

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED

5 SENATE BILL NO. 1529

By: Coates and Leftwich of the  
Senate

6 and

7 Peterson (Ron) of the House

8  
9 COMMITTEE SUBSTITUTE

10 An Act relating to professions and occupations;  
11 amending 59 O.S. 2001, Section 475.2, as last amended  
12 by Section 1, Chapter 58, O.S.L. 2006 and Sections  
13 475.9, 475.10, 475.12, 475.13, 475.14, 475.15,  
14 475.18, 475.19 and 475.20, as amended by Sections 8,  
15 9, 11, 12, 13, 14, 17, 18 and 19, Chapter 115, O.S.L  
16 2005 (59 O.S. Supp. 2007, Sections 475.2, 475.9,  
17 475.10, 475.12, 475.13, 475.14, 475.15, 475.18,  
18 475.19 and 475.20), which relate to engineering and  
19 land surveying; adding and modifying definitions;  
20 authorizing certain employment; making certain  
21 records confidential; modifying and adding  
22 qualifications for licensure or certification for  
23 professional engineer, engineer intern, land surveyor  
24 and land surveyor intern; authorizing board to  
establish certain rules relating to fees; deleting  
provision relating to certain passing grade;  
modifying certain examinations; modifying provisions  
relating to failing certain examinations; modifying  
requirements for certain certificate of licensure;  
modifying and providing requirements for applying a  
certain seal or signature; requiring certain  
documents to be sealed and signed; providing for  
certain digital or electronic signature; deleting  
certain provisions relating to seals and signatures;  
modifying and adding grounds for certain disciplinary  
actions; providing for certain administrative  
penalty; making certain action of a firm subject to

1 disciplinary action; modifying amount of certain  
2 administrative penalties; and providing an effective  
3 date.  
4

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

6 SECTION 1. AMENDATORY 59 O.S. 2001, Section 475.2, as  
7 last amended by Section 1, Chapter 58, O.S.L. 2006 (59 O.S. Supp.  
8 2007, Section 475.2), is amended to read as follows:

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

10 1. "Engineer" means a person who, by reason of special  
11 knowledge and use of the mathematical, physical and engineering  
12 sciences and the principles and methods of engineering analysis and  
13 design, acquired by engineering education and engineering  
14 experience, is qualified, after meeting the requirements of Section  
15 475.1 et seq. of this title and the regulations issued by the Board  
16 pursuant thereto, to engage in the practice of engineering;

17 2. "Professional engineer" means a person who has been duly  
18 licensed as a professional engineer as provided in Section 475.1 et  
19 seq. of this title and the regulations issued by the Board pursuant  
20 thereto;

21 3. "Engineer intern" means a person who complies with the  
22 requirements for education and experience and has passed an  
23 examination in the fundamental engineering subjects, as provided in  
24

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

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

24

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

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

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

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

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

16           7. a. "Practice of land surveying" means any service or  
17 work, the adequate performance of which involves the  
18 application of special knowledge of the principles of  
19 mathematics, methods of measurement, and the law for  
20 the determination and preservation of land boundaries.  
21 "Practice of land surveying" includes, without  
22 limitation:

23  
24

- 1 (1) restoration and rehabilitation of corners and
- 2 boundaries in the United States Public Land
- 3 Survey System or the subdivision thereof,
- 4 (2) obtaining and evaluating evidence for the
- 5 accurate determination of land boundaries,
- 6 (3) determination of the areas and elevations of land
- 7 parcels for a survey,
- 8 (4) monumenting the subdivision of land parcels into
- 9 smaller parcels and the preparation of the
- 10 descriptions in connection therewith,
- 11 (5) measuring and platting underground mine workings,
- 12 (6) preparation of the control portions of geographic
- 13 information systems and land information systems,
- 14 (7) establishment, restoration, and rehabilitation of
- 15 land survey monuments and bench marks,
- 16 (8) preparation of land survey plats, condominium
- 17 plats, monument records, and survey reports,
- 18 (9) surveying, monumenting, and platting of
- 19 easements, and rights-of-way,
- 20 (10) measuring, locating, or establishing lines,
- 21 angles, elevations, natural and man-made features
- 22 in the air, on the surface of the earth, within
- 23 underground workings, and on the beds of bodies
- 24

1 of water for the purpose of determining areas and  
2 volumes for a survey,

3 (11) geodetic surveying, and

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

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

20 c. A person shall not be construed to practice or offer  
21 to practice land surveying, within the meaning and  
22 intent of Section 475.1 et seq. of this title, who  
23 merely acts as an agent of a purchaser of land  
24 surveying services. Agents of a purchaser of land

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

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

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

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

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

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

14 13. ~~"Immediate direction" means the exercise of direct control~~  
15 ~~and personal supervision over the personnel of a firm performing~~  
16 ~~engineering or land surveying~~ "Core curriculum" means the Board-  
17 approved land surveying courses adopted by Board policy, developed  
18 to ensure that land surveyor applicants meet the minimum educational  
19 requirements for licensure.

20 SECTION 2. AMENDATORY 59 O.S. 2001, Section 475.9, as  
21 amended by Section 8, Chapter 115, O.S.L. 2005 (59 O.S. Supp. 2007,  
22 Section 475.9), is amended to read as follows:

23 Section 475.9 A. The Executive Director of the Board shall be  
24 responsible for accounting for all monies derived under the

1 provisions of Section 475.1 et seq. of this title. This fund shall  
2 be known as the "Professional Engineers and Land Surveyors Fund",  
3 and shall be deposited with the State Treasurer, and shall be paid  
4 out only upon requisitions submitted by the Secretary or Executive  
5 Director. All monies in this fund are hereby specifically  
6 appropriated for the use of the Board, and the Board shall pay into  
7 the General Revenue Fund of the state an amount equal to ten percent  
8 (10%) of all funds received at the end of each fiscal year.

9 B. The Board shall obtain an office, secure such facilities,  
10 and employ, direct, discharge and define the duties and salaries of  
11 an Executive Director, Principal Assistant, Director of Enforcement,  
12 Board Investigator and such clerical or other assistants as are  
13 necessary for the proper performance of its work. The Board shall  
14 make expenditures from the fund created in subsection A of this  
15 section for any purpose which, in the opinion of the Board, is  
16 reasonably necessary for the proper performance of its duties under  
17 Section 475.1 et seq. of this title, including examination  
18 administration fees, the expenses of the Board's delegates to  
19 meetings of and membership fees to the National Council of Examiners  
20 for Engineering and Surveying, meaning the national nonprofit  
21 organization composed of engineering and land surveying licensing  
22 boards commonly called NEECS, and any of its subdivisions, as  
23 provided in the State Travel Reimbursement Act, Section 500.1 et  
24 seq. of Title 74 of the Oklahoma Statutes. Under no circumstances

1 shall the total amount of warrants issued in payment of the expenses  
2 and compensation provided for in Section 475.1 et seq. of this title  
3 exceed the amount of monies in the fund.

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

6 SECTION 3. AMENDATORY 59 O.S. 2001, Section 475.10, as  
7 amended by Section 9, Chapter 115, O.S.L. 2005 (59 O.S. Supp. 2007,  
8 Section 475.10), is amended to read as follows:

9 Section 475.10 A. The Board shall keep a record of its  
10 proceedings and of all applications for licensure, which record  
11 shall show:

- 12 1. The name, date of birth and last-known address of each  
13 applicant;
- 14 2. The date of application;
- 15 3. The place of business of the applicant;
- 16 4. The education, experience and other qualifications of the  
17 applicant;
- 18 5. The type of examination required;
- 19 6. Whether or not the applicant was rejected;
- 20 7. Whether or not a certificate of licensure was granted;
- 21 8. The date of the action of the Board; and
- 22 9. Such other information as may be deemed necessary by the  
23 Board.

24

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

5 C. The Board shall submit, upon request from the Governor, a  
6 report of its transactions of the preceding year, including a  
7 complete statement of the receipts and expenditures of the Board,  
8 attested by affidavits of its Chairman and its Secretary.

9 D. Board records and papers of the following class may be kept  
10 confidential by the Board: examination materials, file records of  
11 examination problem solutions, exam scores, letters of inquiry and  
12 reference concerning applicants, ~~Board inquiry forms concerning~~  
13 ~~applicants~~ transcripts of college courses and grades, investigation  
14 files, closed complaints, information otherwise protected by law and  
15 all other matters of like confidential nature.

16 SECTION 4. AMENDATORY 59 O.S. 2001, Section 475.12, as  
17 amended by Section 11, Chapter 115, O.S.L. 2005 (59 O.S. Supp. 2007,  
18 Section 475.12), is amended to read as follows:

19 Section 475.12 A. Engineer

20 To be eligible for ~~admission for examination for~~ consideration  
21 for licensure as a professional engineer, or certification as an  
22 engineer intern, an applicant must be of good character and  
23 reputation and shall submit five references with application for  
24 licensure as a professional engineer, three of which shall be

1 professional engineers having personal knowledge of the applicant's  
2 engineering experience, or, in the case of an application for  
3 certification as an engineer intern, by three character references.

4 ~~The~~ One of the following shall be considered as minimum evidence  
5 satisfactory to the Board that the applicant is qualified for  
6 licensure as a professional engineer, or for certification as an  
7 engineer intern, respectively:

8 1. As a professional engineer:

9 a. Licensure by Comity or Endorsement - A person holding  
10 a certificate of registration or licensure to engage  
11 in the practice of engineering issued by a proper  
12 authority of a jurisdiction or possession of the  
13 United States or the District of Columbia, based on  
14 requirements that do not conflict with the provisions  
15 of Section 475.1 et seq. of this title and ~~were~~  
16 possessing credentials that are, in the judgment of  
17 the Board, of a standard not lower than that specified  
18 in the applicable licensure act in effect in this  
19 state at the time such certificate was issued, may,  
20 upon application, be licensed without further  
21 examination except as required to present evidence of  
22 knowledge of statutes, rules and design requirements  
23 unique to this state.

24

1           b. Graduation, Experience and Examination - A graduate of  
2           an engineering program of four (4) years or more  
3           approved by the Board as being of satisfactory  
4           standing, and following the date of degree, a specific  
5           record of an additional four (4) years or more of  
6           progressive experience on engineering projects of a  
7           grade and character which indicates to the Board that  
8           the applicant may be competent to practice  
9           engineering, ~~shall be admitted to an~~ who has also  
10          passed the eight-hour written examination in the  
11          fundamentals of engineering as provided in  
12          subparagraph a of paragraph 2 of this subsection, and,  
13          ~~if passed, then~~ shall be admitted to an eight-hour  
14          written examination in the principles and practice of  
15          engineering. Upon passing such examinations, as well  
16          as an examination in knowledge of statutes, rules and  
17          design requirements unique to this state, the  
18          applicant shall be granted a certificate of licensure  
19          to practice engineering in this state, if otherwise  
20          qualified.

21          c. Alternative Graduation, Experience and Education - A  
22          graduate of an engineering or related science program  
23          of four (4) years or more, other than the ones  
24          approved by the Board ~~as being of satisfactory~~

1 ~~standing~~ and following the date of degree, a specific  
2 record of six (6) years or more of progressive  
3 experience on engineering projects of a character and  
4 grade which indicates to the Board that the applicant  
5 may be competent to practice engineering ~~shall be~~  
6 ~~admitted to an~~ who has also passed the eight-hour  
7 written examination in the fundamentals of engineering  
8 ~~and, if passed, then~~ as provided in subparagraph b of  
9 paragraph 2 of this subsection, shall be admitted to  
10 an eight-hour written examination in the principles  
11 and practice of engineering. Upon passing such  
12 examination, as well as an examination in knowledge of  
13 statutes, rules and design requirements unique to this  
14 state, the applicant shall be granted a certificate of  
15 licensure to practice engineering in this state, if  
16 otherwise qualified.

- 17 d. ~~Engineering Teaching~~ ~~Engineering teaching in a~~  
18 ~~college or university offering an approved engineering~~  
19 ~~program of four (4) years or more may be considered as~~  
20 ~~engineering experience~~ A four-year degree in a science  
21 not considered a related science degree by the Board  
22 must be followed by a Masters Degree in engineering  
23 from an institution with a comparable EAC/ABET  
24 accredited undergraduate engineering program before

1 being considered for approval as a related science  
2 degree by the Board. Foreign degrees not determined  
3 by the Board to be substantially equivalent to an  
4 EAC/ABET accredited engineering degree may be  
5 considered following a degree evaluation by an  
6 evaluation service approved by the Board. The maximum  
7 equivalency granted for all foreign degrees, except  
8 those determined to be substantially equivalent to an  
9 EAC/ABET accredited engineering degree, shall be that  
10 of a related science degree.

11 2. As an engineer intern:

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

14 a. Graduation and Examination - A graduate of an  
15 engineering program of four (4) years or more approved  
16 by the Board ~~as being of satisfactory standing, or an~~  
17 applicant who has completed ninety (90) semester hours  
18 or more of academic requirements for graduation, shall  
19 be admitted to an eight-hour written examination in  
20 the fundamentals of engineering. Upon passing such  
21 examination and providing proof of graduation, the  
22 applicant shall be certified or enrolled as an  
23 engineer intern, if otherwise qualified.

1           b.   Alternative Graduation, Experience and Examination - A  
2           graduate of an engineering or related science  
3           curriculum of four (4) years or more, other than the  
4           ones approved by the Board ~~as being of satisfactory~~  
5           ~~standing, and following the date of degree, a specific~~  
6           ~~record of one (1) year or more of progressive~~  
7           ~~experience in engineering projects of a grade and~~  
8           ~~character satisfactory to the Board~~ or an applicant  
9           who has completed ninety (90) semester hours or more  
10          of academic requirements for graduation, shall be  
11          admitted to an eight-hour written examination in the  
12          fundamentals of engineering. Upon passing such  
13          examination, providing proof of graduation and  
14          providing proof of a specific record of one (1) year  
15          or more of progressive engineering experience in  
16          engineering projects of a grade and character  
17          satisfactory to the Board, the applicant shall be  
18          certified or enrolled as an engineer intern, if  
19          otherwise qualified.

20          c.   A four-year degree in a science not considered a  
21          related science degree by the Board must be followed  
22          by a Masters Degree in engineering from an institution  
23          with a comparable EAC/ABET accredited undergraduate  
24          engineering program before being considered for

1 approval as a related science degree by the Board.  
2 Foreign degrees not determined by the Board to be  
3 substantially equivalent to an EAC/ABET accredited  
4 engineering degree may be considered following a  
5 degree evaluation by an evaluation service approved by  
6 the Board. The maximum equivalency granted for all  
7 foreign degrees, except those determined to be  
8 substantially equivalent to an EAC/ABET accredited  
9 engineering degree, shall be that of a related science  
10 degree.

11 B. Land Surveyor

12 To be eligible for ~~admission to examination~~ consideration for  
13 licensure as a professional land surveyor or certification as a land  
14 surveyor intern, an applicant must be of good character and  
15 reputation and shall submit five references with application for  
16 licensure as a professional land surveyor, three of which shall be  
17 licensed land surveyors having personal knowledge of the applicant's  
18 land surveying experience; or in the case of an applicant for  
19 certification as a land surveyor intern, by three character  
20 references.

21 The evaluation of a professional land surveyor applicant's  
22 qualifications shall include consideration of the applicant's  
23 education, technical and land surveying experience, and  
24 recommendations by references. ~~The land surveyor intern applicant's~~

1 ~~qualifications may be reviewed at an interview if the Board deems it~~  
2 ~~necessary. Educational credits for courses undertaken shall be~~  
3 ~~determined by the Board.~~

4 One of the following shall be considered as minimum evidence  
5 satisfactory to the Board that the applicant is qualified for  
6 licensure as a professional land surveyor or for certification as a  
7 land surveyor intern, respectively.

8 1. As a land surveyor:

9 a. Licensure by Comity or Endorsement - A person holding  
10 a certificate of licensure to engage in the practice  
11 of land surveying issued by a proper authority of a  
12 jurisdiction or possession of the United States or the  
13 District of Columbia, based on comparable  
14 qualifications satisfactory to the Board, will be  
15 given comity consideration. However, the person may  
16 be required to take such examinations as the Board  
17 deems necessary to determine the person's  
18 qualifications, but in any event, the person shall be  
19 required to pass a written examination of such  
20 duration as established by the Board, which shall  
21 include questions on laws, procedures and practices  
22 pertaining to land surveying in this state.

23 b. Graduation, Experience and Examination -  
24

1           (1) A graduate of a surveying program of four (4)  
2           years or more approved by the Board and a  
3           specific record of four (4) years or more of  
4           progressive combined office and field experience  
5           satisfactory to the Board on land surveying  
6           projects of a grade and character which indicates  
7           to the Board that the applicant may be competent  
8           to practice land surveying, of which no less than  
9           two (2) years experience must be following the  
10           date of the degree, who has also passed an eight-  
11           hour written examination in the fundamentals of  
12           surveying as provided in subparagraph a of  
13           paragraph 2 of this subsection, shall be admitted  
14           to a six-hour written examination in the  
15           principles and practice of surveying and a two-  
16           hour Oklahoma Law and Surveying written  
17           examination. Upon passing such examinations, the  
18           applicant shall be granted a certificate of  
19           licensure to practice land surveying in this  
20           state, if otherwise qualified.

21           (2) A graduate of a surveying program of two (2)  
22           years or more approved by the Board ~~as being of~~  
23           ~~satisfactory standing~~ and a specific record of an  
24           ~~additional four (4) years~~ six (6) years or more

1 of progressive combined office and field  
2 experience satisfactory to the Board ~~in~~ on land  
3 surveying ~~of which a minimum of two (2) years<sup>1</sup>~~  
4 ~~experience has been in responsible charge of land~~  
5 ~~surveying projects under the supervision of a~~  
6 ~~professional land surveyor, shall be admitted to~~  
7 ~~an eight-hour~~ projects of a grade and character  
8 which indicates to the Board that the applicant  
9 may be competent to practice land surveying and  
10 who has also passed the eight-hour written  
11 examination in the fundamentals of ~~land~~ surveying  
12 ~~and, if passed, then~~ as provided in subparagraph  
13 a of paragraph 2 of this subsection shall be  
14 admitted to ~~an eight-hour~~ a six-hour written  
15 examination in the principles and practice of  
16 ~~land~~ surveying and a two-hour Oklahoma Law and  
17 Surveying written examination. Upon passing such  
18 examination, the applicant shall be granted a  
19 certificate of licensure to practice land  
20 surveying in this state, if otherwise qualified.  
21 ~~Provided, an applicant under this paragraph shall~~  
22 ~~not be admitted to the fundamentals of land~~  
23 ~~surveying examination after July 1, 2008, unless~~  
24 ~~the applicant is a graduate of a surveying~~

1 ~~program of two (2) years or more accredited by an~~  
2 ~~accrediting body approved by the Board.~~

3 c. Alternative Graduation, Experience and Examination -

4 (1) A graduate of a ~~surveying or related science~~  
5 ~~program~~ other academic programs of two (2) years  
6 or more, ~~other than the programs approved by the~~  
7 ~~Board as being of satisfactory standing,~~ approved  
8 by the Board, which shall include the Board-  
9 approved core curriculum in surveying and a  
10 specific record of ~~an additional~~ six (6) years or  
11 more of progressive combined office and field  
12 experience satisfactory to the Board ~~in~~ on land  
13 surveying ~~of which a minimum of two (2) years~~  
14 ~~experience has been in responsible charge of land~~  
15 ~~surveying projects under the supervision of a~~  
16 ~~professional land surveyor, shall be admitted to~~  
17 projects of a grade and character which indicates  
18 to the Board that the applicant may be competent  
19 to practice land surveying who has passed an  
20 eight-hour written examination in the  
21 fundamentals of land surveying, ~~and, if passed,~~  
22 ~~then~~ as provided in division (1) of subparagraph  
23 b of paragraph 2 of this subsection shall be  
24 admitted to ~~an eight hour~~ a six-hour written

1 examination in the principles and practice of  
2 ~~land surveying and a two-hour Oklahoma Law and~~  
3 ~~Surveying written examination.~~ Upon passing such  
4 examination, the applicant shall be granted a  
5 certificate of licensure to practice land  
6 surveying in this state, if otherwise qualified.  
7 ~~Provided, an applicant under this paragraph shall~~  
8 ~~not be admitted to the fundamentals of land~~  
9 ~~surveying examination after July 1, 2008, unless~~  
10 ~~the applicant is a graduate of a surveying or~~  
11 ~~related science program of four (4) years or more~~  
12 ~~other than the programs approved by the Board as~~  
13 ~~being of satisfactory standing.~~

14 (2) An applicant who provides proof of completion of  
15 sixty (60) credit hours, approved by the Board,  
16 which shall include the Board-approved core  
17 curriculum in surveying, and a specific record of  
18 six (6) years or more of progressive combined  
19 office and field experience satisfactory to the  
20 Board on land surveying projects of a grade and  
21 character which indicates to the Board that the  
22 applicant may be competent to practice land  
23 surveying, who has also passed an eight-hour  
24 written examination in the fundamentals of

1 surveying as provided in division (2) of  
2 subparagraph b of paragraph 2 of this subsection,  
3 shall be admitted to a six-hour written  
4 examination in the principles and practice of  
5 surveying and a two-hour Oklahoma Law and  
6 Surveying written examination. Upon passing such  
7 examinations, the applicant shall be granted a  
8 certificate of licensure to practice land  
9 surveying in this state, if otherwise qualified.

10 d. Long Established Practice and Examination - An  
11 applicant with a specific record of nine (9) years or  
12 more of practice in land surveying, ~~of which at least~~  
13 ~~five (5) years have been in responsible charge of~~  
14 ~~important land surveying work,~~ and of a grade and  
15 character satisfactory to the Board which indicates to  
16 the Board that the applicant may be competent to  
17 practice land surveying shall be admitted to an  
18 eight-hour written examination in the fundamentals of  
19 land surveying, and, if passed, then shall be admitted  
20 to ~~an eight-hour~~ a six-hour written examination in the  
21 principles and practice of ~~land~~ surveying and a two-  
22 hour Oklahoma Law and Surveying written examination.  
23 Upon passing such ~~examination~~ examinations, the  
24 applicant shall be granted a certificate of licensure

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

7 2. As a land surveyor intern:

8 a. Graduation and Examination -

9 (1) A graduate of a surveying program of four (4)  
10 years or more approved by the Board, or an  
11 applicant who has completed sixty (60) semester  
12 hours or more of academic requirements for  
13 graduation, shall be admitted to an eight-hour  
14 written examination in the fundamentals of  
15 surveying. Upon passing such examination and  
16 providing proof of graduation, the applicant  
17 shall be certified or enrolled as a land surveyor  
18 intern, if otherwise qualified.

19 (2) A graduate of a surveying program of two (2)  
20 years or more approved by the Board ~~as being of~~  
21 satisfactory standing or an applicant who has  
22 completed forty-five (45) semester hours or more  
23 of academic requirements for graduation from a  
24 two-year surveying program approved by the Board

1 shall be admitted to an eight-hour written  
2 examination in the fundamentals of land  
3 surveying. Upon passing such examination and  
4 providing proof of graduation, the applicant  
5 shall be certified or enrolled as a land surveyor  
6 intern, if otherwise qualified. ~~Provided, an~~  
7 ~~applicant under this paragraph shall not be~~  
8 ~~admitted to the fundamentals of land surveying~~  
9 ~~examination after July 1, 2008, unless the~~  
10 ~~applicant is a graduate of a surveying program of~~  
11 ~~two (2) years or more accredited by an~~  
12 ~~accrediting body approved by the Board.~~

13 b. Alternative Graduation, Experience and Examination -

14 (1) A graduate of a ~~land surveying or related science~~  
15 ~~program other than the ones approved by the Board~~  
16 ~~as being of satisfactory standing, and a specific~~  
17 ~~record of four (4) years of combined education,~~  
18 ~~office and field experience in land surveying~~  
19 ~~satisfactory to the Board~~ other academic programs  
20 of two (2) years or more approved by the Board,  
21 which shall include the Board-approved core  
22 curriculum in surveying, or an applicant who has  
23 completed forty-five (45) semester hours or more  
24 of academic requirements for graduation,

1 including twenty-one (21) semester hours or more  
2 of the core curriculum, from another academic  
3 program of two (2) years or more approved by the  
4 Board, shall be admitted to an eight-hour written  
5 examination in the fundamentals of ~~land~~  
6 surveying. Upon passing such examination,  
7 providing proof of graduation and providing proof  
8 of a specific record of one (1) year or more of  
9 progressive experience satisfactory to the Board  
10 on land surveying projects of a grade and  
11 character which indicates to the Board that the  
12 applicant may be competent to practice land  
13 surveying, the applicant shall be certified or  
14 enrolled as a land surveyor intern, if otherwise  
15 qualified. ~~Provided, an applicant under this~~  
16 ~~paragraph shall not be admitted to the~~  
17 ~~fundamentals of land surveying examination after~~  
18 ~~July 1, 2008, unless the applicant is a graduate~~  
19 ~~of a surveying or related science program of four~~  
20 ~~(4) years or more other than programs approved by~~  
21 ~~the Board as being of satisfactory standing.~~

22 (2) An applicant who provides proof of completion of  
23 sixty (60) credit hours approved by the Board,  
24 which shall include the Board-approved core

1 curriculum in surveying, or an applicant who has  
2 completed forty-five (45) semester hours or more  
3 of academic requirements for graduation,  
4 including twenty-one (21) semester hours or more  
5 of the core curriculum, shall be admitted to an  
6 eight-hour written examination in the  
7 fundamentals of surveying. Upon passing such  
8 examination and providing proof of a specific  
9 record of one (1) year or more of progressive  
10 experience satisfactory to the Board on land  
11 surveying projects of a grade and character which  
12 indicates to the Board that the applicant may be  
13 competent to practice land surveying, the  
14 applicant shall be certified or enrolled as a  
15 land surveyor intern, if otherwise qualified.

16 SECTION 5. AMENDATORY 59 O.S. 2001, Section 475.13, as  
17 amended by Section 12, Chapter 115, O.S.L. 2005 (59 O.S. Supp. 2007,  
18 Section 475.13), is amended to read as follows:

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

1 and shall include the names and complete mailing addresses of the  
2 references, none of whom may be members of the Board.

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 B. 1. The application fees shall be established by the Board  
10 ~~in amounts not to exceed One Hundred Dollars (\$100.00) for licensure~~  
11 ~~as a professional engineer or professional land surveyor and~~  
12 ~~Twenty five Dollars (\$25.00) for certification as an engineer intern~~  
13 ~~or land surveyor intern which shall accompany the application rules.~~

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

17 3. Should the Board deny the issuance of a certificate of  
18 licensure to any applicant, including the application of a firm for  
19 a certificate of authorization, the fee shall be retained as an  
20 application fee.

21 SECTION 6. AMENDATORY 59 O.S. 2001, Section 475.14, as  
22 amended by Section 13, Chapter 115, O.S.L. 2005 (59 O.S. Supp. 2007,  
23 Section 475.14), is amended to read as follows:

24

1 Section 475.14 A. The examination shall be held at such times  
2 and places as the Board directs. ~~The passing score for each~~  
3 ~~separate administration of an exam shall be set by the Board.~~

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

- 8 1. Fundamentals of Engineering;
- 9 2. Principles and Practice of Engineering;
- 10 3. Fundamentals of Land Surveying;
- 11 4. Principles and Practice of Land Surveying;
- 12 5. Oklahoma Law and Surveying; and
- 13 6. Oklahoma Law and Engineering.

14 C. A candidate failing an examination may apply for the next  
15 examination, which may be granted upon payment of an application fee  
16 established by the Board, ~~provided the failing grade on the~~  
17 ~~examination is equal to or above fifty (50) points. An applicant~~  
18 ~~failing an examination by a score of less than fifty (50) points~~  
19 ~~shall not be admitted to reexamination except by an approved~~  
20 ~~application for an examination administered not earlier than one (1)~~  
21 ~~year after the failed exam was administered. Before the readmission~~  
22 ~~to the examination, in the event of a second failure, the applicant~~  
23 ~~must provide the Board with evidence of having acquired the~~  
24 ~~necessary additional knowledge to qualify.~~

1 D. The applicant shall pay all fees established by the Board  
2 for examination documents and grading. The Board will advise the  
3 applicant of the fees required, and the required fees shall be paid  
4 by the applicant in advance of the examination.

5 E. The Board may prepare and adopt specifications for the  
6 written examinations in engineering and land surveying. They shall  
7 be published and be available to the public and to any person  
8 interested in being licensed as a professional engineer or as a  
9 professional land surveyor.

10 SECTION 7. AMENDATORY 59 O.S. 2001, Section 475.15, as  
11 amended by Section 14, Chapter 115, O.S.L. 2005 (59 O.S. Supp. 2007,  
12 Section 475.15), is amended to read as follows:

13 Section 475.15 A. The Board shall issue to any applicant who,  
14 in the opinion of the Board, has met the requirements of Section  
15 475.1 et seq. of this title, a certificate of licensure giving the  
16 licensee proper authority to practice in this state. The  
17 certificate of licensure for ~~an~~ a professional engineer shall carry  
18 the designation "Professional Engineer" and for a professional land  
19 surveyor, "Professional Land Surveyor". It shall give the full  
20 ~~legal name and license~~ of the licensee with the licensure number of  
21 ~~the licensee~~ and shall be signed by the Chair and the Secretary  
22 under the seal of the Board.

23 B. This certificate shall be prima facie evidence that the  
24 person named ~~therein~~ thereon is entitled to all rights, privileges

1 and responsibilities of a professional engineer or professional land  
2 surveyor, while ~~said~~ the certificate remains effective unrevoked and  
3 unexpired.

4 C. Each licensee hereunder ~~must~~ may, upon licensure, obtain a  
5 seal, the design and use of which are described ~~below~~ in Board  
6 rules. It shall be unlawful for a licensee to affix, or permit ~~the~~  
7 his or her seal or signature to be affixed, to any document ~~as~~  
8 ~~listed below~~ after the expiration or revocation of a ~~certificate of~~  
9 ~~licensure~~ license, or for the purpose of aiding or abetting any  
10 other person to evade or attempt to evade any provision of Section  
11 475.1 et seq. of this title. Whenever the seal is applied, the  
12 document must be signed by the licensee thereby certifying that he  
13 or she is competent in the subject matter and was in responsible  
14 charge of the work product. Documents must be sealed and signed in  
15 accordance with the Board rules whenever presented to a client, a  
16 user or any public or governmental agency. Whenever the seal is  
17 applied, the signature of the licensee and date of signature shall  
18 be placed adjacent to or across the seal. Drawings, reports or  
19 documents that are signed using a digital or electronic signature  
20 must be done in a manner that is in direct control and personal  
21 supervision of the professional engineer or professional land  
22 surveyor and must conform to the specifications in the Board rules  
23 regarding digital or electronic signatures.  
24

1       ~~1. The seal shall be a rubber stamp, an electronically~~  
2 ~~digitized seal, printed seal, or a metal impression seal. Whenever~~  
3 ~~the seal is applied, the original handwritten signature of the~~  
4 ~~licensee and handwritten date of signature shall be written adjacent~~  
5 ~~to or across the seal. No further words or wording are required. A~~  
6 ~~facsimile signature or electronically digitized signature will not~~  
7 ~~be acceptable.~~

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

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

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

1 ~~or index page shall be sealed, signed, and dated by each licensee~~  
2 ~~with the responsibility of each licensee clearly indicated.~~

3 ~~5. In the case of a firm, each separate document, the first~~  
4 ~~page of a bound document, and, in the case of multiple licensees,~~  
5 ~~the portion of the work for which each firm is responsible, shall~~  
6 ~~also show the name of the firm, the firm's Certificate of~~  
7 ~~Authorization number, and the renewal date of the Certificate of~~  
8 ~~Authorization.~~

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

13 ~~7. A licensee shall not seal, sign, date, or allow a seal or~~  
14 ~~signature of a licensee to appear on any work that is not prepared~~  
15 ~~by the licensee or under the direct control and personal supervision~~  
16 ~~of the licensee.~~

17 ~~8. In the case of a temporary permit issued to a licensee of~~  
18 ~~another state, the permit holder shall affix the seal from the~~  
19 ~~resident state, together with the temporary permit number from this~~  
20 ~~Board and the permit holder's original handwritten signature and~~  
21 ~~date, to all work authorized by the temporary permit for which the~~  
22 ~~permit holder is responsible.~~

23 ~~9. The design of the seal shall be determined by the Board;~~  
24 ~~however, the following minimum information shall be on the seal:~~

- 1           ~~a. the words "State of Oklahoma",~~  
2           ~~b. the name of the licensee,~~  
3           ~~c. the license number of the licensee, and~~  
4           ~~d. the words "Licensed Professional Engineer" or~~  
5           ~~"Licensed Professional Land Surveyor"; existing seals~~  
6           ~~containing the words "Registered Land Surveyor",~~  
7           ~~"Registered Professional Land Surveyor", and~~  
8           ~~"Registered Professional Engineer" may continue to be~~  
9           ~~used.~~

10           D. The Board shall issue to any applicant who, in the opinion  
11 of the Board, has met the requirements of Section 475.1 et seq. of  
12 this title, ~~an enrollment card~~ a certificate as an engineer intern  
13 or land surveyor intern which indicates that ~~applicant's~~ his or her  
14 name has been recorded as such in the Board office. The engineer  
15 intern or land surveyor intern ~~enrollment card~~ certificate does not  
16 authorize the holder to practice as a professional engineer or  
17 professional land surveyor.

18           SECTION 8.           AMENDATORY           59 O.S. 2001, Section 475.18, as  
19 amended by Section 17, Chapter 115, O.S.L. 2005 (59 O.S. Supp. 2007,  
20 Section 475.18), is amended to read as follows:

21           Section 475.18 A. The Board shall have the power to suspend,  
22 revoke or refuse to issue, restore or renew a certificate of  
23 authorization for a firm, or a certificate of licensure of, or place  
24 on probation, fine or reprimand any firm, professional engineer,

1 professional land surveyor or engineer intern or land surveyor  
2 intern who is found guilty of:

3 1. The practice of any fraud or deceit in obtaining or  
4 attempting to obtain or renew a certificate of licensure, or a  
5 certificate of authorization or in taking the examinations  
6 administered by the Board;

7 2. Any fraud, misrepresentation, gross negligence,  
8 incompetence, ~~or~~ misconduct or dishonest practice, in the practice  
9 of engineering or land surveying;

10 3. Conviction of or entry of a plea of nolo contendere to any  
11 crime under the laws of the United States, or any state or territory  
12 thereof, which is a felony, whether related to practice or not; and  
13 conviction of or entry of a plea of nolo contendere to any crime,  
14 whether a felony, misdemeanor, or otherwise, an essential element of  
15 which is dishonesty or which is related to the practice of  
16 engineering or land surveying;

17 4. Failure to comply with any of the provisions of Section  
18 475.1 et seq. of this title or any of the rules or regulations  
19 pertaining thereto;

20 5. Violation of the laws or rules of another state, territory,  
21 the District of Columbia, a foreign country, the United States  
22 government, or any other governmental agency, if at least one of the  
23 violations is the same or substantially equivalent to those  
24 contained in this section;

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

5       7. Knowingly making false statements or signing false  
6 statements, certificates or affidavits;

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

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

14       10. Signing, affixing the professional engineer's or land  
15 surveyor's seal, or permitting the professional engineer's or land  
16 surveyor's seal or signature to be affixed to any specifications,  
17 reports, drawings, plans, design information, construction  
18 documents, calculations, other documents, or revisions thereof,  
19 which have not been prepared by, or under the direct control and  
20 personal supervision of the professional engineer or land surveyor  
21 in responsible charge;

22       11. Engaging in dishonorable, unethical or unprofessional  
23 conduct of a character likely to deceive, defraud or harm the  
24 public;

1 12. Providing false testimony or information to the Board;

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

4 14. Performing engineering or surveying services outside any of  
5 the licensee's areas of competence;

6 15. Violating the Oklahoma Minimum Standards for the Practice  
7 of Land Surveying; and

8 ~~15.~~ 16. Nonpayment of fees when due, or nonpayment for a period  
9 longer than ninety (90) days after the due date for payment of  
10 costs, or administrative penalties assessed by the Board shall  
11 result in revocation of the certificate of ~~authority~~ authorization  
12 or certificate of licensure.

13 B. The Board shall prepare and adopt Rules of Professional  
14 Conduct for Professional Engineers and Land Surveyors as provided  
15 for in Section 475.8 of this title, which shall be made available in  
16 writing to every licensee and applicant for licensure under Section  
17 475.1 et seq. of this title. The Board may revise and amend these  
18 Rules of Professional Conduct for Professional Engineers and Land  
19 Surveyors from time to time and shall notify each licensee, in  
20 writing, of such revisions or amendments.

21 C. The Board shall have the power to:

22 1. Revoke a certificate of authorization;

23 2. Suspend a certificate of authorization for a period of time,  
24 not exceeding two (2) years, of any firm of which one or more of its

1 officers or directors have been guilty of any conduct which would  
2 authorize a revocation or suspension of their certificates of  
3 licensure under the provisions of this section;

4 3. Place a licensee on probation for a period of time and  
5 subject to such conditions as the Board may specify; or

6 4. ~~Levy a fine in an amount not to exceed Two Hundred Fifty~~  
7 ~~Dollars (\$250.00) for each count or separate offense an~~  
8 ~~administrative penalty.~~

9 D. ~~Principles~~ Principals of a firm who do not obtain a  
10 certificate or authorization as required by Section 475.1 et seq. of  
11 this title may be subject to ~~revocation~~ disciplinary action of  
12 individual licensure.

13 SECTION 9. AMENDATORY 59 O.S. 2001, Section 475.19, as  
14 amended by Section 18, Chapter 115, O.S.L. 2005 (59 O.S. Supp. 2007,  
15 Section 475.19), is amended to read as follows:

16 Section 475.19 A. Any person may bring allegations of  
17 violations of Section 475.1 et seq. of this title against any  
18 person, licensee, or against any firm. All allegations shall be  
19 timely investigated by the Board and, unless determined unfounded or  
20 trivial by the Board, or unless settled by mutual accord, shall be  
21 filed as formal complaints by the Board.

22 B. The time and place for said hearing shall be fixed by the  
23 Board, and a copy of the charges, together with a notice of the time  
24 and place of hearing, shall be personally served on or mailed to the

1 last-known address of such person, licensee, or ~~firm~~ entity, at  
2 least thirty (30) days before the date fixed for the hearing. At  
3 any hearing, the accused shall have the right to appear in person or  
4 by counsel, or both, to cross-examine witnesses in their defense,  
5 and to produce evidence and witnesses in their own defense. If the  
6 accused fails or refuses to appear, the Board may proceed to hear  
7 and determine the validity of the charges.

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

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

22 E. The Board may, upon petition of an individual licensee or  
23 firm holding a certificate of authorization, reissue a certificate  
24

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

3 SECTION 10. AMENDATORY 59 O.S. 2001, Section 475.20, as  
4 amended by Section 19, Chapter 115, O.S.L. 2005 (59 O.S. Supp. 2007,  
5 Section 475.20), is amended to read as follows:

6 Section 475.20 A. Criminal penalties:

7 Any person or entity who practices, or offers to practice,  
8 engineering or land surveying in this state without being licensed  
9 by the State Board of Professional Engineers and Land Surveyors in  
10 accordance with the provisions of Section 475.1 et seq. of this  
11 title, or any person or entity using or employing the words  
12 "engineer" or "engineering" or "land surveyor" or "land surveying"  
13 or any modification or derivative thereof in its name or form of  
14 business or activity except as authorized in Section 475.1 et seq.  
15 of this title, or any person presenting or attempting to use the  
16 certificate of licensure or the seal of another, or any person who  
17 shall give false or forged evidence of any kind to the Board or to  
18 any member thereof in obtaining or attempting to obtain a  
19 certificate of licensure, or any person who shall falsely  
20 impersonate any other licensee of like or different name, or any  
21 person who shall attempt to use an expired, suspended, revoked, or  
22 nonexistent certificate of licensure, or who shall practice or offer  
23 to practice when not qualified, or any person who falsely claims to  
24 be registered or licensed under Section 475.1 et seq. of this title,

1 or any person who shall violate any of the provisions of Section  
2 475.1 et seq. of this title, shall be guilty of a misdemeanor,  
3 punishable by a fine of not less than Two Hundred Fifty Dollars  
4 (\$250.00), nor more than Two Thousand Dollars (\$2,000.00).

5 B. Administrative penalties:

6 1. Any person or entity who has been determined by the Board to  
7 have violated any provision of Section 475.1 et seq. of this title,  
8 or any rule, regulation or order issued pursuant to such provisions,  
9 may be liable for an administrative penalty of not less than Two  
10 Hundred Fifty Dollars (\$250.00). ~~The maximum administrative penalty~~  
11 ~~shall not exceed~~ nor more than Ten Thousand Dollars (\$10,000.00) for  
12 ~~any related series of violations~~ each separate violation.

13 2. The amount of the penalty shall be assessed by the Board  
14 pursuant to the provisions of subsection 1 of this section, after  
15 notice and hearing. In determining the amount of the penalty, the  
16 Board shall include, but not be limited to, consideration of the  
17 nature, circumstances and gravity of the violation, and with respect  
18 to the person or entity found to have committed the violation, the  
19 degree of culpability, the effect on ability of the person or entity  
20 to continue to do business and any show of good faith in attempting  
21 to achieve compliance with the provisions of Section 475.1 et seq.  
22 of this title. All monies collected from administrative penalties  
23 shall be deposited with the State Treasurer and placed in the  
24 "Professional Engineers and Land Surveyors Fund".

1        3. Any certificate of licensure or certificate of authorization  
2 holder may elect to surrender the certificate of licensure or  
3 certificate of authorization in lieu of an administrative action,  
4 but shall be permanently barred from obtaining a reissuance of the  
5 certificate of registration or certificate of authorization.

6        C. Legal Counsel:

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

14        SECTION 11. This act shall become effective November 1, 2008.

15

16        51-2-10902        MMP        04/04/08

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