

SECRETARY OF STATE
FILING DATA

FILED V.503
2024 JUN 20 AM 10:53

**Form For Filing
Administrative Regulations**

12.679-23

Agency:

**NEVADA STATE BOARD
OF PROFESSIONAL
ENGINEERS AND
LAND SURVEYORS**

FOR EMERGENCY
REGULATIONS ONLY

Effective date _____

Expiration date _____

Governor's signature

Classification: PROPOSED ADOPTED BY AGENCY EMERGENCY

Brief description of action:

R-file # R079-23

- NAC 625.420 is amended for clarification related to retired and inactive status of a license, and the requirements to move a license back to active status.

- NAC 625.460 is repealed. The Board's online license renewal system (put into operation in 2015) clearly states the license expiration date, whether a licensee chooses active or inactive status at time of license renewal. The second sentence is already covered by NAC 625.420.

- NAC 625.620 is repealed. This regulation is not part of current practice, and it is proposed to be repealed. The Board's process of firm registration does not include the requirement of a "certificate of fictitious name" to complete a registration application.

- NAC 625.625 is repealed. This regulation is not current practice and recommended for repeal. The intent of 1. (a), contact information, is already addressed in NAC 625.615, and any change relating to discipline of engineering or land surveying is information that is collected at the time of license renewal and no additional notification is required.

- NAC 625.635 is repealed. The regulation states the obvious and it does not need to be in regulation, especially in consideration, as stated in item 1, a party can be represented by any person he/she designates.

Authority citation other than 233B:

NRS 625.140

Notice date: February 2, 2024

Hearing date: March 14, 2024

Date of Adoption by Agency: March 14, 2024

**APPROVED REGULATION OF THE STATE BOARD OF
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

LCB File No. R079-23

Filed June 20, 2024

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

AUTHORITY: §§ 1 and 2, NRS 625.140.

A REGULATION relating to professions; reorganizing and clarifying the requirements necessary for the renewal of an inactive license to practice professional engineering or land surveying; repealing provisions relating to a licensee or firm which conducts business under an assumed or fictitious name or designation; repealing certain notification requirements relating to a change in information of a licensee; repealing certain provisions related to the representation of a party in a proceeding before the State Board of Professional Engineers and Land Surveyors; 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 regulations authorize, under certain circumstances, a licensee to apply to the Board to change his or her status to inactive. (NAC 625.420) Existing regulations further provide that if a licensee has changed his or her status to inactive: (1) the Board will issue an identification card indicating that the licensee is inactive; and (2) such an identification card expires on the same date as his or her license would expire if the licensee were on active status. (NAC 625.420, 625.460) To renew an identification card, existing regulations require a licensee to complete certain professional development hours in the same manner as a licensee who is on active status. Existing regulations also provide that to reinstate a license from inactive to active status, a licensee must submit proof that he or she has completed certain professional development hours. (NAC 625.420, 625.460) **Sections 1 and 2** of this regulation reorganize provisions relating to licenses that are on inactive status. **Section 1** also provides that: (1) a license on inactive status expires on the same date that the license would expire if such a license were on active status; (2) to renew a license that is on inactive status, a licensee is required to

complete certain professional development hours in the same manner as a licensee who is on active status; and (3) a licensee who has changed his or her status to inactive may reinstate the license to active status under certain circumstances.

Existing regulations require a licensee or firm which conducts business under a fictitious name to submit a certificate of fictitious name to the Board within 30 days after the first use of the name or designation. (NAC 625.620) **Section 2** repeals this requirement.

Existing regulations require a licensee to submit a written notice to the Board within 30 days after a change in the information on file with the Board concerning the licensee's: (1) employer; or (2) category or discipline of engineering or land surveying. (NAC 625.625) **Section 2** repeals this requirement.

Existing regulations provide that a party may represent himself or herself or be represented by an attorney or any other person the party designates in any proceeding before the Board. (NAC 625.635) If an attorney represents a party in a proceeding before the Board, existing regulations require the attorney to be admitted to practice and in good standing before the highest court of any state. (NAC 625.635) Existing regulations further require an attorney who is not admitted to practice before the Supreme Court of Nevada to associate with an attorney who is so admitted. (NAC 625.635) **Section 2** repeals all requirements regarding who may represent a party in a proceeding before the Board.

Section 1. NAC 625.420 is hereby amended to read as follows:

625.420 1. In lieu of the renewal of his or her license, a licensee may apply to the Board to change his or her status to:

(a) Retired, by filing with the Board a notice in writing that states the licensee's intention to retire from practice. The Board will issue an identification card indicating that the licensee is retired.

(b) Inactive, by filing with the Board a notice in writing that states the licensee's intention to change his or her status to inactive and paying a fee that is equal to the fee required for a licensee who wishes to renew his or her license. The Board will issue an identification card indicating that the licensee is inactive. *A license that is on inactive status pursuant to this section expires on the same date that the license would expire pursuant to NAC 625.410 if such license were on active status. To renew a license that is on inactive status pursuant to this section, a*

licensee must comply with the requirements of NAC 625.430 in the same manner as a licensee who is on active status.

2. If ~~{an identification card is issued to}~~ a licensee *places his or her license on retired or inactive status* pursuant to this section, ~~{his or her license expires and}~~ he or she is not licensed to continue to practice.

3. A licensee who has changed his or her status to retired pursuant to this section may reinstate his or her license to active status by complying with the requirements for the issuance of an original license and submitting proof that he or she has completed at least 30 professional development hours *as described in NAC 625.430* within the 2 years immediately preceding the date of the licensee's request to reinstate his or her license to active status.

4. A licensee who has changed his or her status to inactive pursuant to this section may reinstate his or her license to active status ~~{by submitting proof that he or she has completed at least 30 professional development hours within the 2 years immediately preceding the date of the licensee's request to reinstate his or her license to active status.}~~ *if:*

(a) He or she has complied with the requirements of NAC 625.430 in the same manner as a licensee who is on active status during the period in which his or her license has been on inactive status; and

(b) Either:

(1) The inactive license has not expired; or

(2) The inactive license has been expired for 6 months or less.

Sec. 2. NAC 625.460, 625.620, 625.625 and 625.635 are hereby repealed.

TEXT OF REPEALED SECTIONS

625.460 Inactive status: Requirements for renewal of identification card. (NRS 625.140, 625.398) The identification card issued to a licensee who has changed his or her status to inactive status pursuant to NAC 625.420 expires on the same date as his or her license would expire if the licensee were on active status. To renew the identification card, a licensee who has changed his or her status to inactive pursuant to NAC 625.420 must comply with the requirements of NAC 625.430 in the same manner as a licensee who is on active status.

625.620 Fictitious names. (NRS 625.140) Any licensee or firm which conducts business under an assumed or fictitious name or designation and which does not show the real name of the firm or names of the persons engaged or interested in the business shall file with the Board a certificate of fictitious name in the form required by chapter 602 of NRS within 30 days after the first use of the name or designation.

625.625 Notice of change in licensee's employer, category or discipline. (NRS 625.140)

1. If any information on file with the Board concerning a licensee's:
 - (a) Employer; or
 - (b) Category or discipline of engineering or land surveying,

↪ changes, the licensee shall submit written notice of the change to the Board within 30 days.

The notice must include any change of the contact information of the licensee's principal place of business.

2. As used in this section, "contact information" means the address, telephone number and electronic mail address of the licensee's principal place of business.

625.635 Representation of parties; qualifications of attorneys. (NRS 625.140)

1. A party may, in any proceeding before the Board, represent himself or herself or be represented by an attorney or any other person he or she designates.

2. If a party chooses to be represented by an attorney, the attorney must be admitted to practice and in good standing before the highest court of any state. If the attorney is not admitted and entitled to practice before the Supreme Court of Nevada, he or she must associate with an attorney who is so admitted and entitled to practice.