

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

LCB File No. R168-01

December 3, 2001

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

AUTHORITY: §1, NRS 625.565, §§2-3, NRS 625.140.

Section 1. NAC 625.610 is hereby amended to read as follows:

625.610 1. A stamp authorized by the board must be obtained at the office of the board at the expense of the licensee.

2. A person who is licensed in more than one discipline of engineering shall use a separate stamp for each discipline, except that a person who is licensed in the disciplines of civil engineering and structural engineering may use a single stamp for both disciplines.

3. The impression made by a stamp or seal ~~{must be}~~ :

(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 signing his name legibly in opaque ink across the face of the impression made by the stamp or seal , ~~{and}~~ entering the date of stamping or sealing *and, unless such information is included in a stamp or seal pursuant to subsection 3, entering the date of the expiration of his license* immediately below the impression of the

stamp or seal. The signature must not obliterate the name of the licensee or his discipline or the number of his license. The licensee may not use a stamp or computer to produce his signature.

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

(a) If he personally supervises the work on the plans, specifications, plats or reports to the degree that he 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 personal supervision, if he or persons under his 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 but for which he 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 he prepared it himself. This subsection does not exempt any other licensee who prepared the document from disciplinary action for his errors in that document.

8. ~~For the purposes of NRS 625.565, plans, specifications, plats, reports and any other documents which are issued by a professional engineer with the intent that they be considered as~~

~~formal or final documents must be stamped with the seal of the professional engineer before they are delivered to or filed with any public authority~~

~~—9.] 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. An interim 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.”~~

~~10. 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;~~
- ~~(c) An estimate of the costs of a project; or~~
- ~~(d) A shop drawing that is not required by the specifications of a project.~~

Sec. 2. NAC 625.647 is hereby amended to read as follows:

625.647 1. If the board establishes an advisory committee for the evaluation and disposition 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 whether there is probable cause to believe that the respondent violated NRS 625.410;

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

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

(d) Within 15 days after the conclusion of the informal conference, submit to the executive director a report containing written recommendations regarding the disposition of the complaint.

2. In addition to the report required by paragraph (d) of subsection 1, within 15 days after the conclusion of the informal conference, the chairman of the advisory committee shall submit to the board a report which contains a summary of the informal conference and recommendations regarding the disposition of the complaint.

3. The board is not bound by any recommendation made by an advisory committee regarding the disposition of the complaint.

4. The recommendation of an advisory committee pursuant to this section must be entered into evidence at any disciplinary action subsequently held before the board concerning the complaint reviewed by the advisory committee.

5. The board may give the weight deemed appropriate by the board to the recommendation of an advisory committee pursuant to this section.

6. The board may accept or reject, in whole or in part, the recommendation of an advisory committee pursuant to this section.

Sec. 3. NAC 625.6475 is hereby amended to read as follows:

625.6475 1. At an informal conference held pursuant to NAC 625.647:

(a) The chairman 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.

(d) ~~[Evidence]~~ *All evidence* considered by the advisory committee in its review of a complaint ~~[must remain confidential.~~

~~—2.—] is admissible in a disciplinary action before the board.~~

2. 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 a hearing de novo, the board may review the evidence considered and the recommendation made by an advisory committee concerning a complaint.*

3. An advisory committee may continue an informal conference for good cause shown.