

SECTION .1000 - PROFESSIONAL CORPORATIONS

21 NCAC 21 .1001 PRACTICE OF GEOLOGY BY CORPORATIONS AND LIMITED LIABILITY COMPANIES

(a) Application. Application for a Certificate of Registration for corporations and limited liability companies to practice geology within the State of North Carolina shall be made upon forms provided by the Board. Completed applications must conform to the requirements of Rule .0302 of this Chapter and be accompanied by the fee prescribed in Rule .0107 of this Chapter. Certificates of Registration shall be issued only to corporations meeting the provisions of the Professional Corporation Act, G.S. 55B, and companies meeting the provisions of the Limited Liability Company Act, G.S. 57C, except as provided in Paragraph (b) of this Rule.

(b) Corporations and Limited Liability Companies Exempt from G.S. 55B. Applications for a Certificate of Registration as exempt from the Professional Corporation Act or the Limited Liability Company Act under the provisions of G.S. 55B-15 or G.S. 57C-2-01 shall be made upon forms provided by the Board. To be eligible as an exempt corporation under the provisions of G.S. 55B-15 the following conditions must exist:

- (1) The corporation or limited liability company shall have been incorporated or organized prior to June 5, 1969 and permitted by law to render professional services or must be a corporate successor to such a corporation or limited liability company as defined by G.S. 55B-15; or
- (2) The corporation or limited liability company must have been incorporated or organized prior to September 1, 1991, and before and after September 1, 1991 the corporation or limited liability company must have been a bonafide firm engaged in the practice of geology and such services as may be ancillary thereto within the State of North Carolina.

(c) Renewal of Certificate. The renewal of Certificates of registration for corporations and limited liability companies shall follow the requirements as set out in Rule .0107 of this Chapter.

(d) Seal. Each registered corporation or limited liability company shall obtain from the Board a seal approved by the Board. Such seal shall contain the name of the corporation or limited liability company, its North Carolina registration number and the words "registered geological corporation" or "registered geological limited liability company" as applicable.

(e) Approval of Name. The name used by a geological corporation or limited liability company shall be approved by the Board before being used. Names shall be approved by the Board pursuant to the requirements and limitations of G.S. 55, 55B and G.S. 57C unless the name has been registered previously by another geological corporation or limited liability company. This Rule shall not prohibit the continued use of any corporate name adopted in conformity with the General Statutes of North Carolina and board rules in effect at the date of such adoption.

History Note: Authority G.S. 55B-5; 55B-10; 55B-11; 55B-14; 55B-15; 57C-2-01; 89E- 5; 89E-12; 89E-13; Eff. January 1, 1992; Amended Eff. April 1, 2003; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014.