

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2530

By: Miller (Doug)

AS INTRODUCED

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

3. "Engineer intern" means a person who complies with the requirements for education and experience and has passed an examination in the fundamental engineering subjects, as provided in

Section 475.1 et seq. of this title and the regulations issued by the Board pursuant thereto;

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

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

Engineering surveys include all survey activities required to support the sound conception, planning, design, construction,

maintenance and operation of engineered projects, but exclude the surveying of real property for the establishment of land boundaries, rights-of-way, easements and the dependent or independent surveys or resurveys of the public land survey system.

A person or entity shall be construed to practice or offer to practice engineering, within the meaning and intent of Section 475.1 et seq. of this title who does any of the following: practices any branch of the profession of engineering; by verbal claim, sign, advertisement, letterhead, card or in any other way represents such person to be a professional engineer, through the use of some other title implies that any person is a professional engineer or is licensed or qualified under Section 475.1 et seq. of this title; or who represents qualifications or ability to perform or who does practice engineering;

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

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

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

mathematics, methods of measurement, and the law for the determination and preservation of land boundaries.

"Practice of land surveying" includes, without limitation:

- (1) restoration and rehabilitation of corners and boundaries in the United States Public Land Survey System or the subdivision thereof,
- (2) obtaining and evaluating evidence for the determination of land boundaries,
- (3) determination of the areas and elevations of land parcels,
- (4) monumenting the subdivision of land parcels into smaller parcels ~~and/or~~ and the preparation of the descriptions ~~thereof~~ in connection therewith,
- (5) measuring and platting underground mine workings,
- (6) preparation of the control portions of geographic information systems and land information systems,
- (7) establishment, restoration, and rehabilitation of land survey monuments and bench marks,
- (8) preparation of land survey plats, condominium plats, monument records, and survey reports,
- (9) surveying, monumenting, and platting of easements, and rights-of-way,
- (10) measuring, locating, or establishing lines, angles, elevations, natural and man-made features in the air, on the surface of the earth, within underground workings, and on the beds of bodies of water for the purpose of determining areas and volumes,
- (11) geodetic surveying, and

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

- b. A person or entity shall be construed to practice or offer to practice land surveying, within the meaning and intent of Section 475.1 et seq. of this title who does any one of the following: practices any branch of the profession of land surveying; by verbal claim, sign, advertisement, letterhead, card or in any other way represents such person to be a professional land surveyor or through the use of some other title implies that such person or entity is a professional land surveyor or that such person is registered, licensed, or qualified under Section 475.1 et seq. of this title; represents qualifications or ability to perform; or who does practice land surveying.
- c. A person shall not be construed to practice or offer to practice land surveying, within the meaning and intent of Section 475.1 et seq. of this title, who merely acts as an agent of a purchaser of land surveying services. Agents of a purchaser of land surveying services include, but are not limited to, real estate agents and brokers, title companies, attorneys providing title examination services, and persons who or firms that coordinate the acquisition and use of land surveying services. The coordination of land surveying services includes, but is not limited to; sales and marketing of services, discussion of requirements of land surveys, contracting to furnish land surveys, review of land surveys, the requesting of revisions of land surveys, and making any and all modifications to surveys with

the written consent of the land surveyor, and furnishing final revised copies to the land surveyor showing all revisions, the distribution of land surveys, and receiving payment for such services. These actions do not constitute the practice of land surveying, and do not violate any part of Section 475.1 through 475.22a of this title or the Bylaws and Rules of the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors;

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

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

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

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

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

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

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

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby

declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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