

## **CHAPTER 28-02.1-04 GENERAL REQUIREMENTS**

### Section

28-02.1-04-01 General Requirements

28-02.1-04-02 Experience

#### **28-02.1-04-01. General requirements.**

All applicants must:

1. Complete the applications on forms approved by the board.
2. Complete the application under oath. An affidavit is required.
3. Furnish references as required but may not include board members or relatives of the applicant as references.

**History:** Effective January 1, 1988; amended effective April 1, 1999; October 1, 2004; October 1, 2010; October 1, 2014.

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

**Law Implemented:** NDCC 43-19.1-12

#### **28-02.1-04-02. Experience.**

The following describes what the board considers acceptable experience. The applicant must provide proof that the experience meets these requirements.

1. The experience gained through military service must be substantially equivalent in character to civilian experience in similar fields or disciplines. ~~Generally, military experience is not favored by the board unless the applicant served in a military engineering or surveying related component of the armed services.~~
2. Experience must be of a grade and character that indicates to the board that the applicant is competent to practice and preferably be gained under the supervision of a registered professional engineer or professional land surveyor.
3. Experience must be substantially related to engineering or land surveying. Dual registration must fulfill experience requirements for each application without duplicate credits for time of gaining experience.
4. The board requires progressive experience in applying the principles and methods of engineering analysis and design for an applicant in fulfilling experience requirements if the applicant is seeking professional engineering registration.
5. The board requires progressive experience on surveying projects to indicate that it is of increasing quality and requiring greater responsibility. A substantial portion of the experience must be spent in charge of work related to property conveyance or boundary line determination, or both. The experience must demonstrate adequate experience in the technical field aspects of the profession.
6. An engineering or land surveying applicant may be granted one year's experience for each postgraduate degree in the field of practice following a baccalaureate degree in the field of practice, not to exceed two years.
7. Military Spouses:  
Military spouse applicants must satisfy the requirements located in N.D. Cent. Code § 43-51-11.1

- a. The board shall grant on a case by case basis exceptions to the board's licensing standards to allow a military spouse to practice the profession of engineering if upon application to the board:
- (1) The military spouse demonstrates competency in the profession through methods or standards determined by the board which must include experience in the profession for at least two of the four years preceding the date of application under this section; and
  - (2) The board determines the issuance of the license will not substantially increase the risk of harm to the public.
- b. The board shall issue a provisional license or temporary permit to a military spouse for which the licensure requirements under subdivision a. have been substantially met. No fees will be charged a military spouse for a provisional license or temporary permit. The provisional license or temporary permit may not exceed two years and remains valid while the military spouse is making progress towards satisfying the unmet licensure requirements. A military spouse may practice under a provisional license or temporary permit until any of the following occurs.
- (1) The board grants or denies the military spouse a North Dakota license under subdivision a., or grants a North Dakota license under the traditional licensure method;
  - (2) The provisional license or temporary permit expires;
  - (3) The military spouse fails to comply with the terms of the provisional license or temporary permit; or
  - (4) The board revokes the provisional license or temporary permit based on a determination revocation is necessary to protect the health and safety of the residents of the state.
- c. A military spouse issued a license under this section has the same rights and duties as a licensee issued a license under traditional licensure methods.
- d. If within thirty days of receipt of a completed application under subdivision a. the board does not grant or deny a license or does not issue a provisional license or temporary permit under subdivision b., the board automatically shall issue a provisional license or temporary permit. A provisional license or temporary permit issued under this subdivision shall remain valid until the board grants or denies the application for licensure under subdivision a. or issues a provisional license or temporary permit per the requirements under subdivision b.
- e. On each licensure application and renewal form the board shall inquire and maintain a record of whether an applicant or licensee is a member of the military or military spouse. If an applicant self-identifies as and provides the board with satisfactory proof of being a military spouse, the board immediately shall commence the process to issue a license, provisional license or temporary permit.

**History:** Effective January 1, 1988; amended effective August 1, 1994; April 1, 1999; October 1, 2010.

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

**Law Implemented:** NDCC 43-19.1-14, 43-19.1-15, 43-19.1-16, 43-19.1-17, 43-51-11.1



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

### **Section**

- 28-02.1-05-01    Qualifications and Requirements - Engineer Intern
- 28-02.1-05-02    Qualifications and Requirements - Professional Engineer by Examination

#### **28-02.1-05-01. Qualifications and requirements - Engineer intern.**

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

**History:** Effective January 1, 1988; amended effective August 1, 1994; April 1, 1999; October 1, 2004; October 1, 2010.

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

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

#### **28-02.1-05-02. Qualifications and requirements - Professional engineer by examination.**

A person applying for registration as a professional engineer by examination must have an engineer intern certificate, and appropriate experience as required by North Dakota Century Code section 43-19.1-14. The experience must be subsequent to graduation, verifiable, and prior to writing the principles and practice of engineering examination.

**History:** Effective January 1, 1988; amended effective August 1, 1994; April 1, 1999; October 1, 2004; October 1, 2010.

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

**Law Implemented:** NDCC 43-19.1-14

## CHAPTER 28-02.1-06

### QUALIFICATIONS AND REQUIREMENTS FOR PROFESSIONAL LAND SURVEYORS

#### Section

28-02.1-06-01    Qualifications and Requirements - Land Surveyor Intern

28-02.1-06-02    Qualifications and Requirements - Professional Land Surveyor by Examination

#### **28-02.1-06-01. Qualifications and requirements - Land surveyor intern.**

~~Land surveyor intern applicants applying prior to July 1, 2028 must satisfy the requirements located in North Dakota Century Code section 43-19.1-16.1.~~

1. Land surveyor intern applicants applying prior to July 1, 2028 must satisfy the requirements located in North Dakota Century Code section 43-19.1-16.1.
2. Land surveyor intern applicants applying after June 30, 2028 must satisfy the requirements located in North Dakota Century Code section 43-19.1-16.2.
  - a. A board approved accredited program will consist of a minimum of 24 semester credits in surveying science and surveying practice courses consisting of a minimum of:
    - (1) 4 semester credits in Drafting/CAD/GIS,
    - (2) 10 semester credits in basic Land Surveying, and
    - (3) 10 semester credits in Principles and Practices of Land Surveying.
  - b. A board approved accredited program will also consist of a minimum of 6 semester credits of oral and written communication.
  - c. Credits will be determined as follows:
    - (1) one hour of classroom or direct faculty instruction **and** a minimum of two hours of out-of-class student work each week for a minimum of fifteen weeks equals one semester of credit.
    - (2) one hour of classroom or direct faculty instruction **and** a minimum of two hours of out-of-class student work each week for a minimum of ten weeks equals one quarter of credit.
    - (3) One quarter of credit equals 2/3 of one semester of credit.

**History:** Effective January 1, 1988; amended effective August 1, 1994; April 1, 1999; October 1, 2004; October 1, 2010.

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

**Law Implemented:** NDCC 43-19.1-16.1; 43-19.1-16.2

#### **28-02.1-06-02. Qualifications and requirements - Professional land surveyor by examination.**

A person applying for registration as a professional land surveyor by examination must have a land surveyor intern certificate and the appropriate experience as required by North Dakota Century Code section 43-19.1-16.

Upon successful completion of the principles and practice of surveying examination, professional land surveyor applicants must pass an examination pertaining to land procedures and practices in North Dakota.

**History:** Effective January 1, 1988; amended effective August 1, 1994; April 1, 1999; October 1, 2004; October 1, 2010; October 1, 2014.

**General Authority:** NDCC 43-19.1-08  
**Law Implemented:** NDCC 43-19.1-16, 43-19.1-16.1

## **CHAPTER 28-02.1-07 CERTIFICATES OF COMMERCIAL PRACTICE**

### **Section**

- 28-02.1-07-01    Applications [Repealed]  
28-02.1-07-02    Issuance of Certificate of Commercial Practice

#### **28-02.1-07-01. Applications.**

Repealed effective October 1, 2010.

#### **28-02.1-07-02. Issuance of certificate of commercial practice.**

Certificates of commercial practice are not transferable and require the organization to:

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

**History:** Effective January 1, 1988; amended effective April 1, 1999; October 1, 2010.

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

**Law Implemented:** NDCC 43-19.1-27

## CHAPTER 28-02.1-08 CERTIFICATES AND SEALS

### Section

28-02.1-08-01	Certificates
28-02.1-08-02	Seals
28-02.1-08-03	Use of Seals

### **28-02.1-08-01. Certificates.**

1. Certificates of registration and certificates of commercial practice issued by the board should be displayed by the registrant in a prominent place in the registrant's office or principal place of business.
2. In case a certificate is lost or destroyed, a duplicate certificate will be issued upon request. The charge for a duplicate certificate shall be determined by the board.

**History:** Effective January 1, 1988; amended effective April 1, 1999; October 1, 2010.

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

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

### **28-02.1-08-02. Seals.**

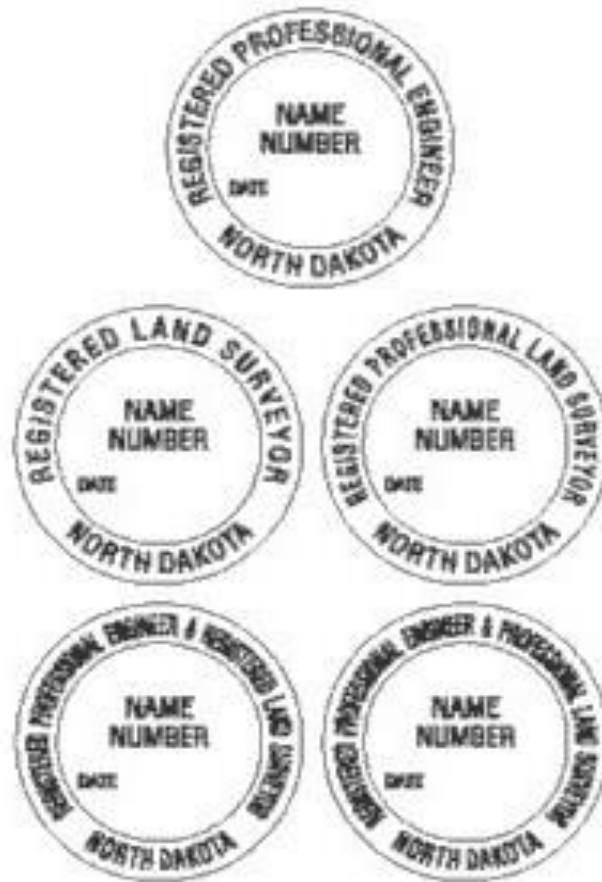
1. The board has adopted standard seals or stamps similar to those illustrated in this section for use by registered professional engineers and professional land surveyors as prescribed by law. The seal authorized by the state board of registration for professional engineers and land surveyors for registrants is of the crimp type or rubber stamp, or electronic. Seals prepared after July 1, 2005, shall be of a design so the seal consists of two concentric circles with the diameter of the outer circle being one and three-fourth inches [44.45 millimeters] and the diameter of the inner circle being one and one-fourth inches [31.75 millimeters]. The upper portion between the two circles shall bear whichever of the following phrases is applicable to the registrant: "Registered Professional Engineer", "Registered Professional Land Surveyor", or "Registered Professional Engineer & Land Surveyor". Professional land surveyors who purchased a seal with the phrase "Registered Land Surveyor" prior to January 1, 2011, are not required to purchase a new seal. At the bottom of the annular space between the two circles shall appear the inscription "North Dakota"; the inner circle shall contain the name of the registrant, registration number, and the word "Date". The registration number assigned should be centered in the inner area of the seal in the space occupied by the word "NUMBER" and the size of the numbers should not be larger than the word "NAME". The words and parentheses "(NUMBER)" and "(NAME)" should not appear on the seal.
2. Seals may be of rubber stamp, metal impression type, computer-generated, or electronically generated. ~~Electronic seals may not be used in any document unless the document contains a signature that meets the requirements of a digital signature. Computer generated and electronically generated seals are herein referred to as an "electronic seal."~~
3. A registrant shall also apply the registrant's signature across the face of the seals for a non-digital electronic signature. The term "non-electronic signature", as used herein, means a handwritten identification containing the name of the person who applied it. An electronic signature is a signature that is computer generated or electronically generated and must be unique to and under the sole control of the person using it; it must be capable of verification and be linked to a document in such a way that the electronic signature is invalidated if any data on the document is changed. ~~A digital~~ An electronic signature is not required to be across the face of the seal. A rubber stamp or facsimile signature is not allowed. The signature and seal must also be dated. ~~No further certification need accompany the seal and signature.~~



- ~~4. The term "signature", as used herein, shall mean a handwritten identification containing the name of the person who applied it; or for electronic or digital documents shall mean a digital signature that shall include an electronic authentication process in a secure mode that is attached to or logically associated with the electronic document to which it is applied. The digital signature must be unique to, and under the sole control of, the person using it; it must~~

also be capable of verification and be linked to a document in such manner that the digital signature is invalidated if any data on the document is altered.

4. The illustrated standard stamps and seals are as follows:



**History:** Effective January 1, 1988; amended effective August 1, 1994; April 1, 1999; October 1, 2004; October 1, 2010; October 1, 2014.

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

**Law Implemented:** NDCC 43-19.1-21

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

1. The original copies of all drawings, plan sheets, specifications, studies, reports, plats, maps, and other engineering and surveying work product other than earthwork cross sections (each of which is hereafter referred to as a "document" in this section) must receive a seal and signature.
  - a. Studies, reports, and project specifications need the seal and signature only on a single introductory sheet.
  - b. Every sheet or drawing in an original set of engineering plans must receive a seal and signature.
  - c. If computer generated or electronically generated seals or signatures are used on documents combined into a single file, they can be electronically applied by electronic process allowing the seal or signature to be computer generated on all required documents by one computer action.

2. Registrants may accept assignments and assume responsibility for coordination of an entire project and sign and seal the engineering and land surveying documents for the entire project, provided that each technical segment is signed and sealed only by the qualified engineers or land surveyors who prepared the segment.
3. Registrants shall not affix their signatures or seals to any engineering or land surveying plan or document dealing with subject matter for which the registrant lacks competence by virtue of education or experience, nor to any such plan or document not prepared under the registrant's direct supervisory control.
4. A registrant shall not contract with a nonlicensed individual to provide these professional services.
5. A registrant may affix the seal and signature to drawings and documents depicting the work of two or more professionals, either from the same or different disciplines, provided it is designated by a note under the seal the specific subject matter for which each is responsible.
6. Any changes made to the final plans, specifications, drawings, reports, or other documents after final revision and sealing by the registrant are prohibited by any person other than the registrant, or another registered individual who assumes responsible charge for the directly related documents, except as provided herein. A duly registered individual making changes to final sealed documents must assume responsible charge and reseal the directly related final documents unless the changes are construction phase revisions, including record drawings, which do not affect the functional design, and such revisions adequately reflect that changes have been made and the original plans are available for review.
7. Mere review of work prepared by another person, even if that person is the registrant's employee, does not constitute responsible charge.
8. A registrant may not affix the registrant's seal or signature to documents having titles or identities excluding the registrant's name unless:
  - a. Such documents were developed by the registrant or under the registrant's responsible charge and the registrant has exercised full authority to determine their development.
  - b. A registrant who is required to use the standard drawings of a sponsoring agency need not affix the registrant's seal and signature to said standard drawings.
  - c. The registrant is providing the registrant's opinion as to the compliance of the document with specific identified rules or statutes and it is clearly identified that the registrant only reviewed the document and had no technical control over the contents of the document.
9. Electronic reproductions of drawings, plan sheets, specifications, studies, reports, plats, maps, and other engineering and surveying work product that are distributed to reviewing agencies, owners, clients, contractors, suppliers, and others must either contain the electronic seal and digital-electronic signature as required by this chapter, or ~~have a digital signed and electronic sealed statement from the registrant transmitting the same which shall read: "This document(s) was originally issued and sealed by (name), Registration Number (number) on (date)". The statement shall also include the statement that "The original documents are stored at (location)", or "The original documents have been destroyed and are no longer available", whichever is applicable. Sets of plans or drawings must have this statement attached to every sheet of the set. For specifications, reports, and studies, only the cover or introductory sheet need include this statement~~ contain a reproduction of the seal and signature.
10. Paper or hard copy reproductions of drawings, plan sheets, specifications, studies, reports, plats, maps, and other engineering and surveying work product that are distributed to reviewing agencies, owners, clients, contractors, suppliers, and others shall contain a reproduction of the seal and signature. A new seal and original signature will not be required with such paper distribution.

11. Working drawings and unfinished documents must comply with North Dakota Century Code section 43-19.1-21.

**History:** Effective October 1, 2004; amended effective October 1, 2010; October 1, 2014.

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

**Law Implemented:** NDCC 43-19.1-21

## **CHAPTER 28-02.1-09**

### **EXPIRATIONS - RENEWALS - REINSTATEMENTS**

#### Section

- 28-02.1-09-01 Expirations of Certificates of Registration
- 28-02.1-09-02 Renewals
- 28-02.1-09-03 Reinstatements

#### **28-02.1-09-01. Expirations of certificates of registration.**

The certificate of registration issued to land surveyor interns or engineer interns has no expiration.

**History:** Effective January 1, 1988; amended effective October 1, 2010.

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

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

#### **28-02.1-09-02. Renewals.**

Individual registrations and certificates of commercial practice may be renewed as follows:

1. Every other year, beginning with 1999, the board shall ~~mail~~ provide renewal notices prior to December first to the last address of record for each registration and certificate holder. The renewal notice shall contain the amount of the renewal fee and the pending expiration date.
2. Every year, or every other year for biennial renewals, the board shall mail certificate of commercial practice renewal notices prior to December first to the last address of record for the organization. The renewal notice shall contain the amount of the renewal fee and the pending expiration date.
3. ~~A late fee as determined by the board shall be imposed on renewals postmarked after December thirty-first.~~

**History:** Effective January 1, 1988; amended effective November 1, 1998; April 1, 1999; October 1, 2010.

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

**Law Implemented:** NDCC 43-19.1-22

#### **28-02.1-09-03. Reinstatements.**

1. An individual registration that has lapsed for more than one year, but less than five years, may become reinstated by paying the renewal fee for the current registration period plus two years' back renewal fee provided the lapsed registrant meets all other requirements. A holder of a certificate of commercial practice who has allowed the certificate to lapse for more than one year, but less than five years, may become reinstated by paying the current year renewal fee plus one year back renewal fee, which shall be prorated for middle of biennium renewals.
2. Registrations and certificates that have lapsed five years or more require reapplication updating all the required information of the applicant as if an original application. The board may require reexamination of registrants for all or a portion of the examination qualification requirements.
3. A retired registrant, upon written request to the board and payment of the current renewal fee, may resume active engineering or land surveying practice provided the retired registrant meets all other requirements. All rights and responsibilities of a valid or active registration will be in effect, including compliance with continuing professional competency requirements.

4. A registrant whose license has been lapsed or retired for one year or more and who meets all other requirements is required to file an interim continuing professional competency report within one year of the date of reinstatement verifying that a minimum of fifteen professional development hours have been accomplished.
5. A registrant whose license has been lapsed or retired for less than one year and who meets all other requirements must show compliance within the previous two years with the continuing professional competency requirements set forth in article 28-04.

**History:** Effective January 1, 1988; amended effective November 1, 1998; April 1, 1999; October 1, 2004; October 1, 2010.

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

**Law Implemented:** NDCC 43-19.1-22

## CHAPTER 28-02.1-10 EXAMINATIONS AND FEES

### Section

28-02.1-10-01 Examinations

28-02.1-10-02 Fees

#### **28-02.1-10-01. Examinations.**

1. The engineering and land surveying examinations are held when offered by the national council of examiners for engineering and surveying.
2. An examination for registration as a professional land surveyor pertaining to land surveying laws, procedures, and practices in North Dakota shall require a passing score determined by the board.
- ~~3. An applicant failing to pass a professional examination may take the next scheduled examination after six months by payment of the examination fee.~~
- 4.3. The board may require one or more questions in examinations measuring familiarity with the code of ethics. Similarly, in furtherance of the board's determination of rehabilitation of a registrant whose registration has been subject to disciplinary action, an examination on the code of ethics may be required.

**History:** Effective January 1, 1988; amended effective August 1, 1994; April 1, 1999; October 1, 2010.

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

**Law Implemented:** NDCC 43-19.1-19

#### **28-02.1-10-02. Fees.**

The ~~following fees will be charged~~ may not exceed the following for an initial two-year period:

##### Registration Fees

Professional engineer	<u>2 year</u>	\$150.00
Professional land surveyor	<u>2 year</u>	\$150.00
Certificate of commercial practice	<u>1 year</u>	\$100.00
Temporary permit	<u>1 year</u>	\$200.00

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

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

##### Biennial Renewal Fees

The fees charged may not exceed the following for biennial renewal fees ~~may not exceed the following:~~

If Renewal Received Prior to December 31	If Renewal Received After December 31
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Professional engineer	\$150.00	\$200.00
Professional land surveyor	\$150.00	\$200.00
Professional engineer and land surveyor	\$280.00	\$400.00
Retiree	\$20.00	\$20.00

#### Annual Renewal Fees

The fees charged may not exceed the following for annual renewal fees:

Certificate of commercial practice	\$100.00
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Examination fee (in addition to the registration and renewal fees) at board cost, including scoring and proctoring and ten dollars for postage and handling.

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

**History:** Effective January 1, 1988; amended effective August 1, 1994; November 1, 1998; April 1, 1999; October 1, 2004; January 1, 2011.

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

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



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

Section

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

**28-02.1-13-01. Survey requirements for preparation of legal descriptions and conveyance of property.**

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

Preliminary descriptions and documents used for negotiations for real property, interests in real property, rights of ways, and easements are not subject to the requirements of this chapter; however, all such preliminary documents shall bear a statement that the document is preliminary, that it does not represent a complete boundary survey, and that the document is not intended for construction, recording, or implementation. Said statement shall appear prominently on the face of the preliminary document.

~~Descriptions used~~ prepared by a registrant that are, or may be used to acquire or convey rights of way in which possession of title is obtained may be prepared without the setting of all exterior monuments if all four of the following requirements are met:

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

~~Descriptions used in the conveyance of~~ prepared by a registrant that are, or may be used to acquire or convey easements having a term of five years or more must be retraceable in each section of land over which ~~they cross~~ the easement crosses by using established subdivision or public land survey system monuments existing or placed at the time of the easement conveyance.

**History:** Effective October 1, 2004; amended effective July 1, 2009.

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

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

## ARTICLE 28-03.1 RULES OF PROFESSIONAL CONDUCT

### Chapter

28-03.1-01      Code of Ethics

### CHAPTER 28-03.1-01 CODE OF ETHICS

#### Section

28-03.1-01-01	General Statement
28-03.1-01-02	Action by Another Jurisdiction
28-03.1-01-03	Standards of Integrity
28-03.1-01-04	Protection of Public
28-03.1-01-05	Advertising
28-03.1-01-06	Aid Public Understanding [Repealed]
28-03.1-01-07	Issuance of Public Statements Related to Engineering or Surveying
28-03.1-01-08	Qualification for Work Projects
28-03.1-01-09	Disclosure of Confidential Information
28-03.1-01-10	Disclosure of Conflict of Interest
28-03.1-01-11	Compensation From Other Parties
28-03.1-01-12	Solicitation of Work
28-03.1-01-13	Reporting of Unethical or Illegal Practice
28-03.1-01-14	Professional Relationships
28-03.1-01-15	Proprietary Interests of Others
28-03.1-01-16	Professional Enhancement [Repealed]
28-03.1-01-17	Professional Registration Applications
28-03.1-01-18	Public Understanding and Professional Enhancement

#### **28-03.1-01-01. General statement.**

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

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

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

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

**History:** Effective January 1, 1988; amended effective April 1, 1999; October 1, 2010.

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

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

### **28-03.1-01-02. Action by another jurisdiction.**

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

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

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

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

**Law Implemented:** NDCC 43-19.1-25

### **28-03.1-01-03. Standards of integrity.**

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

1. Registrants shall admit and accept their own errors when proven wrong and refrain from distorting or altering the facts in an attempt to justify their decisions.
2. Registrants shall advise their clients or employers when they believe a project will not be successful.
3. Registrants shall not accept outside employment to the detriment of their regular work or interest. Before accepting any outside engineering or land surveying employment, registrants shall ~~notify~~ receive written approval from their employer.
4. Registrants shall not employ or attempt to employ an individual by false or misleading pretenses.
5. Registrants shall not engage in any act tending to promote their own interests to the detriment of the profession.
6. Registrants shall be truthful in professional reports, statements, or testimony. Registrants shall include all relevant and pertinent information in such reports, statements, or testimony.
7. Registrants shall not willfully engage in any conduct or practice that intentionally deceives the public.
8. Registrants shall not use statements containing a material misrepresentation of fact or omitting a material fact necessary to keep statements from being misleading or statements intended or likely to create an unjustified expectation.

**History:** Effective January 1, 1988; amended effective April 1, 1999; October 1, 2004; October 1, 2010.

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

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

### **28-03.1-01-04. Protection of public.**

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

1. Will regard one's duty to the public welfare as paramount.
2. Will not complete, sign, or seal plans or specifications that are not of a design safe to the public health and welfare and in conformity with accepted standards. In the course of work on a project, if a registrant becomes aware of an action taken by the client or employer against the registrant's advice that violates applicable state or municipal laws and regulations and which, in the registrant's judgment, will adversely affect the public life, health, or safety, the registrant shall take the following actions:
  - a. Advise the client or employer in writing of the registrant's refusal to consent to the decision and give reasons for that refusal; and
  - b. If the registrant's advice is ignored despite the objection, the registrant shall provide a copy of the registrant's objection and reasoning to the public official charged with the enforcement of the applicable state or municipal laws and regulations.

**History:** Effective January 1, 1988; amended effective October 1, 2004; October 1, 2010.

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

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

#### **28-03.1-01-05. Advertising.**

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

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

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

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

#### **28-03.1-01-06. Aid public understanding.**

Repealed effective October 1, 2010.

#### **28-03.1-01-07. Issuance of public statements related to engineering or surveying.**

Registrants shall express a professional opinion publicly only when it is founded upon an adequate knowledge of the facts and a competent evaluation of the subject matter.

1. Registrants shall not willfully engage in any conduct or practice that deceives the public.
2. Registrants shall not use statements containing a material misrepresentation of fact or omitting a material fact.
3. Registrants shall express an opinion only when it is founded upon accurate information.
4. The registrant shall be completely objective and truthful in all professional reports, statements, or testimony. Registrants shall include all relevant and pertinent information in such reports, statements, or testimony.
5. The registrant, when serving as an expert or technical witness before any court, commission, or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of the testimony.

6. The registrant will issue no statements, criticisms, or arguments on professional matters connected with public policy that are inspired or paid for by an interested party or parties, unless such statement is prefaced with a comment explicitly identifying the registrant, by disclosing the identity of the party or parties on whose behalf the statement is being made, and by revealing the existence of any pecuniary interest the registrant may have in the instant matter.

**History:** Effective January 1, 1988; amended effective April 1, 1999; October 1, 2004; October 1, 2010.

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

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

#### **28-03.1-01-08. Qualification for work projects.**

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

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

**History:** Effective January 1, 1988; amended effective October 1, 2004; October 1, 2010.

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

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

#### **28-03.1-01-09. Disclosure of confidential information.**

Registrants shall not disclose, or use for the purpose not related to their employment, or retain other than in connection with their employment, confidential information concerning the business affairs or technical processes of any present or former client or employer without the client's or employer's consent, as applicable. Confidential information concerning business affairs includes information that would be considered a trade secret or technical process. Confidential information also includes financial information, information regarding clients or vendors, information regarding market strategy, information regarding compensation paid to other employees, and any other information either not generally known to the public or designated by the client or employer as confidential. In addition:

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

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

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

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

**28-03.1-01-10. Disclosure of conflict of interest.**

Registrants shall make full prior disclosures to their employers or clients of all known or potential conflicts of interest that could influence or appear to influence their judgment or the quality of their services to either their employer or their clients.

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

**History:** Effective January 1, 1988; amended effective April 1, 1999; October 1, 2004; October 1, 2010.

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

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

**28-03.1-01-11. Compensation from other parties.**

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

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

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

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

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

**28-03.1-01-12. Solicitation of work.**

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

1. A registrant shall not falsify or misrepresent the extent of the registrant's education, training, experience, or qualifications to any person or to the public or misrepresent the extent of the registrant's responsibility in connection with any prior employment or projects.

2. A registrant shall not transmit, distribute, or publish or allow to be transmitted, distributed, or published, any false or misleading information regarding the registrant's own qualifications, training, or experience or that of the registrant's employer, employees, associates, or joint venturers.
3. Registrants shall not offer, give, solicit, or receive, either directly or indirectly, any political contribution in an amount intended to influence the award of a contract by public authority, or which may be reasonably construed by the public of having the effect or intent to influence the award of a contract.
4. Registrants shall not pay a commission, percentage, or brokerage fee in order to secure work except to a bona fide employee.
5. A registrant shall not tender any gift, pay, or offer to pay, directly or indirectly, anything of substantial value, whether in the form of a commission or otherwise, as an inducement to secure employment. A registrant is not prohibited from paying a commission to an employment agency for securing a position.
6. A registrant shall not knowingly seek or accept employment for professional services for an assignment for which another registrant is employed or contracted to perform. This prohibition shall not preclude a registrant from responding to a client-initiated or owner-initiated solicitation.

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

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

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

### **28-03.1-01-13. Reporting of unethical or illegal practice**

. A registrant who has knowledge or reasonable grounds for believing that another registrant has violated any statute or rule regulating the practice of the profession shall have the duty of presenting such information to the board.

1. A registrant possessing knowledge of a violation shall report such knowledge to the board in writing and shall cooperate with the board in furnishing such further information or assistance as it may require.
2. A registrant, when questioned concerning any alleged violation on the part of another person by any member or authorized representative of the board commissioned or delegated to conduct an official inquiry, shall neither fail nor refuse to divulge such information as the registrant may have relative thereto.
3. Registrants must notify the board within thirty days if another state has disciplined them with a reprimand, censure, suspension, temporary suspension, probation, revocation, or refusal to renew a license, or if they have voluntarily surrendered their license as part of a settlement proceeding.
4. If a registrant, during the course of the registrant's work, discovers a material discrepancy, error, or omission in the work of another registrant, which may impact the life, health, property, and welfare of the public, the discoverer shall make a reasonable effort to inform, in writing, the registrant whose work is believed to contain the discrepancy, error, or omission. Such communication shall reference specific codes, standards, or physical laws that are believed to be violated and identification of documents that are believed to contain the discrepancies. The registrant whose work is believed to contain the discrepancy shall respond in writing within thirty calendar days to any question about the work raised by another registrant. Failure to respond on the part of the registrant whose work is believed to contain the discrepancy shall

be considered a violation of these rules. The discoverer shall notify the board in the event a response satisfactory to the discoverer is not obtained within thirty days.

**History:** Effective January 1, 1988; amended effective April 1, 1999; October 1, 2004; October 1, 2010.

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

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

#### **28-03.1-01-14. Professional relationships.**

The registrant shall not knowingly associate professionally with or allow the use of one's name with persons not legally qualified to render the professional services for which the association is intended.

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

**History:** Effective January 1, 1988; amended effective October 1, 2004; October 1, 2010.

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

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

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

1. Whenever possible, the registrant will name the person or persons who may be individually responsible for designs, inventions, writings, or other accomplishments.
2. ~~When a registrant uses designs~~ Designs supplied by a client, ~~the designs~~ remain the property of the client and should not be duplicated by the registrant for others without express permission.
3. Before undertaking work for others in which the registrant may make improvements, plans, designs, inventions, or other records that may justify copyrights or patents, the registrant should enter into an agreement regarding the ownership of the improvements, plans, designs, inventions, or other records.
4. ~~Designs, data, records, and notes made by a registrant and referring exclusively to the employer's work are the employer's property.~~ All files of an employer of the registrant are the property of the employer and may not be retained, removed, or copied by the registrant upon termination of the registrant's employment unless the employer specifically consents otherwise



in writing. The files of an employer include all of the employer's records, data, research materials, copies of contracts, copies of requests for proposals, copies of proposals, copies of plans (including preliminary plans), copies of specifications, copies of drawings, client lists, client information, billing or financial information, notes, research materials, historical materials, or background materials, copies of sample specifications, contracts, or documents, and computer data banks of any kind. If the registrant has any of the employer's files prior to termination of employment in any form or format including actual physical copies or on computer memory storage devices, the registrant must return or destroy such files immediately upon termination of employment unless otherwise instructed or agreed upon by the employer.

**History:** Effective January 1, 1988; amended effective October 1, 2004; October 1, 2010.

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

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

#### **28-03.1-01-16. Professional enhancement.**

Repealed effective October 1, 2010.

#### **28-03.1-01-17. Professional conduct.**

1. Registrants shall indicate any reservation on a reference for an applicant if they have reason to believe the applicant is unqualified by education, training, or experience to become licensed. The registrant's opinion shall be based on the qualifications a reasonable and prudent professional would require an applicant to possess.
2. A registrant shall not submit a materially false statement or fail to disclose a material fact requested in connection with the application for certification or licensure in this state or any other state.
3. Registrants shall comply with the licensure laws and rules governing their professional practice in any United States jurisdiction.
4. A registrant shall not further the application for certification or licensure of another person known by the registrant to be unqualified in respect to character, education, or other relevant factor.

**History:** Effective October 1, 2004.

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

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

#### **28-03.1-01-18. Public understanding and professional enhancement.**

Sections 28-03.1-01-01 through 28-03.1-01-17 of this code of ethics are requirements of professional conduct and noncompliance with any of those sections is subject to disciplinary action. To enhance the professions of engineering and land surveying, the board also encourages, but does not require, a registrant to:

1. Seek opportunities to be of constructive service in civic affairs and work for the advancement of the safety, health, and well-being of the registrant's community.
2. Cooperate in extending the effectiveness of the profession by interchanging information and experience with other engineers or land surveyors and students.
3. Extend public knowledge and appreciation of engineering or land surveying and its achievements and to protect the profession from misrepresentation and misunderstanding.
4. Maintain interest in the public welfare and be ready to apply the registrant's special knowledge, skill, and training for the use and benefit of the public.
5. Seek opportunities to provide career guidance for youths.

6. Provide opportunity for the professional development and advancement of engineers or land surveyors under the registrant's supervision by:
  - a. Encouraging efforts to improve the registrant's education.
  - b. Encouraging attendance and presentation of papers at professional and technical society meetings.
  - c. Promoting professional registration at the earliest possible date.

**History:** Effective October 1, 2010.

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

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

## ARTICLE 28-04 CONTINUING PROFESSIONAL COMPETENCY

### Chapter

28-04-01 Continuing Education

### CHAPTER 28-04-01 CONTINUING EDUCATION

#### Section

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#### **28-04-01-01. Purpose.**

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

**History:** Effective October 1, 2004.

**General Authority:** NDCC 43-19.1-33

**Law Implemented:** NDCC 43-19.1-33

#### **28-04-01-02. Definitions.**

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

1. "Active participation" means making a regular, substantial contribution to an organization. Membership by itself does not constitute active participation.
2. "Contact hour" is a minimum of fifty minutes of actual instruction not to include any breaks.
3. "Continuing education units" is equivalent to ten contact hours of instruction, i.e., ten professional development hours. Continuing education units are nationally recognized and are a uniform unit of measure for continuing education and training.
4. "International association for continuing education and training programs" means those continuing education and training courses offered by various organizations that meet the minimum requirements for a qualifying continuing education and training course as established by the international association for continuing education and training.
5. "Professional development hour" is defined as one contact hour of instruction or presentation. It is the common denominator for the other units of credit. Round off professional development hours to the nearest one-half hour. No activity under one-half hour will be accepted for credit.

**History:** Effective October 1, 2004.

**General Authority:** NDCC 43-19.1-33

**Law Implemented:** NDCC 43-19.1-33

### **28-04-01-03. General requirements.**

All individual registrants must acquire thirty professional development hours every two years before renewing their license.

1. At least twenty professional development hours must be in technical subjects that directly safeguard the public's health, safety, and welfare, including technical professional management subjects such as total quality process or technical engineering or land surveying software training.
2. A maximum of ten professional development hours may be in nontechnical professional ~~management subjects such as ethics-oriented or administration-oriented computer classes~~ related subjects. At least one professional development hour must be in an ethics-oriented class.
3. All registrants will be required to submit a list of continuing professional development activities that they participated in and sign a statement that they have met this requirement as part of the renewal process.
4. Registrants holding both professional engineering and surveying registrations must earn a minimum of one-third, or ten professional development hours in each profession with a total of thirty professional development hours every two years. A dual registrant is not required to obtain more than thirty professional development hours per biennial renewal period because of dual registrations.
5. A maximum of fifteen qualifying professional development hours may be forwarded to the subsequent biennial renewal period.
6. Comity for continuing professional development is allowed if the registrant is currently licensed in a jurisdiction or state that requires mandatory continuing professional competency and meets the minimum requirements as established by the North Dakota state board of registration for professional engineers and land surveyors.
7. New registrants shall comply with continuing education requirements as follows: registrants who receive their license prior to the fourth quarter in an odd-numbered year shall report the full biennial requirement of thirty professional development hours at the time of next renewal; and registrants who receive their license prior to the fourth quarter in an even-numbered year shall report one-half of the biennial requirement, i.e., fifteen professional development hours, at the time of next renewal.

**History:** Effective October 1, 2004

**General Authority:** NDCC 43-19.1-33

**Law Implemented:** NDCC 43-19.1-33

### **28-04-01-04. Recordkeeping.**

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

1. A log showing the type of activity claimed, sponsoring organization, location, duration, date, instructor's or speaker's name, and professional development hour credits claimed. This permits the proper completion of professional development hour activities at renewal time. Specific information on each activity is required. Simply stating "attending education activities at ABC Company" is not acceptable.

2. Attendance verification records in the form of certificates or other documents supporting evidence of attendance. The registrant must have sufficient verification for all credits claimed.

**History:** Effective October 1, 2004.

**General Authority:** NDCC 43-19.1-33

**Law Implemented:** NDCC 43-19.1-33

#### **28-04-01-05. Qualifying activities.**

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

1. **College unit, semester, or quarter hour credit for college courses.** A course must be regularly offered and participants tested with a passing grade required. One semester hour generally consists of fifteen class meetings of fifty to fifty-five minutes duration. It is assumed that twice as much study time is required as class contact time, thus equating to forty-five professional development hours. Similarly, a quarter hour qualifying course meets ten times and thus thirty professional development hours are allowed. Monitoring courses do not require a test, and therefore only the actual class contact hours are allowed. On occasion, educational institutions may offer a one-day seminar and award fractional quarter hour credit such as one-half of a quarter hour. These courses do not qualify on the quarter hour basis since they are not part of the regular curriculum of the educational institution, do not require testing, and have no provision for additional out-of-class requirements. For courses such as this, only actual contact hours will be allowed for professional development hour credit.
2. **Interactive activities.** Other qualifying courses, seminars, employer-sponsored educational activities, programs, and activities are allowed one professional development hour credit for each contact hour. A correspondence course, ~~videotaped~~ recorded programs, and online courses (self-study) must require the participant to show evidence of achievement with a final graded test.
3. **Teaching credit for short courses.** Teaching credits for the instructor are twice that of the participants in qualifying courses and seminars. However, repetitive teaching of the same course will not earn additional credit.
4. **Published paper, article, or book.** A published paper, article, or book must be a serious effort to qualify. For example, a news article in a technical or professional bulletin is not considered a published paper. Although it is recognized that often many more hours are spent in being an author of a publication, ten professional development hours are allowed for publication. Only one publication may be claimed for professional development hours per renewal period. Repetitive publication of the same paper or article will not earn additional credit.
5. **Active participation in professional and technical societies.** Active participation in professional and technical societies is to encourage registrants to participate fully in appropriate technical and professional societies. Contact with one's peers at such meetings is considered one way to stay abreast of current topics, issues, technical developments, ethical situations, and learning opportunities. Two professional development hours per biennium can be earned for each organization with a maximum of six professional development hours per biennium allowed. All technical and professional societies are included, but this does not include civic or trade organizations.

6. **Patents.** Patents are allowed ten professional development hours after a patent is issued and the inventor submits details to the board. The invention must be related to the registrant's profession.

**History:** Effective October 1, 2004.

**General Authority:** NDCC 43-19.1-33

**Law Implemented:** NDCC 43-19.1-33

#### **28-04-01-06. Audit.**

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

**History:** Effective October 1, 2004.

**General Authority:** NDCC 43-19.1-33

**Law Implemented:** NDCC 43-19.1-33

#### **28-04-01-07. Exemptions.**

A registrant may be exempt from the continuing education requirements for one of the following reasons:

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

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

5. The Board reserves the right to modify the requirements for continuing education based on extenuating circumstances that would prevent or restrict a registrant from obtaining the required professional development hours. This modification would not reduce the overall credits needed but allow for an extension in time to fulfill the requirements.

**History:** Effective October 1, 2004.

**General Authority:** NDCC 43-19.1-33

**Law Implemented:** NDCC 43-19.1-33