

## LCB File No. R209-99

### NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATION

The Nevada State Board of Professional Engineers and Land Surveyors (“The State Board”), 1755 East Plumb Lane, Suite 135, Reno, Nevada 89502, 775-688-1231, is proposing the adoption of a regulation pertaining to Chapter 625 of the Nevada Administrative Code. A workshop has been set for 9:00 a.m. on Thursday, January 13, 2000 at the Alexis Park Resort, 375 East Harmon, Las Vegas, Nevada 89109. The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulation:

A copy of the proposed regulation is attached as Exhibit “A” to this Notice. The terms of the proposed regulation may be summarized as follows:

1. The regulation puts the public on notice that only professional engineers licensed in the State of Nevada may use the terms “licensed engineer”, “professional engineer” or “registered engineer” as a means of professional or commercial identification.
2. The regulation puts the public on notice that no unlicensed or nonexempt person may use the terms “engineer”, “engineering”, “engineered” or any combination, variation or abbreviation thereof as a means of professional or commercial identification without disclosing that he is not qualified or licensed to practice professional engineering in the State of Nevada.
3. The regulation puts the public on notice that the use of the terms “engineer”, “engineering”, “engineered” or any combination, variation or abbreviation thereof, may not be misleading to the public.
4. The Board suggests that the proposed regulation be numbered NAC 625.600.

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting Noni Johnson, Executive Director of the State Board at 1755 East Plumb Lane, Suite 135, Reno, Nevada 89502, 775-688-1231. A reasonable fee for copying may be charged.

This Notice of Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the Agency’s mailing list for administrative regulations and posted at the following locations:

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

City of Reno, Engineering Division  
450 Sinclair, 3<sup>rd</sup> Floor  
Reno, Nevada 89501

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

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

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

Elko County Recorder  
571 Idaho Street  
Elko, Nevada 89801

DATED: This \_\_\_\_\_ day of December, 1999.

State of Nevada Board of Professional  
Engineers and Land Surveyors

By \_\_\_\_\_  
NONI JOHNSON  
Executive Director

## **FIRST AMENDED NOTICE OF INTENT TO ACT UPON A REGULATION**

Notice of Hearing for the Adoption of a Regulation of the Nevada State Board of Professional Engineers and Land Surveyors.

The Nevada State Board of Professional Engineers and Land Surveyors ("The State Board") will hold a public hearing at 9:00 a.m. on January 19, 2000 at the office of the Nevada State Board of Professional Engineers and Land Surveyors, 1755 East Plumb Lane, Suite 135, Reno, Nevada 89502. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of a regulation that pertains to Chapter 625 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. In 1999, the Nevada State Legislature amended the provisions of NRS 625.520 governing the use of the term "engineer" and its derivatives in the State of Nevada. The purpose of the proposed regulation is to inform the public that only a professional engineer licensed in the State of Nevada may use the terms "licensed engineer", "professional engineer" or "registered engineer" as a means of professional or commercial identification. The proposed regulation also informs the public that no unlicensed or nonexempt person may use the terms "engineer", "engineering", "engineered" or any combination, variation or abbreviation thereof as a means of professional or commercial identification without disclosing that he is not qualified or licensed to practice professional engineering in the State of Nevada. Further, any use of the term "engineer" must not be misleading.
2. The proposed language of the regulation is attached as Exhibit "A" to this Notice.
3. The Board does not believe that the regulation, if adopted, will have an economic effect on the engineering profession or on the public. The State of Nevada has for many years restricted the use of the term "engineer" and its derivatives by nonlicensed persons.
4. The estimated cost to the State Board for enforcement of the proposed regulation is \$12,000.00 annually.
5. The proposed regulation does not establish a new fee nor does it increase an existing fee.

Persons wishing to comment upon the proposed action of The State Board may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the Nevada State Board of Professional Engineers and Land Surveyors, 1755 East Plumb Lane, Suite 135, Reno, Nevada 89502. Written submissions must be received by The State Board on or before Tuesday, January 18, 2000. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, The State Board may proceed immediately to act upon any written submissions.

A copy of this Notice and the regulation to be adopted 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 regulation to be adopted will be available at the State Board's office at 1755 East Plumb Lane, Suite 135, Reno, Nevada 89502, and in all counties in which an office of the State Board is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This Notice and the text of the proposed regulation 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.065, and on the internet at <http://www.leg.state.nv.us>. Copies of this Notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

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

This Notice of Hearing has been posted at the following locations:

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

City of Reno, Engineering Division  
450 Sinclair, 3<sup>rd</sup> Floor  
Reno, Nevada 89501

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

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

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

Elko County Recorder  
571 Idaho Street  
Elko, Nevada 89801

Should you have any questions concerning the proposed regulation, please write to Noni Johnson, Executive Director of the State Board, at 1755 East Plumb Lane, Suite 135, Reno, Nevada 89502.

DATED: This \_\_\_\_\_ day of December, 1999.

State of Nevada Board of Professional  
Engineers and Land Surveyors

By \_\_\_\_\_  
NONI JOHNSON  
Executive Director

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

NAC 625.600 - Limitations on the use of the terms “engineer,” “engineering” or “engineered”.

1. Only individuals licensed as professional engineers in this state may use the terms “licensed engineer,” “professional engineer” or “registered engineer” as a means of professional or commercial identification.

2. No unlicensed or non-exempt person may use the term “engineer,” “engineering,” “engineered” or any combination, variation or abbreviation thereof as a means of professional or commercial identification without disclosing that he is not qualified, registered or licensed to practice professional engineering in this state. Such disclosure must be placed on or contained in all materials distributed or communicated to the public including, but not limited to, the following:

- a. Business or identification cards;
- b. Stationery and letterhead;
- c. Internal business or agency identification cards or documents;
- d. All written or oral solicitations or offers to perform services;
- e. All advertisements;
- f. Any other document or message communicated to members of the general public.

3. An unlicensed individual using the term “engineer,” “engineering” or “engineered” has the burden of proving that his use of the term “engineer,” “engineering” or “engineered” was disclosed and was not misleading.

4. The unlicensed individual may prove that his use of the terms “engineer,” “engineering” or “engineered” was not misleading by showing that he disclosed in writing that he was not licensed as a professional engineer in the State of Nevada.

5. In addition to requirements of NRS 625.520, section 4, a corporation using the term “engineer,” “engineering” or “engineered” in its corporate name shall:

- a. Provide to the board a written description and explanation of the type of work performed by the corporation; and
- b. Refrain from advertising in a manner or place that would indicate or imply that the corporation is licensed, authorized or qualified to practice engineering in this state.

6. The misleading use of the terms “engineer,” “engineering” or “engineered” subjects the person responsible to a civil penalty of not more than \$15,000.00 for each misleading use.