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# Nebraska Laws and Rules for Engineers

by

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Nebraska Laws and Rules for Engineers  
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Course Outline:

Nebraska Revised Statutes  
Neb. Rev. Stat. 81-34  
Nebraska Administrative Code  
110 Neb. Admin. Code  
State Board  
Practice of Professional Engineering  
Responsible Charge and Direct Supervision  
Engineering Disciplines  
Professional Conduct  
Sign and Seal Requirements  
Continuing Education  
Helpful References  
Examination

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### **Nebraska Revised Statutes**

State laws (called statutes) are enacted by the Nebraska Legislature, which is a unicameral body called the Nebraska Senate. With 49 members, it is the smallest state legislature. When a bill has passed, it is transmitted to the Governor for signature and then becomes law. If the Governor vetoes the bill, the Legislature must override a veto with a three-fifths majority vote in the Senate for the bill to become law.



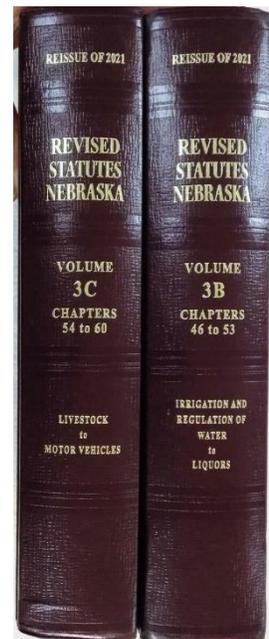
Passed bills (acts) from each legislative session are published in Session Laws, which are not yet integrated into existing laws and difficult to utilize. Next, the laws are added to the *Nebraska Revised Statutes* (or *Revised Statutes of Nebraska*) in the appropriate locations with numbering, formatting, and removal of replaced or repealed statutes. Annotations are also added such as notes and references, with the resulting publication often called the *Revised Statutes of Nebraska Annotated*. Common citations include Neb. Rev. Stat., or N.R.S.

The Nebraska Revised Statutes is divided into 90 chapters. Laws with relevance to engineering are in Chapter 81, Article 34 (cited as Neb. Rev. Stat. 81-34 or E&A Act). The organization is as follows:

#### **Nebraska Revised Statutes**

- Chapter 81: State Administrative Departments
  - Article 34: Engineers and Architects Regulation Act

See the “Helpful Resources” section for the website addresses with the latest laws, rules, and Board information. The laws and rules in this course are current as of October 2024.





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**Neb. Rev. Stat. 81-34**

The law dedicated to the practice of engineering is Neb. Rev. Stat. 81-34 (E&A Act). It contains general requirements for engineers and architects. Neb. Rev. Stat. 81-34 gives authority to the *Nebraska Board of Engineers and Architects* (Board) to enact the laws and manage licensing. The following is the contents of Neb. Rev. Stat. 81-34, with **bold** sections being of particular importance for practicing professional engineers.

**Neb. Rev. Stat. 81-34: Engineers and Architects Regulation Act**

81-3401 - Act, how cited

**81-3402 - Architecture and engineering; regulation**

**81-3403 - Definitions, where found**

81-3403.01 - ABET, defined

81-3404 - Architect, defined

81-3405 - Board, defined

81-3405.01 - Building official, defined

**81-3405.02 - Building, defined**

**81-3407 - Continuing education, defined**

**81-3408 - Coordinating professional, defined**

**81-3409 - Design, defined**

**81-3411 - Direct supervision, defined**

81-3412 - Emeritus, defined

81-3414 - Engineer-intern, defined

**81-3415 - Estimator, technician, or other similar titles, defined**

**81-3416 - Good ethical character, defined**

81-3416.01 - Intern architect, defined

**81-3416.02 - Licensee, defined**

**81-3418 - Organization, defined**

81-3420 - Practice of architecture, defined

**81-3421 - Practice of engineering, defined**

**81-3422 - Professional engineer, defined**

**81-3422.01 - Project, defined**

**81-3423 - Public service provider, defined**

**81-3425 - Responsible charge, defined**

**81-3426 - Rules and regulations, defined**

**81-3427 - Technical submissions, defined**

81-3428 - Board of Engineers and Architects; created; members; terms; location

81-3429 - Board; members; per diem; expenses



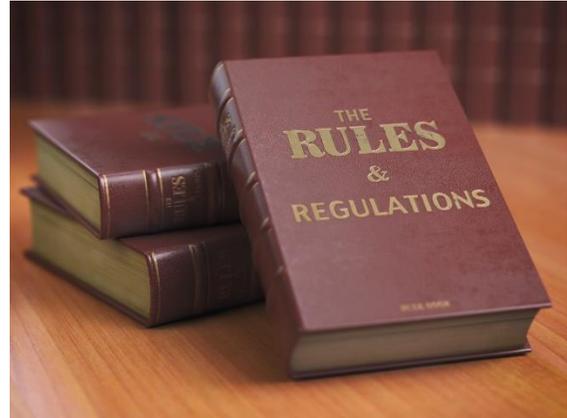
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- 81-3430 - Certificate of appointment; oath; Attorney General; legal advisor; seal; rules and regulations
- 81-3431 - Board; meetings; officers; quorum
- 81-3432 - Engineers and Architects Regulation Fund; created; use; investment
- 81-3432.01 - Repayment of qualified educational debt; authorized; eligibility
- 81-3433 - Roster
- 81-3434 - Code of practice; contents
- 81-3435 - Application for licensure, examination, intern enrollment, certificate of authorization, or emeritus status; form; fees
- 81-3436 - Organizational practice; certificate of authorization; when required; application; immunity; Secretary of State; registration of trade name or service mark; limitation**
- 81-3436.01 - Combined services with construction services; authorized; conditions**
- 81-3437 - Certificate of licensure; issuance; certificate of enrollment; issuance**
- 81-3437.01 - Seal; contents; use; prohibited acts**
- 81-3437.02 - Coordinating professional; designation; duties**
- 81-3438 - Certificates; expiration; renewal; fees; continuing education**
- 81-3439 - Replacement certificates; fee
- 81-3440 - Enforcement
- 81-3441 - Use of title; unlawful practice**
- 81-3442 - Prohibited acts; penalties**
- 81-3443 - Enforcement procedures
- 81-3444 - Disciplinary actions authorized; civil penalties
- 81-3445 - State and political subdivisions; construction projects**
- 81-3446 - Construction projects on private lands; applicability of act; owner; duties**
- 81-3448 - Architect; license; application; fee; requirements; examination; temporary permit
- 81-3449 - Practice of architecture; exempted activities
- 81-3450 - Technical submissions by architect; affix seal and signature; conditions
- 81-3451 - Engineer-intern; enrollment; requirements; application; fee; professional engineer; license; application; fee; examination; requirements; temporary permit
- 81-3453 - Practice of engineering; exempted activities**
- 81-3454 - Technical submissions by professional engineer; affix seal and signature; conditions**
- 81-3455 - Act, how construed

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### **Nebraska Administrative Code**

State laws are often high-level and lack details required for implementation. The Nebraska Legislature delegates state agencies to manage the implementation of laws and to create rules and regulations that complement the laws. The compilation of agency regulations is called the *Nebraska Administrative Code* or *Nebraska Rules and Regulations*, and can be cited as N.A.C., NAC, or Neb. Admin. Code. The regulations are enforceable just like state statutes.



The Neb. Code R. is grouped by agencies and titles, each representing different state agencies (departments, divisions, districts, boards, councils, authorities, and commissions). Professional engineering is covered under Title 110, cited as 110 Neb. Admin. Code, and known as the “Board Rules and Regulations” or E&A Rules.

The organization is as follows:

#### Neb. Code R.

- Agency: Engineers and Architects
  - Title 110: Board of Engineers and Architects

There are separate chapters and boards for surveyors, landscape architects, geologists, and other professions.



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**110 Neb. Admin. Code**

The following are the contents of 110 Neb. Admin. Code, also known as the E&A Rules. Sections in **bold** are of particular importance for practicing professional engineers.

110 Neb. Admin. Code - Board of Engineers and Architects

Chapter 1 - GENERAL PROVISIONS

**110-1-1 - Definitions**

110-1-2 - Terms Defined by Statute

110-1-3 - Purpose

110-1-4 - Board's Regulatory Authority

110-1-5 - Severability

110-1-6 - Adoption of the Attorney General's Model Rules

110-1-7 - Federal Requirements

110-1-8 - Record of Board's Actions

110-1-9 - Board Member Conflicts of Interest

110-1-10 - Conditional License

110-1-11 - Expired License Status

110-1-12 - License Fees

110-1-13 - Professional Assistance

110-1-14 - Licensee Lists

110-1-15 - Photographs and Transcripts

110-1-16 - Emeritus Board Members

110-1-17 - Licensure of Board Members

110-1-18 – Applications

Chapter 2 - INITIAL LICENSURE OF PROFESSIONAL ENGINEERS

110-2-1 - Requirements

110-2-2 - Education Requirements

110-2-3 - Experience Requirements

110-2-4 - Examination Requirements

110-2-5 - Application for Licensure

**110-2-6 - Certificates**

110-2-7 - Enrollment as an Engineer Intern (EI)

110-2-8 - Reimbursement of Educational Debt



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Chapter 3 - INITIAL LICENSURE OF ARCHITECTS

- 110-3-1 - Requirements for Licensure
- 110-3-2 - Education Requirements
- 110-3-3 - Experience Requirements
- 110-3-4 - Examination Requirements
- 110-3-5 - Application for Licensure
- 110-3-6 - Certificates
- 110-3-7 - Reimbursement of Educational Debt

Chapter 4 - COMITY

- 110-4-1 - Comity for Engineers
- 110-4-2 - Comity Licensure for Architects

Chapter 5 - CODE OF PRACTICE

- 110-5-1 - Competence**
- 110-5-2 - Conflict of Interest**
- 110-5-3 - Disclosure of Professional Relationships or Responsibility**
- 110-5-4 - Compliance with Laws**
- 110-5-5 - Professional Conduct**
- 110-5-6 - Use of Regulated Titles**

Chapter 6 - THE LICENSEE SEAL

- 110-6-1 - Use of the Seal**
- 110-6-2 - Projects Based on Previously Sealed Project Documents**
- 110-6-3 - The Coordinating Professional**
- 110-6-4 - Direct Supervision of Work**
- 110-6-5 - Technical Submissions**

Chapter 7 - ORGANIZATIONAL PRACTICE

- 110-7-1 - Applications
- 110-7-2 - Minimum Organizational Requirements
- 110-7-3 - Criteria for Issuing a Certificate of Authorization
- 110-7-4 - Design-Build**

Chapter 8 - ENFORCEMENT

- 110-8-1 - Initial Review of Complaints and Compliance Issues
- 110-8-2 - Informal Process



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- 110-8-3 - Formal Process
- 110-8-4 - Remediation
- 110-8-5 - Failure to Comply with Board Orders
- 110-8-6 - Organizations Practicing without a Certificate of Authorization

Chapter 9 - CONTINUING EDUCATION

- 110-9-1 - General
- 110-9-2 - Requirements**
- 110-9-3 - Restrictions**
- 110-9-4 - Units and Carry-over**
- 110-9-5 - Recordkeeping**
- 110-9-6 - Exemptions and Waiver**
- 110-9-7 - Audits**

Chapter 10 - EXEMPTIONS; CLARIFICATION

- 110-10-1 - Introduction
- 110-10-2 - Definitions; Neb Rev. Stat. Sections 81-3449 and 81-3453**
- 110-10-3 - Statutory Exemptions to the Engineers and Architects Regulation Act**
- 110-10-4 - Renovations and One-Level Additions**
- 110-10-5 - The Practice of Engineering and Architecture**
- 110-10-6 - Building Officials**
- 110-10-7 - Emergency Services**



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### **State Board**

The state agency for professional engineering is the *State of Nebraska Board of Engineers and Architects* (NBEA), herein referred to as the Board.

The Board oversees over 8,000 professional engineers. The Board has the authority to manage and further regulate professional engineering. The Board can make modifications to 110 Neb. Admin. Code.

### **Board Website**



The board website contains the following relevant topic pages:

- Home
- Licensee Lookup
- Architects
- Engineers
- Continuing Education
- Renew License
- Organizations
- Board
- Enforcement
- Resources
- Publications
- Nebraska Engineers and Architects  
Regulation Act Handbook
- Meetings
- Forms
- FAQ
- Contact



<https://ea.nebraska.gov/>



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## **Practice of Professional Engineering**

The following is a copy-paste of the relevant laws and rules that help define the practice of professional engineering:

### Neb. Rev. Stat. 81-34

#### **Section 81-3402 - Architecture and engineering; regulation**

In order to safeguard life, health, and property and to promote the public welfare, the professions of architecture and engineering are declared to be subject to regulation in the public interest. The practice of architecture and engineering and use of the titles architect or professional engineer is a privilege granted by the state through the board based on the qualifications of the individual as evidenced by a certificate of licensure which is not transferable.

#### **Section 81-3405.01 - Building official, defined**

Building official means a person appointed by the state or a political subdivision having responsibility for the public safety and welfare and the enforcement of building codes with regard to buildings and other structures within such person's jurisdiction.

#### **Section 81-3405.02 - Building, defined**

Building means any structure used, or intended to be used, to support, shelter, or enclose any use or occupancy.

#### **Section 81-3408 - Coordinating professional, defined**

Coordinating professional means a licensee who coordinates, as appropriate, the work of all licensees involved in a project.

#### **Section 81-3409 - Design, defined**

Design means the preparation of schematics, layouts, plans, drawings, specifications, calculations, and other diagnostic documents which show the features of an architectural or engineering project.

#### **Section 81-3412 - Emeritus, defined**

Emeritus means an architect or professional engineer who has relinquished his or her license and who is approved by the board to use the honorary title emeritus.



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**Section 81-3415 - Estimator, technician, or other similar titles, defined**

Estimator, technician, or other similar titles means a person who through training or experience is performing tasks associated with the practice of architecture or engineering under the supervision of an architect or professional engineer, respectively.

**Section 81-3416 - Good ethical character, defined**

Good ethical character means such character as will enable a person to discharge the fiduciary duties of an architect or professional engineer to his or her client and to the public for the protection of the public health, safety, and welfare.

**Section 81-3416.02 - Licensee, defined**

Licensee means a licensed architect or professional engineer.

**Section 81-3418 - Organization, defined**

Organization means a business entity created by law, including, but not limited to, a partnership, limited liability company, corporation, or joint venture.

**Section 81-3421 - Practice of engineering, defined**

(1) Practice of engineering means any service or creative work that requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences. The services may include, but not be limited to, planning, providing studies, designs, drawings, specifications, and other technical submissions, and administering construction contracts. The practice of engineering does not include the practice of architecture.

(2) A person shall be construed to practice engineering, within the meaning and intent of the Engineers and Architects Regulation Act, if he or she:

- (a) Practices any discipline of the profession of engineering or holds himself or herself out as able and entitled to practice any discipline of engineering;
- (b) By verbal claim, sign, advertisement, letterhead, or card or in any other way, represents himself or herself to be a professional engineer; or
- (c) Through the use of some other title, implies that he or she is a professional engineer or licensed under the Engineers and Architects Regulation Act.

**Section 81-3422 - Professional engineer, defined**



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Professional engineer means a person who is licensed by the board to practice engineering. The board may designate a professional engineer, on the basis of education, experience, and examination, as being licensed in a specific discipline of engineering signifying an area in which the professional engineer has demonstrated competence.

**Section 81-3422.01 - Project, defined**

Project means one or more related activities that require the practice of architecture or engineering for completion.

**Section 81-3423 - Public service provider, defined**

Public service provider means any political subdivision which employs or appoints an architect or a professional engineer to be in responsible charge of the political subdivision's architectural or engineering work.

**Section 81-3426 - Rules and regulations, defined**

Rules and regulations means rules and regulations adopted and promulgated under the Engineers and Architects Regulation Act by the board.

**Section 81-3427 - Technical submissions, defined**

Technical submissions means designs, drawings, specifications, studies, and other technical reports that constitute, or may be prepared in conjunction with, a project.

**Section 81-3436 - Organizational practice; certificate of authorization; when required; application; immunity; Secretary of State; registration of trade name or service mark; limitation**

(1) An individual licensed under the Engineers and Architects Regulation Act may practice or offer to practice the profession of architecture or engineering through an organization if the criteria for organizational practice established by the board are met and the organization has been issued a certificate of authorization by the board.

(2) An organization applying for a certificate of authorization shall designate at least one licensed architect as the person in responsible charge of any practice of architecture by the organization and at least one professional engineer as the person in responsible charge of any practice of engineering by the organization. One who renders only occasional professional services for an organization may not be



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designated as being in responsible charge of the professional activities of an organization under this section.

(3) To obtain a certificate of authorization, a board-approved application shall be filed with the board. The application shall contain the names and license numbers of the individual or individuals designated as in responsible charge and licensed to practice architecture or engineering in Nebraska. Certificates of authorization shall be for a defined period and may be renewed.

(4) An organization shall notify the board of any changes in the status of any individual designated as in responsible charge within thirty days after the effective date of the change.

(5) All technical submissions issued or filed for public record through an organization involving the practice of architecture or engineering shall be sealed in accordance with the act by the licensee who prepared the submissions or under whose direct supervision they were prepared.

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

(7) The Secretary of State shall not issue a certificate of authority to do business in the state to an applicant or issue a registration of name in the state to an organization which intends to engage in the practice of architecture or engineering unless the board has issued the applicant a certificate of authorization or a letter indicating the eligibility of the applicant to receive a certificate or to register the name.

(8) Except as otherwise authorized in the Engineers and Architects Regulation Act or in the Professional Landscape Architects Act, the Secretary of State shall not register any trade name or service mark which includes the words architect or engineer, or any modification or derivative of such words, in an applicant's firm name or logotype unless the board has issued the applicant a certificate of authorization or



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a letter indicating the eligibility of the applicant to register the trade name or service mark.

(9) A public service provider or an organization may engage in the practice of architecture or engineering for itself without obtaining a certificate of authorization.

**Section 81-3436.01 - Combined services with construction services; authorized; conditions**

(1) Providing combined services involving the practice of architecture or engineering, or both, with construction services is allowed if:

- (a) An architect participates substantially in, and has direct supervision of, the architectural services provided on the project;
- (b) A professional engineer participates substantially in, and has direct supervision of, the engineering services provided on the project; and
- (c) The rendering of architectural or professional engineering services conforms to the Engineers and Architects Regulation Act and the rules and regulations.

(2) A temporary permit holder under the act may perform engineering or architectural services pursuant to this section.

**Section 81-3437 - Certificate of licensure; issuance; certificate of enrollment; issuance**

(1) The board shall issue to any applicant who, on the basis of education, experience, and examination, has met the requirements of the Engineers and Architects Regulation Act a certificate of licensure giving the licensee proper authority to carry out the prerogatives of the act. If a professional engineer's license has been issued in a specific discipline, the discipline shall be specified on the certificate of licensure. The certificate of licensure shall carry the designation Licensed Architect or Licensed Professional (discipline) Engineer. The certificate shall give the full name of the licensee and license number and shall be signed by the chairperson of the board, the secretary of the board, and one other board member.

(2) The certificate of licensure shall be prima facie evidence that the person is entitled to all rights, privileges, and responsibilities of an architect or a professional engineer while the certificate of licensure remains unrevoked and unexpired.



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(3) The board shall issue to any applicant who, on the basis of education and examination, has met the requirements of the Engineers and Architects Regulation Act a certificate of enrollment as an engineer-intern. The engineer-intern certificate does not authorize the holder to practice as a professional engineer.

**Section 81-3437.02 - Coordinating professional; designation; duties**

(1) Projects involving more than one licensed architect or professional engineer shall have an architect or professional engineer designated as the coordinating professional for the entire project. The coordinating professional may, but need not, provide architectural or engineering services on the project. The coordinating professional shall apply his or her seal in accordance with the Engineers and Architects Regulation Act to the cover sheet of all documents and denote the seal as that of the coordinating professional.

(2) The coordinating professional shall be responsible for reviewing and coordinating technical documents prepared by others for compatibility with the design of the project.

**Section 81-3438 - Certificates; expiration; renewal; fees; continuing education**

Certificates of licensure and certificates of authorization shall expire on a date established by the board and shall become invalid after that date unless renewed. The board shall notify every person licensed under the Engineers and Architects Regulation Act and every organization holding a certificate of authorization under the act of the date of the expiration of the certificate of licensure or certificate of authorization and the amount of the fee required for renewal. The notice shall be provided at least one month in advance of the date of the expiration to the licensee or organization at the last-known address on file with the board. Valid certificates may be renewed prior to expiration upon application and payment of applicable fees. Expired certificates may be renewed in accordance with rules and regulations of the board. Renewal fees shall not exceed two hundred dollars per year. The board may require licensees to obtain continuing education as a condition of license renewal.

**Section 81-3441 - Use of title; unlawful practice**

Except as provided in sections 81-3414, 81-3415, 81-3449, and 81-3453, an individual shall not directly or indirectly engage in the practice of architecture or engineering in the state or use the title architect or professional engineer or display or use any words, letters, figures, titles, sign, card, advertisement, or other symbol or device indicating or tending to indicate that he or she is an architect or professional



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engineer or is practicing architecture or engineering unless he or she is licensed under the Engineers and Architects Regulation Act. A licensee shall not aid or abet any person not licensed under the act in the practice of architecture or engineering.

**Section 81-3445 - State and political subdivisions; construction projects**

Except as otherwise provided in this section and sections 81-3449 and 81-3453, the state and its political subdivisions shall not engage in the construction of any public works involving architecture or engineering unless the plans, specifications, and estimates have been prepared and the construction has been observed by an architect, a professional engineer, or a person under the direct supervision of an architect, professional engineer, or those under the direct supervision of an architect or professional engineer. This section shall not apply to any public work in which the contemplated expenditure for the complete project does not exceed one hundred thousand dollars. The board shall adjust the dollar amount in this section every fifth year. The first such adjustment after August 27, 2011, shall be effective on July 1, 2014. The adjusted amount shall be equal to the then current amount adjusted by the cumulative percentage change in the Consumer Price Index for All Urban Consumers published by the Federal Bureau of Labor Statistics for the five-year period preceding the adjustment date. The amount shall be rounded to the next highest one-thousand-dollar amount.

**Section 81-3446 - Construction projects on private lands; applicability of act; owner; duties**

(1) A project on private land is subject to the provisions of the Engineers and Architects Regulation Act unless exempt under section 81-3449 or 81-3453.

(2) The owner of any real property who allows a project to be constructed on his or her real property is engaged in the practice of architecture or engineering unless he or she employs or causes others to employ licensed architects or professional engineers or persons under the direct supervision of licensed architects or professional engineers to furnish at least minimum construction phase services with respect to the project or is exempt from the Engineers and Architects Regulation Act under sections 81-3449 and 81-3453.

(3) For purposes of this section:

(a) Construction phase service includes at least the following services:



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- (i) Visiting the project site on a regular basis as is necessary to determine that the work is proceeding generally in accordance with the technical submissions submitted to the building official at the time the project permit was issued; and
  - (ii) processing technical submissions required of the contractor by the terms of contract documents. The term does not include supervision of construction, review of payment applications, resolution of disputes between the owner and contractor, and other such items which are considered additional construction administration services which the owner may or may not elect to include in the architect's or engineer's scope of work; and
- (b) Owner means with respect to any real property the following persons:
- (i) The record owner of such real property;
  - (ii) the lessee of all or any portion of the real property when the lease covers all of that portion of the real property upon which the project is being constructed, the lessee has significant approval rights with respect to the project, and the lease, at the time the project begins, has a remaining term of not less than ten years; or
  - (iii) the grantee of an easement granting right-of-way to construct the project.

**Section 81-3453 - Practice of engineering; exempted activities**

The provisions of the Engineers and Architects Regulation Act regulating the practice of engineering do not apply to the following activities:

- (1) The construction, remodeling, alteration, or renovation of a detached single-family through four-family dwelling of less than five thousand square feet above grade finished space. Any detached or attached sheds, storage buildings, and garages incidental to the dwelling are not included in the tabulation of finished space. Such exemption may be increased by rule and regulation of the board adopted pursuant to the Negotiated Rulemaking Act but shall not exceed the Type V, column B, limitations set forth by the allowable height and building areas table in the state building code adopted in section 71-6403;
- (2) The construction, remodeling, alteration, or renovation of a one-story commercial or industrial building or structure of less than five thousand square feet above grade finished space which does not exceed thirty feet in height unless such building or



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structure, or the remodeling or repairing thereof, provides for the employment, housing, or assembly of twenty or more persons. Any detached or attached sheds, storage buildings, and garages incidental to the building or structure are not included in the tabulation of finished space. Such exemption may be increased by rule and regulation of the board adopted pursuant to the Negotiated Rulemaking Act but shall not exceed the Type V, column B, limitations set forth by the allowable height and building areas table in the state building code adopted in section 71-6403;

(3) The construction, remodeling, alteration, or renovation of farm buildings, including barns, silos, sheds, or housing for farm equipment and machinery, livestock, poultry, or storage and if the structures are designed to be occupied by no more than twenty persons. Such exemption may be increased by rule and regulation of the board adopted pursuant to the Negotiated Rulemaking Act but shall not exceed the Type V, column B, limitations set forth by the allowable height and building areas table in the state building code adopted in section 71-6403;

(4) Any public works project with contemplated expenditures for the completed project that do not exceed one hundred thousand dollars. The board shall adjust the dollar amount in this subdivision every fifth year. The first such adjustment after August 27, 2011, shall be effective on July 1, 2014. The adjusted amount shall be equal to the then current amount adjusted by the cumulative percentage change in the Consumer Price Index for All Urban Consumers published by the Federal Bureau of Labor Statistics for the five-year period preceding the adjustment date. The amount shall be rounded to the next highest one-thousand-dollar amount;

(5) Any alteration, renovation, or remodeling of a building if the alteration, renovation, or remodeling does not affect architectural or engineering safety features of the building;

(6) The teaching, including research and service, of engineering subjects in a college or university offering an ABET-accredited engineering curriculum of four years or more;

(7) A public service provider or an organization who employs a licensee performing professional services for itself;



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(8) The practice by a qualified member of another legally recognized profession who is otherwise licensed or certified by this state or any political subdivision to perform services consistent with the laws of this state, the training, and the code of ethics of such profession, if such qualified member does not represent himself or herself to be practicing engineering and does not represent himself or herself to be a professional engineer;

(9) The work of an employee or a subordinate of a person holding a certificate of licensure or a temporary permit under the Engineers and Architects Regulation Act if the work is done under the direct supervision of a person holding a certificate of licensure or a temporary permit under the act;

(10) Those services ordinarily performed by subordinates under direct supervision of a professional engineer or those commonly designated as locomotive, stationary, marine operating engineers, power plant operating engineers, or manufacturers who supervise the operation of or operate machinery or equipment or who supervise construction within their own plant;

(11) Financial institutions making disbursements of funds in connection with construction projects;

(12) Earthmoving and related work associated with soil and water conservation practices performed on farmland or any land owned by a political subdivision that is not subject to a permit from the Department of Natural Resources or for work related to livestock waste facilities that are not subject to a permit by the Department of Environment and Energy;

(13) The work of employees and agents of a political subdivision or a nonprofit entity organized for the purpose of furnishing electrical service performing, in accordance with other requirements of law, their customary duties in the administration and enforcement of codes, permit programs, and land-use regulations and their customary duties in utility and public works construction, operation, and maintenance;

(14) Work performed exclusively in the exploration for and development of energy resources and base, precious, and nonprecious minerals, including sand, gravel, and aggregate, which does not have a substantial impact upon public health, safety,



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and welfare, as determined by the board, or require the submission of reports or documents to public agencies;

(15) The construction of water wells as defined in section 46-1212, the installation of pumps and pumping equipment into water wells, and the decommissioning of water wells, unless such construction, installation, or decommissioning is required by the owner thereof to be designed or supervised by an engineer or unless legal requirements are imposed upon the owner of a water well as a part of a public water supply;

(16) Work performed in the exploration, development, and production of oil and gas or before the Nebraska Oil and Gas Conservation Commission; and

(17) Siting, layout, construction, and reconstruction of a private onsite wastewater treatment system with a maximum flow from the facility of one thousand gallons of domestic wastewater per day if such system meets all of the conditions required pursuant to the Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act unless the siting, layout, construction, or reconstruction by an engineer is required by the Department of Environment and Energy, mandated by law or rules and regulations imposed upon the owner of the system, or required by the owner.

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**Section 110-1-1 - Definitions**

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1.1.12 E&A Act: The Engineers and Architects Regulation Act, Neb. Rev. Stat. §§ 81-3401 through 81-3455.

1.1.13 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.

**Section 110-1-3 - Purpose**

The Nebraska Rules and Regulations are set forth for the purpose of interpreting and implementing 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.



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**Section 110-1-7 - Federal Requirements**

Nothing in the Act implies exemption from requirements of any federal statute or regulation, including, but not limited to, the Americans with Disabilities Act and the Fair Housing Act.

**Section 110-1-10 - Conditional License**

1.10.1 The Board may authorize Board staff to issue licenses, temporary permits, or certificates of authorization on a conditional basis, pending formal approval of the applications by the Board.

1.10.2 A conditional license may be withdrawn by the Board if it determines the applicant does not qualify for any reason.

1.10.3 In the event the Board fails to give formal approval of a license that has been issued on a conditional basis, the conditional license will expire at 11:59 p.m. on the date the licensee is notified of such Board action.

1.10.4 Architectural and professional engineering services performed pursuant to a conditional license that is subsequently withdrawn by the Board will be deemed to have been performed pursuant to a valid license.

**Section 110-6-2 - Projects Based on Previously Sealed Project Documents**

6.2.1 Design documents prepared for projects that are designed by architects and professional engineers licensed in jurisdictions other than Nebraska may be used for the construction of the project in Nebraska if reviewed, revised as appropriate, and sealed by an architect or professional engineer licensed in Nebraska under the following circumstances:

6.2.1.1 The original architects and/or professional engineers provide written consent for the adaptation of the documents or, if such permission cannot reasonably be obtained, the architect or professional engineer seeking to adapt the documents provides a written explanation of the circumstances that prevent such permission from being obtained;

6.2.1.2 The documents include appropriate revisions relating to site and local climate considerations;

6.2.1.3 The documents are reviewed for zoning and code compliance, and revised as necessary;



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6.2.1.4 The architect or professional engineer in Nebraska accepts full responsibility of the revised documents; and

6.2.1.5 The seal of a coordinating professional is applied, if required.

**Section 110-6-3 - The Coordinating Professional**

6.3.1 The Coordinating Professional is a licensed professional engineer, professional landscape architect, or architect recognized as such by the project owner.

6.3.2 The Coordinating Professional's role is:

6.3.2.1 To coordinate communication between the design professionals related to technical documents on the project;

6.3.2.2 To act as project liaison with the governing building official; and

6.3.2.3 To verify that all design disciplines involved in a project are working in coordination with one another, and that any changes made to the design are approved by the corresponding discipline, so that life, health, safety, and welfare are not compromised.

6.3.3 The Coordinating Professional's seal does not indicate responsible charge or direct supervision of the work.

6.3.4 The Coordinating Professional must use the following language in conjunction with their individual seal for identification as the Coordinating Professional: *"I, (name of licensee), am the Coordinating Professional on the (name of project) project."*

**Section 110-6-5 - Technical Submissions**

6.5.1 Technical submissions that constitute the practice of architecture or engineering shall include both (1) the name, and (2) either the address or location, of the project on each drawing and the cover page and/or first page of specifications, reports, studies, and other documents:

6.5.2 If the work shown on technical submissions is not being performed through an organization as provided in Neb. Rev. Stat. § 81-3436, the licensee's (1) name and (2) contact information shall be included on technical submissions.



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6.5.3 If the work shown on technical submissions is being performed through an organization or organizations as provided in Neb. Rev. Stat. § 81-3436, (1) the organization(s) legal name or DBA, (2) contact information, and (3) the organization(s) certificate of authorization number(s) shall be included on technical submissions.

6.5.4 If sealed standards such as drawings, details, and specifications prepared by a jurisdiction are used in a project, the name of the jurisdiction which prepared the standards shall be noted on the technical submissions.

**Section 110-7-4 - Design-Build**

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

7.4.2 At the time the organization offers to perform such combined services, the organization delivers to the project owner a written statement identifying the architect and/or professional engineer who will perform the architectural &/or engineering services 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 services with respect to a design-build project has direct supervision of such work;

7.4.4 If an architect and/or professional engineer engaged by such organization to perform the architectural and/or engineering services on the project ceases to be involved in the project, the design-builder promptly notifies the project owner of such departure and of the identification of the architect and/or professional engineer who will assume those responsibilities;

7.4.5 An organization offering design-build services, using its own employees who are licensed as architects or professional engineers in Nebraska, complies with the E&A Act by procuring a certificate of authorization to practice engineering and/or architecture; and



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7.4.6 The performance of architectural and/or engineering services by such licensed architect and/or professional engineer conforms to the E&A Act and E&A Rules.

**Section 110-10-2 - Definitions; Neb Rev. Stat. Sections 81-3449 and 81-3453**

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 as defined in the state building code.

10.2.4 Building area shall be as defined in the state building code.

10.2.5 Farm building shall be defined as an agricultural building is defined in the state building code.

**Section 110-10-3 - Statutory Exemptions to the Engineers and Architects Regulation Act**

Notwithstanding other provisions of the E&A Act, 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:



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OCCUPANCY CLASSIFICATION	MAXIMUM BUILDING 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 .....	Less than 2,000 square feet
H-5 .....	Less than 4,000 square feet
10.3.6 I - Institutional	
I-1 Personal care .....	Less than 3,000 square feet
I-2 Healthcare .....	Less than 5,000 square feet
I-3 Detention .....	Less than 3,000 square feet
I-4 Day care .....	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 .....	Less than 4,000 square feet
R-3 single family through four-plex .....	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

10.3.11 Any structure which contains two or more occupancies is governed by the most restrictive occupancy for the purpose of utilizing Rule 10.3.

**Section 110-10-4 - Renovations and One-Level Additions**

10.4.1 Renovations and one-level additions to an existing building, structure, or work are exempt from the E&A Act if:

10.4.1.1 The total adversely impacted area is less than the area set by Section 10.3 of this Chapter; and

10.4.1.2 The 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. If the renovation or addition adversely impacts other areas, the additional areas that are adversely impacted shall be included in the occupancy and building area calculations set by Section 10.3 of this Chapter.



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**Section 110-10-5 - The Practice of Engineering and Architecture**

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 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;



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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.

10.5.6 Preliminary and Final Plats Preparation of a preliminary 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 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 professional engineer and may not be certified by the registered Land Surveyor.

10.5.7 Livestock Waste Permits; Neb. Rev. Stat. §§ 81-3449(13) & 81-3453(12)  
 Under the E&A 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).

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

Nothing in the E&A Act prevents 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.

10.5.9 Participation in a Conceptual Design Competition

Participation in a conceptual design competition in Nebraska is not considered the practice of architecture or engineering.



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#### 10.5.10 Spill Prevention Containment and Countermeasures

Preparation of Spill Prevention Containment and Countermeasure (SPCC) plans for a project located in Nebraska that requires the seal of a professional engineer, constitutes the practice of engineering and must be prepared by a professional engineer licensed by the Board.

#### 10.5.11 Forensic Engineering

Forensic testing requiring the services of an architect or professional engineer, for purposes of the Act, is considered the practice of architecture and/or engineering, regardless of where the test material originated, if the facility performing the testing services is located in Nebraska.

#### 10.5.12 Expert Witness

An architect or professional engineer who serves as a testifying or non-testifying expert in a lawsuit or arbitration in the state of Nebraska regarding issues within the scope of their professional knowledge is not practicing architecture or engineering in Nebraska for purposes of the Act, and such service does not constitute the unauthorized practice of engineering or architecture if the expert is not licensed in this State.

### **Section 110-10-6 - 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.

### **Section 110-10-7 - 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.



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### **Responsible Charge and Direct Supervision**

Engineering design work must be prepared under a professional engineer with **direct supervision**, often referred to as “**responsible charge**”, as described in the laws and rules below. The engineer with **direct supervision** sign and seals documents produced under their responsibility. A typical project has multiple responsible engineers, one for each design discipline (civil, structural, mechanical, electrical, etc.).

**Responsible charge** also refers to the management of a field of services within an organization, as defined in the laws and rules below.

Neb. Rev. Stat. 81-34

#### **Section 81-3411 - Direct supervision, defined**

**Direct supervision** means having full professional knowledge and control over work that constitutes the practice of architecture or engineering.

#### **Section 81-3425 - Responsible charge, defined**

**Responsible charge** means the management of the technical and financial aspects of engineering or architectural work through an organization.

#### **Section 81-3436 - Organizational practice; certificate of authorization; when required; application; immunity; Secretary of State; registration of trade name or service mark; limitation**

...

(2) An organization applying for a certificate of authorization shall designate at least one licensed architect as the person in **responsible charge** of any practice of architecture by the organization and at least one professional engineer as the person in **responsible charge** of any practice of engineering by the organization. One who renders only occasional professional services for an organization may not be designated as being in **responsible charge** of the professional activities of an organization under this section.



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**Section 110-6-3 - The Coordinating Professional**

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6.3.3 The Coordinating Professional's seal does not indicate **responsible charge** or direct supervision of the work.

**Section 110-6-4 - Direct Supervision of Work**

6.4.1 In order to exercise full professional knowledge of and control over work, a licensee in direct supervision of architectural or engineering work must:

6.4.1.1 Have and exercise the authority to review and to change, reject, or approve both the work in progress and the final work product, through a continuous process of examination, evaluation, communication, and direction throughout the development of the work;

6.4.1.2 Be personally aware of the project's scope, needs, parameters, limitations, and special requirements;

6.4.1.3 Be capable of answering questions relevant to the architectural or engineering decisions made as part of the services provided, in sufficient detail to demonstrate reasonable knowledge of and proficiency in the work; and

6.4.1.4 Be reasonably satisfied with the product of the services rendered and accept full responsibility for the work.

6.4.2 The Board has final authority regarding the determination of whether technical documents were actually prepared under the direct supervision of a licensee.

**Section 81-3454 - Technical submissions by professional engineer; affix seal and signature; conditions**

(1) A professional engineer shall not affix his or her seal and signature to technical submissions that are subject to the Engineers and Architects Regulation Act unless the technical submissions were:

- (a) Prepared entirely by the professional engineer;
- (b) Prepared entirely under the **direct supervision** of the professional engineer;



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NSPE

Responsible charge is also defined in a National Society of Professional Engineers (NSPE) reference document, and copied below for convenience.

NSPE Position Statement No. 10-1778

- Defines “**responsible charge**” as the direct control and personal supervision of engineering work.
- The professional engineer in **responsible charge** is actively engaged in the engineering process, from conception to completion.
- Engineering decisions must be personally made by the professional engineer or by others over which the professional engineer provides supervisory direction and control authority.
- Reviewing drawings or documents after their completion without involvement in the design and development process appears not to satisfy the definition of **responsible charge**.



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## **Engineering Disciplines**

An engineers initial area of practice (a.k.a. area of competency, discipline, or branch) is typically identified through NCEES P.E. examination and initial licensure. The designated discipline of practice is indicated on certificates of licensure, and on seals.

Licensees should only undertake assignments when proficient and qualified by education, training, and experience in the specific technical areas involved. It is possible to be qualified to perform services in a discipline other than their designated discipline.

Engineers can obtain the designation “Professional Architectural Engineer” and perform building design services. However, engineers should not practice architecture services.

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#### **Section 110-2-6 - Certificates**

2.6.1 When the Board has determined that an applicant for licensure has satisfied the licensure requirements set forth herein, a certificate of licensure will be issued containing the licensed applicant's full name, license number, and **designated discipline of practice**.

2.6.2 Discipline of practice is the discipline of the PE Examination upon which the license is issued.

2.6.2.1 Those licensed in multiple disciplines will be issued separate certificates for each discipline.

2.6.3 Professional Engineers licensed on the basis of architectural engineering education, experience, and examination will be designated **Professional Architectural Engineers**. Professional Architectural Engineers are considered competent to design engineering systems commonly associated with buildings. They may not practice or offer to practice architecture.

2.6.4 Professional Engineers who are licensed on the basis of structural engineering, experience and examination will be designated Professional Structural Engineers and may use the designation S.E. with their name.



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### **Section 110-5-1 - Competence**

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5.1.3 The licensee shall undertake to perform professional services only when they, together with those whom the licensee may engage as consultants, is **qualified by education, training, and experience** in the specific technical areas involved.

### Board FAQs

#### **What does “licensed by discipline” mean?**

Professional engineers in Nebraska are licensed in a specific discipline, typically determine by the discipline of the PE Examination you pass. For example, if you have passed the Civil PE Exam, then you will be licensed as a Professional Civil Engineer and your seal will be designated as such.

Nebraska recognizes all disciplines of the examination as offered by NCEES.

#### **Do I need an electrical engineer for the design of electrical work?**

It depends on the project. **The Nebraska Engineers and Architects Regulation Act** requires professional engineers to design electrical installations on all projects subject to the Act and that involve the practice of engineering. Master electricians licensed by the State Electrical Board are authorized to “plan, layout or supervise” the installation of wiring, apparatus, or equipment for projects they are installing.

#### **Can professional engineers practice in a discipline other than the discipline on their seal?**

**Yes.** Professional engineers may practice in disciplines of engineering other than the discipline noted on their seal if they have the education, training, and experience to do so. If a licensee’s practice is called into question, the individual may be required to provide the Board with evidence that they are competent to practice other disciplines. If the Board has deemed a licensee not competent in an engineering discipline, they are not allowed to practice engineering in that discipline.

Review Board Rule 5.1 for more information.

#### **How do I know what my discipline of practice is?**

This question is specific to professional engineers.

You may check your discipline of practice as a professional engineer with the Nebraska Board of Engineers and Architects office, or check the **Licensee Lookup** section of the Board’s website.



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**If my discipline is not listed on my seal, do I need to update my seal?**

This question is specific to professional engineers.

Yes, all seals must have the specific discipline listed between “Professional” and “Engineer”; i.e., Professional Electrical Engineer.

**When is a structural engineer needed on a project?**

The Nebraska Engineers and Architects Regulation Act does not contain any provisions specifying when a structural engineer is required. It is up to each licensee to practice within their education, training, and experience. However, other agencies and local jurisdictions can be more stringent than state law and require work to be performed by a professional structural engineer. In that case, the licensee must hold a professional structural engineer license.



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## **Professional Conduct**

The following laws and rules help define professional conduct and related requirements.

### Neb. Rev. Stat. 81-34

#### **Section 81-3442 - Prohibited acts; penalties**

(1) It is unlawful for any person to:

- (a) Practice or offer to practice architecture or engineering in this state without being licensed in accordance with the Engineers and Architects Regulation Act unless such practice or offer to practice is otherwise exempt under the act;
- (b) Knowingly and intentionally employ or retain a person to practice architecture or engineering in this state who is not licensed in accordance with the act, except as provided in sections 81-3414 and 81-3415, and who is not exempted by section 81-3449 or 81-3453;
- (c) Use the words architect, engineer, or any modification or derivative of such words in its name or form of business activity except as authorized in the act or in the Professional Landscape Architects Act;
- (d) Advertise any title or description tending to convey the impression that he or she is a licensed architect or professional engineer unless the person is duly licensed under the Engineers and Architects Regulation Act;
- (e) Present or attempt to use the certificate of licensure or the seal of another person;
- (f) Give any false or forged evidence of any kind to the board or to any member of the board in obtaining or attempting to obtain a certificate;
- (g) Falsely impersonate any other licensee of like or different name;
- (h) Attempt to use an expired, suspended, revoked, or nonexistent certificate of licensure or practice or offer to practice when not qualified;
- (i) Falsely claim that he or she is licensed or authorized under the act; or
- (j) Violate the act.

(2) Any person who performs any of the actions described in subsection (1) of this section is guilty of a Class I misdemeanor for the first offense and a Class IV felony for the second or any subsequent offense.



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**Section 110-5-1 - Competence**

5.1.1 In practicing engineering or architecture, the licensee shall act with reasonable care and competence and shall apply the technical knowledge and skill ordinarily applied by licensees of good standing in the same locality.

5.1.2 In designing a project, the licensee shall take into account the applicable federal, state, and local laws and regulations. While the licensee 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 licensee shall not knowingly design a project in violation of such laws and regulations.

5.1.3 The licensee shall undertake to perform professional services only when they, together with those whom the licensee 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. The assessment of impairment should be performed by an appropriately qualified individual.

5.1.5 A licensee convicted of a crime in connection with their profession or a crime of moral turpitude under state law, federal law, or the law of another jurisdiction, may be held in violation of the code of practice 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 architect or professional engineer to serve the health, safety, and welfare of the public.

5.1.6 The licensee shall not sign, seal, or attest to any work pertaining to any technical discipline or specialty that the licensee does not have professional training and experience.

**Section 110-5-2 - Conflict of Interest**

5.2.1 The licensee shall not accept compensation for their services from more than one party on a project unless the circumstances are fully disclosed (and agreed to in writing) by all interested parties.



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5.2.2 A licensee shall not perform professional services in the face of a conflict of interest that is not fully disclosed and waived in writing by all parties. A licensee has a conflict of interest when:

- (a) the licensee has or may acquire a financial or other interest in the project, someone participating in the project, or any component of project; or
- (b) the licensee's judgement may be adversely affected by a relationship with another party.

5.2.3 A licensee shall not solicit or accept compensation from material or equipment suppliers, contractors, or sub-consultants for specifying or endorsing their products.

5.2.4 A licensee serving in a paid or voluntary public capacity shall not accept payments or gifts that are intended to influence the licensee's professional judgement.

5.2.5 A licensee, when acting by agreement of the parties as (a) the independent interpreter of construction contract documents, studies, and reports, or (b) the judge of contract performance; shall render decisions impartially.

5.2.6 A licensee 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.

5.2.7 Licensees shall not solicit or accept a contract for professional services from a governmental body when the licensee, or a principal or officer of the licensee's organization, serves as a voting or non-voting member, whether elected or appointed, or serves as an employee or contractor to perform professional services, of the same governmental body which is procuring the professional services. For purposes of this subparagraph, "governmental body" means a board, council, commission, or similar multi-membered body of any county or political subdivision. Licensees are not in violation of this provision, however, if the licensee, or the principal or officer of their organization who serves as a member of the governmental body, plays no role in the solicitation or procurement of the contract on behalf of the governmental body.



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**Section 110-5-3 - Disclosure of Professional Relationships or Responsibility**

5.3.1 A licensee making public statements on engineering or architectural questions shall disclose if the licensee is being compensated for making such statements or has a financial interest in the issue.

5.3.2 The licensee shall not misrepresent their qualifications, capabilities, and experience or that of the licensee's organization.

5.3.3 The licensee possessing knowledge of a violation of the E&A Act or these rules by another licensee shall report such knowledge to the Board.

**Section 110-5-4 - Compliance with Laws**

5.4.1 The licensee shall not violate the law of the United States or any U.S. jurisdiction that in any material way relates to the conduct of the licensee's professional practice. Allegations of violations of this section may be based on an independent finding of a violation of the law by a court of competent jurisdiction or an administrative or regulatory body.

5.4.2 The licensee shall neither offer nor give any gift of significant value, or any monetary payment with the intent of influencing a government official's judgment in connection with a prospective or existing project in which the architect or professional engineer is interested.

5.4.3 The licensee shall comply with the licensing laws and regulations governing their professional practice in any United States jurisdiction.

5.4.3.1 A licensee may be subject to disciplinary action by the Board if the licensee is disciplined in any other United States jurisdiction.

5.4.3.2 A person whose Nebraska license was issued on the basis of an NCARB Certificate or NCEES Record may, upon suspension or revocation of said certificate or record, have their Nebraska license suspended until the certificate or record is reinstated.

5.4.3.3 A Nebraska license based upon comity with another jurisdiction may be concurrently suspended upon suspension or revocation of that jurisdiction's license, pending reinstatement of the license by the other jurisdiction.

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.



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5.4.4 Licensees are responsible for obtaining formal review and approval of design work when such approval is required prior to construction.

5.4.5 An organization engaged in the practice of architecture or engineering found by a court or administrative tribunal to have violated the law of the United States or any U.S. jurisdiction protecting the rights of persons working for the employer, such as those pertaining to harassment, discrimination, and unfair compensation, may be subject to discipline by the Board.

**Section 110-5-5 - Professional Conduct**

5.5.1 Each organization 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 responsible charge of the work.

5.5.2 The licensee shall not sign or seal drawings, specifications, reports, or other professional work for which they do not have direct supervision. If the portions of such professional work were prepared by the licensee's consultants who are licensed under the law of the State of Nebraska or another state, the licensee may sign or seal that portion of the professional work if the licensee has reviewed such portion, has coordinated its preparation, and accepts responsibility for its adequacy.

5.5.3 The licensee shall not engage in conduct involving fraud or deliberate disregard of the rights of others. A licensee shall not counsel or assist a client in conduct that the licensee knows, or reasonably should know, is fraudulent or illegal.

5.5.4 The licensee shall not engage in unethical, immoral, or dishonorable conduct that would indicate lack of fitness to perform the tasks required by clients or a level of proficiency that is insufficient to serve the public interest.

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



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5.5.6 The licensee 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.

5.5.7 The licensee shall not deliberately make a materially false statement or fail deliberately to disclose accurately and completely a material fact requested by the Board in connection with the licensee's application for licensure or renewal or otherwise requested.

5.5.8 An architect or professional engineer shall not knowingly sign any verification document related to licensure that contains false or misleading information and shall not assist in the application for licensure of a person known by the architect or professional engineer to be unqualified.

5.5.9 An architect or professional engineer possessing knowledge of a licensure candidate's qualifications for licensure shall cooperate with the candidate, the Board, NCARB, and NCEES by responding appropriately and in a timely manner regarding those qualifications. An architect serving as an AXP supervisor for a licensure candidate shall reasonably assist the candidate in proper and timely documentation of that candidate's experience.

5.5.10 If, in the course of their work on a project, a licensee becomes aware of a decision made by the licensee's employer or client against the licensee's advice, which violates applicable federal, state, or local laws and regulations and which will, in the licensee's judgment, materially and adversely affect the health and safety of the public, the licensee shall:

5.5.10.1 Report the decision to the public official charged with enforcement of building laws and regulations; and

5.5.10.2 Refuse to consent to the decision or action.

5.5.10.3 In circumstances where the licensee reasonably believes that other such decisions or actions will be taken notwithstanding the licensee's objection, terminate the provision of services with reference to the project unless the licensee is able to cause the matter to be resolved by other means.



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**Section 110-5-6 - Use of Regulated Titles**

5.6.1 Licensees who are licensed in Nebraska may identify themselves as such.

5.6.2 Licensees who are not licensed in Nebraska, but who hold a valid license in another jurisdiction recognized by the Board:

5.6.2.1 May identify themselves as such on correspondence and other routine documents that do not contain an offer to provide professional services;

5.6.2.2 May identify themselves as such on correspondence and other documents that offer to provide professional services in Nebraska, if such documents clearly indicate and disclose that the architect or professional engineer:

5.6.2.2.1 Holds a valid and current license in another jurisdiction;

5.6.2.2.2 Does not hold a current and valid license from Nebraska;

5.6.2.2.3 Would have to obtain a license in Nebraska in order to perform the services described in the offer; and

5.6.2.2.4 Has a reasonable likelihood of being issued a license in Nebraska.

5.6.3 Individuals who do not hold a current and valid license in any jurisdiction shall not use the titles architect or professional engineer.

5.6.4 Emeritus licensees may use titles in accordance with Rule 1.11.4.2.



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### Sign and Seal Requirements

Engineering seal and signature requirements are found in 110 Neb. Admin. Code Section 1. Here are highlights that may differ from requirements in other states:

- Discipline name on top of the seal
- Seal outer diameter not specified
- Signature and date to be over the seal, while name, number and date must remain legible
- Ink color not specified
- For specifications and reports, the first and last page shall be sealed
- Every drawings shall be sealed
- Acceptable forms of signature:
  - Original (hand) sign and seal (ink stamp, electronic image, or embossed)
  - Digital/electronic signature requirements:
    - Digital seal image acceptable
    - Licensee responsible for compliance with laws and rules
    - Adobe, Bluebeam, & DocuSign e-signatures appear acceptable



### Laws and Rules

The following is a copy-paste of the relevant laws and rules:

#### Neb. Rev. Stat. 81-34

##### **Section 81-3437.01 - Seal; contents; use; prohibited acts**

(1) Each licensee authorized to practice architecture or engineering must obtain a seal. The design of the seal shall be determined by the board. If a professional engineer's license has been issued in a specific discipline, the discipline shall be specified on the seal. The following information shall be on the seal: State of Nebraska; licensee's name; licensee's license number; and the words Architect or Professional (discipline) Engineer.

(2) Whenever the seal is applied, the licensee's signature shall be across the seal. The board may adopt and promulgate rules and regulations for application of the seal.

(3) The seal and the date of its placement shall be on all technical submissions and calculations whenever presented to a client or any public or governmental agency. It



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shall be unlawful for a licensee to affix his or her seal or to permit his or her seal to be affixed to any document after the expiration of the certificate or for the purpose of aiding or abetting any other person to evade or attempt to evade the Engineers and Architects Regulation Act.

(4) The seal and date shall be placed on all originals, copies, tracings, or other reproducible drawings and the first and last pages of specifications, reports, and studies in such a manner that the seal, signature, and date will be reproduced and be in compliance with rules and regulations of the board. The application of the licensee's seal shall constitute certification that the work was done by the licensee or under the licensee's control.

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

**Section 81-3454 - Technical submissions by professional engineer; affix seal and signature; conditions**

(1) A professional engineer shall not affix his or her seal and signature to technical submissions that are subject to the Engineers and Architects Regulation Act unless the technical submissions were:

- (a) Prepared entirely by the professional engineer;
- (b) Prepared entirely under the direct supervision of the professional engineer; or
- (c) Prepared partially by others if the professional engineer has reviewed and integrated the work into his or her own technical submissions.

(2) A professional engineer may affix his or her seal to technical submissions not subject to the act if the professional engineer has reviewed or adapted in whole or in part such submissions and integrated them into his or her work.

110 Neb. Admin. Code

**Section 110-6-1 - Use of the Seal**

6.1.1 Each person licensed as an architect or professional engineer must have a seal that bears the licensee's name, their 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 the seal is to assist in identification of the design professional responsible for work performed under the requirements of the E&A Act.



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6.1.3 The seal used by an architect or professional engineer shall be legible, whether an embossing, computer generated, or other type of seal. In the absence of legibility, the seal is invalid.

6.1.4 The responsible architect or professional engineer shall identify all work that they have prepared, as well as all work that has been prepared under their direct supervision, by applying their seal to each sheet of original drawings.

6.1.5 All specifications, reports, studies, and other documents prepared as architectural or professional engineering services shall be sealed on the title page and/or the first page, as well as the last page, of the document by the individual architect or professional engineer responsible for the work. Two or more architects or professional engineers may affix their signatures and seals to a sheet provided it is designated by a note under the seal the specific subject matter for which each is responsible.

6.1.6 No seal shall be valid unless signed across the face of the seal with the architect's or professional engineer's name and 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, including documents prepared for a client or governmental agency, unless otherwise required by that entity.

6.1.8 Architects and professional engineers are responsible for providing adequate security over their seal and signature wherever it appears, regardless of whether the seal and signature is produced electronically or by other means.

6.1.9 Record and as-built drawings.

6.1.9.1 Architects and professional engineers are not obligated to seal record or as-built drawings.

6.1.9.2 If an architect or professional engineer elects to seal record or as-built drawings, the seal may be applied only to the work over which the architect or professional engineer had direct supervision or which the architect or professional engineer personally observed during construction.



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6.1.9.3 Architects and professional engineers shall not seal drawings that represent changes not actually observed during construction.

6.1.9.4 Architects and professional engineers may include notations on record or as-built drawings that indicate the work that they can actually confirm based on information obtained through observation, interview, samples, and other reliable sources, such as the following:

*These record drawings are a compilation of a copy of the sealed [engineering/architectural] drawings for this project, as modified by addenda, change orders, and information furnished by the contractor or others on the project. The information shown on the record drawings that was provided by the contractor or others not associated with the design [engineer/architect] cannot be verified for accuracy or completeness. The original sealed drawings are on file at the offices of [...].*

6.1.9.5 Alternatively, architects and professional engineers may seal and sign a cover letter stating what they have determined to be as-built through their own research and attach the letter to the drawings or plans.

6.1.9.6 Documentation of the work that was actually constructed is not the practice of architecture or engineering under the E&A Act.

6.1.9.7 If as-built drawings are produced from sealed design drawings, the seal of the licensee(s) that prepared the drawings will either a) be removed if practical, or b) be accompanied by a note next to or over the seal indicating that the seal relates only to the design and not the as-builts.

## Board FAQs

### **Licensee Seal**

When do I need to seal plans and technical documents?

All original drawings, copies, tracings, or other reproducible drawings, the seal must appear on all pages.

For specifications, reports, and studies, the seal must appear on the first and last pages.

By sealing technical documents, the licensee certifies that the work was prepared in accordance with Neb. Rev. Stat. §81-3437.01.



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Documents clearly marked as “Draft” prepared for preliminary submission and review do not require a seal and signature, unless otherwise required by the client or governmental agency.

Review Neb. Rev. Stat. §81-3437.01 and Chapter 6 for more information.

Does Nebraska allow electronic seals and signatures?

Yes. Electronic seals and signatures are allowed in Nebraska. The seal, signature, and date must be legible. Refer to Neb. Rev. Stat. § 81-3437 and Chapter 6 of the Board's Rules for correct usage.

What are the specifications and design requirements for a Nebraska architect or professional engineer seal?

Architects and Professional Engineers licensed in Nebraska receive a seal letter from the Board when initially licensed that shows the approved design of the seal, along with the statutory requirements pertaining to the correct use of the seal.

Architect's seals will bear their name, license number, have 'STATE OF NEBRASKA' at the bottom, and 'ARCHITECT' at the top.

Seals that identify an architect as 'REGISTERED ARCHITECT' or 'REGISTERED PROFESSIONAL ARCHITECT' are not compliant with the Act.

Professional Engineer's seals will bear their name, license number, have 'STATE OF NEBRASKA' at the bottom, and 'PROFESSIONAL [DISCIPLINE] ENGINEER' at the top. The word '[DISCIPLINE]' should be replaced with the professional engineer's specific engineering discipline such as 'Mechanical', 'Civil', 'Structural', etc. Seals that do not specify a professional engineer's discipline are not compliant with the Act.

The seal must include other design elements as shown on the seal letter provided by the Board. The Board does not require a certain size or diameter; however, whether applied via embossing, ink, or electronically-rendered, the seal should be legible.

You may substitute your middle initial(s) in lieu of your full middle name on your seal.

How should one handle changes or revisions to plans when an architect or P.E. leaves a company or retires?



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Ex: "Our office is responsible for a non-exempt project that requires design materials to be submitted by an architect licensed in the state of Nebraska. After reviewing an applicant submittal, it was found that the architect who did the initial drawings for the project has since left the company. Another individual is in the process of obtaining reciprocity from Nebraska. Can the "new" architect seal drawings and revisions completed by the architect who left the company? In general, how should one handle changes or revisions to plans when an architect leaves a company or retires?"

The new architect must review, revise as appropriate, and seal. If the original architect did not provide written consent for the adaptation or such permission cannot be reasonably obtained, the new architect must provide a written explanation of the circumstances preventing permission from being obtained.

Refer to Board Rule 6.2.

Can my seal be in colors other than black?

Yes. Your seal can be affixed to plans in any color, as long as it is legible.

Do I have to sign my name exactly as it appears on my seal?

Use your regular signature, however, the signature must be legible.

Where do I sign and date my seal?

The signature and date should be across the face of the seal. If this results in an illegible seal, signature, or date, licensees should exercise their professional judgment to ensure that all three components appear as one unit and are legible.



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### **Continuing Education**

Per 110 Neb. Admin. Code Article 19, the following continuing professional competency (CPC) is required every 2-year renewal period, where PDH is a professional development hour:

- 30 PDH
- Minimum 1 PDH in ethics
- Maximum 7.5 PDH in self-guided activities, including non-interactive online courses, unless offered by a professional society
- The Board does NOT pre-approve providers or specific courses
- Course content, either:
  - Technical in nature, or
  - Topic that is part of that profession's body of knowledge, or
  - Categorized as a Health Safety and Welfare topic
- Maximum 15 PDH carried over to next renewal period
- Retain PDH records for minimum 4 years
- Renewal date: December 31 of odd years (last name A to K) or even years (last name L to Z)

### **Laws and Rules**

Here is a copy-paste of the relevant laws and rules:

#### **110 Neb. Admin. Code**

##### **Section 110-9-1**

Every architect and professional engineer must meet the continuing education requirements of these regulations as a condition for license renewal or reinstatement.

##### **Section 110-9-2 - Requirements**

9.2.1 Architects must complete 24 actual hours of architectural-related learning every biennial period to satisfy the continuing education requirement.

9.2.2 Professional engineers must complete 30 actual hours of engineering-related learning every biennial period to satisfy the continuing education requirement.



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9.2.3 Unless restricted by Rule 9.3 or its subsections, acceptable continuing education activities include, but are not limited to, the following:

9.2.3.1 Successful completion of college courses from an educational institution that offers EAC/ABET- or NAAB-accredited programs, or courses transferrable to and accepted for credit by an educational institution that offers EAC/ABET- or NAAB-accredited programs;

9.2.3.2 Successful completion of short courses, tutorials, web-based activities, and distance-education courses offered for self-study, independent study, or group study;

9.2.3.3 Presenting or attending qualifying seminars, in-house courses, workshops, or professional or technical presentations;

9.2.3.4 Teaching or instructing in 9.2.3.1 through 9.2.3.3 above;

9.2.3.5 Authoring published papers, articles, books;

9.2.3.6 Participating in the development of items for NCEES or NCARB examinations;

9.2.3.7 Active participation in professional or technical societies in which a licensee either serves as an officer or actively participates in a technical committee of the society related to the practice of architecture or engineering;

9.2.3.8 Authoring a patent related to architecture or engineering;

9.2.3.9 Active participation in educational outreach activities pertaining to professional licensure or the architecture/engineering professions that involve K-12 or higher education students; and

9.2.3.10 Serving as an ABET/EAC- or NAAB-accredited program evaluator.

9.2.4 Acceptable continuing education topics must be either:

- 1) technical in nature, or
- 2) a topic that is part of that profession's body of knowledge as developed by the applicable national professional engineering society or categorized as a Health Safety and Welfare topic by NCARB.

### **Section 110-9-3 - Restrictions**

9.3.1 Web-based offerings provided by (1) International Association for Continuing Educational Training (IACET) approved providers, (2) institutions of higher education that have an accredited program in architecture or engineering, (3) professional engineering or architectural societies, (4) technical societies and associations recognized at a national level, (5) governmental agencies, or (6) NCARB and NCEES may constitute all of the biennial education requirement.



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9.3.2 Web-based offerings from a provider not listed in Rule 9.3.1 may constitute no more than one-fourth of the biennial education requirement, that is six hours for architects or seven and one-half hours for professional engineers.

9.3.2.1 Web-based offerings including webinars, video conferences, and online meetings led by an instructor that enables both the instructor and attendees to give, receive, and discuss information in real time is not restricted under Rule 9.3.2.

9.3.3 At least one hour of the biennial continuing education requirements must be directly related to ethical issues of a licensee's professional practice.

9.3.4 An individual who is both an architect and professional engineer may use ethics related hours and any other hours to satisfy the continuing education requirements of both licenses if the subject is both architecture- and engineering-related learning.

9.3.5 Self-guided activities planned and performed under the licensee's own direction and guidance may constitute no more than one-fourth of the biennial education requirement, which is six hours for architects or seven and one-half hours for professional engineers.

**Section 110-9-4 - Units and Carry-over**

9.4.1 The Board has final authority with respect to approval of courses, credit, unit value for courses, and other methods of earning continuing education credit. No pre-approval of offerings will be issued.

9.4.2 The conversion of other units of credit to actual hours is as follows:

9.4.2.1 One actual hour is equivalent to at least 50 minutes of instruction.

9.4.2.2 One semester credit hour of formal education is equivalent to 45 actual hours.

9.4.2.3 One quarter credit hour of formal education is equivalent to 30 actual hours.

9.4.2.4 With respect to Rule 9.2.3.4, credit for teaching or presenting an activity may be credited double the number of actual hours. Credit is valid only for the first offering or presentation. Full-time faculty may not claim credit associated with their regular teaching duties.



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9.4.2.5 Each published peer-reviewed paper or book in the licensee's area of professional practice is equivalent to 10 actual hours.

9.4.2.6 Each published paper or article which does not meet the requirements of Rule 9.4.2.5 but is in the licensee's area of professional practice is equivalent to five actual hours.

9.4.2.7 Service as an officer in a professional or technical society is equivalent to two actual hours. Actual hours are not earned until the end of each year of service is completed. Participation on a professional or technical society's technical committee is equivalent to the actual hours spent on that committee.

9.4.2.8 A patent is equivalent to 10 actual hours.

9.4.2.9 Licensees participating in the development of items for NCEES or NCARB examinations is equivalent to 15 actual hours per calendar year.

9.4.2.10 With respect to rule 9.2.3.10, serving on a ABET/EAC- or NAAB-accreditation program evaluating team is equivalent to 15 actual hours per evaluation.

9.4.3 Architects and professional engineers may carry up to one-half of the required continuing education credits from the previous biennial period. Excess credits can be carried over only into the biennial period immediately following the period in which the credit was earned.

9.4.4 Ethics hours can be carried over.

### **Section 110-9-5 - Recordkeeping**

9.5.1 Every architect and professional engineer is responsible for maintaining records necessary to support credits claimed for continuing education. Records required include, but are not limited to:

9.5.1.1 A log showing the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, and unit credits earned;

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



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9.5.1.3 Records relating to continuing education that are maintained by NCEES, NCARB, or other organizations may be accepted by the Board as evidence of completion of the continuing education requirements.

**Section 110-9-6 - Exemptions and Waiver**

9.6.1 Architects and professional engineers may be exempt from the continuing education requirements for one of the following reasons:

9.6.1.1 Architects and professional engineers licensed by examination or comity are exempt for their initial renewal period. Architects who complete more than 24 acceptable hours and professional engineers who complete more than 30 acceptable hours in their initial renewal period are eligible to carry over excess continuing education credits, subject to the limitations described in this chapter.

9.6.1.2 Contingent upon approval from the Board or Executive Director:

9.6.1.2.1 Architects and professional engineers serving on active duty in the armed forces of the United States or any state for a period of time exceeding 120 days in each calendar year of their renewal period are exempt from obtaining the continuing education hours required during that renewal period.

9.6.1.2.2 Architects and professional engineers serving on active duty in the armed forces of the United States or any state for a period of time exceeding 120 days in only one calendar year of their renewal period require 15 actual hours of engineering-related learning at the time of license renewal if licensed as a professional engineer, or 12 actual hours of architectural-related learning if licensed as an architect.

9.6.1.2.3 Licensees must submit military orders or other supporting documentation to the Board as proof that they qualify for exemption from the continuing education requirements.

9.6.1.3 Architects and professional engineers 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.

9.6.1.4 Architects and professional engineers who have elected emeritus status are exempt from the continuing education requirement. In the event such a person elects to have their license to practice reinstated, continuing education hours must be earned for each year of emeritus status before the license will be reinstated, but not to exceed 24 hours for architects or 30 hours for professional engineers. Such



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credits must be earned in accordance with the restrictions related to continuing education requirements.

9.6.2 The Board may, at its discretion, waive the continuing education requirement for any architect or professional engineer.

**Section 110-9-7 - Audits**

9.7.1 The Board may audit any licensee for compliance with continuing education requirements. In addition, the Board will establish a number of licensees, to be selected at random but not to exceed five percent of the total number of licensees, to submit documentation verifying compliance with the continuing education requirement.

9.7.2 Board staff is authorized to review, verify, and approve continuing education audit submittals. Submittals that raise significant questions of acceptability will be forwarded to the Board for final determination.

9.7.3 If the Board disallows any of the continuing education hours claimed, the applicant must, within 60 days after notification of disallowance, substantiate the original claim or to earn other credit to satisfy the continuing education requirement. Extension of time may be granted by the Board on an individual basis but must be requested by the licensee within 30 days after notification of disallowance, and may not exceed an additional 60 days.



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Board FAQs

**Continuing Education**

**Web-Based Acceptance**

Web-based course offerings provided by the following types of providers may constitute the entire biennial requirement:

1. International Association for Continuing Education and Training (IACET) approved providers,
2. institutions of higher education that have an accredited program in architecture or engineering,
3. professional engineering or architectural societies,
4. technical societies and associations recognized at a national level, or
5. governmental agencies.
6. NCARB and NCEES may constitute all of the biennial education requirement

Web-based course offerings provided by other types of providers may constitute no more than one-fourth of the biennial education requirement that is six hours for architects or seven and one-half hours for professional engineers.

Rule 9.3.2 clarifies that web-based course offerings led by an instructor that enables both the instructor and attendees to give, receive, and discuss information in *real-time* is not restricted under Rule 9.3.1.

Over the past several years, the Board and Staff had noticed an increase in continuing education credits fulfilled through online courses. Technology has made it easier for many professionals to complete courses from the comfort and convenience of their desk, minimizing scheduling conflicts and travel costs. It is also certain that courses using this type of delivery system will increase in the years to come.

The dilemma our Board faced through the course of continuing education audits was the questionable quality of many of these courses, the time it actually took to complete the course as compared to the hours or credit claimed and their benefits to the professional practice. Though many courses evaluated were just as valuable as those attending in person, it was clear that this was not the case for a number of units being submitted.

The Board's conclusion was to limit the amount of certain web-based credits allowed toward the required 24 actual hours of architecture- or 30 actual hours of engineering-



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related learning. Simply put, they will be considered under the self-reporting guidelines defined in the handbook and limited to 25% of the total required hours for an architect (six hours) or professional engineer (seven and one-half hours) in a two-year-biennial renewal period.

Rule 9.3.1 (formerly 9.2.3) became law on April 30, 2016.

**Can I fulfill all of my required hours through web-based courses?**

Web-based offerings from a provider not listed in Rule 9.3.1 may constitute no more than one-fourth of the biennial education requirement, that is six hours for architects or seven and one-half hours for professional engineers. Web-based offerings including webinars, video conferences, and online meetings led by an instructor that enables both the instructor and attendees to give, receive, and discuss information in real time is not restricted under Rule 9.3.2.

**What if I believe my web-based activity to be valuable, but the activity is not offered by one of the listed categories of providers?**

You can either

1. apply the activity toward your self-reported hours, which can be a maximum of 25% of the required hours (six hours for architects or seven and one-half hours for professional engineers); or
2. contact the provider and ask them to apply for IACET accreditation.

**If I complete CE hours during my initial renewal period, can I use excess hours as carryover?**

New licensees are exempt from CE requirements during their initial renewal period. However, if the new licensee accrues more than 24 CE hours (if an architect) or 30 hours (if a professional engineer) CE hours in their initial license period, they can carry over up to 12 CE hours (if an architect) or 15 hours (if a professional engineer) into the subsequent renewal period.

**How do I find out if my provider is an IACET-approved provider?**

Please check the **IACET** website or contact your provider.



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**What professional societies are considered acceptable providers?**

Examples of professional societies that are considered acceptable providers include, but are not limited to:

- AIA
- NCARB
- NCEES
- American Concrete Institute (ACI)
- American Institute of Chemical Engineers (AIChE)
- American Institute of Steel Construction (AISC)
- American Wood Council
- American Society of Agricultural and Biological Engineers (ASABE)
- American Society of Civil Engineering (ASCE)
- National Council of Engineering Associations
- National Council of Structural Engineers (NCSEA)
- The Prestressed/Precast Concrete Institute

Please note, the Board has final authority with respect to approval of courses and credit. The Board does not pre-approve any course per Rule 9.4.1.

**I am an AIA member and maintain a transcript. How does Rule 9.3.1 affect me?**

As of April 2016, meeting the membership standards of AIA will no longer satisfy the Board's continuing education requirement.

**How are professional society web-based courses affected?**

Web-based courses *presented* by professional societies, such as AIA or NSPE, are exempt from the 25% limitation. Web-based offerings *approved* by a professional society fall under the self-reporting limits

**If I fulfill my CE requirement for another state, am I subject to the new limits?**

Licensees required to complete CE in another jurisdiction, as a condition of that jurisdiction's license requirements does not automatically satisfy the Nebraska Board's CE requirements.



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**Helpful References**

*State of Nebraska Board of Engineers and Architects (NBEA)*

General website: <https://ea.nebraska.gov/>

License renewal: <https://ea.nebraska.gov/renew-your-license>

Address change: [https://ea.nebraska.gov/sites/default/files/doc/name\\_change\\_affidavit.pdf](https://ea.nebraska.gov/sites/default/files/doc/name_change_affidavit.pdf)

Publications: <https://ea.nebraska.gov/publications>

Rules & Regulations: <https://engineersandsurveyors.wyo.gov/publications/rules-and-regulations>

Neb. Rev. Stat. 81-34: <https://nebraskalegislature.gov/laws/statutes.php?statute=81-3401>

<https://casetext.com/statute/revised-statutes-of-nebraska/chapter-81-state-administrative-departments/article-34-engineers-and-architects-regulation-act>

110 Neb. Admin. Code:

<https://www.nebraska.gov/nesos/rules-and-regs/regtrack/proposals/1757.pdf>

<https://casetext.com/regulation/nebraska-administrative-code/engineers-and-architects/title-110-board-of-engineers-and-architects>

FAQs: <https://ea.nebraska.gov/faqs-licensees>