

**TITLE 28**  
**ENGINEERS AND LAND SURVEYORS, BOARD OF REGISTRATION FOR**  
**PROFESSIONAL**

**Summary Changes**  
**Implemented October 1st, 2021**

## OCTOBER 2021

### CHAPTER 28-02.1-04

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

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

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

(1) The military spouse demonstrates competency in the profession through methods or standards determined by the board which must include experience in the profession for at least two of the four years preceding the date of application under this section; and

(2) The board determines the issuance of the license will not substantially increase the risk of harm to the public.

b. The board shall issue a provisional license or temporary permit to a military spouse for which the licensure requirements under subdivision a have been substantially met. No fees may be charged a military spouse for a provisional license or temporary permit. The provisional license or temporary permit may not exceed two years and remains valid while the military spouse is making progress towards satisfying the unmet licensure requirements. A military spouse may practice under a provisional license or temporary permit until any of the following occurs:

(1) The board grants or denies the military spouse a North Dakota license under subdivision a or grants a North Dakota license under the traditional licensure method;

(2) The provisional license or temporary permit expires;

(3) The military spouse fails to comply with the terms of the provisional license or temporary permit; or

(4) The board revokes the provisional license or temporary permit based on a determination revocation is necessary to protect the health and safety of the residents of the state.

c. A military spouse issued a license under this section has the same rights and duties as a licensee issued a license under traditional licensure methods.

d. If within thirty days of receipt of a completed application under subdivision a the board does not grant or deny a license or does not issue a provisional license or temporary permit under subdivision b, the board automatically shall issue a provisional license or temporary permit. A provisional license or temporary permit issued under this subdivision remains valid until the board grants or denies the application for licensure under subdivision a or issues a provisional license or temporary permit per the requirements under subdivision b.

e. On each licensure application and renewal form the board shall inquire and maintain a record of whether an applicant or licensee is a member of the military or a military spouse. If an applicant self-identifies as and provides the board with satisfactory proof of being a military spouse, the board immediately shall commence the process to issue a license, provisional license, or temporary permit.

**History:** Effective January 1, 1988; amended effective August 1, 1994; April 1, 1999; October 1, 2010; October 1, 2021.

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

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

## CHAPTER 28-02.1-05

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

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

**History:** Effective January 1, 1988; amended effective August 1, 1994; April 1, 1999; October 1, 2004; October 1, 2010; [October 1, 2021](#).

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

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

## CHAPTER 28-02.1-06

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

~~—Land surveyor intern applicants must satisfy the requirements located in North Dakota Century Code section 43-19.1-16.1.~~

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

2. Land surveyor intern applicants applying after June 30, 2028, must satisfy the requirements located in North Dakota Century Code section 43-19.1-16.2.

a. A board-approved accredited program must consist of a minimum of twenty-four semester credits in surveying science and surveying practice courses consisting of a minimum of:

(1) Four semester credits in drafting/CAD/GIS;

(2) Ten semester credits in basic land surveying; and

(3) Ten semester credits in principles and practices of land surveying.

b. A board-approved accredited program also must consist of a minimum of six semester credits of oral and written communication.

c. Credits will be determined as follows:

(1) One hour of classroom or direct faculty instruction and a minimum of two hours of out-of-class student work each week for a minimum of fifteen weeks equals one semester of credit.

(2) One hour of classroom or direct faculty instruction and a minimum of two hours of out-of-class student work each week for a minimum of ten weeks equals one quarter of credit.

(3) One quarter of credit equals two-thirds of one semester of credit.

**History:** Effective January 1, 1988; amended effective August 1, 1994; April 1, 1999; October 1, 2004; October 1, 2010; October 1, 2021.

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

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

## CHAPTER 28-02.1-07

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

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

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

**History:** Effective January 1, 1988; amended effective April 1, 1999; October 1, 2010; October 1, 2021.

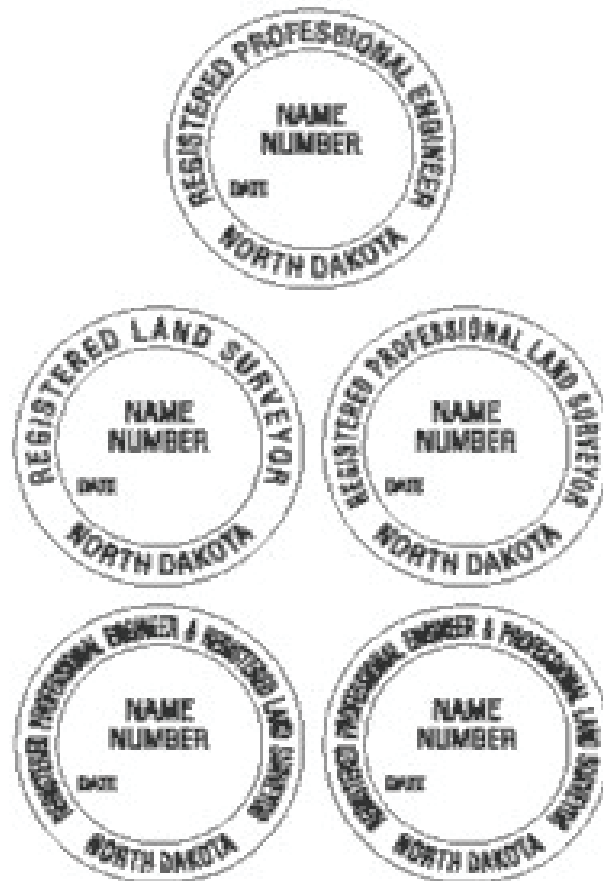
**General Authority:** NDCC 43-19.1-08

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

## CHAPTER 28-02.1-08

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

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



**History:** Effective January 1, 1988; amended effective August 1, 1994; April 1, 1999; October 1, 2004; October 1, 2010; October 1, 2014; [October 1, 2021](#).

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

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

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

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



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

reproduction of the seal and signature. A new seal and original signature will not be required with such paper distribution.

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

**History:** Effective October 1, 2004; amended effective October 1, 2010; October 1, 2014; [October 1, 2021](#).

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

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

## CHAPTER 28-02.1-09

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

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

1. Every other year, beginning with 1999, the board shall ~~mail~~provide renewal notices prior to December first to the last address of record for each registration and certificate holder. The renewal notice shall contain the amount of the renewal fee and the pending expiration date.
2. Every year, or every other year for biennial renewals, the board shall mail certificate of commercial practice renewal notices prior to December first to the last address of record for the organization. The renewal notice shall contain the amount of the renewal fee and the pending expiration date.

~~3. A late fee as determined by the board shall be imposed on renewals postmarked after December thirty-first.~~

**History:** Effective January 1, 1988; amended effective November 1, 1998; April 1, 1999; October 1, 2010; [October 1, 2021](#).

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

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

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

1. An individual registration that has lapsed for more than one year, but less than five years, may become reinstated by paying the renewal fee for the current registration period plus two years' back renewal fee provided the lapsed registrant meets all other requirements. A holder of a certificate of commercial practice who has allowed the certificate to lapse for more than one year, but less than five years, may become reinstated by paying the current year renewal fee ~~plus one year back renewal fee~~, [which must be prorated for middle of biennium renewals](#).
2. Registrations and certificates that have lapsed five years or more require reapplication updating all the required information of the applicant as if an original application. The board may require reexamination of registrants for all or a portion of the examination qualification requirements.
3. A retired registrant, upon written request to the board and payment of the current renewal fee, may resume active engineering or land surveying practice provided the retired registrant meets all other requirements. All rights and responsibilities of a valid or active registration will be in effect, including compliance with continuing professional competency requirements.
4. A registrant whose license has been lapsed or retired for one year or more and who meets all other requirements is required to file an interim continuing professional competency report within one year of the date of reinstatement verifying that a minimum of fifteen professional development hours have been accomplished.
5. A registrant whose license has been lapsed or retired for less than one year and who meets all other requirements must show compliance within the previous two years with the continuing professional competency requirements set forth in article 28-04.

**History:** Effective January 1, 1988; amended effective November 1, 1998; April 1, 1999; October 1, 2004; October 1, 2010; [October 1, 2021](#).

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

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

## CHAPTER 28-02.1-10

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

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

**History:** Effective January 1, 1988; amended effective August 1, 1994; April 1, 1999; October 1, 2010; October 1, 2021.

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

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

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

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

#### Registration Fees

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

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

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

#### Biennial Renewal Fees

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

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

Retiree

\$20.00

\$20.00

The following annual renewal fees will be charged:

Certificate of commercial practice

\$100.00

**History:** Effective January 1, 1988; amended effective August 1, 1994; November 1, 1998; April 1, 1999; October 1, 2004; January 1, 2011; [October 1, 2021](#).

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

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

## CHAPTER 28-02.1-13

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

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

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

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

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

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

**History:** Effective October 1, 2004; amended effective July 1, 2009; October 1, 2021.

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

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

## CHAPTER 28-03.1-01

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

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

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

**History:** Effective January 1, 1988; amended effective April 1, 1999; October 1, 2004; October 1, 2010; October 1, 2021.

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

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

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

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

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



**History:** Effective January 1, 1988; amended effective October 1, 2004; [October 1, 2021](#).

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

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

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

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

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

**History:** Effective January 1, 1988; amended effective April 1, 1999; October 1, 2004; October 1, 2010; [October 1, 2021](#).

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

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

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

1. Whenever possible, the registrant will name the person or persons who may be individually responsible for designs, inventions, writings, or other accomplishments.
2. ~~When a registrant uses designs~~ [Designs](#) supplied by a client, ~~the designs~~ remain the property of the client and should not be duplicated by the registrant for others without express permission.
3. Before undertaking work for others in which the registrant may make improvements, plans, designs, inventions, or other records that may justify copyrights or patents, the registrant should enter into an agreement regarding the ownership of the improvements, plans, designs, inventions, or other records.
4. ~~Designs, data, records, and notes made by a registrant and referring exclusively to the employer's work are the employer's property.~~ [All files of an employer of the registrant are the property of the employer and may not be retained, removed, or copied by the registrant upon termination of the registrant's employment unless the employer specifically consents otherwise in writing. The files of an employer include all of the employer's records; data; research materials; copies of contracts; requests for proposals; proposals; plans, including preliminary plans, specifications, and drawings; client lists; client information; billing or financial information; notes; research materials; historical or background materials; copies of sample specifications, contracts, or documents; and computer data banks of any kind. If the registrant has any of the employer's files before termination of employment in any form or format, including actual physical copies or on computer memory storage devices, the registrant shall return or destroy such files immediately upon termination of employment unless otherwise instructed or agreed upon by the employer.](#)



**History:** Effective January 1, 1988; amended effective October 1, 2004; October 1, 2010; [October 1, 2021](#).

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

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

## CHAPTER 28-04-01

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

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

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

**History:** Effective October 1, 2004; amended effective October 1, 2021.

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

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

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

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

1. **College unit, semester, or quarter hour credit for college courses.** A course must be regularly offered and participants tested with a passing grade required. One semester hour

generally consists of fifteen class meetings of fifty to fifty-five minutes duration. It is assumed that twice as much study time is required as class contact time, thus equating to forty-five professional development hours. Similarly, a quarter hour qualifying course meets ten times and thus thirty professional development hours are allowed. Monitoring courses do not require a test, and therefore only the actual class contact hours are allowed. On occasion, educational institutions may offer a one-day seminar and award fractional quarter hour credit such as one-half of a quarter hour. These courses do not qualify on the quarter hour basis since they are not part of the regular curriculum of the educational institution, do not require testing, and have no provision for additional out-of-class requirements. For courses such as this, only actual contact hours will be allowed for professional development hour credit.

2. **Interactive activities.** Other qualifying courses, seminars, employer-sponsored educational activities, programs, and activities are allowed one professional development hour credit for each contact hour. A correspondence course, ~~videotaped~~recorded programs, and online courses (self-study) must require the participant to show evidence of achievement with a final graded test.
3. **Teaching credit for short courses.** Teaching credits for the instructor are twice that of the participants in qualifying courses and seminars. However, repetitive teaching of the same course will not earn additional credit.
4. **Published paper, article, or book.** A published paper, article, or book must be a serious effort to qualify. For example, a news article in a technical or professional bulletin is not considered a published paper. Although it is recognized that often many more hours are spent in being an author of a publication, ten professional development hours are allowed for publication. Only one publication may be claimed for professional development hours per renewal period. Repetitive publication of the same paper or article will not earn additional credit.
5. **Active participation in professional and technical societies.** Active participation in professional and technical societies is to encourage registrants to participate fully in appropriate technical and professional societies. Contact with one's peers at such meetings is considered one way to stay abreast of current topics, issues, technical developments, ethical situations, and learning opportunities. Two professional development hours per biennium can be earned for each organization with a maximum of six professional development hours per biennium allowed. All technical and professional societies are included, but this does not include civic or trade organizations.
6. **Patents.** Patents are allowed ten professional development hours after a patent is issued and the inventor submits details to the board. The invention must be related to the registrant's profession.

**History:** Effective October 1, 2004; [amended effective October 1, 2021](#).

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

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

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

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

1. A registrant serving on temporary active duty in the armed forces of the United States, or a registrant serving on regular active duty who is deployed for a period of time exceeding one hundred twenty consecutive days in a year, shall be exempt from obtaining the professional development hours required during that year.

2. Registrants experiencing physical disability, illness, temporary leave from professional activity, or other extenuating circumstances as reviewed and approved by the board may be exempt. Supporting documentation must be furnished to the board. In the event such a person elects to return to active practice of professional engineering or land surveying, fifteen professional development hours must be earned before returning to active practice for each year exempted not to exceed the biennial requirement of thirty professional development hours.
3. Professional engineer registrants exempt from registration by North Dakota Century Code section 43-19.1-29 but voluntarily registered are exempt from continuing professional competency requirements. A claim of exemption under this provision must be verified by the board. This exemption is based on the registrant's primary employment. If the registrant provides engineering services outside the scope of primary employment, the exemption will be voided and the registrant will be required to comply with the continuing professional competency requirements. A person who is registered because of a requirement in the person's job description or qualification for a pay grade is not voluntarily registered. Noncompliance with the provisions of this exemption shall be grounds for disciplinary action as allowed by North Dakota Century Code section 43-19.1-25.
4. Registrants who qualify for retired status on the board-approved renewal form shall be exempt from the continuing education requirements. A registrant whose license has been retired for one year or more and who meets all other requirements may reinstate a retired license. A registrant who has reinstated a license is required to file an interim continuing professional competency report within one year of the date of reinstatement verifying that a minimum of fifteen professional development hours have been accomplished. A registrant whose license has been retired for less than one year and who meets all other requirements may reinstate a retired license. A registrant who has reinstated a license must show compliance within the previous two years with the continuing professional competency requirements set forth in this chapter.
5. The board reserves the right to modify the requirements for continuing education based on extenuating circumstances that would prevent or restrict a registrant from obtaining the required professional development hours. This modification would not reduce the overall credits needed but allows for an extension in time to fulfill the requirements.

**History:** Effective October 1, 2004; amended effective October 1, 2021.

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

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