

CHAPTER.....

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:**

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

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

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

Under existing law, the Board is authorized to adopt regulations defining the scope of each discipline of professional engineering for which licensure is required. (NRS 625.175; NAC 625.220) With certain exceptions, existing law makes it unlawful for a person who is not properly licensed or who is not exempt from the licensing requirements to use the term “engineer,” “engineering” or “engineered,” or any combination thereof, as a professional representation or means of advantage



without disclosing that the person is not qualified, registered or licensed to practice professional engineering in Nevada. (NRS 625.520) **Section 7** of this bill makes the use of those terms unlawful by the unlicensed person only when used in connection with a specific discipline of engineering.

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

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

---

---

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

**Section 1.** NRS 625.183 is hereby amended to read as follows:

625.183 1. A person who:

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

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

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

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

(a) Be of good character and reputation; and

(b) Pass the examination on the:

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

(2) Principles and practices of engineering,

↪ pursuant to NRS 625.193.

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



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

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

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

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

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

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

625.270 1. A person who:

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

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

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

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

(a) Be of good character and reputation; and

(b) Pass the examination on the:

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

(2) Principles and practices of land surveying,

↪ pursuant to NRS 625.280.

3. ~~[Except as otherwise provided in NRS 625.285, an]~~ **An** applicant for licensure as a professional land surveyor may not take the examination on the principles and practices of land surveying, unless the applicant is a graduate of a land-surveying curriculum of 4 years or more that is approved by the Board and has a record of 4



years or more of active experience in land surveying that is satisfactory to the Board and indicates that the applicant is competent to be placed in responsible charge of land-surveying work.

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

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

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

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

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

625.386 1. To be eligible for certification as a land surveyor intern, an applicant must ~~[(a) Be]~~

~~[(a) Be]~~ *be* a graduate of or in the final year of a land-surveying or engineering curriculum of 4 years or more that has been approved by the Board and have passed the examination on the fundamentals of land surveying provided for in NRS 625.280 . ~~[(a) Be]~~

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

2. To be eligible for certification as an engineer intern, an applicant must ~~[(a) Be]~~

~~[(a) Be]~~ *be* a graduate of or in the final year of an engineering curriculum of 4 years or more that has been approved by the Board and have passed the examination on the fundamentals of engineering provided for in NRS 625.193 . ~~[(a) Be]~~

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

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

625.407 1. Except as otherwise provided in this section:

(a) A firm, partnership, corporation or other person engaged in or offering to engage in the practice of engineering or land surveying in this state shall employ full-time at least one



professional engineer or professional land surveyor, respectively ; ~~[- at each place of business where the work is or will be performed;]~~ and

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

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

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

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

3. Except as otherwise provided in subsection 5:

(a) A firm, partnership, corporation or other person who performs or offers to perform engineering services in a certain discipline ~~[at a particular place of business]~~ in this state shall employ full-time ~~[at that place of business]~~ a professional engineer licensed in that discipline.

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

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

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

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

~~— (b) Is engaged in the practice of professional engineering or land surveying in offices established for limited or temporary purposes;~~



~~including offices established for the convenience of field survey crews or offices established for inspecting construction.]~~

**Sec. 5.** (Deleted by amendment.)

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

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

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

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

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

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

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

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

2. The Board shall not issue a private reprimand.

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

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

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

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

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

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

(3) Employ, use or cause to be used the term “engineer,” “engineering” or “engineered” or any combination, variation or abbreviation thereof *in connection with a discipline of professional engineering for which licensure is required pursuant to this chapter* as a professional or commercial identification,



representation, claim, asset or means of advantage or benefit without disclosing that the person is not qualified, registered or licensed to practice *that discipline of* professional engineering in this state; or

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

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

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

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

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

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

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

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

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

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

3. This section does not prevent a contractor licensed in accordance with the provisions of chapter 624 of NRS from using the term “engineer” or “engineering” if the term is used by the State Contractors’ Board in describing a specific classification.

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

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

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

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

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



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

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

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

**Sec. 9.** NRS 329.140 is hereby amended to read as follows:

329.140 **1.** Except as otherwise provided in *subsection 2 and* NRS 329.145, a surveyor shall complete, sign and record or cause to be recorded with the county recorder of the county in which the corner is situated a written record of the establishment or restoration of a ~~public land survey~~ corner. Except as otherwise provided in *subsection 2 and* NRS 329.145, such a recording must be made for every ~~public land survey~~ corner and accessory to the corner which is established, re-established, monumented, remonumented, restored, rehabilitated, perpetuated or used as control in any survey. The survey information must be recorded within 90 days after the survey is completed.

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

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

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

**Sec. 10.** NRS 329.180 is hereby amended to read as follows:

329.180 Where a corner record of a ~~public land survey~~ corner is required to be recorded pursuant to the provisions of this chapter, the surveyor must reconstruct or rehabilitate the monument of such corner and the accessories to such corner so that such corner and accessories may be readily located at any time in the future.

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

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

