



## Nevada – Ethics including NV Statutes and Codes for Professional Engineers

Four (4) Continuing Education Hours  
Course #NV101

Approved Continuing Education for Licensed Professional Engineers

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## Course Description

The Nevada four (4) hours Ethics and Laws & Rules course satisfies the continuing education requirement of minimum of two (2) hours of Ethics and one (1) hour of Nevada laws. An extra one (1) hours is awarded as well and applies to the overall 30 hours of continuing education required for each NV licensed engineer.

The course consists of three major sections as outlined below.

1. Code of Ethics
  - a. General Code of Ethics for all Professional Engineers
2. Ethics Case Reviews
3. Nevada Statutes and Codes
  - a. Nevada Revised Statutes
  - b. Nevada Administrative Code

The course is designed as a distance learning interactive course that enables the practicing professional engineer to keep up to date on the legal aspects that govern the practice of engineering in the state of Nevada as well as revisit the emphasis that the holder of a professional license has a direct and vital impact on the safety, health, and welfare of the public.

## Objectives

The objective of this course is to:

1. Familiarize the student with the standards of professional behavior for adherence to the highest principles of ethical conduct,
2. Apply those principles in reviewing real case studies,
3. Familiarize the student with the laws and rules regulating the practice of engineering in the state of Nevada.

Upon successful completion of the course, the student will be well versed to exhibit the highest standards of honesty and integrity deemed paramount to his or her license and profession as well as be well versed in the Nevada state laws governing the practice of the engineering profession.

## Grading

Students must achieve a minimum score of 70% on the 30-question online quiz to pass this course.

The quiz may be taken as many times as necessary in order to successfully pass this course.

The quiz may be taken as many times as required until the student successfully passes.

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# Code of Ethics

## Preamble

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Engineering is an important and learned profession. As members of this profession, engineers are expected to exhibit the highest standards of honesty and integrity. Engineering has a direct and vital impact on the quality of life for all people. Accordingly, the services provided by engineers require honesty, impartiality, fairness, and equity, and must be dedicated to the protection of the public health, safety, and welfare. Engineers must perform under a standard of professional behavior that requires adherence to the highest principles of ethical conduct.

## I. Fundamental Canons

Engineers, in the fulfillment of their professional duties, shall:

- 1) Hold paramount the safety, health, and welfare of the public.
- 2) Perform services only in areas of their competence.
- 3) Issue public statements only in an objective and truthful manner.
- 4) Act for each employer or client as faithful agents or trustees.
- 5) Avoid deceptive acts.
- 6) Conduct themselves honorably, responsibly, ethically, and lawfully so as to enhance the honor, reputation, and usefulness of the profession.

## II. Rules of Practice

### 1. Engineers shall hold paramount the safety, health, and welfare of the public.

- 1) If engineers' judgment is overruled under circumstances that endanger life or property, they shall notify their employer or client and such other authority as may be appropriate.
- 2) Engineers shall approve only those engineering documents that are in conformity with applicable standards.

- 3) Engineers shall not reveal facts, data, or information without the prior consent of the client or employer except as authorized or required by law or this Code.
- 4) Engineers shall not permit the use of their name or associate in business ventures with any person or firm that they believe is engaged in fraudulent or dishonest enterprise.
- 5) Engineers shall not aid or abet the unlawful practice of engineering by a person or firm.
- 6) Engineers having knowledge of any alleged violation of this Code shall report thereon to appropriate professional bodies and, when relevant, also to public authorities, and cooperate with the proper authorities in furnishing such information or assistance as may be required.

## **2. Engineers shall perform services only in the areas of their competence.**

- 1) Engineers shall undertake assignments only when qualified by education or experience in the specific technical fields involved.
- 2) Engineers shall not affix their signatures to any plans or documents dealing with subject matter in which they lack competence, nor to any plan or document not prepared under their direction and control.
- 3) Engineers may accept assignments and assume responsibility for coordination of an entire project and sign and seal the engineering documents for the entire project, provided that each technical segment is signed and sealed only by the qualified engineers who prepared the segment.

## **3. Engineers shall issue public statements only in an objective and truthful manner.**

- 1) Engineers shall be objective and truthful in professional reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements, or testimony, which should bear the date indicating when it was current.
- 2) Engineers may express publicly technical opinions that are founded upon knowledge of the facts and competence in the subject matter.
- 3) Engineers shall issue no statements, criticisms, or arguments on technical matters that are inspired or paid for by interested parties, unless they have prefaced their comments by explicitly identifying the interested parties on whose

behalf they are speaking, and by revealing the existence of any interest the engineers may have in the matters.

#### **4. Engineers shall act for each employer or client as faithful agents or trustees.**

- 1) Engineers shall disclose all known or potential conflicts of interest that could influence or appear to influence their judgment or the quality of their services.
- 2) Engineers shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.
- 3) Engineers shall not solicit or accept financial or other valuable consideration, directly or indirectly, from outside agents in connection with the work for which they are responsible.
- 4) Engineers in public service as members, advisors, or employees of a governmental or quasi-governmental body or department shall not participate in decisions with respect to services solicited or provided by them or their organizations in private or public engineering practice.
- 5) Engineers shall not solicit or accept a contract from a governmental body on which a principal or officer of their organization serves as a member.

#### **5. Engineers shall avoid deceptive acts.**

- 1) Engineers shall not falsify their qualifications or permit misrepresentation of their or their associates' qualifications. They shall not misrepresent or exaggerate their responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint venturers, or past accomplishments.
- 2) Engineers shall not offer, give, solicit, or receive, either directly or indirectly, any contribution to influence the award of a contract by public authority, or which may be reasonably construed by the public as having the effect or intent of influencing the awarding of a contract. They shall not offer any gift or other valuable consideration in order to secure work. They shall not pay a commission, percentage, or brokerage fee in order to secure work, except to a bona fide

employee or bona fide established commercial or marketing agencies retained by them.

### **III. Professional Obligations**

#### **1. Engineers shall be guided in all their relations by the highest standards of honesty and integrity.**

- 1) Engineers shall acknowledge their errors and shall not distort or alter the facts.
- 2) Engineers shall advise their clients or employers when they believe a project will not be successful.
- 3) Engineers shall not accept outside employment to the detriment of their regular work or interest. Before accepting any outside engineering employment, they will notify their employers.
- 4) Engineers shall not attempt to attract an engineer from another employer by false or misleading pretenses.
- 5) Engineers shall not promote their own interest at the expense of the dignity and integrity of the profession.

#### **2. Engineers shall at all times strive to serve the public interest.**

- 1) Engineers are encouraged to participate in civic affairs; career guidance for youths; and work for the advancement of the safety, health, and well-being of their community.
- 2) Engineers shall not complete, sign, or seal plans and/or specifications that are not in conformity with applicable engineering standards. If the client or employer insists on such unprofessional conduct, they shall notify the proper authorities and withdraw from further service on the project.
- 3) Engineers are encouraged to extend public knowledge and appreciation of engineering and its achievements.
- 4) Engineers are encouraged to adhere to the principles of sustainable development<sup>1</sup> in order to protect the environment for future generations.

#### **3. Engineers shall avoid all conduct or practice that deceives the public.**

- 1) Engineers shall avoid the use of statements containing a material misrepresentation of fact or omitting a material fact.

2) Consistent with the foregoing, engineers may advertise for recruitment of personnel.

3) Consistent with the foregoing, engineers may prepare articles for the lay or technical press, but such articles shall not imply credit to the author for work performed by others.

**4. Engineers shall not disclose, without consent, confidential information concerning the business affairs or technical processes of any present or former client or employer, or public body on which they serve.**

1) Engineers shall not, without the consent of all interested parties, promote or arrange for new employment or practice in connection with a specific project for which the engineer has gained particular and specialized knowledge.

2) Engineers shall not, without the consent of all interested parties, participate in or represent an adversary interest in connection with a specific project or proceeding in which the engineer has gained particular specialized knowledge on behalf of a former client or employer.

**5. Engineers shall not be influenced in their professional duties by conflicting interests.**

1) Engineers shall not accept financial or other considerations, including free engineering designs, from material or equipment suppliers for specifying their product.

2) Engineers shall not accept commissions or allowances, directly or indirectly, from contractors or other parties dealing with clients or employers of the engineer in connection with work for which the engineer is responsible.

**6. Engineers shall not attempt to obtain employment or advancement or professional engagements by untruthfully criticizing other engineers, or by other improper or questionable methods.**

1) Engineers shall not request, propose, or accept a commission on a contingent basis under circumstances in which their judgment may be compromised.

2) Engineers in salaried positions shall accept part-time engineering work only to the extent consistent with policies of the employer and in accordance with ethical considerations.



3) Engineers shall not, without consent, use equipment, supplies, laboratory, or office facilities of an employer to carry on outside private practice.

**7. Engineers shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other engineers. Engineers who believe others are guilty of unethical or illegal practice shall present such information to the proper authority for action.**

1) Engineers in private practice shall not review the work of another engineer for the same client, except with the knowledge of such engineer, or unless the connection of such engineer with the work has been terminated.

2) Engineers in governmental, industrial, or educational employ are entitled to review and evaluate the work of other engineers when so required by their employment duties.

3) Engineers in sales or industrial employ are entitled to make engineering comparisons of represented products with products of other suppliers.

**8. Engineers shall accept personal responsibility for their professional activities, provided, however, that engineers may seek indemnification for services arising out of their practice for other than gross negligence, where the engineer's interests cannot otherwise be protected.**

1) Engineers shall conform with state registration laws in the practice of engineering.

2) Engineers shall not use association with a nonengineer, a corporation, or partnership as a "cloak" for unethical acts.

**9. Engineers shall give credit for engineering work to those to whom credit is due, and will recognize the proprietary interests of others.**

1) Engineers shall, whenever possible, name the person or persons who may be individually responsible for designs, inventions, writings, or other accomplishments.

2) Engineers using designs supplied by a client recognize that the designs remain the property of the client and may not be duplicated by the engineer for others without express permission.

3) Engineers, before undertaking work for others in connection with which the engineer may make improvements, plans, designs, inventions, or other records that may justify copyrights or patents, should enter into a positive agreement regarding ownership.

4) Engineers' designs, data, records, and notes referring exclusively to an employer's work are the employer's property. The employer should indemnify the engineer for use of the information for any purpose other than the original purpose.

5) Engineers shall continue their professional development throughout their careers and should keep current in their specialty fields by engaging in professional practice, participating in continuing education courses, reading in the technical literature, and attending professional meetings and seminars.

# Engineering Ethics Case Reviews

## CASE 1: INCOMPLETE PLANS AND SPECIFICATIONS – ENGINEER, GOVERNMENT, AND CONTRACTOR RESPONSIBILITIES

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### Facts:

Engineer A responds to an RFP from a small local public agency to build a new dam to be financed in part by a federal grant. Engineer A's firm's impressive brochure and personal interview results in the award of a contract for the design, drawings, and specifications.

The signed and sealed drawings and specifications are ultimately approved by Engineer B of the engineering staff of the federal agency funding the project, and the project is thereafter duly advertised for bids and a contract is awarded to the low bidder, Hi-Lo Construction. The local public agency does not have the in-house technical resources to review the drawings and specifications.

At the pre-construction conference, it is pointed out by Engineer C, owner of Hi-Lo Construction, that much of the design detail is lacking in the drawings and specifications and that Hi-Lo Construction declares that certain parts of the project are "unbuildable" without major changes. Engineer A generally agrees with Hi-Lo's characterization, but in his defense responds that he felt pressured to deliver the drawings and specifications on a specified date, but did not inform anyone as to their incompleteness. While much of the information was missing from the drawings and specifications, Engineer A was confident that sufficient federal funds (and not local funding) would cover any potential increased costs.

### References:

*Section I.1. - Code of Ethics: Engineers, in the fulfillment of their professional duties, shall hold paramount the safety, health and welfare of the public.*

*Section II.3.a. - Code of Ethics: Engineers shall be objective and truthful in professional reports, statements or testimony. They shall include all relevant and pertinent information in such reports, statements or testimony, which should bear the date indicating when it was current.*

*Section II.5. - Code of Ethics: Engineers shall avoid deceptive acts.*

*Section III.1.b. - Code of Ethics: Engineers shall advise their clients or employers when they believe a project will not be successful.*

*Section III.2.b. - Code of Ethics: Engineers shall not complete, sign or seal plans and/or specifications that are not in conformity with applicable engineering standards. If the client or employer insists on such unprofessional conduct, they shall notify the proper authorities and withdraw from further service on the project.*

## **Discussion:**

The Board has considered cases involving similar situations in the past. In BER Case No. 82-5, where an engineer employed by a large defense industry firm documented and reported to his employer excessive costs and time delays by sub-contractors, the Board ruled that the engineer did not have an ethical obligation to continue his efforts to secure a change in the policy after his employer rejected his reports or to report his concerns to proper authority, but has an ethical right to do so as a matter of personal conscience. The Board noted that the case did not involve a danger to the public health or safety, but related to a claim of unsatisfactory plans and the unjustified expenditure of public funds. The Board indicated that it could dismiss the case on the narrow ground that the NSPE Code does not apply to a claim not involving public health and safety, but that was too narrow a reading of the ethical duties of engineers engaged in such activities. The Board also stated that if an engineer feels strongly that an employer's course of conduct is improper when related to public concerns, and if the engineer feels compelled to blow the whistle to expose facts as he sees them, he may well have to pay the price of loss of employment. In this type of situation, the Board felt that the ethical duty or right of the engineer becomes a matter of personal conscience, but the Board was unwilling to make a blanket statement that there is an ethical duty in these kinds of situations for the engineer to continue the campaign within the company and make the issue one for public discussion.

As in Case No. 82-5, the issue does not allege a danger to public health or safety, but is premised upon a claim of unsatisfactory plans and the unjustified expenditure of public funds. In Case No. 82-5, the Board found that, while the Code did not require disclosure, the engineer did have an ethical right to pursue the matter further, even to the point of public disclosure. Unlike Case No. 82-5, this case does not involve a conflict with the ethical requirement of confidentiality, but concerns the affirmative responsibility of engineers to complete plans in conformity with applicable engineering standards and avoid deceptive acts.

While the Board certainly hopes that the facts involved in this case are very unique and do not represent more than a small fraction of public design and construction projects in the United States, it appears that the facts as presented in this case are, unfortunately, not as unique as one might hope.

It is clear that Engineer A had an obligation to provide a complete set of design drawings and specifications on the project in which Engineer A was engaged. Unlike what is required on some projects (e.g., design/build or construction contracts with specific design delegation clauses or provisions) where the engineer is expected to only design a certain percentage of the project prior to the selection of the contractor, here, Engineer A was fully required to provide the complete design on the project. Engineer A's bold assertion that the work was incomplete, but that this was due to time pressures and his expectation that Federal funds would be awarded to complete the work is wholly unconvincing. Engineer A was selected for his expertise, which presumably included Engineer A's ability to fully perform the work based on project time parameters.

Engineer A's comment about Federal funds borders on fraud and misrepresentation and is a clear violation of the NSPE Code.

Engineer B's approval of Engineer A's incomplete plans is troubling, although we do not know all of the facts and circumstances relating to the decision to approve. Engineers have an obligation to perform services within their area of competence. If Engineer B was not able to perform the necessary reviews of Engineer A's work, Engineer B should have provided this information to a supervisor who would have assigned an appropriate engineer to perform the review. Not possessing adequate competency to perform a task is not in and of itself a violation of the NSPE Code, but the failure to recognize the lack of competency and take appropriate action to address the situation is a violation of the NSPE Code.

Finally, the Board believes that Engineer C's actions in bidding on an "unbuildable" contract is also very troubling. Presumably, Engineer C had an opportunity to review the bidding documents which included appropriate engineering drawings, plans, and specifications. From such a review, Engineer C should have had a sense of what would be necessary to complete the project. If the engineering documents were incomplete or inadequate, then Engineer C's bid should have reflected that fact and contained appropriate bid items for additional services required to complete the work for the benefit of the owner. In addition, Engineer C could have requested further clarification from the owner or Engineer A in order to better understand the engineering drawings.

As an engineer and a contractor presumably, Engineer C had the necessary background and experience to carefully evaluate the engineering drawings as well as other aspects of the work in order to make an informed decision as to whether to bid on the project. Engineer C had no one to fault but himself for the problems Engineer C encountered in attempting to build the project. Engineer C submitted the low bid on the project, presumably knowing inadequacies of the documents as well as the obvious risks involved.

## CASE 2: INCOMPLETE PLANS AND SPECIFICATIONS

### Use of P.E. Designation Not Licensed In State in Which Complaint Is Filed

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#### **Facts:**

Engineer A is a safety engineer for a federal agency. He is responsible for independently overseeing the proper implementation of worker and nuclear safety programs in the agency's facilities, which are located in many different states, including the state in which Engineer A is licensed, State Y. Engineer A is not required to be licensed by the federal agency, but has become licensed because of his personal commitment to the engineering profession.

Engineer A has never used his seal in the course of his employment. When Engineer A moves to State Z, he does not obtain an engineering license in State Z. Engineer A reads a newspaper account about LMN Engineering, a subcontractor to the federal agency in which he works, having a conflict of interest with the agency. Engineer A, acting on his ethical obligation to report violations of the NSPE Code of Ethics to a public authority, files a complaint against LMN Engineering. In the text of the complaint, Engineer A indicates that he is licensed in State Y but not licensed in State Z and signs the letter "Engineer A, P.E."

Engineer A is thereafter notified by the State Z engineering licensure board that his use of the title "P.E." in the letter is inappropriate because he is not licensed in State Z.

#### **References:**

*Section II.1. - Code of Ethics: Engineers shall hold paramount the safety, health, and welfare of the public.*

*Section II.1.e. - Code of Ethics: Engineers having knowledge of any alleged violation of this Code shall report thereon to appropriate professional bodies and, when relevant,*

*also to public authorities, and cooperate with the proper authorities in furnishing such information or assistance as may be required.*

*Section II.3. - Code of Ethics: Engineers shall issue public statements only in an objective and truthful manner.*

*Section II.3.b. - Code of Ethics: Engineers may express publicly technical opinions that are founded upon knowledge of the facts and competence in the subject matter.*

*Section III.3.a. -Code of Ethics:Engineers shall avoid the use of statements containing a material mis-representation of fact or omitting a material fact.*

## **Discussion:**

The use of appropriate engineering titles has long been an important issue within the engineering profession. Misuse of engineering titles has the effect of misleading and deceiving the general public, as well as diminishing the image and stature of qualified engineering professionals. In recent years, efforts have been undertaken to educate individuals and companies about the inappropriate use of engineering titles or references by many engineering organizations and state engineering licensure boards. State engineering licensure boards have also increasingly taken a stricter position on the use of the reference, "P.E.," by licensed engineers not licensed in the state in which the reference is being used. In fact, some states have developed guidelines on appropriate use of the "P.E." reference.

The NSPE Board of Ethical Review has had recent occasion to consider the use of appropriate engineering titles. For example, the Board has had three occasions to consider cases involving alleged misrepresentation of credentials or status. BER Case No. 90-4 involved the question of whether it was ethical for Engineer Z, a principal in an engineering firm, to continue to represent Engineer X as an employee of his Firm. Engineer X had been employed by Firm Y, a medium-sized engineering consulting firm controlled by Engineer Z. Engineer X was one of a few engineers in Firm Y with expertise in hydrology, but the firm's work in the field of hydrology did not constitute a significant percentage of its work. Engineer X, an associate with the firm, gave two weeks notice of her intent to move to another firm. Thereafter, Engineer Z continued to distribute a brochure identifying Engineer X as an employee of Firm Y and list Engineer X on the firm's resume.

In concluding that Engineer Z's actions were not unethical, the Board noted that under the facts of the case, there was no suggestion that any of the brochures or other promotional material describe Engineer X as a "key employee" in the firm. Nor was there any effort or attempt on the part of Firm Y to highlight the activities or

achievements of Engineer X in the field of hydrology. While the facts reveal that Engineer X was one of the few engineers in the firm with expertise in the field of hydrology, Engineer X was not the only engineer in the firm who possessed such expertise. In addition, it appeared that this area of practice did not constitute a significant portion of the services provided by Firm Y. Therefore, the Board concluded that the inclusion of Engineer X's name in the firm's brochure and resume did not constitute a misrepresentation of "pertinent facts."

Importantly, however, in BER Case No. 90-4, the Board went on to note that "We must make clear that we are not condoning the failure of an engineering firm to correct material (brochures, resumes, etc.) which might have the unintentional effect of misleading clients, potential clients, and others. While we recognize the realities of firm practice and the logistical problems involved in marketing and promotion, we do believe it is important for firms to take actions to expeditiously correct any false impressions which might exist." The Board continued by noting that "we believe engineering firms that use printed material as part of their marketing efforts should take reasonable steps to assure that such written matter is as accurate and up-to-date as possible. In the case of marketing brochures and other similar materials, errata sheets, cover letters, strike-outs and, if necessary, reprints should be employed within a reasonable period of time to correct inaccuracies, particularly where a firm has reason to believe that a misunderstanding might occur. Firms that fail to take such measures run the risk of breaching ethical behavior."

Later, in BER Case No. 91-9, the Board considered a case involving Engineer A, who misrepresented his educational credentials. In carefully considering earlier BER opinions, the Board again noted that the issue of falsification or misrepresentation of academic or professional qualifications is a core ethical issue because it goes to the heart of engineering ethics—the protection of the public health and safety through the establishment of rules of conduct that help to assure that the public receives the highest quality engineering services possible.

The Board has noted its deep concern over situations and circumstances in which an individual expressly or implicitly falsifies or misrepresents academic or professional qualifications to employers, clients, or members of the public.

More recently, in BER Case No. 97-8, Engineer A was licensed as a professional engineer in State B, the state in which Engineer A resided. Engineer A was about to retire from his full-time employment with ENG Co. As part of this transition and because Engineer A would no longer be engaged in the practice of engineering under his state's law, Engineer A planned to discontinue his professional engineering license, which was



paid for by his former employer. Engineer A planned to continue serving on several local governmental boards. Because of his association with and the pride he had for engineering, Engineer A wanted to continue to use the P.E. designation after his name on his board business card and on the board's letterhead. Engineer A took pride in his longstanding status as a professional engineer and believed he would be giving professional engineering added recognition by including the reference on the letterhead, which included other individuals such as attorneys and architects. State B did not have a provision in its law addressing the issue of "inactive status." In reviewing this issue, the Board noted that at first blush, the facts appeared to present a set of circumstances that would dictate an obvious result. It would appear on its face that an individual who has a close affinity with the engineering profession during his or her lifetime should be permitted to continue to use the P.E. designation after retirement. Once earned, it would seem unjust to deny one the right to call oneself a professional engineer (P.E.), particularly where the individual is seeking to enhance the recognition of professional engineers and professional engineering.

However, upon further examination, the Board deemed the issue to be more complex than first thought and raised the question of misrepresentation of credentials or status. The facts in BER Case No. 97-8 were quite different in degree than those involved in the earlier cases reviewed, and the Board noted that the facts did involve a degree, albeit slight, of misrepresentation. While it was true that Engineer A had demonstrated the necessary qualifications to be licensed as a professional engineer, Engineer A made a conscious and intentional decision to cease maintaining his status as a professional engineer in his state. While the Board recognized and appreciated Engineer A's desire to enhance the status and image of all professional engineers by indicating his professional status, they believed it was important that this status be represented in a manner that is above reproach, particularly because of the very public nature of Engineer A's position on several local governmental boards. The Board concluded that at a minimum, Engineer A should have indicated his inactive or retired status next to the P.E. designation. To do otherwise would create a misleading impression that Engineer A was currently licensed under state law in the jurisdiction in which he resided, and this could potentially cause embarrassment to all professional engineers. There was nothing demeaning or derogatory for an engineer to provide this straightforward and simple clarification in his status. To do so would clearly be consistent with the letter and the spirit of the law and avoid any possible questions or doubts about any actions, however unintentional, to mislead or deceive anyone concerning Engineer A's current status as an engineer. The Board concluded that it would be ethical for Engineer A to continue to use the P.E. designation after his name, as long as Engineer A indicated his inactive or retired status next to the P.E.

designation, and as long as this was done in compliance with the state engineering licensing laws and regulations.

Turning to the facts in the instant case, the Board believes that the conclusion reached in BER Case No. 97-8 is partly applicable to the discussion in the present case. As noted earlier, the Board recognizes that state engineering licensure boards are becoming increasingly strict on the use of engineering titles and references. However, in view of Engineer A's clarification in the body of his letter to the engineering licensure board concerning his licensure status in states Y and Z, and the fact that the complaint letter was sent to a limited group of individuals, the Board believes that Engineer A was not attempting to mislead or deceive the board or any other group or individual concerning his licensure status. Instead, the Board believes Engineer A's actions were probably an oversight, or at worst, a misunderstanding of the law or requirements of State Z.

Therefore, the Board cannot conclude that Engineer A's actions, although criticized by a state engineering licensure board, amount to a violation of the NSPE Code. At the same time, the Board must caution all engineering licensees on the need to be familiar with the technical requirements contained in applicable state engineering licensure statutes and regulations to avoid unintended violations of the law.

The NSPE Code of Ethics is a national code of ethics and this Board believes the NSPE Code obligates NSPE members to report ethical violations to the appropriate authorities in whatever jurisdiction the NSPE member observes the violation. This obligation is separate and apart from the obligation a professional engineer may have under state law.

As to the second question, Engineer A's actions are fully consistent with the professional and ethical obligation to hold paramount the health, safety and welfare of the public. While this obligation is codified in state laws, its application cannot be restricted within state boundaries. The NSPE Code of Ethics is a national code of ethics and this Board believes the NSPE Code obligates NSPE members to report ethical violations to the appropriate authorities in whatever jurisdiction the NSPE member observes the violation. This obligation is separate and apart from the obligation a Professional Engineer may have under state law.

## CASE 3: RESPONSIBLE CHARGE WORKING PART-TIME FOR FIRM

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### FACTS:

Engineer A is a licensed professional engineer and land surveyor in state A. Engineer A is associated with a firm, XYZ Engineering and Surveying (which offers professional engineering and surveying), as the licensed professional engineer in charge under the state's certificate of authorization requirement. The firm has not performed any work outside of state A. Engineer A's understanding of the law of state A is that a licensed professional engineer is to be in "responsible charge" of engineering and a person licensed as a professional land surveyor is to be in "responsible charge" of land surveying. These persons in responsible charge can be a principal of the firm or an employee of the firm under the state's laws.

The agreement Engineer A has with XYZ Engineering and Surveying is that XYZ grants Engineer A 10% share of the stock in the firm and as compensation for his engineering services, Engineer A will receive 5% of the gross billings for engineering work for which the seal of a licensed engineer in responsible charge of engineering is required. This agreement is contingent on the understanding that if any one of the three principals of XYZ Engineering and Surveying becomes licensed as a professional engineer in state A, the agreement will become void and the 10% stock will be returned to XYZ Engineering and Surveying.

In addition to working with XYZ Engineering and Surveying, Engineer A has a full-time engineering position for a state governmental agency. This work requires no engineering license. Engineer A works thirty-five hours per week on a flex-time basis and provides about twenty hours per week supervising engineering services at the firm, plus an additional twelve hours of work on the weekends. Engineer A does not normally go into the field for XYZ Engineering and Surveying but is available for consultation, twenty-four hours a day.

Both the state governmental agency and the engineering firm are aware of Engineer A's activities as a dual employee and do not object to these activities.

### REFERENCES:

*II.2.b. - Code of Ethics: Engineers shall not affix their signatures to any plans or documents dealing with subject matter in which they lack competence, nor to any plan or document not prepared under their direction and control.*

*II.2.c. - Code of Ethics: Engineers may accept assignments and assume responsibility for coordination of an entire project and sign and seal the engineering documents for the entire project, provided that each technical segment is signed and sealed only by the qualified engineers who prepared the segment.*

*II.4.d. - Code of Ethics: Engineers in public service as members, advisors or employees of a governmental or quasi-governmental body or department shall not participate in decisions with respect to services solicited or provided by them or their organizations in private or public engineering practice.*

*II.4.e. - Code of Ethics: Engineers shall not solicit or accept a contract from a governmental body on which a principal or officer of their organization serves as a member.*

*II.5.a. - Code of Ethics: Engineers shall not falsify their qualifications or permit misrepresentation of their, or their associates' qualifications. They shall not misrepresent or exaggerate their responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint venturers or past accomplishments.*

*III.1.c. - Code of Ethics: Engineers shall not accept outside employment to the detriment of their regular work or interest. Before accepting any outside engineering employment, they will notify their employers.*

*III.6.a. - Code of Ethics: Engineers shall not request, propose, or accept a commission on a contingent basis under circumstances in which their judgment may be compromised.*

*III.6.b. - Code of Ethics: Engineers in salaried positions shall accept part-time engineering work only to the extent consistent with policies of the employer and in accordance with ethical considerations.*

## **DISCUSSION:**

The circumstances faced by Engineer A in this case are not unlike circumstances occasionally faced by other engineers who seek to explore career opportunities beyond a full-time position. A key question involved in such activities is whether the engineer can devote sufficient attention to the responsibilities involved in an ethical manner.

Engineers are frequently required to provide oversight and review of the work of others under their supervision and sign and seal the drawings. As noted in NSPE Code Section II.2.b. it states that engineers are not permitted to affix their signatures to any

plans and documents dealing with subject matter in which they lack competence, nor to any plan or document not prepared under their direction and control. This principle is one of the most basic and fundamental ethical principles to which professional engineers are required to adhere because it goes to the heart of the public trust upon which their professional status is based.

The BER has in the past had occasion to consider cases similar to this case. In BER Case No. 91-8, an Engineer's firm was retained by a major fuel company to perform site investigations in connection with certain requirements under state and federal environmental regulations. Under the procedures established by the Engineer's firm, the site visits would be conducted by engineering technicians under direct supervision of Engineer A who would perform all observations, sampling, and preliminary report preparation. Engineering technicians would also take photographs of the sites. No professional engineers were present during the site visits. Following site visits, all pertinent information and material was presented to Engineer A who was competent in this field. Following a careful review, Engineer A would certify that the evaluations were conducted in accordance with engineering principles.

In considering whether it was ethical for Engineer A to certify that the evaluations were conducted in accordance with engineering principles, the Board noted that the NSPE Code of Ethics is very clear concerning the requirements of engineers not to affix their signatures to any plans or documents dealing with subject matter in which the engineers lack competence, nor to any plan or document not prepared under their direction and control (See NSPE Code Section II.2.b.). The BER concluded that it was ethical for the engineer to certify that the evaluations were conducted in accordance with engineering principles so long as the engineer exercising direction and control performs a careful and detailed review of the material submitted by the engineer's staff and there has been full compliance with NSPE Code Section II.2.c.

Also, in BER Case No. 86-2, an engineer was the chief engineer within a large engineering firm, and affixed his seal to some of the plans prepared by licensed engineers working under his general direction who did not affix their seals to the plans. At times, the engineer also sealed plans prepared by unlicensed graduate engineers working under his general supervision. Because of the size of the organization and the large number of projects being designed at any one time, the engineer found it impossible to give a detailed review or check of the design. He believed he was ethically and legally correct in not doing so because of his confidence in the ability of those he had hired and who were working under his general direction and supervision. By general direction and supervision, the engineer meant that he was involved in helping to establish the concept, the design requirements, and review elements of the design or

project status as the design progressed. The engineer was consulted about technical questions and he provided answers and direction in these matters. In evaluation of the facts and circumstances in this case, the Board focused on the language in the NSPE Code Section II.2.b. relating to the obligation of engineers not to affix their signature to documents or plans ... not prepared under their "direction and control." Following a careful review of the plain meaning of the terms "direction" and "control," the Board concluded that the terms have meaning which, when combined, would suggest that an engineer would be required to perform all tasks related to the preparation of the drawings, plans, and specifications in order for the engineer ethically to affix his seal. The Board also noted at the time that the NCEES Model Law would require that an engineer must be in "responsible charge" -- meaning "direct control and personal supervision of engineering work" -- in order to affix his seal. After careful evaluation, the Board concluded that it would not be ethical for the engineer to seal plans that have not been prepared by him or which he has not checked and reviewed in detail.

In BER Case No. 90-6, the Board considered two separate fact situations involving the signing and sealing by an engineer of documents prepared using a CADD system. In considering the facts, the Board noted that the rendering of the Board's decision in BER Case No. 86-2 raised a considerable degree of discussion within the engineering community because to many it appeared to be inconsistent with customary and general prevailing practices within the engineering profession and would therefore place a significant number of practitioners in conflict with the provisions of the Code. The Board noted at the time that the Code of Ethics is not a static document and must reflect and be in consonance with general prevailing practices within the engineering profession. Said the Board, "the Code must not impose an impossible or idealistic standard upon engineers, but rather must establish a benchmark of reasonable and rational methods of practice for it to maintain its credibility and adherence." The Board determined that the conclusion in BER Case No. 86-2 should be modified to reflect actual practices which exist within engineering and not impose an impossible standard upon practice. Said the Board, "Were the Board to decide BER Case No. 86-2 today, the Board would conclude that it was not unethical for the engineer in that instance to seal plans that were not personally prepared by him as long as those plans were checked and reviewed by the engineer in some detail. The Board does not believe this represents a reversal of the Board's decision in BER Case No. 86-2, but rather a clarification, particularly for those who were troubled by the Board's discussion and conclusion in that case."

Once again, we follow the reasoning in BER Case No. 90-6 and its clarification of BER Case No. 86-2. Under the facts in the instant case, we believe it was appropriate



for Engineer A to sign and seal the drawings under the facts and circumstance involved in this case. Engineer A is providing approximately thirty-two hours each week of engineering services to the firm and is on call twenty-four hours a day to provide engineering field services for the benefit of the firm and its clients. His responsibilities appear to be consistent with the state's certificate of authorization requirements, are limited to professional engineering services and do not involve land surveying services. As noted under the facts, Engineer A has a flexible schedule with his other employer and presumably is able to adjust his schedule to meet the needs of his employers. While it appears that Engineer A may be stretching his role as an engineer in responsible charge for the firm, without more evidence to suggest improper activity, we are hesitant to conclude that Engineer A was violating the NSPE Code of Ethics.

The manner in which Engineer A is compensated does not appear to contain any specific provision which would necessarily run afoul of the NSPE Code of Ethics. Under NSPE Code Section III.6.a., engineers are not permitted to request, propose or accept a commission on a contingency basis under circumstances in which their judgment may be compromised. Although it could be argued that Engineer A's receiving 5% of the gross billings for engineering work for which the seal of a licensed engineer is required could potentially compromise Engineer A's judgment, we believe that would stretch this provision of the NSPE Code of Ethics beyond its actual intent. Otherwise, virtually any compensation scheme that was not based upon the number of hours worked could be held to be in violation of the NSPE Code of Ethics and that would be an impractical conclusion.

In addition, the Board views the transfer provision ("The agreement is contingent on the understanding that if any one of the three principals of XYZ Engineering and Surveying becomes licensed as a professional engineer in state A, the agreement will become void and the 10% stock will be returned to XYZ Engineering and Surveying") is not of a nature that would compromise Engineer A's judgment. Instead, the Board views this provision as a means of the firm's principals' maintaining control over the management of the firm.

With regard to Engineer A's dual role as an governmental employee and a private employee, as noted under the facts, both the state governmental agency and the engineering firm are aware of Engineer A's activities as a dual employee and do not object to these activities. However, the Board must note that should a conflict-of-interest arise (e.g., where Engineer A or the firm's activities conflict with the governmental employer's activities or interests) Engineer A will need to carefully address those activities consistent with NSPE Code Sections III.6.b., II.4.d., II.4.e. and other applicable provisions of the NSPE Code.

As has been noted in cases similar to this one, while the actions of Engineer A may be consistent with the NSPE Code of Ethics, it is critical for an engineer under these circumstances to understand the need to perform a careful review of all pertinent material before signing and sealing appropriate plans and drawings. We are of the view that so long as the professional engineer exercising direction and control performs a careful and detailed review of the material submitted by the engineer's staff, there has been compliance with NSPE Code Section II.2.c. In addition, Engineer A must carefully review and understand all state requirements regarding “responsible charge” activities including possible local office and employment restrictions.



# Nevada Revised Statutes

## Title 54. Professions, Occupations and Businesses, Ch. 625 Professional Engineers and Land Surveyors

### GENERAL PROVISIONS

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#### **NRS 625.005 Purpose.**

The purpose of this chapter is to safeguard life, health and property and to promote the public welfare by providing for the licensure of qualified and competent professional engineers and professional land surveyors.

#### **NRS 625.008 Definitions.**

As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 625.010 to 625.090, inclusive, have the meanings ascribed to them in those sections.

#### **NRS 625.010 “Board” defined.**

“Board” means the State Board of Professional Engineers and Land Surveyors.

#### **NRS 625.025 “Discipline” defined.**

“Discipline” means a recognized field of study in professional engineering as determined by the Board.

**NRS 625.030 “Engineer intern” defined.**

“Engineer intern” means a person who has satisfied the requirements of NRS 625.386 and subsection 1 of NRS 625.390.

**NRS 625.033 “Intern” defined.**

“Intern” means an engineer intern or a land surveyor intern.

**NRS 625.035 “Land surveyor intern” defined.**

“Land surveyor intern” means a person who has satisfied the requirements of NRS 625.386 and subsection 1 of NRS 625.390.

**NRS 625.038 “Licensee” defined.**

“Licensee” means a professional engineer or professional land surveyor licensed pursuant to the provisions of this chapter.

**NRS 625.040 “Practice of land surveying” defined.**

1. A person who, in a private or public capacity, does or offers to do any one or more of the following practices land surveying:

(a) Locates, relocates, establishes, re-establishes or retraces any property line or boundary of any tract of land or any road, right-of-way, easement, alignment or elevation of any of the fixed works embraced within the practice of professional engineering as described in NRS 625.050.

(b) Makes any survey for the subdivision or resubdivision of any tract of land.

(c) Determines, by the use of the principles of land surveying, the position for any monument or reference point which marks a property line, boundary or corner, or sets, resets or replaces any such monument or reference point.

(d) Determines the configuration or contour of the earth’s surface or the position of fixed objects thereon by measuring lines and angles and applying the principles of trigonometry.

(e) Geodetic or cadastral surveying.

(f) Municipal and topographic surveying.

(g) Determines the information shown or to be shown on any map or document prepared or furnished in connection with any one or more of the functions described in paragraphs (a) to (f), inclusive.

(h) Indicates in any manner, by the use of the title “land surveyor,” or by any other representation, that the person practices or offers to practice land surveying.

(i) Procures or offers to procure land-surveying work for others or for himself or herself.

(j) Manages or conducts as manager, proprietor or agent any place from which land-surveying work is solicited, performed or practiced.

2. A person practices land surveying if the person professes to be a land surveyor or is in a responsible charge of land-surveying work.

3. Making a survey exclusively for geological or landscaping purposes, or aerial photographs or photogrammetry, not involving any of the practices specified in subsection 1, does not constitute land surveying.

4. The practice of land surveying does not include the design, either in whole or in part, of any structure or fixed works embraced in the practice of professional engineering.

### **NRS 625.050 “Practice of professional engineering” defined.**

1. “The practice of professional engineering” includes, but is not limited to:

(a) Any professional service which involves the application of engineering principles and data, such as surveying, consultation, investigation, evaluation, planning and design, or responsible supervision of construction or operation in connection with any public or private utility, structure, building, machine, equipment, process, work or project, wherein the public welfare or the safeguarding of life, health or property is concerned or involved.

(b) Such other services as are necessary to the planning, progress and completion of any engineering project or to the performance of any engineering service.

2. The practice of engineering does not include land surveying or the work ordinarily performed by persons who operate or maintain machinery or equipment.

### **NRS 625.060 “Professional engineer” defined**

“Professional engineer” means a person who by reason of his or her professional education and practical experience is granted a license by the Board to practice professional engineering.

### **NRS 625.070 “Professional land surveyor” defined.**

“Professional land surveyor” means a person who by reason of his or her professional education and practical experience is granted a license by the Board to practice land surveying in this State.

### **NRS 625.080 “Responsible charge of work” defined.**

“Responsible charge of work” means the independent control and direction, by the use of initiative, skill and independent judgment, of the investigation or design of professional engineering or land-surveying work or the supervision of such work.

### **NRS 625.090 “Subordinate” defined.**

“Subordinate” means any person directly supervised by a professional land surveyor or professional engineer who assists a professional land surveyor or professional engineer in the practice of land surveying or professional engineering.

### **NRS 625.095 Applicability of chapter: Persons exempt from provisions concerning licensure.**

1. The following persons are exempt from the provisions of this chapter which require licensure:

(a) Any subordinate of a professional engineer of this State if he or she acts as a subordinate.

(b) Officers and employees of the United States Government who have qualified pursuant to federal regulations and have been authorized to do engineering for the Federal Government, but no such governmental officer or employee may engage in the private practice of engineering in Nevada unless licensed pursuant to the provisions of this chapter.

2. The licensure requirements of this chapter do not apply to:

(a) The employees of interstate or intrastate public utility companies while they are engaged in any type of work for those companies, except work of a type prescribed pursuant to NRS 703.1543;

(b) Any architect registered pursuant to the provisions of chapter 623 of NRS and who practices architecture as permitted by chapter 623 of NRS; or

(c) A person, while using a scanner for the purpose of construction management or monitoring, or both, if the person is certified by the International Conference of Building Officials or a successor organization for the purposes for which he or she is using the scanner.

3. As used in this section, “scanner” means a device that uses laser technology to capture the digital shape of physical objects through laser triangulation.

## STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

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### **NRS 625.100 Creation; number and appointment of members; oath.**

1. The Governor shall appoint nine persons, six of whom must be engaged in the practice or teaching of professional engineering in any of its disciplines except military engineering, and two of whom must be engaged in the practice or teaching of land surveying and one of whom must be a member of the general public. The members must be citizens of the United States and residents of this State, and constitute the State Board of Professional Engineers and Land Surveyors.

2. All appointments made for members who are engaged in the practice or teaching of professional engineering or land surveying must be made from the current roster of professional engineers and professional land surveyors as issued by the Board and on file in the Office of the Secretary of State. Insofar as practicable, membership on the Board of those members must be distributed proportionately among the recognized disciplines of the profession. The members who are professional land surveyors must not be professional engineers.

3. Within 30 days after appointment, each member shall take and subscribe to the oath of office as prescribed by the laws of Nevada and shall file the oath with the Secretary of State.

### **NRS 625.110 Officers; quorum; compensation of members and employees; Executive Director.**

1. The Board shall elect officers from its members and, by regulation, establish the:

- (a) Offices to which members may be elected;
- (b) Title and term for each office; and
- (c) Procedure for electing members to each office.

2. At any meeting, five members constitute a quorum.

3. Each member is entitled to receive:

(a) A salary of not more than \$150 per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses, at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

4. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

5. The salaries of members of the Board and employees of the Board must be paid from the fees received by the Board pursuant to the provisions of this chapter, and no part of those salaries may be paid out of the State General Fund.

6. The Board shall appoint an Executive Director who serves at the pleasure of the Board and is entitled to receive such compensation as may be fixed by the Board.

### **NRS 625.120 Offices.**

The Board may maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

### **NRS 625.130 Seal.**

The Board shall adopt and have an official seal.

### **NRS 625.135 Employees.**

The Board may employ and fix the compensation to be paid to attorneys, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties and may reimburse such employees for actual expenses they incur while acting on behalf of the Board.

### **NRS 625.140 Bylaws and regulations; code of conduct.**

The Board may adopt all bylaws and regulations, including the adoption of a code of conduct which is binding on any person licensed in accordance with the provisions of this chapter, 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 625.145 Fiscal year.**

The Board shall operate on the basis of a fiscal year commencing on July 1 and terminating on June 30.

**NRS 625.150 Deposit and use of money received by Board; delegation of authority concerning disciplinary action; deposit of fines; claim for attorney’s fees or cost of investigation; disciplinary action.**

1. The Board shall deposit in banks, credit unions and savings and loan associations in the State of Nevada all money collected by it.
2. Except as otherwise provided in subsection 6, all money collected by the Board must be used to meet the expenses of conducting examinations, issuing licenses and conducting the office of the Board.
3. The expenses of the Board, including the per diem allowances and travel expenses of the members and employees of the Board while engaged in the business of the Board and the expenses of conducting examinations, must be paid from the current receipts. No portion thereof may be paid from the State Treasury.
4. Any balance remaining in excess of the expenses incurred may be retained by the Board and used in defraying the future expenses thereof.
5. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines and penalties therefor and deposit the money therefrom in banks, credit unions or savings and loan associations in this State.
6. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 5 and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney’s fees or the costs of an investigation, or both.
7. The Board shall consider and take appropriate action concerning a written notification received by the Board pursuant to NRS 278.587 or 338.176.

**NRS 625.152 Duties: Issuance of licenses; implementation of provisions of chapter; provision of certain information.**

The Board shall:



1. Issue licenses to qualified and competent persons as professional engineers and professional land surveyors and certify qualified and competent persons as engineer interns and land surveyor interns.
2. Carry out the provisions of this chapter.
3. Upon request, provide information concerning the regulation of the practice of professional engineering and land surveying.

### **NRS 625.154 Duties: Annual examinations.**

1. The Board shall hold examinations of applicants for licenses at least once each year in localities determined by the number of applications received.
2. The examinations must be written and administered in English.
3. The Board shall not prohibit an applicant for a license from taking a regularly scheduled examination for that license solely because the Board failed to review the applicant's application before the examination. If the Board prohibits an applicant for a license from taking the examination in violation of this subsection, the Board shall hold or cause to be held an examination for the applicant within 30 days after the violation occurs.

*NRS 625.156 Duties: Reports relating to issuance of licenses, examinations and complaints. Repealed. (See chapter 337, Statutes of Nevada 2013, at page 1634.)*

### **NRS 625.170 Roster: Preparation; contents; distribution.**

1. The Executive Director of the Board shall, once each year or at intervals established by the Board, prepare a roster that shows, for each:
  - (a) Professional engineer, his or her name and license number, the city in which he or she lives and the discipline of engineering in which he or she specializes.
  - (b) Professional land surveyor, his or her name and license number, and the city in which he or she lives.
  - (c) Engineer intern or land surveyor intern, his or her name and certificate number.

2. The roster must be:
  - (a) Made available to each licensee in a manner prescribed by the Board.
  - (b) Placed on file with the Secretary of State and county and city clerks.
  - (c) Distributed or sold to the public.

### **NRS 625.175 Power of Board to define scope of disciplines of engineering.**

The Board may by regulation define the scope of each discipline of professional engineering for which licensure is required pursuant to this chapter.

### **NRS 625.177 Authority of Board to require persons who are not natural persons to register with Board before engaging in practice of professional engineering; regulations.**

1. The Board may 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 in this state. The Board may charge a fee of not more than \$50 to register pursuant to this section.

2. The Board may adopt regulations to carry out the provisions of this section.

### **NRS 625.179 Authority of Board to require persons who are not natural persons to register with Board before engaging in practice of land surveying; regulations.**

1. The Board may 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 land surveying in this state. The Board may charge a fee of not more than \$50 to register pursuant to this section.

2. The Board may adopt regulations to carry out the provisions of this section.

## PROFESSIONAL ENGINEERING

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### **NRS 625.183 Qualifications of applicant for licensure as professional engineer.**

1. A person who:
  - (a) Is 21 years of age or older; and
  - (b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States, may apply to the Board, in accordance with the provisions of this chapter and any regulations adopted by the Board, for licensure as a professional engineer.
2. An applicant for licensure as a professional engineer must:
  - (a) Be of good character and reputation; and
  - (b) Pass the examination on the:
    - (1) Fundamentals of engineering or receive a waiver of that requirement; and
    - (2) Principles and practices of engineering,
3. Except as otherwise provided in NRS 625.203, an applicant for licensure as a professional engineer is not qualified for licensure unless the applicant is a graduate of an engineering curriculum of 4 years or more that is approved by the Board and has a record of 4 years or more of active experience in engineering which is satisfactory to the Board and which indicates that the applicant is competent to be placed in responsible charge of engineering work. An applicant who is eligible to take the examination on the principles and practices of engineering pursuant to subsection 2 of NRS 625.193 may take the examination on the principles and practices of engineering before the applicant meets the active experience requirements for licensure set forth in this subsection.
4. To determine whether an applicant for licensure as a professional engineer has an adequate record of active experience pursuant to subsection 3:
  - (a) Graduation from a college or university in a discipline of engineering with a master's or doctoral degree is equivalent to 2 years of active experience, except that, in the aggregate, not more than 2 years of active experience may

be satisfied by graduation from a college or university with such degrees, regardless of the number of degrees earned.

(b) Two of the 4 years of active experience must have been completed by working under the direct supervision of a professional engineer who is licensed in the discipline in which the applicant is applying for licensure, unless that requirement is waived by the Board.

(c) The execution, as a contractor, of work designed by a professional engineer, or the supervision of the construction of that work as a foreman or superintendent, is not equivalent to active experience in engineering.

5. A person who is not working in the field of engineering when applying for licensure is eligible for licensure as a professional engineer if the person complies with the requirements for licensure prescribed in this chapter.

### **NRS 625.193 Examination for licensure as professional engineer: Scope; waiver; administration.**

1. The examination for licensure as a professional engineer must consist of:

(a) An examination on the fundamentals of engineering that must cover the subject matter of a general education or training in engineering. If the applicant for licensure as a professional engineer has graduated from an engineering curriculum that is approved by the Board and has 15 years or more of experience in engineering, the examination on the fundamentals of engineering may be waived by the Board.

(b) An examination on the principles and practices of engineering that must cover the discipline of engineering in which the applicant is applying for licensure.

2. An applicant for licensure as a professional engineer must pass the examination on the fundamentals of engineering or receive a waiver of that requirement before the applicant may take the examination on the principles and practices of engineering.

3. When determining the content of the examinations on the fundamentals of engineering and the principles and practices of engineering, the Board shall consider the recognized disciplines of engineering and may conform the examination to the particular qualifications of the applicant.

4. The Board may require additional examinations for licensure in specialized areas of practice within one or more recognized disciplines of engineering.

5. The Board may administer or authorize an accredited college or university that offers a program in engineering approved by the Board to administer the examination on the fundamentals of engineering to persons who are not applicants for licensure as professional engineers in this state.

6. The Board may prescribe or limit the use of notes, texts and reference materials by applicants who are taking the examinations.

7. The Board may require the examinations or any portion of the examinations set forth in this section to be completed:

- (a) In writing, with a pen or pencil of a type that has been approved by the Board;
- (b) With a computer that has been provided or approved by the Board; or
- (c) Orally, in the manner prescribed by the Board.

### **NRS 625.203 Board may waive certain requirements for licensure as professional engineer for qualified applicants.**

The Board may waive any requirement for education that is required for licensure as a professional engineer pursuant to subsection 3 of NRS 625.183 and may issue a license to practice professional engineering to a person who:

1. Before July 1, 2010, received approval from the Board to take the examination on the principles and practices of engineering pursuant to paragraph (b) of subsection 1 of NRS 625.193; and
2. Before August 1, 2014:
  - (a) Passes the examination for licensure pursuant to NRS 625.193; and
  - (b) Has a record of 10 years or more of active experience in engineering which is satisfactory to the Board and which indicates the person is competent to be placed in responsible charge of engineering work.

## PROFESSIONAL LAND SURVEYING

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### **NRS 625.250 Duties of Board concerning professional land surveyors.**

The Board shall:

1. Administer the provisions and requirements of this chapter concerning professional land surveyors.
2. Make and enforce such regulations as are necessary to carry out those provisions.

### **NRS 625.270 Qualifications of applicant for licensure as professional land surveyor.**

1. A person who is 21 years of age or older may apply to the Board, in accordance with the provisions of this chapter and any regulations adopted by the Board, for licensure as a professional land surveyor.
2. An applicant for licensure as a professional land surveyor must:
  - (a) Be of good character and reputation;
  - (b) Pass the examination on the fundamentals of land surveying required by paragraph (a) of subsection 1 of NRS 625.280 or receive a waiver of that requirement;
  - (c) Pass the examination on the principles and practices of land surveying required by paragraph (b) of subsection 1 of NRS 625.280; and
  - (d) Have a record of 4 or more years of active experience in land surveying that is satisfactory to the Board and indicates that the applicant is competent to be placed in responsible charge of land-surveying work.
3. An applicant for licensure as a professional land surveyor may not take the examination on the principles and practices of land surveying required by paragraph (b) of subsection 1 of NRS 625.280 unless the applicant is a graduate of a land-surveying curriculum of 4 years or more that is approved by the Board.

4. To determine whether an applicant for licensure as a professional land surveyor has an adequate record of active experience pursuant to subsection 2:

(a) Two of the 4 years of active experience must have been completed by working under the direct supervision of a professional land surveyor, unless that requirement is waived by the Board.

(b) The execution, as a contractor, of work designed by a professional land surveyor, or the supervision of the construction of that work as a foreman or superintendent, is not equivalent to active experience in land surveying.

5. A person who is not working in the field of land surveying when applying for licensure is eligible for licensure as a professional land surveyor if the person complies with the requirements for licensure prescribed in this chapter.

### **NRS 625.280 Examination for licensure as professional land surveyor: Scope; waiver; administration.**

1. The examination for licensure as a professional land surveyor must consist of:

(a) An examination on the fundamentals of land surveying that must cover the subject matter of a general land-surveying education or training. If the applicant for licensure as a professional land surveyor has 15 years or more of experience in land surveying, the examination on the fundamentals of land surveying may be waived. For the purposes of determining the years of experience of an applicant for licensure as a professional land surveyor pursuant to this paragraph, the Board shall consider graduation from a land-surveying curriculum that is approved by the Board to be equivalent to 4 years of experience.

(b) An examination on the principles and practices of land surveying.

2. An applicant for licensure as a professional land surveyor must pass the examination on the fundamentals of land surveying or receive a waiver of that requirement before the applicant may take the examination on the principles and practices of land surveying.

3. The Board may administer or authorize an accredited college or university that offers a program in land surveying approved by the Board to administer the examination on the fundamentals of land surveying to persons who are not applicants for licensure as professional land surveyors in this state.

4. The Board may prescribe or limit the use of notes, texts and reference materials by applicants who are taking the examinations.

5. The Board may require the examinations or any portion of the examinations set forth in this section to be completed:

- (a) In writing, with a pen or pencil of a type that has been approved by the Board;
- (b) With a computer that has been provided or approved by the Board; or
- (c) Orally, in the manner prescribed by the Board.

### **NRS 625.285 Board may waive certain requirements for licensure as professional land surveyor for qualified applicants.**

The Board may waive any requirement for education that is required for licensure as a professional land surveyor pursuant to subsection 3 of NRS 625.270 and may issue a license to practice professional land surveying to a person who:

1. Before July 1, 2010, received approval from the Board to take the examination on the principles and practices of land surveying pursuant to paragraph (b) of subsection 1 of NRS 625.280; and
2. Before August 1, 2014, passes the examination for licensure pursuant to NRS 625.280.

### **NRS 625.320 Oaths: Administration; record.**

1. Every professional land surveyor may administer and certify oaths when:
  - (a) It is necessary to take testimony for the identification or establishment of old, lost or obliterated corners;
  - (b) A corner or monument is found in a perishable condition; or
  - (c) The importance of a survey makes it desirable to administer oaths to his or her assistants for the faithful performance of their duty.



2. A record of oaths must be prepared as part of the field notes of the survey, and a memorandum of them must be made on the record of survey to be filed under this chapter.

### **NRS 625.335 Entry upon land or water to perform duties: Notice; approval.**

1. A surveyor may enter public or private land, a water course or a body of water to:

(a) Investigate, recover, establish, re-establish, rehabilitate, perpetuate or use evidence of a boundary location.

(b) Locate, relocate, use, install, perpetuate or replace a survey monument.

(c) Perform land or control surveying.

2. Before entering private land pursuant to subsection 1, a surveyor must provide written notice to the owner or occupant of the land of the proposed date and approximate time of entry upon the land and a statement of the purpose for entry upon the land. The notice must include the name, number of the license and business affiliation of the surveyor. The surveyor shall obtain the approval of the owner or occupant of the land before entry. An owner shall not unreasonably withhold approval of such entry on the land. The provisions of this subsection are not applicable to an entry made pursuant to NRS 37.050.

3. The provisions of this section do not relieve a surveyor from any civil liability for any damage caused by the surveyor's entry pursuant to subsection 1.

4. As used in this section, "surveyor" includes:

(a) A professional land surveyor or his or her designee.

(b) A surveyor employed by the Federal Government or an agency of the Federal Government, the State of Nevada, a political subdivision of the State or an agency of the State.

### **NRS 625.340 Record of survey: Filing; disclosures.**

After making a survey in conformity with the practice of land surveying, a professional land surveyor shall, within 90 days after the establishment of points or

lines, file with the county recorder in the county in which the survey was made a record of survey relating to land boundaries and property lines, which discloses:

1. The result of an adjustment of a boundary line that causes a transfer of land between two abutting parcels but does not result in the creation of any additional parcels.
2. The boundary limits and configuration of any new parcel created in an industrial or commercial subdivision for which a final map has been filed previously pursuant to the provisions of chapter 278 of NRS.
3. Material evidence which, in whole or in part, does not appear on any map or record previously recorded or filed in the office of the municipal engineer, county recorder, county clerk, county surveyor, or in the Bureau of Land Management of the Department of the Interior.
4. A material discrepancy with a map or record described in subsection 3.
5. Evidence that, by reasonable analysis, might result in alternate positions of points or lines.
6. The establishment of one or more lines not shown on any map or record described in subsection 3, the positions of which are not ascertained from an inspection of the record or map without trigonometric calculations.

### **NRS 625.350 Record of survey: Form and contents.**

1. A record of survey must be a map legibly drawn in waterproof ink on tracing cloth or produced by the use of other materials of a permanent nature generally used for that purpose in the engineering profession. The size of each sheet must be 24 by 32 inches. A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of 1 inch at the top, bottom and right edges, and 2 inches at the left edge along the 24-inch dimension.
2. A record of survey must show:
  - (a) All monuments found, set, reset or replaced, describing their kind, size and location and giving other data relating thereto.
  - (b) Bearing or witness monuments, the basis of bearings, bearing and length of lines and the scale of the map.

(c) The name and legal description of the tract in which the survey is located and any ties to adjoining tracts.

(d) The tie to the control network maintained by the National Geodetic Survey of the National Oceanic and Atmospheric Administration, if points of the network are established in the area in which the survey is made.

(e) A memorandum of oaths, if any.

(f) The signature and validated stamp of the surveyor who performed the survey.

(g) A certificate prepared by the surveyor indicating:

(1) The person or entity for whom the survey was performed;

(2) The general vicinity of the property being surveyed;

(3) The date the survey was completed;

(4) Whether monuments were found or set and, if so, their character and location as shown; and

(5) Any other pertinent information.

(h) Any other data necessary for the interpretation of the various items and locations of the points, lines and areas shown.

3. If the land surveyed is described in terms of area, the record of the survey must show the area of the land surveyed in the following manner:

(a) In acres, calculated to the nearest one-hundredth of an acre, if the area is 2 acres or more; or

(b) In square feet, if the area is less than 2 acres.

4. As used in this section, "control network" means a system of coordinates that defines latitude, longitude, height, scale, gravity and orientation throughout the United States.

**NRS 625.360 When record of survey not required.**

A record of survey is not required of any professional land surveyor when a final map is recorded in compliance with the provisions of chapter 278 of NRS not later than 120 days after the establishment of points or lines.

**NRS 625.370 Record of survey: Charge for filing and indexing; filing by county recorder; records provided to county assessor.**

1. The charge for filing and indexing any record of survey is \$17 for the first page plus \$10 for each additional page.

2. The record of survey must be suitably filed by the county recorder, and the county recorder shall keep proper indexes of such survey records by name of tract, subdivision or United States land subdivision.

3. A county recorder who records a record of survey pursuant to this section shall, within 7 working days after recording the record of survey, provide to the county assessor at no charge:

(a) A duplicate copy of the record of survey and supporting documents; or

(b) Access to the digital record of survey and any digital supporting documents. The record of survey and supporting documents must be in a form that is acceptable to the county recorder and the county assessor.

**NRS 625.380 Requirements for monuments.**

1. Except as otherwise provided in subsection 3, monuments set must be sufficient in number and durability and efficiently placed so as not to be readily disturbed to ensure, together with monuments already existing, the perpetuation of facile re-establishment of any point or line of the survey.

2. Any monument set by a professional land surveyor to mark or reference a point on a property or boundary line must be permanently and visibly marked or tagged with the number of the license of the professional land surveyor setting it, each number to be preceded by the letters "P.L.S."

3. Except as otherwise provided in subsection 4, if a monument cannot be set or reset because of steep terrain, water, marsh or existing structures, or if it would be

obliterated as a result of construction or maintenance of any highway under the jurisdiction of the Department of Transportation, one or more reference monuments, as defined in NRS 329.120, must be set. In addition to the requirements for a monument set forth in subsections 1 and 2, the letters "RM" must be stamped in the tablet, disc or cap of the reference monument. One reference monument may be used if it is set on the actual line or a prolongation thereof. In all other cases, at least two reference monuments must be used. If the reference monuments do not appear on a record of survey filed in accordance with the provisions of NRS 625.340 to 625.380, inclusive, a corner record must be filed pursuant to chapter 329 of NRS.

4. The provisions of subsection 3 do not apply if federal law prohibits the destruction or removal of a monument.

## MISCELLANEOUS PROVISIONS

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### **NRS 625.381 Licenses: Issuance; content; effect.**

1. The Board shall issue a license to practice professional engineering or land surveying to any applicant who, in the opinion of the Board, has complied with all the requirements of this chapter concerning professional engineers or professional land surveyors, respectively.

2. A license to practice professional engineering or land surveying must:

(a) Set forth the full name of the licensee.

(b) Include the number of the license.

(c) Be signed by the Chair and Executive Director under the seal of the Board.

(d) Authorize the practice of professional engineering in the discipline for which the applicant has qualified or the practice of land surveying, respectively.

3. The issuance of a license to practice professional engineering or land surveying by the Board is evidence that the licensee is entitled to all the rights and privileges of a professional engineer or professional land surveyor, respectively, while the license remains on active status.

### **NRS 625.382 Issuance of license to licensee of another state.**

1. The Board may issue a license to practice professional engineering or land surveying to an applicant, upon presentation of evidence that the applicant is licensed to practice professional engineering or land surveying, respectively, and in good standing in a state, territory, possession of the United States or country that maintains standards of engineering or land-surveying licensure, equivalent to those in this state, if the applicant, in the judgment of the Board, has the necessary qualifications pursuant to the provisions of this chapter.

2. The Board may require an applicant for licensure as a professional engineer or professional land surveyor pursuant to subsection 1 to pass a written or oral examination conducted by not less than three professional engineers or professional land surveyors.

### **NRS 625.383 Stamp.**

1. Each professional engineer and professional land surveyor shall obtain a stamp of the design authorized by the Board, bearing his or her name and license number and the legend "Professional Engineer" followed by the discipline for which he or she is qualified or the legend "Professional Land Surveyor," respectively.

2. To facilitate the obtaining of a stamp by a professional engineer or professional land surveyor pursuant to subsection 1, the Board shall, upon request, provide its authorized design to any retailer or manufacturer of stamps. A professional engineer or professional land surveyor may obtain his or her stamp from any retailer or manufacturer of stamps.

3. A professional land surveyor shall not use the legend "Professional Engineer."

### **NRS 625.384 Minimum grade required on each examination for licensure or certification.**

To qualify for licensure as a professional engineer or professional land surveyor or for certification as an engineer intern or land surveyor intern, an applicant must receive a grade of not less than 70 on each examination required by the Board.

**NRS 625.385 Engineer intern and land surveyor intern: Certification; authorized practice; credit toward required experience.**

1. The Board shall certify as an engineer intern or land surveyor intern any person qualified pursuant to the provisions of this chapter.

2. A person certified as an engineer intern or land surveyor intern pursuant to subsection 1 may practice only engineering or land surveying, respectively, as a subordinate. Any work performed by an engineer intern or land surveyor intern may, if deemed of a satisfactory nature by the Board, be applied toward the requirements for experience set forth in NRS 625.183 and 625.270 for licensure as an engineer or land surveyor, respectively.

**NRS 625.386 Qualifications for certification as land surveyor intern or engineer intern.**

1. To be eligible for certification as a land surveyor intern, an applicant must:

(a) Be a graduate of or in the final year of a land-surveying or engineering curriculum of 4 years or more that has been approved by the Board and have passed the examination on the fundamentals of land surveying provided for in NRS 625.280; or

(b) Have had 4 years or more of experience in land-surveying work that is satisfactory to the Board and have passed the examination on the fundamentals of land surveying provided for in NRS 625.280.

2. To be eligible for certification as an engineer intern, an applicant must:

(a) Be a graduate of or in the final year of an engineering curriculum of 4 years or more that has been approved by the Board and have passed the examination on the fundamentals of engineering provided for in NRS 625.193; or

(b) Have had 4 years or more of experience in engineering work that is satisfactory to the Board and have passed the examination on the fundamentals of engineering provided for in NRS 625.193.

**NRS 625.387 Payment of child support: Submission of certain information by applicant; grounds for denial of license or certificate; duty of Board.** [Effective on the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings and expires by limitation 2 years after that date.]

1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a license as a professional engineer or professional land surveyor or a certificate as an engineer intern or land surveyor intern shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license or certificate; or

(b) A separate form prescribed by the Board.

3. A license as a professional engineer or a professional land surveyor or a certificate as an engineer intern or land surveyor intern may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.



### **NRS 625.390 Application for licensure: Contents; fees; renewal; penalty for late renewal.**

1. An applicant for licensure as a professional engineer or professional land surveyor or for certification as an engineer intern or land surveyor intern must:

- (a) Complete a form furnished and prescribed by the Board;
- (b) Answer all questions on the form under oath;
- (c) Provide a detailed summary of his or her technical training and education;
- (d) Pay the fee established by the Board; and
- (e) Submit all information required to complete an application for licensure or certification.

2. Unless the requirement is waived by the Board, an applicant for licensure must provide the names of not less than four references who have knowledge of the background, character and technical competence of the applicant. None of the persons named as references may be members of the Board. If the applicant is:

(a) Applying for licensure as a professional engineer, the persons named as references must be professional engineers licensed in this State or any other state, three of whom must be licensed in the same discipline of engineering for which the applicant is applying for licensure.

(b) Applying for licensure as a professional land surveyor, the persons named as references must be professional land surveyors licensed in this State or any other state.

3. The Board shall, by regulation, establish the fee for licensure as a professional engineer and professional land surveyor in an amount not to exceed \$200. The fee is nonrefundable and must accompany the application.

4. The Board shall charge and collect from each applicant for certification as an engineer intern or land surveyor intern a fee fixed by the Board of not more than \$100, which includes the cost of examination and the issuance of a certificate.

5. A nonresident applying for licensure as a professional engineer or professional land surveyor is subject to the same fees as a resident.

6. An applicant 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.

7. The Board shall require the biennial renewal of each license of a professional engineer or professional land surveyor and collect a fee for renewal of not more than \$100, prescribed by regulation of the Board, except that the Board may prescribe shorter periods and prorated fees in setting up a system of staggered renewals.

8. An applicant for the renewal of a license must submit with the fee for renewal all information required to complete the renewal.

9. In addition to the fee for renewal, the Board shall require a holder of an expired license to pay, as a condition of renewal, a penalty in an amount established by regulation of the Board.

### **NRS 625.395 Renewal of expired license.**

Each licensee must renew his or her license and pay the fee for renewal. Any licensee who fails to renew a license may do so within 6 months after the date of its expiration, upon application to and with the approval of the Board, payment of all required fees and penalties, and submission of all information required to complete the renewal. The Board may extend the time for renewal of the expired license.

### **NRS 625.397 Board may require examination for reinstatement or renewal of license.**

The Board may require any person:

1. Whose license to practice professional engineering or land surveying has expired; or
2. Who has been the subject of a disciplinary proceeding before the Board, to pass a written or oral examination as a condition of reinstating or renewing his or her license.

### **NRS 625.398 Regulations concerning continuing education for professional engineers and professional land surveyors.**

The Board shall adopt regulations concerning continuing education for professional engineers and professional land surveyors. The 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 625.400 Replacement of revoked, lost, destroyed or mutilated license.**

A new license to replace any license revoked, lost, destroyed or mutilated may be issued, subject to the regulations of the Board, and a charge of not more than \$40 may be made for its issuance.

### **NRS 625.403 Use of word “certify” or “certification” in practice of professional engineering or land surveying.**

The use of the word “certify” or “certification” by a professional engineer or professional land surveyor in the practice of professional engineering or land surveying constitutes an expression of professional opinion regarding those facts or findings which are the subject of the certification.

### **NRS 625.405 Immunity from civil liability.**

1. Any person who furnishes information concerning a licensee, an applicant for licensure, an intern or an applicant for certification as an intern in good faith and without malicious intent is immune from any civil action for furnishing that information.
2. The Board, any member, employee or committee of the Board, counsel, investigator, expert, hearing officer, licensee, intern or other person who assists the Board in the investigation or prosecution of an alleged violation of a provision of this chapter, a proceeding concerning licensure or reissuance of a license or a criminal prosecution is immune from any civil liability for:

(a) Any decision or action taken in good faith and without malicious intent in response to information acquired by the Board.

(b) Disseminating information concerning a licensee, an applicant for licensure, an intern or an applicant for certification as an intern to any other licensing board, national association of registered boards, an agency of the Federal Government or of the State, the Attorney General or any law enforcement agency.

### **NRS 625.407 Conditions under which association may practice engineering or land surveying.**

1. Except as otherwise provided in this section:

(a) A firm, partnership, corporation or other person engaged in or offering to engage in the practice of engineering or land surveying in this state shall employ full-time at least one professional engineer or professional land surveyor, respectively, at each place of business where the work is or will be performed; and

(b) All engineering or land-surveying work done at a place of business must be performed under a professional engineer or professional land surveyor, respectively, who has been placed in responsible charge of the work and who is employed full-time at that particular place of business.

2. If the only professional engineer or professional land surveyor employed full-time at a place of business where engineering or land-surveying work is performed ceases to be employed at that place of business, during the 30 days next following his or her departure:

(a) The place of business is not required to employ full-time a professional engineer or professional land surveyor; and

(b) The professional engineer or professional land surveyor placed in responsible charge of engineering or land-surveying work performed at the place of business is not required to be employed full-time at that place of business.

3. Except as otherwise provided in subsection 5:

(a) A firm, partnership, corporation or other person who performs or offers to perform engineering services in a certain discipline at a particular place of

business in this state shall employ full-time at that place of business a professional engineer licensed in that discipline.

(b) Each person who holds himself or herself out as practicing a certain discipline of engineering must be licensed in that discipline or employ full-time a professional engineer licensed in that discipline.

4. Professional engineers and professional land surveyors may join or form a partnership, corporation, limited-liability company or other business organization or association with registrants and licensees outside of their field of practice, or with persons who are not registered or licensed.

5. The provisions of this section do not apply to a firm, partnership, corporation or other person who:

(a) Practices professional engineering for his or her benefit and does not engage in the practice of professional engineering or offer professional engineering services to other persons; or

(b) Is engaged in the practice of professional engineering or land surveying in offices established for limited or temporary purposes, including offices established for the convenience of field survey crews or offices established for inspecting construction.

## DISCIPLINARY PROCEEDINGS

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### **NRS 625.410 Grounds for disciplinary action.**

Except as otherwise provided in subsection 6 of [NRS 701.220](#), the Board may take disciplinary action against a licensee, an applicant for licensure, an intern or an applicant for certification as an intern for:

1. The practice of any fraud or deceit in obtaining or attempting to obtain or renew a license or cheating on any examination required by this chapter.

2. Any gross negligence, incompetency or misconduct in the practice of professional engineering as a professional engineer or in the practice of land surveying as a professional land surveyor.

3. Aiding or abetting any person in the violation of any provision of this chapter or regulation adopted by the Board.

4. Conviction of or entry of a plea of nolo contendere to any crime an essential element of which is dishonesty or which is directly related to the practice of engineering or land surveying.
5. A violation of any provision of this chapter or regulation adopted by the Board.
6. Discipline by another state or territory, the District of Columbia, a foreign country, the Federal Government or any other governmental agency, if at least one of the grounds for discipline is the same or substantially equivalent to any ground contained in this chapter.
7. Practicing after the license of the professional engineer or professional land surveyor has expired or has been suspended or revoked.
8. Failing to comply with an order issued by the Board.
9. Failing to provide requested information within 30 days after receipt of a request by the Board or its investigators concerning a complaint made to the Board.

**NRS 625.415 Suspension of license or certificate for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of license or certificate.** [Effective until 2 years after the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license as a professional engineer or professional land surveyor or a certificate as an engineer intern or land surveyor intern, the Board shall deem the license or certificate issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license or certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license or certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license as a professional engineer or professional land surveyor or a certificate as an engineer intern or land surveyor intern that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license or certificate was suspended stating that the person whose license or certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

### **NRS 625.420 Filing of charges; commencement of action.**

1. Any person may file with the Board a charge concerning a violation of any provision of this chapter or regulation adopted by the Board against any person. The charges must be in writing and filed with the Board.

2. All charges, unless dismissed by the Board as unfounded or trivial, must be heard by the Board within a reasonable time. An action against a person may not be commenced by the filing of a formal complaint more than 1 year after the date on which the Board received the charges.

### **NRS 625.425 Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records.**

1. Except as otherwise provided in NRS 239.0115, any information obtained during the course of an investigation by the Board and any record of an investigation is confidential. If no disciplinary action is taken against a licensee, an applicant for licensure, an intern or an applicant for certification as an intern, or no civil penalty is imposed pursuant to NRS 625.590, the information in his or her investigative file remains confidential.

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board or its employees from communicating and cooperating with another licensing board or any other agency that is investigating a person.

### **NRS 625.430 Hearing; notice; summary suspension of license.**

1. The time and place for the hearing must be fixed by the Board, and notice of the time and place of hearing must be personally served on the person against whom a complaint has been filed with the Board or mailed to the person's last known address at least 30 days before the date fixed for the hearing.

2. The Board may suspend the license of a licensee without a hearing if the Board finds, based upon evidence in its possession, that the public health, safety or welfare imperatively requires summary suspension of the license and incorporates that finding in its order. If the Board summarily suspends the license of a licensee, a hearing must be held within 30 days after the suspension.

### **NRS 625.440 Subpoena: Issuance by Board.**

The Chair of the Board or his or her designee may subpoena witnesses and compel their attendance, and also may require the production of books, papers and documents relating to any investigation or hearing conducted by the Board.

### **NRS 625.450 Subpoena: Issuance by district court.**

1. If any person shall refuse to obey any subpoena issued by the Board, or shall refuse to testify or produce any books, papers or documents, the Board may present its petition to the district court of the judicial district wherein such person resides, setting forth the facts, and thereupon the district court, in a proper case, shall issue its subpoena to such person requiring his or her attendance before the court, and there to testify or to produce such books, papers or documents as may be deemed necessary and pertinent by the Board.

2. Any person failing or refusing to obey the subpoena of the district court may be proceeded against in the same manner as for refusal to obey any other subpoena or order of the district court.



### **NRS 625.460 Authorized disciplinary action; private reprimands prohibited; orders imposing discipline deemed public records.**

1. If, after a hearing, a majority of the members of the Board present at the hearing vote in favor of finding the accused person guilty, the Board may:
  - (a) Revoke the license of the professional engineer or professional land surveyor or deny a license to the applicant;
  - (b) Suspend the license of the professional engineer or professional land surveyor;
  - (c) Fine the licensee or applicant for licensure not more than \$15,000 for each violation of a provision of this chapter or any regulation adopted by the Board;
  - (d) Place the licensee or applicant for licensure on probation for such periods as it deems necessary and, if the Board deems appropriate, require the licensee or applicant for licensure to pay restitution to clients or other persons who have suffered economic losses as a result of a violation of the provisions of this chapter or the regulations adopted by the Board; or
  - (e) Take such other disciplinary action as the Board deems appropriate.
2. The Board shall not issue a private reprimand.
3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

### **NRS 625.470 Reissuance of revoked license.**

The Board may reissue a license to any person whose license has been revoked if a majority of the members of the Board vote in favor of reissuance.

## APPLICABILITY OF CHAPTER

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### **NRS 625.480 Persons exempt from provisions of chapter concerning licensure.**

The following persons are exempt from the provisions of this chapter which require licensure:

1. Any subordinate of a professional engineer of this State if he or she acts as a subordinate.
2. Officers and employees of the United States Government who have qualified pursuant to federal regulations and have been authorized to do engineering for the Federal Government, but no such governmental officer or employee may engage in the private practice of engineering in Nevada unless licensed pursuant to the provisions of this chapter.

### **NRS 625.490 Persons exempt from provisions of chapter concerning practice of land surveying.**

The following persons are exempt from the provisions of this chapter concerning the practice of land surveying:

1. Any state, county, city or district employee directly responsible to a professional land surveyor.
2. Any subordinate to a professional land surveyor of this State if he or she acts as a subordinate.
3. Professional mining engineers engaged solely in surveys made for mining and milling purposes or facilities pertaining thereto.
4. Officers and employees of the United States Government who have qualified pursuant to federal regulations and have been authorized to make surveys for the government, but such a governmental employee shall not engage in private practice as a land surveyor in Nevada unless licensed pursuant to the provisions of this chapter.

### **NRS 625.500 Additional persons exempt from requirements for licensure: Employees of public utilities; architects; persons using scanner for construction management or monitoring.**

1. The licensure requirements of this chapter do not apply to:
  - (a) The employees of interstate or intrastate public utility companies while they are engaged in work for those companies;
  - (b) Any architect registered pursuant to the provisions of chapter 623 of NRS and who practices architecture as permitted by chapter 623 of NRS; or
  - (c) A person, while using a scanner for the purpose of construction management or monitoring, or both, if the person is certified by the International Conference of Building Officials or a successor organization for the purposes for which he or she is using the scanner.
2. As used in this section, “scanner” means a device that uses laser technology to capture the digital shape of physical objects through laser triangulation.

## **PROHIBITIONS AND PENALTIES**

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### **NRS 625.510 Board to investigate complaint or violation of chapter; prosecution of violation.**

It shall be mandatory upon the Board:

1. To investigate any complaints or reported violations of any of the provisions of this chapter; and
2. To take the steps necessary to prosecute such violations if the Board deems it necessary.

### **NRS 625.520 Unlawful practice of engineering: Penalty; injunctive relief.**

1. Except as otherwise provided in subsection 4, it is unlawful for:
  - (a) Any person not properly licensed or exempted in accordance with the provisions of this chapter to:

(1) Practice, continue to practice, solicit to practice, offer to practice or attempt to practice engineering or any discipline thereof;

(2) Employ, use or cause to be used the term “licensed engineer,” “professional engineer” or “registered engineer” or any combination, variation or abbreviation thereof as a professional or commercial identification, representation, claim, asset or means of advantage or benefit;

(3) Employ, use or cause to be used the term “engineer,” “engineering” or “engineered” or any combination, variation or abbreviation thereof as a professional or commercial identification, representation, claim, asset or means of advantage or benefit without disclosing that the person is not qualified, registered or licensed to practice professional engineering in this state; or

(4) Directly or indirectly employ any means which in any manner tends or is likely to mislead the public or any member thereof that any person is qualified or authorized to practice engineering.

(b) Any professional engineer to practice or offer to practice a discipline of professional engineering in which the Board has not qualified him or her.

(c) Any person to present or attempt to use, as his or her own, the license or stamp of another person.

(d) Any person to give any false or forged evidence of any kind to the Board or any member thereof in obtaining a license.

(e) Any person to impersonate a licensee of a like or different name.

(f) Any person to attempt to use an expired, suspended or revoked license.

(g) Any person to violate any of the provisions of this chapter.

2. If any person is engaging or is about to engage in any act or practice that constitutes a violation of this chapter, the district court in any county which would have jurisdiction over the violation, may, upon application of the Board, issue an injunction or restraining order against the act or practice pursuant to Rule 65 of the Nevada Rules of Civil Procedure.

3. This section does not prevent a contractor licensed in accordance with the provisions of chapter 624 of NRS from using the term “engineer” or “engineering” if the term is used by the State Contractors’ Board in describing a specific classification.

4. The provisions of subparagraph (3) of paragraph (a) of subsection 1 do not apply to any corporation using such a term in its corporate name, if the corporation:

(a) Files its articles of incorporation with the Secretary of State; and

(b) Files with the Board a written statement signed by a corporate officer under penalty of perjury in which the officer states that the corporation:

(1) Is not practicing or offering to practice engineering in this state;

and

(2) Will not do so unless it is licensed or exempted in accordance with the provisions of this chapter.

5. Any person who violates any of the provisions of subsection 1 is guilty of a gross misdemeanor.

### **NRS 625.530 Restrictions upon public works; preferences for contracts.**

Except as otherwise provided in NRS 338.1711 to 338.173, inclusive, and 408.3875 to 408.3887, inclusive:

1. The State of Nevada or any of its political subdivisions, including a county, city or town, shall not engage in any public work requiring the practice of professional engineering or land surveying, unless the maps, plans, specifications, reports and estimates have been prepared by, and the work executed under the supervision of, a professional engineer, professional land surveyor or registered architect.

2. The provisions of this section do not:

(a) Apply to any public work wherein the expenditure for the complete project of which the work is a part does not exceed \$35,000.

(b) Include any maintenance work undertaken by the State of Nevada or its political subdivisions.

(c) Authorize a professional engineer, registered architect or professional land surveyor to practice in violation of any of the provisions of this chapter or chapter 623 of NRS.

(d) Require the services of an architect registered pursuant to the provisions of chapter 623 of NRS for the erection of buildings or structures manufactured in an industrial plant, if those buildings or structures meet the requirements of local building codes of the jurisdiction in which they are being erected.

3. The selection of a professional engineer, professional land surveyor or registered architect to perform services pursuant to subsection 1 must be made on the basis of the competence and qualifications of the engineer, land surveyor or architect for the type of services to be performed and not on the basis of competitive fees. If, after selection of the engineer, land surveyor or architect, an agreement upon a fair and reasonable fee cannot be reached with him or her, the public agency may terminate negotiations and select another engineer, land surveyor or architect. Except as otherwise provided in this subsection, in assigning the relative weight to each factor for selecting a professional engineer, professional land surveyor or registered architect pursuant to this subsection, the public agency shall assign, without limitation, a relative weight of 5 percent to the possession of a certificate of eligibility to receive a preference when competing for public works. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection relating to a preference when competing for public works, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that public work.

### **NRS 625.540 Unlawful practice of land surveying; penalty.**

1. It is unlawful for a person who is:

(a) Not properly licensed or exempted in accordance with the provisions of this chapter to:

(1) Practice, continue to practice, solicit to practice, offer to practice or attempt to practice land surveying;

(2) Set, reset or replace any survey monument; or

(3) Directly or indirectly employ any means which in any manner tends or is likely to create the impression on the public or any member thereof that any person who is not licensed pursuant to this chapter is qualified or authorized to practice land surveying.

- (b) To present or attempt to use, as his or her own, the license or stamp of another person.
  - (c) To give any false or forged evidence of any kind to the Board or any member thereof in obtaining a license.
  - (d) To impersonate any other licensee of the same or a different name.
  - (e) To attempt to use an expired, suspended or revoked license.
  - (f) To violate any of the provisions of this chapter.
2. A person who violates any of the provisions of subsection 1 is guilty of a gross misdemeanor.

### **NRS 625.550 Intentional removal or defacement of monument unlawful; exception; penalty.**

1. Except as otherwise provided in subsection 2, a person who intentionally removes, changes or defaces any monument that has been properly established and marked by a professional land surveyor as required by this chapter, is guilty of a public offense, as prescribed in NRS 193.155, proportionate to the value of the loss resulting therefrom, but in no event less than a misdemeanor.
2. This section does not apply to a professional land surveyor who acts in accordance with NRS 625.380.
3. As used in this section, the “value of the loss resulting therefrom” means the cost of restoring or replacing the monuments which have been removed, changed or defaced.

### **NRS 625.560 Unlawful signing or stamping of document concerning land surveying.**

It is unlawful for any person to sign or stamp any map, plat, report, description or other document pertaining to the practice of land surveying unless the person holds an unsuspended and unrevoked license as a professional land surveyor.

## **NRS 625.565 Unlawful use of signature or stamp of professional engineer or professional land surveyor; regulations; penalty.**

1. A professional land surveyor may practice land surveying and prepare:
  - (a) Maps, plats, reports and descriptions; and
  - (b) Grading and drainage plans for residential subdivisions containing four lots or less, or other documentary evidence in connection therewith.
2. It is unlawful for a professional land surveyor to sign or stamp any map, plat, report, description, grading and drainage plan or other document relating to land surveying which was not prepared by the professional land surveyor or for which he or she did not have responsible charge of the work.
3. It is unlawful for a professional engineer to sign or stamp any plans, specifications or reports that were not prepared by the professional engineer or for which he or she did not have responsible charge of the work.
4. It is unlawful for any person to impress any documents with the stamp of a professional engineer or professional land surveyor after the license of the professional engineer or professional land surveyor named on the stamp has expired or has been suspended or revoked, unless the license has been renewed or reissued.
5. It is unlawful for any person to impress any documents with the stamp of a professional engineer or professional land surveyor after the professional engineer or professional land surveyor has retired from the practice of professional engineering or land surveying.
6. The Board shall, by regulation, prescribe additional requirements relating to the signing and stamping of documents produced by a professional engineer or a professional land surveyor.
7. A person who violates any of the provisions of this section is guilty of a gross misdemeanor.



### **NRS 625.570 Public officer or employee prohibited from engaging in private practice of professional engineering or land surveying during certain hours.**

Any employee or officer who is employed on a full-time basis by the State, or a county, city or district thereof, who is paid a monthly or annual salary for his or her employment and whose public duty includes the practice of professional engineering or the practice of land surveying as defined in this chapter shall not engage in the private practice of professional engineering or the private practice of land surveying during the hours when he or she is required to perform his or her duties for the State, county, city or district.

### **NRS 625.580 Violation of chapter by public officer; penalties.**

If a public officer violates a provision of this chapter, the Board shall impose a fine in an amount not to exceed \$5,000 and may require the public officer to forfeit the office.

### **NRS 625.590 Additional civil penalty.**

1. In addition to any other penalty provided by law, a person who violates any provision of this chapter or any regulation adopted by the Board is subject to a civil penalty of not more than \$15,000 for each violation. Any such penalty must be imposed by the Board at a hearing for which notice has been given pursuant to NRS 625.430.

2. If a person does not pay a civil penalty imposed pursuant to subsection 1 within 60 days after the order of the Board becomes final, the order may be executed upon in the same manner as a judgment issued by a court.

# Nevada Administrative Code, Ch. 625

## Professional Engineers and Land Surveyors

### GENERAL PROVISIONS

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#### **NAC 625.010 Definitions.**

As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 625.011 to 625.019, inclusive, have the meanings ascribed to them in those sections.

#### **NAC 625.011 “Biennial renewal period” defined.**

“Biennial renewal period” means the 2 years immediately preceding the date on which a licensee must submit an application for the renewal of his or her license.

#### **NAC 625.012 “Board” defined.**

“Board” means the State Board of Professional Engineers and Land Surveyors.

#### **NAC 625.0123 “Board Liaison” defined.**

“Board Liaison” means a member of the Board who is designated by the Board to work in conjunction with the Executive Director.

#### **NAC 625.0125 “Examination” defined.**

“Examination” includes, without limitation, an oral, written or computer-generated examination, or any other type of examination deemed acceptable by the Board.

**NAC 625.013 “Firm” defined.**

“Firm” means a person, other than a natural person, including, without limitation, a partnership, corporation or other business entity, that engages in or offers to engage in the practice of professional engineering or the practice of land surveying in this State.

**NAC 625.014 “Licensee” defined.**

“Licensee” means a professional engineer or professional land surveyor licensed pursuant to the provisions of chapter 625 of NRS.

**NAC 625.016 “Professional development hour” defined.**

“Professional development hour” means 1 hour of credit obtained by a licensee for participating in courses, programs and activities to maintain, improve or expand the skills and knowledge relevant to his or her discipline.

**NAC 625.017 “Quarter credit hour” defined.**

“Quarter credit hour” means 1 hour of college credit for a course which has a duration measured in quarters.

**NAC 625.018 “Respondent” defined.**

“Respondent” means a licensee against whom a complaint has been filed or with respect to whom an investigation is being conducted.

**NAC 625.019 “Semester credit hour” defined.**

“Semester credit hour” means 1 hour of college credit for a course which has a duration measured in semesters.

**NAC 625.020 Engineering and land surveying licensed as separate professions.**

1. In accordance with chapter 625 of NRS, the Board will administer the licensing of two separate and distinct professions:

- (a) Professional engineers; and
- (b) Professional land surveyors.

2. Licensure as a professional engineer does not entitle the licensee to practice land surveying, and licensure as a professional land surveyor does not entitle the licensee to practice professional engineering, unless the licensed professional engineer or professional land surveyor is also licensed in the other profession or is exempt from licensure in accordance with the provisions of chapter 625 of NRS.

## STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

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### **NAC 625.100 Officers: Election; term; vacancies; removal.**

1. The Board will elect a Chair and a Vice Chair from among its members. Any member of the Board may nominate another member of the Board as an officer. The Board may elect an officer by an affirmative vote of at least five members of the Board.
2. The term of office for the Chair and Vice Chair is 1 year.
3. A member may not be elected to an office for more than two terms, not including the remainder of an unexpired term filled by the member.
4. If a vacancy occurs in the office of:
  - (a) Chair, the Vice Chair shall assume the duties of the Chair for the unexpired term.
  - (b) Vice Chair, the Board will, at its next meeting, elect from among its members a Vice Chair to fill the vacancy for the unexpired term.
5. The Board may remove an officer by an affirmative vote of at least five members of the Board.

### **NAC 625.110 Meetings.**

1. The Board will meet at least four times annually and its meetings will be uniformly spaced as nearly as may be practical.

2. Persons who desire to attend meetings or bring matters to the Board's attention may request notices of meetings from the office of the Board.

### **NAC 625.125 Appointment of members emeriti.**

The Board may designate as a Board member emeritus in recognition of service on the Board, any former member who has retired or has not been reappointed.

## **LICENSURE, CERTIFICATION AND REGISTRATION**

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### **NAC 625.210 Application for licensure or certification; fees.**

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 his or her college and postgraduate education. Each transcript must be sent directly 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.

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

**NAC 625.215 Experience in land surveying.**

The applicant shall complete at least 2 years of the land surveying experience which is required by subsection 3 of NRS 625.270 under the direct supervision of a land surveyor licensed in the jurisdiction in which the applicant performs the land surveying. The experience of the applicant must be in the practice of land surveying as defined in NRS 625.040. Any experience which the applicant applies toward licensure as a professional land surveyor must not also be applied toward licensure as a professional engineer.

**NAC 625.220 Disciplines of engineering.**

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;
  - (b) Chemical;
  - (c) Civil;
  - (d) Control systems;
  - (e) Electrical;
  - (f) Environmental;
  - (g) Fire protection;
  - (h) Geological;
  - (i) Industrial;
  - (j) Manufacturing;
  - (k) Mechanical;
  - (l) Metallurgical and materials;

- (m) Mining and mineral processing;
- (n) Naval architecture and marine;
- (o) Nuclear;
- (p) Petroleum;
- (q) Structural; or
- (r) 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.

### **NAC 625.230 Applications for licensure in multiple categories or disciplines.**

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 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.

### **NAC 625.240 Licensure on basis of previous licensure in another jurisdiction; examinations.**

1. An applicant who applies for licensure in this State on the basis of previous licensure in another jurisdiction must:

(a) Pay an application fee of \$200 and file the required application with 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, the Board may require the applicant to pass another examination acceptable to the Board as a condition precedent to licensure.

### **NAC 625.260 Licensure as structural engineer required for certain activities; exceptions.**

1. Only professional engineers licensed as structural engineers pursuant to this chapter may structurally design:
  - (a) A structure requiring special expertise, including, but not limited to, a radio tower and a sign over 100 feet in height, using the bottom of the lowest footing or the top of the pile cap as the point of reference. Dynamic machinery and related equipment within the scope of mechanical engineering are not included.
  - (b) A building more than three stories in height.
  - (c) A building more than 45 feet in height, using the bottom of the lowest footing or the top of the pile cap as the point of reference.
2. Any professional engineer may design a component part of a building that is more than 45 feet in height if the professional engineer is otherwise qualified to do so pursuant to the particular discipline in which the professional engineer is licensed. If the professional engineer is not licensed as a structural engineer, the design must be reviewed by an engineer of record who is licensed as a structural engineer.
3. A professional engineer licensed as a civil engineer pursuant to this chapter may structurally design a structure, including, without limitation, a bridge, unless the structure is described in subsection 1.
4. As used in this section, “pile cap” means a thick concrete mat which is used as part of the foundation of a building or structure and which rests on piles.

**NAC 625.310 Examinations: Generally.**

1. The Board will offer an examination 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 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; 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 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; and

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

4. In addition to the examinations set forth in subsection 3, the Board will prepare 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. The examination to become a structural engineer is a 16-hour examination which is composed of two parts, each of which lasts 8 hours.

**NAC 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.

### **NAC 625.330 Examinations: Notice to appear; failure to appear.**

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.

### **NAC 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.

**NAC 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.

**NAC 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.

### **NAC 625.410 Expiration and renewal of licensure.**

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 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 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.

### **NAC 625.420 Retired or inactive status of licensee; reinstatement to active status.**

1. In lieu of the renewal of his or her license, a licensee may apply to the Board to change his or her status to:

(a) Retired, by filing with the Board a notice in writing that states the licensee's intention to retire from practice. The Board will issue an identification card indicating that the licensee is retired.

(b) Inactive, by filing with the Board a notice in writing that states the licensee's intention to change his or her status to inactive and paying a fee that is equal to the fee required for a licensee who wishes to renew his or her license. The Board will issue an identification card indicating that the licensee is inactive.

2. If an identification card is issued to a licensee pursuant to this section, his or her license expires and he or she is not licensed to continue to practice.

3. A licensee who has changed his or her status to retired pursuant to this section may reinstate his or her license to active status by complying with the requirements for the issuance of an original license and submitting proof that he or she has completed at least 30 professional development hours within the 2 years immediately preceding the date of the licensee's request to reinstate his or her license to active status.

4. A licensee who has changed his or her status to inactive pursuant to this section may reinstate his or her license to active status by submitting proof that he or she has completed at least 30 professional development hours within the 2 years immediately preceding the date of the licensee's request to reinstate his or her license to active status.

### **NAC 625.425 Registration of firm: Application; requirements; renewal; fees.**

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 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 of the firm to which the application pertains;

(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; 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.

## CONTINUING EDUCATION

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### **NAC 625.430 Requirements for renewal of license.**

1. Except as otherwise provided in NAC 625.440 and 625.450, a licensee who 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 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.

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 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.

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.

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 submit proof deemed



acceptable by the Board that he or she has completed a total of at least 30 professional development that comply with the requirements set forth in subsection 1.

### **NAC 625.440 Exceptions to requirements for renewal of license.**

1. A licensee who applies for the renewal of his or her license may apply to the Board for an exemption from the requirements of NAC 625.430 for a biennial renewal period if:

(a) The licensee was issued his or her initial license during the biennial renewal period or less than 2 years before the beginning of the biennial renewal period;

(b) The licensee served more than 120 consecutive days on active duty in the Armed Forces of the United States during the biennial renewal period;

(c) The licensee is employed outside of the United States and spent more than 120 consecutive days outside of the United States during the biennial renewal period; or

(d) The licensee experienced a serious illness or injury during the last year of the biennial renewal period that was of such a nature and duration that the licensee was prohibited from completing the requirements of NAC 625.430.

2. A request for an exemption pursuant to subsection 1 must include documentation that supports the request for the exemption.

3. If the Board approves a licensee's request for an exemption pursuant to subsection 1, the licensee is not required to comply with the requirements of NAC 625.430 for the biennial renewal period.

### **NAC 625.450 Waiver of requirements for renewal of license.**

The Board may waive the requirements set forth in NAC 625.430 for a licensee if the Board determines that:

1. The licensee has satisfied the requirements for continuing education in his or her discipline in another state during the biennial renewal period; and

2. The requirements for continuing education in that state are substantially equivalent to the requirements for continuing education set forth in this chapter.

### **NAC 625.460 Inactive status: Requirements for renewal of identification card.**

The identification card issued to a licensee who has changed his or her status to inactive status pursuant to NAC 625.420 expires on the same date as his or her license would expire if the licensee were on active status. To renew the identification card, a licensee who has changed his or her status to inactive pursuant to NAC 625.420 must comply with the requirements of NAC 625.430 in the same manner as a licensee who is on active status.

### **NAC 625.470 Assignment of professional development hours to certain activities.**

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
College course with a duration measured in quarters	30 for each quarter credit hour received
Attendance at 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

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.

### **NAC 625.480 Proof of completion of professional development hours; form.**

1. Proof of the completion of professional development hours must be accompanied by a form prescribed by the Board for submission with such proof.
2. A licensee shall:
  - (a) Retain, for at least 3 years, a copy of the completed form submitted to the Board pursuant to subsection 1 and the proof that he or she completed the professional development hours.
  - (b) Upon request, submit a copy of the completed form and the proof of completion to the Board.
3. Proof of completion of professional development hours may include, without limitation:
  - (a) A certificate or other document verifying that the licensee successfully completed an activity for which 1 or more professional development hours are claimed.
  - (b) A literary reference to, or a copy of, a published paper, article or book.
  - (c) A literary reference to, or copy of, a patent issued to the licensee.
4. The Board may refuse to accept professional development hours for which proof of completion is submitted pursuant to subsection 1 if the Board determines that the proof of completion is insufficient.

### **NAC 625.490 Notification of failure to complete required number of professional development hours.**

If the Board accepts less than 30 professional development hours for which a licensee submits proof of completion pursuant to NAC 625.430, the Board will notify the licensee not later than 60 days after the date on which the application for renewal was submitted that:

1. The licensee must successfully complete the number of professional development hours which are deficient within 6 months after the date on which the application was submitted; and
2. The licensee's failure to complete those professional development hours will result in the licensee being placed on inactive status.

## CODE OF CONDUCT

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### **NAC 625.510 Fundamental principles.**

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;
2. Strive to increase the competence and prestige of the profession; and
3. Use his or her knowledge and skill for the advancement of human welfare.

### **NAC 625.520 Relations with the public.**

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

1. Have proper regard for 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. Not express an opinion on any subject concerning engineering or land surveying 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 on whose behalf they are made.

### **NAC 625.530 Relations with employers and clients.**

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, 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.

### **NAC 625.540 Relations with other engineers or land surveyors.**

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. 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.

#### **NAC 625.545 Written contract required for each client.**

Before performing any work, a licensee shall enter into a written contract with each client for whom the licensee will perform work. The written contract must include, without limitation, provisions specifying:

1. The scope of the work;
2. The cost for completion of the work; and
3. The anticipated date for completion of the work.

#### **NAC 625.550 Licensee employed by governmental agency: Notification to Board of certain conduct by another licensee.**

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 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.

## MISCELLANEOUS PROVISIONS

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### **NAC 625.610 Stamps, seals and signatures on documents; revision of original plans.**

1. Upon being issued a license, each licensee may, at his or her own expense, obtain a stamp or seal that conforms with the requirements of this section.
2. A person who is licensed in more than one discipline of engineering shall use a separate stamp or seal for each discipline, except that a person who is licensed in the disciplines of civil engineering and structural engineering may use a single stamp or seal for both disciplines. A stamp or seal must be approximately 1.7 inches in diameter and conform to one of the following designs, as applicable:



3. The image made by a stamp or seal:
  - (a) Must be opaque and permanent;
  - (b) Must state the name of the licensee;
  - (c) Must contain the license number of the licensee;
  - (d) Must state the particular discipline in which the licensee is licensed; and
  - (e) May state the expiration date of the license of the licensee.

4. Each licensee shall validate a stamp or seal by adding his or her signature legibly across or adjacent to the face of the image made by the stamp or seal. The licensee shall also include the date of stamping or sealing and, if the stamp or seal does not include the date of expiration of his or her license, the date of expiration. The name of the licensee, the particular discipline in which the licensee is licensed and the license number of the licensee must be legible. Except as otherwise provided in NRS 427A.755, the licensee may not use a stamp to produce his or her signature.

5. When a licensee signs, stamps or seals a document containing the work of others, the licensee represents that the licensee has prepared or has been in responsible charge of the production of the entire document unless the licensee includes a written statement adjacent to his or her signature, stamp or seal identifying the portion of the document that the licensee prepared or for which the licensee had responsible charge of the work.

6. For the purposes of NRS 625.565, a professional engineer has “responsible charge of the work” and may sign, stamp or seal plans, specifications, plats or reports which were not prepared by the professional engineer:

(a) If the professional engineer personally supervises the work on the plans, specifications, plats or reports to the degree that he or she is satisfied that the work is completed in a proper and professional manner; or

(b) Where the plans, specifications, plats or reports are not prepared under his or her personal supervision, if the professional engineer or persons under his or her personal supervision review the plans, specifications, plats or reports and make tests, calculations or changes in the work as necessary for the professional engineer to determine that the work has been completed in a proper and professional manner.

7. A licensee who signs, stamps or seals a document which was not prepared by him or her but for which the licensee had responsible charge of the work is subject to disciplinary proceedings pursuant to chapter 625 of NRS for any errors in that document as if it was prepared by the licensee. This subsection does not exempt any other licensee who prepared the document from disciplinary action for his or her errors in that document.

8. Pursuant to NRS 625.565, all surveying maps and records, and all engineering plans, specifications, reports or other documents that are submitted to obtain permits, are released for construction or are issued as formal or final documents to clients, public authorities or third parties must bear:



- (a) The signature of the licensee;
- (b) The stamp or seal of the licensee;
- (c) The date of signing; and
- (d) The expiration date of the license of the licensee.

9. If the license of a licensee expires after the licensee submits, releases or issues a document described in subsection 8, the licensee is not required to sign, stamp or seal the document again to include an updated expiration date of the license unless changes are made to the document after the document is submitted, released or issued.

10. A licensee with responsible charge of the work contained in a document described in subsection 8 may have an electronically prepared seal and digital signature applied to such a document which is electronically submitted, released or issued only if:

(a) Secure encryption methods are in place that identify the licensee and which track changes made to the document after the document is submitted, released or issued; and

(b) The licensee believes adequate protections are in place to prevent fraud or misuse of the digital signature.

11. If an agency reviewing an interim document, other than a document listed in subsection 12, requires a licensee to stamp the interim document, the document must be clearly marked in substantially the following manner to show the intended purpose of the document:

- (a) "For review only";
- (b) "Not for construction"; or
- (c) "Preliminary."

12. A licensee is not required to stamp the following documents:

- (a) An engineering as-built plan or record plan;
- (b) A report which includes observations concerning the progress of the construction of a project; or
- (c) An estimate of the costs of a project.

13. For projects that are still in design and that are not under construction or yet constructed, a licensee may revise original plans prepared by another licensee only if:

(a) The licensee proposing to revise the plans:

- (1) Obtains the consent of the licensee who prepared the original plans; or
- (2) Is part of the same firm that prepared the original plans;

(b) The proposed revisions are within the scope of practice of the licensee proposing to revise the plans;

(c) The licensee proposing to revise the plans assumes full responsibility for those revisions and the effects of those revisions upon the remainder of the project; and

(d) The revisions to the original plans comply with applicable state and local laws.

### **NAC 625.611 Plans, maps and specifications submitted to public authority: Contents; stamps and signatures.**

1. Plans or maps submitted to a public authority must include:

(a) The name, address, electronic mail address and telephone number of the firm which submits the plans or maps;

(b) The name and location of the project for which the plans or maps are submitted; and

(c) The date the plans or maps were printed or finalized for electronic submission and a statement which indicates whether the plans or maps are preliminary or final.

2. If the plans or maps submitted to a public authority are:

(a) Original plans or maps, each sheet of the plans or maps must be dated, stamped and signed by each licensee who had responsible charge of the work indicated on the sheet. If the licensee is a licensed professional engineer, the licensee must date, stamp and sign the plans for each discipline of engineering for which the licensee is licensed that is related to the work for which the licensee is responsible.

(b) Copies of the original plans or maps, the cover sheet and the first sheet for each discipline of engineering of the plans must be dated and stamped and include a signature of the licensee who had responsible charge of the work indicated on the sheet.

3. Each set of specifications submitted to a public authority must include a table of contents or cover sheet that:

(a) Indicates the discipline of engineering that is the source of each specification; and

(b) Contains the stamp of, and is signed and dated by, each licensee who had responsible charge of that discipline..

### **NAC 625.612 Reports, studies, test results, certifications and calculations submitted to public authority: Stamps and signatures.**

Each report, study, test result, certification or calculation which is submitted to a public authority must be stamped, signed and dated by the licensee who had responsible charge of that report, study, test result, certification or calculation.

### **NAC 625.613 Documents prepared by licensee: Inclusion of supplemental information; contents.**

1. Details, shop drawings, descriptions of products or any other information which is prepared by a manufacturer, supplier or installer of a product or system may be included in a document which has been prepared and stamped by a licensee.

2. Each document which is prepared by a licensee must include:

(a) A description of the document;

(b) The date the document was printed or finalized for electronic submission;

(c) The name, address, electronic mail address and telephone number of the licensee's firm; and

(d) The name and location of the project for which the document was prepared.

### **NAC 625.615 Address of licensee: Filing with and use by Board; notice of change.**

1. Each licensee shall file with the Board the complete address 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 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 filed pursuant to subsection 1.

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

### **NAC 625.620 Fictitious names.**

Any licensee or firm which conducts business under an assumed or fictitious name or designation and which does not show the real name of the firm or names of the persons engaged or interested in the business shall file with the Board a certificate of fictitious name in the form required by chapter 602 of NRS within 30 days after the first use of the name or designation.

### **NAC 625.625 Notice of change in licensee's employer, category or discipline.**

If any information on file with the Board concerning a licensee's:

1. Employer; or
2. 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 of the licensee's principal place of business.

### **NAC 625.630 Advertising for or offering to perform engineering in discipline in which licensee or firm is not licensed.**

1. A licensee or firm shall not advertise for or offer to perform:

- (a) Land surveying, if the licensee or a member of the firm has not been licensed to perform such work by the Board unless the licensee or firm has a full-

time partner, associate, officer or employee licensed to practice land surveying;  
or

(b) Engineering in a discipline of professional engineering in which the licensee or a member of the firm has not been licensed by the Board, unless the licensee or firm has a full-time partner, associate, officer or employee licensed to practice in that discipline of engineering.

2. Licensees and firms shall not:

(a) Advertise for land surveying in violation of subsection 1 and thereafter seek to employ persons qualified to do the work only after the work has been obtained.

(b) Advertise for work in a discipline of engineering in which they are not licensed in violation of subsection 1 and thereafter seek to employ persons qualified to do the work only after the work has been obtained. Professional engineers and firms may solicit work only in those disciplines of engineering in which they are licensed.

3. As used in this section, “full-time employee” means a person who:

(a) Devotes his or her working time in the actual employ of the licensee or firm and not merely as a consultant; and

(b) Is generally present, during normal business hours, in the local office of the employer for which he or she is employed.

# PRACTICE BEFORE STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

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## Parties

### **NAC 625.635 Representation of parties; qualifications of attorneys.**

1. A party may, in any proceeding before the Board, represent himself or herself or be represented by an attorney or any other person he or she designates.
2. If a party chooses to be represented by an attorney, the attorney must be admitted to practice and in good standing before the highest court of any state. If the attorney is not admitted and entitled to practice before the Supreme Court of Nevada, he or she must associate with an attorney who is so admitted and entitled to practice.

## Disciplinary Action

### **NAC 625.640 Procedure for complaints concerning professional misconduct or incompetence.**

1. Any person who is aggrieved by the alleged professional misconduct or incompetence of a person subject to the jurisdiction of the Board may file a complaint with it pursuant to NRS 625.420, and the Board may attempt to reach a settlement before holding a disciplinary hearing.
2. Upon receipt of a complaint, a member of the Board's staff shall initiate an investigation. Upon completion of the investigation, the member of the Board's staff shall submit a written report containing the results of the investigation to the Executive Director.
3. The Executive Director shall, in conjunction with the Board Liaison:
  - (a) Review the written report submitted pursuant to subsection 2;
  - (b) Upon completion of the review:
    - (1) On behalf of the Board, dismiss the complaint; or

(2) Negotiate a settlement with the respondent, subject to the approval of the Board; and

(c) If the Executive Director, in conjunction with the Board Liaison, attempts to negotiate a settlement with the respondent pursuant to paragraph (b) and a settlement cannot be reached, determine whether to recommend to the Board that the Board schedule the matter for a disciplinary hearing.

### **NAC 625.642 Licensee to provide written notice of disciplinary action taken by another entity.**

1. A licensee who has been disciplined by another state or territory, the District of Columbia, a foreign country, the Federal Government or any other governmental agency shall notify the Board in writing of such disciplinary action.

2. The written notice must set forth the grounds, terms and effective date of the disciplinary action.

3. The licensee shall submit the written notice to the Board within 60 days after the date on which the disciplinary action is imposed and state whether the disciplinary action is final or on appeal.

4. Failure to provide the written notice required pursuant to this section is an aggravating factor in any disciplinary action taken by the Board against the licensee.

### **NAC 625.645 Conditions of probation.**

1. If the Board determines that probation is an appropriate disciplinary sanction pursuant to NRS 625.460, it may require as conditions of probation:

(a) That the licensee notify the Board concerning each project on which the licensee is working;

(b) The supervision of the licensee by an independent professional selected by the Board;

(c) The payment of all costs of the Board, not to exceed \$5,000 per violation; and

(d) Any other conditions deemed appropriate by the Board to facilitate the probation.

2. Any notification required pursuant to subsection 1 must include:
  - (a) The name of the client;
  - (b) The name of the project;
  - (c) The location of the project;
  - (d) The type and scope of work involved;
  - (e) The size of the project; and
  - (f) The amount of the fee to be paid to the licensee.

**NAC 625.646 Establishment of advisory committee; members; recommendations.**

1. The Executive Director, in conjunction with the Board Liaison, may establish an advisory committee composed of professional engineers, land surveyors or other persons to:

- (a) Provide technical assistance in the evaluation and investigation of a complaint regarding the action or inaction of a licensee;
- (b) Participate in the evaluation of candidates for licensure by endorsement; or
- (c) Provide any assistance in any area that the Executive Director or the Board Liaison deems necessary.

2. Members of an advisory committee:

- (a) Are selected by and serve at the pleasure of the Executive Director, in conjunction with the Board Liaison.
- (b) Are prohibited from participating in any proceeding in which a public officer or employee would be precluded from participating pursuant to NRS 281A.420.
- (c) Are entitled to travel expenses and subsistence allowances, but are not entitled to compensation for services rendered to the Executive Director or Board Liaison.



### **NAC 625.6465 Evaluation and disposition of complaint: Duties of Executive Director.**

If the Executive Director, in conjunction with the Board Liaison, establishes an advisory committee for the evaluation and investigation of a complaint:

1. The Executive Director shall:

(a) Select one to five persons to serve as the members of the advisory committee from a list compiled by the Executive Director of volunteers that are deemed qualified by the Executive Director, a majority of whom, if practicable, must be from the same discipline as the respondent.

(b) Designate one member to act as the chair.

(c) Schedule a conference between the advisory committee and the respondent, set the time and place of the conference, give the respondent reasonable written notice of the conference, as required by NRS 233B.121, and give the respondent an opportunity to call witnesses. Such conferences are not contested cases, as defined in NRS 233B.032.

(d) Serve the decision and recommendation of the advisory committee on the respondent within a reasonable period.

2. A conference between the advisory committee and the respondent may be held in person, via videoconference or over the telephone.

3. Pursuant to subsection 1 of NRS 622.320, the provisions of NRS 241.020 do not apply to a conference between the advisory committee and the respondent that is held for the evaluation and investigation of a complaint unless the respondent requests that those provisions apply.

### **NAC 625.647 Evaluation and disposition of complaint: Duties of advisory committee; review by Board of recommendation.**

1. If the Executive Director, in conjunction with the Board Liaison, establishes an advisory committee for the evaluation and investigation of a complaint, the advisory committee shall:

(a) Review the complaint and the written report submitted pursuant to subsection 2 of NAC 625.640 to determine the standard of care that applies to the respondent and

examine whether there is probable cause to believe that the respondent violated NRS 625.410;

(b) Hold a conference with the respondent and any other person who may assist in resolving the complaint;

(c) Attempt to arrive at terms for the resolution of the complaint with the respondent; and

(d) Within 15 days after the conclusion of the conference, submit to the Executive Director a report containing written findings as to the standard of care that applies to the respondent and whether the respondent violated NRS 625.410.

2. The Executive Director shall provide a copy of the report required by paragraph (d) of subsection 1 to the Board Liaison.

3. The Executive Director and the Board Liaison are not bound by the report submitted by the advisory committee pursuant to paragraph (d) of subsection 1.

4. Upon receiving the report required by paragraph (d) of subsection 1, the Executive Director, in conjunction with the Board Liaison, shall continue with the review of the written report submitted pursuant to subsection 2 of NAC 625.640.

### **NAC 625.6475 Evaluation and disposition of complaint: Informal conference; hearing de novo.**

1. At a conference held pursuant to NAC 625.647:

(a) The chair of the advisory committee shall:

(1) Rule on the admissibility of all evidence.

(2) Accept all evidence which is relevant to the complaint.

(b) The advisory committee is not bound by the formal rules of evidence.

(c) The findings of the advisory committee must be supported by substantial evidence.

2. The refusal of a respondent to participate in a conference is information relevant in a subsequent disciplinary hearing of the complaint before the Board.

3. If the Board schedules the matter for a disciplinary hearing, the Board will conduct a hearing de novo of the charges contained in the complaint. During the hearing de novo, the Board may review the evidence considered by the advisory committee concerning the complaint, unless a valid objection is made to the review of the evidence.

4. An advisory committee may continue a conference for good cause shown.

5. If a respondent refuses to participate in a review of the complaint by an advisory committee, the Executive Director, in conjunction with the Board Liaison, shall proceed with the review pursuant to NAC 625.640..

### **NAC 625.648 Evaluation and disposition of complaint: Actions of respondent.**

1. If a respondent declines to participate in a review of the complaint by an advisory committee, the Executive Director shall refer the complaint to the Board for any further action that it deems appropriate.

2. If the respondent accepts the recommendations of the advisory committee which reviewed the complaint, the respondent must enter into an agreement with the Board regarding the resolution of the complaint within 15 days after he or she is served with the recommendations by the Executive Director. Such an agreement is not effective until the respondent has signed the agreement and the Board has approved it.

3. If the respondent rejects the recommendation of the advisory committee, the Board will take any further action that it deems appropriate.

4. If the respondent fails to notify the Board that he or she accepts the recommendation of the advisory committee, the Board will take any further action that it deems appropriate.

### **Miscellaneous Petitions**

#### **NAC 625.649 Petitions for adoption, amendment or repeal of regulations.**

1. Any person who is interested may file a written petition with the Executive Director of the Board to adopt, amend or repeal any of these regulations in accordance with NRS 233B.100. The Executive Director shall notify the members of the Board when

such a petition has been filed and place it on the agenda for hearing not later than the second regular meeting after its receipt.

2. The Executive Director shall notify the petitioner of the time and place for the hearing on the petition and advise the petitioner that he or she may attend the hearing to present evidence and oral arguments in support of the petition.

3. After the hearing, the Board must proceed to dispose expeditiously of the petition and will notify the petitioner in writing of its decision.

## STANDARDS OF PRACTICE FOR PROFESSIONAL LAND SURVEYORS

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### General Provisions

#### **NAC 625.651 “Positional certainty” defined.**

As used in NAC 625.651 to 625.795, inclusive, “positional certainty” means a measurement of the relative accuracy of positions with respect to the location of a controlling monument.

#### **NAC 625.655 Applicability of statutes and regulations.**

When engaging in the practice of land surveying in this State, a professional land surveyor shall apply all applicable statutes and regulations in addition to the minimum standards of practice for professional land surveyors established in NAC 625.651 to 625.795, inclusive.

#### **NAC 625.660 Responsibility for compliance with standards of practice.**

Responsibility for adherence to the minimum standards of practice for engaging in the practice of land surveying rests with the professional land surveyor in responsible charge of the work. Failure on the part of any Nevada professional land surveyor to comply with these minimum standards may be considered by the Board as evidence of gross negligence, professional incompetence or misconduct in the practice of land surveying.

### **NAC 625.662 Units of measurement.**

1. Lineal measurements on a survey may be expressed in feet or meters. Measurements of area may be expressed in acres, square feet, hectares or square meters. If any measurement is reported in metric units, the professional land surveyor shall include on the survey the information necessary to convert the measurement to its nonmetric equivalent.

2. As used in this section, the words “foot” and “meter” have the meanings ascribed to them in NRS 327.030.

### **NAC 625.664 Positional certainty: Minimum confidence level.**

For the purposes of NAC 625.651 to 625.795, inclusive, the positional certainty of a point or monument or of the horizontal or vertical component of a survey must be based upon a confidence level of not less than 95 percent.

### **NAC 625.666 Positional certainty: Horizontal and vertical components of certain land surveys.**

1. The requirements for positional certainty for the horizontal component of land boundary, topographic, control and geodetic surveys are as follows:

Type of Survey	Positional Certainty	
	Meters	U.S. Survey Feet
Land Boundary Surveys		
High Urban	±0.02 m	±0.05 ft
Low Urban	±0.04 m	±0.15 ft
High Rural	±0.1 m	±0.3 ft
Low Rural	±0.15 m	±0.5 ft
Control and Geodetic Surveys		
Precise Measurement Studies	±0.001 m to ±0.01 m	±0.002 ft to ±0.03 ft
State Network		
County Network	±0.02 m	±0.05 ft
Local Network	±0.04 m	±0.15 ft
Photogrammetric Control	±0.06m	±0.2 ft
	±0.06 m to ±1 m	±0.2 ft to ±3 ft
Topographic Surveys		

Engineering Design Surveys	$\pm 0.01$ m to $\pm 0.1$ m	$\pm 0.03$ ft to $\pm 0.3$ ft
Planning Study Surveys	$\pm 0.02$ m to $\pm 0.05$ m	$\pm 0.05$ ft to $\pm 0.15$ ft
Utilities Mapping		$\pm 0.5$ ft
Feature Mapping	$\pm 0.15$ m	$\pm 1$ ft
Resource Mapping	$\pm 0.3$ m	$\pm 1.5$ ft to $\pm 330$ ft
	$\pm 0.5$ m to $\pm 100$ m	

2. The requirements for positional certainty for the vertical component of land boundary, control, geodetic and topographic surveys are as follows:

Type of Survey	Positional Certainty	
	Meters	U.S. Survey Feet
Land Boundary Surveys	$\pm 0.05$ m	$\pm 0.15$ ft
Control and Geodetic Surveys Other Than Photogrammetric Control Surveys	$\pm 0.005$ m to $\pm 0.03$ m	$\pm 0.02$ ft to $\pm 0.1$ ft
Photogrammetric Control Surveys	$\pm 0.03$ m to $\pm 0.5$ m	$\pm 0.1$ ft to $\pm 1.5$ ft
Topographic Surveys	National Map Accuracy Standards	

3. For the purposes of this section, the National Map Accuracy Standards, as they existed on November 14, 1997, are hereby adopted by reference. A copy of the National Map Accuracy Standards may be obtained from the United States Geological Survey, Department of the Interior, 12201 Sunrise Valley Drive, Reston, Virginia 20192, at no cost.

### **NAC 625.668 Positional certainty: Horizontal and vertical positions of monuments.**

When conducting a land boundary, topographic, control or geodetic survey, a professional land surveyor shall ensure that the horizontal and vertical positions of the

monuments established by the surveyor comply with the requirements for positional certainty set forth in NAC 625.666.

## Land Boundary Surveys

### **NAC 625.670 Required research, identifications, measurements and computations.**

In conducting a land boundary survey, a professional land surveyor shall:

1. Search pertinent documents, including, but not limited to, maps, deeds, title reports, title opinions and the records of the U.S. Public Land Survey System.
2. Thoroughly examine the information and data acquired.
3. Diligently search for and identify monuments and other physical evidence which could affect the location of the boundaries of the property being surveyed.
4. Conduct field measurements necessary to relate adequately the position of all apparent evidence pertinent to the boundaries of the property being surveyed.
5. Make computations to verify the correctness of field data acquired and confirm that results of measurements are within acceptable limits of tolerance. Computations must be made to determine the relative positions of all found evidence.

### **NAC 625.680 Disagreements concerning measurements or positions of monumented corners.**

If a professional land surveyor has a material disagreement with the measurements or monumented corner positions of another land surveyor, the professional land surveyor shall contact the other land surveyor and attempt to resolve the disagreement.

### **NAC 625.690 Location of corners, boundaries and monuments.**

1. The professional land surveyor shall make a final analysis and reach a conclusion as to the most probable location of corner positions and boundary lines.
2. A professional land surveyor shall set monuments pursuant to the provisions of NRS 625.380 and all applicable local ordinances.

### **NAC 625.700 Report to client of discrepancies concerning boundary lines.**

The professional land surveyor shall:

1. Advise his or her client of discrepancies which raise doubts concerning the boundary lines of the property being surveyed; and
2. Provide a written report to the client concerning the discrepancies.

### **NAC 625.710 Identification and description of monuments.**

1. All monuments, whether set or found, must be thoroughly described and specifically identified as set or found, whenever shown on maps or referred to in documents prepared by a professional land surveyor. Descriptions of monuments must be sufficient in detail to facilitate readily future recovery and to enable positive identification, including map references.

2. If the Nevada Coordinate System, as defined in chapter 327 of NRS, is used to describe a monument:

(a) The control used as the coordinate basis must be shown on any maps on which the monument is shown or documents in which reference is made to the monument; and

(b) The source of the control data used must be described.

### **NAC 625.720 Drawing of survey; certification.**

1. A professional land surveyor shall prepare a scaled drawing of the survey for presentation to the client. The drawing must comply with the provisions of NRS 625.340, 625.350 and 625.565.

2. In cases where a certification is required by statute or local ordinance, the professional land surveyor shall certify only those matters personally known to be true. The certificate must be in the following form:



## **SURVEYOR'S CERTIFICATE**

I, ..... (name of professional land surveyor), a Professional Land Surveyor registered in the State of Nevada, certify that:

1. This plat represents the results of a survey conducted under my supervision at the instance of ..... (owner, trustee, etc.).
2. The land surveyed lies within ..... (section, township, range, meridian, county and city, if incorporated), and the survey was completed on ..... (date).
3. This plat complies with applicable statutes of this State and any local ordinances in effect on the date that the survey was completed, and the survey was conducted in accordance with chapter 625 of the Nevada Administrative Code.
4. The monuments depicted on the plat are of the character shown, occupy the positions indicated and are of sufficient durability.
5. (Any other information that the professional land surveyor personally knows to be true concerning the land surveyed.)

(Validated seal of the professional land surveyor);

(Name and license number of the professional land surveyor printed below the seal).

### **NAC 625.740 Classifications of surveys; use of classifications and requirements for positional certainty.**

1. Boundary surveys have been divided into the following four classifications:
  - (a) High Urban. Surveys of land lying within or adjoining a city or town, including surveys of commercial and industrial properties, condominiums, townhouses, apartments and other multiunit developments, regardless of geographic location.
  - (b) Low Urban. Surveys of land lying outside high urban areas and used almost exclusively for single family residential use or residential subdivisions.
  - (c) High Rural. Surveys of land such as farms and other undeveloped land lying outside the low urban areas which may have potential for future development.

(d) Low Rural. Surveys of land normally lying in remote areas with difficult or barren terrain and which usually have limited potential for development.

2. A professional land surveyor shall use the classifications described in subsection 1 and the requirements for positional certainty for those classifications prescribed in NAC 625.666 to establish the locations of monuments in a boundary survey.

## Construction Surveys

### **NAC 625.760 Contract drawings and specifications; special instructions.**

Before beginning a construction survey, a professional land surveyor shall obtain from the owner's representative a complete set of the contract drawings and specifications approved by the appropriate federal, state and local agencies and any special instructions for the proposed fixed works.

### **NAC 625.765 Establishment of final location of points.**

When conducting a construction survey, a professional land surveyor shall establish the final location of points within positional certainties which ensure that the proposed fixed works may be properly constructed.

### **NAC 625.770 Verification of location of certain points; notification of insufficient dimensions or details.**

1. A professional land surveyor who is conducting a construction survey shall ensure that:

(a) The location of the control that delineates the horizontal location of the proposed fixed works; and

(b) The locations of the benchmark for the project and the vertical location of the proposed fixed works, are identical to the locations of those points as shown on the engineering plans for the project.

2. If the professional land surveyor discovers any material differences between the location of the control on the construction survey and the location of the control on the

engineering plans for the project, he or she shall notify the owner’s representative of those differences.

3. If the dimensions or details of the engineering plans are not sufficient to establish the location of the proposed fixed works, the professional land surveyor shall notify the owner’s representative and the engineer or architect of record and request that the necessary additional information be provided.

**NAC 625.775 Positional certainties for marking locations of proposed fixed works.**

A professional land surveyor who conducts a construction survey shall place the stakes or other materials used to mark the location of the proposed fixed works within the following positional certainties:

Proposed Fixed Works	Horizontal Positional Certainty		Vertical Positional Certainty	
	Meters	Feet	Meters	Feet
	Rough Grades	±0.03 m	±1 ft	±0.06 m
Subgrades	±0.15 m	±0.5 ft	±0.015	±0.05
Finish Grades	±0.15 m	±0.5 ft	m	ft
Buildings	±0.015	±0.05	±0.015	±0.05
Sewer Facilities	m	ft	m	ft
Waterlines	±0.1 m	±0.3 ft	±0.01 m	±0.03
Water Facilities Other Than Waterlines	±0.1 m	±0.3 ft	±0.015	ft
Street Lights and Devices for the Control of Traffic	±0.03 m	±0.1 ft	m	±0.05
Curbs and Gutters	±0.06 m	±0.2 ft	±0.03 m	ft
	±0.03 m	±0.1 ft	±0.015	±0.1 ft
			m	±0.05
			±0.03 m	
			±0.015	±0.1 ft
			m	±0.05
				ft

**NAC 625.780 Sketches, cut sheets and field notes.**

A professional land surveyor who conducts a construction survey shall provide the owner’s representative sketches, cut sheets or other field notes to describe the survey conducted.

**NAC 625.785 Verification surveys: Exchange of information.**

If a professional land surveyor other than the surveyor responsible for the initial location of the proposed fixed works conducts a verification survey, the professional land surveyor shall share with the surveyor responsible for the initial location of the proposed fixed works notes and other data related to the verification survey. Each surveyor shall provide to the other surveyor the results of the survey conducted by him or her and cooperate to resolve any discrepancies between the two surveys.

**Miscellaneous Provisions****NAC 625.790 Preparation of legal description of property.**

If a professional land surveyor is called upon to prepare a legal description of real property, the professional land surveyor shall include:

1. A sufficient caption, body and, where applicable, qualifying clauses;
2. A clear statement of the relationship between the real property being described and the survey control or the basis of the unique location;
3. A clear statement explaining the basis of bearings or language which otherwise makes definite the method of direction and orientation for the lines of the property being described and the survey control related thereto;
4. Full and complete citations to maps, plats, documents and other matters of record, facts of pertinence, which are intended to be incorporated into and made a part of the legal description by reference thereto;
5. When called out, complete and detailed descriptions of physical monuments, both natural and artificial;
6. When appropriate, incorporated either directly or by citation, sufficient data to enable a check of mathematical closure for the property being described; and
7. His or her name, the number of his or her Nevada license and his or her validated seal.

## **NAC 625.795 Duties regarding geographic information systems.**

1. When contributing information to a geographic information system, a professional land surveyor must include for use as metadata a statement describing the positional certainty of each type of information contributed to the system by the professional land surveyor.

2. When advising the developers of a geographic information system, a professional land surveyor must make recommendations concerning the appropriate methods for:

(a) Conducting a survey for the development of the system; and

(b) Compiling data for the contribution of additional information to the system after it is developed.

3. A professional land surveyor shall comply with the provisions of NAC 625.651 to 625.795, inclusive, when conducting surveys to collect information that will be included in a geographic information system.

4. As used in this section:

(a) "Geographic information system" means a collection of computer hardware, software and data that is used for the collection, management, manipulation, analysis and display of information that includes a positional component.

(b) "Metadata" means data that describes information used to describe an object.

# References

Nevada State Board of Professional Engineers & Land Surveyors – Statutes & Regulations

<https://nvbpels.org/statutes-regulations/>

Nevada Revised Statutes: Title 54 Professions, Occupations and Businesses, Ch. 625 Professional Engineers and Land Surveyors, (NRS 625.005 to NRS 625.590)

<https://www.leg.state.nv.us/NRS/NRS-625.html>

Nevada Administrative Codes: Ch. 625 Professional Engineers and Land Surveyors, (NAC 625.010 to NAC 625.795)

<https://www.leg.state.nv.us/nac/NAC-625.html>

National Society of Professional Engineers, Code of Ethics

<http://www.nspe.org/resources/ethics/code-ethics>

National Society of Professional Engineers, Board of Ethical Review Cases

<https://www.nspe.org/resources/ethics/ethics-resources/board-ethical-review-cases>