

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 Number R006-24

The Nevada State Board of Professional Engineers and Land Surveyors will conduct a public hearing **Thursday, June 13, 2024, 9:00am**. 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 to 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 proposed amendment to **NAC 625.545** is to provide clarity to the regulation.

Often when a contract is drafted, determining a singular date of completion is not possible because of factors outside a professional's control such as items to be provided by the client or review time periods by public entities. Providing a schedule is more helpful to the client than solely providing a project completion date. A schedule based on a project scope could be as simple as providing a completion date or could include milestones and deliverable dates including statements related to receiving items needed from parties outside of the professional's control. An example of simple language for a schedule could be, three weeks after we receive X, we will deliver Y.

2. Terms of the Proposed Permanent Regulations

A copy of the regulation proposed for amendment is attached to this notice.

3. Estimated Economic Effect

i. Adverse effects and beneficial effects.

There were no adverse or beneficial economic impacts on the public or small businesses identified.

ii. Both immediate and long-term effect.

Relating to the above, no immediate and long-term effects were identified.

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-amendments-and-small-business-impact-survey-results-october-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 **Wednesday, June 12, 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 regulation 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
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This notice and the text of the proposed regulation amendment is 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/2024Register/R006-24P.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. R006-24

March 7, 2024

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

AUTHORITY: § 1, NRS 625.140.

A REGULATION relating to professions; revising provisions relating to written contracts entered into between licensed professional engineers or professional land surveyors and clients; 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 regulations require: (1) a licensed professional engineer or professional land surveyor, before performing any work, to enter into a written contract with each client for whom the professional engineer or professional land surveyor will perform work; and (2) that the contract include certain provisions. (NAC 625.545) This regulation replaces the requirement that the contract state the anticipated date for completion of the work with a requirement that the contract state the anticipated schedule for completion of work that indicates the time and sequence of each part of the work.

Section 1. 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:

1. Provisions specifying:
 - (a) The scope of the work;

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

(c) The anticipated ~~{date}~~ *schedule* for completion of the work ~~{}~~ *that indicates the time and sequence of each part of the work.*

2. A disclosure as to whether the licensee currently maintains a policy of professional liability insurance.