

LEGISLATURE OF NEBRASKA

ONE HUNDRED THIRD LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 7

Introduced by Krist, 10.

Read first time January 10, 2013

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Engineers and Architects Regulation Act;
2 to amend sections 81-3436, 81-3437, 81-3450, and 81-3454,
3 Reissue Revised Statutes of Nebraska; to change and
4 eliminate provisions relating to signatures and seals;
5 and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-3436, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 81-3436 (1) The practice or offer to practice for others
4 the professions of architecture or engineering by individuals
5 licensed under the Engineers and Architects Regulation Act through an
6 organization is permitted if the criteria for organizational practice
7 established by the board are met and the organization had been issued
8 a certificate of authorization by the board. All technical
9 submissions by an organization involving the practice of architecture
10 and engineering, when issued or filed for public record, shall be
11 dated and bear the ~~signature and~~ seal of the licensee qualified in
12 the profession who prepared the submission or under whose immediate
13 direction they were prepared. Public service providers are not
14 included in this section.

15 (2) An organization desiring a certificate of
16 authorization shall file with the board an application, using the
17 form provided by the board, listing the names and addresses of all
18 officers of the organization, the members of the organization's
19 governing body, and the individual or individuals duly licensed to
20 practice their respective professions in this state who shall be in
21 responsible charge of the practice of those professions in the state
22 through the organization. Any change in status of any of these
23 persons during the certificate period shall be designated on the same
24 form and filed with the board within thirty days after the effective
25 date of the change. If the requirements of this section are met, the

1 board shall issue a certificate of authorization to the organization
2 and the organization may contract for and collect fees for furnishing
3 professional services.

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

6 (4) An organization is not relieved of responsibility for
7 the conduct or acts of its agents, employees, officers, or partners
8 by reason of its compliance with this section. An individual
9 practicing architecture or engineering is not relieved of
10 responsibility for services performed by reason of employment or any
11 other relationship with an organization holding a certificate of
12 authorization.

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

23 (6) Commencing one year after January 1, 1998, the
24 Secretary of State shall not register any trade name or service mark
25 which includes the words architect or engineer, or any modification

1 or derivative of such words, in its firm name or logotype except to
2 those organizations holding authorization certificates issued by the
3 board except as authorized in the act or in the Professional
4 Landscape Architects Act.

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

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

11 Sec. 2. Section 81-3437, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 81-3437 (1) The board shall issue to any applicant who,
14 on the basis of education, experience, and examination, has met the
15 requirements of the Engineers and Architects Regulation Act a
16 certificate of licensure giving the licensee proper authority to
17 carry out the prerogatives of the act. The certificate of licensure
18 shall carry the designation Licensed Architect or Licensed
19 Professional (discipline) Engineer. The certificate shall give the
20 full name of the licensee and license number and shall be signed by
21 the chairperson of the board, the secretary of the board, and a board
22 member representing the respective profession under the seal of the
23 board.

24 (2) The certificate shall be prima facie evidence that
25 the person is entitled to all rights, privileges, and

1 responsibilities of an architect or a professional engineer while the
2 certificate of licensure remains unrevoked and unexpired.

3 (3)(a) Each licensee authorized to practice architecture
4 or engineering must obtain a seal. ~~It shall be unlawful for a~~
5 ~~licensee to affix his or her seal and signature or to permit his or~~
6 ~~her seal and signature to be affixed to any document after the~~
7 ~~expiration of the certificate or for the purpose of aiding or~~
8 ~~abetting any other person to evade or attempt to evade the act. The~~
9 ~~design of the seal shall be determined by the board. The following~~
10 ~~information shall be on the seal: State of Nebraska; licensee's name;~~
11 ~~licensee's license number; and the words Architect or Professional~~
12 ~~(discipline) Engineer.~~

13 (b) ~~The seal may be a rubber stamp or may be generated~~
14 ~~electronically. Whenever the seal is applied, the licensee's written~~
15 ~~signature and the date shall be across the seal. The board may adopt~~
16 ~~and promulgate rules and regulations for application of the seal. No~~
17 ~~further words or wording are required. Electronic signatures applied~~
18 ~~to electronic seals must be protected with an electronic revision~~
19 ~~approval system. Documents without electronic revision approval~~
20 ~~protection that are transmitted electronically to a client or a~~
21 ~~governmental agency shall have the seal removed from the file. The~~
22 ~~electronic media shall have the following inserted in lieu of the~~
23 ~~seal, signature, and date:~~

24 ~~This document was originally issued and sealed by (name~~
25 ~~of sealer), (license number), on (date of sealing). This media should~~

1 ~~not be considered a certified document.~~

2 (c) The seal, ~~signature,~~ and the date of its placement
3 shall be ~~placed~~ on all technical submissions and calculations
4 whenever presented to a client or any public or governmental agency.
5 It shall be unlawful for a licensee to affix his or her seal or to
6 permit his or her seal to be affixed to any document after the
7 expiration of the certificate or for the purpose of aiding or
8 abetting any other person to evade or attempt to evade the act.

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

23 (e) In the case of a temporary permit issued to a
24 licensee of another state, the licensee shall use his or her state of
25 licensure seal and shall affix his or her signature and temporary

1 permit to all his or her work.

2 ~~(f) The design of the seal shall be determined by the~~
3 ~~board. The following information shall be on the seal: State of~~
4 ~~Nebraska; licensee's name; licensee's license number; and the words~~
5 ~~Architect or Professional (discipline) Engineer.~~

6 ~~(g)~~ (f) Projects involving more than one licensed
7 architect or professional engineer shall have one designated as the
8 coordinating professional. The coordinating professional shall apply
9 his or her seal ~~and signature~~ and the date to the cover sheet of all
10 documents and denote the seal as that of the coordinating
11 professional.

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

18 Sec. 3. Section 81-3450, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 81-3450 An architect shall not ~~sign~~ affix his or her
21 signature or seal to technical submissions unless they were prepared
22 by the architect or under his or her direct supervision, except that
23 in the case of the portions of such technical submissions prepared
24 under the direct supervision of another architect employed by the
25 first architect or by his or her firm, he or she may ~~sign and~~ affix

1 his or her signature or seal to those portions of the technical
2 submissions if the architect has reviewed such portions and has
3 coordinated their preparation or integrated them into his or her
4 work. He or she may ~~sign~~affix his or her signature or seal to those
5 portions of the technical submissions that are not required by the
6 Engineers and Architects Regulation Act to be prepared by or under
7 the direct supervision of an architect if the architect has reviewed
8 or adapted in whole or in part such submissions and integrated them
9 into his or her work.

10 Sec. 4. Section 81-3454, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 81-3454 (1) A professional engineer shall not affix his
13 or her seal or signature to sketches, working drawings,
14 specifications, or other documents developed by others not under his
15 or her direct supervision, except that in the case of the portions of
16 such technical submissions prepared under the direct supervision of
17 another professional engineer employed by the first professional
18 engineer or by his or her firm, he or she may ~~sign and~~affix his or
19 her signature or seal to those portions of the technical submissions
20 if the professional engineer has reviewed such portions and has
21 coordinated their preparation or integrated them into his or her
22 work. He or she may ~~sign~~affix his or her signature or seal to those
23 portions of the technical submissions that are not required by the
24 Engineers and Architects Regulation Act to be prepared by or under
25 the direct supervision of a professional engineer if the professional

1 engineer has reviewed or adapted in whole or in part such submission
2 and integrated them into his or her work.

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

7 Sec. 5. Original sections 81-3436, 81-3437, 81-3450, and
8 81-3454, Reissue Revised Statutes of Nebraska, are repealed.