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**THE STATE SENATE**  
**Wednesday, March 30, 2005**

**Committee Substitute for**  
**ENGROSSED**

**House Bill No. 1607**

COMMITTEE SUBSTITUTE FOR 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; 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

1 fee amount; modifying time allowed to perform a job under a  
2 certain permit; and providing an effective date.

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

4 SECTION 1. AMENDATORY 59 O.S. 2001, Section 475.1, is  
5 amended to read as follows:

6 Section 475.1 In order to safeguard life, health and property,  
7 and to promote the public welfare, the practice of engineering and  
8 the practice of land surveying in this state are hereby declared to  
9 be subject to regulation in the public interest. It shall be  
10 unlawful ~~for any person~~ to practice or to offer to practice  
11 engineering or land surveying in this state, as defined in the  
12 provisions of Section 475.1 et seq. of this title, or to use in  
13 connection with ~~his~~ any name or otherwise assume or advertise any  
14 title or description tending to convey the impression that ~~he~~ any  
15 person is an engineer, professional engineer, land surveyor or  
16 professional land surveyor, unless such person has been duly  
17 ~~registered or exempted~~ licensed under the provisions of Section  
18 475.1 et seq. of this title. The practice of engineering or land  
19 surveying shall be deemed a privilege granted by the state through  
20 the State Board of ~~Registration~~ Licensure for Professional Engineers  
21 and Land Surveyors, based on the qualifications of the individual as  
22 evidenced by ~~his~~ a certificate of ~~registration~~ licensure, which  
23 shall not be transferable.

1 SECTION 2. AMENDATORY 59 O.S. 2001, Section 475.2, is  
2 amended to read as follows:

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

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

11 2. "Professional engineer" means a person who has been duly  
12 ~~registered and~~ licensed as a professional engineer as provided in  
13 Section 475.1 et seq. of this title and the regulations issued by  
14 the Board pursuant thereto;

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

20 4. "Practice of engineering" means any service or creative  
21 work, the adequate performance of which requires engineering  
22 education, training and experience in the application of special  
23 knowledge of the mathematical, physical and engineering sciences to

1 such services or creative work as consultation, investigation,  
2 evaluation, planning and design of engineering works and systems,  
3 planning the engineering use of land and water, teaching of advanced  
4 engineering subjects or courses related thereto, engineering  
5 research, engineering surveys, engineering studies, and the  
6 inspection or review of construction for the purposes of assuring  
7 compliance with drawings and specifications; any of which embraces  
8 such services or work, either public or private, in connection with  
9 any utilities, structures, buildings, machines, equipment,  
10 processes, work systems, projects, and industrial or consumer  
11 products or equipment of a mechanical, electrical, chemical,  
12 environmental, hydraulic, pneumatic or thermal nature, insofar as  
13 they involve safeguarding life, health or property, and including  
14 such other professional services as may be necessary to the design  
15 review and integration of a multidiscipline work, planning, progress  
16 and completion of any engineering services.

17 Design review and integration includes the design review and  
18 integration of those technical submissions prepared by others,  
19 including as appropriate and without limitation, engineers,  
20 architects, landscape architects, land surveyors, and other  
21 professionals working under the direction of the engineer. The  
22 definition of design review and integration by engineers does not

1 restrict the services other licensed professional disciplines are  
2 authorized to offer or perform by statute or regulation.

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

9       A person or entity shall be construed to practice or offer to  
10 practice engineering, within the meaning and intent of Section 475.1  
11 et seq. of this title, who does any of the following: practices any  
12 branch of the profession of engineering; ~~or who,~~ by verbal claim,  
13 sign, advertisement, letterhead, card or in any other way represents  
14 ~~himself~~ such person to be a professional engineer, ~~or~~ through the  
15 use of some other title implies that ~~he~~ any person is a professional  
16 engineer or ~~that he is registered~~ licensed or qualified under  
17 Section 475.1 et seq. of this title; or who ~~holds himself out as~~  
18 ~~able~~ represents qualifications or ability to perform, ~~or who does~~  
19 ~~perform any~~ practice engineering service ~~or work or any other~~  
20 ~~service designated by the practitioner which is recognized as~~  
21 engineering;

22       5. "~~Land~~ Professional land surveyor" or "land surveyor" means a  
23 person who has been duly licensed as a professional land surveyor

1 pursuant to Section 475.1 et seq. of this title and the regulations  
2 issued by the Board pursuant thereto; and is a person who, by reason  
3 of special knowledge in the technique of measuring land and use of  
4 the basic principles of mathematics, the related physical and  
5 applied sciences and the relevant requirements of law for adequate  
6 evidence and all requisite to surveying of real property, acquired  
7 by education and experience, is qualified to engage in the practice  
8 of land surveying;

9 6. ~~“Professional land surveyor” means a person who has been~~  
10 ~~duly registered and licensed as a professional land surveyor as~~  
11 ~~provided in Section 475.1 et seq. of this title;~~

12 ~~7.~~ “Land surveyor intern” means a person who complies with the  
13 requirements for education and experience, and has passed an  
14 examination in the fundamental land surveying subjects, as provided  
15 in Section 475.1 et seq. of this title and regulations issued by the  
16 Board pursuant thereto;

17 ~~8.~~ 7. a. “Practice of land surveying” means any service or  
18 work, the adequate performance of which involves the  
19 application of special knowledge of the principles of  
20 mathematics, ~~the related physical and applied~~  
21 ~~sciences,~~ methods of measurement, and the relevant  
22 ~~requirements of law for adequate evidence~~ the  
23 determination and preservation of land boundaries, ~~to~~

1 ~~the act of measuring, locating, or establishing lines,~~  
2 ~~angles, elevations, natural and man-made features in~~  
3 ~~the air, on the surface of the earth, within~~  
4 ~~underground workings, and on the beds of bodies of~~  
5 ~~water for the purpose of determining areas and~~  
6 ~~volumes, geodetic positions, and the design,~~  
7 ~~establishment, and administration of land and~~  
8 ~~geographic information systems, and the collection,~~  
9 ~~storage, analysis and management of data within those~~  
10 ~~systems; for the monumenting of property and land~~  
11 ~~boundaries and for the platting and layout of lands~~  
12 ~~and subdivisions thereof, including the topography;~~  
13 ~~and for the preparation and perpetuation of maps,~~  
14 ~~record plats, field note records, and property~~  
15 ~~descriptions that represent these surveys. “Practice~~  
16 ~~of land surveying” includes, without limitation:~~  
17 ~~(1) restoration and rehabilitation of corners and~~  
18 ~~boundaries in the United States Public Land~~  
19 ~~Survey System or the subdivision thereof,~~  
20 ~~(2) obtaining and evaluating evidence for the~~  
21 ~~determination of land boundaries,~~  
22 ~~(3) determination of the areas and elevations of land~~  
23 ~~parcels,~~

- 1                   (4) subdivision of land parcels into smaller parcels  
2                   and/or the preparation of the descriptions  
3                   thereof,
- 4                   (5) measuring and platting underground mine workings,  
5                   (6) preparation of the control portions of geographic  
6                   information systems and land information systems,  
7                   (7) establishment, restoration, and rehabilitation of  
8                   land survey monuments and bench marks,
- 9                   (8) preparation of land survey plats, condominium  
10                  plats, monument records, and survey reports,  
11                  (9) surveying, monumenting, and platting of  
12                  easements, and rights-of-way,
- 13                  (10) measuring, locating, or establishing lines,  
14                  angles, elevations, natural and man-made features  
15                  in the air, on the surface of the earth, within  
16                  underground workings, and on the beds of bodies  
17                  of water for the purpose of determining areas and  
18                  volumes,
- 19                  (11) geodetic surveying, and  
20                  (12) any other activities incidental to and necessary  
21                  for the adequate performance of the services  
22                  described in this paragraph.

1           b.    A person or entity shall be construed to practice or  
2                   offer to practice land surveying, within the meaning  
3                   and intent of Section 475.1 et seq. of this title, ~~who~~  
4                   does any one of the following: practices any branch  
5                   of the profession of land surveying; ~~or who,~~ by verbal  
6                   claim, sign, advertisement, letterhead, card or in any  
7                   other way represents ~~himself or herself~~ such person to  
8                   be a professional land surveyor or through the use of  
9                   some other title implies that ~~he or she~~ such person or  
10                  entity is a professional land surveyor or that ~~he or~~  
11                  ~~she~~ such person is registered, licensed, or qualified  
12                  under Section 475.1 et seq. of this title; ~~or holds~~  
13                  ~~himself or herself out as able~~ represents  
14                  qualifications or ability to perform; or who does  
15                  ~~perform any land surveying service or work for which a~~  
16                  ~~license is required~~ practice land surveying.

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

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

20 ~~9.~~ 8. "Board" means the State Board of ~~Registration~~ Licensure  
21 for Professional Engineers and Land Surveyors;

22 ~~10.~~ 9. "Responsible charge" means direct control and personal  
23 supervision of engineering work or land surveying;

1       ~~11.~~ 10. "Rules of professional conduct for professional  
2 engineers and land surveyors" means those rules promulgated by the  
3 Board; ~~and~~

4       ~~12.~~ 11. "Firm" means ~~a corporation, partnership, co-~~  
5 ~~partnership, joint stock association or private practitioner~~  
6 ~~employing others~~ any form of business entity, a private practitioner  
7 employing other licensed engineers, surveyors or licensed design  
8 professionals, or any person or entity using one or more fictitious  
9 names;

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

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

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

1 Section 475.3 A. The State Board of ~~Registration~~ Licensure for  
2 Professional Engineers and Land Surveyors is hereby re-created, to  
3 continue until July 1, 2010, in accordance with the provisions of  
4 the Oklahoma Sunset Law, whose duty it shall be to administer the  
5 provisions of Section 475.1 et seq. of this title. The Board shall  
6 consist of four professional engineers and two professional land  
7 surveyors, at least one of whom is not a professional engineer, all  
8 of whom shall be appointed by the Governor, with the advice and  
9 consent of the Senate. The Governor shall also appoint one lay  
10 member. The engineers and land surveyors shall be appointed by the  
11 Governor preferably from a list of nominees submitted by the  
12 respective professional engineering or land surveying societies of  
13 this state, and shall have the qualifications required by Section  
14 475.4 of this title.

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

19 C. Appointments to the Board shall be in such manner and for  
20 such period of time so that no two terms, with the exception of the  
21 lay member, shall expire in the same year. On the expiration of the  
22 term of any member, except the lay member, the Governor shall in the  
23 manner herein provided appoint for a term of six (6) years a

1 professional engineer or professional land surveyor having the  
2 qualifications required in Section 475.4 of this title. The lay  
3 member of the Board shall be appointed by the Governor to a term  
4 coterminous with that of the Governor. The lay member shall serve  
5 at the pleasure of the Governor. Provided, the lay member may  
6 continue to serve after the expiration of the member's term until  
7 such time as a successor is appointed. Members may be reappointed  
8 to succeed themselves. Each member may hold office until the  
9 expiration of the term for which appointed or until a successor has  
10 been duly appointed and has qualified. In the event of a vacancy on  
11 the Board due to resignation, death or for any cause resulting in an  
12 unexpired term, if not filled within three (3) months, the Board may  
13 appoint a provisional member to serve in the interim until the  
14 Governor acts.

15 SECTION 4. AMENDATORY 59 O.S. 2001, Section 475.4, is  
16 amended to read as follows:

17 Section 475.4 Each engineer member of the Board shall be a  
18 citizen of the United States and resident of this state. ~~He~~ The  
19 member shall have been engaged in the lawful practice of engineering  
20 for at least ten (10) years~~7~~. The member shall have been in  
21 responsible charge of engineering projects for at least five (5)  
22 years~~7~~ and shall be a ~~registered~~ licensed professional engineer in  
23 this state. Each land surveyor member of the Board shall be a

1 citizen of the United States and a resident of this state. ~~He~~ The  
2 member shall have been engaged in the lawful practice of land  
3 surveying as a land surveyor for at least ten (10) years~~7~~. The  
4 member shall have been in responsible charge of land surveying  
5 projects for at least five (5) years~~7~~ and shall be a ~~registered~~  
6 licensed professional land surveyor in this state.

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

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

15 SECTION 6. AMENDATORY 59 O.S. 2001, Section 475.7, is  
16 amended to read as follows:

17 Section 475.7 The Board shall hold at least four regular  
18 meetings each year. Special meetings may be held as the bylaws of  
19 the Board provide. The Board shall elect or appoint annually the  
20 following officers: ~~a Chairman~~ Chair, ~~a Vice Chairman~~ Chair, and a  
21 Secretary. A quorum of the Board shall consist of ~~not less than~~  
22 ~~three professional engineer members and~~ a majority of the full Board  
23 that includes at least one professional land surveyor member.

1 SECTION 7. AMENDATORY 59 O.S. 2001, Section 475.8, is  
2 amended to read as follows:

3 Section 475.8 A. The Board shall have the power to adopt and  
4 amend all bylaws and rules of procedure, not inconsistent with the  
5 Constitution and laws of this state or Section 475.1 et seq. of this  
6 title, including the adoption and promulgation of Rules of  
7 Professional Conduct for Professional Engineers and Land Surveyors,  
8 which may be reasonably necessary for the proper performance of its  
9 duties and the regulation of its proceedings, meetings, records,  
10 examinations and the conduct thereof. These actions by the Board  
11 shall be binding upon persons ~~registered~~ licensed under Section  
12 475.1 et seq. of this title and shall be applicable to firms holding  
13 a certificate of authorization. The Board shall adopt and have an  
14 official seal, which shall be affixed to each certificate issued.  
15 The Board shall have the further power and authority to:

16 1. Establish and amend minimum standards for the practice of  
17 engineering and land surveying;

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

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

22 4. Upon good cause shown, as hereinafter provided, deny the  
23 issuance of a certificate of ~~registration~~ licensure or certificate

1 of authorization or suspend, revoke or refuse to renew certificates  
2 of ~~registration~~ licensure or certificates of authorization  
3 previously issued, and upon proper showing to review, affirm,  
4 reverse, vacate or modify its orders with respect to such denial,  
5 suspension, revocation or refusal to renew; and

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

17 B. In carrying into effect the provisions of Section 475.1 et  
18 seq. of this title, the Board, under the hand of its ~~Chairman~~ Chair  
19 ~~or~~, Vice Chairman Chair, or Executive Director and the seal of the  
20 Board, may subpoena witnesses and compel their attendance, and may  
21 also require the submission of books, papers, documents or other  
22 pertinent data, in any disciplinary matters, or in any case wherever  
23 a violation of Section 475.1 et seq. of this title is alleged. Upon

1 failure or refusal to comply with any such order of the Board, or  
2 upon failure to honor its subpoena, as herein provided, the Board  
3 may apply to a court of proper jurisdiction for an order to enforce  
4 compliance with same.

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

14 D. The Board may subject an applicant for ~~registration~~  
15 licensure or a licensee to such examinations as it deems necessary  
16 to determine the applicant's or licensee's qualifications. The  
17 Board may dispose of a formal complaint against a licensee for a  
18 violation of Section 475.1 et seq. of this title by an order that a  
19 licensee shall complete the examinations as the Board deems  
20 necessary to determine the qualifications of the licensee, and upon  
21 the initial failure or refusal to successfully complete the  
22 examination, within the time ordered, place conditions on the

1 license of the licensee to practice and order other remedies until  
2 competence is demonstrated.

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

9 SECTION 8. AMENDATORY 59 O.S. 2001, Section 475.9, is  
10 amended to read as follows:

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

22 B. ~~The Secretary shall receive such salary as the Board shall~~  
23 ~~determine.~~ The Board shall obtain an office, secure such

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

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

21 SECTION 9. AMENDATORY 59 O.S. 2001, Section 475.10, is  
22 amended to read as follows:

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

4 1. The name, ~~age~~ date of birth and last-known address of each  
5 applicant;

6 2. The date of application;

7 3. The place of business of the applicant;

8 4. The education, experience and other qualifications of the  
9 applicant;

10 5. The type of examination required;

11 6. Whether or not the applicant was rejected;

12 7. Whether or not a certificate of ~~registration~~ licensure was  
13 granted;

14 8. The date of the action of the Board; and

15 9. Such other information as may be deemed necessary by the  
16 Board.

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

21 C. ~~Annually, as of the end of the fiscal year, the~~ The Board  
22 shall submit ~~to,~~ upon request from the Governor, a report of its  
23 transactions of the preceding year, including a complete statement

1 of the receipts and expenditures of the Board, attested by  
2 affidavits of its Chairman and its Secretary.

3 D. Board records and papers of the following class ~~are of a~~ may  
4 be kept confidential nature ~~and are not public records~~ by the Board:  
5 examination materials, file records of examination problem  
6 solutions, letters of inquiry and reference concerning applicants,  
7 Board inquiry forms concerning applicants, investigation files,  
8 ~~where any investigation is still pending~~ and all other matters of  
9 like confidential nature.

10 SECTION 10. AMENDATORY 59 O.S. 2001, Section 475.11, is  
11 amended to read as follows:

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

1 SECTION 11. AMENDATORY 59 O.S. 2001, Section 475.12, is  
2 amended to read as follows:

3 Section 475.12 A. Engineer

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

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

16 1. As a professional engineer:

17 a. ~~Registration~~ Licensure by Comity or Endorsement - A  
18 person holding a certificate of registration or  
19 licensure to engage in the practice of engineering  
20 issued ~~to him~~ by a proper authority ~~of a state,~~  
21 ~~territory, or possession of the United States, the~~  
22 ~~District of Columbia, or any foreign country,~~ based on  
23 requirements that do not conflict with the provisions

1 of Section 475.1 et seq. of this title and were of a  
2 standard not lower than that specified in the  
3 applicable ~~registration~~ licensure act in effect in  
4 this state at the time such certificate was issued,  
5 may, upon application, be ~~registered~~ licensed without  
6 further examination.

7 ~~A person holding a valid certificate issued by the~~  
8 ~~Committee on National Engineering Certification of the~~  
9 ~~National Council of Examiners for Engineering and~~  
10 ~~Surveying, whose qualifications, as evidenced by his~~  
11 ~~council record, meet the requirements of this act may,~~  
12 ~~upon application, be registered without further~~  
13 ~~examination.~~

14 b. Graduation, Experience and Examination - A graduate of  
15 an engineering ~~curriculum~~ program of four (4) years or  
16 more approved by the Board as being of satisfactory  
17 standing, and ~~with~~ following the date of degree, a  
18 specific record of an additional four (4) years or  
19 more of progressive experience on engineering projects  
20 of a grade and character which indicates to the Board  
21 that the applicant may be competent to practice  
22 engineering, shall be admitted to an eight-hour  
23 written examination in the fundamentals of

1 engineering, and, if passed, then shall be admitted to  
2 an eight-hour written examination in the principles  
3 and practice of engineering. Upon passing such  
4 examinations, the applicant shall be granted a  
5 certificate of ~~registration~~ licensure to practice  
6 engineering in this state, if otherwise qualified.

7 c. Alternative Graduation, Experience and Education - A  
8 graduate of an engineering or related science  
9 ~~curriculum~~ program of four (4) years or more, other  
10 than the ones approved by the Board as being of  
11 satisfactory standing and ~~with~~ following the date of  
12 degree, a specific record of six (6) years or more of  
13 progressive experience on engineering projects of a  
14 character and grade which indicates to the Board that  
15 the applicant may be competent to practice engineering  
16 shall be admitted to an eight-hour written examination  
17 in the fundamentals of engineering and, if passed,  
18 then shall be admitted to an eight-hour written  
19 examination in the principles and practice of  
20 engineering. Upon passing such examination, the  
21 applicant shall be granted a certificate of  
22 ~~registration~~ licensure to practice engineering in this  
23 state, if otherwise qualified.

1           d. ~~Long Established Practice and Examination~~ — A person  
2           with a specific record of twelve (12) years or more of  
3           progressive experience on engineering projects of  
4           which at least eight (8) years have been in  
5           responsible charge of important engineering projects  
6           and of a grade and character which indicates to the  
7           Board that the applicant may be competent to practice  
8           engineering shall be admitted to an eight-hour  
9           examination in the principles and practice of  
10          engineering. Upon passing such examination, the  
11          applicant shall be granted a certificate to practice  
12          engineering in this state, if otherwise qualified.  
13          Provided, however, after December 31, 1996, "Long  
14          Established Practice and Examination", as specified in  
15          this subparagraph, shall not be considered by the  
16          Board as minimum evidence that an applicant is  
17          qualified for registration as a professional engineer.

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

22          2. As an engineer intern:

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

3           a.    Graduation and Examination - A graduate of an  
4                engineering ~~curriculum~~ program of four (4) years or  
5                more approved by the Board as being of satisfactory  
6                standing, shall be admitted to an eight-hour written  
7                examination in the fundamentals of engineering. Upon  
8                passing such examination, the applicant shall be  
9                certified or enrolled as an engineer intern, if  
10              otherwise qualified.

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

1 B. Land Surveyor

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

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

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

1           1. As a land surveyor:

2           a. ~~Registration~~ Licensure by Comity or Endorsement - A

3           person holding a certificate of ~~registration~~ licensure

4           to engage in the practice of land surveying issued by

5           a proper authority based on comparable qualifications

6           ~~from a state, territory or possession of the United~~

7           ~~States and experience~~ satisfactory to the Board, will

8           be given comity consideration. However, the person

9           may be required to take such examinations as the Board

10          deems necessary to determine the person's

11          qualifications, but in any event, the person shall be

12          required to pass a written examination of such

13          duration as established by the Board, which shall

14          include questions on laws, procedures and practices

15          pertaining to land surveying in this state.

16          ~~A person holding a valid certificate issued by the~~

17          ~~Committee on National Engineering Certification of the~~

18          ~~National Council of Examiners for Engineering and~~

19          ~~Surveying, whose qualifications, as evidenced by~~

20          ~~council records, meet the requirements of Section~~

21          ~~475.1 et seq. of this title may, upon application, be~~

22          ~~registered without further examination.~~

1           b.    Graduation, Experience and Examination - A graduate of  
2           a surveying ~~curriculum~~ program of two (2) years or  
3           more approved by the Board as being of satisfactory  
4           standing and ~~with~~ a specific record of an additional  
5           four (4) years of combined office and field experience  
6           satisfactory to the Board in land surveying of which a  
7           minimum of two (2) years' experience has been in  
8           responsible charge of land surveying projects under  
9           the supervision of a professional land surveyor, shall  
10          be admitted to an eight-hour written examination in  
11          the fundamentals of land surveying and, if passed,  
12          then shall be admitted to an eight-hour written  
13          examination in the principles and practice of land  
14          surveying. Upon passing such examination, the  
15          applicant shall be granted a certificate of  
16          ~~registration~~ licensure to practice land surveying in  
17          this state, if otherwise qualified. Provided, an  
18          applicant under this paragraph shall not be admitted  
19          to the fundamentals of land surveying examination  
20          after July 1, 2008, unless the applicant is a graduate  
21          of a surveying program of two (2) years or more  
22          accredited by an accrediting body approved by the  
23          Board.

1 c. Alternative Graduation, Experience and Examination - A  
2 graduate of a surveying or related science ~~curriculum~~  
3 program of two (2) years or more, other than the ~~ones~~  
4 programs approved by the Board as being of  
5 satisfactory standing, and ~~with~~ a specific record of  
6 an additional six (6) years of combined office and  
7 field experience satisfactory to the Board in land  
8 surveying of which a minimum of two (2) years'  
9 experience has been in responsible charge of land  
10 surveying projects under the supervision of a  
11 professional land surveyor, shall be admitted to an  
12 eight-hour written examination in the fundamentals of  
13 land surveying, and, if passed, then shall be admitted  
14 to an eight-hour written examination in the principles  
15 and practice of land surveying. Upon passing such  
16 examination, the applicant shall be granted a  
17 certificate of ~~registration~~ licensure to practice land  
18 surveying in this state, if otherwise qualified.  
19 Provided, an applicant under this paragraph shall not  
20 be admitted to the fundamentals of land surveying  
21 examination after July 1, 2008, unless the applicant  
22 is a graduate of a surveying or related science  
23 program of four (4) years or more other than the

1 programs approved by the Board as being of  
2 satisfactory standing.

3 d. Long Established Practice and Examination - An  
4 applicant with a specific record of nine (9) years or  
5 more of practice in land surveying, of which at least  
6 five (5) years have been in responsible charge of  
7 important land surveying work, and of a grade and  
8 character satisfactory to the Board which indicates to  
9 the Board that the applicant may be competent to  
10 practice land surveying shall be admitted to an  
11 eight-hour written examination in the fundamentals of  
12 land surveying, and, if passed, then shall be admitted  
13 to an eight-hour written examination in the principles  
14 and practice of land surveying. Upon passing such  
15 examination, the applicant shall be granted a  
16 certificate of ~~registration~~ licensure to practice land  
17 surveying in this state, if otherwise qualified.  
18 Provided, after July 1, 2014, "Long Established  
19 Practice and Examination", as specified in this  
20 paragraph, shall not be considered by the Board as  
21 minimum evidence that an applicant is qualified for  
22 licensure as a professional land surveyor.

1           e. ~~Surveying Teaching - Surveying teaching in a college~~  
2           ~~or university offering an approved surveying~~  
3           ~~curriculum of two (2) years or more may be considered~~  
4           ~~as land surveying experience satisfactory to the~~  
5           ~~Board.~~

6           2. As a land surveyor intern:

7           a. Graduation and Examination - A graduate of a surveying  
8           ~~curriculum~~ program of two (2) years or more approved  
9           by the Board as being of satisfactory standing shall  
10          be admitted to an eight-hour written examination in  
11          the fundamentals of land surveying. Upon passing such  
12          examination, the applicant shall be certified or  
13          enrolled as a land surveyor intern, if otherwise  
14          qualified. Provided, an applicant under this  
15          paragraph shall not be admitted to the fundamentals of  
16          land surveying examination after July 1, 2008, unless  
17          the applicant is a graduate of a surveying program of  
18          two (2) years or more accredited by an accrediting  
19          body approved by the Board.

20          b. Alternative Graduation, Experience and Examination - A  
21          graduate of a land surveying or related science  
22          ~~curriculum~~ program of two (2) years or more other than  
23          the ones approved by the Board as being of

1           satisfactory standing, and ~~with~~ a specific record of  
2           four (4) years of combined education, office and field  
3           experience in land surveying satisfactory to the Board  
4           shall be admitted to an eight-hour written examination  
5           in the fundamentals of land surveying. Upon passing  
6           such examination, the applicant shall be certified or  
7           enrolled as a land surveyor intern, if otherwise  
8           qualified. Provided, an applicant under this  
9           paragraph shall not be admitted to the fundamentals of  
10           land surveying examination after July 1, 2008, unless  
11           the applicant is a graduate of a surveying or related  
12           science program of four (4) years or more other than  
13           programs approved by the Board as being of  
14           satisfactory standing.

15           SECTION 12.        AMENDATORY        59 O.S. 2001, Section 475.13, is  
16           amended to read as follows:

17           Section 475.13 A. 1. Application for ~~registration~~ licensure  
18           as a professional engineer or professional land surveyor or  
19           certification as an engineer intern or land surveyor intern shall be  
20           on a form prescribed and furnished by the Board. It shall contain  
21           statements made under oath, showing the applicant's education and a  
22           detailed summary of technical and engineering or land surveying  
23           experience and shall include the names and complete mailing

1 addresses of the references, none of ~~which~~ whom may be members of  
2 the Board, ~~as required by Section 475.12 of this title.~~

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

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

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

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

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

5           SECTION 13.           AMENDATORY           59 O.S. 2001, Section 475.14, is  
6 amended to read as follows:

7           Section 475.14 A. The examination shall be held at such times  
8 and places as the Board directs. ~~The Board shall determine the~~  
9 ~~acceptable grade on examinations.~~ The passing score for each  
10 separate administration of an exam shall be set by the Board.

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

- 15           1. Fundamentals of Engineering;
- 16           2. Principles and Practice of Engineering;
- 17           3. Fundamentals of Land Surveying; ~~and~~
- 18           4. Principles and Practice of Land Surveying;
- 19           5. Oklahoma Law and Surveying; and
- 20           6. Oklahoma Law and Engineering.

21           C. A candidate failing ~~one~~ an examination may apply for  
22 ~~reexamination~~ the next examination, which may be granted upon  
23 payment of an application fee established by the Board ~~in an amount~~

1 ~~not to exceed Fifty Dollars (\$50.00),~~ provided the failing grade on  
2 the examination is equal to or above fifty (50) points. An  
3 applicant failing an examination by a score of less than fifty (50)  
4 points shall not be admitted to reexamination except by an approved  
5 application for an examination administered not earlier than one (1)  
6 year after the failed exam was administered. Before the readmission  
7 to the examination, in the event of a second failure, the applicant  
8 must provide the Board with evidence of having acquired the  
9 necessary additional knowledge to qualify.

10 D. The applicant shall ~~reimburse the Board for the actual cost~~  
11 ~~of~~ pay all fees established by the Board for examination documents  
12 and grading. The Board will advise the applicant of ~~these~~  
13 ~~requirements~~ the fees required, and the required ~~amount~~ fees shall  
14 be paid by the applicant in advance of the examination.

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

20 SECTION 14. AMENDATORY 59 O.S. 2001, Section 475.15, is  
21 amended to read as follows:

22 Section 475.15 A. The Board shall issue to any applicant who,  
23 in the opinion of the Board, has met the requirements of Section

1 475.1 et seq. of this title, a certificate of ~~registration~~ licensure  
2 giving the ~~registrant~~ licensee proper authority to practice ~~his~~  
3 ~~profession~~ in this state. The certificate of ~~registration~~ licensure  
4 for an engineer shall carry the designation "Professional Engineer"  
5 and for a land surveyor, "Professional Land Surveyor". It shall  
6 give the full legal name and ~~registration~~ license number of the  
7 ~~registrant~~ licensee and shall be signed by the ~~Chairman~~ Chair and  
8 the Secretary under seal of the Board.

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

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

21 1. The seal shall be a rubber stamp, an electronically  
22 digitized seal, printed seal, or a metal impression seal. Whenever  
23 the seal is applied, the ~~registrant's~~ original handwritten signature

1 of the licensee and handwritten date of signature shall be written  
2 adjacent to or across the seal. No further words or wording are  
3 required. A facsimile signature or electronically digitized  
4 signature will not be acceptable.

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

9 3. The seal shall be placed on all originals, tracings or other  
10 reproducible documents and shall be signed and dated by the  
11 ~~registrant~~ licensee in such a manner that the seal, signature and  
12 date will be legible when reproduced. The application of the  
13 ~~registrant's~~ handwritten, dated signature of the licensee to the  
14 sealed document shall constitute certification that the work thereon  
15 was done by the ~~registrant~~ licensee or under the ~~registrant's~~ direct  
16 supervision or control of the licensee.

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

1 and dated by each licensee with the responsibility of each licensee  
2 clearly indicated.

3 5. In the case of a firm, ~~at least one sheet~~ each separate  
4 document, the first page of a bound document, and, in the case of  
5 multiple licensees, the portion of the work for which each firm is  
6 responsible, shall also show the name of the firm, the firm's  
7 Certificate of Authorization number, and the renewal date of the  
8 Certificate of Authorization. ~~The registrant in responsible charge~~  
9 ~~of the project for the firm shall sign, seal and date the title page~~  
10 ~~or first page.~~

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

15 7. ~~In no case shall a registrant~~ A licensee shall not seal,  
16 sign, date, or allow his a seal or signature of a licensee to be  
17 ~~placed~~ appear on any work that is not prepared by the licensee or  
18 under his the direct supervision or control and personal supervision  
19 of the licensee, ~~nor shall a registrant sign, seal or date any work~~  
20 ~~not under his direct supervision or control.~~ In the case of a  
21 ~~registrant checking and sealing the work of an out-of-state~~  
22 ~~registrant, direct supervision or control shall include having~~  
23 ~~complete dominion and control of the design.~~ In such cases, the

1 ~~registrant of the state in which the work is to be used shall~~  
2 ~~perform a complete check of the design and shall retain possession~~  
3 ~~of the signed, dated and sealed reproducible documents, along with~~  
4 ~~complete signed, dated and sealed design calculations, indicating~~  
5 ~~all changes in the design.~~

6 8. In the case of a temporary permit issued to a ~~registrant~~  
7 licensee of another state, the ~~registrant~~ permit holder shall affix  
8 the seal from ~~his~~ the resident state, ~~along~~ together with the  
9 temporary permit number from this Board and ~~his~~ the permit holder's  
10 original handwritten signature and ~~the~~ date, to all work authorized  
11 by the temporary permit for which ~~he~~ the permit holder is  
12 responsible.

13 9. The design of the seal shall be determined by the Board;  
14 however, the following minimum information shall be on the seal:  
15 a. the words "State of Oklahoma",  
16 b. the ~~registrant's~~ name of the licensee,  
17 c. the ~~registrant's registration~~ license number of the  
18 licensee, and  
19 d. the words "Registered Licensed Professional Engineer"  
20 or "Registered Licensed Professional Land Surveyor";  
21 existing seals containing the words "Registered Land  
22 Surveyor", "Registered Professional Land Surveyor",

1                   and "Registered Professional Engineer" may continue to  
2                   be used.

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

10           SECTION 15.           AMENDATORY           59 O.S. 2001, Section 475.16, is  
11 amended to read as follows:

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

1           B. It shall be the duty of the ~~Secretary of the Board~~ Executive  
2 Director to notify every person ~~registered~~ licensed under Section  
3 475.1 et seq. of this title, and every firm holding a certificate of  
4 authorization under Section 475.1 et seq. of this title, of the date  
5 of the expiration of said certificate of ~~registration~~ licensure or  
6 certificate of authorization, and the amount of the fee required for  
7 its renewal. Such notice shall be mailed to the ~~registrant~~ licensee  
8 or firm at the last-known address as shown in the records of the  
9 Board at least one (1) month in advance of the date of the  
10 expiration of the certificate.

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

18           SECTION 16.           AMENDATORY           59 O.S. 2001, Section 475.17, is  
19 amended to read as follows:

20           Section 475.17 A new certificate of ~~registration~~ licensure or  
21 certificate of authorization, to replace any certificate lost,  
22 destroyed or mutilated, may be issued, subject to the rules of the

1 Board. ~~A charge of Fifteen Dollars (\$15.00) shall be made for such~~  
2 ~~issuance.~~

3 SECTION 17. AMENDATORY 59 O.S. 2001, Section 475.18, is  
4 amended to read as follows:

5 Section 475.18 A. The Board shall have the power to suspend,  
6 revoke or refuse to issue, restore or renew a certificate of  
7 authorization for a firm, or a certificate of registration licensure  
8 of, or place on probation, fine or reprimand any firm, professional  
9 engineer, professional land surveyor or engineer intern or land  
10 surveyor intern who is found guilty of:

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

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

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

1 4. Failure to comply with any of the provisions of Section  
2 475.1 et seq. of this title or any of the rules or regulations  
3 pertaining thereto;

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

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

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

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

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

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

1 surveyor's seal or signature to be affixed to any specifications,  
2 reports, drawings, plans, design information, construction documents  
3 ~~or~~, calculations, other documents, or revisions thereof, which have  
4 not been prepared by, or ~~completely checked by~~ under the direct  
5 control and personal supervision of the professional engineer or  
6 land surveyor in responsible charge;

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

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

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

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

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

20 B. The Board shall ~~have prepared~~ prepare and ~~shall~~ adopt Rules  
21 of Professional Conduct for Professional Engineers and Land  
22 Surveyors as provided for in Section 475.8 of this title, which  
23 shall be made ~~known~~ available in writing to every ~~registrant~~

1 licensee and applicant for ~~registration~~ licensure under Section  
2 475.1 et seq. of this title, ~~and which shall be published in the~~  
3 ~~roster provided for in Section 475.11 of this title.~~ Such  
4 ~~publication shall constitute due notice to all registrants.~~ The  
5 Board may revise and amend these Rules of Professional Conduct for  
6 Professional Engineers and Land Surveyors from time to time and  
7 shall ~~forthwith~~ notify each ~~registrant~~ licensee, in writing, of such  
8 revisions or amendments.

9 C. The Board shall have the power to:

10 1. Revoke a certificate of authorization;

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

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

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

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

1 SECTION 18. AMENDATORY 59 O.S. 2001, Section 475.19, is  
2 amended to read as follows:

3 Section 475.19 A. Any person may ~~prefer charges of fraud,~~  
4 ~~deceit, negligence, incompetence, misconduct or violation of the~~  
5 ~~Rules of Professional Conduct for Professional Engineers and Land~~  
6 ~~Surveyors~~ bring allegations of violations of Sections 475.1 et seq.  
7 of this title against any ~~individual registrant~~ person, licensee, or  
8 against any firm ~~holding a certificate of authorization.~~ All  
9 allegations shall be timely investigated by the Board and, unless  
10 determined unfounded or trivial by the Board, or unless settled by  
11 mutual accord, shall be filed as formal complaints by the Board.

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

16 ~~C.~~ The time and place for said hearing shall be fixed by the  
17 Board, and a copy of the charges, together with a notice of the time  
18 and place of hearing, shall be personally served on or mailed to the  
19 last-known address of such ~~individual registrant~~ person, licensee,  
20 or firm ~~holding a certificate of authorization,~~ at least thirty (30)  
21 days before the date fixed for the hearing. At any hearing, the  
22 accused ~~individual registrant or firm holding a certificate of~~  
23 ~~authorization~~ shall have the right to appear in person or by

1 counsel, or both, to cross-examine witnesses in their defense, and  
2 to produce evidence and witnesses in their own defense. If the  
3 accused ~~person or firm~~ fails or refuses to appear, the Board may  
4 proceed to hear and determine the validity of the charges.

5 ~~D. C.~~ If, after such hearing, a majority of the Board vote in  
6 favor of sustaining any one or more of the charges, the Board shall  
7 reprimand, fine in an amount not to exceed Two Hundred Fifty Dollars  
8 (\$250.00) for each count or separate offense, ~~refuse to issue,~~  
9 ~~restore or renew~~ levy administrative penalties pursuant to Section  
10 475.20 of this title, place on probation for a period of time and  
11 subject to such conditions as the Board may specify, refuse to  
12 issue, restore, renew, suspend or revoke the individual's  
13 certificate of ~~registration~~ licensure, or a the firm's certificate  
14 of authorization.

15 ~~E. D.~~ Any ~~individual registrant having a certificate of~~  
16 ~~registration~~ person, licensee, or firm ~~holding a certificate of~~  
17 ~~authorization~~, aggrieved by any action of the Board in levying a  
18 fine, denying, suspending, refusing to issue, restore or renew or  
19 revoking ~~his~~ the certificate of ~~registration~~ licensure of the  
20 person, or its certificate of authorization, may appeal therefrom to  
21 the proper court under normal civil procedures.

22 ~~F. E.~~ The Board may, upon petition of an individual ~~registrant~~  
23 licensee or firm holding a certificate of authorization, reissue a

1 certificate of ~~registration~~ licensure or authorization, provided  
2 that a majority of the members of the Board vote in favor of such  
3 issuance.

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

6 Section 475.20 A. Criminal penalties:

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

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

8 B. Administrative penalties:

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

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

1 to achieve compliance with the provisions of Section 475.1 et seq.  
2 of this title. All monies collected from administrative penalties  
3 shall be deposited with the State Treasurer and placed in the  
4 "Professional Engineers and Land Surveyors Fund".

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

11 C. Legal Counsel:

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

19 SECTION 20. AMENDATORY 59 O.S. 2001, Section 475.21, is  
20 amended to read as follows:

21 Section 475.21 A. The practice of or offer to practice  
22 engineering or land surveying by firms ~~registered~~ authorized under

1 Section 475.1 et seq. of this title, or by more than one person  
2 acting individually through a firm, is permitted provided:

3 1. The person(s) in ~~direct control or having personal~~  
4 ~~supervision~~ responsible charge of such practice and all personnel  
5 who act in behalf of said firm in professional engineering and land  
6 surveying matters in this state are ~~registered~~ licensed under  
7 Section 475.1 et seq. of this title; and

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

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

19 B. An engineering or land surveying firm desiring a certificate  
20 of authorization shall file with the Board an application, using a  
21 form provided by the Board, and provide all the information required  
22 by the Board. The Board shall prescribe a form to be filed with the  
23 renewal fee and which shall be updated within thirty (30) days of

1 the time any information contained on the form is changed or differs  
2 for any reason. If, in the Board's judgment, the information  
3 contained on the form warrants such action, the Board shall issue a  
4 certificate of authorization for said firm to practice engineering  
5 ~~or and/or land surveying and to contract and collect fees for~~  
6 ~~furnishing these services.~~

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

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

1 letter from the Board with its application for incorporation or  
2 registration.

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

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

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

20 SECTION 21. AMENDATORY 59 O.S. 2001, Section 475.22, is  
21 amended to read as follows:

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

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

3           2. Temporary Permit:

4           a. Professional engineer. The practice or offer to  
5 practice engineering by a person not a resident of or  
6 having no established place of business in this state  
7 is allowed; provided, such person is legally qualified  
8 by ~~registration~~ licensure to practice engineering, as  
9 defined in Section 475.2 of this title, in ~~his~~ the  
10 applicant's own state or country and who has made  
11 application for licensure to this Board. Such person  
12 shall make application for temporary permit to the  
13 Board, in writing, and after payment of a temporary  
14 permit fee ~~of Five Hundred Dollars (\$500.00)~~ may be  
15 granted a written permit to perform a particular job  
16 for a definite period of time, ~~not to exceed one (1)~~  
17 ~~year to do a specific job~~ to expire the earliest of  
18 the issuance of a license by this Board, the rejection  
19 of the application for licensure or a time limit  
20 stated in the temporary permit; provided, however, no  
21 right to practice engineering shall accrue to such  
22 applicant ~~with respect to~~ by reason of a temporary

1                    permit for any other works not set forth in said  
2                    ~~permit~~, and

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

8                    3.    Employees and subordinates.    The work of an employee or a  
9                    subordinate of a person holding a certificate of ~~registration~~  
10                    licensure under Section 475.1 et seq. of this title, or an employee  
11                    of a person practicing lawfully under paragraph 2 of this section is  
12                    allowed; provided, such work does not include final engineering or  
13                    land surveying designs or decisions and is done under the direct  
14                    supervision of and verified by a person holding a certificate of  
15                    ~~registration~~ licensure under Section 475.1 et seq. of this title or  
16                    a person practicing lawfully under paragraph 2 of this section.

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

18                    COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND LABOR, dated 3-28-05  
19                    - DO PASS, As Amended.