

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 1496

6 By: Newberry

7 COMMITTEE SUBSTITUTE

8 An Act relating to engineers; amending 59 O.S. 2011,
9 Sections 475.2, as amended by Section 1, Chapter 139,
10 O.S.L. 2012, 475.3, as amended by Section 1, Chapter
11 56, O.S.L. 2014, 475.4, 475.8, as amended by Section
12 2, Chapter 139, O.S.L. 2012, 475.9, as amended by
13 Section 3, Chapter 139, O.S.L. 2012, 475.10, 475.11,
14 475.12, as amended by Section 4, Chapter 139, O.S.L.
15 2012, 475.13, 475.14, as amended by Section 5,
16 Chapter 139, O.S.L. 2012, 475.15, as amended by
17 Section 6, Chapter 139, O.S.L. 2012, 475.16, 475.18,
18 as last amended by Section 3, Chapter 183, O.S.L.
19 2015, 475.19, 475.20, 475.21, as amended by Section
20 8, Chapter 139, O.S.L. 2012 and 475.22 (59 O.S. Supp.
21 2015, Sections 475.2, 475.3, 475.8, 475.9, 475.12,
22 475.14, 475.15, 475.18 and 475.21), which relate to
23 definitions, qualifications of board members, powers
24 of board, expenditures, annual reports, rosters,
qualifications for licensure, applications,
examinations, certificates, term of certificates,
disciplinary actions, allegation of violations, civil
and criminal penalties, condition for practice and
exceptions; modifying definitions; modifying
language; applying act to non-licensees; authorizing
surrender of license; providing for scholarships and
programs; classifying employees; modifying
qualifications for certain licensure; deleting
language; requiring continuing education; deleting
surrender of license; providing legal counsel to be
paid from board funds; providing for a managing
agent; providing for temporary permit; construing
acts of certain agent for land surveying purposes;
and providing an effective date.

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

2 SECTION 1. AMENDATORY 59 O.S. 2011, Section 475.2, as
3 amended by Section 1, Chapter 139, O.S.L. 2012 (59 O.S. Supp. 2015,
4 Section 475.2), is amended to read as follows:

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

6 1. "Engineer" means a person who, by reason of special
7 knowledge and use of the mathematical, physical and engineering
8 sciences and the principles and methods of engineering analysis and
9 design, acquired by engineering education and engineering
10 experience, is qualified, after meeting the requirements of Section
11 475.1 et seq. of this title and the regulations issued by the Board
12 pursuant thereto, to engage in the practice of engineering;

13 2. "Professional engineer" or "P.E." means a person who has
14 been duly licensed as a professional engineer as provided in Section
15 475.1 et seq. of this title and the regulations issued by the Board
16 pursuant thereto;

17 3. "Engineer intern" or "E.I." means a person who complies with
18 the requirements for education ~~and experience~~ and has passed an
19 examination in the fundamental engineering subjects, as provided in
20 Section 475.1 et seq. of this title and the regulations issued by
21 the Board pursuant thereto;

22 4. "Practice of engineering" means any service or creative
23 work, ~~the adequate performance of which requires~~ requiring
24 engineering education, training and experience in the application of

1 ~~special knowledge of the mathematical, physical and engineering~~
2 ~~sciences~~ engineering principles and the interpretation of
3 engineering data to engineering activities that may impact the life,
4 health, property and welfare of the public. The services may
5 include, but are not limited to, such services or creative work as:

- 6 a. consultation,
- 7 b. investigation,
- 8 c. evaluation,
- 9 d. planning and design of engineering works and systems,
- 10 e. planning the engineering use of land and water,
- 11 f. teaching of advanced engineering subjects or courses
12 related thereto,
- 13 g. engineering research,
- 14 h. engineering surveys,
- 15 i. engineering studies, ~~and~~
- 16 j. engineering reports,
- 17 k. the inspection or review of construction for the
18 purposes of assuring compliance with drawings and
19 specifications, and
- 20 l. the creation of engineering reports or like material
21 developed in connection with expert witness testimony
22 or anticipated testimony;

23 any of which embraces such services or work, either public or
24 private, in connection with any utilities, structures, buildings,

1 machines, equipment, processes, work systems, projects,
2 communication systems, transportation systems and industrial or
3 consumer products or equipment of a mechanical, electrical,
4 chemical, environmental, hydraulic, pneumatic, thermal, control
5 system or communications nature, insofar as they involve
6 safeguarding life, health or property, and including such other
7 professional services as may be necessary to the design review and
8 integration of a multidiscipline work, planning, progress and
9 completion of any engineering services.

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

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

24

1 A person or entity shall be construed to practice or offer to
2 practice engineering, within the meaning and intent of Section 475.1
3 et seq. of this title who does any of the following: practices any
4 branch of the profession of engineering; by verbal claim, sign,
5 advertisement, letterhead, card or in any other way represents such
6 person to be a professional engineer, through the use of some other
7 title implies that any person is a professional engineer or is
8 licensed or qualified under Section 475.1 et seq. of this title; or
9 who represents qualifications or ability to perform or who does
10 practice engineering;

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

21 6. "Land surveyor intern" or "L.S.I." means a person who
22 complies with the requirements for education ~~and experience~~, and has
23 passed an examination in the fundamental land surveying subjects, as
24

1 provided in Section 475.1 et seq. of this title and regulations
2 issued by the Board pursuant thereto;

3 7. a. "Practice of land surveying" means any authorities
4 service or work performed to a stated accuracy, the
5 adequate performance of which involves the application
6 of special knowledge of the principles of mathematics,
7 methods of measurement, and the law for the
8 determination and preservation of land boundaries.

9 "Practice of land surveying" includes, without
10 limitation:

11 (1) restoration and rehabilitation of corners and
12 boundaries in the United States Public Land
13 Survey System or the subdivision thereof,

14 (2) obtaining and evaluating evidence for the
15 accurate determination of land boundaries,

16 ~~(3) determination of the areas and elevations of land
17 parcels for a survey,~~

18 ~~(4)~~ monumenting the subdivision of land parcels into
19 smaller parcels and the preparation of the
20 descriptions in connection therewith,

21 ~~(5)~~

22 (4) measuring and platting underground mine workings,

23 ~~(6)~~

24

1 (5) creation, preparation of the control or modifying
2 electronic or computerized data including
3 portions of geographic information systems and
4 land information systems, relative to the
5 performance of the practice of land surveying,

6 ~~(7)~~

7 (6) establishment, restoration, and rehabilitation of
8 land survey monuments and bench marks,

9 ~~(8)~~

10 (7) preparation of land survey plats, condominium
11 plats, monument records, and survey reports,

12 ~~(9)~~

13 (8) surveying, monumenting, and platting of
14 easements, and rights-of-way,

15 ~~(10)~~

16 (9) measuring, locating, or establishing lines,
17 angles, elevations, natural and man-made features
18 in the air, on the surface of the earth, within
19 underground workings, and on the beds of bodies
20 of water for the purpose of determining areas and
21 volumes for a survey, the configuration or
22 contour of the earth's surface, and the position
23 of fixed objects on the earth's surface,

24 ~~(11)~~

1 (10) geodetic surveying, and

2 ~~(12)~~

3 (11) any other activities incidental to and necessary
4 for the adequate performance of the services
5 described in this paragraph.

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

19 ~~e. A person shall not be construed to practice or offer~~
20 ~~to practice land surveying, within the meaning and~~
21 ~~intent of Section 475.1 et seq. of this title, who~~
22 ~~merely acts as an agent of a purchaser of land~~
23 ~~surveying services. Agents of a purchaser of land~~
24 ~~surveying services include, but are not limited to,~~

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

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

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

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

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

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

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

16 14. "Related science degree" means a bachelor's degree from an
17 ETAC/ABET accredited engineering technology program of four (4)
18 years or more. A degree of four (4) years or more in architecture,
19 mathematical, physical or engineering sciences may be considered as
20 a related science degree if it was obtained from an accredited
21 university with an EAC/ABNET or ETAC/ABET accreditation in a program
22 of engineering and must include a minimum of eight (8) hours of
23 mathematics beyond trigonometry, including calculus, and twenty (20)
24 hours of engineering sciences or related sciences, including

1 physics. Non-accredited technology or engineering degree programs
2 must meet the above requirements to be considered a related science
3 degree; and

4 15. "Authoritative" means being presented as trustworthy and
5 competent when used to describe products, processes, applications or
6 data resulting from the practice of land surveying.

7 SECTION 2. AMENDATORY 59 O.S. 2011, Section 475.3, as
8 amended by Section 1, Chapter 56, O.S.L. 2014 (59 O.S. Supp. 2015,
9 Section 475.3), is amended to read as follows:

10 Section 475.3. A. The State Board of Licensure for
11 Professional Engineers and Land Surveyors is hereby re-created, to
12 continue until July 1, 2020, in accordance with the provisions of
13 the Oklahoma Sunset Law, whose duty it shall be to administer the
14 provisions of Section 475.1 et seq. of this title. The Board shall
15 consist of four professional engineers and two professional land
16 surveyors, at least one of whom is not a professional engineer, all
17 of whom shall be appointed by the Governor, with the advice and
18 consent of the Senate. The Governor shall also appoint one lay
19 member. The professional engineers and professional land surveyors
20 shall be appointed by the Governor ~~preferably from a list of~~
21 ~~nominees submitted by the respective professional engineering or~~
22 ~~land surveying societies of this state,~~ and shall have the
23 qualifications required by Section 475.4 of this title.

24

1 B. Each member of the Board shall file with the Secretary of
2 State a written oath or affirmation for the faithful discharge of
3 official duties.

4 C. Appointments to the Board shall be in such manner and for
5 such period of time so that no two terms, with the exception of the
6 lay member, shall expire in the same year. On the expiration of the
7 term of any member, except the lay member, the Governor shall in the
8 manner herein provided appoint for a term of six (6) years a
9 professional engineer or professional land surveyor having the
10 qualifications required in Section 475.4 of this title. The lay
11 member of the Board shall be appointed by the Governor to a term
12 coterminous with that of the Governor. The lay member shall serve
13 at the pleasure of the Governor. Provided, the lay member may
14 continue to serve after the expiration of the member's term until
15 such time as a successor is appointed. Members may be reappointed
16 to succeed themselves. Each member may hold office until the
17 expiration of the term for which appointed or until a successor has
18 been duly appointed and has qualified. In the event of a vacancy on
19 the Board due to resignation, death or for any cause resulting in an
20 unexpired term, if not filled within three (3) months, the Board may
21 appoint a provisional member to serve in the interim until the
22 Governor acts.

23 SECTION 3. AMENDATORY 59 O.S. 2011, Section 475.4, is
24 amended to read as follows:

1 Section 475.4. Each professional engineer member of the Board
2 shall be a citizen of the United States and resident of this state.
3 The member shall have been engaged in the lawful practice of
4 engineering as a professional engineer for at least ten (10) years.
5 The member shall have been in responsible charge of engineering
6 projects for at least five (5) years and shall be a licensed
7 professional engineer in this state. Each professional land
8 surveyor member of the Board shall be a citizen of the United States
9 and a resident of this state. The member shall have been engaged in
10 the lawful practice of land surveying as a professional land
11 surveyor for at least ten (10) years. The member shall have been in
12 responsible charge of land surveying projects for at least five (5)
13 years and shall be a licensed professional land surveyor in this
14 state.

15 SECTION 4. AMENDATORY 59 O.S. 2011, Section 475.8, as
16 amended by Section 2, Chapter 139, O.S.L. 2012 (59 O.S. Supp. 2015,
17 Section 475.8), is amended to read as follows:

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

1 performance of its duties and the regulation of its proceedings,
2 meetings, records, examinations and the conduct thereof. These
3 actions by the Board shall be binding upon persons licensed under
4 Section 475.1 et seq. of this title, on non-licensees found by the
5 Board to be in violation of Section 475.1 et seq. of this title, and
6 shall be applicable to firms holding or that should hold a
7 certificate of authorization. The Board shall adopt and have an
8 official seal, which shall be affixed to each certificate issued.
9 The Board shall 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 professional land surveying services;
16 ~~and~~
17 4. Upon good cause shown, as hereinafter provided, deny the
18 issuance, restoration or renewal of, or place on probation for a
19 period of time and subject to such conditions as the Board may
20 specify, a certificate of licensure or certificate of authorization
21 or suspend, revoke or refuse to renew certificates of licensure or
22 certificates of authorization previously issued, and upon proper
23 showing to review, affirm, reverse, vacate or modify its orders with
24

1 respect to such denial, suspension, revocation or refusal to renew;
2 and

3 5. The Board may elect to accept the surrender of any
4 certificate of licensure or certificate of authorization by a
5 licensee in lieu of an administrative fine, but the licensee shall
6 be permanently barred from obtaining a re-issuance of the
7 surrendered certificate of licensure or certificate of authority.

8 B. The Board is hereby authorized to levy administrative
9 penalties against any person or entity who or which violates any of
10 the provisions of Section 475.1 et seq. of this title or any rule or
11 regulation promulgated pursuant thereto. The Board is hereby
12 authorized to initiate disciplinary, prosecutorial and injunctive
13 proceedings against any person or entity who or which has violated
14 any of the provisions of Section 475.1 et seq. of this title or any
15 rule or regulation of the Board promulgated pursuant thereto. The
16 Board shall investigate alleged violations of the provisions of
17 Section 475.1 et seq. of this title or of the rules or regulations,
18 orders or final decisions of the Board.

19 C. The Board is hereby authorized to acquire by purchase,
20 lease, gift, solicitation of gift or by any other lawful means, and
21 maintain, use and operate real property and improvements; contract
22 for the maintenance, use, and operation of or lease of any and all
23 real property and improvements; lease or sublease any part of real
24 property and improvements acquired pursuant to this section to

1 public entities, private entities, or private persons, on any terms
2 and for any consideration deemed appropriate by the Board, subject
3 to restrictions in purchase or lease documents relating to property
4 acquired; provided, all contracts for real property and improvements
5 shall be subject to the provisions of Section 63 of Title 74 of the
6 Oklahoma Statutes.

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

18 E. The Board is hereby authorized in the name of the state to
19 apply for relief by injunction in the established manner provided in
20 cases of civil procedure, without bond, to enforce the provisions of
21 Section 475.1 et seq. of this title, or to restrain any violation
22 thereof. In such proceedings, it shall not be necessary to allege
23 or prove either that an adequate remedy at law does not exist or
24 that substantial or irreparable damage would result from the

1 continued violation thereof. The members of the Board shall not be
2 personally liable under this proceeding.

3 F. The Board may subject an applicant for licensure or a
4 licensee to such examinations as it deems necessary to determine the
5 applicant's or licensee's qualifications. The Board may dispose of
6 a formal complaint against a licensee for a violation of Section
7 475.1 et seq. of this title by an order that a licensee shall
8 complete the examinations as the Board deems necessary to determine
9 the qualifications of the licensee, and upon the initial failure or
10 refusal to successfully complete the examination, within the time
11 ordered, place conditions on the license of the licensee to practice
12 and order other remedies until competence is demonstrated.

13 G. No action or other legal proceedings for damages shall be
14 instituted against the Board or against any Board member or employee
15 of the Board for any act done in good faith and in the intended
16 performance of any power granted under Section 475.1 et seq. of this
17 title or for any neglect or default in the performance or exercise
18 in good faith of any such duty or power.

19 H. The Board may give scholarships, as determined by the Board,
20 to an individual or individuals advancing toward obtaining an EAC,
21 TAC/ABET or Board-approved accredited degree in engineering or land
22 surveying at an Oklahoma higher education institution, and take such
23 other action as may be reasonably necessary or appropriate to
24 effectuate the State Board of Licensure for Professional Engineers

1 and Land Surveyor's Board. The Board may, at its discretion,
2 contract with other state agencies and nonprofit corporations for
3 the endowment, management, and administration of scholarships. The
4 requirements of such scholarships shall be determined by the Board.
5 However, nothing contained herein shall be construed as requiring
6 the Board to endow or award any scholarship.

7 I. The Board may use its funds to establish and conduct
8 instructional programs for persons who are currently licensed to
9 practice engineering or land surveying, as well as refresher courses
10 for persons interested in obtaining adequate instruction or programs
11 of study to qualify them for licensure to practice engineering or
12 land surveying. The Board may expend its funds for these purposes
13 and may conduct, sponsor, and arrange for instructional programs and
14 also may carry out instructional programs through extension courses
15 or other media. The Board may enter into plans or agreements with
16 community colleges, public or private institutions of higher
17 learning, state board of education, or with Oklahoma Department of
18 Career and Technology Education for the purpose of planning,
19 scheduling or arranging courses, instruction, extension courses, or
20 in assisting in obtaining courses of study or programs in the fields
21 of engineering and land surveying. The Board shall encourage the
22 educational institutions in Oklahoma to offer courses necessary to
23 complete the educational requirements of Section 475.1 et seq. of
24 this title. For the purpose of carrying out these objectives, the

1 Board may adopt rules as may be necessary for the educational
2 programs, instruction, extension services, or for entering into
3 plans or contracts with persons or educational institutions and the
4 Oklahoma Department of Career and Technology Education.

5 SECTION 5. AMENDATORY 59 O.S. 2011, Section 475.9, as
6 amended by Section 3, Chapter 139, O.S.L. 2012 (59 O.S. Supp. 2015,
7 Section 475.9), is amended to read as follows:

8 Section 475.9. A. The Executive Director of the State Board of
9 Licensure for Professional Engineers and Land Surveyors shall be
10 responsible for accounting for all monies derived under the
11 provisions of Section 475.1 et seq. of this title. This fund shall
12 be known as the "Professional Engineers and Land Surveyors Fund",
13 and shall be deposited with the State Treasurer, and shall be paid
14 out only upon requisitions submitted by the Secretary or Executive
15 Director. All monies in this fund are hereby specifically
16 appropriated for the use of the Board, and at the end of each fiscal
17 year the Board shall pay into the General Revenue Fund of the state
18 an amount equal to ten percent (10%) of all licensure and
19 certification fees in compliance with Section 211 of Title 62 of the
20 Oklahoma Statutes.

21 B. The Board shall obtain an office, secure such facilities,
22 and employ, direct, discharge and define the duties and salaries of
23 an Executive Director, Principal Assistant, Director of Enforcement,
24 Board Investigator and all other such clerical or other assistants

1 as are necessary for the proper performance of its work. All
2 employees of the Board, current or future, shall be considered in
3 the unclassified service and shall not be placed under the
4 classified service. The Board shall make expenditures from the fund
5 created in subsection A of this section for any purpose which, in
6 the opinion of the Board, is reasonably necessary for the proper
7 performance of its duties under Section 475.1 et seq. of this title,
8 including examination administration fees, the expenses of the
9 Board's delegates to meetings of and membership fees to the National
10 Council of Examiners for Engineering and Surveying, meaning the
11 national nonprofit organization composed of engineering and land
12 surveying licensing boards commonly called NCEES, and any of its
13 subdivisions, as provided in the State Travel Reimbursement Act,
14 Section 500.1 et seq. of Title 74 of the Oklahoma Statutes. Under
15 no circumstances shall the total amount of warrants issued in
16 payment of the expenses and compensation provided for in Section
17 475.1 et seq. of this title exceed the amount of monies in the fund.

18 SECTION 6. AMENDATORY 59 O.S. 2011, Section 475.10, is
19 amended to read as follows:

20 Section 475.10. A. The Board shall keep a record of its
21 proceedings and of all applications for licensure, which record
22 shall show:

23 1. The name, date of birth and last-known address of each
24 applicant;

- 1 2. The date of application;
- 2 3. The place of business of the applicant;
- 3 4. The education, experience and other qualifications of the
- 4 applicant;
- 5 5. The type of examination required;
- 6 6. Whether or not the applicant was rejected;
- 7 7. Whether or not a certificate of licensure was granted;
- 8 8. The date of the action of the Board; and
- 9 9. Such other information as may be deemed necessary by the
- 10 Board.

11 B. The record of the Board shall be prima facie evidence of the
12 proceedings of the Board and a transcript thereof, duly certified by
13 the Secretary or Executive Director under seal, shall be admissible
14 as evidence with the same force and effect as if the original were
15 produced.

16 C. The Board shall submit, upon request from the Governor, a
17 report of its transactions of the preceding year, including a
18 complete statement of the receipts and expenditures of the Board,
19 attested by affidavits of its ~~Chairman~~ Chair and its Secretary.

20 D. Board records and papers of the following class may be kept
21 confidential by the Board: examination materials, file records of
22 examination problem solutions, exam scores or results, letters of
23 inquiry and reference concerning applicants, transcripts of college
24 courses and grades, e-mail addresses, on-going investigation files,

1 closed complaints, information otherwise protected by law and all
2 other matters of like confidential nature.

3 SECTION 7. AMENDATORY 59 O.S. 2011, Section 475.11, is
4 amended to read as follows:

5 Section 475.11. Complete rosters showing the names and last-
6 known mailing addresses of all professional engineers and
7 professional land surveyors shall be maintained and made available
8 to the licensees and the public.

9 SECTION 8. AMENDATORY 59 O.S. 2011, Section 475.12, as
10 amended by Section 4, Chapter 139, O.S.L. 2012 (59 O.S. Supp. 2015,
11 Section 475.12), is amended to read as follows:

12 Section 475.12. A. Engineer

13 To be eligible for consideration for licensure as a professional
14 engineer, or certification as an engineer intern, an applicant must
15 be of good character and reputation and shall submit five references
16 with application for licensure as a professional engineer, three of
17 which shall be professional engineers having personal knowledge of
18 the applicant's engineering experience, or, in the case of an
19 application for certification as an engineer intern, by three
20 character references.

21 One of the following shall be considered as minimum evidence
22 satisfactory to the Board that the applicant is qualified for
23 licensure as a professional engineer, or for certification as an
24 engineer intern, respectively:

1 1. As a professional engineer:

2 a. Licensure by Comity or Endorsement - A person holding
3 a certificate of registration or licensure to engage
4 in the practice of engineering issued by a proper
5 authority of a jurisdiction or possession of the
6 United States or the District of Columbia, based on
7 requirements that do not conflict with the provisions
8 of Section 475.1 et seq. of this title and possessing
9 credentials that are, in the judgment of the Board, of
10 a standard not lower than that specified in the
11 applicable licensure act in effect in this state at
12 the time such certificate was issued, may, upon
13 application, be licensed without further examination
14 except as required to present evidence of knowledge of
15 statutes, rules and design requirements unique to this
16 state.

17 b. Graduation, Experience and Examination - A graduate of
18 an engineering program of four (4) years or more
19 approved by the Board as being of satisfactory
20 standing, and following the date of degree, a specific
21 record of an additional four (4) years or more of
22 progressive experience on engineering projects of a
23 grade and character which indicates to the Board that
24 the applicant may be competent to practice

1 engineering, who has also passed a Board-approved
2 NCEES examination in the fundamentals of engineering
3 as provided in subparagraph a of paragraph 2 of this
4 subsection, shall be admitted to a Board-approved
5 NCEES examination in the principles and practice of
6 engineering. Upon passing such examinations, as well
7 as an examination in knowledge of statutes, rules and
8 design requirements unique to this state, the
9 applicant shall be granted a certificate of licensure
10 to practice engineering in this state, if otherwise
11 qualified. The Board may waive the fundamentals of
12 engineering examination requirement for the issuance
13 of a license if the applicant possesses sufficient
14 progressive experience on engineering projects to
15 indicate to the Board that the applicant may be
16 competent to practice engineering. The Board shall
17 evaluate all elements of the application, according to
18 Board rules, to assess waiver requests.

19 c. Alternative Graduation, Experience and Education - A
20 graduate of an engineering or related science program
21 of four (4) years or more, other than the ones
22 approved by the Board and following the date of
23 degree, a specific record of six (6) years or more of
24 progressive experience on engineering projects of a

1 character and grade which indicates to the Board that
2 the applicant may be competent to practice engineering
3 who has also passed a Board-approved NCEES examination
4 in the fundamentals of engineering as provided in
5 subparagraph b of paragraph 2 of this subsection,
6 shall be admitted to a Board-approved NCEES
7 examination in the principles and practice of
8 engineering. Upon passing such examination, as well
9 as an examination in knowledge of statutes, rules and
10 design requirements unique to this state, the
11 applicant shall be granted a certificate of licensure
12 to practice engineering in this state, if otherwise
13 qualified. The Board may waive the fundamentals of
14 engineering examination requirement for the issuance
15 of a license if the applicant possesses sufficient
16 progressive experience on engineering projects to
17 indicate to the Board that the applicant may be
18 competent to practice engineering. The Board shall
19 evaluate all elements of the application, according to
20 Board rules, to assess waiver requests.

- 21 d. A four-year degree in a science not considered a
22 related science degree by the Board must be followed
23 by a Masters Degree in engineering from an institution
24 with a comparable EAC/ABET accredited undergraduate

1 engineering program before being considered for
2 approval as a related science degree by the Board.
3 Foreign degrees not determined by the Board to be
4 substantially equivalent to an EAC/ABET accredited
5 engineering degree may be considered following a
6 degree evaluation by an evaluation service approved by
7 the Board. The maximum equivalency granted for all
8 foreign degrees, except those determined to be
9 substantially equivalent to an EAC/ABET accredited
10 engineering degree, shall be that of a related science
11 degree.

12 2. As an engineer intern:

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

- 15 a. Graduation and Examination - A graduate of an
16 engineering program of four (4) years or more approved
17 by the Board, or an applicant who has completed ninety
18 (90) semester hours or more of academic requirements
19 for graduation, shall be admitted to a Board-approved
20 NCEES examination in the fundamentals of engineering.
21 Upon passing such examination and providing proof of
22 graduation, the applicant shall be certified or
23 enrolled as an engineer intern, if otherwise
24 qualified.

1 b. Alternative Graduation, Experience and Examination - A
2 graduate of an engineering or related science
3 curriculum of four (4) years or more, other than the
4 ones approved by the Board or an applicant who has
5 completed ninety (90) semester hours or more of
6 academic requirements for graduation, shall be
7 admitted to a Board-approved NCEES examination in the
8 fundamentals of engineering. Upon passing such
9 examination, providing proof of graduation and
10 providing proof of a specific record of one (1) year
11 or more of progressive engineering experience in
12 engineering projects of a grade and character
13 satisfactory to the Board, the applicant shall be
14 certified or enrolled as an engineer intern, if
15 otherwise qualified.

16 c. A four-year degree in a science not considered a
17 related science degree by the Board must be followed
18 by a Masters Degree in engineering from an institution
19 with a comparable EAC/ABET accredited undergraduate
20 engineering program before being considered for
21 approval as a related science degree by the Board.
22 Foreign degrees not determined by the Board to be
23 substantially equivalent to an EAC/ABET accredited
24 engineering degree may be considered following a

1 degree evaluation by an evaluation service approved by
2 the Board. The maximum equivalency granted for all
3 foreign degrees, except those determined to be
4 substantially equivalent to an EAC/ABET accredited
5 engineering degree, shall be that of a related science
6 degree.

7 B. Land Surveyor

8 To be eligible for consideration for licensure as a professional
9 land surveyor or certification as a land surveyor intern, an
10 applicant must be of good character and reputation and shall submit
11 five references with application for licensure as a professional
12 land surveyor, three of which shall be licensed land surveyors
13 having personal knowledge of the applicant's land surveying
14 experience; or in the case of an applicant for certification as a
15 land surveyor intern, by three character references.

16 The evaluation of a professional land surveyor applicant's
17 qualifications shall include consideration of the applicant's
18 education, technical and land surveying experience, and
19 recommendations by references.

20 ~~One of the~~ The following shall be considered as minimum evidence
21 satisfactory to the Board that the applicant is qualified for
22 licensure as a professional land surveyor or for certification as a
23 land surveyor intern, respectively.

24 ~~1. As a land surveyor:~~

1 ~~a. Licensure by Comity or Endorsement — A person holding~~
2 ~~a certificate of licensure to engage in the practice~~
3 ~~of land surveying issued by a proper authority of a~~
4 ~~jurisdiction or possession of the United States or the~~
5 ~~District of Columbia, based on comparable~~
6 ~~qualifications satisfactory to the Board, will be~~
7 ~~given comity consideration. However, the person may~~
8 ~~be required to take such examinations as the Board~~
9 ~~deems necessary to determine the person's~~
10 ~~qualifications, but in any event, the person shall be~~
11 ~~required to pass a written examination of such~~
12 ~~duration as established by the Board, which shall~~
13 ~~include questions on laws, procedures and practices~~
14 ~~pertaining to land surveying in this state.~~

15 ~~b. Graduation, Experience and Examination —~~

16 ~~(1) A graduate of a surveying program of four (4)~~
17 ~~years or more approved by the Board and a~~
18 ~~specific record of four (4) years or more of~~
19 ~~progressive combined office and field experience~~
20 ~~satisfactory to the Board on land surveying~~
21 ~~projects of a grade and character which indicates~~
22 ~~to the Board that the applicant may be competent~~
23 ~~to practice land surveying, of which no less than~~
24 ~~two (2) years experience must be following the~~

1 ~~date of the degree, who has also passed a Board-~~
2 ~~approved NCEES examination in the fundamentals of~~
3 ~~surveying as provided in subparagraph a of~~
4 ~~paragraph 2 of this subsection, shall be admitted~~
5 ~~to a Board-approved NCEES examination in the~~
6 ~~principles and practice of surveying and a Board-~~
7 ~~approved Oklahoma Law and Surveying examination.~~
8 ~~Upon passing such examinations, the applicant~~
9 ~~shall be granted a certificate of licensure to~~
10 ~~practice land surveying in this state, if~~
11 ~~otherwise qualified.~~

12 ~~(2) A graduate of a surveying program of two (2)~~
13 ~~years or more approved by the Board and a~~
14 ~~specific record of six (6) years or more of~~
15 ~~progressive combined office and field experience~~
16 ~~satisfactory to the Board on land surveying~~
17 ~~projects of a grade and character which indicates~~
18 ~~to the Board that the applicant may be competent~~
19 ~~to practice land surveying and who has also~~
20 ~~passed a Board-approved NCEES examination in the~~
21 ~~fundamentals of surveying as provided in~~
22 ~~subparagraph a of paragraph 2 of this subsection~~
23 ~~shall be admitted to a Board-approved NCEES~~
24 ~~examination in the principles and practice of~~

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

6 ~~c. Alternative Graduation, Experience and Examination~~

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

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

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

23 ~~d. Long Established Practice and Examination — An~~
24 ~~applicant with a specific record of nine (9) years or~~

1 ~~more of practice in land surveying of a grade and~~
2 ~~character satisfactory to the Board which indicates to~~
3 ~~the Board that the applicant may be competent to~~
4 ~~practice land surveying shall be admitted to a Board-~~
5 ~~approved NCEES examination in the fundamentals of land~~
6 ~~surveying, and, if passed, then shall be admitted to a~~
7 ~~Board-approved NCEES examination in the principles and~~
8 ~~practice of surveying and a Board-approved Oklahoma~~
9 ~~Law and Surveying 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 a Board-approved~~

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

17 ~~b. Alternative Graduation, Experience and Examination~~

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

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

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

~~record of one (1) year or more of progressive
experience satisfactory to the Board on land
surveying projects of a grade and character which
indicates to the Board that the applicant may be
competent to practice land surveying, the
applicant shall be certified or enrolled as a
land surveyor intern, if otherwise qualified.~~

1. Certification or Enrollment as a Land Surveyor Intern.

a. graduating from a surveying program of four (4) years
or more approved by the Board, providing proof of
graduation, and submitting three character or
professional references,

b. graduating from a surveying program of two (2) years
or more approved by the Board, providing proof of
graduation, and submitting three character or
professional references,

c. graduating from a program of two (2) years or more
approved by the Board which shall include the Board-
approved core curriculum, providing proof of
graduation, and three character or professional
references, or

d. completion of sixty (60) college-credit hours
approved by the Board which shall include the Board-
approved core curriculum, providing proof of

1 successful completion of the required college credit
2 hours, and three character or professional
3 references.

4 In addition to satisfying one of the above requirements, the
5 applicant shall pass the NCEES Fundamentals of Surveying (FS)
6 examination.

7 2. Licensure as a Professional Land Surveyor.

8 General Requirements.

9 To be eligible for licensure, an individual must meet all of the
10 following requirements:

- 11 a. be of good character and reputation,
- 12 b. satisfy the education criteria set forth below,
- 13 c. satisfy the experience criteria set forth below,
- 14 d. pass the applicable examinations set forth below, and
- 15 e. submit five references acceptable to the Board, three
16 of which shall be professional land surveyors having
17 personal knowledge of the applicant's surveying
18 experience;

19 3. Comity Licensure for a Professional Land Surveyor.

20 An individual holding a certificate of licensure to engage in
21 the practice of land surveying issued by a proper authority of any
22 state or jurisdiction, based on requirements that do not conflict
23 with the provisions of Section 475.1 et seq. of this title, and
24 possessing credentials that are, in the judgment of the Board, of a

1 standard not lower than that specified in the applicable licensure
2 act in effect in this jurisdiction at the time such certificate was
3 issued may, upon application, which may include a Council Record
4 with NCEES, be licensed upon passing a written examination of such
5 duration as established by the Board, which shall include questions
6 on laws, procedures and practices pertaining to land surveying in
7 Oklahoma; or

8 4. Initial Licensure as a Professional Land Surveyor. An
9 individual meeting the education requirements as outlined above for
10 a land surveyor intern shall meet the following land surveying
11 experience requirements as described in Board rules, which shall
12 include combined office and field experience satisfactory to the
13 Board on projects of a grade and character which indicates to the
14 Board the applicant may be competent to practice land surveying:

15 a. an individual meeting the experience requirements in
16 paragraph 1 of subsection C of this section and four
17 (4) years of total experience including two (2) years
18 which must follow the date of the conferment of the
19 degree, and

20 b. an individual meeting the experience requirements in
21 paragraphs 2, 3 and 4 of subsection C of this section
22 and six (6) years of total experience.

23 Upon completion of the education and experience requirements, and
24 passing the NCEES Fundamentals of Surveying (FS) examination, the

1 individual shall be admitted to the NCEES Principles and Practice of
2 Surveying (PS) examination and the Oklahoma Law and Surveying (OLS)
3 examination. Upon passing these examinations, the applicant shall
4 be licensed as a professional land surveyor, if otherwise qualified.

5 SECTION 9. AMENDATORY 59 O.S. 2011, Section 475.13, is
6 amended to read as follows:

7 Section 475.13. A. 1. Application for licensure as a
8 professional engineer or professional land surveyor or certification
9 as an engineer intern or land surveyor intern shall be on a form
10 prescribed and furnished by the Board. It shall contain statements
11 made under oath, showing the applicant's education and a detailed
12 summary of technical and engineering or land surveying experience
13 and shall include the names and complete mailing addresses of the
14 references, none of whom may be members of the Board or immediate
15 family members.

16 2. The Board may accept the certified information contained in
17 a valid council record issued by the National Council of Examiners
18 for Engineering and Surveying for professional engineer or
19 professional land surveyor applicants in lieu of the same
20 information that is required on the form prescribed and furnished by
21 the Board.

22 B. 1. The application fees shall be established by Board
23 rules.

1 2. The certification fee for a firm shall be established by
2 Board rules.

3 3. Should the Board deny the issuance of a certificate of
4 licensure to any applicant, including the application of a firm for
5 a certificate of authorization, the fee shall be retained as an
6 application fee.

7 SECTION 10. AMENDATORY 59 O.S. 2011, Section 475.14, as
8 amended by Section 5, Chapter 139, O.S.L. 2012 (59 O.S. Supp. 2015,
9 Section 475.14), is amended to read as follows:

10 Section 475.14. A. ~~The examination~~ Examinations shall be held
11 at such times and places as the Board directs.

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

- 17 1. Fundamentals of Engineering;
- 18 2. Principles and Practice of Engineering;
- 19 3. Fundamentals of Surveying;
- 20 4. Principles and Practice of Surveying;
- 21 5. Oklahoma Law and Surveying; and
- 22 6. Oklahoma Law and Engineering.

23 C. A candidate failing an examination may apply for the next
24 available examination, as prescribed by NCEES policies and

1 procedures, which may be granted upon payment of an application fee
2 established by the Board if applicable.

3 D. The applicant shall pay all fees established by the Board
4 for examination documents and grading. The required fees shall be
5 paid by the applicant in advance of the examination.

6 E. The Board may prepare and adopt specifications for the
7 examinations in engineering and land surveying. They shall be made
8 available to the public and to any person interested in being
9 licensed as a professional engineer or as a professional land
10 surveyor.

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

15 SECTION 11. AMENDATORY 59 O.S. 2011, Section 475.15, as
16 amended by Section 6, Chapter 139, O.S.L. 2012 (59 O.S. Supp. 2015,
17 Section 475.15), is amended to read as follows:

18 Section 475.15. A. The Board shall issue to any applicant who,
19 in the opinion of the Board, has met the requirements of Section
20 475.1 et seq. of this title, a certificate of licensure giving the
21 licensee proper authority to practice in this state. The
22 certificate of licensure for a professional engineer shall carry the
23 designation "Professional Engineer" and for a professional land
24 surveyor, "Professional Land Surveyor". It shall give the full name

1 of the licensee with the licensure number and shall be signed by the
2 Chair and the Secretary under the seal of the Board.

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

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

1 surveyor and must conform to the specifications in the Board rules
2 regarding digital or electronic signatures.

3 D. A professional engineer, professional land surveyor or firm
4 shall retain a hard copy or electronic copy of all technical
5 submissions produced for a minimum of ten (10) years following the
6 date of preparation.

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

14 SECTION 12. AMENDATORY 59 O.S. 2011, Section 475.16, is
15 amended to read as follows:

16 Section 475.16. A. The Board shall issue certificates of
17 licensure and certificates of authorization for firms for a term of
18 twenty-four (24) months.

19 B. It shall be the duty of the Executive Director to notify
20 every person licensed under Section 475.1 et seq. of this title, and
21 every firm holding a certificate of authorization under Section
22 475.1 et seq. of this title, of the date of the expiration of said
23 certificate of licensure or certificate of authorization, and the
24 amount of the fee required for its renewal. ~~Such notice shall be~~

1 ~~mailed to the licensee or firm at the last known address as shown in~~
2 ~~the records of the Board at least one (1) month in advance of the~~
3 ~~date of the expiration of the certificate.~~

4 C. Renewal may be affected at any time prior to or during the
5 month of expiration by the payment of a fee as established by the
6 Board. Renewal of an expired certificate may be affected under
7 rules promulgated by the Board regarding requirements for
8 reexamination and penalty fees.

9 D. If a licensee is granted inactive status, the licensee may
10 return to active status by notifying the Board in advance of this
11 intention, by paying appropriate fees, and by meeting all
12 requirements of the Board, including demonstration of continuing
13 professional competency as a condition of reinstatement.

14 E. Every licensee is required to comply with the Board's rules
15 regarding continuing education or meet the Model NCEES Continuing
16 Professional Competency standard requirement, which is equivalent to
17 fifteen (15) professional development hours per calendar year with
18 no allowable carryover, as a condition of license renewal.

19 F. Beginning July 1, 2018, the following requirements shall be
20 effective regarding continuing education:

21 1. Self-study shall no longer qualify for continuing education
22 credit;

23 2. A limit of one-half of the required hours may be obtained
24 from an online or web based environment, unless the hours are

1 obtained from an online college or university meeting the criteria
2 listed in the Board rules; and

3 3. Proof of physical disability or other approved documentation
4 showing a hardship may be considered as an exemption to the
5 requirements in paragraphs 1 and 2 of subsection F of this section.

6 SECTION 13. AMENDATORY 59 O.S. 2011, Section 475.18, as
7 last amended by Section 3, Chapter 183, O.S.L. 2015 (59 O.S. Supp.
8 2015, Section 475.18), is amended to read as follows:

9 Section 475.18. A. As provided in subsections A and B of
10 Section 475.8 of this title, the Board shall have the power to deny,
11 place on probation, suspend, revoke or refuse to issue a certificate
12 or license, or fine, reprimand, issue orders, levy administrative
13 fines or seek other penalties, if a person or entity is found guilty
14 of:

15 1. ~~The practice of any~~ Any fraud or deceit in obtaining or
16 attempting to obtain or renew a certificate of licensure, or a
17 certificate of authorization or in taking the examinations
18 administered by the Board or its authorized representatives;

19 2. Any fraud, misrepresentation, gross negligence, gross
20 incompetence, misconduct or dishonest practice, in the practice of
21 engineering or land surveying;

22 3. Conviction of or entry of a plea of guilty or nolo
23 contendere to a felony crime that substantially relates to the
24 practice of engineering or land surveying or poses a reasonable

1 threat to public safety; or conviction of or entry of a plea of
2 guilty or nolo contendere to a misdemeanor, an essential element of
3 which is dishonesty or is a violation of the practice of engineering
4 or land surveying;

5 4. Failure to comply with any of the provisions of Section
6 475.1 et seq. of this title or any of the rules or regulations
7 pertaining thereto;

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

13 6. Failure, within thirty (30) days, to provide information
14 requested by the Board or its designated staff as a result of a
15 formal or informal complaint to the Board which would indicate a
16 violation of Section 475.1 et seq. of this title;

17 7. Knowingly making false statements or signing false
18 statements, certificates or affidavits;

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

22 9. Violation of any terms imposed by the Board, or using a seal
23 or practicing engineering or professional land surveying while the
24

1 professional engineer's license or professional land surveyor's
2 license is suspended, revoked, nonrenewed, retired or inactive;

3 10. Signing, affixing the professional engineer's or land
4 surveyor's seal, or permitting the professional engineer's or
5 professional land surveyor's seal or signature to be affixed to any
6 specifications, reports, drawings, plans, design information,
7 construction documents, calculations, other documents, or revisions
8 thereof, which have not been prepared by, or under the direct
9 control and personal supervision of the professional engineer or
10 land surveyor in responsible charge;

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

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

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

17 14. Performing engineering or surveying services outside any of
18 the licensee's areas of competence or areas of competence designated
19 in the official Board records; and

20 15. Violating the Oklahoma Minimum Standards for the Practice
21 of Land Surveying.

22 B. The Board shall prepare and adopt Rules of Professional
23 Conduct for Professional Engineers and Professional Land Surveyors
24 as provided for in Section 475.8 of this title, which shall be made

1 available in writing to every licensee and applicant for licensure
2 under Section 475.1 et seq. of this title. The Board may revise and
3 amend these Rules of Professional Conduct for Professional Engineers
4 and Professional Land Surveyors ~~from time to time~~ and shall notify
5 each licensee, in writing, of such revisions or amendments.

6 C. Principals of a firm who do not obtain a certificate or
7 authorization as required by Section 475.1 et seq. of this title may
8 be subject to disciplinary action ~~of individual licensure~~.

9 D. As used in this section:

10 1. "Substantially relates" means the nature of criminal conduct
11 for which the person was convicted has a direct bearing on the
12 fitness or ability to perform one or more of the duties or
13 responsibilities necessarily related to the occupation; and

14 2. "Poses a reasonable threat" means the nature of criminal
15 conduct for which the person was convicted involved an act or threat
16 of harm against another and has a bearing on the fitness or ability
17 to serve the public or work with others in the occupation.

18 SECTION 14. AMENDATORY 59 O.S. 2011, Section 475.19, is
19 amended to read as follows:

20 Section 475.19. A. Any person may bring allegations of
21 violations of Section 475.1 et seq. of this title against any
22 person, licensee, ~~or against any~~ firm. All allegations shall be
23 timely investigated by the Board and, unless determined unfounded or
24

1 trivial by the Board, or unless settled by mutual accord, shall be
2 filed as a formal ~~complaints~~ notice of charges by the Board.

3 B. The time and place for ~~said~~ the hearing shall be fixed by
4 the Board, and a copy of the charges, together with a notice of the
5 time and place of hearing, shall be personally served on or mailed
6 to the last-known address of such person, licensee, or entity, at
7 least thirty (30) days before the date fixed for the hearing. At
8 any hearing, the accused shall have the right to appear in person or
9 by counsel, or both, to cross-examine witnesses in their defense,
10 and to produce evidence and witnesses in their own defense. If the
11 accused fails or refuses to appear, the Board may proceed to hear
12 and determine the validity of the charges.

13 C. If, after such hearing, a majority of the quorum of the
14 empaneled Board vote in favor of sustaining any one or more of the
15 charges, the Board shall reprimand, fine for each count or separate
16 offense, levy administrative penalties pursuant to Section 475.20 of
17 this title, place on probation for a period of time and subject to
18 such conditions as the Board may specify, refuse to issue, restore,
19 renew, suspend or revoke the individual's certificate of licensure,
20 or the firm's certificate of authorization.

21 D. Any ~~person, licensee, or firm,~~ named respondent aggrieved by
22 any action of the Board in levying a fine, denying, suspending,
23 refusing to issue, restore or renew or revoking the certificate of
24

1 licensure of the person, or its certificate of authorization, may
2 appeal therefrom to the proper court under normal civil procedures.

3 E. The Board may, upon petition of an individual licensee or
4 firm holding a certificate of authorization, reissue a certificate
5 of licensure or authorization, provided that a majority of the
6 members of the Board vote in favor of such issuance.

7 SECTION 15. AMENDATORY 59 O.S. 2011, Section 475.20, is
8 amended to read as follows:

9 Section 475.20. A. Criminal penalties:

10 Any person or entity who practices, or offers to practice,
11 engineering or land surveying in this state without being licensed
12 by the State Board of Professional Engineers and Land Surveyors in
13 accordance with the provisions of Section 475.1 et seq. of this
14 title, or any person or entity using or employing the words
15 "engineer" or "engineering" or "land surveyor" or "land surveying"
16 or any modification or derivative thereof in its name or form of
17 business or activity except as authorized in Section 475.1 et seq.
18 of this title, or any person presenting or attempting to use the
19 certificate of licensure or the seal of another, or any person who
20 shall give false or forged evidence of any kind to the Board or to
21 any member thereof in obtaining or attempting to obtain a
22 certificate of licensure, or any person who shall falsely
23 impersonate any other licensee of like or different name, or any
24 person who shall attempt to use an expired, suspended, revoked, or

1 nonexistent certificate of licensure, or who shall practice or offer
2 to practice when not qualified, or any person who falsely claims to
3 be registered or licensed under Section 475.1 et seq. of this title,
4 or any person who shall violate any of the provisions of Section
5 475.1 et seq. of this title, shall be guilty of a misdemeanor,
6 punishable by a fine of not less than Two Hundred Fifty Dollars
7 (\$250.00), nor more than Two Thousand Dollars (\$2,000.00).

8 B. Administrative penalties:

9 1. Any person or entity who has been determined by the Board to
10 have violated any provision of Section 475.1 et seq. of this title,
11 or any rule, regulation or order issued pursuant to such provisions,
12 may be liable for an administrative penalty of not less than Two
13 Hundred Fifty Dollars (\$250.00) nor more than Ten Thousand Dollars
14 (\$10,000.00) for each separate violation.

15 2. The amount of the penalty shall be assessed by the Board
16 pursuant to the provisions of subsection 1 of this section, after
17 notice and hearing. In determining the amount of the penalty, the
18 Board shall include, but not be limited to, consideration of the
19 nature, circumstances and gravity of the violation, and with respect
20 to the person or entity found to have committed the violation, the
21 degree of culpability, the effect on ability of the person or entity
22 to continue to do business and any show of good faith in attempting
23 to achieve compliance with the provisions of Section 475.1 et seq.
24 of this title. All monies collected from administrative penalties

1 shall be deposited with the State Treasurer and placed in the
2 "Professional Engineers and Land Surveyors Fund".

3 ~~3. Any certificate of licensure or certificate of authorization~~
4 ~~holder may elect to surrender the certificate of licensure or~~
5 ~~certificate of authorization in lieu of an administrative action,~~
6 ~~but shall be permanently barred from obtaining a reissuance of the~~
7 ~~certificate of registration or certificate of authorization.~~

8 C. Legal Counsel:

9 The Attorney General of this state or an assistant shall act as
10 legal advisor to the Board and render such legal assistance as may
11 be necessary in carrying out the provisions of Section 475.1 et seq.
12 of this title. The Board may employ counsel ~~and~~ whose compensation
13 and expenses shall be paid from Board funds for necessary legal
14 assistance to aid in the enforcement of such provisions, ~~and the~~
15 ~~compensation and expenses therefor shall be paid from funds of the~~
16 ~~Board~~ and carrying out the provisions of Section 475.1 et seq. of
17 this title.

18 SECTION 16. AMENDATORY 59 O.S. 2011, Section 475.21, as
19 amended by Section 8, Chapter 139, O.S.L. 2012 (59 O.S. Supp. 2015,
20 Section 475.21), is amended to read as follows:

21 Section 475.21. A. The practice of or offer to practice
22 engineering or land surveying by firms authorized under Section
23 475.1 et seq. of this title, or by more than one person acting
24 individually through a firm, is permitted provided:

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

5 2. ~~Said~~ The firm has been issued a certificate of authorization
6 by the Board.

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

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

1 C. The Secretary of State shall not issue a certificate of
2 incorporation to an applicant or a registration as a foreign firm to
3 a firm which includes among the objectives for which it is
4 established any of the words "Engineer", "Engineering", "Surveyor",
5 "Land Surveying" or any modification or derivation thereof unless
6 the Board(s) of Licensure for these professions has issued for said
7 applicant a certificate of authorization or a letter indicating the
8 eligibility of such applicant to receive such a certificate. The
9 firm applying shall supply such certificate or letter from the Board
10 with its application for incorporation or registration.

11 D. The Secretary of State shall decline to register any trade
12 name or service mark which includes such words, as set forth in
13 subsection C of this section, or modifications or derivatives
14 thereof in its firm name or logotype except those firms holding
15 certificates of authorization issued under the provisions of this
16 section.

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

19 ~~F. An engineer or land surveyor designated in responsible~~
20 ~~charge of the professional activities of a firm for the purposes of~~
21 ~~this section shall be a full-time employee of the firm. A licensee~~
22 ~~who performs only part-time, occasional, or consulting services for~~
23 ~~a firm shall not qualify as a person designated in responsible~~

24

1 ~~charge~~ Effective November 1, 2016, all firms applying for a
2 certificate of authorization shall designate a managing agent.

3 1. Managing Agent - A firm shall designate a professional
4 engineer and/or professional land surveyor to be the managing agent
5 for the firm. The managing agent is responsible for the engineering
6 and/or surveying work offered or performed by the firm for projects
7 within Oklahoma. A licensee may not be designated as a managing
8 agent for more than one firm without prior Board approval. A
9 licensee must be an officer, principal, director, manager, member,
10 partner or owner of the firm, or hold a position of recognized
11 authority within the firm, to be designated as the managing agent.
12 Firms holding a certificate of authorization with this Board prior
13 to November 1, 2016, must be in compliance with this provision of
14 law by November 1, 2018. The managing agent's responsibilities
15 include:

- 16 a. renewal of the firm's certificate of authorization and
17 notification to the Board of any change in managing
18 agent,
- 19 b. overall administrative supervision of the firm's
20 licensed and subordinate personnel performing
21 engineering or surveying work in Oklahoma, and
- 22 c. institution of and adherence to the policies of the
23 firm that are in accordance with Section 475.1 et seq.
24 of this title and the Rules of this Board.

1 G. All firms authorized to offer or perform professional land
2 surveying services in Oklahoma must have a full-time professional
3 land surveyor physically present at each office to be in responsible
4 charge of and in direct control and supervision of the work. Out-
5 of-state firms authorized to offer or perform engineering services
6 in Oklahoma may have one or more branch offices located in Oklahoma
7 only if the firm has a professional engineer designated ~~responsible~~
8 ~~and in charge of the firm's professional practice in this state~~ as
9 managing agent in this state. The professional engineer designated
10 for this purpose shall be required to spend a majority of normal
11 business hours at one or more branch offices located in Oklahoma and
12 be duly licensed as a professional engineer in this state. The
13 ~~professional engineer~~ designated managing agent shall be responsible
14 for:

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

16 2. Overall administrative supervision of the firm's licensed
17 and subordinate personnel who provide the engineering work in this
18 state; and

19 3. The institution of and adherence to policies of the firm
20 that shall be in accordance with ~~the Rules of Professional Conduct~~
21 Section 475.1 et seq. of this title and the rules promulgated by the
22 Board.

23 SECTION 17. AMENDATORY 59 O.S. 2011, Section 475.22, is
24 amended to read as follows:

1 Section 475.22. Section 475.1 et seq. of this title shall not
2 be construed to prevent:

3 1. Other Professions. The practice of any other legally
4 recognized profession;

5 2. Temporary Permit:

6 a. Professional engineer. The practice or offer to
7 practice engineering by a person not a resident of or
8 having no established place of business in this state
9 is allowed; provided, such person is legally qualified
10 by licensure to practice engineering, as defined in
11 Section 475.2 of this title, in the applicant's ~~own~~
12 resident state or country jurisdiction and who has
13 made application for licensure to this Board. Such
14 person shall make application for temporary permit to
15 the Board, in ~~writing~~ a manner prescribed by the
16 Board, and after payment of a temporary permit fee may
17 be granted a written permit to perform a particular
18 job for a definite period of time, to expire the
19 earliest of the issuance of a license by this Board,
20 the rejection of the application for licensure or a
21 time limit stated in the temporary permit; ~~provided,~~
22 ~~however, no.~~ Further, such person may not have been
23 disciplined in any jurisdiction by a Board of
24 licensure for engineering, land surveying, or

1 architecture, and may not have been convicted in any
2 jurisdiction of a felony. Further, such person shall
3 submit a complete permanent professional engineer
4 application to this Board within thirty (30) days of
5 the date of issuance of the Temporary Permit with all
6 required properly completed forms and fees. Failure
7 to submit a permanent professional engineer
8 application for Board consideration may be considered
9 a violation of Section 475.1 et seq. of this title and
10 Board rules. No right to practice engineering shall
11 accrue to such applicant by reason of a temporary
12 permit for any works not set forth in said permit, and

13 b. Professional land surveyor. The practice of land
14 surveying under a temporary permit by a person
15 licensed as a professional land surveyor in another
16 state is not considered to be in the best interest of
17 the public and therefore shall not be granted;

18 3. Employees and subordinates. The work of an employee or a
19 subordinate of a person holding a certificate of licensure under
20 Section 475.1 et seq. of this title, or an employee of a person
21 practicing lawfully under paragraph 2 of this section is allowed;
22 provided, such work does not include final engineering or land
23 surveying designs or decisions and is done under the direct
24 supervision of and verified by a person holding a certificate of

1 licensure under Section 475.1 et seq. of this title or a person
2 practicing lawfully under paragraph 2 of this section; ~~and~~

3 4. Material Takeoff. Providing a list of material derived from
4 measuring and interpreting a set of blueprints or plans, otherwise
5 known as a "material takeoff" or advising a person on such a
6 "material takeoff" shall not constitute the practice of engineering;
7 and

8 5. A person shall not be construed to practice or offer to
9 practice land surveying, within the meaning and intent of Section
10 475.1 et seq. of this title, who merely acts as an agent of a
11 purchaser of land surveying services. Agents of a purchaser of land
12 surveying services include, but are not limited to, real estate
13 agents and brokers, title companies, attorneys providing title
14 examination services, and persons who or firms that coordinate the
15 acquisition and use of land surveying services. The coordination of
16 land surveying services includes, but is not limited to, sales and
17 marketing of services, discussion of requirements of land surveys,
18 contracting to furnish land surveys, review of land surveys, the
19 requesting of revisions of land surveys, and making any and all
20 modifications to surveys with the written consent of the
21 professional land surveyor, and furnishing final revised copies to
22 the professional land surveyor showing all revisions, the
23 distribution of land surveys, and receiving payment for such
24 services. These actions do not constitute the practice of land

1 surveying, and do not violate any part of Sections 475.1 et seq. of
2 this title or the rules promulgated thereto.

3 SECTION 18. This act shall become effective November 1, 2016.

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