

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

LCB File No. R085-18

July 5, 2018

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

AUTHORITY: §1, NRS 625.140 and 625.175; §§2 and 4, NRS 625.140; §3, NRS 625.140 and 625.565.

A REGULATION relating to professions; revising provisions concerning structures and buildings that are required to be structurally designed by professional engineers licensed as structural engineers; revising provisions relating to written contracts entered into between licensed professional engineers or professional land surveyors and clients; revising provisions relating to stamps, seals and signatures of professional engineers or professional land surveyors; revising provisions relating to advertising for or offering to perform land surveying or engineering in a discipline of professional engineering; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the State Board of Professional Engineers and Land Surveyors to adopt regulations necessary for the proper performance of the duties of the Board, the regulation of the proceedings before the Board and the maintenance of a high standard of integrity and dignity in professional engineering and land surveying. (NRS 625.140)

Existing law authorizes the Board to define by regulation the scope of each discipline of professional engineering for which licensure is required. (NRS 625.175) Existing regulations provide that only professional engineers licensed as structural engineers are authorized to structurally design certain structures and buildings, including a building more than 45 feet in height. (NAC 625.260) **Section 1** of this regulation specifies the lowest point of reference and the highest point of reference for the purposes of determining the height of a building. **Section 1** also authorizes only professional engineers licensed as structural engineers to structurally design a building or other structure designated as an essential facility and assigned the classification of Risk Category IV in accordance with the *International Building Code*.

Existing regulations require: (1) a licensed professional engineer or professional land surveyor to enter into a written contract with each client for whom the professional engineer or professional land surveyor will perform work before performing any work; and (2) that the contract include certain provisions. (NAC 625.545) **Section 2** of this regulation provides that

such a contract also must include a disclosure as to whether the licensed professional engineer or professional land surveyor currently maintains a policy of professional liability insurance and, if so, the limits of the coverage provided by the policy.

Existing law requires the Board to prescribe by regulation requirements relating to the signing and stamping of documents produced by a professional engineer or professional land surveyor. (NRS 625.565) **Section 3** of this regulation revises provisions relating to a stamp or seal obtained by a licensed professional engineer or professional land surveyor and sets forth the applicable designs to which such a stamp or seal must conform. **Section 3** also revises the circumstances in which a professional engineer or professional land surveyor is authorized to apply an electronically prepared seal and digital signature on certain documents.

Section 4 of this regulation revises provisions relating to certain requirements concerning advertising for or offering to perform land surveying or engineering in a discipline of professional engineering.

Section 1. NAC 625.260 is hereby amended to read as follows:

625.260 1. Only professional engineers licensed as structural engineers pursuant to this chapter may structurally design:

(a) A structure requiring special expertise, including, but not limited to, a radio tower and a sign over 100 feet in height, using the bottom of the lowest footing or the top of the pile cap as the point of reference. Dynamic machinery and related equipment within the scope of mechanical engineering are not included.

(b) A building more than three stories in height.

(c) A building more than 45 feet in height, ~~using~~ *measured from the lowest point of reference to the highest point of reference. As used in this paragraph:*

(1) "Highest point of reference" means the top of the highest structural element or the highest point of the roof or parapet wall, not including minor single-pole antennae or lightning rods projecting above the roof or parapet wall.

(2) "Lowest point of reference" means the bottom of the lowest footing or the top of the pile cap . ~~as the point of reference.~~

(d) A building or other structure designated as an essential facility and assigned the classification of Risk Category IV in accordance with the International Building Code.

2. Any professional engineer may design a component part of a building that is more than 45 feet in height if the professional engineer is otherwise qualified to do so pursuant to the particular discipline in which the professional engineer is licensed. If the professional engineer is not licensed as a structural engineer, the design must be reviewed by an engineer of record who is licensed as a structural engineer.

3. A professional engineer licensed as a civil engineer pursuant to this chapter may structurally design a structure, including, without limitation, a bridge, unless the structure is described in subsection 1.

4. As used in this section, “pile cap” means a thick concrete mat which is used as part of the foundation of a building or structure and which rests on piles.

Sec. 2. NAC 625.545 is hereby amended to read as follows:

625.545 Before performing any work, a licensee shall enter into a written contract with each client for whom the licensee will perform work. The written contract must include, without limitation ~~the following~~ **provisions** :

1. Provisions specifying:

~~1.1~~ **(a)** The scope of the work;

~~1.2~~ **(b)** The cost for completion of the work; and

~~1.3~~ **(c)** The anticipated date for completion of the work ~~1.1~~ ; **and**

2. A disclosure as to whether the licensee currently maintains a policy of professional liability insurance and, if so, the limits of the coverage provided by the policy of insurance.

Sec. 3. NAC 625.610 is hereby amended to read as follows:

625.610 1. ~~{A stamp authorized by the Board}~~ Upon being issued a license, each licensee may, ~~{be obtained at the office of the Board}~~ at ~~{the}~~ his or her own expense ~~{of}~~, obtain a stamp or seal that conforms with the ~~{licensee.}~~ requirements of this section.

2. A person who is licensed in more than one discipline of engineering shall use a separate stamp *or seal* for each discipline, except that a person who is licensed in the disciplines of civil engineering and structural engineering may use a single stamp *or seal* for both disciplines. *A stamp or seal must be approximately 1.7 inches in diameter and conform to one of the following designs, as applicable:*



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}~~ adding his or her ~~{name}~~ signature legibly ~~{in opaque ink}~~ across the face of the impression made by the stamp or seal. ~~{entering}~~ The licensee shall also include the date of stamping or sealing and, *if the stamp or seal does not include* the date of expiration of his or her license, ~~{unless such information is~~

~~included in a stamp or seal pursuant to subsection 3.]~~ *the date of expiration.* 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 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 the licensee has prepared or has been in responsible charge of the production of the entire document unless the licensee includes a written statement adjacent to his or her signature, stamp or seal identifying the portion of the document that the licensee prepared or for which 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 the professional engineer:

(a) If 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 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 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 it was prepared

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. 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 *digital* 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 *digital* signature and to prevent changes to any electronic drawings after the document is submitted, released or issued; *and*
- (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}~~ *digital* 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.”

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.

Sec. 4. NAC 625.630 is hereby amended to read as follows:

625.630 1. A licensee or firm shall not advertise for or offer to perform:

(a) Land surveying, if the licensee or a member of the firm has not been licensed to perform such work by the Board unless the licensee or firm has a full-time partner, associate, officer or employee licensed to practice land surveying; or

(b) Engineering in a discipline of professional engineering in which the licensee or a member of the firm has not been licensed by the Board, unless the licensee or firm has a full-time partner, associate, officer or employee licensed to practice in that discipline of engineering.

2. Licensees and firms shall not:

(a) Advertise for land surveying in violation of subsection 1 and thereafter seek to employ persons qualified to do the work only after the work has been obtained.

(b) Advertise for work in a discipline of engineering in which they are not licensed in violation of subsection 1 and thereafter seek to employ persons qualified to do the work only after the work has been obtained. Professional engineers and 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†~~ *devotes* his or her working time in the actual employ of the licensee or firm and not merely as a consultant. ~~†; and~~

~~—(b) Is generally present, during normal business hours, in the local office of the employer for which he or she is employed.†~~