

**CHAPTER 28-02.1-02
PROCESSING APPLICATIONS**

Section

28-02.1-02-01 Processing of Applications

28-02.1-02-01. Processing of applications.

1. All information received from references named by the applicant must be received at the board office. No member of the board or relative of the applicant may be named as a reference.
2. An applicant for registration as a professional engineer or professional land surveyor may not be admitted to the examination until the applicant's application has been received, processed, and approved by the board.
3. An applicant may not confer with any member of the board regarding an applicant's case while it is pending before the board. Any applicant may appear before the board at a scheduled meeting.
4. Applicants for registration as a professional engineer or professional land surveyor whose applications have been approved, but who fail to appear for examination four consecutive times, must be deemed to have withdrawn their applications. Further consideration must be based on reapplication.

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 43-19.1-08, 43-19.1-12

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.
4. ~~In the case of student applicants for the fundamentals of engineering and for the fundamentals of land surveying examinations, certification by the dean of the college or the dean's appropriate designee agreed upon by the board may be used in lieu of references.~~

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 43-19.1-12

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. The experience must be ~~subsequent to graduation and~~ prior to writing the principles and practice of surveying examination.

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.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-16, 43-19.1-16.1

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.

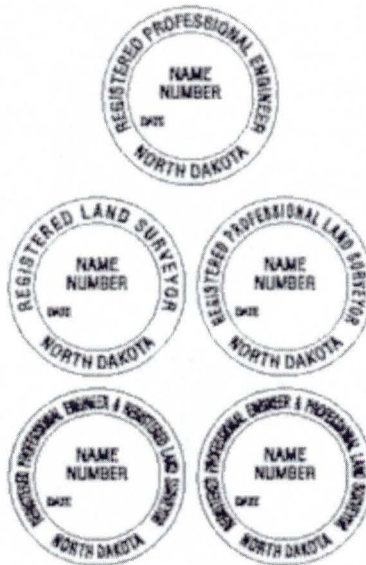
2. Seals may be of rubber stamp, metal impression type, computer-generated, or electronically generated. Electronic seals may be used but an electronic seal may not be used in any document that is being transmitted in an editable digital format unless the document contains a signature that meets the requirements of a digital signature.
3. A registrant shall also apply the registrant's signature across the face of the seal for a non-digital signature. A digital signature is not required to be across the face of the seal ~~superimpose the registrant's personal original signature.~~ A rubber stamp or facsimile signature is not allowed. ~~The signature must be placed across the face and beyond the circumference of the seal.~~ 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 a manner that the digital signature is invalidated if any data on the document is altered.

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 43-19.1-21



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 must receive a seal and original signature.

- a. Studies, reports, and project specifications need the seal and original signature only on a single introductory sheet.
 - b. Every sheet or drawing in an original set of engineering plans must receive a seal and original signature.
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 (i) contain the electronic seal and digital signature as required by the Chapter, or (ii) have a digital signed and electronic sealed statement from the registrant transmitting the same which shall read ~~shall be accompanied by the following statement:~~ "This document(s) was originally issued and sealed by (name), Registration Number (number) on (date);" The statement shall also include statement that ~~and t~~ 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.

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.

General Authority: NDCC 43-19.1-08

Law Implemented: NDCC 43-19.1-33