

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

LCB File No. R075-09

Effective October 15, 2010

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

AUTHORITY: §1, NRS 625.140 and 625.565.

A REGULATION relating to professions; revising the requirements for administering stamps, seals and signatures on documents prepared by professional engineers and professional land surveyors; and providing other matters properly relating thereto.

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

625.610 1. A stamp authorized by the Board ~~[must]~~ *may* 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:

- (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 *or her* name legibly in opaque ink across the face of the impression made by the stamp or seal, entering the date of stamping or

sealing and ~~[,] the date of expiration of his or her license,~~ 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 *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 ~~[or computer]~~ 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 ~~[he] the licensee~~ has prepared or has been in responsible charge of the production of the entire document unless ~~[he] the licensee~~ includes a written statement adjacent to his *or her* signature, stamp or seal identifying the portion of the document that ~~[he] the licensee~~ prepared or for which ~~[he] 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 ~~[him:] the professional engineer:~~

(a) If ~~[he] 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 ~~[he] 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 ~~he~~ *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 ~~he~~ *it was* prepared ~~fit himself~~ *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. ~~An~~ *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 signature applied to such a document which is electronically submitted, released or issued only if:

(a) The files containing the document are locked electronically to prevent any changes to the document;

(b) Secure encryption methods are in place to prevent the copying, transferring or removing of the seal and signature and to prevent changes to any electronic drawings after the document is submitted, released or issued;

(c) The electronic signature is applied by the licensee in responsible charge of the work; and

(d) The licensee believes adequate protections are in place to prevent fraud or misuse of the electronic 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.”

~~10.1~~ *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;

(c) An estimate of the costs of a project; or

(d) A shop drawing that is not required by the specifications of a project.

13. 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) Made every reasonable effort to notify and obtain the consent of the licensee who prepared the original plans and the licensee proposing to revise the plan 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.

INFORMATIONAL STATEMENT TO LEGISLATIVE COUNSEL BUREAU

NRS 233B.066
Amendments to NAC 625.610
LCB File No. R075-09

The Nevada State Board of Professional Engineers and Land Surveyors (the "State Board") presents this informational statement to the Legislative Counsel Bureau in accordance with NRS 233B.066 and presents the required information with respect to the State Board's adoption of amendments to Regulation NAC 625.610 pursuant to NRS 625.140. This Informational Statement is submitted together with additional Informational Statements of the State Board concerning the adoption of amendments to other existing Regulations.

1. A description of how public comment was solicited, a summary of the public response, and an explanation how other interested persons may obtain a copy of the summary.

The amendments to NAC 625.610 were initially adopted by the State Board as temporary Regulations.

Copies of the Temporary Regulations, Notices of Workshops and Notices of Intent to Act Upon the Regulations were sent via U.S. Mail and e-mail to persons who are known to have an interest in the temporary amendments to Regulations of the State Board as well as to those persons who had specifically requested such notice. Those documents were also made available at the website of the State Board at <http://www.boe.state.nv.us> and at the office of the State Board located at 1755 E. Plumb Lane, Suite 135, Reno, NV 89502. Copies of the temporary Regulations were e-mailed to the main public libraries in all Nevada counties and were posted at the following locations:

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

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

Nevada State Board of Professional
Engineers and Land Surveyors
7251 West Lake Mead Blvd.
Suite 520
Las Vegas, Nevada 89128

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

Elko County Recorder
571 Idaho Street
Elko, Nevada 89801

City of Reno, Engineering Division
450 Sinclair, 3rd Floor
Reno, Nevada 89501

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

Public comment was solicited by holding two (2) workshops on the temporary amendments to the Regulations. The first workshop was held on April 14, 2009 at the State Board's office at 1755 E. Plumb Lane, Suite 135, in Reno, Nevada. The second workshop was held on April 16, 2009 at the State Board's office at 7251 W. Lake Mead Blvd., Suite 520, Las Vegas, Nevada. The comments received at the workshops were discussed at the May 14, 2009 public meeting of the State Board held at the State Board's office at 7251 W. Lake Mead Blvd., Suite 520, Las Vegas, Nevada. Thereafter, on or about May 21, 2009, the Executive Director of the State Board issued Notices of Intent to Act upon a Regulation. On June 24, 2009, a public hearing was held at the State Board's office at 1755 E. Plumb Lane, Suite 135, in Reno, Nevada, at which time the State Board adopted the temporary Regulations.

Substantial public comment was received on the proposed temporary amendments to Regulation NAC 625.610. A summary of the discussion of the temporary amendments at the May 14, 2009 State Board meeting and at the June 24, 2009 hearing at which the temporary amendments were adopted may be obtained by calling the State Board at (772) 688-1231 or by writing to the State Board at 1755 E. Plumb Lane, Suite 135, Reno, Nevada 89502, or by e-mailing the State Board at board@boe.state.nv.us.

The State Board then moved to make permanent the temporary amendments to the regulations. Public comment was solicited by holding two (2) public hearings and two (2) workshops on the permanent amendments to the regulations. Notices of the workshops and the public hearings were posted at the locations referenced above. In addition, the notices were posted on the State Board's website, were mailed to those persons who had requested notice of amendments to Regulations of the State Board and were e-mailed to the main public libraries in all Nevada counties. The workshops were held on September 15, 2009 and June 17, 2010. The public hearings were held on October 22, 2009 and July 15, 2010.

As noted above, the State Board moved to make the temporary amendments to NAC 625.610 permanent. No adverse comments were received at the workshops held on September 15, 2009 and June 17, 2010. Additionally, no adverse comments were received at the hearings held on October 22, 2009 and July 15, 2010. A summary of the State Board's discussion of the permanent amendments to NAC 625.610 at the October 22, 2009 and July 15, 2010 hearings may be obtained by calling the State Board at (772) 688-1231, by writing to the State Board at 1755 E. Plumb Lane, Suite 135, Reno, Nevada 89502, or by e-mailing the State Board at board@boe.state.nv.us.

2. The number of persons who:

- (a) attended each workshop:** April 14, 2009 - 13; April 16, 2009 - 19; September 15, 2009 -5; June 17, 2010 - 10
- (b) testified at each workshop:** April 14, 2009 - 9; April 16, 2009 - 10; September 15, 2009 -2; June 17, 2010 - 0
- (c) submitted written comments to the State Board concerning the temporary amendments to Regulation NAC 625.610 - 6;**

- (d) attended the State Board's meeting May 14, 2009 - 14;
- (e) attended the State Board's hearing on June 24, 2009 - 16;
- (f) attended the State Board's hearing on October 22, 2009 - 9;
- (g) attended the State Board's hearing on July 15, 2010 - 12;
- (h) submitted to the State Board written comments at the State Board's May 14, 2009 meeting, the June 24, 2009 hearing, the October 22, 2009 hearing or the July 15, 2010 hearing concerning the amendments to NAC 625.610 - 0.

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses and members of the engineering and land surveying professions as outlined in number 1 above. The State Board received several comments from the engineering and land surveying professions. A copy of the State Board's minutes concerning the amendment to the Regulation and the subsequent adoption of the amended Regulation can be obtained by calling the Nevada State Board of Professional Engineers and Land Surveyors at (775) 688-1231 or by writing to the State Board at 1755 E. Plumb Lane, Suite 135, Reno, Nevada 89502.

4. If the amendments to the Regulation were adopted without changing any part of the amendments, a summary of the reasons for adopting the amendments to the Regulation without change.

The amendments to the Regulation were drafted by the State Board which subsequently held four (4) workshops and three (3) public hearings concerning the amendments. Additionally, the temporary amendments were discussed at the State Board's May 14, 2009 meeting at the State Board's office at 7251 W. Lake Mead Blvd., Suite 520, Las Vegas, Nevada. The State Board adopted the temporary amendments to NAC 625.610 at the public meeting held on June 24, 2009 and gave serious consideration to the changes suggested at both Workshops and at the June 24, 2009 hearing. Several changes were made to the proposed amendments to NAC 625.610 before they were adopted as temporary amendments on June 24, 2009.

As noted above, the State Board moved to make the temporary amendments to NAC 625.610 permanent. No adverse comments were received at the workshops held on September 15, 2009 and June 17, 2010. Additionally, no adverse comments were received at the hearings held on October 22, 2009 and July 15, 2010 at which the amendments to NAC 625.610 were adopted.

5. The estimated economic effect of the adopted amendments to the Regulation on the businesses that it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Both adverse and beneficial effects; and

(b) Both immediate and long term effects.

(a) The amendments are not expected to have either an adverse or a beneficial economic effect upon the regulated professions or on the public. NAC 625.610 was amended to clarify (1) where a licensee may obtain a board authorized stamp; (2) how documents are to be signed; (3) how to utilize electronically prepared seals and signatures; (4) how to stamp interim documents; and (5) under what conditions may a licensee revise original plans prepared by another licensee.

(b) There will be no economic effect either immediate or long term on the public or on the engineering or land surveying professions. See item 5(a) above.

6. The estimated cost to the Agency for enforcement of the amended Regulation.

There is no additional cost to the agency for enforcement of the adopted amendments to NAC 625.610.

7. A description of any Regulations of other state or government agencies that the adopted amendments to Regulation NAC 625.610 overlap or duplicate, and a statement explaining why the duplication or overlapping is necessary. If the adopted amendments to the Regulation duplicate a federal regulation, the name of the regulating federal agency.

There are no other state or government agency regulations that the amendments to the Regulation duplicate.

8. If the amendments to the Regulation include provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provision.

There is no federal regulation that regulates the same activity.

9. If the amendments to the Regulation provide for a new fee or increase an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The amendments provide for no new fees. Nor, do they increase an existing fee.

10. Are the amendments to the Regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use in determining the impact of the amendments to the Regulation on a small business?

The State Board determined that the amendments to Regulation NAC 625.610 do not impose a direct and significant economic burden upon a small business or restrict the formation, operation or expansion of a small business. In making this determination, the State Board considered that the amendments to NAC 625.610

simply clarify the proper manner to stamp and sign documents and to allow the use of electronically prepared seals and signatures. The adopted amendments impose no direct or significant burdens on any private businesses.

DATED: This 11th day of August, 2010.

State of Nevada Board of Professional
Engineers and Land Surveyors

By: 
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