

**SECOND REVISED PROPOSED REGULATION OF THE STATE**

**BOARD OF PROFESSIONAL ENGINEERS AND LAND**

**SURVEYORS**

**LCB File No. R137-20**

November 24, 2020

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §1, NRS 625.140 and 625.183; §2, NRS 625.140 and 625.390; §3, NRS 625.140 and 625.175; §§4, 7 and 10-12, NRS 625.140; §5, NRS 625.140 and 625.382; §6, NRS 625.140, 625.154, 625.193 and 625.280; §8, NRS 625.140, 625.390, 625.395 and 625.397; §9, NRS 625.140, 625.177 and 625.179.

A REGULATION relating to professional engineers and land surveyors; clarifying the types of experience which qualify as active experience for licensure as a professional engineer; removing certain prohibitions on the types of professional reference an applicant may provide; revising the information an applicant must provide to the State Board of Professional Engineers and Land Surveyors; removing the requirement that an applicant born in a foreign country prove that he or she has been naturalized as a citizen of the United States or has a right to remain and work in the United States; revising the fee for each application for licensure as a professional engineer or professional land surveyor; revising disciplines of engineering; requiring certain applicants for licensure in multiple categories to complete and transmit certain records to the Board; revising the licensure procedures that apply when a person applies for a license on the basis of being previously licensed in certain other jurisdictions; revising the requirements governing examinations for licensure to practice professional engineering and land surveying; removing failure to appear language in existing regulations; clarifying that the Board will prorate the initial license fee to provide a biennial renewal period for the licensee; removing the requirement that each branch office of a firm be registered; requiring a licensee to file certain contact information with the Board; repealing certain provisions governing examinations and land surveyor interns; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes the State Board of Professional Engineers and Land Surveyors to adopt all regulations which are necessary for the proper performance of the duties of the Board, the regulation of the proceedings before it and the maintenance of a high standard of integrity and dignity in the profession. (NRS 625.140)

Existing law prohibits an applicant for licensure as a professional engineer from being licensed unless the applicant: (1) is a graduate of an engineering curriculum of 4 years or more that is approved by the Board; and (2) has a record of 4 years or more of active experience in engineering which is satisfactory to the Board. Not more than 2 of the 4 years of active experience may be satisfied by the applicant graduating from a college or university in a discipline of engineering with a master's or doctoral degree, regardless of the number of degrees obtained. At least 2 of the 4 years of active experience must be completed by working under the direct supervision of a professional engineer who is licensed in the discipline in which the applicant is applying for a license. The Board may waive this requirement that the professional engineer who is supervising the applicant must be licensed in the discipline in which the applicant is applying for licensure. (NRS 625.183) **Section 1** of this regulation clarifies the types of experience which qualify as active experience for licensure as a professional engineer.

Existing law requires an applicant for licensure as a professional engineer or professional land surveyor to provide names of at least four references who have knowledge of the background, character and technical competence of the applicant. Existing law prohibits an applicant from naming as a reference a member of the Board. (NRS 625.390) Existing regulations provide that an applicant shall not give as references: (1) persons who are all members of the same organization; (2) more than one-half of the persons named may be members of the applicant's organization; and (3) the Executive Director of the Board. (NAC 625.210) **Section 2** of this regulation removes the prohibitions relating to members of the applicant's organization and instead only prohibits an applicant from providing the Executive Director of the Board as a professional reference.

Existing law requires an applicant for licensure as a professional engineer or professional land surveyor or for certification as an engineer or land surveyor intern to provide a detailed summary of his or her technical training and education. (NRS 625.390) Existing regulations require each applicant to furnish transcripts as proof of his or her college and postgraduate education to the Board. (NAC 625.210) **Section 2** removes this requirement and instead requires each applicant to transmit a completed National Council of Examiners for Engineering and Surveying Record that verifies his or her college and postgraduate education, work experience, references and license examinations.

During the 2019 Legislative Session, the Nevada Legislature removed the requirement that an applicant for licensure as a professional engineer or professional land surveyor or for certification as an engineer intern or land surveyor intern must furnish proof that he or she is a citizen of the United States or is lawfully entitled to remain and work in the United States. (Chapter 627, Statutes of Nevada 2019, at page 4261) **Section 2** makes a conforming change by removing the requirement that each applicant who was born in a foreign country supply documentary proof of his or her naturalization as a citizen of the United States or of his or her right to remain and work in the United States.

Existing law requires the Board, by regulation, to establish a fee for licensure as a professional engineer and professional land surveyor in an amount not to exceed \$200. (NRS 625.390) Existing regulations require an applicant for such licenses to submit a fee of \$200 at the time of application. (NAC 625.210) **Section 2** changes this fee amount to \$25.

Existing law authorizes the Board to, by regulation, define the scope of each discipline of professional engineering for which licensure is required. (NRS 625.175) Existing regulations set forth the disciplines of engineering. (NAC 625.220) **Section 3** of this regulation revises these disciplines of engineering to: (1) include agricultural and biological engineering, electrical and computer engineering and industrial and systems engineering; and (2) remove manufacturing engineering.

Existing regulations require an applicant who applies for licensure in more than one discipline of engineering or in both the categories of professional engineer and land surveyor to complete the application forms to indicate clearly the education, experience and personal references which will substantiate his or her claims of proficiency in each category or discipline for which he or she is applying. (NAC 625.230) **Section 4** of this regulation requires such an applicant to complete and transmit a separate National Council of Examiners for Engineering and Surveying Record for each category or discipline for which he or she is applying.

Existing law authorizes the Board to issue a license to practice professional engineering or land surveying if evidence is presented that the applicant is licensed to practice professional engineering or land surveying and is in good standing in a state, territory, possession of the United States or country that maintains standards of engineering or land-surveying licensure that are equivalent to those of this State. The Board may require such an applicant to pass a written or oral examination. (NRS 625.382) Existing regulations require such an applicant to pay an application fee of \$200 and file the required application with the Board, pass a written examination and pass an oral examination if required by the Board. (NAC 625.240) **Section 5** of this regulation requires an applicant who applies for licensure in this State on the basis of previous licensure in another state, territory, possession of the United States or country that is a signatory to the mobility agreements of the International Engineering Alliance to: (1) pay an application fee of \$125 and file the required application with the Board or transmit a National Council of Examiners for Engineering and Surveying Record to the Board; (2) pass a written examination; and (3) pass an oral examination if required by the Board. Existing regulations set forth the procedure for conducting an oral examination. (NAC 625.240) **Section 5** of this regulation removes these provisions. **Section 5** authorizes the Executive Director of the Board to review and evaluate the applications submitted to determine if the applications satisfy the criteria that apply to a Model Law Engineer or Model Law Surveyor as set forth by the National Council of Examiners for Engineering and Surveying. If the applicant satisfies these requirements, **section 5** authorizes the Board to issue a license to the applicant.

Existing law requires the Board to hold examinations of applicants for licenses as a professional engineer or land surveyor at least once each year. (NRS 625.154) Existing regulations provide that the Board will offer an examination at least once each year and additional examinations as needed. Existing regulations additionally provide that the Board will offer certain examinations that are prepared by the National Council of Examiners for Engineering and Surveying and that the Board will prepare a 2-hour examination that covers the laws of this State and the procedures for the practice of land surveying. (NAC 625.310) **Section 6** of this regulation provides that the Board will offer Nevada-specific examinations at least once each year. **Section 6** provides that the Board will require the passing of certain examinations that are prepared by the National Council of Examiners for Engineering and Surveying. **Section 6** additionally provides that the Board will: (1) require the passing of a short examination on

existing laws and regulations governing professional engineers and land surveyors; and (2) prepare and offer a 2-hour examination that covers the laws of this State and the procedures for the practice of land surveying.

Existing regulations require the Board to send to an applicant a notice of the time and place for an examination that the Board has scheduled for the applicant. Existing regulations provide that if an applicant fails to appear for an examination within 1 year, the applicant must file a new application for licensure and pay the application fee in effect at the time of reapplication. Existing regulations provide that any fee previously paid is not refundable. (NAC 625.330) **Section 7** of this regulation removes the failure to appear language, the requirement that an applicant pay a new application fee, and the provision that a previously paid fee is not refundable.

Existing law requires the Board to require the biennial renewal of each license of a professional engineer or professional land surveyor. (NRS 625.390, 625.395) Existing regulations provide that the Board will prorate the initial application fee paid by a licensee as necessary to provide a biennial renewal period for the licensee. (NAC 625.410) **Section 8** of this regulation clarifies that the Board will prorate the initial license fee.

Existing law authorizes the Board to require a firm, partnership, corporation or any other person who is not a natural person to register with the Board before engaging in or offering to engage in the practice of professional engineering or land surveying in this State. (NRS 625.177, 625.179) Existing regulations require the registration of such firms and require an application for registration to be filed for each branch office of the firm. (NAC 625.425) **Section 9** of this regulation removes the requirement that an application be filed for each branch office of the firm and removes references to branch offices of firms.

Existing regulations require each licensee to file with the Board the complete address of his or her principal place of business or, if the licensee does not maintain a principal place of business, the complete address of his or her residence or the number of his or her post office box. Existing regulations require a licensee to submit a written notice to the Board of any change of address to the Board within 10 days after the effective date of the change. (NAC 625.615) **Section 10** of this regulation requires each licensee to file with the Board the contact information of the principal place of business or of the licensee, which includes the address, telephone number and electronic mail address of the principal place of business or of the licensee, as applicable. **Section 11** of this regulation makes a conforming change. **Section 10** requires a licensee to file with the Board any change of contact information with the Board within 30 days after the effective date of the change.

Existing regulations set forth certain provisions governing examinations for land surveyor interns and governing: (1) the withdrawal of an applicant who is unable to take an examination; (2) the reapplication of an applicant to take an examination who failed to pass a previous examination; and (3) the reapplication of an applicant to take an oral examination after failing to pass a previous oral examination. (NAC 625.320, 625.340, 625.350, 625.360) **Section 12** of this regulation repeals these provisions.

**Section 1.** Chapter 625 of NAC is hereby amended by adding thereto a new section to read as follows:

*With regard to acquiring a record of 4 years or more of active experience in engineering that is required pursuant to subsection 3 of NRS 625.183:*

*1. An applicant may acquire not more than 2 years of active experience as a result of graduating from a college or university in a discipline of engineering with a master's or doctoral degree as described in paragraph (a) of subsection 4 of NRS 625.183; and*

*2. An applicant shall acquire at least 2 years of active experience in addition to those acquired pursuant to subsection 1 by working under the direct supervision of a professional engineer pursuant to paragraph (b) of subsection 4 of NRS 625.183.*

**Sec. 2.** NAC 625.210 is hereby amended to read as follows:

625.210 1. ~~Unless otherwise permitted by the Board, an applicant shall not give as professional references persons who are all members of the same organization and not more than one half of the persons named by the applicant may be members of the applicant's organization.~~

An applicant shall not give the Executive Director of the Board as a professional reference.

2. Each applicant must ~~furnish transcripts as proof of~~ *complete and transmit a National Council of Examiners for Engineering and Surveying Record that verifies* his or her college and postgraduate education ~~. Each transcript must be sent directly~~, *work experience, references and license examinations* to the Board. ~~by the issuing institution. If transcripts are not available, the applicant must furnish other proof of his or her education in a form acceptable to the Board.~~

3. ~~Each applicant who was born in a foreign country must supply documentary proof of his or her naturalization as a citizen of the United States or of his or her right to remain and work in the United States.~~

~~4.]~~ Each applicant must pay the following fee, as appropriate, at the time of application:

(a) For each application for licensure as a professional engineer or professional land surveyor or for licensure in an additional discipline of engineering, ~~[\$200.]~~ **\$25.**

(b) For each application for certification as an engineer intern or a land surveyor intern, \$50.

**Sec. 3.** NAC 625.220 is hereby amended to read as follows:

625.220 1. Each applicant must specify the discipline of engineering in which he or she desires to be examined and licensed.

2. The Board will classify applicants in a manner which is reasonably consistent with custom in the profession. The Board may classify and examine an applicant in the basic discipline of engineering which is most closely associated with the applicant's area of concentration.

3. An applicant may apply for licensure in the following disciplines of engineering:

- (a) Agricultural ~~and~~ **and biological;**
- (b) Chemical;
- (c) Civil;
- (d) Control systems;
- (e) Electrical ~~and~~ **and computer;**
- (f) Environmental;
- (g) Fire protection;
- (h) Geological;

(i) Industrial ~~{}]~~ *and systems;*

(j) ~~{}Manufacturing;~~

~~{}(k)]~~ Mechanical;

~~{}(k)]~~ (k) Metallurgical and materials;

~~{}(m)]~~ (l) Mining and mineral processing;

~~{}(n)]~~ (m) Naval architecture and marine;

~~{}(o)]~~ (n) Nuclear;

~~{}(p)]~~ (o) Petroleum;

~~{}(q)]~~ (p) Structural; or

~~{}(r)]~~ (q) Any other discipline of engineering which the Board deems appropriate.

4. Each applicant must know the basic concepts of engineering in the fields of mathematics, physics, chemistry, statics, dynamics, strength of materials, fluid mechanics, electricity and magnetism, thermodynamics and economic analysis, and understand the application of these concepts in his or her specialized discipline of engineering.

**Sec. 4.** NAC 625.230 is hereby amended to read as follows:

625.230 1. An applicant who applies for licensure in more than one discipline of engineering or in both the categories of professional engineer and land surveyor must:

(a) File a separate application for each additional category or discipline requested and pay the application fee for each additional application filed; and

(b) Complete ~~{}the application forms to indicate clearly the education, experience and personal references which will substantiate his or her claims of proficiency in]~~ *and transmit separate National Council of Examiners for Engineering and Surveying Records that verify his or her college and postgraduate education, work experience, references and license*

*examinations to the Board for* each category or discipline for which he or she is applying.

~~[Experience and personal references must be stated separately for each discipline.]~~

2. If an applicant who is not a professional engineer concurrently applies for initial licensure in two or more disciplines of engineering, the Board will not approve the application unless the applicant submits evidence of significant experience, or education and experience, in each of the disciplines.

3. The Board generally will not approve an application in an additional discipline of engineering unless the applicant possesses a minimum of 10 years of education and experience.

4. The Board may accept a second baccalaureate degree in an approved curriculum in partial satisfaction of the requirements for licensure in an additional discipline of engineering if the applicant clearly shows that he or she possesses significant experience in the additional discipline, but in no case will the Board grant such a license within 6 years after the applicant received his or her first baccalaureate degree.

5. An applicant who applies for licensure on the basis of comity in more than one discipline of engineering may be granted licensure in the additional disciplines if the applicant clearly shows in the application that he or she possesses the required education and experience and his or her claims of proficiency are substantiated by an examination offered by the Board.

**Sec. 5.** NAC 625.240 is hereby amended to read as follows:

625.240 1. An applicant who applies for licensure in this State on the basis of previous licensure in another ~~[jurisdiction]~~ *state, territory, possession of the United States or country that is a signatory to the mobility agreements of the International Engineering Alliance* must:

(a) Pay an application fee of ~~[\$200]~~ *\$125* and ~~[file]~~ :

*(1) File* the required application with the Board; *or*



*(2) Transmit a National Council of Examiners for Engineering and Surveying Record to the Board;*

(b) Pass a short written examination on chapter 625 of NRS and the regulations and code of conduct of the Board; and

(c) Pass an oral examination if required by the Board.

~~2. [All oral examinations may be conducted by a committee of at least three persons selected by the Board who are licensed in this State as professional engineers or land surveyors. One member of such a committee must be a member of the Board.~~

~~—3.— An applicant who appears for an oral examination shall submit to the Board all necessary material to ensure that the information in the file of the applicant is current on the date that the applicant takes the oral examination.~~

~~—4.— An applicant who fails to appear on two separate occasions for an oral examination required pursuant to this section may not take an oral examination for at least 12 months after the date of the second examination for which he or she did not appear unless the applicant is excused from appearance by the Board at least 7 days before the scheduled examination.~~

~~—5.— Before an applicant may schedule an oral examination, the applicant must pay any costs incurred by the Board related to scheduling any previous examinations for which the applicant did not appear.~~

~~—6.— The Board will determine the costs that the applicant must pay pursuant to subsection 5.~~

~~—7.]~~ After the oral examination, *if applicable*, the Board may require the applicant to pass another examination acceptable to the Board as a condition precedent to licensure.

*3. The Executive Director of the Board may review and evaluate the applications submitted pursuant to this section to determine if the applications satisfy the criteria of a*

*Model Law Engineer or Model Law Surveyor, as set forth by the National Council of Examiners for Engineering and Surveying. If the applicant satisfies these requirements, the Executive Director of the Board shall notify the Board and the Board may issue a license to practice professional engineering or land surveying to the applicant.*

**4. As used in this section, “mobility agreements” includes, without limitation, the APEC Agreement and the International Professional Engineers Agreement.**

**Sec. 6.** NAC 625.310 is hereby amended to read as follows:

625.310 1. The Board will offer ~~[an examination]~~ *Nevada-specific examinations* at least once each year. ~~[and additional examinations as needed. The time and place for an examination will be established at least 4 months in advance.]~~ Specific information concerning times and places for scheduled examinations may be obtained from the office of the Board.

2. The Board will ~~[offer]~~ *require the passing of* the following examinations that are prepared by the National Council of Examiners for Engineering and Surveying which meet the requirements for licensure as an engineer:

(a) The Fundamentals of Engineering, which is a national examination that covers the fundamentals of engineering ~~[;]~~, *unless the requirement is waived by the Board;* and

(b) The Principles and Practice of Engineering, which is a national examination that covers the principles and practice of engineering.

3. The Board will ~~[offer]~~ *require the passing of* the following examinations that are prepared by the National Council of Examiners for Engineering and Surveying which meet the requirements for licensure as a land surveyor:

(a) The Fundamentals of Surveying, which is a national examination that covers the fundamentals of land surveying ~~[;]~~, *unless the requirement is waived by the Board;* and

(b) The Principles and Practice of Surveying, which is a national examination that covers the principles and practice of land surveying.

4. *The Board will require the passing of a short examination on this chapter and chapter 625 of NRS.*

5. In addition to the ~~[examinations]~~ *examination* set forth in subsection ~~[3,]~~ 4, the Board will prepare *and offer* a 2-hour examination that covers the laws of this State and the procedures for the practice of land surveying. The Board will offer this examination at ~~[the same time that the Board offers the examination set forth in paragraph (b) of subsection 3 and at such other times as the Board determines.~~

~~—5.]~~ *least once each year.*

6. The examination to become a structural engineer is a 16-hour examination which is composed of two parts, each of which lasts 8 hours.

**Sec. 7.** NAC 625.330 is hereby amended to read as follows:

625.330 1. If the Board schedules an examination for an applicant, the Board must send to that applicant a notice of the time and place to appear before the Board for the examination.

2. An applicant who is sent a notice shall appear before the Board in accordance with the schedule established by the Board.

~~[3.— If an applicant fails to appear for an examination within 1 year, he or she must file a new application for licensure and pay the application fee in effect at the time of reapplication. Any fee previously paid is not refundable.]~~

**Sec. 8.** NAC 625.410 is hereby amended to read as follows:

625.410 1. The fee for a biennial renewal of a single license is \$100.

2. The first letter of the surname of a licensee determines the last date on which a licensee may pay his or her renewal fee, as set forth in the following schedule:

A through E - January 1 of each odd-numbered year.

F through K - July 1 of each odd-numbered year.

L through R - January 1 of each even-numbered year.

S through Z - July 1 of each even-numbered year.

3. The Board will prorate the initial ~~application~~ license fee paid by a licensee as necessary to provide a biennial renewal period for the licensee that is consistent with the schedule set forth in subsection 2. A person who is licensed in more than one professional category or discipline of engineering must pay the full renewal fee for the first classification and one-half of the renewal fee for each additional classification. No licensee will be charged more than \$200 in a biennium for the renewal of his or her licenses.

4. If a licensee does not renew his or her licensure by the appropriate date set forth in subsection 2, the licensure expires and he or she is not licensed to continue to practice. A former licensee whose licensure has expired because of a failure to pay the renewal fee may renew his or her licensure within 6 months after the date of expiration by paying the renewal fee and a late charge of \$100.

5. A licensee whose license has been expired for more than 6 months:

- (a) Must reapply for licensure and pay the appropriate ~~application~~ license fee.
- (b) May be required to appear before the Board.
- (c) May be required to pass a written or oral examination.

(d) May be required to submit proof to the Board of the completion of 30 professional development hours.

**Sec. 9.** NAC 625.425 is hereby amended to read as follows:

625.425 1. A firm must:

- (a) File an application for registration with the Board on a form provided by the Board; and
- (b) Pay a fee of \$50,

↪ before engaging in or offering to engage in the practice of professional engineering or the practice of land surveying in this State.

2. A firm shall not engage in the practice of professional engineering or the practice of land surveying unless a professional engineer or professional land surveyor, as applicable, is in responsible charge of the work provided by the firm . ~~[in each branch office of the firm.]~~ The licensee designated pursuant to this subsection to be in responsible charge of the work provided by the firm is not required to be a principal of the firm.

3. ~~[A firm must file an application described in subsection 1 with the Board for each branch office of the firm. Such an application must be filed with the Board before the branch office to which the application pertains engages in or offers to engage in the practice of professional engineering or the practice of land surveying in this State.]~~ Each application *required pursuant to subsection 1* must include:

- (a) The name of the firm;
- (b) A list of the principals of the firm;
- (c) The address of the firm;

(d) The ~~[address of the branch office]~~ *state business license number* of the firm ~~[to which the application pertains;]~~ *assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;*

(e) The license number of the licensee who is in responsible charge of the work provided by the firm ~~[at the branch office to which the application pertains;]~~ *in each discipline of engineering and in land surveying;* and

(f) A description of the services that are offered by the firm.

4. A firm shall notify the Board, in writing, within 30 days after any change in:

(a) The name of the firm;

(b) A principal of the firm;

(c) The address of the firm ; ~~[, including a change in the address of a branch office of the firm;]~~

(d) The licensee who is in responsible charge of the work provided by the firm ; ~~[at a specific branch office of the firm;]~~ or

(e) The services that are offered by the firm.

5. Each year within 30 days after the anniversary date of a firm's registration with the Board, the firm must file an application for renewal of its registration, accompanied by a fee of \$50.

**Sec. 10.** NAC 625.615 is hereby amended to read as follows:

625.615 1. Each licensee shall file with the Board the ~~[complete address]~~ *contact information* of his or her principal place of business ~~[, including the name and number of the street;]~~ or, if the licensee does not maintain a principal place of business, the ~~[complete address]~~ *contact information* of his or her residence . ~~[or the number of his or her post office box.]~~

2. The Board will send all communications to the licensee at the ~~[address or post office box]~~ *contact information* filed pursuant to subsection 1.

3. A licensee shall submit a written notice of any change of ~~[address]~~ *contact information* to the Board within ~~[10]~~ 30 days after the effective date of the change. Failure to notify the Board within that period is grounds for disciplinary action by the Board.

*4. As used in this section, “contact information” means the address, telephone number and electronic mail address of the principal place of business or of the licensee, as applicable.*

**Sec. 11.** NAC 625.625 is hereby amended to read as follows:

625.625 *1.* If any information on file with the Board concerning a licensee’s:

~~[1.]~~ *(a)* Employer; or

~~[2.]~~ *(b)* Category or discipline of engineering or land surveying,

↪ changes, the licensee shall submit written notice of the change to the Board within 30 days.

The notice must include any change of the ~~[telephone number]~~ *contact information* of the licensee’s principal place of business.

*2. As used in this section, “contact information” means the address, telephone number and electronic mail address of the licensee’s principal place of business.*

**Sec. 12.** NAC 625.320, 625.340, 625.350 and 625.360 are hereby repealed.

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## TEXT OF REPEALED SECTIONS

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- 625.320 Examinations: Land surveyor intern.** 1. An applicant may take the examination to become a land surveyor intern only if the applicant meets the requirements of education or experience for certification as a land surveyor intern as prescribed in NRS 625.386.
2. The Board will consider an applicant to have met the statutory requirements if the applicant has a combination of education and experience totaling 4 years or more which is satisfactory to the Board.
3. The examination for a land surveyor intern consists of a national examination which covers the fundamentals of land surveying as set forth in NRS 625.280.
4. A person is not eligible to apply to take the examination to become a professional land surveyor unless he or she has successfully passed or has been excused from the examination for a land surveyor intern.

- 625.340 Examinations: Withdrawal.** 1. If an applicant is unable to take an examination for which he or she has been scheduled, the applicant must notify the Board of his or her withdrawal not later than the date posted on the Internet website of the Board as the deadline for applying to take the examination for which the applicant was scheduled.
2. An applicant who fails to attend a scheduled examination must pay an additional fee of \$50 to cover the cost of rescheduling the examination.



3. An applicant for the examination to become an engineer intern or a land surveyor intern who fails to make a timely withdrawal must pay an additional fee in the amount of the fee for the missed examination.

**625.350 Examinations: Reapplication after failure.** 1. Except as otherwise provided in subsection 2 and NAC 625.360, an applicant who fails to pass an examination may reapply to take the examination:

(a) Within 12 months after the examination, by paying a fee for the examination which is based on the actual cost of the Board to:

(1) Purchase the examination from the National Council of Examiners for Engineering and Surveying; and

(2) Offer the examination.

(b) Twelve months or more after the examination, by:

(1) Submitting an updated application;

(2) Paying an application fee of \$200; and

(3) Paying a fee for the examination which is based on the actual cost of the Board to:

(I) Purchase the examination from the National Council of Examiners for Engineering and Surveying; and

(II) Offer the examination.

2. Except as otherwise provided in NAC 625.360, if an applicant fails to pass an examination three times, the applicant may reapply to take the examination only if, in addition to satisfying the requirements set forth in paragraph (b) of subsection 1, the applicant furnishes proof that he or she has completed a refresher course in professional land surveying or the discipline of professional engineering in which the applicant is to be examined.

**625.360 Examinations: Reapplication after failure of certain oral examinations.** An applicant who fails to pass an oral examination, other than an oral examination given pursuant to NAC 625.240, may reapply to take the oral examination:

1. Four months or more after failing the first oral examination.
2. Twelve months or more after failing the second oral examination.
3. Twenty-four months or more after failing the third oral examination.
4. A reasonable time as determined by the Board after failing the fourth oral examination.

**PROPOSED REGULATION OF THE STATE BOARD OF  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

**LCB File No. R138-20**

October 26, 2020

EXPLANATION – Matter in *italics* is new; matter in brackets [~~omitted material~~] is material to be omitted.

AUTHORITY: §§1 and 2, NRS 625.140 and 625.398.

A REGULATION relating to professions; revising the continuing education requirements needed for the renewal of a professional engineering license or land surveying license; providing that a licensee is entitled to 1 professional development hour for each hour that the licensee participates in a self-study activity; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law authorizes the State Board of Professional Engineers and Land Surveyors to adopt regulations for the proper performance of the duties of the Board, the regulation of the proceedings before it and the maintenance of a high standard of integrity and dignity in the profession. (NRS 625.140) Existing law requires the Board to adopt regulations concerning continuing education for professional engineers and professional land surveyors. Such regulations must include: (1) the number of hours of credit required annually; (2) the criteria used to accredit each course; and (3) the requirements for submission of proof of attendance at courses. (NRS 625.398)

Existing regulations require a professional engineer or professional land surveyor licensed by the Board to complete at least 30 professional development hours within each biennial renewal period. (NAC 625.430) **Section 1** of this regulation requires 2 of the professional development hours to be in professional ethics and 1 hour to be in the provisions of existing law and regulations that govern professional engineers and land surveyors.

Existing regulations require a licensee who is licensed as a professional engineer and as a professional land surveyor and who wishes to renew or reinstate both licenses to complete at least 30 professional development hours in activities relating to professional engineering and professional land surveying. Of the 30 professional development hours, 10 hours must be in activities relating to professional engineering and 10 hours must be in activities relating to professional land surveying. (NAC 625.430) **Section 1** removes these specific requirements and instead requires the licensee to submit proof that he or she has completed at least 30 professional development hours.

Existing regulations provide that a licensee who successfully completes an activity to maintain, improve or expand the skills and knowledge relevant to his or her discipline is entitled to the number of professional development hours assigned to the activity according to a schedule set forth in existing regulations. (NAC 625.470) **Section 2** of this regulation expands this schedule to include 1 professional development hour for each hour that the licensee participates in a self-study activity.

**Section 1.** NAC 625.430 is hereby amended to read as follows:

625.430 1. Except as otherwise provided in NAC 625.440 and 625.450, a licensee who ~~on or after January 1, 1999,~~ applies for the renewal of his or her license, must submit proof deemed acceptable by the Board that he or she has completed at least 30 professional development hours within the biennial renewal period, including any professional development hours carried forward from the previous biennial renewal period pursuant to subsection ~~2.~~ **3, of which:**

*(a) Two hours must be in professional ethics; and*

*(b) One hour must be in the provisions of this chapter and chapter 625 of NRS.*

2. If the licensee does not submit such proof to the Board *pursuant to subsection 1 or 5* or, after being notified by the Board that a deficiency exists, does not complete the number of professional development hours which are deficient pursuant to NAC 625.490, the Board will deny the application for the renewal of the license.

~~2.~~ **3.** If a licensee has submitted to the Board proof deemed acceptable by the Board that he or she has completed more than 30 professional development hours in a biennial renewal period ~~2.~~ *pursuant to subsection 1 or 5*, the licensee may carry forward to the next biennial renewal period not more than 15 of the excess professional development hours. *A licensee may not carry forward to the next biennial renewal period any professional development hours that would satisfy the requirements of paragraphs (a) or (b) of subsection 1.*

~~[3.]~~ 4. A licensee who is licensed as a professional engineer and who wishes to renew his or her license is required to complete only 30 professional development hours, regardless of the number of disciplines of professional engineering within which he or she is licensed.

~~[4.]~~ 5. A licensee who is licensed as a professional engineer and a professional land surveyor and who wishes to renew or reinstate both licenses must ~~[complete]~~ *submit proof deemed acceptable by the Board that he or she has completed* a total of at least 30 professional development hours ~~[in activities related to professional engineering and professional land surveying. The professional development hours must include at least:~~  
~~—(a) Ten professional development hours in activities related to professional engineering; and~~  
~~—(b) Ten professional development hours in activities related to professional land surveying.]~~  
*that comply with the requirements set forth in subsection 1.*

**Sec. 2.** NAC 625.470 is hereby amended to read as follows:

625.470 1. Except as otherwise provided in subsection 2, a licensee who successfully completes an activity to maintain, improve or expand the skills and knowledge relevant to his or her discipline is entitled to the number of professional development hours assigned to the activity in accordance with the following schedule, subject to modification by the Board:

Activity	Professional Development Hours
College course with a duration measured in semesters .....	45 for each semester credit hour received

Activity

Professional Development Hours

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College course with a duration measured

in quarters ..... 30 for each quarter credit hour received

~~Attendance at~~ *Attending* a seminar,

workshop, in-house course of

instruction or professional meeting,

convention or conference ..... 1 for each hour of attendance

Teaching a course, tutorial, seminar, or

workshop ..... 2 for each hour spent teaching

Authoring or coauthoring a paper, article

or book that has been published ..... 10

Serving as an officer or participating

member of a committee of a

professional or technical organization..... 2 for each calendar year of service

Receiving a patent as an inventor of record ..... 10

*Participating in a self-study activity ..... 1 for each hour of self-study*

2. A licensee who teaches the same course on more than one occasion may not obtain any professional development hours for teaching that course a second or subsequent time. A licensee who is a full-time member of the faculty of any institution of the Nevada System of Higher

Education or any other public or private institution of learning may not obtain any professional development hours for teaching at that institution.

**PROPOSED REGULATION OF THE STATE BOARD OF  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

**LCB File No. R139-20**

October 26, 2020

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1-5, NRS 625.140.

A REGULATION relating to professions; revising the fundamental principles that apply to professional engineers and land surveyors licensed by the State Board of Professional Engineers and Land Surveyors; revising the requirements with which a licensee must comply in his or her relations with the public, his or her employers and clients and other engineers or land surveyors; revising when a professional engineer or land surveyor who is employed by any governmental agency must notify the Board; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law authorizes the State Board of Professional Engineers and Land Surveyors to adopt all regulations, not inconsistent with the constitution and laws of this State, which are necessary for the proper performance of the duties of the Board, the regulation of the proceedings before it and the maintenance of a high standard of integrity and dignity in the profession. (NRS 625.140) Existing regulations set forth the code of conduct for professional engineers and land surveyors licensed by the Board. (NAC 625.510-625.550)

Existing regulations require a licensee to: (1) serve his or her employer, clients and the public with devotion; and (2) strive to increase the competence and prestige of the profession. (NAC 625.510) **Section 1** of this regulation requires a licensee to: (1) serve his or her employer, clients and the public with integrity; and (2) strive to increase the standards of skill and practice in the professional engineering and land surveying professions.

Existing regulations require a licensee, in his or her relations with the public, to, among other things: (1) have proper regard for the safety, health and welfare of the public in the performance of his or her professional duties; (2) not express an opinion on any subject concerning engineering or land surveying unless the opinion is founded on adequate knowledge and honest conviction; and (3) preface any ex parte statements, criticism or arguments that he or she may issue by clearly indicating on whose behalf they are made. (NAC 625.520) **Section 2** of this regulation revises these requirements and instead requires a licensee, in his or her relations with the public: (1) to be cognizant that his or her first and foremost responsibility is the safety, health and welfare of the public in the performance of his or her professional duties; (2) to the best of his or her knowledge, include all relevant and pertinent information in all professional



documents, statements and testimony in an objective and truthful manner; and (3) not issue an argument against or a statement or criticism on any subject concerning engineering or land surveying that is paid for or inspired by an interested party unless he or she satisfies certain criteria.

Existing regulations require a licensee, in his or her relations with his or her employers and clients, to act fairly and justly toward vendors and contractors, and not accept from vendors or contractors any commission or allowances, directly or indirectly. (NAC 625.530) **Section 3** of this regulation additionally prohibits a licensee from accepting from vendors or contractors any gratuities, directly or indirectly.

Existing regulations require a licensee, in his or her relations with other engineers or land surveyors, to, among other things: (1) provide a prospective engineering or land surveying employee with complete information concerning employment; (2) endeavor to provide opportunity for the professional development and advancement of licensees in his or her employ or under his or her supervision; (3) not compete unfairly with another licensee; and (4) cooperate in advancing the profession of engineering or land surveying by performing certain actions. (NAC 625.540) **Section 4** of this regulation removes these requirements.

Existing regulations require any licensee who is employed by any governmental entity to notify the Board in writing when: (1) another licensee has submitted substantially incomplete plans to the governmental entity; (2) the governmental entity has, on three or more occasions, rejected plans submitted by another licensee for the same project; or (3) another licensee has failed timely to respond to correspondence from the governmental entity. (NAC 625.550) **Section 5** of this regulation removes the requirement that such notice must be in writing. **Section 5** additionally requires such notice to occur when another licensee has submitted more than one set of plans to the governmental entity that cause a concern regarding the lack of competency of the licensee who has submitted the plans. Finally, **section 5** removes the notice requirement when the governmental entity has, on three or more occasions, rejected plans submitted by another licensee for the same project.

**Section 1.** NAC 625.510 is hereby amended to read as follows:

625.510 A licensee shall uphold and advance the honor and dignity of the profession by maintaining high standards of ethical conduct. In particular, a licensee shall:

1. Be honest and impartial, and serve his or her employer, clients and the public with ~~devotion;~~ *integrity;*
2. Strive to increase the ~~competence and prestige of the profession;~~ *standards of skill and practice in the professional engineering and land surveying professions;* and
3. Use his or her knowledge and skill for the advancement of human welfare.

**Sec. 2.** NAC 625.520 is hereby amended to read as follows:

625.520 In a licensee's relations with the public, the licensee shall:

1. ~~{Have proper regard for}~~ *Be cognizant that his or her first and foremost responsibility is the safety, health and welfare of the public in the performance of his or her professional duties.*

2. ~~{Endeavor to extend public knowledge and appreciation of engineering or land surveying and its achievements, and oppose any untrue, unsupported or exaggerated statements regarding his or her profession.~~

~~—3.— Be dignified and modest in explaining his or her work and merit, uphold the honor and dignity of his or her profession and refrain from self-laudatory advertising.~~

~~—4.]~~ *To the best of his or her knowledge, include all relevant and pertinent information in all professional documents, statements and testimony in an objective and truthful manner.*

3. Not ~~{express an opinion}~~ *issue an argument against or a statement or criticism* on any subject concerning engineering or land surveying *that is paid for or inspired by an interested party* unless ~~{the opinion is founded on adequate knowledge and honest conviction.~~

~~—5.— Preface any ex parte statements, criticism or arguments that}~~ he or she ~~{may issue by clearly indicating}~~ :

(a) *Clearly identifies the interested party* on whose behalf ~~{they are made.}~~ *he or she is speaking; and*

(b) *Reveals any interest that he or she has in the subject.*

**Sec. 3.** NAC 625.530 is hereby amended to read as follows:

625.530 In a professional engineer's or land surveyor's relations with his or her employers and clients, he or she shall:

1. Act in professional matters as a faithful agent or trustee for each employer or client.

2. Act fairly and justly toward vendors and contractors, and not accept from vendors or contractors any commission, ~~or~~ allowances ~~or~~ *gratuities*, directly or indirectly.

3. Inform the employer or client if he or she is financially interested in any vendor or contractor, or in any invention, machine or apparatus which is involved in a project or work of the employer or client, and not allow such an interest to affect his or her decisions regarding engineering or land surveying services which he or she may be called upon to perform.

4. Indicate to the employer or client the adverse consequences to be expected if his or her engineering or land surveying judgment is overruled.

5. Undertake only those engineering or land surveying assignments for which he or she is qualified and engage or advise the employer or client to engage specialists and cooperate with them whenever the employer's or client's interests are served best by such an arrangement.

6. Not disclose information concerning the ethical and confidential business affairs and proprietary technical processes of any former employer or client without express consent.

7. Not accept compensation, financial or otherwise, from more than one party for the same service, or for other services pertaining to the same work, without the consent of all interested parties.

8. While employed, not engage in supplementary employment or consulting practice except with the consent of the employer.

**Sec. 4.** NAC 625.540 is hereby amended to read as follows:

625.540 In his or her relations with other engineers or land surveyors, the licensee shall:

1. Take care that credit for engineering or land surveying work is given to those to whom credit is properly due.

2. ~~Provide a prospective engineering or land surveying employee with complete information on working conditions and his or her proposed status of employment, and after employment keep him or her informed of any changes in them.~~
- ~~3. Endeavor to provide opportunity for the professional development and advancement of licensees in his or her employ or under his or her supervision.~~
- ~~4.] Not maliciously injure the professional reputation, business prospects or practice of another engineer or land surveyor.~~

~~5.] 3.~~ If a licensee has evidence that another licensee has been unethical or unfair, or has committed an illegal act in his or her practice, notify the proper authorities.

- ~~6. Not compete unfairly with another licensee.~~
- ~~7. Cooperate in advancing the profession of engineering or land surveying by interchanging information and experience with other licensees and students, and by contributing information to public communication media and to the efforts of engineering, land surveying and scientific societies and schools.]~~

**Sec. 5.** NAC 625.550 is hereby amended to read as follows:

625.550 Any person licensed pursuant to this chapter who is employed by any governmental entity shall notify the Board ~~in writing~~ when:

1. Another licensee has submitted ~~substantially incomplete~~ *more than one set of* plans to the governmental entity ~~:]~~ *that cause a concern regarding the lack of competency of the licensee submitting the plans; or*
2. ~~The governmental entity has, on three or more occasions, rejected plans submitted by another licensee for the same project; or~~

~~3.]~~ Another licensee has failed timely to respond to correspondence from the governmental entity.