

SHORT TITLE: Professional engineers and land surveyors; modifying requirements pertaining to signature, date of signature, seal and direct control and personal supervision of licensee. Effective date. Emergency.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 1093

By: Brown

AS INTRODUCED

An Act relating to professional engineers and land surveyors; amending 59 O.S. 1991, Sections 475.1, 475.2, 475.4, 475.7, 475.8, 475.9, 475.10, 475.11, 475.12, 475.13, 475.14, 475.15, 475.16, as amended by Sections 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, Chapter 165, O.S.L. 1992, 475.17, 475.18 and 475.19, as amended by Sections 15 and 16, Chapter 165, O.S.L. 1992, 475.20, as last amended by Section 508, Chapter 133, O.S.L. 1997, 475.21, 475.22 and 475.22a, as amended by Sections 18, 19 and 20, Chapter 165, O.S.L. 1992 (59 O.S. Supp. 1997, Sections 475.1, 475.2, 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 the regulation of professional engineers and professional land surveyors; modifying gender references; modifying name of certain board; clarifying terms; specifying certain requirements be met before engaging in practice of engineering and land surveying; modifying and adding definitions; clarifying meaning of signature and date; defining direct control and personal supervision; clarifying language; granting executive director of board certain authority; changing process of registration to licensure; making certain additional kinds of

records confidential; modifying minimum evidence required for certain categories of licensure; deleting certain category for licensure; modifying information to be furnished by applicant for licensure; modifying examination provisions; modifying requirements pertaining to signature, date of signature, and seal used to certify that certain work was done by licensee or under direct control and personal supervision of licensee; modifying work requiring such signature, date of signature, and seal; requiring signature, date of signature, and seal be applied in certain manner to be legible when reproduced; requiring certain statements be placed on certain preliminary work and work delivered electronically; specifying signature, date of signature, seal, and other information required on work involving multiple licensees, a firm, and multiple firms and on certain documents; prohibiting certain use of seal; specifying manner in which out-of-state licensee's work is checked and sealed; deleting certain fee amount and allowing amount to be set by rule of the board; modifying and adding ground for disciplinary action; deleting certain disciplinary powers of the board; modifying manner in which complaints are filed with board; modifying time period for setting certain hearing; modifying administrative fine and factors which may be considered by board in determining fine; deeming certain penalties to constitute a judgment of the court if not paid within certain time period; deleting temporary permit provisions; providing for inactive license;

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, as amended by Section 1, Chapter 165, O.S.L. 1992 (59 O.S. Supp. 1997, Section 475.1), is amended to read as follows:

Section 475.1 A. 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~~ that person's name or otherwise assume or advertise any title or description tending to convey the impression that ~~he~~ the person is an engineer, professional engineer, land surveyor or professional land surveyor, unless such person has been duly ~~registered or exempted~~ licensed 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~~ this state through the State Board of ~~Registration~~ Licensure for Professional Engineers and Professional Land Surveyors, based on the qualifications of the individual as evidenced by ~~his~~ the individual's ~~certificate~~ Certificate of ~~registration~~ Licensure, which shall not be transferable.

B. Whenever the terms "Board of Registration for Professional Engineers and Land Surveyors" and "Board" when used in reference to the State Board of Registration for Professional Engineers and Land Surveyors appear in the Oklahoma Statutes, they shall mean the State Board of Licensure for Professional Engineers and Professional Land Surveyors. Whenever the terms "registered engineer", "professional engineer", "registered land surveyor", and "professional land

surveyor" appear in the Oklahoma Statutes, they shall mean licensed professional engineer and licensed professional land surveyor respectively.

SECTION 2. AMENDATORY 59 O.S. 1991, Section 475.2, as amended by Section 2, Chapter 165, O.S.L. 1992 (59 O.S. Supp. 1997, 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, after meeting the requirements of Section 475.1 et seq. of this title, 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~~ monitoring 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~~ the work 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 or herself to be a professional engineer, or through the use of some other title implies that ~~he~~ the person is a professional engineer or that ~~he~~ the person is ~~registered~~ licensed under Section 475.1 et seq. of this title; or who holds himself or herself 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, after meeting the requirements of Section

475.1 et seq. of this title, 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 performed for the purpose of measuring or monitoring property and land boundaries and for the platting and layout of the lands and subdivision thereof, including the topography, the adequate performance of which involves, but is not limited to, 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. Additionally, the teaching of advanced land surveying subjects or courses related thereto shall constitute the practice of land surveying.

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 or herself to be a professional land surveyor or through the use of some other title implies that ~~he~~ the person is a professional land surveyor or that ~~he~~ the person is ~~registered~~ licensed under Section 475.1 et seq. of this title or holds himself or herself 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 work;

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

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

11. "Direct control" and "personal supervision", whether used separately or together, mean active and personal management of the firm's personnel and practice, including personal presence in the workplace, to maintain charge of and concurrent direction over engineering or land surveying decisions and the instruments of professional services to which the licensee shall affix the seal, original handwritten signature and original handwritten date of signature;

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

~~12.~~ 13. "Firm" means a corporation, partnership, co-partnership, joint stock association ~~or private practitioner employing others,~~ limited liability company, or a sole proprietorship; and

14. "Signature" and "date", whether used together or separately, mean an original signature handwritten by the licensee for each application of the seal and original date of signature handwritten by the licensee for each application of the seal.

SECTION 3. AMENDATORY 59 O.S. 1991, Section 475.4, as amended by Section 4, Chapter 165, O.S.L. 1992 (59 O.S. Supp. 1997, Section 475.4), is amended to read as follows:

Section 475.4 Each engineer member of the State Board of Licensure for Professional Engineers and Professional Land Surveyors shall be a citizen of the United States and resident of this state. ~~He~~ Each engineer member shall have been licensed as a professional engineer in this state and engaged in the lawful practice of engineering for at least ten (10) years, and 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~~ Each land surveyor member shall have been licensed as a professional land surveyor in this state and engaged in the lawful practice of land surveying as a land surveyor for at least ten (10) years, and 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 4. AMENDATORY 59 O.S. 1991, Section 475.7, as amended by Section 5, Chapter 165, O.S.L. 1992 (59 O.S. Supp. 1997, Section 475.7), is amended to read as follows:

Section 475.7 The State Board of Licensure for Professional Engineers and Professional Land Surveyors 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~~ Chair, a ~~Vice-Chairman~~ Vice-chair 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 5. AMENDATORY 59 O.S. 1991, Section 475.8, as amended by Section 6, Chapter 165, O.S.L. 1992 (59 O.S. Supp. 1997, Section 475.8), is amended to read as follows:

Section 475.8 A. The State Board of Licensure for Professional Engineers and Professional Land Surveyors 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 Professional 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 all persons ~~registered under~~ and firms for the purposes enumerated in 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 professional land surveying services;

4. Upon good cause shown, as hereinafter provided, deny the issuance of a ~~certificate~~ Certificate of ~~registration~~ Licensure or ~~certificate~~ Certificate of ~~authorization~~ Authorization or suspend, revoke or refuse to renew ~~certificates~~ Certificates of ~~registration~~ Licensure or ~~certificates~~ Certificates of ~~authorization~~ 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~~ that 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~~ enforcement 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~~ Chair, Vice-chair, or Executive Director 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~~ licensure 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 6. AMENDATORY 59 O.S. 1991, Section 475.9, as amended by Section 7, Chapter 165, O.S.L. 1992 (59 O.S. Supp. 1997, Section 475.9), is amended to read as follows:

Section 475.9 A. The Secretary and the Executive Director of the State Board of Licensure for Professional Engineers and Professional Land Surveyors 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 Professional 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 7. AMENDATORY 59 O.S. 1991, Section 475.10, as amended by Section 8, Chapter 165, O.S.L. 1992 (59 O.S. Supp. 1997, Section 475.10), is amended to read as follows:

Section 475.10 A. The State Board of Licensure for Professional Engineers and Professional Land Surveyors shall keep a record of its proceedings and of all applications for ~~registration~~ licensure, 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~~ Certificate of ~~registration~~ Licensure 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~~ Chair 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, transcripts, or student records, Board inquiry forms concerning applicants, investigation files where any investigation is still pending and all other matters of like confidential nature.

SECTION 8. AMENDATORY 59 O.S. 1991, Section 475.11, as amended by Section 9, Chapter 165, O.S.L. 1992 (59 O.S. Supp. 1997, 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 State Board of Licensure for Professional Engineers and Professional Land Surveyors at intervals as established by Board ~~regulations~~ rules, not to exceed three (3) years. Interim rosters of new ~~registrants~~ licensees 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~~ licensees. 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 9. AMENDATORY 59 O.S. 1991, Section 475.12, as amended by Section 10, Chapter 165, O.S.L. 1992 (59 O.S. Supp. 1997, 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~~ licensure as a professional engineer, three of which shall be professional engineers having personal knowledge of the applicant's ~~engineering experience~~ qualifications, 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 State Board of Licensure for Professional Engineers and Professional Land Surveyors that the applicant is qualified for ~~registration~~ licensure as a professional engineer, or for certification as an engineer intern, respectively:

1. As a professional engineer:

- a. ~~Registration~~ Licensure by Comity or Endorsement - A person holding a ~~certificate~~ Certificate of ~~registration~~ Licensure to engage in the practice of engineering issued to ~~him~~ the person 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~~ licensure act in effect in this state at the time such certificate was issued, may, upon application, be ~~registered~~ licensed 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~~ the council record, meet the requirements of ~~this act~~ Section 475.1 et seq. of this title may, upon application, be ~~registered~~ licensed without further examination.

- b. Graduation, Experience and Examination - A graduate ~~of~~ with an engineering ~~curriculum~~ degree 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, following the date of the degree, 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~~ Certificate of ~~registration~~ Licensure to practice engineering in this state, if otherwise qualified.
- c. Alternative Graduation, Experience and Education - A graduate ~~of~~ with an engineering degree or related science ~~curriculum~~ degree of four (4) years or more, other than ~~the ones~~ those approved by the Board as being of satisfactory standing, and with a specific record of six (6) years or more of progressive experience, following the date of the degree, 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 but not later than the October 25, 2003, examination date and, if the applicant is passed, then shall be admitted to an eight-hour written examination in the principles and practice of engineering at the times and places scheduled by the Board, but not later than December 31, 2013. Upon passing such ~~examination~~ examinations, the applicant shall be granted a ~~certificate~~ Certificate of ~~registration~~ Licensure to practice engineering in this state, if otherwise qualified. Except as provided in this subparagraph, "Alternative Graduation, Experience and Education" shall not be considered by the Board as evidence that an applicant is qualified for licensure as a professional engineer.

- 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 at the rank of instructor or higher in a college or university offering an approved engineering curriculum of four (4) years or more, approved by the Board, 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~~ with an engineering ~~curriculum~~ degree 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~~ with an engineering degree or related science ~~curriculum~~ degree 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, following the date of the degree, 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. Provided, however, after December 31,

2003, "Alternative Graduation, Experience and Education", as specified in this subparagraph, shall not be considered by the Board as evidence that an applicant is qualified for certification as an engineer intern.

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~~ licensure as a professional land surveyor, three of which shall be ~~registered~~ licensed land surveyors having personal knowledge of the applicant's ~~land surveying experience~~ qualifications; or in the case of an applicant for certification as a land surveyor intern, by three references, one of whom shall be a ~~registered~~ licensed land surveyor having personal knowledge of the applicant's ~~land surveying experience~~ qualifications.

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

1. As a land surveyor:

- a. ~~Registration~~ Licensure by Comity or Endorsement - A person holding a ~~certificate~~ Certificate of

~~registration~~ Licensure 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~~, who has 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~~ supervision of land surveying projects under the ~~supervision~~ responsible charge 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~~ Certificate of ~~registration~~ Licensure 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~~ those approved by the Board as being of satisfactory standing, ~~and with~~ who has 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~~ supervision of land surveying projects under the ~~supervision~~ responsible charge 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~~ Certificate of ~~registration~~ Licensure 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~~ supervision 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~~ Certificate of registration Licensure to practice land surveying in this state, if otherwise qualified.

- e. Surveying Teaching - Surveying teaching at the rank of instructor or higher in a college or university offering an approved surveying curriculum of two (2) years or more accepted by the Board 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~~ who has 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 10. AMENDATORY 59 O.S. 1991, Section 475.13, as amended by Section 11, Chapter 165, O.S.L. 1992 (59 O.S. Supp. 1997, Section 475.13), is amended to read as follows:

Section 475.13 A. 1. Application for ~~registration~~ licensure 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 State Board of Licensure for Professional Engineers and Professional Land Surveyors. 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~~ licensure 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~~ and 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~~ Certificate of ~~registration~~ Licensure to any applicant, including the application of a firm for a ~~certificate~~ Certificate of ~~authorization~~ Authorization, the fee shall be retained as an application fee.

SECTION 11. AMENDATORY 59 O.S. 1991, Section 475.14, as amended by Section 12, Chapter 165, O.S.L. 1992 (59 O.S. Supp. 1997, 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 State Board of Licensure for Professional Engineers and Professional Land Surveyors directs. The Board shall determine the ~~acceptable~~ passing 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;
5. Oklahoma Professional Land Surveying; and
6. Oklahoma Professional Engineering.

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~~ reapply to the

~~Board with evidence of having acquired the necessary additional knowledge to qualify~~ on forms prescribed by the Board.

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 12. AMENDATORY 59 O.S. 1991, Section 475.15, as amended by Section 13, Chapter 165, O.S.L. 1992 (59 O.S. Supp. 1997, Section 475.15), is amended to read as follows:

Section 475.15 A. The State Board of Licensure for Professional Engineers and Professional Land Surveyors 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~~ Certificate of registration Licensure giving the ~~registrant licensee~~ proper authority to practice ~~his~~ the licensee's profession in this state. The ~~certificate~~ Certificate of registration Licensure 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~~ license number of the ~~registrant licensee~~ and shall be signed by the ~~Chairman~~ Chair 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~~ valid.

C. Each ~~registrant licensee~~ licensee hereunder must, upon ~~registration~~ licensure, obtain a seal, the design and use of which are described

below. It shall be unlawful for a ~~registrant~~ licensee to affix, or permit ~~his~~ the licensee's 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~~ licensee's original handwritten signature and date of signature shall be written by the licensee adjacent to or across the seal. No further words or wording are required. ~~A facsimile signature or electronically digitized signature will not be acceptable~~ The application of the licensee's original handwritten signature and original handwritten date of signature to the sealed document shall constitute certification that the work thereon was done by the licensee or under the licensee's direct control and personal supervision.

2. The seal ~~and dated,~~ original handwritten signature, and original handwritten date of signature shall be placed on all final work such as drawings, specifications, plans, reports, land surveys, reports, plats, drawings, plans, land descriptions, design information and, construction documents, calculations ~~whenever presented to a client or any public or governmental agency,~~ and other engineering or land surveying papers or documents involving the practice of engineering or land surveying.

In lieu of sealing, signing, and dating each copy of the work, the seal, original handwritten signature, and original handwritten date of signature shall be placed on originals, tracings, or other reproducible documents by the licensee in such a manner that the seal, original handwritten signature, and original handwritten date of signature will be legible when reproduced.

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. Work of a preliminary nature, submitted to obtain comments and not for formal approval, shall be clearly marked with the following statement:~~

"This document is released with the limitations of (no reuse, no redistribution, no reproduction, or, as applicable) for the purpose of (interim review, markup, or as applicable) under the authority of (name of licensee in responsible charge of the project), Oklahoma P.E. or P.L.S. No. \_\_\_\_\_, on (date). This media is not a sealed document and shall not be used for any purpose except that stated above."

4. Drawing and all other work delivered in an electronic media form or transmitted in an electronic file format may have the computer generated seal removed at the discretion of the licensee, but in all instances shall have the following note inserted adjacent to the seal or in lieu thereof:

"This electronic media or file is not work issued under the seal of a P.E. or a P.L.S. and is not a substitute for the document originally sealed by (name of licensee), Oklahoma P.E. or P.L.S. No. \_\_\_\_\_, on (date sealed, signed and dated). This media is not a sealed document."

5. In the case ~~where~~ when multiple ~~registrants~~ licensees are involved, each sheet in a set of drawings shall contain the seal and ~~dated~~ the original handwritten signature and original handwritten date of signature of the ~~registrant~~ licensee responsible for that portion of the work.

In the case when multiple firms are involved, each sheet in a set of drawings shall contain the name of the firm, the firm's Certificate of Authorization number, expiration date of the Certificate of Authorization, and the seal, original handwritten signature, and original handwritten date of signature of the licensee responsible for that portion of the work.

~~5. 6.~~ In the case of a firm, ~~at least one sheet~~ each drawing and the title page of a bound document 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. 7.~~ In the case ~~where~~ when the work consists of a letter or report, or a ~~permanently~~ bound set of calculations or specifications, the ~~registrant~~ licensee is ~~only~~ required to sign, seal and date only the first page, title page or signature page of the document.

~~7. 8.~~ In no case shall a ~~registrant~~ licensee allow ~~his~~ the licensee's 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 and supervision of the licensee. In the case of a ~~registrant~~ licensee checking and sealing the work of an out-of-state ~~registrant~~ licensee who shall have first sealed, dated, and signed the work, direct control and personal supervision ~~or control,~~ as defined in Section 475.2 of this title, 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~~ Oklahoma licensee shall determine that the out-of-state registrant has sealed and signed the work, shall perform a complete check of the design, and shall retain possession of the ~~signed, dated and sealed~~ reproducible documents containing the Oklahoma licensee's seal, original handwritten

signature, and original handwritten date of signature, along with complete signed, dated and sealed design calculations, indicating all changes in the design, and also containing a seal, original handwritten signature, and original handwritten date of signature.

~~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~~ licensee's name,
- c. the ~~registrant's registration~~ licensee's license number, and
- d. the words "Registered Professional Engineer" or "Registered Professional Land Surveyor"; ~~existing~~ seals containing the words "Registered Professional Engineer" or "Registered Land Surveyor" ~~may continue to be used or~~ "Registered Professional Land Surveyor" are authorized.

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 13. AMENDATORY 59 O.S. 1991, Section 475.16, as amended by Section 14, Chapter 165, O.S.L. 1992 (59 O.S. Supp. 1997, Section 475.16), is amended to read as follows:

Section 475.16 A. The State Board of Licensure for Professional Engineers and Professional Land Surveyors shall issue

~~certificates~~ Certificates of ~~registration~~ Licensure and ~~certificates~~ Certificates of ~~authorization~~ 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~~ Executive Director of the Board to notify every person ~~registered~~ licensed under Section 475.1 et seq. of this title, and every firm holding a ~~certificate~~ Certificate of ~~authorization~~ Authorization under Section 475.1 et seq. of this title, of the date of the expiration of ~~said~~ ~~certificate~~ the Certificate of ~~registration~~ Licensure or ~~certificate~~ Certificate of ~~authorization~~ Authorization, and the amount of the fee required for its renewal. Such notice shall be mailed to the ~~registrant~~ licensee 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~~ licensees, 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 14. AMENDATORY 59 O.S. 1991, Section 475.17, is amended to read as follows:

Section 475.17 A new ~~certificate~~ Certificate of ~~registration~~ Licensure or ~~certificate~~ Certificate of ~~authorization,~~ to replace any ~~certificate lost, destroyed or mutilated,~~ Authorization may be issued, subject to the rules of the ~~Board~~ State Board of Licensure for Professional Engineers and Professional Land Surveyors. A charge of ~~Fifteen Dollars (\$15.00)~~ established by rule of the Board shall be made for such issuance.

SECTION 15. AMENDATORY 59 O.S. 1991, Section 475.18, as amended by Section 15, Chapter 165, O.S.L. 1992 (59 O.S. Supp. 1997, Section 475.18), is amended to read as follows:

Section 475.18 A. The State Board of Licensure for Professional Engineers and Professional Land Surveyors shall have the power to suspend, revoke or refuse to issue, restore or renew a ~~certificate~~ Certificate of ~~registration~~ Licensure or Certificate of Authorization of, or place on probation, fine or reprimand any person, firm, 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~~ Certificate of ~~registration~~ Licensure, or a ~~certificate~~ Certificate of ~~authorization~~ 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~~ or 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 professional land surveyor's license is suspended, revoked, nonrenewed or inactive;

10. Signing, affixing the professional engineer's or professional land surveyor's seal, or permitting the professional engineer's or professional 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:

- a. prepared ~~or completely checked by~~ under the direct control and personal supervision of the professional engineer or professional land surveyor in responsible charge in accordance with the provisions of Section 475.1 et seq. of this title, or

b. completely checked by the professional engineer as authorized by paragraph 8 of subsection C of Section 475.15 of this title;

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, possession, or distribution of a controlled dangerous substance; or

14. Failure of a professional land surveyor to comply with the Oklahoma Minimum Standards for the Practice of Land Surveying.

B. The Board shall have prepared and shall adopt Rules of Professional Conduct for Professional Engineers and Professional Land Surveyors as provided for in Section 475.8 of this title, which shall be made known in writing to every ~~registrant~~ licensee and applicant for ~~registration~~ licensure 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~~ licensees. The Board may revise and amend these Rules of Professional Conduct for Professional Engineers and Professional Land Surveyors from time to time and shall forthwith notify each ~~registrant~~ licensee, 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, as amended by Section 16, Chapter 165, O.S.L. 1992 (59 O.S. Supp. 1997, 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~~ file information or a complaint with the State Board of Licensure for Professional Engineers and Professional Land Surveyors pertaining to any violation of the provisions of Section 475.1 et seq. of this title or rules promulgated pursuant thereto concerning any person or firm.

B. All charges, unless dismissed by the Board as unfounded or trivial, or unless settled informally, shall be ~~heard~~ set for hearing by the Board within ~~three (3)~~ four (4) months after the date on which they shall have been ~~preferred~~ served on the respondent.

C. The time and place for ~~said~~ the 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~~ respondent, 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~~ respondent shall have the right to appear in person or by counsel, or both, to cross-examine witnesses in ~~their~~ the

respondent's defense, and to produce evidence and witnesses in ~~their~~  
~~own~~ the respondent's 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 impose  
administrative penalties as provided herein and costs, 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~~ Certificate of ~~registration~~ Licensure, or a  
firm's ~~certificate~~ Certificate of ~~authorization~~ Authorization.

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

F. The Board may, upon petition of an individual ~~registrant~~  
licensee or of a firm holding a ~~certificate~~ Certificate of  
~~authorization~~ Authorization, reissue a ~~certificate~~ Certificate of  
~~registration~~ Licensure or ~~authorization~~ Certificate of  
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, as  
last amended by Section 508, Chapter 133, O.S.L. 1997 (59 O.S. Supp.  
1997, 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~~ licensed in accordance with the provisions of ~~this act~~ Section 475.1 et seq. of this title, 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~~ Certificate of ~~registration~~ Licensure or the seal of another, or any person who shall give false or forged evidence of any kind to the State Board of Licensure for Professional Engineers and Professional Land Surveyors or to any member thereof in obtaining or attempting to obtain a ~~certificate~~ Certificate of ~~registration~~ Licensure, or any person who shall falsely impersonate any other ~~registrant~~ licensee of like or different name, or any person who shall attempt to use an expired, suspended or revoked or nonexistent ~~certificate~~ Certificate of ~~registration~~ Licensure, or who shall practice or offer to practice when not qualified, or any person who falsely claims ~~that he is~~ registered to be licensed 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 felony, upon conviction thereof. Each violation of any provision of Section 475.1 et seq. of this title shall constitute a separate offense. The fine for a violation of this section shall be not less than Two Hundred Fifty Dollars (\$250.00), nor more than Two Thousand Dollars (\$2,000.00).

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~~ less than One Hundred Dollars (\$100.00) nor more than 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~~ paragraph 1 of this ~~section~~ subsection, after notice and hearing. In determining the amount of the penalty, the Board shall include, but not be limited to~~7~~:

- a. consideration of prior violations determined by the Board or the board of another state,
- b. the nature, circumstances and gravity of the violation, and
- c. 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 holder~~ holder of a Certificate of registration Licensure or ~~certificate~~ Certificate of authorization holder Authorization may elect to surrender the ~~certificate~~ Certificate of registration Licensure or ~~certificate~~ Certificate of authorization Authorization in lieu of ~~said~~ the fine, but shall be permanently barred from obtaining a reissuance of the ~~certificate~~ Certificate of registration Licensure or ~~certificate~~ Certificate of authorization Authorization.

C. Legal Counsel:

The Attorney General of this state or ~~his~~ an assistant attorney general 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.

D. Any penalty assessed pursuant to Section 475.19 or 475.20 of this title shall be assessed in a proceeding as provided for in this section. Unless the amount of the penalty is paid within fifty (50) days after the order becomes final or as ordered by the Board, the order shall constitute a judgment and shall be filed and execution issued thereon in the same manner as any other judgment of a court of record.

SECTION 18. AMENDATORY 59 O.S. 1991, Section 475.21, as amended by Section 18, Chapter 165, O.S.L. 1992 (59 O.S. Supp. 1997, 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~~ authorized provided:

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

2. Said firm has been issued a ~~certificate~~ Certificate of ~~authorization~~ Authorization by the State Board of Licensure for Professional Engineers and Professional Land Surveyors.

All final work such as drawings, specifications, plans, reports, land surveys, plats, land descriptions, design information, construction documents, calculations ~~or~~ and 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 with an original handwritten signature by the licensee and bear the original handwritten signature of the licensee and the 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~~ direct control and personal supervision they were prepared.

B. An engineering or land surveying firm desiring a ~~certificate~~ Certificate of ~~authorization~~ 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~~ Certificate of ~~authorization~~ 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~~ person 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~~ license 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~~ licensure for these professions has issued for ~~said~~ the applicant a ~~certificate~~ Certificate of ~~authorization~~ 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~~ licensure.

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~~ Certificates of Authorization issued under the provisions of this section.

E. The ~~certificate~~ Certificate of ~~authorization~~ 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~~ in responsible charge of the professional activities of the firm.

SECTION 19. AMENDATORY 59 O.S. 1991, Section 475.22, as amended by Section 19, Chapter 165, O.S.L. 1992 (59 O.S. Supp. 1997, 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~~ Certificate of registration Licensure 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 control and personal supervision of ~~and verified by~~ a person holding a ~~certificate~~ Certificate of registration Licensure under Section 475.1 et seq. of this title ~~or a person practicing lawfully under paragraph 2 of this section;~~~~

3. Inactive License. Licensees who are engaged in engineering or land surveying practice in this state may, upon proper application, be granted inactive status by the State Board of Licensure for Professional Engineers and Professional Land Surveyors, subject to rules of the Board.

SECTION 20. AMENDATORY 59 O.S. 1991, Section 475.22a, as amended by Section 20, Chapter 165, O.S.L. 1992 (59 O.S. Supp. 1997, 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 control and personal supervision the map, plat, survey or other documents were prepared.

SECTION 21. This act shall become effective July 1, 1998.

SECTION 22. 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.

46-2-2382 WHT