

ELEVENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

PUBLIC LAW NO. 11-99

H. B. NO. 11-328

EIGHTH SPECIAL SESSION, 1998

AN ACT

To amend 4 CMC, Div. 3, Sections 3101; 3102; 3103; 3105; 3106; 3107(d); 3108; 3109; 3110; 3211(a), (d), (e), (f); to repeal Subsection 3211 (d)(2); add new Subsection 3211 (g); 3212; 3213(a) and (b); to repeal Subsection 3213(c); to repeal Section 3214 and replace with a new Section 3214; to Amend Sections 3215, 3216(a); to repeal Subsections 3216(a)(5), (10) and (11); to amend Subsections 3216 (b), (c) and (d); 3217; 3218; 3219; 3220; 3221; and to repeal Section 3222; and for other purposes.

BE IT ENACTED BY THE ELEVENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Short Title. This Act may be referred to as the "Board of Professional Licensing Amendments Acts of 1998".

Section 2. Findings and Purpose. The Legislature finds that the Board of Professional Licensing has examined the licensing requirements set forth in 4 CMC Division 3 and in order to further safeguard the life, health and property of the people of the Commonwealth of the Northern Mariana Islands, recommends the following amendments:

Section 3. Amendments.

3101. Board of Professional Licensing; Appointment; Qualifications.

There is in the Commonwealth Government a Board of Professional Licensing, a regulatory board, composed of seven members appointed by the Governor with the advice of the Senate. One member shall be from Tinian, two members shall be from Rota and four members shall be from Saipan. Of the seven members, at least one member shall be a woman and three members shall be from the professional fields as set forth in Section 3105 of this Chapter. Each member shall have been a resident of the Commonwealth for at least three years. A member practicing the profession shall have been engaged in the practice of the member's profession for at least five years

immediately preceding the date of the member's appointment and is also licensed to practice the profession in the Commonwealth.

3102. Board of Professional Licensing; Tenure. The members of the Board shall serve for six years.

3103. Board of Professional Licensing Quorum; Voting. Four members are necessary to make a quorum of the Board and a concurrence of a majority of the quorum shall be necessary to constitute approval of those matters needing approval of the Board.

3104. Board of Professional Licensing; Compensation. Members of the Board shall serve without pay but shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties.

3105. Board of Professional Licensing; Duties. The Board of Professional Licensing shall have the power and duty to issue licenses and adopt credentialing criteria for persons who seek to engage in the following professions or trades within the Commonwealth:

- (a) Architects;
- (b) Engineers;
- (c) Surveyors;
- (d) Landscape Architects;
- (e) Real Estate Appraisers;
- (f) Other professions which are not exempted by Section 3107 or as may be provided by law.

3106. Board of Professional Licensing; Exceptions to License Requirements. Notwithstanding Section 3105, the hiring of unlicensed apprentices, trainees or helpers is not prohibited so long as they practice under the general supervision of a licensee which licensee is ultimately responsible for the work product of such apprentice, trainee or helper.

3107. Board of Professional Licensing; Exemptions. The Board of Professional Licensing does not have jurisdiction over the following:

- (a) Admission to the bar or the discipline of members of the legal profession;

- (b) The licensing certification or credentialing of teachers;
- (c) The licensing certification or credentialing of persons who practice the healing arts;
- (d) A profession over which exclusive jurisdiction as to licensing, certification or credentialing has been given to an agency of the United States or to another department, agency or instrumentality of the Commonwealth.

3108. Board of Professional Licensing: Regulations. The Board shall adopt rules and regulations to implement this act including, but not limited to, establishing credentialing criteria and standards regarding licensing or authorization to practice a profession over which the Board has jurisdiction.

3109. Board of Professional Licensing: Basis for Approving Applications. The Board shall determine those professional organizations with whom it will affiliate for approving applications. The Board may require that an applicant successfully complete an oral or written examination, or both, administered by the Board. In establishing credentialing criteria or administering examinations, the Board may enter into contracts for the purchase or other acquisition, use scoring or validation of professional tests. In lieu of an examination, the Board may accept the license or certification issued by an agency of the United States, or of a state or political subdivision of a state, or of a territory or possession of the United States.

3110. Board of Professional Licensing Staff. The Board may, subject to budgetary appropriation, employ staff as required to assist it in performing its duties.

3211. Definitions. As used in this Chapter:

(a) Architect.

(1) "Architect" means a person who has been duly licensed by the Board to engage in the practice of architecture, as hereinafter defined.

(2) (A) "Practice of architecture" means the rendering or offering to render those services, hereinafter described, in connection with the design and construction, enlargement or alternation of a building or group of buildings and the space within and surrounding such buildings, which have as their principal purpose human occupancy or habitation;

the service referred to include planning, providing preliminary studies, designs, drawings, specifications and other technical submissions, the administration of construction contracts, and the coordination of any elements of technical submissions prepared by others including, as appropriate and without limitation, consulting and landscape architects; provided that the practice of architecture shall not include the practice of engineering as defined in this Chapter.

(2) (B) A person is considered to practice or offer to practice architecture, within the meaning and intent of this chapter, who practices the profession of architecture or who, by verbal claim, sign, advertisement, letterhead, card or in any other way represents himself to be a professional architect through the use of some other title, implies that he or she is a professional architect or that he or she is licensed under this Chapter or hold himself or herself out as able to perform or who does perform any architectural service or work or any other service designated by the practitioner which is recognized as architecture.

(b) "Board" means the Board of Professional Licensing, as established by Chapter 1 of 4 CMC, Division 3.

(c) "Commonwealth" means the Commonwealth of the Northern Mariana Islands, and it's public corporations.

(d) Engineer.

(1) "Engineer" means a person who has been duly licensed by the Board to engage in the practice of engineering, including any of the branches thereof, as hereinafter defined

Repeal 4 CMC, Div. 3, Subsection 3211(d)(2) is hereby repealed in it's entirety.

(2) (A) "Practice of 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, expert

technical testimony, evaluation, planning, design and designed coordination of engineering works and systems, planning the use of land and water, teaching of advanced engineering subjects, engineering surveys and the inspection of construction for the purpose of assuring compliance with the drawings and specifications; any of which embraces such services or work; whether public or private, in connection with any utilities, structure, buildings, machines, equipment, processes, work systems, projects and industrial or consumer products or equipment or a mechanical, electrical, hydraulic, pneumatic or thermal nature, insofar as they safeguard life, health or property, and including such other professional services as may be necessary to the planning, progress and completion of any engineering.

(2) (B) A person is considered to practice or offer to practice engineering, within the meaning and intent of this Chapter, who practices any branch of the profession of engineering or who, by verbal claim, sign, advertisement, letterhead, card or in any other way represents himself or herself to be a professional engineer or through the use of some other title, implies that he or she is licensed under this Chapter or holds himself or herself out as able to perform or who does perform any engineering service or any other service designated by the practitioner which is recognized as engineering.

(e) Landscape Architect.

(1) "Landscape Architect" means a person who has been duly licensed by the Board to engage in the practice of landscape architecture, as hereinafter defined.

(2) (A) Practices of "landscape architecture" means one who holds himself or herself out as able to perform professional services such as consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications, and responsible supervision where the dominant purpose of such services is the preservation and enhancement of land uses and natural land features; the location and

construction of aesthetically pleasing and functional approaches of structures, roadways, and walkways; and designed for equestrian trails, plantings, landscape irrigation, landscape lighting, and landscape grading. This practice shall include the location, arrangements, and design of such tangible objects and features as are incidental and necessary to the purpose outlined herein. Nothing herein shall preclude a duly licensed landscape architect from planning the development of land areas and elements used thereon or from performing any of the services described in this section in connection with the settings, approaches, or environment for buildings, structures, or facilities. This Chapter shall not empower a landscape architect licensed under this Chapter, to practice, or offer to practice, architecture or engineering in any of its various recognized branches.

(2) (B) A person is considered to practice or offer to practice landscape architecture, within the meaning and intent of this Chapter, who practices the profession of landscape architecture or who, by verbal claim, sign, advertisement, letterhead, card or in any other way represents himself or herself to be a professional landscape architect or through the use of some other title, implies that he or she is a professional landscape architect or that he or she is licensed under this Chapter or holds himself or herself out as able to perform or who does perform any landscape architecture service or work or any other service designed by the practitioner which is recognized as landscape architecture.

(f) Land Surveyor.

(1) "Land Surveyor" means a person who has been duly licensed by the Board to engage in the practice of land surveyor, as hereinafter defined.

(2) (A) "Practice of Land Surveying" means one who is a professional specialist in the technique of measuring land, educated in the basic principles of mathematics, the related physical and applied

science and the relevant requirements of law for adequate evidence and all requisite to surveying of real property and uses these skills for providing professional services such as consultation, investigation, testimony evaluation, expert technique testimony, planning, mapping, assembling, and interpreting reliable scientific measurements and information relative to the location, size, shape, or physical features of the earth, and utilization and development of these facts and interpretation into an orderly survey map, plan, report, description, or project.

(2) (B) Any person is considered to practice or offer to practice land surveying with the meaning and intent of this Chapter, who engaged in land surveying or who by verbal claim, sign, letterhead, card or in any other way represents himself or herself as able to perform or who does perform any land surveying service or work or any other service designated by the practitioner which is recognized as land surveying.

(g) Real Property Appraiser.

(1) "Real Property Appraiser" means a person who has been duly licensed or certified by the Board to engage in the practice of Real Property Appraiser as hereinafter defined.

(2) (A) Practice of "real property appraiser" means a person who, for federally or non-federally related transactions, including any of the classifications thereof, engages in real property appraisal activity for a fee or other valuable consideration, by preparing independent and impartial written or oral statement setting forth an opinion as to the market value of an adequately described property as of a specific date(s), supported by the presentation and analysis of relevant market information prepared in conformity with the uniform standards of professional appraisal practice.

(2) (B) A person is considered to practice or offer to practice real property appraisal, within the meaning and intent of this Chapter,

who practice the profession of real property appraisal or who, by verbal claim, sign, advertisement, letterhead, card or in any other way represents himself or herself to be a real property appraiser or through the use of some other title, implies that he or she is a real property appraiser, or that he or she is licensed under this Chapter or holds himself or herself out as able to perform or who does perform any real property appraisal service work, or any other service designated by the practitioner which is recognized as real property appraisal.

3212. Licensure of Professionals. In order to safeguard life, health, and property, no person except those exempted by Section 3213 and 3215 of this Chapter, shall practice professional engineering, architecture, land surveying, landscape architecture or real property appraisal in the Commonwealth unless such person is duly licensed under this Chapter by the Board.

3213. Persons Exempt from Licensure, Temporary Permits. The following persons are exempted from this Chapter:

(a) Persons practicing professional engineering, architecture, land surveying, landscape architecture or real property appraisal solely as officers or employees of the United States.

(b) Persons practicing professional engineering, architecture, land surveying, landscape architecture or real property appraisal solely as officers or employees of the Commonwealth during the terms of office or employment of such persons.

Repeal. CMC, Div. 3, Subsection 3213(c) is hereby repealed in its entirety.

3214. Temporary Licenses.

(a) The Board may grant a temporary license to a person who is not a resident of the Commonwealth or who has no established place of business in the Commonwealth and who desires to practice on a limited basis architecture, engineering, land surveying, landscape architecture or real property appraisal in the Commonwealth provided such person is legally qualified and licensed in another jurisdiction and that his or her qualifications for obtaining the license meet those required for licensure by this Board.

(b) A temporary license shall be granted for each specific job which length of time not to exceed one (1) year and shall provide that there is no right to practice architecture, engineering, land surveying, landscape architecture or real property appraisal with respect to any other works not set forth in the temporary license.

(c) Consecutive temporary licenses may be issued but only for the purpose of completing the specific job for which the original temporary license was issued.

(d) The fee for the temporary license issued by the Board shall be fixed by the Board by regulation.

3215. Limitation Upon Application of Chapter.

(a) Nothing in this Chapter shall prevent any person from engaging in engineering, architectural, landscape architectural or real property appraisal work and undertakings upon property owned or exclusively controlled or possessed by that person, unless the same involves the safety or health of the public; nor shall anything in this Chapter prevent any person from engaging in land surveying upon property owned or exclusively controlled or possessed by that person, unless the same involves a common boundary.

(b) Nothing in this Chapter shall be construed as applying to the business conducted in the Commonwealth by any agriculturist, horticulturist, tree expert, arborist, forester, garden shop operator, nurseryman or landscape nurseryman, gardener, landscape gardener, landscape contractor, landscape designer, landscape consultant, garden or lawn caretaker, or cultivator of land, as these terms are generally used, except that no such person engaged in any of these trades shall use the designation "landscape architect", "landscape architectural", or "landscape architecture", unless licensed under this Chapter to practice landscape architecture by the Board.

3216. Qualification for licensure.

(a) No person shall be eligible for licensure as a professional engineer, architect, land surveyor, landscape architect or real property appraiser unless, such person is the holder of an unexpired certification of registration or license

issued to him or her by any jurisdiction, domestic or foreign, in which the requirements for licensure at the time such person was first licensed were of a standard satisfactory to the Board; provided, that such person shall also successfully pass a written or oral examination, or both prescribed by the Board which examination are designed to test his or her knowledge of laws and regulations of the Commonwealth for the profession for which licensure is desired;

(1) (A) Engineers. Such person holds a master's degree from an institution of higher education approved by the Board, in the branch of engineering for which licensure is desired; and has also had two years of full-time lawful experience of a character satisfactory to the Board, in the branch of engineering for which licensure is desired; and has also successfully passed a written or oral examination, or both, prescribed by the Board which examination(s) are designed to test such person's knowledge, skill, and competency in the branch of engineering for which licensure is desired; or

(1) (B) Such person is a graduate of a school or college approved by the Board and has completed an engineering curriculum of four years or more in the branch of engineering for which licensure is desired; and also has had four years of full-time lawful experience of a character satisfactory to the Board, in the branch of engineering for which licensure is desired or part-time experience which the Board finds to be the equivalent thereof; and has also successfully passed a written or oral examination, or both, prescribed by the Board and which examination(s) are designed to test such person's knowledge, skill, and competency in the branch of engineering for which licensure is desired; or

(1) (C) Such person has had twelve years of full-time lawful experience of a character satisfactory to the Board, or part-time experience which the Board finds to be the equivalent thereof; in the branch of engineering for which licensure is desired, and has also

successfully passed a written or oral examination, or both, prescribed by the Board which examination(s) are designed to test such person's knowledge, skill, and competency in the branch of engineering for which licensure is desired.

(2) (A) Architects. Such person holds a master's degree in architecture from an institution of higher education approved by the Board; and has also had one year of full-time lawful experience in architecture work of a character satisfactory to the Board; and has also successfully passed a written or oral examination, or both, prescribed by the Board which examination(s) are designed to test such person's knowledge, skill, and competency in the profession of architecture; or

(2) (B) Such person holds a bachelor's degree in architecture from a school or college approved by the Board, and has completed an architectural curriculum of five years; and has also had two years of full-time experience in architectural work of a character satisfactory to the Board; and has also successfully passed a written or oral examination, or both, prescribed by the Board which examination(s) are designed to test such person's knowledge, skill and competency in the profession of architecture; or

(2) (C) Such person has had twelve years of full-time lawful experience in architectural work, of a character satisfactory to the Board; and has also successfully passed a written or oral examination, or both, prescribed by the Board which examination(s) are designed to test such person's knowledge, skill and competency in the profession of architecture.

(3) (A) Land Surveyors. Such person is a graduate of a school or college approved by the Board and has completed general engineering curriculum, with emphasis in land surveying, of four years or more; and has also had four years of full-time lawful experience of a character satisfactory to the Board in land surveying; and has also successfully passed a written or oral examination, or both, prescribed by

the Board which examination(s) are designed to test such person's knowledge, skill and competency in the profession of land surveying; or

(3) (B) Such person is a graduate of a community college approved by the Board, and has completed a civil engineering technology (survey option) curriculum of two years or more; and has also had eight years of full-time lawful experience of a character satisfactory to the Board in land surveying; and has also successfully passed a written or oral examination, or both, prescribed by the Board which examination(s) are designed to test such person's knowledge, skill and competency in the profession of land surveying; or

(3) (C) Such person has had twelve years of full-time lawful experience of a character satisfactory to the Board in land surveying, and has also successfully passed a written or oral examination, or both, prescribed by the Board which examination(s) are designed to test such person's knowledge, skill and competency in the profession of land surveying.

Repeal. 4 CMC, Div. 3, Subsection 3216 (5) is hereby repealed in its entirety.

Repeal. 4 CMC, Div. 3, Subsection 3216 (10) is hereby repealed in its entirety.

(4) (A) Landscape Architects. Such person is a graduate of a school or college approved by the Board and has completed a landscape architectural curriculum of four years or more; and also has had four years of full-time lawful experience of a character satisfactory to the Board in landscape architectural work, or part-time experience which the Board finds to be the equivalent thereof; and has also successfully passed a written or oral examination, or both, prescribed by the Board which examination(s) are designed to test such person's knowledge, skill and competency in the profession of landscape architecture; or

(4) (B) Such person has had twelve years of full-time lawful experience of a character satisfactory to the Board in landscape

architecture work, or part-time experience which the Board finds to be the equivalent thereof; and has also successfully passed a written or oral examination, or both, prescribed by the Board which examination(s) are designed to test such person's knowledge, skill and competency in the profession of landscape architecture.

(5) Real Property Appraisers. Such person must have completed courses in subjects related to real property appraisal from a school or college approved by the Board; successfully passed the appropriate Board approved national written examination(s) or its equivalent and the local appraisal examination; and have also met the minimum number of hours of appraisal experience as required under the appropriate licensure classification.

Repeal. 4 CMC, Div. 3, Subsection (11) is hereby repealed in its entirety.

(b) In addition to the foregoing requirements, the Board may, in its discretion, require additional proof that the applicant is competent to practice professionally, and whenever the Board is not fully satisfied from the results of an examination that an applicant is competent to practice professionally, it may give the applicant a further examinations (s) as the Board deems appropriate.

(c) Except as provided in the Commonwealth Constitution, Schedule on Transitional Matters, no person shall be eligible for licensure as professional engineer, architect, land surveyor, landscape architect or real property appraiser who is not of good character and reputation; or who has been convicted of a crime related to the profession for which licensure is desired.

(d) The Board may by regulation provide for the licensure and certification of engineers in training and land surveyors in training.

3217. Application for Licensure or Renewal.

(a) Application for licensure or license renewal shall be made upon application forms to be furnished by the Board and shall be signed and sworn to under penalty of perjury by the applicant. With each application there shall be paid to the Board an application fee which the Board shall fix by regulation.

The application or renewal fee is non refundable after the application has been received by the Board.

(b) For each examination or repetition thereof in whole or in parts as shall be limited or permitted by the rules and regulations of the Board, the applicant shall pay to the Board an examination fee, in such amount as the Board shall fix by regulation. The fee paid shall not be refundable. However, if an applicant after having paid the fee is unable for any reason beyond his or her control to participate in the examination, the Board may extend the time of the applicant's participation to the next regular examination date and credit to the applicant's participation the amount of the fee paid.

(c) Upon qualifying for licensure, the applicant shall pay a licensing fee, in such amount as the Board shall fix by regulation. Upon receipt thereof by the Board, the applicant shall thereupon be licensed as a professional engineer, architect, land surveyor, landscape architect or real property appraiser, and shall receive a certificate or license from the Board signed by the Board chairman and secretary.

(d) The Board shall keep a record of its proceedings concerning all applicants for licensure as engineer, architect, surveyor, landscape architect or real property appraiser including date of application, name, age, education, and other qualifications, place of business and residence, whether or not an examination was required, and whether or not the applicant was licensed, and a copy of the certificate or license issued to him or her, and the date of such action. The records shall be prima facie evidence of all matters therein contained.

(e) Every person licensed who, as an individual or as a member of a firm or corporation, occupies an office or other place of business for the practice of his or her profession shall display his or her original certificate or license in a conspicuous manner in his or her principal office or place of business.

(f) Every certificate or license expires two years following its issuance or renewal and becomes invalid after that date unless renewed on a timely basis

prior to such expiration. The secretary of the Board or designee shall mail, at least one month in advance of the date of the expiration of the certificate or license, a notice to every person licensed hereunder giving the date of expiration and the fee and any additional information required for the renewal thereof. The Board shall by regulation fix the fee for renewal of a certificate or license. Certificates or licenses which have expired for failure to pay renewal fees on or before the date herein above required may be reinstated within one year of the expiration date upon payment of the renewal fee fixed by the Board, plus a penalty, in such amount as the Board shall fix by regulation, for each calendar month or fraction thereof until the renewal fee is paid.

3218. Disciplinary Action; Reprimand, Suspension or Revocation; Refusal to Issue; Restore or Renew Certificates or Licenses.

(a) The Board shall have the power to impose administrative penalty and/or reprimand; revoke or suspend; refuse to issue, restore or renew; the certificate or license of any person who is found guilty of one or more of the following violations:

(1) Any fraud or deceit in obtaining or attempting to obtain or renew the certificate or license or the certificate of authorization; or

(2) Gross negligence, incompetence or misconduct in the practice of his or her profession; or

(3) Conviction of or pleading guilty to a crime related to their profession either in the Commonwealth or in another state or jurisdiction. A certified copy of the judgment of the court of such conviction or plea will be considered dispositive for the purpose of any hearing under this part. A plea of nolo contendere or its equivalent accepted by the court should be considered as a conviction; or

(4) Signing, affixing the licensee's seal, or permitting the licensee's seal or signature to be affixed to any specifications, reports, drawings, plans, plats, design information, construction documents or calculations, or revisions thereof, which have not been prepared by the

licensee responsible or an employee under his or her direct personal supervision; or

(5) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to mislead, deceive, defraud or harm the public; or

(6) Practicing, offers to practice, or holding him or herself out as authorized and qualified to practice professional engineering, architecture, land surveying, landscape architecture or real property appraisal, except as provided in Sections 3213 and 3215; or

(7) Using the title "engineer", "engineering", "architect", "architecture", "architectural", "land surveyor", "land surveying", "landscape architect", "landscape architecture", "real property appraiser" or "real property appraisal", or any title, sign, card or device to indicate that such person is practicing such profession without having first being licensed in accordance with this Chapter; or

(8) Using or attempts to use as his or her own the seal or the certificate or license of another; or

(9) Falsely impersonating any duly licensed architect, engineer, land surveyor, landscape architect or real property appraiser; or

(10) Using or attempts to use an expired, suspended or revoked certificate or license; or

(11) Any firm, corporation or individual which advertises or offers to furnish architectural, engineering, land surveying or landscape architectural services in the making of plans or specifications or in the construction of any building or other structure, project or utility in the Commonwealth, without first having completed Section 3220, or otherwise complied with the requirements of this Act.

(b) Upon conviction in a court of law, any person or firm who violates any of the provisions of this Chapter or the rules and regulations promulgated hereunder, shall be fined not more than \$5,000 or imprisoned not more than one year, or both.

(c) Any person, including a board member, may prefer charges in writing with the secretary of the board and request an administrative hearing against any person or firm holding a certificate or license. The Board or its designee shall promptly and fully investigate all allegations filed with the Board. The charges, unless dismissed without hearing by the Board as unfounded or trivial, shall be heard and determined by the Board consistent with the requirements of the CNMI Administrative Procedures Act.

(d) Until an investigation is completed and administrative charges are filed against the holder of the certificate or license, or the matter is referred to the Attorney General for criminal prosecution, any and all matters related to the allegation(s) including the name(s) of the party filing such charges, shall be confidential and exempt from disclosure to the public pursuant to applicable law including, but not limited to, P.L. 8-41, the Open Government Act of 1992.

(e) A copy of the charges, together with the notice of the time and place of hearing, shall be sent by registered mail to the accused at least thirty days before the time fixed for hearing, and such mailing to the last known place of business or residence provided by the accused to the Board shall constitute service.

(f) The members of the Board presiding at hearings may:

- (1) Administer oaths and affirmations;
- (2) Issue subpoenas to compel the attendance of witnesses and the production of records and documents;
- (3) Rule on offers of proof and receive relevant evidence;
- (4) Take depositions or have depositions taken when the ends of justice would be served;
- (5) Regulate the course of the hearing;
- (6) Hold conferences for the settlement or simplification of the issue by consent of the parties;
- (7) Dispose of procedural requests or similar matters; and
- (8) Make or recommend orders or decisions in accordance with this Chapter.

(g) It shall require a majority vote of members of the Board present at the hearing in order to find the accused guilty of the charges preferred, and if found guilty the Board may, in its discretion, either revoke or suspend the certificate or license of the accused.

(h) The Board shall, upon concluding the hearing, issue findings, decisions and orders within 30 days.

3219. Contents of Certificate or License: When Use of Seal Mandatory.

(a) Each certificate of registration or license issued hereunder shall bear the date of the original licensure and shall specify whether the person to whom it is issued is authorized by the Board to practice professional engineering, architecture, land surveying, landscape architecture or real property appraisal.

(b) In the case of a certificate or license issued to a person authorizing such person to practice professional engineering, the certificate or license shall also indicate the major branch or branches of engineering which the person has qualified to practice.

(c) Every licensed person may use a seal or rubber stamp of a design authorized by the Board bearing such person's name and the words "professional engineer", "architect", "land surveyor" or "landscape architect", or otherwise as may be authorized by the Board.

(d) All plans, specifications, maps and reports prepared by or under the direct personal supervision of a licensed engineer, architect, surveyor or landscape architect shall be stamped with such seal or stamp when filed with public officials. This shall mean that the engineer, architect, land surveyor or landscape architect was in responsible control over the content of the plans, specifications, maps and reports during their preparation and has applied the required professional standard of care in their preparation. It shall be unlawful for anyone to seal or stamp any document with such seal or stamp after the license of the licensee named thereon has expired or has been revoked or suspended unless such license has been renewed or reissued.

(e) No official of the Commonwealth who is or may hereafter be charged with the enforcement of laws or ordinances relating to the construction

or alteration of buildings or structures, shall accept or approve any plans or specifications that are not stamped with the seal of a licensed architect holding a valid license or with the seal of a licensed engineer holding a valid license on which has been indicated that he or she has qualified in the structural engineering branch, unless the building or structure, for which the plans or specifications are submitted is exempted from this Chapter j; and no map or survey prepared after the effective date of this chapter shall be filed with any official of the Commonwealth unless stamped with the seal of a land surveyor holding a valid license.

3220. Corporations and Partnerships. A corporation or partnership may engage in the practice of professional engineering, architecture, land surveying or landscape architecture in the Commonwealth; provided, that each person connected with the corporation or partnership who is directly in charge of the professional work is duly licensed hereunder, and provided further that the name of each such person has or have been filed with the Board by the corporation or partnership.

3221. Structures Exempted From Provisions of this Chapter. The provisions of this Chapter, shall not apply to work in respect to any privately owned or privately controlled one-storied building, dwelling or structure, the estimated cost of which does not exceed \$50,000; provided, that such building, dwelling or structure meets all the requirements of the CNMI Building Code and other applicable CNMI Laws.

Repeal. 4 CMC, Div. 3, Subsection 3222 is hereby repealed in its entirety.

Section 4. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 5. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, any

liability civil or criminal, which shall be in existence on the date this Act becomes effective.

Section 6. Effective Date. This Act shall take effect upon approval by the Governor or upon its becoming law without such approval.

CERTIFIED BY:

ATTESTED BY:

/s/ Diego T. Benavente
DIEGO T. BENAVENTE
Speaker
House of Representatives

/s/ Evelyn C. Fleming
EVELYN C. FLEMING
House Clerk

Approved this 21st day of September, 1999

/s/ Jesus R. Sablan
PEDRO P. TENORIO *JESUS R. SABLAN*
ACTING Governor
Commonwealth of the Northern Mariana Islands