

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

LCB File No. R078-09

September 2, 2009

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

AUTHORITY: §§1 and 2, 4-6, NRS 625.140; §3, NRS 625.140, 625.177 and 625.179.

A REGULATION relating to professions; requiring persons who are not natural persons to register with the State Board of Professional Engineers and Land Surveyors before engaging in the practice of professional engineering and the practice of land surveying; and providing other matters properly relating thereto.

Section 1. Chapter 625 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *“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 engineering or the practice of land surveying in this State.*

Sec. 3. 1. *A firm must:*

(a) File an application of 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 engineering or the practice of land surveying in this State.

2. A firm shall not engage in the practice of engineering or 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 located 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 of 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.

Sec. 4. NAC 625.010 is hereby amended to read as follows:

625.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 625.011 to 625.019, inclusive, *and section 2 of this regulation* have the meanings ascribed to them in those sections.

Sec. 5. NAC 625.620 is hereby amended to read as follows:

625.620 Any licensee or firm ~~[, partnership, corporation, joint stock association or other business organization engaged in the practice of engineering or land surveying as defined by chapter 625 of NRS]~~ which conducts business under an assumed or fictitious name or designation and which does not show the real name of the ~~[organization]~~ *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.

Sec. 6. NAC 625.630 is hereby amended to read as follows:

625.630 1. A ~~[licensee or]~~ firm ~~[, partnership, corporation, joint stock association or other organization]~~ shall not advertise for or offer to perform engineering in a discipline of professional engineering in which the licensee or a member of the ~~[organization]~~ *firm* has not been licensed by the Board, unless the licensee or ~~[organization]~~ *firm* has a full-time partner, associate, officer or employee licensed to practice in that discipline of engineering.

2. Licensees and ~~[organizations]~~ *firms* shall not advertise for work in a discipline of engineering in which they are not licensed and thereafter seek to employ persons qualified to do the work only after the work has been obtained. Professional engineers and ~~[organizations]~~ *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 more than one-half of his *or her* working time in the actual employ of the licensee or ~~organization~~ *firm* and not merely as a consultant; and

(b) Is physically present in the offices of his *or her* employer during normal business hours unless his *or her* professional duties require him *or her* to be elsewhere.