

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

SESSION LAW 2000-110
SENATE BILL 897

AN ACT TO PROVIDE TITLE PROTECTION FOR THE SAFETY PROFESSION.

The General Assembly of North Carolina enacts:

Section 1. Chapter 90 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 37.

"Safety Profession.

"§ 90-646. Definitions.

The following definitions apply in this Article:

- (1) Associate Safety Professional (ASP). – A person who has met the education, experience, and examination requirements established by the Board of Certified Safety Professionals for an Associate Safety Professional.
- (2) Board of Certified Safety Professionals (BCSP). – A nonprofit corporation, incorporated in Illinois in 1969, established to improve the practice and educational standards of the profession of safety by certifying individuals who meet its education, experience, examination, and maintenance requirements.
- (3) Certified Safety Professional (CSP). – A person who has met the education, experience, and examination requirements established by the Board of Certified Safety Professionals for a Certified Safety Professional.

"§ 90-647. Unlawful acts; injunctive relief; exclusion.

(a) No person shall represent himself or herself as a Certified Safety Professional or Associate Safety Professional unless that person is certified by the Board of Certified Safety Professionals and has duly authorized the Board to file with the office of the Secretary of State all information required by G.S. 90-649.

(b) A violation of this section constitutes an unfair trade practice under G.S. 75-1.1, and a court may impose a civil penalty against the defendant and shall be empowered to issue a restraining order to prevent further use of the title.

"§ 90-648. Exemptions and limitations.

(a) This Article does not apply to:

- (1) A person who holds a license issued by a State board, commission, or other agency, is engaged in activities authorized by his or her license,

and does not represent himself or herself as an Associate Safety Professional or Certified Safety Professional.

- (2) A person who practices within the scope of safety, injury, or illness prevention and does not use the title 'Associate Safety Professional' or 'Certified Safety Professional', the initials 'ASP' or 'CSP', or otherwise represents himself or herself to the public as an Associate Safety Professional or Certified Safety Professional.
- (3) A person who is licensed as an architect under Chapter 83A of the General Statutes or any person working under the supervision of a licensed architect.
- (4) A person who is licensed as a professional engineer under Chapter 89C of the General Statutes or any person working under the supervision of a licensed professional engineer.

(b) Nothing in this Article shall permit the practice of engineering by persons who are not licensed under Chapter 89C of the General Statutes.

(c) Nothing in this Article shall permit the practice of architecture by persons not licensed under Chapter 83A of the General Statutes.

"§ 90-649. Certification registry.

The Board shall file with the Secretary of State the name, address, telephone number, and date of certification for all Associate Safety Professionals and Certified Safety Professionals. The Board shall remit a filing fee of thirty-five dollars (\$35.00) to the Secretary of State with each certification filed. All fees paid to the Department shall be used to pay the costs incurred in administering and enforcing this Article. The Board may require this filing fee to be paid by the person whose certification is being filed. The Board shall promptly notify the Secretary of State when a person's certification is revoked or no longer in effect.

The Secretary of State shall maintain a registry of all current Associate Safety Professionals and Certified Safety Professionals as furnished by the Board."

Section 2. This act becomes effective January 1, 2001, and applies to acts committed on or after that date.

In the General Assembly read three times and ratified this the 4th day of July, 2000.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ Joe Hackney
Speaker Pro Tempore of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 8:32 a.m. this 14th day of July, 2000