

ENROLLED SENATE  
BILL NO. 799

BY: BROWN of the SENATE

and

BASTIN and SULLIVAN of the  
HOUSE

AN ACT RELATING TO ENGINEERS AND LAND SURVEYORS;  
AMENDING 59 O.S. 1991, SECTIONS 475.1, 475.2,  
475.3, AS AMENDED BY SECTION 1 OF ENROLLED HOUSE  
BILL NO. 1855 OF THE 2ND SESSION OF THE 43RD  
OKLAHOMA LEGISLATURE, 475.4, 475.7, 475.8, 475.9,  
475.10, 475.11, 475.12, 475.13, 475.14, 475.15,  
475.16, 475.18, 475.19, 475.20, 475.21, 475.22 AND  
475.22a, WHICH RELATE TO LICENSURE AND REGULATION  
OF ENGINEERS AND LAND SURVEYORS; CLARIFYING  
STATUTORY REFERENCE; CLARIFYING AND CONFORMING  
LANGUAGE; MODIFYING AND ADDING DEFINITIONS;  
CLARIFYING LANGUAGE; GRANTING BOARD ADDITIONAL  
POWERS AND DUTIES; GRANTING VICE CHAIRMAN  
ADDITIONAL AUTHORITY; GRANTING EXECUTIVE DIRECTOR  
ADDITIONAL RESPONSIBILITY; REMOVING CONSIDERATION  
OF CERTAIN EVIDENCE TO QUALIFY CERTAIN APPLICANT;  
STATING WRITTEN EXAMINATIONS GIVEN BY BOARD;  
AUTHORIZING ADOPTION OF SPECIFICATIONS FOR WRITTEN  
EXAMINATIONS AND REQUIRING CERTAIN NOTICE AND  
PUBLICATION; AUTHORIZING USE OF ELECTRONICALLY  
DIGITIZED SEAL AND MODIFYING PROVISIONS RELATING TO  
USE OF SEALS; ADDING DISCIPLINARY ACTIONS AVAILABLE  
TO BOARD AND MODIFYING AND ADDING CONDITIONS UNDER  
WHICH SUCH ACTIONS MAY BE TAKEN; REMOVING  
REQUIREMENT THAT CERTAIN CHARGES BE WRITTEN AND  
SWORN; ALLOWING CHARGES SETTLED INFORMALLY BY BOARD

TO NOT BE HEARD; ALLOWING BOARD TO LEVY FINES AND  
SETTING MAXIMUM AMOUNT; INCREASING CRIMINAL  
PENALTIES; PROVIDING FOR ADMINISTRATIVE PENALTIES  
AND DETERMINATIONS RELATED THERETO AND SETTING  
MAXIMUM AMOUNTS; ALLOWING SURRENDER OF CERTIFICATE  
IN LIEU OF FINE AND PROHIBITING REISSUANCE OF  
CERTAIN DOCUMENTS; MODIFYING CERTAIN CONDITIONS FOR  
PRACTICING ENGINEERING OR LAND SURVEYING; MODIFYING  
PROCEDURE FOR FILING APPLICATION FOR CERTAIN  
CERTIFICATE; DELETING OBSOLETE LANGUAGE; REPEALING  
59 O.S. 1991, SECTION 475.22b, WHICH RELATES TO  
OBSOLETE GRACE PERIOD AND RELATED PROVISIONS;  
PROVIDING AN EFFECTIVE DATE; AND DECLARING AN  
EMERGENCY.

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

SECTION 1. AMENDATORY 59 O.S. 1991, Section 475.1, is amended to read as follows:

Section 475.1 In order to safeguard life, health and property, and to promote the public welfare, the practice of engineering and the practice of land surveying in this state are hereby declared to be subject to regulation in the public interest. It shall be unlawful for any person to practice or to offer to practice engineering or land surveying in this state, as defined in the provisions of Section 475.1 et seq. of this title, or to use in connection with his name or otherwise assume or advertise any title or description tending to convey the impression that he is an engineer, professional engineer, land surveyor or professional land surveyor, unless such person has been duly registered or exempted under the provisions of Section 475.1 et seq. of this title. The practice of engineering or land surveying shall be deemed a privilege granted by the state through the State Board of Registration for Professional Engineers and Land Surveyors, based on the qualifications of the individual as evidenced by his certificate of registration, which shall not be transferable.

SECTION 2. AMENDATORY 59 O.S. 1991, Section 475.2, is amended to read as follows:

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

1. "Engineer" means a person who, by reason of special knowledge and use of the mathematical, physical and engineering sciences and the principles and methods of engineering analysis and design, acquired by engineering education and engineering experience, is qualified to engage in the practice of engineering;

2. "Professional engineer" means a person who has been duly registered and licensed as a professional engineer as provided in Section 475.1 et seq. of this title;

3. "Engineer intern" means a person who complies with the requirements for education and experience and has passed an examination in the fundamental engineering subjects, as provided in Section 475.1 et seq. of this title;

4. "Practice of engineering" means any service or creative work, the adequate performance of which requires engineering education, training and experience in the application of special knowledge of the mathematical, physical and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems, planning the engineering use of land and water, teaching of advanced engineering subjects or courses related thereto, engineering research, engineering surveys, engineering studies, and the inspection or review of construction for the purposes of assuring compliance with drawings and specifications; any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products or equipment of a mechanical, electrical, chemical, environmental, hydraulic, pneumatic or thermal nature, insofar as they involve safeguarding life, health or property, and including such other professional services as may be necessary to the planning, progress and completion of any engineering services.

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

A person shall be construed to practice or offer to practice engineering, within the meaning and intent of Section 475.1 et seq. of this title, who practices any branch of the profession of engineering; or who, by verbal claim, sign, advertisement, letterhead, card or in any other way represents himself to be a professional engineer, or through the use of some other title implies that he is a professional engineer or that he is registered under Section 475.1 et seq. of this title; or who holds himself out as able to perform, or who does perform any engineering service or work or any other service designated by the practitioner which is recognized as engineering;

5. "Land surveyor" means a person who, by reason of special knowledge in the technique of measuring land and use of the basic principles of mathematics, the related physical and applied sciences and the relevant requirements of law for adequate evidence and all requisite to surveying of real property, acquired by education and experience, is qualified to engage in the practice of land surveying;

6. "Professional land surveyor" means a person who has been duly registered and licensed as a professional land surveyor as provided in Section 475.1 et seq. of this title;

7. "Land surveyor intern" means a person who complies with the requirements for education and experience, and has passed an examination in the fundamental land surveying subjects, as provided in Section 475.1 et seq. of this title;

8. "Practice of land surveying" means any service or work, the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences and the relevant requirements of law for adequate evidence to the act of measuring, locating or establishing lines, angles, elevations, natural and man-made features in the air, on the

surface of the earth, within underground workings and on the beds of bodies of water for the purpose of determining areas and volumes, geodetic positions, and design, establishment and administration of land and geographic information systems, and the collection, storage, analysis and management of data within those systems; for the monumenting of property and land boundaries and for the platting and layout of lands and subdivisions thereof, including the topography; and for the preparation and perpetuation of maps, record plats, field note records and property descriptions that represent these surveys.

A person shall be construed to practice or offer to practice land surveying, within the meaning and intent of Section 475.1 et seq. of this title, who practices any branch of the profession of land surveying or who, by verbal claim, sign, advertisement, letterhead, card or in any other way represents himself to be a professional land surveyor or through the use of some other title implies that he is a professional land surveyor or that he is registered under Section 475.1 et seq. of this title or holds himself out as able to perform or who does perform any land surveying service or work or any other service designated by the practitioner which is recognized as land surveying;

9. "Board" means the State Board of Registration for Professional Engineers and Land Surveyors;

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

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

12. "Firm" means a corporation, partnership, co-partnership, joint stock association or private practitioner employing others.

SECTION 3. AMENDATORY 59 O.S. 1991, Section 475.3, as amended by Section 1 of Enrolled House Bill No. 1855 of the 2nd Session of the 43rd Oklahoma Legislature, is amended to read as follows:

Section 475.3 A. The State Board of Registration for Professional Engineers and Land Surveyors is hereby re-created, to continue until July 1, 1998, in accordance with the provisions of the Oklahoma Sunset Law, as provided by Section 3901 et seq. of Title 74 of the Oklahoma Statutes, whose duty it shall be to administer the provisions of Section 475.1 et seq. of this title. The Board shall consist of four professional engineers and two professional land surveyors, at least one of whom is not a professional engineer, all of whom shall be appointed by the Governor, with the advice and consent of the Senate. The Governor shall also appoint one lay member. The engineers and land surveyors shall be appointed by the Governor preferably from a list of nominees submitted by the respective professional engineering or land surveying societies of this state, and shall have the qualifications required by Section 475.4 of this title.

B. Each member of the Board shall receive a certificate of his appointment from the Governor and shall file with the Secretary of State a written oath or affirmation for the faithful discharge of official duties.

C. Appointments to the Board shall be in such manner and for such period of time so that no two terms, with the exception of the lay member, shall expire in the same year. On the expiration of the term of any member, except the lay member, the Governor shall in the manner herein provided appoint for a term of six (6) years a professional engineer or professional land surveyor having the qualifications required in Section 475.4 of this title. The lay member of the Board shall be appointed by the Governor to a term coterminous with that of the Governor. The lay member shall serve at the pleasure of the Governor. Provided, the lay member may continue to serve after the expiration of the member's term until

such time as a successor is appointed. A member may be reappointed to succeed himself. Each member may hold office until the expiration of the term for which appointed or until a successor has been duly appointed and has qualified. In the event of a vacancy on the Board due to resignation, death or for any cause resulting in an unexpired term, if not filled within three (3) months, the Board may appoint a provisional member to serve in the interim until the Governor acts.

SECTION 4. AMENDATORY 59 O.S. 1991, Section 475.4, is amended to read as follows:

Section 475.4 Each engineer member of the Board shall be a citizen of the United States and resident of this state. He shall have been engaged in the lawful practice of engineering for at least ten (10) years, shall have been in responsible charge of engineering projects for at least five (5) years, and shall be a registered professional engineer in this state. Each land surveyor member of the Board shall be a citizen of the United States and a resident of this state. He shall have been engaged in the lawful practice of land surveying as a land surveyor for at least ten (10) years, shall have been in responsible charge of land surveying projects for at least five (5) years, and shall be a registered professional land surveyor in this state.

SECTION 5. AMENDATORY 59 O.S. 1991, Section 475.7, is amended to read as follows:

Section 475.7 The Board shall hold at least four regular meetings each year. Special meetings may be held as the bylaws of the Board provide. The Board shall elect or appoint annually the following officers: a Chairman, a Vice Chairman and a Secretary. A quorum of the Board shall consist of not less than three professional engineer members and one professional land surveyor member.

SECTION 6. AMENDATORY 59 O.S. 1991, Section 475.8, is amended to read as follows:

Section 475.8 A. The Board shall have the power to adopt and amend all bylaws and rules of procedure, not inconsistent with the Constitution and laws of this state or Section 475.1 et seq. of this title, including the adoption and promulgation of Rules of Professional Conduct for Professional Engineers and Land Surveyors, which may be reasonably necessary for the proper performance of its duties and the regulation of its proceedings, meetings, records, examinations and the conduct thereof. These actions by the Board shall be binding upon persons registered under Section 475.1 et seq. of this title and shall be applicable to firms holding a certificate of authorization. The Board shall adopt and have an official seal, which shall be affixed to each certificate issued. The Board shall have the further power and authority to:

1. Establish and amend minimum standards for the practice of engineering and land surveying;
2. Establish continuing education requirements for renewal of professional engineering and professional land surveyor licenses;
3. Promulgate rules concerning the ethical marketing of professional engineering and land surveying services;
4. Upon good cause shown, as hereinafter provided, deny the issuance of a certificate of registration or certificate of authorization or suspend, revoke or refuse to renew certificates of registration or certificates of authorization previously issued, and upon proper showing to review, affirm, reverse, vacate or modify its orders with respect to such denial, suspension, revocation or refusal to renew;
5. Levy administrative penalties against any person or entity who or which violates any of the provisions of Section 475.1 et seq. of this title or any rule or regulation promulgated pursuant thereto. The Board is hereby authorized to initiate disciplinary,

prosecutorial and injunctive proceedings against any person or entity who has violated any of the provisions of Section 475.1 et seq. of this title or any rule or regulation of the Board promulgated pursuant thereto. The Board shall investigate alleged violations of the provisions of Section 475.1 et seq. of this title or of the rules or regulations, orders or final decisions of the Board.

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

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

D. The Board may subject an applicant for registration to such examinations as it deems necessary to determine the applicant's qualifications.

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

SECTION 7. AMENDATORY 59 O.S. 1991, Section 475.9, is amended to read as follows:

Section 475.9 A. The Secretary and Executive Director of the Board shall be responsible for accounting for all monies derived under the provisions of Section 475.1 et seq. of this title. This fund shall be known as the "Professional Engineers and Land Surveyors Fund", and shall be deposited with the State Treasurer, and shall be paid out only upon requisitions submitted by the Secretary or Executive Director. All monies in this fund are hereby specifically appropriated for the use of the Board, and the Board shall pay into the General Revenue Fund of the state an amount equal to ten percent (10%) of all funds received at the end of each fiscal year.

B. The Secretary shall receive such salary as the Board shall determine. The Board shall obtain an office, secure such facilities, and employ, direct, discharge and define the duties and salaries of an Executive Director, Principal Assistant and such clerical or other assistants as are necessary for the proper performance of its work. The Board shall make expenditures from the fund created in subsection A of this section for any purpose which, in the opinion of the Board, is reasonably necessary for the proper performance of its duties under Section 475.1 et seq. of this title, including the expenses of the Board's delegates to meetings of and membership fees to the National Council of Examiners for Engineering and Surveying and any of its subdivisions, as provided in the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes. Under no circumstances shall the total amount of warrants issued in payment of the expenses and compensation provided

for in Section 475.1 et seq. of this title exceed the amount of monies collected.

C. The fund shall be audited annually by the State Auditor and Inspector.

SECTION 8. AMENDATORY 59 O.S. 1991, Section 475.10, is amended to read as follows:

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

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

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

C. Annually, as of the end of the fiscal year, the Board shall submit to the Governor a report of its transactions of the preceding year, including a complete statement of the receipts and expenditures of the Board, attested by affidavits of its Chairman and its Secretary.

D. Board records and papers of the following class are of a confidential nature and are not public records: examination materials, file records of examination problem solutions, letters of inquiry and reference concerning applicants, Board inquiry forms concerning applicants, investigation files where any investigation is still pending and all other matters of like confidential nature.

SECTION 9. AMENDATORY 59 O.S. 1991, Section 475.11, is amended to read as follows:

Section 475.11 Complete rosters showing the names and last-known addresses of all professional engineers and professional land surveyors shall be published by the Board at intervals as established by Board regulations, not to exceed three (3) years. Interim rosters of new registrants may be issued at the Board's discretion. Copies of these rosters shall be mailed upon request of registrants, and payment of a fee determined by the Board to cover the cost of printing and mailing. Copies shall also be placed on file with the Secretary of State, county and city officials and may be distributed or sold to the public.

SECTION 10. AMENDATORY 59 O.S. 1991, Section 475.12, is amended to read as follows:

Section 475.12 A. Engineer

To be eligible for admission for examination for a professional engineer, or an engineer intern, an applicant must be of good character and reputation and shall submit five references with application for registration as a professional engineer, three of which shall be professional engineers having personal knowledge of the applicant's engineering experience, or, in the case of an application for certification as an engineer intern, by three character references.

The following shall be considered as minimum evidence satisfactory to the Board that the applicant is qualified for registration as a professional engineer, or for certification as an engineer intern, respectively:

1. As a professional engineer:

- a. Registration by Comity or Endorsement - A person holding a certificate of registration to engage in the practice of engineering issued to him by a proper authority of a state, territory, or possession of the United States, the District of Columbia, or any foreign country, based on requirements that do not conflict with the provisions of Section 475.1 et seq. of this title and were of a standard not lower than that specified in the applicable registration act in effect in this state at the time such certificate was issued, may, upon application, be registered without further examination.  
A person holding a valid certificate issued by the Committee on National Engineering Certification of the National Council of Examiners for Engineering and Surveying, whose qualifications, as evidenced by his council record, meet the requirements of this act may, upon application, be registered without further examination.
- b. Graduation, Experience and Examination - A graduate of an engineering curriculum of four (4) years or more approved by the Board as being of satisfactory standing, and with a specific record of an additional four (4) years or more of progressive experience on engineering projects of a grade and character which indicates to the Board that the applicant may be competent to practice engineering, shall be admitted to an eight-hour written examination in the fundamentals of engineering, and, if passed, then shall be admitted to an eight-hour written examination in the principles and practice of engineering. Upon passing such examinations, the applicant shall be granted a certificate of registration to practice engineering in this state, if otherwise qualified.
- c. Alternative Graduation, Experience and Education - A graduate of an engineering or related science curriculum of four (4) years or more, other than the ones approved by the Board as being of satisfactory standing and with a specific record of six (6) years or more of progressive experience on engineering projects of a character and grade which indicates to the Board that the applicant may be competent to practice engineering shall be admitted to an eight-hour written examination in the fundamentals of engineering and, if passed, then shall be admitted to an eight-hour written examination in the principles and practice of engineering. Upon passing such examination, the applicant shall be granted a certificate of registration to practice engineering in this state, if otherwise qualified.
- d. Long Established Practice and Examination - A person with a specific record of twelve (12) years or more of progressive experience on engineering projects of which at least eight (8) years have been in responsible charge of important engineering projects and of a grade and character which indicates to the Board that the applicant may be competent to practice engineering shall be admitted to an eight-hour examination in the principles and practice of engineering. Upon passing such examination, the applicant shall be granted a certificate to practice engineering in this state, if otherwise qualified. Provided, however, after December 31, 1996, "Long



Established Practice and Examination", as specified in this subparagraph, shall not be considered by the Board as minimum evidence that an applicant is qualified for registration as a professional engineer.

- e. Engineering Teaching - Engineering teaching in a college or university offering an approved engineering curriculum of four (4) years or more may be considered as engineering experience.

2. As an engineer intern:

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

- a. Graduation and Examination - A graduate of an engineering curriculum of four (4) years or more approved by the Board as being of satisfactory standing, shall be admitted to an eight-hour written examination in the fundamentals of engineering. Upon passing such examination, the applicant shall be certified or enrolled as an engineer intern, if otherwise qualified.
- b. Alternative Graduation, Experience and Examination - A graduate of an engineering or related science curriculum of four (4) years or more, other than the ones approved by the Board as being of satisfactory standing, and a specific record of one (1) year or more of progressive experience in engineering projects of a grade and character satisfactory to the Board shall be admitted to an eight-hour written examination in the fundamentals of engineering. Upon passing such examination, the applicant shall be certified or enrolled as an engineer intern, if otherwise qualified.

B. Land Surveyor

To be eligible for admission to examination for a professional land surveyor or land surveyor intern, an applicant must be of good character and reputation and shall submit five references with application for registration as a professional land surveyor, three of which shall be registered land surveyors having personal knowledge of the applicant's land surveying experience; or in the case of an applicant for certification as a land surveyor intern, by three references, one of whom shall be a registered land surveyor having personal knowledge of the applicant's land surveying experience.

The evaluation of a professional land surveyor applicant's qualifications shall include consideration of the applicant's education, technical and land surveying experience, exhibits of land surveying projects with which the applicant has been associated and recommendations by references. The land surveyor intern applicant's qualifications may be reviewed at an interview if the Board deems it necessary. Educational credits for courses undertaken shall be determined by the Board.

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

1. As a land surveyor:

- a. Registration by Comity or Endorsement - A person holding a certificate of registration to engage in the practice of land surveying issued on comparable qualifications from a state, territory or possession of the United States and experience satisfactory to the Board, will be given comity consideration. However, the person may be required to take such examinations as the Board deems necessary to determine

the person's qualifications, but in any event, the person shall be required to pass a written examination of such duration as established by the Board, which shall include questions on laws, procedures and practices pertaining to land surveying in this state. A person holding a valid certificate issued by the Committee on National Engineering Certification of the National Council of Examiners for Engineering and Surveying, whose qualifications, as evidenced by council records, meet the requirements of Section 475.1 et seq. of this title may, upon application, be registered without further examination.

- b. Graduation, Experience and Examination - A graduate of a surveying curriculum of two (2) years or more approved by the Board as being of satisfactory standing and with a specific record of an additional four (4) years of combined office and field experience satisfactory to the Board in land surveying of which a minimum of two (2) years' experience has been in responsible charge of land surveying projects under the supervision of a professional land surveyor, shall be admitted to an eight-hour written examination in the fundamentals of land surveying and, if passed, then shall be admitted to an eight-hour written examination in the principles and practice of land surveying. Upon passing such examination, the applicant shall be granted a certificate of registration to practice land surveying in this state, if otherwise qualified.
- c. Alternative Graduation, Experience and Examination - A graduate of a surveying or related science curriculum of two (2) years or more, other than the ones approved by the Board as being of satisfactory standing, and with a specific record of an additional six (6) years of combined office and field experience satisfactory to the Board in land surveying of which a minimum of two (2) years' experience has been in responsible charge of land surveying projects under the supervision of a professional land surveyor, shall be admitted to an eight-hour written examination in the fundamentals of land surveying, and, if passed, then shall be admitted to an eight-hour written examination in the principles and practice of land surveying. Upon passing such examination, the applicant shall be granted a certificate of registration to practice land surveying in this state, if otherwise qualified.
- d. Long Established Practice and Examination - An applicant with a specific record of nine (9) years or more of practice in land surveying, of which at least five (5) years have been in responsible charge of important land surveying work, and of a grade and character satisfactory to the Board which indicates to the Board that the applicant may be competent to practice land surveying shall be admitted to an eight-hour written examination in the fundamentals of land surveying, and, if passed, then shall be admitted to an eight-hour written examination in the principles and practice of land surveying. Upon passing such examination, the applicant shall be granted a certificate of registration to practice land surveying in this state, if otherwise qualified.

- e. Surveying Teaching - Surveying teaching in a college or university offering an approved surveying curriculum of two (2) years or more may be considered as land surveying experience satisfactory to the Board.
2. As a land surveyor intern:
- a. Graduation and Examination - A graduate of a surveying curriculum of two (2) years or more approved by the Board as being of satisfactory standing shall be admitted to an eight-hour written examination in the fundamentals of land surveying. Upon passing such examination, the applicant shall be certified or enrolled as a land surveyor intern, if otherwise qualified.
  - b. Alternative Graduation, Experience and Examination - A graduate of a land surveying or related science curriculum other than the ones approved by the Board as being of satisfactory standing, and with a specific record of four (4) years of combined education, office and field experience in land surveying satisfactory to the Board shall be admitted to an eight-hour written examination in the fundamentals of land surveying. Upon passing such examination, the applicant shall be certified or enrolled as a land surveyor intern, if otherwise qualified.

SECTION 11. AMENDATORY 59 O.S. 1991, Section 475.13, is amended to read as follows:

Section 475.13 A. 1. Application for registration as a professional engineer or professional land surveyor or certification as an engineer intern or land surveyor intern shall be on a form prescribed and furnished by the Board. It shall contain statements made under oath, showing the applicant's education and a detailed summary of technical and engineering or land surveying experience and shall include the names and complete mailing addresses of the references, none of which may be members of the Board, as required by Section 475.12 of this title.

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

3. The applicant shall furnish with the application as a land surveyor three or more exhibits of land surveying projects with which the applicant has been associated, at least one to be subdivision plats for or of record, or the equivalent thereof, subject to the approval of the Board.

B. 1. The application fees shall be established by the Board in amounts not to exceed One Hundred Dollars (\$100.00) for registration as a professional engineer or professional land surveyor and Twenty-five Dollars (\$25.00) for certification as an engineer intern or land surveyor intern which shall accompany the application.

2. The certification fee for a firm shall be established by the Board in an amount not to exceed Three Hundred Dollars (\$300.00), and shall accompany the application.

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

SECTION 12. AMENDATORY 59 O.S. 1991, Section 475.14, is amended to read as follows:

Section 475.14 A. The examination shall be held at such times and places as the Board directs. The Board shall determine the acceptable grade on examinations.

B. Written examinations may be taken only after the applicant has met other minimum requirements as set forth in Section 475.12 of this title, and has been approved by the Board for admission to one or more of the following examinations:

1. Fundamentals of Engineering;
2. Principles and Practice of Engineering;
3. Fundamentals of Land Surveying; and
4. Principles and Practice of Land Surveying.

C. A candidate failing one examination may apply for reexamination, which may be granted upon payment of an application fee established by the Board in an amount not to exceed Fifty Dollars (\$50.00). Before the readmission to the examination, in the event of a second failure, the applicant must provide the Board with evidence of having acquired the necessary additional knowledge to qualify.

D. The applicant shall reimburse the Board for the actual cost of examination documents and grading. The Board will advise the applicant of these requirements, and the required amount shall be paid by the applicant in advance of the examination.

E. The Board may prepare and adopt specifications for the written examinations in engineering and land surveying. They shall be published in brochure form and be available to any person interested in being registered as a professional engineer or as a professional land surveyor.

SECTION 13. AMENDATORY 59 O.S. 1991, Section 475.15, is amended to read as follows:

Section 475.15 A. The Board shall issue to any applicant who, in the opinion of the Board, has met the requirements of Section 475.1 et seq. of this title, a certificate of registration giving the registrant proper authority to practice his profession in this state. The certificate of registration for an engineer shall carry the designation "Professional Engineer" and for a land surveyor, "Professional Land Surveyor". It shall give the full name and registration number of the registrant and shall be signed by the Chairman and the Secretary under seal of the Board.

B. This certificate shall be prima facie evidence that the person named therein is entitled to all rights, privileges and responsibilities of a professional engineer or professional land surveyor, while said certificate remains effective.

C. Each registrant hereunder must, upon registration, obtain a seal, the design and use of which are described below. It shall be unlawful for a registrant to affix, or permit his seal to be affixed, to any document as listed below after the expiration or revocation of a certificate or for the purpose of aiding or abetting any other person to evade or attempt to evade any provision of Section 475.1 et seq. of this title.

1. The seal shall be a rubber stamp, an electronically digitized seal, or a metal impression seal. Whenever the seal is applied, the registrant's original signature and date of signature shall be written adjacent to or across the seal. No further words or wording are required. A facsimile signature or electronically digitized signature will not be acceptable.

2. The seal and dated signature shall be placed on all final specifications, land surveys, reports, plats, drawings, plans, design information and calculations whenever presented to a client or any public or governmental agency.

3. The seal shall be placed on all originals, tracings or other reproducible documents and shall be signed and dated by the registrant in such a manner that the seal, signature and date will be legible when reproduced. The application of the registrant's

dated signature to the sealed document shall constitute certification that the work thereon was done by the registrant or under the registrant's direct supervision or control.

4. In the case where multiple registrants are involved, each sheet in a set of drawings shall contain the seal and dated signature of the registrant responsible for that portion of the work.

5. In the case of a firm, at least one sheet shall also show the name of the firm, the firm's Certificate of Authorization number, and the renewal date of the Certificate of Authorization. The registrant in responsible charge of the project for the firm shall sign, seal and date the title page or first page.

6. In the case where the work consists of a letter or report, or a permanently bound set of calculations or specifications, the registrant is only required to sign, seal and date the first page, title page or signature page.

7. In no case shall a registrant allow his seal to be placed on any work that is not under his direct supervision or control, nor shall a registrant sign, seal or date any work not under his direct supervision or control. In the case of a registrant checking and sealing the work of an out-of-state registrant, direct supervision or control shall include having complete dominion and control of the design. In such cases, the registrant of the state in which the work is to be used shall perform a complete check of the design and shall retain possession of the signed, dated and sealed reproducible documents, along with complete signed, dated and sealed design calculations, indicating all changes in the design.

8. In the case of a temporary permit issued to a registrant of another state, the registrant shall affix the seal from his resident state, along with the temporary permit number from this Board and his signature and the date, to all work for which he is responsible.

9. The design of the seal shall be determined by the Board; however, the following minimum information shall be on the seal:

- a. the words "State of Oklahoma",
- b. the registrant's name,
- c. the registrant's registration number, and
- d. the words "Registered Professional Engineer" or "Registered Professional Land Surveyor"; existing seals containing the words "Registered Land Surveyor" may continue to be used.

D. The Board shall issue to any applicant who, in the opinion of the Board, has met the requirements of Section 475.1 et seq. of this title, an enrollment card as an engineer intern or land surveyor intern which indicates that applicant's name has been recorded as such in the Board office. The engineer intern or land surveyor intern enrollment card does not authorize the holder to practice as a professional engineer or professional land surveyor.

SECTION 14. AMENDATORY 59 O.S. 1991, Section 475.16, is amended to read as follows:

Section 475.16 A. The Board shall issue certificates of registration and certificates of authorization for firms for a term of twenty-four (24) months; provided, however, the Board shall promulgate rules and regulations establishing and implementing in an equitable and practicable manner a system by which the terms of individual and firm licenses and renewals shall be staggered on a monthly basis. The expiration date of the license shall be the end of the twenty-fourth month including the month of issuance except as otherwise may be provided by the Board in implementing the staggered system of licensing and renewal. If a license is issued for a period of less than twenty-four (24) months, the license fee shall be prorated to the nearest dollar and month.

B. It shall be the duty of the Secretary of the Board to notify every person registered under Section 475.1 et seq. of this title,

and every firm holding a certificate of authorization under Section 475.1 et seq. of this title, of the date of the expiration of said certificate of registration or certificate of authorization, and the amount of the fee required for its renewal. Such notice shall be mailed to the registrant or firm at the last-known address as shown in the records of the Board at least one (1) month in advance of the date of the expiration of the certificate.

C. Renewal may be affected at any time prior to or during the month of expiration by the payment of a fee as established by the Board, not to exceed One Hundred Dollars (\$100.00) for individual registrants, and Two Hundred Fifty Dollars (\$250.00) for firms for a twenty-four-month term. Renewal of an expired certificate may be affected under rules promulgated by the Board regarding requirements for reexamination and penalty fees.

SECTION 15. AMENDATORY 59 O.S. 1991, Section 475.18, is amended to read as follows:

Section 475.18 A. The Board shall have the power to suspend, revoke or refuse to issue, restore or renew a certificate of registration of, or place on probation, fine or reprimand any professional engineer, professional land surveyor or engineer intern or land surveyor intern who is found guilty of:

1. The practice of any fraud or deceit in obtaining or attempting to obtain or renew a certificate of registration, or a certificate of authorization;

2. Any gross negligence, incompetence or misconduct, in the practice of engineering or land surveying;

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

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

5. Discipline by another state, territory, the District of Columbia, a foreign country, the United States government, or any other governmental agency, if at least one of the grounds for discipline is the same or substantially equivalent to those contained in this section;

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

7. Knowingly making false statements or signing false statements, certificates or affidavits to induce payment;

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

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

10. Signing, affixing the professional engineer's or land surveyor's seal, or permitting the professional engineer's or land surveyor's seal or signature to be affixed to any specifications, reports, drawings, plans, design information, construction documents or calculations, or revisions thereof, which have not been prepared or completely checked by the professional engineer or land surveyor in responsible charge;

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

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

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

B. The Board shall have prepared and shall adopt Rules of Professional Conduct for Professional Engineers and Land Surveyors as provided for in Section 475.8 of this title, which shall be made known in writing to every registrant and applicant for registration under Section 475.1 et seq. of this title, and which shall be published in the roster provided for in Section 475.11 of this title. Such publication shall constitute due notice to all registrants. The Board may revise and amend these Rules of Professional Conduct for Professional Engineers and Land Surveyors from time to time and shall forthwith notify each registrant, in writing, of such revisions or amendments.

C. The Board shall have the power to:

1. Revoke a certificate of authorization ;

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

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

4. Levy a fine in an amount not to exceed Two Hundred Fifty Dollars (\$250.00) for each count or separate offense.

D. Principles of a firm who do not obtain a certificate or authorization as required by Section 475.1 et seq. of this title may be subject to revocation of individual registration.

SECTION 16. AMENDATORY 59 O.S. 1991, Section 475.19, is amended to read as follows:

Section 475.19 A. Any person may prefer charges of fraud, deceit, negligence, incompetence, misconduct or violation of the Rules of Professional Conduct for Professional Engineers and Land Surveyors against any individual registrant, or against any firm holding a certificate of authorization.

B. All charges, unless dismissed by the Board as unfounded or trivial, or unless settled informally, shall be heard by the Board within three (3) months after the date on which they shall have been preferred.

C. The time and place for said hearing shall be fixed by the Board, and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or mailed to the last-known address of such individual registrant, or firm holding a certificate of authorization, at least thirty (30) days before the date fixed for the hearing. At any hearing, the accused individual registrant or firm holding a certificate of authorization shall have the right to appear in person or by counsel, or both, to cross-examine witnesses in their defense, and to produce evidence and witnesses in their own defense. If the accused person or firm fails or refuses to appear, the Board may proceed to hear and determine the validity of the charges.

D. If, after such hearing, a majority of the Board vote in favor of sustaining the charges, the Board shall reprimand, fine in an amount not to exceed Two Hundred Fifty Dollars (\$250.00) for each count or separate offense, refuse to issue, restore or renew, place on probation for a period of time and subject to such conditions as the board may specify, suspend or revoke the individual's certificate of registration, or a firm's certificate of authorization.

E. Any individual registrant having a certificate of registration, or firm holding a certificate of authorization, aggrieved by any action of the Board in levying a fine, denying, suspending, refusing to issue, restore or renew or revoking his certificate of registration, or its certificate of authorization, may appeal therefrom to the proper court under normal civil procedures.

F. The Board may, upon petition of an individual registrant or firm holding a certificate of authorization, reissue a certificate of registration or authorization, provided that a majority of the members of the Board vote in favor of such issuance.

SECTION 17. AMENDATORY 59 O.S. 1991, Section 475.20, is amended to read as follows:

Section 475.20 A. Criminal penalties:

Any person or entity who shall practice, or offer to practice, engineering or land surveying in this state without being registered in accordance with the provisions of this act, or any person, firm, partnership, organization, association, corporation or other entity using or employing the words "engineer" or "engineering" or "land surveyor" or "land surveying" or any modification or derivative thereof in its name or form of business or activity except as authorized in Section 475.1 et seq. of this title, or any person presenting or attempting to use the certificate of registration or the seal of another, or any person who shall give false or forged evidence of any kind to the Board or to any member thereof in obtaining or attempting to obtain a certificate of registration, or any person who shall falsely impersonate any other registrant of like or different name, or any person who shall attempt to use an expired, suspended or revoked or nonexistent certificate of registration, or who shall practice or offer to practice when not qualified, or any person who falsely claims that he is registered under Section 475.1 et seq. of this title, or any person who shall violate any of the provisions of Section 475.1 et seq. of this title, shall be guilty of a misdemeanor, for the first offense and a felony for the second offense. Each violation of any provision of Section 475.1 et seq. of this title shall constitute a separate offense. Upon conviction, the person or entity shall be sentenced to pay a fine of not less than Two Hundred Fifty Dollars (\$250.00), nor more than Two Thousand Dollars (\$2,000.00), or be imprisoned for a period not exceeding one (1) year, or both, for each offense.

B. Administrative penalties:

1. Any person or entity who has been determined by the Board to have violated any provision of Section 475.1 et seq. of this title, or any rule, regulation or order issued pursuant to such provisions, may be liable for an administrative penalty of not more than Two Hundred Fifty Dollars (\$250.00) for each day that the violation continues. The maximum administrative penalty shall not exceed Ten Thousand Dollars (\$10,000.00) for any related series of violations.

2. The amount of the penalty shall be assessed by the Board pursuant to the provisions of subsection 1 of this section, after notice and hearing. In determining the amount of the penalty, the Board shall include, but not be limited to, consideration of the nature, circumstances and gravity of the violation, and with respect to the person or entity found to have committed the violation, the degree of culpability, the effect on ability of the person or entity to continue to do business and any show of good faith in attempting to achieve compliance with the provisions of Section 475.1 et seq. of this title. All monies collected from such administrative penalties shall be deposited with the State Treasurer and placed in the "Professional Engineers and Land Surveyors Fund".

3. Any certificate of registration or certificate of authorization holder may elect to surrender the certificate of registration or certificate of authorization in lieu of said fine,



but shall be permanently barred from obtaining a reissuance of the certificate of registration or certificate of authorization.

C. Legal Counsel:

The Attorney General of this state or his assistant shall act as legal advisor to the Board and render such legal assistance as may be necessary in carrying out the provisions of Section 475.1 et seq. of this title. The Board may employ counsel and necessary assistance to aid in the enforcement of such provisions, and the compensation and expenses therefor shall be paid from funds of the Board.

SECTION 18. AMENDATORY 59 O.S. 1991, Section 475.21, is amended to read as follows:

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

1. The person in direct control or having personal supervision of such practice and all personnel who act in behalf of said firm in professional matters are registered under Section 475.1 et seq. of this title; and

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

All final drawings, specifications, plans, reports, land surveys, plats, land descriptions, calculations or other engineering or land surveying papers or documents involving the practice of engineering or land surveying, as defined in Section 475.1 et seq. of this title, when issued or filed for public record, shall be dated and bear the signature and seal of the professional engineer or the professional land surveyor, qualified in the appropriate branch of engineering or land surveying, who prepared them or under whose immediate direction they were prepared.

B. An engineering or land surveying firm desiring a certificate of authorization shall file with the Board an application, using a form provided by the Board, and provide all the information required by the Board. The Board shall prescribe a form to be filed with the renewal fee and which shall be updated within thirty (30) days of the time any information contained on the form is changed or differs for any reason. If, in the Board's judgment, the information contained on the form warrants such action, the Board shall issue a certificate of authorization for said firm to practice engineering or land surveying and to contract and collect fees for furnishing these services.

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

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

D. The Secretary of State shall decline to register any trade name or service mark which includes such words, as set forth in subsection C of this section, or modifications or derivatives

thereof in its firm name or logotype except those firms holding authorization certificates issued under the provisions of this section.

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

F. An engineer or land surveyor who renders occasional, part-time or consulting engineering or land surveying services to or for a firm may not, for the purposes of this section, be designated as being responsible for the professional activities of the firm.

SECTION 19. AMENDATORY 59 O.S. 1991, Section 475.22, is amended to read as follows:

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

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

2. Temporary Permit:

a. Professional engineer. The practice or offer to practice engineering by a person not a resident of or having no established place of business in this state provided such person is legally qualified by registration to practice engineering, as defined in Section 475.2 of this title, in his own state or country. Such person shall make application to the Board, in writing, and after payment of a fee of Five Hundred Dollars (\$500.00) may be granted a written permit for a definite period of time, not to exceed one (1) year to do a specific job; provided, however, no right to practice engineering shall accrue to such applicant with respect to any other works not set forth in said permit;

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

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

SECTION 20. AMENDATORY 59 O.S. 1991, Section 475.22a, is amended to read as follows:

Section 475.22a It shall be unlawful for the registrar of deeds or the county clerk of any county or proper public authority to file any map, plat, survey or other documents within the definition of land surveying which do not have impressed thereon and affixed thereto the personal signature and seal of a professional land surveyor by whom or under whose direct supervision the map, plat, survey or other documents were prepared.

SECTION 21. REPEALER 59 O.S. 1991, Section 475.22b, is hereby repealed.

SECTION 22. This act shall become effective July 1, 1992.

SECTION 23. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.