

1                   **THE ENGINEERS AND ARCHITECTS REGULATION ACT**

2                                   **Statutes Effective January 1, 1998**

3                                   **As amended August 28, 1999**

4  
5 **81-3401. Act, how cited.** Sections 81-3401 to 81-3455 shall be known and  
6 may be cited as the Engineers and Architects Regulation Act.

7  
8 **81-3402. Architecture and engineering; regulation; prohibited acts.** In  
9 order to safeguard life, health, and property and to promote the public welfare,  
10 the professions of architecture and engineering are declared to be subject to  
11 regulation in the public interest. It is unlawful for any person to

12                   (1) practice or offer to practice architecture or engineering in this state,

13                   (2) use in connection with his or her name, except as provided in  
14 sections 81-3413 to 81-3415, or otherwise assume the title architect or  
15 professional engineer, or

16                   (3) advertise any title or description tending to convey the impression that  
17 he or she is a licensed architect or engineer

18 unless the person is duly licensed or exempt from licensure under the  
19 Engineers and Architects Regulation Act. The practice of architecture and  
20 engineering and use of the titles architect or professional engineer is a privilege  
21 granted by the state through the board based on the qualifications of the  
22 individual as evidenced by a certificate of licensure which is not transferable.

23  
24 **81-3403. Definitions, where found.** For purposes of the Engineers and  
25 Architects Regulation Act, the definitions found in sections 81-3404 to 81-3427  
26 shall be used.

27  
28 **81-3404. Architect, defined.** Architect means a person who engages in the  
29 practice of architecture and who has a current certificate of licensure issued by  
30 the board.

31  
32 **81-3405. Board, defined.** Board means the Board of Engineers and Architects.

33  
34 **81-3406. Consulting engineer, defined.** Consulting engineer means a  
35 professional engineer whose principal occupation is the independent practice of  
36 engineering, whose livelihood is obtained by offering engineering services to the  
37 public, who serves clients as an independent fiduciary, who is devoid of public,  
38 commercial, and product affiliation that might tend to imply a conflict of interest,  
39 and who is cognizant of his or her public and legal responsibilities and is  
40 capable of discharging them.

41  
42 **81-3407. Continuing education, defined.** Continuing education means the  
43 process of training and developing knowledge related to a profession after  
44 licensure is attained.

45

1 **81-3408. Coordinating professional, defined.** Coordinating professional  
2 means an architect or professional engineer who coordinates, as qualified, the  
3 various professional disciplines involved in a project.  
4

5 **81-3409. Design, defined.** Design means the preparation of schematics,  
6 layouts, plans, drawings, specifications, calculations, and other diagnostic  
7 documents which show the features, scope, and detail of an architectural or  
8 engineering work to be executed.  
9

10 **81-3410. Design profession, design professionals, or licensed  
11 professional, defined.** Design profession, design professionals, or licensed  
12 professional means the professions of architecture and engineering.  
13

14 **81-3411. Direct supervision, defined.** Direct supervision means the degree of  
15 supervision by a person overseeing the work of other persons by which the  
16 supervisor has control over and professional knowledge of the work being done.  
17

18 **81-3412. Emeritus, defined.** Emeritus, referring to an architect or professional  
19 engineer, means a professional who relinquishes or does not renew his or her  
20 licensure and who is approved by the board to receive publications and use the  
21 honorary title emeritus.  
22

23 **81-3413. Engineer, defined.** Engineer means a person who is qualified to  
24 practice engineering by reason of special knowledge and use of the  
25 mathematical, physical, and engineering sciences and the principles and  
26 methods of engineering analysis and design acquired by engineering education  
27 and engineering experience, both of which are satisfactory to the board.  
28

29 **81-3414. Engineer-intern, defined.** Engineer-intern means a person who has  
30 passed an examination in the fundamental engineering subjects as provided in  
31 section 81-3451.  
32

33 **81-3415. Estimator, technician, or other similar titles, defined.** Estimator,  
34 technician, or other similar titles means a person who through training or  
35 experience is performing under the supervision of an architect or professional  
36 engineer tasks associated with the practice of architecture or engineering.  
37

38 **81-3416. Good moral character, defined.** Good moral character means such  
39 character as will enable a person to discharge the fiduciary duties of an architect  
40 or professional engineer to his or her client and to the public for the protection of  
41 the public health, safety, and welfare. Evidence of inability to discharge such  
42 duties includes the commission of an offense justifying discipline.  
43

1 **81-3417. Occasional, part-time, or consulting services, defined.** Occasional,  
2 part-time, or consulting services means services not provided by a full-time  
3 member of an organization engaged in a design profession.

4  
5 **81-3418. Organization, defined.** Organization includes a partnership, limited  
6 liability company, corporation, or other form of business entity but not public  
7 service providers.

8  
9 **81-3419. Planning, defined.** Planning means the mental formulation and  
10 written or graphic representation of a program for the accomplishment or  
11 attainment of design.

12  
13 **81-3420. Practice of architecture, defined.** Practice of architecture means  
14 rendering or offering to render services in connection with the design and  
15 construction, enlargement, or alteration of a building or group of buildings and  
16 the space within and surrounding the buildings. The services include planning,  
17 providing preliminary studies, designs, drawings, specifications, and other  
18 technical submissions, administration of construction contracts, coordination of  
19 any elements of technical submissions prepared by others including, as  
20 appropriate and without limitation, consulting engineers and landscape  
21 architects, and acting as a coordinating professional. The practice of  
22 architecture does not include the practice of engineering.

23  
24 **81-3421. Practice of engineering, defined.** Practice of engineering means any  
25 service or creative work if the adequate performance of the service or work  
26 requires engineering education, training, and experience in the application of  
27 special knowledge of the mathematical, physical, and engineering sciences to  
28 include such services or creative work as consultation, investigation, evaluation,  
29 planning, design and design coordination of engineering works and systems,  
30 planning the use of land and water, performing engineering surveys and studies,  
31 the review of construction for the purpose of monitoring compliance with  
32 drawings and specifications, administration of construction contracts, and acting  
33 as a coordinating professional, and any of which embraces such services or  
34 work, either public or private, in connection with any utilities, structures,  
35 buildings, machines, equipment, processes, work systems, projects, and  
36 industrial or consumer products or equipment of a mechanical, electrical,  
37 hydraulic, pneumatic, or thermal nature, insofar as they involve safeguarding  
38 life, health, or property, and including such other professional services as may  
39 be necessary to the planning, progress, and completion of any engineering  
40 services. The practice of engineering does not include the practice of  
41 architecture.

42 Design coordination includes the review and coordination of those  
43 technical submissions prepared by others, including, but not limited to, as  
44 appropriate and without limitation, consulting engineers, architects, landscape

1 architects, land surveyors, and other professionals working under the direction  
2 of the professional engineer.

3 Engineering surveys includes all survey activities required to support the  
4 sound conception, planning, design, construction, maintenance, and operation of  
5 engineering projects but excludes the surveying of real property for the  
6 establishment of land boundaries, rights-of-way, easements, and the dependent  
7 or independent surveys or resurveys of the public land survey system.

8 A person shall be construed to practice or offer to practice engineering,  
9 within the meaning and intent of the Engineers and Architects Regulation Act, if  
10 he or she: (1) Practices any branch of the profession of engineering; (2) by  
11 verbal claim, sign, advertisement, letterhead, or card or in any other way,  
12 represents himself or herself to be a professional engineer; (3) through the use  
13 of some other title, implies that he or she is a professional engineer or licensed  
14 under the Engineers and Architects Regulation Act; or (4) holds himself or  
15 herself out as able to perform or does perform any engineering service or work  
16 or any other service designated by the practitioner which is recognized by the  
17 board as engineering.

18 The practice of engineering does not include the services ordinarily  
19 performed by subordinates under direct supervision of a professional engineer  
20 or those commonly designated as locomotive, stationary, and marine operating  
21 engineers, power plant operating engineers, or manufacturers who supervise the  
22 operation of or operate machinery or equipment or who supervise construction  
23 within their own plant.

24  
25 **81-3422. Professional engineer, defined.** Professional engineer means a  
26 person who is licensed as a professional engineer by the board. The board may  
27 designate a professional engineer, on the basis of education, experience, and  
28 examination, as being licensed in a specific discipline or branch of engineering  
29 signifying the area in which the professional engineer has demonstrated  
30 competence.

31  
32 **81-3423. Public service provider, defined.** Public service provider means any  
33 political subdivision which appoints a municipal engineer or which employs a  
34 full-time person licensed under the Engineers and Architects Regulation Act who  
35 is in responsible charge of architectural or engineering work.

36  
37 **81-3424. Registration or licensure, defined.** Registration or licensure means  
38 a certificate of registration or licensure issued by the board. The definition of  
39 license and registration shall be synonymous.

40  
41 **81-3425. Responsible charge, defined.** Responsible charge means control  
42 and supervision for engineering or architectural work.

43

1 **81-3426. Rules and regulations, defined.** Rules and regulations means rules  
2 and regulations adopted and promulgated under the Engineers and Architects  
3 Regulation Act by the board.

4 **81-3427. Technical submissions, defined.** Technical submissions means  
5 designs, drawings, specifications, studies, and other technical reports.

6  
7 **81-3428. Board of Engineers and Architects; created; members; terms.** (1)  
8 The Board of Engineers and Architects is created to administer the Engineers  
9 and Architects Regulation Act. The board may use any funds available to obtain  
10 suitable office space within Lincoln, Nebraska. The board shall consist of six  
11 members appointed by the Governor, after consultation with the appropriate  
12 professional organizations, for terms of five years terminating on the last day of  
13 February, and two education members appointed as prescribed in subsection (2)  
14 of this section. The board shall consist of: (a) Three architect members,  
15 including one education member; (b) Four professional engineer members,  
16 including one education member; and (c) One public member. Each member  
17 shall hold office after the expiration of his or her term until his or her successor is  
18 duly appointed and qualified. The Governor may remove any member of the  
19 board for misconduct, incompetency, or neglect of duty. Vacancies in the  
20 membership of the board, however created, shall be filled for the unexpired term  
21 by appointment by the Governor. The Board of Examiners for Professional  
22 Engineers and Architects as it existed immediately prior to January 1, 1998,  
23 shall serve as the Board of Engineers and Architects until the additional public  
24 member is appointed. The Governor shall reappoint or replace existing members  
25 as their terms expire, and the public member shall be reappointed or replaced in  
26 the fifth year of his or her term.

27 (2) The board shall include two education members who are licensed in  
28 the relevant profession representing the professional faculty of the College of  
29 Engineering and Technology and the College of Architecture within the  
30 University of Nebraska, as recommended by the dean of the respective college  
31 and appointed by the Governor. The appointments are for five years.

32 (3) The board may designate a former member of the board as an  
33 emeritus member. Emeritus member status, when conferred, must be renewed  
34 annually.

35  
36 **81-3429. Board; members; requirements; per diem; expenses.** Each  
37 member of the board shall be a citizen of the United States and a resident of the  
38 State of Nebraska for at least one year immediately preceding appointment.  
39 Each professional member shall have been engaged in the active practice of the  
40 design profession for at least ten years, shall have had responsible charge of  
41 work for at least five years at the time of his or her appointment, and shall be  
42 licensed in the appropriate profession. Each member of the board shall receive  
43 as compensation not more than sixty dollars per day for each day actually spent  
44 in traveling to and from and while attending sessions of the board and its  
45 committees or authorized meetings of the National Council of Architectural

1 Registration Boards, the National Council of Examiners for Engineering and  
2 Surveying, or their subdivisions or committees, and all necessary expenses  
3 incident to the performance of his or her duties under the Engineers and  
4 Architects Regulation Act as provided in sections 81-1174 to 81-1177.

5  
6 **81-3430. Certificate of appointment; oath; Attorney General; legal advisor;  
7 seal; rules and regulations under prior law.** Each member of the board shall  
8 receive a certificate of appointment from the Governor and, before beginning his  
9 or her term of office, shall file with the Secretary of State the constitutional oath  
10 of office. The board or any committee of the board is entitled to the services of  
11 the Attorney General in connection with the affairs of the board, and the board  
12 may compel the attendance of witnesses, administer oaths, and take testimony  
13 and proofs concerning all matters within its jurisdiction. The Attorney General  
14 shall act as legal advisor to the board and render such legal assistance as may  
15 be necessary in carrying out the Engineers and Architects Regulation Act. The  
16 board shall adopt and have an official seal, which shall be affixed to all  
17 certificates of licensure granted, and shall adopt and promulgate rules and  
18 regulations to carry out the act. The rules and regulations of the Board of  
19 Examiners for Professional Engineers and Architects in effect immediately prior  
20 to January 1, 1998, shall continue in effect until changed by the Board of  
21 Engineers and Architects.

22  
23 **81-3431. Board; meetings; officers; quorum.** The board shall hold at least  
24 one regular meeting each year. Special meetings shall be held as the rules and  
25 regulations provide and at such places as the board elects. Notice of all  
26 meetings shall be given in such manner as the rules and regulations provide.  
27 The board shall elect from its members, annually at its first meeting after March  
28 1, a chairperson, vice-chairperson, and secretary. A quorum of the board shall  
29 consist of not less than five members.

30  
31 **81-3432. Engineers and Architects Regulation Fund; created; use;  
32 investment.** The Engineers and Architects Regulation Fund is created. The  
33 secretary of the board shall receive and account for all money derived from the  
34 operation of the Engineers and Architects Regulation Act and shall remit the  
35 money to the State Treasurer for credit to the Engineers and Architects  
36 Regulation Fund. All expenses certified by the board as properly and necessarily  
37 incurred in the discharge of duties, including compensation and administrative  
38 staff, and any expense incident to the administration of the act relating to other  
39 states shall be paid out of the fund. Warrants for the payment of expenses shall  
40 be issued by the Director of Administrative Services and paid by the State  
41 Treasurer upon presentation of vouchers regularly drawn by the chairperson and  
42 secretary of the board and approved by the board. At no time shall the total  
43 amount of warrants exceed the total amount of the fees collected under the act  
44 and to the credit of the fund. Any money in the fund available for investment  
45 shall be invested by the state investment officer pursuant to the Nebraska

1 Capital Expansion Act and the Nebraska State Funds Investment Act. Any  
2 money in the Professional Engineering and Architectural Examiners' Fund on  
3 January 1, 1998, shall be transferred to the Engineers and Architects Regulation  
4 Fund.  
5

6 **81-3433. Roster.** The secretary of the board shall publish a complete roster  
7 showing the names and last-known addresses of all architects and professional  
8 engineers at intervals as established by the board. The secretary shall file the  
9 roster with the Secretary of State and may mail a copy to each licensed person  
10 as well as county and municipal officials. The secretary of the board may also  
11 sell or distribute copies of the roster to the public.  
12

13 **81-3434. Code of practice; contents.** (1) The Legislature hereby finds and  
14 declares that a code of practice established by the board by which architects  
15 and professional engineers could govern their professional conduct would be  
16 beneficial to the state and would safeguard the life, health, and property of the  
17 citizens of this state.

18 (2) The code of practice established by this section shall include  
19 provisions on:

- 20 (a) Professional competence;
- 21 (b) Conflict of interest;
- 22 (c) Full disclosure of financial interest;
- 23 (d) Full disclosure of matters affecting public safety, health, and  
24 welfare;
- 25 (e) Compliance with laws;
- 26 (f) Professional conduct and good character standards; and
- 27 (g) Practice of architecture and engineering.

28 (3) The board may establish a code of practice through rules and  
29 regulations.

30 (4) The board may publish commentaries regarding the code of practice.  
31 The commentaries shall explain the meaning of interpretations given to the code  
32 by the board.  
33

34 **81-3435. Application for licensure or enrollment; form; fees.** (1) Application  
35 for licensure as an architect or professional engineer or enrollment as an  
36 engineer-intern shall be made on a form prescribed and furnished by the board.  
37 It shall contain statements made under oath showing the applicant's education  
38 and a detailed summary of technical experience and shall include the names  
39 and complete mailing addresses of the references, none of whom should be  
40 members of the board. The board may accept the verified information contained  
41 in a valid Council Record issued by the National Council of Architectural  
42 Registration Board or the National Council of Examiners for Engineering and  
43 Surveying in lieu of the same information that is required on the form prescribed  
44 and furnished by the board.

1 (2) Application and licensure fees shall be established by the board and  
2 shall accompany the application. Original and reciprocal fees shall not exceed  
3 three hundred dollars and shall be in addition to the examination fee which shall  
4 be set to recover the costs of examination and its administration.

5 (3) The fee for intern enrollment shall be established by the board and  
6 shall accompany the application. The fee shall not exceed one hundred dollars  
7 and shall be in addition to the examination fee which shall be set to recover the  
8 costs of the examination and its administration.

9 (4) The certificate of authorization fee for organizations shall be  
10 established by the board and shall accompany the application. The fee shall not  
11 exceed three hundred dollars per year.

12 (5) The fee for emeritus status shall be established by the board and shall  
13 accompany the application. The fee shall not exceed one hundred dollars per  
14 year.

15 (6) If the board denies the issuance of a certificate or enrollment to any  
16 applicant, including the application of an organization for a certificate of  
17 authorization, the board shall retain the fee.

18  
19 **81-3436. Organizational practice; certificate; authorization; immunity;**  
20 **Secretary of State; registration of trade name or service mark; limitation.**

21 (1) The practice or offer to practice for others the professions of architecture or  
22 engineering by individuals licensed under the Engineers and Architects  
23 Regulation Act through an organization is permitted if the criteria for  
24 organizational practice established by the board are met and the organization  
25 had been issued a certificate of authorization by the board. All technical  
26 submissions by an organization involving the practice of architecture and  
27 engineering, when issued or filed for public record, shall be dated and bear the  
28 signature and seal of the licensee qualified in the profession who prepared the  
29 submission or under whose immediate direction they were prepared. Public  
30 service providers are not included in this section.

31 (2) An organization desiring a certificate of authorization shall file with the  
32 board an application, using the form provided by the board, listing the names  
33 and addresses of all officers of the organization, the members of the  
34 organization's governing body, and the individual or individuals duly licensed to  
35 practice their respective professions in this state who shall be in responsible  
36 charge of the practice of those professions in the state through the organization.  
37 Any change in status of any of these persons during the certificate period shall  
38 be designated on the same form and filed with the board within thirty days after  
39 the effective date of the change. If the requirements of this section are met, the  
40 board shall issue a certificate of authorization to the organization and the  
41 organization may contract for and collect fees for furnishing professional  
42 services.

43 (3) The act shall not prevent an organization from performing professional  
44 services for itself.

1 (4) An organization is not relieved of responsibility for the conduct or acts  
2 of its agents, employees, officers, or partners by reason of its compliance with  
3 this section. An individual practicing architecture or engineering is not relieved of  
4 responsibility for services performed by reason of employment or any other  
5 relationship with an organization holding a certificate of authorization.

6 (5) Commencing one year after January 1, 1998, the Secretary of State  
7 shall not issue a certificate of authority to do business in the state to an  
8 applicant or issue a registration of name to an organization which includes  
9 among the objectives for which it is established the practice of architecture or  
10 engineering, or any modification or derivation of those design professions,  
11 unless the board has issued the applicant a certificate of authorization or a letter  
12 indicating the eligibility of the applicant to receive a certificate. The organization  
13 shall supply the certificate or letter with its application for incorporation or  
14 licensure.

15 (6) Commencing one year after January 1, 1998, the Secretary of State  
16 shall not register any trade name or service mark which includes the words  
17 architect or engineer, or any modification or derivative of such words, in its firm  
18 name or logotype except to those organizations holding authorization certificates  
19 issued by the board except as authorized in the act or in the Professional  
20 Landscape Architects Act.

21 (7) The certificate of authorization shall be renewed periodically as  
22 required by the board.

23 (8) A design professional who renders occasional, part-time, or consulting  
24 services to or for an organization may not for the purposes of this section be  
25 designated as being responsible for the professional activities of the  
26 organization.

27  
28 **81-3437. Certificate of licensure; issuance; seal; use; enrollment card;**  
29 **issuance.** (1) The board shall issue to any applicant who, on the basis of  
30 education, experience, and examination, has met the requirements of the  
31 Engineers and Architects Regulation Act a certificate of licensure giving the  
32 licensee proper authority to carry out the prerogatives of the act. The certificate  
33 of licensure shall carry the designation Licensed Architect or Licensed  
34 Professional (discipline) Engineer. The certificate shall give the full name of the  
35 licensee and license number and shall be signed by the chairperson of the  
36 board, the secretary of the board, and a board member representing the  
37 respective profession under the seal of the board.

38 (2) The certificate shall be prima facie evidence that the person is entitled  
39 to all rights, privileges, and responsibilities of an architect or a professional  
40 engineer while the certificate of licensure remains unrevoked and unexpired.

41 (3) (a) Each licensee authorized to practice architecture or  
42 engineering must obtain a seal. It shall be unlawful for a licensee to affix his or  
43 her seal and signature or to permit his or her seal and signature to be affixed to  
44 any document after the expiration of the certificate or for the purpose of aiding or  
45 abetting any other person to evade or attempt to evade the act.

1 (b) The seal may be a rubber stamp or may be generated  
2 electronically. Whenever the seal is applied, the licensee's written signature and  
3 the date shall be across the seal. No further words or wording are required.  
4 Electronic signatures applied to electronic seals must be protected with an  
5 electronic revision approval system. Documents without electronic revision  
6 approval protection that are transmitted electronically to a client or a  
7 governmental agency shall have the seal removed from the file. The electronic  
8 media shall have the following inserted in lieu of the seal, signature, and date:

9 *This document was originally issued and sealed by (name of sealer),*  
10 *(license number), on (date of sealing). This media should not be considered a*  
11 *certified document.*

12 (c) The seal, signature, and date shall be placed on all technical  
13 submissions and calculations whenever presented to a client or any public or  
14 governmental agency.

15 (d) The seal, signature, and date shall be placed on all originals,  
16 copies, tracings, or other reproducible drawings and the first and last pages of  
17 specifications, reports, and studies in such a manner that the seal, signature,  
18 and date will be reproduced and be in compliance with rules and regulations of  
19 the board. The application of the licensee's seal and signature shall constitute  
20 certification that the work was done by the licensee or under the licensee's  
21 control. In the case of multiple sealings, the first or title page shall be sealed,  
22 signed, and dated by all involved. In addition, each sheet shall be sealed,  
23 signed, and dated by the licensee responsible for each sheet. In the case of an  
24 organization, each sheet shall be sealed, signed, and dated by the licensee  
25 involved. The architect or professional engineer in responsible charge shall sign,  
26 seal, and date the title or first sheet.

27 (e) In the case of a temporary permit issued to a licensee of  
28 another state, the licensee shall use his or her state of licensure seal and shall  
29 affix his or her signature and temporary permit to all his or her work.

30 (f) The design of the seal shall be determined by the board. The  
31 following information shall be on the seal: State of Nebraska; licensee's name;  
32 licensee's license number; and the words Architect or Professional (discipline)  
33 Engineer.

34 (g) Projects involving more than one licensed architect or  
35 professional engineer shall have one designated as the coordinating  
36 professional. The coordinating professional shall apply his or her seal and  
37 signature and the date to the cover sheet of all documents and denote the seal  
38 as that of the coordinating professional.

39 (4) The board shall issue to any applicant who, in the opinion of the  
40 board, has met the requirements of the act an enrollment card as engineer-intern  
41 which indicates that his or her name has been recorded as such in the board  
42 office. The engineer-intern enrollment card does not authorize the holder to  
43 practice as a professional engineer.

1 **81-3438. Certificates; expiration; renewal; fees; continuing education.**

2 Certificates of licensure and certificates of authorization shall expire on a date  
3 established by the board and shall become invalid after that date unless  
4 renewed. The secretary of the board shall notify every person licensed under the  
5 Engineers and Architects Regulation Act and every organization holding a  
6 certificate of authorization under the act of the date of the expiration of the  
7 certificate of licensure or certificate of authorization and the amount of the fee  
8 required for renewal. The notice shall be mailed to the licensee or organization  
9 at the last-known address on file with the board at least one month in advance of  
10 the date of the expiration. Renewal may be effected at any time prior to or  
11 during the period established by the board upon application and payment of a  
12 renewal fee. The fee shall not exceed two hundred dollars per year. Renewal of  
13 an expired certificate may be effected under rules and regulations of the board  
14 regarding requirements for reexamination and for penalty fees. The board may  
15 adopt a program of continuing education for individual licensees.

16  
17 **81-3439. Replacement certificates; fee.** The board may issue a new certificate  
18 of licensure or certificate of authorization to replace any lost, destroyed, or  
19 mutilated certificate. A fee not to exceed one hundred dollars shall be charged  
20 for each such issuance.

21  
22 **81-3440. Enforcement.** The board shall enforce the Engineers and Architects  
23 Regulation Act and the rules and regulations, including enforcement against any  
24 unlicensed person. If any person refuses to obey any decision or order of the  
25 board, the board or, upon the request of the board, the Attorney General or the  
26 appropriate county attorney shall file an action for the enforcement of the  
27 decision or order, including injunctive relief, in the district court. After a hearing,  
28 the court shall order enforcement of the decision or order, or any part thereof, if  
29 legally and properly made by the board and, if appropriate, injunctive relief.

30  
31 **81-3441. Use of title; unlawful practice.** Except as provided in sections 81-  
32 3413 to 81-3415 and 81-3448 to 81-3453, an individual shall not directly or  
33 indirectly engage in the practice of architecture or engineering in the state or use  
34 the title architect or professional engineer or display or use any words, letters,  
35 figures, titles, sign, card, advertisement, or other symbol or device indicating or  
36 tending to indicate that he or she is an architect or professional engineer or is  
37 practicing architecture or engineering unless he or she is licensed under the  
38 Engineers and Architects Regulation Act. A licensee shall not aid or abet any  
39 person not licensed under the act in the practice of architecture or engineering.

40  
41 **81-3442. Prohibited acts; penalties.** Any person who performs any of the  
42 following actions is guilty of a Class I misdemeanor for the first offense and a  
43 Class IV felony for the second or any subsequent offense:

1 (1) Practices or offers to practice architecture or engineering in this state  
2 without being licensed in accordance with the Engineers and Architects  
3 Regulation Act;

4 (2) Knowingly and intentionally employs or retains a person to practice  
5 architecture or engineering in this state who is not licensed in accordance with  
6 the act except as provided in sections 81-3413 to 81-3415 and who is not  
7 exempted by sections 81-3448 to 81-3453;

8 (3) Uses the words architect, engineer, or any modification or derivative of  
9 such words in its name or form of business activity except as authorized in the  
10 act or in the Professional Landscape Architects Act;

11 (4) Presents or attempts to use the certificate of licensure or the seal of  
12 another person;

13 (5) Gives any false or forged evidence of any kind to the board or to any  
14 member of the board in obtaining or attempting to obtain a certificate;

15 (6) Falsely impersonates any other licensee of like or different name;

16 (7) Attempts to use an expired, suspended, revoked, or nonexistent  
17 certificate of licensure or who practices or offers to practice when not qualified;

18 (8) Falsely claims that he or she is licensed or authorized under the act;  
19 or

20 (9) Violates the act.

21  
22 **81-3443. Enforcement procedures.** Charges against any person involving any  
23 matter coming within the jurisdiction of the board shall be in writing and shall be  
24 filed with the board. The charges, at the discretion of the board, shall be heard  
25 within a reasonable time in accordance with the rules and regulations and may  
26 be heard through the use of a hearing officer. The accused shall have the right  
27 to appear personally with or without counsel, to cross-examine adverse  
28 witnesses, and to produce evidence and witnesses in his or her defense. The  
29 board shall set the time and place for the hearing and shall cause a copy of the  
30 charges, together with a notice of the time and place fixed for the hearing, to be  
31 sent by registered mail to the accused, at his or her last-known business or  
32 residence address known to the board, at least thirty days before the hearing. If  
33 after the hearing the board finds the accused has violated the Engineers and  
34 Architects Regulation Act or any rules or regulations, it may issue any order or  
35 take any action described in section 81-3444. If the board finds no violation, it  
36 shall enter an order dismissing the charges. If the order revokes, suspends, or  
37 cancels a license, the board shall notify, in writing, the Secretary of State and  
38 the clerk of the city or village in the state where the person has a place of  
39 business, if any. The board may reissue a license to any person whose license  
40 has been revoked. Application for the reissuance of a license shall be made in  
41 such a manner as the board directs and shall be accompanied by a fee  
42 established by the board.

43  
44 **81-3444. Disciplinary actions authorized; civil penalties.** (1) The board may  
45 after hearing, by majority vote, take any or all of the following actions, upon proof

1 satisfactory to the board that any person or organization has violated the  
2 Engineers and Architects Regulation Act or any rules or regulations. The  
3 following actions may be taken against a holder of a license upon a two-thirds  
4 majority vote of the board:

5 (a) Issuance of censure or reprimand;

6 (b) Suspension of judgment;

7 (c) Placement of the offender on probation;

8 (d) Placement of a limitation or limitations on the holder of a  
9 license and upon the right of the holder of a license to practice the profession to  
10 such extent, scope, or type of practice for such time and under such conditions  
11 as are found necessary and proper;

12 (e) Imposition of a civil penalty not to exceed ten thousand dollars  
13 for each offense. The amount of the penalty shall be based on the severity of the  
14 violation;

15 (f) Entrance of an order of revocation, suspension, or cancellation  
16 of the certificate of licensure;

17 (g) Issuance of a cease and desist order;

18 (h) Imposition of costs as in an ordinary civil action in the district  
19 court, which may include reasonable attorney's fees and hearing officer fees  
20 incurred by the board and the expenses of any investigation undertaken by the  
21 board; or

22 (i) Dismissal of the action.

23 (2) In hearings under this section, the board may take into account  
24 suitable evidence of reform.

25 (3) Civil penalties collected under subdivision (1)(e) of this section shall  
26 be remitted to the State Treasurer for credit to the permanent school fund. All  
27 costs collected under subdivision (1)(h) of this section shall be remitted to the  
28 State Treasurer for credit to the Engineers and Architects Regulation Fund.

29  
30 **81-3445. State and political subdivisions construction projects.** Except as  
31 provided in sections 81-3449 to 81-3453, the state and its political subdivisions  
32 shall not engage in the construction of any public works involving architecture or  
33 engineering unless the plans, specifications, and estimates have been prepared  
34 and the construction has been observed by an architect, a professional  
35 engineer, or a person under the direct supervision of an architect, professional  
36 engineer, or those under the direct supervision of an architect or professional  
37 engineer except that this section shall not apply to any public work in which the  
38 contemplated expenditure for the complete project does not exceed eighty  
39 thousand dollars.

40  
41 **81-3446. Construction projects on private lands; owner; duties.** (1) The  
42 owner of any real property who allows a project to be constructed on his or her  
43 real property is engaged in the practice of architecture or engineering unless he  
44 or she employs or causes others to employ licensed professionals or persons  
45 under the direct supervision of licensed professionals to furnish at least

1 minimum construction phase services with respect to the project or is exempt  
2 from the Engineers and Architects Regulation Act under sections 81-3449 and  
3 81-3453.

4 (2) For purposes of this section:

5 (a) Building official means the person appointed by the state or political  
6 subdivision having jurisdiction over the project to have principal responsibility for  
7 the safety of the project as completed;

8 (b) Construction phase service includes at least the following services:

9 (i) Visiting the project site on a regular basis as is necessary to determine that  
10 the work is proceeding generally in accordance with the technical submissions submitted  
11 to the building official at the time the project permit was issued; and

12 (ii) processing technical submissions required of the contractor by  
13 the terms of contract documents. The term does not include supervision  
14 of construction, review of payment applications, resolution of disputes  
15 between the owner and contractor, and other such items which are  
16 considered additional construction administration services which the  
17 owner may or may not elect to include in the architect's or engineer's  
18 scope of work;

19 (c) Owner means with respect to any real property the following persons:

20 (i) The record owner of such real property;

21 (ii) The lessee of all or any portion of the real property when the  
22 lease covers all of that portion of the real property upon which the project  
23 is being constructed, the lessee has significant approval rights with  
24 respect to the project, and the lease, at the time the project begins, has a  
25 remaining term of not less than ten years; or

26 (iii) The grantee of an easement granting right-of-way to construct  
27 the project; and

28 (d) Project means the construction, enlargement, or alteration of works  
29 involving the practice of architecture or engineering other than those exempted  
30 by sections 81-3449 to 81-3453.

31  
32 **81-3447. Plans, specifications, plats, and reports; public official; duty.** A  
33 public official charged with the duty or responsibility of accepting or approving  
34 plans, specifications, plats, and reports shall not accept or approve plans,  
35 specifications, plats, or reports which have not been prepared in accordance  
36 with the Engineers and Architects Regulation Act.

37  
38 **81-3448. Architect; license; application; fee; requirements; examination;**  
39 **issuance.** (1) A person applying to the Board of Engineers and Architects for  
40 initial licensure as an architect shall submit an application accompanied by the  
41 fee established by the board and satisfactory evidence that he or she holds a  
42 degree in architecture accredited by the National Architectural Accreditation  
43 Board and that he or she has completed practical training in architectural work  
44 as required by the Board of Engineers and Architects. If an applicant is qualified,  
45 the Board of Engineers and Architects shall, by means of a written or electronic  
46 examination, examine the applicant on technical and professional subjects as

1 prescribed by the board. None of the examination materials shall be considered  
2 public records. The board may exempt from the written examination an applicant  
3 who holds a certification issued by the National Council of Architectural  
4 Registration Boards. The Board of Engineers and Architects may adopt  
5 guidelines published from time to time by the National Council of Architectural  
6 Registration Boards. The Board of Engineers and Architects may also adopt the  
7 examinations and grading procedures of the National Council of Architectural  
8 Registration Boards and the accreditation decisions of the National Architectural  
9 Accreditation Board. The Board of Engineers and Architects shall issue a  
10 certificate of licensure to each applicant who is found to be of good moral  
11 character and who satisfies the requirements set forth in this section. Licensure  
12 shall be effective upon issuance.

13 (2) Persons applying for initial licensure who do not hold a degree in  
14 architecture accredited by the National Architectural Accreditation Board shall  
15 submit an application accompanied by the fee established by the Board of  
16 Engineers and Architects. The application shall demonstrate satisfactory  
17 evidence of twelve years' combined architectural education and architectural  
18 work experience, including the equivalent of the Intern Development Program  
19 promulgated by the National Council of Architectural Registration Boards. If an  
20 applicant is determined by the Board of Engineers and Architects to meet this  
21 requirement, the board shall, by means of a written or electronic examination,  
22 examine the applicant on technical and professional subjects as prescribed by  
23 the board. Starting January 1, 2000, only individuals who have earned a  
24 bachelor of science in architectural studies degree with an architecture  
25 emphasis prior to December 31, 1999, can be considered under this subsection.  
26

27 **81-3449. Practice of architecture; exempted activities.** The provisions of the  
28 Engineers and Architects Regulation Act regulating the practice of architecture  
29 do not apply to the following activities:

30 (1) The construction, remodeling, alteration, or renovation of (a) a  
31 detached single-family through four-family dwelling of less than five thousand  
32 square feet of above grade finished space or (b) a one-story commercial or  
33 industrial building or structure of less than five thousand square feet of above  
34 grade finished space which does not exceed thirty feet in height unless such  
35 building or structure, or the remodeling or repairing thereof, provides for the  
36 employment, housing, or assembly of twenty or more persons. Any detached or  
37 attached sheds, storage buildings, and garages incidental to the dwelling are not  
38 included in the tabulation of finished space;

39 (2) The construction, remodeling, alteration, or renovation of farm  
40 buildings, including barns, silos, sheds, or housing for farm equipment and  
41 machinery, livestock, poultry, or storage, if the structures are designed to be  
42 occupied by no more than twenty persons;

43 (3) Any public works project with contemplated expenditures for a  
44 completed project that do not exceed eighty thousand dollars;

1 (4) Any alteration, renovation, or remodeling of a building if the alteration,  
2 renovation, or remodeling does not affect architectural or engineering safety  
3 features of the building;

4 (5) The teaching, including research and service, of architectural subjects  
5 in a college or university offering a degree in architecture accredited by the  
6 National Architectural Accreditation Board;

7 (6) The preparation of submissions to architects, building officials, or  
8 other regulating authorities by the manufacturer, supplier, or installer of any  
9 materials, assemblies, components, or equipment that describe or illustrate the  
10 use of such items, the preparation of any details or shop drawings required of  
11 the contractor by the terms of the construction documents, or the management of  
12 construction contracts by persons customarily engaged in contracting work;

13 (7) The preparation of technical submissions or the administration of  
14 construction contracts by employees of a person or organization lawfully  
15 engaged in the practice of architecture if such employees are acting under the  
16 direct supervision of an architect;

17 (8) The offering by an organization of a combination of services involved  
18 in the practice of architecture and construction services if:

19 (a) An architect or person otherwise permitted under subdivision  
20 (10) of this section to offer architectural services participates  
21 substantially in all material aspects of the offering;

22 (b) There is written disclosure at the time of the offering that an  
23 architect is engaged by and contractually responsible to such  
24 organization;

25 (c) Such organization agrees that the architect will have direct  
26 supervision of the work and that such architect's services will not  
27 be terminated without the consent of the person engaging the  
28 organization; and

29 (d) The rendering of architectural services by such architect will  
30 conform to the act and the rules and regulations;

31 (9) A public service provider or an organization who employs a design  
32 professional from performing professional services for itself;

33 (10) A nonresident who holds the certification issued by the National  
34 Council of Architectural Registration Boards from offering to render the  
35 professional services involved in the practice of architecture. The nonresident  
36 shall not perform any of the professional services involved in the practice of  
37 architecture until licensed as provided in the act. The nonresident shall notify  
38 the board in writing that

39 (a) he or she holds a National Council of Architectural Registration  
40 Boards certificate and is not currently licensed in Nebraska but will  
41 be present in Nebraska for the purpose of offering to render  
42 architectural services,

43 (b) he or she will deliver a copy of the notice to every potential  
44 client to whom the applicant offers to render architectural services,  
45 and

1 (c) he or she promises to apply immediately to the board for  
2 licensure if selected as the architect for the project;

3 (11) The practice of any other certified trade or legally recognized  
4 profession;

5 (12) Financial institutions making disbursements of funds in connection  
6 with construction projects;

7 (13) Earthmoving and related work associated with soil and water  
8 conservation practices performed on farmland or any land owned by a political  
9 subdivision that is not subject to a permit from the Department of Water  
10 Resources or for work related to livestock waste facilities that are not subject to  
11 a permit by the Department of Environmental Quality; and

12 (14) The work of employees and agents of a political subdivision or a  
13 nonprofit entity organized for the purpose of furnishing electrical service  
14 performing, in accordance with other requirements of law, their customary duties  
15 in the administration and enforcement of codes, permit programs, and land-use  
16 regulations and their customary duties in utility and public works construction,  
17 operation, and maintenance.

18

19 **81-3450. Signing and sealing of technical submissions by architect.** An  
20 architect shall not sign or seal technical submissions unless they were prepared  
21 by the architect or under his or her direct supervision, except that in the case of  
22 the portions of such technical submissions prepared under the direct supervision  
23 of another architect employed by the first architect or by his or her firm, he or  
24 she may sign and seal those portions of the technical submissions if the  
25 architect has reviewed such portions and has coordinated their preparation or  
26 integrated them into his or her work. He or she may sign or seal those portions  
27 of the technical submissions that are not required by the Engineers and  
28 Architects Regulation Act to be prepared by or under the direct supervision of an  
29 architect if the architect has reviewed or adapted in whole or in part such  
30 submissions and integrated them into his or her work.

31

32 **81-3451. Professional engineer or engineer-intern; license; application;  
33 examination; requirements.** (1) To be eligible for admission to examination to  
34 be a professional engineer or engineer-intern, an applicant must be of good  
35 moral character and reputation and shall submit five references with his or her  
36 application for licensure as a professional engineer or enrollment as an  
37 engineer-intern. Three of the references shall be professional engineers having  
38 personal knowledge of the applicant's engineering experience or, in the case of  
39 an application for enrollment as an engineer-intern, character references.

40 (2) (a) A person holding a certificate of licensure to engage in the practice of  
41 engineering, issued by the proper authority of a state or possession of the  
42 United States, the District of Columbia, or any foreign country, based on  
43 requirements that do not conflict with the Engineers and Architects Regulation  
44 Act and were of a standard not lower than that specified in the applicable  
45 licensure law in effect in this state at the time such certificate was issued may,

1 upon application, be licensed as a professional engineer without further  
2 examination.

3 (b) A person holding an active Council Record with the National Council  
4 of Examiners for Engineering and Surveying whose qualifications as evidenced by the Council  
5 Record meet the requirements of the act may, upon application, be licensed as a professional  
6 engineer without further examination.

7 (c) A graduate of an Accrediting Board for Engineering and Technology  
8 accredited engineering curriculum, enrolled as an engineer-intern, and having a  
9 specific record of an additional four years or more of progressive experience on  
10 engineering projects of a grade and a character which indicates to the Board of  
11 Engineers and Architects that the applicant may be competent to practice  
12 engineering shall be admitted to an eight-hour examination, administered by the  
13 board, on the principles and practice of engineering. Upon passing the  
14 examination, the applicant shall be granted a certificate of licensure to practice  
15 engineering in this state if the applicant is otherwise qualified. Engineering  
16 teaching of advanced subjects and the design of engineering research and  
17 projects in a college or university offering an Accrediting Board for Engineering  
18 and Technology accredited engineering curriculum of four years or more may be  
19 considered as engineering experience. An applicant who does not hold an  
20 Accrediting Board for Engineering and Technology accredited engineering  
21 degree but who is enrolled as an engineer-intern in this state and has a specific  
22 record of an additional six years or more of progressive experience on  
23 engineering projects of a grade and a character which indicates to the Board of  
24 Engineers and Architects that the applicant may be competent to practice  
25 engineering shall be admitted to an eight-hour examination, administered by the  
26 board, in the principles and practice of engineering. Upon passing the  
27 examination, the applicant shall be granted a certificate of licensure to practice  
28 engineering in this state if otherwise qualified.

29 (3) (a) A graduate of or senior in an Accrediting Board for Engineering and  
30 Technology accredited engineering curriculum shall be admitted to an eight-hour  
31 examination on the fundamentals of engineering. Upon passing the examination  
32 and verification of graduation, the applicant shall be enrolled as an engineer-  
33 intern.

34 (b) An applicant who does not hold an Accrediting Board for Engineering  
35 and Technology accredited engineering degree may be admitted to the  
36 fundamentals of engineering examination if he or she has six years of  
37 engineering work experience or engineering-related education. Upon passing  
38 the examination, the applicant shall be enrolled as an engineer-intern. This  
39 subdivision terminates on January 1, 2005.

40  
41 **81-3452. Engineering examinations; board; procedure.** (1) The board or its  
42 agent shall direct the time and place of engineering examinations. The board  
43 shall determine the acceptable grade on examinations.

44 (2) The examination will be given in two sections and may be taken only after the  
45 applicant has met the other minimum requirements as described in section 81-

1 3451 and has been approved by the board for admission to the examination as  
2 follows:

3 (a) The fundamentals of engineering examination consists of an  
4 eight-hour test period on the fundamentals of engineering.  
5 Passing this examination qualifies the examinee for an engineer-  
6 intern enrollment card if all other requirements for certification are  
7 met; and

8 (b) The principles and practice of engineering examination consists  
9 of an eight-hour test period on applied engineering. Passing this  
10 examination qualifies the examinee for licensure as a professional  
11 engineer if all other requirements for certification are met.

12 (3) A candidate failing one examination may apply for reexamination, which may  
13 be granted upon payment of a fee established by the board. In the event of a  
14 second failure, the examinee may, at the discretion of the board, be required to  
15 appear before the board with evidence of having acquired the necessary  
16 additional knowledge to qualify before admission to the examination.

17 (4) The board may prepare and adopt specifications for the examinations. They  
18 shall be published in brochure form and be available to any person interested in  
19 being licensed or certified.

20  
21 **81-3453. Practice of engineering; exempted activities.** The provisions of the  
22 Engineers and Architects Regulation Act regulating the practice of engineering  
23 do not apply to the following activities:

24 (1) The construction, remodeling, alteration, or renovation of a detached  
25 single-family through four-family dwelling of less than five thousand square feet  
26 above grade finished space or (b) a one-story commercial or industrial building  
27 or structure of less than five thousand square feet above grade finished space  
28 which does not exceed thirty feet in height unless such building or structure, or  
29 the remodeling or repairing thereof, provides for the employment, housing, or  
30 assembly of twenty or more persons. Any detached or attached sheds, storage  
31 buildings, and garages incidental to the dwelling are not included in the  
32 tabulation of finished space;

33 (2) The construction, remodeling, alteration, or renovation of farm  
34 buildings, including barns, silos, sheds, or housing for farm equipment and  
35 machinery, livestock, poultry, or storage and if the structures are designed to be  
36 occupied by no more than twenty persons;

37 (3) Any public works project with contemplated expenditures for the  
38 completed project that do not exceed eighty thousand dollars;

39 (4) Any alteration, renovation, or remodeling of a building if the alteration,  
40 renovation, or remodeling does not affect architectural or engineering safety  
41 features of the building;

42 (5) The teaching, including research and service, of engineering subjects  
43 in a college or university offering an Accrediting Board for Engineering and  
44 Technology accredited engineering curriculum of four years or more;

1 (6) The act does not prevent a public service provider or an organization  
2 who employs a design professional from performing professional services for  
3 itself;

4 (7) The practice of any other certified trade or legally recognized  
5 profession;

6 (8) The offer to practice engineering by a person not a resident of and  
7 having no established place of business in this state if the person is legally  
8 qualified by licensure to practice engineering in his or her own state or country.  
9 The person shall make application to the board in writing and after payment of a  
10 fee established by the board may be granted a temporary permit for a definite  
11 period of time not to exceed one year to do a specific job. No right to practice  
12 engineering accrues to such applicant with respect to any other work not set  
13 forth in the permit;

14 (9) The work of an employee or a subordinate of a person holding a  
15 certificate of licensure under the act or an employee of a person practicing  
16 lawfully under subdivision (8) of this section if the work is done under the direct  
17 supervision of a person holding a certificate of licensure or a person practicing  
18 lawfully under such subdivision;

19 (10) Those services ordinarily performed by subordinates under direct  
20 supervision of a professional engineer or those commonly designated as  
21 locomotive, stationary, marine operating engineers, power plant operating  
22 engineers, or manufacturers who supervise the operation of or operate  
23 machinery or equipment or who supervise construction within their own plant;

24 (11) Financial institutions making disbursements of funds in connection  
25 with construction projects;

26 (12) Earthmoving and related work associated with soil and water  
27 conservation practices performed on farmland or any land owned by a political  
28 subdivision that is not subject to a permit from the Department of Water  
29 Resources or for work related to livestock waste facilities that are not subject to  
30 a permit by the Department of Environmental Quality;

31 (13) The work of employees and agents of a political subdivision or a  
32 nonprofit entity organized for the purpose of furnishing electrical service  
33 performing, in accordance with other requirements of law, their customary duties  
34 in the administration and enforcement of codes, permit programs, and land-use  
35 regulations and their customary duties in utility and public works construction,  
36 operation, and maintenance;

37 (14) Work performed exclusively in the exploration for and development  
38 of energy resources and base, precious, and non-precious minerals, including  
39 sand, gravel, and aggregate, which does not have a substantial impact upon  
40 public health, safety, and welfare, as determined by the board, or require the  
41 submission of reports or documents to public agencies;

42 (15) The construction of water wells as defined in section 46-1212, the  
43 installation of pumps and pumping equipment into water wells, and the  
44 decommissioning of water wells, unless such construction, installation, or  
45 decommissioning is required by the owner thereof to be designed or supervised

1 by an engineer or unless legal requirements are imposed upon the owner of a  
2 water well as a part of a public water supply; and

3 (16) Work performed in the exploration, development, and production of  
4 oil and gas or before the Nebraska Oil and Gas Conservation Commission.

5  
6 **81-3454. Sealing and signing of technical submissions by professional**

7 **engineer.** (1) A professional engineer shall not affix his or her seal or signature  
8 to sketches, working drawings, specifications, or other documents developed by  
9 others not under his or her direct supervision, except that in the case of the  
10 portions of such technical submissions prepared under the direct supervision of  
11 another professional engineer employed by the first professional engineer or by  
12 his or her firm, he or she may sign and seal those portions of the technical  
13 submissions if the professional engineer has reviewed such portions and has  
14 coordinated their preparation or integrated them into his or her work. He or she  
15 may sign or seal those portions of the technical submissions that are not  
16 required by the Engineers and Architects Regulation Act to be prepared by or  
17 under the direct supervision of a professional engineer if the professional  
18 engineer has reviewed or adapted in whole or in part such submission and  
19 integrated them into his or her work.

20 (2) In the case of a temporary permit issued to a professional engineer of  
21 another state, the licensee shall use his or her state of licensure seal and shall  
22 affix his or her signature and a copy of the temporary permit to all his or her  
23 work.

24  
25 **81-3455. Act, how construed.** The Legislature declares that the Engineers and  
26 Architects Regulation Act is necessary for the public convenience and welfare, is  
27 remedial in nature, and shall be construed liberally. Nothing in the act shall be  
28 construed to establish a statewide building code.