

## **Small Business Impact Statement for proposed amendments to NAC 625.610**

### **Summary**

The State Board of Professional Engineers and Land Surveyors has determined that the proposed amendments should not have a negative financial impact on a small business and in some circumstances may have a beneficial impact. The proposed regulations are not expected to negatively impact the formation, operation, or expansion of a small business in Nevada.

A small business in Nevada is defined in Nevada Revised Statute (NRS) 233B as a, “business conducted for profit which employs fewer than 150 full-time or part-time employees.”

This small business impact statement was created pursuant to NRS 233B.0608(3) and complies with the requirements of NRS 233B.0609. As required by NRS 233B.0608(3), this statement identifies the methods used by the agency in determining the impact of the proposed regulations on a small business and provides the reasons for the conclusions of the agency followed by certification by the agency’s responsible person.

### **Background**

The proposed amendments to the regulation include the following –

- An illustration of the stamp/seal design to give the option to licensees to source a stamp/seal from a vendor of their choosing and create the ability for a licensee to create a digital version
- An adjustment to the regulation text in section 4 to improve comprehension of the intent
- An adjustment of text coupling the term “digital” with “signature(s)”. This is in reference to documents that are electronically submitted, and is the accepted terminology when used to describe an encrypted or password protected signature on electronic transmittals
- The removal of item 625.610.10 (c) - the text is not relevant to secure digital signatures. Secure signatures need not be applied by the licensee in responsible charge of work; signatures are only required to be authenticated/activated by the licensed professional. The application of the signature box or landing space for the signature can be done by someone other than the licensee

### **1 –Manner in which comments were solicited, response summary, and explanation of how interested parties may obtain a copy of summary**

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 e-mailed survey link. Feedback was also solicited from stakeholders in similar management and ownership positions in the partner industries of architecture and contracting/construction via notification and survey link through each of the

respective state boards.

The survey asked for input on adverse/beneficial economic effects on small businesses, and indirect adverse/beneficial effects – with space to elaborate on responses.

A summary of the survey results is available for viewing on the Nevada Board of Professional Engineers and Land Surveyors website at [www.nvbpels.org/board/business-impact-study](http://www.nvbpels.org/board/business-impact-study).

## **2 – Manner in which analysis was conducted**

Survey results were initially reviewed for general comments to gauge if the intent of the proposed regulation changes were adequately conveyed. The general comments provided a basis for refining revisions to the proposed amendments prior to holding public workshops.

Survey analysis then focused on “YES” responses – in the direct economic effect and indirect adverse effect, and the associated comments and explanations to determine the individual concerns. The same was done with survey results for the direct and indirect beneficial impacts.

## **3 – Estimated economic impacts of the proposed regulation on small businesses**

After revising proposed amendment text – based on feedback from respondents – it is estimated that there would be no adverse direct or indirect impact on small businesses, rather it’s likely there will be beneficial economic impacts. This relates to the more efficient use of a licensee’s time. A licensee would save time in not having to physically apply the digital signature landing space on documents for electronic transmittals.

## **4 – Considerations to reduce impact of the proposed regulation**

Prior to the survey, initial drafts of the proposed amendments were circulated to professional engineering and land surveying associations. Input was received and incorporated into the progressive drafts of the proposed amendments. The intent of the proposed regulation changes is to reduce the burden on licensees and businesses without compromise to the public health, safety and welfare.

## **5 – Cost estimate for agency enforcement**

At this time there would be no additional cost to the regulatory board to enforce the proposed amendments. Any issues relating to compliance would be absorbed into the existing workload of the current staffing levels.

## **6 – New fees or increases in existing fees**

The proposed amendments do not involve an increase to existing fees or create any new fees.

## **7 – Duplicative or more stringent 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. The proposed amendments are intended to provide clarification and be less restrictive. There are no duplicative or more stringent provisions in these proposed amendments.

## **8 – Summary of conclusions**

Input from stakeholders has been very valuable in shaping the current proposed amendments. It was concluded that the proposed revisions will provide flexibility for small businesses in vendor selection for stamp/seal purchases, potential for economic benefits with a more productive use of licensee time, and clarity in the intent of the regulation. These conclusions are drawn from the survey responses received from small business owners and operators.

Without the proposed amendments, the licensee must coordinate with the regulatory board when procuring a stamp or seal. The proposed amendment allows discretion for small businesses to procure from a vendor of their choosing without coordination with the board. The amendment regarding the application of electronic signatures as opposed to the authentication or activating of a digital signature, will result in business efficiencies while maintaining control over the signing of work for which the licensee had responsible charge.