

## ARTICLE 28-03.1

### RULES OF PROFESSIONAL CONDUCT

Chapter  
28-03.1-01 Code of Ethics

#### CHAPTER 28-03.1-01 CODE OF ETHICS

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**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 land surveyor, and upon all agents, employees, officers, or partners.

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 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.

All reference in this chapter to engineers and the profession of engineering must be deemed to include land surveyors and the practice of land surveying.

The engineer or land surveyor must be guided in all professional relations by the highest standards of integrity, and shall act in professional matters for each client or employer as a faithful agent or trustee.

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

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

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

**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.

**History:** Effective January 1, 1988; amended effective October 1, 2004.

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

**Law Implemented:** NDCC 43-19.1-25

**28-03.1-01-03. Standards of integrity.** Registrants shall be guided in all their professional relations by the highest standards of integrity. The registrant will act in professional matters as a faithful agent or trustee for each client or employer.

1. Registrants shall admit and accept their own errors when proven wrong and refrain from distorting or altering the facts in an attempt to justify their decisions.
2. Registrants shall advise their clients or employers when they believe a project will not be successful.

3. Registrants shall not accept outside employment to the detriment of their regular work or interest. Before accepting any outside engineering or land surveying employment, registrants shall notify their employer.
4. Registrants shall not employ or attempt to employ an individual by false or misleading pretenses.
5. Registrants shall avoid any act tending to promote their own interests at the expense of the profession.
6. Registrants shall be truthful in professional reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements, or testimony, which should bear the date indicating when it was current.
7. Registrants shall avoid all conduct or practice which is likely to deceive the public.
8. Registrants shall not use statements containing a material misrepresentation of fact or omitting a material fact necessary to keep statements from being misleading or statements intended or likely to create an unjustified expectation.

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

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

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

**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. Is encouraged to 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.
3. 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, which 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:
  - a. Advise the client or employer in writing of the registrant's refusal to consent to the decision and give reasons for that refusal;

- b. If the registrant's advice is ignored despite the objection, terminate the registrant's services to the project; and
- c. 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.

**History:** Effective January 1, 1988; amended effective October 1, 2004.

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

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

**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.

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

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

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

**28-03.1-01-06. Aid public understanding.** Registrants will endeavor to extend public knowledge and appreciation of engineering or land surveying and its achievements and to protect the profession from misrepresentation and misunderstanding.

1. Registrants are encouraged to maintain interest in the public welfare and be ready to apply their special knowledge, skill, and training for the use and benefit of the public.
2. Registrants are encouraged to seek opportunities to participate in civic affairs; career guidance for youths; and work for the advancement of the safety, health, and well-being of their community.

**History:** Effective January 1, 1988; amended effective October 1, 2004.

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

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

**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 avoid all 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 honest conviction of the accuracy and propriety of the statement.
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 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 which 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.

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

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

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

**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 training 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.

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.

**History:** Effective January 1, 1988; amended effective October 1, 2004.

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

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

**28-03.1-01-09. Disclosure of confidential information.** Registrants shall not disclose 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.

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

**History:** Effective January 1, 1988; amended effective October 1, 2004.

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

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

**28-03.1-01-10. Disclosure of conflict of interest.** Registrants shall make full prior disclosures to their employers or clients of all known or potential conflicts of interest that could influence or appear to influence their judgment or the quality of their services.

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 which they serve.

3. Registrants shall not solicit or accept a professional contract from a governmental body on which a principal or officer of their organization serves as a member.
4. A registrant shall not accept employment when duty to the client or the public would conflict with the personal interest of the registrant or the interest of another client and would influence the registrant's judgment or the quality of the registrant's services.

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

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

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

**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 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.

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

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

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

**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.

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

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

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

**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 which are believed to be violated and identification of documents which 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.

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

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

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

**28-03.1-01-14. Professional relationships.** The registrant will not knowingly associate professionally with or allow the use of one's name with engineers or land surveyors who do not conform to ethical practices, or with persons not legally qualified to render the professional services for which the association is intended.

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 are entitled to review and evaluate the work of other registrants when so required by their employment duties.
3. Registrants in sales or industrial employment are entitled to 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.

**History:** Effective January 1, 1988; amended effective October 1, 2004.

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

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

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

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

**History:** Effective January 1, 1988; amended effective October 1, 2004.

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

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

**28-03.1-01-16. Professional enhancement.** The registrant will cooperate in extending the effectiveness of the profession by interchanging information and experience with other engineers or land surveyors and students, and will endeavor to provide opportunity for the professional development and advancement of engineers or land surveyors under the registrant's supervision. The registrant:

1. Will encourage one's engineering or land surveying employees' efforts to improve their education.

2. Will encourage one's engineering or land surveying employees to attend and present papers at professional and technical society meetings.
3. Will urge one's engineering or land surveying employees to become registered at the earliest possible date.
4. Will assign a professional engineer or land surveyor duties of a nature to utilize the engineer's or land surveyor's full training and experience, insofar as possible, and delegate lesser functions to subprofessionals or to technicians. The registrant will provide a prospective employee with complete information on working conditions and the employee's proposed status of employment, and after employment will keep the employee informed of any changes in them.

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

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

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

#### **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.

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

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

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

## ARTICLE 28-04

### CONTINUING PROFESSIONAL COMPETENCY

Chapter  
28-04-01 Continuing Education

#### CHAPTER 28-04-01 CONTINUING EDUCATION

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28-04-01-02	Definitions
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**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 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.

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

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

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

**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.

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

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

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

**28-04-01-03. General requirements.** All individual registrants must acquire thirty professional development hours every two years before renewing their license.

1. At least twenty professional development hours must be in technical subjects that directly safeguard the public's health, safety, and welfare, including technical professional management subjects such as total quality process or technical engineering or land surveying software training.
2. A maximum of ten professional development hours may be in nontechnical professional management subjects such as ethics-oriented or administration-oriented computer classes.
3. All registrants will be required to submit a list of continuing professional development activities that they participated in and sign a statement that they have met this requirement as part of the renewal process.
4. Registrants holding both professional engineering and surveying registrations must earn a minimum of one-third, or ten professional development hours in each profession with a total of thirty professional development hours every two years. A dual registrant is not required to obtain more than thirty professional development hours per biennial renewal period because of dual registrations.
5. A maximum of fifteen qualifying professional development hours may be forwarded to the subsequent biennial renewal period.
6. Comity for continuing professional development is allowed if the registrant is currently licensed in a jurisdiction or state that requires mandatory continuing professional competency and meets the minimum requirements as established by the North Dakota state board of registration for professional engineers and land surveyors.

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

**History:** Effective October 1, 2004

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

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

**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 by a professional registry, such as the professional development registry for engineers and surveyors. Records that are maintained by such a registry do not necessarily require approval of these courses by this board. 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. This permits the proper completion of professional development hour activities at renewal time. 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 or other documents supporting evidence of attendance. The registrant must have sufficient verification for all credits claimed.

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

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

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

**28-04-01-05. Qualifying activities.** The board may preapprove courses, providers, or activities. Until the board preapproves such courses or activities, it is the responsibility of the registrant to determine whether the activity qualifies under this board's requirements. The board has final approval of professional development hour credit. Examples of typical qualifying and nonqualifying activities are available by contacting the office of the board or visiting the board's web site. All professional development hour allowances stated in this section are biennial allowances. Qualifying activities include:

1. **College unit, semester, or quarter hour credit for college courses.** A course must be regularly offered and participants tested with a passing grade required. One semester hour generally consists of fifteen class meetings of fifty to fifty-five minutes duration. It is assumed

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

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

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

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

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

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

**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.

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

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

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

**28-04-01-07. Exemptions.** A registrant may be exempt from the continuing education requirements for one of the following reasons:

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



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

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

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

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

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