

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

LCB File No. R115-12

Effective December 20, 2012

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

AUTHORITY: §§1, 3, 4, 4.5 and 7-10, NRS 625.140; §2, NRS 625.110 and 625.140; §5, NRS 625.140 and 625.382; §6, NRS 625.140, 625.154, 625.193 and 625.280.

A REGULATION relating to professional engineers and land surveyors; increasing the number of votes needed by members of the State Board of Professional Engineers and Land Surveyors to elect an officer of the Board; revising provisions pertaining to applicants for licensure who are not residents of this State; revising provisions concerning examinations given by the Board; and providing other matters properly relating thereto.

Section 1. Chapter 625 of NAC is hereby amended by adding thereto a new section to read as follows:

“Examination” includes, without limitation, an oral, written or computer-generated examination, or any other type of examination deemed acceptable by the Board.

Sec. 2. NAC 625.100 is hereby amended to read as follows:

625.100 1. The Board will elect a Chair and a Vice Chair from among its members. Any member of the Board may nominate another member of the Board as an officer. The Board may elect an officer by an affirmative vote of at least ~~four~~ *five* members of the Board.

2. The term of office for the Chair and Vice Chair is 1 year.

3. A member may not be elected to an office for more than two terms, not including the remainder of an unexpired term filled by the member.

4. If a vacancy occurs in the office of:

(a) Chair, the Vice Chair shall assume the duties of *the* Chair for the unexpired term.

(b) Vice Chair, the Board will, at its next meeting, elect from among its members a Vice Chair to fill the vacancy for the unexpired term.

5. The Board may remove an officer by an affirmative vote of at least five members of the Board.

Sec. 3. NAC 625.110 is hereby amended to read as follows:

625.110 1. The Board will meet at least four times annually and its meetings will be uniformly spaced as nearly as may be practical.

2. ~~Meetings must be scheduled at least 2 months in advance.~~ Persons who desire to attend meetings or bring matters to the Board's attention may request notices of meetings from the office of the Board.

Sec. 4. NAC 625.210 is hereby amended to read as follows:

625.210 1. Unless otherwise permitted by the Board, an applicant shall not give as professional references persons who are all members of the same organization and not more than one-half of the persons named by the applicant may be members of the applicant's organization. An applicant shall not give the Executive Director of the Board as a professional reference.

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

3. Each applicant who was born in a foreign country must supply documentary proof of his or her naturalization as a citizen of the United States or of his or her right to remain and work in the United States.

4. ~~If an applicant is not a resident of this State, the Board will not consider him or her for licensure upon written examination unless the type of license for which the applicant is applying, or its reasonable equivalent, is unavailable to him or her in the state of his or her 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 engineering, \$200.

(b) For each application for certification as an engineer intern or a land surveyor intern, \$50.

Sec. 4.5. NAC 625.230 is hereby amended to read as follows:

625.230 1. An applicant who applies for licensure in more than one discipline of engineering or in both the categories of professional engineer and land surveyor must:

(a) File a separate application for each additional category or discipline requested and pay the application fee for each additional application filed; and

(b) Complete the application forms to indicate clearly the education, experience and personal references which will substantiate his or her claims of proficiency in each category or discipline for which he or she is applying. Experience and personal references must be stated separately for each discipline.

2. If an applicant who is not a professional engineer concurrently applies for initial licensure in two or more disciplines of engineering, the Board will not approve the application unless the applicant submits evidence of significant experience, or education and experience, in each of the disciplines.

3. The Board generally will not approve an application in an additional discipline of engineering unless the applicant possesses a minimum of 10 years of education and experience.

4. The Board may accept a second baccalaureate degree in an approved curriculum in partial satisfaction of the requirements for licensure in an additional discipline of engineering if the applicant clearly shows that he or she possesses significant experience in the additional discipline, but in no case will the Board grant such a license within 6 years after the applicant received his or her first baccalaureate degree.

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 the applicant clearly shows in the application that he or she possesses the required education and experience and his or her claims of proficiency are substantiated by an examination ~~administered~~ offered by the Board.

Sec. 5. NAC 625.240 is hereby amended to read as follows:

625.240 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) 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 if required by the Board.

2. All 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 such a committee must be a member of the Board.

3. An applicant who appears for an oral examination shall submit to the Board all necessary material to ensure that the information in the file of the applicant is current on the date that the applicant takes the oral examination.

4. An applicant who fails to appear on two separate occasions for an oral examination required pursuant to this section may not take an oral examination for at least 12 months after the date of the second examination for which he or she did not appear unless the applicant is excused from appearance by the Board at least 7 days before the scheduled examination.

5. Before an applicant may schedule an oral examination, the applicant must pay any costs incurred by the Board related to scheduling any previous examinations for which the applicant did not appear.

6. The Board will determine the costs that the applicant must pay pursuant to subsection 5.

7. After the oral examination, the Board may require the applicant to pass ~~{a-written}~~ *another* examination *acceptable to the Board* as a condition precedent to licensure.

Sec. 6. NAC 625.310 is hereby amended to read as follows:

625.310 1. The Board will ~~{administer-written-examinations}~~ *offer an examination* at least once each year and additional examinations as needed. The time and place for ~~{a-written}~~ *an* 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. The Board will ~~{administer}~~ *offer* the following ~~{written}~~ examinations that are prepared by the National Council of Examiners for Engineering and Surveying which meet the requirements for licensure as an engineer:

(a) The Fundamentals of Engineering, which is ~~{an 8-hour}~~ *a national* examination that covers the fundamentals of engineering; and

(b) The Principles and Practice of Engineering, which is ~~{an 8-hour}~~ *a national* examination that covers the principles and practice of engineering.

3. The Board will ~~administer~~ *offer* the following ~~written~~ examinations that are prepared by the National Council of Examiners for Engineering and Surveying which meet the requirements for licensure as a land surveyor:

(a) The Fundamentals of Surveying, which is ~~an 8-hour~~ *a national* examination that covers the fundamentals of land surveying; and

(b) The Principles and Practice of Surveying, which is ~~a 6-hour~~ *a national* examination that covers the principles and practice of land surveying.

4. In addition to the examinations set forth in subsection 3, the Board will prepare a 2-hour examination that covers the laws of this State and the procedures for the practice of land surveying. The Board will ~~administer~~ *offer* this examination at the same time that the Board ~~administers~~ *offers* the examination set forth in paragraph (b) of subsection 3 and at such other times as the Board determines.

5. The examination to become a structural engineer is a 16-hour examination which is composed of two parts, each of which lasts 8 hours.

Sec. 7. NAC 625.320 is hereby amended to read as follows:

625.320 1. An applicant may take the examination to become a land surveyor intern only if the applicant meets the requirements of education or experience for certification as a land surveyor intern as prescribed in NRS 625.386.

2. The Board will consider an applicant to have met the statutory requirements if the applicant has a combination of education and experience totaling 4 years or more which is satisfactory to the Board.

3. The examination for a land surveyor intern consists of a ~~{1-day written test}~~ *national examination* which ~~{is given in two 4-hour periods and}~~ covers the fundamentals of land surveying as set forth in NRS 625.280.

4. A person is not eligible to apply to take the examination to become a professional land surveyor unless he or she has successfully passed or has been excused from the examination for a land surveyor intern.

Sec. 8. NAC 625.330 is hereby amended to read as follows:

625.330 1. If the Board schedules an ~~{oral interview or a written}~~ examination ~~{, or both,}~~ for an applicant, the Board must send to that applicant a notice of the time and place to appear before the Board for ~~{an oral interview or a written}~~ *the* 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 or she 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.

Sec. 9. NAC 625.350 is hereby amended to read as follows:

625.350 1. Except as otherwise provided in subsection 2 ~~{}~~ *and NAC 625.360*, an applicant who fails to pass ~~{the written}~~ *an* examination may reapply to take the examination:

(a) Within 12 months after the examination, by paying a fee for the examination which is based on the actual cost of the Board to:

(1) Purchase the examination from the National Council of Examiners for Engineering and Surveying; and

(2) ~~{Administer}~~ *Offer* the examination.

(b) Twelve months or more after the examination, by:

(1) Submitting an updated application;

(2) Paying an application fee of \$200; and

(3) Paying a fee for the examination which is based on the actual cost of the Board to:

(I) Purchase the examination from the National Council of Examiners for Engineering and Surveying; and

(II) ~~Administer~~ Offer the examination.

2. ~~Each time~~ Except as otherwise provided in NAC 625.360, if an applicant fails to pass ~~the written~~ an examination three times, the applicant may reapply to take the examination only if, in addition to satisfying the requirements set forth in paragraph (b) of subsection 1, the applicant furnishes proof that he or she has completed a refresher course in professional land surveying or the discipline of professional engineering in which the applicant is to be examined.

Sec. 10. NAC 625.360 is hereby amended to read as follows:

625.360 An applicant who fails to pass ~~the~~ an oral examination , *other than an oral examination given pursuant to NAC 625.240*, may reapply to take the oral examination:

1. Four months or more after failing the first oral examination.

2. Twelve months or more after failing the second oral examination.

3. Twenty-four months or more after failing the third oral examination.

4. A reasonable time as determined by the Board after failing the fourth oral examination.

INFORMATIONAL STATEMENT TO LEGISLATIVE COUNSEL BUREAU

NRS 233B.066
Amendments to Chapter 625 of NAC
LCB File No. R115-12

The Nevada State Board of Professional Engineers and Land Surveyors (the AState 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 new temporary regulations to be included in Chapter 625 of NAC pursuant to NRS 625.140.

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.

Copies of the proposed Regulation, Notice of Workshop and Notice of Intent to Act Upon Temporary Amendments to Regulations were sent via U.S. Mail and e-mail to persons who are known to have an interest in 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://nvboe.org> and at the office of the State Board located at 1755 E. Plumb Lane, Suite 135, Reno, NV 89502. Copies of the proposed Regulation 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 of
Development Services
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, City Clerk
495 S. Main Street, 2nd Floor
Las Vegas, Nevada 89101

City of Reno, Engineering Division
1 E. First Street, 2nd Floor
Reno, Nevada 89501

Elko County Recorder
571 Idaho Street
Elko, Nevada 89801

City of Sparks, Community Development
1675 E. Prater Way, #107
Sparks, Nevada 89431

Public comment was solicited by holding a workshop on the proposed Regulations. The workshop was held by teleconference on September 12, 2012 at the State Board's office at 1755 E. Plumb Lane, Suite 135, Reno, Nevada and at the State Board's office at 7251 W. Lake Mead Blvd., Suite 520, Las Vegas, Nevada. No written comments were received prior to the workshop and no one appeared to testify at the workshop. The workshop was discussed at the October 15, 2012 public meeting of the State Board held by teleconference at the State Board's office at 7251 W. Lake Mead Blvd., Suite 520, Las Vegas, Nevada and at the State Board's office at 1755 E. Plumb Lane, Suite 135, Reno, Nevada.

On or about August 31, 2012, the Executive Director of the State Board issued a Notice of Intent to Act upon Temporary Amendments to Regulations. On October 15, 2012, a public hearing was held by teleconference at the State Board's office at 1755 E. Plumb Lane, Suite 135, Reno, Nevada and at the State Board's office at 7251 W. Lake Mead Blvd., Suite 520, Las Vegas, Nevada, at which time the State Board adopted the temporary Regulations.

No public comment was received on the proposed amendments to Chapter 625 of the NAC which are discussed in this Informational Statement.

As noted above, the State Board moved to adopt the proposed temporary Regulations. No comments were received at the workshop held on September 12, 2012. Additionally, no comments were received at the hearing held on October 15, 2012. A summary of the State Board's discussion of the proposed new regulations at the October 15, 2012 hearing may be obtained by calling the State Board at (775) 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 the September 12, 2012 workshop:** Reno 0; Las Vegas 0;
- (b) testified at the September 12, 2012 workshop:** Reno 0; Las Vegas 0;
- (c) submitted written comments to the State Board concerning the new proposed Regulation referenced in this Informational Statement:** 0;
- (d) attended the State Board's hearing on October 15, 2012:** Reno 0; Las Vegas 0;
- (e) submitted to the State Board written comments at the State Board's October 15, 2012 hearing concerning the proposed Regulation referenced in this Informational Statement:** 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 did not receive any comments from the engineering or land surveying professions. A copy of the State Board's minutes concerning the new temporary Regulations and the subsequent adoption of the new temporary Regulations 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 new temporary Regulation was adopted without changing any part of the proposed temporary Regulation, a summary of the reasons for adopting the temporary Regulation without change.

No changes were made to the proposed temporary Regulations because all were in agreement that the temporary Regulations were appropriate as drafted. No adverse comments were received concerning the proposed temporary Regulations.

5. The estimated economic effect of the new temporary 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 temporary regulations are not expected to have any economic effect upon the regulated professions or on the public.

(b) There are no expected immediate or long term economic effects 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 Regulation.

There will be no cost to the agency for enforcement of the new temporary regulations.

7. A description of any Regulations of other state or government agencies that the new Regulation overlaps or duplicates, and a statement explaining why the duplication or overlapping is necessary. If the Regulation duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or government agency regulations that the Regulations overlap.

8. If the Regulation includes 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 Regulation provides for a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The proposed temporary amendments do not establish new or increased fees.

10. Is 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 Regulation on a small business?

The State Board determined that the temporary Regulations discussed in this Informational Statement 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 effected professions were notified as indicated in item 1 above and received no adverse comments.