

## **CHAPTER 28-02.1-12 RETIRED STATUS**

### **Section**

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### **28-02.1-12-01. Eligibility for retired status.**

Any individual who has been issued a certificate of registration, as a professional engineer or professional land surveyor, having discontinued active practice as an engineer or land surveyor, or both, may be eligible to apply for a retired status of registration. For the purpose of this provision, "active practice" is defined as exercising direct supervision and control over the development and production of an engineering or land surveying document or any related activities pertaining to the offer of or the providing of professional engineering or land surveying services.

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

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

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

### **28-02.1-12-02. Affidavit.**

Those persons wishing to obtain the status of a retired registration shall complete an affidavit on a form as provided by the board. Affidavits shall be sent to the board office. Upon receipt of said affidavit and, if deemed eligible by the board, the retired status would become effective on the date of approval by the board. It shall not be necessary that an expired certificate of registration be renewed to be eligible for this status. The board will not provide refund of renewal fees if the application for retired status is made and granted before the date of expiration of the certificate of registration.

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

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

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

### **28-02.1-12-03. Continuing professional competency exemption.**

Retired registrants are exempt from continuing professional competency requirements.

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

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

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

### **28-02.1-12-04. Privileges.**

A retired registrant is permitted to:

1. Retain the board-issued wall certificate of registration;
2. Use the title professional engineer or registered land surveyor, or professional land surveyor provided that it is supplemented by the term "retired", or the abbreviation "ret";

3. Work as an engineer or land surveyor in a volunteer capacity, provided that the retired registrant does not create an engineering or land surveying document, and does not use the individual's seal, except as provided for in subsection 4;
4. Provide experience verifications and references for persons seeking registration. When completing reference or experience verification forms and if using the person's professional seal, the retired registrant shall place the word "retired" in the space designated for the date of expiration;
5. Serve in an instructional capacity on engineering and land surveying topics;
6. Provide services as a technical expert before a court, or in preparation for pending litigation, on matters directly related to engineering or land surveying work performed by the registrant before the person was granted a retired registration; and
7. Serve in a function that supports the principles of registration and promotes the professions of engineering and land surveying, such as members of commissions, boards, or committees.

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

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

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

#### **28-02.1-12-05. Restrictions.**

A retired registrant is not permitted to:

1. Perform any engineering or land surveying activity unless said activity is under the direct supervision of a North Dakota registered professional engineer or professional land surveyor who has a valid or active registration in the records of the board;
2. Act as the designated engineer or the engineer in responsible charge for a North Dakota engineering organization or act as the designated land surveyor or land surveyor in responsible charge for a North Dakota land surveying organization; or
3. Apply the person's professional engineer's or professional land surveyor's seal to any plan, specification, plat, or report, except as provided for in subsection 4 of section 28-02.1-12-04.

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

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

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

#### **28-02.1-12-06. Ineligibility for retired status.**

Under no circumstances shall a registrant be eligible for a retired registration if the person's certificate of registration has been revoked, surrendered, or in any way permanently terminated by the board. Registrants who are suspended from practice or who are subject to terms of a board order, or both, at the time they request retirement status shall not be eligible for a retired registration until such time that the board has removed the restricting conditions.

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

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

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

#### **28-02.1-12-07. Penalties for noncompliance.**

Any violations of this chapter shall be considered misconduct or malpractice, or both. Such violations are subject to disciplinary action.

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

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

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