

NOTICE OF INTENT TO ACT UPON REGULATIONS

Notice of Hearing for the Adoption, Amendment, or Repeal of Regulations of the Nevada State Board of Engineers and Professional Engineers

LCB File Numbers:

R077-23, relating to licensure and examinations

R079-23, miscellaneous regulations

R105-23, relating to professional land surveying

R126-23, relating to professional land surveying

The Nevada State Board of Professional Engineers and Land Surveyors will conduct a public hearing **Thursday, March 14, 2024, 9:45am**. The hearing will be held at the Board's Reno office located at 1755 E Plumb Lane, Suite 258, Reno, NV 89502. Participation is available virtually via <https://zoom.us/j/8286438008>. The purpose of the hearing is to receive comments from all interested people regarding the adoption of amendments and repeals of regulations that pertain to Chapter 625 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.060.

1. Need and Purpose of the Proposed Regulations

The Nevada Board of Professional Engineers and Land Surveyors proposes amendments and repeals to Nevada Administrative Code in response to Governor Lombardo's Executive Order 2023-003 and 2023-004 which required streamlining, clarification, reduction, or improvement of existing regulations.

2. Terms of the Proposed Permanent Regulations

A copy of the regulations proposed for amendment and repeal are attached to this notice.

3. Estimated Economic Effect

i. Adverse effects and beneficial effects.

There is no adverse economic impact on the public or small businesses. Removing application fees for military members and their spouses is an economic benefit for that group which also benefits Nevada and its military community. In addition, eliminating the short-written examination for professional engineer license applicants quickens the licensing process.

- ii. Both immediate and long-term effect.

The benefits stated in the above sections have an immediate and long-term effect.

4. Small Business Impact Statement Methodology

Referencing the requirements of NRS 233B.0608, the Nevada Board of Professional Engineers and Land Surveyors requested input from owners and officers of professional engineering and land surveying small businesses via an email that included a small business impact survey. The survey was emailed to more than 18,500 interested parties.

The survey asked for feedback on estimated economic impact—adverse and beneficial—and the immediate and long-term effects. A summary of the survey results are available for viewing on the Nevada Board of Professional Engineers and Land Surveyors website, <https://nvbpels.org/proposed-regulatory-repeals-and-amendments-february-2023/>

5. Estimated Cost of Agency Enforcement of Proposed Regulation Changes

There is no additional cost to the agency.

6. A description of any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates

The Nevada Board of Professional Engineers and Land Surveyors is not aware of any similar regulations of other state or government agencies that the proposed changes overlap or duplicate.

7. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The proposed amendments are not federal requirements.

8. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

There are no federal regulations associated with professional engineers and land surveyors. However, every state and US territory regulates the professions of engineering and land surveying.

9. Whether proposed regulation establishes a new fee or increases an existing fee.

The proposed regulation amendments and repeals do not establish new fees or increase existing fees.

Comments and Written Submissions

Persons wishing to comment on the proposed action of the Nevada State Board of Professional Engineers and Land Surveyors may participate in the scheduled public hearing or may address their comments, data, views, or arguments in written form to:

Nevada State Board of Professional Engineers and Land Surveyors
1755 E Plumb Lane, Suite 258
Reno, NV 89502
board@boe.state.nv.us

Written submissions must be received by the Board no later than **Monday, March 11, 2024**. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board may proceed immediately to act upon any written submissions.

Copies of Proposed Regulation Changes

A copy of this notice and the proposed regulations will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the proposed regulations are available on the Board's website, <https://nvbpels.org/board/meetings>, at <https://notice.nv.gov/>, and at the Board's office.

Nevada State Board of Professional Engineers and Land Surveyors
1755 E Plumb Lane, Suite 258
Reno, NV 89502
board@boe.state.nv.us

This notice and the text of the proposed regulation amendments and repeals are also available in the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the internet at:

<https://www.leg.state.nv.us/Register/2023Register/R077-23P.pdf>
<https://www.leg.state.nv.us/Register/2023Register/R079-23P.pdf>
<https://www.leg.state.nv.us/Register/2023Register/R105-23P.pdf>
<https://www.leg.state.nv.us/Register/2023Register/R126-23P.pdf>

Copies will be mailed or emailed to members of the public upon request. A reasonable fee may be charged for mailed copies if it is deemed necessary.

Information Regarding Adoption

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against adoption.

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

LCB File No. R077-23

October 30, 2023

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

AUTHORITY: § 1, NRS 625.140 and 625.390; § 2, NRS 625.140 and 625.382; § 3, NRS 625.140, 625.154 and 625.193; §4, NRS 625.140.

A REGULATION relating to licensing; exempting certain persons from paying application fees relating to licensure as a professional engineer or professional land surveyor; revising provisions governing examination requirements for such licenses; removing provisions concerning applications for multiple categories or disciplines of engineering; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Board of Professional Engineers and Land Surveyors to establish the fee for licensure as a professional engineer and professional land surveyor. (NRS 625.390) Existing regulations of the Board require each applicant to pay a fee of \$25 at the time of application for licensure as a professional engineer or professional land surveyor or for licensure in an additional discipline of engineering and \$50 for each application for certification as an engineer intern or a land surveyor intern. (NAC 625.210) Existing regulations also require each applicant applying for licensure on the basis of previous licensure in another state, territory, possession of the United States or country that is a signatory to the mobility agreements of the International Engineering Alliance to pay an application fee of \$125. (NAC 625.240) **Sections 1 and 2** of this regulation exempt an applicant who is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the spouse of a veteran from paying such fees.

Existing law authorizes the Board to issue a license to practice professional engineering or land surveying to an applicant, upon presentation of evidence that the applicant is licensed to practice professional engineering or land surveying, respectively, and in good standing in a state, territory, possession of the United States or country that maintains standards of engineering or land-surveying licensure, equivalent to those in this State, if the applicant, in the judgment of the

Board, has the necessary qualifications. (NRS 625.382) Existing regulations provide that an applicant for such licensure pass a short written examination on the provisions of the Nevada Revised Statutes and the Nevada Administrative Code relating to professional engineers and land surveyors. (NAC 625.240) **Section 2** removes this requirement.

Existing regulations authorize the Executive Director of the Board to review applications for licensure on the basis of previous licensure in another jurisdiction to determine if the applications satisfy certain criteria. If the applicant satisfies such requirements, the Executive Director is required to notify the Board and the Board may issue a license to practice professional engineering or land surveying to the applicant. (NAC 625.240) **Section 2** provides instead that if the applicant satisfies such requirements and is applying for a license as a professional land surveyor, the Executive Director is required to schedule the applicant for an examination and, if the applicant passes the examination, the Executive Director is required to notify the Board and the Board may issue a license to practice professional land surveying.

Existing law requires the examination for licensure as a professional engineer to consist of: (1) an examination on the fundamentals of engineering; and (2) an examination on the principles and practices of engineering. Existing law authorizes the Board to require additional examinations for licensure in specialized areas of practice within one or more recognized disciplines of engineering. (NRS 625.193) Existing regulations provide that: (1) the Board will require the passing of certain examinations that are prepared by the National Council of Examiners for Engineering and Surveying which meet the requirements for licensure as an engineer or land surveyor; and (2) the examination to become a structural engineer is a 16-hour examination comprised of two parts. (NAC 625.310) **Section 3** of this regulation removes the provision that the examination to become a structural engineer is a 16-hour examination and provides instead that the Board will require the passing of an examination that is prepared by the National Council of Examiners for Engineering and Surveying for licensure as a structural engineer.

Existing law requires the Board to hold examinations of applicants for licenses as a professional engineer or land surveyor at least once each year. (NRS 625.154) Existing regulations provide that the Board will offer Nevada-specific examinations at least once each year and require the passing of a short examination on existing laws and regulations governing professional engineers and land surveyors. (NAC 625.310) **Section 3** removes these provisions.

Existing regulations provide that, if the Board schedules an examination for an applicant, the Board must send to that applicant a notice of the time and place to appear before the Board for the examination. Existing regulations also require an applicant who is sent such a notice to appear before the Board in accordance with the schedule established by the Board. (NAC 625.330) **Section 4** of this regulation repeals these provisions.

Existing regulations require an applicant who applies for licensure in more than one discipline of engineering or in both the categories of professional engineer and land surveyor to file a separate application for each additional category or discipline. Existing regulations further set forth certain standards for approving any such application. (NAC 625.230) **Section 4** repeals this requirement.

Section 1. NAC 625.210 is hereby amended to read as follows:

625.210 1. An applicant shall not give the Executive Director of the Board as a professional reference.

2. Each applicant must complete and transmit a National Council of Examiners for Engineering and Surveying Record that verifies his or her college and postgraduate education, work experience, references and license examinations to the Board.

3. ~~Each~~ *Except as otherwise provided in subsection 4, 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, \$25.

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

4. An applicant is not required to pay the fee required by subsection 3 if the applicant is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the spouse of a veteran.

Sec. 2. NAC 625.240 is hereby amended to read as follows:

625.240 1. ~~An~~ *Except as otherwise provided in subsection 4, an* applicant who applies for licensure in this State on the basis of previous licensure in another state, territory, possession of the United States or country that is a signatory to the mobility agreements of the International Engineering Alliance must:

(a) Pay an application fee of \$125 and:

(1) File the required application with the Board; or

(2) Transmit a National Council of Examiners for Engineering and Surveying Record to the Board; *and*

(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. After the oral examination, if applicable, the Board may require the applicant to pass another examination acceptable to the Board as a condition precedent to licensure.

3. The Executive Director of the Board may review and evaluate the applications submitted pursuant to this section to determine if the applications satisfy the criteria of a Model Law Engineer or Model Law Surveyor, as set forth by the National Council of Examiners for Engineering and Surveying. If the applicant satisfies these requirements ~~†~~ *and is:*

(a) Applying for a license as a professional engineer, the Executive Director of the Board shall notify the Board and the Board may issue a license to practice professional engineering ~~†~~ ~~and surveying~~ to the applicant.

(b) Applying for a license as a professional land surveyor, the Executive Director of the Board shall schedule the applicant for an examination that covers the laws of this State and the procedures for the practice of land surveying and, if the applicant passes the examination, notify the Board and the Board may issue a license to practice professional land surveying to the applicant.

4. *An applicant is not required to pay the application fee required by subsection 1 if the applicant is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the spouse of a veteran.*

5. As used in this section, “mobility agreements” includes, without limitation, the APEC Agreement and the International Professional Engineers Agreement.

Sec. 3. NAC 625.310 is hereby amended to read as follows:

625.310 1. The Board will ~~offer Nevada-specific~~ *require the passing of the following examinations ~~at least once each year. Specific information concerning times and places for scheduled examinations may be obtained from the office of the Board.~~ that are prepared by the National Council of Examiners for Engineering and Surveying which meet the requirements for licensure as a structural engineer:*

(a) The Fundamentals of Engineering, which is a national examination that covers the fundamentals of engineering, unless the requirement is waived by the Board; and

(b) The Principles and Practice of Structural Engineering, which is a national examination that covers vertical and lateral components for design of buildings and other structures.

2. The Board will require the passing of the following examinations that are prepared by the National Council of Examiners for Engineering and Surveying which meet the requirements for licensure as an engineer ~~that is not a structural engineer:~~

(a) The Fundamentals of Engineering, which is a national examination that covers the fundamentals of engineering, unless the requirement is waived by the Board; and

(b) The Principles and Practice of Engineering, which is a national examination that covers the principles and practice of engineering.

3. The Board will require the passing of the following 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 a national examination that covers the fundamentals of land surveying, unless the requirement is waived by the Board; and

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

4. ~~{The Board will require the passing of a short examination on this chapter and chapter 625 of NRS.~~

~~—5.}~~ In addition to the ~~{examination}~~ *examinations* set forth in subsection ~~{4.}~~ **3**, the Board will prepare and offer a 2-hour examination that covers the laws of this State and the procedures for the practice of land surveying. The Board will offer this examination at least once each year.

~~{6.—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. 4. NAC 625.230 and 625.330 are hereby repealed.

TEXT OF REPEALED SECTIONS

625.230 Applications for licensure in multiple categories or disciplines.

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 and transmit separate National Council of Examiners for Engineering and Surveying Records that verify his or her college and postgraduate education, work experience, references and license examinations to the Board for each category or discipline for which he or she is applying.

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 offered by the Board.

625.330 Examinations: Notice and duty to appear.

1. If the Board schedules an examination for an applicant, the Board must send to that applicant a notice of the time and place to appear before the Board for the examination.

2. An applicant who is sent a notice shall appear before the Board in accordance with the schedule established by the Board.

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

LCB File No. R079-23

November 20, 2023

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

AUTHORITY: §§ 1 and 2, NRS 625.140.

A REGULATION relating to professions; reorganizing and clarifying the requirements necessary for the renewal of an inactive license to practice professional engineering or land surveying; repealing provisions relating to a licensee or firm which conducts business under an assumed or fictitious name or designation; repealing certain notification requirements relating to a change in information of a licensee; repealing certain provisions related to the representation of a party in a proceeding before the Board; 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 all regulations which are necessary for the proper performance of the duties of the Board, the regulation of the proceedings before it and the maintenance of a high standard of integrity and dignity in the profession. (NRS 625.140)

Existing regulations authorize, under certain circumstances, a licensee to apply to the Board to change his or her status to inactive. (NAC 625.420) Existing regulations further provide that if a licensee has changed his or her status to inactive: (1) the Board will issue an identification card indicating that the licensee is inactive; and (2) such an identification card expires on the same date his or her license would expire if the licensee were on active status. (NAC 625.420, 625.460) To renew an identification card, existing regulations require a licensee to complete certain professional development hours in the same manner as a licensee who is on active status. Existing regulations also provide that to reinstate a license from inactive to active status, a licensee must submit proof that he or she has completed certain professional development hours. (NAC 625.460) **Sections 1 and 2** of this regulation reorganize provisions relating to licenses that are on inactive status. **Section 1** also provides that: (1) a license on inactive status expires on the same date that the license would expire if such a license were on active status; (2) to renew a license that is on inactive status, a licensee is required to complete certain professional development hours in the same manner as a licensee who is on active status; and (3) a licensee who has changed his or her status to inactive may reinstate the license to active status under certain circumstances.

Existing regulations require a licensee or firm which conducts business under a fictitious name to submit a certificate of fictitious name to the Board within 30 days after the first use of the name or designation. (NAC 625.620) **Section 2** repeals this requirement.

Existing regulations require a licensee to submit a written notice to the Board within 30 days after a change in the information on file with the Board concerning the licensee's: (1) employer; or (2) category or discipline of engineering or land surveying. (NAC 625.625) **Section 2** repeals this requirement.

Existing regulations provide that a party may represent himself or herself or be represented by an attorney or any other person the party designates in any proceeding before the Board. (NAC 625.635) If an attorney represents a party in a proceeding before the Board, existing regulations require the attorney to be admitted to practice and in good standing before the highest court of any state. (NAC 625.635) Existing regulations further require an attorney who is not admitted to practice in Nevada to associate with an attorney who is so admitted. (NAC 625.635) **Section 2** repeals all requirements regarding who may represent a party in a proceeding before the Board.

Section 1. NAC 625.420 is hereby amended to read as follows:

625.420 1. In lieu of the renewal of his or her license, a licensee may apply to the Board to change his or her status to:

(a) Retired, by filing with the Board a notice in writing that states the licensee's intention to retire from practice. The Board will issue an identification card indicating that the licensee is retired.

(b) Inactive, by filing with the Board a notice in writing that states the licensee's intention to change his or her status to inactive and paying a fee that is equal to the fee required for a licensee who wishes to renew his or her license. The Board will issue an identification card indicating that the licensee is inactive. *A license that is on inactive status pursuant to this section expires on the same date that the license would expire pursuant to NAC 625.410 if such license were on active status. To renew a license that is on inactive status pursuant to this section, a licensee must comply with the requirements of NAC 625.430 in the same manner as a licensee who is on active status.*

2. If ~~{an identification card is issued to}~~ a licensee *places his or her license on retired or inactive status* pursuant to this section, ~~{his or her license expires and}~~ he or she is not licensed to continue to practice.

3. A licensee who has changed his or her status to retired pursuant to this section may reinstate his or her license to active status by complying with the requirements for the issuance of an original license and submitting proof that he or she has completed at least 30 professional development hours *as described in NAC 625.430* within the 2 years immediately preceding the date of the licensee's request to reinstate his or her license to active status.

4. A licensee who has changed his or her status to inactive pursuant to this section may reinstate his or her license to active status ~~{by submitting proof that he or she has completed at least 30 professional development hours within the 2 years immediately preceding the date of the licensee's request to reinstate his or her license to active status.}~~ *if:*

(a) He or she has complied with the requirements of NAC 625.430 in the same manner as a licensee who is on active status during the period in which his or her license has been on inactive status; and

(b) Either:

(1) The inactive license has not expired; or

(2) The license has been expired for 6 months or less.

Sec. 2. NAC 625.460, 625.620, 625.625 and 625.635 are hereby repealed.

TEXT OF REPEALED SECTIONS

625.460 Inactive status: Requirements for renewal of identification card. (NRS 625.140, 625.398) The identification card issued to a licensee who has changed his or her status to inactive status pursuant to NAC 625.420 expires on the same date as his or her license would expire if the licensee were on active status. To renew the identification card, a licensee who has changed his or her status to inactive pursuant to NAC 625.420 must comply with the requirements of NAC 625.430 in the same manner as a licensee who is on active status.

625.620 Fictitious names. (NRS 625.140) Any licensee or firm which conducts business under an assumed or fictitious name or designation and which does not show the real name of the 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.

625.625 Notice of change in licensee's employer, category or discipline. (NRS 625.140)

1. If any information on file with the Board concerning a licensee's:

- (a) Employer; or
- (b) Category or discipline of engineering or land surveying,

↪ changes, the licensee shall submit written notice of the change to the Board within 30 days.

The notice must include any change of the contact information of the licensee's principal place of business.

2. As used in this section, “contact information” means the address, telephone number and electronic mail address of the licensee’s principal place of business.

625.635 Representation of parties; qualifications of attorneys. (NRS 625.140)

1. A party may, in any proceeding before the Board, represent himself or herself or be represented by an attorney or any other person he or she designates.

2. If a party chooses to be represented by an attorney, the attorney must be admitted to practice and in good standing before the highest court of any state. If the attorney is not admitted and entitled to practice before the Supreme Court of Nevada, he or she must associate with an attorney who is so admitted and entitled to practice.

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

LCB File No. R105-23

November 7, 2023

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

AUTHORITY: § 1, NRS 625.250.

A REGULATION relating to professional land surveyors; repealing the requirement that, under certain circumstances, a professional land surveyor establish the final location of points within certain positional certainties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Board of Professional Engineers and Land Surveyors to: (1) administer the provisions and requirements of the Nevada Revised Statutes concerning professional land surveyors; and (2) make and enforce such regulations as necessary to carry out those provisions. (NRS 625.250) Existing regulations provide that when conducting a construction survey, a professional land surveyor is required to establish the final location of points within certain positional certainties. (NAC 625.765) This regulation repeals this requirement from the Nevada Administrative Code.

Section 1. NAC 625.765 is hereby repealed.

TEXT OF REPEALED SECTION

625.765 Establishment of final location of points. When conducting a construction survey, a professional land surveyor shall establish the final location of points within positional certainties which ensure that the proposed fixed works may be properly constructed.

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

LCB File No. R126-23

December 15, 2023

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

AUTHORITY: §§ 1-4, NRS 625.140 and 625.250.

A REGULATION relating to professions; repealing certain provisions relating to certain standards of practice of professional land surveyors; repealing certain provisions relating to certain contributions to geographical information systems made by a professional land surveyor; 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 all regulations, not inconsistent with the constitution and laws of this State, which are necessary for the proper performance of the Board, the regulation of the proceedings before it and the maintenance of a high standard of integrity and dignity in professional engineering and land surveying. (NRS 625.140) Existing law also requires the Board to administer certain provisions and requirements concerning professional land surveyors and requires it to do so by regulation as necessary. (NRS 625.250)

Existing law defines: (1) the “practice of land surveying” as certain practices and skills comprising the work of land surveying; and (2) the “responsible charge of work” as the independent control and direction of professional engineering or land-surveying work, or the supervision of such work, by the use of initiative, skill and independent judgment. (NRS 625.040, 625.080) Existing regulations provide that a professional land surveyor is responsible for adherence to the minimum standards of practice of land surveying on works where the professional land surveyor is the person in responsible charge of the work and that any failure to comply with minimum standards of practice may be considered by the Board as evidence of certain violations of the practice of land surveying. (NAC 625.660) **Section 4** of this regulation repeals this provision.

Existing regulations set forth certain standards of practice for professional land surveyors relating to: (1) compliance with requirements relating to the positional certainty of monuments; and (2) the analysis of the location of corner positions and boundaries lines and the setting of monuments pursuant to existing law. (NAC 625.668, 625.690) **Section 4** repeals these provisions.

Existing regulations set forth certain provisions when a professional land surveyor: (1) contributes information to a geographic information system; (2) advises the developers of a geographic information system; and (3) conducts surveys to collect information that will be included in a geographic information system. (NAC 625.795) **Section 4** repeals these provisions. **Sections 1-3** of this regulation make conforming changes to remove references to a provision that is repealed by **section 4**.

Section 1. NAC 625.651 is hereby amended to read as follows:

625.651 As used in NAC 625.651 to ~~625.795,~~ **625.790**, inclusive, “positional certainty” means a measurement of the relative accuracy of positions with respect to the location of a controlling monument.

Sec. 2. NAC 625.655 is hereby amended to read as follows:

625.655 When engaging in the practice of land surveying in this State, a professional land surveyor shall apply all applicable statutes and regulations in addition to the minimum standards of practice for professional land surveyors established in NAC 625.651 to ~~625.795,~~ **625.790**, inclusive.

Sec. 3. NAC 625.664 is hereby amended to read as follows:

625.664 For the purposes of NAC 625.651 to ~~625.795,~~ **625.790**, inclusive, the positional certainty of a point or monument or of the horizontal or vertical component of a survey must be based upon a confidence level of not less than 95 percent.

Sec. 4. NAC 625.660, 625.668, 625.690 and 625.795 are hereby repealed.

TEXT OF REPEALED SECTIONS

625.660 Responsibility for compliance with standards of practice.

Responsibility for adherence to the minimum standards of practice for engaging in the practice of land surveying rests with the professional land surveyor in responsible charge of the work. Failure on the part of any Nevada professional land surveyor to comply with these minimum standards may be considered by the Board as evidence of gross negligence, professional incompetence or misconduct in the practice of land surveying.

625.668 Positional certainty: Horizontal and vertical positions of monuments.

When conducting a land boundary, topographic, control or geodetic survey, a professional land surveyor shall ensure that the horizontal and vertical positions of the monuments established by the surveyor comply with the requirements for positional certainty set forth in NAC 625.666.

625.690 Location of corners, boundaries and monuments.

1. The professional land surveyor shall make a final analysis and reach a conclusion as to the most probable location of corner positions and boundary lines.
2. A professional land surveyor shall set monuments pursuant to the provisions of NRS 625.380 and all applicable local ordinances.

625.795 Duties regarding geographic information systems.

1. When contributing information to a geographic information system, a professional land surveyor must include for use as metadata a statement describing the positional certainty of each type of information contributed to the system by the professional land surveyor.

2. When advising the developers of a geographic information system, a professional land surveyor must make recommendations concerning the appropriate methods for:

(a) Conducting a survey for the development of the system; and

(b) Compiling data for the contribution of additional information to the system after it is developed.

3. A professional land surveyor shall comply with the provisions of NAC 625.651 to 625.795, inclusive, when conducting surveys to collect information that will be included in a geographic information system.

4. As used in this section:

(a) “Geographic information system” means a collection of computer hardware, software and data that is used for the collection, management, manipulation, analysis and display of information that includes a positional component.

(b) “Metadata” means data that describes information used to describe an object.