

TITLE 4: ECONOMIC RESOURCES
DIVISION 3: BUSINESS AND PROFESSIONS

§ 3211. Definitions.

As used in this chapter:

(a) Architects.

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

(i) "Practice of Architecture" means consisting of providing or offering to provide certain services, hereinafter described, in connection with the design and construction, enlargement or alteration of a building or group of buildings and the space within and the site surrounding such buildings, of which the principal purpose is for human occupancy or habitation; the service referred to include pre-design services, programming, planning, providing 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 engineers and landscape architects; provided that the practice of architecture shall not include the practice of engineering as defined in this chapter.

(ii) 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 themselves to be an architect through the use of some other title, implies that they are licensed under this chapter or holds themselves 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 4 CMC § 3102.

(c) "BPLRF" means the Board of Professional Licensing Revolving Fund, established by Public Law 17-39.

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

(e) "Electronic means" shall include telephone, video-conference, electronic telecommunications-mediated written, aural and/or video means, including mediated through the internet, a wireless service, and/or email; and shall further include the presentation, service, filing and storage of documents in their electronic form.

(f) 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.

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(i) “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 design coordination of engineering works and systems, planning the use of land, air, and water, teaching of advanced engineering subjects, performing engineering surveys and studies, and the review and/or management of construction for the purpose of monitoring and/or ensuring compliance with drawings and specifications; any of which embraces such services or work; either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, communication systems, transportation systems, and industrial or consumer products, or equipment of a control systems, communications, mechanical, electrical, hydraulic, pneumatic, chemical, environmental, or thermal nature, insofar as they involve safeguarding life, health or property, and including such other professional services as may be necessary to the planning, progress and completion of any engineering services. Design coordination includes the review and coordination of those technical submissions prepared by others, including as appropriate and without limitation, consulting engineers, architects, landscape architects, surveyors, and other professionals working under the direction of the engineer. Engineering surveys include all survey activities required to support the sound conception, planning, design, construction, maintenance, and operation of engineered projects, but exclude the surveying of real property for the establishment of land boundaries, rights-of-way, easements, and the dependent or independent surveys or re-surveys of the public land survey system.

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

(g) “License” means a certificate issued to a person licensed, certified or otherwise approved to practice as an engineer, architect, land surveyor, landscape architect, or real property appraiser.

(h) “Licensee” means a person licensed, certified or otherwise approved to practice as an engineer, architect, land surveyor, landscape architect, or real property appraiser.

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(i) “Licensure” means the process or condition or being licensed to practice as an engineer, architect, land surveyor, landscape architect or real property appraiser.

(j) “Person” means a person real or legal, including a human being, and an artificial person, including government entity, non-governmental organization, association, corporation, limited liability company, limited liability partnership, partnership, or sole proprietorship.

(k) “State” includes a United States of America state, territory, tribal land, commonwealth, the District of Columbia, and any other U.S. jurisdiction other than the U.S. Government itself.

(l) 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.

(i) Practice of real property appraisal means a profession which engages in real property appraisal activity for federally or non-federally related transactions, 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 specified date(s), supported by the presentation and analysis of relevant market information prepared in conformity with the Uniform Standards of Professional Appraisal Practice (USPAP), as amended and published by the U.S. Appraisal Foundation.

(ii) 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 themselves to be real property appraiser or through the use of some other title, implies that they are a real property appraiser, or that they are licensed or certified under this chapter or holds themselves 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.

Source: PL 4-53, § 1, modified; amended by PL 11-99, § 3 (§ 3211); repealed and reenacted by PL 14-95, § 3 (3211); PL 17-39 § 5 (April 21, 2011), modified.

Commission Comment: The Commission changed the phrase “this Act” in subsection (c) to “Public Law 17-39” pursuant to 1 CMC § 3806(d). The Commission changed capitalization for consistency in this section pursuant to 1 CMC § 3806(f). When codifying PL 17-39, the Commission dropped former subsection (e) which defined landscape architect because of the language of the amendment in PL 17-39 § 5. The amendment addressed the re-lettering of subsections (c) to (d) and (d) to (f) and subsection (g) to (l) while inserting the new subsection (e) that defines “electronic means.” PL 17-39 § 5 does not reenact or otherwise mention the former subsection (e). Consequently, it appears that the

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Legislature intended to replace subsection (e) so the Commission removed former subsection (e) which stated:

(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.

(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.

(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 themselves to be a landscape architect or through the use of some other title, implies that they are licensed under this Chapter or holds themselves 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.