



## COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

**Juan N. Babauta**

Governor

**Diego T. Benavente**

Lieutenant Governor

OCT 31 2005

The Honorable Joaquin G. Adriano  
Senate President, The Senate  
Fourteenth Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

The Honorable Benigno R. Fitial  
Speaker, House of Representatives  
Fourteenth Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

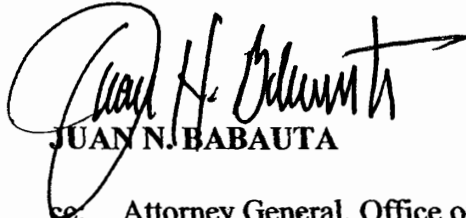
Dear Mr. President and Mr. Speaker:

This is to inform you that I have signed into law House Bill No.14-289, HS1, SD1, entitled, "To amend the professional licensing requirements by repealing and reenacting Chapters 1 and 2 of Division 3, Title 4 of the Commonwealth Code; and for other purposes," which was passed by the Fourteenth Northern Marianas Commonwealth Legislature.

House Bill No.14-289, HS1, SD1 amends existing professional licensing requirements to meet applicable federal standards and limits the responsibility of the Board of Professional Licensing to the practice of architecture, engineering, land survey, landscape architecture, and real property appraisal, in order to better protecting lives, health and property of the people of the Commonwealth. The members of the Board of Professional Licensing and their staff have worked closely with the Legislature to pass this measure. The Administration notes, however, that this measure does not apply retroactively and will not affect those individuals who have current, valid licenses under existing rules and regulations.

This bill becomes Public Law No. 14-95. Copies bearing my signature are forwarded for your reference.

Sincerely,



**JUAN N. BABAUTA**

cc. Attorney General, Office of the Attorney General  
Executive Director, Board of Professional Licensing  
Secretary, Department of Finance  
Secretary, Department of Public Works  
Secretary, Department of Commerce  
Director of Personnel, Office of Personnel Management  
Executive Director, Civil Service Commission  
Acting Special Assistant for Programs and Legislative Review



*The House of Representatives*  
NORTHERN MARIANAS COMMONWEALTH LEGISLATURE  
P.O. BOX 500586  
SAIPAN, MP 96950

September 21, 2005

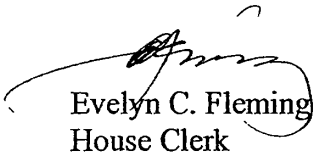
**PUBLIC LAW NO. 14-95**

The Honorable Juan N. Babauta  
Governor  
Commonwealth of the Northern  
Mariana Islands  
Capitol Hill  
Saipan, MP 96950

Dear Governor Babauta:

I have the honor of transmitting herewith **H. B. No. 14-289, HS1, SD1**, entitled, "To amend the professional licensing requirements by repealing and reenacting Chapters 1 and 2 of Division 3, Title 4 of the Commonwealth Code; and for other purposes." The Bill was passed by the House of Representatives and the Senate of the Fourteenth Northern Marianas Commonwealth Legislature.

Sincerely yours,



Evelyn C. Fleming  
House Clerk

Attachment



**HOUSE OF REPRESENTATIVES**  
**FOURTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE**  
THIRD DAY, FOURTH REGULAR SESSION, 2005

PUBLIC LAW NO. 14-95  
**H. B. No. 14-289, HS1, SD1**

---

**AN ACT**

To amend the professional licensing requirements by repealing and reenacting Chapters 1 and 2 of Division 3, Title 4 of the Commonwealth Code; and for other purposes.

**IN THE HOUSE OF REPRESENTATIVES**

**Introduced by Representative: David M. Apatang**

**Date: February 11, 2005**

Referred to: Committee on Judiciary and Governmental Operations  
Public Hearing: None  
Standing Committee Report: None

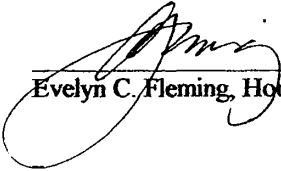
**Passed First and Final Reading on August 25, 2005**  
**Accepted Senate Amendments on September 9, 2005**

**IN THE SENATE**

Referred to: None  
Public Hearing: None  
Standing Committee Report: None

**Passed Final Reading on September 7, 2005**

---

  
Evelyn C. Fleming, House Clerk



1 otherwise assume, or advertise any title or description intending to convey the  
2 impression that he/she or they are an architect, engineer, land surveyor, landscape  
3 architect, or real property appraiser under the provisions of this Act unless such  
4 person or firm has a valid license or certificate issued by the Board of Professional  
5 Licensing or is exempted under the provisions of this Act. The practice of  
6 architecture, engineering, land surveying, landscape architecture, or real property  
7 appraisal shall be deemed a privilege granted by the Commonwealth of the Northern  
8 Mariana Islands through the Board of Professional Licensing, based on the  
9 qualifications of the individual or firm as evidenced by his/her or their license or  
10 certificate, which shall not be transferable.

11 *§ 3102. Board of Professional Licensing Appointment: Qualifications.*

12 There is in the Commonwealth Government a Board of Professional  
13 Licensing, a regulatory board given the power by law to license and regulate  
14 architects, engineers, land surveyors, landscape architects, and real property  
15 appraisers and whose duty shall be to administer the provisions of this Act, composed  
16 of five members appointed by the Governor with the advice and consent of the  
17 Senate. One member shall be from Tinian, one member shall be from Rota and three  
18 members shall be from Saipan. The reduction in membership shall take effect through  
19 attrition. Of the five members, at least one member shall be a woman and three  
20 members shall be from the professional fields as set forth in this Act. Each member  
21 shall have been a resident of the Commonwealth for at least three years. A member  
22 practicing the profession shall have been engaged in the practice of the member's  
23 profession for at least five years immediately preceding the date of the member's  
24 appointment and is also licensed to practice the profession in the Commonwealth. The  
25 public member(s) of the Board shall not be or have been an engineer, architect, land  
26 surveyor, landscape architect or real property appraiser.

27 *§ 3103. Board of Professional Licensing Tenure; Officers; Vacancies.*

28 The members of the Board shall serve for six years. No member may serve  
29 more than two (2) consecutive six-year terms. The officers of the Board shall be

1 elected every two years. The Board shall elect, by the majority vote of a quorum of its  
2 members, a Chairperson, a Vice-chairperson, and a Secretary. In the event of a  
3 vacancy on the Board for reason resulting in an unexpired term and the governor has  
4 failed to appoint a successor within three (3) months after the vacancy occurs, the  
5 Board may appoint a provisional member to serve in the interim until the governor  
6 makes an appointment.

7 *§ 3104. Board of Professional Licensing Quorum; Voting.*

8 Three members are necessary to make a quorum of the Board and a  
9 concurrence of a majority of the quorum shall be necessary to constitute approval of  
10 those matters needing approval of the Board.

11 *§ 3105. Board of Professional Licensing Compensation.*

12 Members of the Board shall serve without pay but shall be reimbursed for  
13 reasonable and necessary expenses incurred in the performance of their duties.

14 *§ 3106. Board of Professional Licensing Powers.*

15 The Board shall have the power, jurisdiction and authority to:

16 (a) adopt and amend all bylaws, regulations, rules of procedures not  
17 inconsistent with the constitution and laws of the Commonwealth or this Act,  
18 including the adoption and promulgation of the Rules of Professional Conduct for  
19 architects, engineers, land surveyors, and landscape architects, which shall be binding  
20 upon persons licensed under this Act and which shall be applicable to partnerships  
21 and corporations holding a Certificate of Authorization, which is necessary for the  
22 proper performance of its duties and the regulation of its procedures, meetings,  
23 records, examinations and the conduct thereof;

24 (b) enforce the law, rules and regulations adopted pursuant thereto;

25 (c) adopt and have an official seal, which shall be affixed to each license or  
26 certificate issued;

27 (d) apply for relief by injunction in the Superior Court, without bond, to  
28 enforce the provisions of this Act, or to restrain any violation thereof. In such  
29 proceedings, it shall not be necessary to allege or prove, either that an adequate

1 remedy at law does not exist, or that substantial or irreparable damage would result  
2 from the continued violation thereof. The members of the Board shall not be  
3 personally liable under these proceedings;

4 (e) determine those professional organizations with whom it will affiliate for  
5 approving applications. In establishing credentialing criteria or administering  
6 examinations, the Board may enter into contracts for the purchase or other acquisition,  
7 using scoring or validation of professional tests. In lieu of an examination, the Board  
8 may accept the license or certification issued by an agency of the United States, or of  
9 a state or political subdivision of a state, or of a territory or possession of the United  
10 States;

11 (f) contract with private entities for the performance of such duties, functions,  
12 and powers as the Board considers appropriate;

13 (g) subject an applicant for licensure or certification to such examinations as it  
14 deems necessary to determine their qualifications;

15 (h) require a demonstration of continuing competency of architects, engineers,  
16 land surveyors, landscape architects, or real property appraisers as a condition of  
17 renewal of license; and

18 (i) do all other things necessary to carry out the provisions of this Act, the  
19 rules and regulations and to meet the requirements of federal law where necessary  
20 regarding licensing or certification of architects, engineers, land surveyors, landscape  
21 architects, and real property appraisers that the Board determines are appropriate for  
22 these professions in the CNMI.

23 *§ 3107. Board of Professional Licensing; Jurisdiction.*

24 Notwithstanding any other provision of this Chapter, the Board's power,  
25 authority, and jurisdiction shall extend to persons engaging in the professions  
26 regulated by the Board, including but not limited to non-licensees and persons  
27 offering their own services or the services of their employees or agents.





1 without limitation, consulting engineers and landscape architects; provided  
2 that the practice of architecture shall not include the practice of engineering as  
3 defined in this Chapter.

4 (B) A person is considered to practice or offer to practice architecture,  
5 within the meaning and intent of this Chapter, who practices the profession of  
6 architecture or who, by verbal claim, sign, advertisement, letterhead, card or in  
7 any other way represents themselves to be an architect through the use of  
8 some other title, implies that they are licensed under this Chapter or holds  
9 themselves out as able to perform or who does perform any architectural  
10 service or work or any other service designated by the practitioner which is  
11 recognized as architecture.

12 (b) "Board" means the Board of Professional Licensing, as established by  
13 4 CMC § 3102.

14 (c) "Commonwealth" means the Commonwealth of the Northern Mariana  
15 Islands, and its public corporations.

16 (d) Engineer.

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

20 (A) "Practice of Engineering" means any service or creative work, the  
21 adequate performance of which requires engineering education, training, and  
22 experience in the application of special knowledge of the mathematical,  
23 physical and engineering sciences to such services or creative work as  
24 consultation, investigation, expert technical testimony, evaluation, planning,  
25 design and design coordination of engineering works and systems, planning  
26 the use of land, air, and water, teaching of advanced engineering subjects,  
27 performing engineering surveys and studies, and the review and/or  
28 management of construction for the purpose of monitoring and/or ensuring  
29 compliance with drawings and specifications; any of which embraces such

1 services or work; either public or private, in connection with any utilities,  
2 structures, buildings, machines, equipment, processes, work systems, projects,  
3 communication systems, transportation systems, and industrial or consumer  
4 products, or equipment of a control systems, communications, mechanical,  
5 electrical, hydraulic, pneumatic, chemical, environmental, or thermal nature,  
6 insofar as they involve safeguarding life, health or property, and including  
7 such other professional services as may be necessary to the planning, progress  
8 and completion of any engineering services.

9 Design coordination includes the review and coordination of those  
10 technical submissions prepared by others, including as appropriate and without  
11 limitation, consulting engineers, architects, landscape architects, surveyors,  
12 and other professionals working under the direction of the engineer.

13 Engineering surveys include all survey activities required to support  
14 the sound conception, planning, design, construction, maintenance, and  
15 operation of engineered projects, but exclude the surveying of real property for  
16 the establishment of land boundaries, rights-of-way, easements, and the  
17 dependent or independent surveys or re-surveys of the public land survey  
18 system.

19 (B) A person is considered to practice or offer to practice engineering,  
20 within the meaning and intent of this Chapter, who practices any branch of the  
21 profession of engineering or who, by verbal claim, sign, advertisement,  
22 letterhead, card or in any other way represents themselves to be an engineer or  
23 through the use of some other title, implies that they are licensed under this  
24 Chapter or holds themselves out as able to perform or who does perform any  
25 engineering service or work or any other service designated by the practitioner  
26 which is recognized as engineering.

1 (e) Landscape Architect.

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

5 (A) Practices of "landscape architecture" means one who holds himself  
6 or herself out as able to perform professional services such as consultation,  
7 investigation, reconnaissance, research, design, preparation of drawings and  
8 specifications and responsible supervision where the dominant purpose of  
9 such services is the preservation and enhancement of land uses and natural  
10 land feature; the location and construction of aesthetically pleasing and  
11 functional approaches of structures, roadways, and walkways; and designed  
12 for equestrian trails, plantings, landscape irrigation, landscape lighting, and  
13 landscape grading. This practice shall include the location, arrangements, and  
14 design of such tangible objects and features as are incidental and necessary to  
15 the purpose outlined herein. Nothing herein shall preclude a duly licensed  
16 landscape architect from planning the development of land areas and elements  
17 used thereon or from performing any of the services described in this section  
18 in connection with the settings, approaches, or environment for buildings,  
19 structures or facilities. This Chapter shall not empower a landscape architect  
20 licensed under this Chapter, to practice, or offer to practice, architecture or  
21 engineering in any of its various recognized branches.

22 (B) A person is considered to practice or offer to practice landscape  
23 architecture, within the meaning and intent of this Chapter, who practices the  
24 profession of landscape architecture or who, by verbal claim, sign,  
25 advertisement, letterhead, card or in any other way represents themselves to be  
26 a landscape architect or through the use of some other title, implies that they  
27 are licensed under this Chapter or holds themselves out as able to perform or  
28 who does perform any landscape architecture service or work or any other

1 service designed by the practitioner which is recognized as landscape  
2 architecture.

3 (f) Land Surveyor.

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

6 (A) "Practice of Land Surveying" shall mean providing, or offering to  
7 provide professional services using such sciences as mathematics, geodesy,  
8 and photogrammetry, and involving both (1) the making of geometric  
9 measurements and gathering related information pertaining to the physical or  
10 legal features of the earth, improvements on the earth, the space above, on, or  
11 below the earth, (2) providing, utilizing, or developing the same into survey  
12 products such as graphics, data, maps, plans, reports, descriptions, or projects.  
13 Professional services include acts of consultation, investigation, testimony  
14 evaluation, expert technical testimony, planning, mapping, assembling, and  
15 interpreting gathered measurements and information related to any one or  
16 more of the following:

17 (i) Determining by measurement the configuration or contour of the  
18 earth's surface or the position of fixed objects thereon.

19 (ii) Determining by performing geodetic surveys the size and shape of  
20 the earth or the position of any point on the earth.

21 (iii) Locating, relocating, establishing, reestablishing, or retracing  
22 property lines or boundaries of any tract of land, road, right of way, or  
23 easement.

24 (iv) Making any survey for the division, subdivision, or consolidation  
25 of any tract(s) of land.

26 (v) Locating or laying out alignments, positions, or elevations for the  
27 construction of fixed works.

1 (vi) Determining, by the use of principles of surveying, the position for  
2 any survey monument (boundary or non-boundary) or reference point;  
3 establishing or replacing any such monument or reference point.

4 (vii) Creating, preparing, or modifying electronic or computerized or  
5 other data, relative to the performance of the activities in the above described  
6 items (i) to (vi).

7 (B) Any person shall be construed to practice or offer to practice  
8 surveying with the meaning and intent of this Act, who engages in surveying  
9 or who by verbal claim, sign, letterhead, card, advertisement or in any other  
10 way represents themselves to be a surveyor, through the use of some other title  
11 implies that they are able to perform, or who does perform any surveying  
12 service or work or any other service designated by the practitioner which is  
13 recognized as surveying.

14 (g) Real Property Appraiser.

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

18 (A) Practice of "real property appraisal" means a profession which  
19 engages in real property appraisal activity for federally or non-federally  
20 related transactions, for a fee or other valuable consideration, by preparing  
21 independent and impartial written or oral statement setting forth an opinion as  
22 to the market value of an adequately described property as of a specified  
23 date(s), supported by the presentation and analysis of relevant market  
24 information prepared in conformity with the Uniform Standards of  
25 Professional Appraisal Practice (USPAP), as amended and published by the  
26 U.S. Appraisal Foundation.

27 (B) A person is considered to practice or offer to practice real property  
28 appraisal, within the meaning and intent of this Chapter, who practice the  
29 profession of real property appraisal or who, by verbal claim, sign,

1 advertisement, letterhead, card or in any other way represents themselves to be  
2 a real property appraiser or through the use of some other title, implies that  
3 they are a real property appraiser, or that they are licensed or certified under  
4 this Chapter or holds themselves out as able to perform or who does perform  
5 any real property appraisal service work, or any other service designated by  
6 the practitioner which is recognized as real property appraisal.

7 § 3212. Licensure of Professionals.

8 In order to safeguard life, health and property, no person except those  
9 exempted by Section 3213 of this Chapter, shall practice or offer to practice  
10 professional engineering, architecture, land surveying, landscape architecture or real  
11 property appraisal in the Commonwealth unless such person is duly licensed or  
12 certified under this Chapter by the Board.

13 § 3213. Persons Exempt from Licensure.

14 The following persons are exempted from this Chapter:

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

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

22 § 3214. Temporary Licenses.

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

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

5 (c) A temporary license may be extended but only for the purpose of  
6 completing the specific job for which the original temporary license was issued.

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

9 (e) The applicant for a temporary license to practice civil engineering must  
10 have passed the California Special Seismic Exam.

11 *§ 3215. Qualification for Licensure.*

12 (a) No person shall be eligible for licensure or certification as a engineer,  
13 architect, land surveyor, landscape architect, or real property appraiser unless such  
14 person has met the education, examination and experience qualifications as required  
15 by this Chapter to practice engineering, architecture, land surveying, landscape  
16 architecture, or real property appraisal in the Commonwealth.

17 (b) The following shall be considered as minimum evidence satisfactory to the  
18 Board that the applicant is qualified for licensure:

19 (1) Engineers.

20 (A) Such person holds a master's degree in engineering from an  
21 institution of higher education approved by the Board, and has completed two  
22 (2) years of progressive engineering experience satisfactory to the Board, at  
23 least one (1) year of which shall have been under the supervision of a licensed  
24 engineer in the same branch of engineering for which licensure is desired; and  
25 has also successfully passed the examinations prescribed by the Board; or

26 (B) Such person is a graduate of an engineering curriculum of four (4)  
27 years or more in a college approved by the Board, and has completed four (4)  
28 years of progressive engineering experience satisfactory to the Board, at least  
29 one (1) year of which shall have been under the supervision of a licensed



1 engineer in the same branch of engineering for which licensure is desired; and  
2 has also successfully passed the examinations prescribed by the Board; or

3 (C) Such person is a graduate of an engineering curriculum of four (4)  
4 years or more in a college other than the ones approved by the Board, and has  
5 completed eight (8) years of progressive engineering experience satisfactory to  
6 the Board, at least two (2) years of which shall have been under the  
7 supervision of a licensed engineer in the same branch of engineering for which  
8 licensure is desired; and has also successfully passed the examinations  
9 prescribed by the Board; or

10 (D) Such person has twelve years of progressive engineering  
11 experience satisfactory to the Board, at least two (2) years of which shall have  
12 been under the supervision of a licensed engineer in the same branch of  
13 engineering for which licensure is desired; and has also successfully passed  
14 the examinations prescribed by the Board.

15 (2) Architects.

16 (A) Such person holds a master's degree in architecture from an  
17 institution of higher education approved by the Board, and has at least one (1)  
18 year of progressive experience in architectural work satisfactory to the Board,  
19 which shall have been under the supervision of a licensed architect; and has  
20 also successfully passed the examinations prescribed by the Board.

21 (B) Such person is a graduate of an architectural curriculum of five (5)  
22 years or more in a college approved by the Board, and has completed two (2)  
23 years of progressive experience in architectural work satisfactory to the Board,  
24 at least one (1) year of which shall have been under the supervision of a  
25 licensed architect; and has also successfully passed the examinations  
26 prescribed by the Board; or

27 (C) Such person is a graduate of an architectural curriculum of four (4)  
28 years or more in a college other than the ones approved by the Board, and has  
29 completed eight (8) years of progressive experience in architectural work

1 satisfactory to the Board, at least two (2) years of which shall have been under  
2 the supervision of a licensed architect; and has also successfully passed the  
3 examinations prescribed by the Board; or

4 (D) Such person has twelve years of progressive experience in  
5 architectural work satisfactory to the Board, at least two (2) years of which  
6 shall have been under the supervision of a licensed architect; and has also  
7 successfully passed the examinations prescribed by the Board.

8 (3) Land Surveyors.

9 (A) Such person is a graduate of a college approved by the Board and  
10 has completed a general engineering curriculum of four (4) years of more,  
11 with emphasis in land surveying, and has completed four (4) years of  
12 progressive experience in land surveying work satisfactory to the Board, at  
13 least one (1) year of which shall have been under the supervision of a licensed  
14 land surveyor; and has also successfully passed the examinations prescribed  
15 by the Board; or

16 (B) Such person is a graduate of a college other than the ones approved  
17 by the Board, and has completed a civil engineering or surveying curriculum  
18 of two years or more, has completed eight (8) years of progressive experience  
19 in land surveying work satisfactory to the Board, at least two (2) years of  
20 which shall have been under the supervision of a licensed land surveyor; and  
21 has also successfully passed the examinations prescribed by the Board; or

22 (C) Such person has twelve years of progressive experience in land  
23 surveying work satisfactory to the Board, at least two (2) years of which shall  
24 have been under the supervision of a licensed land surveyor; and has also  
25 successfully passed the examinations prescribed by the Board.

26 (4) Landscape Architects.

27 (A) Such person is a graduate of a landscape architectural curriculum  
28 of four (4) years or more in a college approved by the Board, and has  
29 completed four (4) years of progressive experience in landscape architectural

1 work satisfactory to the Board, at least one (1) year of which shall have been  
2 under the supervision of a licensed landscape architect; and has also  
3 successfully passed the examinations prescribed by the Board; or

4 (B) Such person is a graduate of a landscape architectural curriculum  
5 of four (4) years or more in a college other than the ones approved by the  
6 Board, and has completed eight (8) years of progressive experience in  
7 landscape architectural work satisfactory to the Board, at least two (2) years of  
8 which shall have been under the supervision of a licensed landscape architect;  
9 and has also successfully passed the examinations prescribed by the Board; or

10 (C) Such person has twelve years of progressive experience in  
11 landscape architectural work satisfactory to the Board, at least two (2) years of  
12 which shall have been under the supervision of a licensed landscape architect;  
13 and has also successfully passed the examinations prescribed by the Board.

14 (5) Real Property Appraisers.

15 (A) Such person must have completed courses in subjects related to  
16 real estate appraisal from a school or college approved by the Board, as  
17 required under the appropriate licensure or certification classification;  
18 successfully passed the appropriate Board approved national written  
19 examination(s) or its equivalent, and have also met the minimum number of  
20 hours of appraisal experience as required under the appropriate licensure or  
21 certification classification.

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

27 (d) Except as provided in the Commonwealth Constitution, Schedule on  
28 Transitional Matters, all applicants for a license or certificate shall possess a  
29 reputation for honesty, trustworthiness, fairness, financial integrity and is of good

1 moral character and shall not have been convicted of a crime of moral turpitude or a  
2 crime related to their profession in the Commonwealth or any other jurisdiction.

3 (e) The Board may by regulation provide for the licensure of architectural  
4 intern, engineer intern and land surveyor intern. The architectural intern, engineer  
5 intern or surveyor intern license does not authorize the holder to practice as a  
6 professional architect, engineer or professional surveyor.

7 § 3216. Application for Licensure, Certification or Renewal.

8 (a) Application for licensure or certification shall be made upon application  
9 forms to be furnished by the Board and shall be signed and sworn to under penalty of  
10 perjury by the applicant. With each application there shall be paid to the Board an  
11 application fee which the Board shall fix by regulations. The application or renewal  
12 fee is non-refundable after the application has been received by the Board.

13 (b) The Board may accept the certified information contained in a valid  
14 council record issued by the National Council of Examiners for Engineering and  
15 Surveying for engineering or land surveying applicants or a valid council record  
16 issued by the National Council of Architectural Registration Boards for architect  
17 applicants in lieu of the same information that is required on the form prescribed and  
18 furnished by the Board.

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

27 (d) Upon qualifying for licensure or certification, the applicant shall pay a  
28 licensing fee, in such amount as the Board shall fix by regulation. Upon receipt  
29 thereof by the Board, the applicant shall thereupon be licensed or certified as a

1 engineer, architect, land surveyor, landscape architect or real property appraiser, and  
2 shall receive a license from the Board signed by the Board chairman and secretary.

3 (e) The Board shall keep a record of its proceedings and of all applications for  
4 licensure or certification, which record shall show (1) the name, age, and last known  
5 address of each applicant, (2) the date of application, (3) the place of business of such  
6 applicant, (4) education, experience, and other qualifications, (5) type of examination  
7 required, (6) whether or not the application was rejected, (7) whether or not a license  
8 or certificate was granted, (8) the date of the action of the board, and (9) such other  
9 information as may be deemed necessary for the board. The record of the board shall  
10 be prima facie evidence of the proceedings of the board, and a transcript thereof, duly  
11 certified by the secretary under seal, shall be admissible as evidence with the same  
12 force and effect as if the original were produced.

13 (f) Every person licensed or certified who, as an individual or as a member of  
14 a firm occupies an office or other place of business for the practice of his/her or their  
15 profession shall display his/her or their original certificate or license in a conspicuous  
16 manner in his/her or their principal office or place of business.

17 (g) Every certificate or license expires two years following its issuance or  
18 renewal and becomes invalid after that date unless renewed on a timely basis prior to  
19 such expiration. The Secretary of the Board or designee shall mail, at least one month  
20 in advance of the expiration of the certificate or license, a notice to every person or  
21 firm licensed or certified hereunder giving the date of expiration and the fee and any  
22 additional requirement for the renewal thereof. The Board shall by regulation fix the  
23 fee for renewal of a certificate or license. Certificates or licenses which have expired  
24 for failure to renew on or before the date herein above required may be reinstated  
25 within one year of the expiration date upon payment of the renewal fee fixed by the  
26 Board, plus a penalty, in such amount as the Board shall fix by regulation, for each  
27 calendar month or fraction thereof until the renewal fee is paid. Each licensee or firm  
28 whose license or certificate has expired and lapsed for more than one year by failure

1 to renew must file a new application, meet present day requirements for licensure or  
2 certification, and receive board approval.

3 (h) A person must file as a new applicant if:

4 (1) He/she was a licensure or firm, and

5 (A) His/her/its license or certificate has expired and has not been  
6 renewed for one year; or

7 (B) His/her/its license or certificate has been revoked by the Board or  
8 any jurisdiction.

9 (i) Board records and papers of the following class are of a confidential  
10 nature and are not public records: examination material for examinations not yet  
11 given, file records of examination problem solutions, letters of inquiry and reference  
12 concerning applicants, board inquiry forms concerning applicants, investigation files  
13 where any investigation is still pending, and all other materials of like confidential  
14 nature.

15 § 3217. Licenses, Certificates, Seals.

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

20 (b) In the case of a certificate or license issued to the individual or firm  
21 authorizing such individual or firm to practice engineering, the certificate or license  
22 shall also indicate the branch of engineering which the individual or firm is qualified  
23 to practice.

24 (c) Each licensed individual may use a seal or rubber stamp of a design  
25 authorized by the Board bearing such person's name and the words "professional  
26 engineer," "architect," "land surveyor," or "landscape architect," or otherwise as may  
27 be authorized by the Board. In the case of an engineer, the seal or rubber stamp shall  
28 also indicate the branch of engineering they are licensed to practice.

1 (d) The seal, signature and date shall be placed on all final specifications,  
2 drawings, plans, design formation, calculations, reports, land surveys, and plats  
3 whenever presented to a client or when filed with public officials. The seal, signature  
4 and date of the licensee shall be prima facie evidence that the work was prepared by  
5 or under the direct supervision or control of the licensee named on the seal and is  
6 thereby certifying that he or she is competent in the subject matter and accepts full  
7 responsibility and liability for the professional work represented. Licensees shall  
8 stamp seal, sign and date only those documents which are safe for public health,  
9 property and welfare in conformity with accepted engineering, architectural, land  
10 surveying, and landscape architectural standards. The licensee shall sign and seal only  
11 work within the licensee's area(s) of competence. It shall be unlawful for a licensee to  
12 affix or permit their seal and signature to be affixed to any document described above  
13 after the expiration or revocation of a license or for the purpose of aiding or abetting  
14 any other person to evade or attempt to evade any provisions of this Act.

15 (e) No official of the Commonwealth who is or may hereafter be charged with  
16 the enforcement of laws or ordinances related to the construction or alteration of  
17 buildings or structures, shall accept or approve any final specifications, drawings,  
18 plans, design formation, calculations, and reports that are not sealed, signed, and  
19 dated with the seal of a licensed architect or with the seal of a licensed civil or  
20 structural engineer holding a valid license, unless the building or structure, for which  
21 the plans or specifications are submitted, is exempted from this Chapter.

22 (f) It shall be unlawful for the Commonwealth Recorder Office and the Office  
23 of the Division of Registration and Survey to file or record any map, plat, survey, or  
24 other documents within the definition of land surveying as set forth in this Act which  
25 do not have impressed thereon and affixed thereto the personal signature and seal of a  
26 licensed land surveyor by whom or under whose direct supervision the map, plat,  
27 survey, or other documents were prepared.

28 (g) The Business License Office of the CNMI Division of Revenue and  
29 Taxation shall not issue any business license to any individual or firm which includes

1 such words, as set forth in Section 3218(a)(7), or modifications or derivatives thereof  
2 in its individual or firm name or logotype except those individuals or firms holding a  
3 valid license or certificate of authorization issued under the provisions of this section.

4 § 3218. Disciplinary Action: Reprimand, Suspension or Revocation; Refusal  
5 to Issue, Restore or Renew; Place on Probation or Conditioning of Certificate or  
6 License.

7 (a) The Board shall have the power to impose administrative penalty and/or  
8 reprimand; revoke or suspend; refuse to issue, restore or renew; place on probation or  
9 condition in any manner the certificate, license, or certificate of authorization to any  
10 engineer, architect, land surveyor, landscape architect, real property appraiser, or firm  
11 who is found guilty of one or more of the following violations:

12 (1) The practice of any fraud or deceit in obtaining or attempting to  
13 obtain or renew the license or the certificate of authorization; or

14 (2) Any negligence, incompetence or misconduct in the practice of  
15 engineering, architecture, land surveying, landscape architecture, or real  
16 property appraisal; or

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

23 (4) Signing, affixing, or permitting the licensee's seal or signature to  
24 be affixed to any specifications, reports, drawings, plans, designs,  
25 programming, plats, design information, construction documents or  
26 calculations, surveys, or revisions thereof, which have not been prepared by  
27 the licensee or under the licensee's responsibility or direct personal  
28 supervision; or



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

3 (6) Practicing, or offering to practice engineering, architecture, land  
4 surveying, landscape architecture, or real property appraisal without a valid  
5 license or certificate issued by the Board; or

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

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

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

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

18 (11) Aiding or assisting another person in violating any provision of  
19 this Chapter, or the rules and regulations pertaining thereto; or

20 (12) Providing false testimony or information to the Board; or

21 (13) Failure to provide information requested by the Board as a result  
22 of a formal or informal complaint to the Board which would indicate a  
23 violation of this Chapter; or

24 (14) Failure to comply with any provisions of this Chapter, any  
25 regulations pertaining thereto, and the Rules of Professional Conduct for  
26 Engineers, Architects, Land Surveyors, and Landscape Architects; or

27 (15) Any individual or firm which advertises and offers to engage or  
28 engaging in the practice of architecture, engineering, land surveying,

1 landscape architectural or real property appraisal services without first  
2 complying with the requirements of this Act.

3 (b) In addition to any other penalty provided in this section, the Board shall  
4 have the power to impose administrative penalty and/or reprimand, revoke or  
5 suspend; refuse to issue, restore or renew; place on probation or condition the  
6 certificate of authorization of any firm where one or more of its agents, officers,  
7 directors, partners, managers, or employees have been found guilty of any conduct  
8 which would constitute a violation under the provisions of this section.

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

12 *§ 3219. Disciplinary Action: Procedures.*

13 (a) Any person, including a board member, may prefer charges in writing with  
14 the board against any person subject to the Board's jurisdiction, including but not  
15 limited to non-licensees or a firm holding a certificate of authorization. The Board or  
16 its designee shall promptly and fully investigate all allegations filed with the Board.  
17 The charges, unless dismissed without hearing by the Board as unfounded or trivial,  
18 shall be heard and determined by the Board or the Board's authorized representative,  
19 consistent with the requirements of the CNMI Administrative Procedure Act, pursuant  
20 to 1 CMC§ 9109, et seq.

21 (b) Until an investigation is completed and administrative charges are filed  
22 against the licensee or firm, or the matter is referred to the Attorney General for  
23 criminal prosecution, any and all matters related to the allegation(s) including the  
24 name(s) of the party filing such charges, shall be confidential and exempt from  
25 disclosure to the public pursuant to applicable law including, but not limited to the  
26 Open Government Act of 1992, 1 CMC § 9901 et seq.

27 (c) The time and place of said hearing shall be fixed by the Board, and a copy  
28 of the charges, together with a notice of the time and place of hearing, shall be  
29 personally served on or mailed to the last known address of such individual licensee

1 or firm at least thirty (30) days before the date fixed for the hearing. At any hearing,  
2 the accused person or firm shall have the right to appear in person or by counsel, or  
3 both, to make arguments and cross-examine witnesses and to produce evidence and  
4 witnesses in their own defense. If the accused person or firm fails or refuses to appear,  
5 the Board or the Board's authorized representative may proceed to hear and determine  
6 the validity of the charges.

7 (d) The members of the Board or the Board's authorized representative  
8 presiding at a hearing may:

- 9 (1) Administer oaths and affirmations;
- 10 (2) Issue subpoenas to compel the attendance of witnesses and the  
11 production of records and documents;
- 12 (3) Rule on offers of proof and receive relevant evidence;
- 13 (4) Require and supervise discovery, including taking depositions or  
14 have depositions taken;
- 15 (5) Regulate the course of the hearing, including administer sanctions  
16 for conduct within Rule 11 of the CNMI Rules of Civil Procedure.
- 17 (6) Hold conferences for the settlement or simplification of the issue  
18 by consent of the parties;
- 19 (7) Dispose of procedural requests or similar matters; and
- 20 (8) Make or recommend orders or decisions in accordance with this  
21 Chapter.

22 § 3220. Disciplinary Action.

23 (a) If the accused is found guilty, he/she shall be subject to the following:

- 24 (1) refusal or denial of license or certificate;
- 25 (2) suspension;
- 26 (3) revocation;
- 27 (4) license or certificate with conditions and/or probation;
- 28 (5) fine or civil penalty;
- 29 (6) dismissal of the charges;

1 (7) other discipline as appropriate and permitted by law.

2 (b) The Board shall provide that upon concluding the hearing, findings,  
3 decisions and order shall be issue within 30 days.

4 (c) Upon failure or refusal to comply with such order of the Board, or upon  
5 failure to honor its subpoena, as herein provided, the Board may apply to a court of  
6 any jurisdiction to enforce compliance with same.

7 *§ 3221. Corporations and Partnerships (Firms).*

8 (a) The practice of, or offer to practice engineering, architecture, land  
9 surveying, or landscape architecture through a corporation or partnership by  
10 individuals licensed under this Act, is permitted, provided that the persons directly in  
11 charge of the professional work are duly licensed under this Act; and further that the  
12 firm has been issued a certificate of authorization by the Board.

13 (b) No firm shall be relieved of responsibility for the conduct or acts of its  
14 agents, officers, directors, partners, managers, or employees by reason of its  
15 compliance with the provisions of this section. No individual practicing engineering,  
16 architecture, land surveying, or landscape architecture under the provisions of this Act  
17 shall be relieved of responsibility for engineering, architecture, land surveying, or  
18 landscape architecture services performed by reason of employment or other  
19 relationship with a firm holding a certificate of authorization.

20 (c) All firms must have a valid certificate of authorization before advertising  
21 to offer engineering, architecture, land surveying, or landscape architecture services in  
22 the CNMI.

23 *§ 3222. Structures Exempted From Provisions of this Chapter.*

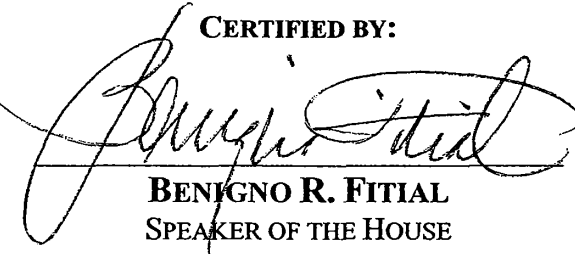
24 The provisions of this Chapter, shall not apply to work in respect to any  
25 privately owned or privately controlled one-storied building, dwelling or structure, the  
26 estimated cost of which does not exceed \$50,000; provided, that such building,  
27 dwelling or structure meets all the requirements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

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

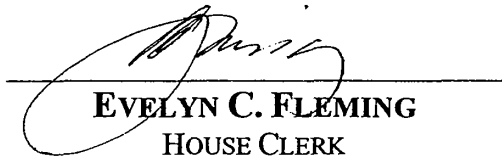
5           **Section 5. Savings Clause.** This Act and any repealer contained herein shall not be  
6 construed as affecting any existing right acquired under contract or acquired under statutes  
7 repealed or under any rule, regulation or order adopted under the statutes. Repealers  
8 contained in this Act shall not affect any proceeding instituted under or pursuant to prior law.  
9 The enactment of the Act shall not have the effect of terminating, or in any way modifying,  
10 any liability, civil or criminal, which shall already be in existence on the date this Act  
11 becomes effective.

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

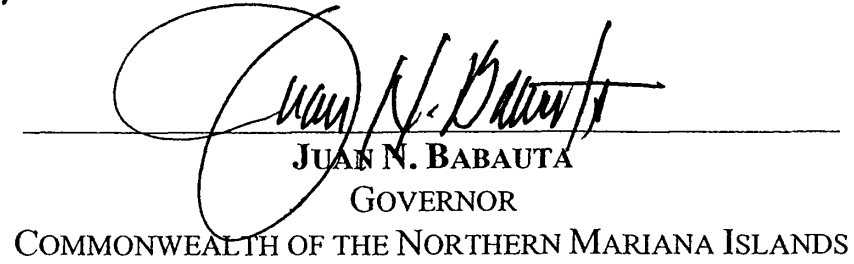
CERTIFIED BY:

  
BENIGNO R. FITIAL  
SPEAKER OF THE HOUSE

ATTESTED TO BY:

  
EVELYN C. FLEMING  
HOUSE CLERK

Approved on this 31<sup>st</sup> day of October, 2005

  
JUAN N. BABAUTA  
GOVERNOR  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS