

## LCB File No. R211-99

### NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON PROPOSED ADOPTION OF AND AMENDMENTS TO REGULATIONS

The Nevada State Board of Professional Engineers and Land Surveyors (“The State Board”), 1755 East Plumb Lane, Suite 135, Reno, Nevada 89502, 775-688-1231, is proposing the adoption of and amendments to regulations pertaining to Chapter 625 of the Nevada Administrative Code. A workshop has been set for 9:00 a.m. on Thursday, January 13, 2000 at the Alexis Park Resort, 375 East Harmon, Las Vegas, Nevada 89109. The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulation and in the proposed amendments to existing regulations:

A copy of the proposed new regulation is attached as Exhibit “A” to this Notice. The terms of the proposed new regulation may be summarized as follows:

1. Chapter 625 of NAC is proposed to be amended to include a new regulation describing the officers of the Board; providing for the manner in which the officers are to be elected and the length of the term for which they may serve.
2. The Board suggests that the above proposed regulation be numbered NAC 625.115.

Copies of the proposed amendments to existing regulations are attached as Exhibit “B” to this Notice. The terms of the proposed amendments may be summarized as follows:

1. It is proposed that NAC 625.210 be amended to state that the Board may waive certain requirements relating to professional references; reflect that the executive officer of the Board is its Executive Director; and to reflect the change in terminology from engineer-in-training and land surveyor-in-training to engineer intern and surveyor intern.
2. The Board proposes amending NAC 625.215 to change the terminology from registered to licensed.
3. The Board proposes amended NAC 625.220 to add four additional disciplines of engineering (Agricultural, Control Systems, Nuclear and Ship Design) and to allow licensure in other disciplines of engineering as determined by the Board.
4. The Board proposes amending NAC 625.230(5) to delete the requirement that an applicant for licensure on the basis of comity must appear for an interview before the Board. Not all applicants are required to appear for an oral examination.
5. The Board proposes amending NAC 625.240 to provide that an applicant is not necessarily required to appear before the Board but may be required to pass an oral or written examination if required by the Board. Oral examinations shall be conducted by a committee having at least one member of the Board on the committee. An applicant who fails an oral examination will have to wait specified periods of time before applying for further oral

examinations. The applicant appearing for an oral examination is required to provide current information. Finally, an applicant who fails to appear for a scheduled oral examination may be required to pay the costs incurred by the Board in scheduling the prior examinations.

6. The Board proposes amending NAC 625.310 to specify the exams furnished by the National Council of Examiners for Engineering and Surveying. The proposed amendment also describes the examination to be given to structural engineers.

7. The Board proposes amending the provisions of NAC 625.320 to change the reference from surveyor-in-training to surveyor intern.

8. The Board proposes amending NAC 625.330 to delete the phrase “who’s application has been approved”. The Boards sends notice of the examination to applicants before their application has been approved.

9. The Board proposes amending 625.410 to increase the penalty for failing to timely renew licensure from \$25 to \$100. The Regulation also provides that a licensee whose license has been expired for more than six months may be required to pass an examination and provide proof of completion of the required number of professional development hours.

10. The Board proposes to amend NAC 625.610 to delete the reference to facsimile and seal.

11. The Board proposes to amend NAC 625.615 to require its licensees to keep the Board apprised of any change of address and to notify the Board of any discipline imposed by another jurisdiction. Failure to timely notify the Board of change of address or of the imposition of discipline is grounds for disciplinary action by the Board.

12. The Board proposes to amend NAC 625.649 to refer to its executive officer as Executive Director rather than Executive Secretary.

A copy of all materials relating to the proposed regulations may be obtained at the workshop or by contacting Noni Johnson, Executive Director of the State Board at 1755 East Plumb Lane, Suite 135, Reno, Nevada 89502, 775-688-1231. A reasonable fee for copying may be charged.

This Notice of Workshop to Solicit Comments on Proposed Adoption of and Amendments to Regulations has been sent to all persons on the Agency’s mailing list for administrative regulations and posted at the following locations:

Nevada State Board of Professional Engineers and Land Surveyors  
1755 East Plumb Lane, Suite 135  
Reno, Nevada 89502

City of Reno, Engineering Division  
450 Sinclair, 3<sup>rd</sup> Floor  
Reno, Nevada 89501

City of Sparks, Engineering Division  
431 Prater Way  
Sparks, Nevada 89431

Clark County Building Department  
500 S. Grand Central Parkway  
Las Vegas, Nevada 89155-3530

City of Las Vegas, Building and Safety  
400 E. Stewart Street  
Las Vegas, Nevada 89101

Elko County Recorder  
571 Idaho Street  
Elko, Nevada 89801

DATED: This \_\_\_\_\_ day of December, 1999.

State of Nevada Board of Professional  
Engineers and Land Surveyors

By \_\_\_\_\_  
NONI JOHNSON  
Executive Director

## **NOTICE OF INTENT TO ACT UPON THE PROPOSED ADOPTION OF AND AMENDMENTS TO REGULATIONS**

Notice of Hearing for the Adoption of and Amendments to Regulations of the Nevada State Board of Professional Engineers and Land Surveyors.

The Nevada State Board of Professional Engineers and Land Surveyors (“The State Board”) will hold a public hearing at 9:00 a.m. on January 19, 2000 at the office of the Nevada State Board of Professional Engineers and Land Surveyors, 1755 East Plumb Lane, Suite 135, Reno, Nevada 89502. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of new regulations and amendments to existing regulations that pertain to Chapter 625 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and the purpose of the proposed new regulation and the proposed amendments to existing regulations are as follows:

a. The new regulation governing the election of officers to the Board and their terms of office is needed to clarify the manner in which officers are elected and how long they may serve.

b. The amendment to NAC 625.210 clarifies that the Board may waive the application requirements pertaining to professional references. It also brings the regulation into conformity with the statute concerning references to engineer interns and surveyor interns.

c. The amendment to NAC 625.215 brings the language of the regulation into conformity with the statute and reflects that land surveyors are licensed and not registered.

d. the amendment to NAC 625.220 adds four additional disciplines of engineering (Agricultural, Control Systems, Nuclear and Ship Design) and allows licensure in other disciplines of engineering as determined by the Board

e. The amendment to NAC 625.230(5) deletes the requirement that an applicant for licensure on the basis of comity must appear for an interview before the Board. Not all applicants are required to appear for an oral examination.

f. The amendment to NAC 625.240 clarifies that the Board may require an applicant to pass an oral or written examination and that the oral examination will be conducted by a committee, one member of which shall be a member of the Board. The amendment sets forth the amount of time an applicant must wait before taking another oral examination. It also requires the applicant to provide necessary materials to the Board and to pay the costs incurred by the Board when the applicant fails to appear at previously scheduled oral examinations.

g. The amendment to NAC 625.310 sets forth the examinations furnished by the National Council of Examiners for Engineering and Surveying and describes the examination given for structural engineers.

h. The amendment to NAC 625.320 brings the language of the regulation into conformity with that of the governing statute. The individuals who used to be known as surveyors-in-training are now referred to as surveyor interns.

i. The amendment to NAC 625.330 clarifies that an applicant will receive notice of the time and place for him to appear before the Board for an interview or written examination. It is only after the applicant successfully passes the examination that his application is approved.

j. The amendment to NAC 625.410 increases the late charge assessed for failure to renew licensure within 6 months after expiration from \$25 to \$100. It also provides that an individual who has allowed his license to expire for more than 6 months may be required to take an examination and submit proof of completion of the required number of professional development hours.

k. The amendment to NAC 625.610 clarifies that the licensee shall acquire a stamp authorized by the Board.

l. The amendment to 625.615 requires a licensee to advise the Board in writing of any change of address and of any discipline imposed by another jurisdiction. Failure to provide the required notice to the Board is grounds for disciplinary action.

m. The amendment to NAC 625.649 brings the regulation into conformity with the statute in that the executive officer of the Board is referred to as the Executive Director rather than the Executive Secretary.

2. The proposed language of the regulations is attached as Exhibit "A" to this Notice.

3. The Board does not believe that the regulations, if adopted, will have an economic effect on the engineering or land surveying professions or on the public. Most of the proposed amendments simply bring the language used in existing regulations into conformity with the language used in the governing statutes.

4. The estimated cost to the State Board for enforcement of the proposed regulations is \$12,000.00 annually.

5. The proposed regulations do not establish a new fee nor do they increase an existing fee except for the proposed amendment to NAC 625.410 which increases the late charge from \$25 to \$100 for untimely requests to renew expired licenses.

Persons wishing to comment upon the proposed action of The State Board may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the Nevada State Board of Professional Engineers and Land Surveyors, 1755 East Plumb Lane, Suite 135, Reno, Nevada 89502. Written submissions must be received by The State Board on or before Tuesday, January 18, 2000. If no person who is directly affected

by the proposed action appears to request time to make an oral presentation, The State Board may proceed immediately to act upon any written submissions.

A copy of this Notice and the regulations to be adopted or amended will be on file at The State Library, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the Notice and the regulations to be adopted or amended will be available at the State Board's office at 1755 East Plumb Lane, Suite 135, Reno, Nevada 89502, and in all counties in which an office of the State Board is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This Notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.065, and on the internet at <http://www.leg.state.nv.us>. Copies of this Notice and the proposed regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within thirty days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against said adoption.

This Notice of Hearing has been posted at the following locations:

Nevada State Board of Professional Engineers and Land Surveyors  
1755 East Plumb Lane, Suite 135  
Reno, Nevada 89502

City of Reno, Engineering Division  
450 Sinclair, 3<sup>rd</sup> Floor  
Reno, Nevada 89501

City of Sparks, Engineering Division  
431 Prater Way  
Sparks, Nevada 89431

Clark County Building Department  
500 S. Grand Central Parkway  
Las Vegas, Nevada 89155-3530

City of Las Vegas, Building and Safety  
400 E. Stewart Street  
Las Vegas, Nevada 89101

Elko County Recorder  
571 Idaho Street  
Elko, Nevada 89801

Should you have any questions concerning the proposed regulation, please write to Noni Johnson, Executive Director of the State Board, at 1755 East Plumb Lane, Suite 135, Reno, Nevada 89502.

DATED: This \_\_\_\_\_ day of December, 1999.

State of Nevada Board of Professional  
Engineers and Land Surveyors

By \_\_\_\_\_  
NONI JOHNSON  
Executive Director

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

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

NAC 625.\_\_\_\_\_ Officers.

- 1. The officers of the board shall consist of a chairman and vice-chairman to be elected from the members of the board.*
- 2. The term for offices of chairman and vice-chairman shall be one year.*
  - (a) Officers may be re-elected for not more than one additional year.*
  - (b) In the event of a vacancy in the office of chairman, the vice-chairman shall serve the unexpired term of the chairman.*
  - (c) In the event of a vacancy in the office of vice-chairman, the board shall elect from the members a vice-chairman to serve the unexpired term.*
- 3. Officers may be nominated by any member of the board.*
- 4. A vote of at least four members of the board is required to elect an officer.*
- 5. An officer may be removed from office by the affirmative vote of not less than five members of the board.*

**NAC 625.210 Applications.**

1. Requirement. An applicant shall not list as professional references persons who are all members of the same business entity. Not more than 2 persons named as a reference by the applicant may be employed by or associated with the business entity by which the applicant is employed. ~~In addition to the references required by NRS 625.390 and unless otherwise permitted by the board, an applicant must submit the names of at least three persons practicing in the discipline of engineering or in the category of land surveying in which he seeks to become~~



~~licensed.]~~ An applicant shall not list the executive ~~[secretary]~~ *director* of the board as a professional reference. The foregoing restrictions may be waived by the board upon a showing of good cause by the applicant.

2. Each applicant must furnish transcripts as proof of his 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 education in a form acceptable to the board.

3. Each applicant who was born in a foreign country ~~[and who is not registered as a professional engineer in another state]~~ must supply documentary proof of his naturalization as a citizen of the United States or of his right to remain and work in the United States.

4. If the applicant is not a resident of this state, the board will not consider him for licensure upon written examination unless the type of license for which he is applying, or its reasonable equivalent, is unavailable to him in the state of his legal residence.

5. 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 engineer, \$200.

(b) For each application for certification as an ~~[engineer-in-training]~~ *engineer intern* or a land ~~[surveyor-in-training]~~ *surveyor intern*, \$50.

**NAC 625.215 is hereby amended to read as follows:**

**NAC 625.215 Experience.**

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 ~~[registered]~~

*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 is hereby amended to read as follows:**

**NAC 625.220 Disciplines of Engineering**

1. Each applicant shall specify the discipline of engineering in which he 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;*

~~(a)~~ *(b) Chemical;*

~~(b)~~ *(c) Civil;*

*(d) Control systems;*

~~(e)~~ *(e) Electrical;*

~~(e)~~ *(f) Fire protection;*

~~(e)~~ *(g) Geological;*

~~(f)~~ *(h) Industrial;*

~~(g)~~ *(i) Manufacturing;*

~~(h)~~ *(j) Mechanical;*

~~[(i)]~~ *(k)* Metallurgical;

~~[(j)]~~ *(l)* Mining;

*(m) Nuclear;*

~~[(k)]~~ *(n)* Petroleum; ~~[and]~~

*(o) Ship design;*

~~[(t)]~~ *(p)* Structural; *or*

*(q) Other disciplines of engineering as determined by the board.*

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 specialized discipline of engineering.

**NAC 625.230(5) is hereby amended as follows:**

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

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 he clearly shows in his application that he possesses the required education and experience and his claims of proficiency are substantiated. ~~[in his interview before the board.]~~

**NAC 625.240 is hereby amended to read as follows:**

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

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) ~~[Appear before the board or a committee of the board and]~~ ~~[p]~~ 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 during a regular or special meeting of the board.]~~ *Pass an oral and/or written examination if required by the board. (See NRS 625.382 as authority.)*

2. All ~~[interviews and]~~ *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 the committee shall be a member of the board.*

3. After the ~~[interview and]~~ oral examination, the board may require the applicant to pass a written examination as a condition precedent to licensure.

4. *An applicant who fails an oral examination may apply to take another oral examination:*

*(a) Not less than four months after failing the first oral examination.*

*(b) Not less than twelve months after failing the second oral examination.*

*(c) Not less than twenty-four months after failing the third oral examination.*

*(d) After a sufficient time has passed as determined by the board after failing the fourth oral examination.*

5. *An applicant who appears for an oral examination shall provide the board with any and all necessary material to assure that the information in the applicant's file is current at the time of the oral examination.*

6. *An applicant who fails to appear on two separate occasions for the oral examination required under this section, unless excused from appearance by the board at least 7 working days before the scheduled examination, shall not be permitted to appear for the required examination for a period of one year from the most recently scheduled examination.*

*(a) Prior to being scheduled for an oral examination, the applicant shall pay costs incurred by the board in scheduling prior examinations.*

*(b) Such costs shall be determined by the board.*

**NAC 625.310 is hereby amended to read as follows:**

**NAC 625.310 Examinations: Generally.**

1. The board will administer written examinations at least once each year and additional examinations as needed. The time and place for a written 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. ~~Written examinations administered by the board will consist of more than one part. An applicant must earn a passing grade in each of the parts in order to pass the examination. If an applicant fails a part of an examination, he must repeat the entire examination even if he has earned passing grades on one or more parts of his previous examination.~~ *The board will provide the following written examinations, prepared and furnished by the National Council of Examiners for Engineering and Surveying, meeting the requirements for licensure as an engineer:*

*(a) Examination in the fundamentals of engineering, known as the Fundamentals of Engineering (FE) examination of eight (8) hours duration, and*

*(b) Examination in the principles and practice of engineering, known as the Principles and Practice of Engineering (Pe) examination in the appropriate engineering discipline, of eight (8) hours duration.*

3. ~~[The board will attempt to design each written examination so that it is representative of the general practice of a basic discipline of engineering and is also compatible with the applicant's specialized background. The board may limit the extent and degree of detail in which an applicant will be examined in his specialty.]~~ *The board will provide th3 following written examinations, prepared and furnished by the National Council of Examiners for Engineering and Surveying, meeting the requirements for licensure as a land surveyor:*

*(a) Elamination in the fundamentals of land surveying, known as the Fundamentals of Land Surveying (FLS) examination of eight (8) hours duration, and*

*(b) Examination in the principles and practice of land surveying, known as the Principles and Practice of Land Surveying (PLS) examination, of six (6) hours duration together with an examination on state specific laws and procedures for the practice of land surveying, of two (2) hours duration.*

4. The examination for structural engineer is a 16-hour examination ~~[which is given for 2 consecutive days and is offered once each year.]~~ *composed of two parts, eight (8) hours each. An applicant is not required to complete both parts on consecutive days.* An applicant for this examination must be a professional engineer in the discipline of civil engineering who has passed 16 hours of written examination acceptable to the board and has also fulfilled the requirements of NAC 625.230.

**NAC 625.330 is hereby amended to read as follows:**

**NAC 625.330 Examinations: Failure to appear.**

1. The board must send to an applicant ~~[whose application has been approved]~~ a notice of the time and place for him to appear before the board for an oral interview, a written examination, or both.

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 interview or examination within 1 year, he 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 625.410 is hereby amended to read as follows:**

**NAC 625.410 Expiration and renewal of licensure. *(NOTE: This change would be implemented before any statutory changes to NRS 625.395.)***

1. ~~[On or after January 1, 1990,]~~ *The* fee for a biennial renewal of a single license is \$100.

2. The first letter of a licensee's surname determines the ~~[latest]~~ *last* date for payment of ~~[his]~~ *the* 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. 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 licenses.

4. If a licensee does not renew his licensure by the appropriate date set forth in subsection 2, his licensure expires and he 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 licensure within 6 months after the expiration by paying the renewal fee and a late charge of ~~[\$25]~~ **\$100**.

5. ~~[If a licensee has been expired for more than 6 months, for former licensee:]~~ ***A licensee whose license has been expired 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 of completion of 30 professional development hours.***

**NAC 625.610(1) is hereby amended as follows:**

**NAC 625.610 Stamps, seals, signatures on documents. (NRS 625.140, 625.565)**

1. A ~~[faesimile of the]~~ stamp ~~[and seal]~~ ~~[prescribed]~~ ***authorized*** by the board must be obtained at the office of the board at the licensee's expense.

**NAC 625.615 is hereby amended as follows:**

**NAC 625.615 Address of licensee: Filing with and use by board; notice of change~~[;]~~; ***Notice of discipline imposed by another jurisdiction.*****



1. Each licensee shall file with the board the complete address of his 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 residence or the number of his 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. ~~If a licensee changes his address or post office box, he shall submit a written notice of the change to the board within 10 days.~~ *A licensee shall submit written notice of any change of address to the board within 10 days of the effective date of the change. Failure to timely notify the board of the change of address is grounds for disciplinary action by the board.*

4. *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 of such disciplinary action.*

5. *The notice shall set forth the grounds, terms and effective date of the disciplinary action.*

6. *The notice to the board shall be submitted in writing within 30 days of the imposition of discipline and state whether the discipline is final or is being appealed.*

7. *Failure to provide the required notice is an aggravating factor in any disciplinary action to be taken by the board against the licensee.*

**NAC 625.649 is hereby amended as follows:**

**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 ~~secretary~~ *director* of the board to adopt, amend or repeal any of these regulations in accordance with NRS 233B.100. The ~~secretary~~ *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 ~~secretary~~ *executive director* shall notify the petitioner of the time and place for the hearing on the petition and advise him that he may attend the hearing to present evidence and oral arguments in support of his 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.