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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 Accrediting Board for Engineering and Technology. ABET accreditation is required for engineering programs not later than two years after issuance of the degree.

1.1.2 ACE: The acronym "ACE" means Architectural Continuing Education, the biennial continuing education required by the board for renewal or reinstatement of licensure for architects.

1.1.3 ARE: The acronym "ARE" means the Architects Registration Examination, as developed by NCARB.

1.1.4 ECE: The acronym "ECE" means the Engineering Continuing Education, the biennial continuing education required by the board for renewal or reinstatement of licensure for professional engineers.

1.1.5 FE: The acronym "FE" means the Fundamentals of Engineering Exam, as developed by NCEES.

1.1.6 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.

1.1.7 NCARB: The acronym "NCARB" means the National Council of Architectural Registration Boards.

1.1.8 NCEES: The acronym "NCEES" means the National Council of Examiners for Engineering and Surveying.

1.1.9 PPE: The acronym "PPE" means the Principals and Practice of Engineering Exam, as developed by NCEES.

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

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

1.1.12 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.

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

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1.1.14 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.

1.1.15 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.

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

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

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

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

1.1.20 Offer to Practice: The offer to practice engineering or architecture.

1.1.21 Public Works: Structures, such as roads, buildings, dams, waterworks or sewers, built for public use or paid for by public funds.

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.

1.1.24 Temporary Permit: A permit issued by 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 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

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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 the E&A Act, and in conformity with Neb. Rev. Stat. §§ 81-3401 through 81-3455.

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 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 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 board is required for board actions. The board 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

No board member shall vote on any matter in which he or she has 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 duties as a board member.

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.

1.10.2 A board member shall not give the impression that any person can improperly influence him or her in the performance of board member duties, or that he or she is improperly affected by the kinship, rank, position or influence of any party or person.

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1.10.3 A board member shall not accept gifts of value or loans from persons having business before the board which are intended to or which 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 Expired License Status

1.12.1 License Expiration Date

1.12.1.1 A license to practice expires on the expiration date.

1.12.1.2 A licensee cannot practice, as provided in Neb. Rev. Stat. § 81-3402, with an expired license.

1.12.2 Renewable License

1.12.2.1 Licenses that expire on their expiration date may be renewed during the following twelve months, upon payment of a penalty fee.

1.12.2.2 The fee to be paid for the renewal shall be increased ten percent for each month or fraction of a month that the payment 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

1.12.3.1 Licenses that expire on their expiration date and are not renewed within twelve months become Nonrenewable.

1.12.4 Reinstatement of a License

1.12.4.1 A Nonrenewable License may be reinstated, pending approval of the board with:

1.12.4.1.1 A new application;

1.12.4.1.2 Payment of fees;

1.12.4.1.3 Documentation of continuing education compliance; and

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1.12.4.1.4 A completed Reinstatement Affidavit.

1.12.4.2 All reinstated licenses must meet current requirements for licensure.

1.12.4.3 The previous license number will be retained.

1.12.5 Emeritus Status

1.12.5.1 Professional Engineers or Architects who choose Emeritus status will be ineligible to practice.

1.12.5.2 Emeritus status professional will receive a pocket card, board publications and an annual renewal notice at a fee established by the board.

1.12.5.3 An Emeritus status professional must submit a new application to the board to be reinstated to practice.

1.13 License Fees

1.13.1 The fee schedule and methods of payment shall be set by the board.

1.13.2 All application fees are non-refundable.

1.14 Professional Assistance

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

1.15 Mailing Labels or Lists

Mailing labels or lists of licensees or prospective licensees may be issued at the discretion of the board.

1.16 Photographs and Transcripts

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

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CHAPTER 2; ENGINEERING

2.1 Required Documents

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 certification as an engineer intern, five character references must be given.

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

2.2.1 Except as provided in Neb. Rev. Stat. § 81-3451(3) (b), candidates for the Fundamentals of Engineering Examination (FE) are required to:

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

2.2.1.2 Obtain an evaluation report in accordance with NCEES requirements stating that the applicant has met the NCEES requirements for equivalency in a specific discipline of engineering.

2.2.1.2.1 Those holding engineering degrees from institutions outside the United States must establish the equivalency of that degree with the ABET accredited engineering degree by submitting it to a board approved evaluation program for analysis.

2.2.1.2.2 Deficiencies defined by the evaluation program may be corrected by taking the equivalent coursework in a post-secondary institution offering an ABET accredited engineering degree or as otherwise acceptable to the board.

2.2.1.2.2.1 Coursework from post-secondary education institutions that are not ABET accredited will be acceptable if the course(s) are approved by an ABET school to be "transferable." A letter from the ABET accredited institution will be required for substantiation.

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2.2.1.2.2.2 Passing scores will be accepted in college level exams given by approved third parties including College Board Exams (CLEP) in subjects acceptable to the board.

2.2.1.2.3 Once the deficiencies are removed, the board will consider the degree equivalent to that accredited by ABET, though ABET may not officially acknowledge that equivalency.

2.3 Experience

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

2.3.2 The applicant's work experience may start immediately following graduation from a professional program.

2.3.3 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 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.

2.3.5 The board will consider engineering experience performed outside the United States when it is deemed that such experience is gained under a licensed professional engineer from a 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.

2.3.6 Experience must be progressive on engineering projects to indicate that it is of increasing quality and requiring greater responsibility.

2.3.7 Only work of an engineering nature which follows graduation from a professional program 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, to be creditable, must be of a character equivalent to that which would have been gained in the civilian sector doing similar work. It is expected that the applicant serve in an engineering or engineering-related group.

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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.

2.3.11 For sales experience 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 be at an advanced level in a college or university offering an engineering curriculum of four 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 is creditable.

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

2.4 Examinations

2.4.1 The Examinations used by the 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), as accepted by the board.

2.4.1.1 The board will follow NCEES policy on scheduling and retaking examinations.

2.4.1.2 The board will determine applicant eligibility and forward eligibility information to NCEES.

2.4.1.3 The 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 on the part of an applicant, the board will investigate the allegation and take appropriate action.

2.4.1.5 An applicant must have passed the Examination(s) in accordance with the NCEES pass/fail standards current at the time the applicant took the examination.

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 either engineering examination, the candidate shall present the board with evidence of having acquired additional relevant formal learning before being reexamined. Such candidates shall be eligible for examination annually.

2.4.2 The Fundamentals of Engineering Examination (FE) as accepted by the board.

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- 2.4.2.1 Passage of the FE examination is required of all applicants unless it has been passed in another jurisdiction; and
- 2.4.2.2 An examinee will be required to take the FE exam in his or her educational discipline when offered; all other disciplines will take the general engineering section.
- 2.4.3 The Principles and Practice of Engineering Examination (PPE) as accepted by the board.
 - 2.4.3.1 The PPE examinations are given in disciplines 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.
 - 2.4.3.3 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 Engineering Examination (PPE) in Structural Engineering as accepted by the board.
 - 2.4.4.1 Professional Engineers who have passed sixteen hours of the NCEES Structural Engineering examination(s) or its equivalent shall be eligible for licensure as a Professional Structural Engineer.
 - 2.4.4.2 Professional Engineers licensed in Nebraska prior to January 1, 2007, may make application to the board for licensure as a Professional Structural Engineer on the basis of structural engineering experience, subsequent to an ABET accredited engineering degree, if they;
 - 2.4.4.2.1 Have passed:
 - 2.4.4.2.1.1 The first eight-hour component of the NCEES Structural Engineering exam; or
 - 2.4.4.2.1.2 A professional engineering exam given by an NCEES jurisdiction with emphasis in structures prior to and including the March 1992 examination.
 - 2.4.4.2.2 Provide proof of having at least ten years of acceptable progressive experience in structural engineering;
 - 2.4.4.2.3 Provide references as required for a licensed professional engineer by experience; and
 - 2.4.4.2.4 Have their experience reviewed by a board-appointed panel of Professional Structural Engineers. The panel will provide a recommendation to

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the board that the experience is equivalent to the second eight-hour component of the NCEES Structural Engineering examination.

2.4.4.2.5 This provision expires on January 1, 2011.

2.4.5 The Nebraska E&A Act Exam as accepted by the board.

2.4.5.1 An examination on the Nebraska E&A Act 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 ensure that applicants are familiar with the Engineers and Architects Regulation Act 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 Exam, the candidate may be required to acquire additional learning before being reexamined. Such candidates shall be eligible for examination every thirty days.

2.5 Certificates

2.5.1 Certification as an Engineer Intern

2.5.1.1 Upon request, an Engineer Intern (EI) Certificate will be issued to the candidate who completes 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.

2.5.2 Licensure as a Professional Engineer (P.E.)

2.5.2.1 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 containing the licensed applicant's name, license number and Discipline of Practice.

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.

2.5.2.2.1 Those licensed in multiple disciplines will be issued certificates in each.

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.

2.5.2.3 Professional Architectural Engineers (P.E.)

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

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

2.5.2.4 Professional Structural Engineer (S.E.)

2.5.2.4.1 Professional Engineers 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.

2.5.2.4.2 Applicants who are not currently licensed in another discipline and who pass the first eight-hour component of the NCEES Structural Engineering examination, or it's equivalent, will be licensed as a Professional Civil Engineer.

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CHAPTER 3; ARCHITECTURE

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 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 board requirements stating that the applicant has met the NCARB Education Requirement with a degree in the field of architecture.

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.

3.4 Examinations

3.4.1 The Examination used by the board to determine eligibility for licensure shall be the current NCARB Architect Registration Examination (ARE) as accepted by the board.

3.4.1.1 The board will follow NCARB's policies on scheduling and retaking examinations.

3.4.1.2 The board will verify applicant eligibility and forward eligibility information to NCARB.

3.4.1.3 The board may allow candidates to make application to take approved divisions of the ARE after having met the education requirements and having enrolled in the IDP.

3.4.1.3.1. To be eligible to take certain approved divisions of the ARE, an applicant shall have verified completion of the IDP training requirement.

3.4.1.4 The 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.

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3.4.1.5 The 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 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 examination(s) through the board.

3.4.2 Rolling Clock

3.4.2.1 Applicants shall be required to pass all divisions of the ARE within a five-year window.

3.4.2.1.1 The five years shall commence on January 1, 2008, or on the date when the first passed division is administered, whichever is later.

3.4.2.1.2 Divisions of the ARE passed prior to January 1, 2008, where the content has not changed, will not have to be retaken.

3.4.3 The Nebraska E&A Act Examination as accepted by the board.

3.4.3.1 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 ensure that applicants are familiar with the Engineers and Architects Regulation Act 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 Exam, the candidate may be required to acquire additional learning before being reexamined. Such candidates shall be eligible for examination every thirty days.

3.5 Certificates

3.5.1 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 containing the licensed applicant's name and license number.

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CHAPTER 4; RECIPROCITY

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.

4.2 Reciprocity for Engineers from Other Jurisdictions with Nebraska

4.2.1 Licensure by Discipline of Practice

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

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

4.2.1.2.1 Should the state not license by discipline or have record of examination discipline, verification of discipline of practice may be provided by NCEES record.

4.2.2 Jurisdictional Reciprocity

4.2.2.1 An engineering applicant who holds a current and valid certification issued by a registration authority recognized by the board may be licensed by Jurisdictional Reciprocity if he or she:

4.2.2.1.1 Files an application with required fee; and

4.2.2.1.2 Submits satisfactory evidence of such certification to the board.

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

4.2.2.3 The applicant will go to the board for review and final determination.

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 defined in Neb. Rev. Stat. § 81-3452 (2) (b) and as designated by NCEES.

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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

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.

4.2.4 Licensure by Experience

4.2.4.1 Engineers licensed by a registration authority recognized by the board by professional examination with 15 years or more of licensed work experience may be licensed by experience if he or she:

4.2.4.1.1 Files an application with required fee;

4.2.4.1.2 Submits satisfactory evidence of 15 years of licensed work experience in a discipline acceptable to the board; and

4.2.4.1.3 Provides five professional references.

4.2.4.2 The applicant will go to the board for review and final determination.

4.2.5 Temporary Permit

4.2.5.1 An engineering applicant who holds a current and valid certification issued by a registration authority recognized by the board may apply for a Temporary Permit for the purpose of providing engineering service in a single discipline for no more than one project, not to exceed one year, if he or she:

4.2.5.1.1 Files an application with required fee; and

4.2.5.1.2 Submits satisfactory evidence of such certification to the board.

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.

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4.2.5.3 The permit will consist of labels containing the pertinent information which may be applied to documents or may be copied onto clear media for application to sealed transparencies.

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

4.3 Reciprocity for Architects from Other Jurisdictions with Nebraska

4.3.1 Expedited Reciprocal Licensure

4.3.1.1 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" Architect as defined in Neb. Rev. Stat. § 81-3448 and as designated by NCARB.

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

4.3.1.2.1 Files an application with required fee; and

4.3.1.2.2 Submits satisfactory evidence of such certification to the board.

4.3.1.3 A listing of all architects issued contingent licenses will be placed on the agenda of the next meeting of the board for formal approval by the board.

4.3.2 Licensure by Experience

4.3.2.1 Architects licensed by a registration authority recognized by the board by professional examination with 15 years or more of licensed work experience may be licensed by experience if he or she:

4.3.2.1.1 Files an application with required fee;

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

4.3.2.1.3 Provides five professional references.

4.3.2.2 The applicant will go to the board for review and final determination.

4.3.3 Temporary Permit

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4.3.3.1 An architectural applicant who holds a current and valid certification issued by a registration authority recognized by the board may apply for a Temporary Permit for the purpose of providing architectural service for no more than one project, not to exceed one year, if he or she:

4.3.3.1.1 Files an application with required fee; and

4.3.3.1.2 Submits satisfactory evidence of such certification to the board.

4.3.3.2 Verification of good standing must be provided by NCARB.

4.3.3.3 The permit will consist of labels containing the pertinent information which may be applied to documents or may be copied onto clear media for application to sealed transparencies.

4.3.3.4 The holder of a temporary permit shall use his or her seal from the state of verified licensure when sealing documents pertaining to the Nebraska project and shall accompany the seal with an information label issued by the board.

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.

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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 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, 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 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 profession or moral turpitude under state law, federal law, or the law of another jurisdiction, if in the opinion of the board the events and circumstances leading to the conviction indicate a condition which would affect the competency of the licensee 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 the architect or professional engineer does not fully understand and/or is not professionally trained and experienced.

5.2 Conflict of Interest

5.2.1 The architect or professional engineer shall not accept compensation for his or her 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 judgment in the selection of any contractor or sub-consultant or in connection with his or her performance of professional services, the architect or professional engineer shall fully disclose in writing to his or her client or employer the nature of the business association or financial interest, and if the client or employer objects to

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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 board shall not become involved as the architect or professional engineer of record for the project which was the subject of the complaint.

5.3 Full Disclosure

5.3.1 The architect or professional engineer making public statements on engineering or architectural questions, shall disclose when he or she is being compensated for making such statement.

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

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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.

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 board.

5.4 Compliance with Laws

5.4.1 The architect or professional engineer shall not, in the conduct of his or her engineering or architectural practice, knowingly violate any state or federal criminal law.

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 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 a NCARB or NCEES certificate shall, upon suspension or revocation of that certificate, have his or her Nebraska license suspended until the certificate is reinstated.

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

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.

5.5 Professional Conduct

5.5.1 Each office 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 charge of such office and the preparation of such work. This involvement shall be of such nature as

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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 does not have direct supervision; provided, however, that in the case of the portions of such professional work prepared by the architect's or professional engineer's consultants, 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.

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

5.5.5 The architect or professional engineer shall not engage in grossly immoral or dishonorable conduct which would provide evidence of unfitness to perform the tasks required by clients or would provide evidence of a degree of proficiency which is not sufficient to serve the public interest.

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

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.

5.6 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.

5.7 Use of Titles in Architecture and Engineering

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.

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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.

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.”

5.8 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 a seal which bears the licensee's name, his or her 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 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.

6.1.3 The seal used by a licensee, 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 prepared as well as all work that has been prepared under the licensee's direct supervision by applying his or her seal to each sheet of original drawings.

6.1.5 All specifications, reports, studies, and other documents prepared as professional engineering 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 responsible for the work.

6.1.6 No seal shall be valid unless the licensee signs his or her name across the face of the seal 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.

6.1.8 Documents placed on the internet shall not include a seal unless they also contain an electronic signature protected with an electronic revision approval system.

6.2 Prototypical Projects

6.2.1 Documents prepared for projects that are designed by other architects and professional engineers to be built in several locations with only site adaptation, may be sealed by a Nebraska licensee under the following conditions:

6.2.1.1 Written permission of the original architect(s) and/or professional engineer(s) to adapt the documents.

6.2.1.2 Acceptance of full responsibility for the documents.

6.2.1.3 Provision of a coordinating professional, if required.

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- 6.2.1.4 Removal or invalidation of previous title blocks or seals.
- 6.2.1.5 Complete review for code compliance and coordination.
- 6.2.1.6 Documentation of all changes made to the documents.

6.3 The Coordinating Professional

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

- 6.3.1.1 The Coordinating Professional is a licensed professional member of the design team.
- 6.3.1.2 The Coordinating Professional's seal connotes coordination of design disciplines.
- 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 Coordinating Professional's seal connotes coordination of design disciplines, but does not signify responsible charge for engineering or architectural work.

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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 board for a Certificate of Authorization. The board reviews 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 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, 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 be a full-time employee of the organization.

7.3 Guidelines for Issuing a Certificate of Authorization

7.3.1 For certification to practice the profession of engineering, the signature of a professional engineer 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 architect licensed in the State of Nebraska must appear on the organization application. That individual must be a full-time employee of the organization.

7.3.3 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 The certificate of authorization expires on the expiration date.

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7.3.6 Should any licensed professional who has signed the application leave the organization or become deceased or lose their signatory authority, the organization within 30 days must notify the board and file an amendment to its application identifying the new licensed individual(s) with signatory authority.

7.4 Design-Build

An organization may offer 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 which involve engineering and/or architectural services;

7.4.2 At the time of the design-build offering such organization shall furnish to the consumer of design-build services a written statement identifying the architect and/or professional engineer who will perform the engineering and/or architectural work 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 with respect to a design-build project shall have direct supervision of such work, and may not be removed by such organization prior to the completion of the project without the written consent of the consumer of design-build services;

7.4.4 An organization offering design-build services with its own employees who are 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

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

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CHAPTER 8; DISCIPLINARY ACTION

8.1 Probable Cause

8.1.1 When a complaint is received by the board in which a person or organization is alleged to have violated the Act, the board may refer the complaint to an investigative panel or an investigator.

8.1.2 The panel or the investigator makes a determination and/or a recommendation as to:

8.1.2.1 Whether the charge should be pursued;

8.1.2.2 If an informal process or mediation should be used;

8.1.2.3 If further investigation is required; 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 The board reviews the determination and/or recommendation and determines whether the allegation should be dismissed, or an informal process, mediation, or formal process should be taken.

8.1.4 Action against the person or organization holding a certificate of authorization may be brought in the name of the board or brought before the board in the name of the complainant versus the respondent.

8.2 Informal Process

The board may wish to select an "informal process" 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 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.

8.2.2 If the board and the parties can reach a mutual understanding 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.

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8.2.3 The board retains the authority to separate items within a complaint into those that can be resolved with this “informal process” from those of a more serious nature which must be resolved under the “legal process.”

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

8.2.5 Participation 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.

8.4 Formal Process

8.4.1 The procedure for hearings in contested cases 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.

8.5 Publication

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

8.6 Remediation of Unsealed or Improperly Sealed Documents

8.6.1 Pursuant to a complaint alleging the unlicensed practice of engineering or architecture, work not in compliance with the law may be remediated at the discretion of the board by the following method:

8.6.1.1 A letter is written by a licensed architect or professional engineer, as appropriate, explaining his or her relationship to the project and deficiencies found in the improperly sealed documents, including the need for involvement of other design disciplines;

8.6.1.2 The letter is sealed with the requisite signature and date by the licensed professional;

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

8.6.1.4 The letter becomes a permanent part of the contract documents;

8.6.1.5 Revisions are made to the deficient documents by the architect or professional engineer and are attributed accordingly; and

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8.6.1.6 Illicit seals are removed or obscured; the unsealed or improperly sealed documents remain unsealed by the licensed professional, but are supplemented by the sealed letter.

8.7 Enforcement

8.7.1 If any person refuses to obey any decision or order of the 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 shall 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, twenty-four (24) actual hours of architectural-related learning 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, thirty (30) actual hours of engineering-related learning are required.

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.

9.4 Units and Carry-over

9.4.1 One actual hour of learning means at least fifty (50) minutes spent in verifiable educational pursuit.

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9.4.1.1 One semester credit hour of formal education is equivalent to forty-five (45) actual hours.

9.4.1.2 One quarter credit hour of formal education is equivalent to thirty (30) actual hours.

9.4.1.3 One Professional Development Hour (PDH) is equivalent to one actual hour.

9.4.2 The licensee may carry forward excess credit, up to a maximum of one-half the required credits from the previous biennial requirement, into the subsequent renewal period.

9.5 Determination of Credit

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.

9.5.2 Certified satisfaction of mandatory continuing education requirements in any NCARB or NCEES jurisdiction, for the time period in question, will satisfy the Nebraska requirement.

9.6 Recordkeeping

9.6.1 The maintenance of records to be used to support credits claimed is the responsibility of the licensee. Records required include, but are not limited to:

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;

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

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.

9.7 Exemptions and Waiver

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

9.7.1.1 New licensees by way of examination or reciprocity shall be exempt for their initial renewal period.

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9.7.1.2 A licensee serving on temporary active duty in the armed forces of the United States 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.

9.7.1.3 Licensees experiencing physical disability, illness, or other extenuating circumstances as reviewed and approved by the board may be exempt. Supporting documentation must be furnished to the board.

9.7.1.4 Licensees who choose the Emeritus option on the board approved renewal form shall be exempt from the continuing education hours required. In the event such a person elects to return to active practice of architecture or professional engineering, continuing education hours must be earned before returning to active practice for each year exempted not to exceed the biennial ACE or ECE requirement.

9.7.2 The board reserves the right to waive the continuing education requirement at their discretion.

9.8 Reinstatement

9.8.1 A licensee may bring a nonrenewable 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 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.

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.

9.10.2 The board will establish a number of licensees 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. Those who are denied renewal will be provided a six-month probationary period in which to acquire the necessary continuing education.

9.10.3 If the board disallows the professional development 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

10.1.1 The citation from the most recent edition of the state building code adopted in Neb. Rev. Stat. § 71-6403 will prevail.

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 Potentially-habitable space shall mean any space that when finished, could be habited by humans and meet the required definitions in the state building code.

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10.3 Statutory Exemptions to the Engineers and Architects Regulation Act

Notwithstanding other provisions of this document, 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:

OCCUPANCY CLASSIFICATION		MAXIMUM POTENTIALLY-HABITABLE 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 H-5	Less than 2,000 square feet Less than 4,000 square feet
10.3.6	I – Institutional I-1, Personal Care I-2, Inpatient Healthcare I-3, Detention I-4, Day Care	Less than 3,000 square feet Less than 5,000 square feet Less than 3,000 square feet 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 R-3, Single-family through 4-plex	Less than 4,000 square feet 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

10.4 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 Regulation Act if:

- 10.4.1.1 The total impacted area is less than the area set by Section 10.3 of this Chapter; or
- 10.4.1.2 The potentially habitable 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

The practice of engineering and architecture with reference to building projects:

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

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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;

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.

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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.

10.8 Survey Plats

Preparation of a preliminary survey 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 licensed 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 Licensed Professional Engineer and may not be certified by the Land Surveyor.

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

Under the Engineers and Architects Regulation 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).

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

Nothing in the Engineers and Architects Regulation 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.

10.11 Participation in a Design Competition

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.

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CHAPTER 11; 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.