ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE
BILL NO. 1607

By: Miller (Doug) of the House

and

Branan of the Senate

An Act relating to professions and occupations; amending 59 O.S. 2001, Sections 475.1, 475.2, 475.3, as amended by Section 1, Chapter 26, O.S.L. 2004, 475.4, 475.6, 475.7, 475.8, 475.9, 475.10, 475.11, 475.12, 475.13, 475.14, 475.15, 475.16, 475.17, 475.18, 475.19, 475.20, 475.21 and 475.22 (59 O.S. Supp. 2004, Section 475.3), which relate to engineering and land surveying; * * * * adding position of Director of Enforcement; clarifying reference to certain council; modifying time period for the board to report transactions to the Governor; providing that certain rosters be made available to the public; * * * * modifying requirements for persons in charge of a firm; deleting reference to certain fee amount; and providing an effective date.

AMENDMENT NO. 1. Page 1, strike the title, enacting clause and entire bill and insert

"An Act relating to professions and occupations; amending 59 O.S. 2001, Sections 475.1, 475.2, 475.3, as amended by Section 1, Chapter 26, O.S.L. 2004, 475.4, 475.6, 475.7, 475.8, 475.9, 475.10, 475.11, 475.12, 475.13, 475.14, 475.15, 475.16, 475.17, 475.18, 475.19, 475.20, 475.21 and 475.22 (59 O.S. Supp. 2004, Section 475.3), which relate to engineering and land surveying; modifying reference from registration and its variations to licensure and its variations throughout the act; modifying certain definitions; deleting requirement that board members receive certain certificate; authorizing the board to dispose of certain complaints and order examinations as it deems necessary; deleting reference to position of secretary; adding position of Director of Enforcement; clarifying reference to certain council; modifying time period for the board to report transactions to the Governor; providing that certain rosters be made available to the public; deleting certain evidence requirement to satisfy qualifications as a professional engineer and land surveyor; adding educational requirement for certain applicants after certain date; deleting certain application requirements; modifying examination requirements; adding certain examination subject areas; providing for fees; specifying method of presenting certain documents produced by multiple

licensees and a firm; providing restriction on seal and signature; adding certain words that may appear on the seal; deleting certain rule promulgation requirement of the board; deleting licensure charge; modifying certain powers of the board to suspend, revoke, or issue a license; providing procedures for allegations of certain violations; allowing for administrative penalties; deleting reference to requirements for certain final documents; modifying requirements for persons in charge of a firm; deleting reference to certain fee amount; modifying time allowed to perform a job under a certain permit; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2001, 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~~ <u>any</u> name or otherwise assume or advertise any title or description tending to convey the impression that ~~he~~ <u>any person</u> is an engineer, professional engineer, land surveyor or professional land surveyor, unless such person has been duly ~~registered or exempted~~ <u>licensed</u> 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~~ <u>Licensure</u> for Professional Engineers and Land Surveyors, based on the qualifications of the individual as evidenced by ~~his~~ <u>a</u> certificate of ~~registration~~ <u>licensure</u>, which shall not be transferable.

SECTION 2. AMENDATORY 59 O.S. 2001, 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 and the regulations issued by the Board pursuant thereto, 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 and the regulations issued by the Board pursuant thereto;

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 and the regulations issued by the Board pursuant thereto;

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 design review and integration of a multidiscipline work, planning, progress and completion of any engineering services.

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

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 or entity 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 does any of the following: practices any branch of the profession of engineering; ~~or who,~~ by verbal claim, sign, advertisement, letterhead, card or in any other way represents ~~himself~~ such person to be a professional engineer, ~~or~~ through the use of some other title implies that ~~he~~ any person is a professional engineer or ~~that he~~ is ~~registered~~ licensed or qualified under Section 475.1 et seq. of this title; or who ~~holds himself out as able~~ represents qualifications or ability to perform~~,~~ or who does ~~perform any~~ practice engineering ~~service or work or any other service designated by the practitioner which is recognized as engineering~~;

5. "~~Land~~ Professional land surveyor" or "land surveyor" means a person who has been duly licensed as a professional land surveyor pursuant to Section 475.1 et seq. of this title and the regulations issued by the Board pursuant thereto; and is 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 and regulations issued by the Board pursuant thereto;

~~8.~~ 7. a. "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,~~ methods of measurement, and the ~~relevant requirements of~~ law for ~~adequate evidence~~ the determination and preservation of land boundaries~~, 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 the 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~~. "Practice of land surveying" includes, without limitation:

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

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

(3) determination of the areas and elevations of land parcels,

(4) subdivision of land parcels into smaller parcels and/or the preparation of the descriptions thereof,

(5) measuring and platting underground mine workings,

(6) preparation of the control portions of geographic information systems and land information systems,

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

(8) preparation of land survey plats, condominium plats, monument records, and survey reports,

(9) surveying, monumenting, and platting of easements, and rights-of-way,

(10) 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,

(11) geodetic surveying, and

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

b. A person or entity 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 does any one of the following: 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~~ such person to be a professional land surveyor or through the use of some other title implies that ~~he or she~~ such person or entity is a professional land surveyor or that ~~he or she~~ such person is registered, licensed, or qualified under Section 475.1 et seq. of this title; ~~or holds himself or herself out as able~~ represents qualifications or ability to perform; or who does ~~perform any land surveying service or work for which a license is required~~ practice land surveying.

c. A person shall not 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 merely acts as an agent of a purchaser of land surveying services. Agents of a purchaser of land surveying services include, but are not limited to, real estate agents and brokers, title companies, attorneys providing title examination services, and persons who or firms that coordinate the acquisition and use of land surveying services. The coordination

of land surveying services includes, but is not limited to; sales and marketing of services, discussion of requirements of land surveys, contracting to furnish land surveys, review of land surveys, the requesting of revisions of land surveys, and making any and all modifications to surveys with the written consent of the land surveyor, and furnishing final revised copies to the land surveyor showing all revisions, the distribution of land surveys, and receiving payment for such services. These actions do not constitute the practice of land surveying, and do not violate any part of Section 475.1 through 475.22a of this title or the Bylaws and Rules of the Oklahoma State Board of ~~Registration~~ Licensure for Professional Engineers and Land Surveyors;

~~9.~~ 8. "Board" means the State Board of ~~Registration~~ Licensure for Professional Engineers and Land Surveyors;

~~10.~~ 9. "Responsible charge" means direct control and personal supervision of engineering work or land surveying;

~~11.~~ 10. "Rules of professional conduct for professional engineers and land surveyors" means those rules promulgated by the Board; ~~and~~

~~12.~~ 11. "Firm" means ~~a corporation, partnership, co-partnership, joint stock association or private practitioner employing others~~ any form of business entity, a private practitioner employing other licensed engineers, surveyors or licensed design professionals, or any person or entity using one or more fictitious names;

12. "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 affixes the seal, signature, and date; and

13. "Immediate direction" means the exercise of direct control and personal supervision over the personnel of a firm performing engineering or land surveying.

SECTION 3. AMENDATORY 59 O.S. 2001, Section 475.3, as amended by Section 1, Chapter 26, O.S.L. 2004 (59 O.S. Supp. 2004, Section 475.3), is amended to read as follows:

Section 475.3 A. The State Board of ~~Registration~~ Licensure for Professional Engineers and Land Surveyors is hereby re-created, to continue until July 1, 2010, in accordance with the provisions of the Oklahoma Sunset Law, 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 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. Members may be reappointed to succeed themselves. 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. 2001, 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~~ The member shall have been engaged in the lawful practice of engineering for at least ten (10) years~~,~~. The member shall have been in responsible charge of engineering projects for at least five (5) years~~,~~ and shall be a ~~registered~~ licensed 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~~ The member shall have been engaged in the lawful practice of land surveying as a land surveyor for at least ten (10) years~~,~~. The member shall have been in responsible charge of land surveying projects for at least five (5) years~~,~~ and shall be a ~~registered~~ licensed professional land surveyor in this state.

SECTION 5. AMENDATORY 59 O.S. 2001, Section 475.6, is amended to read as follows:

Section 475.6 The Governor may remove any member of the Board for misconduct, ~~incompetency~~ incompetence, neglect of duty or any sufficient cause, in the manner prescribed by law for removal of state officials. Vacancies in the membership of the Board shall be filled for the unexpired term by appointment by the Governor as provided in Section 475.3 of this title.

SECTION 6. AMENDATORY 59 O.S. 2001, 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~~ Chair, ~~a~~ Vice ~~Chairman~~ Chair, and ~~a~~ Secretary. A quorum of the Board shall consist of ~~not less than three professional engineer members and~~ a majority of the full Board that includes at least one professional land surveyor member.

SECTION 7. AMENDATORY 59 O.S. 2001, 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~~ licensed 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~~ licensure or certificate of authorization or suspend, revoke or refuse to renew certificates of ~~registration~~ licensure 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; and

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 or which 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~~ Chair ~~or~~, Vice ~~Chairman~~ 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 or a licensee to such examinations as it deems necessary to determine the applicant's or licensee's qualifications. The Board may dispose of a formal complaint against a licensee for a violation of Section 475.1 et seq. of this title by an order that a licensee shall complete the examinations as the Board deems necessary to determine the qualifications of the licensee, and upon the initial failure or refusal to successfully complete the examination, within the time ordered, place conditions on the license of the licensee to practice and order other remedies until competence is demonstrated.

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 8. AMENDATORY 59 O.S. 2001, 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, Director of Enforcement, 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 examination administration fees, the expenses of the Board's delegates to meetings of and membership fees to the National Council of Examiners for Engineering and Surveying, meaning the national nonprofit organization composed of engineering and land surveying licensing boards commonly called NEECS, 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~~ in the fund.

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

SECTION 9. AMENDATORY 59 O.S. 2001, 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~~ licensure, which record shall show:

1. The name, ~~age~~ date of birth 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~~ 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~~ The Board shall submit ~~to~~, upon request from 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~~ may be kept confidential ~~nature and are not public records~~ by the Board: 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 10. AMENDATORY 59 O.S. 2001, 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~~ maintained and made available to the licensees and the public.

SECTION 11. AMENDATORY 59 O.S. 2001, 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, 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~~ 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 of registration or licensure 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~~ 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 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~~ program of four (4) years or more approved by the Board as being of satisfactory standing, and ~~with~~ following the date of degree, 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~~ licensure to practice engineering in this state, if otherwise qualified.

c. Alternative Graduation, Experience and Education - A graduate of an engineering or related science ~~curriculum~~ program of four (4) years or more, other than the ones approved by the Board as being of satisfactory standing and ~~with~~ following the date of degree, 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~~ licensure 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~~ program 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~~ program 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 following the date of degree 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~~ 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; or in the case of an applicant for certification as a land surveyor intern, by three character 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~~ 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 of ~~registration~~ licensure to engage in the practice of land surveying issued by a proper authority based 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~~ program 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~~ licensure to practice land surveying in this state, if otherwise qualified. Provided, an

applicant under this paragraph shall not be admitted to the fundamentals of land surveying examination after July 1, 2008, unless the applicant is a graduate of a surveying program of two (2) years or more accredited by an accrediting body approved by the Board.

c. Alternative Graduation, Experience and Examination - A graduate of a surveying or related science ~~curriculum~~ program of two (2) years or more, other than the ~~ones~~ programs 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~~ licensure to practice land surveying in this state, if otherwise qualified. Provided, an applicant under this paragraph shall not be admitted to the fundamentals of land surveying examination after July 1, 2008, unless the applicant is a graduate of a surveying or related science program of four (4) years or more other than the programs approved by the Board as being of satisfactory standing.

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~~ licensure to practice land surveying in this state, if otherwise qualified. Provided, after July 1, 2014, "Long Established Practice and Examination", as specified in this paragraph, shall not be considered by the Board as minimum evidence that an applicant is qualified for licensure as a professional land surveyor.

~~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~~ program 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. Provided, an applicant under this paragraph shall not be admitted to the fundamentals of land surveying examination after July 1, 2008, unless the applicant is a graduate of a surveying program of two (2) years or more accredited by an accrediting body approved by the Board.

b. Alternative Graduation, Experience and Examination - A graduate of a land surveying or related science ~~curriculum~~ program 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 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. Provided, an applicant under this paragraph shall not be admitted to the fundamentals of land surveying examination after July 1, 2008, unless the applicant is a graduate of a surveying or related science program of four (4) years or more other than programs approved by the Board as being of satisfactory standing.

SECTION 12. AMENDATORY 59 O.S. 2001, 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 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~~ whom 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 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~~ licensure to any applicant, including the application of a firm for a certificate of authorization, the fee shall be retained as an application fee.

SECTION 13. AMENDATORY 59 O.S. 2001, 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.~~ The passing score for each separate administration of an exam shall be set by the Board.

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 Law and Surveying; and

6. Oklahoma Law and Engineering.

C. A candidate failing ~~one~~ an examination may apply for ~~reexamination~~ the next examination, which may be granted upon payment of an application fee established by the Board ~~in an amount not to exceed Fifty Dollars ($50.00)~~, provided the failing grade on the examination is equal to or above fifty (50) points. An applicant failing an examination by a score of less than fifty (50) points shall not be admitted to reexamination except by an approved application for an examination administered not earlier than one (1) year after the failed exam was administered. 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~~ pay all fees established by the Board for examination documents and grading. The Board will advise the applicant of ~~these requirements~~ the fees required, and the required ~~amount~~ fees 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 the public and to

any person interested in being ~~registered~~ licensed as a professional engineer or as a professional land surveyor.

SECTION 14. AMENDATORY 59 O.S. 2001, 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~~ licensure giving the ~~registrant~~ licensee proper authority to practice ~~his profession~~ in this state. The 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 legal 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.

C. Each ~~registrant~~ 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 seal to be affixed, to any document as listed below after the expiration or revocation of a certificate of licensure, 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, printed seal, or a metal impression seal. Whenever the seal is applied, the ~~registrant's~~ original handwritten signature of the licensee and handwritten 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, a user, 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~~ licensee in such a manner that the seal, signature and date will be legible when reproduced. The application of the ~~registrant's~~ handwritten, dated signature of the licensee to the sealed document shall constitute certification that the work thereon was done by the ~~registrant~~ licensee or under the ~~registrant's~~ direct supervision or control of the licensee.

4. In the case where multiple ~~registrants~~ licensees are involved, each sheet in a set of drawings shall contain the seal and dated signature of the ~~registrant~~ licensee responsible for that portion of the work. For bound documents produced by multiple licensees, either each document in the bound set shall be sealed, signed, and dated by the licensee in responsible charge for each document, or the cover sheet or index page shall be sealed, signed, and dated by each licensee with the responsibility of each licensee clearly indicated.

5. In the case of a firm, ~~at least one sheet~~ each separate document, the first page of a bound document, and, in the case of multiple licensees, the portion of the work for which each firm is responsible, 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~~ licensee is only required to sign, seal and date the first page, title page or signature page.

7. ~~In no case shall a registrant~~ A licensee shall not seal, sign, date, or allow ~~his~~ a seal or signature of a licensee to ~~be placed~~ appear on any work that is not prepared by the licensee or under ~~his~~ the direct ~~supervision or~~ control and personal supervision of the licensee~~, 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~~ licensee of another state, the ~~registrant~~ permit holder shall affix the seal from ~~his~~ the resident state, ~~along~~ together with the temporary permit number from this Board and ~~his~~ the permit holder's original handwritten signature and ~~the~~ date, to all work authorized by the temporary permit for which ~~he~~ the permit holder 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 of the licensee,

c. the ~~registrant's registration~~ license number of the licensee, and

d. the words "~~Registered~~ Licensed Professional Engineer" or "~~Registered~~ Licensed Professional Land Surveyor"; existing seals containing the words "Registered Land Surveyor", "Registered Professional Land Surveyor", and "Registered Professional Engineer" 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 15. AMENDATORY 59 O.S. 2001, Section 475.16, is amended to read as follows:

Section 475.16 A. The Board shall issue certificates of ~~registration~~ licensure 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~~ Executive Director to notify every person ~~registered~~ licensed 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~~ licensure or

certificate of 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, 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 16. AMENDATORY 59 O.S. 2001, Section 475.17, is amended to read as follows:

Section 475.17 A new certificate of ~~registration~~ licensure or certificate of authorization, to replace any certificate lost, destroyed or mutilated, may be issued, subject to the rules of the Board. ~~A charge of Fifteen Dollars ($15.00) shall be made for such issuance.~~

SECTION 17. AMENDATORY 59 O.S. 2001, 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 authorization for a firm, or a certificate of ~~registration~~ licensure of, or place on probation, fine or reprimand any 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 of ~~registration~~ licensure, 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~~ Violation of the laws or rules of 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~~ violations 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 or entity 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 or suspension 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, other documents, or revisions thereof, which have not been prepared by, or ~~completely checked by~~ under the direct control and personal supervision of 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;

14. Violating the Oklahoma Minimum Standards for the Practice of Land Surveying; and

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

B. The Board shall ~~have prepared~~ prepare 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~~ available 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~~. 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~~ 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~~ licensure under the provisions of this section;

3. Place a ~~registrant~~ licensee 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~~ licensure.

SECTION 18. AMENDATORY 59 O.S. 2001, 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~~ bring allegations of violations of Sections 475.1 et seq. of this title against any ~~individual registrant~~ person, licensee, or against any firm ~~holding a certificate of authorization~~. All allegations shall be timely investigated by the Board and, unless determined unfounded or trivial by the Board, or unless settled by mutual accord, shall be filed as formal complaints by the Board.

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~~ person, licensee, 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.~~ C. If, after such hearing, a majority of the Board vote in favor of sustaining any one or more of 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~~ levy administrative penalties pursuant to Section 475.20 of this title, place on probation for a period of time and subject to such conditions as the Board may specify, refuse to issue, restore, renew, suspend or revoke the individual's certificate of ~~registration~~ licensure, or ~~a~~ the firm's certificate of authorization.

~~E.~~ D. Any ~~individual registrant having a certificate of registration~~ person, licensee, 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~~ the certificate of ~~registration~~ licensure of the person, or its certificate of authorization, may appeal therefrom to the proper court under normal civil procedures.

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

SECTION 19. AMENDATORY 59 O.S. 2001, Section 475.20, is amended to read as follows:

Section 475.20 A. Criminal penalties:

Any person or entity who ~~shall practice~~ practices, or ~~offer~~ offers to practice, engineering or land surveying in this state without being ~~registered~~ licensed by the State Board of Professional Engineers and Land Surveyors in accordance with the provisions of 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 of ~~registration~~ licensure 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~~ 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, revoked, or nonexistent certificate of ~~registration~~ licensure, or who shall practice or offer to practice when not qualified, or any person who falsely claims to be registered or 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 misdemeanor, punishable by a fine of 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~~ less 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 administrative penalties shall be deposited with the State Treasurer and placed in the "Professional Engineers and Land Surveyors Fund".

3. Any certificate of ~~registration~~ licensure or certificate of authorization holder may elect to surrender the certificate of ~~registration~~ licensure or certificate of authorization in lieu of ~~a fine~~ an administrative action, 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 an 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 20. AMENDATORY 59 O.S. 2001, 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~~ authorized 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(s) in ~~direct control or having personal supervision~~ responsible charge of such practice and all personnel who act in behalf of said firm in professional engineering and land surveying matters in this state are ~~registered~~ licensed 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~~ and/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~~ a certificate of 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~~ Licensure 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 of authorization 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~~ designated in responsible charge of the professional activities of a firm for the purposes of this section shall be a full-time employee of the firm. A licensee who performs only part-time, occasional, or consulting services for a firm shall not qualify as a person designated in responsible charge.

SECTION 21. AMENDATORY 59 O.S. 2001, 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 is allowed; provided, such person is legally qualified by ~~registration~~ licensure to practice engineering, as defined in Section 475.2 of this title, in ~~his~~ the applicant's own state or country and who has made application for licensure to this Board. Such person shall make application for temporary permit to the Board, in writing, and after payment of a temporary permit fee ~~of Five Hundred Dollars ($500.00)~~ may be granted a written permit to perform a particular job for a definite period of time~~, not to exceed one (1) year to do a specific job~~ to expire the earliest of the issuance of a license by this Board, the rejection of the application for licensure or a time limit stated in the temporary permit; provided, however, no right to practice engineering shall accrue to such applicant ~~with respect to~~ by reason of a temporary permit for any ~~other~~ works not set forth in said permit~~;~~ , and

b. Professional land surveyor. The practice of land surveying under a temporary permit by a person ~~registered~~ licensed 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~~ licensure under Section 475.1 et seq. of this title, or an employee of a person practicing lawfully under paragraph 2 of this section is allowed; 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~~ licensure under Section 475.1 et seq. of this title or a person practicing lawfully under paragraph 2 of this section.

SECTION 22. This act shall become effective November 1, 2005."

Passed the Senate the 11th day of April, 2005.

_____
Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2005.

_____
Presiding Officer of the House of Representatives