

1 **SENATE FLOOR VERSION**

2 April 9, 2012

3 As Amended

4 ENGROSSED HOUSE

5 BILL NO. 2686

6 By: Banz of the House

7 and

8 Newberry of the Senate

9 **[professions and occupations - professional
10 engineers and land surveyors - modifying definition -
11 modifying powers and duties of Board]**

12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 59 O.S. 2011, Section 475.2, is
14 amended to read as follows:

15 Section 475.2 As used in Section 475.1 et seq. of this title:

16 1. "Engineer" means a person who, by reason of special
17 knowledge and use of the mathematical, physical and engineering
18 sciences and the principles and methods of engineering analysis and
19 design, acquired by engineering education and engineering
20 experience, is qualified, after meeting the requirements of Section
21 475.1 et seq. of this title and the regulations issued by the Board
22 pursuant thereto, to engage in the practice of engineering;

23 2. "Professional engineer" means a person who has been duly
24 licensed as a professional engineer as provided in Section 475.1 et

1 seq. of this title and the regulations issued by the Board pursuant
2 thereto;

3 3. "Engineer intern" means a person who complies with the
4 requirements for education and experience and has passed an
5 examination in the fundamental engineering subjects, as provided in
6 Section 475.1 et seq. of this title and the regulations issued by
7 the Board pursuant thereto;

8 4. "Practice of engineering" means any service or creative
9 work, the adequate performance of which requires engineering
10 education, training and experience in the application of special
11 knowledge of the mathematical, physical and engineering sciences to
12 such services or creative work as consultation, investigation,
13 evaluation, planning and design of engineering works and systems,
14 planning the engineering use of land and water, teaching of advanced
15 engineering subjects or courses related thereto, engineering
16 research, engineering surveys, engineering studies, and the
17 inspection or review of construction for the purposes of assuring
18 compliance with drawings and specifications; any of which embraces
19 such services or work, either public or private, in connection with
20 any utilities, structures, buildings, machines, equipment,
21 processes, work systems, projects, communication systems,
22 transportation systems and industrial or consumer products or
23 equipment of a mechanical, electrical, chemical, environmental,
24 hydraulic, pneumatic, thermal, control system or communications

1 nature, insofar as they involve safeguarding life, health or
2 property, and including such other professional services as may be
3 necessary to the design review and integration of a multidiscipline
4 work, planning, progress and completion of any engineering services.

5 Design review and integration includes the design review and
6 integration of those technical submissions prepared by others,
7 including as appropriate and without limitation, engineers,
8 architects, landscape architects, land surveyors, and other
9 professionals working under the direction of the engineer. The
10 definition of design review and integration by engineers does not
11 restrict the services other licensed professional disciplines are
12 authorized to offer or perform by statute or regulation.

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

19 A person or entity shall be construed to practice or offer to
20 practice engineering, within the meaning and intent of Section 475.1
21 et seq. of this title who does any of the following: practices any
22 branch of the profession of engineering; by verbal claim, sign,
23 advertisement, letterhead, card or in any other way represents such
24 person to be a professional engineer, through the use of some other

1 title implies that any person is a professional engineer or is
2 licensed or qualified under Section 475.1 et seq. of this title; or
3 who represents qualifications or ability to perform or who does
4 practice engineering;

5 5. "Professional land surveyor" or "land surveyor" means a
6 person who has been duly licensed as a professional land surveyor
7 pursuant to Section 475.1 et seq. of this title and the regulations
8 issued by the Board pursuant thereto; and is a person who, by reason
9 of special knowledge in the technique of measuring land and use of
10 the basic principles of mathematics, the related physical and
11 applied sciences and the relevant requirements of law for adequate
12 evidence and all requisite to surveying of real property, acquired
13 by education and experience, is qualified to engage in the practice
14 of land surveying;

15 6. "Land surveyor intern" means a person who complies with the
16 requirements for education and experience, and has passed an
17 examination in the fundamental land surveying subjects, as provided
18 in Section 475.1 et seq. of this title and regulations issued by the
19 Board pursuant thereto;

20 7. a. "Practice of land surveying" means any service or
21 work, the adequate performance of which involves the
22 application of special knowledge of the principles of
23 mathematics, methods of measurement, and the law for
24 the determination and preservation of land boundaries.

1 "Practice of land surveying" includes, without
2 limitation:

- 3 (1) restoration and rehabilitation of corners and
4 boundaries in the United States Public Land
5 Survey System or the subdivision thereof,
- 6 (2) obtaining and evaluating evidence for the
7 accurate determination of land boundaries,
- 8 (3) determination of the areas and elevations of land
9 parcels for a survey,
- 10 (4) monumenting the subdivision of land parcels into
11 smaller parcels and the preparation of the
12 descriptions in connection therewith,
- 13 (5) measuring and platting underground mine workings,
- 14 (6) preparation of the control portions of geographic
15 information systems and land information systems,
- 16 (7) establishment, restoration, and rehabilitation of
17 land survey monuments and bench marks,
- 18 (8) preparation of land survey plats, condominium
19 plats, monument records, and survey reports,
- 20 (9) surveying, monumenting, and platting of
21 easements, and rights-of-way,
- 22 (10) measuring, locating, or establishing lines,
23 angles, elevations, natural and man-made features
24 in the air, on the surface of the earth, within

1 underground workings, and on the beds of bodies
2 of water for the purpose of determining areas and
3 volumes for a survey,

4 (11) geodetic surveying, and

5 (12) any other activities incidental to and necessary
6 for the adequate performance of the services
7 described in this paragraph.

8 b. A person or entity shall be construed to practice or
9 offer to practice land surveying, within the meaning
10 and intent of Section 475.1 et seq. of this title who
11 does any one of the following: practices any branch
12 of the profession of land surveying; by verbal claim,
13 sign, advertisement, letterhead, card or in any other
14 way represents such person to be a professional land
15 surveyor or through the use of some other title
16 implies that such person or entity is a professional
17 land surveyor or that such person is registered,
18 licensed, or qualified under Section 475.1 et seq. of
19 this title; represents qualifications or ability to
20 perform; or who does practice land surveying.

21 c. A person shall not be construed to practice or offer
22 to practice land surveying, within the meaning and
23 intent of Section 475.1 et seq. of this title, who
24 merely acts as an agent of a purchaser of land

1 surveying services. Agents of a purchaser of land
2 surveying services include, but are not limited to,
3 real estate agents and brokers, title companies,
4 attorneys providing title examination services, and
5 persons who or firms that coordinate the acquisition
6 and use of land surveying services. The coordination
7 of land surveying services includes, but is not
8 limited to; sales and marketing of services,
9 discussion of requirements of land surveys,
10 contracting to furnish land surveys, review of land
11 surveys, the requesting of revisions of land surveys,
12 and making any and all modifications to surveys with
13 the written consent of the land surveyor, and
14 furnishing final revised copies to the land surveyor
15 showing all revisions, the distribution of land
16 surveys, and receiving payment for such services.
17 These actions do not constitute the practice of land
18 surveying, and do not violate any part of Section
19 475.1 through 475.22a of this title or the Bylaws and
20 Rules of the Board;

21 8. "Board" means the State Board of Licensure for Professional
22 Engineers and Land Surveyors;

23 9. "Responsible charge" means direct control and personal
24 supervision of engineering work or land surveying;

1 10. "Rules of professional conduct for professional engineers
2 and land surveyors" means those rules promulgated by the Board;

3 11. "Firm" means any form of business entity, a private
4 practitioner employing other licensed engineers, surveyors or
5 licensed design professionals, or any person or entity using one or
6 more fictitious names;

7 12. "Direct control" and "personal supervision" whether used
8 separately or together mean active and personal management of the
9 firm's personnel and practice ~~including personal presence in the~~
10 ~~workplace~~ to maintain charge of, and concurrent direction over,
11 engineering or land surveying decisions and the instruments of
12 professional services to which the licensee affixes the seal,
13 signature, and date; and

14 13. "Core curriculum" means the Board-approved land surveying
15 courses adopted by Board policy, developed to ensure that land
16 surveyor applicants meet the minimum educational requirements for
17 licensure.

18 SECTION 2. AMENDATORY 59 O.S. 2011, Section 475.8, is
19 amended to read as follows:

20 Section 475.8 A. The State Board of Licensure for Professional
21 Engineers and Land Surveyors shall have the power to adopt and amend
22 all bylaws and rules of procedure, not inconsistent with the
23 Constitution and laws of this state or Section 475.1 et seq. of this
24 title, including the adoption and promulgation of Rules of

1 Professional Conduct for Professional Engineers and Land Surveyors,
2 which may be reasonably necessary for the proper performance of its
3 duties and the regulation of its proceedings, meetings, records,
4 examinations and the conduct thereof. These actions by the Board
5 shall be binding upon persons licensed under Section 475.1 et seq.
6 of this title and shall be applicable to firms holding a certificate
7 of authorization. The Board shall adopt and have an official seal,
8 which shall be affixed to each certificate issued. The Board shall
9 have the further power and authority to:

10 1. Establish and amend minimum standards for the practice of
11 engineering and land surveying;

12 2. Establish continuing education requirements for renewal of
13 professional engineering and professional land surveyor licenses;

14 3. Promulgate rules concerning the ethical marketing of
15 professional engineering and land surveying services; and

16 4. Upon good cause shown, as hereinafter provided, deny the
17 issuance, restoration or renewal of, or place on probation for a
18 period of time and subject to such conditions as the Board may
19 specify, a certificate of licensure or certificate of authorization
20 or suspend, revoke or refuse to renew certificates of licensure or
21 certificates of authorization previously issued, and upon proper
22 showing to review, affirm, reverse, vacate or modify its orders with
23 respect to such denial, suspension, revocation or refusal to renew~~+~~.

24

1 ~~5. Levy~~ B. The Board is hereby authorized to levy
2 administrative penalties against any person or entity who or which
3 violates any of the provisions of Section 475.1 et seq. of this
4 title or any rule or regulation promulgated pursuant thereto. The
5 Board is hereby authorized to initiate disciplinary, prosecutorial
6 and injunctive proceedings against any person or entity who or which
7 has violated any of the provisions of Section 475.1 et seq. of this
8 title or any rule or regulation of the Board promulgated pursuant
9 thereto. The Board shall investigate alleged violations of the
10 provisions of Section 475.1 et seq. of this title or of the rules or
11 regulations, orders or final decisions of the Board; ~~and.~~

12 ~~6. Acquire~~ C. The Board is hereby authorized to acquire by
13 purchase, lease, gift, solicitation of gift or by any other lawful
14 means, and maintain, use and operate real property and improvements;
15 contract for the maintenance, use, and operation of or lease of any
16 and all real property and improvements; lease or sublease any part
17 of real property and improvements acquired pursuant to this section
18 to public entities, private entities, or private persons, on any
19 terms and for any consideration deemed appropriate by the Board,
20 subject to restrictions in purchase or lease documents relating to
21 property acquired; provided, all contracts for real property and
22 improvements shall be subject to the provisions of Section 63 of
23 Title 74 of the Oklahoma Statutes.

24

1 ~~B.~~ D. In carrying into effect the provisions of Section 475.1
2 et seq. of this title, the Board, under the hand of its Chair, Vice
3 Chair, or Executive Director and the seal of the Board, may subpoena
4 witnesses and compel their attendance, and may also require the
5 submission of books, papers, documents or other pertinent data, in
6 any disciplinary matters, or in any case wherever a violation of
7 Section 475.1 et seq. of this title is alleged. Upon failure or
8 refusal to comply with any such order of the Board, or upon failure
9 to honor its subpoena, as herein provided, the Board may apply to a
10 court of proper jurisdiction for an order to enforce compliance with
11 same.

12 ~~C.~~ E. The Board is hereby authorized in the name of the state
13 to apply for relief by injunction in the established manner provided
14 in cases of civil procedure, without bond, to enforce the provisions
15 of Section 475.1 et seq. of this title, or to restrain any violation
16 thereof. In such proceedings, it shall not be necessary to allege
17 or prove either that an adequate remedy at law does not exist or
18 that substantial or irreparable damage would result from the
19 continued violation thereof. The members of the Board shall not be
20 personally liable under this proceeding.

21 ~~D.~~ F. The Board may subject an applicant for licensure or a
22 licensee to such examinations as it deems necessary to determine the
23 applicant's or licensee's qualifications. The Board may dispose of
24 a formal complaint against a licensee for a violation of Section

1 475.1 et seq. of this title by an order that a licensee shall
2 complete the examinations as the Board deems necessary to determine
3 the qualifications of the licensee, and upon the initial failure or
4 refusal to successfully complete the examination, within the time
5 ordered, place conditions on the license of the licensee to practice
6 and order other remedies until competence is demonstrated.

7 ~~E.~~ G. No action or other legal proceedings for damages shall be
8 instituted against the Board or against any Board member or employee
9 of the Board for any act done in good faith and in the intended
10 performance of any power granted under Section 475.1 et seq. of this
11 title or for any neglect or default in the performance or exercise
12 in good faith of any such duty or power.

13 SECTION 3. AMENDATORY 59 O.S. 2011, Section 475.9, is
14 amended to read as follows:

15 Section 475.9 A. The Executive Director of the State Board of
16 Licensure for Professional Engineers and Land Surveyors shall be
17 responsible for accounting for all monies derived under the
18 provisions of Section 475.1 et seq. of this title. This fund shall
19 be known as the "Professional Engineers and Land Surveyors Fund",
20 and shall be deposited with the State Treasurer, and shall be paid
21 out only upon requisitions submitted by the Secretary or Executive
22 Director. All monies in this fund are hereby specifically
23 appropriated for the use of the Board, and at the end of each fiscal
24 year the Board shall pay into the General Revenue Fund of the state

1 an amount equal to ten percent (10%) of all ~~funds received at the~~
2 ~~end of each fiscal year~~ licensure and certification fees in
3 compliance with Section 211 of Title 62 of the Oklahoma Statutes.

4 B. The Board shall obtain an office, secure such facilities,
5 and employ, direct, discharge and define the duties and salaries of
6 an Executive Director, Principal Assistant, Director of Enforcement,
7 Board Investigator and such clerical or other assistants as are
8 necessary for the proper performance of its work. The Board shall
9 make expenditures from the fund created in subsection A of this
10 section for any purpose which, in the opinion of the Board, is
11 reasonably necessary for the proper performance of its duties under
12 Section 475.1 et seq. of this title, including examination
13 administration fees, the expenses of the Board's delegates to
14 meetings of and membership fees to the National Council of Examiners
15 for Engineering and Surveying, meaning the national nonprofit
16 organization composed of engineering and land surveying licensing
17 boards commonly called ~~NEECS~~ NCEES, and any of its subdivisions, as
18 provided in the State Travel Reimbursement Act, Section 500.1 et
19 seq. of Title 74 of the Oklahoma Statutes. Under no circumstances
20 shall the total amount of warrants issued in payment of the expenses
21 and compensation provided for in Section 475.1 et seq. of this title
22 exceed the amount of monies in the fund.

23 SECTION 4. AMENDATORY 59 O.S. 2011, Section 475.12, is
24 amended to read as follows:

1 Section 475.12 A. Engineer

2 To be eligible for consideration for licensure as a professional
3 engineer, or certification as an engineer intern, an applicant must
4 be of good character and reputation and shall submit five references
5 with application for licensure as a professional engineer, three of
6 which shall be professional engineers having personal knowledge of
7 the applicant's engineering experience, or, in the case of an
8 application for certification as an engineer intern, by three
9 character references.

10 One of the following shall be considered as minimum evidence
11 satisfactory to the Board that the applicant is qualified for
12 licensure as a professional engineer, or for certification as an
13 engineer intern, respectively:

14 1. As a professional engineer:

- 15 a. Licensure by Comity or Endorsement - A person holding
16 a certificate of registration or licensure to engage
17 in the practice of engineering issued by a proper
18 authority of a jurisdiction or possession of the
19 United States or the District of Columbia, based on
20 requirements that do not conflict with the provisions
21 of Section 475.1 et seq. of this title and possessing
22 credentials that are, in the judgment of the Board, of
23 a standard not lower than that specified in the
24 applicable licensure act in effect in this state at

1 the time such certificate was issued, may, upon
2 application, be licensed without further examination
3 except as required to present evidence of knowledge of
4 statutes, rules and design requirements unique to this
5 state.

6 b. Graduation, Experience and Examination - A graduate of
7 an engineering program of four (4) years or more
8 approved by the Board as being of satisfactory
9 standing, and following the date of degree, a specific
10 record of an additional four (4) years or more of
11 progressive experience on engineering projects of a
12 grade and character which indicates to the Board that
13 the applicant may be competent to practice
14 engineering, who has also passed ~~the eight-hour~~
15 written a Board-approved NCEES examination in the
16 fundamentals of engineering as provided in
17 subparagraph a of paragraph 2 of this subsection,
18 shall be admitted to ~~an eight-hour written a Board-~~
19 approved NCEES examination in the principles and
20 practice of engineering. Upon passing such
21 examinations, as well as an examination in knowledge
22 of statutes, rules and design requirements unique to
23 this state, the applicant shall be granted a
24 certificate of licensure to practice engineering in

1 this state, if otherwise qualified. The Board may
2 waive the fundamentals of engineering examination
3 requirement for the issuance of a license if the
4 applicant possesses sufficient progressive experience
5 on engineering projects to indicate to the Board that
6 the applicant may be competent to practice
7 engineering. The Board shall evaluate all elements of
8 the application, according to Board rules, to assess
9 waiver requests.

10 c. Alternative Graduation, Experience and Education - A
11 graduate of an engineering or related science program
12 of four (4) years or more, other than the ones
13 approved by the Board and following the date of
14 degree, a specific record of six (6) years or more of
15 progressive experience on engineering projects of a
16 character and grade which indicates to the Board that
17 the applicant may be competent to practice engineering
18 who has also passed ~~the eight-hour written~~ a Board-
19 approved NCEES examination in the fundamentals of
20 engineering as provided in subparagraph b of paragraph
21 2 of this subsection, shall be admitted to ~~an~~
22 ~~eight-hour written~~ a Board-approved NCEES examination
23 in the principles and practice of engineering. Upon
24 passing such examination, as well as an examination in

1 knowledge of statutes, rules and design requirements
2 unique to this state, the applicant shall be granted a
3 certificate of licensure to practice engineering in
4 this state, if otherwise qualified. The Board may
5 waive the fundamentals of engineering examination
6 requirement for the issuance of a license if the
7 applicant possesses sufficient progressive experience
8 on engineering projects to indicate to the Board that
9 the applicant may be competent to practice
10 engineering. The Board shall evaluate all elements of
11 the application, according to Board rules, to assess
12 waiver requests.

- 13 d. A four-year degree in a science not considered a
14 related science degree by the Board must be followed
15 by a Masters Degree in engineering from an institution
16 with a comparable EAC/ABET accredited undergraduate
17 engineering program before being considered for
18 approval as a related science degree by the Board.
19 Foreign degrees not determined by the Board to be
20 substantially equivalent to an EAC/ABET accredited
21 engineering degree may be considered following a
22 degree evaluation by an evaluation service approved by
23 the Board. The maximum equivalency granted for all
24 foreign degrees, except those determined to be

1 substantially equivalent to an EAC/ABET accredited
2 engineering degree, shall be that of a related science
3 degree.

4 2. As an engineer intern:

5 The following shall be considered as minimum evidence that the
6 applicant is qualified for certification as an engineer intern:

7 a. Graduation and Examination - A graduate of an
8 engineering program of four (4) years or more approved
9 by the Board, or an applicant who has completed ninety
10 (90) semester hours or more of academic requirements
11 for graduation, shall be admitted to ~~an eight-hour~~
12 ~~written~~ a Board-approved NCEES examination in the
13 fundamentals of engineering. Upon passing such
14 examination and providing proof of graduation, the
15 applicant shall be certified or enrolled as an
16 engineer intern, if otherwise qualified.

17 b. Alternative Graduation, Experience and Examination - A
18 graduate of an engineering or related science
19 curriculum of four (4) years or more, other than the
20 ones approved by the Board or an applicant who has
21 completed ninety (90) semester hours or more of
22 academic requirements for graduation, shall be
23 admitted to ~~an eight-hour written~~ a Board-approved
24 NCEES examination in the fundamentals of engineering.

1 Upon passing such examination, providing proof of
2 graduation and providing proof of a specific record of
3 one (1) year or more of progressive engineering
4 experience in engineering projects of a grade and
5 character satisfactory to the Board, the applicant
6 shall be certified or enrolled as an engineer intern,
7 if otherwise qualified.

8 c. A four-year degree in a science not considered a
9 related science degree by the Board must be followed
10 by a Masters Degree in engineering from an institution
11 with a comparable EAC/ABET accredited undergraduate
12 engineering program before being considered for
13 approval as a related science degree by the Board.
14 Foreign degrees not determined by the Board to be
15 substantially equivalent to an EAC/ABET accredited
16 engineering degree may be considered following a
17 degree evaluation by an evaluation service approved by
18 the Board. The maximum equivalency granted for all
19 foreign degrees, except those determined to be
20 substantially equivalent to an EAC/ABET accredited
21 engineering degree, shall be that of a related science
22 degree.

23 B. Land Surveyor
24

1 To be eligible for consideration for licensure as a professional
2 land surveyor or certification as a land surveyor intern, an
3 applicant must be of good character and reputation and shall submit
4 five references with application for licensure as a professional
5 land surveyor, three of which shall be licensed land surveyors
6 having personal knowledge of the applicant's land surveying
7 experience; or in the case of an applicant for certification as a
8 land surveyor intern, by three character references.

9 The evaluation of a professional land surveyor applicant's
10 qualifications shall include consideration of the applicant's
11 education, technical and land surveying experience, and
12 recommendations by references.

13 One of the following shall be considered as minimum evidence
14 satisfactory to the Board that the applicant is qualified for
15 licensure as a professional land surveyor or for certification as a
16 land surveyor intern, respectively.

17 1. As a land surveyor:

18 a. Licensure by Comity or Endorsement - A person holding
19 a certificate of licensure to engage in the practice
20 of land surveying issued by a proper authority of a
21 jurisdiction or possession of the United States or the
22 District of Columbia, based on comparable
23 qualifications satisfactory to the Board, will be
24 given comity consideration. However, the person may

1 be required to take such examinations as the Board
2 deems necessary to determine the person's
3 qualifications, but in any event, the person shall be
4 required to pass a written examination of such
5 duration as established by the Board, which shall
6 include questions on laws, procedures and practices
7 pertaining to land surveying in this state.

8 b. Graduation, Experience and Examination -

9 (1) A graduate of a surveying program of four (4)
10 years or more approved by the Board and a
11 specific record of four (4) years or more of
12 progressive combined office and field experience
13 satisfactory to the Board on land surveying
14 projects of a grade and character which indicates
15 to the Board that the applicant may be competent
16 to practice land surveying, of which no less than
17 two (2) years experience must be following the
18 date of the degree, who has also passed ~~an eight-~~
19 ~~hour written~~ a Board-approved NCEES examination
20 in the fundamentals of surveying as provided in
21 subparagraph a of paragraph 2 of this subsection,
22 shall be admitted to a ~~six-hour written~~ Board-
23 approved NCEES examination in the principles and
24 practice of surveying and a ~~two-hour~~ Board-

1 approved Oklahoma Law and Surveying ~~written~~
2 examination. Upon passing such examinations, the
3 applicant shall be granted a certificate of
4 licensure to practice land surveying in this
5 state, if otherwise qualified.

6 (2) A graduate of a surveying program of two (2)
7 years or more approved by the Board and a
8 specific record of six (6) years or more of
9 progressive combined office and field experience
10 satisfactory to the Board on land surveying
11 projects of a grade and character which indicates
12 to the Board that the applicant may be competent
13 to practice land surveying and who has also
14 passed ~~the eight-hour written~~ a Board-approved
15 NCEES examination in the fundamentals of
16 surveying as provided in subparagraph a of
17 paragraph 2 of this subsection shall be admitted
18 to a ~~six-hour written~~ Board-approved NCEES
19 examination in the principles and practice of
20 surveying and a ~~two-hour~~ Board-approved Oklahoma
21 Law and Surveying ~~written~~ examination. Upon
22 passing such examination, the applicant shall be
23 granted a certificate of licensure to practice
24

1 land surveying in this state, if otherwise
2 qualified.

3 c. Alternative Graduation, Experience and Examination -

4 (1) A graduate of other academic programs of two (2)
5 years or more, approved by the Board, which shall
6 include the Board-approved core curriculum in
7 surveying and a specific record of six (6) years
8 or more of progressive combined office and field
9 experience satisfactory to the Board on land
10 surveying projects of a grade and character which
11 indicates to the Board that the applicant may be
12 competent to practice land surveying who has
13 passed ~~an eight-hour written~~ a Board-approved
14 NCEES examination in the fundamentals of
15 surveying, as provided in division (1) of
16 subparagraph b of paragraph 2 of this subsection
17 shall be admitted to a ~~six-hour written~~ Board-
18 approved NCEES examination in the principles and
19 practice of surveying and a ~~two-hour~~ Board-
20 approved Oklahoma Law and Surveying written
21 examination. Upon passing such examination, the
22 applicant shall be granted a certificate of
23 licensure to practice land surveying in this
24 state, if otherwise qualified.

1 (2) An applicant who provides proof of completion of
2 sixty (60) credit hours, approved by the Board,
3 which shall include the Board-approved core
4 curriculum in surveying, and a specific record of
5 six (6) years or more of progressive combined
6 office and field experience satisfactory to the
7 Board on land surveying projects of a grade and
8 character which indicates to the Board that the
9 applicant may be competent to practice land
10 surveying, who has also passed ~~an eight-hour~~
11 ~~written~~ a Board-approved NCEES examination in the
12 fundamentals of surveying as provided in division
13 (2) of subparagraph b of paragraph 2 of this
14 subsection, shall be admitted to a ~~six-hour~~
15 ~~written~~ Board-approved examination in the
16 principles and practice of surveying and a ~~two-~~
17 ~~hour~~ Board-approved Oklahoma Law and Surveying
18 ~~written~~ examination. Upon passing such
19 examinations, the applicant shall be granted a
20 certificate of licensure to practice land
21 surveying in this state, if otherwise qualified.

22 d. Long Established Practice and Examination - An
23 applicant with a specific record of nine (9) years or
24 more of practice in land surveying of a grade and

1 character satisfactory to the Board which indicates to
2 the Board that the applicant may be competent to
3 practice land surveying shall be admitted to ~~an eight-~~
4 ~~hour-written~~ a Board-approved NCEES examination in the
5 fundamentals of land surveying, and, if passed, then
6 shall be admitted to a ~~six-hour-written~~ Board-approved
7 NCEES examination in the principles and practice of
8 surveying and a ~~two-hour~~ Board-approved Oklahoma Law
9 and Surveying ~~written~~ examination. Upon passing such
10 examinations, the applicant shall be granted a
11 certificate of licensure to practice land surveying in
12 this state, if otherwise qualified. Provided, after
13 July 1, 2014, "Long Established Practice and
14 Examination", as specified in this paragraph, shall
15 not be considered by the Board as minimum evidence
16 that an applicant is qualified for licensure as a
17 professional land surveyor.

18 2. As a land surveyor intern:

19 a. Graduation and Examination -

20 (1) A graduate of a surveying program of four (4)
21 years or more approved by the Board, or an
22 applicant who has completed sixty (60) semester
23 hours or more of academic requirements for
24 graduation, shall be admitted to ~~an eight-hour~~

1 ~~written~~ a Board-approved NCEES examination in the
2 fundamentals of surveying. Upon passing such
3 examination and providing proof of graduation,
4 the applicant shall be certified or enrolled as a
5 land surveyor intern, if otherwise qualified.

6 (2) A graduate of a surveying program of two (2)
7 years or more approved by the Board or an
8 applicant who has completed forty-five (45)
9 semester hours or more of academic requirements
10 for graduation from a two-year surveying program
11 approved by the Board shall be admitted to ~~an~~
12 ~~eight-hour written~~ a Board-approved NCEES
13 examination in the fundamentals of surveying.
14 Upon passing such examination and providing proof
15 of graduation, the applicant shall be certified
16 or enrolled as a land surveyor intern, if
17 otherwise qualified.

18 b. Alternative Graduation, Experience and Examination -

19 (1) A graduate of other academic programs of two (2)
20 years or more approved by the Board, which shall
21 include the Board-approved core curriculum in
22 surveying, or an applicant who has completed
23 forty-five (45) semester hours or more of
24 academic requirements for graduation, including

1 twenty-one (21) semester hours or more of the
2 core curriculum, from another academic program of
3 two (2) years or more approved by the Board,
4 shall be admitted to ~~an eight-hour written~~ a
5 Board-approved NCEES examination in the
6 fundamentals of surveying. Upon passing such
7 examination, providing proof of graduation and
8 providing proof of a specific record of one (1)
9 year or more of progressive experience
10 satisfactory to the Board on land surveying
11 projects of a grade and character which indicates
12 to the Board that the applicant may be competent
13 to practice land surveying, the applicant shall
14 be certified or enrolled as a land surveyor
15 intern, if otherwise qualified.

16 (2) An applicant who provides proof of completion of
17 sixty (60) credit hours approved by the Board,
18 which shall include the Board-approved core
19 curriculum in surveying, or an applicant who has
20 completed forty-five (45) semester hours or more
21 of academic requirements for graduation,
22 including twenty-one (21) semester hours or more
23 of the core curriculum, shall be admitted to ~~an~~
24 ~~eight-hour written~~ a Board-approved NCEES

1 examination in the fundamentals of surveying.
2 Upon passing such examination and providing proof
3 of a specific record of one (1) year or more of
4 progressive experience satisfactory to the Board
5 on land surveying projects of a grade and
6 character which indicates to the Board that the
7 applicant may be competent to practice land
8 surveying, the applicant shall be certified or
9 enrolled as a land surveyor intern, if otherwise
10 qualified.

11 SECTION 5. AMENDATORY 59 O.S. 2011, Section 475.14, is
12 amended to read as follows:

13 Section 475.14 A. The examination shall be held at such times
14 and places as the Board directs.

15 B. ~~Written examinations~~ Examinations may be taken only after
16 the applicant has met other minimum requirements as set forth in
17 Section 475.12 of this title, and has been authorized to seek
18 admission through NCEES or approved by the Board for admission to
19 one or more of the following examinations:

- 20 1. Fundamentals of Engineering;
- 21 2. Principles and Practice of Engineering;
- 22 3. Fundamentals of Surveying;
- 23 4. Principles and Practice of Surveying;
- 24 5. Oklahoma Law and Surveying; and

1 6. Oklahoma Law and Engineering.

2 C. A candidate failing an examination may apply for the next
3 available examination, as prescribed by NCEES policies and
4 procedures, which may be granted upon payment of an application fee
5 established by the Board if applicable.

6 D. The applicant shall pay all fees established by the Board
7 for examination documents and grading. ~~The Board will advise the~~
8 ~~applicant of the fees required, and the~~ The required fees shall be
9 paid by the applicant in advance of the examination.

10 E. The Board may prepare and adopt specifications for the
11 ~~written~~ examinations in engineering and land surveying. They shall
12 be ~~published and be~~ made available to the public and to any person
13 interested in being licensed as a professional engineer or as a
14 professional land surveyor.

15 F. For any examination that is administered by NCEES using
16 computer-based testing, a candidate shall only be administered the
17 examination during a specified time period as frequently as
18 prescribed by NCEES policies and procedures.

19 SECTION 6. AMENDATORY 59 O.S. 2011, Section 475.15, is
20 amended to read as follows:

21 Section 475.15 A. The Board shall issue to any applicant who,
22 in the opinion of the Board, has met the requirements of Section
23 475.1 et seq. of this title, a certificate of licensure giving the
24 licensee proper authority to practice in this state. The

1 certificate of licensure for a professional engineer shall carry the
2 designation "Professional Engineer" and for a professional land
3 surveyor, "Professional Land Surveyor". It shall give the full name
4 of the licensee with the licensure number and shall be signed by the
5 Chair and the Secretary under the seal of the Board.

6 B. This certificate shall be prima facie evidence that the
7 person named thereon is entitled to all rights, privileges and
8 responsibilities of a professional engineer or professional land
9 surveyor, while the certificate remains unrevoked and unexpired.

10 C. Each licensee hereunder may, upon licensure, obtain a seal,
11 the design and use of which are described in Board rules. It shall
12 be unlawful for a licensee to affix, or permit his or her seal or
13 signature to be affixed, to any document after the expiration or
14 revocation of a license, or for the purpose of aiding or abetting
15 any other person to evade or attempt to evade any provision of
16 Section 475.1 et seq. of this title. Whenever the seal is applied,
17 the document must be signed by the licensee thereby certifying that
18 he or she is competent in the subject matter and was in responsible
19 charge of the work product. Documents must be sealed and signed in
20 accordance with the Board rules whenever presented to a client, a
21 user or any public or governmental agency. Whenever the seal is
22 applied, the signature of the licensee and date of signature shall
23 be placed adjacent to or across the seal. Drawings, reports or
24 documents that are signed using a digital or electronic signature

1 must be done in a manner that is in direct control and personal
2 supervision of the professional engineer or professional land
3 surveyor and must conform to the specifications in the Board rules
4 regarding digital or electronic signatures. A professional
5 engineer, land surveyor or firm shall retain a hard copy or
6 electronic copy of all technical submissions produced for a minimum
7 of ten (10) years following the date of preparation.

8 D. The Board shall issue to any applicant who, in the opinion
9 of the Board, has met the requirements of Section 475.1 et seq. of
10 this title, a certificate as an engineer intern or land surveyor
11 intern which indicates that his or her name has been recorded as
12 such in the Board office. The engineer intern or land surveyor
13 intern certificate does not authorize the holder to practice as a
14 professional engineer or professional land surveyor.

15 SECTION 7. AMENDATORY 59 O.S. 2011, Section 475.18, is
16 amended to read as follows:

17 Section 475.18 A. The As provided in subsections A and B of
18 Section 475.8 of this title, the Board shall have the power to deny,
19 place on probation, suspend, revoke or refuse to issue, ~~restore or~~
20 ~~renew a certificate of authorization for a firm, or a certificate of~~
21 ~~licensure of, or place on probation,~~ license, or fine or, reprimand
22 any firm, professional engineer, professional land surveyor or
23 engineer intern or land surveyor intern who, issue orders, levy

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1 administrative fines or seek other penalties, if a person or entity
2 is found guilty of:

3 1. The practice of any fraud or deceit in obtaining or
4 attempting to obtain or renew a certificate of licensure, or a
5 certificate of authorization or in taking the examinations
6 administered by the Board or its authorized representatives;

7 2. Any fraud, misrepresentation, gross negligence,
8 incompetence, misconduct or dishonest practice, in the practice of
9 engineering or land surveying;

10 3. Conviction of or entry of a plea of guilty or nolo
11 contendere to any crime under the laws of the United States, or any
12 state or territory thereof, which is a felony, whether related to
13 practice or not; and conviction of or entry of a plea of guilty or
14 nolo contendere to any crime, whether a felony, misdemeanor, or
15 otherwise, an essential element of which is dishonesty or which is
16 related to the practice of engineering or land surveying;

17 4. Failure to comply with any of the provisions of Section
18 475.1 et seq. of this title or any of the rules or regulations
19 pertaining thereto;

20 5. Violation of the laws or rules of another state, territory,
21 the District of Columbia, a foreign country, the United States
22 government, or any other governmental agency, if at least one of the
23 violations is the same or substantially equivalent to those
24 contained in this section;

1 6. Failure, within thirty (30) days, to provide information
2 requested by the Board as a result of a formal or informal complaint
3 to the Board which would indicate a violation of Section 475.1 et
4 seq. of this title;

5 7. Knowingly making false statements or signing false
6 statements, certificates or affidavits;

7 8. Aiding or assisting another person or entity in violating
8 any provision of Section 475.1 et seq. of this title or the rules or
9 regulations pertaining thereto;

10 9. Violation of any terms ~~of probation or suspension~~ imposed by
11 the Board, or using a seal or practicing engineering or land
12 surveying while the professional engineer's license or land
13 surveyor's license is suspended, revoked, nonrenewed, retired or
14 inactive;

15 10. Signing, affixing the professional engineer's or land
16 surveyor's seal, or permitting the professional engineer's or land
17 surveyor's seal or signature to be affixed to any specifications,
18 reports, drawings, plans, design information, construction
19 documents, calculations, other documents, or revisions thereof,
20 which have not been prepared by, or under the direct control and
21 personal supervision of the professional engineer or land surveyor
22 in responsible charge;

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1 11. Engaging in dishonorable, unethical or unprofessional
2 conduct of a character likely to deceive, defraud or harm the
3 public;

4 12. Providing false testimony or information to the Board;

5 13. Habitual intoxication or addiction to the use of alcohol or
6 to the illegal use of a controlled dangerous substance;

7 14. Performing engineering or surveying services outside any of
8 the licensee's areas of competence; and

9 15. Violating the Oklahoma Minimum Standards for the Practice
10 of Land Surveying; ~~and~~

11 ~~16. Nonpayment of fees when due, or nonpayment for a period~~
12 ~~longer than ninety (90) days after the due date for payment of~~
13 ~~costs, or administrative penalties assessed by the Board shall~~
14 ~~result in revocation of the certificate of authorization or~~
15 ~~certificate of licensure.~~

16 B. The Board shall prepare and adopt Rules of Professional
17 Conduct for Professional Engineers and Land Surveyors as provided
18 for in Section 475.8 of this title, which shall be made available in
19 writing to every licensee and applicant for licensure under Section
20 475.1 et seq. of this title. The Board may revise and amend these
21 Rules of Professional Conduct for Professional Engineers and Land
22 Surveyors from time to time and shall notify each licensee, in
23 writing, of such revisions or amendments.

24 C. ~~The Board shall have the power to:~~

1 ~~1. Revoke a certificate of authorization;~~

2 ~~2. Suspend a certificate of authorization for a period of time,~~
3 ~~not exceeding two (2) years, of any firm of which one or more of its~~
4 ~~officers or directors have been guilty of any conduct which would~~
5 ~~authorize a revocation or suspension of their certificates of~~
6 ~~licensure under the provisions of this section;~~

7 ~~3. Place a licensee on probation for a period of time and~~
8 ~~subject to such conditions as the Board may specify; or~~

9 ~~4. Levy an administrative penalty.~~

10 ~~D.~~ Principals of a firm who do not obtain a certificate or
11 authorization as required by Section 475.1 et seq. of this title may
12 be subject to disciplinary action of individual licensure.

13 SECTION 8. AMENDATORY 59 O.S. 2011, Section 475.21, is
14 amended to read as follows:

15 Section 475.21 A. The practice of or offer to practice
16 engineering or land surveying by firms authorized under Section
17 475.1 et seq. of this title, or by more than one person acting
18 individually through a firm, is permitted provided:

19 1. The person(s) in responsible charge of such practice and all
20 personnel who act in behalf of said firm in professional engineering
21 and land surveying matters in this state are licensed under Section
22 475.1 et seq. of this title; and

23 2. Said firm has been issued a certificate of authorization by
24 the Board.

1 B. An engineering or land surveying firm desiring a certificate
2 of authorization shall file with the Board an application, using a
3 form provided by the Board, and provide all the information required
4 by the Board. The Board shall prescribe a form to be filed with the
5 renewal fee and which shall be updated within thirty (30) days of
6 the time any information contained on the form is changed or differs
7 for any reason. If, in the Board's judgment, the information
8 contained on the form warrants such action, the Board shall issue a
9 certificate of authorization for said firm to practice engineering
10 and/or land surveying.

11 No such firm shall be relieved of responsibility for the conduct
12 or acts of its agents, employees, officers or partners by reason of
13 its compliance with the provisions of this section. No individual
14 practicing engineering or land surveying, pursuant to the provisions
15 of Section 475.1 et seq. of this title, shall be relieved of
16 responsibility for engineering or land surveying services performed
17 by reason of employment or other relationship with a firm holding a
18 certificate of authorization.

19 C. The Secretary of State shall not issue a certificate of
20 incorporation to an applicant or a registration as a foreign firm to
21 a firm which includes among the objectives for which it is
22 established any of the words "Engineer", "Engineering", "Surveyor",
23 "Land Surveying" or any modification or derivation thereof unless
24 the Board(s) of Licensure for these professions has issued for said

1 applicant a certificate of authorization or a letter indicating the
2 eligibility of such applicant to receive such a certificate. The
3 firm applying shall supply such certificate or letter from the Board
4 with its application for incorporation or registration.

5 D. The Secretary of State shall decline to register any trade
6 name or service mark which includes such words, as set forth in
7 subsection C of this section, or modifications or derivatives
8 thereof in its firm name or logotype except those firms holding
9 certificates of authorization issued under the provisions of this
10 section.

11 E. The certificate of authorization shall be renewed as
12 hereinbefore provided in Section 475.16 of this title.

13 F. An engineer or land surveyor designated in responsible
14 charge of the professional activities of a firm for the purposes of
15 this section shall be a full-time employee of the firm. A licensee
16 who performs only part-time, occasional, or consulting services for
17 a firm shall not qualify as a person designated in responsible
18 charge.

19 G. Out-of-state firms authorized to perform engineering
20 services in Oklahoma may have one or more branch offices located in
21 Oklahoma only if the firm has a professional engineer designated
22 responsible and in charge of the firm's professional practice in
23 this state. The professional engineer designated for this purpose
24 shall be required to spend a majority of normal business hours at

1 one or more branch offices located in Oklahoma and be duly licensed
2 as a professional engineer in this state. The professional engineer
3 designated shall be responsible for:

4 1. Maintaining the firm's certificate of authorization;

5 2. Overall administrative supervision of the firm's licensed
6 and subordinate personnel who provide the engineering work in this
7 state; and

8 3. The institution of and adherence to policies of the firm
9 that shall be in accordance with the Rules of Professional Conduct.

10 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-4-12 - DO
11 PASS, As Amended.

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