

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

**LCB File No. R044-11**

August 31, 2011

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

AUTHORITY: §§1-17, section 2 of Senate Bill No. 268, chapter 529, Statutes of Nevada 2011, at page 3678.

A REGULATION relating to professional engineers and land surveyors; providing for the issuance and renewal of certificates of eligibility to receive certain preferences when competing for public works; establishing fees for the issuance and renewal of certificates of eligibility to receive certain preferences when competing for public works; and providing other matters properly relating thereto.

**Section 1.** Chapter 625 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this regulation.

**Sec. 2.** *As used in sections 2 to 17, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this regulation have the meanings ascribed to them in those sections.*

**Sec. 3.** *“Affidavit for a certificate of eligibility” means an affidavit from a certified public accountant required pursuant to subsection 3 of section 2 of Senate Bill No. 268, chapter 529, Statutes of Nevada 2011, at page 3678.*

**Sec. 4.** *“Affidavit for renewal of a certificate of eligibility” means an affidavit from a certified public accountant required pursuant to subsection 5 of section 2 of Senate Bill No. 268, chapter 529, Statutes of Nevada 2011, at page 3678.*

**Sec. 5.** *“Certificate of eligibility” means a certificate of eligibility to receive a preference when competing for public works issued by the Board to a professional engineer or professional land surveyor pursuant to section 2 of Senate Bill No. 268, chapter 529, Statutes of Nevada 2011, at page 3678.*

**Sec. 6.** *“Statement of compliance” means a statement from a professional engineer or professional land surveyor who applies for a certificate of eligibility which states that the professional engineer or professional land surveyor is properly licensed pursuant to the provisions of chapter 625 of NRS for the certificate of eligibility for which he or she is applying.*

**Sec. 7. 1.** *A professional engineer or professional land surveyor who wishes to obtain a certificate of eligibility must submit to the Board:*

- (a) An application on a form provided by the Board;*
- (b) A notarized affidavit for a certificate of eligibility on a form provided by the Board;*
- (c) A notarized statement of compliance on a form provided by the Board;*
- (d) The fee set forth in section 17 of this regulation; and*
- (e) Any other documentation required by the Board.*

**2.** *For each certificate of eligibility as a professional engineer which is requested, the applicant must be a professional engineer who has been licensed as a professional engineer pursuant to the provisions of chapter 625 of NRS for the 5 years immediately preceding the date on which the applicant submits the application. For each certificate of eligibility as a professional land surveyor which is requested, the applicant must be a professional land surveyor who has been licensed as a professional land surveyor pursuant to the provisions of*

*chapter 625 of NRS for the 5 years immediately preceding the date on which the applicant submits the application.*

*3. If an applicant for a certificate of eligibility is licensed in more than one discipline, the applicant must submit a separate application for each discipline for which a certificate of eligibility is requested and must satisfy all applicable requirements pursuant to section 2 of Senate Bill No. 268, chapter 529, Statutes of Nevada 2011, at page 3678.*

**Sec. 8. 1.** *An application for a certificate of eligibility must include, without limitation:*

- (a) The name of the applicant;*
- (b) The license number of the applicant;*
- (c) The date of issuance of the license of the applicant;*
- (d) The mailing and physical address of the applicant;*
- (e) The telephone number of the applicant;*
- (f) The signature of the applicant; and*
- (g) Any other information that the Board may require.*

*2. For each discipline for which a certificate of eligibility is requested, a certified public accountant must review and examine any necessary banking records in accordance with generally accepted auditing standards, including, without limitation, bank statements, cancelled checks, electronic transfers, cash disbursement records and any other records that the Board deems appropriate, to substantiate an affidavit for a certificate of eligibility.*

**Sec. 9.** *The Board or its designee will issue or deny a certificate of eligibility within a reasonable time after the date on which the Board receives the application, all required documentation that supports the application and the fee set forth in section 17 of this regulation.*

**Sec. 10.** *The certificate of eligibility must include, without limitation:*

- 1. The date of issuance;*
- 2. The date of expiration;*
- 3. The discipline for which the certificate of eligibility is issued; and*
- 4. Such other information as the Board deems appropriate.*

**Sec. 11.** *The Board will issue a duplicate certificate of eligibility to any professional engineer or professional land surveyor who has received a certificate of eligibility and who certifies that his or her certificate of eligibility has been lost or destroyed.*

**Sec. 12.** *1. An affidavit for renewal of a certificate of eligibility must be:*

*(a) Submitted to the Board annually on or before the anniversary date of the issuance of the license of the professional engineer or professional land surveyor to whom the certificate of eligibility was issued;*

*(b) On a form provided by the Board; and*

*(c) Notarized.*

*2. A certificate of eligibility expires if the professional engineer or professional land surveyor to whom it is issued does not submit an affidavit for renewal of a certificate of eligibility in accordance with subsection 1.*

**Sec. 13.** *The Board will not issue a certificate of eligibility to a professional engineer or professional land surveyor whose license is not on active status. If a professional engineer or professional land surveyor whose license is not on active status has received a certificate of eligibility, the Board will revoke the certificate of eligibility. Such a professional engineer or professional land surveyor must reapply for a certificate of eligibility pursuant to subsection 3*

*of section 2 of Senate Bill No. 268, chapter 529, Statutes of Nevada 2011, at page 3678, and sections 2 to 17, inclusive, of this regulation.*

**Sec. 14. 1.** *If a professional engineer or professional land surveyor who applies to the Board for a certificate of eligibility submits false or misleading information, submits an application which is incomplete or does not comply with this chapter or chapter 338 of NRS, the Board may:*

*(a) Deny the application;*

*(b) If the professional engineer or professional land surveyor has received a certificate of eligibility, revoke the certificate of eligibility; or*

*(c) Take such action as the Board deems appropriate under the circumstances.*

**2.** *In carrying out the provisions of this section, the Board may rely on information contained in the records maintained by the Board and need not conduct any investigation, inquiry or hearing regarding the information contained in those records.*

**Sec. 15.** *If a written objection is filed with a public body pursuant to subsection 10 of section 2 of Senate Bill No. 268, chapter 529, Statutes of Nevada 2011, at page 3678, the Board will, upon request by the public body, provide to the public body a copy of the application of the professional engineer or professional land surveyor against whom the complaint was made and any documentation submitted with the application.*

**Sec. 16. 1.** *If a public body determines that a written objection is accompanied by the required proof or substantiating evidence pursuant to subsection 11 of section 2 of Senate Bill No. 268, chapter 529, Statutes of Nevada 2011, at page 3678, the public body must notify the Board in writing of the determination of the public body within 30 days after the date of its determination.*

*2. Upon receipt of the written documentation from the public body, the Board or its designee will immediately revoke the certificate of eligibility for the professional engineer or professional land surveyor. No formal disciplinary hearing is required before revocation of the certificate of eligibility based upon the receipt of the documentation from the public body which received the proposal on a contract for the completion of a public work.*

**Sec. 17.** *The Board will charge and collect the following fees:*

- 1. For the issuance of a certificate of eligibility . . . . . \$500*
- 2. For the renewal of a certificate of eligibility . . . . . \$300*