

SENATE BILL NO. 407—SENATORS BROOKS AND RATTI

MARCH 21, 2019

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to professional engineers and professional land surveyors. (BDR 54-609)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to professions; revising provisions governing public land survey corners; revising provisions governing professional engineers and professional land surveyors; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law governs the practice of professional engineering and the practice
2 of land surveying. (Chapter 625 of NRS) Existing law authorizes the State Board of
3 Professional Engineers and Land Surveyors to waive the educational requirements
4 for licensure and issue a license as a professional engineer or professional land
5 surveyor under certain circumstances to applicants who took the examination for
6 licensure before August 1, 2014. (NRS 625.203, 625.285) **Section 11** of this bill
7 eliminates that obsolete authority and **sections 1 and 2** of this bill make conforming
8 changes. Existing law specifies educational or experience requirements for
9 eligibility for certification of an applicant as a land surveyor intern or as an
10 engineer intern. (NRS 625.386) **Section 3** of this bill eliminates the experience
11 requirements, thereby making an applicant eligible for certification only if the
12 applicant meets the educational requirements.

13 With certain exceptions, under existing law: (1) a firm, partnership, corporation
14 or other person engaged in or offering to engage in the practice of engineering or
15 land surveying is required to employ on a full-time basis at least one professional
16 engineer or professional land surveyor, as applicable, at each place of business
17 where the engineering or land surveying work is or will be performed; and (2) all
18 engineering or land-surveying work done at such a place of business must be
19 performed under the professional engineer or land surveyor who has been placed in
20 responsible charge of the work and is employed full-time at that place of business.
21 (NRS 625.407) **Section 4** of this bill eliminates the requirement that an engineering
22 or land surveying business employ a professional engineer or land surveyor, as
23 applicable, at each of its places of business and instead only requires that the
24 business employ at least one such applicable professional for the entire business. As
25 a result of this change, **section 4** also eliminates the requirement that the work at



26 each place of business of such a business be performed under a professional
27 engineer or land surveyor that is employed at that place of business, thereby
28 allowing for such supervision of work to occur remotely.

29 Under existing law, a person does not have a privilege to refuse to disclose
30 information in court proceedings, except as required by the United States
31 Constitution or the Nevada Constitution or as provided by a specific statute. (NRS
32 47.020, 49.015) With certain exceptions, existing law makes information obtained
33 during the course of an investigation of a person regulated by the Board
34 confidential. (NRS 625.425) **Section 5** of this bill additionally makes that
35 information privileged, which gives the Board the authority to refuse to disclose the
36 information in court proceedings. This privilege is the same privilege that the
37 Nevada State Board of Accountancy is authorized to exercise under existing law
38 with respect to information in its investigative files relating to accountants.
39 (NRS 628.418)

40 Existing law authorizes the Board to take various types of disciplinary actions
41 against a licensee who violates the provisions governing the practice of professional
42 engineering or land surveying, as applicable. (NRS 625.460) In addition, if any
43 person is engaging in or about to engage in any act or practice that violates those
44 provisions, the Board is authorized under existing law to apply to a district court for
45 the issuance of an injunction or restraining order against that person. **Sections 6**
46 **and 7** of this bill authorize the Board to issue an order to cease and desist against a
47 licensee as disciplinary action or against a firm, corporation, partnership or other
48 person who is engaging in or about to engage in violations of the provisions
49 governing the practice of professional engineering or land surveying.

50 Under existing law, the Board is authorized to adopt regulations defining the
51 scope of each discipline of professional engineering for which licensure is required.
52 (NRS 625.175; NAC 625.220) With certain exceptions, existing law makes it
53 unlawful for a person who is not properly licensed or who is not exempt from the
54 licensing requirements to use the term "engineer," "engineering" or "engineered,"
55 or any combination thereof, as a professional representation or means of advantage
56 without disclosing that the person is not qualified, registered or licensed to practice
57 professional engineering in Nevada. (NRS 625.520) **Section 7** of this bill makes the
58 use of those terms unlawful by the unlicensed person only when used in connection
59 with a specific discipline of engineering.

60 Under existing law, it is the declared policy of the State to protect and
61 perpetuate public land survey corners, which are used for legal descriptions of land.
62 (NRS 329.020) Additionally, with certain exceptions, existing law requires a
63 surveyor to record a public land survey corner. (NRS 329.140-329.190) **Section 8**
64 of this bill expands the policy declaration to other types of corners. **Sections 9 and**
65 **10** of this bill make conforming changes. **Section 9** of this bill also places certain
66 restrictions on the use of a record of such corners.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 625.183 is hereby amended to read as follows:
2 625.183 1. A person who:
3 (a) Is 21 years of age or older; and
4 (b) Is a citizen of the United States or is lawfully entitled to
5 remain and work in the United States,



1 ↳ may apply to the Board, in accordance with the provisions of this
2 chapter and any regulations adopted by the Board, for licensure as a
3 professional engineer.

4 2. An applicant for licensure as a professional engineer must:

5 (a) Be of good character and reputation; and

6 (b) Pass the examination on the:

7 (1) Fundamentals of engineering or receive a waiver of that
8 requirement; and

9 (2) Principles and practices of engineering,

10 ↳ pursuant to NRS 625.193.

11 3. ~~[Except as otherwise provided in NRS 625.203, an]~~ An
12 applicant for licensure as a professional engineer is not qualified for
13 licensure unless the applicant is a graduate of an engineering
14 curriculum of 4 years or more that is approved by the Board and has
15 a record of 4 years or more of active experience in engineering
16 which is satisfactory to the Board and which indicates that the
17 applicant is competent to be placed in responsible charge of
18 engineering work. An applicant who is eligible to take the
19 examination on the principles and practices of engineering pursuant
20 to subsection 2 of NRS 625.193 may take the examination on the
21 principles and practices of engineering before the applicant meets
22 the active experience requirements for licensure set forth in this
23 subsection.

24 4. To determine whether an applicant for licensure as a
25 professional engineer has an adequate record of active experience
26 pursuant to subsection 3:

27 (a) Graduation from a college or university in a discipline of
28 engineering with a master's or doctoral degree is equivalent to 2
29 years of active experience, except that, in the aggregate, not more
30 than 2 years of active experience may be satisfied by graduation
31 from a college or university with such degrees, regardless of the
32 number of degrees earned.

33 (b) Two of the 4 years of active experience must have been
34 completed by working under the direct supervision of a professional
35 engineer who is licensed in the discipline in which the applicant is
36 applying for licensure, unless that requirement is waived by the
37 Board.

38 (c) The execution, as a contractor, of work designed by a
39 professional engineer, or the supervision of the construction of that
40 work as a foreman or superintendent, is not equivalent to active
41 experience in engineering.

42 5. A person who is not working in the field of engineering
43 when applying for licensure is eligible for licensure as a
44 professional engineer if the person complies with the requirements
45 for licensure prescribed in this chapter.



1 **Sec. 2.** NRS 625.270 is hereby amended to read as follows:

2 625.270 1. A person who:

3 (a) Is 21 years of age or older; and

4 (b) Is a citizen of the United States or is lawfully entitled to
5 remain and work in the United States,

6 ↳ may apply to the Board, in accordance with the provisions of this
7 chapter and any regulations adopted by the Board, for licensure as a
8 professional land surveyor.

9 2. An applicant for licensure as a professional land surveyor
10 must:

11 (a) Be of good character and reputation; and

12 (b) Pass the examination on the:

13 (1) Fundamentals of land surveying or receive a waiver of
14 that requirement; and

15 (2) Principles and practices of land surveying,

16 ↳ pursuant to NRS 625.280.

17 3. ~~Except as otherwise provided in NRS 625.285, an~~ An
18 applicant for licensure as a professional land surveyor may not take
19 the examination on the principles and practices of land surveying,
20 unless the applicant is a graduate of a land-surveying curriculum of
21 4 years or more that is approved by the Board and has a record of 4
22 years or more of active experience in land surveying that is
23 satisfactory to the Board and indicates that the applicant is
24 competent to be placed in responsible charge of land-surveying
25 work.

26 4. To determine whether an applicant for licensure as a
27 professional land surveyor has an adequate record of active
28 experience pursuant to subsection 3:

29 (a) Two of the 4 years of active experience must have been
30 completed by working under the direct supervision of a professional
31 land surveyor, unless that requirement is waived by the Board.

32 (b) The execution, as a contractor, of work designed by a
33 professional land surveyor, or the supervision of the construction of
34 that work as a foreman or superintendent, is not equivalent to active
35 experience in land surveying.

36 5. A person who is not working in the field of land surveying
37 when applying for licensure is eligible for licensure as a
38 professional land surveyor if the person complies with the
39 requirements for licensure prescribed in this chapter.

40 **Sec. 3.** NRS 625.386 is hereby amended to read as follows:

41 625.386 1. To be eligible for certification as a land surveyor
42 intern, an applicant must ~~f~~:

43 ~~(a) Be~~ *be* a graduate of or in the final year of a land-surveying
44 or engineering curriculum of 4 years or more that has been approved



1 by the Board and have passed the examination on the fundamentals
2 of land surveying provided for in NRS 625.280 . ~~}; or~~

3 ~~— (b) Have had 4 years or more of experience in land surveying~~
4 ~~work that is satisfactory to the Board and have passed the~~
5 ~~examination on the fundamentals of land surveying provided for in~~
6 ~~NRS 625.280.]~~

7 2. To be eligible for certification as an engineer intern, an
8 applicant must ~~};~~

9 ~~— (a) Be} be~~ a graduate of or in the final year of an engineering
10 curriculum of 4 years or more that has been approved by the Board
11 and have passed the examination on the fundamentals of
12 engineering provided for in NRS 625.193 . ~~}; or~~

13 ~~— (b) Have had 4 years or more of experience in engineering work~~
14 ~~that is satisfactory to the Board and have passed the examination on~~
15 ~~the fundamentals of engineering provided for in NRS 625.193.]~~

16 **Sec. 4.** NRS 625.407 is hereby amended to read as follows:

17 625.407 1. Except as otherwise provided in this section:

18 (a) A firm, partnership, corporation or other person engaged in
19 or offering to engage in the practice of engineering or land
20 surveying in this state shall employ full-time at least one
21 professional engineer or professional land surveyor, respectively ; ~~};~~
22 ~~at each place of business where the work is or will be performed;]~~
23 and

24 (b) All engineering or land-surveying work done ~~at a place of~~
25 ~~business]~~ must be performed under a professional engineer or
26 professional land surveyor, respectively, who has been placed in
27 responsible charge of the work and who is employed full-time ~~at]~~
28 ~~by~~ that ~~particular place of]~~ business.

29 2. If the only professional engineer or professional land
30 surveyor employed full-time ~~at]~~ ~~by~~ a ~~place of]~~ business ~~where]~~
31 ~~that performs~~ engineering or land-surveying work ~~is performed]~~
32 ceases to be employed ~~at that place of]~~ ~~by the~~ business ~~], during the~~
33 ~~30 days next following his or her departure:~~

34 ~~— (a) The place of business is not required to], the business shall,~~
35 ~~within 30 days after the employment ceases,~~ employ ~~another~~ full-
36 time ~~a]~~ professional engineer or professional land surveyor . ~~}; and~~

37 ~~— (b) The professional engineer or professional land surveyor~~
38 ~~placed in responsible charge of engineering or land-surveying work~~
39 ~~performed at the place of business is not required to be employed~~
40 ~~full time at that place of business.]~~

41 3. Except as otherwise provided in subsection 5:

42 (a) A firm, partnership, corporation or other person who
43 performs or offers to perform engineering services in a certain
44 discipline ~~at a particular place of business]~~ in this state shall



1 employ full-time ~~[at that place of business]~~ a professional engineer
2 licensed in that discipline.

3 (b) Each person who holds himself or herself out as practicing a
4 certain discipline of engineering must be licensed in that discipline
5 or employ full-time a professional engineer licensed in that
6 discipline.

7 4. Professional engineers and professional land surveyors may
8 join or form a partnership, corporation, limited-liability company or
9 other business organization or association with registrants and
10 licensees outside of their field of practice, or with persons who are
11 not registered or licensed.

12 5. The provisions of this section do not apply to a firm,
13 partnership, corporation or other person who ~~[-~~

14 ~~—(a) Practices]~~ *practices* professional engineering for his or her
15 benefit and does not engage in the practice of professional
16 engineering or offer professional engineering services to other
17 persons. ~~[- or~~

18 ~~—(b) Is engaged in the practice of professional engineering or land~~
19 ~~surveying in offices established for limited or temporary purposes,~~
20 ~~including offices established for the convenience of field survey~~
21 ~~crews or offices established for inspecting construction.]~~

22 **Sec. 5.** NRS 625.425 is hereby amended to read as follows:

23 625.425 1. Except as otherwise provided in NRS 239.0115,
24 any information obtained during the course of an investigation by
25 the Board and any record of an investigation is confidential ~~[-]~~ *and*
26 *privileged*. If no disciplinary action is taken against a licensee, an
27 applicant for licensure, an intern or an applicant for certification as
28 an intern, or no civil penalty is imposed pursuant to NRS 625.590,
29 the information in his or her investigative file remains confidential
30 ~~[-]~~ *and privileged*.

31 2. The complaint or other document filed by the Board to
32 initiate disciplinary action and all documents and information
33 considered by the Board when determining whether to impose
34 discipline are public records.

35 3. The provisions of this section do not prohibit the Board or
36 its employees from communicating and cooperating with another
37 licensing board or any other agency that is investigating a person.

38 **Sec. 6.** NRS 625.460 is hereby amended to read as follows:

39 625.460 1. If, after a hearing, a majority of the members of
40 the Board present at the hearing vote in favor of finding the accused
41 person guilty, the Board may:

42 (a) Revoke the license of the professional engineer or
43 professional land surveyor or deny a license to the applicant;

44 (b) Suspend the license of the professional engineer or
45 professional land surveyor;



1 (c) *Issue an order to cease and desist against the licensee;*

2 (d) Fine the licensee or applicant for licensure not more than
3 \$15,000 for each violation of a provision of this chapter or any
4 regulation adopted by the Board;

5 ~~(d)~~ (e) Place the licensee or applicant for licensure on
6 probation for such periods as it deems necessary and, if the Board
7 deems appropriate, require the licensee or applicant for licensure to
8 pay restitution to clients or other persons who have suffered
9 economic losses as a result of a violation of the provisions of this
10 chapter or the regulations adopted by the Board; or

11 ~~(e)~~ (f) Take such other disciplinary action as the Board deems
12 appropriate.

13 2. The Board shall not issue a private reprimand.

14 3. An order that imposes discipline and the findings of fact and
15 conclusions of law supporting that order are public records.

16 **Sec. 7.** NRS 625.520 is hereby amended to read as follows:

17 625.520 1. Except as otherwise provided in subsection 4, it is
18 unlawful for:

19 (a) Any person not properly licensed or exempted in accordance
20 with the provisions of this chapter to:

21 (1) Practice, continue to practice, solicit to practice, offer to
22 practice or attempt to practice engineering or any discipline thereof;

23 (2) Employ, use or cause to be used the term "licensed
24 engineer," "professional engineer" or "registered engineer" or any
25 combination, variation or abbreviation thereof as a professional or
26 commercial identification, representation, claim, asset or means of
27 advantage or benefit;

28 (3) Employ, use or cause to be used the term "engineer,"
29 "engineering" or "engineered" or any combination, variation or
30 abbreviation thereof *in connection with a discipline of professional
31 engineering for which licensure is required pursuant to this
32 chapter* as a professional or commercial identification,
33 representation, claim, asset or means of advantage or benefit without
34 disclosing that the person is not qualified, registered or licensed to
35 practice *that discipline of* professional engineering in this state; or

36 (4) Directly or indirectly employ any means which in any
37 manner tends or is likely to mislead the public or any member
38 thereof that any person is qualified or authorized to practice
39 engineering.

40 (b) Any professional engineer to practice or offer to practice a
41 discipline of professional engineering in which the Board has not
42 qualified him or her.

43 (c) Any person to present or attempt to use, as his or her own,
44 the license or stamp of another person.



1 (d) Any person to give any false or forged evidence of any kind
2 to the Board or any member thereof in obtaining a license.

3 (e) Any person to impersonate a licensee of a like or different
4 name.

5 (f) Any person to attempt to use an expired, suspended or
6 revoked license.

7 (g) Any person to violate any of the provisions of this chapter.

8 2. If any person is engaging or is about to engage in any act or
9 practice that constitutes a violation of this chapter ~~[the]~~:

10 (a) *The Board may issue an order to cease and desist against*
11 *the firm, partnership, corporation or other person; or*

12 (b) *The* district court in any county which would have
13 jurisdiction over the violation, may, upon application of the Board,
14 issue an injunction or restraining order against the act or practice
15 pursuant to Rule 65 of the Nevada Rules of Civil Procedure.

16 3. This section does not prevent a contractor licensed in
17 accordance with the provisions of chapter 624 of NRS from using
18 the term "engineer" or "engineering" if the term is used by the State
19 Contractors' Board in describing a specific classification.

20 4. The provisions of subparagraph (3) of paragraph (a) of
21 subsection 1 do not apply to any corporation using such a term in its
22 corporate name, if the corporation:

23 (a) Files its articles of incorporation with the Secretary of State;
24 and

25 (b) Files with the Board a written statement signed by a
26 corporate officer under penalty of perjury in which the officer states
27 that the corporation:

28 (1) Is not practicing or offering to practice engineering in this
29 state; and

30 (2) Will not do so unless it is licensed or exempted in
31 accordance with the provisions of this chapter.

32 5. Any person who violates any of the provisions of subsection
33 1 is guilty of a gross misdemeanor.

34 **Sec. 8.** NRS 329.020 is hereby amended to read as follows:

35 329.020 It is the purpose of this chapter to protect and
36 perpetuate public land survey corners and *other corners, along with*
37 information concerning the location of such corners by requiring the
38 systematic establishment of monuments and recording of
39 information concerning the location of such corners, thereby
40 providing for property security and a coherent system of property
41 location and identification, and eliminating the repeated necessity
42 for re-establishment and relocations of such corners once they are
43 established and located.



1 **Sec. 9.** NRS 329.140 is hereby amended to read as follows:
2 329.140 **1.** Except as otherwise provided in *subsection 2 and*
3 NRS 329.145, a surveyor shall complete, sign and record or cause to
4 be recorded with the county recorder of the county in which the
5 corner is situated a written record of the establishment or restoration
6 of a ~~{public land survey}~~ corner. Except as otherwise provided in
7 *subsection 2 and* NRS 329.145, such a recording must be made for
8 every ~~{public land survey}~~ corner and accessory to the corner which
9 is established, re-established, monumented, remonumented,
10 restored, rehabilitated, perpetuated or used as control in any survey.
11 The survey information must be recorded within 90 days after the
12 survey is completed.

13 **2.** *A corner record may not be used:*

14 **(a)** *For the perpetuation of more than six corners.*

15 **(b)** *In lieu of a record of survey recorded pursuant to NRS*
16 *625.340 to 625.380, inclusive.*

17 **Sec. 10.** NRS 329.180 is hereby amended to read as follows:
18 329.180 Where a corner record of a ~~{public land survey}~~ corner
19 is required to be recorded pursuant to the provisions of this chapter,
20 the surveyor must reconstruct or rehabilitate the monument of such
21 corner and the accessories to such corner so that such corner and
22 accessories may be readily located at any time in the future.

23 **Sec. 11.** NRS 625.203 and 625.285 are hereby repealed.

24 **Sec. 12.** This act becomes effective on July 1, 2019.

TEXT OF REPEALED SECTIONS

625.203 Board may waive certain requirements for licensure as professional engineer for qualified applicants. The Board may waive any requirement for education that is required for licensure as a professional engineer pursuant to subsection 3 of NRS 625.183 and may issue a license to practice professional engineering to a person who:

1. Before July 1, 2010, received approval from the Board to take the examination on the principles and practices of engineering pursuant to paragraph (b) of subsection 1 of NRS 625.193; and

2. Before August 1, 2014:

(a) Passes the examination for licensure pursuant to NRS 625.193; and

(b) Has a record of 10 years or more of active experience in engineering which is satisfactory to the Board and which indicates



the person is competent to be placed in responsible charge of engineering work.

625.285 Board may waive certain requirements for licensure as professional land surveyor for qualified applicants. The Board may waive any requirement for education that is required for licensure as a professional land surveyor pursuant to subsection 3 of NRS 625.270 and may issue a license to practice professional land surveying to a person who:

1. Before July 1, 2010, received approval from the Board to take the examination on the principles and practices of land surveying pursuant to paragraph (b) of subsection 1 of NRS 625.280; and

2. Before August 1, 2014, passes the examination for licensure pursuant to NRS 625.280.

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