensure as a professional land surveyor.

45 c. Repealed by Session Laws 1998-118, s. 11.

46 d. Graduation from a high school or the completion of a high school
47 equivalency certificate and a record satisfactory to the Board of nine
48 years or more of progressive practical experience under a practicing
49 professional land surveyor. Upon passing the first examination
50 (Fundamentals of Land Surveying) and the second examination
51 (Principles and Practice of Land Surveying) and satisfactorily passing

1 any oral and written examination required by the Board, all of which
2 shall determine and indicate that the applicant is competent to practice
3 land surveying, an applicant who successfully completes the
4 educational and experience requirements of this subdivision shall be
5 granted licensure as a professional land surveyor.

6 d1. Graduation from a high school or the completion of a high school
7 equivalency certificate, completion of a Land Surveyor
8 Apprenticeship, and a record satisfactory to the Board of seven years
9 or more of progressive practical experience under a practicing
10 professional land surveyor. Upon passing the first examination
11 (Fundamentals of Land Surveying) and the second examination
12 (Principles and Practice of Land Surveying) and satisfactorily passing
13 any oral and written examination required by the Board, all of which
14 shall determine and indicate that the applicant is competent to practice
15 land surveying, an applicant who successfully completes the
16 educational and experience requirements of this subdivision shall be
17 granted licensure as a professional land surveyor.

18 d2. Current possession of a limited license and at least two and one-half
19 years of progressive practical experience with a limited license. Upon
20 passing the first examination (Fundamentals of Land Surveying) and
21 the second examination (Principles and Practice of Land Surveying)
22 and satisfactorily passing any oral and written examination required
23 by the Board, all of which shall determine and indicate that the
24 applicant is competent to practice land surveying, an applicant who
25 successfully completes the educational and experience requirements
26 of this subdivision shall be granted licensure as a professional land
27 surveyor.

28 ...

29 (1b) To receive a limited license as a professional land surveyor, an applicant shall
30 (i) be of good character and reputation, (ii) submit five character references to
31 the Board, three of whom are professional land surveyors or individuals
32 acceptable to the Board, with personal knowledge of the applicant's land
33 surveying experience, (iii) comply with the requirements of this Chapter, and
34 (iv) meet one of the following requirements:

35 a. Rightful possession of an associate degree in surveying technology
36 approved by the Board.

37 b. Passage of the State-specific exam offered by the Board.

38 c. At least one and one-half years of progressive practical experience in
39 land surveying.

40 (2) Repealed by Session Laws 2013-98, s. 2 effective June 12, 2013.

41 The Board shall require an applicant to submit exhibits, drawings, plats, or other tangible
42 evidence of land surveying work executed by the applicant under proper supervision and which
43 the applicant has personally accomplished or supervised.

44 Land surveying encompasses a number of disciplines including geodetic surveying,
45 hydrographic surveying, cadastral surveying, engineering surveying, route surveying,
46 photogrammetric (aerial) surveying, and topographic surveying. A professional land surveyor
47 shall practice only within the surveyor's area of expertise. If a professional land surveyor
48 possesses a limited license under this Chapter, the surveyor shall only practice in subdivisions
49 consisting of 10 individual lots or less or conduct a perimeter survey of any tract of land.

1 The Board shall require an applicant to submit exhibits, drawings, plats, or other tangible
2 evidence of land surveying work executed by the applicant under proper supervision and which
3 the applicant has personally accomplished or supervised."

4 **SECTION 2.(b)** This section becomes effective October 1, 2023, and applies to
5 applications on or after that date.

6 **SECTION 3.** The North Carolina State Board of Examiners for Engineers and
7 Surveyors shall adopt temporary rules to implement the provisions of this act.

8 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes
9 law.