



Structural Engineers Association of Nebraska  
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[www.seaon.org](http://www.seaon.org)

October 12, 2010

Nebraska Society of Professional Engineers  
Attn: President, Dan Owens  
301 South 13<sup>th</sup> Street, Suite 400  
Lincoln, NE 68508

RE: Nebraska Administrative Code – Title 110 (Rules and Regulations) Proposed Changes

Dear Mr. Owens:

By now you have probably already heard that the Structural Engineers Association of Nebraska (SEAON) is proposing additional changes to the Nebraska Administrative Code – Title 110 (Rules and Regulations) to help clarify the role and the use of the title Structural Engineer (S.E.). I have attached a copy for your review/comments.

When reviewing this language, it is important to understand the difference between a **title act**, **practice act** and the definition of a **transition clause** when we discuss the issues associated with Structural Engineering.

**Title Act:**

A Title Act allows a licensed engineer to employ a particular title such as Structural Engineer and thus use certain initials such as S.E. after their name. It does not place restrictions on practicing.

Examples of States with Title Acts: Arizona, Idaho, Nebraska, and Vermont

**Practice Act:**

A Practice Act defines the specific type of work that a licensed engineer in that discipline can legally perform along with the corresponding responsibilities and liabilities. This can be combined with a Title Act. For example, only licensed Structural Engineers (S.E.) in some states can design hospitals. Practice Acts can be Partial Practice Acts or Full Practice Acts.

a. **Partial Practice Act:**

A Partial Practice Act limits what type of work can be performed by Licensed Professional Engineers (P.E) to structure types, sizes, heights, etc. For example, an engineer may be required to be licensed as a Structural Engineer (S.E) rather than a Professional Engineer (P.E) for specific structures such as schools, hospitals, hazardous facilities, or certain types of bridges, etc

Example of states with Partial Practice Acts: California, Nevada, Utah, Oregon, and Washington

b. **Full Practice Act:**

A full Practice Act only allows engineers licensed as Structural Engineers to design any type of structure.

Example of states with Full Practice Acts: Hawaii and Illinois

**Transition Clause definition:**

The ability of qualified professionals to continue practicing without conforming to the revised examinations, education, and or experience requirements

- Must not restrict practice of those currently practicing
- Recognizing achievement of those currently practicing.
- Welcomes the experienced professional to the higher standard
- Eliminates opposition and perception of elite attitude

Currently in Nebraska, the state is considered a title act only state. An engineer can get licensed to practice structural engineering in the following ways:

- Those passing the Architectural Engineering Exam are given the title Architectural Engineer and may use the initials PE.
- Those passing the Structural I exam with Architectural Engineering Degree are given the title Architectural Engineer and may use the initials PE.
- Those passing the Civil Exam or the Structural I exam are given the title Civil Engineer and may use the initials PE.
- Those passing the Structural II exam are given the title Structural Engineer and may use the initials SE.
- In April of 2011, the only exam that will be offered will be the new 16 hour exam and NCEES will no longer be offering the SEI or SEII exams after October 2010.

Also, in Nebraska, the board does not limit those who can practice in an engineering field as long as they can demonstrate they are qualified by education, training, and experience in those disciplines per Rule 5.1.3 (No practice act.) The board usually uses the term “competent”. For example, you can be a licensed Mechanical Engineer and stamp structural drawings if you can prove to the board that you are competent to do so. Believe it or not, this has actually happened! Therefore, you do not have to have the title structural engineer to design structures.

Furthermore, the State Board has taken a position that code officials can require a “higher standard” than what the Rules and Regulations say (Board Policy P08.07). In other words, they feel that code officials can dictate that they want a “Structural Engineer (S.E)” to stamp the drawings when the state law does not require this for practice. Obviously, SEAON disagrees with this interpretation as it relates to licensing requirements and SEAON has stated their disagreement in a letter to the board. SEAON feels that this puts an unnecessary burden/liability on code officials to make a determination if the professional is qualified or not, which is not a “code issue”.

In summary, this is confusing to the general public, architects, contractors, code officials, and other professional engineers.

Therefore, it is SEAON’s intentions to do the following:

1. Change the language in the Rules and Regulations and/or Statute to incorporate a “Transition Clause” for engineers practicing structural engineering and give them the title “Structural Engineer, (S.E.)” based upon the current standard (Rule 5.3.1). (See attached Chapter 2 proposed Language)
2. Change the language in the Rules and Regulations and/or Statute to incorporate a “Partial Practice Act” defining the type of work that a licensed “Structural Engineer, (S.E.)” must perform. (See attached Chapter 10 proposed language)

We would like to invite the Nebraska Society of Professional Engineers (NeSPE) to review the proposed language along with SEAON. SEAON would like to talk and and/or give a presentation over this material to your organization in the near future and answer any questions you may have. We look forward to working with the NeSPE on the development of this language.

Sincerely,

Peter Vaccaro, P.E.  
SEAON President & Licensing Committee Chair

Enclosure