

ARTICLE 28-01 GENERAL ADMINISTRATION

Chapter

28-01-01 Organization of Board

28-01-02 Board Bylaws and Administration [Superseded]

28-01-02.1 Board Bylaws and Administration

CHAPTER 28-01-01 ORGANIZATION OF BOARD

Section 28-01-01-01 Organization of Board of Registration for Professional
Engineers and Land Surveyors

28-01-01-01. Organization of board of registration for professional engineers and land surveyors.

4. **History and function.** The 1943 legislative assembly first provided for registration of professional engineers by a law codified as North Dakota Century Code chapter 43-19. The 1957 legislative assembly first provided for registration of land surveyors by a law codified as North Dakota Century Code chapter 43-24. In 1967 the legislative assembly repealed both of these chapters and replaced them with one chapter regulating professional engineers and professional land surveyors under the board of registration for professional engineers and land surveyors. The chapter is codified as North Dakota Century Code chapter 43-19.1. The function of the board is to regulate the practice of engineering and land surveying by registering qualified engineers and land surveyors.

~~2. **Board membership.** The board is appointed by the governor and consists of four professional engineer members and one professional land surveyor member. Each professional engineer member must be a registered professional engineer whose name has been submitted to the governor by the North Dakota society of professional engineers for appointment. The professional land surveyor member must be a registered professional land surveyor whose name has been submitted to the governor by the North Dakota society of professional land surveyors for appointment. Members of the board serve five-year terms, and one term expires each year.~~

~~3. 2. **Executive secretary director.** The executive secretary director is appointed by the board and is responsible for administration of the board's activities.~~

4. 3. **Inquiries.** Inquiries regarding the board may be addressed to the executive secretary director:

North Dakota State Board of Registration for
Professional Engineers and Land Surveyors
PO Box 1357

Bismarck, North Dakota 58502

History: Amended effective January 1, 1980; February 1, 1984; November 1, 1985; January 1, 1988; August 1, 1994; April 1, 1999.

General Authority: NDCC 28-32-02.1

Law Implemented: NDCC 28-32-02.1

CHAPTER 28-01-02.1 BOARD BYLAWS AND ADMINISTRATION

Section

28-01-02.1-01	Meetings
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28-01-02.1-01. Meetings. The board shall hold meetings at least twice each year, including at least one in January and one in July. The chairman may call special meetings when the chairman deems such meetings necessary. The executive ~~secretary~~ director shall give ~~public~~ notice as required by law. The date, time, and place of each meeting must be mutually agreed upon by a quorum of the board. All meetings of the board, whether regular meetings or special meetings, must be open public meetings.

History: Effective January 1, 1988; amended effective August 1, 1994; April 1, 1999.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-07

28-01-02.1-02. ~~Items of business~~-Rules of procedure. ~~Items of business must include:~~

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- ~~1. Roll call.~~
- ~~2. Minutes of last meeting; approval.~~
- ~~3. Agenda.~~
- ~~4. Financial report; approval roll call vote.~~
- ~~5. Appearances; guest, applicants, complainants, defendants.~~
- ~~6. Unfinished business.~~
- ~~7. Applications.~~
- ~~8. New business.~~
- ~~9. Status report of complaints and investigations.~~
- ~~10. Adjournment.~~

Robert's Rules of Order must govern procedure of the board except as otherwise provided by this chapter.

History: Effective January 1, 1988; amended effective April 1, 1999.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-07

28-01-02.1-03. Board quorum. A quorum of the board is required to transact business.

History: Effective January 1, 1988.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-07

28-01-02.1-04. Officers and board staff.

1. The board shall hold an election at the first meeting after July first of each year and elect a chairman, vice chairman, and secretary.
2. Each officer will be elected for one year and may be reelected.
3. The chairman:
 - a. Shall be the executive head of the board.
 - b. Shall preside at all meetings when present.
 - c. Shall call meetings of the board when the chairman deems such meetings necessary.
 - d. Shall sign all certificates of registration.
4. The vice chairman shall in the absence or incapacity of the chairman exercise the duties and shall possess all the powers of the chairman.
5. The secretary shall sign all official documents prepared by the board and shall sign all certificates of registration.
6. The executive ~~secretary~~ director shall perform all duties as may be prescribed by the board. The associate executive director shall in the absence or incapacity of the executive director exercise the duties and shall possess all the powers of the executive director.
7. The ~~secretary or executive secretary~~ director and any other person with signatory authority on the Board's accounts shall give ~~to the state~~ a surety bond in an amount determined by the board.

8. The office of the board may be established at a place designated by the board.
9. The board shall establish, appoint, and create ad hoc or standing committees to study, research, and evaluate such matters as assigned. For each committee a chairman must be designated.
10. Board officers and members serve without compensation except for ~~vouchered~~ per diem when engaged in state business approved by the board and for ~~vouchered~~ subsistence, lodging, and travel expenses at the rates established for ~~any other state employees~~. All per diem and expenses must be requested on the travel voucher approved by the state.
11. The board staff members must be reimbursed ~~vouchered~~ expenses for approved travel, lodging and subsistence at ~~state~~ rates established for state employees. All per diem and expenses must be requested on the travel voucher approved by the state.

History: Effective January 1, 1988; amended effective April 1, 1999.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-03

28-01-02.1-05. Forms -Records -Roster -Reports.

1. **Forms.** The board shall prescribe forms for applications and other documents. Copies of the forms and the instructions for completing the forms must be ~~obtained by request from~~ made available by the board office. All applications and documents must be completed in accordance with the board's instructions.
2. **Records.**
 - a. The open records law requires that most records, papers, and reports of the board are public in nature and may be obtained through the executive ~~secretary~~ director or designee upon request and payment of costs of reproduction, handling, and mailing.
 - b. The board shall keep a record of all its proceedings, including its action on each application coming before the board.
 - c. The board shall keep a record of all applications ~~and requests~~ received.
 - d. The board shall keep a record of all certificates issued.
 - e. The board shall keep a record of all complaints received and of any actions taken on those complaints.
 - f. All applications, approved or deferred, unless otherwise specified in this or other sections of this chapter, will be retained in accordance with North

Dakota Century Code section 54-46-10

- ~~3. **Roster.** The closing date for all registrants to be included in the roster for any year is March first. The roster must contain, among other things, the names of all registered professional engineers and registered professional land surveyors showing the registrant's address. Copies of the roster must be made available and mailed upon request at no cost to each person holding a current registration and mailed to or made available and to all county and city auditors and clerks of district courts. Copies must be placed on filed with the secretary of state and with the libraries in accordance with the state repositories laws. Copies may be sold to the public at a cost not less than the cost of publication and postage.~~
- ~~4. **Annual reports.** An annual report, an annual audit, and such other summaries as required must be filed with the appropriate state agencies as required, such as the office of the governor, state auditor, and secretary of state as required by law.~~

History: Effective January 1, 1988; amended effective August 1, 1994; April 1, 1999.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-09, 43-19.1-10, 43-19.1-11

~~**28-01-02.1-06. Statement of purpose of rules—Amendments.—**~~

- ~~1. **Purpose of rules.** The purpose of these rules is to ensure proper, equitable, and uniform performance of the duties of the board of registration by regulation of its members, personnel, meetings, records, examinations, and the conduct thereof.~~
- ~~2. **Amendment of rules.** These rules may be amended by the board in accordance with North Dakota Century Code chapter 28-32.~~

History: Effective January 1, 1988; amended effective August 1, 1994; April 1, 1999.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-08

28-01-02.1-07. Gender and definitions.

1. **Gender.** This title is to be read and interpreted in a nongender context without regard to race, creed, or sex.
2. **Definitions.** The terms used throughout this title have the same meaning as in North Dakota Century Code chapter 43-19.1, except:
 - a. "Accreditation board for engineering and technology accredited curriculum" means those academic programs offered by institutions of higher learning ~~which~~ that the accreditation board for engineering and technology(ABET) certify to have met the criteria and qualifications required to receive the designations as accredited programs in the education, training, and

preparation of the graduates from such programs; engineering curriculum must have the accreditation of the engineering accreditation commission (EAC) within the accreditation board for engineering and technology and land surveying curriculum must have either engineering accreditation commission or technology accreditation commission (TAC), or applied science accreditation commission (ASAC) of the accreditation board for engineering and technology to be acceptable to the board.

- b. "Application" means the act of furnishing data, documents, and such information under oath as may be required by the board and on forms prescribed by the board.
- c. "Code of ethics" means that set of rules prescribed by the board and adopted herein ~~which~~ that govern the professional conduct of all registrants.
- d. "Direct supervision" means the activities of that person who is in responsible charge of technical engineering or land surveying work in progress, whose professional skill and judgment are embodied in the plans, specifications, reports, plats, or other documents required to be certified pursuant to section 28-02.1-08-01. A person in direct supervision of work directs the work of other registrants, interns, draftspersons, technicians, or clerical persons assigned to that work.
- e. "Engineering intern" and "land surveyor (surveying) intern" are recognized by the board as synonymous with engineer-in-training and land surveyor-in-training provided the intern designations are conferred under the same requirements as the "in-training" designations pursuant to these rules.
- f. "Examination" means that series of tests prescribed by the board ~~which~~ that are developed to ascertain the level of proficiency in the fundamentals and in the practices of the professions regulated by the board.
- g. "Gross negligence" means a substantial deviation in professional practice from the standard of professional care exercised by members of the registrant's profession, or a substantial deviation from any technical standards issued by a nationally recognized or state-recognized professional organization, or both, comprised of members of the registrant's profession, or a substantial deviation from requirements contained in state laws, board regulations, local ordinances, or regulations related to the registrant's professional practice.
- h. "Incompetence" means to lack the professional qualifications, experience, education, or combination thereof to undertake a professional engagement or assignment. The following acts or omissions, among others, may be deemed to be "incompetence" and to be cause for denial, suspension, or revocation of a certificate of registration to practice engineering or land surveying and the imposition of any other lawful discipline. Incompetence includes:

- 1) Recklessness or excessive errors, omissions, or failures in the registrant's record of professional practice.
 - 2) Mental or physical disability or addiction to alcohol or drugs which that leads to the impairment of the registrant's ability to exercise due skill and care in providing professional services so as to endanger the health, safety, and welfare of the public.
- i. "Misconduct" means:
- 1) Conviction of any crime reasonably related to the practice of the registrant's profession;
 - 2) An adverse civil adjudication involving dishonesty, gross negligence, or incompetence;
 - 3) Suspension or revocation or voluntary surrender of a professional license or registration by this state or by any other jurisdiction;
 - 4) Any act or practice in violation of the rules of professional conduct as set forth in sections 28-03.1-01-01 through 28-03.1-01-17;
 - 5) Violation of any of the administrative rules set forth in this title; or
 - 6) Knowingly fail to comply with continuing professional competency requirements set forth in article 28-04.
- j. "Registrant" means any ~~person~~ individual or organization ~~holding a current who has been approved for~~ a certificate of registration as an engineer intern, land surveyor intern, a professional engineer, a ~~registered professional~~ land surveyor, or any combination thereof, or a temporary permit to practice engineering, or a certificate of ~~authorization~~ commercial practice, which has been duly issued by the board.

History: Effective January 1, 1988; amended effective August 1, 1994; April 1, 1999; October 1, 2004.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-08

**ARTICLE 28-02.1
ENGINEER AND LAND SURVEYOR REGISTRATION**

Chapter

- 28-02.1-01 Applications
- 28-02.1-02 Processing Applications
- 28-02.1-03 Types of Registration
- 28-02.1-04 General Requirements
- 28-02.1-05 Qualifications and Requirements for Engineers
- 28-02.1-06 Qualifications and Requirements for Land Surveyors
- 28-02.1-07 Certificates of ~~authorization~~ Commercial Practice ~~-Partnerships-Corporations~~
- 28-02.1-08 Certificates and Seals
- 28-02.1-09 Expirations -Renewals -Reinstatements
- 28-02.1-10 Examinations and Fees
- 28-02.1-11 Emergency and Remote Practice by Foreign Practitioners
- 28-02.1-12 Retired Status
- 28-02.1-13 Documents Used to Convey Real Property or Any Interest Therein

**CHAPTER 28-02.1-01
APPLICATIONS**

Section

- 28-02.1-01-01 Applications -Kinds of Applications
- 28-02.1-01-02 Completing Applications
- 28-02.1-01-03 Applications From Nonresidents [Repealed]
- 28-02.1-01-04 Applications From Applicants With Degrees From Foreign Schools
- 28-02.1-01-05 Disposition of Applications
- 28-02.1-01-06 Reconsideration of Applications
- ~~28-02.1-01-07 Retention of Records of Applications~~

28-02.1-01-01. Applications-Kinds of applications. Applications may be submitted to the board for registration as a:

1. ~~Engineer-in-training~~ intern.
2. ~~Land surveyor-in-training~~ intern.
3. Professional engineer.
 - a. Examination.
 - b. Endorsement.
4. ~~Registered~~ Professional land surveyor.
 - a. Examination.

- b. Endorsement.
5. Professional engineer temporary permit holder.
6. Business with a certificate of ~~authorization~~ commercial practice to practice engineering or land surveying.
7. Reinstatement for lapsed registration of a certificate holder.

History: Effective January 1, 1988; amended effective August 1, 1994; April 1, 1999.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-08

28-02.1-01-02. Completing applications.

1. All data and information requested on the board's application forms must be furnished accurately and completely.
2. When space provided on forms is inadequate, use supplementary sheets ~~provided by this board (or if not provided,~~ of a good grade of white paper, eight and one-half by eleven inches [215.90 by 279.40 millimeters] ~~are to be used~~.
3. All applications made to this board must be subscribed and sworn to on the forms used by the applicant before a notary public or other persons qualified to administer oaths.
4. In order to allow sufficient time for processing and for securing examinations, all applications ~~which may require~~ for examinations must be filed with this board prior to January first for the spring examinations and July first for the fall examinations.
5. Withholding information or providing statements ~~which~~ that are untrue or misrepresent the facts may be cause for denial of an application.
6. It is the responsibility of the applicant to supply correct addresses of all references and to be sure that the completed references forms are supplied as requested. ~~If a reference fails to respond, this will delay the processing of an application either until a reply is obtained or another reference is supplied.~~
7. In relating experience, the applicant must account for all employment or work experience for the period of time ~~which~~ that has elapsed since the beginning of the employment record. If not employed, or employed in other kinds of work, this should be indicated in the experience record.
8. Applications for registration properly executed and issued with verification by the national council of examiners for engineers and surveyors (NCEES) ~~will~~ may be accepted in lieu of the same information that is required on the form prescribed

and furnished by this board.

9. Provide the name and address of the corporate officers and directors or the business partners.
10. To list the names and addresses of all employees who are duly registered to practice professional engineering or professional land surveying in North Dakota.
11. Provide the name and address of the registered agent for those business entities required to have a registered agent.
12. Application records, once submitted, become the property of the board.

History: Effective January 1, 1988; amended effective August 1, 1994; April 1, 1999.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-12

28-02.1-01-03. Applications from nonresidents. Repealed effective April 1, 1999.

28-02.1-01-04. Applications from applicants with degrees from foreign schools.

1. All foreign language documentation submitted with the completed application must be accompanied with translations certified to be accurate by a competent authority.
2. All applicants shall furnish evidence of experience ~~which~~ that can be verified.
3. All applicants seeking registration must be prepared to write examinations ~~which~~ that are administered in the English language.
4. ~~The board may require foreign curricula to be evaluated by university faculty administering accreditation board for engineering and technology accredited engineering programs, or national council of examiners for engineering and surveying recommendations on foreign engineering curricula may serve as the board's guide for evaluation.~~
5. ~~These applicants who for political or other valid reasons are unable to obtain their college transcripts may be required to complete a supplementary application form as approved by the board.~~

History: Effective January 1, 1988; amended effective August 1, 1994; April 1, 1999; October 1, 2004.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-13

28-02.1-01-05. Disposition of applications. Applications may be approved; deferred for further information, more experience, acceptable references, or other reasons as determined by the board; or may be denied.

1. **Approved applications.** When an application is approved by the board showing that the applicant has met all the requirements for registration or certification required by the statutes of this state, the applicant must be granted registration or certification with notification by the executive ~~secretary~~ director of the board.
2. **Deferred applications.** Applications deferred for any reason require proper remedy as requested before further consideration by the board.
3. **Denied applications.** Applications may be denied when in the board's judgment:
 - a. Reinstatement is requested after revocation and there is insufficient rehabilitation;
 - b. An application has been denied for cause in other jurisdictions; or
 - c. The applicant has failed to establish the applicant is of good character and reputation.

History: Effective January 1, 1988; amended effective August 1, 1994; April 1, 1999; October 1, 2004.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-25

28-02.1-01-06. Reconsideration of applications. Reconsideration may be requested of an application ~~which~~ that has been denied or deferred when the request is based on additional information. Request must be made within one year after the decision of the board to deny or defer the original application.

History: Effective January 1, 1988; amended effective August 1, 1994; April 1, 1999.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-08, 43-19.1-14, 43-19.1-17

~~**28-02.1-01-07. Retention of records of applications.**~~

- ~~1. All applications, approved or deferred, unless otherwise specified in this or other sections of this chapter, will be retained in accordance with North Dakota Century Code section 54-46-10 and article 4-09 of the North Dakota Administrative Code.~~
- ~~2. All applications for which required information has not been furnished for one year or more after the last entry in the applicant's file must be deemed to be an incomplete application. Incomplete applications may be destroyed.~~

- ~~3. Information may be extracted from approved applications to prepare the required publication of the roster. Such information may be stored on computer storage disks or tapes. From time to time information may be added to the records as it is supplied to the board. Added information may include address changes, notices of disciplinary actions, suspensions, lapses, or reinstatements.~~
- ~~4. At all times, upon proof of identity, an applicant's file is available for review. In no case may original documents be altered, removed, or returned. Application records once submitted become the property of the board.~~

History: Effective January 1, 1988; amended effective August 1, 1994; April 1, 1999.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-12

**CHAPTER 28-02.1-02
PROCESSING APPLICATIONS**

Section

28-02.1-02-01 Processing of Applications

28-02.1-02-01. Processing of applications.

1. ~~Application forms for registration as a professional engineer or land surveyor may be obtained from the office of the board of registration for professional engineers and land surveyors.~~
2. ~~Applications for registration by examination must be filed with the board office prior to January first for the spring examinations and July first for the fall examinations.~~
3. All information received from references named by the applicant must be received at the board office. No member of the board or relative of the applicant may be named as a reference.
4. An applicant may not be admitted to the examination until the applicant's application has been received, processed, and approved by the board.
5. An applicant may not confer with any member of the board regarding an applicant's case while it is pending before the board. Any applicant may appear before the board at a scheduled meeting.
6. Applicants whose applications have been approved, but who fail to appear for examination four consecutive times, must be deemed to have withdrawn their applications. Further consideration must be based on reapplication.

History: Effective January 1, 1988; amended effective August 1, 1994; April 1, 1999; October 1, 2004.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-08, 43-19.1-12

CHAPTER 28-02.1-03 TYPES OF REGISTRATION

Section

28-02.1-03-01 Types of Registration

28-02.1-03-01. Types of registration. Engineers and land surveyors may become registered professional practitioners by examination, endorsement, or by temporary permit.

1. **Registration by examination.** Registration by examination is generally a two-step process for those applicants who have met the general qualification requirements; who have met certain education requirements or who have the experience deemed to be satisfactory and acceptable to the board, or both; and who have successfully passed the examinations prescribed by the board.
 - a. The board ~~has~~ accepts the written examination prepared by the national council of examiners for engineers and surveyors as its standard of examinations and qualifications.
 - b. The board may require one or more questions in examinations measuring familiarity with the code of ethics. Similarly, in furtherance of the board's determination of rehabilitation, an examination on the code of ethics may be required.
2. **Registration by endorsement.** Registration by endorsement is for engineers or land surveyors who hold a current registration in another jurisdiction who substantially meet ~~or have met~~, in the opinion of the board, the following requirements and qualifications: required by North Dakota statutes governing registration. Registration as a professional land surveyor also requires successful completion of an orientation examination pertaining to state laws and procedures.
 - a. ~~Qualifications and requirements-Professional engineer.-~~
 - 1) ~~Graduates from a four-year or more engineering program accredited by the accreditation board for engineering and technology must satisfy the following requirements:-~~
 - a) ~~Pass an eight-hour examination in engineering fundamentals.-~~
 - b) ~~Have a minimum of four years of acceptable engineering experience.-~~
 - c) ~~Pass an eight-hour examination in the principles and practice of engineering.-~~
 - 2) ~~Graduates from a four-year or more engineering program not accredited by the accreditation board for engineering and technology that, in the opinion of the board, is substantially equivalent to engineering must~~

~~satisfy the following requirements:-~~

~~a) Pass an eight-hour examination in engineering fundamentals.-~~

~~b) Have a minimum of eight years of acceptable engineering experience.-~~

~~c) Pass an eight-hour examination in the principles and practice of engineering.-~~

~~3) Graduates from a four-year or more engineering-related curriculum, that, in the opinion of the board, is substantially equivalent to engineering must satisfy the following requirements:-~~

~~a) Pass an eight-hour examination in engineering fundamentals.-~~

~~b) Have a minimum of twelve years of acceptable engineering experience, the last six years of which demonstrates progressive experience in applying the principles and methods of engineering analysis and design.-~~

~~c) Pass an eight-hour examination in the principles and practice of engineering.-~~

~~2) Teacher of engineering. A teacher of engineering must satisfy the following requirements:-~~

~~a) Pass an eight-hour examination in engineering fundamentals.-~~

~~b) The individual must have taught engineering, for a minimum of four years, in a college or university offering an engineering curriculum approved by the board and must have a minimum of two years of practical engineering experience satisfactory to the board.-~~

~~c) Pass an eight-hour examination in the principles and practice of engineering.-~~

~~b. Qualifications and requirements-Registered professional land surveyor.-~~

~~1) A graduate of a four-year or more land surveying or engineering program accredited by the accreditation board for engineering and technology must satisfy the following requirements:-~~

~~a) Pass an eight-hour examination in fundamentals of land surveying.-~~

~~b) Have a minimum of four years of experience in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to practice land surveying.-~~

- ~~c) Pass an examination in the principles and practices of land surveying.~~
 - ~~d) Pass an examination pertaining to land surveying laws, procedures, and practices in North Dakota.~~
- 2) ~~A graduate from a land surveying or engineering program not accredited by the accreditation board for engineering and technology and approved by the board must satisfy the following requirements:-~~
- ~~(a) Pass an eight-hour examination in fundamentals of land surveying.~~
 - ~~(b) Have a minimum of six years of experience in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to practice land surveying.~~
 - ~~(c) Pass an examination in the principles and practices of land surveying.~~
 - ~~(d) Pass an examination pertaining to land surveying laws, procedures, and practices in North Dakota.~~
- (3) ~~All other professional land surveying applicants not qualifying under paragraphs 1 and 2 must satisfy the following requirements:-~~
- ~~(a) Pass an eight-hour examination in fundamentals of land surveying.~~
 - ~~(b) Have a minimum of eight years of experience in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to practice land surveying. Up to two years of credit toward experience requirements may be granted upon completion of equivalent time in a board-approved land surveying or engineering curriculum.~~
 - ~~(c) Pass an examination in the principles and practices of land surveying.~~
 - ~~(d) Pass an examination pertaining to land surveying laws, procedures, and practices in North Dakota.~~

3. Temporary permit -Temporary registration for practicing engineering. A temporary permit must be reviewed and approved by the board and is not a means of expedited registration. Educational and experience requirements must comply with North Dakota law. A one-time temporary permit may be issued on the basis of one project and may not exceed one year. The applicant must be legally qualified to practice and hold current registration in the state or country of residence, ~~and must have current registration.~~ A temporary permit must be approved prior to submission of plans and specifications practicing or offering to practice engineering for the execution of a project. Temporary permits for professional land surveyors are not authorized by North Dakota law.

History: Effective January 1, 1988; amended effective April 1, 1999; October 1, 2004.
General Authority: NDCC 43-19.1-08
Law Implemented: NDCC 43-19.1-08, 43-19.1-12.1, 43-19.1-13, 43-19.1-14, 43-19.1-16, 43-19.1-29

CHAPTER 28-02.1-04 GENERAL REQUIREMENTS

Section

28-02.1-04-01 General Requirements

28-02.1-04-02 Experience

28-02.1-04-01. General requirements. All applicants must:

1. Complete ~~their~~ the applications on forms ~~furnished~~ approved by the board.
2. Complete the application under oath. ~~(an~~ An affidavit is required).
3. Furnish references as required but may not include board members or relatives of the applicant as references.
4. In the case of student applicants for the fundamentals of engineering and for the fundamentals of land surveying examinations, certification by the dean of the college or the dean's appropriate designee agreed upon by the board may be used in lieu of references.

History: Effective January 1, 1988; amended effective April 1, 1999; October 1, 2004.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-12

28-02.1-04-02. Experience. The following describes what the board considers acceptable experience. The applicant must provide proof that the experience meets these requirements.

1. The experience gained through military service must be substantially equivalent in character to civilian experience in similar fields or disciplines. Generally, military experience is not favored by the board unless the applicant served in a military engineering or surveying related component of the armed services.
2. Experience must be of a grade and character ~~which~~ that indicates to the board that the applicant ~~may be~~ is competent to practice and preferably be gained under the supervision of a registered professional engineer or professional land surveyor.
3. Experience must be substantially related to engineering or land surveying. Dual registration must fulfill experience requirements for each application without duplicate credits for time of gaining experience.
4. The board requires progressive experience in applying the principles and methods of engineering analysis and design for an applicant in fulfilling experience requirements if the applicant is seeking professional engineering registration.

5. The board requires progressive experience on surveying projects to indicate that it is of increasing quality and requiring greater responsibility. A substantial portion of the experience must be spent in charge of work related to property conveyance and/or boundary line determination. The experience must demonstrate adequate experience in the technical field aspects of the profession.
6. An engineering or land surveying applicant may be granted one year's experience for each postgraduate degree in the field of practice following a baccalaureate degree in the field of practice, not to exceed two years.

History: Effective January 1, 1988; amended effective August 1, 1994; April 1, 1999.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-14, 43-19.1-15, 43-19.1-16, 43-19.1-17

**CHAPTER 28-02.1-05
QUALIFICATIONS AND REQUIREMENTS FOR ENGINEERS**

Section

28-02.1-05-01 Qualifications and Requirements -Engineers-in-training Intern

28-02.1-05-02 Qualifications and Requirements -Professional Engineer

28-02.1-05-01. Qualifications and requirements-Engineers-in-training intern.

Engineer-in-training intern applicants must satisfy the following requirements located in North Dakota Century Code section 43-19.1-15.

1. ~~A graduate of a four-year or more engineering program accredited by the accreditation board for engineering and technology may be approved to write the fundamentals of engineering examination. Senior year students within one year of graduation may be approved to write the fundamentals of engineering examination.~~
2. ~~A graduate of a four-year or more engineering program not accredited by the accreditation board for engineering and technology and four additional years of acceptable experience may be approved to write the fundamentals of engineering examination.~~
3. ~~A graduate of a four-year or more engineering-related curriculum that, in the opinion of the board, is substantially equivalent to engineering must acquire six years of acceptable engineering experience before they may be approved to write the fundamentals of engineering examination.~~

History: Effective January 1, 1988; amended effective August 1, 1994; April 1, 1999; October 1, 2004.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-14, 43-19.1-15

28-02.1-05-02. Qualifications and requirements -Professional engineer by examination. These requirements must be acquired as listed in the following categories: A person applying for registration as a professional engineer by examination must have an engineer intern certificate, followed by the and appropriate experience as required by North Dakota Century Code section 43-19.1-14. The experience must be subsequent to graduation and prior to writing the principles and practice of engineering examination.

1. ~~Graduates from a four-year or more engineering program accredited by the accreditation board for engineering and technology must satisfy the following requirements:-~~
 - a. ~~Pass an eight-hour examination in engineering fundamentals.~~
 - b. ~~Have a minimum of four years of acceptable engineering experience subsequent to graduation and prior to writing the principles and practice of~~

~~engineering examination.~~

- ~~c. Pass an eight-hour examination in the principles and practice of engineering.~~
- ~~2. Graduates from a four-year or more engineering program not accredited by the accreditation board for engineering and technology must satisfy the following requirements:~~
 - ~~a. Pass an eight-hour examination in engineering fundamentals.~~
 - ~~b. Have a minimum of eight years of acceptable engineering experience subsequent to graduation and prior to writing the principles and practice examination.~~
 - ~~c. Pass an eight-hour examination in the principles and practice of engineering.~~
- ~~3. Graduates from a four-year or more engineering-related curriculum that, in the opinion of the board, is substantially equivalent to engineering must satisfy the following requirements:~~
 - ~~a. Pass an eight-hour examination in engineering fundamentals.~~
 - ~~b. Have a minimum of twelve years of acceptable engineering experience, the last six years of which demonstrates progressive experience in applying the principles and methods of engineering analysis and design prior to writing the principles and practice of engineering examination.~~
 - ~~c. Pass an eight-hour examination in the principles and practice of engineering.~~
- ~~4. A teacher of engineering must satisfy the following requirements:~~
 - ~~a. Pass an eight-hour examination in engineering fundamentals.~~
 - ~~b. Have taught engineering in a college or university offering an engineering curriculum approved by the board for a minimum of four years and have a minimum of two years of practical engineering experience satisfactory to the board.~~
 - ~~c. Pass an eight-hour examination in the principles and practice of engineering.~~

History: Effective January 1, 1988; amended effective August 1, 1994; April 1, 1999; October 1, 2004.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-14

CHAPTER 28-02.1-06
QUALIFICATIONS AND REQUIREMENTS FOR PROFESSIONAL LAND SURVEYORS

Section

28-02.1-06-01 Qualifications and Requirements -Land Surveyors-in-training intern

28-02.1-06-02 Qualifications and Requirements-Registered Professional Land Surveyor

28-02.1-06-01. Qualifications and requirements -Land surveyors-in-training intern. ~~Land surveyors-in-training applicants must meet the following requirements: intern applicants must satisfy the following requirements located in North Dakota Century Code section 43-19.1-16-1.~~

- ~~1. A graduate of a four-year or more land surveying or engineering program accredited by the accreditation board for engineering and technology may be approved to write the fundamentals of land surveying examination. Senior year students within one year of graduation may be approved to write the fundamentals of land surveying examination.~~
- ~~2. A graduate of a land surveying or engineering program not accredited by the accreditation board for engineering and technology and approved by the board and with two or more years of acceptable land surveying experience may be approved to write the fundamentals of land surveying examination.~~
- ~~3. a. All other applicants not qualifying under subsections 1 and 2 must have at least four years of acceptable land surveying experience before they may be approved to write the fundamentals of land surveying examination.~~
~~b. Up to two years of credit toward experience requirements may be granted upon completion of equivalent time in a board-approved land surveying or engineering curriculum.~~

History: Effective January 1, 1988; amended effective August 1, 1994; April 1, 1999; October 1, 2004.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-16.1

28-02.1-06-02. Qualifications and requirements -Registered Professional land surveyor by examination. ~~These requirements must be acquired as listed in the following categories: A person applying for registration as a professional land surveyor by examination must have a land surveyor intern certificate, followed by and the appropriate experience as required by North Dakota Century Code section 43-19.1-16. The experience must be subsequent to graduation and prior to writing the principles and practice of surveying examination.~~

Upon successful completion of the principles and practice of surveying exam, professional land surveyor applicants must pass an examination pertaining to land procedures, and

practices in North Dakota.

- ~~1. A graduate of a four-year or more land surveying or engineering program accredited by the accreditation board for engineering and technology must:
 - ~~a. Pass an eight-hour examination in fundamentals of land surveying.~~
 - ~~b. Have a minimum of four years of experience in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to practice land surveying.~~
 - ~~c. Pass an examination in the principles and practice of land surveying.~~
 - ~~d. Pass an examination pertaining to land procedures, and practices in North Dakota.~~~~

- ~~2. A graduate from a land surveying or engineering program not accredited by the accreditation board for engineering and technology and approved by the board must:
 - ~~a. Pass an eight-hour examination in fundamentals of land surveying.~~
 - ~~b. Have a minimum of six years of experience in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to practice land surveying.~~
 - ~~c. Pass an examination in the principles and practice of land surveying.~~
 - ~~d. Pass an examination pertaining to land surveying laws, procedures, and practices in North Dakota.~~~~

- ~~3. All other applicants not qualifying under subsections 1 and 2 must:
 - ~~a. Pass an eight-hour examination in the fundamentals of land surveying.~~
 - ~~b. Have a minimum of eight years of experience in land surveying of a character satisfactory to the board indicating that the applicant is competent to practice land surveying. Up to two years of credit toward experience requirements may be granted upon completion of equivalent time in a board-approved land surveying or engineering curriculum.~~
 - ~~c. Pass an examination in the principles and practice of land surveying.~~
 - ~~d. Pass an examination pertaining to land surveying laws, procedures, and practices in North Dakota.~~~~

History: Effective January 1, 1988; amended effective August 1, 1994; April 1, 1999; October 1, 2004.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-16, 43-19.1-16.1

CHAPTER 28-02.1-07
**CERTIFICATES OF AUTHORIZATION COMMERCIAL PRACTICE -~~PARTNERSHIPS~~-
~~CORPORATIONS~~**

Section

~~28-02.1-07-01 Applications Moved to 28-02.1-01-02 pg 10~~

28-02.1-07-02 Issuance of Certificate of Authorization Commercial Practice

~~**28-02.1-07-01. Applications.** Forms for making application to the board are available from the board and require the applicant:~~

- ~~1. To set forth the corporate officers and directors or the business partners by name and address.~~
- ~~2. To list the names and addresses of all employees who are duly registered to practice professional engineering or professional land surveying in North Dakota.~~
- ~~3. To set forth the name and address of the registered agent for those business entities required to have a registered agent.~~
- ~~4. To set forth the name of the registrant(s) who are or will be in responsible charge of any engineering or land surveying in this state, or both if the certificate of authorization commercial practice is for the dual practice of engineering and land surveying.~~

History: Effective January 1, 1988; amended effective April 1, 1999.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-27

~~**28-02.1-07-02. Issuance of certificate of authorization commercial practice.** Certificates of authorization commercial practice issued by the board are not transferable and require the holder organization to:~~

- ~~1. Advise the board within thirty days of any change of officers, directors, partners, business addresses, registered agents, or of any disciplinary actions which that impair the registration and right to practice of any employee or officer of record. in North Dakota.~~
- ~~2. Renew and update annually the names and addresses of the registered agent, officers, directors, or partners, and employees licensed to practice engineering or land surveying in North Dakota.~~
- ~~3. Keep and maintain its annual filing requirements with the secretary of state's office current and provide a copy of such to the board office.~~
- ~~4. Practice and performance of engineering or land surveying in this state A~~

certificate of commercial practice is subject to the same disciplinary actions of ~~suspension or revocation for cause~~ by the board of as any individual registrant.

History: Effective January 1, 1988; amended effective April 1, 1999.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-27

CHAPTER 28-02.1-08 CERTIFICATES AND SEALS

Section

28-02.1-08-01 Certificates

28-02.1-08-02 Seals

28-02.1-08-03 Use of Seals

28-02.1-08-01. Certificates.

1. Certificates of registration and Certificates of Commercial Practice issued by the board should be displayed by the registrant in a prominent place in the registrant's office or principal place of business.
2. In case a certificate is lost or destroyed, a duplicate certificate will be issued upon request. The charge for a duplicate certificate shall be as determined by the board.
3. ~~Certificates of authorization commercial practice are signed by the chairman and secretary and are issued on an annual basis.~~

History: Effective January 1, 1988; amended effective April 1, 1999.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-20, 43-19.1-27

28-02.1-08-02. Seals.

1. The board has adopted standard seals or stamps similar to those illustrated in this section for use by registered professional engineers and professional land surveyors as prescribed by law. The seal authorized by the State Board of Registration for Professional Engineers and Land Surveyors for registrants is of the crimp type or rubber stamp, or electronic. Seals prepared after July 1, 2005, shall be of a design so the seal consists of two concentric circles with the diameter of the outer circle being one and three-fourth inches [44.45 millimeters] and the diameter of the inner circle being one and one-fourth inches [31.75 millimeters]. The upper portion between the two circles shall bear whichever of the following phrases is applicable to the registrant: "Registered Professional Engineer", "Registered Professional Land Surveyor", or "Registered Professional Engineer & Registered Professional Land Surveyor". Professional Land Surveyors who purchased a seal with the phrase "Registered Land Surveyor" prior to _____ are not required to purchase a new seal. At the bottom of the annular space between the two circles shall appear the inscription "North Dakota"; the inner circle shall contain the name of the registrant, registration number, and the word "Date". The registration number assigned should be centered in the inner area of the seal in the space occupied by the word

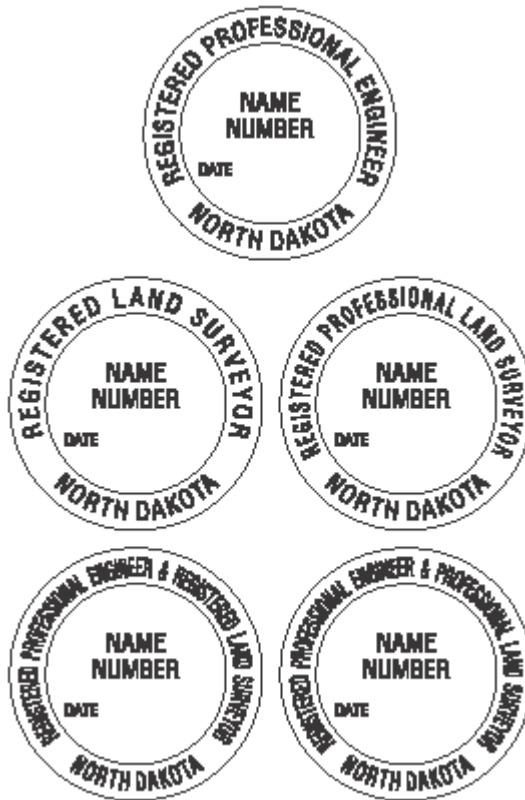
"NUMBER" and the size of the numbers should not be larger than the word "NAME". The words and parentheses "(NUMBER)" and "(NAME)" should not appear on the seal.

2. Seals may be of rubber stamp, metal impression type, or computer generated electronically generated. Electronic seals may be used but an electronic seal may not be used in any document that is being transmitted in an editable digital format. **(Definitions of computer generated and electronically generated seals are being drafted.)**
3. A registrant shall superimpose the registrant's personal original signature, ~~(not a rubber signature stamp or facsimile signature)~~ A rubber stamp or facsimile signature is not allowed. and date The signature must be placed across the face and beyond the circumference of the seal. The signature and seal must also be dated. ~~No further certification need accompany the seal and signature.~~

History: Effective January 1, 1988; amended effective August 1, 1994; April 1, 1999; October 1, 2004.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-21



28-02.1-08-03. Use of seals.

1. The original copies of all drawings, plan sheets, specifications, studies, reports, plats, maps, and other engineering and surveying work product other than earthwork cross sections must receive a seal and original signature.
 - a. Studies, reports, and project specifications need the seal and original signature only on a single introductory sheet.
 - b. Every sheet or drawing in an original set of engineering plans must receive a seal and original signature.
2. Registrants may accept assignments and assume responsibility for coordination of an entire project and sign and seal the engineering and land surveying documents for the entire project, provided that each technical segment is signed and sealed only by the qualified engineers or land surveyors who prepared the segment.
3. Registrants shall not affix their signatures or seals to any engineering or land surveying plan or document dealing with subject matter for which the registrant lacks competence by virtue of education or experience, nor to any such plan or document not prepared under the registrant's direct supervisory control.
4. A registrant shall not contract with a nonlicensed individual to provide these professional services.
5. A registrant may affix the seal and signature to drawings and documents depicting the work of two or more professionals, either from the same or different disciplines, provided it is designated by a note under the seal the specific subject matter for which each is responsible.
6. Any changes made to the final plans, specifications, drawings, reports, or other documents after final revision and sealing by the registrant are prohibited by any person other than the registrant. In the event the original registrant is not able to authorize any changes, the registrant's employer may authorize another duly registered individual to make changes to final sealed documents.
 - a. Such changes to final sealed documents may be made only by a duly registered individual.
 - b. A duly registered individual making changes to final sealed documents must assume responsible charge and reseal the directly related final documents.
 - c. If construction phase revisions are made to the plans, they must be made by a duly registered individual, providing the change does not affect functional

design requirements.

7. Mere review of work prepared by another person, even if that person is the registrant's employee, does not constitute responsible charge.
8. A registrant may not affix the registrant's seal or signature to documents having titles or identities excluding the registrant's name unless:
 - a. Such documents were developed by the registrant or under the registrant's responsible charge and the registrant has exercised full authority to determine their development.
 - b. A registrant who is required to use the standard drawings of a sponsoring agency need not affix the registrant's seal and signature to said standard drawings.
 - c. The registrant is providing the registrant's opinion as to the compliance of the document with specific identified rules or statutes and it is clearly identified that the registrant only reviewed the document and had no technical control over the contents of the document.
9. Electronic reproductions of drawings, plan sheets, specifications, studies, reports, plats, maps, and other engineering and surveying work product that are distributed to reviewing agencies, owners, clients, contractors, suppliers, and others shall be accompanied by the following statement: "This document(s) was originally issued and sealed by (name), Registration Number (number) on (date) and the original documents are stored at (location)". Sets of plans or drawings must have this statement attached to every sheet of the set. For specifications, reports, and studies, only the cover or introductory sheet need include this statement.
10. Paper or hard copy reproductions of drawings, plan sheets, specifications, studies, reports, plats, maps, and other engineering and surveying work product that are distributed to reviewing agencies, owners, clients, contractors, suppliers, and others shall contain a reproduction of the seal and signature. A new seal and original signature will not be required with such paper distribution.
11. Working drawings and unfinished documents must comply with North Dakota Century Code section 43-19.1-21.

History: Effective October 1, 2004.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-21

CHAPTER 28-02.1-09
EXPIRATIONS -RENEWALS -REINSTATEMENTS

Section

28-02.1-09-01 Expirations of Certificates of Registration

28-02.1-09-02 Renewals 28-02.1-09-03 Reinstatements

28-02.1-09-01. Expirations of certificates of registration. The certificate of registration issued to land surveyors ~~in-training~~ interns or engineer interns have no expiration ~~are nonexpiring.~~

- ~~1. The certificates of registration issued to engineers-in-training intern are nonexpiring for a period of twelve years and carry no provision for renewal.~~

History: Effective January 1, 1988.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-15, 43-19.1-16.1

28-02.1-09-02. Renewals. Individual Registrations and certificates of authorization commercial practice may be renewed as follows:

1. Every other year, beginning with 1999, the board shall mail renewal notices prior to December first to the last address of record for each registration and certificate holder. The renewal notice shall contain ~~advising~~ of the amount of the renewal fee and the pending expiration date.
2. Every year or every other year for biennial renewals, the board shall mail Certificate of Commercial Practice renewal notices prior to December first to the last address of record for the organization. The renewal notice shall contain the amount of the renewal fee and the pending expiration date.
3. A late fee of ~~twenty-five dollars~~ as determined by the board shall be imposed on renewals postmarked after December thirty-first.
4. ~~Renewal fees received will be acknowledged by returning to the registrant a wallet card bearing the registrant's name and registration number or a new certificate of authorization~~ commercial practice ~~duly signed, each acknowledging renewal to the next date of expiration.~~
5. ~~Receipt of renewals prior to March thirty-first will ensure that the registrant's name and address will be published in the next roster.~~

History: Effective January 1, 1988; amended effective November 1, 1998; April 1, 1999.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-22

28-02.1-09-03. Reinstatements.

1. A ~~An individual registrant registration or a holder of a certificate of authorization commercial practice who has allowed the registrant's or holder's registration to lapse that has lapsed~~ for more than ~~two~~ one years, but less than five years, may become reinstated by paying the renewal fee for the current registration period plus two years' back renewal fee provided the lapsed registrant meets all other requirements. A holder of a certificate of ~~authorization commercial practice~~ authorization certificate who has allowed the ~~authorization certificate~~ to lapse for more than one year, but less than five years, may become reinstated by paying the current year renewal fee plus one year back renewal fee.
2. Registrations and certificates ~~which~~ that have lapsed five years or more require reapplication updating all the required information of the applicant as if an original application. The board may require reexamination of registrants for all or a portion of the examination qualification requirements.
3. A retired registrant, upon written request to the board and payment of the current renewal fee, may resume active engineering or land surveying practice provided the retired registrant meets all other requirements. ~~At that time, the retired registrant shall be removed from retired status and placed on valid or active status in the records of the board.~~ All rights and responsibilities of a valid or active registration will be in effect, including compliance with continuing professional competency requirements. ~~At the date of expiration of the reinstated certificate of registration, the registrant may elect to either continue active registration or may again apply for retired registration in accordance with the provisions of this chapter.~~
4. A registrant whose license has been lapsed or retired for one year or more and who meets all other requirements ~~may reinstate a lapsed or retired license as allowed by this chapter. A registrant under this subsection who has reinstated a license is~~ required to file an interim continuing professional competency report within one year of the date of reinstatement verifying that a minimum of fifteen professional development hours have been accomplished.
5. A registrant whose license has been lapsed or retired for less than one year and who meets all other requirements ~~may reinstate a lapsed or retired license as allowed by this chapter. A registrant under this subsection who has reinstated a license must~~ show compliance within the previous two years with the continuing professional competency requirements set forth in article 28-04.

History: Effective January 1, 1988; amended effective November 1, 1998; April 1, 1999; October 1, 2004.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-22

**CHAPTER 28-02.1-10
EXAMINATIONS AND FEES**

Section

28-02.1-10-01 Examinations

28-02.1-10-02 Fees

28-02.1-10-01. Examinations.

1. The engineering and land surveying examinations ~~must be~~ are held when offered by the national council of examiners for engineering and surveying in the spring and fall of each year, with the time, date, and place set by the board.
2. ~~Orientation examinations for professional land surveyors require a score of eighty or greater to pass the examination.~~ An examination for registration as a professional land surveyor pertaining to land surveying laws, procedures, and practices in North Dakota shall require a passing score determined by the board ~~but shall not be less than seventy percent.~~
3. An applicant failing to pass a professional examination may take the next scheduled examination after six months by payment of the examination fee ~~provided the applicant achieved a score of at least fifty. An applicant failing to pass a professional examination with a score of less than fifty may not apply for reexamination for one year from the date of such examination.~~
4. The board may require one or more questions in examinations measuring familiarity with the code of ethics. Similarly, in furtherance of the board's determination of rehabilitation of a registrant whose registration has been subject to disciplinary action, an examination on the code of ethics may be required.

History: Effective January 1, 1988; amended effective August 1, 1994; April 1, 1999.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-19

28-02.1-10-02. Fees. ~~Effective January 1, 1999, the following fees may not exceed: Fees will be determined by the board but may not exceed the amounts established in North Dakota Century Code sections 43-19.1-18 and 43-19.1-27 (6).~~

~~Registration Fees~~

Professional engineer	_____	\$50.00
Professional Land surveyor	_____	\$50.00

~~Partnership or corporation _____ \$100.00~~

~~Temporary permit _____ \$50.00~~

~~Examination fee (in addition to the registration and renewal fees) at board cost, including scoring and proctoring and ten dollars for postage and handling.~~

~~The Cost of administration of continuing education or professional competency programs may be assessed and billed annually to the registrant with the regular renewal notice. Billings will be separately identified apart from the renewal fees.~~

~~Renewal Fees Effective August 1, 2003, the following biennial renewal fees may not exceed the following:-~~

~~Professional engineer _____ \$200.00~~

~~Professional land surveyor _____ \$200.00~~

~~Professional engineer and land surveyor _____ \$400.00~~

~~Retiree _____ \$20.00~~

~~Effective August 1, 2003, the following annual renewal fees may not exceed the following:-~~

~~Partnership or corporation _____ \$100.00~~

History: Effective January 1, 1988; amended effective August 1, 1994; November 1, 1998; April 1, 1999; October 1, 2004.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-18, 43-19.1-27

CHAPTER 28-02.1-11
EMERGENCY AND REMOTE PRACTICE BY FOREIGN PRACTITIONERS

Section

28-02.1-11-01 Definitions

28-02.1-11-02 Indirect Practice Without a License

28-02.1-11-03 Emergency Practice Without a License

28-02.1-11-04 Direct Practice Without a License

28-02.1-11-01. Definitions. These definitions shall apply to this chapter only:

1. "Board" means the state board of registration for professional engineers and land surveyors provided for by North Dakota Century Code chapter 43-19.1.
2. "Foreign practitioner" means an individual who currently holds and maintains a license in good standing to engage in engineering or land surveying in a state or jurisdiction other than North Dakota and who is not the subject of a pending disciplinary action in any state or jurisdiction.
3. "Good standing" means a foreign practitioner holds a current license to practice engineering or land surveying that is not issued on a temporary or restricted basis and is not encumbered or on probation and is not suspended or revoked.
4. "License" means a license, certificate, permit, or similar authorization to practice engineering or land surveying, ~~which~~ that is issued by a government agency in another state or jurisdiction that imposes requirements for obtaining and maintaining a license, which are at least as stringent as the requirements imposed in North Dakota to obtain and maintain a license to practice engineering or land surveying.

History: Effective November 1, 2002.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-51-03

28-02.1-11-02. Indirect practice without a license. A foreign practitioner shall not provide services in this state without obtaining a license from the board unless such services are provided pursuant to subsection 1 of North Dakota Century Code section 43-51-03, North Dakota Century Code section 43-51-04, or the successor statutes thereto, or any other statutes or an administrative rule adopted by the board.

History: Effective November 1, 2002; amended effective October 17, 2002.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-51-03

28-02.1-11-03. Emergency practice without a license. A foreign practitioner offering land surveying services under North Dakota Century Code section 43-51-04 shall be limited to services comprising the determination of incidental topography within the meaning of subsection 4 of North Dakota Century Code section 43-19.1-02.

History: Effective November 1, 2002; amended effective October 17, 2002.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-51-04

28-02.1-11-04. Direct practice without a license. Notwithstanding the provisions of North Dakota Century Code section 43-51-05 no foreign practitioner may provide services in this state without obtaining a license from the board unless allowed to do so by some other statute or an administrative rule adopted by the board.

History: Effective November 1, 2002; amended effective October 17, 2002.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-51-05

CHAPTER 28-02.1-12 RETIRED STATUS

Section

28-02.1-12-01 Eligibility for Retired Status

28-02.1-12-02 Affidavit

28-02.1-12-03 Continuing Professional Competency Exemption

28-02.1-12-04 Privileges

28-02.1-12-05 Restrictions

28-02.1-12-06 Ineligibility for Retired Status

28-02.1-12-07 Penalties for Noncompliance

28-02.1-12-01. Eligibility for retired status. Any individual who has been issued a certificate of registration, as a professional engineer or professional land surveyor, having discontinued active practice as an engineer or land surveyor, or both, may be eligible to apply for a retired status of registration. For the purpose of this provision, "active practice" is defined as exercising direct supervision and control over the development and production of an engineering or land surveying document or any related activities pertaining to the offer of or the providing of professional engineering or land surveying services.

History: Effective October 1, 2004.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-27

28-02.1-12-02. Affidavit. Those persons wishing to obtain the status of a retired registration shall complete an affidavit on a form as provided by the board. Affidavits shall be sent to the board office. Upon receipt of said affidavit and, if deemed eligible by the board, the retired status would become effective on the date of approval by the board. It shall not be necessary that an expired certificate of registration be renewed to be eligible for this status. The board will not provide refund of renewal fees if the application for retired status is made and granted before the date of expiration of the certificate of registration.

History: Effective October 1, 2004.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-27

28-02.1-12-03. Continuing professional competency exemption. Retired registrants are exempt from continuing professional competency requirements.

History: Effective October 1, 2004.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-27

28-02.1-12-04. Privileges. A retired registrant is permitted to:

1. Retain the board-issued wall certificate of registration;

2. Use the title professional engineer or registered land surveyor, or professional land surveyor provided that it is supplemented by the term "retired", or the abbreviation "ret";
3. Work as an engineer or land surveyor in a volunteer capacity, provided that the retired registrant does not create an engineering or land surveying document, and does not use the individual's seal, except as provided for in subsection 4;
4. Provide experience verifications and references for persons seeking registration. When completing reference or experience verification forms and if using the person's professional seal, the retired registrant shall place the word "retired" in the space designated for the date of expiration;
5. Serve in an instructional capacity on engineering and land surveying topics;
6. Provide services as a technical expert before a court, or in preparation for pending litigation, on matters directly related to engineering or land surveying work performed by the registrant before the person was granted a retired registration; and
7. Serve in a function that supports the principles of registration and promotes the professions of engineering and land surveying, such as members of commissions, boards, or committees.

History: Effective October 1, 2004.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-27

28-02.1-12-05. Restrictions. A retired registrant is not permitted to:

1. Perform any engineering or land surveying activity unless said activity is under the direct supervision of a North Dakota registered professional engineer or registered professional land surveyor who has a valid or active registration in the records of the board;
2. Act as the designated engineer or the engineer in responsible charge for a North Dakota engineering ~~corporation~~ organization or act as the designated land surveyor or land surveyor in responsible charge for a North Dakota land surveying ~~corporation~~ organization; or
3. Apply the person's professional engineer's or professional land surveyor's seal to any plan, specification, plat, or report, except as provided for in subsection 4 of section 28-02.1-12-04.

History: Effective October 1, 2004.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-27

28-02.1-12-06. Ineligibility for retired status. Under no circumstances shall a registrant be eligible for a retired registration if the person's certificate of registration has been revoked, surrendered, or in any way permanently terminated by the board. Registrants who are suspended from practice or who are subject to terms of a board order, or both, at the time they request retirement status shall not be eligible for a retired registration until such time that the board has removed the restricting conditions.

History: Effective October 1, 2004.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-27

28-02.1-12-07. Penalties for noncompliance. Any violations of this chapter shall be considered misconduct or malpractice, or both. Such violations are subject to disciplinary action.

History: Effective October 1, 2004.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-08

**CHAPTER 28-02.1-13
DOCUMENTS USED TO CONVEY REAL PROPERTY OR ANY INTEREST
THEREIN**

Section

28-02.1-13-01 Survey Requirements for Preparation of Legal Descriptions and
Conveyance of Property

28-02.1-13-01. Survey requirements for preparation of legal descriptions and conveyance of property. Any registrant preparing a description, including without limitation a legal, property, or boundary description for, or assisting in the filing of, a document that will, or may, be used to convey real property or any interest therein, Other than easements, including without limitation an auditor's plat, outlot, deed, or conveyance of rights of way, must conduct a survey of the property being conveyed and comply with all the requirements related thereto contained in North Dakota Century Code sections 40-50.1-01 and 40-50.1-02.

Descriptions used in the conveyance of rights of way in which possession of title is obtained may be prepared without the setting of all exterior monuments if all four of the following requirements are met:

1. The rights of way are retraceable by using established monuments;
2. Exterior monuments are set wherever there is a change of width to the rights of way;
3. Exterior monuments are set wherever there is a change in direction of the rights of way other than changes of direction at section corners; and
4. Monuments are set at intersections of rights of way with section lines or section line rights of way.

Descriptions used in the conveyance of easements having a term of five years or more must be retraceable in each section of land over which they cross by using established subdivision or public land survey system monuments existing or placed at the time of the easement conveyance.

History: Effective October 1, 2004.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-01, 43-19.1-08

ARTICLE 28-03.1 RULES OF PROFESSIONAL CONDUCT

Chapter
28-03.1-01 Code of Ethics

CHAPTER 28-03.1-01 CODE OF ETHICS

Section	
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<u>28-03.1-01-18</u>	<u>Public Understanding and Professional Enhancement</u>

28-03.1-01-01. General statement. In order to establish and maintain a high standard of integrity, skills, and practice in the profession of engineering and land surveying, the code of ethics contained in this chapter is binding upon every person holding a certificate of registration as a professional engineer or professional land surveyor, and upon all agents, employees, officers, or partners.

This chapter is specifically designed to further safeguard the life, health, property, and public welfare of the citizens of North Dakota, and must be construed to be a reasonable exercise of the police power vested in the board of registration for professional engineers and land surveyors by virtue of North Dakota Century Code chapter 43-19.1, and as such the board can establish conduct, policy, and practices to be adopted.

These rules are to be read and interpreted without regard to race, creed, or sex.

The engineer or land surveyor who holds a certificate of registration from the board is charged with having knowledge of the existence of this chapter for professional conduct as an engineer or land surveyor, and also must be deemed to be familiar with the provisions and to understand them. Such knowledge shall encompass the understanding that the practice of engineering and land surveying is a privilege as opposed to a right, and the engineer or land surveyor must be forthright and candid in statements or written responses

to the board or its representatives on matters pertaining to professional conduct.

~~All reference in this chapter to engineers and the profession of engineering must be deemed to include land surveyors and the practice of land surveying.~~

~~The engineer or land surveyor must be guided in all professional relations by the highest standards of integrity, and shall act in professional matters for each client or employer as a faithful agent or trustee.~~

History: Effective January 1, 1988; amended effective April 1, 1999.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-24

28-03.1-01-02. Action by another jurisdiction. A registrant who acts, either as an individual or through a business entity, may be deemed by the board to be guilty of misconduct in professional practice for an action that in this state would constitute a violation of North Dakota Century Code chapter 43-19.1, or of this title, and:

1. The registrant has received a reprimand or civil penalty as a result of a disciplinary action in another jurisdiction.
2. The registrant's license has been suspended, revoked, denied, or voluntarily surrendered as a result of disciplinary action in another jurisdiction.
3. The registrant is convicted in a court of competent jurisdiction of a felony without restoration of civil rights.

History: Effective January 1, 1988; amended effective October 1, 2004.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-25

28-03.1-01-03. Standards of integrity. Registrants shall be guided in all their professional relations by the highest standards of integrity. The registrant will act in professional matters as a faithful agent or trustee for each client or employer.

1. Registrants shall admit and accept their own errors when proven wrong and refrain from distorting or altering the facts in an attempt to justify their decisions.
2. Registrants shall advise their clients or employers when they believe a project will not be successful.
3. Registrants shall not accept outside employment to the detriment of their regular work or interest. Before accepting any outside engineering or land surveying employment, registrants shall notify their employer.
4. Registrants shall not employ or attempt to employ an individual by false or misleading pretenses.

5. Registrants shall ~~avoid~~ not engage in any act tending to promote their own interests ~~at the expense~~ to the detriment of the profession.
6. Registrants shall be truthful in professional reports, statements, or testimony. ~~They~~ Registrants shall include all relevant and pertinent information in such reports, statements, or testimony. ~~which should bear the date indicating when it was current.~~
7. Registrants shall ~~avoid all~~ not willfully engage in any conduct or practice ~~which that is likely to intentionally~~ deceives the public.
8. Registrants shall not use statements containing a material misrepresentation of fact or omitting a material fact necessary to keep statements from being misleading or statements intended or likely to create an unjustified expectation.

History: Effective January 1, 1988; amended effective April 1, 1999; October 1, 2004.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-24

28-03.1-01-04. Protection of public. Registrants shall be cognizant that their first and foremost responsibility is to the public welfare in the performance of services to clients and employers. The registrant:

1. Will regard one's duty to the public welfare as paramount.

- ~~2. Is encouraged to seek opportunities to be of constructive service in civic affairs and work for the advancement of the safety, health, and well-being of the registrant's community.~~

~~32~~ Will not complete, sign, or seal plans or specifications that are not of a design safe to the public health and welfare and in conformity with accepted standards. In the course of work on a project, if a registrant becomes aware of an action taken by the client or employer against the registrant's advice, ~~which that~~ violates applicable state or municipal laws and regulations and which, in the registrant's judgment, will adversely affect the public life, health, or safety, the registrant shall take the following actions:

- a. Advise the client or employer in writing of the registrant's refusal to consent to the decision and give reasons for that refusal;
- b. If the registrant's advice is ignored despite the objection, ~~terminate the registrant's services to the project; and~~ the registrant shall provide a copy of the registrant's objection and reasoning to the public official charged with the enforcement of the applicable state or municipal laws and regulations.
- c. ~~Provide a copy of the registrant's objection and reasoning to the public official charged with the enforcement of the applicable state or municipal laws and regulations.~~

History: Effective January 1, 1988; amended effective October 1, 2004.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-24

28-03.1-01-05. Advertising. Registrants shall not falsify or permit misrepresentation of their or their associates', academic or professional qualifications. They shall not misrepresent or exaggerate their degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the advertisement shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or past accomplishments with the intent and purpose of enhancing their qualifications and their work.

History: Effective January 1, 1988; amended effective April 1, 1999; October 1, 2004.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-24

~~**28-03.1-01-06. Aid public understanding.** Registrants will endeavor to extend public knowledge and appreciation of engineering or land surveying and its achievements and to protect the profession from misrepresentation and misunderstanding.~~

- ~~1. Registrants are encouraged to maintain interest in the public welfare and be ready to apply their special knowledge, skill, and training for the use and benefit of the public.~~
- ~~2. Registrants are encouraged to seek opportunities to participate in civic affairs; career guidance for youths; and work for the advancement of the safety, health, and well-being of their community.~~

~~**History:** Effective January 1, 1988; amended effective October 1, 2004.~~

~~**General Authority:** NDCC 43-19.1-08~~

~~**Law Implemented:** NDCC 43-19.1-24~~

This language has been relocated to a new section at the end of the Code of Ethics.

28-03.1-01-07. Issuance of public statements related to engineering or surveying. Registrants shall express a professional opinion publicly only when it is founded upon an adequate knowledge of the facts and a competent evaluation of the subject matter.

1. Registrants shall ~~avoid all~~ not willfully engage in any conduct or practice that deceives the public.
2. Registrants shall not use statements containing a material misrepresentation of fact or omitting a material fact.
3. Registrants shall express an opinion only when it is founded upon ~~honest conviction~~

~~of the accuracy and propriety of the statement.~~ accurate information.

4. The registrant shall be completely objective and truthful in all professional reports, statements, or testimony. Registrants shall include all relevant and pertinent information in such reports, statements, or testimony.
5. The registrant, when serving as an expert or technical witness before any court, commission, or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of the testimony.
6. The registrant will issue no statements, criticisms, or arguments on professional matters connected with public policy ~~which~~ that are inspired or paid for by an interested party or parties, unless such statement is prefaced with a comment explicitly identifying the registrant, by disclosing the identity of the party or parties on whose behalf the statement is being made, and by revealing the existence of any pecuniary interest the registrant may have in the instant matter.

History: Effective January 1, 1988; amended effective April 1, 1999; October 1, 2004.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-24

28-03.1-01-08. Qualification for work projects. The registrant will undertake assignments for which the registrant will be responsible only when qualified by training education or experience. The registrant will engage, or advise engaging, experts and specialists whenever the client's or employer's interests are best served by such service.

1. The registrant may accept an assignment requiring education, training, or experience outside of the registrant's own field of competence, but only to the extent that such services are restricted to those phases of the project in which the registrant is qualified. All other phases of such project shall be performed by qualified associates, consultants, or employees.
2. The registrant shall not affix the registrant's signature or seal, or both, to any plan or document dealing with subject matter in which the registrant lacks competence acquired through education or experience, nor to any plan or document not prepared by the registrant or under the registrant's responsibility. In the event a question as to the competence of a registrant to perform a professional assignment in a specific technical field arises and cannot be otherwise resolved to the satisfaction of the board, the board, upon request of the registrant or by its own volition, may require the registrant to submit to whatever examination it deems appropriate.
3. In providing services, the registrant shall take into account all applicable federal, state, and local laws and regulations. The registrant shall not knowingly provide services resulting in violation of such laws and regulations.

History: Effective January 1, 1988; amended effective October 1, 2004.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-24

28-03.1-01-09. Disclosure of confidential information. Registrants shall not disclose confidential information concerning the business affairs or technical processes of any present or former client or employer without the client's or employer's consent.

1. Registrants in the employ of others, without the consent of all interested parties, shall not enter promotional efforts or negotiations for work or make arrangements for other employment as a principal or to practice in connection with a specific project for which the registrant has gained particular and specialized knowledge.
2. Without the consent of all interested parties, registrants shall not participate in or represent an adversary interest in connection with a specific project or proceeding in which the registrant has gained particular specialized knowledge on behalf of a former client or employer.

History: Effective January 1, 1988; amended effective October 1, 2004.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-24

28-03.1-01-10. Disclosure of conflict of interest. Registrants shall make full prior disclosures to their employers or clients of all known or potential conflicts of interest that could influence or appear to influence their judgment or the quality of their services.

1. If the employer or client objects to such an association or financial interest, the registrant shall either terminate the association or interest or offer to give up the employment.
2. Registrants serving as members, advisors, or employees of a governmental body or department, who are the principals or employees of a private concern, shall not participate in decisions with respect to professional services offered or provided by said concern to the governmental body ~~which~~ that they serve.
3. Registrants shall not solicit or accept a professional contract from a governmental body on which a principal or officer of their organization serves as a member.
4. A registrant shall not accept employment when duty to the client or the public would conflict with the personal interest of the registrant or the interest of another client and would influence the registrant's judgment or the quality of the registrant's services.

History: Effective January 1, 1988; amended effective April 1, 1999; October 1, 2004.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-24 **28-03.1-01-11.**

Compensation from other parties. The registrant will not accept compensation, financial or otherwise, from more than one interested party for the same service. The registrant:

1. Will not accept financial or other considerations, including free engineering designs or land surveying plans, from material or equipment suppliers for specifying their product.
2. Will not accept commissions or allowances, directly or indirectly, from contractors or other parties dealing with the registrant's clients or employer in connection with work for which the engineer or land surveyor is responsible.
3. Shall not solicit or accept gratuities, gifts, travel, lodging, loans, entertainment, or other favors, directly or indirectly, from contractors, their agents, or other third parties dealing with a client or employer in connection with work for which the registrant is responsible, which can be determined to be an effort to improperly influence the registrant's professional judgment. Minor expenditures such as advertising trinkets, novelties, and meals are excluded. Neither shall a registrant make any such improper offer.

History: Effective January 1, 1988; amended effective August 1, 1994; April 1, 1999; October 1, 2004.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-24

28-03.1-01-12. Solicitation of work. A registrant shall seek and engage in only the professional work or employment the professional is competent and qualified to perform by reason of education, training, or experience.

1. A registrant shall not falsify or misrepresent the extent of the registrant's education, training, experience, or qualifications to any person or to the public or misrepresent the extent of the registrant's responsibility in connection with any prior employment or projects.
2. A registrant shall not transmit, distribute, or publish or allow to be transmitted, distributed, or published, any false or misleading information regarding the registrant's own qualifications, training, or experience or that of the registrant's employer, employees, associates, or joint venturers.
3. Registrants shall not offer, give, solicit, or receive, either directly or indirectly, any political contribution in an amount intended to influence the award of a contract by public authority, or which may be reasonably construed by the public of having the effect or intent to influence the award of a contract.
4. Registrants shall not pay a commission, percentage, or brokerage fee in order to secure work except to a bona fide employee.
5. A registrant shall not tender any gift, pay, or offer to pay, directly or indirectly,

anything of substantial value, whether in the form of a commission or otherwise, as an inducement to secure employment. A registrant is not prohibited from paying a commission to an employment agency for securing a position.

6. A registrant shall not knowingly seek or accept employment for professional services for an assignment for which another registrant is employed or contracted to perform. This prohibition shall not preclude a registrant from responding to a client-initiated or owner-initiated solicitation.

History: Effective January 1, 1988; amended effective April 1, 1999; October 1, 2004.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-24

28-03.1-01-13. Reporting of unethical or illegal practice. A registrant who has knowledge or reasonable grounds for believing that another registrant has violated any statute or rule regulating the practice of the profession shall have the duty of presenting such information to the board.

1. A registrant possessing knowledge of a violation shall report such knowledge to the board in writing and shall cooperate with the board in furnishing such further information or assistance as it may require.
2. A registrant, when questioned concerning any alleged violation on the part of another person by any member or authorized representative of the board commissioned or delegated to conduct an official inquiry, shall neither fail nor refuse to divulge such information as the registrant may have relative thereto.
3. Registrants must notify the board within thirty days if another state has disciplined them with a reprimand, censure, suspension, temporary suspension, probation, revocation, or refusal to renew a license, or if they have voluntarily surrendered their license as part of a settlement proceeding.
4. If a registrant, during the course of the registrant's work, discovers a material discrepancy, error, or omission in the work of another registrant, which may impact the life, health, property, and welfare of the public, the discoverer shall make a reasonable effort to inform, in writing, the registrant whose work is believed to contain the discrepancy, error, or omission. Such communication shall reference specific codes, standards, or physical laws ~~which~~ that are believed to be violated and identification of documents ~~which~~ that are believed to contain the discrepancies. The registrant whose work is believed to contain the discrepancy shall respond in writing within thirty calendar days to any question about the work raised by another registrant. Failure to respond on the part of the registrant whose work is believed to contain the discrepancy shall be considered a violation of these rules. The discoverer shall notify the board in the event a response satisfactory to the discoverer is not obtained within thirty days.

History: Effective January 1, 1988; amended effective April 1, 1999; October 1, 2004.

General Authority: NDCC 43-19.1-08
Law Implemented: NDCC 43-19.1-24

28-03.1-01-14. Professional relationships. The registrant ~~will~~ shall not knowingly associate professionally with or allow the use of one's name with ~~engineers or land surveyors who do not conform to ethical practices, or with~~ persons not legally qualified to render the professional services for which the association is intended.

1. Registrants in private practice shall not review the work of another registrant for the same client, except with the knowledge of such registrant, or unless the connection of such registrant with the work has been terminated. This prohibition shall not preclude a registrant from responding to a client-initiated or owner-initiated solicitation for a second opinion.
2. Registrants in governmental, industrial, or educational employment ~~are entitled to~~ may review and evaluate the work of other registrants when so required by their employment duties.
3. Registrants in sales or industrial employment ~~are entitled to~~ may make engineering comparisons of represented products with products of other suppliers.
4. Registrants shall not use association with a nonregistrant, a corporation, or partnership, as a cloak for unethical acts.
5. The registrant shall not furnish limited services in such a manner as to enable unregistered persons to evade:
 - a. Federal, state, and local laws and regulations, including building permit requirements; or
 - b. Registration requirements.
6. The registrant may not take over, review, revise, or sign or seal drawings or revisions thereof when such plans are begun by persons not properly registered and qualified or do any other act to enable either such persons or the project owners, directly or indirectly, to evade the registration requirements.

History: Effective January 1, 1988; amended effective October 1, 2004.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-24

28-03.1-01-15. Proprietary interests of others.

1. Whenever possible, the registrant will name the person or persons who may be individually responsible for designs, inventions, writings, or other accomplishments.

2. When a registrant uses designs supplied by a client, the designs remain the property of the client and should not be duplicated by the registrant for others without express permission.
3. Before undertaking work for others in which the registrant may make improvements, plans, designs, inventions, or other records which that may justify copyrights or patents, the registrant should enter into an agreement regarding the ownership of the improvements, plans, designs, inventions, or other records.
4. Designs, data, records, and notes made by a registrant and referring exclusively to the employer's work are the employer's property.

History: Effective January 1, 1988; amended effective October 1, 2004.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-24

~~**28-03.1-01-16. Professional enhancement.** The registrant will cooperate in extending the effectiveness of the profession by interchanging information and experience with other engineers or land surveyors and students, and will endeavor to provide opportunity for the professional development and advancement of engineers or land surveyors under the registrant's supervision. The registrant:~~

- ~~1. Will encourage one's engineering or land surveying employees' efforts to improve their education.~~
- ~~2. Will encourage one's engineering or land surveying employees to attend and present papers at professional and technical society meetings.~~
- ~~3. Will urge one's engineering or land surveying employees to become registered at the earliest possible date.~~
- ~~4. Will assign a professional engineer or professional land surveyor duties of a nature to utilize the engineer's or land surveyor's full training and experience, insofar as possible, and delegate lesser functions to subprofessionals or to technicians. The registrant will provide a prospective employee with complete information on working conditions and the employee's proposed status of employment and after employment will keep the employee informed of any changes in them.~~

History: Effective January 1, 1988; amended effective April 1, 1999; October 1, 2004.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-24

28-03.1-01-17. Professional conduct.

1. Registrants shall indicate any reservation on a reference for an applicant if they

have reason to believe the applicant is unqualified by education, training, or experience to become licensed. The registrant's opinion shall be based on the qualifications a reasonable and prudent professional would require an applicant to possess.

2. A registrant shall not submit a materially false statement or fail to disclose a material fact requested in connection with the application for certification or licensure in this state or any other state.
3. Registrants shall comply with the licensure laws and rules governing their professional practice in any United States jurisdiction.
4. A registrant shall not further the application for certification or licensure of another person known by the registrant to be unqualified in respect to character, education, or other relevant factor.

History: Effective October 1, 2004.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-24

28-03.1-01-18 Public Understanding and Professional Enhancement. Sections 1-17 of this Code of Ethics are requirements of professional conduct and non-compliance with any of those sections is subject to disciplinary action. To enhance the professions of engineering and land surveying, the board also encourages, but does not require, a registrant to:

1. seek opportunities to be of constructive service in civic affairs and work for the advancement of the safety, health, and well-being of the registrant's community.-
2. cooperate in extending the effectiveness of the profession by interchanging information and experience with other engineers or land surveyors and students.
3. extend public knowledge and appreciation of engineering or land surveying and its achievements and to protect the profession from misrepresentation and misunderstanding.
4. maintain interest in the public welfare and be ready to apply their special knowledge, skill, and training for the use and benefit of the public.
5. seek opportunities to provide career guidance for youths.
6. provide opportunity for the professional development and advancement of engineers or land surveyors under the registrant's supervision by:
 - a. encouraging efforts to improve the registrant's education.
 - b. encouraging attendance and presentation of papers at professional and technical society meetings.

- c. promoting professional registration at the earliest possible date.

History: Effective

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-24

**ARTICLE 28-04
CONTINUING PROFESSIONAL COMPETENCY**

Chapter
28-04-01 Continuing Education

**CHAPTER 28-04-01
CONTINUING EDUCATION**

Section
28-04-01-01 Purpose
28-04-01-02 Definitions
28-04-01-03 General Requirements
28-04-01-04 Recordkeeping
28-04-01-05 Qualifying Activities
28-04-01-06 Audit
28-04-01-07 Exemptions

28-04-01-01. Purpose. The purpose of mandatory continuing education is to reinforce the need for lifelong learning in order to stay current with ever changing technology, equipment, procedures, processes, tools, and established standards. Qualifying activities must have a clear purpose and objective that will maintain, improve, or expand the skills and knowledge relevant to the registrant's field of practice. Registrants are encouraged to select meaningful activities that will be of benefit in the pursuit of their chosen fields.

History: Effective October 1, 2004.

General Authority: NDCC 43-19.1-33

Law Implemented: NDCC 43-19.1-33

28-04-01-02. Definitions. The terms used throughout this chapter have the same meaning as in North Dakota Century Code chapter 43-19.1 and North Dakota Administrative Code section 28-01-02.1-07. Additional terms are:

1. "Active participation" means making a regular, substantial contribution to an organization. Membership by itself does not constitute active participation.
2. "Contact hour" is a minimum of fifty minutes of actual instruction not to include any breaks.
3. "Continuing education units" is equivalent to ten contact hours of instruction, i.e., ten professional development hours. Continuing education units are nationally recognized and are a uniform unit of measure for continuing education and training.

4. "International association for continuing education and training programs" means those continuing education and training courses offered by various organizations that meet the minimum requirements for a qualifying continuing education and training course as established by the international association for continuing education and training.
5. "Professional development hour" is defined as one contact hour of instruction or presentation. It is the common denominator for the other units of credit. Round off professional development hours to the nearest one-half hour. No activity under one-half hour will be accepted for credit.

History: Effective October 1, 2004.

General Authority: NDCC 43-19.1-33

Law Implemented: NDCC 43-19.1-33

28-04-01-03. General requirements. All individual registrants must acquire thirty professional development hours every two years before renewing their license.

1. At least twenty professional development hours must be in technical subjects that directly safeguard the public's health, safety, and welfare, including technical professional management subjects such as total quality process or technical engineering or land surveying software training.
2. A maximum of ten professional development hours may be in nontechnical professional management subjects such as ethics-oriented or administration-oriented computer classes.
3. All registrants will be required to submit a list of continuing professional development activities that they participated in and sign a statement that they have met this requirement as part of the renewal process.
4. Registrants holding both professional engineering and surveying registrations must earn a minimum of one-third, or ten professional development hours in each profession with a total of thirty professional development hours every two years. A dual registrant is not required to obtain more than thirty professional development hours per biennial renewal period because of dual registrations.
5. A maximum of fifteen qualifying professional development hours may be forwarded to the subsequent biennial renewal period.
6. Comity for continuing professional development is allowed if the registrant is currently licensed in a jurisdiction or state that requires mandatory continuing professional competency and meets the minimum requirements as established by the North Dakota state board of registration for professional engineers and land surveyors.

7. New registrants shall comply with continuing education requirements as follows: registrants who receive their license prior to the fourth quarter in an odd-numbered year shall report the full biennial requirement of thirty professional development hours at the time of next renewal; and registrants who receive their license prior to the fourth quarter in an even-numbered year shall report one-half of the biennial requirement, i.e., fifteen professional development hours at the time of next renewal.

History: Effective October 1, 2004

General Authority: NDCC 43-19.1-33

Law Implemented: NDCC 43-19.1-33

28-04-01-04. Recordkeeping. Recordkeeping is the responsibility of the registrant. Adequate records must be maintained for a minimum of four years from the date of last biennial renewal for auditing purposes. Records may be maintained by a professional registry, such as the professional development registry for engineers and surveyors. Records that are maintained by such a registry do not necessarily require approval of these courses by this board. Records required include:

1. A log showing the type of activity claimed, sponsoring organization, location, duration, date, instructor's or speaker's name, and professional development hour credits claimed. This permits the proper completion of professional development hour activities at renewal time. Specific information on each activity is required. Simply stating "attending education activities at ABC Company" is not acceptable.
2. Attendance verification records in the form of certificates or other documents supporting evidence of attendance. The registrant must have sufficient verification for all credits claimed.

History: Effective October 1, 2004.

General Authority: NDCC 43-19.1-33

Law Implemented: NDCC 43-19.1-33

28-04-01-05. Qualifying activities. The board may preapprove courses, providers, or activities. Until the board preapproves such courses or activities, it is the responsibility of the registrant to determine whether the activity qualifies under this board's requirements. The board has final approval of professional development hour credit. Examples of typical qualifying and nonqualifying activities are available by contacting the office of the board or visiting the board's web site. All professional development hour allowances stated in this section are biennial allowances. Qualifying activities include:

1. **College unit, semester, or quarter hour credit for college courses.** A course must be regularly offered and participants tested with a passing grade required. One semester hour generally consists of fifteen class meetings of fifty to fifty-five minutes duration. It is assumed that twice as much study time is required as class contact time, thus equating to forty-five professional development hours.

Similarly, a quarter hour qualifying course meets ten times and thus thirty professional development hours are allowed. Monitoring courses do not require a test, and therefore only the actual class contact hours are allowed. On occasion, educational institutions may offer a one-day seminar and award fractional quarter hour credit such as one-half of a quarter hour. These courses do not qualify on the quarter hour basis since they are not part of the regular curriculum of the educational institution, do not require testing, and have no provision for additional out-of-class requirements. For courses such as this, only actual contact hours will be allowed for professional development hour credit.

2. **Interactive activities.** Other qualifying courses, seminars, employer-sponsored educational activities, programs, and activities are allowed one professional development hour credit for each contact hour. A correspondence course, videotaped programs, and online courses (self-study) must require the participant to show evidence of achievement with a final graded test.
3. **Teaching credit for short courses.** Teaching credits for the instructor are twice that of the participants in qualifying courses and seminars. However, repetitive teaching of the same course will not earn additional credit.
4. **Published paper, article, or book.** A published paper, article, or book must be a serious effort to qualify. For example, a news article in a technical or professional bulletin is not considered a published paper. Although it is recognized that often many more hours are spent in being an author of a publication, ten professional development hours are allowed for publication. Only one publication may be claimed for professional development hours per renewal period. Repetitive publication of the same paper or article will not earn additional credit.
5. **Active participation in professional and technical societies.** Active participation in professional and technical societies is to encourage registrants to participate fully in appropriate technical and professional societies. Contact with one's peers at such meetings is considered one way to stay abreast of current topics, issues, technical developments, ethical situations, and learning opportunities. Two professional development hours per biennium can be earned for each organization with a maximum of six professional development hours per biennium allowed. All technical and professional societies are included, but this does not include civic or trade organizations.
6. **Patents.** Patents are allowed ten professional development hours after a patent is issued and the inventor submits details to the board. The invention must be related to the registrant's profession.

History: Effective October 1, 2004.

General Authority: NDCC 43-19.1-33

Law Implemented: NDCC 43-19.1-33

28-04-01-06. Audit. Audits can be conducted anytime up to three years after the biennial renewal is submitted to ensure compliance with continuing education requirements.

If selected for audit, the registrant will be contacted to provide necessary documentation. Each registrant selected for audit must respond with detailed information on the professional development hour activities within thirty days. If the audit conducted indicates a failure to comply with continuing education requirements, the registrant has sixty calendar days after receipt of written notice to further reinforce the claim of professional development hour credits or to acquire sufficient professional development hour credit to meet the requirements. The board may also audit a registrant's professional development hour activities based on complaints or charges against a registrant. Registrants who refuse to comply with continuing professional competency requirements may be subject to disciplinary action as allowed by North Dakota Century Code section 43-19.1-25.

History: Effective October 1, 2004.

General Authority: NDCC 43-19.1-33

Law Implemented: NDCC 43-19.1-33

28-04-01-07. Exemptions. A registrant may be exempt from the continuing education requirements for one of the following reasons:

1. A registrant serving on temporary active duty in the armed forces of the United States, or a registrant serving on regular active duty who is deployed for a period of time exceeding one hundred twenty consecutive days in a year, shall be exempt from obtaining the professional development hours required during that year.
2. Registrants experiencing physical disability, illness, temporary leave from professional activity, or other extenuating circumstances as reviewed and approved by the board may be exempt. Supporting documentation must be furnished to the board. In the event such a person elects to return to active practice of professional engineering or land surveying, fifteen professional development hours must be earned before returning to active practice for each year exempted not to exceed the biennial requirement of thirty professional development hours.
3. Professional engineer registrants exempt from registration by North Dakota Century Code section 43-19.1-29 but voluntarily registered are exempt from continuing professional competency requirements. A claim of exemption under this provision must be verified by the board. This exemption is based on the registrant's primary employment. If the registrant provides engineering services outside the scope of primary employment, the exemption will be voided and the registrant will be required to comply with the continuing professional competency requirements. A person who is registered because of a requirement in the person's job description or qualification for a pay grade is not voluntarily registered. Noncompliance with the provisions of this exemption shall be grounds for disciplinary action as allowed by North Dakota Century Code section 43-19.1-25.

4. Registrants who qualify for retired status on the board-approved renewal form shall be exempt from the continuing education requirements. A registrant whose license has been retired for one year or more and who meets all other requirements may reinstate a retired license. A registrant who has reinstated a license is required to file an interim continuing professional competency report within one year of the date of reinstatement verifying that a minimum of fifteen professional development hours have been accomplished. A registrant whose license has been retired for less than one year and who meets all other requirements may reinstate a retired license. A registrant who has reinstated a license must show compliance within the previous two years with the continuing professional competency requirements set forth in this chapter.

History: Effective October 1, 2004.

General Authority: NDCC 43-19.1-33

Law Implemented: NDCC 43-19.1-33