

Amendment No. 712

Assembly Amendment to Senate Bill No. 407	(BDR 54-609)
Proposed by: Assembly Committee on Commerce and Labor	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



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:

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.

~~Under existing law, a person does not have a privilege to refuse to disclose information in court proceedings, except as required by the United States Constitution or the Nevada Constitution or as provided by a specific statute. (NRS 47.020, 49.015) With certain exceptions, existing law makes information obtained during the course of an investigation of a person regulated by the Board confidential. (NRS 625.425) Section 5 of this bill additionally~~

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~~makes that information privileged, which gives the Board the authority to refuse to disclose the information in court proceedings. This privilege is the same privilege that the Nevada State Board of Accountancy is authorized to exercise under existing law with respect to information in its investigative files relating to accountants. (NRS 628.418)]~~

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.

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

1 the principles and practices of engineering before the applicant meets the active
2 experience requirements for licensure set forth in this subsection.

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

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

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

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

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

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

21 625.270 1. A person who:

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

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

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

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

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

29 (b) Pass the examination on the:

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

32 (2) Principles and practices of land surveying,

33 ↪ pursuant to NRS 625.280.

34 3. ~~[Except as otherwise provided in NRS 625.285, an]~~ An applicant for
35 licensure as a professional land surveyor may not take the examination on the
36 principles and practices of land surveying, unless the applicant is a graduate of a
37 land-surveying curriculum of 4 years or more that is approved by the Board and has
38 a record of 4 years or more of active experience in land surveying that is
39 satisfactory to the Board and indicates that the applicant is competent to be placed
40 in responsible charge of land-surveying work.

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

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

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

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

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

2 625.386 1. To be eligible for certification as a land surveyor intern, an
3 applicant must ~~be~~

4 ~~(a) Be~~ *be* a graduate of or in the final year of a land-surveying or engineering
5 curriculum of 4 years or more that has been approved by the Board and have passed the
6 examination on the fundamentals of land surveying provided for in NRS
7 625.280. ~~be~~

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

11 2. To be eligible for certification as an engineer intern, an applicant must ~~be~~

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

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

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

20 625.407 1. Except as otherwise provided in this section:

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

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

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

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

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

40 3. Except as otherwise provided in subsection 5:

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

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

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

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

1 ~~—(a) Practices~~ *practices* professional engineering for his or her benefit and does
2 not engage in the practice of professional engineering or offer professional
3 engineering services to other persons. ~~}; or~~

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

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

9 ~~625.425 1. Except as otherwise provided in NRS 239.0115, any information~~
10 ~~obtained during the course of an investigation by the Board and any record of an~~
11 ~~investigation is confidential [.] and privileged. If no disciplinary action is taken~~
12 ~~against a licensee, an applicant for licensure, an intern or an applicant for~~
13 ~~certification as an intern, or no civil penalty is imposed pursuant to NRS 625.590,~~
14 ~~the information in his or her investigative file remains confidential [.] and~~
15 ~~privileged.~~

16 ~~2. The complaint or other document filed by the Board to initiate disciplinary~~
17 ~~action and all documents and information considered by the Board when~~
18 ~~determining whether to impose discipline are public records.~~

19 ~~3. The provisions of this section do not prohibit the Board or its employees~~
20 ~~from communicating and cooperating with another licensing board or any other~~
21 ~~agency that is investigating a person.] (Deleted by amendment.)~~

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

23 625.460 1. If, after a hearing, a majority of the members of the Board
24 present at the hearing vote in favor of finding the accused person guilty, the Board
25 may:

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

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

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

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

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

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

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

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

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

43 625.520 1. Except as otherwise provided in subsection 4, it is unlawful for:

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

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

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

52 (3) Employ, use or cause to be used the term “engineer,” “engineering” or
53 “engineered” or any combination, variation or abbreviation thereof *in connection*

1 *with a discipline of professional engineering for which licensure is required*
2 *pursuant to this chapter* as a professional or commercial identification,
3 representation, claim, asset or means of advantage or benefit without disclosing that
4 the person is not qualified, registered or licensed to practice *that discipline of*
5 professional engineering in this state; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

49 329.140 *1.* Except as otherwise provided in *subsection 2 and* NRS 329.145,
50 a surveyor shall complete, sign and record or cause to be recorded with the county
51 recorder of the county in which the corner is situated a written record of the
52 establishment or restoration of a ~~[public land survey]~~ corner. Except as otherwise
53 provided in *subsection 2 and* NRS 329.145, such a recording must be made for

1 every ~~public land survey~~ corner and accessory to the corner which is established,
2 re-established, monumented, remonumented, restored, rehabilitated, perpetuated or
3 used as control in any survey. The survey information must be recorded within 90
4 days after the survey is completed.

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

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

7 **(b) In lieu of a record of survey recorded pursuant to NRS 625.340 to**
8 **625.380, inclusive.**

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

10 329.180 Where a corner record of a ~~public land survey~~ corner is required to
11 be recorded pursuant to the provisions of this chapter, the surveyor must reconstruct
12 or rehabilitate the monument of such corner and the accessories to such corner so
13 that such corner and accessories may be readily located at any time in the future.

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

15 **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.