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North Dakota Laws and Rules for Engineers

by

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North Dakota Laws and Rules for Engineers
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Course Outline:

North Dakota Century Code

NDCC 43-19.1

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NDAC 28

State Board

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Responsible Charge and Direct Supervision

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North Dakota Century Code

State laws (called statutes) are enacted by the North Dakota Legislature, which is a bicameral body made up of the Senate and House of Representatives. 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 two-thirds majority vote in both the Senate and House of Representatives for the bill to become law.



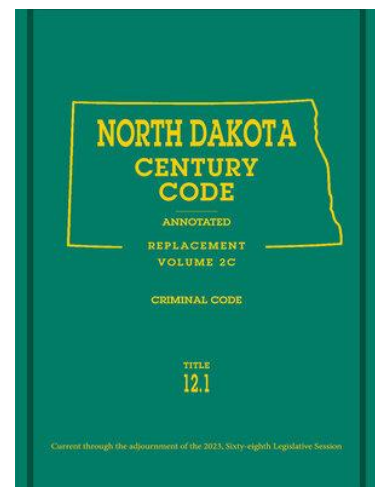
Passed bills (acts) from each legislative session are published in Session Laws, which are not yet integrated into existing laws and difficult to utilize. Next, the laws (called statutes) are added to the *North Dakota Century Code* (NDCC) in the appropriate locations with numbering, formatting, and removal of replaced or repealed statutes. Annotations are also added such as notes and references, with the resulting publication often called the *North Dakota Century Code Annotated*.

The North Dakota Century Code is divided into 65 titles. Laws with relevance to engineering are in Title 43, Chapter 19.1 (cited as NDCC 43-19.1). The organization is as follows:

North Dakota Century Code

- Chapter 43: Occupations and Professions
 - Chapter 19.1: Professional Engineers and Land Surveyors

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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NDCC 43-19.1

The law dedicated to the practice of engineering is NDCC 43-19.1. It contains general requirements for engineers and surveyors. NDCC 43-19.1 gives authority to the *North Dakota State Board of Registration for Professional Engineers and Land Surveyors* (Board) to enact the laws and manage licensing. The following is the contents of NDCC 43-19.1, with **bold** sections being of particular importance for practicing professional engineers.

NDCC 43-19.1: Professional Engineers and Land Surveyors

- 43-19.1-01 General provisions**
- 43-19.1-02 Definitions**
- 43-19.1-03 Board - Appointments - Terms
- 43-19.1-04 Board - Qualifications
- 43-19.1-05 Board - Compensation and expenses
- 43-19.1-06 Board - Removal of members - Vacancies
- 43-19.1-07 Board - Organization and meetings
- 43-19.1-08 Board - Powers
- 43-19.1-09 Receipts and disbursements
- 43-19.1-10 Records and reports
- 43-19.1-11 Roster
- 43-19.1-12 General requirements for registration
- 43-19.1-12.1 Conviction not bar to registration - Exceptions
- 43-19.1-13 Registration without examination - Professional engineers
- 43-19.1-14 Registration with examination - Professional engineers
- 43-19.1-15 Additional qualifications of engineer interns
- 43-19.1-16 Registration - Professional land surveyor
- 43-19.1-16.1 Qualifications of land surveyor interns (Effective through June 30, 2028)
- 43-19.1-16.2 Qualifications of land surveyor interns
- 43-19.1-17 Application for registration
- 43-19.1-17.1 Retired registrant
- 43-19.1-18 Registration fees
- 43-19.1-19 Examinations
- 43-19.1-20 Certificates**
- 43-19.1-21 Seals**
- 43-19.1-22 Expirations and renewals**
- 43-19.1-23 Reissuance of certificates



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- 43-19.1-24 Code of ethics**
- 43-19.1-24.1 Engineer not liable for contractor's fault unless responsibility assumed - Liability for own negligence**
- 43-19.1-25 Disciplinary action - Revocations, suspensions, or reprimand**
- 43-19.1-26 Disciplinary action - Procedure
- 43-19.1-27 Right to practice**
- 43-19.1-28 Public works**
- 43-19.1-29 Exemption clause**
- 43-19.1-30 Duties of recorder
- 43-19.1-31 Violation and penalties
- 43-19.1-32 Duty of attorney general - Legal counsel
- 43-19.1-33 Continuing professional education - Rules**



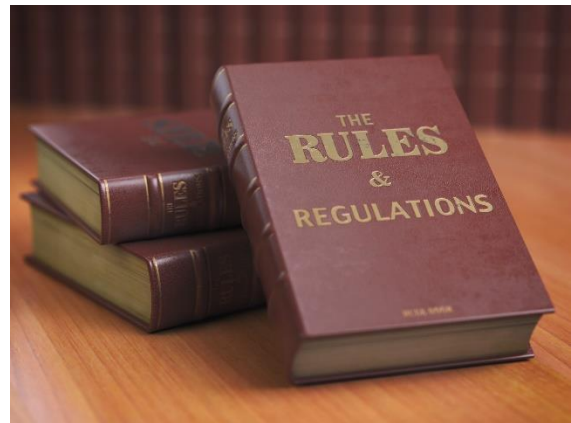
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North Dakota Administrative Code



State laws are often high-level and lack details required for implementation. The North Dakota 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 *North Dakota Administrative Code*, and can be cited as N.D.A.C., NDAC, or N.D. Admin. Code. The regulations are enforceable just like state statutes.

The NDAC is grouped by over 100 titles, each representing different state agencies (departments, divisions, districts, boards, councils, authorities, and commissions). Professional engineering is covered under Title 28, cited as NDAC 28, and known as the “Board Rules”.



The organization is as follows:

NDAC

- Title 28: Engineers and Land Surveyors, Board of Registration for Professional

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



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NDAC 28

The following are the contents of NDAC 28, also known as the Board Rules. Sections in **bold** are of particular importance for practicing professional engineers.

NDAC 28 - Engineers and Land Surveyors, Board of Registration for Professional

Article 28-01 - General Administration

- 28-01-01 - Organization of Board
- 28-01-02.1 - Board Bylaws and Administration

Article 28-02.1 - Engineer and Land Surveyor Registration

- 28-02.1-01 - Applications
- 28-02.1-02 - Processing Applications
- 28-02.1-03 - Types of Registration
- 28-02.1-04 - General Requirements
- 28-02.1-05 - Qualifications and Requirements for Engineers
- 28-02.1-06 - Qualifications and Requirements for Land Surveyors
- **28-02.1-07 - Certificates of Authorization - Partnerships - Corporations**
- **28-02.1-08 - Certificates and Seals**
- **28-02.1-09 - Expirations - Renewals - Reinstatements**
- 28-02.1-10 - Examinations and Fees
- 28-02.1-11 - Emergency and Remote Practice by Foreign Practitioners
- 28-02.1-12 - Retired Status
- 28-02.1-13 - Documents Used to Convey Real Property or Any Interest Therein

Article 28-03.1 - Rules of Professional Conduct

- **28-03.1-01-01 - General statement**
- **28-03.1-01-02 - Action by another jurisdiction**
- **28-03.1-01-03 - Standards of integrity**
- **28-03.1-01-04 - Protection of public**
- **28-03.1-01-05 - Advertising**
- **28-03.1-01-06 - Aid public understanding [Repealed]**
- **28-03.1-01-07 - Issuance of public statements related to engineering or surveying**
- **28-03.1-01-08 - Qualification for work projects**



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- **28-03.1-01-09 - Disclosure of confidential information**
- **28-03.1-01-10 - Disclosure of conflict of interest**
- **28-03.1-01-11 - Compensation from other parties**
- **28-03.1-01-12 - Solicitation of work**
- **28-03.1-01-13 - Reporting of unethical or illegal practice**
- **28-03.1-01-14 - Professional relationships**
- **28-03.1-01-15 - Proprietary interests of others**
- **28-03.1-01-16 - Professional enhancement [Repealed]**
- **28-03.1-01-17 - Professional conduct**
- **28-03.1-01-18 - Public understanding and professional enhancement**

Article 28-04 - Continuing Professional Competency

- **28-04-01-01 - Purpose**
- **28-04-01-02 - Definitions**
- **28-04-01-03 - General requirements**
- **28-04-01-04 - Recordkeeping**
- **28-04-01-05 - Qualifying activities**
- **28-04-01-06 - Audit**
- **28-04-01-07 - Exemptions**



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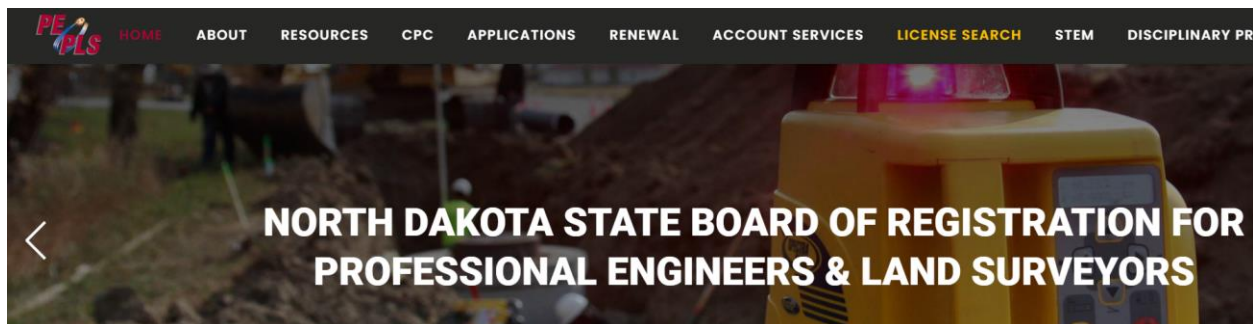
State Board

The state agency for professional engineering is the *North Dakota State Board of Registration for Professional Engineers and Land Surveyors* (ND PELS), herein referred to as the Board.



The Board oversees over 4,000 professional engineers. The Board has the authority to manage and further regulate professional engineering. The Board can make modifications to NDAC 28.

Board Website



The board website <<https://ndpelsboard.org/>> contains the following relevant topic pages:

- Resources
- FAQS
- CPC
- Applications
- Renewal
- Account Services
- License SearchSTEMDisciplinary Process
- Charging Form
- License Requirements
- License Search
- Statutes
- Calendar
- Contact Us



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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:

NDCC 43-19.1

Section 43-19.1-01 - General provisions

In order to safeguard life, health, and property, and to promote the public welfare, the practice of engineering and land surveying in this state is hereby declared to be subject to regulation in the public interest, and it hereby is declared necessary that a state board of registration for professional engineers and land surveyors be established, which in the exercise of its powers is deemed to be an administrative agency within the purview of chapter 28-32. It is unlawful for any person to practice, or to offer to practice, professional engineering or land surveying in this state, as defined in the provisions of this chapter, or to use in connection with the person's name or otherwise assume, or advertise any title or description tending to convey the impression that the person is an engineer or land surveyor, unless such person has been duly registered or exempted under the provisions of this chapter. The right to engage in the practice of engineering or land surveying is deemed a personal right, based on the qualifications of the individual as evidenced by the individual's certificate of registration, which is not transferable.

Section 43-19.1-02 - Definitions

In this chapter unless the context otherwise requires:

1. "Board" means the state board of registration for professional engineers and land surveyors.
2. "Engineer" means a professional engineer.
3. "Engineer intern" means an individual who complies with the requirements for education, experience, and character and who has passed an examination in the fundamental engineering subjects, as provided in sections 43-19.1-12 and 43-19.1-15.



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4. "Engineering surveys" means all survey activities required to support the sound conception, planning, design, construction, maintenance, and operation of engineered projects, which include locating or laying out alignments, positions, or elevations for the construction of fixed works. The term does not include the surveying of real property for the establishment of land boundaries, rights of way, easements, and the dependent or independent surveys or resurveys of the public land survey system.

5. "Executive director" means the individual hired by the board to perform the duties outlined in this chapter or such other duties as directed by the board.

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8. "Practice of engineering and practice of professional engineering" means any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems, engineering teaching of advanced engineering subjects or courses related thereto, engineering surveys, and the inspection of construction for the purpose of assuring compliance with drawings and specifications; any of which embraces such service or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, or projects as are incidental to the practice of engineering. A person must be construed to practice or offer to practice engineering if the person practices any branch of the profession of engineering; if the person, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents that the person is an engineer and is able to practice engineering in this state if the person through the use of some other title implies that the person is an engineer or that the person is registered under this chapter; or if the person holds out as able to perform, or does perform any engineering service or work or any other service that is recognized as engineering, for a valuable consideration for others, including the public at large.

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10. "Professional engineer" means an individual who by reason of special knowledge or use of the mathematical, physical, and engineering sciences and the principles and methods of engineering analysis and design, acquired by engineering education and engineering experience, is qualified to practice engineering, and who has been registered and licensed by the state board of registration for professional engineers and land surveyors.



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12. "Responsible charge" means direct control and personal supervision of engineering or surveying work.

13. "Retired registrant" means a duly registered professional engineer or land surveyor who is not engaged in active professional practice and is not required to meet the continuing professional education requirements as prescribed by the board. A retired registrant is issued a certificate of registration indicating "retired" status.

Section 43-19.1-20 - Certificates

The board shall issue a certificate of registration upon payment of the registration fee as provided for in this chapter to any applicant who in the opinion of the board has met the requirements of this chapter. Enrollment cards must be issued to those who qualify as engineer interns or land surveyor interns. Certificates of registration must carry the designation "professional engineer" or "professional land surveyor", must show the full name of the registrant without any titles, must be numbered, and must be signed by the chairman and the executive director under seal of the board. The issuance of a certificate of registration by the board is prima facie evidence the individual named on the certificate is entitled to all rights and privileges of a professional engineer or land surveyor during the term of which the certificate providing the same has not been revoked or suspended.

Section 43-19.1-22 - Expirations and renewals

A certificate of registration expires on December thirty-first of the year of issuance if registration is on an annual basis and of the year after issuance if issued on a biennial basis and becomes invalid after that date unless renewed. The executive director for the board shall notify every registrant under this chapter of the date of the expiration of the registrant's certificate of registration and the amount of fee required for its renewal. The notice must be mailed or electronically sent, if the registrant has opted in to receive electronic renewal notices, to the registrant at the registrant's last-known address or electronic mail address at least one month in advance of the expiration of the registrant's certificate. Renewal may be effected at any time before or during the month of December by the payment of a fee as established by the board, not to exceed the fees established in section 43-19.1-18. Renewal of an expired certificate may be effected under rules adopted by the board regarding requirements for re-examination and penalty fees.



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Section 43-19.1-24.1 - Engineer not liable for contractor's fault unless responsibility assumed - Liability for own negligence

An engineer is not liable for the safety of persons or property on or about a construction project site, or for the construction techniques, procedures, sequences and schedules, or for the conduct, action, errors, or omissions of any construction contractor, subcontractor, or material supplier, their agents or employees, unless the engineer assumes responsibility therefor by contract or by the engineer's actual conduct. Nothing herein may be construed to relieve an engineer from liability for negligence, whether in the engineer's design work or otherwise.

Section 43-19.1-27 - Right to practice

1. A person may not practice or offer to practice professional engineering or land surveying unless the person is an individual registered to practice under or exempt from the provisions of this chapter. The practice of engineering by a professional engineer which includes service or creative work that is included in both the definition of the practice of engineering and the definition of land surveying does not require registration as a professional land surveyor. The practice of land surveying by a professional land surveyor which includes a service or creative work that is included in both the definition of the practice of engineering and the definition of land surveying does not require registration as a professional engineer.
2. The following are not considered offering to practice engineering or surveying in the solicitation of work if the engineer or surveyor is licensed in another jurisdiction:
 - a. Advertising in a publication or electronic media if there is no holding out of professional services in jurisdictions in which not licensed.
 - b. Responding to a letter of inquiry regarding a request for proposals if there is written disclosure the engineer, surveyor, or firm is not licensed in this state and the response is limited to inquiries regarding scope of project and to demonstrate interest.
 - c. Responding to a letter of inquiry from a prospective client if there is written disclosure that the engineer, surveyor, or firm is not licensed in this state and the response is limited to inquiries regarding scope of project and to demonstrate interest.
 - d. Using the title or designation "professional engineer", "licensed engineer", "P.E.", "professional surveyor", "licensed surveyor", "P.L.S.", or similar title or designation in correspondence or on business cards from an office in the jurisdiction in which licensure is held.



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3. Notwithstanding subsection 2, a proposal may not be submitted, a contract may not be signed, or work may not be commenced until an engineer, surveyor, or firm becomes licensed as provided under this chapter.
4. A registered professional engineer or registered land surveyor may practice or offer to practice professional engineering or land surveying as an organization or as an individual operating under a trade name if the organization is registered under or exempt from the provisions of this chapter.
5. In addition to and without impairing any rights or exemptions granted others in this chapter, the practice of or offer to practice professional engineering or land surveying by an organization or by an individual operating under a trade name is permitted in this state if:
 - a. All officers, employees, and agents of such an organization or the individual operating under a trade name who will perform the practice of engineering or of land surveying within this state are registered under this chapter;
 - b. Each person in responsible charge of the activities of any organization or individual operating under a trade name which activities constitute the practice of professional engineering and land surveying, is a professional engineer or land surveyor registered in this state or an individual authorized to practice professional engineering or land surveying as provided in this chapter;
 - c. Such organization or individual operating under a trade name has been issued a certificate of commercial practice by the board as provided by subsection 6;
 - d. Each organization or individual operating under a trade name is jointly and severally responsible with and for the conduct or acts of its agents, employees, officers, or managers in respect to any professional engineering or land surveying services performed or to be executed in this state. An individual practicing professional engineering or land surveying may not be relieved of the responsibility for the individual's conduct or acts performed by reason of the individual's employment by or relationship with such organization or individual operating under a trade name; and
 - e. All final drawings, specifications, plans, reports, or other engineering or land surveying papers or documents involving the practice of professional engineering or land surveying, when presented to a client, contractor, subconsultant, or any public agency, must be dated and bear the seals and signatures of the professional engineers or land surveyors registered under this chapter by whom



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or under whose responsible charge they were prepared. A working drawing or unfinished document must contain a statement to the effect the drawing or document is preliminary and not for construction, recording purposes, or implementation. It is unlawful for a registrant to affix or permit the registrant's seal and signature or facsimiles thereof to be affixed to any engineering drawing, specification, map, plat, report, or other document after the expiration or revocation or during the suspension of a certificate or for the purpose of aiding and abetting any other person to evade or attempt to evade any provision of this chapter.

6. An organization or individual operating under a trade name desiring a certificate of commercial practice or the renewal thereof shall file a written application with the board setting forth the names and addresses of all partners, officers, directors, managers, or governors, if any, of such organization and the names and addresses of all employees who are duly registered to practice professional engineering or land surveying in this state, and who are or will be in responsible charge of any engineering or land surveying in this state by such organization or individual operating under a trade name, together with other information as the board may require. Upon the receipt of an application, and of a fee in an amount established by the board for the initial certificate or renewal thereof, but not to exceed the amount of two hundred dollars per year, the board shall issue to such organization or individual operating under a trade name a certificate of commercial practice or a renewal thereof, which certificate of commercial practice is not transferable. If the board finds an error in an application or that facts exist which would entitle the board to suspend or revoke a certificate if issued to the applicant, the board shall deny the application. If a change occurs in any of the information submitted on the application of any organization or individual operating under a trade name within the term of the certificate of commercial practice, the organization or individual operating under a trade name shall file with the board a written report with respect to the change within thirty days after the change occurs. The provisions with respect to issuance, expiration, renewal, and reissuance of the certificates of registration of individuals contained in this chapter also apply to certificates of commercial practice issued to an organization or individual operating under a trade name under this subsection. An organization or individual operating under a trade name is subject to disciplinary proceedings and penalties and certificates of commercial practice are subject to suspension or revocation for cause in the same manner and to the same extent as is provided with respect to an individual and the individual's certificates of registration



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in sections 43-19.1-26, 43-19.1-29, and 43-19.1-31. "Registrant" and "certificate of registration" in sections 43-19.1-26, 43-19.1-29, and 43-19.1-31, and the provisions of such sections, include and apply respectively to any organization or individual operating under a trade name that holds a certificate of commercial practice issued under this chapter, and to such certificate of commercial practice.

Section 43-19.1-28 - Public works

Except as otherwise provided by law, the state and its political subdivisions may not engage in the construction of public works involving the practice of professional engineering when the contemplated expenditure for the project exceeds the sum of two hundred thousand dollars, unless the engineering drawings and specifications and estimates have been prepared by, and the construction administration and construction observation services are executed under the supervision of, a registered professional engineer. Any engineering contract executed in violation of this section is void.

Section 43-19.1-29 - Exemption clause

This chapter does not prevent or affect:

1. The practice or offer to practice engineering by an individual not a resident or having no established place of business in this state, if that individual is legally qualified by registration to practice engineering in another state or country that extends similar privileges to individuals registered under this chapter. However, that individual shall make an application accompanied by the appropriate application fee to the board in writing before practicing or offering to practice engineering, and may be granted a one-time temporary permit for a definite period of time not to exceed one year to do a specific job. No right to practice engineering accrues to any applicant with respect to any other work not set forth in the temporary permit. A land surveyor may not receive a temporary permit under this subsection.
2. The work of an employee or a subordinate of an individual holding a certificate of registration under this chapter, or an employee of an individual practicing lawfully under subsection 1; provided such work does not include final engineering or surveying designs or decisions and is done under the direct supervision of and verified by an individual holding a certificate of registration under this chapter, or an individual practicing lawfully under subsection 1.



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3. The practice of any other legally recognized profession or trade, nor does the chapter permit registered professional engineers to perform duties requiring the services of a licensed architect, as provided by the laws of the state of North Dakota licensing and regulating architects and architecture.
4. The practice of engineering or land surveying by any individual regularly employed to perform engineering services solely for that individual's employer or for a subsidiary or affiliated corporation or limited liability company of that individual's employer, providing the services performed are in connection with the property, products, or services of that individual's employer, unless the board determines the property, products, or services are of a unique type requiring registration to protect the public.
5. The performance of work ordinarily performed by a person that operates or maintains machinery or equipment.

NDAC 28

Section 28-03.1-01-01 - General statement

In order to establish and maintain a high standard of integrity, skills, and practice in the profession of engineering and land surveying, the code of ethics contained in this chapter is binding upon every person holding a certificate of registration as a professional engineer or professional land surveyor, and upon all agents, employees, officers, partners, and entities holding a certificate of commercial practice.

This chapter is specifically designed to further safeguard the life, health, property, and public welfare of the citizens of North Dakota, and must be construed to be a reasonable exercise of the police power vested in the board of registration for professional engineers and land surveyors by virtue of North Dakota Century Code chapter 43-19.1, and as such the board can establish conduct, policy, and practices to be adopted.

These rules are to be read and interpreted without regard to race, creed, or sex.

The engineer or land surveyor who holds a certificate of registration from the board is charged with having knowledge of the existence of this chapter for professional



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conduct as an engineer or land surveyor, and also must be deemed to be familiar with the provisions and to understand them. Such knowledge shall encompass the understanding that the practice of engineering and land surveying is a privilege as opposed to a right, and the engineer or land surveyor must be forthright and candid in statements or written responses to the board or its representatives on matters pertaining to professional conduct.

Section 28-02.1-07-02 - Issuance of certificate of commercial practice

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

1. Advise the board within thirty days of any disciplinary actions administered by any jurisdiction against the certificate of commercial practice.
2. Renew and update annually the names of all employees licensed to practice engineering and/or land surveying in North Dakota.
3. Keep and maintain its certificate of authority with the North Dakota secretary of state's office active and in good standing and provide a copy to the board office.
4. A certificate of commercial practice is subject to the same disciplinary actions by the board as any individual registrant.

Section 28-02.1-08-01 - Certificates

1. Certificates of registration and certificates of commercial practice issued by the board should be displayed by the registrant in a prominent place in the registrant's office or principal place of business.
2. In case a certificate is lost or destroyed, a duplicate certificate will be issued upon request. The charge for a duplicate certificate shall be determined by the board.
3. Registrants may opt-in to receiving an electronic version of their certificate.



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Responsible Charge

Engineering design work must be prepared under a professional engineer with direct control and personal supervision, often referred to as “**responsible charge**”, as described in the laws and rules below. The engineer with **responsible charge** signs 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 can also refer to the management of a field of engineering services within an organization.

NDCC 43-19.1

Section 43-19.1-02 - Definitions

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12. "**Responsible charge**" means direct control and personal supervision of engineering or surveying work.

Section 43-19.1-27 - Right to practice

...

e. All final drawings, specifications, plans, reports, or other engineering or land surveying papers or documents involving the practice of professional engineering or land surveying, when presented to a client, contractor, subconsultant, or any public agency, must be dated and bear the seals and signatures of the professional engineers or land surveyors registered under this chapter by whom or under whose **responsible charge** they were prepared.

NDAC 28

Section 28-02.1-08-03 - Use of seals

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6. Any changes made to the final plans, specifications, drawings, reports, or other documents after final revision and sealing by the registrant are prohibited by any person other than the registrant, or another registered individual who assumes **responsible charge** for the directly related documents, except as provided herein. A duly registered individual making changes to final sealed documents must assume



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responsible charge and reseal the directly related final documents unless the changes are construction phase revisions, including record drawings, which do not affect the functional design, and such revisions adequately reflect that changes have been made and the original plans are available for review.

7. Mere review of work prepared by another person, even if that person is the registrant's employee, does not constitute **responsible charge**.

8. A registrant may not affix the registrant's seal or signature to documents having titles or identities excluding the registrant's name unless:

- a. Such documents were developed by the registrant or under the registrant's **responsible charge** and the registrant has exercised full authority to determine their development.

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 Board does not track disciplines or require them to be listed on seals.

Licensees should only undertake assignments when proficient and qualified by education or experience in the areas involved. It is possible to be qualified to perform services in a discipline other than the initial designated discipline. The Board can assess if a registrant is deemed competent in a specific technical field and require a registrant to pass an exam.

NDAC 28

Section 28-03.1-01-08 - Qualification for work projects

The registrant will undertake assignments for which the registrant will be responsible only when **qualified by education or experience**. The registrant will engage, or advise engaging, experts and specialists whenever the client's or employer's interests are best served by such service.

1. The registrant may accept an assignment requiring education, training, or experience outside of the registrant's own field of competence, but only to the extent that such services are restricted to those phases of the project in which the registrant is qualified. All other phases of such project shall be performed by qualified associates, consultants, or employees.
2. The registrant shall not affix the registrant's signature or seal, or both, to any plan or document dealing with subject matter in which the registrant lacks **competence acquired through education or experience**, nor to any plan or document not prepared by the registrant or under the registrant's responsibility. In the event a question as to the competence of a registrant to perform a professional assignment in a specific technical field arises and cannot be otherwise resolved to the satisfaction of the board, the board, upon request of the registrant or by its own volition, may require the registrant to submit to whatever examination it deems appropriate.



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3. In providing services, the registrant shall take into account all applicable federal, state, and local laws and regulations. The registrant shall not knowingly provide services resulting in violation of such laws and regulations.



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Professional Conduct and Ethics

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

NDCC 43-19.1

Section 43-19.1-24 - Code of ethics

The board shall cause to have prepared and shall adopt a code of ethics, a copy of which must be made available to every registrant and applicant for registration under this chapter, and which must be published in the roster provided under this chapter. Such publication constitutes due notice to all registrants. The board may revise and amend this code of ethics from time to time and shall notify each registrant of such revisions or amendments. The code of ethics applies to all certificate holders, individual and certificate of commercial practice, including specialists in a particular branch of the engineering or surveying profession.

Section 43-19.1-25 - Disciplinary action - Revocations, suspensions, or reprimand

The board may suspend, refuse to renew, or revoke the certificate of registration of and may reprimand any registrant. These powers apply to any registrant who is found guilty of any of the following:

1. The practice of any fraud or deceit in obtaining a certificate of registration.
2. Any gross negligence, incompetence, or misconduct in the practice of engineering or land surveying.
3. Any offense determined by the board to have a direct bearing upon an individual's ability to serve the public as a professional engineer and land surveyor; or when the board determines, following conviction of any offense, that an individual is not sufficiently rehabilitated under section 12.1-33-02.1.
4. The violation of the code of ethics adopted by the board.

Section 43-19.1-31 - Violation and penalties

Any person that practices or offers to practice engineering or land surveying in this state without being registered in accordance with the provisions of this chapter; any person using or employing the words "engineer", "engineering", "professional engineer", "surveyor", "land surveyor", "professional land surveyor", or any modification or derivative of these terms in that person's name, form of business, or activity, except as authorized in this chapter; any person presenting or attempting to



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use the certificate of registration or the seal of another; any person giving 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 of registration; or any person falsely impersonating any other registrant of like or different name; any person attempting to use an expired or revoked or nonexistent certificate of registration practicing or offering to practice when not qualified; any person falsely claiming that person is registered under this chapter; or any person violating any of the provisions of this chapter is guilty of a class B misdemeanor. It is the duty of all duly constituted officers of the state, and of all political subdivisions of the state, to enforce the provisions of this chapter. In addition to any criminal penalty authorized under this section, the board may assess a civil penalty not to exceed two thousand five hundred dollars for each violation of section 43-19.1-25. The civil penalty may be imposed by a court in a civil proceeding or by the board through an administrative proceeding.

NDAC 28

Section 28-03.1-01-02 - Action by another jurisdiction

A registrant who acts, either as an individual or through a business entity, may be deemed by the board to be guilty of misconduct in professional practice for an action that in this state would constitute a violation of North Dakota Century Code chapter 43-19.1, or of this title, and:

1. The registrant has received a reprimand or civil penalty as a result of a disciplinary action in another jurisdiction.
2. The registrant's license has been suspended, revoked, denied, or voluntarily surrendered as a result of disciplinary action in another jurisdiction.
3. The registrant is convicted in a court of competent jurisdiction of a felony without restoration of civil rights.

Section 28-03.1-01-03 - Standards of integrity

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

1. Registrants shall admit and accept their own errors when proven wrong and refrain from distorting or altering the facts in an attempt to justify their decisions.



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2. Registrants shall advise their clients or employers when they believe a project will not be successful.
3. Registrants shall not accept outside employment to the detriment of their regular work or interest. Before accepting any outside engineering or land surveying employment, registrants shall receive written approval from their employer.
4. Registrants shall not employ or attempt to employ an individual by false or misleading pretenses.
5. Registrants shall not engage in any act tending to promote their own interests to the detriment of the profession.
6. Registrants shall be truthful in professional reports, statements, or testimony. Registrants shall include all relevant and pertinent information in such reports, statements, or testimony.
7. Registrants shall not willfully engage in any conduct or practice that intentionally deceives the public.
8. Registrants shall not use statements containing a material misrepresentation of fact or omitting a material fact necessary to keep statements from being misleading or statements intended or likely to create an unjustified expectation.

Section 28-03.1-01-04 - Protection of public

Registrants shall be cognizant that their first and foremost responsibility is to the public welfare in the performance of services to clients and employers. The registrant:

1. Will regard one's duty to the public welfare as paramount.
2. Will not complete, sign, or seal plans or specifications that are not of a design safe to the public health and welfare and in conformity with accepted standards. In the course of work on a project, if a registrant becomes aware of an action taken by the client or employer against the registrant's advice that violates applicable state or municipal laws and regulations and which, in the registrant's judgment, will adversely affect the public life, health, or safety, the registrant shall take the following actions:



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- a. Advise the client or employer in writing of the registrant's refusal to consent to the decision and give reasons for that refusal; and
- b. If the registrant's advice is ignored despite the objection, the registrant shall provide a copy of the registrant's objection and reasoning to the public official charged with the enforcement of the applicable state or municipal laws and regulations.

Section 28-03.1-01-05 - Advertising

Registrants shall not falsify or permit misrepresentation of their, or their associates', academic or professional qualifications. They shall not misrepresent or exaggerate their degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the advertisement shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or past accomplishments with the intent and purpose of enhancing their qualifications and their work.

Section 28-03.1-01-07 - Issuance of public statements related to engineering or surveying

Registrants shall express a professional opinion publicly only when it is founded upon an adequate knowledge of the facts and a competent evaluation of the subject matter.

1. Registrants shall not willfully engage in any conduct or practice that deceives the public.
2. Registrants shall not use statements containing a material misrepresentation of fact or omitting a material fact.
3. Registrants shall express an opinion only when it is founded upon accurate information.
4. The registrant shall be completely objective and truthful in all professional reports, statements, or testimony. Registrants shall include all relevant and pertinent information in such reports, statements, or testimony.
5. The registrant, when serving as an expert or technical witness before any court, commission, or other tribunal, shall express an opinion only when it is founded upon



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adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of the testimony.

6. The registrant will issue no statements, criticisms, or arguments on professional matters connected with public policy that are inspired or paid for by an interested party or parties, unless such statement is prefaced with a comment explicitly identifying the registrant, by disclosing the identity of the party or parties on whose behalf the statement is being made, and by revealing the existence of any pecuniary interest the registrant may have in the instant matter.

Section 28-03.1-01-09 - Disclosure of confidential information

Registrants may not disclose, or use for the purpose not related to their employment, or retain other than in connection with their employment, confidential information concerning the business affairs or technical processes of any present or former client or employer without the client's or employer's consent, as applicable.

Confidential information concerning business affairs includes information that would be considered a trade secret or technical process. Confidential information also includes financial information, information regarding clients or vendors, information regarding market strategy, information regarding compensation paid to other employees, and any other information either not generally known to the public or designated by the client or employer as confidential. In addition:

1. Registrants in the employ of others, without the consent of all interested parties, shall not enter promotional efforts or negotiations for work or make arrangements for other employment as a principal or to practice in connection with a specific project for which the registrant has gained particular and specialized knowledge.

2. Without the consent of all interested parties, registrants shall not participate in or represent an adversary interest in connection with a specific project or proceeding in which the registrant has gained particular specialized knowledge on behalf of a former client or employer.



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Section 28-03.1-01-10 - Disclosure of conflict of interest

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

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

Section 28-03.1-01-11 - Compensation from other parties

The registrant will not accept compensation, financial or otherwise, from more than one interested party for the same service. The registrant:

1. Will not accept financial or other considerations, including free engineering designs or land surveying plans, from material or equipment suppliers for specifying their product.
2. Will not accept commissions or allowances, directly or indirectly, from contractors or other parties dealing with the registrant's clients or employer in connection with work for which the engineer or land surveyor is responsible.
3. Shall not solicit or accept gratuities, gifts, travel, lodging, loans, entertainment, or other favors, directly or indirectly, from contractors, their agents, or other third parties dealing with a client or employer in connection with work for which the



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registrant is responsible, which can be determined to be an effort to improperly influence the registrant's professional judgment. Minor expenditures such as advertising trinkets, novelties, and meals are excluded. Neither shall a registrant make any such improper offer.

Section 28-03.1-01-12 - Solicitation of work

A registrant shall seek and engage in only the professional work or employment the professional is competent and qualified to perform by reason of education, training, or experience.

1. A registrant shall not falsify or misrepresent the extent of the registrant's education, training, experience, or qualifications to any person or to the public or misrepresent the extent of the registrant's responsibility in connection with any prior employment or projects.
2. A registrant shall not transmit, distribute, or publish or allow to be transmitted, distributed, or published, any false or misleading information regarding the registrant's own qualifications, training, or experience or that of the registrant's employer, employees, associates, or joint venturers.
3. Registrants shall not offer, give, solicit, or receive, either directly or indirectly, any political contribution in an amount intended to influence the award of a contract by public authority, or which may be reasonably construed by the public of having the effect or intent to influence the award of a contract.
4. Registrants shall not pay a commission, percentage, or brokerage fee in order to secure work except to a bona fide employee.
5. A registrant shall not tender any gift, pay, or offer to pay, directly or indirectly, anything of substantial value, whether in the form of a commission or otherwise, as an inducement to secure employment. A registrant is not prohibited from paying a commission to an employment agency for securing a position.
6. A registrant shall not knowingly seek or accept employment for professional services for an assignment for which another registrant is employed or contracted to perform. This prohibition shall not preclude a registrant from responding to a client-initiated or owner-initiated solicitation.



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Section 28-03.1-01-13 - Reporting of unethical or illegal practice

A registrant who has knowledge or reasonable grounds for believing that another registrant has violated any statute or rule regulating the practice of the profession shall have the duty of presenting such information to the board.

1. A registrant possessing knowledge of a violation shall report such knowledge to the board in writing and shall cooperate with the board in furnishing such further information or assistance as it may require.
2. A registrant, when questioned concerning any alleged violation on the part of another person by any member or authorized representative of the board commissioned or delegated to conduct an official inquiry, shall neither fail nor refuse to divulge such information as the registrant may have relative thereto.
3. Registrants must notify the board within thirty days if another state has disciplined them with a reprimand, censure, suspension, temporary suspension, probation, revocation, or refusal to renew a license, or if they have voluntarily surrendered their license as part of a settlement proceeding.
4. If a registrant, during the course of the registrant's work, discovers a material discrepancy, error, or omission in the work of another registrant, which may impact the life, health, property, and welfare of the public, the discoverer shall make a reasonable effort to inform, in writing, the registrant whose work is believed to contain the discrepancy, error, or omission. Such communication shall reference specific codes, standards, or physical laws that are believed to be violated and identification of documents that are believed to contain the discrepancies. The registrant whose work is believed to contain the discrepancy shall respond in writing within thirty calendar days to any question about the work raised by another registrant. Failure to respond on the part of the registrant whose work is believed to contain the discrepancy shall be considered a violation of these rules. The discoverer shall notify the board in the event a response satisfactory to the discoverer is not obtained within thirty days.

Section 28-03.1-01-14 - Professional relationships

The registrant shall not knowingly associate professionally with or allow the use of one's name with persons not legally qualified to render the professional services for which the association is intended.



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1. Registrants in private practice shall not review the work of another registrant for the same client, except with the knowledge of such registrant, or unless the connection of such registrant with the work has been terminated. This prohibition shall not preclude a registrant from responding to a client-initiated or owner-initiated solicitation for a second opinion.
2. Registrants in governmental, industrial, or educational employment may review and evaluate the work of other registrants when so required by their employment duties.
3. Registrants in sales or industrial employment may make engineering comparisons of represented products with products of other suppliers.
4. Registrants shall not use association with a nonregistrant, a corporation, or partnership, as a cloak for unethical acts.
5. The registrant shall not furnish limited services in such a manner as to enable unregistered persons to evade:
 - a. Federal, state, and local laws and regulations, including building permit requirements; or
 - b. Registration requirements.
6. The registrant may not take over, review, revise, or sign or seal drawings or revisions thereof when such plans are begun by persons not properly registered and qualified or do any other act to enable either such persons or the project owners, directly or indirectly, to evade the registration requirements.

Section 28-03.1-01-15 - Proprietary interests of others

1. Whenever possible, the registrant will name the person or persons who may be individually responsible for designs, inventions, writings, or other accomplishments.
2. Designs supplied by a client remain the property of the client and should not be duplicated by the registrant for others without express permission.
3. Before undertaking work for others in which the registrant may make improvements, plans, designs, inventions, or other records that may justify copyrights or patents, the registrant should enter into an agreement regarding the ownership of the improvements, plans, designs, inventions, or other records.



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4. All files of an employer of the registrant are the property of the employer and may not be retained, removed, or copied by the registrant upon termination of the registrant's employment unless the employer specifically consents otherwise in writing. The files of an employer include all of the employer's records; data; research materials; copies of contracts; requests for proposals; proposals; plans, including preliminary plans, specifications, and drawings; client lists; client information; billing or financial information; notes; research materials; historical or background materials; copies of sample specifications, contracts, or documents; and computer data banks of any kind. If the registrant has any of the employer's files before termination of employment in any form or format, including actual physical copies or on computer memory storage devices, the registrant shall return or destroy such files immediately upon termination of employment unless otherwise instructed or agreed upon by the employer.

Section 28-03.1-01-17 - Professional conduct

1. Registrants shall indicate any reservation on a reference for an applicant if they have reason to believe the applicant is unqualified by education, training, or experience to become licensed. The registrant's opinion shall be based on the qualifications a reasonable and prudent professional would require an applicant to possess.
2. A registrant shall not submit a materially false statement or fail to disclose a material fact requested in connection with the application for certification or licensure in this state or any other state.
3. Registrants shall comply with the licensure laws and rules governing their professional practice in any United States jurisdiction.
4. A registrant shall not further the application for certification or licensure of another person known by the registrant to be unqualified in respect to character, education, or other relevant factor.

Section 28-03.1-01-18 - Public understanding and professional enhancement

Sections 28-03.1-01-01 through 28-03.1-01-17 of this code of ethics are requirements of professional conduct and noncompliance with any of those sections is subject to disciplinary action. To enhance the professions of engineering and land surveying, the board also encourages, but does not require, a registrant to:



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1. Seek opportunities to be of constructive service in civic affairs and work for the advancement of the safety, health, and well-being of the registrant's community.
2. Cooperate in extending the effectiveness of the profession by interchanging information and experience with other engineers or land surveyors and students.
3. Extend public knowledge and appreciation of engineering or land surveying and its achievements and to protect the profession from misrepresentation and misunderstanding.
4. Maintain interest in the public welfare and be ready to apply the registrant's special knowledge, skill, and training for the use and benefit of the public.
5. Seek opportunities to provide career guidance for youths.
6. Provide opportunity for the professional development and advancement of engineers or land surveyors under the registrant's supervision by:
 - a. Encouraging efforts to improve the registrant's education.
 - b. Encouraging attendance and presentation of papers at professional and technical society meetings.
 - c. Promoting professional registration at the earliest possible date.



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Sign and Seal Requirements

Engineering seal and signature requirements are found in NDAC 28-02.1-08. Here are highlights that may differ from requirements in other states:

- Seal outer diameter 1 3/4"
- Hand signature and date to be over the seal
- Ink color not specified
- For specifications and reports, only an introductory page shall be sealed
- Every drawing shall be sealed
- Acceptable forms of signature:
 - Original (hand) sign and seal (rubber stamp, embossed, or electronic image)
 - Digital/electronic signature requirements:
 - Digital seal image acceptable
 - Digital signature does NOT have to be over the seal
 - Unique to registrant
 - Capable of verification
 - Signature invalidated with document changes (or changes are prevented)
 - Adobe, Bluebeam, & DocuSign e-signatures appear acceptable



Laws and Rules

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

NDCC 43-19.1

Section 43-19.1-21 - Seals

Each registrant under this chapter upon registration may obtain a seal of the design authorized by the board, bearing the registrant's name, registration number, and the legend "registered professional engineer" or "registered professional land surveyor". Final engineering drawings, specifications, maps, plats, reports, or other documents prepared by a person required to be registered under this chapter, when presented to a client, contractor, subconsultant, or any public agency, must be signed, dated, and stamped with the seal or facsimile of the seal. A working drawing or unfinished document must contain a statement to the effect the drawing or document is preliminary and not for construction, recording purposes, or implementation. It is unlawful for a registrant to affix or permit the registrant's seal and signature or facsimiles thereof to be affixed to any engineering drawings, specifications, maps,



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plats, reports, or other documents after the expiration or revocation or during the suspension of a certificate, or for the purpose of aiding and abetting any other person to evade or attempt to evade any provision of this chapter.

NDAC 28

Section 28-02.1-08-02 - Seals

1. The board has adopted standard seals or stamps similar to those illustrated in this section for use by registered professional engineers and professional land surveyors as prescribed by law. The seal authorized by the state board of registration for professional engineers and land surveyors for registrants is of the crimp type or rubber stamp, or electronic. Seals prepared after July 1, 2005, shall be of a design so the seal consists of two concentric circles with the diameter of the outer circle being one and three-fourth inches [44.45 millimeters] and the diameter of the inner circle being one and one-fourth inches [31.75 millimeters]. The upper portion between the two circles shall bear whichever of the following phrases is applicable to the registrant: "Registered Professional Engineer", "Registered Professional Land Surveyor", or "Registered Professional Engineer & Land Surveyor". Professional land surveyors who purchased a seal with the phrase "Registered Land Surveyor" prior to January 1, 2011, are not required to purchase a new seal. At the bottom of the annular space between the two circles shall appear the inscription "North Dakota"; the inner circle shall contain the name of the registrant, registration number, and the word "Date". The registration number assigned should be centered in the inner area of the seal in the space occupied by the word "NUMBER" and the size of the numbers should not be larger than the word "NAME". The words and parentheses "(NUMBER)" and "(NAME)" should not appear on the seal.

2. Seals may be of rubber stamp, metal impression type, computer-generated, or electronically generated. Computer-generated and electronically generated seals are herein referred to as an "electronic seal".

3. A registrant shall also apply the registrant's signature across the face of the seals for a nonelectronic signature. "Nonelectronic signature" means a handwritten identification containing the name of the person who applied it. An electronic signature is a signature that is computer-generated or electronically generated and must be unique to and under the sole control of the person using it, must be capable of verification, and must be linked to a document in such a way that the electronic



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signature is invalidated if any data on the document is changed. An electronic signature is not required to be across the face of the seal. A rubber stamp or facsimile signature is not allowed. The signature and seal must also be dated.

4. The illustrated standard stamps and seals are as follows:



Section 28-02.1-08-03 - Use of seals

1. The original copies of all drawings, plan sheets, specifications, studies, reports, plats, maps, and other engineering and surveying work product other than earthwork cross sections, each of which hereafter is referred to as a "document" in this section, must receive a seal, date, and signature.

- a. Studies, reports, and project specifications need the seal and signature only on a single introductory sheet.
- b. Every sheet or drawing in an original set of engineering plans must receive a seal and signature.



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- c. If computer-generated or electronically generated seals or signatures are used on documents combined into a single file, they can be electronically applied by electronic process allowing the seal or signature to be computer-generated on all required documents by one computer action.
2. Registrants may accept assignments and assume responsibility for coordination of an entire project and sign and seal the engineering and land surveying documents for the entire project, provided that each technical segment is signed and sealed only by the qualified engineers or land surveyors who prepared the segment.
3. Registrants shall not affix their signatures or seals to any engineering or land surveying plan or document dealing with subject matter for which the registrant lacks competence by virtue of education or experience, nor to any such plan or document not prepared under the registrant's direct supervisory control.
4. A registrant shall not contract with a nonlicensed individual to provide these professional services.
5. A registrant may affix the seal and signature to drawings and documents depicting the work of two or more professionals, either from the same or different disciplines, provided it is designated by a note under the seal the specific subject matter for which each is responsible.
6. Any changes made to the final plans, specifications, drawings, reports, or other documents after final revision and sealing by the registrant are prohibited by any person other than the registrant, or another registered individual who assumes responsible charge for the directly related documents, except as provided herein. A duly registered individual making changes to final sealed documents must assume responsible charge and reseal the directly related final documents unless the changes are construction phase revisions, including record drawings, which do not affect the functional design, and such revisions adequately reflect that changes have been made and the original plans are available for review.
7. Mere review of work prepared by another person, even if that person is the registrant's employee, does not constitute responsible charge.



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8. A registrant may not affix the registrant's seal or signature to documents having titles or identities excluding the registrant's name unless:
- a. Such documents were developed by the registrant or under the registrant's responsible charge and the registrant has exercised full authority to determine their development.
 - b. A registrant who is required to use the standard drawings of a sponsoring agency need not affix the registrant's seal and signature to said standard drawings.
 - c. The registrant is providing the registrant's opinion as to the compliance of the document with specific identified rules or statutes and it is clearly identified that the registrant only reviewed the document and had no technical control over the contents of the document.
9. Electronic reproductions of drawings, plan sheets, specifications, studies, reports, plats, maps, and other engineering and surveying work product that are distributed to reviewing agencies, owners, clients, contractors, suppliers, and others must either contain the electronic seal and electronic signature as required by this chapter, or contain a reproduction of the seal and signature.
10. Paper or hard copy reproductions of drawings, plan sheets, specifications, studies, reports, plats, maps, and other engineering and surveying work product that are distributed to reviewing agencies, owners, clients, contractors, suppliers, and others shall contain a reproduction of the seal and signature. A new seal and original signature will not be required with such paper distribution.
11. Working drawings and unfinished documents must comply with North Dakota Century Code section 43-19.1-21.



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Continuing Education

Per NDAC 28 Article 19, the following continuing professional competency (CPC) is required every 2-year renewal period, where PDH is a professional development hour:

- 30 PDH
- The Board does NOT pre-approve providers or specific courses
- Minimum 20 PDH in **technical** areas that directly safeguard the public's health, safety and welfare
 - Includes technical professional management subjects such as quality processes and technical engineering
- Minimum 1 PDH in ethics-oriented class
- Maximum 10 PDH in **non-technical** professional management subjects
 - Includes ethics and administration courses
- Maximum 15 PDH carried over to next renewal period
- Retain PDH records for minimum 4 years
- For dual licensees, minimum 10 PDH for each profession (eng. & surveying)
- Renewal date: December 31 based on year of initial licensure

Laws and Rules

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

NDCC 43-19.1

Section 43-19.1-33 - Continuing professional education - Rules

The board shall adopt rules to establish continuing education requirements for professional engineers and land surveyors. Compliance with these rules must be documented at the times, and in the manner, as is required by the board. A professional engineer or land surveyor who is exempt under subsection 4 of section 43-19.1-29 but who has voluntarily registered under this chapter is exempt from the continuing professional education requirements under this section.

NDAC 28

Section 28-04-01-01 - Purpose

The purpose of mandatory continuing education is to reinforce the need for lifelong learning in order to stay current with everchanging technology, equipment, procedures, processes, tools, and established standards. Qualifying activities must



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have a clear purpose and objective that will maintain, improve, or expand the skills and knowledge relevant to the registrant's field of practice. Registrants are encouraged to select meaningful activities that will be of benefit in the pursuit of their chosen fields.

Section 28-04-01-02 - Definitions

The terms used throughout this chapter have the same meaning as in North Dakota Century Code chapter 43-19.1 and North Dakota Administrative Code section 28-01-02.1-07. Additional terms are:

1. "Active participation" means making a regular, substantial contribution to an organization. Membership by itself does not constitute active participation.
2. "Contact hour" is a minimum of fifty minutes of actual instruction not to include any breaks.
3. "Continuing education units" is equivalent to ten contact hours of instruction, i.e., ten professional development hours. Continuing education units are nationally recognized and are a uniform unit of measure for continuing education and training.
4. "International association for continuing education and training programs" means those continuing education and training courses offered by various organizations that meet the minimum requirements for a qualifying continuing education and training course as established by the international association for continuing education and training.
5. "Professional development hour" is defined as one contact hour of instruction or presentation. It is the common denominator for the other units of credit. Round off professional development hours to the nearest one-half hour. No activity under one-half hour will be accepted for credit.

Section 28-04-01-03 - General requirements

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

1. At least twenty professional development hours must be in technical subjects that directly safeguard the public's health, safety, and welfare, including technical



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professional management subjects such as total quality process or technical engineering or land surveying software training.

2. A maximum of ten professional development hours may be in nontechnical professional-related subjects. At least one nontechnical professional development hour must be in an ethics-oriented class.

3. If chosen for audit, registrants will be required to submit a list of continuing professional development activities and associated certificates/documents.

4. Registrants holding both professional engineering and surveying registrations must earn a minimum of one-third, or ten professional development hours in each profession with a total of thirty professional development hours every two years. A dual registrant is not required to obtain more than thirty professional development hours per biennial renewal period because of dual registrations.

5. A maximum of fifteen qualifying professional development hours may be forwarded to the subsequent biennial renewal period.

6. Comity for continuing professional development is allowed if the registrant is currently licensed in a jurisdiction or state that requires mandatory continuing professional competency and meets the minimum requirements as established by the North Dakota state board of registration for professional engineers and land surveyors.

7. New registrants shall comply with continuing education requirements as follows: registrants who receive their license prior to the fourth quarter in an odd-numbered year shall report the full biennial requirement of thirty professional development hours at the time of next renewal; and registrants who receive their license prior to the fourth quarter in an even-numbered year shall report one-half of the biennial requirement, i.e., fifteen professional development hours, at the time of next renewal.

Section 28-04-01-04 - Recordkeeping

Recordkeeping is the responsibility of the registrant. Adequate records must be maintained for a minimum of four years from the date of last biennial renewal for auditing purposes. Records may be maintained on an automated platform that



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allows the data to be exported to a commonly used and readable file type. Records required include:

1. A log showing the type of activity claimed, sponsoring organization, location, duration, date, instructor's or speaker's name, and professional development hour credits claimed. Specific information on each activity is required. Simply stating "attending education activities at ABC Company" is not acceptable.
2. Attendance verification records in the form of certificates, attendance electronic mails, or other documents supporting evidence of attendance. The registrant must have sufficient verification for all credits claimed. Registration alone does not constitute attendance.

Section 28-04-01-05 - Qualifying activities

The board does not preapprove courses, providers, or activities. It is the responsibility of the registrant to determine whether the activity qualifies under this board's requirements. During the audit process, the board will make the final determination of professional development hour credit. All professional development hour allowances stated in this section are biennial requirements. Examples of qualifying activities include:

1. College unit, semester, or quarter hour credit for college courses. A course must be regularly offered and participants tested with a passing grade required. One semester hour generally consists of fifteen class meetings of fifty to fifty-five minutes duration. It is assumed that twice as much study time is required as class contact time, thus equating to forty-five professional development hours. Similarly, a quarter hour qualifying course meets ten times and thus thirty professional development hours are allowed. Monitoring courses do not require a test, and therefore only the actual class contact hours are allowed. On occasion, educational institutions may offer a one-day seminar and award fractional quarter hour credit such as one-half of a quarter hour. These courses do not qualify on the quarter hour basis since they are not part of the regular curriculum of the educational institution, do not require testing, and have no provision for additional out-of-class requirements. For courses such as this, only actual contact hours will be allowed for professional development hour credit.
2. Interactive activities. Other qualifying courses, seminars, employer-sponsored educational activities, programs, and activities are allowed one professional



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development hour credit for each contact hour. A correspondence course, recorded programs, and online courses must require the participant to show evidence of achievement with a final graded test or certificate of completion.

3. Teaching credit for short courses. Teaching credits for the instructor are twice that of the participants in qualifying courses and seminars. However, repetitive teaching of the same course will not earn additional credit.

4. Published paper, article, or book. A published paper, article, or book must be a serious effort to qualify. For example, a news article in a technical or professional bulletin is not considered a published paper. Although it is recognized that often many more hours are spent in being an author of a publication, ten professional development hours are allowed for publication. Only one publication may be claimed for professional development hours per renewal period. Repetitive publication of the same paper or article will not earn additional credit.

5. Active participation in professional and technical societies and licensing boards. Active participation in professional and technical societies is to encourage registrants to participate fully in appropriate technical and professional societies. Contact with one's peers at such meetings is considered one way to stay abreast of current topics, issues, technical developments, ethical situations, and learning opportunities. Two professional development hours per biennium can be earned for each organization with a maximum of six professional development hours per biennium allowed. All technical and professional societies are included, but this does not include civic or trade organizations. Up to ten professional development hours per biennium may be earned by individuals who serve on any jurisdiction's licensing board for engineers and/or land surveyors.

6. Patents. Patents are allowed ten professional development hours after a patent is issued and the inventor submits details to the board. The invention must be related to the registrant's profession.

7. STEM. Active facilitation/support of STEM programs is highly encouraged. The board allows registrants to claim no more than four professional development hours per biennium for these activities. Registrants must complete and retain the board approved professional development hours certificate found on the board's website.



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Section 28-04-01-06 - Audit

Audits can be conducted anytime up to three years after the biennial renewal is submitted to ensure compliance with continuing education requirements. If selected for audit, the registrant will be contacted to provide necessary documentation. Each registrant selected for audit must respond with detailed information on the professional development hour activities within thirty days. If the audit conducted indicates a failure to comply with continuing education requirements, the registrant has sixty calendar days after receipt of written notice to further reinforce the claim of professional development hour credits or to acquire sufficient professional development hour credit to meet the requirements. The board may also audit a registrant's professional development hour activities based on complaints or charges against a registrant. Registrants who refuse to comply with continuing professional competency requirements may be subject to disciplinary action as allowed by North Dakota Century Code section 43-19.1-25.

Section 28-04-01-07 - Exemptions

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

1. A registrant serving on temporary active duty in the armed forces of the United States, or a registrant serving on regular active duty who is deployed for a period of time exceeding one hundred twenty consecutive days in a year, shall be exempt from obtaining the professional development hours required during that year.
2. Registrants experiencing physical disability, illness, temporary leave from professional activity, or other extenuating circumstances as reviewed and approved by the board may be exempt. Supporting documentation must be furnished to the board. In the event such a person elects to return to active practice of professional engineering or land surveying, fifteen professional development hours must be earned before returning to active practice for each year exempted not to exceed the biennial requirement of thirty professional development hours.
3. Professional engineer registrants exempt from registration by North Dakota Century Code section 43-19.1-29 but voluntarily registered are exempt from continuing professional competency requirements. A claim of exemption under this provision must be verified by the board. This exemption is based on the registrant's primary employment. If the registrant provides engineering services outside the



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scope of primary employment, the exemption will be voided and the registrant will be required to comply with the continuing professional competency requirements. A person who is registered because of a requirement in the person's job description or qualification for a pay grade is not voluntarily registered. Noncompliance with the provisions of this exemption shall be grounds for disciplinary action as allowed by North Dakota Century Code section 43-19.1-25.

4. Registrants who qualify for retired status on the board-approved renewal form shall be exempt from the continuing education requirements. A registrant whose license has been retired for one year or more and who meets all other requirements may reinstate a retired license and is required to file an interim continuing professional competency report within one year of the date of reinstatement verifying that a minimum of fifteen professional development hours have been accomplished. A registrant whose license has been retired for less than one year and who meets all other requirements may reinstate a retired license and must show compliance within the previous two years with the continuing professional competency requirements set forth in this chapter at the time of reinstatement.

5. The board reserves the right to modify the requirements for continuing education based on extenuating circumstances that would prevent or restrict a registrant from obtaining the required professional development hours. This modification would not reduce the overall credits needed but allows for an extension in time to fulfill the requirements.

Board FAQs

What are some basic renewal guidelines?

Personal renewals are based on a two-year cycle. All personal licenses expire on December 31st of even numbered years. When you are licensed in October through December of an even numbered year, your license will not expire until December 31st of the next even numbered year.

Commercial Certificates of Commercial Practice (CoCP) are required to be renewed by December 31st annually. When you are licensed in October through December, your license will not expire until December 31st of the next year.

Retired personal licenses are required to be renewed every even numbered years.



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What are the guidelines for Continuing Professional Development (CPC) / Professional Development Hours (PDH)?

Thirty (30) Professional Development Hours (PDHs) are required each biennium. Twenty of the 30 PDHs must be technical and one must be in ethics. However, your requirement may be different depending on when you were licensed.

If you were licensed in an odd numbered year, in one of the months of January through September, your requirement is 30. You may take credit for any continuing education acquired back to January of the respective year.

If you were licensed in an odd numbered year, in one of the months of October through December, your requirement is 15. You may take credit for any continuing education acquired back to January of the respective year.

If you were licensed in January through September of an even numbered year, your requirement is 15, with one of those being in ethics. You may take credit for any continuing education acquired back to January of the respective year.

If you were licensed in October through December of an even numbered year, your requirement is zero.

If you have retired your license in previous renewal periods, you are exempt from submitting the log. If during the renewal process, you request to place your license in a retired status, you must submit the log as part of your retired renewal packet.

Registrants wishing to claim an exemption from continuing education requirements must submit a document that outlines the justification. Reference NDAC 28-04-01-07 (<https://ndpelsboard.org/wp-content/uploads/2021/10/Consolidated-Title-28-effective-October-1st-2021-2.pdf>), which describes the only four exemptions.

North Dakota does accept continuing education credits you have earned and recorded for licensure in other jurisdictions, to include ethics.

For your convenience, you may use the ND continuing education log found at https://ndpelsboard.org/wp-content/uploads/2022/03/PDH-log_2022.pdf or you may submit a log that you use for other jurisdictions.



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We do not substitute certificates in lieu of the required log. Only submit your log.

Finally, North Dakota does NOT pre-approve courses or vendors.

1 Hour Ethics Training


To assist registrants in meeting the continuing professional competency (CPC) requirements, found in NDAC Title 28-04-01-03, the North Dakota Board has designed a 1-hour, North Dakota specific ethics exam. This exam is available for free and is accessible year-round. Individuals who choose to take this exam will be sent an email with their results. Those with passing scores are awarded 1 Professional Development Hour, which may be applied to their ethics requirement or non-technical requirements. Use the link below to access the exam

<https://ndpelsboard.org/1-hour-state-specific-ethics-exam/>



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ND Continuing Education Log

|  | | North Dakota State Board of Registration For Professional Engineers & Land Surveyors | | | |
|---|---|---|---|------------------------------------|--|
| | | CONTINUING EDUCATION LOG | | | |
| | | 30 Professional Development Hours Required Every 2 Years | | | |
| Activity Dates Month/Day/Year | Sponsoring Organization/ Instructor Name | Activity Information | | Hours Earned | |
| Start Date ----- | | Title/Detailed Description | Location (Hotel/Building/etc) (City, State) | Technical 20 Minimum | Non Technical 10 or less 1 in Ethics |
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| Date: _____ | | | | Carryover (Cannot Exceed 15) _____ | |
| PDH Log | | | | Revised: April 20, 2022 | |

https://ndpelsboard.org/wp-content/uploads/2022/03/PDH-log_2022.pdf



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Helpful References

North Dakota State Board of Registration for Professional Engineers and Land Surveyors (ND PELS)

General website: <https://ndpelsboard.org/>

License renewal: <https://ndpelsboard.org/personal-renewal-options/>

Address change: <https://ndpelsboard.org/updates-to-personal-information/>

Policies & Practices: <https://ndpelsboard.org/policy-and-regulations/>

Rules & Regulations: <https://ndpelsboard.org/statutes-rules/>

NDCC 43-19.1: <https://ndlegis.gov/general-information/north-dakota-century-code/index.html>

<https://casetext.com/statute/north-dakota-century-code/title-43-occupations-and-professions/chapter-43-191-professional-engineers-and-land-surveyors>

NDAC 28: <https://ndpelsboard.org/wp-content/uploads/2024/01/Title-28-Effective-January-1-2024.pdf>

<https://casetext.com/regulation/north-dakota-administrative-code/title-28-engineers-and-land-surveyors-board-of-registration-for-professional/article-28-031-rules-of-professional-conduct/chapter-28-031-01-code-of-ethics>

FAQs: <https://ndpelsboard.org/about/faqs/>