

Notice to Construction Managers Regarding Limits of Authority

It has been brought to the attention of the S.C. Board of Professional Engineers and Surveyors that individuals licensed/registered with the South Carolina Contractors Licensing Board as Construction Managers pursuant to Section 40-11-320, who are not also licensed as Professional Engineers in South Carolina, may be in violation of the limits of authority imposed on Construction Managers by Section 40-11-320(D) of the S.C. Code Ann. (as amended, 1976). This subsection prohibits Construction Managers from performing design work unless properly licensed as a Professional Engineer in South Carolina. In addition, section 40-22-20 (23) defines the practice of engineering as follows:

“Practice of engineering” means any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, expert technical testimony, evaluation, design and design coordination of engineering works and systems, design for development and use of land and water, performing engineering surveys and studies, and the review of construction for the purpose of monitoring compliance with drawings and specifications, any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems projects, and industrial or consumer products or equipment of control systems, communications, mechanical, electrical, hydraulic, pneumatic, or thermal nature, insofar as they involve safeguarding life, health, or property, and including such other professional services as may be necessary to the planning, progress, and completion of any engineering services. The mere execution, as a contractor, of work designed by a professional engineer or supervision of the construction of such work as a foreman or superintendent is not considered the practice of engineering. A person must be construed to practice or offer to practice engineering, within the meaning and intent of this chapter who:

- (a) practices any branch of the profession of engineering
- (b) by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a professional engineer or through the use of some other title implies that he is a professional engineer or that he is licensed under this chapter; or
- (c) holds himself out as able to perform or does perform any engineering service or work or any other professional service designated by the practitioner or which is recognized as engineering.

The Board has received credible reports of Construction Managers directing changes to be made on design/construction documents or in the actual construction without permission, approval, or signature of the engineer of record. No formal complaints have been received to date. However, such actions, when identified and verified, would result in a charge of unlicensed practice of engineering.

Accordingly, the Board takes this opportunity to inform Construction Managers who are not licensed Professional Engineers in South Carolina that the Board will issue an Order to Cease and Desist from the practice of engineering when credible reports are submitted and verified. Further, the Board will consider filing a complaint with the SC Contractors Licensing Board against any individual who exceeds the scope of his/her authority as a construction manager by effecting changes in any manner to **engineering-related** sealed plans or plans permitted for construction or approving changes made by anyone other than the Professional Engineer of record.