

NEVADA STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

NOTICE OF PUBLIC HEARING
INTENT TO ACT UPON REGULATIONS

April 15, 2021

Date: April 15, 2021

Time: 10:00 AM

Video Conference Meeting: Join from PC, Mac, Linux, iOS or Android:
<https://zoom.us/j/8286438008>
Or iPhone one-tap: +16699006833,,8286438008#
Or Telephone: +1 669 900 6833, Meeting ID: 8286438008

Pursuant to Emergency Directive 006, section 1, there will be no physical location for this meeting.

AGENDA

Please note: The Nevada State Board of Professional Engineers and Land Surveyors may 1) take agenda items out of order, 2) combine two or more items for consideration, 3) remove an item from the agenda or delay discussion related to an item at any time.

As required by the Governor's Declaration of Emergency Directive 006 Section 2, members of the public may submit public comment by logging into the ZOOM webinar by accessing the following link: <https://zoom.us/j/8286438008>. This option will require a computer with audio and video capabilities. Additionally, public comment can be submitted prior to, during, and up to 10 minutes after the meeting is adjourned via email to board@boe.state.nv.us. Public comment received prior to and during the meeting will be read into the record. Public comment received within 10 minutes of meeting adjournment will be added to the record.

1. Meeting conducted by Chair Karen Purcell, call to order and roll call of board members to determine presence of quorum.
2. Pledge of Allegiance
3. Public comment. (**Discussion only**) Action may not be taken on any item brought up under public comment until scheduled on an agenda for action at a later meeting. The chair of the board may impose a time limit of three minutes.
4. Open hearing for LCB file number R140-20RP1 by Chair Karen Purcell.
5. Presentation, discussion, and adoption of proposed changes to Nevada Administrative Code 625 as drafted by the Nevada Legislative Council Bureau, LCB file number R140-20RP1. (**For possible action**)

- a. **NAC 625.610** – Updated language replaces impression with image to make the regulation applicable to paper and electronic documents. Adds the option for licensees to validate their signature adjacent to their stamp or seal. Language updated to clarify the intent of a digital signature on electronic documents relating to the identity of the professional who is responsible for the documents, and adds provisions concerning tracking changes of originally released documents. Additional language updates clarify when original plans require consent for revision and simplifies the revision process for original documents—a firm retains ownership of a design after an engineer departs, and another engineer can take responsibility for the design and any revision.
 - b. **NAC 625.611** – Provides clarification for electronic submissions and an additional contact information requirement. “Maps” are added to section 2(b) for continuity and section (c) is deleted to remove ambiguity.
 - c. **NAC 625.613** – Adds clarity for electronic submissions and an additional contact information requirement.
6. Public comment. (**Discussion only**)
 7. Close hearing for LCB file number R140-20RP1.
 8. Adjournment

Supporting material for this meeting may be requested from Patty Mamola, PE, Executive Director at (775) 688-1231 (board@boe.state.nv.us) and is available at 1755 East Plumb Lane, Suite 258, Reno, NV 89502.

AFFIDAVIT OF POSTING

The undersigned affirms that in accordance with NRS 241.020, this public notice and agenda was posted on or before 9:00 AM on March 12, 2021, on the Nevada State Board of Professional Engineers and Land Surveyors website, <http://www.nvbpels.org/>, and the State of Nevada's Public Notice website, <http://notice.nv.gov>.

Pursuant to Section 3 of the Declaration of Emergency Directive 006, the requirement contained in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and further, the requirement that notice agendas be physically posted within the State of Nevada has been suspended.

SIGNATURE

Name: Louisa Kern

Title: Secretary

Date and Time of Posting: _____

In addition to posting this agenda and notice of hearing on the Board's website, <https://nvbpels.org/board/meetings>, it has also been posted at <https://notice.nv.gov/>, and at the following locations:

City of Reno, Engineering Division
1 E First Street, 2nd Floor
Reno, NV 89501

City of Sparks, Building & Safety
City Hall, 431 Prater Way
Sparks, NV 89431

Clark County Depart of Building & Fire Prevention
4701 W Russell Road
Las Vegas, NV 89118

Elko County Recorder
571 Idaho Street
Elko, NV 89801

City of Las Vegas, Development Services Center
333 N Rancho Drive
Las Vegas, NV 89106

NOTICE OF INTENT TO ACT UPON REGULATIONS

Notice of Hearing for the Adoption of Regulations of the Nevada State Board of Engineers and Professional Engineers

LCB File Number

R140-20RP1, Sealing and Signing Documents

The Nevada State Board of Professional Engineers and Land Surveyors will conduct a virtual public hearing at **10:00 am, Thursday April 15, 2021**, <https://zoom.us/j/8286438008>. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to Chapter 625 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.060:

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.

1. Need and Purpose of the Proposed Regulations

The proposed amendments make the general provisions of the regulations applicable to physical and electronic documents, and specific changes clarify the use of digital signatures with documents released electronically. Additional proposed changes clarify the regulation section related to revision of original plans by another licensee.

NAC 625.610

→ Proposed language replaces *impression* with *image* to make the regulation applicable to paper and electronic documents. Text is added to allow a licensee the option to add their validating signature adjacent to their stamp or seal.

→ Language clarifies the intent of a digital signature on electronic documents relating to the identity of the professional who releases documents, and adds provisions concerning tracking changes made to originally released documents.

→ Language clarifies when original plans require consent for revision and simplifies the revision process for original documents—a firm retains ownership of a design after an engineer departs, and another engineer can take responsibility for the design and any revision.

NAC 625.611

→ Provides clarification for electronic submissions and an additional contact information requirement.

→ “Maps” are added to section 2(b) for continuity and section (c) is deleted to remove ambiguity.

NAC 625.613

→ Adds clarity for electronic submissions and an additional contact information requirement.

2. The Proposed Regulation is NOT a Temporary Regulation

The regulatory changes are proposed as permanent regulations.

3. The Regulation is Proposed as a Permanent Regulation

The revised text of the proposed regulatory changes, as prepared by the Legislative Counsel Bureau, are attached.

4. Estimated Economic Effect

a. Adverse effects:

There are no apparent adverse effects, immediate or long term, on businesses or the public, from the proposed amendments to regulations related to sealing and signing documents.

b. Beneficial effects:

There are beneficial effects, immediate and long term, on businesses and the public from the proposed amendments to regulations related to sealing and signing documents. The changes provide for added document security and reduced opportunity for fraudulent engineering and land surveying documents being submitted to public agencies and ultimately used to construct the built environment and potentially jeopardizing the public health safety and welfare of Nevada communities.

5. Description of How Comment was Solicited from Affected Businesses and Response 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 that was sent to 15,732 interested parties.

The survey asked for input regarding both direct and indirect adverse and beneficial economic effects on small businesses, 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 <https://nvbpels.org/wp-content/uploads/2020/12/Category-4-Survey-Results.pdf>

6. Estimated Cost to the Agency of Enforcement

It is estimated that there would be no additional cost to the agency.

7. Duplication with other State or Local Government Agencies

There is no duplication with other agencies.

8. Federal Law

The proposed amendments are not federal requirements.

9. Federal Regulation

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.

Comments and Written Submissions

Persons wishing to comment on the proposed action of the Nevada State Board of Engineers and Professional Engineers 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 **10:00am, Wednesday, April 14, 2021**. 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 Regulations

A copy of this notice and the proposed regulations 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 at <https://nvbpels.org/board/meetings/> and at the Board's office:

Nevada State Board of Professional Engineers and Land Surveyors
1755 E Plumb Lane, Suite 258
Reno, NV 89502
board@boe.state.nv.us

The text of each regulation will include the entire text of any section of the Nevada Revised Statutes, which is proposed for amendment or repeal. This notice and the text of the proposed regulation are 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/2020Register/R140-20RP1.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.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

In addition to posting this notice of hearing on the Board's website, <https://nvbpels.org/board/meetings/>, it has also been posted at <https://notice.nv.gov/> and at the following locations:

City of Reno, Engineering Division
1 E First Street, 2nd Floor
Reno, NV 89501

City of Sparks, Building & Safety
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Clark County Depart of Building & Fire Prevention
4701 W Russell Road
Las Vegas, NV 89118

Elko County Recorder
571 Idaho Street
Elko, NV 89801

City of Las Vegas, Development Services Center
333 N Rancho Drive
Las Vegas, NV 89106

Copies of this notice of hearing, hearing agenda, and proposed regulations may also be obtained from any of the public libraries listed below:

Churchill County Library, 553 South Main Street, Fallon, NV
Douglas County Library, 1625 Library Lane, Minden, NV
Elko County Library, 720 Court Street, Elko, NV
Esmeralda County Library, Corner of Crook and Fourth Street, Goldfield, NV
Humboldt County Library, 85 East Fifth Street, Winnemucca, NV
Lander County Library, 625 South Broad Street, Battle Mountain, NV
Lincoln County Library, 63 Main Street, Pioche, NV
Lyon County Library, 20 Nevin Way, Yerington, NV
Mineral County Public Library, 110 First Street, Hawthorne, NV
Pershing County Library, 1125 Central Avenue, Lovelock, NV
Tonopah Public Library, 167 Central Street, Tonopah, NV
Washoe County Library, 301 South Central Street, Reno, NV
White Pine County Library, 950 Campton Street, Ely, NV

**REVISED PROPOSED REGULATION OF THE STATE BOARD
OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

LCB File No. R140-20

December 14, 2020

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

AUTHORITY: §§1, 2 and 3, NRS 625.140 and 625.565.

A REGULATION relating to professions; revising certain provisions relating to the stamping of documents produced by a professional engineer or land surveyor; revising provisions relating to the electronic submission, release or issuance of certain documents; revising provisions relating to a licensee who seeks to revise original plans prepared by another licensee; revising provisions relating to the submission of plans or maps to a public authority; requiring the electronic mail address of certain firms to be provided in certain situations; 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 all regulations which are necessary for the proper performance of the duties of the Board, the regulation of the proceedings before it and the maintenance of a high standard of integrity and dignity in the profession. (NRS 625.140)

Existing law requires the Board to prescribe through regulation additional requirements relating to the signing and stamping of documents produced by a professional engineer or land surveyor. (NRS 625.565) Existing regulations require the impression made by a stamp or seal to conform to certain standards and further require each professional engineer or land surveyor to validate a stamp or seal by adding his or her signature across the face of the impression made by the stamp or seal. (NAC 625.610) **Section 1** of this regulation replaces the term “impression” with “image.” **Section 1** additionally requires each licensee to validate a stamp or seal by adding his or her signature across or adjacent to the face of the image made by the stamp or seal. Existing regulations provide that a licensee is not required to stamp certain documents, including a shop drawing that is not required by the specifications of a project. (NAC 625.610) **Section 1** removes shop drawings from the list of documents that are not required to be stamped.

Existing regulations authorize a licensee who is responsible for the work contained in certain documents to have an electronically prepared seal and digital signature applied to such a document which is electronically submitted, released or issued. Existing regulations authorize such electronic submission, release or issuance only if: (1) the files containing the document are locked electronically to prevent any changes to the document; (2) secure encryption methods are in place to prevent the copying, transferring or removing of the seal and digital signature and to

prevent changes to any electronic drawings after the document is submitted, released or issued; and (3) the licensee believes adequate protections are in place to prevent fraud or misuse of the digital signature. (NAC 625.610) **Section 1** authorizes such electronic submission, release or issuance only if: (1) secure encryption methods are in place to identify the licensee and which track changes made to the document after the document is submitted, released or issued; and (2) the professional engineer or land surveyor believes adequate protections are in place to prevent fraud or misuse of the digital signature. **Sections 2 and 3** make conforming changes by allowing certain documents to be printed or finalized for electronic submission.

Existing regulations authorize a licensee to revise original plans prepared by another licensee only if certain conditions are met. One such condition is that the licensee proposing to revise the plans: (1) obtains the consent of the licensee who prepared the original plans; or (2) made every reasonable effort to notify and obtain the consent of the licensee who prepared the original plans and the licensee proposing to revise the plans is part of the same firm that prepared the original plans. (NAC 625.610) **Section 1** removes the requirement that the licensee proposing to revise the original plans make every reasonable effort to notify and obtain the consent of the licensee who prepared the original plans. **Section 1** instead provides that the licensee proposing to revise the plans: (1) obtains the consent of the licensee who prepared the original plans; or (2) is part of the same firm that prepared the original plans.

Section 2 removes provisions in existing regulations which provide if plans or maps submitted to a public authority are copies of original plans or maps which have not been dated, stamped and signed, each sheet of the plans or maps must be dated, stamped and signed in a certain manner by certain persons. (NAC 625.611)

Existing regulations require plans or maps submitted to a public authority to include the name, address and telephone number of the firm which submits the plans or maps. (NAC 625.611) Existing regulations require each document prepared by a licensee to include the name, address and telephone number of the licensee's firm. (NAC 625.613) **Sections 2 and 3** of this regulation additionally require the electronic mail address of the firm to be provided in such cases.

Section 1. NAC 625.610 is hereby amended to read as follows:

625.610 1. Upon being issued a license, each licensee may, at his or her own expense, obtain a stamp or seal that conforms with the requirements of this section.

2. A person who is licensed in more than one discipline of engineering shall use a separate stamp or seal for each discipline, except that a person who is licensed in the disciplines of civil engineering and structural engineering may use a single stamp or seal for both disciplines. A

stamp or seal must be approximately 1.7 inches in diameter and conform to one of the following designs, as applicable:



3. The ~~impression~~ *image* made by a stamp or seal:

- (a) Must be opaque and permanent;
- (b) Must state the name of the licensee;
- (c) Must contain the license number of the licensee;
- (d) Must state the particular discipline in which the licensee is licensed; and
- (e) May state the expiration date of the license of the licensee.

4. Each licensee shall validate a stamp or seal by adding his or her signature legibly across *or adjacent to* the face of the ~~impression~~ *image* made by the stamp or seal. The licensee shall also include the date of stamping or sealing and, if the stamp or seal does not include the date of expiration of his or her license, the date of expiration. The name of the licensee, the particular discipline in which the licensee is licensed and the license number of the licensee must be legible. Except as otherwise provided in NRS 427A.755, the licensee may not use a stamp to produce his or her signature.

5. When a licensee signs, stamps or seals a document containing the work of others, the licensee represents that the licensee has prepared or has been in responsible charge of the production of the entire document unless the licensee includes a written statement adjacent to his

or her signature, stamp or seal identifying the portion of the document that the licensee prepared or for which the licensee had responsible charge of the work.

6. For the purposes of NRS 625.565, a professional engineer has “responsible charge of the work” and may sign, stamp or seal plans, specifications, plats or reports which were not prepared by the professional engineer:

(a) If the professional engineer personally supervises the work on the plans, specifications, plats or reports to the degree that he or she is satisfied that the work is completed in a proper and professional manner; or

(b) Where the plans, specifications, plats or reports are not prepared under his or her personal supervision, if the professional engineer or persons under his or her personal supervision review the plans, specifications, plats or reports and make tests, calculations or changes in the work as necessary for the professional engineer to determine that the work has been completed in a proper and professional manner.

7. A licensee who signs, stamps or seals a document which was not prepared by him or her but for which the licensee had responsible charge of the work is subject to disciplinary proceedings pursuant to chapter 625 of NRS for any errors in that document as if it was prepared by the licensee. This subsection does not exempt any other licensee who prepared the document from disciplinary action for his or her errors in that document.

8. Pursuant to NRS 625.565, all surveying maps and records, and all engineering plans, specifications, reports or other documents that are submitted to obtain permits, are released for construction or are issued as formal or final documents to clients, public authorities or third parties must bear:

(a) The signature of the licensee;

- (b) The stamp or seal of the licensee;
- (c) The date of signing; and
- (d) The expiration date of the license of the licensee.

9. If the license of a licensee expires after the licensee submits, releases or issues a document described in subsection 8, the licensee is not required to sign, stamp or seal the document again to include an updated expiration date of the license unless changes are made to the document after the document is submitted, released or issued.

10. A licensee with responsible charge of the work contained in a document described in subsection 8 may have an electronically prepared seal and digital signature applied to such a document which is electronically submitted, released or issued only if:

- (a) ~~The files containing the document are locked electronically to prevent any changes to the document;~~
- ~~(b)~~ Secure encryption methods are in place ~~to prevent the copying, transferring or removing of the seal and digital signature~~ *that identify the licensee* and ~~to prevent~~ *which track* changes *made* to ~~any electronic drawings~~ *the document* after the document is submitted, released or issued; and

~~(e)~~ (b) The licensee believes adequate protections are in place to prevent fraud or misuse of the digital signature.

11. If an agency reviewing an interim document, other than a document listed in subsection 12, requires a licensee to stamp the interim document, the document must be clearly marked in substantially the following manner to show the intended purpose of the document:

- (a) “For review only”;
- (b) “Not for construction”; or

(c) “Preliminary.”

12. A licensee is not required to stamp the following documents:

(a) An engineering as-built plan or record plan;

(b) A report which includes observations concerning the progress of the construction of a project; *or*

(c) An estimate of the costs of a project . ~~[-or~~

~~—(d) A shop drawing that is not required by the specifications of a project.]~~

13. ~~[A]~~ *For projects that are still in design and that are not under construction or yet constructed, a* licensee may revise original plans prepared by another licensee only if:

(a) The licensee proposing to revise the plans:

(1) Obtains the consent of the licensee who prepared the original plans; or

(2) ~~[Made every reasonable effort to notify and obtain the consent of the licensee who prepared the original plans and the licensee proposing to revise the plan is]~~ *Is* part of the same firm that prepared the original plans;

(b) The proposed revisions are within the scope of practice of the licensee proposing to revise the plans;

(c) The licensee proposing to revise the plans assumes full responsibility for those revisions and the effects of those revisions upon the remainder of the project; and

(d) The revisions to the original plans comply with applicable state and local laws.

Sec. 2. NAC 625.611 is hereby amended to read as follows:

625.611 1. Plans or maps submitted to a public authority must include:

(a) The name, address , *electronic mail address* and telephone number of the firm which submits the plans or maps;

(b) The name and location of the project for which the plans or maps are submitted; and
(c) The date the plans or maps were printed *or finalized for electronic submission* and a statement which indicates whether the plans or maps are preliminary or final.

2. If the plans or maps submitted to a public authority are:

(a) Original plans or maps, each sheet of the plans or maps must be dated, stamped and signed by each licensee who had responsible charge of the work indicated on the sheet. If the licensee is a licensed professional engineer, the licensee must date, stamp and sign the plans for each discipline of engineering for which the licensee is licensed that is related to the work for which the licensee is responsible.

(b) Copies of the original plans ~~and~~ *or maps*, the cover sheet and the first sheet for each discipline of engineering of the plans must be dated and stamped and include ~~an original~~ *a* signature of the licensee who had responsible charge of the work indicated on the sheet.

~~[(c) Copies of original plans or maps which have not been dated, stamped and signed, each sheet of the plans or maps must be dated, stamped and signed by each licensee who had responsible charge of the work indicated on the sheet. If the licensee is a licensed professional engineer, the licensee must date, stamp and sign the plans for each discipline of engineering for which the licensee is licensed that is related to the work for which the licensee is responsible.]~~

3. Each set of specifications submitted to a public authority must include a table of contents or cover sheet that:

(a) Indicates the discipline of engineering that is the source of each specification; and

(b) Contains the stamp of, and is signed and dated by, each licensee who had responsible charge of that discipline.

Sec. 3. NAC 625.613 is hereby amended to read as follows:

625.613 1. Details, shop drawings, descriptions of products or any other information which is prepared by a manufacturer, supplier or installer of a product or system may be included in a document which has been prepared and stamped by a licensee.

2. Each document which is prepared by a licensee must include:

(a) A description of the document;

(b) The date the document was printed ~~or~~ *or finalized for electronic submission;*

(c) The name, address , *electronic mail address* and telephone number of the licensee's firm;

and

(d) The name and location of the project for which the document was prepared.