



PDHonline Course R601 (4 PDH)

**New Mexico Board Rules of Professional
Conduct and Responsibility**

2012

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ADVISORY OPINIONS - ENGINEERING & SURVEYING

(Selected and compiled from information published on NM PE & PLS Board Website)

PE/PS Advisory: Public Work Involving Engineering And Surveying Services

Surveying and engineering services for public work whose value exceeds \$100,000 are governed by the New Mexico Engineering and Surveying Practice Act. The plans and specifications for the project must be prepared by a licensed professional engineer (Section 61-23-26.) and the surveying services must be performed by a licensed professional surveyor (Sections 61-23-26. and 61-23-27.13.). The Practice Act also provides for some overlap between the professions. The clear intent of the above cited sections is to provide for professional oversight of public work valued at more than \$100,000.

PE/PS Advisory: Review of Plans, Plats, or Engineering or Surveying Documents By Public Officials

The New Mexico Engineering and Surveying Practice Act, Sections 61-23-1 through 61-23-32 NMSA (1978), hereafter referred to as "the Act," defines the practice of engineering and surveying and who may engage in these practices. Persons performing acts or services described in the respective sections for engineering and surveying are required to be licensed as professional engineers or professional surveyors.

The review and approval of plans, maps, plats, reports and descriptions by public officials serves a multi-purpose function. In essence, reviewers enforce building code requirements that have been promulgated to protect the public's health and safety, which may or may not include professional engineering or surveying functions. A determination of whether a public employee's review and approval of plans, maps, plats, etc. constitutes the practice of engineering or surveying depends on the type of activity which is rendered by the public official. If while performing a review/approval function for code compliance, a public official engages in one of the activities described in the "Act" and that official is not a licensed professional nor is supervised by a licensed professional that public official would be in violation of the Act.

This advisory opinion is to clarify that non-licensed individuals cannot override or modify engineering or surveying documents prepared by licensed individuals unless such actions are concurred in by the licensee of record, and that said licensee takes full responsibility for such a decision.

[Approved 11/2/01]

PE/PS Advisory: Signatures/Electronic Signatures

Subject to the requirements of the Board's rules [16.39.3.12 NMAC & 16.39.5.11 NMAC], a licensee may affix an electronically generated signature and date of signature to documents; provided, however, that the licensee utilizes a secure method of affixation and provided that the registrant does not authorize any other person to so affix his signature and date in accordance with state statutes (Uniform Electronic transactions Act which applies only to transactions between parties each of which has agreed to conduct transactions by electronic means).

Signatures - the term "signature," as used in the Board's Administrative Code, shall mean handwritten or digital as follows:

1. A handwritten identification that represents the act of putting one's name on a document to attest to its validity. The handwritten identification must be:

- a. Original and written by hand;
- b. permanently affixed to the document(s) being certified;
- c. Applied to the document by the identified licensee; or

2. A digital identification that is an electronic authentication process attached to or logically associated with an electronic document. The digital identification must be:

- a. Unique to the person using it
- b. Under the sole control of the licensee using it
- c. Linked to a document in such a manner that the digital identification is invalidated if any data in the document is changed

Drawings, reports, or documents that are signed using a digital signature, as defined above, shall contain the following:

- a. Authentication procedure
- b. A list of the hardware, software, and parameters used to prepare the documents(s)

[Approved 11/2/01]

PE Advisory: Electronic Files Not Electronically Authenticated

Suggested language for inclusion in electronic files (approved by Board on 9/14/00):

"Absence of a seal, signature and date indicates this document is not the original. This media should not be considered a certified document. This document was originally issued and sealed by (name of sealer), (license number), on (date of sealing)."

[Approved 9/14/00]