

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

FILED SENATE  
Apr 6, 2023  
S.B. 677  
PRINCIPAL CLERK

S

D

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.



\* D R S 4 5 2 9 0 - N B - 1 0 4 \*

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.