

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

**LCB File No. R073-09**

Effective October 15, 2010

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, 625.154, 625.193 and 625.280; §5, NRS 625.140 and 625.390; §6, NRS 625.140, 625.390, 625.395 and 625.397; §§7 and 8, NRS 625.140 and 625.398.

A REGULATION relating to professions; revising provisions relating to the disciplines of engineering for which a person may be licensed; revising provisions relating to the examinations required for licensure as a professional engineer or professional land surveyor; revising provisions relating to the expiration and renewal of a license as a professional engineer or professional land surveyor; and providing other matters properly relating thereto.

**Section 1.** NAC 625.220 is hereby amended to read as follows:

625.220 1. Each applicant ~~[shall]~~ *must* specify the discipline of engineering in which he *or she* desires to be examined and licensed.

2. The Board will classify applicants in a manner which is reasonably consistent with custom in the profession. The Board may classify and examine an applicant in the basic discipline of engineering which is most closely associated with the applicant's area of concentration.

3. An applicant may apply for licensure in the following disciplines of engineering:

- (a) Agricultural;
- (b) Chemical;
- (c) Civil;

- (d) Control systems;
- (e) Electrical;
- (f) Environmental;
- (g) Fire protection;
- (h) Geological;
- (i) Industrial;
- (j) Manufacturing;
- (k) Mechanical;
- (l) Metallurgical ~~{} and materials;~~
- (m) Mining ~~{} and mineral processing;~~
- (n) *Naval architecture and marine;*
- (o) Nuclear;
- ~~{} (p) Petroleum;~~
- ~~{} Ship design;~~
- (q) Structural; or
- (r) Any other discipline of engineering which the Board deems appropriate.

4. Each applicant must know the basic concepts of engineering in the fields of mathematics, physics, chemistry, statics, dynamics, strength of materials, fluid mechanics, electricity and magnetism, thermodynamics and economic analysis, and understand the application of these concepts in his *or her* specialized discipline of engineering.

**Sec. 2.** 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 ~~{} shall:~~ *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 ~~he~~ *the applicant* clearly shows in ~~his~~ *the* application that he *or she* possesses the required education and experience and his *or her* claims of proficiency are substantiated ~~by~~ *by an examination administered by the Board.*

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

625.310 1. The Board will administer written examinations at least once each year and additional examinations as needed. The time and place for a written 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 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 examination that covers the fundamentals of engineering; and

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

3. The Board will administer 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 ~~Land~~ Surveying, which is an 8-hour examination that covers the fundamentals of land surveying; and

(b) The Principles and Practice of ~~Land~~ Surveying, which is a 6-hour 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 this examination at the same time that the Board administers 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. ~~[An applicant is not required to complete both parts of this examination on consecutive days. An applicant for this examination must be a professional engineer in the discipline of civil engineering who has passed 16 hours of written examination acceptable to the Board and has also fulfilled the requirements of NAC 625.230.]~~

**Sec. 4.** NAC 625.340 is hereby amended to read as follows:

625.340 1. If an applicant is unable to take ~~[a written]~~ *an* examination for which he *or she* has been scheduled, ~~[he shall]~~ *the applicant must* notify the Board of his *or her* withdrawal not later than ~~[5 weeks before]~~ the date ~~[of]~~ *posted on the Internet website of the Board as the deadline for applying to take* the examination ~~[.]~~ *for which the applicant was scheduled.*

2. An applicant who fails to ~~[make a timely withdrawal from a]~~ *attend a* scheduled ~~[written]~~ examination must pay an additional fee of \$50 to cover the cost of rescheduling the examination.

3. An applicant for the examination to become an engineer intern or a land surveyor intern who fails to make a timely withdrawal must pay an additional fee in the amount of the fee for the missed examination.

**Sec. 5.** NAC 625.350 is hereby amended to read as follows:

625.350 ~~[An]~~

*1. Except as otherwise provided in subsection 2, an* applicant who fails to pass the written examination may reapply to take the examination:

~~[.]~~ *(a)* Within 12 months after the examination, by paying a fee ~~[of \$75. —2.]~~ *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 the examination.*

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

~~[(a)]~~ *(1)* Submitting ~~[a-new]~~ *an updated* application;

~~[(b)]~~ *(2)* Paying an application fee of \$200; and

~~[(e) Furnishing]~~

*(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 the examination.*

*2. Each time an applicant fails to pass the written 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 ~~he~~ the applicant is to be examined.*

**Sec. 6.** NAC 625.410 is hereby amended to read as follows:

625.410 1. The fee for a biennial renewal of a single license is \$100.

2. The first letter of the surname of a licensee determines the last date on which a licensee may pay his *or her* renewal fee, as set forth in the following schedule:

A through E - January 1 of each odd-numbered year.

F through K - July 1 of each odd-numbered year.

L through R - January 1 of each even-numbered year.

S through Z - July 1 of each even-numbered year.

3. *The Board will prorate the initial application fee paid by a licensee as necessary to provide a biennial renewal period for the licensee that is consistent with the schedule set forth in subsection 2.* A person who is licensed in more than one professional category or discipline of engineering must pay the full renewal fee for the first classification and one-half of the renewal fee for each additional classification. No licensee will be charged more than \$200 in a biennium for the renewal of his *or her* licenses.

4. If a licensee does not renew his *or her* licensure by the appropriate date set forth in subsection 2, ~~his~~ *the* licensure expires and he *or she* is not licensed to continue to practice. A former licensee whose licensure has expired because of a failure to pay the renewal fee may renew his *or her* licensure within 6 months after the date of expiration by paying the renewal fee and a late charge of \$100.

5. A licensee whose license has been expired for more than 6 months:

- (a) Must reapply for licensure and pay the appropriate application fee.
- (b) May be required to appear before the Board.
- (c) May be required to pass a written or oral examination.
- (d) May be required to submit proof to the Board of the completion of 30 professional development hours.

**Sec. 7.** 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 ~~[his]~~ *the licensee's* intention to retire from practice. The Board will issue an identification card indicating that the licensee is retired. ~~[and showing the period of his active professional licensure in this State.]~~

(b) Inactive, by filing with the Board a notice in writing that states ~~[his]~~ *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.

2. If an identification card is issued to a licensee 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 within the 2 years immediately preceding the date of ~~[his]~~ *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 ~~[his]~~ *the licensee's* request to reinstate his *or her* license to active status.

**Sec. 8.** NAC 625.440 is hereby amended to read as follows:

625.440 *1.* A licensee who applies for the renewal of his *or her* license ~~[is not required to comply with]~~ *may apply to the Board for an exemption from* the requirements of NAC 625.430 for a biennial renewal period if:



~~1.1~~ (a) The licensee was issued his *or her* initial license during the biennial renewal period or less than 2 years before the beginning of the biennial renewal period; ~~for~~

~~2.1~~ (b) The licensee served more than 120 consecutive days on active duty in the Armed Forces of the United States during the biennial renewal period ~~1.1~~;

*(c) The licensee is employed outside of the United States and spent more than 120 consecutive days outside of the United States during the biennial renewal period; or*

*(d) The licensee experienced a serious illness or injury during the last year of the biennial renewal period that was of such a nature and duration that the licensee was prohibited from completing the requirements of NAC 625.430.*

*2. A request for an exemption pursuant to subsection 1 must include documentation that supports the request for the exemption.*

*3. If the Board approves a licensee's request for an exemption pursuant to subsection 1, the licensee is not required to comply with the requirements of NAC 625.430 for the biennial renewal period.*

**INFORMATIONAL STATEMENT TO LEGISLATIVE COUNSEL BUREAU**

NRS 233B.066

Regulations: NAC 625.220, NAC 625.230, NAC 625.310,  
NAC 625.340, NAC 625.350, NAC 625.410, NAC 625.420, and NAC 625.440  
LCB File No. R073-09

The Nevada State Board of Professional Engineers and Land Surveyors (the "State 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 amendments to Regulations NAC 625.220, NAC 625.230, NAC 625.310, NAC 625.340, NAC 625.350, NAC 625.410, NAC 625.420, and NAC 625.440 pursuant to NRS 625.140. No adverse public comment was received regarding any of the eight (8) amendments to the Regulations referenced in this Informational Statement. This Informational Statement is submitted together with additional Informational Statements of the State Board concerning the adoption of amendments to other existing Regulations.

**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.**

These amendments were initially adopted by the State Board as temporary Regulations.

Copies of the Temporary Regulations, Notices of Workshops and Notices of Intent to Act Upon the Regulations were sent via U.S. Mail and e-mail to persons who are known to have an interest in the temporary 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://www.boe.state.nv.us> and at the office of the State Board located at 1755 E. Plumb Lane, Suite 135, Reno, NV 89502. Copies of the temporary Regulations 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

Nevada State Board of Professional  
Engineers and Land Surveyors  
7251 West Lake Mead Blvd.  
Suite 520  
Las Vegas, Nevada 89128

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

Public comment was solicited by holding two (2) workshops on the temporary amendments to the Regulations. The first workshop was held on April 14, 2009 at the State Board's office at 1755 E. Plumb Lane, Suite 135, in Reno, Nevada. The second workshop was held on April 16, 2009 at the State Board's office at 7251 W. Lake Mead Blvd., Suite 520, Las Vegas, Nevada. The comments received at the workshops were discussed at the May 14, 2009 public meeting of the State Board held at the State Board's office at 7251 W. Lake Mead Blvd., Suite 520, Las Vegas, Nevada. Thereafter, on or about May 21, 2009, the Executive Director of the State Board issued Notices of Intent to Act upon a Regulation. On June 24, 2009, a public hearing was held at the State Board's office at 1755 E. Plumb Lane, Suite 135, in Reno, Nevada, at which time the State Board adopted the temporary Regulations.

No public comment was received on the temporary amendments to Regulations NAC 625.220, NAC 625.230, NAC 625.310, NAC 625.340, NAC 625.350, NAC 625.410, NAC 625.420, and NAC 625.440. A summary of the discussion of the temporary amendments at the May 14, 2009 State Board meeting and at the June 24, 2009 hearing at which the temporary amendments were adopted may be obtained by calling the State Board at (772) 688-1231 or 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](mailto:board@boe.state.nv.us).

The State Board then moved to make permanent the temporary amendments to the regulations. Public comment was solicited by holding two (2) public hearings and two (2) workshops on the permanent amendments to the regulations. Notices of the workshops and the public hearings were posted at the locations referenced above. In addition, the notices were posted on the State Board's website, were mailed to those persons who had requested notice of amendments to Regulations of the State Board and were e-mailed to the main public libraries in all Nevada counties. The workshops were held on September 15, 2009 and June 17, 2010. The public hearings were held on October 22, 2009 and July 22, 2010.

As noted above, the proposed amendments to the regulations had been previously adopted as temporary amendments. No additional public comment was received on the proposed permanent amendments to regulations NAC 625.220, NAC 625.230, NAC 625.310, NAC 625.340, NAC 625.350, NAC 625.410, NAC 625.420 and NAC 625.440. A summary of the State Board's discussion of permanent amendments at the October 22, 2009 and July 22, 2010 hearings may be obtained by calling the State Board at (772) 688-1231 or 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](mailto:board@boe.state.nv.us).

2. **The number of persons who:**
  - (a) **attended each workshop:** April 14, 2009 - 13; April 16, 2009 - 19; September 15, 2009 - 5; June 17, 2010 - 10
  - (b) **testified at each workshop:** April 14, 2009 - 9; April 16, 2009 - 10; September 15, 2009 - 2; June 17, 2010 - 0
  - (c) **submitted written comments to the State Board concerning the temporary amendments to the Regulations referenced in this**

**Informational Statement: - 0. No written comments were submitted;**

- (d) **attended the State Board's meeting on May 14, 2009 - 14;**
- (e) **attended the State Board's hearing on June 24, 2009 - 16;**
- (f) **attended the State Board's hearing on October 22, 2009 - 9;**
- (g) **attended the State Board's hearing on July 22, 2010 - 12;**
- (h) **submitted to the State Board written comments at the State Board's May 14, 2009 meeting, the June 24, 2009 hearing, the October 22, 2009 hearing or the July 22, 2010 hearing concerning the amendments to the Regulations referenced in this Informational Statement: No written comments were submitted.**

**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 affected businesses or from members of either profession concerning the amendments to the Regulations referenced in this Informational Statement. A copy of the State Board's minutes concerning the amendments to the Regulations and the subsequent adoption of the amended 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 amendments to the Regulations were adopted without changing any part of the amendments, a summary of the reasons for adopting the amendments to the Regulations without change.**

The amendments to the Regulations were drafted by the State Board which subsequently held four (4) workshops and three (3) public hearings concerning the amendments. Additionally, the temporary amendments were discussed at the State Board's May 14, 2009 meeting at the State Board's office at 7251 W. Lake Mead Blvd., Suite 520, Las Vegas, Nevada. No adverse comments were received concerning the amendments, and the State Board adopted the amendments at the public meeting held on July 22, 2010.

**5. The estimated economic effect of the adopted amendments to Regulations 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 amendments are not expected to have either an adverse or a

beneficial economic effect upon the regulated professions or on the public.

The amendment to NAC 625.220 expands the existing disciplines of engineering for which an applicant may apply for licensure in the State of Nevada and brings Nevada's definition of engineering disciplines into compliance with the terms of the national model law.

The amendment to NAC 625.230(5) requires an applicant who applies for licensure on the basis of comity in more than one discipline of engineering to show in his application that he possesses the required education and experience and that his claims of proficiency are substantiated by examination.

The amendment to NAC 625.310 allows the State Board to administer the two-hour examination covering the laws of the State of Nevada and the procedures for the practice of land surveying at additional times and allows an applicant for licensure as a structural engineer to take the examination without first becoming licensed as a civil engineer.

The amendment to NAC 625.340 clarifies the manner in which an applicant may withdraw from an examination and the fees associated with such withdrawal and the failure to attend an examination.

The amendment to NAC 625.350 deletes the current fee of \$75.00 and allows the State Board to charge the actual cost of the State Board to purchase and administer the examination. An applicant who has failed the examination three (3) times must first complete a refresher course before reapplying.

The amendment to NAC 625.410(3) clarifies that the initial license granted to a successful applicant will expire at the time set for renewal of the applicant's license based upon the first letter of the surname of the licensee.

The amendment to NAC 625.420 clarifies that a retired licensee's identification card will no longer show the period in which his license was active.

The amendment to NAC 625.440 broadens the definition of licensees who do not have to comply with the continuing education requirements of the State Board. Licensees eligible for a waiver of the requirement of continuing education include those who are on active in the armed forces, licensees who are employed in foreign countries and licensees who have experienced serious illness or injury. Licensees requesting a waiver must submit appropriate documentation to the State Board.

(b) There will be no economic effect either immediate or long term 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 amended Regulations.**

There is no additional cost to the agency for enforcement of the adopted amendments to the existing Regulations referenced in this Informational Statement.

**7. A description of any Regulations of other state or government agencies that the adopted amendments to Regulations overlap or duplicate, and a statement explaining why the duplication or overlapping is necessary. If the adopted amendment to Regulations duplicates a federal regulation, the name of the regulating federal agency.**

There are no other state or government agency regulations that the amendments to the Regulations duplicate.

**8. If the amendments to the Regulations include 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 amendments to the Regulations provide for a new fee or increase an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

Except for the amendment to NAC 625.350, none of the amendments provides a new fee or increases an existing fee.

The State Board is amending NAC 625.350 because the fees charged to the State Board by NCEES vary depending upon the examination that is being taken by the applicant and the fees charged to the State Board by NCEES have increased. Applicants for licensure as a professional engineer or professional land surveyor must take a national exam which is distributed by National Council of Examiners for Engineering and Surveying("NCEES").

The amendment to NAC 625.350 does not provide for a new fee. It deletes the existing \$75.00 fee charged to an applicant who fails to pass the written examination, and the applicant will be charged an appropriate fee. The amount of the appropriate fee will be determined by the State Board and will depend upon the fees charged to the State Board by NCEES. Again, the amount charged to the applicant will depend upon the amount charged to the State Board by NCEES.

The State Board anticipates the amount it will receive annually from increased examination fees paid by applicants who have failed an examination is \$82,000.00, the majority of which will be paid by the State Board to NCEES. The State Board estimates that it will retain approximately \$22,000.00 of the \$82,000.00 received from incurred examination fees.

**10. Are the amendments to the Regulations 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 temporary amendments Regulations on a small business?**

The State Board determined that the amendments to the Regulations 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 adopted amendments impose no direct or significant burdens on any private businesses.

DATED: This 11<sup>th</sup> day of August, 2010.

State of Nevada Board of Professional  
Engineers and Land Surveyors

By:   
NONI JOHNSON