

(ON BEHALF OF BOARD OF PROFESSIONAL ENGINEERS
AND LAND SURVEYORS)

FEBRUARY 4, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to professional engineers and land surveyors.
(BDR 54-408)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to professions; requiring applicants for licensure as professional engineers and land surveyors to be graduates of certain curricula approved by the state board of professional engineers and land surveyors; revising the provisions governing the active experience required of applicants for licensure as professional engineers; authorizing the state board of professional engineers and land surveyors to require certain business organizations to register with the board before engaging in or offering to engage in the practice of professional engineering or land surveying; revising the authority of the board to waive the examination on the fundamentals of engineering for certain applicants for a license as a professional engineer; revising the provisions governing the unlawful use of the terms “licensed engineer” and “professional engineer”; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 625.170 is hereby amended to read as follows:

625.170 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 name, the city in which he lives, his license number and the discipline of engineering in which he specializes.

(b) Professional land surveyor, his name, the city in which he lives and his license number.

(c) Engineer intern or land surveyor intern, his name and ~~license~~ *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.

Sec. 2. NRS 625.177 is hereby amended to read as follows:

625.177 1. The board may require a firm, partnership, corporation or any other person who is not a natural person to ~~obtain a license from~~ *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 ~~apply for the issuance of a license~~ *register* pursuant to this section.

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

Sec. 3. NRS 625.179 is hereby amended to read as follows:

625.179 1. The board may require a firm, partnership, corporation or any other person who is not a natural person to ~~obtain a license from~~ *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 ~~apply for the issuance of a license~~ *register* pursuant to this section.

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

Sec. 4. NRS 625.183 is hereby amended to read as follows:

625.183 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,

pursuant to NRS 625.193.

3. An applicant for licensure as a professional engineer may not take the examination on the principles and practices of engineering, unless he:

1 (a) Is a graduate of an engineering curriculum of 4 years or more that is approved
2 by the board and has a record of 4 years or more of active
3 experience in engineering that is satisfactory to the board and indicates that he is
4 competent to be placed in responsible charge of engineering work; or

5 (b) Has a record of 10 years or more of active experience in engineering work that
6 is satisfactory to the board and indicates that he is competent to
7 be placed in responsible charge of engineering work.

8 4. ~~{For the purposes of determining}~~ **To determine** whether an
9 applicant for licensure as a professional engineer has an adequate record of active
10 experience pursuant to paragraph (a) of subsection 3:

11 (a) Graduation from a college or university in a field other than engineering is
12 equivalent to 2 years of active experience.

13 (b) Two of the 4 years of active experience must have been completed by working
14 under the direct supervision of a ~~{person who is a}~~ professional
15 engineer **who is licensed in the discipline in which the applicant is applying for**
16 **licensure**, unless that requirement is waived by the board.

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

20 5. ~~{For the purposes of determining}~~ **To determine** whether an
21 applicant for licensure as a professional engineer has an adequate record of active
22 experience pursuant to paragraph (b) of subsection 3:

23 (a) Satisfactory completion of 1 year of courses in engineering that are approved
24 by the board, by a person who has not graduated from an
25 engineering curriculum, is equivalent to 1 year of active experience in engineering.

26 (b) Graduation from a college or university in a field other than engineering is
27 equivalent to 2 years of active experience.

28 (c) Two of the 10 years of active experience must have been completed by
29 working under the direct supervision of a ~~{person who is a}~~ professional
30 engineer **who is licensed in the discipline in which the applicant is applying for**
31 **licensure**, unless that requirement is waived by the board.

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

35 (e) Not more than 4 years of active experience may be satisfied by the
36 completion of educational course work.

37 6. A person who is not working in the field of engineering when he
38 applies for licensure is eligible for licensure as a professional engineer if he
39 complies with the requirements for licensure prescribed in this chapter.

40 **Sec. 5.** NRS 625.183 is hereby amended to read as follows:

41 625.183 1. A person who:

42 (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, pursuant to NRS 625.193.

3. An applicant for licensure as a professional engineer may not take the examination on the principles and practices of engineering, unless he ~~is~~ **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 that is satisfactory to the board and indicates that he is competent to be placed in responsible charge of engineering work. ~~is~~ **or**

~~—(b) Has a record of 10 years or more of active experience in engineering work that is satisfactory to the board and indicates that he is competent to be placed in responsible charge of engineering work.~~

4. To determine whether an applicant for licensure as a professional engineer has an adequate record of active experience pursuant to ~~paragraph (a) of~~ subsection 3:

(a) ~~Graduation from a college or university in a field other than engineering is equivalent to 2 years of active experience.~~

~~—(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)~~ **(b)** 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. ~~To determine whether an applicant for licensure as a professional engineer has an adequate record of active experience pursuant to paragraph (b) of subsection 3:~~

~~—(a) Satisfactory completion of 1 year of courses in engineering that are approved by the board, by a person who has not graduated from an engineering curriculum, is equivalent to 1 year of active experience in engineering.~~

1 ~~—(b) Graduation from a college or university in a field other than~~
2 ~~engineering is equivalent to 2 years of active experience.~~

3 ~~—(c) Two of the 10 years of active experience must have been completed~~
4 ~~by working under the direct supervision of a professional engineer who is licensed in~~
5 ~~the discipline in which the applicant is applying for licensure,~~
6 ~~unless that requirement is waived by the board.~~

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

10 ~~—(e) Not more than 4 years of active experience may be satisfied by the completion~~
11 ~~of educational course work.~~

12 ~~—6.]~~ A person who is not working in the field of engineering when he applies for
13 licensure is eligible for licensure as a professional engineer if he
14 complies with the requirements for licensure prescribed in this chapter.

15 **Sec. 6.** NRS 625.193 is hereby amended to read as follows:

16 625.193 1. The examination for licensure as a professional engineer must
17 consist of:

18 (a) An 8-hour examination on the fundamentals of engineering that must cover the
19 subject matter of a general education or training in
20 engineering. If the applicant for licensure as a professional engineer has **graduated**
21 **from an engineering curriculum that is approved by the board**
22 **and has** 15 years or more of experience in engineering, the examination on the
23 fundamentals of engineering may be waived ~~[. For the purposes of~~
24 ~~determining the years of experience of an applicant for licensure as a professional~~
25 ~~engineer pursuant to this paragraph, the board shall consider~~
26 ~~graduation from an engineering curriculum that is approved by the board to be~~
27 ~~equivalent to 4 years of experience.]~~ **by the board.**

28 (b) An 8-hour examination on the principles and practices of engineering that
29 must cover the discipline of engineering in which the
30 applicant is applying for licensure.

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

35 3. When determining the content of the examinations on the
36 fundamentals of engineering and the principles and practices of engineering, the
37 board shall consider the recognized disciplines of
38 engineering and may conform the examination to the particular qualifications of the
39 applicant.

40 4. The board may require additional examinations for licensure in specialized
41 areas of practice within one or more recognized disciplines of
42 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.

Sec. 7. NRS 625.270 is hereby amended to read as follows:

625.270 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 land surveyor.

2. An applicant for licensure as a professional land surveyor must:

(a) Be of good character and reputation; and

(b) Pass the examination on the:

(1) Fundamentals of land surveying or receive a waiver of that requirement; and

(2) Principles and practices of land surveying,

pursuant to NRS 625.280.

3. An applicant for licensure as a professional land surveyor may not take the examination on the principles and practices of land surveying, unless he ~~is~~:

~~—(a) Is~~ **is** a graduate of a land-surveying 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 land surveying that is satisfactory to the board and indicates that he is competent to be placed in responsible charge of land-surveying work . ~~is; or~~

~~—(b) Has a record of 10 years or more of active experience in land-surveying work that is satisfactory to the board and indicates that he is competent to be placed in responsible charge of land-surveying work.~~

~~—4. For the purposes of determining~~

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

~~paragraph (a) of~~ subsection 3:

1 (a) ~~Graduation from a college or university in a field other than land~~
2 ~~surveying is equivalent to 2 years of active experience.~~

3 ~~—(b)—~~ Two of the 4 years of active experience must have been completed
4 by working under the direct supervision of a ~~person who is a~~ professional land
5 surveyor, unless that requirement is waived by the board.

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

10 5. ~~For the purposes of determining whether an applicant for licensure as a~~
11 ~~professional land surveyor has an adequate record of active experience~~
12 ~~pursuant to paragraph (b) of subsection 3:~~

13 ~~—(a)—~~ Satisfactory completion of 1 year of courses in land surveying that
14 are approved by the board, by a person who has not graduated from a land surveying
15 curriculum, is equivalent to 1 year of active experience in land
16 surveying.

17 ~~—(b)—~~ Graduation from a college or university in a field other than land
18 surveying is equivalent to 2 years of active experience.

19 ~~—(c)—~~ Two of the 10 years of active experience must have been completed
20 by working under the direct supervision of a person who is a professional land
21 surveyor unless that requirement is waived by the board.

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

25 ~~—(e)—~~ Not more than 4 years of active experience may be satisfied by the completion
26 of educational course work.

27 ~~6.]~~ A person who is not working in the field of land surveying when he applies
28 for licensure is eligible for licensure as a professional land surveyor
29 if he complies with the requirements for licensure prescribed in this chapter.

30 **Sec. 8.** NRS 625.381 is hereby amended to read as follows:

31 625.381 1. The board shall issue a license to practice professional
32 engineering or land surveying to any applicant who, in the opinion of the board, has
33 ~~satisfactorily met~~ **complied with** all the requirements of this
34 chapter concerning professional engineers or professional land surveyors,
35 respectively.

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

37 (a) ~~Show~~ **Set forth** the full name of the licensee.

38 (b) Include the number of the license.

1 (c) Be signed by the chairman and executive director under the seal of
2 the board.

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

5 3. The issuance of a license to practice professional engineering or land
6 surveying by the board is evidence that the ~~{person named thereon}~~
7 **licensee** is entitled to all the rights and privileges of a professional engineer or
8 professional land surveyor, respectively, while the license remains
9 ~~{unrevoked or unexpired.}~~ **on active status.**

10 **Sec. 9.** NRS 625.382 is hereby amended to read as follows:

11 625.382 1. The board may issue a license to practice professional engineering
12 or land surveying to an applicant, upon presentation of
13 evidence that he is licensed to practice professional engineering or land surveying,
14 respectively, and in good standing in a state, territory,
15 possession of the United States or country that maintains standards of engineering or
16 land-surveying licensure, equivalent to those in ~~{Nevada,}~~
17 **this state**, if the applicant, in the judgment of the board, has the necessary
18 qualifications pursuant to the provisions of this chapter.

19 2. The board may require an applicant for licensure as a professional engineer or
20 professional land surveyor pursuant to subsection 1 to pass a
21 written or oral examination conducted by not less than three professional engineers
22 or professional land surveyors . ~~{, respectively.}~~

23 **Sec. 10.** NRS 625.385 is hereby amended to read as follows:

24 625.385 1. The board shall certify as an engineer intern or land
25 surveyor intern any person qualified pursuant to the provisions of this chapter.

26 2. A person certified as an engineer intern or land surveyor intern pursuant to
27 subsection 1 may practice only engineering or land surveying,
28 respectively, as a subordinate. Any work performed by an engineer intern or land
29 surveyor intern may, if deemed of a satisfactory nature by the
30 board, be applied toward the requirements for experience set forth in NRS 625.183
31 and 625.270 for ~~{certification}~~ **licensure** as an engineer ~~{intern}~~ or
32 land surveyor , ~~{intern,}~~ respectively.

33 **Sec. 11.** NRS 625.407 is hereby amended to read as follows:

34 625.407 1. Except as otherwise provided in this section:

35 (a) A firm, partnership, corporation or other person engaged in or
36 offering to engage in the practice of engineering or land surveying in this state shall
37 employ full time at least one professional engineer or
38 professional land surveyor, respectively, at each place of business where ~~{such}~~ **the**
39 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 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 ~~f~~:

~~(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 shall employ full time at that place of business a professional engineer licensed in that discipline.~~

~~(b) Each~~, **each** person who holds himself 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. Architects, registered interior designers, residential designers, professional engineers and landscape architects may, in accordance with **the provisions of** NRS 623.349, 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 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.

Sec. 12. NRS 625.520 is hereby amended to read as follows:

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

3 (2) Employ, use or cause to be used ~~{any of the following terms}~~ **the term**
4 **“licensed engineer” or “professional engineer”** or any combination,
5 variation or abbreviation thereof as a professional or commercial identification,
6 representation, claim, asset or means of advantage or benefit
7 ; ~~{, namely, “engineer,” “engineering,” “engineered,” “professional engineer” or~~
8 ~~“licensed engineer”};~~ or

9 (3) Directly or indirectly employ any means which in any manner tends or is
10 likely to ~~{create the impression on}~~ **mislead** the public or any
11 member thereof that any person is qualified or authorized to practice engineering.

12 (b) Any professional engineer to practice or offer to practice a discipline of
13 professional engineering in which the board has not qualified
14 him.

15 (c) Any person to present or attempt to use, as his own, the license or
16 ~~{the}~~ stamp of another person.

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

19 (e) Any person to impersonate ~~{any other}~~ **a** licensee of **a** like or
20 different name.

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

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

24 2. ~~{Whenever}~~ **If** any person is engaging or is about to engage in any act or
25 practice that constitutes a violation of this chapter, the district court
26 in any county ~~{, if the court}~~ **which** would have jurisdiction over the violation, may,
27 upon application of the board, issue an injunction or
28 restraining order against the act or practice pursuant to Rule 65 of the Nevada Rules
29 of Civil Procedure.

30 3. This section does not prevent a contractor licensed in accordance with the
31 provisions of chapter 624 of NRS from using the term “engineer”
32 or “engineering” if the term is used by the state contractors’ board in describing a
33 specific classification.

34 4. ~~{Subparagraph}~~ **The provisions of subparagraph** (2) of paragraph (a) of
35 subsection 1 ~~{does}~~ **do** not apply to any corporation using such a
36 term in its corporate name, if the corporation:

37 (a) ~~{Filed}~~ **Files** its articles of incorporation with the secretary of state ;
38 ~~{on or before September 30, 1991;}~~ and

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

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

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

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

5 **Sec. 13.** 1. This section and sections 1 to 4, inclusive, 6 and 8 to 12,
6 inclusive, of this act become effective upon passage and approval.

7 2. Sections 5 and 7 of this act become effective on July 1, 2009.

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