

EHB 2530

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THE STATE SENATE
Wednesday, April 5, 2006

ENGROSSED

House Bill No. 2530

ENGROSSED HOUSE BILL NO. 2530 - By: MILLER (Doug) and COOKSEY of the House and BRANAN of the Senate.

An Act relating to professions and occupations; amending 59 O.S. 2001, Section 475.2, as amended by Section 2, Chapter 115, O.S.L. 2005 (59 O.S. Supp. 2005, Section 475.2), which relates to registration of engineers; modifying certain definition; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 59 O.S. 2001, Section 475.2, as amended by Section 2, Chapter 115, O.S.L. 2005 (59 O.S. Supp. 2005, 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 licensed as a professional engineer as provided in Section 475.1 et

1 seq. of this title and the regulations issued by the Board pursuant
2 thereto;

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

8 4. "Practice of engineering" means any service or creative
9 work, the adequate performance of which requires engineering
10 education, training and experience in the application of special
11 knowledge of the mathematical, physical and engineering sciences to
12 such services or creative work as consultation, investigation,
13 evaluation, planning and design of engineering works and systems,
14 planning the engineering use of land and water, teaching of advanced
15 engineering subjects or courses related thereto, engineering
16 research, engineering surveys, engineering studies, and the
17 inspection or review of construction for the purposes of assuring
18 compliance with drawings and specifications; any of which embraces
19 such services or work, either public or private, in connection with
20 any utilities, structures, buildings, machines, equipment,
21 processes, work systems, projects, and industrial or consumer
22 products or equipment of a mechanical, electrical, chemical,
23 environmental, hydraulic, pneumatic or thermal nature, insofar as

1 they involve safeguarding life, health or property, and including
2 such other professional services as may be necessary to the design
3 review and integration of a multidiscipline work, planning, progress
4 and completion of any engineering services.

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

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

19 A person or entity shall be construed to practice or offer to
20 practice engineering, within the meaning and intent of Section 475.1
21 et seq. of this title who does any of the following: practices any
22 branch of the profession of engineering; by verbal claim, sign,
23 advertisement, letterhead, card or in any other way represents such

1 person to be a professional engineer, through the use of some other
2 title implies that any person is a professional engineer or is
3 licensed or qualified under Section 475.1 et seq. of this title; or
4 who represents qualifications or ability to perform or who does
5 practice engineering;

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

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

21 7. a. "Practice of land surveying" means any service or
22 work, the adequate performance of which involves the
23 application of special knowledge of the principles of

1 mathematics, methods of measurement, and the law for
2 the determination and preservation of land boundaries.
3 "Practice of land surveying" includes, without
4 limitation:
5 (1) restoration and rehabilitation of corners and
6 boundaries in the United States Public Land
7 Survey System or the subdivision thereof,
8 (2) obtaining and evaluating evidence for the
9 accurate determination of land boundaries,
10 (3) determination of the areas and elevations of land
11 parcels for a survey,
12 (4) monumenting the subdivision of land parcels into
13 smaller parcels ~~and/or~~ and the preparation of the
14 descriptions ~~thereof~~ in connection therewith,
15 (5) measuring and platting underground mine workings,
16 (6) preparation of the control portions of geographic
17 information systems and land information systems,
18 (7) establishment, restoration, and rehabilitation of
19 land survey monuments and bench marks,
20 (8) preparation of land survey plats, condominium
21 plats, monument records, and survey reports,
22 (9) surveying, monumenting, and platting of
23 easements, and rights-of-way,

- 1 (10) measuring, locating, or establishing lines,
2 angles, elevations, natural and man-made features
3 in the air, on the surface of the earth, within
4 underground workings, and on the beds of bodies
5 of water for the purpose of determining areas and
6 volumes for a survey,
- 7 (11) geodetic surveying, and
- 8 (12) any other activities incidental to and necessary
9 for the adequate performance of the services
10 described in this paragraph.

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

1 c. A person shall not be construed to practice or offer
2 to practice land surveying, within the meaning and
3 intent of Section 475.1 et seq. of this title, who
4 merely acts as an agent of a purchaser of land
5 surveying services. Agents of a purchaser of land
6 surveying services include, but are not limited to,
7 real estate agents and brokers, title companies,
8 attorneys providing title examination services, and
9 persons who or firms that coordinate the acquisition
10 and use of land surveying services. The coordination
11 of land surveying services includes, but is not
12 limited to; sales and marketing of services,
13 discussion of requirements of land surveys,
14 contracting to furnish land surveys, review of land
15 surveys, the requesting of revisions of land surveys,
16 and making any and all modifications to surveys with
17 the written consent of the land surveyor, and
18 furnishing final revised copies to the land surveyor
19 showing all revisions, the distribution of land
20 surveys, and receiving payment for such services.
21 These actions do not constitute the practice of land
22 surveying, and do not violate any part of Section
23 475.1 through 475.22a of this title or the Bylaws and

1 Rules of the Oklahoma State Board of Licensure for
2 Professional Engineers and Land Surveyors;

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

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

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

9 11. "Firm" means any form of business entity, a private
10 practitioner employing other licensed engineers, surveyors or
11 licensed design professionals, or any person or entity using one or
12 more fictitious names;

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

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

23 SECTION 2. This act shall become effective July 1, 2006.

1 SECTION 3. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.
5 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND LABOR, dated 4-3-06 -
6 DO PASS.