

South Carolina State Board of Registration for Professional Engineers and Surveyors

CERTIFICATE OF AUTHORIZATION (COA) (Statutes and Regulations)

Code of Laws of South Carolina (1976, as amended), Title 40, Chapter 22;

§40-22-250. Certificate of authorization to practice as firm; conditions; application and registration fee; discipline.

- (A) The practice of or offer to practice professional engineering and/or surveying through a firm is permitted only through entities holding a valid certificate of authorization issued by the board. For the purposes of this section a certificate of authorization is also required for a firm practicing in this State under a fictitious name. However, when an individual is practicing engineering and/or surveying in his name as individually licensed, that person is not required to obtain a certificate of authorization.
- (B) The practice or offer to practice of engineering and/or surveying by individual professional engineers and/or surveyors licensed under this chapter through a firm offering engineering services and/or surveying services to the public is permitted if:
 - (1) one or more employees of a corporation, firm, partnership, LLC or proprietorship are designated as being responsible for the professional services regulated by this board and are licensed under this chapter;
 - (2) all personnel of the firm who act on behalf of the firm as professional engineers and/or surveyors in this State are licensed under this chapter; and
 - (3) the firm has been issued a certificate of authorization by the board as required by this section.
- (C) Before the issuance of a certificate of authorization, the board must be in receipt of the firm's appropriate documentation issued by the Secretary of State.
- (D) A firm desiring a certificate of authorization shall file with the board an application on forms provided by the board accompanied by the registration fee as provided in regulation. Each certificate of authorization must be renewed biennially. A renewal form provided by the board must be completed and submitted with the biennial registration fee, the fee being an amount as provided in regulation. Information to be provided on the application and renewal forms shall include the names and addresses of engineers or surveyors in responsible charge in this State, including those in responsible charge of branch offices providing services in this State.
- (E) Disciplinary action against a firm must be administered in the same manner and on the same grounds as disciplinary action against an individual. No firm is relieved of responsibility for conduct or acts of its agents, officers, or employees by reason of its compliance with this section, and an individual practicing engineering and/or surveying is not relieved of responsibility for professional services performed by reason of his employment or relationship with the firm.
- (F) Nothing in this section may be construed to prohibit firms from joining together to offer engineering and/or surveying services to the public, if each separate entity providing the services in this State otherwise meets the requirements of this section. For firms practicing as a professional corporation under the laws of this State, the joint practice of engineering and/or surveying with the professions of architecture, landscape architecture, and geology is specifically approved by the board.
- (G) If the requirements of this section are met, the board shall issue a certificate of authorization to the firm, and the firm may contract for and collect fees for professional engineering and/or surveying services. The board, however, may refuse to issue a certificate or suspend or revoke an existing certificate for due cause. A person or firm aggrieved by an adverse determination of the board may file an appeal as provided for in this chapter.

(H) Nothing in this section may be construed to mean that a firm may practice or offer to practice engineering and/or surveying without meeting individual licensure.

§40-22-260. Temporary licenses and certificates of authorization; branch offices.

(A) Upon application to and approval by the board and payment of the fee provided in regulation, the board shall grant a temporary license for engineering work on one specified project in this State for a period not to exceed one year to an engineer who has recently become a resident of this State, or is a nonresident having no established place of business in this State, who meets the qualification requirements for licensure in this State and who holds a valid license to practice in another state. An engineer may not renew a temporary certificate at its expiration date and may not apply for temporary licensure in connection with more than one specific project in any three-year period.

(B) (1) Upon approval by the board and payment of the fee provided in regulation, the board shall grant a temporary certificate of authorization to a firm for work on one specified project in this State for a period not to exceed one year.

(2) This temporary certificate may be granted only to an out-of-state firm if at least one of the principal officers of the firm is licensed under this chapter or has obtained a temporary registration license as provided by this chapter.

(3) The approval of a temporary certificate of authorization constitutes appointment of the Secretary of State as an agent of the applicant for service of process in an action or proceeding against the applicant arising out of any transaction or operation connected with or incidental to the practice of engineering.

(C) Professional engineers and/or surveyors engaged in practice through firms may maintain branch offices in addition to a principal place of business. Each principal place of business as well as each branch office providing services in this State must have a resident professional engineer in responsible charge of engineering work or a resident surveyor in responsible charge of the field and office surveying work provided. A professional engineer must supervise the engineering activities of each branch office and a professional surveyor must supervise the surveying activities of each branch office. The resident professional engineer and/or resident professional surveyor is considered in residence in only one place of business at a given time.

(D) For purposes of this subsection, "engaged in practice," means holding oneself out generally to the public as qualified and available to perform engineering and/or surveying services.

Code of Regulations, Chapter 49.

R49-205. Firm Registration.

A. For the purpose of this regulation, a sole proprietorship is one in which the ownership is held by a single individual who is duly licensed to practice engineering and/or surveying in this State, where there is no stock ownership in the firm, and where the practice name is identical to that in which the individual registration is held. A registered engineer or surveyor, practicing in his own name as a sole proprietorship is exempt from this section of the regulations. For multiple firms practicing engineering or surveying as a joint venture for one or more projects in this State, a Certificate of Authorization will be required for each firm practicing within the joint venture.

B. Failure to notify the Board within thirty (30) days of changes affecting the status of the firm's information shall be grounds for sanctions up to and including revocation of the organization's Certificate of Authorization. An engineer or surveyor on file with the Board as being in full authority and responsible charge shall notify the Board of any change in his employment.