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**TITLE 110 - NEBRASKA ADMINISTRATIVE CODE  
CHAPTERS 1 THROUGH 11  
STATE OF NEBRASKA  
BOARD OF ENGINEERS AND ARCHITECTS**

**NEBRASKA ADMINISTRATIVE CODE**  
Title 110 – Board of Engineers and Architects

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## **CHAPTER 1. GENERAL PROVISIONS**

### **1.1 Definitions**

~~1.1.1 ABET: The acronym “ABET” means the Engineering Accreditation Commission of ABET, Inc.~~

~~1.1.1.1.2~~ ACE: The acronym “ACE” means Architectural Continuing Education, the biennial continuing education required by the ~~b~~Board for renewal or reinstatement of licensure for architects.

~~1.1.2.1.3~~ ARE: The acronym “ARE” means the Architects Registration Examination, as developed by NCARB.

1.1.3 EAC/ABET: The acronym “EAC/ABET” means the Engineering Accreditation Commission of ABET Inc. EAC/ABET accreditation is required for engineering programs not later than two years after issuance of the degree.

1.1.4 ECE: The acronym “ECE” means the Engineering Continuing Education, the biennial continuing education required by the ~~b~~Board for renewal or reinstatement of licensure for professional engineers.

1.1.5 FE Examination: ~~The acronym~~ “FE Examination” means the Fundamentals of Engineering Examination, as developed by NCEES.

1.1.6 IDP: The acronym “IDP” means the Intern Development Program of NCARB, or its equivalent as determined by NCARB.

1.1.7 NAAB: The acronym “NAAB” means the National Architectural Accrediting Board. NAAB accreditation is required for architecture programs not later than two years after issuance of the degree.

1.1.8 NCARB: The acronym “NCARB” means the National Council of Architectural Registration Boards.

1.1.9 NCEES: The acronym “NCEES” means the National Council of Examiners for Engineering and Surveying.

1.1.10 PPE Examination: ~~The acronym~~ “PPE Examination” means the Principals and Practice of Engineering Examination, as developed by NCEES.

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~~1.1.11 Consumer of Design-Build Services: The person or entity who engages the design-build organization with respect to a design-build project.~~

~~1.1.12 Design-Build: A combination of services which include both construction and the practice of engineering and/or architecture.~~

~~1.1.13 Discipline of Practice: Engineering licensees are discipline specific. Disciplines of practice are recognized as those which are given in a current PPE examination format, as developed by NCEES.~~

~~1.1.14 Design-Build Offering: An offering which specifically describes in writing aspects of the engineering and/or architectural services proposed by the design-build organization.~~

~~1.1.11~~1.1.15 E&A Act: The Engineers and Architects Regulation Act, Neb. Rev. Stat. §§ 81-3401 through 81-3455, shall be known and may be cited as E&A Act.

~~1.1.12~~1.1.16 E&A Rules: The Nebraska Rules and Regulations, Title 110 of the Nebraska Administrative Code, Chapters 1 through 11, shall be known and may be cited as E&A Rules.

~~1.1.17 Emeritus Status: Professional engineers and architects who choose Emeritus status retain their professional honorary title but are ineligible to practice.~~

~~1.1.18 Expiration Date: Certificates, permits and licenses expire on their expiration date.~~

~~1.1.19 Maintenance: The care and work put into property to keep it operating and productive; general repair and upkeep.~~

1.1.13 MLE: "MLE" means an individual who holds an NCEES Council Record that has been designated as a Model Law Engineer or Model Law Structural Engineer record by NCEES.

1.1.14 MLSE: "MLSE" means an individual who holds an NCEES Council Record that has been designated as a Model Law Structural Engineer.

1.1.15 NCARB Certificate Holder: "NCARB Certificate Holder" means an individual who holds a Certificate issued by NCARB indicating the NCARB Certification requirements have been met.

~~1.1.20 Nonrenewable License: A license to practice is nonrenewable when it has been expired for more than twelve months.~~

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~~1.1.21 Public Works: Structures, such as roads, buildings, dams, waterworks or sewers, built for public use or paid for by public funds but not primarily intended for human occupancy or habitation.~~

~~1.1.22 References: References required for application of licensure must be from those individuals who have personal knowledge of an applicant and who are able to issue judgments concerning an applicant's experience, ability, character or reputation. Professional references shall not be relatives or current board members. References must be provided on a form acceptable to the board.~~

~~1.1.23 Renewable License: A license to practice is renewable when it has been expired for twelve months or less.~~

~~1.1.16~~~~1.1.24~~ Temporary Permit: A permit issued by [the Board to an architect or professional engineer who is not licensed in Nebraska](#) ~~board staff~~ for use on a single project, ~~not~~ lasting in duration for more than one year. ~~Temporary Permits can only be issued once and cannot be extended.~~

~~1.1.25 Work: Unless otherwise qualified, means professional services comprising the practice of engineering and/or the practice of architecture.~~

## 1.2 Terms Defined by Statute

Terms defined in the E&A Act shall have the same meanings when used in these regulations.

## 1.3 Purpose

The Nebraska Rules and Regulations are set forth for the purpose of interpreting and implementing ~~The~~ Engineers and Architects Regulation Act (hereafter, the E&A Act), establishing the ~~b~~[Board](#), and conferring upon it responsibility for licensure of architects and professional engineers and the regulation of the practice of engineering and architecture. ~~The Rules and Regulations of the Board of Engineers and Architects, Title 110: Nebraska Administrative Code, Chapters 1 through 11 effective 27 May 2000, are hereby repealed.~~

## 1.4 Board's Regulatory Authority

The E&A Rules are promulgated under authority of [and in conformity with](#) the E&A Act, ~~and in conformity with Neb. Rev. Stat. §§ 81-3401 through 81-3455.~~

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**1.5 Severability**

If any provisions of these regulations or the application thereof to any person or circumstance is invalid, such invalidity shall not affect other provisions or application of these regulations which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.

**1.6 Adoption of the Attorney General’s Model Rules**

The ~~b~~Board has adopted Title 53, Nebraska Administrative Code, Chapters 1 through 4 of the Nebraska Department of Justice, also known as the Attorney General’s Model Rules, and has incorporated them into these regulations. ~~Copies of the Model Rules are available at the Office of the Board of Engineers and Architects.~~

**1.7 Federal Requirements**

Nothing in the Act shall imply exemption from requirements of any federal statute or regulation, including, but not limited to, the Americans with Disabilities Act and Title VIII of the Civil Rights Act of 1968, and its subsequent amendments, commonly known as the Fair Housing Act.

**1.8 Declaratory Rulings**

Procedures governing Declaratory Rulings shall be in accordance with Title 53, Nebraska Administrative Code, Chapter 3 of the Nebraska Department of Justice. ~~Copies of Title 53, Nebraska Administrative Code, Chapter 3 are available from the Nebraska Secretary of State’s Office, the Nebraska Board of Engineers and Architects and the Attorney General’s Office.~~

**1.9 Record of Board’s Actions**

A quorum of five members of the ~~b~~Board is required for ~~b~~Board actions. The ~~b~~Board will ~~may~~ keep record of actions enacted at its meetings. ~~for use by staff in administration of the board’s affairs.~~

**1.10 Board Member Conflicts of Interest**

1.10.1 ~~No ~~b~~Board members~~ shall not vote on any matter in which ~~he or she~~ they ~~has~~ have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activity or incur any obligation of any nature which is in conflict with the proper discharge of ~~his or her~~ their duties as a ~~b~~Board member.

1.10.2 ~~1.10.1~~ Board members are prohibited from using or attempting to use their official position to secure unwarranted privileges or exemptions for themselves or others.

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~~1.10.3~~~~1.10.2~~ ~~A b~~Board members shall not give the impression that ~~they may be any person~~ ~~can~~ improperly influenced ~~him or her~~ in the performance of ~~b~~Board member duties, or that ~~they are~~ ~~he or she is~~ improperly affected by the kinship, rank, position, or influence of any party or person.

~~1.10.4~~~~1.10.3~~ A ~~b~~Board member shall not accept gifts of value or loans from persons having business before the ~~b~~Board which are intended to or which might appear to influence the official relationship between the donor and recipient.

**1.11 Confidentiality of Information**

1.11.1 Records denoted in Neb. Rev. Stat. § 84-712.05 shall be considered confidential.

1.11.2 Replies received from references regarding the qualifications of an applicant shall be placed in files that are considered non-public records. The source and character of the information will not be divulged except when required by law.

**1.12 Conditional License**

1.12.1 The Board may authorize Board staff to issue licenses on a conditional basis, pending formal approval of the license application by the Board.

1.12.2 A conditional license may be withdrawn by the Board if it determines the applicant does not qualify for any reason.

1.12.3 In the event the Board fails to give formal approval of a license that has been issued on a conditional basis, the conditional license will expire at 11:59 p.m. on the date the licensee is notified of such Board action.

1.12.4 Architectural and professional engineering services performed pursuant to a conditional license that is subsequently withdrawn by the Board will be deemed to have been performed pursuant to a valid license.

**1.13~~1.12~~ Expired License Status**

~~1.13.1~~~~1.12.1~~ License Expiration Date

~~1.13.1~~~~1.12.1.1~~ A license to practice expires at 11:59 p.m. on the expiration date noted on the license.

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~~1.13.1.2~~~~1.12.1.2~~ An architect or professional engineer~~A licensee~~ cannot practice, as provided in the E&A Act~~Neb. Rev. Stat. § 81-3402~~, with an expired license.

~~1.13.2.1~~~~1.12.2~~ Renewing Expired Licenses~~Renewable License~~

~~1.13.2.1~~~~1.12.2.1~~ Licenses that have expired~~on their expiration date~~ may be renewed during the following twelve months; upon payment of a penalty plus the renewal fee~~fee~~.

~~1.13.2.2~~~~1.12.2.2~~ The penalty fee to be paid for the renewal shall be increased~~ten~~ percent of the renewal fee for each month or fraction of a month that the payment after the expiration date, not to exceed the amount of the renewal fee~~is delinquent~~.

~~1.12.2.3~~ ~~The maximum fee for a delinquent renewal shall not exceed twice the amount of the regular renewal fee.~~

~~1.12.3~~ ~~Nonrenewable License~~

~~1.13.2.3~~~~1.12.3.1~~ Licenses that have expired and are not renewed within twelve months~~expire on from~~ their expiration date cannot be renewed, but will require reinstatement~~and are not renewed within twelve months become Nonrenewable~~.

~~1.13.3.1~~~~1.12.4~~ Reinstatement of a License

~~1.13.3.1~~~~1.12.4.1~~ An expired license~~A Nonrenewable License~~ may be reinstated to active status, pending approval of the Board~~Board~~, upon submission of the following~~with:~~

~~1.13.3.1.1~~~~1.12.4.1.1~~ A new application;

~~1.13.3.1.2~~~~1.12.4.1.2~~ Payment of fees and penalties, if applicable;

~~1.13.3.1.3~~~~1.12.4.1.3~~ Documentation establishing that the applicant has complied with the continuing education requirements set forth in these rules for the period during which the license was expired~~of continuing education compliance~~; and

~~1.13.3.1.4~~~~1.12.4.1.4~~ An affidavit attesting~~Certification~~ that the applicant has not practiced or offered to practice~~engineering and/or architecture~~

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in Nebraska during the time the license was expired; or  
~~nonrenewable.~~

1.13.3.1.5 If such attestation cannot be made, an explanation acceptable to the Board of the applicant's practice during the expiration period.

~~1.13.3.2~~1.12.4.2 Applicants seeking reinstatement~~All reinstated licenses~~ must meet current requirements for licensure by examination or comity~~reciprocity~~.

~~1.13.3.3~~1.12.4.3 The original~~previous~~ license number will be retained.

1.13.4~~1.12.5~~ Emeritus Status

~~1.13.4.1~~1.12.5.1 Professional engineers and architects whose licenses are subject to renewal but who are not engaged in their professional practice may elect emeritus status.~~Professional Engineers or Architects who choose Emeritus status will be ineligible to practice.~~

1.13.4.2 Architects and professional engineers who have elected emeritus status retain their professional honorary titles but are prohibited from practicing.

~~1.13.4.3~~1.12.5.2 ~~Emeritus status professional will receive board publications~~  
Architects and professional engineers who have elected emeritus status are subject to ~~and an~~ annual renewals ~~notice~~ at a fee established by the ~~b~~Board.

1.13.4.4 Architects and professional engineers who have elected emeritus status will receive Board publications.

~~1.13.4.5~~1.12.5.3 To be reinstated to practice, an architect or professional engineer who has elected emeritus~~An Emeritus status professional~~ must submit a new application to the ~~b~~Board, and submit an affidavit~~certify~~ that they have not practiced ~~or offered to practice~~ architecture or engineering or architecture during the ~~E~~emeritus license period, and meet the requirements of Rule 9.6.1.4.~~to be reinstated to practice.~~

~~1.12.5.4~~ ~~When requested by the Board, an Emeritus board member may represent the Board at authorized meetings. Expenses incurred by the Emeritus board member at such functions may be reimbursed by the Board.~~

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**1.14**    **Enrollment as an Engineer Intern (EI)**

1.14.1    Enrollment as an Engineer Intern may be granted upon the applicant's submission of the following:

1.14.1.1    An application and fee as prescribed by the Board;

1.14.1.2    Verification that the applicant has passed the FE Examination; such verification shall be submitted directly by the jurisdiction in which the examination was taken or by NCEES;

1.14.1.3    Verification that the applicant has satisfied the education requirement set forth in Rule 2.2.1; such verification shall be submitted directly by the institution at which the education was obtained or from its authorized agent; and

1.14.1.4    Three (3) references indicating the applicant's good reputation and ethical character.

1.14.2    Applications for enrollment as an EI may be administratively approved by Board staff but are conditional until formally approved by the Board.

1.14.3    Enrollment as an EI is not required for licensure in Nebraska or to sit for the PE Examination.

**1.15**~~1.13~~    **License Fees**

1.15.1~~1.13.1~~    The fee schedule and methods of payment shall be set by the ~~b~~Board.

1.15.2~~1.13.2~~    All fees are non-refundable. However, fees initially paid to the Board by an applicant ~~initially~~ for a specific application, but not used for that specific application, may be used as a credit for a different application fee during the same fiscal year at the applicant's discretion.

**1.16**~~1.14~~    **Professional Assistance**

The ~~b~~Board may retain professional assistance in carrying out administrative matters and other general governance of the ~~b~~Board. Such assistance may include financial, technological, legal, and administrative consultation.

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**1.17**~~1.15~~      Licensee~~Mailing Labels or~~ Lists

~~Mailing labels or Lists of licensees-architects and professional engineers licensed by the Board, as well as those who have applied for licensure, or prospective licensees will may be issued upon written request in accordance with Nebraska law regarding the production of public records, at the discretion of the board. Requests for lists must be made in writing. Lists requested by government agencies, political subdivisions in Nebraska, or engineering and architectural professional societies will be issued at no cost to the requesting organization.~~

**1.18**~~1.16~~      Photographs and Transcripts

Photographs shall not be required for identification on applications received by the ~~b~~Board. Transcripts or other documents issued directly by the granting institution of higher education, or its authorized agent, will be acceptable as proof of graduation when such proof is required by the ~~b~~Board.

**1.19**      Emeritus Board Member

When requested by the Board, an Emeritus board member may represent the Board at authorized meetings. Expenses incurred by the Emeritus board member at such functions may be reimbursed by the Board.

**1.20**      Licensure of Board Members

At all times during their terms on the Board, professional engineer and architect members of the Board, including the education members, must be licensed in Nebraska in their respective professions.

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**CHAPTER 2. LICENSURE OF PROFESSIONAL ENGINEERING BY EXAMINATION**

**2.1 Requirements for Licensure by Examination ~~Required Documents~~**

Licensure by examination requires that the applicants have:

- (1) satisfied the education requirements set forth in rule 2.2;
- (2) satisfied the experience requirement set forth in rule 2.3;
- (3) passed the FE Examination, the PE Examination, and the Nebraska E&A Act Examination as set forth in rule 2.4; and
- (4) complied with the application process set forth in rule 2.5.

~~2.1.1 — Every individual seeking licensure shall submit a completed application to the board, accompanied by the filing fee established by the board.~~

~~2.1.2 — The applicant shall provide official proof of education requirements of his or her college record.~~

~~2.1.3 — References~~

~~2.1.3.1 — For enrollment application as an engineer intern, three of the five references must be character references.~~

~~2.1.3.2 — For licensure as a professional engineer by examination, an applicant must submit five references, three of whom shall be professional engineers having personal knowledge of the applicant's engineering experience.~~

~~2.1.3.3 — For licensure as a professional engineer by experience, an applicant must submit five licensed engineer references.~~

**2.2 Education Requirements for Examination (FE and PE)**

2.2.1 Candidates for the Fundamentals of Engineering Examination (FE) are required to hold a degree or have senior standing in a curriculum leading to an engineering degree from an EAC/ABET accredited engineering program or meet the NCEES Education Standard.:

2.2.2-2.1 Candidates for ~~the Fundamentals of Engineering Examination (FE) and the Principles and Practice of Engineering Examination (PPE)~~ are required to: hold an EAC/ABET accredited engineering degree or meet the NCEES Education Standard.

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~~2.2.1.1~~ Hold a degree or have senior standing in a curriculum leading to an engineering degree from an engineering program accredited by the ABET, or meet the NCEES Education Standard.

2.2.3 A program is considered to be EAC/ABET accredited under these rules if accreditation is granted for the program no later than two years after issuance of the applicant's degree.

~~2.2.4~~~~2.2.1.2~~ ABET accreditation is required for engineering programs not later than two years after issuance of the degree. A degree in Engineering Technology does not meet the education requirements.

~~2.2.5~~~~2.2.1.3~~ Those holding degrees from programs not EAC/ABET accredited by ABET must establish that their education meets the NCEES Education Standard by evaluation through the NCEES Credentials Evaluation ~~submitting it to a board approved evaluation service for analysis.~~

~~2.2.5.1~~~~2.2.1.3.4~~ Deficiencies defined by the evaluation service may be corrected by taking coursework related to the deficiency in a post-secondary institution offering EAC/ABET accredited engineering programs or in programs as otherwise acceptable to the ~~b~~Board.

~~2.2.5.2~~~~2.2.1.3.1.1~~ Coursework from post-secondary education institutions that are not EAC/ABET accredited will be acceptable if the coursework is(s) are approved by an EAC/ABET accredited institution ~~school~~ to be "transferable." A letter from the EAC/ABET accredited institution may be required for substantiation.

~~2.2.5.3~~~~2.2.1.3.1.2~~ Passing scores will be accepted in college level exams given by approved third parties including College Board Exams (CLEP) in subjects related to the deficiency or as otherwise acceptable to the ~~b~~Board.

~~2.2.5.4~~~~2.2.1.3.1.3~~ With Board approval, up to nine semester credit hours of deficiency in general education may be removed for applicants who have obtained a college degree from an institution whose primary language of instruction is not English or who can demonstrate fluency in multiple languages or dialects.

~~2.2.5.5~~~~2.2.1.3.2~~ Once the deficiencies are removed, the ~~b~~Board will consider the education as satisfying the Board's education requirement.

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~~2.2.5.62-2.4.3.3~~ The ~~b~~Board may defer action on deficient applications until these education requirements have been met.

**2.3 Experience**

2.3.1 Candidates for the Principles and Practice of Engineering Examination (PPE) shall have not less than four (4) years of work experience acceptable to the ~~b~~Board, ~~except as provided in Neb. Rev. Stat. § 81-3451(2)(c).~~

2.3.1.1 For purposes of this rule, “work” means professional services comprising the practice of engineering.

2.3.2 Work experience for applicants may start immediately following graduation from a four-year or equivalent engineering program.

2.3.3 A candidate may not sit for the PE Examination or the SE Examination until at least four (4) calendar years after completion of an EAC/ABET accredited degree, irrespective of the combination of work experience and education credit that may be available for an advanced degree. ~~Work experience gained as a part of the curriculum and shown on the transcript; for example, “Co-op Experience” will be credited toward the requirement for licensure based on the time actually worked, but not to exceed six months.~~

2.3.4 Successful completion of graduate study leading to an advanced degree in engineering may satisfy part of the experience requirement. ~~the Masters degree in engineering, which has followed a baccalaureate degree in engineering, may be used for credit for one year’s experience. If the Ph.D. in engineering is completed under the same conditions, two year’s total experience may be credited. The two year’s credit includes the one year for the Masters degree. If the Ph.D. is obtained without the Masters degree, the credit for experience will be two years.~~

2.3.4.1 A Masters Degree in engineering may be used for credit for one year of experience if it is preceded by an EAC/ABET accredited baccalaureate degree in engineering.

2.3.4.2 A Doctorate Degree in engineering may be used for two years of experience if it is preceded by an EAC/ABET accredited degree in engineering; in the case of a Doctorate Degree, no additional experience will be credited for a Masters Degree.

2.3.5 The ~~b~~Board will consider engineering experience performed outside the United States if the Board determines ~~when it is deemed~~ that such experience is gained under a licensed

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professional engineer from an NCEES jurisdiction, or ~~it is determined~~ upon reasonable investigation by an engineer ~~Board~~ member, ~~of materials provided by and at the expense of the applicant,~~ that such experience was performed under circumstances comparable to the standards for engineering in the United States. All materials necessary to such determination must be provided by and at the expense of the applicant.

- 2.3.6 Experience must ~~be progressive on engineering projects to~~ indicate that, over the course of time, the applicant's work has been ~~it is~~ of increasing quality and ~~has required~~ requiring greater responsibility.
- 2.3.7 Only work of an engineering nature which follows graduation from a professional engineering program may be used to satisfy the experience requirement ~~is creditable~~.
- 2.3.8 Experience must not be obtained in violation of the E&A Act.
- 2.3.9 Experience gained in the armed services may be used to satisfy the experience requirement if it was, ~~to be creditable, must be~~ of a character equivalent to that which would have been gained in the civilian sector doing similar work. Generally, such experience will be creditable only if ~~It is expected that~~ the applicant served in an engineering or engineering-related group.
- 2.3.10 Experience should be gained under the supervision of a licensed professional engineer or, if not, an explanation should be made showing why the experience should be considered acceptable to the Board.
- 2.3.11 ~~For s~~ Sales experience may be used to satisfy the experience requirement only if the applicant can demonstrate ~~to be creditable, it must be demonstrated~~ that engineering principles were required and used in gaining the experience.
- 2.3.12 Engineering teaching experience ~~to be creditable must~~ may be used to satisfy the experience requirement, subject to the Board's approval, if the courses were at an advanced level in a college or university offering an engineering curriculum of four (4) years or more ~~that is approved by the board~~.
- 2.3.13 Experience gained in engineering research and design projects by members of an engineering faculty where the curriculum is approved by the ~~Board~~ may be used to satisfy the experience requirement ~~is creditable~~.

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2.3.14 Construction experience may be used to satisfy the experience requirement only if the applicant can demonstrate that the work required the application of engineering principles.

2.3.15~~2.3.14~~ Experience may not be anticipated. The experience must have been received at the time of the application.

**2.4** **Examinations for Licensure as Professional Engineers**

2.4.1 The Examinations used by the **b**Board to determine eligibility for licensure shall be the current NCEES Fundamentals of Engineering Examination (FE), ~~and~~ the Principles and Practice of Engineering Examination (~~PPE~~), or the Structural Engineering Examination (SE), and the Nebraska E&A Act Examination~~as accepted by the board.~~

2.4.1.1 The **b**Board will follow NCEES policies and on scheduling schedules for taking and retaking FE ~~e~~Examinations.

2.4.1.2 The **b**Board will determine applicant eligibility for the PE Examination and the SE Examination, and forward eligibility information to NCEES.

2.4.1.2.1 Once an applicant has been approved to take ~~either the FE (Fundamentals of Engineering exam) or the PE (Principles and Practice of Engineering exam)~~ Examination or the SE Examination, they remain qualified to retake that same examination for five (5) years. The five (5) years shall commence on the date of the first scheduled examination after the applicant has been approved.

2.4.1.3 The **b**Board will accept the examination result as determined by NCEES, ~~and will report the result to the applicant.~~

2.4.1.4 If there is any ~~alleged improper behavior~~ reported examination irregularity on the part of an applicant, the **b**Board will investigate the allegation and take appropriate action.

2.4.1.5 Passage of the FE Examination, PE Examination, and SE Examination will be determined by the~~An applicant must have passed the Examination(s) in accordance with the~~ NCEES pass/fail standards in place ~~current~~ at the time the examination was taken~~applicant took the examination.~~

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- 2.4.1.6 For security reasons, items in the examination will not be available for review by the examinee. ~~Examinees have the right to review or challenge failed examination(s) through the board.~~
- 2.4.1.7 After a fourth or subsequent failure of ~~the PE~~~~either engineering e~~Examination ~~or the SE Examination~~, the candidate shall present the ~~b~~Board with evidence of having acquired additional relevant formal ~~learning~~instruction before being reexamined. Such candidates shall be eligible for examination annually. Relevant formal ~~learning~~instruction means coursework consisting of at least two semester credit hours at the undergraduate or graduate level in the knowledge areas identified as failed in the NCEES diagnostic report. The coursework must be acceptable at, or transferrable to, an institution that offers ~~EAC/ABET-~~accredited engineering programs. Online coursework is acceptable. Examination preparatory classes, continuing education offerings, and individual study do not satisfy the formal learning requirement.
- 2.4.1.7.1 Failure of either component of the SE Examination will be treated as a retake for purposes of rule 2.4.1.7.
- 2.4.1.8 An applicant's failure to attend an examination for which he or she has been scheduled will forfeit the application fee, except as otherwise determined by NCEES policies.
- 2.4.1.9 Failure of an applicant to attend an examination for which he or she has been scheduled to attend shall not be considered as a failure of the examination or as a retake under rule 2.4.1.7.
- ~~2.4.1.10~~2.4.1.8 Except for U.S. military personnel serving on active duty, the Board will not proctor FE or PPE examinations for applicants who reside outside Nebraska, or allow an applicant who resides in Nebraska to have their FE or PPE examinations proctored in another jurisdiction. Only active United States military personnel will be allowed to have the PE examination or the SE Examination proctored; any proctoring shall be in accordance with NCEES policies and guidelines.
- 2.4.2 ~~The Fundamentals of Engineering Examination (FE) as accepted by the board.~~All applicants for the PE Examination or the SE Examination must have passed the FE Examination.
- ~~2.4.2.1 Passage of the FE examination is required of all applicants unless it has been passed in another jurisdiction~~

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- 2.4.3 The Principles and Practice of Engineering Examination (PPE Examination) ~~as accepted by the board.~~
- 2.4.3.1 The ~~PPE e~~Examinations are given in disciplines offered by NCEES, except that the Board reserves the right not to examine in certain disciplines offered by NCEES or to examine in specialized disciplines or areas of engineering not offered by NCEES.
- ~~2.4.3.2 An examinee will be permitted to sit for the PPE exam in a discipline different from that of his or her FE examination on the basis of experience as approved by the board.~~
- ~~2.4.3.2~~2.4.3.3 ~~Applicants~~An examinee will be permitted to sit for the ~~PPE e~~Examination in a discipline different from ~~that of his or her~~that of the applicant's education upon ~~verification~~the Board's acceptance of evidence of four (4) years of work experience ~~acceptable to the Board~~ in the discipline of the requested examination.
- ~~2.4.3.4 The board reserves the right to not examine in certain disciplines offered by NCEES or to examine in specialized branches of engineering not offered by NCEES.~~
- 2.4.4 The Principles and Practice of Structural Engineering Examination (SE Examination) ~~(PPE) in Structural Engineering as accepted by the board.~~
- ~~2.4.4.1 Professional Engineers who have passed the sixteen-hour NCEES Structural Engineering examination, or its equivalent as defined by NCEES, shall be eligible for licensure as a Professional Structural Engineer.~~
- ~~2.4.4.1~~2.4.4.2 The ~~sixteen-hour Structural~~SE eExamination shall consist of two ~~8-hour~~ components: the Vertical Forces (gravity/other) and Incidental Lateral component, and the Lateral Forces (wind/earthquake) component. ~~A candidate may sit for each component in separate exam administrations but must receive acceptable results on both components within a 5-year period. Receiving acceptable results on only one 8-hour component shall not be sufficient for licensure in structural engineering or any other engineering discipline.~~
- ~~2.4.4.1.1~~ 2.4.4.1.1 A candidate may sit for each component in separate exam administrations but must receive acceptable results on both components within a 5-year period.

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2.4.4.1.2 Receiving acceptable results on only one component shall not be sufficient for licensure in structural engineering or any other engineering discipline.

2.4.4.1.3 Applicants who have passed both components of the SE Examination, or its equivalent as defined by NCEES, shall be eligible for licensure as a Professional Structural Engineer.

2.4.5 The Nebraska E&A Act Examination ~~as accepted by the board:~~

2.4.5.1 Following successful passage of the PE Examination or the SE Examination, an applicant must pass an~~An~~ examination, prepared and administered by the Board, on the Nebraska E&A Act, E&A Rules and practice ethics,~~must be passed before a professional engineer can be licensed to practice in Nebraska.~~

2.4.5.2 The purpose of the examination is to ~~test~~ensure that an applicant's ~~familiarity~~are familiar with the ~~E&A Act~~Engineers and Architects Regulation Act, the E&A Rules, and the ethics of practicing engineering~~This is an open book examination administered by the board.~~

2.4.5.3 After a second or subsequent failure of the Nebraska E&A Act Examination, the candidate may be required to acquire additional ~~learning~~instruction before being reexamined. Such candidates shall be eligible for examination every (30) thirty days.

## ~~2.5~~ **Enrollment and Licensure**

### ~~2.5.1~~ **Enrollment as an Engineer Intern (E.I.)**

~~2.5.1.1~~ ~~Upon request, a candidate will be enrolled as an Engineer Intern when they complete the following:~~

~~2.5.1.1.1~~ ~~Passage of the Fundamentals of Engineering (FE) Examination;~~  
~~and~~

~~2.5.1.1.2~~ ~~Proof of graduation from an ABET accredited engineering program or satisfying the NCEES Education Standard.~~

## 2.5 **Application for PE Examination or SE Examination**

2.5.1 To be eligible to sit for the PE Examination or the SE Examination, an applicant must:

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- 2.5.1.1 Submit an application on or before the filing deadline established by the Board:
    - 2.5.1.1.1 Applicants must submit a separate application for each discipline in which examination is requested.
  - 2.5.1.2 Submit five (5) references indicating good reputation and ethical character, three (3) of which are from professional engineers;
    - 2.5.1.2.1 If an applicant cannot provide three (3) references from professional engineers, five (5) references must still be submitted together with an explanation as to why the professional references are unavailable.
  - 2.5.1.3 Provide satisfactory evidence of meeting the education requirement as set forth in these rules. Such evidence shall be received directly from the institution at which the education was received or from the institution's authorized agent;
  - 2.5.1.4 Provide verification of passing the FE Examination. Such verification must be received directly from the jurisdiction in which the examination was taken or from NCEES; and
  - 2.5.1.5 Provide satisfactory evidence of meeting the experience requirement as set forth in these rules.
- 2.5.2 Licensure as a Professional Engineer ~~(P.E.)~~ following Examination
- 2.5.2.1 Upon passage of the PE Examination or the SE Examination, as approved by the Board, ~~When the board has determined that an applicant for licensure has satisfied the licensure standards set forth herein, the board shall issue a~~ certificate of licensure shall be issued containing the licensed applicant's full name, license number, and Discipline of Ppractice.
  - 2.5.2.2 Licensure shall be in the discipline of the PE Examination upon which the license is issued.
  - ~~2.5.2.3~~2.5.2.2 Certificates of Licensure issued to Professional Engineers will be inscribed with the discipline in which the individual is licensed to practice.
  - ~~2.5.2.3~~2.5.2.2.4 Those licensed in multiple disciplines will be issued separate certificates ~~for~~ in each discipline.

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~~2.5.2.2.2—Engineers will submit a separate application for each discipline.~~

~~2.5.2.2.3—Verification of discipline may be provided by NCEES record or written documentation of PE examination discipline.~~

2.5.2.4~~2.5.2.3~~ Professional Architectural Engineer

2.5.2.4.1~~2.5.2.3.4~~ Professional Engineers licensed on the basis of Architectural Engineering education, experience, and examination shall be designated Professional Architectural Engineers.

2.5.2.4.2~~2.5.2.3.2~~ Professional Architectural Engineers shall be considered qualified to design engineering systems commonly associated with buildings. They shall not practice or offer to practice architecture.

2.5.2.5~~2.5.2.4~~ Professional Structural Engineer (S.E.)

2.5.2.5.1~~2.5.2.4.1~~ Professional Engineers who are licensed on the basis of structural engineering ~~education~~, experience, and examination shall be designated Professional Structural Engineers and may use the designation S.E. with their name.

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**CHAPTER 3.:** LICENSURE OF ARCHITECTS ~~URE~~ BY EXAMINATION

**3.1** Requirements for Licensure by Examination

Licensure by examination requires that the applicant have:

- (1) satisfied the education requirements set forth in rule 3.2;
- (2) satisfied the experience requirements set forth in rule 3.3;
- (3) passed the ARE Examination and the Nebraska E&A Act Examination as set forth in rule 3.4; and
- (4) complied with the application process set forth in rule 3.5.

~~**3.1** — Required Documents~~

~~3.1.1 — Every individual seeking a licensure shall submit a completed application to the board, accompanied by the filing fee established by the board.~~

~~3.1.2 — The applicant shall provide official proof of education. This record shall be forwarded directly to the board by the school(s) the applicant attended.~~

**3.2** **Education Requirements**

3.2.1 ~~Except as provided in Neb. Rev. Stat. § 81-3448 (2), an~~ An applicant must ~~either:~~

3.2.1.1 Hold a professional degree in architecture from a program accredited by ~~the National Architectural Accrediting Board (NAAB);~~ or

3.2.1.2 Obtain an evaluation report in accordance with ~~b~~ Board requirements stating that the applicant has met the NCARB Education ~~Standard~~ Requirement through the Education Evaluation Services for Architects (EESA) through NAAB. ~~with a degree in the field of architecture.~~

3.2.1.2.1 If education deficiencies are not resolved by EESA, the Board will review and make a determination of the appropriate corrective measures to remove the deficiency.

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**3.3 Experience**

- 3.3.1 ~~An applicant must satisfy the Intern Development Program (IDP) training criteria, as required and verified by NCARB at the time of application.~~ Completion of IDP, or its equivalent as determined by NCARB, is required prior to licensure.

**3.4 Examinations**

- 3.4.1 The Examination used by the ~~b~~Board to determine eligibility for licensure shall be the current NCARB Architect Registration Examination (ARE) as accepted by the ~~b~~Board.
- 3.4.1.1 The ~~b~~Board will follow NCARB's policies on scheduling and retaking the ARE examinations.
- 3.4.1.2 The ~~b~~Board will verify applicant eligibility and forward eligibility information to NCARB.
- 3.4.1.3 The ~~b~~Board may allow candidates to make application to take all divisions of the ARE after verification of having met the education requirements and establishing an NCARB record for the purpose of documenting architectural work experience~~enrollment~~ in IDP or its equivalent as determined by NCARB.
- 3.4.1.4 The ~~b~~Board will allow ~~its~~ applicants to take the ARE at any NCARB-approved test center, ~~whether or not it is located within the State of Nebraska.~~
- 3.4.1.5 The ~~b~~Board will accept the examination result as determined by NCARB, ~~and will report the result to the applicant.~~
- 3.4.1.6 If there is any alleged improper behavior on the part of an applicant, the ~~b~~Board will investigate the allegation and take appropriate action.
- 3.4.1.7 An applicant must have passed the examination in accordance with the NCARB pass/fail standards current at the time the applicant took the examination.
- 3.4.1.8 For security reasons, items in the examination will not be available for review by the examinee. Examinees have the right to review or challenge failed divisions of the ARE~~examination(s)~~ through the ~~b~~Board in accordance with NCARB rules and policies.
- 3.4.2 Rolling Clock

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- 3.4.2.1 Applicants shall be required to complete the ARE within the time limitations set by ~~in accordance with~~ NCARB policies and procedures requirements.
- 3.4.2.2 Approval to sit for the ARE shall terminate if the applicant has not attempted a division of the ARE within five (5) years of such approval. Any applicant seeking initial licensure in Nebraska and whose test approval has terminated must submit a new application to the Board for approval to take the ARE.
- 3.4.3 The Nebraska E&A Act Examination ~~as accepted by the board.~~
- 3.4.3.1 Following successful passage of the ARE, an applicant must pass an examination, prepared and administered by the Board, on the E&A Act, E&A Rules, and practice ethics. ~~An examination on the Nebraska E&A Act and practice ethics must be passed before an architect can be licensed to practice in Nebraska.~~
- 3.4.3.2 The purpose of the examination is to test applicants' familiarity ~~ensure that applicants are familiar~~ with the ~~Engineers and Architects Regulation Act~~ E&A Act, E&A Rules, and the ethics of practicing architecture. ~~This is an open book examination administered by the board.~~
- 3.4.3.3 After a second or subsequent failure of the Nebraska E&A Act Examination, the candidate may be required to acquire additional learning instruction before being reexamined. Such candidates shall be eligible for examination every thirty days.

**3.5 Application for ARE Examination**

- 3.5.1 To be eligible to sit for the ARE examination, an applicant must:
- 3.5.1.1 Submit a completed application to the Board, accompanied by the filing fee established by the Board;
- 3.5.1.2 Provide satisfactory evidence of meeting the education requirement as set forth in these rules. Such evidence shall be received directly from the institution at which the education was received, the institution's authorized agent, or NCARB;
- 3.5.1.3 Submit five (5) references indicating good reputation and ethical character, three (3) of which must be architects; and

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3.5.1.3.1 If an applicant cannot provide three (3) references from architects, five (5) references must still be submitted along with an explanation as to why the professional references cannot be submitted.

3.5.1.4 Submit verification that the applicant has established an NCARB record for the purpose documenting architectural work experience.

**3.63.5 Certificates**

3.6.1~~3.5.4~~ When the ~~b~~Board has determined that an applicant for licensure by examination has satisfied the licensure ~~standards-requirements~~ set forth herein, the ~~b~~Board shall issue a certificate of licensure containing the ~~licensed applicant's~~ architect's full name and license number.

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**CHAPTER 4.1. RECIPROCITY COMITY**

**4.1 — ~~Reciprocity with Other Jurisdictions~~**

~~4.1.1 — A person licensed as an architect or as a professional engineer in the State of Nebraska may acquire licensure in other jurisdictions from the registration authority by reciprocity.~~

~~4.1.2 — The Nebraska Board will provide information upon official request.~~

**4.1.4.2 Reciprocity Comity for Engineers ~~from Other Jurisdictions with Nebraska~~**

4.1.1.4.2.1      ~~Licensure by Discipline of Practice~~ Licensure by Comity

4.1.1.14.2.1.1      In order to be eligible for licensure in Nebraska the engineering ~~candidate~~ applicant must qualify in one or more engineering discipline(s).

4.1.1.24.2.1.2      Verification of good standing must be provided by the ~~licensing~~ registration authority of the candidate's current licensure, including the discipline of the PE eExamination.

4.1.1.2.14.2.1.2.1      ~~Should~~ In the event the licensing authority ~~state~~ does not license by discipline or have record of examination discipline, verification of discipline of practice may be provided by ~~NCEES record~~ the affidavit of an individual with knowledge of the applicant's discipline of practice.

4.1.1.3      With respect to candidates applying for licensure who have passed the NCEES Structural I examination, such candidates may be licensed as a Professional Civil Engineer or another applicable discipline approved by the Board. Such applicants cannot be licensed as a Structural Engineer without also having passed the NCEES Structural II examination.

4.1.1.4      Professional Architectural Engineer

4.1.1.4.1      Professional Engineers licensed on the basis of the Architectural Engineering examination shall be designated Professional Architectural Engineers.

4.1.1.4.2      Professional Architectural Engineers shall not practice or offer to practice architecture.

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4.1.1.5 Professional Structural Engineer (S.E.)

4.1.1.5.1 Professional Engineers licensed on the basis of a structural engineering examination of at least sixteen hours and/or experience shall be designated Professional Structural Engineers and may use the designation S.E. with their name.

4.1.2 Comity Licensure for Model Law Engineers and Model Law Structural Engineers

4.1.2.1 The Board staff is authorized to review and evaluate the applications of comity applicants to determine if they meet or exceed the criteria of a MLE or MLSE as designated by NCEES.

4.1.2.2 If the applicant meets or exceeds these requirements, the Board staff may issue a conditional license authorizing that individual to provide engineering services in Nebraska if the applicant:

4.1.2.2.1 Files an application with required fee;

4.1.2.2.2 Submits satisfactory evidence of such MLE or MLSE designation to the Board; and

4.1.2.2.3 Passes the Nebraska E&A Act Examination in accordance with Rule 2.4.5.

4.1.2.3 Any information requested on the application with respect to education, experience, or references may be provided by submitting an NCEES record.

4.1.2.4 A listing of professional engineers issued conditional licenses will be placed on the agenda of the next meeting of the Board for formal approval by the Board.

4.1.3~~4.2.2~~ Jurisdictional ~~Reciprocity~~Comity

4.1.3.1~~4.2.2.1~~ An engineering applicant who holds a current and valid ~~certification~~ license issued by a ~~registration-licensing~~ authority ~~of another jurisdiction that is recognized by the b~~Board may be licensed by Jurisdictional ~~Reciprocity~~Comity ~~after~~if he or she the applicant:

4.1.3.1.1~~4.2.2.1.1~~ Files an application with required fee; ~~and~~

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~~4.1.3.1.2~~~~4.2.2.1.2~~ Submits satisfactory evidence of such ~~certification~~licensure to the ~~b~~Board;

4.1.3.1.3 Submits three (3) references from professional engineers indicating good reputation and ethical character. In the event three (3) professional engineers are not available to make such references, the applicant shall submit an explanation for the Board's review;

4.1.3.1.4 Submits verification that the applicant has passed the FE and PE Examinations;

4.1.3.1.5 Submits verification that the applicant has satisfied the education requirements set forth in Rule 2.2; and

4.1.3.1.6 Passes the Nebraska E&A Act Examination in accordance with Rule 2.4.5.

~~4.2.2.2~~ The applicant must meet the current standards for licensure by examination in Nebraska.

4.1.3.2 Any information requested on the application with respect to education, experience, or references may be provided by submitting an NCEES record.

~~4.2.2.2.1~~ With respect to candidates applying for licensure who have passed the NCEES Structural I examination, such candidates may be licensed as a Professional Civil Engineer.

~~4.1.3.3~~~~4.2.2.3~~ The ~~applicant~~application will go to the ~~b~~Board for review and final ~~determination~~approval.

~~4.2.3~~ Expedited Reciprocal Licensure

~~4.2.3.1~~ The board administrator is authorized to review and evaluate the applications of all reciprocal applicants to determine if they meet or exceed the criteria of a "Model Law Engineer" (MLE) as designated by NCEES.

~~4.2.3.2~~ If the applicants meets or exceeds these requirements, the board administrator may issue a contingent license authorizing that individual to offer or provide engineering services in Nebraska if he or she:

~~4.2.3.2.1~~ Files an application with required fee; and

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~~4.2.3.2.2 Submits satisfactory evidence of such certification to the board.~~

~~4.2.3.3 A listing of all professional engineers issued contingent licenses will be placed on the agenda of the next meeting of the board for formal approval by the board.~~

4.1.4.2.4      Comity Licensure by Experience

~~4.1.4.14.2.4.1~~ Notwithstanding the education requirement of Rule 4.1.3.1.5, ~~E~~engineers who are licensed by a licensing ~~licensed by a registration~~ authority recognized by the ~~b~~Board and who have at least ~~by professional examination with fifteen~~ (15) years ~~or more~~ of licensed professional engineering work experience may be licensed by experience if ~~he or she~~ the engineer:

~~4.1.4.1.14.2.4.1.1~~      Files an application with required fee;

~~4.1.4.1.24.2.4.1.2~~      Submits satisfactory evidence of fifteen (15) years of licensed work experience in a discipline acceptable to the ~~b~~Board; ~~and~~

~~4.1.4.1.34.2.4.1.3~~      Provides ~~five professional references~~ three (3) references from professional engineers indicating good reputation and ethical character. In the event three (3) professional engineers are not available to make such references, the applicant shall submit an explanation for the Board's review; and

~~4.1.4.1.4~~      Passes the Nebraska E&A Act Examination in accordance with Rule 2.4.5.

~~4.1.4.2~~      Any information requested on the application with respect to education, experience, or references may be provided by submitting an NCEES record.

~~4.1.4.34.2.4.2~~      The ~~applicant~~ application will go to the ~~b~~Board for review and final ~~determination~~ approval.

4.1.5.4.2.5      Temporary Permit

~~4.1.5.14.2.5.1~~      An engineering applicant who holds a current and valid ~~certification~~ license issued by a ~~licensing~~ registration authority ~~of another jurisdiction that is~~ recognized by the ~~b~~Board may apply for a Temporary Permit for the purpose of providing engineering service ~~in a single discipline for no~~

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~~more than one~~ on a single project, not to exceed ~~one~~two years, ~~if he or she~~  
after the applicant:

~~4.1.5.1.1~~4.2.5.1.1 Files an application with required fee; ~~and~~

~~4.1.5.1.2~~4.2.5.1.2 Submits satisfactory evidence of such ~~certification~~  
licensure to the bBoard. Such evidence must be received directly  
from the licensing authority or NCEES; and

~~4.1.5.1.3~~ Passes an examination, prepared and administered by the Board,  
on the E&A Act, E&A Rules, and practice ethics.

~~4.2.5.2~~ ~~Verification of good standing must be provided by the registration authority of~~  
~~current licensure, including the discipline of examination.~~

~~4.2.5.2.1~~ ~~Should the registration authority of current licensure not license by~~  
~~discipline or have record of examination discipline, verification of~~  
~~discipline may be provided by NCEES record.~~

~~4.1.5.2~~4.2.5.3 The permit will ~~consist of labels~~include a template containing the  
~~pertinent information~~applicant's name, permit number, expiration date, and  
project name and location, which may be applied to documents or may be  
~~copied onto clear media for application to sealed transparencies.~~

~~4.1.5.3~~ In the event the project lasts longer than two years, the temporary permit  
holder must obtain a Nebraska license.

~~4.1.5.4~~4.2.5.4 ~~The holder of~~Engineers holding a temporary permit shall use ~~his or~~  
~~her~~their seal from the state of verified licensure when sealing documents  
pertaining to the Nebraska project and shall accompany the seal with ~~an~~  
~~information label~~the template issued by the ~~b~~Board.

~~4.2.5.5~~ ~~A listing of all professional engineers issued Temporary Permits will be placed~~  
~~on the agenda of the next meeting of the board for formal approval by the~~  
~~board.~~

~~4.1.5.5~~ An engineer is eligible for only one temporary permit.

~~4.1.5.6~~ Applications for temporary permits may be administratively approved by Board  
staff but are conditional until formally approved by the Board.

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**4.2.4.3 Reciprocity/Comity Licensure for Architects ~~from Other Jurisdictions with Nebraska~~**

**4.2.1.4.3.1 ~~Expedited Reciprocal~~ Comity Licensure for NCARB Certificate Holders**

~~4.2.1.14.3.1.1~~ The ~~b~~Board ~~administrator~~ staff is authorized to review and evaluate the applications of all ~~reciprocal/comity~~ applicants to determine if they meet or exceed the criteria of ~~a~~ an NCARB Certificate Holder, “Model Law” Architect as defined in Neb. Rev. Stat. § 81-3448 and as designated by NCARB.

~~4.2.1.24.3.1.2~~ If the applicants meets or exceeds these requirements, the ~~b~~Board ~~administrator~~ staff may issue a ~~contingent~~ conditional license authorizing that individual to offer or provide architectural services in Nebraska if ~~he or she~~ the applicant:

~~4.2.1.2.14.3.1.2.1~~ Files an application with the required fee; ~~and~~

~~4.2.1.2.24.3.1.2.2~~ Submits satisfactory evidence of ~~such~~ having an NCARB Certificate; ~~certification to the board.~~

~~4.2.1.2.3~~ Submits three (3) references indicating good reputation and ethical character; and

~~4.2.1.2.4~~ Passes the Nebraska E&A Act Examination in accordance with Rule 3.4.3.

~~4.2.1.34.3.1.3~~ A listing of all architects issued ~~contingent~~ conditional licenses will be placed on the agenda of the next meeting of the ~~b~~Board for formal approval by the ~~b~~Board.

**4.2.2.4.3.2 Comity Licensure by Experience (no NCARB Record or NCARB Certificate)**

~~4.2.2.14.3.2.1~~ Architects who are licensed by a ~~registration~~ licensing authority recognized by the ~~b~~Board by professional examination and who have at least with fifteen (15) years ~~or more~~ of licensed architectural work experience may be licensed by experience if ~~he or she~~ they:

~~4.2.2.1.14.3.2.1.1~~ ~~Files an application with required fee~~ the Nebraska application with required fee;

~~4.3.2.1.2~~ ~~Submits satisfactory evidence of 15 years of licensed work experience acceptable to the board; and~~

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~~4.3.2.1.3 Provides five professional references.~~

4.2.2.1.2 Submit satisfactory evidence of fifteen (15) years of licensed work experience acceptable to the Board;

4.2.2.1.3 Provide three (3) references indicating good reputation and ethical character; and

4.2.2.1.4 Pass the Nebraska E&A Act Examination in accordance with Rule 3.4.3.

~~4.2.2.2~~4.3.2.2 The ~~applicant~~application will go to the ~~b~~Board for review and final ~~determination~~approval.

4.2.3~~4.3.3~~ Temporary Permit

4.2.3.1~~4.3.3.1~~ An ~~architectural~~architect applicant who holds a current and valid ~~certification~~license issued by a ~~registration~~licensing authority ~~in another jurisdiction that is~~ recognized by the ~~b~~Board may apply for a Temporary Permit for the purpose of providing architectural service ~~on a single for no more than one~~ project, not to exceed ~~one~~two years, if ~~he or she~~the applicant:

4.2.3.1.1~~4.3.3.1.1~~ Files an application with the required fee; ~~and~~

4.2.3.1.2~~4.3.3.1.2~~ Submits satisfactory evidence of such ~~certification~~licensure to the ~~b~~Board. Such evidence must be received directly from the licensing authority of NCARB; and

4.2.3.1.3 Passes an examination, prepared and administered by the Board, on the E&A Act, E&A Rules, and practice ethics.

~~4.3.3.2 Verification of good standing must be provided by NCARB.~~

4.2.3.2~~4.3.3.3~~ The permit will include a template~~consist of labels~~ containing the ~~pertinent information~~architect's name, permit number, expiration date, and project name and location, ~~which may be applied to documents or may be copied onto clear media for application to sealed transparencies.~~

4.2.3.3 In the event the project lasts longer than two years, the temporary permit holder must obtain a Nebraska license.

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~~4.2.3.4~~4.3.3.4 ~~The holder of~~Architects holding a temporary permit shall use ~~his or her~~their seal from the state of verified licensure when sealing documents pertaining to the Nebraska project, and shall accompany the seal with ~~an information label~~the template issued by the ~~b~~Board.

~~4.2.3.5~~4.3.3.5 ~~A listing of all architects issued Temporary Permits will be placed on the agenda of the next meeting of the board for formal approval by the board.~~An architect is eligible for only one temporary permit.

4.2.3.6 Applications for temporary permits may be administratively approved by Board staff, but are conditional until formally approved by the Board.

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**CHAPTER 5. CODE OF PRACTICE**

**5.1 Competence**

- 5.1.1 In practicing engineering or architecture, the architect or professional engineer shall act with reasonable care and competence and shall apply the technical knowledge and skill ordinarily applied by architects or professional engineers of good standing in the same locality.
- 5.1.2 In designing a project, the architect or professional engineer shall take into account all applicable federal, state, and municipal laws and regulations. While the architect or professional engineer may rely on the advice of other professionals (e.g., attorneys, architects, professional engineers, or other qualified persons) as to the intent and meaning of such regulations, once having obtained such advice, the architect or professional engineer shall not knowingly design a project in violation of such laws and regulations.
- 5.1.3 The architect or professional engineer shall undertake to perform professional services only when ~~he or she~~they, together with those whom the architect or professional engineer may engage as consultants, is qualified by education, training, and experience in the specific technical areas involved.
- 5.1.4 No person shall be permitted to practice engineering or architecture if, in the ~~b~~Board's judgment, such person's professional competence is substantially impaired by physical or mental disabilities.
- 5.1.5 An architect or professional engineer convicted of a crime in connection with ~~the~~their profession or a crime of moral turpitude under state law, federal law, or the law of another jurisdiction, may be held in violation of the code of practice if, in the opinion of the ~~b~~Board, the events and circumstances leading to the conviction indicate a condition which would affect the competency of the ~~licensee~~architect or professional engineer to serve the health, safety, and welfare of the public. ~~may be held in violation of the code of practice.~~
- 5.1.6 The architect or professional engineer shall not sign, seal, or attest to any work pertaining to any technical discipline or specialty ~~which that~~ the architect or professional engineer does not ~~fully understand and/or is not professionally trained and experienced~~have professional training and experience.

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**5.2 Conflict of Interest**

- 5.2.1 The architect or professional engineer shall not accept compensation for ~~his or her~~their services from more than one party on a project unless the circumstances are fully disclosed to and agreed to (such disclosure and agreement to be in writing) by all interested parties.
- 5.2.2 If the architect or professional engineer has any business association or direct or indirect financial interest which is substantial enough to influence ~~his or her~~their judgment in the selection of any contractor or sub-consultant, or in connection with ~~his or her~~their performance of professional services, the architect or professional engineer shall fully disclose in writing to ~~his or her~~their client or employer the nature of the business association or financial interest, ~~and if~~ the client or employer objects to such association or financial interest, the architect or professional engineer will either terminate such association or interest, or offer to give up the commission or employment.
- 5.2.3 The architect or professional engineer shall not solicit or accept compensation from material or equipment suppliers, contractors, or sub-consultants in return for specifying or endorsing their products.
- 5.2.4 When acting as the interpreter of construction contract documents, studies, and reports, the architect or professional engineer shall render decisions impartially. When acting as the judge of contract performance, the architect or professional engineer shall render decisions in an objective manner, favoring neither party to the contract.
- 5.2.5 An architect or professional engineer who initiates a complaint to the ~~b~~Board shall not become involved as the architect or professional engineer of record for the project which was the subject of the complaint.

**5.2.6 Architects and professional engineers shall not solicit or accept a contract for professional services from a governmental body when the architect or professional engineer, or a principal or officer of the architect's or professional engineer's organization, serves as a voting or non-voting member, whether elected or appointed, or serves as an employee or contractor to perform professional services, of the same governmental body which is procuring the professional services. For purposes of this subparagraph, "governmental body" means a board, council, commission, or similar multi-membered body of any county or political subdivision. Architects and professional engineers are not in violation of this provision, however, if the architect or professional engineer, or the principal or officer of their organization who serves as a member of the governmental body, plays no role in the solicitation or procurement of the contract on behalf of the governmental body.**

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**5.3 Full Disclosure of Professional Relationships or Responsibility**

5.3.1 When making public statements on engineering or architectural questions, ~~the architect or professional engineer making public statements on engineering or architectural questions,~~ shall disclose ~~when he or she is~~ if they are being compensated for making such statements.

5.3.2 The architect or professional engineer shall accurately represent to a prospective or existing client or employer ~~his or her~~their qualifications and the scope of ~~his or her~~their responsibility in connection with work for which ~~he or she~~they is are claiming credit.

~~5.3.3 If, in the course of his or her work on a project, the architect or professional engineer becomes aware of a decision or an action taken by the employer or client against the architect's or professional engineer's advice, which violates applicable state or municipal laws and regulations and which will, in the licensee's judgment, materially affect adversely the safety to the public of the finished project, the architect or professional engineer shall advise the employer or the client of the violation and request reconsideration of the decision. In the event the employer or client does not reverse or alter the decision in order to bring it into conformity with applicable laws, the architect or professional engineer shall:~~

~~5.3.3.1 Report the decision to the local building inspector or other public official charged with the enforcement of the applicable state or municipal laws and regulations;~~

~~5.3.3.2 Refuse to consent to the decision; and~~

~~5.3.3.3 In circumstances where the architect or professional engineer reasonably believes that other such decisions will be taken notwithstanding his or her objection, terminate his or her services with reference to the project.~~

~~5.3.4 The architect or professional engineer shall not deliberately make a materially false statement or fail deliberately to disclose accurately and completely a material fact requested in connection with his or her application for licensure or renewal or otherwise requested by the board.~~

~~5.3.5 The architect or professional engineer shall not assist the application for licensure of a person known by the architect or professional engineer to be unqualified in respect to education, training, experience, or character.~~

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~~5.3.3~~~~5.3.6~~ The architect or professional engineer possessing knowledge of a violation of these rules by another architect or professional engineer shall report such knowledge to the ~~b~~Board.

**5.4 Compliance with Laws**

5.4.1 The architect or professional engineer shall not, in the conduct of ~~his or her~~their engineering or architectural practice, knowingly violate any state or federal criminal law. Allegations of violations of this section may be based on an independent finding of a violation of the law by a court of competent jurisdiction or an administrative or regulatory body.

5.4.2 The architect or professional engineer shall neither offer nor give any gift of significant value, or any monetary payment, to a government official with the intent of influencing the official's judgment in connection with a prospective or existing project in which the architect or professional engineer is interested or has an interest.

5.4.3 The architect or professional engineer shall comply with the laws and regulations governing ~~his or her~~their professional practice in any United States jurisdiction.

5.4.3.1 An architect or professional engineer may be subject to disciplinary action if, based on grounds substantially similar to those which lead to disciplinary action in this jurisdiction, the architect or professional engineer is disciplined in any other United States jurisdiction.

5.4.3.2 A person whose Nebraska license was issued on the basis of an NCARB Certificate or NCEES ~~certificate~~Record shall, upon suspension or revocation ~~of that certificate~~, have ~~his or her~~their Nebraska license suspended until the certificate or record is reinstated.

5.4.3.3 A Nebraska license based upon ~~reciprocity~~comity with another jurisdiction shall be concurrently suspended upon suspension or revocation of that jurisdiction's license, pending reinstatement of the license by the other jurisdiction.

5.4.3.4 A license under suspension must be kept current through the suspension period. If the license has expired during the suspension period, a new application for licensure will be required.

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5.4.4 Architects and/or professional engineers are responsible for obtaining formal review and approval of design work when such approval is required prior to construction.

**5.5 Professional Conduct**

5.5.1 Each office organization maintained for the purpose of serving the public through professional engineering or architectural work, including the preparation of drawings, specifications, reports, and the administration of contract documents, shall have a qualified architect or professional engineer in responsible charge of ~~such office and the preparation of such~~ the work. ~~This involvement shall be of such nature as to provide the licensee with direct knowledge of the work performed as well as the opportunity to exercise direct and supervisory control of the activity of that office.~~

5.5.2 The architect or professional engineer shall not sign or seal drawings, specifications, reports, or other professional work for which ~~he or she~~ they do not have direct supervision; ~~provided, however, that in the case of~~ If the portions of such professional work ~~were~~ prepared by the architect's or professional engineer's consultants who are, licensed under the law of the State of Nebraska or another state, the architect or professional engineer may sign or seal that portion of the professional work if the architect or professional engineer has reviewed such portion, has coordinated its preparation, and accepts responsibility for its adequacy.

~~5.5.3—The architect or professional engineer shall neither offer nor make any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the architect or professional engineer is interested.~~

5.5.3~~5.5.4~~ The architect or professional engineer shall not engage in conduct involving fraud or wanton disregard of the rights of others.

5.5.4~~5.5.5~~ The architect or professional engineer shall not engage in grossly unethical, immoral, or dishonorable conduct ~~which that~~ would ~~provide evidence~~ indicate lack of fitness~~unfitness~~ to perform the tasks required by clients or ~~would provide evidence of~~ a level of degree of proficiency ~~which that~~ is ~~not sufficient~~ insufficient to serve the public interest.

5.5.5~~5.5.6~~ The architect or professional engineer shall not in advertisements or public statements engage in misleading, ~~or~~ untruthful, or improbable statements, or flamboyant, exaggerated or extravagant claims concerning the ~~licensee's~~ architect's or professional engineer's professional excellence or abilities, ~~in advertisements or public statements.~~

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~~5.5.6~~~~5.5.7~~ The architect or professional engineer shall not knowingly aid or abet the practice or the performance of activities requiring a license by a person not licensed to conduct such practice or activity.

5.5.7 The architect or professional engineer shall not deliberately make a materially false statement or fail deliberately to disclose accurately and completely a material fact requested in connection with their application for licensure or renewal or otherwise requested by the Board.

5.5.8 The architect or professional engineer shall not assist the application for licensure of a person known by the architect or professional engineer to be unqualified in respect to education, training, experience, or character.

5.5.9 If, in the course of their work on a project, an architect or professional engineer becomes aware of a decision or an action taken by the employer or client against the architect's or professional engineer's advice, which violates applicable laws and regulations and which will, in the architect's or professional engineer's judgment, have a material adverse effect on the safety to the public of the finished project, the architect or professional engineer shall advise the employer or the client of the violation and request reconsideration of the decision or action. In the event the employer or client does not reverse or alter the decision or action in order to bring it into conformity with applicable laws, the architect or professional engineer shall:

5.5.9.1 Report the decision or action to the local building inspector or other public official charged with the enforcement of the applicable laws and regulations;

5.5.9.2 Refuse to consent to the decision or action; and

5.5.9.3 In circumstances where the architect or professional engineer reasonably believes that other such decisions or actions will be taken notwithstanding their objection, terminate their services with reference to the project.

~~5.6 — Practice of Architecture and Engineering~~

~~5.6.1 — The practice of architecture shall be as defined in Neb. Rev. Stat. § 81-3420 of the E&A Act.~~

~~5.6.2 — The practice of engineering shall be as defined in Neb. Rev. Stat. § 81-3421 of the E&A Act.~~

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**5.65.7 Use of ~~Titles in Architecture and Engineering~~ Regulated Titles**

- 5.6.1 Architects or professional engineers who are licensed in Nebraska may identify themselves as such.
- 5.6.2 Architects or professional engineers who are not licensed in Nebraska, but who hold a valid license in another jurisdiction recognized by the Board:
  - 5.6.2.1 May identify themselves as such on correspondence and other routine documents that do not contain an offer to provide professional services;
  - 5.6.2.2 May identify themselves as such on correspondence and other documents that offer to provide professional services in Nebraska, if such documents clearly indicate and disclose that the architect or professional engineer:
    - 5.6.2.2.1 Holds a valid and current license in another jurisdiction recognized by the Board;
    - 5.6.2.2.2 Does not hold a current and valid license from Nebraska;
    - 5.6.2.2.3 Would have to obtain a license in Nebraska in order to perform the services described in the offer; and
    - 5.6.2.2.4 Has a reasonable likelihood of being issued a license in Nebraska.
- 5.6.3 Individuals who do not hold a current and valid license in any jurisdiction shall not use the titles architect or professional engineer.
- ~~5.7.1 Except for those specifically exempted from the law, the title “Professional Engineer” is to be used only by those who are licensed to practice engineering in Nebraska.~~
- ~~5.7.2 The criteria for use of the title “Engineer” is education and experience, both of which are satisfactory to the board. A person who has earned an ABET accredited degree or equivalent in engineering may use the title “Engineer.”~~
- ~~5.7.3 The criteria for use of the title “Engineer Intern” is a person who has earned an ABET accredited degree, passed the FE exam and holds an “Engineer Intern Certificate.”~~
- ~~5.7.4 Except for those specifically exempted from the law, the title “Architect” is to be used only by those who are licensed to practice architecture in Nebraska.~~

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~~5.7.5—The criteria for use of the title “Intern Architect” is education and experience, both of which are satisfactory to the board. A person who has earned a NAAB-accredited degree or equivalent in architecture may use the title “Intern Architect.”~~

~~5.7.6—With respect to Neb. Rev. Stat. § 81-3441, individuals who are not licensed as an architect or professional engineer in Nebraska, but who hold a like license in another U.S. state or territory and reside or work in Nebraska, may use the title “Architect” or “Professional Engineer” on correspondence, business cards, and other routine communication wherein the individual is not practicing or offering to practice provided that the jurisdiction(s) in which they are licensed are written or printed after the title so as to not mislead the public regarding their credentials. The listing of jurisdictions after the title is not required on correspondence, business cards, or other communication from an office outside Nebraska, provided that the individual is licensed in that jurisdiction.~~

**5.8—Design Approvals Required By Governmental Agencies**

~~5.8.1—It is the responsibility of design professionals to obtain formal review and approval of design work, when such approval is required prior to construction.~~

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## **CHAPTER 6. THE LICENSEE SEAL**

### **6.1 Use of the Seal**

- 6.1.1 Each person licensed as an architect or professional engineer ~~is required to acquire~~ must have a seal ~~which that~~ bears the licensee's name, ~~his or her~~ their license number, the words "State of Nebraska," and whether the individual is licensed to practice as a professional engineer, with discipline specified, or an architect.
- 6.1.2 The purpose of the seal ~~requiring each architect or professional engineer to acquire a seal~~ is to assist in identification of the design professional responsible for work performed under the requirements of ~~Neb. Rev. Stat. §§ 81-3401 through 81-3455~~ the E&A Act.
- 6.1.3 The seal used by ~~a~~ an architect or professional engineer ~~licensee shall be legible~~, whether an embossing, computer generated, or other type of seal ~~shall be legible~~. In the absence of legibility, the seal is invalid.
- 6.1.4 The responsible architect or professional engineer shall identify all work that ~~he or she has~~ they have prepared, as well as all work that has been prepared under ~~their licensee's~~ direct supervision, by applying ~~his or her~~ their seal to each sheet of original drawings.
- 6.1.5 All specifications, reports, studies, and other documents prepared as architectural or professional engineering services ~~or architectural service~~ shall be sealed on the title page and/or the first page, as well as the last page, of the document by the individual ~~licensee~~ architect or professional engineer responsible for the work. Two or more ~~licensees~~ architects or professional engineers may affix their signatures and seals to a sheet provided it is designated by a note under the seal the specific subject matter for which each is responsible.
- 6.1.6 No seal shall be valid unless ~~the licensee signs his or her name~~ signed across the face of the seal with the architect's or professional engineer's name and ~~indicates~~ the date on which the material was signed.
- 6.1.7 Documents clearly marked as "Draft" prepared for preliminary submission and review do not require the professional's seal, signature, and date, including documents prepared for a client or governmental agency, unless otherwise required by that entity.
- 6.1.8 Architects and professional engineers are responsible for providing ~~It is the responsibility of the licensee to provide~~ adequate security over their seal and signature wherever it

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appears, regardless of whether the seal and signature is produced electronically or by other means.

6.1.9 Record and as-built drawings.

6.1.9.1 Architects and professional engineers are not obligated to seal record or as-built drawings.

6.1.9.2 If an architect or professional engineer elects to seal record or as-built drawings, the seal may be applied only to the work over which the architect or professional engineer had direct supervision or which the architect or professional engineer personally observed during construction.

6.1.9.3 Architects and professional engineers shall not seal drawings that represent changes not actually observed during construction.

6.1.9.4 Architects and professional engineers may include notations on record or as-built drawings that indicate the work that they can actually confirm based on information obtained through observation, interview, samples, and other reliable sources, such as the following:

*These record drawings are a compilation of a copy of the sealed [engineering/architectural] drawings for this project, as modified by addenda, change orders, and information furnished by the contractor or others on the project. The information shown on the record drawings that was provided by the contractor or others not associated with the design [engineer/architect] cannot be verified for accuracy or completeness. The original sealed drawings are on file at the offices of [...].*

6.1.9.5 Alternatively, architects and professional engineers may seal and sign a cover letter stating what they have determined to be as-built through their own research and attach the letter to the drawings or plans.

6.1.9.6 Documentation of the work that was actually constructed is not the practice of architecture or engineering under the E&A Act.

**6.2 Prototypical Projects** Projects Based on Previously Sealed Project Documents

6.2.1 Design Documents prepared for projects that are designed by ~~other~~ architects and professional engineers licensed in jurisdictions other than Nebraska may be used for the

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construction of the project in Nebraska if reviewed, revised as appropriate, and sealed by an architect or professional engineer in to be built in several locations with only site adaptation, may be sealed by a Nebraska licensee if reviewed, revised as appropriate, and sealed by an architect or professional engineer licensed in Nebraska under the following ~~conditions~~ circumstances:

6.2.1.1 ~~Written permission of t~~The original architects~~(s)~~ and/or professional engineers~~(s)~~ provide written consent for the adaptation of~~to adapt~~ the documents or, if such permission cannot reasonably be obtained, the architect or professional engineer seeking to adapt the documents provides a written explanation of the circumstances that prevent such permission from being obtained;

~~6.2.1.2 — Acceptance of full responsibility for the documents.~~

~~6.2.1.3 — Provision of a coordinating professional, if required.~~

~~6.2.1.4 — Complete review for code compliance and coordination.~~

~~6.2.1.5 — Documentation of all changes made to the documents.~~

6.2.1.2 The documents include appropriate revisions relating to site and local climate considerations;

6.2.1.3 The documents are reviewed for zoning and code compliance, and revised as necessary;

6.2.1.4 The architect or professional engineer in Nebraska accepts full responsibility of the revised documents; and

6.2.1.5 The seal of a coordinating professional is applied, if required.

### 6.3 The Coordinating Professional

~~6.3.1 — The board recognizes the following as interpretations of coordinating professional provisions of the E&A Act:~~

~~6.3.1~~6.3.1.4 The Coordinating Professional is a licensed professional engineer or architect recognized as such by the project owner~~member of the design team.~~

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~~6.3.2~~~~6.3.1.2~~ The Coordinating Professional's role is: ~~seal connotes coordination of design disciplines, but does not signify responsible charge for the work.~~

~~6.3.2.1~~ To coordinate communication between the design professionals related to technical documents on the project;

~~6.3.2.2~~ To act as project liaison with the governing building official; and

~~6.3.2.3~~ To verify that all design disciplines involved in a project are working in coordination with one another, and that any changes made to the design are approved by the corresponding discipline, so that life, health, safety, and welfare are not compromised.

~~6.3.3~~ The Coordinating Professional's seal does not indicate responsible charge or direct supervision of the work.

~~6.3.1.3~~ ~~—The Coordinating Professional may not practice outside his or her expertise.~~

~~6.3.1.4~~ ~~—The Coordinating Professional shall act as project liaison with the governing building official.~~

~~6.3.1.5~~ ~~—The Coordinating Professional shall not comprise nor act as a construction manager, a general engineering consultant, a contractor, a developer, or a design builder unless qualified as a licensed professional member of the design team.~~

~~6.3.2~~ ~~—The intent of the Coordinating Professional requirement is to verify that all design disciplines involved in a project are working in coordination with one another, and that any changes made to the design are approved by the corresponding discipline, so that life, health, safety, and welfare are not compromised.~~

~~6.3.3~~ ~~—The Coordinating Professional's role is applicable primarily during a project's design, both before and during construction.~~

~~6.3.4~~ ~~—The designation of the coordinating professional may be transferred between licensed professional members of the design team on a particular project.~~

~~6.3.4~~~~6.3.5~~ The Coordinating Professional must~~should~~ use the following language in conjunction with their individual seal for identification as the Coordinating Professional: "I, (name of licensee), am the Coordinating Professional on the (name of project) project."

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## **CHAPTER 7. ORGANIZATIONAL PRACTICE**

### **7.1 Applications**

Organizations practicing or offering to practice engineering or architecture in Nebraska shall apply to the ~~b~~Board for a Certificate of Authorization. The ~~b~~Board will review the organization's application and ~~issues~~ a Certificate of Authorization if the minimum requirements are satisfied. The certificate is for use only by the organization to indicate that it has satisfied the minimum requirements of the ~~b~~Board for a period of two years to practice or offer to practice the professions of engineering and/or architecture in the State of Nebraska. The certificate of authorization shall be used to file any applications with the Nebraska Secretary of State to fulfill the appropriate statutes or requirements for practicing in Nebraska as a corporation, partnership, limited liability ~~corporation~~ company, professional corporation, or other such organizational designations appropriate under Nebraska law.

### **7.2 Minimum Organizational Requirements**

- 7.2.1 The minimum requirement for an organization to practice engineering in Nebraska is to have one professional engineer for engineering practice for the duration of the certificate of authorization.
- 7.2.2 The minimum requirement for an organization to practice architecture in Nebraska is to have one architect for architectural practice for the duration of the certificate of authorization.
- 7.2.3 The minimum requirement for an organization to practice engineering and architecture in Nebraska is to have one professional engineer and one architect for engineering and architectural practice for the duration of the certificate of authorization.
- 7.2.4 The architect and/or professional engineer must be licensed to practice in the State of Nebraska and must regularly perform professional services for the organization. ~~be a full-time employee of the organization.~~

### **7.3 Criteria for Issuing a Certificate of Authorization**

- 7.3.1 For certification to practice the profession of engineering, the signature of a one or more professional engineers licensed in the State of Nebraska must appear on the organization application. ~~That individual must be a full-time employee of the organization.~~
- 7.3.2 For certification to practice the profession of architecture, the signature of an one or more architects licensed in the State of Nebraska must appear on the organization application. ~~That individual must be a full-time employee of the organization.~~

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- 7.3.3 A licensed professional whose signature appears on the application may or may not have ownership interest in the organization.
- 7.3.4 The applicant must pay appropriate application fees.
- 7.3.5 An individual who has elected to take emeritus status is not eligible to sign an organization's application for a Certificate of Authorization.~~The certificate of authorization expires on the expiration date.~~
- 7.3.6 Should any licensed professional who has signed the application leave the organization, ~~die, leave the organization or become deceased~~ or lose their signatory authority, the organization within (30) thirty days must notify the ~~b~~Board and file an amendment to its application identifying the new licensed ~~individual(s)-professional~~ with signatory authority.
- 7.3.7 A temporary permit may be issued to a qualifying applicant practicing through an organization when the associated organization obtains a certificate of authorization.
- 7.3.7.1 The temporary permit holder will be listed on the certificate of authorization as the architect or professional engineer in responsible charge of the organization.
- 7.3.8 Applications for temporary permits may be administratively approved by Board staff but are conditional until formally approved by the Board.

#### **7.4 Design-Build**

An organization may offer or provide engineering and/or architectural services combined with construction services under the following conditions:

- 7.4.1 An architect and/or professional engineer licensed to practice in Nebraska participates substantially in those aspects of the ~~offering~~services which involve engineering and/or architectural services;
- 7.4.2 At the time ~~of the design-build offering~~the organization offers to perform such combined services, such the organization shall ~~furnish~~deliver to the ~~consumer~~project owner ~~of design-build services~~ a written statement identifying the architect and/or professional engineer who will perform the architectural &/or engineering ~~and/or architectural work~~services for the design-build project;
- 7.4.3 The architect and/or professional engineer engaged by such organization to perform the engineering and/or architectural work~~services~~ with respect to a design-build project shall have direct supervision of such work, ~~and may not be removed by such organization prior~~

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~~to the completion of the project without the written consent of the consumer of design-build services;~~

7.4.4 ~~If an architect and/or professional engineer engaged by such organization to perform the architectural and/or engineering services on the project ceases to be involved in the project, the design-builder shall promptly notify the project owner of such departure and of the identification of the architect and/or professional engineer who will assume those responsibilities;~~

~~7.4.5~~7.4.4 An organization offering design-build services, ~~using with~~ its own employees who are ~~licensed as architects or professional engineers~~~~design professionals licensed to practice~~ in Nebraska, shall comply with the E&A Act by procuring a certificate of authorization to practice engineering and/or architecture; and

~~7.4.6~~7.4.5 The ~~rendering performance~~ of ~~architectural and/or~~ engineering ~~and/or architectural~~ services by such licensed architect and/or professional engineer ~~will~~shall conform to the E&A Act and E&A Rules.

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**CHAPTER 8.:** ~~DISCIPLINARY ACTION~~ ENFORCEMENT

**8.1** ~~Probable Cause~~ Initial Review of Complaints and Compliance Issues

- 8.1.1 When a complaint is received by the ~~b~~Board in which a person or organization is alleged to have violated the Act, or if the bBoard becomes aware of a compliance issue that may constitute a violation of the Act, the Board may refer the complaint or compliance issue to a committee an investigative panel or an investigator, or may consider the complaint or compliance issue without such referral.
- 8.1.2 ~~If applicable, T~~he ~~panel~~committee or ~~the~~investigator shall makes a ~~determination and/or a~~recommendation as to:
- 8.1.2.1 Whether the ~~complaint~~matter should be ~~pursued~~dismissed for lack of probable cause; or
- 8.1.2.2 ~~If an informal process or mediation should be used;~~Whether there is probable cause that a violation of the Act has occurred; or
- 8.1.2.3 ~~If~~Whether further investigation is required in order to determine whether there is probable cause.;~~or~~
- 8.1.2.4 ~~If probable cause exists for taking further action or for issuing a summons and complaint to initiate the formal process.~~
- 8.1.3 Upon receipt of a recommendation or upon consideration by the entire Board, The ~~b~~Board will ~~reviews the determination and/or recommendation and determines~~ whether there is probable cause and, if so, whether the allegation should be dismissed, or an informal or formal process, mediation, or formal process should be taken~~undertaken to resolve the matter. If the Board finds there is no probable cause, the complaint shall be dismissed.~~
- 8.1.3.1 The Board may make a determination on probable cause with or without having requested a response from the respondent.
- 8.1.4 A complaint or compliance issue~~Action~~ against ~~the~~any person or organization ~~holding a certificate of authorization~~ may be brought in the name of the ~~b~~Board or brought before the board in the name of the complainant versus the respondent.

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**8.2 Informal Process**

The Board may ~~wish to select~~ utilize an “informal process” as described below in lieu of, or as a prerequisite for, entering into a “formal legal process.” ~~Under this option, the board would generally follow these steps after receiving a written complaint that an individual or organization has violated the E&A Act or the E&A Rules:~~

8.2.1 The respondent shall be entitled to copies of the complaint and all information upon which the probable cause determination was made.

8.2.2 The Board and the respondent may reach an agreement as to the terms of the resolution of the matter without the respondent’s appearance before the Board.

~~8.2.3~~8.2.1 If an agreement is not reached without the appearance of the respondent, the respondent will be requested in writing to appear before the Board for an informal discussion of the matter. ~~The board sends a letter to any or all of the parties involved in the complaint, requesting that they attend a board meeting to informally discuss matters related to the complaint. At the scheduled meeting with the board, the board shall clearly state to the parties that the meeting is informal and that no individuals or organizations will be giving up their “due process rights” by participating in this “informal process.” The board may request that parties bring materials, documents, or exhibits that might be useful in facilitating the informal discussion with the board.~~

8.2.3.1 The Board may, but need not, request any other party involved in the complaint to appear along with the respondent. Such appearance is voluntary and cannot be compelled.

8.2.3.2 Copies of the documents referred to in rule 8.2.1 shall be provided to the respondent no later than the time the request to appear is made.

8.2.4 At the scheduled meeting with the Board, the Board shall clearly state to the party or parties that the meeting is informal and that no individuals or organizations will be giving up their rights to due process by participating in the informal process.

8.2.5 The Board may request that a party or parties bring materials, documents, or exhibits to facilitate the informal discussion with the Board.

~~8.2.6~~8.2.2 The matter will be resolved ~~if~~ the Board and the respondent ~~parties~~ can reach a terms of mutual ~~understanding~~ agreement on the issues, and a consent agreement or other such document is executed on those terms. Acceptable terms may include, but are not limited to, a requirement for additional professional education, limitations on practice,

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~~civil penalties, and assessment of fees and/or costs that any violations of the E&A Act and/or the E&A Rules that may have been violated in this complaint can easily be corrected through “education” and applied properly in future activities of the parties, then the board may consider the complaint to be resolved. Under this process the board is looking to the party or parties named in the complaint to take their own corrective actions to establish compliance with the E&A Act and the E&A Rules.~~

~~8.2.7~~8.2.3 The ~~b~~Board ~~may~~ ~~retains the authority to~~ separate ~~items~~issues within a complaint into those that can be resolved with ~~this~~an “informal process” from those ~~of a more serious nature which~~that must be resolved under ~~the~~ “legal a formal process.”

~~8.2.4~~ Matters resolved through the “informal process” will ~~so be acknowledged in writing to all parties who participated in the process.~~

~~8.2.8~~8.2.5 The respondent’s Pparticipation in the informal process is ~~intended to be~~ voluntary, not mandatory~~;~~; ~~on the part of the respondent.~~

### ~~8.3~~ — Mediation

~~At the request of either party, if agreed to by both parties, the complaint shall be referred to a state approved mediation center for resolution pursuant to the Nebraska Dispute Resolution Act.~~

### ~~8.3~~8.4 Formal Process

~~8.3.1~~8.4.1 The procedure for hearings in ~~contested cases~~matters not resolved by informal process shall be in accordance with Title 53, Nebraska Administrative Code, Chapter 4 of the Nebraska Department of Justice. ~~Copies of Title 53, Nebraska Administrative Code, Chapter 4 are available from the Nebraska Secretary of State’s Office and are also available on computer disc from the Nebraska Attorney General’s Office.~~

~~8.3.1.1~~ The formal process shall be initiated by the filing of a petition in accordance with the Nebraska Administrative Code. The Board’s receipt of a complaint shall not constitute the initiation of a formal process.

~~8.3.2~~8.4.2 Any person aggrieved by a final decision in a ~~contested case~~formal process is entitled to judicial review under the Administrative Procedures Act, or resort to such other means of review as may be provided by law.

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~~8.5~~ — ~~Publication~~

~~The board, having taken disciplinary action after hearing or by agreed settlement, may publish the respondent's name and place of business.~~

**8.4.1.1.1 Remediation**

~~8.4.1.1.1~~ ~~8.6.1~~ **Remediation of** Projects with ~~inadequately~~ ~~sealed~~ ~~documents or work~~ performed by an unlicensed individual may be remediated under the following circumstances:

~~8.4.1.1.1~~ ~~8.6.1.1~~ Pursuant to a complaint alleging the unlicensed practice of engineering or architecture, the Board may, at its discretion, allow work not in compliance with the E&A Act ~~or the E&A Rules~~ to be remediated by the following method:

~~8.4.1.1.1~~ ~~8.6.1.1.1~~ A ~~letter is written by a~~ licensed architect or professional engineer, as appropriate, ~~must submit a letter to the Board bearing the architect's or professional engineer's seal, explaining his or her~~ ~~their~~ relationship to the project, and ~~identifying~~ deficiencies, ~~if any~~, found in the improperly sealed documents, including the need for involvement of other design disciplines; ~~and~~

~~8.4.1.1.2~~ ~~8.6.1.1.2~~ ~~If the project is under construction, the remediation architect or professional engineer must identify immediate concerns of public safety and, when required, notify the appropriate authority to halt construction; and~~

~~8.4.1.1.3~~ ~~8.6.1.1.2~~ ~~If deficiencies are identified, the remediation architect or professional engineer must recommend design solutions to correct those deficiencies; and~~ ~~The letter is sealed with the requisite signature and date by the licensed professional;~~

~~8.6.1.1.3~~ ~~The licensed professional assumes responsibility for the design and becomes the coordinating professional;~~

~~8.4.1.1.4~~ ~~8.6.1.1.4~~ The letter ~~will~~ becomes a permanent part of the existing contract documents; ~~and~~

~~8.4.1.1.5~~ ~~8.6.1.1.5~~ Revisions ~~are~~ made to the deficient documents by the ~~remediation~~ architect or professional engineer ~~must be~~ ~~and are~~ attributed accordingly; and

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8.4.1.1.6 The remediation architect or professional engineer must assume responsibility for the design, and a coordinating professional must be designated if required; and

8.4.1.1.7 New documents, prepared by the licensed professionals involved must be sealed, signed, and dated; and

~~8.4.1.1.8~~~~8.4.1.6~~ The remediation architect or professional engineer shall not seal any of the unsealed or improperly sealed documents with respect to the project~~remain unsealed by the licensed professional, but are supplemented by the sealed letter.~~

8.4.1.2 The Board may take steps to issue a cease and desist order or any other remedy available to the Board under the law if, for any reason, no solutions are proposed to correct the deficiencies or the recommended solutions are not implemented.

8.4.2 In furtherance of public health, safety, and welfare, all state agencies and political subdivisions shall, before issuing any permit authorizing construction or occupation of a project, assure that:

8.4.2.1 The application for such project is accompanied by a set of plans bearing the seal of an architect or professional engineer in accordance with the E&A Act and E&A Rules; or

8.4.2.2 The person presenting the application establishes that the project is exempt under the E&A Act and E&A Rules.

8.4.3 State agencies and political subdivisions shall promptly notify the Board if the assurances required in rule 8.4.2 are not provided or if there are no or insufficient design documents for the project.

8.4.3.1 Such notice shall be provided irrespective of any assurance or representation by any individual or organization involved in the construction of the project.

8.4.3.2 With the exception of providing notice as set forth in this rule, state agencies and political subdivisions shall have no obligation to enforce the terms the E&A Act or the E&A Rules.

~~8.6.2~~ ~~Remediation of Projects without Design Documents~~

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~~8.6.2.1~~ In addition to the requirements described in Rule 8.6.1, where there are no original design and/or construction documents for work not in compliance with the law, the following additional information will be required:

~~8.6.2.1.1~~ The remediation letter written should describe the deficiencies found in the design and/or construction of the work.

~~8.6.2.1.2~~ The letter shall be submitted to the Board within 30 days of the Board's authorization to proceed with remediation.

~~8.6.2.1.3~~ New documents, prepared by the licensed professionals involved, are sealed, signed, and dated.

**8.58.7 Enforcement** Failure to Comply with Board Orders

8.5.1~~8.7.1~~ If any person refuses to obey any decision or order of the ~~b~~Board, enforcement proceedings may be commenced in the appropriate district court in accordance with Neb. Rev. Stat. § 81-3440.

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## **CHAPTER 9. CONTINUING EDUCATION**

### **9.1 Introduction**

- 9.1.1 Every ~~licensee~~architect and professional engineer ~~shall~~must meet the Continuing Education requirements of these regulations as a condition for license renewal.

### **9.2 Definitions Regarding Continuing Education**

- 9.2.1 ~~Architectural Continuing Education (ACE) means the biennial continuing education required by the American Institute of Architects (AIA) for maintenance of membership in that professional organization. For those not associated with the AIA, Architects must complete~~ twenty-four (24) actual hours of architectural-related learning every biennial period to satisfy the ACE requirement~~are required~~; of those, at least sixteen (16) are to address the safeguarding of life, health, and property.
- 9.2.2 ~~Engineering Continuing Education (ECE) means the biennial continuing education requirements for professional engineers in any NCEES jurisdiction. For those not involved in a mandatory continuing education program in another jurisdiction, Professional Engineers must complete~~ thirty (30) actual hours of engineering-related learning every biennial period to satisfy the ECE requirement~~are required~~.
- 9.2.3 Web-based offerings other than those provided by (1) International Association for Continuing Educational Training (IACET) approved providers, (2) institutions of higher education that have an accredited program in architecture or engineering, (3) professional engineering or architectural societies, (4) technical societies and associations recognized at a national level, or (5) governmental agencies may constitute no more than one-fourth of the biennial education requirement that is six (6) ACE hours or seven and one-half (7.5) ECE hours.
- 9.2.4 At least one (1) PDH hour of the biennial ACE and ECE requirements must be directly related to ethical issues of professional practice.
- 9.2.5 An individual who is both an architect and professional engineer may use ethics related hours and any other hours to satisfy both the ACE and ECE requirements if the subject directly relates to both professional practices.

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**9.3 Requirements**

- ~~9.3.1 Every architect is required to obtain an ACE, or the equivalent from another jurisdiction of his or her licensure.~~
- ~~9.3.2 Every professional engineer is required to obtain an ECE, or the equivalent from another jurisdiction of his or her licensure.~~
- ~~9.3.2.1 Professional engineers are encouraged to obtain their ECE in their discipline of licensure.~~
- ~~9.3.2.2 Professional engineers who hold multiple license disciplines may satisfy the ACE requirement in any of the licensed disciplines, at the thirty (30) actual hour biennial requirement.~~
- ~~9.3.3 A person who is licensed as both an architect and professional engineer in Nebraska may satisfy either the ACE or the ECE requirement.~~
- ~~9.3.4 Professional Civil Engineers, who are licensed as land surveyors in the state, can use one-half of their required credits from their surveying continuing education credits.~~

**9.39.4 Continuing Education Units and Carry-over**

- ~~9.4.1 One actual hour of learning means at least fifty (50) minutes spent in verifiable educational pursuit.~~
- 9.3.1 One Professional Development Hour (PDH) is equivalent to at least fifty (50) minutes of instruction.
- ~~9.3.2~~9.4.1.1 One semester credit hour of formal education is equivalent to forty-five (45) ~~actual~~PDHs hours.
- ~~9.3.3~~9.4.1.2 One quarter credit hour of formal education is equivalent to thirty (30) ~~actual~~PDHs hours.
- ~~9.4.1.3 One Professional Development Hour (PDH) is equivalent to one actual hour.~~
- 9.3.4~~9.4.2~~ ~~The licensee~~Architects and professional engineers may carry up to one-half of ~~the forward excess required continuing education credits from the previous biennial period,~~ up to a maximum of one-half the required credits from the previous biennial requirement, into the subsequent renewal period. ~~Excess~~ credits~~continuing education~~

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~~credits~~ can be carried ~~forward~~over only into the biennial period immediately following the period in which the credit was earned.

**9.4~~9.5~~ Determination of Credit**

9.4.1~~9.5.1~~ The ~~Nebraska~~ Board ~~of Engineers and Architects~~ has final authority with respect to approval of courses, credit, ~~or~~ unit value for courses, and other methods of earning ACE and ECE credit. No pre-approval of offerings will be issued.

9.4.2~~9.5.2~~ Certified satisfaction of mandatory continuing education requirements in any ~~NCARB or NCEES~~ jurisdiction recognized by the Board, for the ~~time~~exact renewal period in question in Nebraska, will satisfy the Nebraska requirement.

**9.5~~9.6~~ Recordkeeping**

9.5.1~~9.6.1~~ Every architect and professional engineer is responsible for maintaining~~The maintenance of~~ records necessary to be used to support credits claimed for continuing education~~is the responsibility of the licensee.~~ Records required include, but are not limited to:

9.5.1.1~~9.6.1.1~~ A log showing the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, and unit credits earned; or

9.5.1.2~~9.6.1.2~~ Attendance verification records in the form of completion certificates or other documents supporting evidence of attendance; or

9.5.1.3~~9.6.1.3~~ ~~Records as maintained by the American Institute of Architects, the Professional Development Registry for Engineers and Surveyors (PDRES), the NCEES CPC tracking program, or other similar repositories. These records must be maintained for a period of four years and copies may be requested by the board for audit verification purposes.~~Records relating to continuing education that are maintained by NCEES, NCARB, or other organizations may be accepted by the Board as evidence of completion of the ACE or ECE requirements.

**9.6~~9.7~~ Exemptions and Waiver**

9.6.1~~9.7.1~~ ~~A licensee~~Architects and professional engineers may be exempt from the continuing education requirements for one of the following reasons:

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~~9.6.1.19.7.1.1~~ 9.6.1.19.7.1.1 ~~Architects and professional engineers licensed by~~ Architects and professional engineers ~~New licensees by way~~ of examination or reciprocity-comity shall be exempt for their initial renewal period.

~~9.6.1.29.7.1.2~~ 9.6.1.29.7.1.2 ~~A licensee~~ Architects and professional engineers serving on temporary full-time active duty in the armed forces of the United States or any state for a period of time exceeding one hundred twenty (120) consecutive days in a year shall be exempt from obtaining the continuing education hours required during that year.

~~9.6.1.39.7.1.3~~ 9.6.1.39.7.1.3 ~~Licensees~~ Architects and professional engineers experiencing physical disability, illness, or other extenuating circumstances as reviewed and approved by the ~~b~~Board may be exempt. Supporting documentation must be furnished to the ~~b~~Board.

~~9.6.1.49.7.1.4~~ 9.6.1.49.7.1.4 ~~Licensees~~ Architects and professional engineers who ~~choose the~~ have elected ~~Emeritus option~~ status on the board approved renewal form shall be ~~are~~ are exempt from the continuing education ~~hours required~~ requirement. In the event such a person elects to have their license to practice reinstated, ~~return to active practice of architecture or professional engineering~~, continuing education hours must be earned for each year of emeritus status before the license will be reinstated, ~~returning to active practice for each year exempted~~ but not to exceed twenty-four (24) hours for architects or thirty (30) hours for professional engineers. Such credits must be earned in accordance with the restrictions related to the biennial ACE or ECE requirements.

~~9.6.29.7.2~~ 9.6.29.7.2 The ~~b~~Board may, at its discretion, ~~reserves the right to~~ waive the continuing education requirement for any architect or professional engineer ~~at their discretion~~.

## **9.8 — Reinstatement**

~~9.8.1~~ 9.8.1 ~~A licensee may bring a nonrenewable license or Emeritus license to active status by obtaining all delinquent continuing education units, not to exceed the biennial ACE or ECE requirement. Documentation is required at the time of application for reinstatement.~~

## **9.9 — Satisfaction by Comity with Other Jurisdictions**

~~9.9.1~~ 9.9.1 ~~The continuing education requirements for Nebraska will be satisfied when a licensee is certified to be licensed in, and as having met the mandatory continuing education requirements of, an NCARB or NCEES jurisdiction for the period of time in question.~~

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**9.7.9-10 Forms and Audits**

~~9.10.1~~ ~~Renewal forms will contain a section for indication of satisfactory continuing education. A license will become nonrenewable without hearing after December 31st following the expiration date if the continuing education requirement is not met.~~

~~9.7.1~~9.10.2 The ~~b~~Board will establish a number of ~~licensees~~architects and professional engineers, to be selected at random, to submit substantiating information to support their continuing education claim. ~~These submittals will be analyzed by the board who will recommend renewal or denial of licensure based on the result.~~

9.7.2 Board staff is authorized to approve continuing education audit submittals for license renewals. Submittals that raise significant questions of acceptability will be forwarded to an individual Board member for final determination.

~~9.7.3~~9.10.3 If the ~~b~~Board disallows any of the ~~professional development~~ACE or ECE hours claimed, the applicant for licensure renewal or reinstatement shall have 120 days after notification to substantiate the original claim or to earn other credit to meet the minimum requirements.

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**CHAPTER 10. EXEMPTIONS; CLARIFICATION**

**10.1 Introduction**

Any citation to the state building code shall mean the most recent edition of the state building code as adopted in Neb. Rev. Stat. § 71-6403.

**10.2 Definitions; Neb. Rev. Stat. §§ 81-3449 (1) & 81-3453 (1)**

The following definitions may be used as an adjunct to that reference:

10.2.1 Above-grade Finished Space: For single-family through 4-dwelling units; this includes all enclosed, potentially-habitable area on any level, up to a maximum of three levels.

10.2.2 Detached sheds or storage buildings and attached or detached garages, up to a maximum of three stalls, are exempted from the area calculations for Residential occupancies.

10.2.3 Occupancy Classification relates to the type of occupancy intended for the built area and shall be as defined in the state building code.

10.2.4 Building area shall be as defined in the state building code.

**10.3 Statutory Exemptions to the Engineers and Architects Regulation Act**

Notwithstanding other provisions of the E&A Act, persons who are not licensed architects or professional engineers may perform planning and design services in connection with any building, structure, or work as indicated below:

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	OCCUPANCY CLASSIFICATION	MAXIMUM BUILDING AREA
10.3.1	A - Assembly	Less than 1,000 square feet
10.3.2	B - Business	Less than 3,000 square feet
10.3.3	E - Educational	Less than 1,000 square feet
10.3.4	F - Factory	Less than 5,000 square feet
10.3.5	H - Hazardous	
	H-1, H-2, H-3, H-4	Less than 2,000 square feet
	H-5	Less than 4,000 square feet
10.3.6	I - Institutional	
	I-1 Personal care	Less than 3,000 square feet
	I-2 Healthcare	Less than 5,000 square feet
	I-1 Detention	Less than 3,000 square feet
	I-4 Day care	Less than 2,000 square feet
10.3.7	M - Mercantile	Less than 3,000 square feet
10.3.8	R - Residential	
	R-1, R-2, R-4	Less than 4,000 square feet
	R-3 single family	Less than 10,000 square feet
10.3.9	S - Storage	Less than 5,000 square feet
10.3.10	U - Utility	Less than 5,000 square feet

10.3.11 Any structure which contains two or more occupancies shall be governed by the most restrictive occupancy for the purpose of utilizing Rule 10.3.

**10.4 Renovations and One-Level Additions**

10.4.1 Renovations and one-level additions to an existing building, structure, or work shall be exempt from the E&A Act if:

10.4.1.1 The total impacted area is less than the area set by Section 10.3 of this Chapter; and

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10.4.1.2 The area of renovation or addition does not adversely impact the mechanical system; the electrical system; the structural integrity; the means of egress; and does not change or come into conflict with the occupancy classification of the existing or adjacent tenant space, building, structure or work.

**10.5 The Practice of Engineering and Architecture**

10.5.1 The development and utilization of construction means and methods such as schedules, work plans, work orders and directions, procedures, construction calculations, selection, provision and use of temporary facilities in support of construction activities, reports, selection and use of safety procedures and facilities, instructions and similar items customarily used by contractors to implement construction work designed by licensed persons does not constitute the practice of engineering or architecture.

10.5.2 The preparation by employees of construction companies of ancillary drawings and data, such as field details, shop drawings, product data, conceptual drawings, calculations, diagrammatic instructions and similar documents and information, which are typically utilized to implement the construction of a facility designed by a licensed person does not constitute the practice of engineering or architecture.

10.5.3 The performance of field layout and installation work by employees of construction companies on projects designed by a licensed person or persons, including construction work such as field staking and measurement; installation of material or equipment at designed locations or locations selected in the field; field fitup and modification work; and layout of construction installation and support work does not constitute the practice of engineering or architecture.

10.5.4 The estimate of the cost of construction work (including the extent of the cost of changes in the work) by construction companies including such things as preparing and reviewing preliminary concepts of the project, identifying the scope of the construction work, preparing preliminary schedules and sequences for the construction work, and evaluating the estimates of subcontractors and suppliers, does not constitute the practice of engineering or architecture.

10.5.5 The performance of work customarily involved in project management of construction work on projects designed by licensed persons does not constitute the practice of engineering or architecture. \_Examples would be:

10.5.5.1 The evaluation of the project and its budget;

10.5.5.2 Services relating to financing the project;

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- 10.5.5.3 Recommendations on construction feasibility, timing of design and construction, and factors relating to construction costs such as alternative designs prepared by a licensed professional;
- 10.5.5.4 Procurement of labor and materials;
- 10.5.5.5 Coordination and evaluation of subcontractor performance;
- 10.5.5.6 Preparation of schedules;
- 10.5.5.7 Estimating the project costs;
- 10.5.5.8 Performing construction work; and
- 10.5.5.9 Reporting on the progress and costs of the work.

10.5.6 Preliminary and Final Plats

Preparation of a preliminary plat is not restricted, but the final plat must be prepared and certified by a registered Land Surveyor. If, however, the final plat contains streets (other than rights-of-way), sewers, water lines, or other engineering works, it needs to be prepared and certified by both a registered Land Surveyor and a professional engineer. Mathematical details of the final plat are the responsibility of the registered Land Surveyor. Physical details, such as grading, public works, or construction are the responsibility of the professional engineer and may not be certified by the registered Land Surveyor.

10.5.7 Livestock Waste Permits; Neb. Rev. Stat. §§ 81-3449(13) & 81-3453(12)

Under the E&A Act, the seal of an architect or professional engineer will be required for work related to livestock waste facilities only when the work falls within the definition of practice of architecture (Neb. Rev. Stat. § 81-3420) or practice of engineering (Neb. Rev. Stat. § 81-3421).

10.5.8 Water Based Fire Protection Systems; Neb. Rev. Stat. §§ 81-3449 (11) & 81-3453 (7)

Nothing in the E&A Act shall prevent a certified water-based fire protection system contractor with a responsible managing employee from engaging in the business of installation, repair, alteration, addition, maintenance, or inspection of water-based fire protection systems, or system layout recognized by the State Fire Marshal, in accordance with Neb. Rev. Stat. §§ 81-5,158 to 81-5,164.

10.5.9 Participation in a Design Competition

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Conceptual design services, as provided in a design competition, are a part of the practice of architecture and engineering. Those services are also an offer to practice; therefore, design professionals participating in a Design Competition in Nebraska must be licensed to practice their profession in Nebraska, or procure a temporary permit.

10.5.10 Spill Prevention Containment and Countermeasures

Preparation of Spill Prevention Containment and Countermeasure (SPCC) plans for a project located in Nebraska that requires the seal of a professional engineer, constitutes the practice of engineering and must be prepared by a professional engineer licensed by the [Board](#).

**10.6 Building Officials**

Notwithstanding these exemptions, the responsible building official may require plans and specifications to be designed and prepared by an architect and/or professional engineer if the official finds a hazard to life, health, safety, or welfare due to the unusual circumstances of the building or structure or an unusually large number of potential occupants in relation to square footage for a particular occupancy.

**10.7 Emergency Services**

A person who is not currently licensed in this state, but who is currently licensed in another jurisdiction in the United States, may provide uncompensated (other than reimbursement of expenses) professional services at the scene of a declared emergency at the request of a public officer acting in an official capacity.

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**CHAPTER 11.1 PROMULGATION, AMENDMENT, OR REPEAL OF RULES**

**11.1 Petitioning For Rulemaking**

11.1.1 Petitioning for rulemaking shall be in accordance with Title 53, Nebraska Administrative Code, Chapter 2 of the Nebraska Department of Justice. ~~Copies of Title 53, Nebraska Administrative Code, Chapter 2 are available from the Nebraska Secretary of State's Office and are also available on computer disc from the Nebraska Attorney General's Office.~~